

**SOCIO-ECONOMIC AND POLITICAL IMPACT OF
ILLEGAL MIGRATION IN ASSAM: THE STUDY OF
DHUBRI AND SOUTH SALMARA-MANKCHAR
DISTRICTS (2005-2024)**

**THESIS SUBMITTED FOR THE AWARD OF THE DEGREE OF
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“Socio-Economic and Political Impact of Illegal Migration in Assam: The Study of Dhubri and South Salmara-Mankchar Districts (2005-2024)” submitted by me for the award of the Degree of Doctor of Philosophy in Arts at Jadavpur University is based upon my work carried out under the Supervision of Prof. Bijaya Kumar Das, Professor, Department of International Relations, Jadavpur University, Kolkata. And that neither this thesis nor any part of it has been submitted before for any degree or diploma anywhere/elsewhere.

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Preface

Migration is a common phenomenon worldwide. The process of human migration is as old as human civilization. According to the IOM, 3.6 percent of the world's population is comprised of migrants, in the form of both internal and international migrants. People were free to move from one place to another, which was not the case after the Treaty of Westphalia in 1648. The consequence of the Westphalia Treaty was the establishment of a boundary/border state. Individuals are restricted from freely choosing to move from one part of the world to another. Therefore, the concept of citizen or national population emerged. People need proper documents or a permit to move from one country to another. If an individual crosses an international border without proper documents or permits, he or she will be treated as an illegal migrant. There are major differences between refugees and migration/illegal migration. "Refugee is someone who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of (their) nationality and is unable or, owing to such fear, is unwilling to avail (themselves) of the protection of that country; or who, not having a nationality and being outside the country of (their) former habitual residence, is unable or, owing to such fear, is unwilling to return to it" (The 1951 Refugee Convention). On the other hand, illegal migration means people who cross the international border illegally and violate the immigration laws and regulations to stay permanently in another country. There are several reasons such people choose illegal ways to migrate, like employment opportunities, better lifestyle, education, health, security, etc. However, in the age of advanced modern technology, everyone can easily forge passports and other identity documents. So, illegal migrants neither lack documents nor they are rarely undocumented. In fact, illegal migrants have possessed more documents than genuine citizens.

It has been noted that illegal immigration has led to both quantitative and qualitative changes in the socio-economic and demographic characteristics of the receiving countries. Although migration has historically contributed to economic development, it has also caused large-scale negative effects that outweigh the positive, such as pressure on land, population density, job markets, and natural resources. However, in the era of advanced modern science and technology, anyone can easily forge passports and other identity documents. It is interesting that illegal migrants neither lack documents nor are they undocumented. In fact, an illegal immigrant has

possessed more documents than a genuine citizen. The immigrants (illegal) pose threats to national security, including terrorist activities, human trafficking, drug and narcotics smuggling, arms smuggling, the flow of fake currency, and illicit trades. Therefore, each advanced country takes various effective initiatives to control illegal or undocumented immigrants at entry points or borderlines.

In India, illegal migration is a threat to national security as well as a violation of indigenous people's rights. After the partition in 1947 and the Bangladesh liberation movement in 1971, Bangladeshi people illegally entered the Indian northeast and eastern states, namely West Bengal, Assam, Tripura, Meghalaya, and so on. The picture of Assam is more problematic than other states in India. The state of Assam's unabated influx of illegal migrants from Bangladesh has not only changed the demographic structure of the state but has also affected the social, cultural, economic, and political spheres negatively. These Bangali immigrants (both Hindus and Muslims), to ensure a prolonged stay in the mentioned State, marry girls from indigenous communities, thereby diluting their culture. Apart from this, crimes have increased manifold, not to mention overcrowding, environmental pollution, and the sprouting of slums in the area. During 1979-85, the Anti-foreigner movement escalated between native Assamese and immigrants. In 1983, the government of India passed the Illegal Migrants (Determination by Tribunals) Act, 1983, or IM(D)T Act to control illegal immigrants from the neighbouring Bangladesh. Even leaders of the Assam movement and Prime Minister Rajiv Gandhi signed the Assam Accord in 1985 to control illegal immigrants and protect the indigenous people's rights. But there is a huge controversy was placed on the IMDT Act 1983, as the Act is unable to detect illegal immigrants, and in some cases, the government and authorities arrest legal citizens without proper investigation. A writ petition (131 civil) was filed against the IMDT Act 1983 in the Supreme Court by Sarbananda Sonowal in 2000. In 2005, the Supreme Court of India held that the Illegal Migrants (Determination by Tribunals) Act, 1983, and rules have created the biggest hurdle and are the main impediment or barrier in the identification and deportation of illegal migrants, and struck down the Act (Sarbananda Sonowal vs Union of India on 5 December 2006, Judgement of the Supreme Court of India). The judges of the Supreme Court highlighted that under Article 355 of the Indian Constitution, it is the duty of the Centre to protect states from external aggression, and the apex court mentioned that illegal immigrants as an external aggression.

However, what is the actual number of illegal migrants who came from Bangladesh to Assam, and is there any serious and scientific attempt to study and even its associated problems in Assam?

Still, the exact figure of the number of Bangladeshi immigrants (legal/illegal) in Assam and India is unknown; different scholars and media sources give different figures. Since it has far-reaching socio-economic and political consequences, there is a need to study the different aspects of illegal migration in Assam. For controlling the illegal flow as well as minimizing its adverse consequences and giving security to the indigenous communities, the causes of the illegal migration and the relations between immigrants and local people in a different socio-cultural set-up. It is also important to know different policies, laws, and regulations regarding to control of illegal outflow in India as well as Assam.

Despite the gravity of the illegal migration issue, there is a lack of comprehensive and empirical research that holistically examines the Socio-Economic and Political impact of Illegal migration in Assam over the period from 2005 to 2024. In this study, we not only focused on demographic transformation but also examined what and how illegal immigrants change the social structures, cultural diversity, and patterns of language in Assam. Therefore, there is a need to critically analyze the future impact of illegal migration in Assam, drawing this picture from historical immigrant movements, present realities, and prospects. The researcher has chosen this topic for research to fill the research gap through a comprehensive investigation in the respective area, which helps to understand the ground reality of the illegal migration problem and suggest some effective measures to deal with illegal immigrants, no further continuity and suggest policies on how to protect socio-economic and political rights of the native Assamese origins.

The choice of methodology depends on the research question and the phenomena being studied. To understand the characteristics of this cross-border movement and illegal migration, the present study examined ideas, attitudes, environment, culture, relationship structures, and beliefs. The collection of Data is based on primary and secondary sources. For this study, both qualitative and demographic data were collected during a field survey visit to Dhubri and South Salmara-Mankachar Districts in lower Assam. We have collected 210 individual samples from three border villages of each district. We also used the comparative method to analyze the socio-economic and political consequences of illegal migration in these two districts.

The earliest migratory peoples were primarily from non-Aryan Mongoloid stocks, and they were referred to as Kiratas in the Puranas and the two epics, the Mahabharata and the Ramayana. The Aryans migrated to Assam between the 2nd century BC and to 1st century CE (Guha, 1984). The early history of migration into Assam commenced with the Ahoms. They migrated

from Thailand in the early 13th century (1228 CE) and governed over Assam until 1826 CE. The 13th century was also characterized by Muslim invasions of Assam, the first of which was commanded by Muhammad Bhakhtiyar Khalji from Bengal in 1205 CE. Beginning in the 1820s, Nepalis have been migrating to northeastern India. The primary reason was the demand for Nepalese, especially Gorkhas, in the Frontier Police and British Regiment. During the period 1833-1839, Gorkha troops contributed to almost one-third of the total number of Assam Light Armed Forces battalions (Nath, 2006).

During the colonial period, many peasants migrated from erstwhile East Pakistan (now Bangladesh). The British administrators encouraged the poor agricultural labourers to migrate from East Bengal to Assam to improve the agricultural land. According to the 1921 Census Report, there were approximately 300,000 East Bengal immigrants, including their children who were born in Assam were settled in the province. After India was partitioned on August 15, 1947, due to communal violence, hundreds of thousands of Hindu Bangali refugees from East Pakistan (present-day Bangladesh) fled to Assam. Influx of Bangladeshi immigrants into Assam after 25 March 1971. Ultimately, the demographic changes turned into the Assam Movement (1979-1985) that subsequently produced the Assam Accord, a controversial attempt to address the problem of illegal immigration by setting a deadline for citizenship of March 24, 1971. The post-Assam Accord (1985) period represents a turning point in the migration and identity politics in Assam. Violent clashes erupted in the 1990s and again in 2012 and 2014 between Bodos and Bengali-speaking Muslims, frequently described as illegal immigrants. Attempts like the National Register of Citizens (NRC) and the Citizenship Amendment Act (CAA) 2019 have triggered new debates on identity, legality, and secularism.

The study highlighted a number of international regulations and policies on illegal migration. In 1951, the United Nations established the Refugee Convention. Article 31 of the Refugee Convention indeed envisages an illegal trespass by a person or a group of persons into the territory of another, but imposes a command on the Contracting States to refrain from punishing the illegal migrant. Another UN initiative on migration, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW) 1990, provides wide protection to the rights of migrant workers and their families in a foreign land. Countries such as United States, France, England, Germany, Spain, and the whole EU (European Union), South and Southeast Asia have suffered the nightmare of terrorism, and the connection between these acts of terrorism and illegal immigration is too clear to be obvious (May, C. Le.

Michael, 2006). In this background, global, regional, and multi-regional responses to the flow of illegal immigration are discussed. The study also discussed various laws and policies to control illegal migration in India, such as the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, the Immigrants (Expulsion from Assam) Act of 1950, the Citizenship Act of 1955, CAA 2019, NRC, the Passport (Entry into India) Act of 1920, Foreigners (Tribunals) Order of 1964, Illegal Migration (Determination by Tribunals) Act or IMDT 1983, etc. At the same time, we analyzed the number of historical judgments of the Supreme Court and High Courts on the question of migration (illegal) in Assam.

The continuous flow of illegal migration into Assam from neighboring countries poses a major challenge to the political, economic, social, and security aspects of Assamese society. From 1971 to 2025, the population of India increased by 124 per cent, but the population of Assam increased by approximately 152 per cent. This disparity in population growth rates can be largely attributed to the massive migration of people from other sub-continent regions, especially from densely populated neighboring Bangladesh. Assam Chief Minister Himanta Biswa Sarma mentioned before the legislative assembly house on October 9, 2024, that more than 10 million illegal immigrants are staying in Assam. He also mentioned that in the present time, most illegal Bangladeshi immigrants reside in the Dhubri and South Salmara-Mankachar districts (The Hindu, October 12, 2024). Illegal immigration has led to both quantitative and qualitative changes in the socio-economic and demographic characteristics of Assam. It is also noted that land encroachment by migrants in tribal areas and blocks, public wastelands, and forest areas has created social and environmental problems. Another impact in Assam, where unemployment and underemployment rates are already very high, is the potential for pressure on the labour market. It is believed that the huge supply of cheap labour from illegal immigrants has affected not only the rural agricultural labour market, but also the urban informal job market; however, in the long run, the formal labor market will also be affected. Therefore, unemployment and poverty are accelerating among the Assamese or residents, which leads to social unrest and ethnic conflict. We also highlighted the socio-economic situation of the districts before and after partition, and the nuances associated with it are covered in this chapter through the current situation, like the present population structure, economic trends, and social organization at both local and regional levels between 2005 and 2024. The present study has analyzed why native Assamese people/or citizens migrate to other districts or states.

In this study, researcher have discussed how illegal immigrants impact voter politics in Assam, specifically in the Dhubri and South Salmara-Mankachar districts. It is noted that the continuous influx of illegal immigrants from Bangladesh is posing a threat to India's national security, with some political parties and groups exploiting immigration issues for their political gains and exacerbating ethnic divisions. The porous nature of the India-Bangladesh border has facilitated illegal immigration, trafficking of women and children, cattle smuggling, illegal arms trade, and the smuggling of unauthorized goods, which directly impacts national security. Furthermore, demographic changes related to immigration have altered electoral patterns and behaviours, fueling identity politics and communal polarization. We also analyzed how illegal immigrants violate the indigenous people's rights. Analyse the conflict between indigenous ethnic communities and illegal immigrants, such as the Bodoland movement, the Riots in Kokrajhar, Chirang in 2012 and 2014, the Nellie massacre in 1983, and the anti-foreigner movement in 1979-1985. Political parties, both national and regional, use illegal migration issues for political gain. In this study, we discussed what are the major political and security challenges faced by the native people from the migrants (illegal and legal). We analysed electoral politics and election-related criminal activities, political polarisation, illegal voter enrolment, questions of citizenship, CAA, NRC, D-Voters conflicts, the role of political parties to use immigrants as their vote bank, suppression of native and indigenous, etc. In this, we also highlighted multiple security issues of illegal cross-border trade and smuggling, women and children trafficking, the rise of militancy and terrorist activities, the role of policy, the BSF in ground-level border protection, and the role of the government and local people.

The main limitation of this study is the lack of precise data on illegal immigrants residing in Dhubri and South Salmara-Mankachar districts of Assam. There is no clear information on how many Hindu refugees entered Assam from East Pakistan after the partition and how many of them returned to Bangladesh following independence from Pakistan. For this study, we estimated the number of immigrants (both legal and illegal) using Census data from Bangladesh and India. The issue with the Census database is that it only records foreign nationals who entered India with valid travel documents. It does not address undocumented or illegal migrants who entered India through illegal means or overstayed their visas. In fact, no census has been conducted in India since 2011. Another limitation of the study is that it is difficult to identify who is Assamese or who is an immigrant or who illegal immigrant, because both the districts are Muslim majority, they have a common language, culture, and the same facial look. During the field visit, most of the Muslim

respondents recorded that they are Assamese, but they communicate in the Bengali language. The geographic area chosen for the study is another significant limitation. Both districts are connected to Bangladesh by rivers, and most of the land consists of riverine char islands. This makes field interviews and data collection from residents more difficult. Some government officials refused to provide information and sometimes declined to cooperate during interviews.

The research thesis is divided into seven chapters, including an introduction and a conclusion. Each chapter of this thesis is designed to examine one or more dimensions of the problem of illegal migration in Assam. Each chapter starts with a brief introduction to the subject matter and ends with findings and a conclusive guideline. The chapters are further divided into several sub-sections, each with a distinct objective.

Sandip Samanta

Abbreviations

| | |
|--------|---|
| AAGSP | All Assam Gana Sangram Parishad |
| AAMSU | All Assam Minority Students Union |
| AASU | All Assam Students Union |
| AGP | Asom Gana Parishad |
| AIUDF | All India United Democratic Front |
| BGB | Border Guard of Bangladesh |
| BJP | Bharatiya Janata Party |
| BSF | Border Security Force |
| CAA | The Citizenship (Amendment) Act, 2019 |
| CPI(M) | Communist Party of India (Marxist) |
| CRPC | Citizens' Rights Preservation Committee |
| CRPF | Central Reserve Police Force |
| ECI | Election Commission of India |
| FDI | Foreign Direct Investment |
| FT | Foreigners Tribunals |
| GCIM | Global Commission on International Migration |
| ILO | International Labour Organization |
| ILP | Inner Line Permit |
| IMDT | Illegal Migrants (Determination by Tribunals) Act, 1983 |
| INC | Indian National Congress |
| IOM | International Organization for Migration |
| IPCC | Inter-governmental Panel on Climate Change |
| JMB | Jamaat Mujahideen Bangladesh |
| MEA | Ministry of External Affairs |
| MLA | Member of the Legislative Assembly |
| MP | Member of Parliament |

| | |
|--------|---|
| NAFTA | North American Free Trade Agreement |
| NGO | Non-Governmental Organization |
| NRC | National Register of Citizens |
| PTCA | Plain Tribal Council of Assam |
| RSS | Rashtriya Sayamsevak Sangh |
| SC | Scheduled Castes |
| ST | Scheduled Tribes |
| ULFA | United Liberation Front of Assam |
| UN | United Nations |
| UNDP | United Nations Development Programme |
| UNESCO | United Nations Educational, Scientific, and Cultural Organization |
| UNHCR | United Nations High Commissioner for Refugees |
| UNODC | United Nations Office on Drugs and Crime |

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Introduction

1.1. Statement of Problem:

People were free to move from one place to another, which was not the case after the Treaty of Westphalia in 1648. The consequence of the Westphalia Treaty (1648) was the establishment of a boundary/border state or fixed geographical boundary of every state. Individuals are restricted from freely choosing to move from one part of the world to another, from one state to another. The physical border restricted them from crossing the national boundary, and the concept of citizenship or national population came into emerged. People now need proper documents or permits to move from one country to another. Suppose an individual crosses an international border without proper documents or permits. In that case, he or she will be arrested as an illegal migrant and deported to the country of origin, or sent to jail and fined. Sometimes researchers and academicians use the terms refugee and migration in a similar sense, but there are major differences between refugees and migration. According to the UNGA, there are two types of infiltrators - immigrants and refugees, but there is a significant difference between them. “Refugee is someone who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of (their) nationality and is unable or, owing to such fear, is unwilling to avail (themselves) of the protection of that country; or who, not having a nationality and being outside the country of (their) former habitual residence, is unable or, owing to such fear, is unwilling to return to it” (The 1951 Refugee Convention). On the other hand, immigration means people who cross the international border illegally and violate the immigration laws and regulations to stay permanently in another country. There are several reasons such people choose illegal ways to migrate, like employment opportunities, better lifestyles, education, health, security, etc. However, in the age of advanced modern technology, everyone can easily forge passports and other identity documents. So, illegal migrants neither lack documents nor they are rarely undocumented. In fact, illegal migrants have possessed more documents than genuine citizens.

Present-day illegal migration is a significant problem worldwide. The US President Donald Trump reported that more than 15000 illegal Indian migrants were deported from America to India since 2009 (The Hindu, 7 February 2025). Even developed countries enacted strict laws, regulations, and policies to control illegal immigration, with the logic of migrants put pressure on resources and pose security threats. In India, illegal migration is a threat to national security as

well as a violation of citizens' rights. After the partition in 1947 and the Bangladesh liberation movement in 1971, Bangladeshi people illegally entered the Indian northeast and eastern states, namely West Bengal, Assam, Tripura, Meghalaya, and so on. The picture of Assam is more problematic than other states in India. The state of Assam's unabated influx of illegal migrants from Bangladesh has not only changed the demographic structure of the state but has also affected the social, cultural, economic, and political spheres negatively. These Bangali immigrants (both Hindus and Muslims), to ensure a prolonged stay in the mentioned State, marry girls from indigenous communities, thereby diluting their culture and rituals. Apart from this, criminal activity has increased manifold, not to mention overcrowding, environmental pollution, and the sprouting of slums in the area. Therefore, the Anti-foreigner movement escalated between native Assamese and immigrants between 1979-85. In 1983, the government of India passed the Illegal Migrants (Determination by Tribunals) Act, 1983, or IM(D)T Act to control illegal immigrants from the neighbouring Bangladesh. Even leaders of the Assam movement and Prime Minister Rajiv Gandhi signed the Assam Accord in 1985 to control illegal immigrants and protect the indigenous people's rights. But there is a huge controversy was placed on the IMDT Act 1983, as the Act is unable to detect and deport illegal immigrants, and in some cases, the government and authorities arrest legal citizens without proper investigation. A writ petition (131 civil) was filed against the IMDT Act 1983 in the Supreme Court by Sarbananda Sonowal in 2000. In 2005, the Supreme Court of India held that the Illegal Migrants (Determination by Tribunals) Act, 1983, and rules have created the biggest hurdle and are the main impediment or barrier in the identification and deportation of illegal migrants, and struck down the Act (*Sarbananda Sonowal vs Union of India* on 5 December 2006, Judgement of the Supreme Court of India). The judges of the Supreme Court highlighted that under Article 355 of the Indian Constitution, it is the duty of the Centre to protect states from external aggression, and the apex court mentioned that illegal immigrants as an external aggression.

However, what is the actual number of illegal migrants from Bangladesh to Assam, and has there been any serious and scientific effort to study this issue and its related problems in Assam?. Still, the exact number of Bangladeshi immigrants (both legal and illegal) in Assam and India remains unknown; different scholars and media sources report varying figures. Because of its significant socio-economic and political impacts, it is essential to examine the different aspects of illegal migration in Assam. To control illegal migration flows, reduce their negative effects, and protect indigenous communities, it is important to understand the causes of illegal migration and

the relationships between immigrants and the local population within different socio-cultural contexts. Additionally, it is crucial to be aware of the policies, laws, and regulations related to controlling illegal migration in India and Assam.

Despite the gravity of the illegal migration issue, there is a lack of comprehensive and empirical research that holistically examines the Socio-Economic and Political impact of Illegal migration in Assam over the period from 2005 to 2024. In this study, we not only focused on demographic transformation but also examined what and how illegal immigrants change the social structures, cultural diversity, and patterns of language in Assam. Therefore, there is a need to critically analyse the future impact of illegal migration in Assam, drawing this picture from historical immigrant movements, present realities, and prospects. The researcher has chosen this topic for research to fill the research gap through a comprehensive investigation in the respective area, which helps to understand the ground reality of the illegal migration problem and suggest some effective measures to deal with illegal immigrants, no further continuity, and suggest policies on how to protect the socio-economic and political rights of the native Assamese origins.

1.2 Review of Existing Knowledge:

A review of the available literature is important in every branch of social science research. Reviewing the literature means reviewing existing knowledge that helps researchers to find out the gaps in the past research, and it will give clear and concrete ideas/direction about the specific area. So, here the researcher will review some of the enriched literature on the topic of “Socio-Economic and Political Impact of Illegal Migration in Assam: The Study of Dhubri and South Salmara-Mankachar Districts From (2005-2024).” The literature review will help to formulate significant research questions and objectives. The section of the literature review has been divided into four parts for better understanding: (a) Concepts of migration, (b) Migration in South Asia, (c) Migration in India, and (d) Migration in Assam. Following the sub-section of the literature review below-

1.2.1 Concepts of Migration

This section starts with Douglas S. Massey, Joaquin Arango, Graeme Hugo, Ali Kouaouci, Adela Pellegrino & J. Edward Taylor’s research article “*Theories of International Migration: A*

Review and Appraisal” (1993). In this article, they emphasised the nature and trends of global migration. According to them, there are several theoretical models on international migration, but not a single coherent theory of international migration properly discusses the issue. They try to analyse from the theoretical angles why people cross international boundaries? The primary drawbacks of this research are that they had put more focus on the economic factors of global migration rather than on how it impacts the receiving countries and their citizens.

In his article, Martin Baldwin-Edwards, “*Towards a Theory of Illegal Migration: Historical and structural components*” (2008), has discussed the issues of illegal migration from the point of political and economic discourses. According to him, an individual crosses an international border illegally because of economic opportunities. He has divided illegal migration into four broad categories -namely, unauthorised entry, fraudulent entry (with false documents), visa overstaying, and violation of the terms and conditions of the visa permit. In this paper, the author only highlighted the economic factors, but there are other factors (such as political, social, environmental, etc.) that are responsible for people choosing the illegal way of migration.

Douglas S. Massey, in his article “*International Migration at the Dawn of the Twenty-First Century: The Role of the State*” (1999), examines the state’s influence as a key player in global migration. In addition, the author points out that the state’s role in inspiring people to migrate includes the issuance of ‘exit permits’ to prospective migrants, setting up ‘financial activities to encourage remittances,’ and providing support to those looking to ‘find employment abroad.’ A significant aspect of this research paper is the assertion that any government efforts aimed at restricting immigration have largely failed, leading to an increase in undocumented or unwanted migrants. In relation to our study, this research does not adequately address methods for managing migration between developing nations.

In “*The Next Waves: Migration Theory for a Changing World*” (1989), Aristide R. Zolberg has attempted to present a new perspective that migration research is necessary in global studies to address the dynamic changes in socio-political structures. He highlighted that people are migrating from their country of origin, not because of a lack of job opportunities, but due to the wage system and economic conditions between the country of origin and the country of destination. The author also modified two major theories of migration, world-system theory and state theory, to understand the current trends in international migration. The author introduced the concept of the ‘Next Wave’ as a response to the strong anti-foreigner sentiment among the citizens

of the receiving countries. Indeed, immigrants, whether economic migrants or refugees, who come from different social customs, languages, ethnicities, cultures, and religious backgrounds, undoubtedly impact the socio-cultural and political landscape of the host countries. This situation is also relevant in the Assam districts of Dhubri and South Salmara-Mankachar. Nevertheless, the author does not discuss any policies related to tackling illegal and undocumented migration in this article.

Friedrich Heekmann, in his article “*Illegal Migration: What Can We Know and What Can We Explain? The Case of Germany*” (2004), discussed the conceptual framework regarding illegal immigrants in Germany from Moldavia and Romania. Both Moldavians and Romanians cross the German-Czech border to work in the shadow economy. The author notes that illegal migrants can be detected through government documents on apprehension, asylum seekers, and criminal activity. In addition, illegal migration is facilitated by the human smuggling process. Social and technological organisations to encourage and assist undocumented immigration. However, the author fails to consider the influence of migration networks, which also contribute to the promotion of illegal migration.

Norwegian sociologist Astrid Suhrke, in her book “*Pressure Points: Environmental Degradation, Migration, and Conflict*” (1993), emphasises the relationship between the issue of social instability and migration in the context of environmental decline. According to the Author, migration and refugees are not the same thing, and she cautioned that the terms ‘refugee’ and ‘migration’ should not be used interchangeably. In this research paper, the author has linked the issue of environmental deterioration, migration, and social conflict in a country. The author notes that environmental degradation leads to large-scale migration of people and has become a focus of social conflicts in host countries. However, the Author did not mention other factors, such as political, economic, population density, war, poverty, and crimes against humanity, which also lead to migration. In the case of Bangladeshi immigrants in Assam, it is not only environmental degradation that is responsible for the mass migration, but also other factors like the elimination of the Hindu minority, poverty, political tension, high population density, unemployment, etc.

Another important book on illegal migration is “*Paper Citizens: How Illegal Immigrants Acquire Citizenship in Developing Countries*” (2009), written by Kamal Sadiq. In this book, the author discusses how an illegal immigrant uses forged documents, such as birth certificates, health cards, election cards, national identity cards, or passports, to obtain citizenship and other legal and

political rights in a developing nation. He called them “documentary citizenship or paper citizenship,” and they also have access to all the services as legal citizens. The author examines the three case studies of illegal migrants from Bangladesh (Hindu and Muslim) to Indian states, Filipinos and Indonesians in Malaysia, and Afghans and Bangladeshis in Pakistan. To explain the broad content of the present research, this book has provided only a few lines about illegal migration from Bangladesh to Assam.

1.2.2 Migration in South Asia

Samir Kumar Das, Sabyasachi Basu Roy Chaudhury, and Tapan K. Bose, in their work “*Forced Migration in South Asia: A Critical Review*” (2000), highlighted that population displacement has become a common event worldwide and is driven by government and non-government agents. In fact, most cases of human displacement are related to policymaking, and people are victims of various government rules and policies. When it comes to South Asia, there is no need to distinguish between people fleeing places with the potential for violence or militarisation and those forced to be displaced by their own governments in the name of development. This article also emphasises the distinction between external and internal forms of forced migration in South Asia. The article has only one significant drawback: these authors focus more on the issues of internal displacement and consciously ignore the external displacement, which forces people to cross the international border. The important thing is that they highlighted the anti-Hindu riots or communal clashes in Bangladesh, which forced people to be displaced or migrate to the northeast and eastern states in India.

Sanjay Barbor, Susan Thieme, Karin Astrid Siegmann, Vineetha Menon, and Ganesh Gurung, in “*Migration Matters in South Asia: Commonalities and Critiques*” (2008), have emphasised the historical traditions of migration (both legal and illegal) within and beyond South Asian countries. The authors had concentrated on the role of globalisation and microeconomics in South Asian migration. Although national governments welcome remittances, the contribution of remitters is often overlooked in policy interventions, and they often face movement of restrictions, job insecurity, and harassment by authorities. The main drawback of their analysis is the emphasis on immigrants’ rights and their adjustment policies, while neglecting the problems faced by the receiving countries and their citizens, as well as what strategies should be followed to control the outflow of illegal immigrants.

Myron Weiner, in his research article “*Rejected Peoples and Unwanted Migrants in South Asia*” (1993), claims that in South Asia, cross-border population movements not only affect the structure and composition of labour markets or the provision of services to newcomers, but also impact internal security, political stability, and social harmony, and international relations. The Author discovered that political rather than economic factors had driven most of the migration movements across the national boundaries in South Asian. While differences in income, employment opportunities, and accessibility to land play an influential role in migration movement in the region, political situations within the sending states, the porous nature of borders, migrants’ connections to ethnic relatives across borders, and the willingness of host countries’ governments to accept migrants are significantly more influential. However, the author does not mention any policies related to addressing illegal and undocumented immigration in South Asia in this article.

Beena Kirad in “*Migration and Security in South Asia: Afghan Refugees in Pakistan*” (2016) highlighted that since the 1970s, a large number of Afghan immigrants who entered Pakistan has led to ethnic conflict, economic problems, and the criminalisation of society in the host country, creating lasting instability in the Afghanistan-Pakistan region. Afghan refugees became involved in Pakistani politics, working with military intelligence, Jamiat-i-Islami, and other political organizations, among other Pathans in the NWFP.

Vartika Sharma, Lopamudra Ray Saraswati, Susmita Das, and Avina Sarn, in their work “*Migration in South Asia: A Review*” (2015), discussed the cross-border migration in South Asia countries of India, Bangladesh, and Nepal. According to them, cross-border migration has both positive and native roles in receiving countries. If migration is managed properly, it will greatly benefit individuals as well as the receiving countries; on the other hand, mismanagement or poor management will impact socio-cultural, economic, and political sectors. The authors also highlight that poorly managed cross-border migration increases the problems of public health like HIV/AIDs, TB, Hepatitis, and malaria, etc. However, the authors only focused on migration-related health issues in receiving countries.

1.2.3 Migration in India

Myron Weiner, in his book “*Sons of the Soil: Migration and Ethnic Conflict in India*” (1978), emphasized how migration could have a destabilizing impact on a low-income and

multiethnic community in three Indian regions of Assam, Chota Nagpur, and Telangana. It can also threaten the economic and political rights of the ‘Sons of the Soil,’ or the rights of the native people of these regions. Additionally, the continuous movement of socio-culturally or linguistically diverse groups of people can reinforce the concept of ‘nativism,’ which ultimately leads to social unrest and ethnic conflicts. The biggest mistake of this book is that it has nothing to say about the unconstitutional or illegal, or undocumented migration from outside India. Although the author only highlights the problems of the tribes, the migrants have also affected the lifestyle of the local residents of these regions.

Another important book is Ranabir Samaddar’s “*The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*” (1999). In this book author explores the question of illegal cross-border migration issues in India as part of the national security debate, particularly focusing on the Indian state of West Bengal. In this book author analyzes various issues such as ‘marginalised nation’, globalization, and push-pull factors with correlation to illegal and undocumented migration between Bangladesh and West Bengal. In reality, both sending and receiving countries are ultimately marginalized by the transboundary movement of refugees and unwanted migrants. The author emphasizes that illegal migrants exhibit no allegiance to the nations in which they reside, leading to the belief that ‘they deserve periodic beatings, warnings and sometimes even expulsion.’ Nevertheless, the author only superficially addressed the issue of illegal migration into Assam.

Sanjoy Hazarika, in his book “*Rites of Passage: Border Crossings, Imagined Homelands, India’s East and Bangladesh*” (2000), employs a descriptive approach within a research context, differentiating between migrants driven by economic and environmental factors and those seeking asylum refuge from political turmoil. The author highlighted pull factors for Bangladeshi nationals to migrate into India as being similar in language and religious attitude, and push factors as being the desire for land, employment opportunities, population density, and environmental issues. Similarly, the author suggested granting work permits and temporary residency to unauthorized immigrants, instead of giving them to citizenship status. Nevertheless, the main drawback of this book is the lack of attention paid to the ‘patron-client’ dynamics of political parties supporting illegal immigrants in Assam, as well as the aspirations of the Assamese people fueled by sentiments against immigration.

Chandan Nandy, in his book *“Illegal Migration from Bangladesh to India: The Emerging Conflict”* (2005), discusses the demographic, economic, political, and cultural challenges posed by illegal or undocumented migration from Bangladesh to India, especially in the bordering states of West Bengal and Assam. The author mentioned that after 1971, Muslims fled from Bangladesh to India due to economic reasons, but Hindus were politically forced to emigrate. India is a developing country, although it has received immigrants from relatively less developed neighboring countries. The author claims that the primary reason for illegal immigration was the consolidation of vote banks by political parties (both national and regional) in India, and widespread corruption within the Indian Border Security Force. Despite this, the author is sometimes seen expressing more skepticism towards Hindu political refugees.

Additional Director-General of the Indian Border Security Force P.K. Mishra, in his book *“Bangladesh Migrants: A Threat to India”* (2014), explained illegal migration and cross-border terrorism and their impact on India’s unity and diversity. The author also states that Assamese culture and civilization are under threat from Muslim Bangladeshi immigrants, especially those from Mymensingh. The author criticizes India for not effectively addressing the illegal immigration problem due to political interference. However, the author does not mention how illegal Bangladeshi immigrants affected the socio-economic and political levels of native Assamese life. Another important drawback in this book is how the Assam Accord has impacted efforts to combat illegal migration in Assam.

In *“Bangladeshi Migrants in India: Foreigners, Refugees or Infiltrators?”* (2017), Rizwana Shamshad has examined the issue of infiltration from Bangladesh into Assam, West Bengal, and Delhi from three distinct angles. The author highlighted that Bangladeshi immigrants were a part of the Indian nationalism and freedom struggle movements against British colonial rulers, but after 1971, those Bangladeshi immigrants were treated as illegal immigrants. According to the author, two types of nationalism have existed in India since historical times– secular and ethno-religious, and their relationship was complex in nature. The author also expressed that continuous migration from Bangladesh poses a threat to the modern nation-state of India and influences the growth of sub-regional groups. In the case of Assam, the author’s perspective can be seen as stereotypical. She notes that Assamese nationalists resist Bangladeshi nationals due to their Bengali heritage or linguistic ties to Bengali. However, the reality for the Assamese population reflects a more open-minded attitude, as evidenced by the acceptance of numerous Bengali migrants who arrived in Assam before March 25, 1971, from what was then East Pakistan. Likewise, the prevailing

sentiment among Assamese nationalists does not extend to accepting Hindu migrants while rejecting Muslims.

1.2.4 Migration in Assam

In “*Planter Raj to Swaraj: Freedom Struggle and Election Politics in Assam 1826-1947*” (1977), Amalendu Guha discussed the colonial history of Assam. Nonetheless, while it provides insights into the history of Muslim peasant migration from East Bengal (now Bangladesh) and the communal approach of Syed Sadullah, it fails to address the impacts of migration on Assamese demographics and society. The author characterized migrants from East Pakistan as ‘toiling peasants, artisans, and labourers,’ who were born or had been living in Assam for more than three decades, effectively considered as naturalised Indian citizens. However, the author neglected to consider how migration has transformed the demographic landscape and social structure of Assam.

Sushanta Krishna Das, in his research article “*Immigration and Demographic Transformation of Assam, 1891-1981*” (1981), emphasizes how Bangladeshi migrants transformed the demographic structure of Assam. In this article author highlighted that the accelerated growth of the population in Assam is not because of natural reasons but the massive inflow of Bangladeshi immigrants. During the study period, Assam was a witness to higher population growth with respect to the state average in India. The author claims that there were three reasons behind the population growth in Assam: (a) after 1947 increase in the natural growth rate, (b) an influx of Hindu refugees from East Pakistan, and (c) migrant labourers from other states of India. The Assamese-speaking population grew exponentially between 1911 and 1931, due to the assimilation of people from other language communities into the Assamese language. The author also mentioned that from 1891 to 1947, Bengali Muslims migrated from East Bengal for economic as well as political factors, but after 1947, the Hindus fled from East Pakistan to Assam for political reasons. However, the author does not discuss the tremendous growth in the number of the Muslim population and Bengali speakers in Assam, the increase in voter turnout in migrant-dominated Assamese areas, and other related issues.

D. P. Kumar, in his book “*Challenges to India’s Unity: Assam Student Movement and Government*” (1990), outlines the migration problem in Assam since the British colonial period. The author shows how the large influx of foreigners led to the six-year-long Assam movement,

which was spearheaded by the AASU-AAGSP, and ended with the signing of the Assam Accord in 1985 between Indian Prime Minister Rajiv Gandhi and leaders of the Assam agitation. The author also points out that the establishment of the Asom Gana Parishad (AGP) government, formed by students, has failed significantly in identifying and deporting foreigners as stipulated in the Assam Accord. However, the author does not discuss the native Assamese problems faced by foreigners in Assam and subsequent developments related to protecting the socio-economic and political rights of indigenous Assamese. In this book author only focuses on migration-related problems in Upper Assam, but the cross-border migration problem in Lower Assam from Bangladesh is a more concerning issue.

Monirul Hossain examined the Assam Movement (1979–1985) through a sociological lens in his book, *The Assam Movement: Class, Ideology and Movement* (1993). The author highlighted that the movement of individuals from East Bengal into Assam began during the colonial era and was encouraged by the British administrators to fulfill their colonial economic objectives. The author argues that the influx of Muslim Bangali farmers into the densely populated regions of Assam has improved the financial conditions of the area. Indeed, migration had an impact on Assamese culture and lifestyle, but the author did not mention it in this book.

Another significant book is *Muslims in Assam Politics* (1997), written by Makhanlal Kar. The author highlights how Muslims have influenced Assam's politics from the early thirteenth century to the 1990s and how minority politics have developed in the state after the signing of the Assam Accord in 1985. The author emphasizes the transformation of Muslim politics in Assam into minority politics after the signing of the Assam Accord. In this book, the author used terms like 'migration,' 'immigration,' 'influx,' and 'infiltration' in a similar sense. He also expressed concern that any anti-immigrant policy enacted and implemented by the authorities was primarily targeted at the entire Muslim community. However, the author failed to address the central grievances of the native Assamese people, who feel that their land is being encroached by Bengali Muslim immigrants and that their society and culture are being threatened by Bengali refugees and immigrants from Bangladesh.

In *India Against Itself: Assam and the Politics of Nationality* (1999), Sanjib Barua has characterized Assam as the homeland of a 'multiethnic' and immigrant communities. Historically, people from Bangladesh entered Assam and drastically altered the demographic structures of the region. Therefore, Assamese people feel that they are losing their rich cultural heritage and

dominance in their own area. As a result, a large number of “sub-nationalist” groups, such as Hindu nationalist, emerged and demanded their own identities. The author also highlights that four northeastern states of India: Assam, Manipur, Mizoram, and Nagaland have been affected by the separatist movements. Indeed, the author did not ignore the fact that the massive migration from Bangladesh created a significant threat for ethnic Assamese and contributed to the rise of a separatist type of nationalism, which he referred to as ‘sub-nationalism.’ However, the main drawback of the book is how to control illegal migration from Bangladesh to Assam, especially in the Dhubri and South Salmara-Mankachar districts.

The Report of the Independent Review Committee on *The Illegal Migration into Assam* by Lieutenant General (Retd) S. K. Sinha (1998) is still one of the most important policy documents discussing the dark side of cross-border migration from Bangladesh into Assam. The report submitted to the President of India considers migration from historical, political, economic, and strategic perspectives. Sinha argues that British colonial policy encouraged international and interstate migration, which later took the form of communal and political movements. The author emphasized that post-partition migration from East Pakistan and later Bangladesh was presented as more than an economic flow; instead, it was labeled as a “silent demographic invasion” that was perceived to encroach on Assamese identity and culture and security of resources. The author also noted that the main reasons for the failure to control illegal immigration were improper border management, the inefficacy of the IMDT Act, and the politicization of the migration issue. The report reframes migration as a threat to national security, rather than a regional issue. However, the report showed that Muslim migrants are a threat to Assamese, but it was silent on the issue of Hindu refugees and migrants.

Sanghamitra Sarma in *Immigration Issue in Assam (1947-1957)* has discussed the dialectic of migration as a complex combination of ungovernable factors in Assam in the first ten years after independence. The author proposes that immigration could be effectively restricted by emulating the permit system followed in European countries. Both Gopinath Bardoloi and Bischirum Medhi, the two chief ministers of Assam, had quite different views on immigration issues, but both of them made a common mistake in immigration understanding. Without addressing the issue of a sustainable design to address the dilemma, any thought, the population catastrophe was temporarily overcome in Assam. Despite his best efforts, Bardoloi was unable to give his strategy structure due to a lack of central government support. The central government’s apathy and dereliction of duty during these critical years did not help in facing this plight. The lack of a

sustainable plan to address the migration and public discontent that arose from the unfulfilled expectations of the Assamese in post-colonial Assam led to ethnic tensions between the indigenous Assamese and the migrant population of the state, which culminated in the Assam Movement in 1979-1985. The main drawback of the article is that the author only discussed the chief minister Gopinath Bardoloi and Bischirum Medhi's standpoints, but at that time, many important leaders communicated and negotiated with the central government on the issue of migration control strategies.

1.3. Objectives of the Study:

The main objectives of the study are as follows;

1. To understand the various concepts and theoretical models on illegal migration.
2. To analyse the historical trends and patterns of migration movement in Assam.
3. To analyse the international and national laws, regulations, and policies on illegal migration.
4. To study the parliamentary and Assam assembly debates on illegal migration control.
5. To analyse the socio-economic impact of illegal migration in Assam, specifically in Dhubri and South Salmara-Mankachar districts.
6. To analyse the demographic shift and political changes due to illegal migration, specifically in Dhubri and South Salmara-Mankachar districts in Assam from 2005 to 2024.
7. To analyse major security threats posed by unauthorized Bangladeshi immigrants to Assam, India.

1.4 Research Questions:

Considering the above pieces of literature and objectives, it is worth investigating the four research questions;

- Can historical trends and patterns of migration movement in Assam predict future movements? What are the main driving forces behind cross-border movements after March 25, 1971, and how does the Government of India and Assam deal with this illegal movement?

- What are the main laws, regulations, and policies to control illegal migration from the neighboring countries to Assam? What is the legal status of children who were born in Assam but whose parents entered illegally?
- What are the major social and economic challenges that Assamese and indigenous people face from the illegal immigrants, specifically in Dhubri and South Salmara-Mankachar districts? Are local residents migrating to other districts of Assam or states in India due to the socio-economic challenges posed by illegal immigrants?
- What are the major political impacts of illegal immigration on the democratic rule of Assam? Do illegal migrants pose a security threat to Assamese society and the nation?

1.5 Methodology and Data Collection

The choice of methodology depends on the research question and the phenomena being studied. To understand the characteristics of this cross-border movement and illegal migration, the present study examined ideas, attitudes, environment, culture, relationship structures, and beliefs. Methodology, theory, and method combine to form an effective research guideline. Using mixed methods (qualitative and quantitative) helps in understanding the research issues. This study employs a qualitative design, utilizing the strategy of constant comparative data analysis (Creswell, 1998; Miles & Huberman, 1994; Merriam, 1998; Patton, 1990; Stake, 1995, 2006; Yin, 1994) to analyze the impact of illegal immigrants on the state of Assam.

The collection of Data is based on primary and secondary sources. For this study, both qualitative and demographic data were collected during a field survey visit to Dhubri and South Salmara-Mankachar Districts in lower Assam. We have collected 210 individual samples from three border villages and municipality wards (10 per cent of the population in each sample area) of each district. We also used the comparative method to analyze the socio-economic and political consequences of illegal migration in these two districts.

For the purpose and collection of secondary sources all the available and relevant historical records, reports and published books were consulted in various libraries, especially The Maulana Abul Kalam Azad Institute of Asian Studies, Salt Lake (Kolkata); National Library of India (Kolkata); Ramakrishna Mission Institute of Cultural Library, Golpark, (Kolkata); District Library, Dhubri (Assam); Survey of India, State Archives, Dispur (Guwahati); Assam Legislative Assembly

Debates available in the Assam Secretariat Library, Dispur; special debates on illegal migration held in the Parliament and some confidential documents kept in the Ministry of Home Affairs, Government of India and the Home & Political (B) Department, Government of Assam. In some cases, the judgments of the Supreme Court and the Guwahati High Court have been consulted, the District Statistical Handbooks published by the Department of Economics and Statistics, Government of Assam, and newspapers.

1.6 Scope and Limitation of the Study

Migration and its effects on citizens of host countries are a significant subject in political science and international relations. Migration from neighboring countries to India's northeast states poses a security concern for the entire nation. Assam has been heavily impacted by cross-border immigration since the British colonial era. It shares international borders with Bhutan to the north and Bangladesh to the west and southwest. The porous border with Bangladesh allows easy crossing for Bangladeshi immigrants. During colonial times, East Bengalis migrated to Assam under British policies to work as laborers in tea gardens. After partition, East Pakistani (now Bangladeshi) people fled to Assam due to political violence. Hindu Bengalis arrived as refugees, and both the central and Assam governments permitted them to stay on humanitarian grounds. However, the large influx of foreigners created huge challenges for the Assamese people. This led to the development of anti-foreigner sentiment among the Assamese and other ethnic communities. In the late 1970s and early 1980s, Assamese demanded the deportation of all Pakistanis who entered after partition, asserting they had no right to remain in Assam. As a result, the government adopted a resolution setting March 25, 1971, as the cut-off date for Indian citizens. The Assam government has declared that any individuals entering after the effective date would be considered illegal immigrants and deported to their country of origin.

The study on migration issues in Assam in the 21st century is important because, in 2005, in *Sarbananda Sonowal v. Union of India*, the Supreme Court declared the IM(D)T Act of 1983 unconstitutional and struck it down, as it was incapable of identifying and deporting illegal immigrants in Assam. The Apex Court has ordered that if any individuals suspected of being an illegal immigrant are introduced before the Foreign Tribunal under the Foreign Tribunal Act 1946. Therefore, it is important to study the impacts of migration (legal/unlawful) on the socio-economic

and political domains of the Assamese and various indigenous communities after the *Sarbananda Sonowal* verdict of 2005.

For this study, we selected Dhubri and South Salmara-Mankachar districts in Lower Assam. Typically, these two districts share an international border with Bangladesh and are known to be highly Bangali Muslim migration-centric areas. These two districts have recorded the highest population growth rate among the districts of Assam since March 1971. It is also recorded that these two districts had the highest Muslim population growth rate over the decade from 1971 to 2001. The porous nature of the border motivated Bangladeshi immigrants, mainly Muslims, to enter these districts. However, we have also analysed and compared with other parts of Assam for a better understanding and explanation of migration issues.

The period from 2005 to 2025 has been selected for the study of migration and its impact on the socio-economic and political life of the native Assamese. The main consideration of the period is the striking down of the IMDT Act of 1983 by the Supreme Court in the case of *Sarbananda Sonowal vs. Union of India* in 2005. The Supreme Court has directed both the Central and Assam's government that if a person is suspected of being an illegal immigrant, he/she must be handed over to the Foreigners Tribunal under the Foreigners Tribunal Act, 1946. The Tribunal properly investigated and reviewed all documents and records of the suspected person and their families. But the Apex Court does not give any directions in its judgment to protect the rights of the indigenous and Assamese people. It is also interesting that the Assamese people's demands to expel illegal immigrants from their areas are ignored. AASU-AAGSP leaders launched a protest movement against the verdict and demanded immediate implementation of the 'Assam Accord-1985' for the identification and deportation of illegal immigrants from Assam. Another important event during this study period was the NRC and CAA 2019. Two controversial issues intensified under the 2019 CAA; on the one hand, there was fear among native Assamese people because they felt that the CAA, which granted citizenship status to six minority communities other than Muslims such as Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians who are illegally entered Indian states from Bangladesh, Pakistan, and Afghanistan on and before 31 December 2014, would change their demographic structure and impact their rights. Assamese think that they will become a minority in their own area. These extra people put pressure on their livelihoods and natural resources. Therefore, the growth of ethnic conflicts and the anti-foreign movement intensified. On the other hand, anti-religious sentiments were spread among the Muslim population. The leaders of the Muslim organizations criticized the CAA 2019, saying that it will destroy the 'Secular' idea of the

Indian Constitution. Another significant issue is the Doubtful voter or D-voter, the Assam government has ordered that those voters will not be allowed to cast their vote due to questions about their citizenship credentials. In 2019, a significant number of Assam citizens were put on the D-voter list, including indigenous Assamese, because they lacked birth or school-leaving certificates.

The main limitation of this study is the lack of precise data on illegal immigrants residing in Dhubri and South Salmara-Mankachar districts of Assam. There is no clear information on how many Hindu refugees entered Assam from East Pakistan after the partition and how many of them returned to Bangladesh following independence from Pakistan. For this study, we estimated the number of immigrants (both legal and illegal) using Census data from Bangladesh and India. The issue with the Census database is that it only records foreign nationals who entered India with valid travel documents. It does not address undocumented or illegal migrants who entered India through illegal means or overstayed their visas. In fact, no Census has been conducted in India since 2011. Another limitation of the study is that it is difficult to identify who is Assamese or who is an illegal immigrant, because both districts are Muslim majority, they have a common language, culture, and the same facial look. During the field visit, most of the Muslim respondents recorded that they are Assamese, but they communicate in the Bengali language. The geographic area chosen for the study is another significant limitation. Both districts are connected to Bangladesh by rivers, and most of the land consists of riverine char islands. This makes field interviews and data collection from residents more difficult. Some government officials refused to provide information and sometimes declined to cooperate during interviews.

1.7 Outline of the Theses:

The research thesis is divided into seven chapters, including an introduction and a conclusion. Each chapter of this thesis is designed to examine one or more dimensions of the problem of illegal migration in Assam. Each chapter starts with a brief introduction to the subject matter and ends with findings and a conclusive guideline. The chapters are further divided into several sub-sections, each with a distinct objective.

Chapter 1 is the introductory part of the overall discussion. It also includes the area of study, statement of problem, review of existing knowledge, research objectives, research questions, scope and limitations of the study, methodology, Data collection techniques, and overall chapter schemes.

Chapter 2 explores the **Conceptual and Theoretical Background of Migration**, as presented by various scholars and schools of thought. In this chapter, we explored the implications of various theories concerning India in general and specifically on Assam. Migration is the movement of people from one place to another. It is a human phenomenon. In fact, migration has occurred throughout the history of human civilization. People have migrated from underdeveloped or less developed countries to highly developed countries and from unsafe places to relatively secure ones. Large-scale migrations across international borders, oceans, and continents contribute to changing land use, demographic patterns, and the cultural and ethnic profiles of many host countries. The steady growth of population, unequal distribution of natural resources, imbalance of development, and the emergence of a large number of new Nation-States, especially after the end of the Second World War, made the issue of trans-border or inter-state migration complex and controversial. Moreover, a vulnerable, insecure, or open border with inadequate security measures facilitates the motivated migration of people. The proximity of a border also facilitates illicit migration; for instance, the Indo-Bangladesh border and the border between certain other South Asian Countries. In this chapter, we analyzed the concepts of Migration, the causes of migration, various types of migration, the concept of refugees, and human trafficking. For this study, we analyzed various leading theories, such as Ravenstein's Law of Migration, Stouffer's Intervening Opportunity Model, Lee's Push-Pull theory, Network theory, Neoclassical Economic theory, and Dual Market or Segmented Labour Market. We analyzed the present research work from this theoretical perspective. Although we have considered some contemporary theories, such as equilibrium and new economic theory, to explain the circumstances of Bangladeshi migrants, we also reinterpret many other theories.

Chapter 3 deals with **Patterns and Trends of Migration in Assam** from the ancient period to the modern day. The earliest migratory peoples were primarily from non-Aryan Mongoloid stocks, and they were referred to as Kiratas in the Puranas and the two epics, the Mahabharata and the Ramayana. The Aryans migrated to Assam between the 2nd century BC and to 1st century CE (Guha, 1984). The early history of migration into Assam commenced with the Ahoms. They migrated from Thailand in the early 13th century (1228 CE) and governed over Assam until 1826 CE. The 13th century was also characterized by Muslim invasions of Assam, the first of which

was commanded by Muhammad Bhakhtiyar Khalji from Bengal in 1205 CE. Beginning in the 1820s, Nepalis have been migrating to northeastern India. The primary reason was the demand for Nepalese, especially Gorkhas, in the Frontier Police and British Regiment. During the period 1833-1839, Gorkha troops contributed to almost one-third of the total number of Assam Light Armed Forces battalions (Nath, 2006).

During the colonial period, a large number of peasants migrated from erstwhile East Pakistan (now Bangladesh). The British administrators encouraged the poor agricultural labourers to migrate from East Bengal to Assam to improve the agricultural land. According to the 1921 Census Report, there were approximately 300,000 East Bengal immigrants, including their children who were born in Assam were settled in the province. After India was partitioned on August 15, 1947, due to communal violence, hundreds of thousands of Hindu Bangali refugees from East Pakistan (present-day Bangladesh) fled to Assam. Influx of Bangladeshi immigrants into Assam after 25 March 1971. Ultimately, the demographic changes turned into the Assam Movement (1979-1985) that subsequently produced the Assam Accord, a controversial attempt to address the problem of illegal immigration by setting a deadline for citizenship of March 24, 1971. The post-Assam Accord (1985) period represents a turning point in the migration and identity politics in Assam. Violent clashes erupted in the 1990s and again in 2012 and 2014 between Bodos and Bengali-speaking Muslims, frequently described as illegal immigrants. Attempts like the National Register of Citizens (NRC) and the Citizenship Amendment Act (CAA) 2019 have triggered new debates on identity, legality, and secularism.

Chapter 4 discusses **Constitutional and Legislative Responses to Illegal Migration**. In this chapter, we will highlight various international regulations and policies on illegal migration. In 1951, the United Nations established the Refugee Convention. Article 31 of the Refugee Convention indeed envisages an illegal trespass by a person or a group of persons into the territory of another, but imposes a command on the Contracting States to refrain from punishing the illegal migrant. Another UN initiative on migration, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW) 1990, provides wide protection to the rights of migrant workers and their families in a foreign land. Countries such as United States, France, England, Germany, Spain, and the whole EU (European Union), South and Southeast Asia have suffered the nightmare of terrorism, and the connection between these acts of terrorism and illegal immigration is too clear to be obvious (May, C. Le. Michael, 2006). In this background, global, regional, and multi-regional responses to the flow of illegal immigration are

discussed in this chapter. In this chapter, we also discussed various laws and policies to control illegal migration in India, such as the Registration of Foreigners Act of 1939, the Foreigners Act of 1946, the Immigrants (Expulsion from Assam) Act of 1950, the Citizenship Act of 1955, CAA 2019, NRC, the Passport (Entry into India) Act of 1920, Foreigners (Tribunals) Order of 1964, Illegal Migration (Determination by Tribunals) Act or IMDT 1983, etc. At the same time, we analyzed the number of historical judgments of the Supreme Court and High Courts on the question of migration (illegal) in Assam.

Chapter 5 deals with **the Socio-Economic Consequences of Migration in Dhubri and South Salmara-Mankachar districts**. The continuous flow of illegal migration into Assam from neighboring countries poses a major challenge to the political, economic, social, and security aspects of Assamese society. From 1971 to 2025, the population of India increased by 124 per cent, but the population of Assam increased by approximately 152 per cent. This disparity in population growth rates can be largely attributed to the massive migration of people from other sub-continent regions, especially from densely populated neighboring Bangladesh. Assam Chief Minister Himanta Biswa Sarma mentioned before the legislative assembly house on October 9, 2024, that more than 10 million illegal immigrants are staying in Assam. He also mentioned that in the present time, most illegal Bangladeshi immigrants reside in the Dhubri and South Salmara-Mankachar districts (The Hindu, October 12, 2024). Illegal immigration has led to both quantitative and qualitative changes in the socio-economic and demographic characteristics of Assam. It is also noted that land encroachment by migrants in tribal areas and blocks, public wastelands, and forest areas has created social and environmental problems. Another impact in Assam, where unemployment and underemployment rates are already very high, is the potential for pressure on the labour market. It is believed that the huge supply of cheap labour from illegal immigrants has affected not only the rural agricultural labour market, but also the urban informal job market; however, in the long run, the formal labor market will also be affected. Therefore, unemployment and poverty are accelerating among the Assamese or local residents, which leads to social unrest and ethnic conflict. We also highlighted the socio-economic situation of the districts before and after partition, and the nuances associated with it are covered in this chapter through the current situation, like the present population structure, economic trends, and social organization at both local and regional levels between 2005 and 2024. We analyze why native Assamese people/or citizens migrate to other districts or states.

Chapter 6 deals with the **Impact of Migration on Security Dynamics and Political Landscapes of Dhubri and South Salmara-Mankachar**. In this chapter, we will discuss how illegal immigrants impact voter politics in Assam, specifically in the Dhubri and South Salmara-Mankachar districts. It is noted that the continuous influx of illegal immigrants from Bangladesh is posing a threat to India's national security, with some political parties and groups exploiting immigration issues for their political gains and exacerbating ethnic divisions. The porous nature of the India-Bangladesh border has facilitated illegal immigration, trafficking of women and children, cattle smuggling, illegal arms trade, and the smuggling of unauthorized goods, which directly impacts national security. Furthermore, demographic changes related to immigration have altered electoral patterns and behaviours, fueling identity politics and communal polarization. We also analyzed how illegal immigrants violate the indigenous people's rights. Analyse the conflict between indigenous ethnic communities and illegal immigrants, such as the Bodoland movement, the Riots in Kokrajhar, Chirang in 2012 and 2014, the Nellie massacre in 1983, and the anti-foreigner movement in 1979-1985. Political parties, both national and regional, use illegal migration issues for political gain. In this chapter, we discussed what are the major political and security challenges faced by the native people from the migrants (illegal and legal). We analysed electoral politics and election-related criminal activities, political polarisation, illegal voter enrolment, questions of citizenship, CAA, NRC, D-Voters conflicts, the role of political parties to use immigrants as their vote bank, suppression of native and indigenous, etc. In this, we also highlighted multiple security issues of illegal cross-border trade and smuggling, women and children trafficking, the rise of militancy and terrorist activities, the role of policy, the BSF in ground-level border protection, and the role of the government and local people.

Chapter 7, entitled **Conclusion**, is a summary of the study. In this part, all the chapters are summarized, and the major findings are articulated. The researcher also recommended some important policies to effectively control illegal migration from Bangladesh to Assam.

Chapter-2

Conceptual and Theoretical Background of Migration

2.1 International Migration:

From the perspective of population growth of a nation, there are two reasons behind the population change: natural and unnatural patterns of change. The Natural pattern of change of population is a function of mortality and fertility, and the unnatural change is due to the migrants (legal and illegal) and refugee settlement. The nature of migration as a factor affecting population density is different from that of mortality and fertility. Because migration is not a biological variable, while both mortality and fertility operate within the biological framework, though social, political, cultural, and economic factors influence them. Migration is entirely determined by the wishes of the individuals involved, though in exceptional cases this may not hold true. Usually, each migratory movement is deliberately made, and an element of human volition is involved in the decision to move. Therefore, migrant movements are a product of the social, cultural, economic, political, and physical circumstances in which individuals and societies find themselves (Bogue, 1969).

Migration is the movement of people from one place to another. It is a common human phenomenon. In fact, migration has occurred throughout the history of human civilization. People have migrated from underdeveloped or less developed countries to highly developed countries and from unsafe places to relatively secure and safe ones. Even in modern times, migration has become a part of life for approximately 272 million people worldwide, which is almost 3.5 percent of the global population (UN DESA, 2020). Migration is primarily an economic process, but it is also significant from a socio-cultural perspective. Large-scale migrations across international borders, oceans, and continents contribute to changing land use, demographic makeup, and the cultural and ethnic profiles of many host countries. Migrants influence the cultural values, attitudes, beliefs, emotions, and lifestyles of the societies they join (Narang, 1994). In most cases, people migrate due to natural disasters or calamities, climate change, war, ethnic conflict, upheavals, economic pressures, political instability, violence, and social factors. According to Karori Singh, migration is influenced by the following factors (Singh, 1987).

1. Disproportionate, insufficient, and inadequate economic development of a region within the country.
2. Seasonal or recurring labour shortage in particular areas or regions, both outside and within the country.
3. Demand for skilled personnel outside the country as well as in the industrial belts within the country.
4. Persistence of the twin phenomena of an ageing population and decline in the rate of population growth.

Thus, the factors leading to migration include changes from place to place and country to country. The steady growth of population, unequal distribution of natural resources, imbalance of development, and the emergence of a large number of new Nation-States, especially after the end of the Second World War, made the issue of trans-border or inter-state migration complex and controversial. Moreover, a vulnerable, insecure, or open border with inadequate security measures facilitates the motivated migration of people. The proximity of a border also facilitates illicit migration; for instance, the Indo-Bangladesh border and the border between certain other South Asian Countries. Trans-border or inter-State migration within the South Asian region has resulted in the persistent political and economic problem both within the affected country as well as between the nations involved.

The past decade witnessed important changes in the migration flows between countries. In the early 1970s, several modern European countries that had promoted immigration in order to offset the labour (skill and semi-skill) shortages they had experienced decided unilaterally to stop the inflow of migrant workers. In contrast, the resource-rich countries of Western Asia were faced with the necessity of importing even more foreign labour in order to accelerate their development process. Also, during the 1970s, several of the traditional immigration countries, like Austria, Canada, and New Zealand, adopted policies directed towards achieving a more satisfactory balance between immigration and economic conditions. Given the generally poor performance of the world economy since the mid-1970s, these policies have often been translated into lower immigration ceilings, thus effectively reducing the flows of legal migrants. Nonetheless, despite the adoption of stringent laws, the immigration level has not been reduced. Illegal or undocumented migrants are common in many countries, particularly in those admitting already sizeable numbers of persons who do fulfill the immigration requirements established by law (UN Department of International Economic and Social Affairs, 1985).

This chapter seeks to analyze the conceptual and theoretical framework of migration and its several components. In the conceptual section, refugees and human trafficking are also analyzed. Theoretical understanding related to the case study is also analyzed in this chapter. Both primary and secondary sources have been used. The primary sources include a number of reports of the UN, IOM, several Government reports, etc. The secondary sources are books, articles, journals, newspapers, and unpublished manuscripts related to the topic.

2.2 Meaning of Migration

Migration in modern times has become a tenuous concept, and there are different definitions and concepts as to the meaning of ‘Migration’ that are being used in different parts of the world. Migration is leaving one’s original place of residence and going to a new one, either for permanent settlement or residence for a long duration of time. This may be due to the inconvenience existing in the former and the lack or absence of it in the latter. According to the Oxford Advanced Learner’s Dictionary of Current English, ‘Migrate’ means to move from one place to another to live there. Broadly speaking, migration is defined as a permanent or semi-permanent change of residence (Hornby, 1974). In its most general sense, ‘Migration’ is ordinarily defined as the relatively permanent movement of persons over a significant distance (Peterson, 1968). Migration is not merely moving continuously from one place to another, but residing in a new place for a couple of years or more. A person who goes to another country and remains there for the rest of his life, we say, is a migrant; and one who pays a two-hour visit to the nearest town is not (Peterson, 1968). A tourist or a religious pilgrim, for instance, cannot be called a migrant, for they do not reside in any new place but keep moving from place to place and country to country. Thus, “A migrant is a person who has changed his residence from one geographically well-defined area to another area with the intention of permanently or semi-permanently settling at the new place” (Sinha and Zacharia, 1984). Migration involves movement to a new place to eke out a livelihood, which also compels them to adjust to the new environment of life. He who crosses an administrative boundary may be considered a migrant. International migration is termed by the recommendation of the United Nations as permanent if the removal of the migrant from one place to another is for one year or more, while a stay for a shorter period is classified as a visit. According to the United Nations Multilingual Demographic Dictionary-

“Migration is a form of geographical mobility or spatial mobility between one geographical unit and another, generally involving a change in residence from the

place of origin or place of departure to the place of destination or place of arrival. Such migration is called permanent migration and should be distinguished from other forms of movement which do not involve a permanent change of residence” (Bhende and Kanitkar, 1982).

Here, an argument may be put forth as to whether to include in the concept of migration, trans-human, trans-cultural migration, also the movement of people from their residence to their place of work, which may be of a short duration of a month, a week, or even a day. However, referring to the basic principles of migration, this does not come under the purview of the concept of migration. Thus, migration may be defined as the movement of people from one place of abode to another due to reasons, as economic, social, religious, and political (Chandna and Sidhu, 1980). All such reasons or factors are correlated with each other.

However, Migration is complex and multifaceted. It is considered as a concerning global issue in the twenty-first century as millions of people are migrating than at any other point in human history. The UN population division estimated a total number of migrants, which stands somewhere between 185 million to 281 million migrants by the year 2020, extrapolating the growth of the known migrant stocks for the period 1990-2020 (IOM, 2024). The Global Commission on International Migration views, “the number of international migrants has increased from 75 million to 200 million in the past 30 years and migrants are found in every part of the world” (GCIM, 2005).

The United Nations Population Division (UNDP), “There are 200 million international migrants in the world in 2008. A large number of people are moving in search of higher incomes, better access to education and health, and improved prospects for their children” (UNDP, 2009). The United Nations Department of Economic and Social Affairs has estimated the presence of 280,598,105 (281 million) people as international migrants at the mid-year of 2020, which was 3.6 per cent of the total world population (UN DESA, 2024). This was an increase from 173 million in 2000, which was almost 2.8 per cent. The World Migration Report reveals that 135 million (almost 3.5 per cent of the world’s total female population), which is 48.1 percent of the total migrants, are women, with only slightly more living in developed than in developing countries, and more women are migrants than men in every region of the world except Africa and Asia (IOM, 2024). Thus, it means that during 2020, about 281 million people were living outside their country of origin, and one out of every thirty-five people in the entire world was a migrant (IOM, 2024).

Table-2.1

International Migration Trends from 1970-2020

| Year | Number of International migrants | Percentage relative to the world population (%) |
|-------------|---|--|
| 1970 | 84,460,125 | 2.3 |
| 1975 | 90,368,010 | 2.2 |
| 1980 | 101,983,149 | 2.3 |
| 1985 | 113,206,691 | 2.3 |
| 1990 | 152,986,157 | 2.9 |
| 1995 | 161,289,976 | 2.8 |
| 2000 | 173,230,585 | 2.8 |
| 2005 | 191,446,828 | 2.9 |
| 2010 | 220,983,187 | 3.2 |
| 2015 | 247,958,644 | 3.4 |
| 2020 | 280,598,105 | 3.6 |

Source: IOM “World Migration Report 2024”, <https://publications.iom.int/books/world-migration-report-2024>.

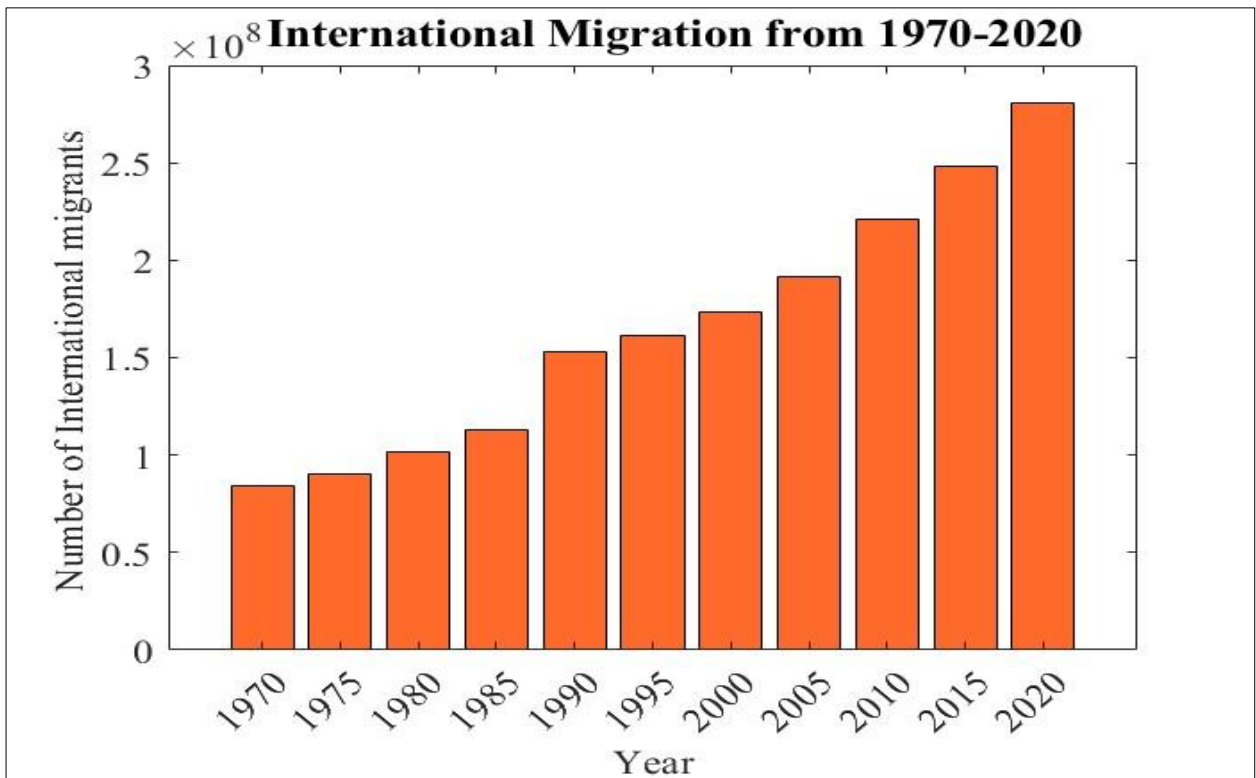


Figure 2.1: Bar Graph representation of Table 1.1

In the present world, 193 countries or sovereign nations are either points of origin, transit, or destination for migrants; often all three at once. Zlotnik has estimated the growth rate of the migrant population during the period 1965-1990 (from 75 million to 120 million) at 1.9 per cent per year, slightly above the rate of 1.8 per cent per annum at which the total population of the world grew during the same period (Zlotnik, 1998). Meanwhile, the annual growth rate of international migration has increased from 1.2 per cent in 1965-1975 to 3 per cent (approximately) in the first quarter of 2000 (Abella, 2002). However, during the year 2000, the annual migration growth rate was about 2.8 per cent increased to 3.6 per cent by 2020.

The United Nations Department of Economic and Social Affairs on International Migration Stock data estimated that the international migrant population represents 3.6 per cent of the world population in March 2020. The International Migration Stock data estimate also shows the total numbers of migrants in Europe at about 87 million (an increase of nearly 16 per cent since 2015, when around 75 million international migrants resided in the region), Asia - 69 million, North America - 59 million and rest of migrants are stay in Africa, Latin America and the Caribbean, Oceania (UN DESA, 2020). However, the total number of migrants in Europe-56.1 million, Asia, 49.7 million, and North America, 40.8 million, was reported in 2000 (IOM, 2000). Thus, the increase of migrants, 30.9 million in Europe, 20.7 million in Asia, 18.2 million in North America, was reported during 2000-2020. Meanwhile, the percentage of migrants of the total world population has remained relatively stable. It increased by only 0.8 per cent (from 2.8 to 3.6 percent) during this period. On a global scale, right now more male international migrants than female migrants, and during the previous 20 years, the gender disparity has widened. There were 88 million male migrants and 86 million female migrants in 2000, or a male to female proportion of 50.6 to 49.4 per cent. With 146 million male migrants and 135 million female migrants in 2020, the breakdown was 51.9 to 48.1 per cent. From 2000 onwards, the proportion of female migrants has been declining, but the proportion of male migrants has climbed by 1.3 percentage points (UN DESA, 2021).

Presently, migration is a necessary and inevitable part of socio-economic development, although with proper management, it can be beneficial not only for individuals but also for societies and governments. The growing demographic and developmental gaps that persist between various regions of the world appear to be contributing to the expansion of migration's

magnitude and breadth in the future. The economist Galbraith said that migration is “the oldest action against poverty” (Galbraith, 1979).

In the late 1980s and early 1990s, liberalization, privatization, and globalization (LPG model) changed the world economic processes, and migration became much easier. International borders are no longer significant due to the expansion of free trade and foreign direct investment (FDI), which has supported the migration influx. The high demands of skilled, semi-skilled, or highly skilled labourers in the developed or advanced industrial world also encouraged migration. Therefore, Millions of individuals are migrating from developing to developed countries in search of better economic opportunities due to the shortage of labour in the developed world. Sassen notes, “The globalization of trade, finance, and production, and the general trend toward greater global economic integration contributed to the emergence of new and more mobile pools of labour, while creating stronger ties and networks among advanced industrial and developing economies that provide new avenues and opportunities for migration” (Sassen, 1988). Thus, these economic processes are reinforced by cheaper and more accessible forms of transportation and communication technologies, as well as an emerging global infrastructure of services that link national economies and undergird the formation of international migration networks (Adamson, 2006). Another factor driving migration is the persistent demographic imbalances between developing and developed nations. Presently, the population growth rate in developing countries is over six times greater than that of industrialized countries, which grows at a rate of less than 0.3 percent annually. Therefore, International migration is being influenced by these demographic shifts in two specific ways. First, rapid growth in population along with economic hardships pushes people to migrate from their place of origin, and second, nations with aging populations continue to welcome immigrants.

2.3 Causes of Migration:

People generally migrate in search of better economic opportunities when their needs are not adequately fulfilled in their country of origin. The migrant may have varying degrees of choice in deciding where to move, and the decision may be either voluntary or permanent. This is clear that individuals choose to migrate for several reasons, including the desire to escape oppression or famine, alienation from wealth, family reunification, and others (Castles, 2000).

In addition, other reasons that contribute to migration in various contexts and situations include invasion, conquest, and displacement caused by armed conflict, catastrophes of nature, mercantile outreach, colonial invasion, and even enslavement. Today, migration is commonly understood to mean the relocation of people, families, or groups, typically due to economic, environmental, social, political, or other destructive reasons. In a general sense, migration often refers to permanent shifts of population. There is evidence of early mass migrations almost everywhere in the world, and it is believed that a land bridge across the Bering Strait brought migrants from Asia to North and South America in multiple waves. Early myths and legends of the world discuss the push factors (e.g., natural disasters) that encouraged them to leave their country of origin, or the pull factors (e.g., the lure of adventure) that beckoned them on (Gorter et. Al, 1998). For instance, the ‘rural-push’ and ‘urban-pull’ factors may largely motivate people to migrate. Large-scale exodus of people from one place to another, however, is generally determined by a combination of various factors, namely, cultural, demographic, economic, geographical, political, social, and above all, insecurity and depression. Besides, other factors that cause or motivate people to migrate from one place to another are the pressure of population growth, marriage, employment facilities, gain or achievement, educational facilities, ethnic and cultural affinity and contacts, conscious government policies, internal strife, and unfavorable topographical or climate conditions. Thus, there is no single or only a particular factor of migration. In fact, the studies on migration have often been of a specific nature whose findings are usually not applicable to the migration of different situations. This is because, as there are different factors of migration, their significance differs from place to place and from migrant to migrant. Therefore, migration is a complex phenomenon altogether influenced by a variety of factors that are not usually easy to trace. However, in most cases, the factors of migration, both internal and international, are largely similar. Therefore, on this basis, we can arrive at certain generalizations for a better understanding of the problem of migration. The various push and pull factors of migration are discussed under the following headings.

2.3.1 Demographic Factors

Demography is one of the important determinants of population migration that cannot be ignored. The ever-growing population makes the land and property scarce for which means a large section of the population is bound to move to safer places. This demographic aspect, in a way, leads to various divisions, strife, and conflict in society. The rapid growth of population, especially

in developing countries like India and China, has been regarded as one of the main causes of emigration or outmigration. With a given low mode of production within many Third World countries, only a part of the labour force can be absorbed by agriculture, and thus, the rest are forced to move to other centers for employment and other living facilities. The ever-increasing rural unemployment and underemployment is not only caused by the continuous pressure of population but also due to the low rate of investment in agriculture, fragmentation of land ownership, inequalities in the distribution of land and other productive assets, allocative mechanisms which discriminate in favour of the owners of wealth, and a pattern of investment and technological change which is biased against labour (Sinha and Zachrria, 1984). There is thus a link between the resources of the area and the population growth. Therefore, the pressure of continuous population growth and the scarcity of physical resources of an area, is an important factors in demographic migration. For example, the movement of people not only from Bangladesh, Nepal, Bhutan, but also from the Indian States Jharkhand, West Bengal Bihar to Assam could be retraced to this economic stress.

2.3.2 Economic Factors

The economic factor is one of the major forces leading to population migration. It is a general trend that migration originates particularly from economically backward and depressed areas and is directed towards the areas of greater economic prosperity with increasing employment-generating potential. People migrate from areas of low economic opportunity to areas of high economic opportunity, for example, people moving from the East to the West for better economic prospects. Emigration is generated from the areas suffering from chronic population pressure upon their limited agricultural resource base, which compels the people to migrate to the areas where new agricultural lands are available. In recent times, such a type of migration has been noticed in Dandakaranya of Madhya Pradesh, Terai region of Uttar Pradesh, and the Northern parts of Rajasthan in India. It was due to the economic interest that many Tamils of former Madras State migrated to Sri Lanka as estate labourers during the British colonial period. The Indo-Nepal Treaty of 1950, which provided for the free movement of Nepalis and Indians in each other's country, along with the concomitant facilities and privileges except for political rights, was deemed necessary for each other's economic development. The massive infiltration of people from erstwhile East Pakistan, now Bangladesh, is also due to economic reasons. It is the deteriorating economic situation and acute unemployment problems that compelled the people in Bangladesh

to migrate towards the North-Eastern States of India, particularly in Assam and Tripura. Recent figures reveal that 82,012 people migrated from Bangladesh to India due to economic compulsion between 1982 and June 1985 (Singh, 1987). The studies on Indian migrants to South Africa as estate labourers, and to England as unskilled workers in various factories and industries, also reveal that the main motive behind this migration was economic (Metcalf and Helweg in Rao, Ed, 1986). Hence, it cannot be denied that economic factors play a vital role in leading people to migrate towards economically advanced and better places or countries.

2.3.3 Political Factors

Political factors have become very important for people's migration. In this connection, when individual freedom has become too predominant, people usually do not want to live in a country where the political system and institutions do not favour them, and they tend to move away to other suitable and safe places where their freedom will not be curtailed or dominated. For instance, some people do not like totalitarianism or dictatorship in their country and move towards other peaceful democratic countries. For example, formerly, before the recent unification of Germany, people from East Germany tended to move towards West Germany. In the 1980s and 1990s, millions of Africans were pushed out of their homelands to the neighbouring countries because of famine and civil war (Craig, 1977). Several African countries have experienced severe civil or political strife and instability in the last 20-25 years. The countries like Zimbabwe, Mozambique, Angola, the Democratic Republic of the Congo, the Central African Republic, Kenya, Somalia, Sudan, Uganda, Ethiopia, Eritrea, Burundi, Rwanda, Morocco, Algeria, Sierra Leone, Liberia, etc. The citizens of these countries have either migrated abroad or to the neighbouring countries to escape such civil or political strife (Dzvimbo, 2003). In political factors, the fear of wars, outbreak of disturbances, internal strife, communal conflict, inflation, or an unstable political system, discrimination towards certain sections of people is one of the determining factors for population migration.

2.3.4 Socio-Cultural Factors

There are also migrations, which are essentially a product of social custom. The social custom of a bride living with her husband after marriage, and female offspring residing with their parents, besides the quest for religious freedom, are important social causes of migration. Also, people leave their original place when there are rigid social restrictions and a closed system of

society which do not give much scope for the uplift and development of the individual citizen. Furthermore, persistent social conflicts and infighting among various sections of society may also cause people to migrate to other places. Among the social determinants of migration, the direct and easy availability of information, free cultural and social contact, social affinity, and social ties with people from other places, as well as a strong desire for social and community development, are considered important. Above all, governmental rules and policies play a significant role in human migration. Sometimes, family conflicts and the quest for independence also cause migration, especially of those in the younger generation. The trends of development and advancement in the field of science and technology, transportation, education, etc., have altogether facilitated this type of migration (Kainth, 2009). On the other hand, societies with restrictive and strong social ties, as well as primitive traditions, tend to restrain this type of migration. The government's programs and policies in this regard may sometimes either encourage or discourage migration. For instance, the Government of the People's Republic of China, from the rural to urban areas during the early years of communism, had to intervene to check the ill-planned exodus of its people (Chandna and Sidhu, 1980). The social factor of migration reveals the relationship in terms of kinship, family life, and the social setting in which the association of people is very important. In the context of India, rural people by themselves gradually develop new associations and ties in the urban areas, and thereby drive further migration.

2.3.5 Religious and Ethnicity Factors

Various studies on migration show that people tend to migrate to the place where similar religious ties prevail. A minority religious or ethnic group is encouraged to migrate to the place or country where their own people have already settled. For instance, there is a tendency for initial areas of Pakistani Settlements in Britain to be attractive to later Pakistani immigrants, and in the United States, the Jewish minority is concentrated in about six major metropolitan centres, and within these centres, there is further concentration (Cox, 1972). Similarly, since a certain section of the Hindus had already settled in the Indian State of Assam during the pre-independence period, many Hindu and Muslim Bangladeshis have been consistently migrating to Assam, West Bengal, Tripura, and other parts of India. Also, the recent Chakma refugees in Tripura found religious and ethnic ties that attracted them to migrate, as there was a section of Chakmas already living in the State. Thus, for a person of a minority ethnic or religious background, the cluster of people with a similar background performs social, political, and cultural functions, and socially, the group

affords an opportunity for assimilation into the larger society. It offers channels by which housing and jobs can be obtained in the alien society (Cox, 1972). Furthermore, the resident ethnic and religious groups can assist new migrants, enabling them to live and move freely in their new abode, which in turn attracts people to migrate easily.

2.3.6 Security Dimensions

Security of life has become increasingly important today. All people, in fact, want security of life, liberty, and property. Insecurity of life is an important determinant leading to large-scale population migration. When people of a particular place or region are confronted with a sense of insecurity, which may be due to natural causes like frequent earthquakes, floods, and political reasons, wars, famine, etc., people naturally tend to move towards comparatively safer and secure places. During the partition of the Indian sub-continent purely on religious and political grounds, into India and Pakistan, which subsequently created a sense of insecurity in the minds of the people, a great upheaval took place in the region which compelled the Hindus of Pakistan and Muslims of India to migrate respectively to India and Pakistan simultaneously; despite the assurance of safety and security of life to the minorities by both the countries. At that time, it was estimated that the number of refugees in both directions could not have been less than a million and might have been two or three times that number (Hodson, 1969). Although this great migration occurred immediately after independence, sporadic spurts of migration continued thereafter due to social disruptions in Pakistan and Bangladesh (Singh, 1987). Before and during the liberation of Bangladesh in 1971, there were about ten million people from the former East Pakistan who migrated to India. After the liberation of Bangladesh, although those refugees were said to have been repatriated, many of them stayed back in India, and many sneaked into the Indian border State of Assam.

This problem of population migration persists even today due to various socio-political disturbances, especially in the South Asian States. For example, thousands of Tamils from Northern Sri Lanka crossed into India, and millions of Bengali Hindus from Bangladesh crossed into the Indian border State of Assam since 1966. This figure may fluctuate over time. But the fact is that migration is mainly caused by oppressive measures adopted by the Governments of Sri Lanka and Bangladesh, respectively, within their country. This oppressive policy of the governments has created a deep sense of insecurity in the lives of the minorities living there.

Besides, more importantly, there are other illegal or undocumented immigration of Hindus and Muslims from Bangladesh into the tiny Indian State of Assam, which persists and is further compounding the socio-economic and political problems of an erstwhile predominantly tribal and princely State of North-East India.

The above push factors are referred to as the negative aspects of the sending country. In contrast, the pull factors are positive aspects of the receiving country, indicating these differentiating factors are the two sides of the same coin. In terms of pull factors, perceived economic opportunities, possibility of employment, better standards of living, greater opportunities for personal and professional development, and family reunification are considered. The journey of migrants driven by such factors may take them to a nearby town, capital, or city, or to a neighboring country (FMOENCN, 2002).

There is generally a cityward migration due to rapid industrialization and technological advancements. Under the capitalistic model of development, there is a tendency for higher investments in urban areas, which triggers people to move for higher-wage jobs. The increase in migration of people from India and other developing countries to the UK, the USA, Canada, and the Middle East is driven by better employment opportunities, higher wages, and other attractive prospects. Thus, pull factors operate in all cases of rural-urban, domestic, and international migration (Kainth, 2009). The expanding markets, labour shortages, and ageing populations in more industrialized countries, such as Japan, Singapore, South Korea, and Taiwan, as well as the continuing need for workers in the Gulf countries, are encouraging people to migrate (IOM, 2005).

2.3.7 Employment Opportunities and Higher Wages

People leave their places or a country for a more developed one in search of better salaries and wages. Mexicans' migration towards the US, Colombians' or Venezuelans' migration to the Netherlands, and Antilleans moving to the Netherlands. People migrate when a wage gap exists between their country of origin and the country of destination. The wage gap between American and Mexican workers has undergone significant changes since the creation of the North American Free Trade Agreement (NAFTA) in 1994. U.S. wages are, in fact, estimated to be 13 times higher than those of Mexican workers (TriasWiki, 2010).

2.3.8 Huge Demand for Labour

Most developed and advanced technology-driven countries require skilled, semi-skilled, and more skilled workers for various sectors. Developed economies generate jobs, and sometimes native people do not prefer to engage in such employment due to pride, which leads to a labor crisis. Basically, the people of neighbouring countries may choose to work or take up these jobs. For example, Ireland had seen a surge of migration because its economy prospered during the 1990s. The country that has typically sent a significant portion of its population abroad in the last two centuries has begun to receive migrants seeking employment. This has led to numerous conflicts between the natives and the migrants who came to Ireland. When the refinery Lago opened in Aruba in 1947, it lacked sufficient personnel and the required expertise to undertake certain tasks. Thus, Lago hired workers from the US, Barbados, Saint Croix, Trinidad and Tobago, Saint Vincent, and the Grenadines (TriasWiki, 2010).

2.3.9 Family Migration

Family reunification is the most motivating non-economic factor for migration. When migrants settled down in the destination country, they wanted their families and children to join them. Even the family (of the migrants), like parents, brothers, and sisters, wants to join them. Asian migrants, who traditionally migrated to employment and family unification destinations, have turned Asian countries into a major source of migrants in Australia, Canada, New Zealand, and the US. After the end of the Vietnam War in 1975, a million Southeast Asian migrants settled down in Canada, and the United States created new migration networks that continued to add migrants through family unification (Martin, 2009).

Though migration is an economic phenomenon, other non-economic factors also have some bearing. It is believed that migrants leave their country of origin due to a lack of employment opportunities and migrate to find better opportunities. Migration can no longer be viewed as simply a question of individual choice, although this may still have some bearing on the choices made by a migrant population. The massive movements taking place today within and across national boundaries are due to major structural transformations in the economies of developed and third-world countries (Safa and Tait, 1975). Population movement, which is conventionally seen as voluntary, often occurs in situations where, in fact, migrants have little or no choice. The

individual's choice of migration has little bearing on responses to natural calamities or disasters, such as floods, volcanic eruptions, earthquakes, and tsunamis (Hugo, 2008).

Amin (1974), in his discussion of migration in Western Africa, viewed, "A comparative costs and benefits analysis, conducted at the individual level of the migrant, has no significance. In fact, it only gives the appearance of objective rationality to a 'choice' (that of the migrant) which does not exist because, in each system, he has no alternatives" (Hugo, 2008). For Example, the Asian Tsunami of 26 December 2004 occurred across 12 Asian and African countries surrounding the Indian Ocean, killing 298055 people, and leaving 5 million people displaced, which is an example of natural calamities where people have no choice but to migrate forcefully (UNHCR, 2006). In Sri Lanka, 450000 people were forced to move in the aftermath of the Tsunami. In the province of Aceh, Indonesia, there were 533,000 IDPs by the end of 2004. Thus, the people were forced to relocate to other areas within the region, over varying distances (Hugo, 2008). The impact of Hurricane Katrina on New Orleans is another example of disaster-induced migration. New Orleans is a city built on a coast susceptible to hurricanes and flooding from the Mississippi River, defended only by humanly engineered levees, and ripe for a major environmental catastrophe. It is a classic example of the increased impact of natural events due to population growth in vulnerable locations that are susceptible to sudden and acute natural disasters (Clark, 2007).

Again, there are several life cycle considerations, such as marriage, divorce, completion of schooling, entry into the labour force, start of a career, birth and ageing of children, and retirement, that are critical in an individual's or a family's decision to migrate. Other personal circumstances include employment status, earnings, education, accumulated skills, age, sex, and health. Studies of the determinants of migration have commonly been formulated in the context of individual utility maximization. However, in recent years, increasing emphasis has been placed on the family or the household as the decision-making unit. An individual's personal characteristics, including accumulated job skills and language learnt, also trigger migration (Greenwood, 1985). Migration, therefore, could be interpreted as a multi-dimensional phenomenon.

2.4 Types of Migration:

Migration can take various forms and is not uniform in nature. There is a growing diversity in migration, particularly in terms of cause, distance, direction, duration, selectivity, and other factors. Therefore, different types of migration have been recognized, depending on the nature of

the migration, its causes, duration, distance, and motivation. Based on these factors, voluntary and permanent migration, as well as short and long-distance migration, have been classified. If an economic factor leads to migration, it is referred to as economic migration; similarly, if it is matrimonial, it is termed marital migration. We read about seasonal, temporary, periodic, and permanent migration, as well as spontaneous, forced, impelled, free, and planned migration, encompassing internal, external, inter-regional, international, continental, and intercontinental migration (Clarke, 1979). In the case of forced migration, the migrant has no decision of his own or has no say in the decision to migrate. It is rather compelling to have no choice or selection of the migrants. However, in the case of voluntary or free and planned migration, it is the people or community who decide to migrate to another or better place for specific reasons, such as the availability of fertile land, better economic conditions, or relatively more security of life. Studies on rural-urban migration typically emphasize wage laborers, specific age groups, the depopulation of farms, or similar categories (Dutt and Safa, 1975). Overall, however, it will thus be appropriate to narrow the distinctions between various types of migrations, basing it on area, that is, migration within the country and migration across the international border. The former type of migration is referred to as internal migration, while the latter is known as international or external migration. Furthermore, the terms emigration and immigration refer, respectively, to movement out of or into a particular territory. Thus, for instance, migrants leaving India to settle in the United States are emigrants from India and immigrants to the United States. In other words, the terms emigration and immigration are understood as the movement out of a particular territory and the entry into a country from across an international border. These terms are typically used in the context of international migration, for instance, the emigration of Indians to the United Kingdom and the United States of America, and the immigration of Hindus from Bangladesh to India, particularly to the Indian State of Assam. It is worth noting that the State of Assam has suffered from the perennial issue of immigration from across the international boundary, which has created serious socio-economic and political problems for the State, particularly for the indigenous tribal people of the then princely State of Assam. Therefore, the immigration into the Indian State of Assam cannot be ignored but requires special attention to safeguard the interests and identity of the indigenous people.

2.4.1 Internal Migration:

Migration within a certain specific territorial limit of a country is generally known as “internal migration.” It refers to the migration of people from one region to another within the boundaries of a country. Internal migration occurs owing to several socio-economic and political factors. Internal migration may be classified as (a) rural to urban, (b) urban to urban, (c) rural to rural, and (d) urban to rural.

A) Rural to Urban Migration

Rural-to-Urban migration is a response to diverse economic opportunities across space. Historically, it has played a significant role in the urbanization process of several countries and continues to be substantial in scale, even though migration rates have slowed down in some countries (Lall, Selod, and Shalizi, 2006). Rural to urban migration occurs because there are always fewer facilities in every sphere of human life in rural areas compared to urban areas. As found, in urban areas, there are better facilities and opportunities in various fields, including education, employment, health services, income generation, games and sports, transportation, and communication, among others. These facilities and opportunities in various fields thus attract the rural people, and they generally migrate to the urban areas. Further, life in general in the urban areas is relatively easy and more secure. Nonetheless, migration from rural to urban areas is primarily driven by economic motives (Clarke, 1980). In the Indian experience, 30 per cent of urban population growth is attributed to rural-to-urban migration.

B) Urban to Urban Migration

Generally, people moving from one city to another is known as urban to urban or inter-urban migration. It has also been found that people tend to migrate to the nearest towns and stay there for short-term periods before migrating to other metropolitan cities. This is generally known as step-migration. This kind of migration takes place as big cities throughout the world have become strong magnets for especially economically induced urban to urban immigrants who are attracted to these cities due to better facilities and diverse employment avenues or opportunities they provide, which are generally not available at smaller cities or towns. This has eventually resulted in the big cities growing disproportionately and demographic problems, while the smaller towns remain the same without much change. Therefore, we find a disparity in the levels of development between major cities and small towns, even within the country itself.

C) Rural to Rural Migration

In predominantly agrarian countries or underdeveloped countries, people moved from one rural area to another. This is commonly referred to as rural-to-rural migration. For instance, in India, according to the 1961 Census, 73.7 per cent of migrants moved within rural areas (Clarke, 1980). This type of migration generally occurs from regions with lower per capita income to areas with higher per capita agricultural productivity and revenue. In India, this type of migration takes place from an over-populated to a sparsely populated area and towards developed plantation areas, agricultural lands, etc., for example, the pattern of migration in States like Assam, West Bengal, Gujarat, Haryana, Kerala, Madhya Pradesh, Punjab, Rajasthan, Tamil Nadu, and Uttar Pradesh.

D) Urban to Rural Migration

The migrant population also moved from urban areas to rural areas. The post-World War II era witnessed a migration of people from urban to rural areas. Even in the COVID-19 situation, people are being moved from town to village. However, such migration, as compared to other types, is rare. Migration of people from urban to rural areas usually happens due to overpopulation in the cities and depopulation in the rural areas, and due to the growing land prices in urban areas. Such a type of migration is forthcoming in the United Kingdom, the United States of America, and even in some of the developing countries. For instance, in Kaula Lumpur, capital of Malaysia, the population densities in the core are gradually declining and similarly, in case of the entire Malaysia Peninsula it has been observed that certain proportion of the migrants to the city tend to return to the native village after having built up sufficient saving to buy or perches of property in the ancestral village (Chandna and Sidhu, 1987). In India, this type of migration is noticed particularly among the retired personnel of different government departments.

E) Seasonal and Periodic Migration

Besides the above, some populations moved from one place to another for a specific period or season, which is known as seasonal and periodic migration. The seasonal migration occurs mostly in the remote corners of the country. People in these areas migrate in small groups, and they are mostly food gatherers and those engaged in hunting and fishing. The periodic or seasonal migrants are those who remain away from their permanent hometown and go periodically or from time to time, to their place of work to earn more and send it home. For example, millions of migrant

labourers in Africa are of this type. The North-South movements in West Africa, the movement from East and Central Africa to Nairobi, Buganda, the Sisal areas of Tanzania and the copper belts, the movement to the mines and industries of South Africa, and the movement to the mines and towns of the Maghreb are all of this type, that is, periodic migration (Clarke, 1980). Thus, in brief, these migrations are because of the 'push' and 'pull' factors operating within the territorial limits of a country, which are at the same time known as negative and positive factors.

2.4.2 International Migration:

As mentioned earlier, migration of those across the international border or boundary is generally known as international migration. Since international migration refers to the movement across national boundaries, it assumes greater demographic, economic, and political significance than that of internal migration, for it brings about either gain or loss to a country's population.

Some writers believe that a significant amount of international migration occurred from Europe to other parts of the world, including Third World countries, during the period from 1800 to 1939 (Dickenson, ed., 1983). But even in the post-Second World War period to the present day, the flow of international migration has not subsided worldwide. It should be noted that, as the people of the world are not free from various and diverse socio-economic and political problems, the issue of migration in international affairs will also remain a persistent phenomenon. In fact, after the Second World War, the issue of international migration worsened. To cope with the mass of displaced persons, including expellees, refugees, and others, approximately 600,000 displaced individuals were enrolled by the global refugee organization in 1946 (Demko, 1970). It has been said that the refugee phenomenon is one of the most tangible manifestations of the post-World War II period. There are an estimated 100 million migrants or refugees worldwide who move for a variety of reasons ranging from poverty and economic insecurity to population growth and environmental degradation (Helton, 1994).

The European emigrations, especially the Spanish and Portuguese to Latin America, are considered relatively 'moderate' and an important international migration. Among other emigrants who went to North America were the British, French, German, and Irish. Most European emigrants went to the United States, which between 1880 and the beginning of the First World War received approximately 40 million people (Chandna and Sidhu, 1987). Even in modern times, the United States continues to be a recipient of high rates of immigrants, which includes both legal and illegal

immigrants. For instance, of the nearly 20 million immigrants counted in the 1990 Census, about 15 per cent were accounted for through unlawful immigration, and it has been reported that approximately 1.1 million immigrants arrive in the United States each year (Clad, 1994). Besides, America, Australia, New Zealand, Siberia, and parts of Africa were also the recipient countries for emigrants from European countries, especially from the British Isles. In comparison to Siberia and the southern parts of Africa, most of these emigrants went to Australia and New Zealand.

Nevertheless, the post-World War-I, noticed a decline of overseas migration from Europe, mainly due to immigration and emigration restriction, financial chaos in Europe, the world economic crisis of 1929, the introduction of unemployment and health assistance, the reduction in the amount of new land overseas and greater desire of overseas countries for skilled workers than for unskilled labourers (Clarke, 1995). On the contrary, in the 1930s, several European countries, including Britain, France, and Germany, received more immigrants than emigrants. Following World War II, Jewish immigration into Israel was credited with doubling its population in the period from the founding of the State in May 1948 to mid-1951. During that time, some 600,000 immigrants were received. Not only were the immigrants all Jewish, but in addition, immigration in their case was an absolute right for legislation, as enacted in 1950, which granted every Jew the right to immigrate. These Jews were mainly from Europe, particularly Russia. In this regard, we classified international migration into four categories for a better, more comprehensive understanding: (I) forced migration, (II) Illegal or Undocumented Migration, (III) Refugees, and (IV) Human Trafficking.

(I) Force Migration

Currently, between 30 to 35 per cent of the migration population is forced to migrate by their country of origin. People are forced to migrate from one place to another by compulsion, coercion, such as separation, communal violence, political or social persecution, etc., and state repression. There are three causes behind forced migration. Firstly, political instability, war, and persecution create political refugees. Secondly, economic decline, ecological crisis, and natural disasters are usually responsible for generating economic migrants, e.g., guest workers, illegal migrants, and inaptly named environmental refugees. Thirdly, ethnic, religious, and tribal conflicts aptly give rise to intense territorial, nationalistic, and emotional intolerance of foreigners and ethnic cleansing (Wood, 1994). Forced displacement is the clearest form of human rights violation.

The economic, political, and social rights of human beings are often infringed upon due to persecution based on political, religious, cultural, and/or ethnic grounds during conflicts. The large-scale forced migration is a growing concern as millions of people are displaced by war, state repression, and natural disasters. While some have been forced to take refuge across national borders, many others are displaced within their own countries.

It has been found that a large number of native Africans were forced to work on sugar and Cotton plantations in America. It is estimated that 14 million Africans were shipped to America until the nineteenth century, when slavery was abolished (Chandna and Sidhu, 1992). In the mid-1970s, due to the civil war in Angola, a large number of European settlers in South Africa emigrated. Additionally, in the 1960s and early 1970s, a significant emigration of Asians, mostly Indians, occurred from East Africa.

The population exchanges between Greece and Turkey at the end of World War- I; the expulsion of Germans from the Sudetenland following World War II; the expulsion of indigenous Arab populations with the establishment of the state of Israel in 1948; the ethnic cleansing that characterized the Balkan wars in the 1990s - all are examples of largely involuntary waves of migration (Cohen, 1997). The UNHCR reports that the total stock of forced migrants reached slightly more than 20 million in 2003 (Moore & Shellman, 2004).

It is said that the Chinese, particularly those from the provinces of Fukien and Kwangtung, mostly migrated to South-East Asia. Between 1900 and 1940, approximately 12 million Chinese immigrants arrived in peninsular Malaysia and Singapore, primarily as workers, with a few also becoming traders (Chandna and Sidhu, 1992). Although a small proportion of Chinese are found in Indonesia and Thailand, they form an absolute majority in Singapore and comprise as much as 35 per cent of the population of peninsular Malaysia. But in the post-World War II period, the proportion of Chinese migration to these areas had declined.

During the British rule, Indians, mostly as indentured labourers, migrated to Sri Lanka, South-East Asia, East Africa, the West Indies, and Fiji. Over time, they settled in these places. Most of the Indian emigrants were from South India, specifically the Madras State, which is now known as Tamil Nadu. During the British colonial rule, as the British rulers in Sri Lanka planned to develop the plantation economy, a large population of Tamil stock from India migrated to Sri Lanka as estate labourers to work on the coffee and tea estates. This labour force has substantially

contributed to the development and growth of Sri Lanka's plantation economy, which served the colonial interest. Apart from this, the partition of India in 1947 also resulted in a large-scale migration. However, in this case, the flow of the people was a two-way affair. Indian emigrants to South Africa were mostly labourers, and in other parts of Africa, they worked on plantations (UN World Population Trends, 1990). Regarding Indian emigrants in England, most of them came from the Punjab and worked in factories as unskilled laborers (Rao, ed., 1986).

Although the Japanese migrated and settled in Malaysia and its neighbouring countries, the majority of them were repatriated to Japan after World War II. The Japanese also migrated to Latin American countries, especially to Brazil. In the post-World War II period, Japan received hundreds of thousands of South Korean immigrants. In the 1970s, migration from South Vietnam is estimated to have been about 150,000, with most of them migrating to the United States (Chandna and Sidhu, 1992).

Forced migrants comprise a significant minority in Sub-Saharan Africa, the Caucasus, the Balkans, the Middle East, Central America, and Central and South Asia (Francis, 1987). Many international migrants have been forced to leave their home countries and seek refuge in other nations. The basic tenets of forced migrants are the following-

- Forced migrants are compelled to leave their country or birthplace within or outside due to persecution, human rights violations, state repression, conflict, war, etc.
- They depart on their own initiative to escape these life-threatening situations. Although in a growing number of cases, they are driven from their homes by governments and insurgent groups intent on depopulating or shifting the ethnic, religious, or other composition of an area.
- In other cases, migrants are forced to move by environmental degradation and natural disasters or man-made disasters that make their homes uninhabitable.
- Some manage to escape their countries and find temporary or permanent refuge abroad. At the same time, an alarmingly large number remain trapped inside or are forced to repatriate before the conditions in their home country change significantly (Martin, 2001).

(II) Illegal, Undocumented or Unauthorised Migration

Illegal migration, also known as undocumented, irregular, or unauthorised migration, occurs when individuals circumvent the rules of prevailing migration without the knowledge of

the relevant authorities. Illegal migration typically occurs in systems where there is a lack of clear migration policies, administrative inefficiency, porous borders, imprecise or incompatible laws, or complex regulations and policies. In many cases, migrants, with or without the collusion of their employers, knowingly circumvent or break the rules and regulations of the host country (UN, 1984: 17). Illegal migrants refer to those people who, in search of employment opportunities, enter a country without possessing any necessary documents or permits (Castles, 2000). Illegal migrants are “a variety of different phenomena involving people who enter or remain in a country without authorisation or by breaching the law of a particular country” (GCIM report, 2005).

The concept of illegal or irregular movement of people is relatively a recent phenomenon, and it has become more relevant as nation-states started formulating and implementing rules governing the entry and exit of foreigners. A popular perception of illegal migration is that people who migrate with the intention of living in another country temporarily or permanently and working illegally there often enter clandestinely or with forged documents according to the 1998 Europol Convention, stated that ‘illegal migrant smuggling’ comprises “activities intended deliberately to facilitate for financial gains the entry into residence and employment of an alien in the territory of the state, contrary to the rules and conditions applicable in such a state” (Lama, 2006).

According to Convention No. 143, adopted by the 1975 ILO conference, illegal migration is defined as those movements where migrants find themselves “during their journey, on arrival or during their period of residence and employment (in) conditions contravening relevant international multi-lateral or bilateral instruments or agreements or national laws and regulations” (Lama, 2006). Thus, it shows that the figures related to illegal migration can vary from entry, residence, and occupation to departure from the host country.

Another category of illegal migrants that is commonly witnessed is those who enter a country legitimately and then overstay the period for which they have permission to remain or enter. On the other hand, the forced migrants flee from their country under difficult circumstances primarily for safety, food, and shelter. Tapinos has identified six categories of such migrants:

Migrants who have entered the country legally with a legal residence permit, but who are working illegally, either because the job is not declared or because their residence permits do not allow them to work.

- a) Migrants who have entered the country legally, who are living in the country illegally (either because their work permits are invalid or have expired, or because they do not have a residence permit), and who are working illegally. It is assumed that a migrant without a residence permit cannot work legally under the current legislation.
- b) The same category as above, but covering inactive migrants.
- c) Migrants who have entered the country clandestinely, who have no residence permit, and who are working illegally.
- d) The same as category above, but covering inactive migrants; and
- e) Migrants who have entered the country clandestinely and have a residence permit (e.g., following regularization, or by variation in their status through marriage) and are working illegally (Tapinos, 2000).

About 10 to 15 per cent of the migrants in developed countries are unauthorised, and most of them are found in the US, much less in Australia and Canada. These migrants typically enter by illegal means, and many of them (about 40 per cent in the US) enter legally but fail to return when their visas expire. The other category of migrants who enter with proper visas but violate their terms, usually by engaging in gainful employment. In Japan, approximately 400,000 undocumented migrant workers are often found in jobs characterized by the “three Ks”: kiken, kitsui, and kitanai, or “dangerous, difficult, and dirty” (Papademetriou, 1997-1998).

Asia is notable for having relatively large numbers of students, trainees, and migrant workers moving to their richer neighbours illegally. There were approximately 15 million Asians abroad in 2005, including more than half from the Philippines. However, fewer than three million of these Filipinos are guest workers with contracts, while most of the 400,000 Vietnamese are legal or irregular migrant workers (Martin, 2008). According to the UNDP, Human Development Report, “an estimated 50 million people are living and working abroad with irregular status. Some countries, such as Thailand and the USA, tolerate large numbers of unauthorised or illegal migrants” (UNDP, 2009).

The hot spot on the global illegal migration, in terms of volume, has been the US-Mexico border. The problem of illicit large-scale migration originated with the beginning of the Bracero program in 1942, which imposed rigid rules governing the employment of Mexican workers in US agriculture. The migrants through this program were provided with transportation, housing, and

wages paid at the same rate as those of US workers. The Mexican workers were expected to sign up on their side of the border and wait to be recruited officially, which the migrants found to be excessively rigid rules. As a result, large numbers of Mexicans migrated illegally. When the Bracero program was terminated in 1964, undocumented Mexican workers continued to cross the border seeking primarily seasonal jobs in the agricultural sector (Djajic, 2001).

Approximately 0.5 million persons enter the USA, Canada, Australia, and New Zealand illegally every year. Estimates of persons entering countries of the European Union by irregular means vary from 0.12 million to 0.5 million annually (Khan, 2004). The illegal migration and employment have long been widespread, as indicated by the fact that in 1973, illicit migrants constituted 10 per cent of the foreign population of Europe. In 1954, the US repatriated over one million Mexican nationals under operation wetback (Castles & Miller, 1998). Basically, the increasingly restrictive policies adopted by countries, a greater number of illegal migrations, attractive opportunities in host countries, and the natives' growing resentment against migration on their economic and social welfare have further led to irregular migration. At the same time, fewer countries have migration control policies (Lama, 2006).

(III) Refugees

Refugees are a type of forced migrant population. Throughout human history, a person who has left their country of origin due to fear of persecution for reasons of race, religion, nationality, membership in a particular social group, or political opinion has become a refugee in another country. There is no universally accepted definition of refugees. The 1951 Convention relating to the Status of Refugees defines refugees as 'a person residing outside his or her country of nationality, who is unable or unwilling to return because of well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion' (UN Status of Refugees, 1951). However, the terms 'Refugee' and 'Migration' are often used interchangeably by the public. According to UNHCR, there are crucial distinctions between refugees and migrants, but they also share many common characteristics (Castle, 2000). According to the UNHCR, an estimated 43.4 million refugees worldwide, with almost 40 percent of the refugee population being children (UNHCR, 2024). Besides that, more than 120 million (43.4 million refugees, 63.3 million IDPs, 6.9 million asylum seekers, and 5.8 million people in need of international protection) people were forcibly displaced globally because of persecution, conflict,

violence, or human rights violations by May 2024. More significantly, most of those people are hosted by African, Asian, and Middle Eastern countries that are currently experiencing a variety of important development challenges and constraints (UNHCR, 2007).

Africa is one of the major regions in the world, having the greatest number of ‘Unsettled’ refugees, with more than 3 million in 1981, which increased to almost 5 million by the end of 2022 (UNHCR, 2024). The primary causes of refugee movements were the ethnic conflicts between the Hutus and Tutsis in Burundi and Rwanda, as well as the independence movements in the then Portuguese colonies of Angola, Guinea-Bissau, and Mozambique. Internal strife and fighting in Zaire also gave rise to refugee streams directed towards the Central African Republic, the Sudan, and Uganda (UN World Population Trends report, 1983).

In 2017, 1.2 million stateless Rohingya refugees fled from their country of Myanmar, and most of them entered and live in Bangladesh, Malaysia (90 per cent in both countries), and India (UNHCR, 2024). By the end of 2022, Europe hosted one in three refugees worldwide (36 percent), accounting for 12.4 million of the global refugee population. Even, Turkey continues to be the world’s largest refugee-receiving country, with 3.6 million refugees or 10 per cent of the total refugee population in the world. Germany hosted nearly 2.1 million refugees, which is 6 per cent of the refugee population in the world. In June 2023, the Ukraine war resulted in more than 5 million people displaced within their country and an additional 6.3 million people crossing the international border (UNHCR, 2024).

(IV) Human Trafficking

As a subset of illegal migration, there is a clear category of agent-client relationships that come under migrant smugglers or smuggling syndicates. Here, the migrants are not actually victims but a consensus client or willing migrants. The smugglers primarily work as facilitators for profit or other material benefits (Lama, 2006). The UN protocol on smuggling of migrants in relation to the UN convention against transnational organised crime (2000), under Article 3, it defines:

“Smuggling of Migrants - shall mean the procurement, to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or permanent resident. "Illegal Entry" is defined in the protocol as

'crossing borders without complying with the requirements for legal entry into the receiving states; Under the same convention article 3 of the protocol to prevent, suppress and punish trafficking in persons, especially women and children defines trafficking as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, or practices like slavery, servitude, or the removal of organs" (Lama, 2006).

There are several investigations related to the size of the problem of all kinds of human trafficking. People are trafficked from across 127 countries to be exploited in 141 countries, affecting every continent and their economy (UNODC, 2023). According to the ILO, the number of persons in forced labour, including sexual exploitation, as a result of trafficking, is approximately 27.6 million globally at the end of 2022. Out of these, 15.1 million are in Asia and the Pacific, followed by Europe and Central Asia (4.1 million), Africa (3.8 million), the USA (3.6 million), and the Arab States (0.9 million) (ILO, 2022). Thus, every 3 to 4 people out of a thousand are forced labour. The UNODC report on human trafficking, 0.2 per cent trafficking for the removal of organs, 0.3 per cent trafficking for illegal adoption, 0.7 per cent trafficking for exploitative begging, 0.9 per cent trafficking for forced marriage, 10.2 per cent forced criminal activity, 38.7 per cent trafficking for sexual exploitation or prostitute worker, and 38.8 per cent trafficking for forced labour (UNODC, 2023). In 2021, the worldwide estimates indicate that 49.6 million people are in modern slavery on any given day, either forced to work against their will (27.6 million) or in a marriage (22 million) that they were forced into (UNODC, 2022).

The US Department of State, Trafficking in Persons Report (2007) states, "the ILO, which addresses labour standards, employment, and social protection issues, estimated 12.3 million people in all kinds of forced labour, including bonded labour, child labour, and sexual servitude at any given time. Meanwhile, the other estimates range from 4 million to 27 million. Approximately 0.8 million people are trafficked across national borders. However, it does not include millions of people trafficked within their own countries. This report also estimated that 80 per cent of translational victims are women and up to 50 per cent are minors. Most of the victims are females trafficked into commercial sexual exploitation."

Trafficking is a lucrative business, and billions of dollars are being made at the expense of millions of victims. The trafficking has come under the control of international networks of organised crime as an industry which is estimated to generate, according to the UNODC \$7000 million and by the UNICEF at \$10000 million worldwide annually (Feingold, 2005). In 2009, the total illicit profit made by human trafficking was estimated at \$32000 million (Human Trafficking Statistics, 2009). Currently, the illicit profit generated is approximately \$236 billion (ILO Report, 2023). According to Hope for Justice, the estimate of modern slavery and human trafficking generates illicit annual profits well over US\$245 billion (US\$169.9 billion from sexual exploitation and US\$75.9 billion from forced labour in the private sector, including domestic servitude) every year (excluding forced marriage) (Hope for Justice, 2023). The trafficker maintains a continued exercise of control over migrants by force or fraud even after the transit through the borders. The smuggling itself can degenerate into trafficking that involves serious elements of exploitation and human rights abuse (Lama, 2006).

2.5 Theories of Migration:

It is observed that migration takes place for a variety of reasons and circumstances, and several factors, including economic, socio-cultural, environmental, and political causes, also affect the overall migration process. The conditions under which a migrant enters a receiving population can have broad implications for all parties involved in migration. The circumstances in which migrants move may produce different impressions about migration. For instance, a person who moves within a national boundary will not have the same migration experience as an international migrant or a forced migrant. In most cases, forced migrants need special services from the receiving population, such as emergency shelter, food, and legal aid. The psychological trauma of leaving their homeland and leaving family members behind can also complicate migrant's adjustment to their new environment. Considering that a migrant can be a slave, refugee, or job-seeker, or have some other reason for moving, no single theory can provide a comprehensive explanation for the migration process.¹

Migration is one of the most significant aspects of all human behavior, and a wide range of variables have been examined in search of possible determinants of population redistribution. It

¹ Theories of Migration, see <http://family-jrank.org/pages/1170/Migration-Theories-Migration.html> (Accessed on 4.3.2023).

has been suggested that demographic, political, and psychological factors exert a significant causal influence on the phenomenon. However, regardless of other variables that may be at play, migratory streams generally appear to flow from places of origin where economic opportunities are limited to destinations where they are comparatively greater (Parker, 1975). Todaro, highlighting the paradox of migration, views that people move from one country to a destination country in search of a better lifestyle or a higher standard of living through a good job, as well as an adequate level of income and savings. Thus, people might be enduring short-term difficulties in the process of achieving better prospects for economic growth and improved welfare in the longer term (Todaro, 1969).

The diverse and multifaceted phenomenon of international migration cannot be explained solely by a model that rests on a particular level of analysis at a specific point in time. In such cases, it needs a variety of studies. These theories/studies vary in terms of disciplinary perspectives and the micro and macro levels of analysis. Currently, there is no coherent theory of international migration; instead, a fragmented set of theories has been developed, largely in isolation from one another, although not always segmented by disciplinary boundaries. Current patterns and trends in migration are also often overlooked (Massey et al., 1993).

However, it is important that a comprehensive understanding of contemporary migration will not be achieved by relying on the tools of one discipline alone, or by focusing on a single level of analysis; their complex and multi-faceted nature and impact require a sophisticated theoretical treatment that incorporates a variety of perspectives, levels, and assumptions (Massey et. al, 1993). The prevailing theories of international migration with an economic basis are the 'Neoclassical Economic Theory of migration' and the 'Equilibrium Theory', the Dual Labour Market Theory, the economics of labour migration, and so on. These theories apply classic supply and demand paradigms to migration at the individual level and the household unit (Massey, 1999).

Theories of migration are important for understanding the movement of people from one place to another, which have been analyzed by social scientists at various times. Each social scientist had their own parameters, based on observations of social facts and incidents, for propounding migration theories. To understand the phenomenon of migration, these theories must be considered within their respective contexts. Again, different theories have evolved over time, depending on the nature of movement, i.e., internal and cross-border. Thus, there is no single theory that can provide a comprehensive explanation for the migration process, nor is there a

common and accepted theoretical framework. Moreover, “social scientists don’t approach the study of immigration from a shared paradigm, but from a variety of competing theoretical viewpoints fragmented across disciplines, regions and ideologies” (Massey and others, 1994).

2.5.1. Ravenstine’s Theory of Migration or Laws of Migration

Ravenstein’s ‘Law of Migration’, or Theory of Migration, is the oldest theory that has dealt with migration in a systematic manner. He was an English geographer and a Fellow of the Royal Geographic Society of England in the 19th century, who used census data from England and Wales to develop the theory “Laws of Migration” (Ravenstein, 1885). According to him, distance determines the volume of migration, and long-distance migration is only undertaken where returns or benefits are higher, or technical educational facilities are available, or the job involves adventure. He classified migrants into local, short journey, long-term, and temporary. Terms like ‘countries of Absorption’ and ‘Countries of Dispersion’ were applied by Revenstein to define the original place and destination of migrants. In fact, Revenstein originated the ‘Push-Pull’ process of migration. According to him, unfavourable situations in origin, such as oppressive laws, heavy taxation, an unattractive and dangerous climate, uncongenial social surroundings, and even compulsion, pushed the people out of a country. At the same time, favourable conditions in the destination pulled them into a country. He expressed that,

“The improved roads, the facilities offered under the railway system, the wonderful development of the mercantile marine, the habit of traveling about, and the increasing knowledge of workmen have all tended to facilitate the flow of people from spots where they are not wanted to fields where their labour is in demand. The establishment of a manufacture or the opening of a new mine rallies men to it, not only from the vicinity, but from remote parts of the kingdom. The great towns afford such extraordinary facilities for the division and for the combination of labour, for the exercise of all the arts, and for the practice of all the professions, that they are every year drawing people within their limits.” Further inducements to migrate include educational facilities, the salubrity of the climate, and the affordability of living. In a few instances, such as for convicts or soldiers and sailors, migration is even compulsory. In some cases, as with soldiers and sailors, migration is even mandatory. It shall be our task to trace the extent of this migration throughout the United Kingdom, and to point out some of those laws which appear to govern it” (Ravenstein, 1885).

In his article ‘Laws of Migration,’ he tried to explain and predict migration patterns both within and between nations with the help of his ‘seven laws of migration,’ and they are: We have already proved that the great body of our migrants only proceeds a short distance, and that there takes place consequently a universal shifting or displacement of the population, which produces ‘currents of migration’ setting in the direction of the great centers of commerce and industry which absorb the migrants;

- a) “It is the natural outcome of this movement of migration, limited in range, but universal throughout the country, that the process of absorption would go in the following manner-
- b) The inhabitants of the country immediately surrounding a town of rapid growth, flock into it; the gaps thus left in the rural population are filled up by migrants from more remote districts, until the attractive force of one of our rapidly growing cities makes its influence felt, step by step, to the most remote corner of the kingdom. Migrants enumerated in a certain center of absorption will consequently grow less with the distance proportionately to the native population which furnishes them
- c) The process of dispersion is the inverse of that of absorption, and exhibits similar features;
- d) Each main current of migration produces a compensating counter-current;
- e) Migrants proceeding long distances generally go by preference to one of the great centers of commerce or industry;
- f) The natives of towns are less migratory than those of the rural parts of the country;
- g) Females are more migratory than males” (Ravenstein, 1885).

2.5.2. Stouffer’s Intervening Opportunity Model

Another prominent theory related to migration was introduced by American sociologist Samuel A. Stouffer in 1940. In his book “*Intervening Opportunities: A Theory Relating Mobility and Distance*,” he discusses the “Theory of Migration,” also known as the “Intervening Opportunity Model,” emphasizing that the intensity of migration between two places does not necessarily depend on population size and distance. Rather, factors such as various opportunities that exist in and between these places play a decisive role, which he terms ‘intervening opportunities.’ The theory proposes that:

“The number of persons going a given distance is directly proportional to the number of opportunities at that distance and inversely proportional to the number of intervening opportunities. Another way of stating the same hypothesis is that the number of persons going a

given distance is directly proportional to the percentage increase in opportunities at that distance. Symbolically, let y = the number of persons moving from an origin to a circular band of width Δs , its inner boundary being $-i/2\Delta s$ units of distance from the origin or center of the circle, and its outer boundary being $s+i/2\Delta s$ units from the origin. (Distance may be measured in units of space, or even of time or cost). x = the number of intervening opportunities, that is, the cumulated number of opportunities between the origin and the distances. (Opportunities must be precisely defined in any employment of the theory. The appropriate operational definition will depend on the type of social situation investigated. This is the hardest problem in any practical application..... a precise definition, relevant to the concrete study here made, is developed.) Ax = the number of opportunities within the band of width Δs . Then, we postulate $Ay = \lambda \Delta s x \Delta s$. This mathematical formulation has the virtue of precision and, with the aid of operational definitions of distance and opportunity, lends itself to verification. It merely says in symbols what is said more picturesquely and less precisely in the statement: A basic concept in handling movement and distance is the ratio of opportunities in the promised land to the intervening opportunities” (Stouffer, 1960).

Stouffer concluded that:

“.... even where numerical data are inadequate for direct application of the theory of intervening opportunities, the general idea may be useful as a basic organizing principle in accounting for the tendency toward certain types of spatial patterns of population. It may be found that there are certain types of mobility which cannot be subsumed within the present theory, for example, the importation of a train-load of Mexicans from southern Texas to a northern industry. At the same time, it may be found that other sociological phenomena, such as the relationship of spatial propinquity to the selection of marriage mates, the relationship between certain types of crime and the residence of criminals, the choice of colleges, and the utilization of leisure time in vacation travel, may be illuminated by application of the general theory.” (Stouffer, 1960).

2.5.3. Lee Push-Pull Theory of Migration

One of the leading theories of migration is the ‘Push-Pull theory,’ which was developed by Everett Spurgeon Lee in 1966. He has conceptualized the factors that influence an individual’s

decision to migrate or not. The process of migration was dependent on individual calculations, which were based on positive factors at the destination or where they wanted to go, as well as negative factors associated with the area of origin. Lee divided the factors into the following four categories: (1) Factors associated with the area of origin; (2) Factors associated with the area of destination; (3) Intervening obstacles; and (4) Personal factors (Lee, 1966).

Lee elaborates on the four categories by pointing out that, in each area, numerous factors act to drive people away from the area of origin, hold them in the area, or attract them to it. In this respect, there are significant differences between the factors associated with the area of origin and those associated with the destination location. Migration may occur after both have been properly weighed. Usually, however, a person has a better and more realistic understanding of their place of origin, while their knowledge of the place of destination is somewhat superficial and imprecise. Intervening obstacles also must be overcome before migration finally takes place. These include distance and transportation obstacles and cost. Technological advances, however, have lessened their importance in modern times. Finally, personal factors are of the utmost importance because, rather than the actual factors associated with the place of origin and/or destination, the individual's perception of these factors is found to influence the actual act of migration (Avasarkar, 2012).

We will examine the motivation for migration by considering how the relationship between the origin and destination places is affected by Push and pull factors. Push factors exist at the point of origin and act to motivate migration, such as a lack of economic opportunities, war, ethnic conflicts, environmental disaster, fear of genocide, and inadequate education facilities. On the other hand, pull factors are present at the destination, which attract migrants, such as employment opportunities and availability of work, conducive educational facilities, and religious or political freedom. Push and pull factors are paired; that is, migration can occur if the reason for emigrating (the push) has a solution in the form of a pull by the destination. In the context of labor migration, push factors are often characterized by the lack of job opportunities in the sending areas or countries. In contrast, pull factors are the economic opportunities available in the receiving areas.

Although Lee pointed out that the flow of migration between the country of origin and destination also depends on the intervening obstacles or calculations of risk involved throughout the migration process, these include the distance between places, a lack of transportation facilities, inaccessibility due to topography (such as rugged mountains and physical barriers), and restrictive immigration laws. The flow may not be strong in the presence of such intervening obstacles. The

number of migrants is directly proportional to the extent of opportunities (the pull factors) available at the destination and inversely proportional to the challenges that intervene. The potential migrant may also consider the intervening obstacles as intervening opportunities, that is, the presence of other places between the origin and destination points to which one could migrate. Therefore, the volume of migration from one country to another is associated not only with the distance between places and the number of people in both places, but also with the number of opportunities or obstacles between each place. Therefore, the decision of an individual to migrate is never completely rational. The main problem with the theory is that it fails to give attention to rural-to-rural migration, particularly from less-developed or underdeveloped countries (such as Bangladesh, Nepal, and Bhutan) to another developing country (like India). The phenomenon of immigration from Bangladesh, Nepal, or Bhutan to India (like Assam) is not only characterised by economic factors but also by other factors like political, environmental, and so on (Nandy, 2005).

2.5.4. Network Theory

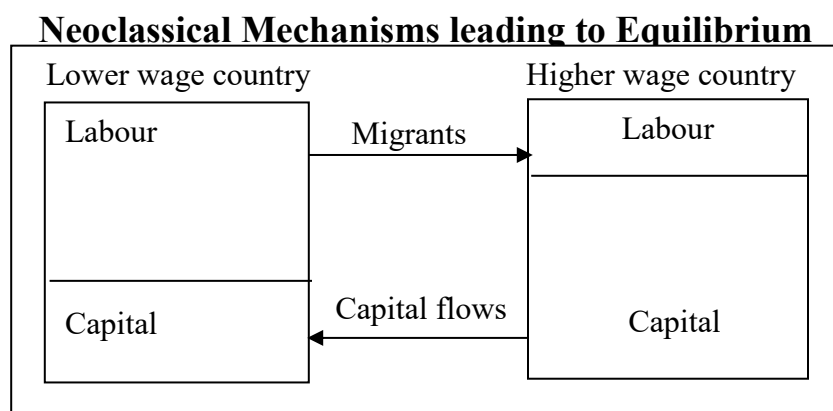
Aristotle said that Man is a social animal; they prefer to live with their family and companions. If a person decides to relocate, they always prefer those areas where their family members or colleagues live. According to the Network theory, individuals always follow the pathway of their family to migrate to the destination country rather than any new location or environment. In this context, both the migrant and their family members rely on the pre-existing networks in the host country that facilitate their adaptation into an unfamiliar environment. Therefore, networks constitute an essential element of the migration process; they influence migrants' destination choices. Those who wish to migrate to any foreign country always collect all the detailed information about the destination country or region from those who have previously completed the journey. Thus, migration networks consist of relationships between migrants, former migrants, and non-migrants within their respective locations and places of residence, which are established through family, friendship, and community-based connections (Massey, 1994:728). From this theoretical perspective, we can understand Bangladeshi migrants in Assam. Bengali Muslim migrants entered the Dhubri and South Salmara-Mankachar border districts of Western Assam because their family members lived in this region. On the other hand, both districts are predominantly populated by Bangladeshi Muslims, and new immigrants (legal/illegal) from Bangladesh always prefer to migrate to this region. Their family members and relatives help them

prepare necessary documents (most of the time, fake documents) for them. If an individual entered Assam illegally from Bangladesh, it becomes difficult to identify and detect them because of the common language, culture, and facial features with the Assamese. Even if an immigrant faces any problem after or during migration, they contact their family members and their organisations, which helps them to solve the problem. Therefore, network theory is important for understanding illegal migrants in Dhubri and South Salmara-Mankachar.

2.5.5. The Neoclassical Economic Theory

Currently, the Neoclassical Economic theory of migration is an important theory for analyzing cross-border migration. The neoclassical economic theory of international migration assumes that people will migrate to maximize their income, savings, and standard of living. The theory assumed that people would continue to migrate elsewhere until they were satisfied with their wages and benefits. According to Larry A. Sjaastad and Michael P. Todaro (1969: 578-79), international migration is associated with the global dynamics of demand and supply of labour. In a country where there is a shortage and high demand for labour (skilled and semi-skilled) will offer high wages, which will attract people to migrate from countries with a labour surplus.

Fig-1.2



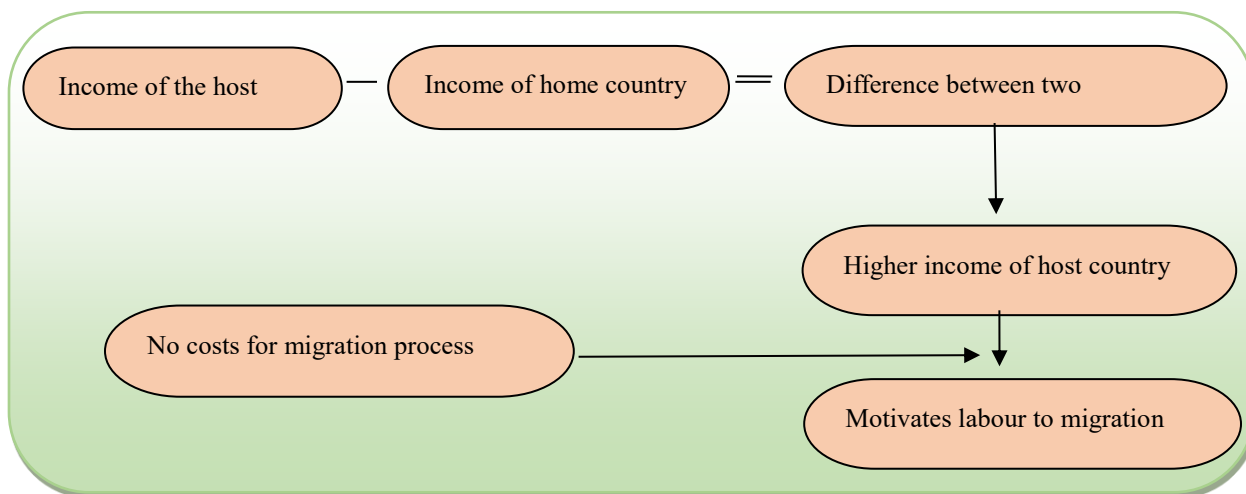
Source: Jennissen, Roel (2007) Causality Chains in the International Migration Systems Approach.

Massey and others analyzed that traditional economics interprets international migration as a straightforward aggregation of individual cost-benefit calculations aimed at maximizing anticipated earnings through moving abroad (1994: 701-702). This theory believes that migration increases when it is determined that net income in the emigrant country is higher, after subtracting the migrant's income in their home country from the income in the destination country, if there are

no significant costs associated with the migration process (see figure 2.3). On the other hand, individuals choose undocumented migration after they calculate all the risks associated with entry and deportation from their dream country.

Fig-2.3

Neoclassical Economic theory cost-benefit analysis for migration



Sources: Nilanjan De, PHD thesis “Migration in a historical perspective: a case study of Tripura,” Shodhganga 2009 (Accessed on 13.12.2023).

According to the theory, individuals will migrate from countries where they receive low wages to countries where their net wages are expected to be highest. Therefore, they concluded that “the movement of workers from one country to another is a product of differences in wage rates between countries” (Massey et al, 1994: 747). According to this theory, there is a presence of inequality in labor and capital between demand countries and supply countries. It also acknowledges that underdeveloped and developing countries have a large number of young workers, which is a burden on them, whereas developed countries have capital but a shortage of labour. Therefore, the developing countries become suppliers of cheap labour, and developed countries are ready to accept them. Regarding the main determinants of international migration, the theory claims that “labour markets are the dominant mechanism through which international labour exchange occurs; other types of markets do not have a significant impact on international migration.” As per this theory, the process of migration will continue if this disparity or imbalance in the supply and demand of labor and capital exists.

Due to criticism of the neoclassical economic theory of migration, it does not consider other factors, such as political, social, or ethical, etc, that are important in making decisions to migrate or not. Later, they realized the problems and emphasized macro-economic conditions for international migration, specifically on individual decision-making about the risks associated with migration processes. This theory claims that an individual who migrates from their place of birth to a new location not only analyzes income, savings, and livelihood aspects, but they also calculate socio-economic factors, such as travel routes and expenses, costs for job search, lifestyle expenses, the challenges of learning a new language and culture, adapting to a different labour market, managing psychological stress and all others issues associated with migration (Douglas, 1994: 436-37). In summary, if an individual determines that these costs are manageable, they will decide to migrate.

In the early 1990s, globalization significantly impacted the global market, particularly the labour market. Even the global economic crisis led to a slowdown in industrial growth, and the formulation and implementation of international migration policies changed the behaviour of economic migration. In reality, the success or failure of the labor market leads to varying degrees of change in migration patterns in a host country. When the labour market is struggling, it tends to discourage immigration; conversely, a booming labour market encourages migration toward the host country (Douglas, 1994: 443). This “macro-economic migration” theory does not argue for the existence of a perfect market; rather, it focuses on push-pull factors and considers that the changing face of the markets and the volatility of economic conditions ultimately influence the pattern of labour migration (Jenkins, 1977: 179). The ‘Macro-Economics of Migration’ acknowledges the existence of global economic inequalities that lead individuals to make rational decisions to enhance their socio-economic prospects. A push factor is a compelling force related to the country from which a person immigrates. It represents a stress or hardship that drives a person to move from a particular place, with issues such as job scarcity, limited economic opportunities, and loss of wealth being significant economic push factors highlighted by this theory. This theory claims that migration takes place to “self-insure against risks associated with income, production, and property, or to gain access to limited investment capital” (Douglas and others, 1993: 711). Hence, the Neoclassical Macro-Economic theory of migration does not consider an individual’s decision to immigrate to a particular country.

Another important neoclassical economic theory of migration is the “Dual Market or Segmented Labour Market.” Michael J. Piore, in his book *“Birds of Passage: Migrant Labor in*

Industrial Societies” (1979), proposed this “Dual Market” theory of migration. The Dual Market theory believes that “the continuous demand for foreign labour makes international migration essential and is an inherent part of the economic structure of modern industrial states” (Douglas, 1994: 441). This model categorizes the international labor market into two segments: primary and secondary. The primary segment is defined by capital-intensive production methods, whereas the secondary segment relies on labour-intensive production methods. The skilled labourers employed in the primary department are trained to operate the advanced technologies and capital equipment with attractive wages and enjoy a higher social status than those who engage in the unskilled or semi-skilled labour with lower wages in the secondary segment and are oppressed by society. On the other hand, the second segment of job opportunities is always available in the labour market, which is one of the great advantages for semi-skilled and unskilled workers. According to Michael J. Piore -

“Migration: (1) is a response to general labor shortages; (2) satisfies the need to fill the bottom positions in the social hierarchy; and (3) meets the requirements of the secondary sector of a dual labor market,” and “migration is not caused by push factors in sending countries, but by pull factors in receiving countries.” (Piore, 1979: 26).

The above discussion clearly shows that it is relatively impossible to explain the different dimensions of migration and its impact on both sending and recipient countries in a single theoretical explanation. This is particularly true in the case of Bangladeshi migration into Assam. To gain a clearer insight into the situation of Bangladeshi migrants (legal/illegal), it is essential to incorporate different models and theoretical perspectives on migration, considering both broader and local contexts. Although we have considered some contemporary theories, such as equilibrium and new economic theory, to explain the circumstances of Bangladeshi migrants, we also tried to reinterpret many other theories.

According to the Equilibrium approach, migration is the result of a pre-planned process for an individual or family. This theory also portrays migration as the movement of labourers in response to inequalities in the geographical distribution of cultivated land, workforce, capital, and natural resources. The Equilibrium approach is significant for analyzing international migration between countries that have a similar nature of socio-cultural and economic conditions. In the case of migration from Bangladesh to Assam, it is essentially true that this movement has been driven by the unequal distribution of cultivated land, workforce, capital, and natural resources in

Bangladesh, which has resulted in the exodus of people from that country to India. This theory also assumes that international migration occurs in a country that is culturally homogeneous in nature. In this regard, Bangladeshis (both Hindus and Muslims) always prefer to migrate to the northeast states of India, especially in Assam, due to its cultural and ethnic homogeneity is rooted in the long footprint of history. Additionally, the theory suggests that migration takes place on account of uneven economic development between countries, causing people to migrate from lower to higher wage countries. Hence, these uneven economic developments of India and Bangladesh can be seen as a driving factor for migration.

The Neoclassical theory suggests that migration is driven by factors such as supply and demand for labour, as well as wage differences. It views migration as a decision-making process where individuals evaluate opportunities unavailable in their place of origin. From this perspective, migration is a 'cost-benefit analysis' in which people aim to maximize their income by moving to areas with better earning potential. Additionally, labor shortages in advanced developed countries also influence this type of migration. Migrants are attracted to countries with high wages and strong demand for labour. During the British period, the need for labor in Assam's available cultivated land significantly affected population movement, with wage workers recruited from Bangladesh and central India through the labour import policy. Migrants were offered land and higher wages to encourage settlement in Assam and to exploit the natural resources. Therefore, the Neoclassical theory of migration is useful for studying the initial migration history of Bangladeshis into Assam.

The theoretical assumption of 'Macro-Economics' of migration is also partially applicable in this research, as "international migration arises from failures in other sectors and markets that impose severe material deprivation on households and obstacles to their economic progress" (Massey et al., 1994: 711). Undoubtedly, economic deprivation is the main driving force behind migration from Bangladesh to Assam. Nevertheless, in many cases, their living conditions and employment patterns in Assam indicate that their "basic need is to fill their stomachs" (Nandy, 2005: 6). According to Willem van Schendel, migration from Bangladesh can be seen as a form of 'self-rescue' (2005: 211). According to the 'Dual Labour Market or Segmented Labour Market' theory of migration, instead of increasing labour demand in India during the colonial and early 1990s, individuals are escaping from Bangladesh due to poverty, hunger, high population density, unemployment, criminal activity against humanity, political and religious oppression, governmental indifference, and a bleak future in Bangladesh. The result of the segmented labour market theory is the establishment of "immigrant enclaves," as explained by Alejandro Portes

(Massey et al., 1994: 718) or characterized by a “growing enclave economy” that creates opportunities for new immigrants (Massey, 1999: 306). This trend is quite common in Assam as well as other parts of India. This is a common phenomenon in Assam and other northeast states in India.

Chapter-3

Patterns and Trends of Migration in Assam

3.1 Historical Background:

Assam is a part of the northeast Indian region; the state is of more concern in the context of India's security perspective. Bangladesh and Bhutan share their international border with Assam. They also share common socio-cultural values, which had the major motivation of migration. Although influx also enters Assam, not only crossing the immediate international border line, but they also use several states such as Arunachal Pradesh, Nagaland, Manipur, Tripura, and West Bengal. Assam, being the confluence of several languages and ethnic groups, has been the destination since time immemorial. Several push and pull factors are responsible for triggering migration from neighboring countries to this northeast state. Assam has a long history of people migrating from neighboring countries. People are migrating from their country of origin due to they are facing high population density, war, domestic acts of violence, environmental or natural disasters, economic hardship, communal conflict, lack of employment opportunity, political and social instability, and state repression, triggering migration to Assam, India. The migration of Bangali Hindus from Bangladesh to India is driven by state policy and the outbreak of communal conflict in that country, but Bengali Muslims and others are migrating from Bangladesh due to economic and employment opportunities. On the other side, the Maoist conflict in Nepal and Bhutan destroyed the political and economic foundation, leading to instability, for which many of them chose migration as an option for livelihood.

Previous chapter, we analysed the conceptual and theoretical background of migration. In this chapter, we seek to analyse the historical patterns and trends of migration into Assam. Historical movement of people from neighboring countries and other parts of India to Assam. We analyse important historical events of migration processes. In this chapter, we also discuss recent time 'student movements and the change of political scenario in Bangladesh (which is called the July Revolution 2024) to motivate people to migrate. Both primary and secondary sources have been used to analyse in the chapter. The primary sources include Census reports, Assam districts gazettes, Census report of Bangladesh, reports of the Ministry of Home Affairs, records of

Parliamentary and Assam legislative debates, reports of Border Security, and others. It also includes reports of the IOM, ILO, UNHCR, OECD, Asian Development Bank, UN, World Bank, and other NGOs. Meanwhile, the discussions with the experts, politicians, and academicians conducted during the field survey in the Dhubri district of Assam have also been added to analyse the causal factors. The secondary sources range from books, articles, newspapers, unpublished documents, and reports related to the case study.

3.2 Early Migration Pre-Colonial Period

Assam consists of 35 districts (5 divisions), covers an area of 78,438 square kilometers (30,285 sq. mi), and has an estimated more than 31 million people (2011 census), and it is anticipated to reach more than 35 million by 2021. It is the second largest state in northeast India in terms of geographical area and the largest in terms of population. It is roughly the size of the state of the Czech Republic, and the population is approximately to Canada (36 million). It is the 16th state of India in terms of area and the 15th in terms of population among Indian states. The density of population is 397 per square kilometer (1030 sq mi), which is above the Indian average of 382 (census 2011). Assam shares an international border with Bangladesh, and is one of the world's highest-density populations, 1165 per square kilometer (170 million in the 2022 census report). From the ancient and colonial period, Assam and Bangladesh share a common socio-cultural and linguistic heritage. Therefore, from the period of pre-colonial time, Bangladeshi (both Hindu and Muslim) have migrated to Assam. Historically number of ethnic communities had migrated to Assam for a better life, employment, education, security, etc. So, Assam is the safe home of millions migrated people over history.

The history of migration in Assam began in ancient literature, and references to human migration into the region can be found in Indian religious texts such as the Mahabharata, the Ramayana, and the Puranas. The earliest migratory peoples were primarily from non-Aryan Mongoloid stocks, and they were referred to as Kiratas in the Puranas and the two epics, the Mahabharata and the Ramayana, according to B.K. Barua (1951) claims that the term Kiratas seems to refer to all races with Mongolian-like characteristics along India's eastern frontiers. The Mahabharata describes that Narakasura, the legendary Kirata monarch of Pragjyotishpur-Kamarupa, extended an invitation to a significant number of Aryan individuals from Northern

India to foster the advancement of Aryan² culture in this area. The Aryans migrated to Assam between the 2nd century BC and to 1st century CE (Guha, 1984). Aryan migrated from the Gangetic Plains to a territory already settled by inhabitants who spoke Austroasiatic and Tibeto-Burman (Taher, 2001; DeLancey, 2012). Similarly, in the sixth century CE, Bhuti Varman, monarch of the Varman dynasty of Kamarupa, welcomed two hundred Brahmins and gave them exclusive Agrahara territories to advance Vedic culture and religion (Barua, 1951). During the first and second centuries CE, the Aryan people migrated into Assam, particularly to the Brahmaputra River Valley, either by peaceful infiltration or assault (Barua, 1951). Chinese people had been migrating to Assam even before the Christian era. The Buddhist people from Upper Burma, who are today known as *Khamyang*, *Khamti*, *Phakial*, and *Asitonia* tribes, also migrated to Northern Assam (Bhuyan, 1977).

The early history of migration into Assam commenced with the Ahoms. They migrated from Thailand in the early 13th century (1228 CE) and governed over Assam until 1826 CE. The 13th century was also characterized by Muslim invasions of Assam, the first of which was commanded by Muhammad Bhakhtiyar Khalji from Bengal in 1205 CE. Allauddin Hussain Shah, on his failed invasion attempt of Assam in 1498 CE, was expelled from Hajo in the present-day Kamrup District. This may have been Assam's earliest documented Muslim settlement (Barua, 1966). During the 17th century, the Ahom kingdom was invaded by several Mughal invasions. Therefore, some Muslims resided in Assam as war captives, travelers, or religious preachers. They eventually assimilated into the local culture and identity. Hindu *Vaishnavism* flourished in Assam's Brahmaputra region in the sixteenth century (Weiner, 1983).

3.3 Migration During Colonial Period, 1826-1947

The roots of modern-day migration into Assam began with the influx of the British in 1826 CE. The entire northeast was eventually brought under the administration of the British East India Company, which had its administrative center in Calcutta. In 1838, Assam became part of the Bengal Presidency. Assam was separated from Bengal Presidency by the British in 1874 and given to a Chief Commissioner, whose capital was Shillong (Weiner, 1983). The primary objective of the British colonial interest of administrators was to capture Assam from the control of the Burmese

1 Term Aryan denotes a linguistic group of 'Indo-European origin,' not an ethnic group. In early India, the Aryans were shown as 'the Aryan speaking people.'

intruders. The British discovered Assam's abundant natural resources during the conquest process, particularly during Captain Welsh's expedition in 1793. After seizing control of Assam's government in 1826, the British started producing tea in 1839, mining coal, and setting up sawmills to take advantage of the state's vast forest resources. At Digboi, oil field excavation started in 1890. In 1881, they (Britishers) had started building railways to transport their products across the state. By 1903, more than 300 million rupees had been invested in the development of coal, tea, oil, sawmills, and railways, and 1,150.68 kilometers of railway track had been constructed (Guha, 1988). However, the British Government had to hire cheap labourers from outside Assam due to the local people refusing to work in professions such as trade, commerce, engineering, accountancy, tailoring, insurance, and management. This was also combined with other elements such as the ongoing decline in the Assamese population due to the Moamaria³(epidemic) uprisings, the Burmese attacks, and the "Black Fever"⁴ (Kalaazar) pandemic, which initially surfaced in Goalpara in 1883, before spreading all over the Assam territory in 1888. To solve the labour shortage Problem in the tea plantations industry, they hired tribal people on a contract basis from Bihar, Bengal, Orissa, Madhya Pradesh, Gujarat, Uttar Pradesh, and Madras (now Chennai). Most of the tea labourers departed from the tea plantations once their contracts expired, and they (former tea garden workers) chose to live nearby to the tea garden as farmers and part-time or semi-part-time workers to help out by picking and hauling labours (Barpuzari, 1998).

In 1891, it was estimated that there was a total of 423,199 tea tribe migrants in Assam; by 1901, that number increased to 654,000 (Census of India, 1951). According to the 1921 Census Report, there were 1.3 million tea tribe labourers and their descendants, or one-sixth of the state's entire population (Weiner, 1978). From 1971 to 1981, it increased escalated 2.9 million to 3.4 million correspondingly (Baruah, 1999). The tea tribe migrants gradually adopted the Assamese way of life and considered Assam as their ancestral homeland. As a result, Assamese people recognized them as natural immigrants. Today, Assam's tea tribes have emerged as a deciding element in politics, and their representatives are demanding scheduled caste affiliation according to their tribal background.

³ The Moamaria rebellion (1769-1805) in Assam was a significant 18th-century uprising by the Moamoria (also known as Matak) followers of the Mayamara Satra against the Ahom kingdom, ultimately leading to the weakening of the Ahom kingdom and paving the way for British colonization (Gogoi: 2015).

⁴ According to WHO, "Black Fever," also known as kala-azar, is a severe form of leishmaniasis, a parasitic disease transmitted by sandfly bites, and characterized by fever, weight loss, and enlargement of the spleen and liver.

Furthermore, the British colonial policies also encouraged the Bengali Hindu's to migrate from the Bengal Province. In fact, Hindu Bengalis became the first social group in the country to receive a modern Western education in English and become eligible for booming professions such as government clerks, peons, teachers in educational institutions, along with other administrative positions (Weiner, 1978). In the new system of governance, the Bengali Hindus from Dacca, Sylhet, Rangpur, Kolkata, and Mymensingh completely swapped the former official aristocracy⁵. They were primarily settled in Assam's towns and cities. They rarely engaged in Assamese cultural activities and expressed little gratitude for speaking the Assamese language (Baruah, 1999). In 1837, their control over Assam's administration led to the designation of Bengali as the official language of the state. Therefore, the people of Assamese descent recognised themselves as a threat to Assamese culture or 'cultural imperialists' (Weiner, 1978). In the early twentieth century, Assamese nationalist groups were arrayed against the British and Bengalis, who were considered as foreign rulers as well. According to the 1891 census report, nearly one-fourth of the Brahmaputra River valley's population was origin of migrant people. Therefore, the number of indigenous inhabitants of Assam may be less than 9.5 million, possibly as low as 7.5 to 8 million (Weiner, 1983). As a result, the post-independence period saw open confrontation between the Bengali and Assamese over language issues in respectively 1954, 1955, 1960, and 1972.

Beginning in the 1820s, Nepalis have been migrating to northeastern India, and their process of migration movement till continues today. The primary reason was the demand for Nepalese, especially Gorkhas, in the Frontier Police and British Regiment. During the period 1833-1839, Gorkha troops contributed to almost one-third of the total number of Assam Light Armed Forces battalions (Nath, 2006). Additionally, the potential growth of dairy production in Assam and the accessibility of pasture lands led to the encouragement of Nepalese migration. They also worked in tea plantations, mining, construction of roadways, and other jobs. In 1950, the India-Nepal Friendship Treaty, Nepalese were granted equal rights with Indians in terms of freedom of movement, business, employment, property acquisition, and other rights. Furthermore, lots of Nepalis migrated to Assam because of their Hindu religious heritage, the lack of visa permit requirements for entry into India, and even the country's greater economic opportunities. As a result, the population of Nepalis in Assam expanded from 21,347 in 1901 to 596210 in 2011,

⁵ By the beginning of the 20th century, all important white-colour jobs like doctors, lawyers, teachers, clerks, officials in railways and post offices came to be occupied by the educated Bengali Hindu migrants. Vide Barpuzari, North East India, 1998: 34.

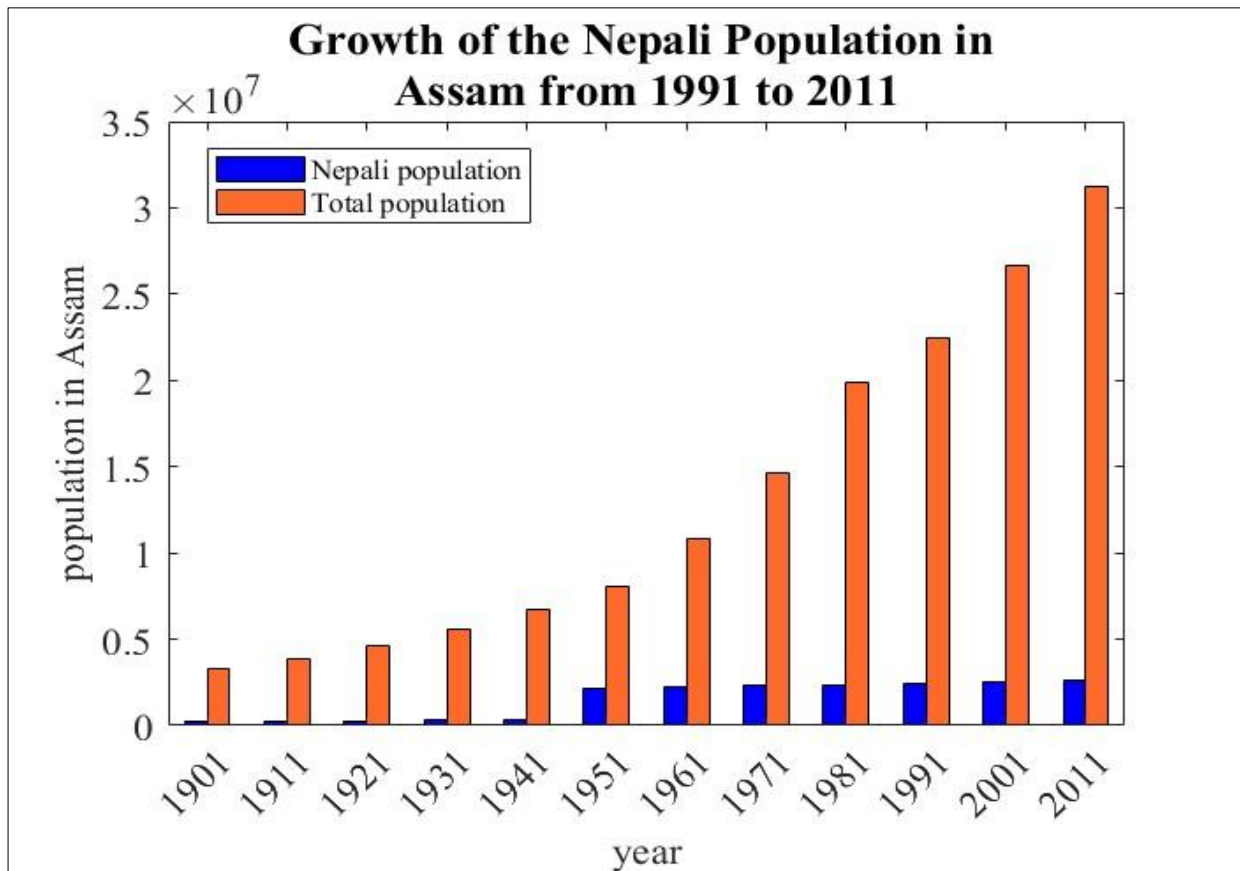
constituting 1.91 per cent of the entire population of the state (Census of India report 1901 to 2011, Assam). Today, Nepalese can be found in every district of Assam. As per the 2011 census report, Sonitpur district has the largest Nepali population, 135,525 or 7.04 per cent of the total population of the state respectively (Census report of Assam, 2011).

Table-3.1
Growth of the Nepali population in Assam from 1901 to 2011

| Year | Total Population in Assam | Nepali Population in Assam | Percentage (%) |
|-------------|----------------------------------|-----------------------------------|-----------------------|
| 1901 | 3,289,680 | 21,347 | 0.35 |
| 1911 | 3,848,617 | 47,654 | 0.67 |
| 1921 | 4,636,980 | 70,344 | 0.94 |
| 1931 | 5,560,371 | 88,306 | 1.02 |
| 1941 | 6,694,790 | 99,363 | 1.07 |
| 1951 | 8,028,856 | 101,338 | 1.26 |
| 1961 | 10,837,329 | 215,213 | 1.98 |
| 1971 | 14,625,152 | 349,116 | 2.38 |
| 1981* | 19,896,843 | 360,628 | 1.96 |
| 1991 | 22,414,322 | 432,519 | 1.93 |
| 2001 | 26,655,528 | 564,790 | 2.30 |
| 2011 | 31,205,576 | 596,210 | 1.91 |

Source: Census of India 1901-2011. * The 1981 Census was not held in Assam. Figures in approximately

Fig-3.1



The Nepalese people are renowned for their remarkable kindness and gratitude. They gradually adopt the Assamese language, culture, and way of life, as well as being incorporated into Assamese society. The Assamese rarely viewed the Nepalese as a threat. Nevertheless, they suffered from repression both during and the post-colonial period.⁶

The British commercialised economic activity was attributed to the migration of the Marwari⁷ traders to Assam, where they monopolised trade and served as moneylenders, bankers,

⁶ In 1920, the British government issued a notice to all the graziers of Kaziranga to vacate the grazing land. To expedite the notice, the forest officials burnt their houses. In 1942, the British Government filled the places with immigrants from East Pakistan. The report of the Special Officer Appointed for the Examination of the Professional Grazing Reserves in the Assam Valley in 1944 mentioned that ‘the Government has taken no action nor do they seem to have given any direction to the local revenue officials regarding the protection of the rights of the graziers. Vide Report of the Special Officer Appointed for the Examination of the Professional Grazing Reserves in the Assam Valley, 1944:11. In 1969, the Nepalese were excluded from the ‘protected class’ status. During the Assam Movement (1979-85) and also in the Movement for a separate Bodoland, Nepali migrants were also targeted. Lopita Nath pointed out that the violence and insecurity to life that the Bodo militants inflicted through ethnic cleansing forced many Nepalese to leave the region forever. Vide “Migration, insecurity and identity,” 2006: 144.

⁷ The Marwaris are a Rajasthani business class. However, the people of Assam used the acronym widely to refer to other communities, such as Sindhis, who are also involved in commerce and trade in Assam.

and maujadars⁸, and brokers of tea-garden managements in Assam (Allen, 1906). Until the 1960s, they faced any violence from the masses or any form. However, since the 1970s, some Marwari traders have faced physical assault during the Assam movement (1979-1985) and subsequent emergence of the United Liberation Front of Assam (ULFA) and the Bodo insurgency (Baruah, 1999).

Similarly, since the British entered Assam, a large percentage of people from Indian provinces such as Punjab, Uttar Pradesh, and Bihar have moved to Assam. Although the people of Bihar performed some of the most demanding occupations in Assam, the people migrated from Punjab and Uttar Pradesh, collectively with the Marwaris, were involved in trade and commerce (Baruah, 1999). According to M.C. Bhuyan, nearly ninety per cent of migrants (referred to as Hindustani migrants) from Bihar and Uttar Pradesh fled their state of origin because of extreme poverty. They engaged in occupations that the local residents hardly chose, such as daily wage labour, rickshaw pulling, scavenging, cobbler, stevedoring, laundering, barbering, and so on (Bhuyan, 1977). In the last few years, Hindustani migrants were threatened by the Bengali Muslim immigrants who also worked in these unorganised sectors.

In fact, during the colonial period, a large number of peasants migrated from erstwhile East Pakistan (now Bangladesh). Historically, Assam and Bengal provinces were connected via three land routes and one waterway⁹. Since 1826, Assam has been part of the Bengal Province. In 1874, Assam was established as a Chief Commissioner's Province. It comprised the region of Khasi-Jaintia Hills, Garo Hills, Naga Hills, Goalpara, Cachar, and Sylhet, as well as the five districts of Assam - Kamrup, Nowgong, Darrang, Sibsagar, and Lakhimpur. Cooch-Bihar, which was formerly a part of Assam, was left out of the new restructuring, while included Sylhet (a Bengali-dominated district of East Bengal province, which had no connection with Assam's history) was included. Until 1947, Sylhet was an integral part of Assam. In 1905, Assam was merged with East Bengal, which stayed until 1912. Due to the union of Assam and the Bengal Province, the

⁸ The term 'Mouzadar' refers to a person who takes tax of a mouza (revenue collection unit). Historically, they were influential hereditary aristocratic nobility figures in Assam's socio-political landscape during the feudal era from the Kamarupa kingdom to the Ahom dynasty, similar to small kings. These mighty landlords played essential roles in administration and governance, maintaining their significance until the fall of the British colonial rule (Wikipedia).

⁹ The river route connected the two territories through Goalpara via the Jennai River from Jamalpur, leading to the Pabna River, reaching the Ganges. Out of the three land routes, the first connecting Goalpara, Bogra, Rangpur, Dinajpur, Malda, Murshidabad, and Calcutta was the dak (postal) line. The second route was run via Goalpara, Singimari, and Jamalpur to Dacca. The third route passed through Guwahati, Ranigaon, Nongkhlow, Mawphlang, and Cerra, connecting Kamrup, Khasi Hills, and Sylhet. Vide John McCosh, *Topography of Assam*, (Calcutta: Bengal Military Orphan Press, 1837), 8-9.

'outsiders' population of Assam increased from less than one lakh out of a total population of 15 lakh in 1872, which accelerated in 1901 to approximately six lakhs out of a total population of 22 lakh (Das, 1982). The British administrators additionally encouraged the poor agricultural labourers to migrate from East Bengal¹⁰ to Assam to improve the unagricultural land into agricultural land. To address the population shortfall in the province, Assamese leaders such as Anandaram Dhekial Phukan also supported inviting Bengali individuals to the valley of the Brahmaputra¹¹. At the same time, other important leaders of Assam, such as Gopinath Bordoloi, Bishnu Ram Medhi, and Ambikagiri Raychaudhury, were strongly opposed to this Bangladeshi invitation.¹² During the nineteenth century, a limited number of immigrants from East Bengal entered Assam (Weiner, 1978). Since the 20th century, there has been an enormous influx of agricultural workers from East Bengal province to Assam. It was recorded that approximately 85 per cent of the overall Muslim immigrants entered into six districts¹³ of Assam from Mymensingh, which is one of the most highly populated districts in East Bengal (now Bangladesh). Even though there had been some Muslim settlers in Assam since the thirteenth century, therefore, the state's

¹⁰ The British East India Company Government needs a heavy collection of land revenue in Assam. However, they found it impossible due to scanty of population. Captain Butler, District Administrator of Nowgong, mentioned that, "...our extensive wastes or jungle cannot be cultivated with a scanty population decreased by epidemics. The people (of Assam) are not industrious or enterprising, and will not cultivate more land than is sufficient for their own wants; unless Assam is colonized from Bengal, there is no prospect or hope of the province being brought fully under cultivation for centuries to come." Moffatt Mill, the Chief Judge of Sadar Diwani Adalat of Calcutta, also argued that, "In a country like Assam where there is a superabundance of land and deficiency of labour, I strongly depreciate the granting of waste land to natives of the province...and thereby emphasized movement of people from Bengal to Assam." Vide A.J.Moffatt Mills, Report on the Province of Assam, (Calcutta, 1854: 455).

¹¹ On certain occasions, some government servants and local people helped the East Bengal peasants to come to Assam. Even some mahajans (rich persons), particularly of Barpeta, became land-businessmen, and they turned into land speculators. Vide Sailadhar Rajkhowa, Atitar Sowarani, 115-19. Jagannath Baruah, a prominent Assamese, made a statement before the Banking Enquiry Committee that "many Assamese farmers had turned into land speculators. They sold off their lands to immigrants at a good price; then they cleared new plots (pam) on wastelands and sold them again. These immigrants were financed by their own headmen (matbar) as well as by Marowari and Assamese (Barpetia) moneylenders. Even the hati (indigenous cooperative bank) funds of Barpeta were involved in this financing, to a small extent." Vide Assam Banking Enquiry Report, 1929-30 vol. 2: 508-17.

¹² In 1937, Ambikagiri Raychaudhury submitted a memorandum to Jawaharlal Nehru in this regard. In this memorandum, he mentioned that, "The Bengali Hindus and Muslims who run at one another's throats in their own province, are all in one in Assam in this respect, not with a view to fighting for the cause of national freedom, but for establishing their Bengali Kingdom in close cooperation with the British Government. There has been a serious setback to the process of assimilation with the Assamese. The Mymensingh immigrants who had voluntarily come forward to identify their interest with those of the Assamese are now persuaded to give up and are being forced to read Bengali." Vide Memorandum presented to Jawaharlal Nehru, President, AICC Jawaharlal Nehru's Tour, AICC File No 4 (1)22 1937, Assam Pradesh Congress Committee Office, Guwahati.

¹³ These six districts were reshuffled to form new districts in a later period: a) Goalpara- Goalpara; Dhubri; Bongaigaon; Kokrajhar; Part of Chirang; and Part of Baksa. b) Darrang-Sonitpur, Darrang, and Udalguri. c) Nowgong-Nagaon, Morigaon, and Hojai. d) Kamrup- Kamrup (M), Kamrup, Barpeta, Nalbari, part of Baksa, part of Chirang e) Sibsagar-Sibsagar, Jorhat and Golaghat f) Lakhimpur- Lakhimpur, Dhemaji, Dibrugarh and Tinsukia.

religion as well as cultural and linguistic structure had been drastically changed by this new Bangladeshi influx.

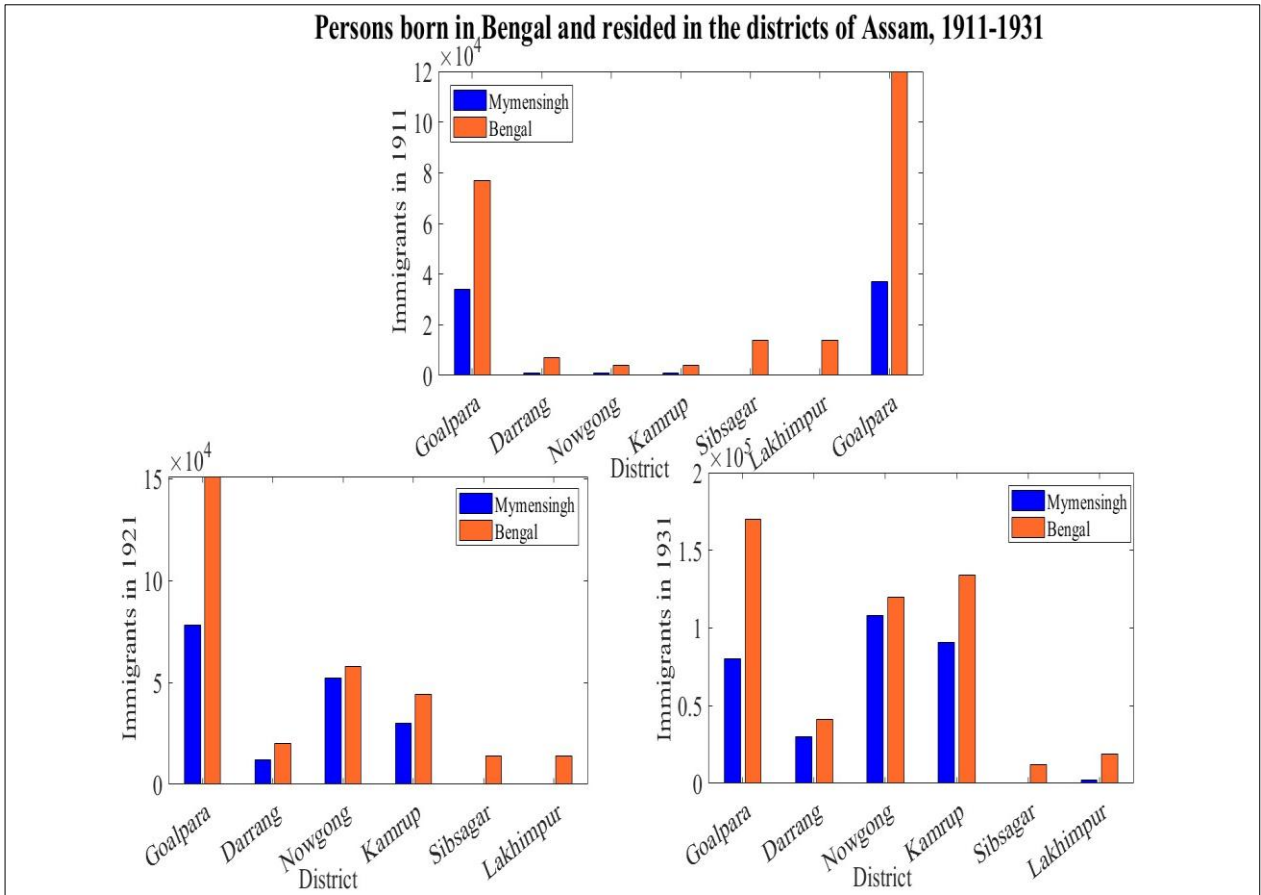
Table-3.2

Persons born in Bengal and residing in the districts of Assam, 1911-1931

| District | 1911 | | 1921 | | 1931 | |
|---------------------------------------|---------|------------|---------|---|---------|------------|
| | Bengal | Mymensingh | Bengal | Mymensingh | Bengal | Mymensingh |
| Goalpara | 77,000 | 34,000 | 151,000 | 78,000 | 170,000 | 80,000 |
| Darrang | 7,000 | 1,000 | 20,000 | 12,000 | 41,000 | 30,000 |
| Nowgong | 4,000 | 1,000 | 58,000 | 52,000 | 120,000 | 108,000 |
| Kamrup | 4,000 | 1,000 | 44,000 | 30,000 | 134,000 | 91,000 |
| Sibsagar | 14,000 | --- | 14,000 | --- | 12,000 | --- |
| Lakhimpur | 14,000 | --- | 14,000 | --- | 19,000 | 2,000 |
| Total | 120,000 | 37,000 | 301,000 | 172,000 | 496,000 | 311,000 |
| Immigrants from Bengal 917,000 | | | | Immigrants from Mymensingh 520,000 | | |

Source: Census of India, 1931, Assam, Vol. III, Part I, 50.

Fig-3.2



Historically, Goalpara District was the first preference of the East Bengal Muslim immigrants in Assam. Immigrants had an extreme effect on Goalpara District, particularly in South Salmara¹⁴, Lakhipur, and Bilasipara¹⁵. Therefore, the number of Muslim migrants was climbed up from 49,059 in 1881 to 118,233 in 1911, which was almost 20 per cent of Goalpara’s overall population (Census of India, 1911). Within a few years, immigrants occupied the majority of Goalpara’s available land. According to the 1911 Census Report, 85 per cent of the immigrant

¹⁴ South Salmara Mankachar District was created by bifurcating the Old Dhubri district in the year 2016. The district headquarters are located at Hatsingimari village, which is situated about 245 km from Guwahati. It was earlier a sub-division of the Dhubri District. On 15 August 2015, then the Chief Minister of Assam announced the creation of 5 (five) new administrative districts in Assam; South Salmara Mankachar was one among those. On 9 February 2016, South Salmara Mankachar was inaugurated as an administrative district at a function at Hatsingimari. South Salmara Mankachar district occupies an area of 568 square kilometers (219 sq mi). The population density of this district is 980/km² (2,500/sq mi). It shares its borders with Bangladesh in the west and Meghalaya in the south-east. The mighty river Brahmaputra is flowing through this district from east to west with its tributaries. <https://southsalmara.dcourts.gov.in/about-department/history/>

¹⁵ The Census Report of 1901 did not report the presence of single immigrants from Mymensingh. The Census Commissioners of 1891 and 1901 opined that people of Bengal would not come to Assam as cultivators, as there was no inducement or requirement as in the case of tea gardens. However, the Census Report of 1911 for the first time reported about a heavy influx of farmers from East Bengal into the Chars of Goalpara District.

population from East Bengal were Muslims, while fifteen per cent were Hindus (Census of India, 1961, History of Immigration). After that, Muslim immigrants spread to other parts of the Brahmaputra River Valley. In 1921, East Bengal immigrants made up about 14 per cent of the entire population of Nowgong. The population of the immigration phenomenon increased in the Barpeta subdivision of the former Kamrup District. Between 1911 and 1921, the total population of Barpeta sub-division jumped by 69 per cent (Barpuzari, 1998). Immigrants from East Bengal had the greatest impact on the *Chamaria mouzas* in *Pub* (East) and *Paschim* (West), on the south bank of the Brahmaputra River valley. There were hardly any East Bengali peasant immigrants in Darrang District between 1911 and 1921. In the decades that followed, the number of East Bengali peasant immigrants became larger. In 1931, there were 18,000 immigrants in Darrang District. With a population growth of around 151 per cent, *Dalgaon Mouza*, which is located under the Mangaldoi subdivision, was the most affected area in Darrang (Baruah: 1999).

According to the 1921 Census Report, there were approximately 300,000 East Bengal immigrants, including their children who were born in Assam and permanently settled in the province; by 1931, that number had increased to almost half a million (Census of India, 1931). In fact, there were far greater numbers of Muslim immigrants than Hindu immigrants throughout the pre-independence period.

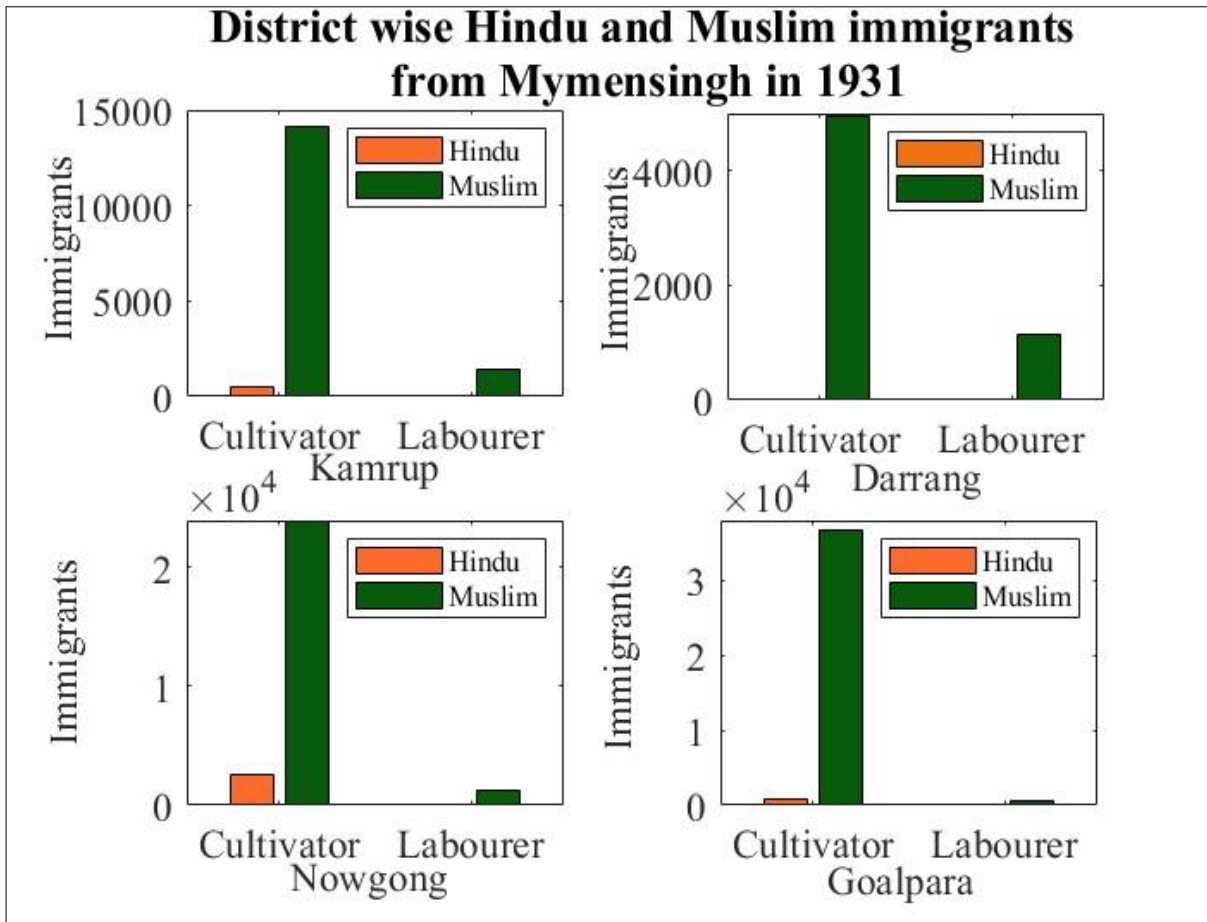
Table-3.3

District-wise Hindu and Muslim immigrants from Mymensingh in 1931

| Only Males | Kamrup | | Darrang | | Nowgong | | Goalpara | |
|---------------|------------|----------|------------|----------|------------|----------|------------|----------|
| | Cultivator | Labourer | Cultivator | Labourer | Cultivator | Labourer | Cultivator | Labourer |
| Muslim | 14,176 | 1,452 | 4,943 | 1,151 | 23,913 | 1,186 | 36,799 | 676 |
| Hindu | 483 | 11 | 29 | 11 | 2,546 | 122 | 928 | 40 |
| Total | 14,659 | 1,463 | 4,972 | 1,162 | 27,459 | 1,308 | 37,727 | 716 |

Source: Vide Line System Committee Report, Vol. III, (Shillong: Government of Assam, 1938)

Fig-3.3



The Muslim population in Assam rapidly increased due to the continuous influx of Muslim peasants from East Bengal. The population of Muslims in the Brahmaputra River Valley was approximately 365,540 in 1911; this number had rapidly changed to 594,981 in 1921, and 953,299 in 1931 (Report of the Line System Committee, 1938). On July 15, 1926, H.M. Prichard, Deputy Commissioner of Nowgong District, informed the Commissioner of Assam Valley Division that 1,327 regular *pattas*¹⁶ (land deeds), which consisted of 5623.13 acres (17,010 bighas) of land, were handed over to the immigrants in Goalpara, Kamrup, Darrang, and Nowgong districts. The Assam Brahmaputra River Valley Commissioner, J. Hazlett, claims that the actual number of lands handed

¹⁶ Patta is a legal document issued by the government to an individual or entity as proof of ownership of a specific piece of land. Also known as 'Record of Rights,' this document is crucial in regions where it is recognized because it records the details about the land, such as its size, location, and the name of the owner. The Patta is an essential document in property transfer transactions as it establishes the legitimacy of the land's title. In most cases, the state's revenue officials are responsible for documenting, updating, and issuing them when required. Subrahmanyam, Sanjay (2004). *Land, Politics, and Trade in South Asia*. Oxford University Press. p. 259.

over to the immigrants was greater than what was mentioned in the official document.¹⁷ According to the 1921 Census Report, the number of villages in Assam increased from 3,000 to 32,275. The number of villages in the Goalpara, Darrang, and Nowgong districts was increased dramatically. The new villages were mainly inhabited by immigrants from East Bengal, while others were occupied by native Assamese who lived in pam houses or as temporary cultivators (Census of India, 1921).

The Muslim immigrants from East Bengal tried to intrude on Assam government lands (forest land, pasture land, char land, and wetland) as well as the indigenous or tribal people's land, and "they could be expelled with extreme difficulty."¹⁸ They occupied more than fifty 'closed villages'¹⁹ and the majority of professional grazing lands in the Barpeta subdivision (Bhuyan and De, 1999). In the Barpeta subdivision, people (Assamese) who lived in Palhazi, Dhupalpara, Mondia, Kalgachia, Mayanbari, Medhitari, Barbhitha, Khurabari, Barghol, and other villages left their respective residential areas. The majority of the village was forcibly occupied by the Muslim immigrants. The Dalgaon colonisation officer stated that the Muslim immigrants' habits, manners, customs, and language were not similar to those of the native population, and their cultural standard was extremely low (Report of the Line System Committee, Shillong, 1938). Before the arrival of immigrants, Assamese residents were unaware of crimes such as murder for land, kidnapping, abduction, forceful crop capture and damage, and riots with deadly weapons, and so forth. Attacks on women were very common in villages near the immigrants, and villagers left their homes for fear of sexual harassment of women (Census of India, 1951). Between 1922 to 1938, approximately 2,879 sexual assaults and crimes against women were recorded (Baruah, 1999).

Before the Line System was implemented, there were unfortunately no administrative safeguards in place to protect the indigenous people against the immigrants. The "Line System" which was first implemented in the Nowgong District, was instituted by the British government in Assam in 1920, with the intention of separating immigrants from the native population by drawing

¹⁷ "Opinions of the District officers Collected in 1926 with a view to a conference on the immigrant Question which eventually fell through," No. 338-C, dated Camp Shillong, the 18th July 1926.

¹⁸ Report of the Rai Bahadur P.G. Mukherjee quoted in Census of India, 1931, Assam, Vol. III, Part I Report, 51.

¹⁹ A closed community or village intentionally limits links with outsiders and outside communities or villages. Closed villages may be of a religious, ethnic, or political nature. Governance of closed societies varies. Typically, members of closed villages are either born into the village or are accepted into it. Gontier, Thierry. "Open and Closed Societies: Voegelin as Reader of Bergson". *Politics, Religion & Ideology* 16.1 (2015): 23–38. Web.

a line and forcing them to live and work in certain segregated regions.²⁰ They were not permitted to dwell outside of the designated areas. During the colonisation plan, immigrants were granted access to vast tracts of wasteland on a premium basis.²¹ The plan had completely failed (Guha, 1988). The immigrants acquired land in various colonisation zones under various nicknames or in their own names under the guise of being landless (Report of the Line System Committee, 1938). Aware of the issue of the immigration problem, the Hockenull Committee, which was established in 1939 to investigate the operation of the Line System, had a positive opinion of it and recommended that it be maintained to save the tribal lands (Report of the Line System Committee, 1938).

In the 1930s, under the leadership of Syed Saadullah, the Muslim League had started to support the political rights of East Bengal Muslim immigrants in Assam. The League strongly advocated for the Line System to be completely abolished. With the help of the Muslim League, a large number of immigrants entered Assam and took up permanent residence on nearly every piece of the available land. In 1939, S.P. Desai said that;

“They came in numbers, raised sheds, and later began to cultivate. The few graziers in the neighbourhood are incapable of doing anything apart from protesting and appealing to the local officer. The only alternative for the graziers is to shift him bag and baggage.” (Desai, 1965).

The Saadullah Government issued the “Land Development Scheme” in June 1940, with the intention of prohibiting the settlement of wastelands for new immigrants to Assam who arrived after January 1, 1938. The Revenue Department of Assam issued *Resolution No. 3252* on June 21, 1940, reserving 30 per cent of cultivable wastelands for the present population growth. The remaining 50 per cent of the land was reserved for indigenous landless people and immigrants. To meet food shortages, Saadullah announced a policy of ‘Grow More Food’ on August 25, 1943. The Special Officer, S.P. Desai, was assigned to investigate the existence of excessive professional

²⁰ Under Line System, villages were classified into three categories: a) villages in which immigrants could settle freely; b) villages in which they could not settle; and c) villages where a line was drawn and immigrants could settle on one side of it. As a result, four categories of villages came out in the wastelands grant: a) exclusively occupied by immigrants; b) exclusively occupied by Assamese; c) mixed villages for both groups; and d) villages with a line on the Assamese side where immigrants were not allowed to acquire land.

²¹ Letter from K.W.P. Marar, Deputy Commissioner, Nowgong District, to the Commissioner of the Assam Valley, No. 2130R, dated Nowgong, 24th July 1937. Initially, the colonisation scheme was started in Nowgong, followed by one each in Barpeta and Mangaldoi subdivisions. A total of 118,934.33 bighas of land were settled with 1,619 Muslims and 441 Hindu families in Nowgong till March 1933. Within six years ending 1936, as many as 59 grazing reserves were opened for the settlement of immigrant peasants in the district of Nowgong alone.

grazing land reserves. Desai noted that there was an unavailability of excess lands for the fresh settlements and resettlement (Desai, 1965). Completely ignoring the Desai investigation report, Saadullah authorised certain professional grazing land preserves for immigrant settlement in the districts of Darrang, Nowgong, and Kamrup. This led to several conflicts between the owner of grazing lands and the new immigrants. The actions of Saadullah were strongly opposed by several organisations, such as the Assam Jatiya Mahasabha, Assam Provincial Hindu Sabha, AAKA, Sibsagar Ahom Sabha, and Assam Mouzadar Association (Bhuyan and De, 1999). Therefore, he realised that Bengali immigrants would one day drive Assamese Muslims out of their homeland. Toward the end of his tenure, Saadullah put forward an attempt to safeguard the Assamese tribal people in the flatland districts from the influx of Bengali immigrants (Guha, 1988). It was estimated that between August 1943 and December 1945, the coalition government of the League settled 174,548 bighas of land for newly arrived immigrants; 26,753 bighas were settled after old infiltration was regularised; 256,131 bighas were proposed to be included in the Colonisation Area for immigrants; and 164,995 bighas were opened for settlement in grazing reserves.²²

3.4 Migration During Partition and Post-Colonial Period, 1947-1971

After India was partitioned on August 15, 1947, due to communal violence, hundreds of thousands of Hindu Bangali refugees²³ from East Pakistan (present-day Bangladesh) fled to Assam, West Bengal, and other parts of India. In 1951, the Census Superintendent R.P. Vaghaiwalla noted that Cachar was the district in Assam that received 93,177 refugees from East Pakistan. Even 166,769 Hindu Bangali refugees were also sheltered in other districts of Assam (Census of India, 1951).

²² Assam Secretariat File, No. RD/23/43: p. 183 & 185.

²³ The Government of India and Assam use the terms 'refugee' and 'displaced' persons very loosely to identify the forced migrants from East Pakistan following August 15, 1947. In fact, refugees were those displaced people who registered themselves to get the benefit of 'relief and rehabilitation.'

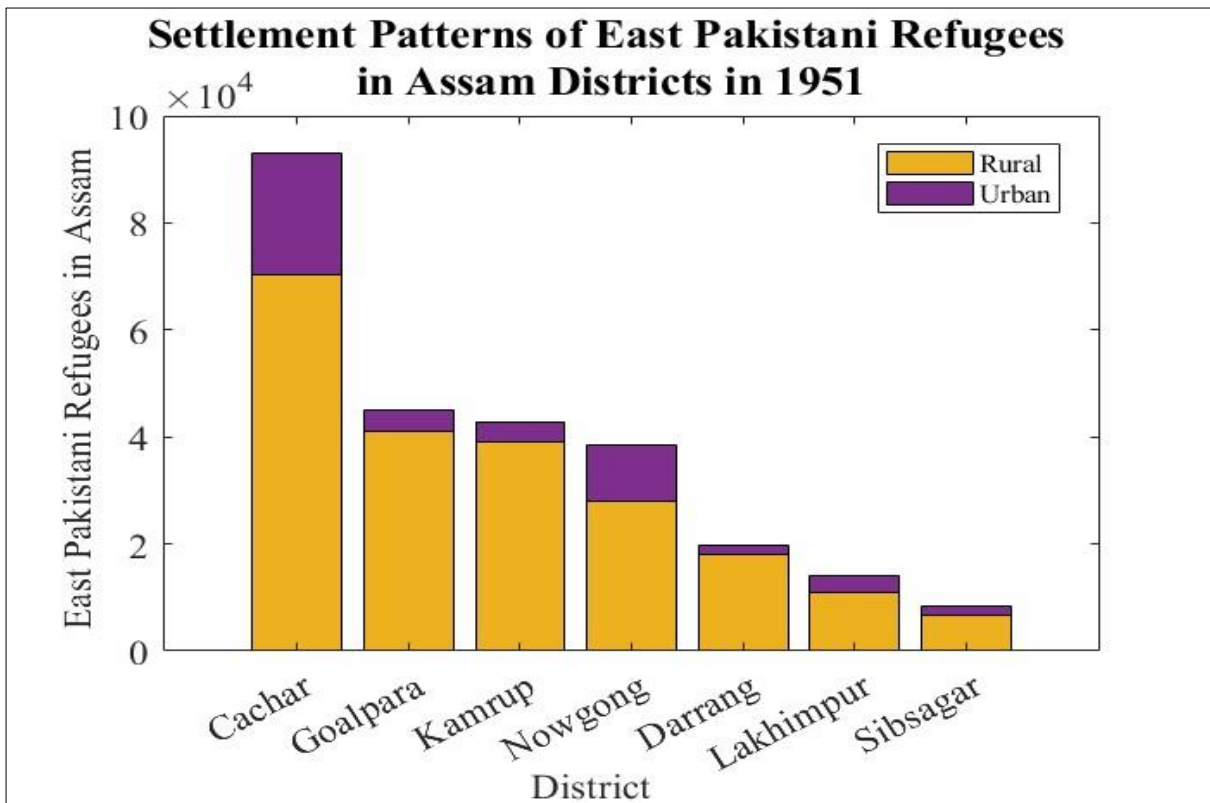
Table-3.4

Settlement Patterns of East Pakistani Refugees in Assam Districts in 1951

| District | Total Refugees | Gender | | Rural | | Urban | |
|------------------|----------------|----------------|----------------|----------------|---------------|---------------|---------------|
| | | Male | Female | Male | Female | Male | Female |
| Cachar | 93,177 | 50,427 | 42,750 | 37,483 | 32,839 | 12,944 | 9,911 |
| Goalpara | 44,967 | 24,599 | 20,368 | 22,469 | 18,644 | 2,130 | 1,724 |
| Kamrup | 42,871 | 23,924 | 18,947 | 21,647 | 17,402 | 2,277 | 1,545 |
| Nowgong | 38,509 | 21,065 | 17,534 | 15,450 | 12,586 | 5,615 | 4,948 |
| Darrang | 18,843 | 10,343 | 8,510 | 9,798 | 8,104 | 545 | 406 |
| Lakhimpur | 13,965 | 7,652 | 6,313 | 5,952 | 5,054 | 1,700 | 1,259 |
| Sibsagar | 7,514 | 4,278 | 3,236 | 3,750 | 2,910 | 528 | 326 |
| Total | 259,946 | 142,288 | 117,658 | 116,549 | 97,539 | 25,739 | 20,119 |

Source: Census of India, 1951, Vol. XII, Assam, Manipur, and Tripura, Part I-B, Subsidiary Table.

Fig-3.4



The Census Superintendent Vaghaiwalla claimed that this figure has increased to 500,000 (Census of India, 1951). However, the data included in the government report only includes those from East Pakistan displaced²⁴ people who registered as refugees or sought asylum in the refugee camps. The refugees frequently sought shelter with their family members as well, who are the permanent citizens of Assam. For fear of being deported from the country, a certain number of refugees decided not to register their names as “refugees,” while others entered Assam in secret and illegal ways (Sarma, 2015). R.P. Vaghaiwalla highlighted the following facts about the realities of the illegal Muslim immigration from East Pakistan:²⁵

“I have personally seen hundreds of persons coming by train during the first months I held the charge of Golapara District. I had the same experience as Deputy Commissioner of Cachar during 1948-49 when hundreds of Muslim immigrants regularly travelled by the hill section railway from Badarpur to Lumding, in order to go to the Assam valley for settlement” (Assam Secretariat, File No. PS 4/49, 1949).

Pakistan has barely any concern about its linguistic and religious minorities because its citizens were born and brought up under the influence of orthodox Islamic doctrine. The Pakistani government used all available methods to destroy Bengali nationalism and eradicate minorities, particularly the Hindus of East Pakistan, in order to establish the rule of Islam. In addition to the Hindu population, other minority groups, such as the ethnic Buddhist Chakmas, were also compelled to flee to India. In 1964, the anti-Hindu riots in East Pakistan compelled many Hindus to seek secure shelter in the state of West Bengal and the northeast states of India (Hazarika, 2000). Another hundred thousand Hindus fled to India for safety after the 1965 Indo-Pakistan war over the Kashmir dispute and the subsequent massacres carried out by the Pakistani army. During 1961-1971, about a million people from East Pakistan entered India illegally, including 920,000 Bengali Hindus (Hazarika, 2000). According to the Registrar General of India, it is estimated that during 1951-1961, more than 10 lakh Muslims from Pakistan migrated to the Eastern and Northeastern States of India, 459494 in West Bengal, 297852 in Bihar, 20691 in Assam, and 55403 in Tripura (Infiltration and Deportation of Pakistanis, 1965).

During the 1971 Bangladesh Liberation War, hundreds of thousands of Hindu and Muslim immigrants came to Assam in the form of refugees from the erstwhile East Pakistan. In the name

²⁴ termed as ‘displaced’ instead of ‘refugee’ as India was not a signatory country to the United Nations Convention on Refugees, 1951.

²⁵ Letter of Bardoloi to Nehru, March 4, 1949, Assam Secretariat, File No. PS 4/49.

of suppressing the civil war, Pakistani dictator General Yahya Khan created a reign of terror in East Pakistan, which included indiscriminate killings throughout the region. Throughout the civil war in East Pakistan, more than two million people were killed, 200,000 women and girls suffered by sexual assault, and approximately 10 million people fled to India as refugees (Power, 2002). By the end of May 1971, approximately three hundred thirty refugee camps had been constructed in the border states of India, such as West Bengal, Assam, Tripura, and Meghalaya. As per the government of India report on 31 April 1971, an estimated 5,737,264 refugees out of the 8,281,220 were settled in the refugee camps, whereas the remaining 2,543,956 refugees were placed outside the camps. At the end of August 1971, 6.971 lakh Hindus, 5.41 lakh Muslims, and 4.4 thousand other people were in an influx in India.²⁶

Table-3.5

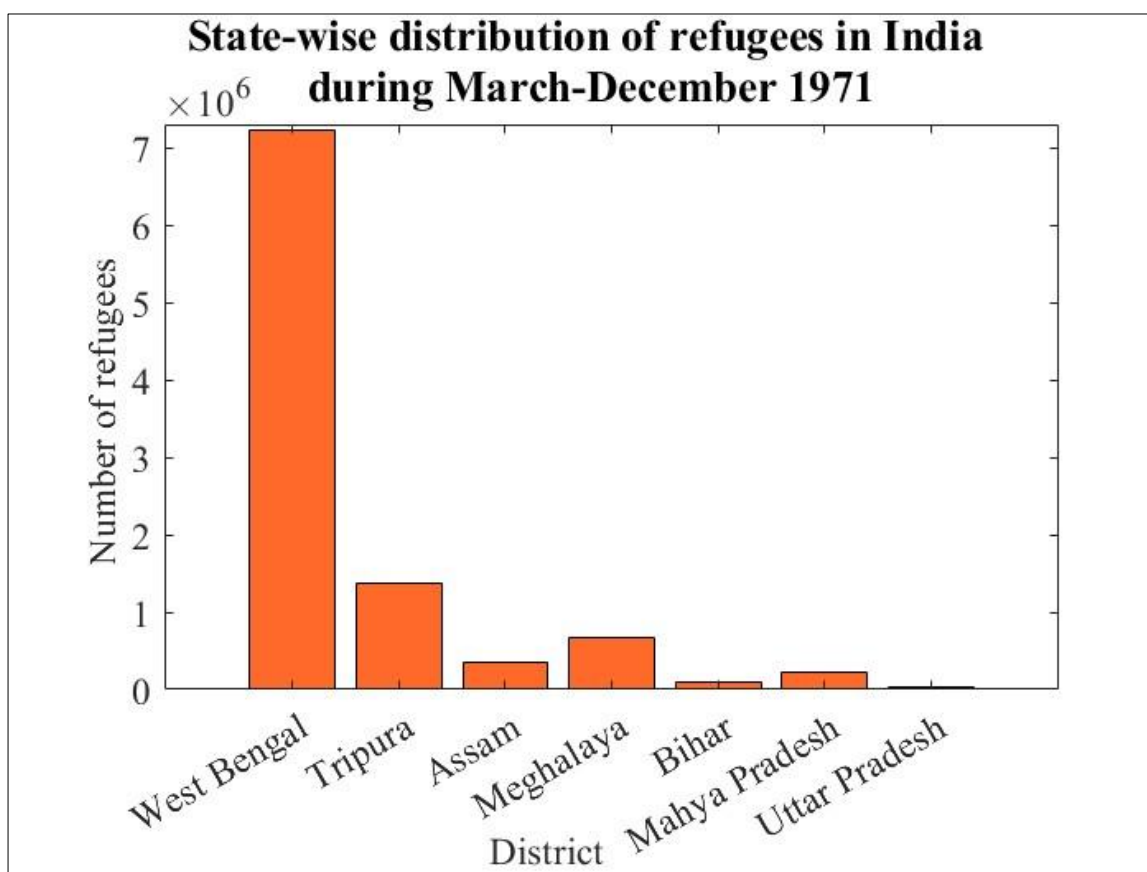
State-wise distribution of Refugees in India during March-December 1971

| Name of the state | No. of camps | Number of individuals settled in the camp | Number of individuals settled outside of the camp | Total |
|--------------------------|---------------------|--|--|------------------|
| West Bengal | 492 | 4,849,786 | 2,386,130 | 7,235,916 |
| Tripura | 276 | 834,098 | 547,151 | 1,381,249 |
| Assam | 28 | 255,642 | 91,913 | 347,555 |
| Meghalaya | 17 | 591,520 | 76,466 | 667,986 |
| Bihar | 8 | 36,732 | 0000 | 36,732 |
| Mahya Pradesh | 3 | 219,218 | 0000 | 219,218 |
| Uttar Pradesh | 1 | 10,619 | 0000 | 10,619 |
| Total | 825 | 6,797,615 | 3,101,660 | 9,899,275 |

Source: Bangladesh Documents, Ministry of External Affairs, Government of India, 1972: 21.

²⁶ Bangladesh Documents, Ministry of External Affairs, Government of India, 1972: 446.

Fig-3.5



The Indian government, headed by the Prime Minister of Indira Gandhi at the time of the Bangladesh liberation movement, highlighted to the Indian Parliament that the large number of individual movement was “unprecedented in recorded history” and that force might be used to “stop any further influx of refugees and ensure their early return” to protect our “own security and the preservation and development of our social and economic life” (Lok Sabha Debates, Government of India, May 24, 1971). India and Bangladesh signed the ‘Indira-Mujib Treaty’ in 1972. However, the Bangladesh government rejected accepting any of the former Pakistani citizens or Bangladeshi people who had migrated to India before March 25, 1971. The standpoint of the Bangladesh government was that the Indian government should accept all the immigrants before March 25, 1971. Approximately seven million refugees were successfully repatriated by Indira Gandhi’s government under the terms of the Indira-Mujib Agreement. Unfortunately, some refugees who came back to their original homeland in Bangladesh but they had discovered that their houses, agricultural lands, and other properties had been confiscated, and they were forced by the government, as well as local residents, to return to India as (illegal) immigrants (Nandy,

2005). However, a large portion of them either return to Assam (illegally) or shift to other parts of Bangladesh as a homeless. Even a significant number of these refugees permanently stay in Assam and never go back to Bangladesh. One of the concerning issues is that the Bangladeshi infiltration has continued in Assam as before, with the new flow consisting of migrants looking for employment opportunities and better lifestyles rather than refugees.

3.5 Post 1971 Migration and Assam Movement, 1979-1985

In 1963, the Ministry of External Affairs of the Government of India published the data of “Influx-Immigrations from East Pakistan”, which recognised for the first time the issue of illegal migration or the influx of foreigners from modern-day Bangladesh into Assam and their attempts to register their names on the electoral rolls. Initially, before that, this subject was discussed in the House of Parliament and the State Assembly of Assam in the 1950s. In 1950, the parliament declared in its clarification of the objectives and motivations of the Bill on Immigrants (Expulsion from Assam) that:

“A serious situation has arisen in Assam due to immigration from East Bengal. Such a large migration is disturbing the economy of the state, besides giving rise to a serious law and order problem. The Bill seeks to confer necessary powers on the Central Government to deal with the situation” (Assam Gazette, Part VI-A, 1951).

On June 27, 1962, the Assam Pradesh Congress Committee in Parliament informed to the Prime Minister Jawaharlal Nehru about the infiltration. In the same year, on July 10, Nehru replied that it was ‘absolutely true’ and assured that ‘this infiltration should be stopped and dealt with effectively.’ Similar way, on May 1, 1962, Lal Bahadur Sastri, who was then India’s Home Minister, expressed the Central Government’s eagerness to take immediate action to stop the influx of illegal immigrants into the Assam region from East Pakistan. Even the Indian Home Minister, Gulzarilal Nanda, was well aware of the massive infiltrations in Assam. During his visit to Assam in March 1964, he addressed at a public forum in Nagaon city and requested every Indian citizen to take the initiative to find out all infiltrators and hand them over to the government authority or security force. On July 27, 1965, Assam Chief Minister Bimala Prasad Chaliha also acknowledged the seriousness of the infiltration issue into Assam and expressed his intention to take identification and deportation actions against Pakistani (both East and West) infiltrators. In fact, the rapid

increase in voter turnout in Assam is largely due to the number of illegal immigrants. It was mainly high during the period 1972-1980.

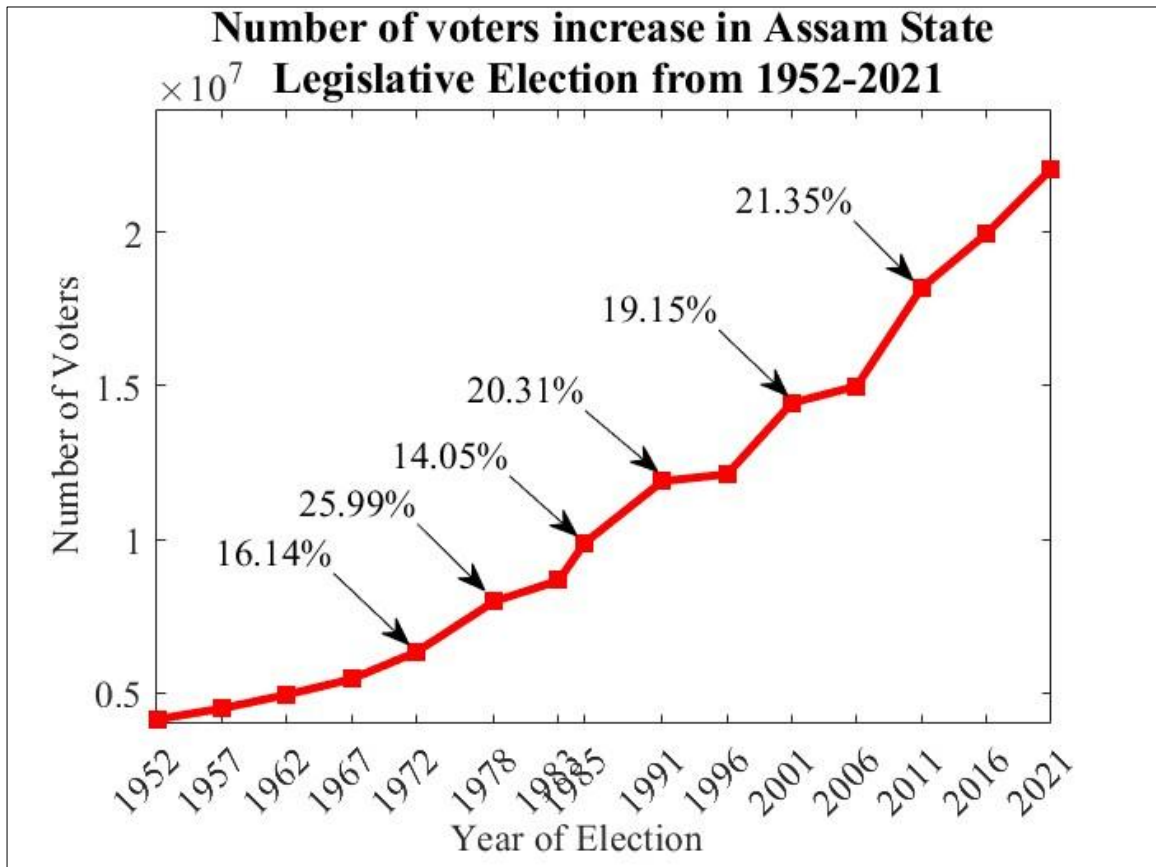
Table-3.6

The number of voters increased in the Assam State Legislative Election, 1952-2021

| Year of Election | Total Voters | The number of Voters increases | Percent of increase (%) | Duration of the Time gap (years) |
|-------------------------|---------------------|---------------------------------------|--------------------------------|---|
| 1952 | 4,141,720 | First election | - | - |
| 1957 | 4,495,359 | 353,639 | 8.52 | 5 yrs. |
| 1962 | 4,942,816 | 447,457 | 9.95 | 5 yrs. |
| 1967 | 5,449,305 | 506,489 | 10.24 | 5 yrs. |
| 1972 | 6,329,137 | 879,832 | 16.14 | 5 yrs. |
| 1978 | 7,974,476 | 1,645,339 | 25.99 | 6 yrs. |
| 1983 | 8,665,056 | 690,580 | 8.66 | 5 yrs. |
| 1985 | 9,882,684 | 1,217,628 | 14.05 | 2 yrs. |
| 1991 | 11,892,170 | 2,009,486 | 20.31 | 6 yrs. |
| 1996 | 12,119,125 | 226,955 | 2.01 | 5 yrs. |
| 2001 | 14,439,167 | 2,320,042 | 19.15 | 5 yrs. |
| 2006 | 14,988,000 | 548,833 | 3.81 | 5 yrs. |
| 2011 | 18,188,230 | 3,200,230 | 21.35 | 5 yrs. |
| 2016 | 19,947,690 | 1,759,460 | 9.67 | 5 yrs. |
| 2021 | 22,049,568 | 2,101,878 | 10.54 | 5 yrs. |

Source: Election Commission of India, Assam State Legislative Election from 1952 to 2021.

Fig-3.6



The Home Ministry of the Government of India ordered to every state government and the Administrators of all Union Territories to verify the electoral registers immediately on August 2, 1975. The Ministry also assured that the names of foreigners were removed from the electoral rolls immediately. The Chief Electoral Officers in charge of every state and Union Territory received similar guidelines from the Election Commission of India. On December 4, 1979, it was reported that 18.8576²⁷ per cent of electors in Assam increased from 1977 to 1980 because of illegal immigration (The Statesman, January 16, 1979).

In addition to the questions of foreign nationals, Assamese people were disappointed about the relative lack of economic prosperity of Assam and the concern that they would lose their cultural and linguistic heritage. It has been believed that Assam was only a ‘colonial hinterland’

²⁷ Citing the reference of the districts of Goalpara and Cachar, the Statesman reported that: “An offshoot of this population explosion has been a sudden change in the composition of the district electorate. The immigrants are in the absolute majority in seven of the nineteen Assembly constituencies in the district. In five more constituencies, they are numerous enough to be crucial for an electoral victory. There is a similar transformation in the smaller border district of Cachar, which returns fifteen legislators to the 126-member state Assembly. Vide The Statesman, Calcutta, January 16, 1979.

for India's industrial centers, which has contributed to insignificant attempts at economic development in the state (Misra, 2006). To develop the industrial sectors of the other Indian states, the central government has taken away all the major natural resources from Assam. Even the predominant position of foreigners in the local job market disappointed native Assamese youths. It was reported on March 18, 1982, that Assam's unemployed youth population stood at 14 lakhs (Singh, 1984). As a result of the state's economic backwardness and the central government's apparent ignorance, four significant movements headed by Assamese students emerged: the "*Oil Refinery Movement in 1957, the Food Agitation in 1966, the Second Oil Refinery Movement in 1969, and the 21 Points Movement in 1974.*" In order to protect the Assamese language and cultural heritage from foreigners, two significant movements were organized: one in 1960 regarding the state's official language and the other in 1972 regarding the medium of instruction or teaching in schools and other educational institutions. The students were involved in all the protests and demonstrated their leadership potential to guide the Assamese aspirations in the near future. However, the final protest was against the unchecked cross-border migration into Assam.

From the mid-1978s, a new turning point in Assam politics was the demand for the identification and deportation of illegal immigrants from Assam. At this time first non-congress government was formed under the leadership of Golap Borbora. In July 1978, the All-Assam Students' Union (AASU) came up with a '16-point demand'; notable among these were a reduction in price inflation, improved employment opportunities, and deportation of immigrants. When the state government was not enthusiastic about their demands, ASSU adopted a Gandhian-style of protests, such as demonstrating outside the offices of the Deputy Commissioner, a hunger strike, an Assam walkout, etc., from August to October 1978. The statements of S.L. Shakhder, the Indian Chief Election Commissioner at the time, inflamed the agitations during such AASU programs. In reference to the inclusion of immigrants' names on the voter lists, S.L. Shakhder stated in 1978 that foreigners represented a significant percentage of the electorate and that ultimately the region would be overcrowded by immigrants. According to him, political parties exacerbated the problem by attempting to include the names of such immigrants in voter lists, even without inquiring and properly confirming their national background. On March 16, 1979, Chief Minister of Assam, Golap Chowdhury Borbora, again made a statement in the Assam Legislative Assembly that the influx of illegal migrants from Bangladesh and Nepal was increasing at an alarming rate. In mid-1979, the Election Commission ordered a review and revision of the voter list of the Legislative Assembly. Therefore, AASU had demanded that the election be held on a valid voter list that

excluded the names of alien nationals. On August 27, 1979, AASU established All Assam Gana Sangram Parishad (AAGSP)²⁸ for the purpose of ‘institutionalising’ the movement with the participation of different sections of people. On February 2, 1980, the AASU submitted a memorandum²⁹ to the Indian Prime Minister clarifying that the strategy of the movement was “satyagraha (truth force) and ahimsa (non-violence), democratic, and secular.” According to their statement, “Save Assam Today to Save India Tomorrow: An appeal from the people of Assam,” the goal of the movement consisted of the “immediate identification, elimination, and expulsion” of all illegal immigrants from Assam (Gauhati, 1980).

By the time AAGSP was formed, the student movement against the immigration issue in Assam had gained new momentum. The AASU and AAGSP both started agitation against immigrants with five proposed agendas, such as detection, deletion, and deportation of immigrants, and the issue of voter and other identity cards to the citizens as soon as possible, and no election will be held without striking the names of immigrants from the electoral rolls. The AAGSP, however, continued its statewide agitation against foreigners and dharna (sit-in) since September 6, 1979, before the government offices. Approximately one lakh individuals together had gathered on that day at the Judges’ field at Guwahati on October 6, 1979, demanding an immediate resolved

²⁸ AAGSP was the umbrella organization and coordination committee for pursuing the agitation. It was formed by a resolution of the AASU at its meeting held at Dibrugarh on August 27-28, 1979. The AAGSP was formed by including some regional political and non-political organizations like Purbanchalia Lok Parishad, Asom Jatiyatabadi Dal, Asom Sahitya Sabha, Asom Yuvak Samaj, Asom Jatiyatabadi Yuba Chatra Parishad, and the Young Lawyers Conference. By the end of 1979, the Plains Tribal Council (Progressive) and the All-Assam Tribal Sangha also joined the AAGSP.

²⁹ The demands envisaged in the Memorandum were:

- i. Foreign nationals must be detected and deported from our country.
 - ii. Names of foreign nationals must be removed from the concerned electoral rolls before holding any election in Assam.
 - iii. Inclusion of names of foreign nationals in electoral rolls in the future must be made impossible with the help of adequate and sorted election machinery.
 - iv. Borders of India with the neighboring countries must be fully protected to effectively check infiltration.
 - v. Indian voters residing in Assam should be issued identity cards with photographs.
 - vi. Necessary constitutional safeguards should be provided to the people of North North-Eastern Region for the next 15 to 20 years by making necessary constitutional provisions for the protection of the region.
 - vii. The Government of Assam should be free to reject any citizenship certificate issued by the district authorities of West Bengal and Tripura.
 - viii. We demand that the authority to grant citizenship certificates delegated to the State Government should be withdrawn by the Central Government immediately from all State Governments so that those foreigners who back armed with citizenship certificates issued by other states.
- The Memorandum also included some proposals for a satisfactory solution to the problem.
- i. The National Register of Citizens (NRC) of 1951 should be made up-to-date.
 - ii. The comparison of the NRC of 1951 with the successive electoral rolls since 1952.
 - iii. A free zone devoid of trees and houses should be created all along the border, and anyone crossing it without valid travel documents from either side must be shot at.
 - iv. Compulsory registration of birth and death at all block, village, town, etc. levels.
 - v. The number of check posts should be increased to enable one check post to be visible from the other.

the problem of the illegal immigrants in Assam. A week-long Gana Satyagraha (mass Satyagraha) was declared by the ASSU on November 12, 1979; a two-day Assam Strike or bandh on December 3, 1979; a four-day mass protest of the central and state government offices on December 5, 1979; mourning rallies on December 17, 1979; and a two day non-cooperation movement was launched on December 31, 1979, which brought the normal functioning of the government offices, banks, and private commercial establishments to a standstill (Singh, 1984). Both the student organisations (ASSU and AAGSP) are also strongly opposed to the decision of the Election Commissioner of India to go ahead with the mid-term Lok Sabha election unless the voters' list is scrutinized and the names of illegal immigrants are removed from the electoral rolls. This led to the election not being successfully conducted. They continued their protest, a half-month public demonstration on July 7, 1980; a strike of almost half of day on October 27, 1980; a three-day Assam bandh on November 17, 1980, and on December 7, 1980, and February 6, 1981, two days of non-cooperation; and a month-long agitation on December 27, 1981, and so forth. While other groups had also started adding their voice with their particular demands at the outset of the movement.³⁰ It was urged that the leaders of the movement should keep it hale and hearty, while ensuring that it continued in a 'highly disciplined and orderly manner' and try to leave no stone unturned to keep the movement in a peaceful and orderly manner (Singh, 1984).

However, it turned violent in several places in Assam during the agitation against the foreigners. In its report of "Inquiry on Assam Disturbances" submitted to the Central Government in May 1983, the Tewary Commission pointed out that no fewer than 718 cases of communal nature, such as 29 murders, 353 assaults, 123 arson, 92 intimidation, 74 mischief, and 24 wrongful confinement or restraint, took place in the State in the year 1979.³¹

³⁰ On August 30, 1979, students at Jorhat Engineering College went on a hunger strike to demand that exams be postponed; on September 3, 1979, students in Dibrugarh boycott their class in protest of the release of leaders who had been arrested over the previous two weeks; on September 2, 1979, the Government Employees Federation announced a mass picketing in front of the legislative Assembly on their eighteen-point charter of demands; on September 11, 1979, the Assam High School Teachers' Association, the Assam College Teachers' Association, and the Assam Secondary School Teachers' Association also declared an indefinite strike for improved pay and service conditions, among other demands; and on September 11, 1979, 4,000 government employee diploma engineers went on mass casual leave.

³¹ The Commission of Enquiry on Assam Disturbances, 1983, was constituted by the Government of Assam under Section 3 of the Commission of Enquiry Act, 1952, through Notification No. PLA/658/83/17 dated July 14, 1983, under the Chairmanship of Tribhuban Prasad Tewary, a retired Chief Secretary of the Government of Uttar Pradesh. The Commission pointed out that the elections cannot be blamed for the outbreak of the violence in 1983. On the other hand, the Commission blamed AASU and AAGSP for such violence. Intending to prevent elections, they took all means of violence, including arson, riots, destruction of public properties, etc., on a pre-planned and extensive scale.

Two waves of large-scale violence occurred in January and May 1980. The agitation that took place concurrent with the first wave was against the impending Parliamentary elections scheduled for 1980. It was terminated in the Brahmaputra River Valley under the resistance from the leaders of the agitation. From 3-7 January, 1980, gory mob violence took place at Nalbari and Barpeta sub-division of the Kamrup district, leading to huge destruction of human lives as well as several assets. In the second wave, there were disturbances in various places of the districts of Kamrup, Goalpara, Nowgong, and Darrang immediately after the 'Demand Day' (May 26, 1980) observed by the All Assam Minority Students Union (AAMSU). K. Ramamurthy, the advisor to Assam Governor, some of the protesters were armed with lethal weapons and even raised slogans of 'Joy Bangla' and consequently unfurled the Bangladesh flag and also held pictures of Sheikh Mujibur Rahman (Das, 1982). It was reported by the Government of Assam in 1982, about 1613 incidents, such as theft, mischief, intimidation, murder, sexual harassment, and other criminal activities were occurred. Nonetheless, there were a few dramatic events that occurred in 1982, such as bomb blasts and sabotage (Government of Assam, 1983).

The government of Assam imposed the Assam Disturbed Areas Act, 1955, and the Armed Forces Special Powers Act, 1950, to suppress the anti-foreigner movement led by AASU-AAGSP. In April 1980, leaders of the AASU, AAGSP, and other organisations were arrested and put into prison.³² Sitaram Kesari, who served as the Minister of State for Parliamentary Affairs at the time, reported that between January to June 1980, over 1,609,157 individuals were detained for involvement in the Anti-foreigner Movement, and out of them, 17,612 agitators appeared before court trial. Additionally, twenty-eight individuals died from police bullets fired, and a Police officer was killed in the mob violence (Kumar, 1999). According to Amiya Kumar Das, "Hindu students being selectively beaten up by the CRPF in Gauhati Veterinary College hostel, and some officers in the police department being replaced by Muslims" (Das, 1982).

During the Assam movement, the leaders of AASU-AAGSP and Indira Gandhi's Government tried to find a permanent way of solution to the illegal aliens' problem in Assam. Unfortunately, they were unable to conclude on a practical deadline for identifying and expelling illegal aliens from Assam. The leaders of AASU demanded that the deadline be 1951 for

³² Leaders of the anti-foreigner movement, like Brigu Kumar Phukan, Nagen Hazarika, Nibarana Bora, Khanindra Chandra Barua, Nekibur Rahman, Pabindra Deka, Atul Bora, and others, were arrested. Even the Assam government issued arrest warrants against several activists such as Prafulla Kumar Mahanta, Bharat Chandra Narah, and Girin Baruah (The Hindu, 1980).

determining the nationality of an individual; after that, those who entered Assam should be treated as illegal immigrants and should be deported to their country of origin as soon as possible. They also demanded that they immediately delete their name from the electoral rolls and sent them to a detention camp. Actually, their (AASU-AAGSP) all demands were based on the Migrants (Expulsion from Assam) Act 1950, the Nehru-Liaquat Ali Pact 1950, and the Citizenship Act, 1955. In “Save Assam Today to Save India Tomorrow: An Appeal from the People of Assam,” The leaders of AASU-AAGSP argued that:³³

“Under Article 5 of the Constitution of India, no person who did not have domicile in India at the commencement of the Constitution could be a citizen of India. Thus, under this provision, all persons who came to India after January 26, 1950, could not be citizens of India. But Article 11 gave power to the Parliament to make laws for the acquisition of citizenship by birth, descent, registration, or naturalisation. Thus, a person entering India after January 26, 1950, and who did not acquire citizenship under any of the provisions of the Indian Citizenship Act, 1955, remained a foreigner.”

However, Indira Gandhi’s government rejected the deadline of 1951 and suggested March 25, 1971, as the base year for determining the nationality of an individual. After the independence of Bangladesh, India and Bangladesh signed ‘the Indira-Mujib treaty’ in 1972, but neither country discussed the issue of rehabilitation of Bangladeshi immigrants who had infiltrated India before March 25, 1971.³⁴ On September 30, 1972, the Indian Home Ministry issued a letter (vide letter no. 11/180/72-TX) to all the Chief Secretaries of the States and Union Territories stating that those who entered India from Bangladesh as refugees after March 25, 1971 immediately identify and deported to Bangladesh, but those who came before the cutoff date have the freedom to choose either to stay in India or return to Bangladesh. However, the decision of Indira Gandhi’s government was influenced by the AAMSU (All Assam Minorities Student Union), CRPC (Citizens Rights Preservation Committee), and other religious and linguistic organisations.

³³ An open letter circulated by the ASSU-AAGSP all over Assam on May 15, 1980.

³⁴ Refugees and immigrants were not included in the Indira-Mujib Treaty, also known as the Treaty of Friendship, Co-operation, and Peace between India and Bangladesh, which was signed on March 19, 1972, between Indira Gandhi and Sheikh Mujib-ur-Rahman. However, the rehabilitation of refugees who arrived in India prior to 1971 was mentioned in the joint declaration on February 8, 1972, and Indian Prime Minister Indira Gandhi merely promised “the continuance of all possible assistance to the Government of Bangladesh in the unprecedented task of resettling the refugees and displaced persons in Bangladesh.”

There was still some controversy on the issue of Hindu refugees who fled Bangladesh to India after 1950. According to the Immigrants (Expulsion from Assam) Act, 1950, the Indian government distinguishes between Hindu Bangladeshi refugees and Muslim Bangladeshi immigrants based on economic reasons. Most of the Bangladeshi Hindus entered India as refugees due to communal violence. On June 16, 1965, the Government of India issued a secret notice (order no. 4/366/63-IC) to the Assam government that those who came to Assam due to communal riots in East Pakistan should be given them as a voluntary citizenship status and settlement if they met the refugee condition. However, the leaders of the Assam movement refused to differentiate between Bangladeshi Muslim infiltrators and Hindu refugees. They demanded that the Central Government either deport them to their country of origin or share them with other states of India. Nonetheless, the Indian government was determined to rehabilitate around 1.3 million people who had fled from Bangladesh to Assam before March 25, 1971 (Kumar, 1990). According to the commitments made to Bangladesh, the Indian government was required to rehabilitate all people who had come to the country before March 25, 1971.³⁵

As such, against this backdrop of contradiction, no less than twenty-three rounds of talks between Indira's Government and the leaders of agitation failed till January 5, 1983. Neither the Rajkumar Dorendra Singh,³⁶ at the time, was the Chief Minister of Manipur, nor the ruling of the

³⁵ The Ministry of Home Affairs' Letter No. 11/180/72-TX, dated September 30, 1972, and the Secretary's letter to the Governor of Assam, No. U.C.No.GSA.160/79, dated December 22, 1979, both explicitly stated the commitments made to Bangladesh by the Government of India.

³⁶ Rajkumar Dorendra Singh was the Chief Minister of Manipur. His negotiation with the AASU-AAGSP on July 23, 1980, was based on the Gandhi Peace Foundation Formula of 1951 as the cut-off year. Gandhi Peace Foundation, during its visits to Assam in March 1980, put forward the following suggestions:

- A) All the foreigners who had come since 1951 and were staying illegally should be identified.
- B) Bangladeshis who infiltrated after 25/3/1971 should be deported.
- C) All other Pakistani/Bangladeshi nationals should be made stateless until their status is determined.
- D) A National Commission should be set up to enquire into the current crisis involving Assam and the Northeast and prepare a report on all the issues involved.

National Convention on Assam,³⁷ nor L.P. Singh's formula of 1967,³⁸ as cut off, nor the Tripartite Talks³⁹ entered the balance sheet of both parties. So far as the Government of India was concerned, the 'Ravindra Varma Formula'⁴⁰ gave some kind of satisfaction to the agitation sites barring certain reservations on 'Policy Instructions.' The Varma Formula proposed that all those people whose names were listed in the National Register of Citizens, 1951, and in the 1952 Electoral Rolls,

³⁷ In January 1981, a National Convention on Assam's issue was held in New Delhi to find a solution to the Assam problem. On January 11, 1981, Atal Behari Vajpayee of Bhartiya Janata Party (BJP) chalked out a seven-point plan to solve the Assam problem, which were:

1. Detection of foreigners should be done based on relevant provisions of the Constitution and existing laws, making use of the NRC, 1951, and other relevant documents.
2. Cases of all entrants up to 1961 should be regularised.
3. Foreigners who came during 1961-71 should be removed from the electoral rolls, and they should be distributed over Assam and other states.
4. Elections to the Lok Sabha and the Assembly should be based on revised electoral rolls.
5. Foreign nationals who came after 1971 should be deported, though cases of bona fide refugees should be considered based on policy pronouncements made so far.
6. Infiltration should be completely stopped, and
7. Repressive measures and Press censorship should be withdrawn, all persons detained in the movement should be released, and all pending detention orders cancelled. The Central Government rejected it as a BJP formula whose main thrust was 1961-71. The AASU also declared that they were not associated with either the Gandhi Peace Formula or the BJP. Vide Kumar, *Challenge to India's Unity*, 1990: 136-37.

³⁸ L.P. Singh was the Governor of Assam. He initiated discussions with the President and Secretary of the AASU on April 18, 1981. He was said to have proposed 1967 as the cut-off year for detection, subject to the approval of the Central Government. According to Kuldip Nayar, a noted journalist, the AASU and AAGSP handed over an unsigned three-page document to the Prime Minister's Office on 5th May, 1981, where various alternate plans to solve the Assam problem were listed. One proposal was that the 1951-61 entrants should be regularised. Secondly, entrants between 1st January 1962 and 31st December 1966 should be detected and dispersed to other states. Those entering Assam during the period 1st January 1967 to 25th March 1971 might be sent to other states.

³⁹ From December 10, 1981, talks became tripartite with the addition of leaders of the main Parliamentary opposition groups in the Parliament to these talks. In the first talks held on January 18-20, 1982, a discussion on the detection of foreigners based on the Constitution and relevant laws as existed on the day, including the Citizenship Act, 1955, the Foreigners Act 1946, and the Passport Act, 1967, was held. The first tripartite ended with failure due to stiff opposition from the Assam Movement leaders. However, a consensus was reached on border patrolling and the establishment of more checkpoints. The Second held on February 8-11, 1982, the Third held on April 7-8, 1982, and the Fourth held on August 25-27, 1982. Tripartite talks failed due to non-agreement on the so-called 'Policy Instruction' or secret administrative order of 1965. However, in the Fourth Tripartite talks, Ravindra Varma of the Janata Party formulated a new formula.

⁴⁰ The First Varma Formula of September 2, 1982:

1. The Constitution, relevant laws as they exist today, including the Citizenship Act, Foreigners Act, Passport Act, NRC, 1951, Electoral rolls, including those of 1952, and other relevant documents, will be made use of.
2. The right to determine the relevance of documents will be determined by an appropriate judicial authority.
3. Executive action will be taken to ensure that no forged or fabricated document is used.
4. A detailed questionnaire will be drawn up to elicit information for the detection of foreigners.
5. The validity of the Policy Instructions of 1965 was a legal problem and should be decided as such.

➤ The Second Varma Formula of November 9, 1982: Ravindra Varma also presented the Second Formula, which placed foreign nationals entering Assam between 1961 and 1971 into four categories.

- i. Those granted citizenship certificates or settled by the Assam Government.
- ii. Those granted citizenship certificates by other State Governments.
- iii. Those who have not applied for or obtained citizenship but have enrolled themselves as voters, and
- iv. Those who are not even listed as voters. The formula entitled retention of the first two categories of foreign nationals and dispersal of the third category to other states, while the claims of those in category four were to be determined by tribunals, which also goes into the question of improper issue of certificates by other State Governments.

should be the subject of enquiry, and their children's citizenship put in question as well. Even the second formula of Varma was unacceptable as it made the dispersal of all infiltrators who came to Assam between 1961 and 1971 to other states mandatory. On January 5, 1983, Indira's Government declared the talks as sine die.⁴¹ But through the Union Defense Minister and the Cabinet Secretary of India, there was an unsuccessful attempt on the part of Brigu Kumar Phukan, Secretary, AASU, to arrive at a cutoff year based on September 1965. The Election Commission of India issued a notification to hold bye-elections to twelve parliamentary constituencies of Assam on January 6, 1983, for the formation of the state assembly. The election commission proposed that the election would be held from February 14-20, 1983, based on the 1979 voter lists. The negotiations actually seemed more and more like repeating what had already been heard (Murthy, 1983).

There was urgency for the Lok Sabha and State Assembly elections in Assam at that time. Assam was under the State Emergency under Article 356 from March 18, 1982. However, the state of Assam, especially in the portion of the constituencies in the Brahmaputra River Valley, had become extraordinarily unfavourable for the holding of general elections because of the agitation over the issue of the aliens. The AASU-AAGSP came out in support of the boycott of the vote. Their call to boycott the election was overwhelmingly responded to in the Brahmaputra River Valley as well. Except Congress(I), Congress(S), CPI and CPI (M), no other political parties filed nominations for the elections. The seniormost employees of the Assam state government refused to assist in the election process. Accordingly, the government requested staff from Bihar and other states for their services for the election duty in Assam.⁴² To discourage the anti-election campaign, the Government had also issued some of the draconian legislations, such as the Assam Executive Magistrates (Special Powers) Act, 1983, the Essential Services Maintenance Act, the Section 144 Cr. P.C., Assam Special Powers (Press) Act, etc. Most of the leaders of AASU-AAGSP had been taken into police custody under the National Security Act. The entire Brahmaputra River Valley was tightly monitored by the Army, the Paramilitary, and the State Police forces.

⁴¹ The competent electoral registration body would remove any foreigners who entered Assam after September 30, 1965, from the electoral rolls, according to the Tripartite Talks held January 4-5, 1983. Foreigners who arrived in Assam by September 30, 1965, would be granted Indian citizenship and permitted to remain in the state. Facilities outside of Assam should be provided for foreigners who visited the state between January 1, 1966, and March 25, 1971. Only when the names of the foreigners were removed from the electoral records would elections be held in Assam.

⁴² In this election, Congress(I) contested 126 seats alone, Congress(S) and their Left Democratic Alliance contested 37 seats, and 31 seats by CPI and 29 seats by CPI (M). PTCA filed nominations for 27 seats. Nonetheless, the BJP was not in the contest. Even Atal Bihari Vajpayee had appealed people of Assam to boycott elections.

In the 1983 Assam legislative Assembly election⁴³ at the point of the bayonet, occasioned human butchery. Great rift of opinions in the form of casting votes and boycotting shifts as confrontations of the ethnic Assamese and the immigrant Bengali Muslims and Hindus, the tribals and the ethnic Assamese and the immigrants, and so on. All indigenous Muslim people of Assam spontaneously responded to the sabotage call and set 'an excellent example of inter-communal amity, harmony and solidarity'. According to the Tewary Commission of Inquiry on Assam Disturbances, 1983, a total of 235 persons were killed in police firing, 2,072 people were killed in mob violence, and 14 government officers were killed. A total of 225,951 individuals were rendered homeless, and 248,292 individuals took shelter in relief camps. The number of damaged bridges & culverts was 1,031, private houses 22,436, and government buildings 445.⁴⁴

The legislative Assembly election violence escalated horrifyingly in Kamrup, Darrang, and Nowgong districts. Numerous incidents of group fights took place under Boko, Goreswar, Khetri, and Sorbhog police stations in Kamrup District. Immigrant Hindu Bengali and Muslims of the adjoining areas attacked the Malibari Satra and Chamaria Satra, and some Assamese inhabitant villages under the Boko police station. In Dhula, Chowlkhowa Char⁴⁵, and Bhokeli Kanda under the Mangaldoi sub-division of Darrang District, where another 45 indigenous Assamese people were murdered by immigrant Muslims (Non-Government Mehta Commission Report, 1985). In Gohpur, a rift was created between the Assamese Hindus and tribals and the tea-garden workers. There were fights between the Assamese and the Bengali Hindus at Khoirabari. In Lakhimpur, Assamese Hindus, along with Mishings, assaulted Bengali Hindus in Arena Chapori and Bishnupur. There were also such incidents in Badhakora, where the immigrant Muslims were attacked by the Assamese.

⁴³ In 1983, the voting percentage was between 10 percent and 50 percent. Polling was very poor in the polling station where ethnic Assamese were in the majority. The Bengal-dominated Cachar saw an above-average turnout of up to 50 percent. No vote was polled in 100 polling centers, while re-polling has been ordered at 137 polling centers. Polling booths could not be established at several places by the polling parties.

⁴⁴ Tewary Commission of Inquiry on Assam Disturbances, 1983. Unlike the official enquiry, the Assam Freedom Fighters Association instituted a non-official enquiry Commission headed by T.U. Mehta, a retired Chief Justice of the Himachal Pradesh High Court, was appointed to investigate the large-scale violence in Assam in 1983. The Commission (Videa Non-Government Mehta Commission Report, 1985) submitted the report on September 3, 1984, and found the election to be the cause of all such violence. The report, however, noted the "peaceful character" of the Assam Movement on the 'foreigners' nationals' issue' during its first three years and the "assimilative" character of the Assamese society.

⁴⁵ Geography Chaowlkhowa is an island formed by a river. The area was formerly cultivated by the Assamese inhabitants of the area. In later years, maximum the land in this area had been encroached by the alleged Bangladeshi illegal migrants. It led to a confrontation between the immigrants and the Assamese. As a reaction to the assault on Assamese people on 14 February 1983, a few immigrant Muslims were killed in Chowlkhowa by the Assamese Hindus and Muslims.

But the worst ever group clash occurred at Nellie in the present district of Morigaon, then Nowgong District, on February 18, 1983. The reason behind Nellie's clash was the loss of land by the tribal (largely Lalungs) to the immigrant Muslims, and they (immigrant Muslims) were voting in favor of the Congress (I) in 1983. Myron Weiner wrote in 1983, describing one such episode known as the Nellie Massacre;

“At least a thousand people were killed, mainly women and children, leading some observers to describe the massacre as a quasi-genocidal attempt to prevent the reproduction of Bengalis. Army units arrived in the villages to find bodies everywhere, and thousands were left homeless as a result of arson. Officials estimate the death toll in Nellie, Gohpur, and other affected areas at more than 4,000. Another 280,000 are in refugee camps, and thousands more fled to West Bengal” (Weiner, 1983).

The first attack was launched by the immigrant Muslims on 13th February 1983, as per the Mehta Commission Report of 1985. It outraged the Lalungs and other indigenous Assamese. According to the Tewary Commission Report, those who participated in the attack were Tiwas or Lalungs and other local inhabitants, such as the Koches and the Hiras. The most affected villages include Mulahhari, Basundhari, Matiparbat, Alisinga, etc., where 661 immigrant Muslims were killed. According to the Mehta Commission, the death toll was 990, out of which 70 per cent were women and children, 20 per cent were elderly, and 10 per cent were men. Some individual estimates of the death toll reached 2000 (Kimura, 1983).

The Congress (I) was able to form a Government in Assam under Hiteswar Saikia; March 27, 1983. The elections shattered the already precarious communal equilibrium in Assamese society. The riots caused a complete alienation of the Bengali Muslims from the mainstream Assamese society. Bodos who supported PTCA wanted to distinguish themselves from the Assamese (Kumar, 1990). Even the indigenous Assamese Muslim members of AASU were left friendless with the growth of the RSS or the BJP's impact in the organisation. It led to the temporary emasculation of the agitation against the immigrant issue in Assam. Research scholar, Monirul Hussain, said that;

“Break-up of AASU over the issue of presence and patronage of RSS-BJP elements and Nellie killings weakened the leadership of the movement. Internal dissensions increased among the leadership” (Hossain, 1989).

The Hiteswar Saikia-led Assam Government had been termed as the ‘illegitimate government’, which was destined to be constituted through the election of the illegal immigrants (Bangladeshi). Since then, the movement from its very core was virtually diverted into an attempt to pull down the Hiteswar Saikia-led Government of Assam. He was also determined to repress the protest spearheaded by the AASU-AAGSP. For him, there was no issue for the agitation to be relaunched as the decision had already been taken to deport the post-1971 refugees from Assam, and the only problem pending for the solution was deciding what to do with the 1961-1971 migrants. The Parliament enacted the Illegal Migrants (Determination by Tribunals) Act or IMDT-1983, an ordinance in these years, to identify the illegal migrants who had come to Assam after March 24, 1971. Another critical contrivance during this period is the advent of extreme elements in the Assam movement. At this time, the Congress (I), Congress (S), and the CPI (M) had started saying that the participants of the protest were losing their public support, and so they were indulging in extremist activities. In such a disheartening scenario, all the regional political parties of the Northeast States extended their support to the “three-point formula,”⁴⁶ which was proposed by the AASU-AAGSP to solve the problem of illegal migration. Rajiv Gandhi, who became the Indian Prime Minister after his mother Indira Gandhi was assassinated, too, showed an inclination to hold talks with the agitation leaders. The then Union Home Secretary, Ram Pradhan, had held informal discussions with the leaders of the agitation in which a formula had almost been evolved for disenfranchising the 1966-71 migrants. The AASU-AAGSP leaders also called for the resignation of the Hiteswar Saikia Ministry. A series of meetings was held between the representatives of AASU-AAGSP on the one hand and the then Union Home Minister of India, S.B. Chavan, besides the then senior bureaucrats of Ram Pradhan in Delhi on 13-14 August 1985. But suspense kept hanging on the cut-off date, whether it would be 1st January, 1966 (advocated by the student leaders) or 1st January, 1967 (advocated by the government). After the final talks, both the organisation and the state came to an understanding, where, after six long years, the Assam Agitation was called off on 15 August 1985, by signing the Assam Accord, that is the Memorandum of Settlement on the foreigners’ Problem of Assam. Under the Assam Accord, it declared that illegal foreigners who were entered in the state between January 1, 1966, and March 24, 1971, will lose the right to vote for ten years, and those who arrived after March 24, 1971, will

⁴⁶ Three Point Formula:

1. That all foreign nationals who entered Assam and the North East after 1971 should be detected and deported;
2. Those foreigners who entered between 1965 and 1971 should be dispersed out of Assam and the North East Region; and,
3. Those foreigners who entered between 1951 and 1961 should be disenfranchised.

be expelled from Assam. The State Legislative Assembly elected in 1983 was dissolved, and fresh elections were held on new electoral rolls in December 1985. A provision in the Indian Citizenship Act passed by parliament in November 1985, which said that non-citizens who entered Assam between 1961 and 1971 would be accorded all the rights of citizens, other than the right to vote for a period of 10 years (Baruah, 1986). In this Accord, it was promised to safeguard of Assamese identity. After the signing of the ‘Assam Accord 1985’, the Indian prime minister at the time, Rajiv Gandhi, stated that:

“The six-year-old Assam problem has been settled following an Accord arrived at between the Assam students and the government. This will eliminate tension from the body politic of the country and help accelerate its growth.”

In practice, the identity construct was targeted at Bengali Muslims of East Bengal regardless of their belonging to either pre-1971 East Pakistan or independent Bangladesh.⁴⁷ This, in turn, enabled the expansion of the category of outsiders from foreign Bengali Muslims to Bengali Muslims, including all those who had settled in the region since the early years of the 20th century. However, the cut-off year for the signing of the 1985 accord was 1971; the shift was in the coalescence of the registers of foreigners, Bangladeshi persons, and non-Assamese Bengali (Muslim) into a single existential category in public life amidst the stir of the Assam Movement as ‘illegal Bangladeshi’. So, the mood changed from one of tolerance of migrants in a post-Partition context to one that was overtly racist. Much of the xenophobia is justified based on the numbers of the population, as though illegal migrants from Bangladesh are a reality; some have indeed come and gone back to their country of origin.

After the signing of the Assam Accord, the electoral rolls were thoroughly revised even more vigorously. There was more controversy about the process of revising the electoral rolls. Opponents said that tens of thousands of names of legal voters were purged from the electoral rolls

⁴⁷ As to the outcome, there is not really a distinction to be made; people had been coming to the country before (and after) 1971, and the locals had wanted to expel them all. But qualitatively, the effects are more complicated. Should a successor state be required to assume the “liabilities” of its predecessor? If not, they would be left stateless. In addition, there were tribunals in place in India, in which illegal immigrants could have conveniently been detected and deported; it was not Pakistan’s or Bangladesh’s failure that the unpaid tribunals failed to detect, and that the border patrol was simply not on duty. In these circumstances, what other option was there for the Indian state but to opt for 1971 (and not 1961) as the cutoff date, especially when strategic interests were involved? Giving even the smallest and most modest of new states within the empire a better introduction to the world than it had, an introduction where India and the British government were seen as forces for good, was the very least India could do for a new state that India had helped to independence. Bangladeshi self-determination might ensure that it no longer had to face the prospect of two-front wars, and that is a critical way to guarantee this by not enforcing arbitrary and unfair migration laws.

(Choudhuri, 1985). The final electoral roll on which the December State Legislative Assembly election was contested was published with 9,806,285 voters, which was 689,715 less than the revised voters list in October 1984, having 10,496,000 voters.⁴⁸

3.6 Contemporary Migration Trends from 1985 to the Present Times

The post-Assam Accord period represents a turning point in the migration and identity politics in Assam. The Accord was meant to provide a full resolution of the problem of illegal migration, yet in the decades that followed, not only was it incomplete in practice, but also further political, legal, and ethnic intricacies of migration began to arise.

After the Assam Accord, the Asom Gana Parishad (AGP) formed the government in the state. Led by members of the AASU, it won the State Legislative Assembly election in 1985 and came to power (Baruah, 1999). Yet, its failure to carry through with the core provisions of the Accord, most obvious in its inability to identify and remove illegal aliens, eroded its legitimacy over time (Weiner, 2001). In the 2000s, the BJP rose to power in Assam by mobilising fears of national security and illegal migration, specifically focusing on the specter of ‘Bangladeshi infiltrators’ (Misra, 2017). The All India United Democratic Front (AIUDF), which is led by Maulana Badruddin Ajmal and was established in 2005, offered a political vehicle for Bengali-speaking Muslims, many of whom are routinely accused or scorned as illegal migrants. This served to further polarise Assam’s politics on ethnic and religious lines (Hussain, 2019).

As a result of persistent demands to settle the nettlesome issue of implementation of Clause 6 of the Assam Accord, which envisages constitutional and administrative safeguards for the indigenous people of Assam, the NRC was updated in the State, under the supervision of the Supreme Court of India. The ultimate list, published in August 2019, omitted 1.9 million individuals, and among these, many were rendered stateless and with no avenue for due process (Human Rights Watch, 2020). The leader of the opponents was against the NRC and CAA 2019, and said that the practice was flawed and inconsistent, lacked transparency, and was discriminatory by unfairly targeting poor communities. The Citizenship (Amendment) Act, 2019 (CAA) was passed shortly after offering citizenship to non-Muslim migrants from Bangladesh, Pakistan

⁴⁸ The number is from “The Faces of Assam,” Sunday, (November 17-23, 1985). The final number of electorates is from Sentinel (Guwahati, December 30, 1985).

Afghanistan who entered India on or before 31 December 2014 (see chapter IV). This sparked protests on a huge scale in Assam, as the Act went against the Assam Accord, ensuring that March 25, 1971, would be the cut-off date for identifying illegal migrants irrespective of religion (Sharma, 2020). Demonstrators contended that the CAA would be legitimising Hindu and other religions rather than Muslim migrants of post-1971, who would, in turn, lead to further marginalisation of the indigenous population (Datta, 2020).

Violent clashes between indigenous or ethnic communities and Chakma migrants led to a series of political controversies in the Bodoland Territorial Region. Violent clashes erupted in the 1990s and again in 2012 and 2014 between Bodos and Bengali-speaking Muslims, frequently described as illegal immigrants (see chapter VI). Domestically, these wars were largely driven by struggles over land (both its control and identity) and the control of a brittle political power (Baruah, 2003). The 2012 Kokrajhar riots, with nearly 400,000 persons displaced, were among the worst instances of recent ethnic violence (Seikh, 2013). There have been other similar cases in 2014 that highlight these deep-seated fears of demographic change and encroachment as perceived by Aboriginal groups (Chakravarty, 2016). These episodes reveal the unresolved tensions between state policy, regional identity politics, and grassroots socio-economic anxieties.

3.7 Causes of Migration from Bangladesh to Assam

The migration population from the then East Pakistan (Bangladesh) during the post-independence period has commonly been 'push-pull' and the earlier networks of migration which was established during the colonial period. In reality, the choice to move from Bangladesh to Assam was influenced by the presence of 'negative variables' in the source country and the existence of 'positive variables' in the receiving country. At times, reasons have differed from the economic migrants as Muslims, to the forced migrants, like Hindus. In both communities, economic justifications are frequently cited. In the case of Muslim migrants (voluntary), the economic factor was a significant factor; and in the minority Hindu or other such (involuntary or forced) migrants of Bangladesh, factors other than economics, like 'threat perspective,' also played a supplementary role. Push factors of migration from Bangladesh were a low level of economic growth, political institutions, socio-religious divisions and population explosion, resource degradation, etc. Also, pull factors such as easy availability of financial resources, generosity, democratic political institutions in India, presence of logical migrants, etc., were prevalent in India,

unlike the other side. Likewise, several significant confounding factors such as porous Indo-Bangladesh border, physical propinquity of Assam and Bangladesh, common morphological and religious features, doubtful nexus of political parties with illegal migrants, dilatory legal process for identification of illegal migrants and continuance of the Illegal Migrants (Determination by Tribunals) Act, 1983 ensure that illegal migrants are comfortable and they do not have to live cagey.

3.7.1 Poor Economic Conditions

In Bangladesh, people face many problems, such as the war of independence, devastation from war, overpopulation, natural disasters such as floods, cyclones, famine, and limited resources. The population of Bangladesh was 165.159 million, as reported in the 2022 census, lived in an area of 143,998 sq. km, and had the highest population density in the world, with a population density was 1,350 people per square kilometer, 3,496 per square mile. After the independence first independent census was conducted in 1974, instead of 1971 because of war, the population had increased from 68.74 million to 165.159 million in the 2022 census reported. High population growth in Bangladesh led the country to other demographic matters, such as the density of population, poverty, unemployment, illiteracy, and the like. By 1999-2000, approximately 53 per cent of Bangladesh's total land (used for all purposes) was in cultivation, and about 63 per cent of the population was farming population (Bangladesh Bureau of Statistics, 1999). As Sanjoy Hazarika notes, the scarcity of land in Bangladesh creates a 'Malthusian nightmare' far too much on far too little land (Hazarika, 1994). So, homelessness was a big issue in Bangladesh. In between 1960 and 1982, the annual growth rate of the number of landless in Bangladesh was estimated to be 3.1 per cent, while that of the population was 2.5 per cent, writes Md. Abdul Quasem of Bangladesh Development Studies (Quasem, 2001). The number of landless households was 53 per cent according to the Bangladesh Agriculture Census 1996 (Bangladesh Bureau of Statistics, 2010). According to the Agricultural Census of Bangladesh, 2008, there were 4.5 million landless households in the country, of which 1.22 million were in rural areas. The situation was also compounded by factors of the environmental disaster of Bangladesh (Ahmed, 2006). Bangladesh is a land of rivers. But, above all, most of the man-made calamities in the upstream, such as deforestation and soil erosion by China, Nepal, and India (Sarma, 2015). Even in the 1960s, the Kaptai Dam project on the Karnaphuli River and, in 1975, the Farraka Barrage on the Ganga River

led to mass displacement in Bangladesh. In 2014, the Fifth Assessment Report of the Intergovernmental Panel on Climate Change identified Bangladesh as the most vulnerable to climate change in the world, and the report also mentioned that the average one-degree Celsius temperature had increased between 1985 to 1998. Due to climate change, there has been to increase in sea level, constant floods and cyclones, drought, erosion, sedimentation, soil salinity, freshwater scarcity, etc. According to the UNDP Report (2004), Bangladesh is the 6th most flood-prone country in the world, and it is vulnerable to tropical cyclones. The catastrophic floods in 1998, 2004 and 2007, and the cyclones and tidal surges in 1991, 1998, 2000, 2004, 2007 Sidr, 2009 Aila, 2013 Viyaru, 2019 Fani, 2020 Amphan, 2021 Yaas, 2023 Mocha and recently 2024 cyclone Remal, had led to taking away of millions of lives and destroyed past developments gained in Bangladesh (Govt. of Bangladesh, 2025). According to the Report on Climate Change Cell, Department of Environment, Government of Bangladesh, about 200,000 people lost their lives in major Disasters, and an economic loss of US\$5.9 billion was caused to crops and infrastructure in Bangladesh during 1991-2000. Additionally, the Great Famine in Bangladesh of 1974 caused starvation and pushed a huge number of Hindu and Muslim immigrants to India and other neighbouring countries. However, it is much difficult to identify the exact number of environmental migrants or degraded environment migrants from Bangladesh to Assam as well as India.

In the same way, Bangladesh was confronted with the problem of unemployment in its economy. According to the census report, between 1990-91, more than one million people were jobless, which increased to 1.4 million in 1995-96 (Alam, 2003). This is evident in data on the Bangladesh Labour Force Survey (LFS), which shows the unemployment rate was 3 per cent in 2003 compared to an underemployment rate of 7 per cent in 2010. The minimum wage of agricultural workers declined from 21 *taka*⁴⁹ per day in 1985-86 to 19 taka per day in 1989, and 18 taka per day in 1996 (Alam, 2003). These all exacerbated the issue of extreme poverty in Bangladesh.

Bangladesh began its journey with a negative growth rate of Gross Domestic Product (GDP). It was (-)6.83 per cent in 1971 and (-)14.74 per cent in 1972. From the Human Development Report, 2005, the per capita annual income of Bangladesh was \$390 (\$2,690 in 2025, less the global average). According to the report, around 36 per cent of the estimated 140 million (2005) people have been living on less than a dollar per day, and another 82.8 per cent of people

⁴⁹ Bangladesh's currency is called 'Taka'

have less than \$2 per day. The poverty rate has gone up to 70 per cent. Therefore, the Bangladesh Government tries to overcome poverty through its Development Series. From 2000 to 2010, Bangladesh was able to reduce the poverty level from 63 per cent in 2000 to 47 per cent in 2010 or 26 per cent in just 10 years (Dhaka: The Bank Office, 2013). But the rate of extreme poverty in the rural areas (37.9 per cent in 2000 and 21.1 per cent in 2010) continued to exist as a challenge to the development process in Bangladesh (Dhaka, 2013). Barisal, Khulna, and Rajshahi, which were included in the Western Divisions of Bangladesh, were relatively less developed than the Eastern Division's districts of Chittagong, Dhaka, and Sylhet. Illiteracy, like poverty, was another key issue for Bangladesh. The literacy rate in Bangladesh was too low in 1974, when only 24 per cent overall, and 15 per cent of females, were literate. It rose to 25.84 per cent for women against 44.31 per cent for men in 1991. Even in 2025, Bangladesh's literacy rate is 74.66 per cent (male 76.56 per cent and female 72.82 per cent), which is below the average rate of the world, 86.7 per cent (male 90.1 per cent and female 83.3 per cent). Because of the poor economic prospects of Bangladesh, a significant number of individuals choose to emigrate rather than die from starvation.

3.7.2. Political Situations

People are fleeing Bangladesh to India and other neighbouring countries not only for economic reasons but also for political or, more precisely, communal violence. After the partition and the 1971 liberation war, most Bangladeshi Hindu and other minority religious communities chose migration and crossed international borders due to political reasons. Even this illegal immigration process continues today. According to Navine Murshid, "first and second wave of migration (first wave of migration, when assam became a part of India's East Bengal Province in 1905 and second wave, when the British relocated Bengali to tea plantation workers in 1940s) from Bangladesh to Indian state of Assam was mainly happened for economic reasons but third wave (from partition in 1947 to before 25th March 1971 Bangladesh liberation war) and forth wave of migration (after 25th March, 1971 to present time) was happened political reasons that is communal violences" (Murshid, 2016). The main reason behind this was the aggression of Muslim fundamentalists and also the policies of the Bangladesh government. As Myron Weiner writes, "Most of the world's population flows since World War II did not merely happen; they were made to happen. For the governments of sending countries, emigration may serve a variety of political objectives...a solution to the problems of cultural heterogeneity...a device for dealing with

political dissidents, including class enemies” (Weiner, 1995). And that view was even overtly applicable to the policy of rubbishing the Government of Bangladesh was pursuing in respect of their own ethnic and religious ‘minorities⁵⁰.’ It was reiterated by Article 27 of the United Nations Covenant that: Moreover, the rights of the ethnic, religious, and linguistic minorities should be protected, and they should be ensured to be free to attend to their own culture, to profess and practice their own religion, and or to use their own language. In Bangladesh, the rights of the minorities were wantonly violated in reality. The Constitution of Bangladesh does not provide any special provision to protect the rights and safeguards of the minorities from different groups. They did not create any obstacles in the path of Islam while leaving provision for promotion of Islam by making Articles such as 8 (1)⁵¹, 8 (1A),⁵² and 2A⁵³ of the Bangladesh Constitution.

The liberal provisions of the Constitution of Bangladesh came to an end with the assassination of Mujibar Rahman on August 15, 1975, and a military regime based on the needs of autocracies took over the country with despotic military rule of Major General Zia-ur-Rahman (1975-1981) and General Hussain Muhammad Ershad (1982-1990), until 1990. They had no respect for other religious communities. Consequently, in the December 1972 constitutional provision for ‘practice of other religion’ was deleted, hence, simply replaced by ‘absolute trust and faith in Almighty Allah’ in 1977. General Zia attempted to ‘Islamise’ the politics of Bangladesh. In 1977, the government set up a ‘syllabi committee’ which announced that ‘Islam is a code of life’. Islam is that which, from cradle to death, from birth to demise, a Muslim must spend his personal, social, economic, political, and other matters in his life as Islam allows him. Islam was established as the state religion by General Hussain Muhammad Ershad in 1988. He sought to incorporate Islamic values into the cultural pursuits of Bangladeshi Muslims (Riaz, 2003). The minorities of Bangladesh have faith in the Awami League, which is one of the leading political parties of Bangladesh, to protect them. Slowly, the party also started drifting towards religion-

⁵⁰ The minorities were “persons resident in a given country or locality having a race, religion, language and traditions of their own in a feeling of solidarity, with a determination to preserve their religion, language and traditions, maintain in communion with members of their own race, and to secure the teaching and adoption of their own language and religion and to educate their children in the spirit and tradition of their race, and to have seasonable and equitable opportunities to deal with the members of the majority in all matters political, economic, social and linguistic.” See the Permanent Court of International Justice (PCIJ) interpretation of the League of Nations about the emigration of Greco-Bulgarian Communities dated 31 July 1930.

⁵¹ Article 8 (1): “The principles of absolute trust and faith in the Almighty Allah, nationalism, democracy, and socialism, meaning economic and social justice, together with the principles derived from them as set out in this part, shall constitute the fundamental principles of State policy.”

⁵² Article 8 (1A): “Absolute trust and faith in the Almighty Allah shall be the basis of all actions.”

⁵³ Article 2A: “The State religion of the Republic is Islam, but other religions may be practiced in peace and harmony in the Republic.”

based politics. It wanted to show Islam to be part of the culture of Bangladesh (Riaz, 2003). Even the Bangladesh Nationalist Party (BNP), with Khaleda Zia, was immune to religious nepotism. Since then, the influence of Jammat-e-Islami and Islami Oikyo Jote of two radical Islamic parties of Bangladesh has increased in politics. In the 1990s-2000s, the entire democratic agenda was conscientiously hushed up. Indeed, the Islamic militants of Bangladesh got a major boost under the BNP, and they work more openly in Bangladesh (Ahsan and Banavar, 2010). Therefore, terrorism and intimidation were easily found in everyday life in Bangladesh.

The changes that had been taking place in Bangladesh to convert this country into an Islamic state had had a significant impact on the people of ethnic, linguistic, and religious minorities. Not even fellow co-religionist Muslim minorities, such as Ahmadiya or Kadiyani and Bihari Muslims (considered as stranded Pakistanis⁵⁴), were overlooked. Indeed, all minorities were separated from the rest and collectively discriminated against (Wirth, 1941). The Hindus of Bangladesh are perhaps the worst victims. The image of persecution of Hindu minorities in Bangladesh was starkly brought out by a few of the newspapers published from Bangladesh, some liberal academicians and intellectuals in Bangladesh, and international organisations like Amnesty International. The Hindus in Bangladesh had to endure all kinds of atrocities, like forcefully seizing their lands and other movable and immovable properties, demolishing religious places (Mandirs) and deities, abducting, forcefully evicting, torturing, forceful conversion to Islam, raping, and many other forms of atrocities against women and threats by Islamic terrorist groups. Not only the Hindus, but other minority groups are also discriminated against in appointments and promotions in government jobs and even in getting education in Bangladesh. The Hindus and other minority groups' forces during the Bangladesh Liberation War sided with the Bengali Muslims to defend the integrity of Bangladesh and struggled against the attempt to suppress the Bengali language. But their position in Bangladesh became worse over time. The Government of Bangladesh passed the law of 1972 called the 'Vesting of Property and Assets Order' (29 of 1972), but this Act was a modified version of the 'Enemy Property Act' of Pakistan and the 'Vested and Non-Resident Property (Administration) Act' of 1974, within 1976. However, in the practical field, the Acts were prominently used against the Hindus, who had migrated from East Pakistan (now Bangladesh) to India during and/post-liberation war. Approximately 1.2 million Hindu families or 6 million

⁵⁴ The term 'Stranded Pakistani' or national is used to differentiate non-Bengali Bihari Muslims of East Pakistan from the other Pakistani citizens. They had greater sympathies for Pakistan, and they wanted to go back to Pakistan. Consequently, by 1974, Pakistan acquiesced to the acceptance of 108,000 and 163,000 in 1981 Bihari Muslims.

Hindus were affected by the Enemy Property Act or Vested Property Act, and they lost 2.6 acres of agricultural and other lands between 1996-2001 (Barkat, 2006). However, in April 2001, the Prime Minister of Bangladesh, Sheikh Hasina, declared by enacting the Vested Property Return Act, 2001, that all Vested Properties would be returned to their original owners.

Atrocities against the minorities forced Hindus, Chakmas, etc., to migrate from Bangladesh. They sought asylum in various states in India. It created the notion of the 'missing Hindu population' in Bangladesh. "The Missing Population," a newspaper article published by the Holiday, a Bangladeshi weekly, was printed on January 7, 1994. The Holiday newspaper reported that 1.22 million Hindus remained unaccounted for from Bangladesh between 1974-81. The number of Hindus missing was increased to 1.73 million during the intercensal period 1981-91. In fact, around 475 Hindus are vanishing daily from Bangladesh since 1974. The population of Hindus in Bangladesh was reduced by two crores in the last 50 years (till 1991); probably, they were migrated from Bangladesh to other neighbouring countries (Timm, 1994). According to a study by Abul Barkat, an economist of the University of Dhaka, and his associates, if there was no out-migration, the Hindu population in Bangladesh would have been 11.4 million in 1971 instead of 9.6 million; 14.3 million in 1981 instead of 10.6 million; 16.5 million in 1991 instead of 11.2 million; and 19.5 million in 2001 instead of 11.4 million. Nearly 218,919 Hindus were unaccounted between 1964-2001 (Barkat et al., 2006). Two credible institutions of Bangladesh, the Bangladesh Statistical Bureau (BSB) and the National Population Research and Training Institute (NPRTI), also officially reported that more than 9 (nine) Lakh Bangladeshi Hindus have 'vanished' from the country in the last few decades (Baruah, 2013). The decline in the number of Hindus was replaced by an increase in the number of Muslims in Bangladesh.

The Bangladeshi Hindus were targeted by the Bangladeshi Muslims during the time of the dispute regarding Ram Janmabhoomi and Babri Mosque in India in the years 1989, 1990, and 1992. In the aftermath of the demolition of the Babri Mosque by Hindu militants at Ayodhya in Uttar Pradesh (India) on December 6, 1992, more than 3,000 temples and idols of Hindu Gods and Goddesses were desecrated in Bangladesh (Paramanik, 2005). According to Salam Azad, a prominent Bangladeshi writer, reported that approximately 28,000 houses (of which 9,500 were destroyed), 2,700 shops, 3,600 temples of Hindu deities, and places of worship were totally or partially destroyed in 1992. In the riot, twelve Hindus were murdered, 2,000 were injured, and at least 2,600 girls and women were sexually harassed. The total economic loss to the country was about 200 crores taka (Azad, 1998).

During the 2001 general elections in Bangladesh, the state witnessed the worst-ever violence against the minorities, particularly the Hindus. The Hindus were the main target and had suffered multiple acts of persecution, as reported by *The Hindu* on 22nd October 2001, a leading national newspaper of India (The Hindu, October 22, 2001). On December 23, 2003, *the South Asian* in her report “Bangla Hindu Influx into Northeast India: Dhaka’s disclaimer and New Delhi’s tacit Approval,” mentioned that at least 10,000 minorities from Barisal abandoned their homes, and a number of them took refuge in the Gopalganj District of Assam and the others took refuge in the Indian states of Tripura and West Bengal.⁵⁵ In 1950, more than one million refugees crossed the international border and entered West Bengal in waves, particularly after the 1950 Barisal Riots and Noakhali Riots (Chakravarty, 2007). According Indian Census report in 2001, more than 15 million Bangladeshis took shelter in Indian states, particularly border districts. In 2001, Amnesty International reported that the communal violence against Hindus following the general elections had been brutal and organized.⁵⁶ Therefore, Hindus were forced to flee Bangladesh; they sought refuge in neighboring Indian states. The Human Rights Congress of Bangladesh reported that 12 people lost their lives, more than 1,000 women of the minority community were raped, and several thousand people were driven out of their habitation in the same area in the last 3 months (Norwegian Refugee Council, 2005). Leading Bangladeshi print media such as Daily Star, Sambad, Janakantha, Prothom Alo, Jugantor, Ittefaq, etc., have covered so many brutal incidents or grievances related to the violations of human rights of the minorities. Human rights workers all over the world denounced the outrages perpetrated against minorities and women in Bangladesh. Taslima Nasreen, a prominent Bangladeshi writer, authored a novel, *‘Lajja/Shame’* (1993) highlighted the human rights violations of women in Bangladesh. She raised her voice against the brutality of the Bangladesh government and the Muslim people, which forced her to flee Bangladesh and take shelter in India. Shahriar Kabir, a prominent human rights activist in Bangladesh, disclosed that “many more rape cases were unreported out of fear of further abuse and social conservativeness” (Kabir, 2002). According to the Hindu American Foundation, the post-election violence of 2001 was a backlash against Hindus, and at least 500,000 Hindus migrated to India illegally.⁵⁷ In fact, all minorities in Bangladesh, including Hindus, were identified

⁵⁵ The South Asian, “Bangla Hindu Influx into Northeast India: Dhaka’s disclaimer and New Delhi’s tacit Approval,” December 23, 2003, http://www.thesouthasian.org/archives/2003/bangla_hindu_influx_into_north.html accessed May 25, 2025.

⁵⁶ Amnesty International, Amnesty International Report, 2001 Bangladesh: Attacks on Members of the Hindu Minority, (2001), 2, <http://www.amnesty.org/download/Documents/124000>

⁵⁷ Hindu American Foundation, “Hindus in South Asia & the Diaspora: A Survey of Human Rights,” 2017, 36, <http://www.hafsite.org/sites/default/files/HAF-HinduHumanRightsReport2017.pdf> accessed June 16, 2025.

as ‘politically unfit’ or ‘undesirable people’ in the country; hence, they have been persecuted throughout history (Samadar, 1999). But the BNP Government did absolutely ignore those huge atrocities against Bangladeshi minorities. By mid-October 2001, Altaf Holland, the Home Minister of Bangladesh at the time, said the reports of attacks on the Hindu minority were “false, exaggerated, politically motivated.”⁵⁸

3.7.3 Nature of Indo-Bangladesh Border

Bangladesh is an important South Asian country, and geographically, it is located on the eastern side of India. The geographical location of Bangladesh gives geopolitical importance not only to the Asian countries but also to Western nations. If we closely look at the map of Bangladesh, we find that Bangladesh is actually located in the belly of India. Bangladesh shares a 4,096.70 km borderline with India’s eastern and northeastern states, that is 2,217 km in West Bengal, 856 km in Tripura, 443 km in Meghalaya, 318 km in Mizoram, and 267 km in Assam. Likewise, Bangladesh’s administrative divisions, such as Chittagong, Khulna, Mymensingh, Rajshahi, Rangpur, and Sylhet, are situated along the border and regarded as the primary entry point of migrants into India. The India-Bangladesh border is the 5th largest border in the world.

The Indo-Bangladesh border problem assumed a new turn after the independence of Bangladesh in 1971. The main causes of border conflicts between India and Bangladesh are un-demarcated boundaries, enclaves, and adversely possessed land. In January 1979, only 3.180 km of borderline out the 4000 km was demarcated. Work of demarcation in the Meghalaya sector is completed (440 Km). In Mizoram (306 km), the demarcation was completed very recently. Because of the tough terrain, some border posts, such as at Dimagiri, Parwa, and Longtalai in Mizoram, are several kilometers away from the frontier. These posts are particularly sensitive for the Chakma refugees and the arms deals in Cox’s Bazar. 6.5 km of the Indo-Bangladesh border has been kept un-demarcated in places such as Dahikhata, Muhuri River, Belonia, and Dumabari in Tripura. There were 14 disputed enclaves in West Bengal, Assam, and Tripura along the Indo-Bangladesh border. In the same way in all (Assam/Meghalaya/Mizoram-Bangladesh; Tripura-Bangladesh and West Bengal-Bangladesh) three sectors, there existed several pockets of adverse possession of one country in the territory of the other country. India occupied 52 Bangladeshi

⁵⁸ Amnesty International, Amnesty International Report, 2001: 4.

lands, and Bangladesh occupied 49 Indian lands. It was estimated that 1621.0 acres of land were in adverse possession of India, and 2592.0 acres of land were in adverse possession of Bangladesh.⁵⁹ The first initiative was taken to exchange enclaves' territories between India and Bangladesh under the 'Shaikh-Swaran Singh Agreement' in 1959, but it did not work to ameliorate the situation and got to be the subject matter of dispute between the border guarding forces of India (BSF) and Bangladesh (BGB). Enclaves were the hub of illegal immigrants as well as smugglers from Bangladesh. They were infiltrated through the Bangladesh side and entered the Bangladeshi enclaves in India. Moreover, they got access to Cooch Behar, Jalpaiguri, and Siliguri, and eventually entered Assam or other parts of Northeast India. There was a total of 74 Bangladeshi enclaves in India with 47.66 sq. Km or 11,777.7 acres of land and 123 Indian enclaves in Bangladesh, occupying a total area of 76.28 sq. km or 18,846.15 acres of land.⁶⁰ Finally, in June 2015, India and Bangladesh signed the 'Land Boundary Agreement', under the agreement, both countries exchanged enclave's territories and their residents. India transferred 111 enclaves (about 17,160.63 acres) to Bangladesh and received 51 enclaves (7,110.02 acres) from Bangladesh (Banerjee and others, 2017).

The Indo-Bangladesh border seems to be porous by nature. The nature of the border in some areas is plain or flat land, and another part of the border area is inaccessible, hilly or forest, or riverine (Jamwal, 2004). The variety of terrain and topography of this border makes it porous. In West Bengal, out of 2,217 km of the Indo-Bangladesh border, 600 km are riverine, of which 200 km remain under water throughout the year, and the remaining 400 km border are waterlogged for a few months. Assam's riverine border is 83 km, of which 35 km is in Dhubri District and 48 km in Karimganj and Cachar districts. The terrain of the land border does not pose any obstacle for the infiltrators to enter Assam on foot. The length of the Assam-Bangladesh border is 186 km in Dhubri District and 74 km in Karimganj and Cachar districts.⁶¹ The districts of Assam, such as Dhubri, South Salmara-Mankachar, Cachar, and Karimganj, are close to the Indo-Bangladesh border. Assam and Bangladesh are both densely populated on either side of the Indo-Bangladesh border. Over a hundred villages in India stand right up to the boundary (Rammohan, 2011). Some important towns such as Taki, Bashirhat, Hili, Mahadipur, Sukdebpur, Radhikapur, in West Bengal, Kamalpur, Khoai in Tripura, Karimganj, Dhubri, and Mankachar in Assam, which are located near

⁵⁹ A Brief Note on Indo-Bangladesh Border Problems, file no. HI/102/32/80, (New Delhi: National Archives).

⁶⁰ A Brief Note on Indo-Bangladesh Border Problems, file no. HI/102/32/80.

⁶¹ The Inspector General of Border Police in Assam, (January 01, 1986). *A Comprehensive Note on the Illegal Migrants and their Detection and Deportation.*

the zero-line of the India-Bangladesh border. Even right next to the zero line, many houses have been built that are involved in the illegal entry of foreigners, smuggling of weapons, explosives, and prohibited foreign goods (The Sentinel, July 6, 2005). A former head of the Border Security Force, E.M. Rammohan, in his article “The Indo-Bangladesh Border”, painted an unfavorable portrait of the situation on the Indo-Bangladesh border:

“In many cases, the international border runs right through the back gardens of houses on the Indian side. Several towns straddle the border, like Hilli, where the houses have a front door in India, while the rear door opens into Bangladesh. The population on the Indian side of the border, in many stretches, consists of migrants who have come from Bangladesh and settled down...Wherever there is a village right up to the border, there is a break in the fence as wide as the number of houses straddling the border” (Rammohan, 2011).

The Indo-Bangladesh border fencing work is constantly getting affected by issues such as natural distribution, riverine or low-lying land, villages within danger zones of the border, and the pending land acquisition process. Likewise, the cutting of barbed wire fencing for smuggling humans and goods is rampant along the Indo-Bangladesh border. During the rainy season, several border areas are submerged in water; therefore, the fences of the border either wash away or are damaged. In addition to cattle smuggling, arms and ammunition, and drugs are also smuggled into India via the riverine channels. The illegal migrants also use the river’s route to infiltrate into various districts of Assam, such as Dhubri, South Salmara-Mankachar, Barpeta, Goalpara, Darrang, Nagaon, Morigaon, Lakhimpur, Bongaigaon, and so on. Some secret ‘dalals’ and ‘brokers’ networks are active in the border area, and they help migrants enter Assam in exchange for money. The border security forces (BSF) in India are not sufficient on the Indian side. On the other hand, the BGB (Border Guard Bangladesh) reportedly does not oppose crossing by their people.

3.7.4 Riverine Islands or Char Lands in Assam

The ‘char-lands (River Island) or chars⁶²’ of Assam, which are the result of the sedimentation activities of the Brahmaputra (724 km) and the Barak (208 km) riverbanks,

⁶² The Government of Assam used the term ‘chars’ as “the sandy land area extended from Sadiya to Dhubri of Assam within the river Brahmaputra or surrounded by water of the river Brahmaputra, where people can live and cultivate the land.” Vide Char Area Development Department, Dispur: Government of Assam, 1983.

represent one of the ecologically most dynamic as well as the socially most complex areas of Northeast India (Sengupta, 2018). These two rivers and their tributaries have created a lot of chars and give the Bangladesh nationals a very easy means to infiltrate into Assam through the riverine routes. The infiltrates, particularly the Muslim agriculturists from Bangladesh, view the soil-cum-climate of this state as more fertile and congenial than their country of origin, and thus motivated them to migrate to such places. Charland is the safe and secure home of those individuals who illegally entered Assam from Bangladesh. It is said that the powerful Muslim landlords in Charland, known as 'Mattobars', provided shelter to those Bangladeshi individuals who were accused illegal migrants. There was no exact census data on the Charland inhabitants, which is one of the drawbacks of the Assam as well as the Central government. Most of the Charland inhabitants are illegal Muslim immigrants from Bangladesh. Although a small number of Hindu and Nepali immigrants and indigenous people also lived in the char areas. According to P. K. Mishra, who was an Additional Director General of BSF in Assam at the time from 1971 to 1990, told that:

"I could notice that several thatched houses were coming up, and a few civilians arrived from somewhere and started staying in these new chars...If we take into consideration Bangladeshi Muslim migrants coming to Assam, drug smuggling to Assam, cultivation of opium, everything revolves around the char islands only" (Mishra, 2014).

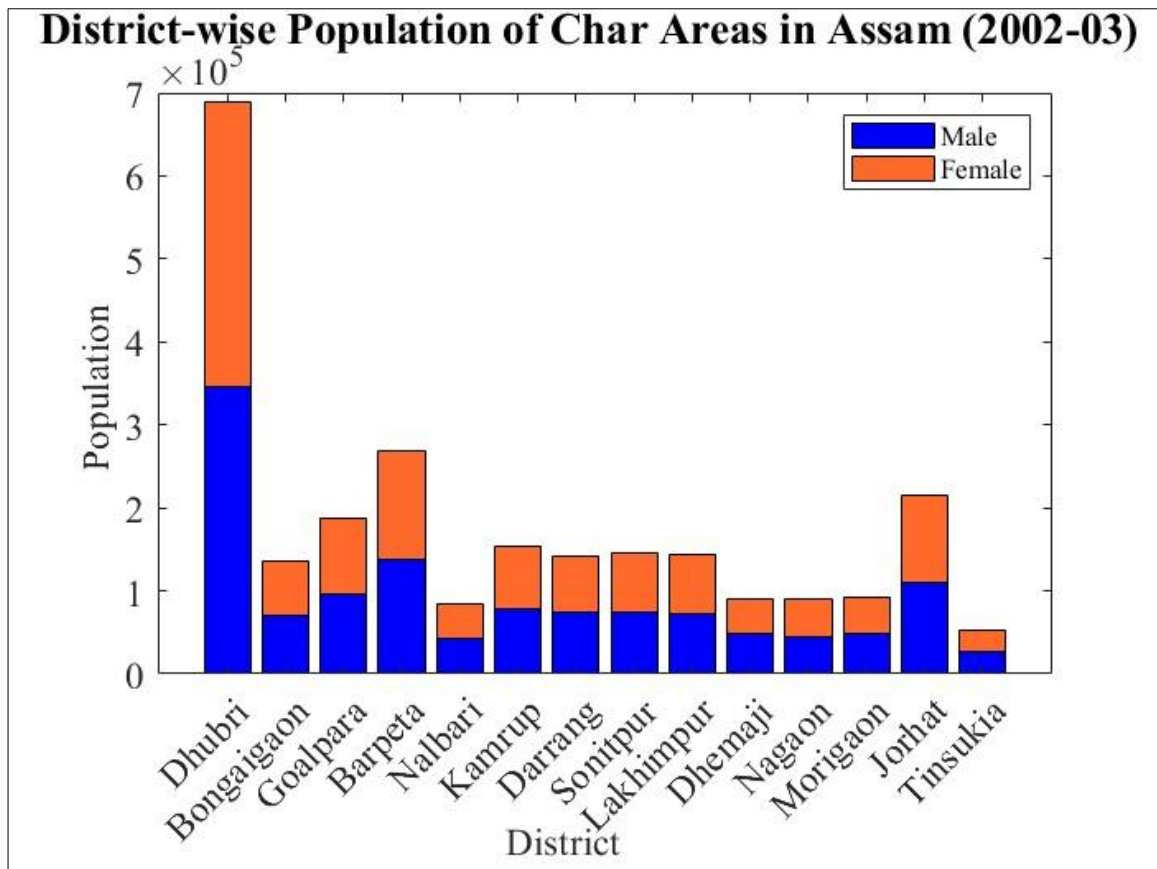
A survey conducted by the Char Development Authority, Government of Assam in 1985, enumerated 1,256 char villages across eleven districts in the Brahmaputra River Valley. In 1992-93, under the guide lines of the Directorate of Char Areas Development in Assam, conducted a Socio-Economic Survey in Charland, where the 2,089 char villages were identified in fourteen districts of Assam with a total population of 1,600,244 and total land area 2.39 lakh hectares (1786508.403 bighas). As per Census 2011, there are more than 24 lakhs of Bengali-speaking Muslims in Assam, of whom an estimated 14-16 lakh people live in the chars (sand islets) region of the state (Centre for North East Studies, 2021). By the beginning of the 21st century, the population of the char-lands had swelled. In 2003, the Authority of the Charland Development reported that an unnatural growth in the char population from 1.6 million to 2.5 million, with they are living in about 2,251 char villages in 14 districts in Assam.

Table-3.7**District-wise Demographic Profile of Char Areas in Assam (2002-03)**

| District | Total Population | Males | Females | Area (sq. km.) | Population Density | Sex Ratio | Literacy Rate (%) | Cultivable Area (%) |
|-------------------|-----------------------------|------------------|------------------|-------------------------------|-------------------------------|----------------------|----------------------------------|--------------------------------|
| Dhubri | 689,909 | 346,996 | 342,913 | 2,798 | 999 | 998 | 14.60 | 35.20 |
| Bongaigaon | 135,809 | 70,345 | 65,464 | 2,152 | 142.5 | 930 | 12.46 | 5.68 |
| Goalpara | 186,826 | 95,521 | 91,305 | 18,241 | 198.6 | 955 | 13.65 | 10.89 |
| Barpeta | 268,344 | 137,708 | 130,636 | 3,245 | 366.5 | 948 | 17.63 | 11.30 |
| Nalbari | 83,602 | 42,702 | 40,900 | 2,257 | 134.3 | 957 | 16.24 | 15.95 |
| Kamrup | 154,508 | 78,258 | 76,250 | 14,345 | 171.7 | 974 | 15.16 | 6.14 |
| Darrang | 142,405 | 74,269 | 68,136 | 3,481 | 167.5 | 917 | 12.34 | 4.81 |
| Sonitpur | 145,729 | 75,119 | 70,610 | 5,324 | 141.1 | 940 | 16.93 | 4.62 |
| Lakhimpur | 143,235 | 73,216 | 70,019 | 2,277 | 215.2 | 956 | 18.50 | 9.45 |
| Dhemaji | 91,203 | 47,689 | 43,514 | 3,237 | 169.8 | 912 | 15.69 | 5.24 |
| Nagaon | 89,803 | 45,302 | 44,501 | 3,973 | 120.4 | 982 | 17.59 | 3.14 |
| Morigaon | 91,324 | 47,912 | 43,412 | 1,551 | 119.3 | 906 | 18.50 | 7.00 |
| Jorhat | 215,095 | 109,617 | 105,478 | 2,851 | 421.7 | 962 | 60.55 | 14.80 |
| Tinsukia | 52,605 | 27,234 | 25,371 | 3,790 | 140.9 | 931 | 14.00 | 9.71 |
| Total | 2,490,097 | 1,271,588 | 1,218,509 | 78,438 | 250.60 | 958 | 19.31 | 4.60 |

Source: District Census Handbook, Govt of Assam, 2003.

Fig-3.7



From the above census data, it was clearly visible that the population growth of the chars was unnatural, and even the population growth in the chars was quite higher than both the country as well as Assam’s average population growth. So, there is no question about the reasons behind the unnatural population growth is illegal immigrants from the neighboring countries, specifically Bangladesh. Illegal immigrants initially used Chars for their safe and secure residential zone, and after a couple of years, they were easily assimilated into the mainland Assam. It was estimated that more than 30 to 35 per cent of the char land individuals do not have a voter card or any other government documents of India. Former Assam Police Director General Harekrishna Deka also said that, “River routes are being traditionally used by Bangladeshi nationals to cross over to India by taking advantage of lax vigilance” (Schendel, 2005).

Overall, the historical trends and patterns of migration in Assam point to the need for a sensitive, balanced, and inclusive migration policy, which recognizes Assam’s pluralistic heritage and protects its indigenous communities and democratic values. Therefore, understanding this history is crucial for establishing just and effective governance in the region.

Chapter-4

Constitutional and Legislative Responses to Illegal Migration

4.1 Legal Perspectives on Migration:

The population growth of a country mainly has three reasons: birth rate, people of incorporated territories (who later join as a part of the country), and immigrants. After the industrial revolution, Western countries needed cheap labour for their industrial production; therefore, a large number of people migrated from the poor countries of Asia, Africa, and Latin America. Even this migration movement continues in modern times. But the problem is that sometimes they (migrants) enter the country illegally. Therefore, they are called illegal immigrants or undocumented immigrants. They have not only changed the demographic structures of the country but also impact on the socio-economy and political aspects of the host country. In fact, the security threats, such as smuggling of unlawful trade (arms, narcotic drugs), terrorist activity, crime, human trafficking, etc., are associated with illegal migration. Therefore, every country wants to control illegal immigrants at the border areas or entry points. Even those who have entered the country illegally should be identified and deported them to their country of origin. One of the most effective ways to control illegal migration is to make laws, regulations, and policies. Through this legal mechanism, identification, deportation, pushback, and other actions against illegal immigrants in the country are easily possible. The constitution of a country is a political and legal document that assigns important responsibilities to the state towards its citizens. A state can protect and preserve its citizens' rights from migrants (illegal) under the constitutional guidelines. In the 21st century, each state makes laws, regulations, and policies to control and combat illegal migration.

Previous Chapter, we discussed the historical patterns and trends of migration (illegal) in Assam. In this chapter, we will discuss the constitutional and legislative provisions and policies of India on the issues of migration (illegal or undocumented) from the colonial period to the present day, and try to understand the migration(illegal) situation in Assam. We will answer the research question of What are the main laws, regulations, and policies to control illegal migration from the neighboring countries to Assam? What is the legal status of children born in Assam whose parents entered illegally? In this chapter, we also analyse the parliamentary and Assam legislative debates

on illegal migration issues. We also analyse the international legal frameworks toward migration (illegal), but the problem is that there are no such international laws on illegal migration. Therefore, we discuss legal mechanisms or rules, regulations, and policies on international refugees, Asylum seekers, and human rights. For a better understanding, we analyse the migration (illegal) policies and laws of the developed world and neighbouring countries of India. We have analyzed the judgments of the Supreme Court and High Courts of India on the question of migration (illegal).

There cannot be a radical difference between international and national laws, regulations, and policies on illegal migration. Countries such as United States, France, England, Germany, Spain, and the whole EU (European Union), South and Southeast Asia have suffered the nightmare of terrorism, and the connection between these acts of terrorism and illegal immigration is too clear to be obvious (May, C. Le. Michael, 2006). In this background, global, regional, and multi-regional responses to the flow of illegal immigration have also been discussed.

4.2 International Migration Policies and Regulations:

Different countries of the international community have handled illegal immigration differently or addressed it in the context of varying levels of immigration and socio-political conditions, which diverge considerably from one country to another. In its Resolution No. 3449, adopted at the 30th session of the United Nations General Assembly (UNGA) in 1976 (titled para 2 and 3) said that, “Requests the United Nations organs and the specialized agencies concerned to utilize in all official documents the term ‘non-documented’ or ‘irregular migrant workers’ to define those workers that illegally and/or surreptitiously enter another country to obtain work” and “Appeals to the Governments of Member States to remind their competent administrative authorities of their obligation to respect the human rights of all migrant workers, including those that are non-documented and are irregular.”⁶³

It is aware and acknowledges that migrants enter into one another’s country or state in a manner that is not permitted by that state’s law or policy, but being an organisation for the promotion of peace and equality, and dignity, it does not use the term illegal immigrant but prefers to use the terms undocumented migrant or irregular migrant. The above was also reflected in the

⁶³ Measures to ensure the human rights and dignity of all migrant workers, UN. General Assembly (30th sess.: 1975-1976) <https://digitallibrary.un.org/record/189610?ln=en&v=pdf> (access on 15.8.2024).

Human Rights Council, in its 12th session, of September 22, 2009, when Navi Pillai, UN High Commissioner for Human Rights at the time, said the following:

“...illegal immigrants should be avoided and replaced by the internationally accepted definitions of ‘irregular’ or ‘undocumented’ migrants, which more accurately describe the situation...”⁶⁴

Hence, in all UN Resolutions and Instruments, these categories of people are labelled irregular or undocumented migrants. Nevertheless, international law, being actually a soft law by nature, cannot be strictly imposed on the countries of the world, and they are free to address those immigrants in a way that is appropriate to their societal, political, economic, and nationalist circumstances. In this context, one must inevitably examine and understand the following instruments, policies, and laws affecting irregular or undocumented immigrants all over the world.

4.2.1 The United Nations Policies and Regulations on Illegal Migration

To give legitimacy to the movement of people from one country to another, the United Nations established the Convention relating to the ‘Status of Refugees’, or the ‘Refugee Convention’, in 1951. This instrument addresses the situation of refugees following mass displacements after the Second World War, and the rights and responsibilities of the states that provide such protection. The focal point of this Convention is the doctrine of non-refoulement, i.e., the hosting country shall not send back these refugees to the land of origin where there is persecution of their life, liberty, and rights. Here, it is relevant to note Articles 31 and 32 of the said Convention. Article 31 of the Refugee Convention in 1951 mentioned:

“Refugees unlawfully in the country of refuge- 1) The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence. 2) The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary, and such restrictions shall only be applied until their status in the country is regularized or they obtain

⁶⁴ UNHCR-The Refugee Agency “Why undocumented or irregular?” https://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/09/TerminologyLeaflet_EN_PICUM.pdf (accessed on 17.08.2024)

admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country."⁶⁵

This Article indeed envisages an illegal trespass by a person or a group of persons into the territory of another, but imposes a command on the Contracting States to refrain from punishing the illegal migrant. As a social science research angle, this provision must be read and considered in the context that existed immediately before 1951, at a time when the world was reeling under the disastrous effects of the Second World War. It requested all the countries of the world to treat refugees with kindness, who have crossed into another country by their own initiative, to avoid an immediate threat to life and liberty in their respective countries of origin. Since the state of these people is already so troubled and they are scattered, they should not be troubled anymore. Article 32 of the Refugee Convention also stipulates that the contracting states shall not expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership in a particular social group political opinion, unless certain conditions are met. Article 32 mentioned:

*"Expulsion -1) The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order. 2) The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before a competent authority or a person or persons specially designated by the competent authority. 3) The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary."*⁶⁶

The contracting parties of the Refugee Convention are bound to receive the refugees except in cases where their security and public order are threatened. But it cannot be arbitrary in any event, and the same must be affected only through a lawful action. It is important to note that this clause specifically focuses on refugees and not irregular or illegal migrants.

The Migration for Employment Convention (Revised) (1949) was one of the first instruments meant to protect immigrants and immigrant workers. It was adopted by the 'General

⁶⁵ THE REFUGEE CONVENTION, 1951, <https://www.unhcr.org/4ca34be29.pdf>, pp 201 (accessed on 17.08.2024).

⁶⁶ Ibid., pp 220.

Conference of the International Labour Organization' (ILO) on July 1, 1949. The ILO Convention No. 97 is a legally binding document for state parties to this Convention. It will cover the entire range of labour migration, from the time they enter into another country and until their return home, the terms on which the labour migrant is hired, the recruitment of migrant workers in an orderly and fair manner, information, and free support in the matter of employment. It emphasizes non-discrimination by sex, religion, nationality, or race and also prescribes that members of trade unions and the benefits of trade unions, including social security schemes, collective bargaining, etc., should be enjoyed by migrant workers at par with the national workers under Article 6 of the Convention (CO97, 1949). Article 6 of the Migration for Employment Convention (Revised) (1949) states that;

“Each Member for which this Convention is in force undertakes to apply, without discrimination in respect of nationality, race, religion, or sex, to immigrants lawfully within its territory, treatment no less favourable than that which it applies to its own nationals in respect of the following matters:

- a. *Insofar as such matters are regulated by law or regulations, or are subject to the control of administrative authorities –*
 - i. *remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on homework, minimum age for employment, apprenticeship and training, women’s work and the work of young persons;*
 - ii. *membership of trade unions and enjoyment of the benefits of collective bargaining;*
 - iii. *accommodation;*
- b. *social security (that is to say, legal provision in respect of employment injury, maternity, sickness, invalidity, old age, death, unemployment and family responsibilities, and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations: there may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;*
 - i. *National laws or regulations of immigration countries may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension;*

- c. *employment taxes, dues, or contributions payable in respect of the person employed; and*
- d. *legal proceedings relating to the matters referred to in this Convention.*”⁶⁷

It is quite evident that this Convention only focuses on the issues of migrant labour, but is silent when it comes to irregular or undocumented migrants. In 1975 follow-up to this Convention does recognise this fact, but only in the context of their protection and security. Another legally binding Convention of the ILO is the Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143), which supplements the 1949 Convention (No. 97). It addresses some pressing questions about the abusive treatment of migrant workers and the undocumented and equal treatment of all migrants within domestic jurisdiction.

Another initiative by the UN to protect the rights of aliens in a territory was “The Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live, 1985.” According to Article 1⁶⁸ of the declaration, the term alien is defined as follows:

“For the purposes of this Declaration, the term ‘alien’ shall apply, with due regard to qualifications made in subsequent articles, to any individual who is not a national of the State in which he or she is present.” (UNHCR, 2007)

The declaration provides for rights that such aliens may also enjoy, like freedom to leave the state, the right to freedom of thought and speech, assembly and association, the right to personal security, the right to own property and reside wherever they feel safe and secure, freedom to marry and have the lawful spouse, as well as others listed in national law, etc. It also provides that an alien shall not be expelled from the territory of a State except in pursuance of a decision reached in accordance with the law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed. Accordingly, this Declaration has expressed its recognition of aliens as future immigrants as well as the need to create conditions which would guarantee the enjoyment of their fundamental human rights and liberties, which refer to their human dignity without any discrimination.

⁶⁷ C097 - Migration for Employment Convention (Revised), 1949 (No. 97), https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:55:0::NO::P55_TYPE%2CP55_LANG%2CP55_DOCUMENT%2CP55_NODE:CON%2Cen%2CC097%2C%2FDocument (accessed on 17.08.2024)

⁶⁸ Collection of International Instruments and Legal Texts Concerning Refugees and others of Concern to UNHCR, <https://www.unhcr.org/uk/sites/uk/files/legacy-pdf/455c71de2.pdf>. (accessed on 17.08.2024)

Another UN initiative on migration, the International Convention on the ‘Protection of the Rights of All Migrant Workers and Members of their Families’ (ICMW) in 1990, provides wide protection to the rights of migrant workers and their families in a foreign land. The first section of the Convention preamble, has taken into account the principles contained in relevant instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). It is an effort to bring these human rights principles together in one location to protect and promote migrants in every part of the world. In addition to the basic human rights, this Convention has also been guided by the relevant ILO Instruments, being the Convention concerning Migration for Employment (No. 97), the Convention concerning ‘Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers’ (No. 143), the Recommendation concerning Migration for Employment (No. 86), the Recommendation concerning Migrant Workers (No. 151), the Convention concerning Forced or Compulsory Labour (No. 29) and the Convention concerning Abolition of Forced Labour (No. 105). It is to be made to safeguard the migrant workers and their working conditions, employment agreement, payment, benefits, etc. The Convention has also drawn inspiration from other international Conventions’ principles as safeguarding migrants against slavery, cruel and inhuman treatment, etc., and offering them, as well as their families, a chance to get an education.⁶⁹ Whereas the preamble of this Convention has addressed the problem of irregular migrants and those not in possession of valid documents by -

“Bearing in mind that the human problems involved in migration are even more serious in the case of irregular migration and convinced therefore that appropriate action should be encouraged in order to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights, Considering that workers who are non-documented or in an irregular situation are frequently employed under less favorable conditions of work than other workers and that certain employers

⁶⁹ Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization 1960 (<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-discrimination-education>); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>); Declaration of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders; Code of Conduct for Law Enforcement Officials, and the Slavery Conventions.

find this an inducement to seek such labour to reap the benefits of unfair competition” (UNCAT, 1984).

However, it is obvious that reference to irregular and undocumented migrants is contained strictly in the preamble of the Convention. It also establishes minimum standards on the treatment of these migrants and their families during migration. Article 5 of the Convention lists certain categories of migrants, namely, frontier, seasonal, own-account, sea-worker, and itinerant. It is implemented by the independent Treaty Body known as The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), composed of 14 experts, which acts as the monitoring body for examining the progress of member states and their national structures in compliance with the provisions of the Convention.

It is clear that the UN has been and continues to try to protect the fundamental rights of migrants worldwide. It has twice admitted that these migrants include a category of migrants known as irregular or undocumented migrants, and that almost every country has some proportion of them living on its soil. The UN, through its various conventions and declarations, has enjoined all its member states to accord this class of people simple human dignity, notwithstanding their surreptitious character. But by no means does it promote such a type of migration, and it does not infringe on the national policies or laws of these member states regarding these irregular or illegal migrants or aliens. As a body established to protect human rights, it can only urge the very faintest plea not to deny these people the tiniest shred of their minimal human rights.

4.2.2 European Policies and Regulations on Illegal Migration

The political turmoil in the Middle East, Africa and South Asia is redrawing migration trends in Europe. The International Organization for Migration (IOM) describes Europe as the most dangerous destination for irregular migration in the world and the ‘Mediterranean’ as the world’s deadliest border crossing. But for all the growing toll, the European Union’s response as a whole to the current influx of migrants has been piecemeal, with a reliance on short-term fixes and, critics say, more attention to protecting the bloc’s borders than the rights of migrants and refugees. The number of detections of illegal border crossings in the EU began rising in 2011, when more than a thousand of Tunisians began arriving in the Italian island of Lampedusa after

the outbreak of the Arab Spring.⁷⁰ Sub-Saharan Africans who migrated to Libya in the Gaddafi years did so in 2011-2012, fleeing the turmoil of the post-Gaddafi period. The latest spike of detections on the EU's maritime borders is blamed squarely on the increasing numbers of Syrian, Afghan, and Eritrean migrants and refugees. For the first nine months of 2015, more than 464,000 migrants crossed into Europe by sea, according to the IOM. The flow of migrants has been fueled by the breakdown of security and the rise of brutal wars and grinding poverty in Iraq, Nigeria, Pakistan, Somalia, and Sudan.⁷¹

The regulation for cross borders migration at European nations have been first adopted in the in the 'Treaty on the Functioning of the European Union'⁷² (TEU) (Practical Law of European Union, 2012), or 'EC Treaty', the 'Treaty of Rome' or the Treaty establishing the European Community as it was initially known, which was signed on March 25, 1957 and entered into force from January 1, 1958.⁷³ It is one of the two main treaties on which all E.U. law is based. Chapter 2, Articles 77 and 80 of the said treaty, are dedicated to policies on 'Border Checks and Immigration', which stipulate that the Union will establish policies on legal entering, deporting, and staying of other countries in the Union (Practical Law of EU, 2012). Article 77(2)(b) and (e) of that Treaty, REGULATION (EU) 2016/399 OF THE EUROPEAN PARLIAMENT AND THE COUNCIL was adopted on March 9, 2016, on a Union Code on the rules governing the movement of persons across borders, referred to as the 'Schengen Borders Code'. This Regulation was essentially the cornerstone of the reforms in the integrated management of the external borders and laid down rules for the monitoring of movements of persons at the external borders of the European Union. It also briefly implemented control of internal borders. Paragraph 6 of the Schengen Border Code mentioned that;

“Border control is in the interest not only of the Member State at whose external borders it is carried out but of all Member States which have abolished internal border control. Border control should help to combat illegal immigration and trafficking in human beings and to prevent

⁷⁰ Counter-response to authoritarianism in response to the oppressive system of state government, mass demonstrations, riots, uprisings, and civil disobedience in several Arab countries during 2010-2013 were mobilized in order to challenge decades-long existing autocracy in the Arab world, known as the Arab Spring.

⁷¹ Jeanne Park, EUROPE'S MIGRATION CRISIS, <https://www.cfr.org/background/europes-migration-crisis> (accessed on 18.08.2024).

⁷² Consolidated Version of the Treaty on the Functioning of the European Union 2012, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12012E/TXT:en:PDF> (accessed on 18.08.2024).

⁷³ [https://uk.practicallaw.thomsonreuters.com/Browse/Home/PracticalLaw?transitionType=Default&contextData=\(sc-Default\)](https://uk.practicallaw.thomsonreuters.com/Browse/Home/PracticalLaw?transitionType=Default&contextData=(sc-Default)), (accessed on 18.08.2024)

any threat to the Member States' internal security, public policy, public health, and international relations” (Practical Law of EU, 2012).

Article 13 of the ‘Schengen Borders Code’ becomes even more significant, as it seeks to combat cross-border crime and provides measures to combat, manage, or detect activities against persons illegally crossing the state border. Article 13 says that;

“1. The main purpose of border surveillance shall be to prevent unauthorised border crossings, to counter cross-border criminality, and to take measures against persons who have crossed the border illegally. A person who has crossed a border illegally and who has no right to stay on the territory of the Member State concerned shall be apprehended and made subject to procedures respecting Directive 2008/115/EC.

2. The border guards shall use stationary or mobile units to carry out border surveillance. That surveillance shall be carried out in such a way as to prevent and discourage persons from circumventing the checks at border crossing points.

3. Surveillance between border crossing points shall be carried out by border guards whose numbers and methods shall be adapted to existing or foreseen risks and threats. It shall involve frequent and sudden changes to surveillance periods, so that unauthorized border crossings are always at risk of being detected.

4. Surveillance shall be carried out by stationary or mobile units which perform their duties by patrolling or stationing themselves at places known or perceived to be sensitive, the aim of such surveillance being to apprehend individuals crossing the border illegally. Surveillance may also be carried out by technical means, including electronic means.

5. The Commission shall be empowered to adopt delegated acts by Article 37 concerning additional measures governing surveillance.”⁷⁴

According to the European Agency for Fundamental Rights (FRA),⁷⁵ every member country has enacted its own legislation to prohibit illegal entry onto its territory. The Agency mentioned that;

⁷⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32016R0399>, (Accessed on 18.08.2024).

⁷⁵ It is an EU agency, established by Council Regulation No. 168/2007 of 15 February 2007, offering independent scientific advice to the EU and policy makers based on evidence. In the process of doing so it contributes to ensuring that the debates, policies, and legislation on other aspects of fundamental rights are more evidence-based and targeted.

“Legislation in all but three EU Member States punishes irregular entry with sanctions in addition to the coercive measures that may be taken to ensure the removal of the person from the territory of the state.... Legislation in 17 Member States²⁸ punishes irregular entry with imprisonment and/or a fine. Eight Member States punish it with a fine only, ²⁹ although in aggravated circumstances, the punishment may still be imprisonment. Depending on the Member State, if the migrant has no means to pay the fine, it may be converted into a custodial sentence. Malta, Portugal, and Spain do not punish irregular entry with a fine or imprisonment, but return procedures are immediately initiated.”⁷⁶ (FRA, 2014).

Notably, in 2011, just two regional courts in Bulgaria, Svilengrad and Smolyan, convicted 63 per cent of those asylum seekers who submitted applications for asylum after they were caught at the border attempting to cross into the territory unlawfully.⁷⁷ In order to understand the EU legal system of illegal entry of persons, it is necessary to briefly look at the legal regime of the main important member states as well.

Bulgaria is the southeastern part of Europe, and is one of the main routes to enter Central Europe. Therefore, it is one of the focal points of migration flows to Europe. So, the illegal and undocumented migration problem continues in the Bulgarian border region. According to the European Parliament, *“The authorities estimate the number of clandestine residents at 5,000-10,000. According to John SALT, statistics vastly underestimate the number of foreign workers in Bulgaria, where the law has allowed them easy access to the job market. Most foreigners are therefore working without a permit; approximately 75 per cent have unskilled jobs in trade and services, 6 per cent work in the building trade, and 7 per cent in the entertainment industry.”⁷⁸*

According to Article 279 of the Criminal Code, 1968, illegal migrants is *“a person who enters or crosses the border of the country without a permit from the respective bodies of the government or, though with a permit, but not through the places specified for that purpose, shall be punished with Imprisonment for up to five years and by a fine ranging BGN 100 to BGN 300.*

⁷⁶ CRIMINALISATION OF MIGRANTS IN AN IRREGULAR SITUATION AND OF PERSONS IN ENGAGING THEM, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-criminalisation-of-migrants-1_en.pdf, (Accessed on 20.08.2024).

⁷⁷ BULGARIA, COUNTY (APPEAL) COURT, Хасковски окръжен съд (Haskovo County Court), I ви наказателен състав (1st DIVISION) CASE No 92/2013 Haskovo, DECISION No. 70, 14 May 2013, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-criminalisation-of-migrants-1_en.pdf, (Accessed on 20.08.2024).

⁷⁸ EUROPEAN PRLIAMENT, https://www.europarl.europa.eu/workingpapers/libe/104/bulgaria_en.htm#N12back, (Accessed on 20.08.2024).

*No one shall be punished who enters the country to seek asylum under the Constitution.*⁷⁹ The Act on Foreigners in the Republic of Bulgaria, 1998, Article 48(1) mentioned that, *“a foreigner shall be punished if: (2) Without the corresponding permission implements working, commercial and other activity; (4) has stayed in the country after the elapse of the term of stay. Punished with a fine ranging from BGN 500 to BGN 5,000 (approx. € 250 to € 2,500).*⁸⁰

One of the important Article 280 of the Criminal Code, 1968, mentions that, *“A person who takes across the borders of this country individuals or groups of persons without permission from the respective authorities, or with permission but not through the points designated therefore, shall be punished by deprivation of liberty. Imprisonment from one to 10 years, a fine ranging from BGN 1,000 to BGN 3,000 (€ 500 to € 1,500), and confiscation of part of or the entire property of the perpetrator.”*⁸¹

Another important country in Europe is Denmark, which is a high-income economy categorised by the World Bank (Wayback Machine World Bank, 2014). The growth of the natural population is lower than in Europe, 0.69 per cent (2023), but the problem is a huge number of immigrants (a significant number is illegal/undocumented) from various parts of the world. In 2013, the population of immigrants in Denmark was 79,218, which increased to 121,183⁸² in 2022 (Dyvik, 2024). Therefore, the Danish government made several laws and policies to control and combat illegal immigrants. The following legal provisions apply in the case of illegal entry and stay in Denmark: Part 9 of the Aliens Act 2003 (2013), Section 59. (1) *“An alien is liable to a fine or imprisonment for up to 6 months if he -*

- (i) *enters or departs from Denmark at points other than those designated as passport checkpoints in Denmark or another Nordic country or outside the opening hours of the border crossing point. The provision of the first sentence hereof does not apply on entry from or departure to a Schengen country, unless checks are exceptionally carried out at such border under Article 23 of the Schengen Borders Code, cf. section 38(2) of this Act.*
- (ii) *stays in Denmark without the requisite permit;*

⁷⁹https://sherloc.unodc.org/cld/fr/legislation/bgr/criminal_code/special_part_-_chapter_eight/articles_280-281/articles_280-281.html (Accessed on 20.08.2024).

⁸⁰<https://www.bulgarian-citizenship.com/wp-content/uploads/2017/12/FOREIGNERS-IN-THE-REPUBLIC-OF-BULGARIA-ACT.pdf> (Accessed on 20.08.2024).

⁸¹https://sherloc.unodc.org/cld/fr/legislation/bgr/criminal_code/special_part_-_chapter_eight/articles_280-281/articles_280-281.html (Accessed on 20.08.2024).

⁸² Migration flow in Denmark from 2013 to 2023 <https://www.statista.com/statistics/575189/migration-flow-in-denmark/> (Accessed on 21.08.2024).

(iii) *by deliberate misrepresentation or fraudulent non-disclosure secures for himself admission into Denmark through a passport checkpoint or obtains for himself a visa, passport, or other travel document or a Danish residence or work permit.*”⁸³

Section 59 (7) of the Aliens Act, “*Any person is liable to a fine or imprisonment for up to 2 years if he -*

- (i) *intentionally assists an alien in illegally entering or transiting Denmark;*
- (ii) *intentionally assists an alien in illegally staying in Denmark;*
- (iii) *intentionally assists an alien in entering Denmark for the purpose of entering another country illegally from Denmark;*
- (iv) *intentionally assists an alien in illegally entering or illegally transiting another country;*
- (v) *for the purpose of financial gain, assists an alien in staying illegally in another country;*
or
- (vi) *intentionally assists an alien in working in Denmark without the requisite permit by making shelter or means of transport available to the alien.*”⁸⁴

The Federal Republic of Germany lies in the heart of Europe and is a cosmopolitan, democratic country with a great tradition and a lively present; it is a European nation with an economic and political profile and with a landscape right at the heart of Europe. It has an area of 357,581 sq. km and an open frontier of 3,876 km. The total population of Germany is approximately 82.7 million (234 inhabitants per sq. km) (Census, 2022). Germany has a GDP per capita of 72,599 Euros, and the total GDP of the country is 6.161 trillion Euros. Today, Germany is a popular country for immigrants from around the world, with one million migrants entering Germany every year from last 2013 (OECD, 2021). Out of the 82.7 million population of Germany, 15.2 million are of a migrant background, with 50 percent women, or 18.2⁸⁵ Percent of the total population (OECD, 2024). According to data from the Federal Statistical Office in 2016, one in five Germans was a foreign national.⁸⁶ Therefore, the German government made several laws and

⁸³Denmark: Aliens Act of 2003 (2013) <https://www.refworld.org/legal/legislation/natlegbod/2003/en/123712>, (Accessed on 21.08.2024).

⁸⁴ Ibid.

⁸⁵ International Migration Outlook 2024: Germany, https://www.oecd.org/en/publications/international-migration-outlook-2024_50b0353e-en/full-report/germany_1c19b40c.html#indicator-d1e57058-431a20595a (Accessed on 22.08.2024).

⁸⁶ Bevölkerung mit Migrationshintergrund um 8,5 % gestiegen, https://www.destatis.de/DE/Presse/Pressemitteilungen/2017/08/PD17_261_12511.html (Accessed on 22.08.2024).

policies throughout the period to control illegal immigrants. The following legal provisions apply in the case of illegal entry and stay in Germany:

Residence Act, Section 95 para. 1 no. 3- *“Any person who enters the Federal territory in contravention of Section 14 (1), nos. 1 or 2, (...) shall be punished with imprisonment up to one year or a fine.”*⁸⁷

Irregular Stay Residence Act, Section 95, *“Any person who 1. Resides in the Federal territory in contravention of Section 3 (1) in connection with Section 48 (2). Resides in the Federal territory without a necessary residence title under Section 4 (1), sentence 1, and shall be punishable with imprisonment up to one year or a fine.”*⁸⁸

Section 96 of the Residence Act, *“Anyone who-*

(i) incites another person to commit an act under Section 95 (1), no. 3 or (2), no. 1, letter a and a) receives a pecuniary advantage or the promise of a pecuniary advantage in return, or b) acts in such a manner repeatedly or for the benefit of several foreigners, or

*(ii) incites another person to commit an act under Section 95 (1), no. 1 or no. 2, (1a) or (2), no. 1, letter b or no. 2 and receives a pecuniary advantage or the promise of a pecuniary advantage in return shall be punished with imprisonment up to five years or a fine.”*⁸⁹

Hungary is a Central European country, bordered by seven countries: Slovakia, Ukraine, Romania, Serbia, Croatia, Slovenia, and Austria. The total area of the county is 93,030 sq. km (population density 103 sq. km), and 9.6 million people (Census, 2022). The GDP per capita of Hungary is 49,147 US\$. Based on the 2022 Census, 99.1 per cent are ethnic Hungarians, 2.5 per cent Romani, 1.7 per cent Germans, and 1.8 per cent others. There was a 50 per cent increase in immigrants in Hungary last ten years, 2001 to 2011. It was mentioned to the Hungarian census 2011, out of these immigrants, more than half were Chinese nationals⁹⁰. Peter Futo, mentioned in his research project report *‘Hungary: A quantitative overview of irregular migration,’* that approximately 30 to 50 per cent of immigrants in Hungary are illegal (2010). Therefore, the

⁸⁷ ANNEX: EU MEMBER STATES’ LEGISLATION ON IRREGULAR ENTRY AND STAY, AS WELL AS FACILITATION OF IRREGULAR ENTRY AND STAY, https://fra.europa.eu/sites/default/files/fra-2014-criminalisation-of-migrants-annex_en.pdf (Accessed on 22.08.2024).

⁸⁸ Ibid

⁸⁹ Ibid

⁹⁰ UNDOCUMENTED MIGRATION IN HUNGARY CLANDESTINO Counting the Uncountable: Data and Trends across Europe, https://www.eliamep.gr/wp-content/uploads/en/2009/07/research_brief_hungary.pdf, (Accessed on 23.08.2024).

Hungarian government and the EU made several laws and policies throughout the period to control illegal immigrants. The following legal provisions apply in the case of illegal entry and stay in Hungary:

Section 204 of the Petty Offences Act- *“(1) Anyone crossing the borders of Hungary irregularly or in an illegal manner or attempting to do so, commits a petty offence. (2) Anyone violating the rules on travel documents commits a petty offence. (3) The procedure concerning the above paragraphs (1) and (2) falls under the competence of the police. Punishment- Fines from HUF 5,000 up to HUF 150,000 (€ 16 up to € 510).”*⁹¹

Section 208 of the Petty Offences Act, *“(1) Anyone violating the rules on reporting foreigners, on registration of foreigners, or stay of foreigners within the territory of the state, commits a petty offence. (2) The procedure concerning the above paragraph (1) falls under the competence of the police and will amount to fines from HUF 5,000 up to HUF 150,000 (€ 16 up to € 510).”*⁹²

Section 353 of the Criminal Code, *“Illegal Immigrant Smuggling: (1) Any person who provides aid to another person for crossing state borders in violation of the relevant statutory provisions is guilty of a felony punishable with imprisonment up to 3 years.”*⁹³

Section 354 of the Criminal Code Facilitation of Unauthorized Residence- *“(2) Any person who provides aid to a foreign national who is not a citizen of any Member State of the European Union to stay in the territory of any Member State of the European Union for financial gain is guilty of misdemeanor, unless it results in a more severe crime, punishable Imprisonment up to 2 years. Risk for punishment based on rules on facilitation of stay.”*⁹⁴

Section 23 of the Criminal Code, *“Means of Last Resort (1) Any person who engages in conduct to save his own person or property or the person or property of others from an imminent danger that cannot otherwise be prevented, or acts so in the defence of the public interest shall not*

⁹¹ ANNEX: EU MEMBER STATES’ LEGISLATION ON IRREGULAR ENTRY AND STAY, AS WELL AS FACILITATION OF IRREGULAR ENTRY AND STAY, https://fra.europa.eu/sites/default/files/fra-2014-criminalisation-of-migrants-annex_en.pdf (Accessed on 22.08.2024).

⁹² ANNEX: EU MEMBER STATES’ LEGISLATION ON IRREGULAR ENTRY AND STAY, AS WELL AS FACILITATION OF IRREGULAR ENTRY AND STAY, https://fra.europa.eu/sites/default/files/fra-2014-criminalisation-of-migrants-annex_en.pdf (Accessed on 22.08.2024).

⁹³ Ibid

⁹⁴ Ibid

be prosecuted, provided that the harm caused by the act does not exceed the peril with which he was threatened.”⁹⁵

The United Kingdom (UK) or Britain is located on the northwestern coast of the European mainland. It consists of four countries: England, Scotland, Wales, and Northern Ireland, each of which has its own developed government, with varying degrees of power, but this does not apply to England. The total area is 244,376 sq km, and the population is 66.9 million according to the 2022 Census data. It is also mentioned by the 2022 census, approximately 10.7 million people are migrants, which is almost 16 per cent of the people in the UK. In August 2024, COMPAS⁹⁶ reported that the population of migrants had increased by 30 per cent since 2011. Most of the migrants are coming from India, China, Pakistan, and Nigeria (BBC News, May 2024). Therefore, the UK government made several laws and policies from 1945 to control illegal immigrants. The following legal provisions apply in the case of illegal entry and stay in the UK:

- (i) British Nationality Act 1948, 1981
- (ii) Commonwealth Immigrants Act 1962, 1968
- (iii) Immigration Appeals Act 1969
- (iv) Immigration Act 1971, 1988, 2014
- (v) Carriers Liability Act 1987
- (vi) Asylum and Immigration Appeals Act 1993
- (vii) Asylum and Immigration Act 1996
- (viii) Nationality, Immigration and Asylum Act 2002
- (ix) Immigration, Asylum and Nationality Act 2006
- (x) Borders, Citizenship, and Immigration Act 2009

Section 24A of the Immigration Act 1971 says that, *“A person who is not a British citizen is guilty of an offence if, by means which include deception by him (a) he obtains or seeks to obtain leave to enter or remain in the United Kingdom on summary conviction, be awarded imprisonment up*

⁹⁵ Ibid

⁹⁶ the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford, the Migration Observatory provides impartial, independent, authoritative, evidence-based analysis of data on migration and migrants in the UK, to inform media, public and policy debates.

to 6 months or to a fine not exceeding the statutory maximum, or to both; and on conviction on indictment, to imprisonment up to 2 years or a fine, or both.”⁹⁷

Section 25 of Immigration Act 1971 says that, “(1) A person commits an offence if he -

- a) does an act which facilitates the commission of a breach of immigration law by an individual who is not a citizen of the European Union,
- b) knows or has reasonable cause for believing that the act facilitates the commission of a breach of immigration law by the individual, and
- c) knows or has reasonable cause for believing that the individual is not a citizen of the European Union.”⁹⁸

“(2) In subsection (1) “immigration law” means a law which has effect in a member State and which controls, in respect of some or all persons who are not nationals of the State, entitlement to - (a) enter the State, (b) transit across the State, or (c) be in the State.”⁹⁹

“25A (1) A person commits an offence if — (a) he knowingly and for gain facilitates the arrival in, or the entry into, the United Kingdom of an individual, and (b) he knows or has reasonable cause to believe that the individual is an asylum seeker on summary conviction, be awarded imprisonment up to 6 months, to a fine not exceeding the statutory maximum or to both and on conviction on indictment, to imprisonment up to 14 years, and/or to a fine.”¹⁰⁰

To control illegal migration, Portugal has adopted several significant laws and policies. These are;

Article 138 of the Foreigners Law said that, “the third-country national who illegally enters or stays in Portugal will be notified by the Aliens and Border Service (*Serviço de Estrangeiros e Fronteiras - SEF*) to leave Portuguese soil voluntarily, with the deadline established for the purpose, between 10 and 20 days. No punishment will be awarded, but the return procedure will be initiated.”

Article 183 of the Foreigners Law says that, “Whoever aids or abets in any way the illegal entry, stay or transit on Portuguese soil of a third-country national for profit, will be punished with Imprisonment from 1 to 5 years.”¹⁰¹

⁹⁷ <https://www.legislation.gov.uk/ukpga/1971/77>, (Accessed on 23.08.2024).

⁹⁸ Ibid

⁹⁹ Ibid

¹⁰⁰ Ibid

¹⁰¹ Ibid

4.2.3 American Continental Policies and Regulations on Illegal Migration

The Americas, or America, comprises the North and South blocks of America. The American continent is the second-largest continent by land area at 42,549,000 sq.km and the third-largest in population (1.02 billion) in the world. A total of 35 countries comprise the continent. These countries all have had their own indigenous peoples who, at some point, all became extinct due to outside settlers. After World War II, displaced people and refugees fled from totalitarian regimes on the European continent. The Spanish were supposedly the first Europeans to colonize America (Kamen, 2002). The USA and Canada are now developed nations and have been a center of attraction for immigrants from all corners of the American continent as well as the world. Mexico is still a developing country, and so many people emigrate to the neighboring United States in search of a decent living, which is still a very hot issue. South America does not have quite the level of problems that the U.S. has in North America, which is more desirable because of political security and social status, and job availability. However, the South American countries do have an inflow of migrants who cross borders illegally from other countries within the region and also from Africa, Europe, and Asia. From the early 21st century, the governments of the American continent have made various policies and laws to control illegal migrants. An overview of the migration laws and policies of a few of the key countries is given below.

Illegal immigration in Canada is the act of a non-Canadian resident entering Canada without the approval of the Government of Canada, or remaining to live in Canada without the approval of the status of a citizen. And so, that includes individuals who entered Canada on a visitor visa but overstayed beyond the allowed period of time; it includes individuals who entered Canada without reporting themselves to a port of entry.

The *Immigration and Refugee Protection Act* (IRPA) was enacted in 2003, which sets out rules, regulations, and legal processes or policies for immigrants to Canada. It grants authority to officers of the Canada Border Services Agency (CBSA) to identify and detain permanent residents and foreign nationals if one or more concerned individuals are noncompliant with the determinations of the Act.¹⁰² About 12,600 people who were in Canada, 1,900 of whom were

¹⁰² Chapter 7—Detention and Removal of Individuals—Canada Border Services Agency, 2008 May Report of the Auditor General of Canada, http://www.oag-bvg.gc.ca/internet/English/parl_oag_200805_07_e_30703.html, (Accessed on 23.08.2024)

criminals who breached the Act and were either high-risk to Canada or were illegal migrants who were deported in 2006-07.

Mexico is not an exception to the problem of immigration, and laws had to be passed by the government to regulate migration. It is called the “Ley de Migración Nueva Ley publicada en el Diario Oficial de la Federación el 25 de mayo de 2011,” and it was released in 2011. It wants to control not just what foreigners do; it wants to control what its own people do. But it contains no penalties for having entered illegally.

The United States of America (USA) is a developed country; it has the highest GDP of \$30.507 trillion (July 2025). It is famously referred to as the ‘land of opportunities’, the reason why people from across the globe dream of settling in the US. It is needless to say that this has also led to illegal immigration within the country, and it has been grappling with illegal immigrants on its territory for years. Therefore, many scholars call the United States of America as a ‘land of migration’. This has resulted in serious violence among the country’s own citizens, who have expressed their unwillingness to allow these people to remain in the country. After the election of President Donald Trump in 2024, the US government claimed that around 140,000 illegal migrants had been deported to their country of origin as of April 2025 (USA Today, 9 May 2025).

The law that controls illegal immigration in the United States of America (US) is called the “Illegal Immigration Reform and Immigrant Responsibility Act” of 1996 (IIRIRA), signed by President Bill Clinton. Before this law, such issues relating to immigration, refugees, and asylum seekers were governed by the Immigration and Nationality Act, 1965 (INA). However, the above legislation alone would have been ineffective in checking the continued influx of immigrants into the United States, and for that reason, the former law was enacted. The relevant provisions of the IIRIRA with respect to illegal entry of aliens and penalties are:

“SEC. 105 CIVIL PENALTIES FOR ILLEGAL ENTRY,

(b) Any alien who is apprehended while entering (or attempting to enter) the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty of-

“(1) at least \$50 and not more than \$250 for each such entry (or attempted entry); or

(2) twice the amount specified in paragraph (1) in the case of an alien who has been previously subject to a civil penalty under this subsection. Civil penalties under this subsection are in addition to, and not in lieu of, any criminal or other civil penalties that may be imposed.

(b) *EFFECTIVE DATE*- The amendments made by subsection (a) shall apply to illegal entries or attempts to enter occurring on or after the first day of the sixth month beginning after the date of the enactment of this Act.”¹⁰³

Apart from the immigration laws, the U.S Code, 1947, makes it a criminal offence to enter the USA without authorization.

Title 8 of the Code provides:

“Illegal Entry”/8 U.S.C. § 1325 makes it a crime to unlawfully enter the United States. It applies to people who do not enter with proper inspection at a port of entry, such as those who enter between ports of entry, avoid examination or inspection, or who make false statements while entering or attempting to enter. A first offense is a misdemeanor punishable by a fine, up to six months in prison, or both.”¹⁰⁴

“Illegal Re-Entry”/8 U.S.C. § 1326 makes it a crime to unlawfully reenter, attempt to unlawfully reenter, or to be found in the United States after having been deported, ordered removed, or denied admission. This crime is punishable as a felony with a maximum sentence of two years in prison. Higher penalties apply if the person was previously removed after having been convicted of certain crimes: up to 10 years for a single felony conviction (other than an aggravated felony conviction) or three misdemeanor convictions involving drugs or crimes against a person, and up to 20 years for an aggravated felony conviction.”¹⁰⁵

Argentina has a more thoughtful approach to dealing with undocumented and illegal immigrants. Before 2003, the Argentine migration laws (Law 25871)¹⁰⁶ had authorized the

¹⁰³ IIRIRA, 1996, Section 105, <https://www.congress.gov/104/crpt/hrpt828/CRPT-104hrpt828.pdf>, (Accessed on 23.08.224)

¹⁰⁴ PROSECUTING PEOPLE FOR COMING TO THE UNITED STATES, https://www.americanimmigrationcouncil.org/research/immigration-prosecutions?__cf_chl_jschl_tk__=4c8452f9359d350f18543e31ec25f59deb1bceda-1620199560-0AYMDv9SrhzB0AA
RedLbS6YyE8mmlpm7X4Zgt3zMWYMRdlWaHynkJRwoNKHaVKsBZgJcMmdSvPCRbUP7t
MHG0mNbDicmcdYKWE
yunr0IvNPOk9QdE2UjAX02v3qxmP56liB7QUHgovYCoGTOfvra3J5hldJULCJk3V AxDfpZMm YO-
Vy_pTc4b4fQWs7qfe-xSp9V2crJzTKe4vUvsIGkZ41m5HeokQu81Nfo_j hLxcvmS6AbKTIK6fdJhGz-
5Nfa63JYpNMVAifsBeb-hDOL57H
30wBzeBfkEpmjA9RVzLGBIXzXLWni7fDMb_J5NinOYC0bf54d7fUckKIv3kerYU_Avjb1O3LN
v4QCY6udJ2T5fIm37Srti8_K_YWdtLV6QrTdeeULNbdOKHk-08MVPuT_9HyDO
iZuAVrTzyO3HuAA2o6wRZingwKKc0RV4fLyViOAIa5wwinM5LZ5hvjgmRM8pnCx5IHlx5XrK
RUu08RWHWuHA3KlbMrIM6IA, (Accessed on 23.08.2024).

¹⁰⁵ Ibid

¹⁰⁶ https://sherloc.unodc.org/cld/uploads/res/document/ley-de-migraciones-25871-english_html/Ley_de_Migraciones_25871_English.pdf, (Accessed on 23.08.2024).

executive to restrict immigration and to expel illegal immigrants. Law 25871, or Migration laws, came into force on January 20, 2024. According to the legal framework of immigration, the Argentine government has put in place the ‘Migration Policy,’ which includes “Rights and Duties of foreign people, Powers of the State, Admission of foreign people in the Argentine Republic and the exceptions, Entrance and departure of people, Duties of the international means of transport, Stay of foreign people, Legal and illegal issues of stay, Procedure of the sources, Competence, Taxes, Argentine people abroad, Authority of implementation, Complementary and transitory dispositions” (Argentine Migration Laws, 2003).

Similar way, Brazil passed the migration law, “O PRESIDENTE DA REPÚBLICA, 13,445 (the Presidency of the Republic legislated Decree No. 9.199)”, of November 20, 2017.¹⁰⁷ In 1975, the government of Chile passed a law to control illegal entry and stay, which is the “Decreto-ley 1094 Establece Normas sobre extranjeros en Chile, Diario Oficial,” which was revised on April 4, 2011. To control illegal migration, the government of Peru passed “the Decreto Legislativo de Migraciones No. 1350,” El Peruano, January 7, 2017.¹⁰⁸

4.2.4 Illegal Migration Laws and Policies in Asia

This section starts with the People’s Republic of China (PRC), which is an Asian giant both in terms of economic (GDP \$19.231 trillion, 2nd in rank) and military power (3rd in rank). The total population is more than 1.4 billion (147 sq km) in 2024. In the late 1990s, the Chinese economy was booming; therefore, a huge influx of migrant labour from South Asia, Africa, and South America entered China. Some of these migrants have become illegal due to overstaying their visas. Therefore, the PRC government made several laws and policies throughout the period to control and combat (illegal) immigrants. The following legal provisions apply in the case of illegal entry and stay in China: Exit and Entry Administration Law of the People’s Republic of China 2012, Nationality Law 1980, Criminal Law of the People’s Republic of China, Law of the People’s Republic of China on the Control of the Exit and Entry of Citizens 1985, etc.

¹⁰⁷ https://www.planalto.gov.br/ccivil_03/ato2015-2018/2017/decreto/d9199.htm, (Accessed on 23.08.2024).

¹⁰⁸ A GENERAL INTRODUCTION TO IMMIGRATION LAW AND POLICY IN PERU, <https://www.lexology.com/library/detail.aspx?g=807e1113-2948-4516-a041-5a8791ac2bb5#:~:text=A%20foreign%20resident%20may%20lose,for%20more%20than%20365%20days,> (Accessed on 24.08.2024)

Chapter VI, Article 59 of the Exit and Entry Administration Law 2012 say that, “*Article 59 Persons suspected of violating the regulations on exit/entry administration may be interrogated on the spot; upon on-the-spot interrogation, the aforesaid persons may be interrogated in continuation in accordance with the law under any of the following circumstances:*

- (1) Are suspected of illegally exiting or entering China;*
- (2) Are suspected of assisting others in illegally exiting or entering China;*
- (3) Are foreigners suspected of illegally residing or working in China, or*
- (4) Are suspected of endangering national security or interests, disrupting social or public order, or engaging in other illegal or criminal activities.”¹⁰⁹*

“*Article 67 In such cases that the exit/entry documents such as visas or foreigners’ stay or residence permits are damaged, lost or stolen, or that after the issuance of such documents, the holders are found not eligible for being issued such documents, the issuing authorities shall declare the aforesaid documents void.”¹¹⁰*

“*Chapter VII, Article 71, Persons who commit any of the following acts shall be fined not less than RMB 1,000 yuan but not more than RMB 5,000 yuan; where circumstances are serious, such persons shall be detained for not less than five days but not more ten days and may also be fined not less than RMB 2,000 yuan but not more than RMB 10,000 yuan.*

- (1) Exit or enter China with forged, altered, or fraudulently obtained exit/entry documents;*
- (2) Exit or enter China using others’ exit/entry documents;*
- (3) Evade exit/entry border inspection; or*
- (4) Illegally exit or enter China in any other way.”¹¹¹*

Japan is one of the leading economic countries in Asia, the fifth largest (\$4.186 trillion GDP in 2025) in the world, and the third in Asia (After China and India). According to the Ministry of Justice (MOJ), the number of foreign nationals has increased since 1949. Out of 123 million, approximately 3.76 million (3.4 percent of the total population) are foreign nationals. In 2015, the Ministry of Justice of Japan also mentioned in its annual report, more than 30 per cent of migrants are illegal. Most of these migrants have become illegal due to overstaying their visas and permits.

¹⁰⁹ Exit and Entry Administration Law 2012, <https://en.nia.gov.cn/n147418/n147458/c155978/content.html> (Accessed on 25.08.2024).

¹¹⁰ Ibid

¹¹¹ Ibid

The number of illegal immigrants reached an all-time high of 300,000 in 1993. In 2015, 60,000 illegal migrants were identified and deported to their country of origin, as per the report of the Japan MOJ (Immigration Bureau of Japan, 2016). Therefore, the Japanese government enacted several laws and policies throughout the period to control illegal immigrants. The following legal provisions apply in the case of illegal entry and stay in Japan: Immigration Control and Refugee Recognition Act 1951, Zero Illegal Immigrants Plan for the Safety and Security of the People 2023, Amendment of Immigration Control and Refugee Recognition Act 2024, etc.

Article 3 of the ‘Immigration Control and Refugee Recognition Act 1951’ says that, “(1) *A foreign national who falls under any of the following items shall not enter Japan.*

(i) A person who does not possess a valid passport (except for a crew member possessing a valid crew member’s pocket ledger).

(ii) A person who intends to land in Japan without receiving a seal of verification for landing or undergoing the recording of the prescribed data pursuant to the provisions of Article 9, paragraph (4), or without obtaining authorized permission for landing (hereinafter referred to as "permission for landing") from an immigration inspector (except for those outlined in the preceding item).

(2) A foreign national who seeks to become a crew member in Japan shall be deemed to be a crew member with regard to the application of the provisions of the preceding paragraph.”¹¹²

In June 2024, the Japanese government enacted an amendment to the ‘Immigration Control and Refugee Recognition Act’, mainly to terminate the problematic ‘Technical Intern Training Program’ in order to launch a new foreign worker system. But the renewed law also contains stronger measures to control permanent residents, giving the authorities the power to cancel permanent resident status for people who repeatedly fail to pay taxes or social insurance or who are convicted of certain criminal activities (Higuchi, Inaba, and Takaya, 2024).

Some other countries in Asia have enacted and implemented strict laws and policies to control illegal immigrants or such people. Singapore is known for its rapid economic growth, modern lifestyle, business business-friendly policy. Therefore, immigrants are impulses to migrate to Singapore. So, the Singapore government passed the ‘Immigration Act 2008 Ed’ to control the entry of undocumented immigrants. Article 6 of the Immigration Act says that-

¹¹²[https://www.japaneselawtranslation.go.jp/en/laws/view/1934/en#:~:text=%20Article%2061%2D2%20\(Recognition%20of%20Refugee%20Status\),%20Article%2061%2D2%2D6%20\(Relation%20to%20Deportation%20Procedures\)](https://www.japaneselawtranslation.go.jp/en/laws/view/1934/en#:~:text=%20Article%2061%2D2%20(Recognition%20of%20Refugee%20Status),%20Article%2061%2D2%2D6%20(Relation%20to%20Deportation%20Procedures),), (Accessed on 24.08.2024).

*“Any person who contravenes subsection (1) or (2) shall be guilty of an offence and (a) in the case of an offence under subsection (1), shall on conviction be punished with imprisonment for a term not exceeding 6 months and shall also, subject to sections 325(1) and 330(1) of the Criminal Procedure Code 2010, be punished with caning with not less than 3 strokes, or where by virtue of that section he is not punishable with caning, he shall, instead of caning, be punished with a fine not exceeding \$6,000; (b) in the case of an offence under subsection (2), shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.”*¹¹³

The Taiwan government passed the ‘Immigration Act’ (May 21, 1999, as amended Nov. 16, 2016)¹¹⁴ to control the entry of illegal or undocumented immigrants. To control the entry of illegal or undocumented migrants, the Thailand government enacted the ‘Immigration Act, B.E. 2522’ (1979).¹¹⁵

After the partition of India and Pakistan, the people had the choice to go and permanently reside in either of the countries. Officially, Pakistan is an Islamic country, and 96.3 percent citizens are Muslim by religion. The total population is 24.14 million in 2023. According World Population Report, the estimated 3,254,000 were foreign nationals in 2005, of whom 30 per cent were illegal migrants. According to the Express Tribune, 5 million people (2 million Bangladeshi, 2.5 million Afghanistan, and the remaining 0.5 million others) were illegal immigrants in Pakistan (16 December 2016). Therefore, the Pakistani government enacted several laws and policies to control illegal immigrants. The following legal provisions apply in the case of illegal entry and stay in Pakistan: The Naturalisation Act of 1926, Pakistan Foreigners Act of 1946 (amendment in 1991), The Pakistan Citizenship Act of 1951, Pakistan Citizenship Rules of 1952, Emigration Rules of 1979, policy on Restrictions on Indian Nationals of 2025, etc.

Under the Pakistan Foreigners Act 1946, section 13A, *“No one shall make or carry out arrangements for securing or facilitating the entry into Pakistan of any one whom he knows or has reasonable cause for believing to be an illegal entrant. And, section 13 B, “Prohibition to employ*

¹¹³ THE STATUTES OF THE REPUBLIC OF SINGAPORE, IMMIGRATION ACT, <https://perma.cc/GCD3-4TZL>, (Accessed on 24.08.2024).

¹¹⁴ IMMIGRATION ACT, <https://perma.cc/V7R9-SLUS>, (Accessed on 24.05.2024).

¹¹⁵ Thailand IMMIGRATION ACT (Translated), <https://perma.cc/Y3X8-F8ZL>, (Accessed on 25.08.2024).

an illegal entrant, no one shall knowingly employ or employ a person who has no permission to stay in Pakistan.”¹¹⁶

Section 14, *“Where any person contravenes any provisions of this Act or of any order made thereunder, or any direction given in pursuance of this Act or order, he shall, except as otherwise provided herein, be punished with imprisonment for a term which may extend to three years and shall also be liable to fine, and if such person has entered into a bond in pursuance of clause (f) of sub-section (2) of section 3, his bond shall liable to be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court as to why such penalty should not be paid. (2) Where any person knowingly enters into Pakistan illegally, he shall be guilty of an offence under this Act and shall be punished with imprisonment for a term which may extend to ten years and a fine which may extend to ten thousand rupees.*”¹¹⁷

Section 14 D Registration of illegal immigrants, *“(1) The Federal Government may, by order, establish an Authority to be known as the Aliens Registration Authority, hereinafter referred to as the Authority. (2) Any foreigner in Pakistan who immediately before the commencement of the Foreigners (Amendment) Ordinance, 2000, has no permission to stay in Pakistan shall get himself registered with the Authority. (3) The Authority may permit a foreigner registered with it to work in Pakistan at such place and for such period as the Federal Government may, from time to time, prescribe. (4) The Federal Government may, by order, confer on the Authority such other functions in relation to foreigners in relation to foreigners as it may deem appropriate.*”¹¹⁸

Bangladesh is located in South Asia, shares an international border with Myanmar and India. In 1971, Bangladesh gained independence from Pakistan with the help of India. It is one of the most densely populated (1165 sq km), with over 171 million people living in 148,460 sq km. According to the UN estimate, more than 2.1 million immigrants live in Bangladesh, around 50 per cent are Rohingya refugees, and the remaining are Nepali, Bhutanese, Pakistani (Bihari), and other foreign nationals. Among them, a significant number are illegal immigrants. Therefore, the Bangladesh government has passed several laws and policies throughout the period to control illegal immigrants. The following legal provisions and policies are;¹¹⁹

¹¹⁶<https://www.refworld.org/legal/legislation/natlegbod/1946/en/18143#:~:text=Registration%20of%20illegal%20immigrants,as%20it%20may%20deem%20appropriate.%5D>, (Accessed on 25.08.2024).

¹¹⁷ Ibid

¹¹⁸ Ibid

¹¹⁹ Bangladesh Immigration Rules, https://immi.specialbranch.gov.bd/Immi_rules, (Accessed on 25.08.2024).

1. The Bangladesh Citizenship (Temporary) Order 1972
2. Bangladesh Citizenship (Temporary) Rules 1978
3. The Bangladesh Passport Order (President's Orders No. 9 of 1973), 1973
4. Bangladesh Passport Rules, 1974
5. The Emigration Ordinance, 1982
6. The Foreigners Order, 1951
7. The Registration of Foreigners Act, 1939
8. The Bangladesh Control of Entry Act, 1952
9. Registration of Foreigners (Exemption) Order, 1966
10. The Emigration Rules 2002
11. Recruiting Agent's Conduct and License Rules 2002
12. Women and Children Repression Prevention Act, 2000 (Act No. 8 of 2000)

4.3 Migration Laws and Policies in India:

India, that is 'Bharat,' is a South Asian country and the world's fourth-largest economy, with a GDP of \$4.187 trillion in July 2025. India is a country of aggressive economic growth and has made great strides in development since gaining independence in 1947. Yet the country remains the victim of the socio-political problems as far as immigration is concerned, particularly from the immediate neighbours of Bangladesh, Nepal, and Bhutan. According to World Population Prospects, the estimated 1.48 trillion in March 2025, with 4.9 million foreign nationals (0.4 percent of the total population) (Singh, 2022). It is also mentioned by the Ministry of Home Affairs of India, more than 50-60 per cent of foreign nationals are illegal immigrants (The Hindu, 9th April 2023). India witnessed large numbers of illegal aliens crossing over from Bangladesh during the Liberation War of Bangladesh, or more specifically, after the formation of Bangladesh in 1971. It was most intense in the eastern border regions of India, especially in Assam. As analyzed in detail above, the widespread conflict in Assam escalated into violence and massacre when it became clear to the Centre that the state and its larger problem could no longer be left unanswered. It must be understood that the correct term for the illegal immigrant is the Foreigner in the formal sense. But the descriptions given in all these laws (as explained above) apply to those individuals who fall under the category of illegal immigrants. In this regard, it is necessary to understand the

attempts made by the Indian legal regime to deal with and curtail illegal migration, marked by the passage of the following legislation, and how they are interpreted.

The Constitution of India came into force on 26th January 1950. Unlike the US Constitution, the Indian Constitution remains silent on the issue of ‘Illegal migration’; nevertheless, the Constitution provides a framework within which the legislature and the executive have sought to address one of India’s most persistent security and humanitarian challenges. The makers of the Indian Constitution did not give their attention to the issue of migration, both in terms of illegal or undocumented migration and legal migration. Before the Constitution came into force on 26th January 1950, “Citizenship” was implemented under the second part of Articles 5 to 11 immediately after independence. The purpose behind this is to identify who is a citizen of India and who is an alien (Basu, 2018: 79). There are three conditions under Article 5 for the grant of citizenship. The first condition under Article 5 (a) says that, “*every individual who born as well as domiciled¹²⁰ in the ‘territory of India’ - irrespective of the nationality of his/her parents;*” or the second condition under Article 5 (b) says that, “*every individual who domiciled in the ‘territory of India’, either of whose parents was born in the territory of India - irrespective of the nationality of his/her parents or the place of birth of such individual;*” or the third condition under Article 5 (c) says that, “*every individual who or whose father or mother was not born in India, but who (a) had his domicile in the ‘territory of India’, and (b) had been ordinarily residing within the territory of India for not less than five years immediately preceding the commencement of the constitution. In this case also, the nationality of the person’s parents is immaterial. Thus, a subject of a Portuguese Settlement, residing in India for not less than five years immediately preceding the commencement of the Constitution, with the intention of permanently residing in India, would become a citizen of India at the commencement of the Constitution.*” (Basu, 2018:79)

Article 6 of the Constitution enumerates, “*the rights of citizenship of a person who had migrated from Pakistan to India. if he or his parents or grandparents were born in India and (a) had migrated before 19th July 1948, he has ordinarily resided within the ‘territory of India’ since the date of such migration (in his case, no registration of the migrants is necessary for citizenship); or (b) had migrated on or after 19th July 1948, he further makes an application before the commencement of this Constitution for registering himself as a citizen of India to an officer appointed by the Government of India, and is registered by that officer, being satisfied that the*

¹²⁰ Domicile refers to a person’s country of permanent residence or home identity.

applicant has resided in the territory of India for at least six months before such application.”
(Basu, 2018: 80)

On the other side, Article 7 of the Constitution says that, *“the rights of citizenship of a person who migrated from India to Pakistan after the 1st March 1947, but had subsequently returned to India under a permit issued under the authority of the Government of India for resettlement or permanent return or under the authority of any law provided he gets himself registered in the same manner as under Article 6(b)”*. (Basu, 2018: 80)

Article 8 gives citizenship rights to overseas individuals of Indian origin, either who were born in undivided India or whose parents or grandparents were born in India. In the case of such persons, if he/she has been registered as Indian citizens by the diplomatic or consular representative of India in that country, then they will be treated as Indian citizens. Article 9 states that if a person voluntarily acquires a foreign citizenship, then he will cease to be a citizen of India. Article 11 empowers Parliament to make laws relating to citizenship rights, which cover naturalization, aliens, and the loss and acquisition of citizenship.

The Constitution of India guarantees the following rights only to the citizens of India, which are not for immigrants or foreigners. From this, it can be inferred what the Constitution of India says about immigrants. Such rights are-

- 1) The Fundamental Rights under Articles 15, 16, 19, 29, and 30;
- 2) Only citizens of India are eligible for the post of President [Article 58(1)(a)], Vice-President [Article 66(3)(a)], the Supreme Court and High Courts Judges, Attorney-General and Advocate-General, and Governor of a state;
- 3) Right to vote and contest in elections such as Parliamentary, State Legislative, and the grassroots level of Panchayat and Municipality. (The Constitution of India, 2024: 4-5)

Article 19(1)(e) of the Constitution guarantees the fundamental right to “all citizens to reside and settle in any part of the territory of India” (The GOI, 2024: 5). This right is only for those individuals who are citizens of India. Every Indian can make their house and permanent residence in any state of India as their freedom of choice. After the amendment of Article 370 in 2019, the special status of Jammu and Kashmir was removed (BBC, 6th August 2019). Therefore, every Indian has equal rights with the residents of Jammu and Kashmir. According to this right, no immigrant has the right to reside and settle in any part of the country without the government’s

permission. If any immigrants are identified as having illegally resided and settled or built a house in any state, the police officer and other government officials can deport them from the state.

Another constitutional mechanism is the distribution of legislative powers between the Union and the States in accordance with federal principles under Article 246 of the Seventh Schedule, which has three lists - Union, State, and Concurrent. The 100 subjects listed in the Union list, the Central Government has autonomous power to make laws and regulations on the Union list subjects. Entry No. 19 states: “*Entry into India, immigration and expulsion; passports and visas.*” Entry 19 of the union list empowers the Central Government to make laws regulating the movement of people across national boundaries, a subject intrinsically linked with national sovereignty, security, and foreign policy. Therefore, the Central Government must identify and deport the illegal migrants or undesirable foreign nationals from India (GOI, 2024:316).

4.3.1 The Registration of Foreigners Act, 1939

The Registration of Foreigners Act, 1939¹²¹, is also one of the Acts that plays an indirect but major role in regulating illegal migration in India. Although the Act is largely concerned with keeping a register and monitoring legal foreign arrivals, it also helps in identifying and dealing with illegal or unauthorized immigrants. Every foreigner who comes in legally into India must register him/herself with the concerned authority (FRRO/or the Registration Officer) within the period as may be prescribed (normally within 14 days). Failure to register is considered a violation of the law and can be used as an indicator of an illegal resident. This Act stipulates that foreign nationals must provide information regarding their identity, nationality, visa type, purpose of travel and duration of stay, address of any foreigner staying with them during the trip, etc. It allows the authorities to check who has arrived and confirm that the stay is legal and follows visa conditions. Foreigners must report to the respective authorities any change of their address, travel plans, or extension of stay. Failure to provide this information may raise suspicions of illegal movement or overstay, or intent to commit a crime (such as illegal immigration or illegal work). Failure to register, providing false information, or overstaying the visa can lead to penalties, detention and removal, and imprisonment under the Foreigners Act, 1946 (which complements the 1939 Act).

¹²¹ The Registration of Foreigners Act 1939,
https://www.mha.gov.in/sites/default/files/The_Registration_of_Foreigners_Act_1939.pdf,
(Accessed on 25.08.2024)

The Registration of Foreigners Act, 1939, is a preventive and regulatory mechanism in India's legislative framework to control infiltration into the country. This allows the government to track the presence and movement of non-nationals, as well as identify visa overstayers or undocumented migrants, and take appropriate legal measures. However, it works best in conjunction with other laws that directly cover illegal entry and deportation.

4.3.2 The Foreigners Act, 1946

The Foreigners Act, 1946, is one of the most important pre-independence legislations in India, which deals with the entry, presence, and exit of foreigners (those who are non-citizens) in the national territory of India. The Foreigners Act, 1946, was implemented by the British colonial government as an emergency and temporary legislation during the Second World War under the Defence of India Rules with the specific objective of keeping 'foreigners' under check and judicial scrutiny. It superseded the Foreigners Act 1864, which was deemed to be ineffective and less empowered in controlling foreign nationals. The 1946 Act was adopted during the Second World War when fears about espionage, sabotage, and subversive foreign elements were escalated. It was adopted by the Government of India after independence in 1947, and continued to remain in force there under Article 372 of the Constitution, which created an exception for pre-independence laws to continue until specifically repealed or amended.

According to Section 2(a) of the Foreigners Act 1946, "Foreigner" is defined as those individuals who are not citizens of India.

Section 3 of the Act: "Power to make orders. —

1. *The Central Government may, by order, make provision, either generally or with respect to all foreigners or with respect to any particular foreigner or any prescribed class or description of foreigner, for prohibiting, regulating, or restricting the entry of foreigners into (India) or their departure therefrom or their presence or continued presence therein.*
2. *In particular and without prejudice to the generality of the foregoing power, orders made under this section may provide that the foreigner -*
 - a) *shall not enter (India) or shall enter (India) only at such times and by such route and at such port or place and subject to the observance of such conditions on arrival as may be prescribed;*

b) shall not depart from (India), or shall depart only at such times and by such route and from such port or place and subject to the observance of such conditions on departure as may be prescribed;

c) shall not remain in (India) or in any prescribed areas therein;

[(cc) shall, if he has been required by order under this section not to remain in India, meet from any resources at his disposal the cost of his removal from India and of his maintenance therein pending such removal;]

d) shall remove himself to, and remain in, such area in (India) as may be prescribed;

e) shall comply with such conditions as may be prescribed or specified –

i. requiring him to reside in a particular place;

ii. imposing any restrictions on his movements;

iii. requiring him to furnish such proof of his identity and to report such particulars to such authority in such manner and at such time and place as may be prescribed or specified;

iv. requiring him to allow his photograph and finger impressions to be taken and to furnish specimens of his handwriting and signature to such authority and at such time and place as may be prescribed or specified;

v. requiring him to submit himself to such medical examination by such authority and at such time and place as may be prescribed or specified;

vi. prohibiting him from association with persons of a prescribed or specified description;

vii. prohibiting him from engaging in activities of a prescribed or specified description;

viii. prohibiting him from using or possessing prescribed or specified articles;

ix. otherwise regulating his conduct in any such particular as may be prescribed or specified;

f) shall enter into a bond with or without sureties for the due observance of, or as an alternative to the enforcement of, any or all prescribed or specified restrictions or conditions;

g) shall be arrested and detained or confined; and may make provision (for any matter which is to be or may be prescribed and) for such incidental and supplementary matters as may, in the opinion of the Central Government, be expedient or necessary for giving effect to this Act.

3) Any authority prescribed in this behalf may, with respect to any particular foreigner, make orders under clause (e) or clause (f) of sub-section (2).¹²²

Section 6: *“Obligations of masters of vessels, etc. - the subsection (4) If any foreigner enters India in contravention of any provision of this Act or any order made thereunder, the prescribed authority may, within two months from the date of such entry, direct the master of the vessel or the pilot of the aircraft on which such entry was effected or the owner or the agent of the owner of such vessel or aircraft, to provide, to the satisfaction of the said authority and otherwise than at the expense of Government, accommodation on a vessel or aircraft for the purpose of removing the said foreigner from India.”*¹²³

Section 8: Determination of nationality- *“(1) When a foreigner is recognised as a national by the law of more than one foreign country or where for any reason it is uncertain what nationality if any is to be ascribed to a foreigner, that foreigner may be treated as the national of the country with which he appears to the prescribed authority to be most closely connected for the time being in interest or sympathy or if he is of uncertain nationality, of the country with which he was last so connected:*

Provided that where a foreigner acquired a nationality by birth, he shall, except where the Central Government so directs either generally or in a particular case, be deemed to retain that nationality unless he proves to the satisfaction of the said authority that he has subsequently acquired by naturalization or otherwise some other nationality and still recognized as entitled to protection by the Government of the country whose nationality he has so acquired.

(2) A decision as to nationality given under sub-section (1) shall be final and shall not be called in question in any Court:

*Provided that the Central Government, either of its own motion or on an application by the foreigner concerned, may revise any such decision.”*¹²⁴

Section 9: Burden of proof- *“If in any case not falling under section 8 any question arises with reference to this Act or any order made or direction given thereunder, whether any person is or is not a foreigner or is or is not a foreigner of a particular class or description the onus of proving*

¹²² The Foreigner’s Act, 1946 <https://www.indiacode.nic.in/bitstream/123456789/2259/3/A1946-31.pdf>, (Accessed on 25.08.2024).

¹²³ Ibid

¹²⁴ Ibid

that such person is not a foreigner or is not a foreigner of such particular class or description, as the case may be, shall notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872), lie upon such person.”¹²⁵

Section 13: Attempts, etc., to contravene the provisions of this Act, etc -

“(1) Any person who attempts to contravene, or abets or attempts to abet, or does any act preparatory to, a contravention of, the provisions of this Act or of any order made or direction given thereunder; or fails to comply with any direction given in pursuance of any such order; shall be deemed to have contravened the provisions of this Act. (2) Any person who, knowing or having reasonable cause to believe that any other person has contravened the provisions of this Act or of any order made or direction given thereunder, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention shall be deemed to have abetted that contravention. (3) The master of any vessel or the pilot of any aircraft, as the case may be, by means of which any foreigner enters or leaves (India) in contravention of any order made under, or direction given in pursuance of, section 3 shall, unless he proves that he exercised all due diligence to prevent the said contravention, be deemed to have contravened this Act.”¹²⁶

Section 14: Penalty for contravention of provisions of the Act, etc. - *“Whoever: -(a) remains in any area in India for a period exceeding the period for which the visa was issued to him; (b) does any act in violation of the conditions of the valid visa issued to him for his entry and stay in India or any part thereof under; (c) contravenes the provisions of this Act or of any order made thereunder or any direction given in pursuance of this Act or such order for which no specific punishment is provided under this Act, shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if he has entered into a bond in pursuance of clause (f) of sub-section (2) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the convicting Court why such penalty should not be paid by him. Explanation. - For the purposes of this section, the expression “visa” shall have the same meaning as assigned to it under the Passport (Entry into India) Rules, 1950 made under the Passport (Entry into India) Act, 1920 (34 of 1920).*”¹²⁷

¹²⁵ Ibid

¹²⁶ Ibid

¹²⁷ Ibid

Subsection 14A: Penalty for entry in restricted areas, etc. – *“Whoever. – (a) enters into any area in India, which is restricted for his entry under any order made under this Act, or any direction given in pursuance thereof, without obtaining a permit from the authority, notified by the Central Government in the Official Gazette, for this purpose or remains in such area beyond the period specified in such permit for his stay; or (b) enters into or stays in any area in India without the valid documents required for such entry or for such stay, as the case may be, under the provisions of any order made under this Act or any direction given in pursuance thereof, shall be punished with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be liable to fine which shall not be less than ten thousand rupees; and if he has entered into a bond in pursuance of clause (f) of sub-section (2) of section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting court why such penalty should not be paid by him.”*¹²⁸

Sub-section 14B: Penalty for using forged passport – *“Whoever - knowingly uses a forged passport for entering into India or remains therein without the authority of law for the time being in force shall be punishable with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be liable to fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees.”*¹²⁹

Sub-section 14C: Penalty for abetment - *“Whoever abets any offence punishable under section 14 or section 14A or section 14B shall, if the act abetted is committed in consequence of the abetment, be punished with the punishment provided for the offence. Explanation. - For the purposes of this section, -*

- (i) an act or offence is said to be committed in consequence of the abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the offence;*
- (ii) the expression “abetment” shall have the same meaning as assigned to it under section 107 of the Indian Penal Code (45 of 1860).”*¹³⁰

¹²⁸ Ibid

¹²⁹ Ibid

¹³⁰ Ibid

4.3.3 Foreigners Order 1948, (Amendment of 1951, 1953 (S.R.O. 1039), 1954, 1958, 1959, 1960, 1964, 1965, 1971 and 1979)

In 1948, the “Foreigners Order” was passed by the Ministry of Home Affairs under section 3 of the Foreigners Act 1946, empowering the Central Government to take the following steps regarding foreigners’ issues;

“Section 3: ‘Power to grant or refuse permission to enter India’ –

- 1. No foreigner shall enter India: -*
 - a) otherwise than at such port or other place of entry on the borders of India as a Registration Officer having jurisdiction at that port or place may appoint in this behalf, either for foreigners generally or for any specified class or description of foreigners; or*
 - b) without the leave of the civil authority having jurisdiction at such port or place.*
- 2. Leave to enter shall be refused if the civil authority is satisfied that: -*
 - a) the foreigner is not in possession of a valid passport or visa for India or has not been exempted from the possession of a passport or visa;*
 - b) he is a person of unsound mind or a mentally defective person;*
 - c) he is suffering from a loathsome or infectious disease in consequence of which, in the opinion of the medical officer of the port or the place of entry, as the case may be, the entry of the foreigner is likely to prejudice public health;*
 - d) he has been sentenced in a foreign country for an extradition offence within the meaning of the Indian Extradition Act, 1903 (15 of 1903);*
 - e) his entry is prohibited either under an order issued by a competent authority or under the specific orders of the Central Government.*
- 3. The civil authority may attach such conditions as it thinks fit to the grant of leave to enter, and such conditions may be varied in such manner or cancelled as the Central Government deems fit.*
- 4. a) Notwithstanding anything contained in sub-paragraphs (1) to (3) or in the [Indian Passport Act, 1920 (34 of 1920)], or in the rules made thereunder, a civil authority may, in the interests of public safety, prohibit the entry of any foreigner into India.*

b) Whenever the civil authority issues an order under clause (a), it shall report the matter forthwith to the Central Government, which may cancel or modify the order in such manner as it thinks fit.

5. *Where leave to enter is refused to a foreigner, he may be detained at some place approved by the civil authority and may, if he has come by sea, be placed temporarily on shore for that purpose, and whilst he is so detained, a foreigner shall be deemed to be in legal custody and not to have entered India.*”¹³¹

4.3.4 Immigrants (Expulsion from Assam) Act of 1950

The Immigrants (Expulsion from Assam) Act, 1950, was a major legislative step taken by the Indian Government to tackle the problem of the presence of illegals on the soil of Assam, especially those who had migrated from East Pakistan (now Bangladesh) to Assam following the partition of India, due to religious persecution. After the partition of India in 1947, a large number of both Hindu refugees and Muslim immigrants entered Assam from East Pakistan. Due to this huge influx, there was growing concern among the indigenous people of Assam regarding the pressure on land, resources, demography, and political power. In retaliation, the Government of India passed the Immigrants (Expulsion from Assam) Act, 1950, empowering the central government to order the expulsion of any alien from the Indian state of Assam if the government believed that the immigrant’s continued presence in the state was contrary to public interest. The Act came into force on 1st March 1950.

The Indian Constitution had set a deadline of July 19, 1948, for immigrants from Pakistan to apply for citizenship, which could not be met because post-partition communal violence in both countries forced many to flee across the border. The Nehru-Liaquat Pact was signed on April 8, 1950, setting a new deadline of 31st December 1950, for the protection of immovable property rights of minorities in each other’s countries. As a result of the agreement, approximately 161,360 immigrants were able to enter Assam; many more were also welcomed in West Bengal and Tripura. According to the Immigrant Rights Project, immigrants were being tracked down and deported in border states. This Act provided for the deportation of any person whose presence was prejudicial

¹³¹ FOREIGNERS ORDER 1948,
https://upload.indiacode.nic.in/showfile?actid=AC_CEN_5_23_00048_194631_1523947455673&type=order&filename=The%20Foreigners%20Order%201948.pdf, (Accessed on 26.08.2024).

to the interests of the local residents or any section of the Scheduled Tribes (STs) and who was residing outside India but entered India before or after the Act was passed. Section 2 of the Act 1950 mentioned –

“If the Central Government is of opinion that any person or class of persons, having been ordinarily resident in any place outside India, has or have, whether before or after the commencement of this Act, come into Assam and that the stay of such person or class of persons in Assam is detrimental to the interests of the general public of India or of any section thereof or of any Scheduled Tribe in Assam, the Central Government may by order –

(a) direct such person or class of persons to remove himself or themselves from India or Assam within such time and by such route as may be specified in the order; and

(b) give such further directions in regard to his or their removal from India or Assam as it may consider necessary or expedient: Provided that nothing in this section shall apply to any person who on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been displaced from or has left his place of residence in such area and who has been subsequently residing in Assam.”¹³²

However, the Act did not allow the deportation of any such refugees who had fled Pakistan on account of civil disturbances or fear of such disturbances. The Assam government was also preparing a National Register of Citizens (NRC), which would hold information about every citizen of the country, including their nationality, sex, age, mother tongue, source of income or line of work, as well as a photograph of his or her face, details about the parents, spouse and children, the person’s address of ordinary residence and all assets have and liabilities. Through the NRC, the real Indians can be identified, verified, and integrated.

The attempted expulsion of unauthorized or illegal immigrants during the 1950s did not work for several reasons. First, the law relating to passports and visas between India and Pakistan did not come into effect until October 1952. Second, Pakistan, as a foreign country and its citizens as foreigners, were not defined until 1957. In January 1957, Section 2(a) of the Foreigners Act 1946 was amended to define a Pakistani citizen as a foreigner. So, in reality, the restrictions on illegal immigrants from East Pakistan under the Foreigners Act of 1946 were not in effect. Moreover, Pakistanis who entered the Indian state of Assam with legal visas need not register their

¹³² The Immigrants (Expulsion from Assam) Act, 1950, <https://www.indiacode.nic.in/bitstream/123456789/1674/5/A1950-10.pdf>, (Accessed on 25.08.2024).

name at the office of the District Magistrate. As a result, it was impossible to find out any East Pakistani immigrant who had entered Assam legally but overstayed after his/her visa expired.

4.3.4 The Citizenship Act, 1955, and Citizenship Amendment Acts, 2019

The Citizenship Act of 1955 is one of the most important legal frameworks through which the Government of India defines, regulates, and administers citizenship. Although the law was not originally designed to directly address illegal immigration, it has had a significant impact on the identification and control of illegal immigrants in India. The primary focus of the Citizenship Act 1955, lay down the provisions for the acquisition and termination of Indian citizenship, enacted by the Indian Parliament. The Act has been amended several times since its implementation, with the most recent amendment taking place in 2019, which was followed by amendments being 1986, 2003, 2005, and 2015 in response to concerns of illegal immigration, particularly in border states such as Assam. According to the Citizenship Act 1955, a person is considered a citizen of India by birth,

- (i) if he or she was born in India between on and before 26th January 1950 to 1st July 1987, regardless of the nationality of their parents;
- (ii) born between 1st July 1987 to 3rd December 2004, at least one parent must be an Indian citizen; and
- (iii) born after December 3, 2004, one parent must be Indian, and the other must not be an illegal migrant.

It was introduced to ensure that the children of illegal immigrants did not automatically become Indian citizens. In practice, it helped discourage illegal immigration by closing the jus soli (citizenship by soil) route. Section 6A of the Act, which was incorporated by the Citizenship Amendment Act 1985, was an important part of the ‘Citizenship by Naturalization’ for the state of Assam, which states that:

“6A. SPECIAL PROVISIONS AS TO CITIZENSHIP OF PERSONS COVERED BY THE ASSAM ACCORD - (1) For the purposes of this section-

- a) “Assam” means the territories included in the State of Assam immediately before the commencement of the Citizenship (Amendment) Act, 1985 (65 of 1985);*

- b) *“detected to be a foreigner” means detected to be a foreigner in accordance with the provisions of the Foreigners Act, 1946 (31 of 1946) and the Foreigners (Tribunals) Order, 1964 by a Tribunal constituted under the said Order;*
- c) *“specified territory” means the territories included in Bangladesh immediately before the commencement of the Citizenship (Amendment) Act, 1985 (65 of 1985);*
- d) *a person shall be deemed to be Indian origin, if he, or either of his parents or any of his grandparents, was born in undivided India;*
- e) *a person shall be deemed to have been detected to be a foreigner on the date on which a Tribunal constituted under the Foreigners (Tribunals) Order, 1964 submits its opinion to the effect that he is a foreigner to the officer or authority concerned.*

(2) Subject to the provisions of sub-sections (6) and (7), all persons of Indian origin who came before the 1st day of January, 1966 to Assam from the specified territory (including such of those whose names were included in the electoral rolls used for the purposes of the General Election to the House of the People held in 1967) and who have been ordinarily resident in Assam since the dates of their entry into Assam shall be deemed to be citizens of India as from the 1st day of January, 1966.

(3) Subject to the provisions of sub-sections (6) and (7), every person of Indian origin who –

- a) *came to Assam on or after the 1st day of January, 1966, but before the 25th day of March, 1971, from the specified territory; and*
- b) *has, since the date of his entry into Assam, been ordinarily resident in Assam; and*
- c) *has been detected to be a foreigner;*

shall register himself in accordance with the rules made by the Central Government in this behalf under section 18 with such authority (hereafter in this sub-section referred to as the registering authority) as may be specified in such rules and if his name is included in any electoral roll for any Assembly or Parliamentary constituency in force on the date of such detection, his name shall be deleted there from.

(4) A person registered under sub-section (3) shall have, as from the date on which he has been detected to be a foreigner and till the expiry of a period of ten years from that date, the same rights and obligations as a citizen of India (including the right to obtain a passport under the Passports Act, 1967 (15 of 1967) and the obligations connected therewith), but shall not entitled

to have his name included in any electoral roll for any Assembly or Parliamentary constituency at any time before the expiry of the said period of ten years.

(5) A person registered under sub-section (3) shall be deemed to be a citizen of India for all purposes as from the date of expiry of a period of ten years from the date on which he has been detected to be a foreigner.

(6) Without prejudice to the provisions of section 8 -

- a) if any person referred to in sub-section (2) submits in the prescribed manner and form and to the prescribed authority within sixty days from the date of commencement of the Citizenship (Amendment) Act, 1985 (65 of 1985), a declaration that he does not wish to be a citizen of India, such person shall not be deemed to have become a citizen of India under that sub-section;*
- b) if any person referred to in sub-section (3) submits in the prescribed manner and form and to the prescribed authority within sixty days from the date of commencement of the Citizenship (Amendment) Act, 1985(65 of 1985), or from the date on which he has been detected to be a foreigner, whichever is later, a declaration that he does not wish to be governed by the provisions of that sub-section and sub-sections (4) and (5), it shall not be necessary for such person to register himself under sub-section (3).*

(6) Explanation. - Where a person required to file a declaration under this sub-section does not have the capacity to enter into a contract, such declaration may be filed on his behalf by any person competent under the law for the time being in force to act on his behalf.

(7) Nothing in sub-sections (2) to (6) shall apply in relation to any person- (a) who, immediately before the commencement of the Citizenship (Amendment) Act, 1985 (65 of 1985), is a citizen of India; (b) who was expelled from India before the commencement of the Citizenship (Amendment) Act, 1985, under the Foreigners Act, 1946 (31 of 1946).

(8) Save as otherwise expressly provided in this section, the provisions of this section shall have effect notwithstanding anything contained in any other law for the time being in force.”¹³³

The concept of ‘illegal migrants’ was introduced by the Citizenship Amendment Act 2003. An illegal immigrant is a person who has entered India without valid travel documents or permits,

¹³³ Citizenship Act, 1955, Section 6A, https://www.indiacode.nic.in/bitstream/123456789/4210/1/Citizenship_Act_1955.pdf, (Accessed on 26.08.2024)

such as a passport and visa, or has remained in India after the expiry of the visa or other travel documents. This legal definition formally disqualifies such individuals from acquiring Indian citizenship through registration or naturalization. It is clearly stated that illegal immigrants cannot become citizens through naturalization means, which closes the path to the legal status of Indian citizenship. Sections 5 and 6 of the Act (which deal with citizenship through registration and naturalization) make it clear that illegal immigrants are ineligible to apply for Indian citizenship. Even if a person (illegal immigrant) is married to an Indian or has lived in India for more than ten years. It ensures that only legal residents and verified foreign nationals can become Indian citizens, thereby controlling illegal entry. Under the Citizenship Amendment Act, if a citizen of India voluntarily acquires citizenship of another country, they will immediately lose their Indian citizenship. This prevents dual loyalty and indirectly ensures that foreigners do not misuse Indian documents to claim illegal dual status. Under the 2003 Amendment Act, the government was authorised to create the National Register of Citizens (NRC), which helps to identify illegal migrants by excluding those who fail to prove their citizenship.

The Citizenship Amendment Act (CAA), 2019, was one of the most controversial Citizenship Acts of 1955, enacted by the Parliament of India to pave the way for citizenship for certain categories of illegal immigrants. The Citizenship (Amendment) Act amends the Citizenship Act 1955 and is controversial within India's broader immigration policy. India has for decades wrestled with illegal immigration, particularly from neighboring countries such as Bangladesh, Myanmar, and Pakistan, on the grounds of religious persecution, economic deprivation, porous borders, and historical links. Section 2 of the CAA of 2019 granted citizenship status to only six non-Muslim immigrants from Afghanistan, Bangladesh, and Pakistan. They will not be considered illegal migrants under Indian law. Under this Act, the residency criterion for naturalization is lowered from 11 to 5 years. It states that,

“Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the

application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act.”¹³⁴

Therefore, the CAA, 2019 is only applicable to migrants of non-Muslim background, which excludes Muslim minority communities such as the Rohingyas of Myanmar, the Ahmadis and Shias of Pakistan, and the Hazaras of Afghanistan. This affects the neutrality of controlling immigration and is against the doctrine of ‘equality before law’ under Article 14 of the Constitution of India. The CAA does not specify how illegal immigrants (especially unauthorized Muslims) who are not eligible under the act will be deported or expelled. The law only provides a path to citizenship, not a strategy for identification or removal of illegal or undocumented immigrants. The CAA sets 2014 as a cut-off date for citizenship that could legalise illegal immigrants (Non-Muslims) under the Assam Accord, which could lead to social unrest and ethnic clashes in both Assam and the northeastern states of India. It is also noted that CAA is not applicable in all areas, such as the tribal areas of Assam, Meghalaya, Mizoram, Tripura (6th Schedule areas), and the states that come under the ‘Inner Line Permit’ (ILP) system, like Nagaland, Manipur, and Arunachal Pradesh. This selective approach undermines its ability to address the problem of illegal immigration across the country. By using religion as the criterion for citizenship, therefore, CAA is seen by many as a political instrument that could further exacerbate communal tensions, especially when it was associated with the NRC (National Register of Citizens).

4.3.5 The Passport (Entry into India) Act, 1920

The Passport (Entry into India) Act, 1920, is a pre-independence legislation that was enacted by the British government to regulate the entry of foreigners into India. Since independence, the Act has remained in force and is still an essential instrument in the framework of the immigration control system of India. According to Section 3 (Power to Make Rules) of the Act, the Central Government can make rules that require any person entering India to possess a valid passport, visa, or other prescribed travel documents. No individual (especially a foreigner) can enter India without proper documents unless duly exempted, either absolutely or on any condition (such as diplomats or citizens of specified countries). Therefore, the government has the power to prohibit the entry of illegal or unauthorized immigrants. If any foreign nationals enter

¹³⁴ The Citizenship (Amendment) Act 2019, https://indiancitizenshiponline.nic.in/Documents/UserGuide/E-gazette_2019_20122019.pdf, (Accessed on 26.08.2024).

India without proper permits or a visa can be detained, fined, or deported from the country. The Passport (Entry into India) Act 1920 remains one of the foundation legislations in the field of immigration control in India. It may be a relic of the colonial era, but it has become a key instrument in the contemporary spectrum of national security, identity verification, and control of illegal migration.

4.3.6 The Foreigners (Tribunals) Order, 1964, and Foreigners (Tribunals) Amendment Order, 2019

The Foreigners (Tribunals) Order, 1964, is another important legal device for controlling illegal infiltration in India. It provides an organised, judicially monitored mechanism for the detection, verification, and deportation of illegal immigrants, particularly from vulnerable border regions in states like Assam. In 2019, the Foreigners (Tribunal) Order 1964 was amended. Under the Foreigners (Tribunals) Order 1964, both the Central and State governments have the power to create a tribunal to solve the issues of foreigners. The first Foreigners' Tribunals were created by the Union government on September 23, 1964, constituted under Clause 2 of the Foreigners (Tribunal) Order, due to the strong political criticism on the process of detection and deportation, and grievances of executive arbitrariness and harassment. Under the Foreigners Act 1946, these tribunals have the power to determine whether an individual is a foreigner or not. To allow those who had received "Quit India or deportation" notices to approach these tribunals and to get a fair trial of their cases, it was proposed that judicial persons should be placed as members of the foreigner tribunals. In this context, the process was made relatively simple to allow the accused infiltrator, if he or she so wished, to defend himself against the police charges through legal recourse in the tribunals. The tribunals have also given instructions to the police officers not to persecute any suspected illegal immigrants, and an infiltration can only be fully investigated if it is proved that they were really illegal aliens. In 1964, four tribunals were constituted, and 35,080 cases were assigned to them. There were a couple of additional tribunals that were established between 1964 and 1968, but by 1973, they had disappeared because the majority of infiltrators had been successfully expelled. In July 1979, ten new tribunals were established to identify and deport illegal immigrants. The Foreigner's Tribunals failed to identify and deport all illegal immigrants. One of the main reasons for their failure was the complex nature of the determination of infiltrators,

which led to unnecessary delays in the identification and expulsion of illegal immigrants from the country.

4.3.7 Illegal Migrants (Determination by Tribunals) Act, 1983 (IMDT)

Another important legislation is the Illegal Migration (Determination by Tribunals) Act or IMDT 1983, which was passed by the government of India for the control of illegal immigrants in Assam, especially those who entered after March 25, 1971. The Act was passed in response to the Assam Movement (1979-1985), a movement against the influx of illegal immigrants led by the All-Assam Students Union (AASU), demanding the identification and deportation of illegal immigrants. According to the Illegal Migrants (Determination by Tribunals) Act 1983, an illegal immigrant was a foreign national who had entered India without a valid passport or travel documents, or overstayed after the expired of his/her permits and visa. This Act was extended throughout the country. Section 2 of the Act mentioned that it would not apply to the following cases –

“(a) Any person who was in any state and who had been expelled from that state or India before the commencement of this Act in that state or in relation to whose expulsion from such state or India any order made before such commencement under any other law is in force.

(b) Any person detected as a foreigner at the time of his entry across any border of India.

(c) Any foreigner who has entered into India under a valid passport or travel document, continued to remain therein after the expiry of the period for which he was authorised to remain in India under such passport or travel document.”¹³⁵

Section 5, about the establishment of Illegal Migrants Determination Tribunals. That, provided the Central Government may, if it deems fit, constitute more than one tribunal. Section 8 (2) of the IM(D)T Act provided in similar terms that “any person” could apply against a suspected illegal migrant subject to the condition that the applicant could be either any person “belonging to the police station within the local limits of which the place of residence (of the applicant) of the suspected illegal migrant is situated or any police officer”. Again, under section 8 (3) of the

¹³⁵ ILLEGAL MIGRANTS (DETERMINATION BY TRIBUNALS) ACT, 1983 (IMDT), <https://www.indiacode.nic.in/bitstream/123456789/1766/5/A1983-39.pdf>, (Accessed on 28.08.2024).

IM(D)T Act it was provided that no application shall be valid unless it was supported by an “affidavit sworn before not less than two persons residing within the local limits of the jurisdiction of the same police station in which the person referred to in the application is accused” and the fee “not less than ten and not more than one hundred rupees.”

It was further observed in Section 8-A that “Any person can apply to the Central Government for a decision of the Tribunal as to whether the person whose name and other particulars are given in the application is or is not an illegal migrant”. As is evident, under Section 8-A (2), such an application must be “supported by a declaration given by another person residing in the jurisdiction of the same revenue sub-division in which the applicant resides.” But “no such person shall make more than ten such applications or more than ten such declarations.” The Central Government may refuse the application if it is “frivolous or vexatious,” or submit the application to a Tribunal for decision (IMDT, 1983: 5-6).

Section 12 provides for the determination of the question as to whether a person is an illegal migrant or not. If there is a difference of opinion among the members of the Tribunal referred in the sub-section (2) of the Section 12 of the IM(D)T Act that a reference is to be made to the President of the ‘Appellate Tribunal’ who shall refer the case for hearing on such points (the Chairman of the Tribunal shall state the point or points on which they differ) by a member of another Tribunal under its jurisdiction. Sub-section (4) of section 12 made it exclusively clear that every order made substantially under sub-section (1) “shall, subject to the decision of the Appellate Tribunal, be final and shall not be called in question in any court” (IMDT, 1983: 7).

Section 20 makes provision for the expulsion of declared illegal migrants. Sub-section (1) of the section 20, “directs any person who has been so declared as illegal migrant by a Tribunal or by the Appellate Tribunal, as the case may be, to remove such a person from India to the country of his nationality or to the country from which he has entered India, or to such other country as may be specified in the order, within such time and by such route as may be specified in the order. Deportation shall be carried out by not below the rank of Superintendent of Police, any police officer (Section 20 and sub-section 2).”¹³⁶

The Illegal Migrants (Determination by Tribunals) Act, 1983 (IMDT Act) was an enactment conceived as a region-specific solution for dealing with the complex problem of illegal

¹³⁶ <https://www.indiacode.nic.in/bitstream/123456789/1766/5/A1983-39.pdf>, (Accessed on 28.08.24).

immigration into Assam. Although it provided a quasi-judicial structure to identify and deport illegal immigrants, it failed to achieve its purpose. Therefore, a huge number of controversies and criticisms have arisen against the Act. The number of PILs filed against the IMDT Act in both the Supreme Court and the Gauhati High Court between 1984 and 2000. In 2005, judgment on *Sarbananda Sonowal v. Union of India*, the Supreme Court struck down the IMDT Act 1983 (details in the next Section). The Apex Court gave her judgment that the IMDT Act 1983 was unconstitutional and violated basic human rights, and even failed to identify illegal migrants. According to the Apex Court, to uphold the IMDT Act and subsequently apply the provisions of the Foreigners Act of 1946 would mean reintroducing a more coherent legal system with uniform restrictions on entry throughout the country.

4.4 Judicial Pronouncements and Interpretations:

Illegal migration is the most problematic and politically sensitive issue in India, especially in the northeast and the border States. There are concerns about national security, demographic imbalance, economic burden, and cultural alienation from political representation due to the influx of illegal immigrants from neighbouring countries like Bangladesh. Though controlling illegal migration is primarily a legal and administrative issue, the role of the Indian judiciary has been crucial in interpreting and enforcing the legal framework relating to citizenship, foreign entry, identification, and deportation of illegal and undocumented immigrants.

Since India's independence, the Supreme Courts and the High Courts have delivered many historic judgments, not only on the legal narrative of illegal immigration but also affecting policies at the national and state levels on immigration issues. Apart from repealing discriminatory legislation like the Illegal Immigrants (Determination by Tribunal) Act, 1983, and overseeing the process of preparing the National Register of Citizens (NRC) in Assam, the judiciary has been directly involved in protecting the constitutional vision and the demographic interests of the Indian state.

The judicial pronouncements or interpretations on undocumented and illegal immigration reflect the dialectics involved in keeping the balance among national security and the fundamental individual rights, state sovereignty, and humanitarian responsibilities, along with legal procedure and administrative practicality. These rulings also emphasise the judiciary's liberal approach to

issues of citizenship in a democracy, refugee rights, border management, and minority protection. Therefore, it is essential to review some of the benchmark court decisions to understand the legal nuances from the correct perspective.

4.4.1. *Sarbananda Sonowal Vs. Union of India and Ors (2005) 5scc 665*

The historic judgment of the Supreme Court in the case of *Sarbananda Sonowal v. Union of India* (2005) 5 SCC 665¹³⁷ on July 12, 2005, is significant in the field of Indian constitutional and immigration law. This was a public interest litigation (PIL) filed against the provisions of the Illegal Migrants (Determination by Tribunal) Act (Act No. 39) 1983, under Article 32 of the Indian Constitution. The Supreme Court struck down the Illegal Immigrants (Determination by Tribunal) Act, 1983 (IMDT) as unconstitutional because it was largely ineffective in detecting and deporting illegal immigrants, particularly in Assam. The most important aspect of the verdict was the interpretation of Article 355 of the Constitution. The Apex Court has termed the large number of illegal immigrants from Bangladesh as “external aggression,” thereby highlighting the Central government’s responsibility to protect Assam from demographic instability. This expanded the meaning of national security, which included demographic and cultural integrity (Sayta, 2006: 98).

The court had subsequently repealed the IMDT Act, which it had criticized for placing the burden of proof on the complainant and not on the illegal migrant, as in the case of the Foreigners Act, 1946. This contradictory understanding leads to procedural paralysis, where the identification of illegal immigrants is almost impossible. By restoring the application of the Foreigners Act 1946 in Assam, the court has maintained legal uniformity across India and upheld the rule of law. The verdict was also politically and socially significant. It acknowledges the long-standing fear among the indigenous Assamese people of being turned into a minority in their homeland. It further legitimised Assamese society’s cultural, linguistic, and political anxieties and reinforced demands for strict border control and citizenship verification. This judgment subsequently played a fundamental role in the development of the National Register of Citizens (NRC) and the Citizenship (Amendment) Act (CAA), 2019.

⁷⁵ *Sarbananda Sonowal v. Union of India and Ors* (2005) 5 SCC 665, <https://indiankanoon.org/doc/1436100/> (Accessed on 06.09.24)

Therefore, scholars, academics, political leaders, members of civil society, and others have criticized the IMDT Act of 1983. According to Human Rights activists, placing the burden of proof on the accused could result in misidentification and harassment, particularly against Bengali-speaking Muslims in Assam. The judgment also raised concerns about the excessive use of judicial power; therefore, the Supreme Court declared the IMDT Act 1983 invalid not only for unconstitutionality but also for inefficiency.

4.4.2 Assam Sanmilita Mahasangha and Ors Vs. Union of India and Ors (2015) 3 SCC 1

Assam Sanmilita Mahasangha and Others v. Union of India and Others (2015) 3 SCC 1 is another landmark petition in Indian constitutional jurisprudence that deals with the issue of illegal or undocumented migration, specifically from neighbouring Bangladesh to Assam. It was a writ petition filed under Article 32 of the Constitution (No. 876 of 2014), and demanded the enforcement of the fundamental rights of the indigenous people of Assam, whose political and cultural identity was claimed to be threatened by the continuous influx of illegal immigrants.¹³⁸

Other social organizations, such as the ‘All India Indigenous-Tribal People’s Federation,’ were a party in the case with the petitioners, who had contended that the unchecked influx of illegal migrants from Bangladesh had caused a demographic imbalance in Assam, especially in the border districts and tribal areas. The petitioners claimed that this not only violated their rights to life and cultural identity under Article 21, but also discriminated against the Assamese because, as per Section 6A of the Citizenship Act, 1955, foreigners who entered Assam on or before March 25, 1971, were eligible for citizenship under the Assam Accord, 1985. According to them, this provision was discriminatory, state-specific, and against the right to equality under Article 14 of the Constitution (Roy, 2016: 47).

The Supreme Court, taking the matter seriously, referred the constitutional validity of Section 6A to a five-judge Constitution Bench. The court said that the failure of the Indian state to effectively secure its borders, identify illegal immigrants, and deport them is a violation of the Constitution. According to the Court, illegal migration poses a threat to the sovereignty, integrity,

¹³⁸ <https://www.scoobserver.in/reports/section-6a-of-the-citizenship-act-judgement-summary/#:~:text=Section%206A%20does%20not%20violate%20cultural%20rights%20under%20Article%2029,th e%20state%2C%20violated%20this%20right,> (Accessed on 02.09.24)

and identity of the country, and particularly of Assam state. It concluded that the state government maintains constitutional claims to preserve its ethnic, cultural, and linguistic features. The court had made the following observations and directions in the matter of controlling illegal immigration:

- i. The court emphasized the need to seal India's borders, especially the India-Bangladesh border in Assam, with fencing, using force and surveillance technology, which would prevent cross-border movement.
- ii. The judgment found that the Foreigners Tribunals established under the Foreigners Act, 1946, and the Foreigners (Tribunals) Order, 1964, were functioning poorly and called for immediate reforms in their functions, infrastructure, and staff to expedite the identification and deportation of illegal immigrants.
- iii. The court directed the Central government to take effective measures to deport identified illegal immigrants in accordance with international conventions and bilateral agreements with Bangladesh.

Not included in this judgement, but the decision had laid the legal and moral ground for the subsequent update of Assam's National Register of Citizens (NRC) to conscientiously determine who is a legal citizen and who is an 'infiltrator'.

4.4.3 *Moslem Mondal and Ors V Union of India and Ors (2010(2) GLT 1)*

In 2010, the Gauhati High Court delivered a historical judgment on the case of *Muslim Mondal and Ors V Union of India and Ors* (2010), which laid the legal framework to control the menace of illegal migration in Assam, particularly after the Supreme Court of India overturned the Illegal Migrants (Determination by Tribunals) Act, 1983 (IMDT Act) in 2005. After the IMDT Act was struck down in *Sarbananda Sonowal v. Union of India* (2005), the pending cases were transferred to the Foreigners Tribunals for disposal under the Foreigners Act, 1946, and the Foreigners (Tribunals) Order, 1964. It was alleged that the Foreigners Tribunals declared the accused as illegal immigrants 'ex parte' (without hearing their voices). In this context, many individuals, including Moslem Mondal, were declared as foreigners. They appealed to the court against these arbitrary decisions, which violate natural justice, legal rights, and procedural irregularities.

In view of the petition, the Gauhati High Court reiterated that exercising control over illegal migrants was a legitimate concern for a state, especially a border-sensitive state like Assam. The court declared that there is no question about the validation of the Foreigners Act, 1946, and the 1964 Order, which empowered the Central government to establish Tribunals to determine the nationality of suspected illegal immigrants. More importantly, it states that the burden of proof shall lie on the person suspected to be a foreign national, as provided under Section 9 of the Foreigners Act 1946.

At the same time, the court also reiterated that the foundations of fairness and natural justice cannot be abandoned. It condemned the arbitrary actions of the Police and Executive authorities, which put persons in Tribunals without proper evidence or legal notice, as well as proper investigation. The verdict said that although ‘ex parte’ orders are not unconstitutional, every person should have a meaningful opportunity to challenge or appeal such orders in terms of Article 21 (Right to Life and Personal Liberty) of the Constitution.

The Court provided important guidelines to strike a balance between the rights of indigenous peoples and the control of illegal migration:

- i. Every concerned authority must review all the evidence or notice and properly investigate each piece of information before referring the case to the Foreigners’ Tribunal.
- ii. Tribunal decisions must be based on valid and sufficient evidence, not on assumptions.
- iii. Those who are declared foreigners ‘ex parte’ must be allowed to apply for review of the decision.
- iv. Every Tribunal must operate within the constitutional framework, ensuring the principles of equality and justice for all.

Therefore, the Moslem Mandal petition strengthens the legal and constitutional frameworks for the identification and deportation of illegal and undocumented immigrants through foreign tribunals, which establishes constitutional guarantees against abuse and arbitrariness.

In this chapter, we explained the primary laws, regulations, and policies of India that regulate migration (both legal and illegal). And what is the standpoint of Indian legislation on children born in India, specifically in Assam, whose parents entered illegally? From the above discussion, it is clear that global governance takes positive steps to control illegal migration. The

United Nations has passed several guidelines and policies to address migration, refugees, asylum seekers, displacement, both forced and natural. In the 1951 Refugee Convention, the UN defined who the refugees are and their rights. India is not a signatory to the 1951 UN Refugee Convention. The UN advised host countries to follow the guidelines and not forcefully return to their country of origin, where they face serious life threats. Article 13 of the Universal Declaration of Human Rights 1948 mentions the “right to freedom of movement and residence,” and Article 14 says that it is the right to seek asylum from persecution. The Western developed countries have strict laws on the issues of illegal or irregular migration. The American Trump government clear policy to identify and deport illegal immigrants from the country.

India is a fast-growing economic country not only in Asia but also in the world. Therefore, the motivation of the people from the neighbouring countries to come to India and settle. From the colonial period, people migrated from Burma (Myanmar), Tibet, East Bengal (Bangladesh), Nepal, and so on. This migration process continues after independence. In fact, the migration movement reached high during the Bangladesh liberation movement in 1971, specifically in Indian border states such as Assam, West Bengal, and Tripura. The Government of India declared that those who entered India on and after 25 March 1971 are illegal immigrants. The illegal immigrants not only change demographic structures but also threat to the security of the country (See Chapter 5). Therefore, to effectively control illegal immigrants, the Indian government enacted several Acts such as the Foreigners Act 1946, the Citizenship Act 1955, the Passport (Entry into India) Act 1920, the Immigrants (Expulsion from Assam) Act 1950, the Illegal Migrants (Determination by Tribunals) Act 1983, the Foreigners (Tribunals) Order 1964 and Amendment Order 2019, Citizenship Amendment Act 2019 (CAA). But the problem is that the nature of migration in India, specifically in Assam, is different than the world. Bangladeshi Hindus illegally migrated to Assam due to religious persecution (See Chapter 3). In 2005, the Supreme Court Struck down the IMDT Act 1983 as unconstitutional because it was largely ineffective in detecting and deporting illegal immigrants, particularly in Assam. Thus, any individuals suspected as an illegal migrant should be decided under the Foreigners Act 1946 and the Foreigners (Tribunals) Order 1964. But there is no legal framework or mechanism to address the problem of children born in India, whose parents entered illegally. Under the Foreigners Act, those children are considered illegal immigrants and all punishments imposed on them as illegal immigrants.

Chapter-5

The Socio-Economic Consequences of Migration in Dhubri and South Salmara-Mankachar Districts, Assam

5.1 The Socio-Economic Background of Western Assam:

Illegal migration is a major challenge and a security threat to India as well as the border state of Assam. Illegal migration from neighbouring countries to Assam has been a dominating political, economic, social and security issues for the Assamese society, it led to the Assam Agitation (1979-1985) which was a non-violent and highly visible movement, led by the All Assam Students Union (AASU), the demand during the movement was to identify and deport the illegal Bangladeshi immigrants. That agitation led to the Assam Accord of 1985, which declared that anyone who had come to Assam on and after March 25, 1971, had no right to citizenship and was an illegal migrant. This provision of the Accord has not been enforced, and it has not been able to halt the nature of Bangladeshi immigration in Assam, which is now referred to as a “silent invasion” with most of the infiltration occurring in the Dhubri and South Salmara-Mankachar districts in lower Assam, bordering West Bengal. Assam shares a porous 262 km border with Bangladesh, some of which is also unfenced due to the difficult nature of the terrain.

After partition, Assam has experienced one of the fastest-growing populations in India. From 1971 to 2025, the population of India increased by 124 per cent (last 54 years), but the population of Assam increased by approximately 152 per cent.¹³⁹ This disparity in population growth rates can be largely attributed to the massive inflow of migration from other sub-continent regions, especially from densely populated neighbouring Bangladesh. There is no accurate official data on the number of illegal immigrants in Assam, because of indifference or lack of attention to the issue of illegal immigration by the Central as well as the Assam government. In 1992, the Chief Minister at the time, Shri Hiteswar Saikia, stated in a public meeting that there were more than 3 million illegal Bangladeshi immigrants in Assam, but in a week, he withdrew his comment and declared that “there are no illegal immigrants in Assam” (S.K. Sinha report, 1998).

¹³⁹ <https://factodata.com/population-of-india-1960-to-2025/> (Accessed on 07.07.2025)

Although there are several eminent scholars' estimates of the number of illegal migrants in Assam, but few of them are studies on scientific methods and data. Weiner (1983) was perhaps the first effort aiming to estimate illegal migrants in Assam. The study estimated an excess of about 10 million people in Assam in 1981, assuming that its growth rate was similar to that of India. Weiner concluded that since there is no evidence to prove that Assam's population growth rate exceeds India's, the only possible assumption is that the net growth is due to migration. Another important study was conducted by Goswami, Saikia, and Goswami (2003). They estimated that about 2.8 million foreign nationals arrived in Assam between 1951 and 91, using the Census Survival ratio data technique. According to research by Saikia (2005), the estimated number of illegal immigrants in Assam was 1.4 million in 1971-1991 and 1.1 million in 1991-2001. The study also referred to the government records of 0.84 million illegal Bangladeshi immigrants who entered Assam between 1972-1992, but never returned to their homeland. Nath and Nath (2009) emphasized that, as per the reports of the Home Ministry and the Intelligence Bureau, approximately 4 million illegal migrants were staying in Assam in 1997. Another research work conducted by Nath, Nath & Bhattacharya in 2012, on population projection with the help of demographic techniques such as the '*Leslie population matrix method*' from 1971 to 1991 and from 1991 to 2001. They utilized the life-table survival rates and age-specific fertility rates of the 'Sample Registration System of India' for this calculation. This study illustrates that the number of estimated undocumented migrants was 830775 in 1971-91 and 534819 in 1991-2001. Assam Chief Minister Himanta Biswa Sarma mentioned before the legislative assembly house on 9th October 2024 that more than 10 million illegal immigrants are staying in Assam. He also mentioned that in the present time, most illegal Bangladeshi immigrants reside in the Dhubri and South Salmara-Mankachar districts of lower Assam (The Hindu, October 12, 2024).

The influx of illegal migrants has not only had negative effects on the fragile ethnic balance of the province, as reflected in social and ethnic unrest and political movements, but also had short-term and long-term economic impacts on Assamese society. It has been noted that illegal immigration has led to both quantitative and qualitative changes in the socio-economic and demographic characteristics of Assam. Although migration has historically contributed to Assam's economic development (see chapter 3), but in recent times it has had a large-scale negative impact that outweighs the positive effects, such as extreme pressure on land and resources. According to the 2011 census, not only has the land-to-people ratio declined, but the per capita availability of cultivable land has also been rapidly decreasing. In the case of a state that is predominantly

dependent on agriculture, this means that the efficiency of agricultural production is declining due to the limited amount of land available. It is also noted that land encroachment by migrants in tribal areas, public wastelands, and forest areas has created social and environmental problems. Another impact in Assam, where unemployment and underemployment rates are already very high, is the potential for pressure on the labour market. It is believed that the huge supply of cheap labour from illegal immigrants has affected not only the rural agricultural labour market, but also the urban informal job market; however, in the long run, the formal labour market will also be affected. Therefore, unemployment and poverty are accelerating among the Assamese or local residents, which leads to social unrest and ethnic conflict.

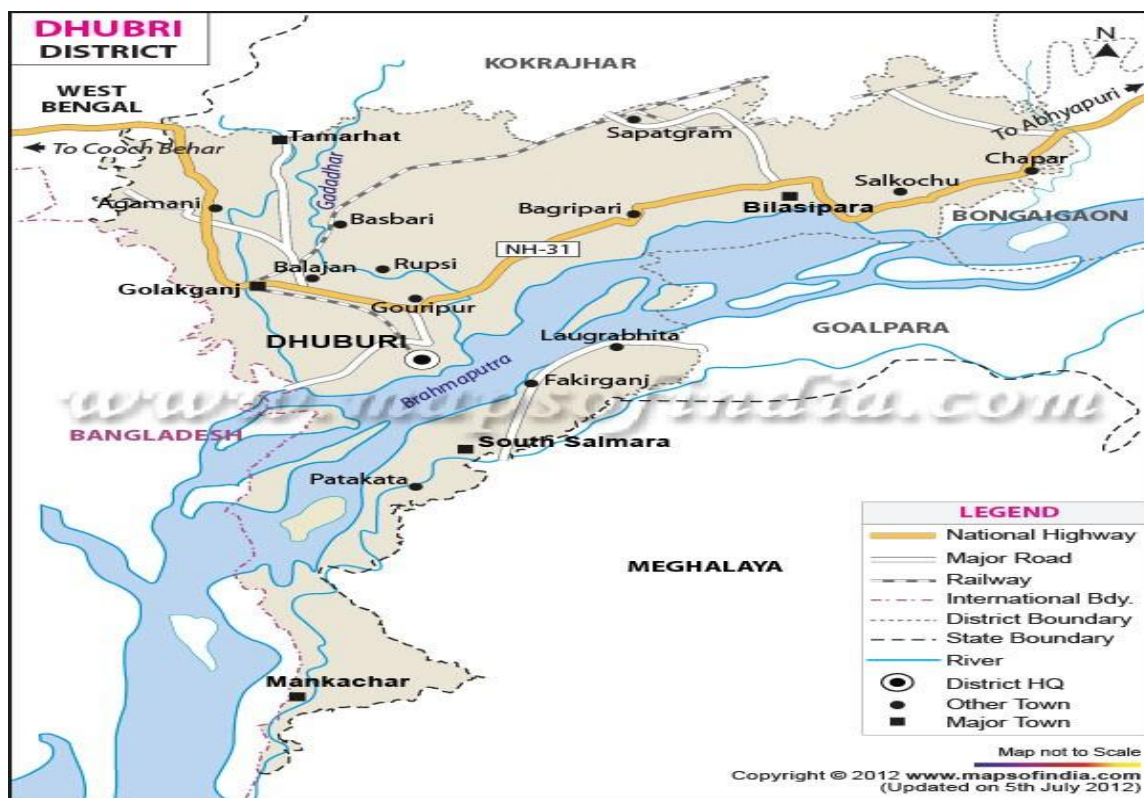
In this chapter, we have analysed the magnitude, causes, and socio-economic consequences of illegal migration in Dhubri and South Salmara districts. What are the major socio-economic challenges or problems faced by natives due to the illegal migrants? We also highlighted the socio-economic situation of the districts before and after partition, and the nuances associated with it are covered in this chapter through the current situation, like the present population structure, economic trends, and social organization at both local and regional levels between 2005 and 2024. We analyse why native people or citizens migrate to other districts, states, and abroad. The primary goal of this chapter is to compare the socio-economic profiles of immigration-affected border districts between Dhubri and South Salmara-Mankachar.

We conducted a field survey in six border villages of Dhubri and South Salmara-Mankachar districts. These two districts were selected based on their high population growth compared to the state average recorded in the recent censuses of 2001 and 2011. Once the villages were selected, we conducted qualitative research (focus group discussion or FGD, key informant interviews, and in-depth interviews). The key informants and in-depth interviewees have been domiciled in those areas for a long time (some of them are people who migrated to Assam before independence), held government service and familiar with the concerned area (teachers, gram sevak {local government representative}, forest guard, village headman) and have close contact with immigrant population because of their business (e.g. shop keeper, labour contractor, wood contractor and other vendors). We attempted to take a representative sample of villages by covering villages along the Assam-Bangladesh border. After selecting the villages, we selected 70 respondents from each village through systematic random sampling. We had collected data from a total of 420 respondents from the selected villages.

5.2 District Profiles

In this chapter, we comparatively analysed socio-economic conditions between Dhubri¹⁴⁰ and South Salmara districts, both of which share an international border with Bangladesh in lower Assam. Both districts are Muslim dominated, and most of the population has migrated either from Bangladesh or West Bengal. Therefore, more than 90 per cent of people are Bangali-speaking. In 1983, the district of Dhubri was separated from the Goalpara district. As per the 2011 census, Dhubri is the second most densely populated district after Nagaon (District Census Handbook: Dhubri, 2011). It is located 172 miles west of Dispur and 180 miles from Guwahati. It is known as the “Land of Rivers” as it is surrounded by the meandering Brahmaputra and Gadadhar rivers on three sides (see Dhubri district Map 1). From the colonial period, Dhubri was an important commercial hub. It has been a busy river port for the jute trade.

Map-1



Source: <https://www.mapsofindia.com/maps/assam/districts/dhuburi.htm> (Accessed on 25.4.25)

¹⁴⁰ The name Dhubri comes from a story of the Padma Purana of Behula-Lakhindar. The story about a place named Dhubri comes from the following account from the time when Lakhindar was still alive. Behula reached the bank of the Brahmaputra called Netai. She served the heaven gods like Shiv, Partbati, and others, and washed their clothes on bulk stones at the river bank of the Brahmaputra known as “Netai Dhubunir Ghat.” Roy, Dhruvajyoti (2020), “Explore the Natural Beauty of Netai Dhubuni Ghat Park in Dhubri” <https://builtarchi.com/netai-dhubuni-ghat/>.

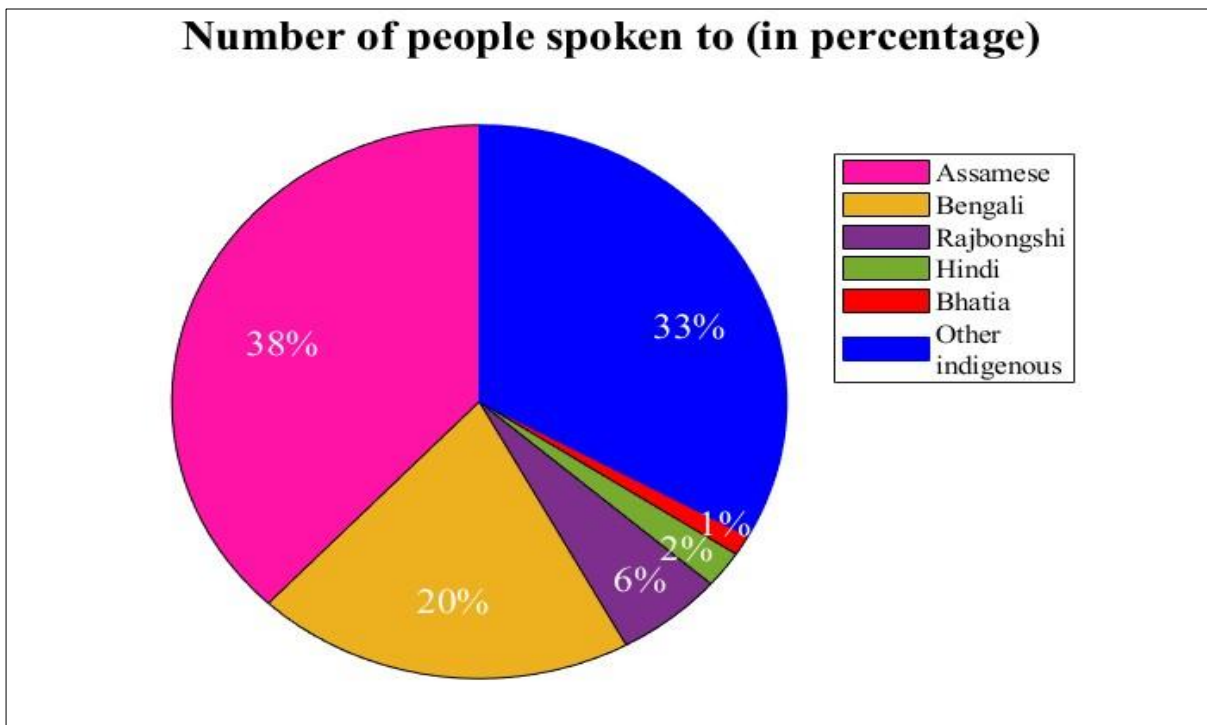
Dhubri district covers 1608 square kilometers, and the total population was 1,394,144 (Census, 2011), out of which 97.23 per cent are General Caste, 2.66 per cent Schedule Caste, and 0.11 per cent Schedule Tribe population. The total number of people living in the urban area is 97,350 (6 Municipal Boards), and the total number of inhabitants in the rural area is 1,296,794 (more than 900 villages and 132 village Panchayats). According to the 2011 census, this district in Assam had one of the highest population densities, at 896 sq km, which was the second highest after Kamrup Metropolitan District. The Female sex ratio is 953, and the literacy rate is 58.34 per cent, which is the lowest in Assam. The district consists of 73.49 per cent Muslim, 26.07 per cent Hindu, and other communities 0.44 per cent. About 37.97 per cent of people spoke Assamese, 19.96 per cent Bangali, 5.65 per cent Rajbongshi, 2.15 per cent Hindi, 1.21 per cent Bhatia, and 33.06 per cent of people recorded their language as other indigenous Assamese (Table 5.1). But it was noted by the Census 2011 that the number of Bengali speakers is high because of the number of Bengali Muslims, but during the Census, they recorded Assamese as their mother language. Therefore, actual data on language composition were missing.

Table-5.1
Language spoken in Dhubri district in 2011

| Language | Number of people spoken to (in percentage) |
|------------------|---|
| Assamese | 37.97 |
| Bengali | 19.96 |
| Rajbongshi | 5.65 |
| Hindi | 2.15 |
| Bhatia | 1.21 |
| Other indigenous | 33.06 |

Source: Census 2011

Fig-5.1



The district profile of South Salmara-Mankachar is similar of the Dhubri district. The district was established by the bifurcation of Dhubri in 2016. The district shares an international border with Bangladesh to the west and is connected to Meghalaya to the southeast. It is spread over an area of 568 square kilometers. According to the 2011 census, the total population was 555,114, and the density was 980 persons per square kilometer, which is higher than the district average in Assam; the majority of the people lived in the Char land (river island). The district consists of 95.19 per cent Muslims, 4.49 per cent Hindus, and 0.3 per cent others by religion. About 91.5 per cent are Bengali speakers, 8.13 per cent are indigenous Assamese speakers, and the remaining 0.37 per cent speak other languages (like Hindi and Hajong). The district has a large number of immigrant populations, most of whom arrived after 1972.

5.3 Socio-Economic Impacts of Illegal Migration:

Illegal or unauthorized migrants not only change the demographic structure, but they are also a major threat to the socio-economic life of the native people. In this section, we will cover the majority of the threats faced by native people from the immigrants in Dhubri and South Salmara-Mankachar districts.

5.3.1 Demographic Transformations

Demographic change is both a symptom and an underlying cause of the socio-economic and political problems associated with migration. The illegal flow of Bangladeshi immigrants has changed the demographic structures of the Dhubri and Salmara-Mankachar districts of lower Assam. Due to the porous nature of the India-Bangladesh border, Bangladeshis are illegally entering the border villages of these districts. Therefore, the number of people in these villages has changed in a short period of time, and native people (Assamese) became a minority section in their own villages as well as in the district. This change has also affected the ethnic compositions, religious patterns, linguistic characteristics, and population density, and urban-rural population distribution patterns of both districts.

The population growth rate and density in both districts had been significantly higher than the state as well as national averages. Such an unnatural population growth has often been shown as indirect evidence of the trans-border infiltration. According to the 1991 Census, the decadal population growth rate in Assam was 23.58 per cent, but the population growth in the Dhubri district was 27.58 per cent (see Table 5.2). In 2001, the population growth in Dhubri district was 23.69 per cent, whereas in Assam it was 18.9 per cent. Even in 2011, the population growth in Dhubri was 24.44 per cent and density 896, which was higher than the state's average.

Table-5.2

Total population and Decadal growth in Dhubri district from 1971 to 2011 (number of South Salmara-Mankachar included)

| Year | Total Population | Male | Female | Decadal growth in the district (%) | Decadal growth in Assam (%) | Decadal growth in India (%) |
|------|------------------|---------|---------|------------------------------------|-----------------------------|------------------------------|
| 1971 | 846,410 | 438,530 | 407,880 | 40.4 | 35.0 | 24.84 |
| 1991 | 1,324,404 | 679,081 | 645,323 | 56.5 | 51.12 | 25.04 (1981) 22.38 (1991) |
| 2001 | 1,637,344 | 841,044 | 796,300 | 23.6 | 18.9 | 21.5 |
| 2011 | 1,949,258 | 99,7848 | 951410 | 24.4 | 17.1 | 17.68 |

Sources: Census of India from 1971-2011.

Fig-5.2

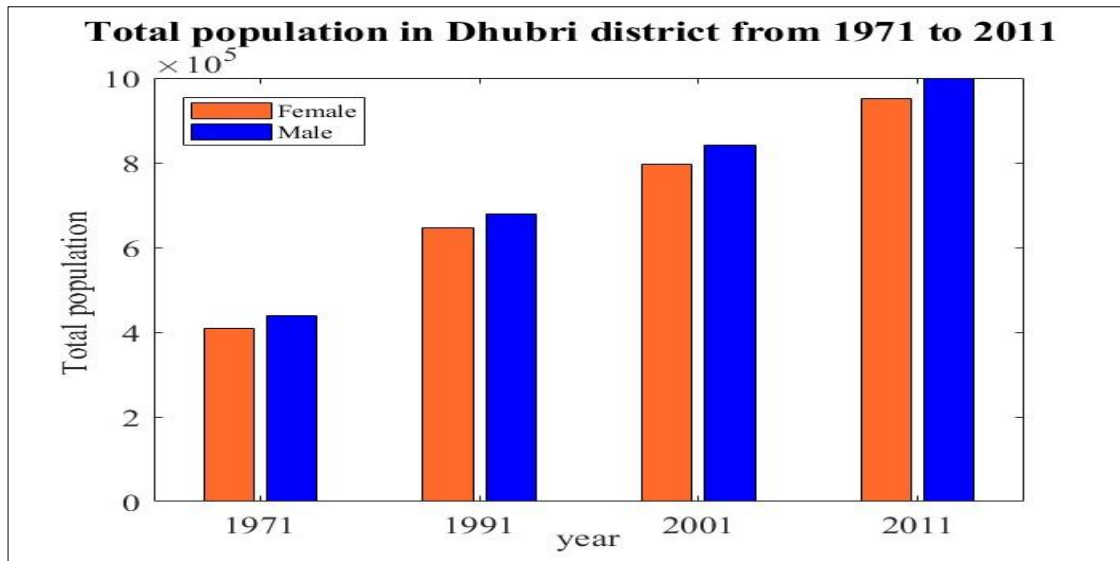


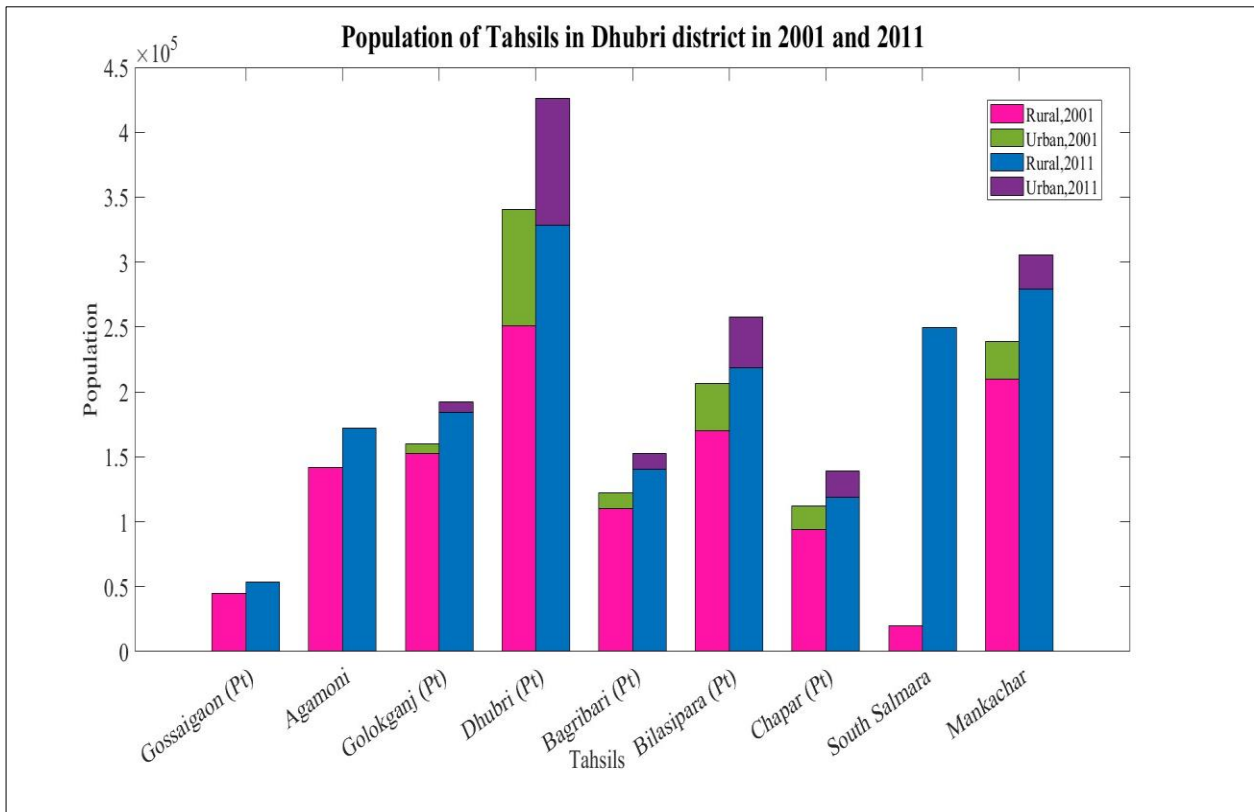
Table-5.3

Decadal population growth of Tahsils in Dhubri district from 2001-2011

| Tahsils | Population | | | | | | Decadal growth 2001-2011 | | |
|-----------------|----------------|----------------|---------------|----------------|----------------|---------------|--------------------------|--------------|-------------|
| | 2001 | | | 2011 | | | 2011 | | |
| | Total | Rural | Urban | Total | Rural | Urban | Total | Rural | Urban |
| Gossaigaon | 44751 | 44751 | 0 | 53842 | 53842 | 0 | 20.31 | 20.31 | 0 |
| Agamoni | 141703 | 141703 | 0 | 172146 | 172146 | 0 | 21.48 | 21.48 | 0 |
| Golokganj (Pt) | 160036 | 152424 | 7612 | 192587 | 184343 | 8244 | 20.34 | 20.94 | 8.30 |
| Dhubri (Pt) | 340439 | 251269 | 89170 | 425809 | 328459 | 97350 | 25.08 | 30.72 | 9.17 |
| Bagribari (Pt) | 121941 | 109815 | 12126 | 152733 | 140570 | 12163 | 25.25 | 28.01 | 0.31 |
| Bilasipara (Pt) | 206286 | 170089 | 36197 | 257905 | 218445 | 39460 | 25.02 | 28.43 | 9.94 |
| Chapar (Pt) | 112416 | 93858 | 18558 | 139122 | 118800 | 20322 | 23.76 | 26.57 | 9.51 |
| South Salmara | 199923 | 19923 | 0 | 249508 | 249508 | 0 | 24.80 | 24.80 | 0.00 |
| Mankachar | 238901 | 210121 | 28780 | 305606 | 279444 | 26162 | 27.92 | 32.99 | -9.10 |
| Total | 1566396 | 1373953 | 192443 | 1949258 | 1745557 | 203701 | 24.44 | 27.05 | 5.85 |

Source: Census District Handbook 2001 and 2011.

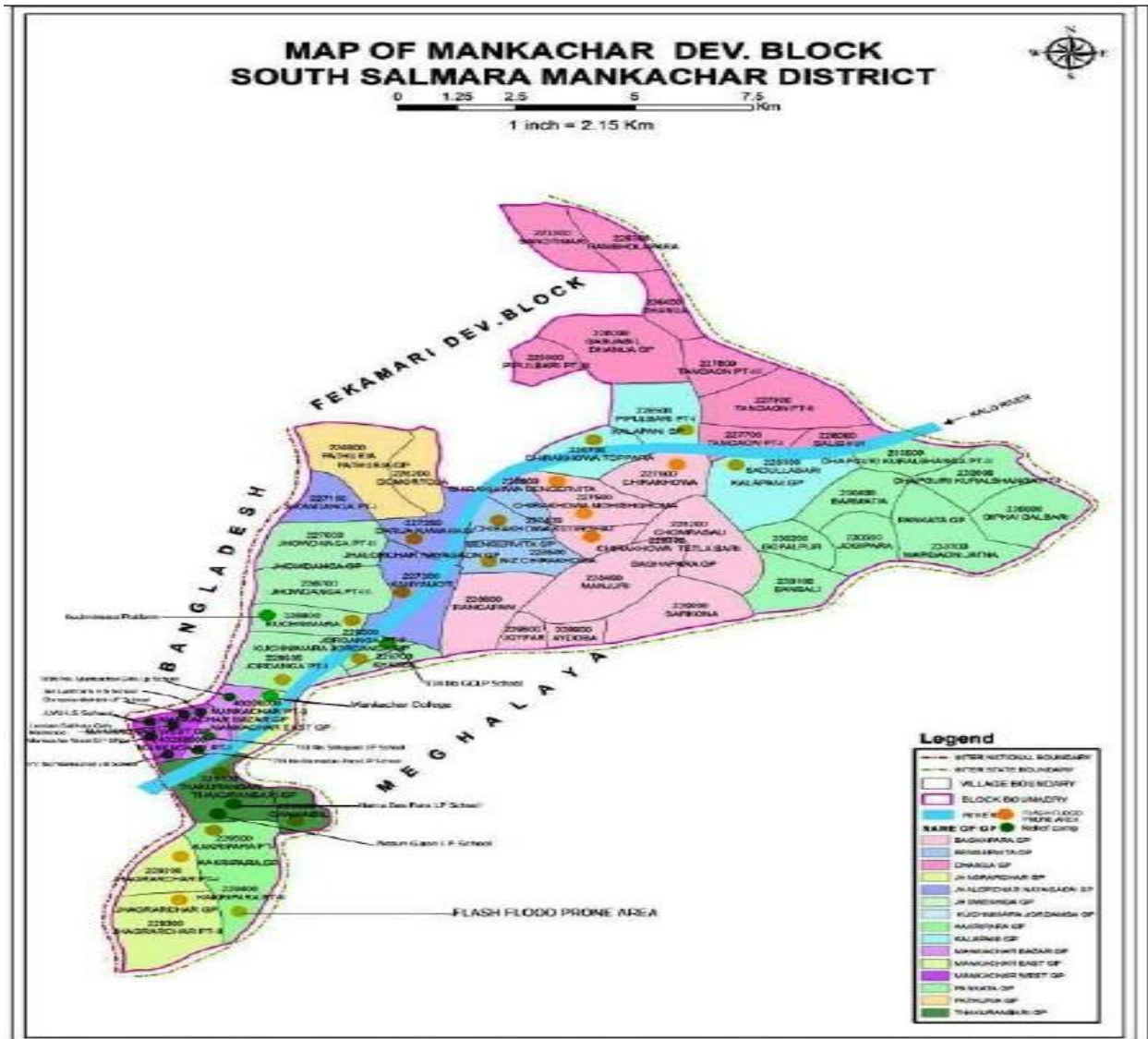
Fig-5.3



The above table shows that the Population change in Dhubri, South Salmara, and Mankachar Tahsils/Revenue Circles is significantly higher than the district average of 23.77 percent. These three Revenue Circles share a border with Bangladesh, which clearly indicates this abnormal growth due to the cross-border infiltration. The Mankachar Revenue Circle (now South Salmara-Mankachar district) has the highest population growth with 27.92 percent, and the density of the population was 975, which was the highest in Dhubri district. The population growth rates are highest in the Seventh and Ninth wards of the Dhubri municipality (both the wards are located beside the riverbank of the Brahmaputra), with 48.45 per cent and 41.51 per cent. According to the 2011 Census, both the words recorded as 76.62 per cent are Muslim, and 92.19 per cent of the population are Bengali speaking. But in South Salmara-Mankachar district, 94.68 per cent are Muslim, and 97.98 per cent people are Bengali speaking. The population growth is more than 40 per cent in the villages of the Mankachar Pt-I (40.89 per cent), Jhowdanga Pt-II (42.21 per cent), and Kakripara Pt-II (41.11 per cent) during the 2001-2011 Census period. Most of the people of these villages are Bangali Muslims. All three villages are close to the Bangladesh border (see Map 2). Therefore, it is clear that this abnormal population growth is linked to cross-border infiltration. Field interviews conducted in Dhubri district for this study found that 69 per cent of 210

respondents believed that the abnormal population growth in their villages is mainly due to infiltration from Bangladesh. On the other hand, 95 per cent of 210 local respondents in the South Salmara-Mankachar district believe that cross-border migration is the primary cause for population growth in their villages.

Map-2



Source: Flood Action Plan 2024, Office of the District Commissioner, South Salmara-Mankachar, Assam. (Accessed on 3.12.2024)

5.3.2 Socio-Cultural Impacts:

Immigrants not only change the demographic structure of the host country but also significantly impact the socio-cultural domains of that country. This will be more problematic if

both the sender and the receiver, or the host country, have similar socio-cultural conditions. Therefore, an infiltrator easily assimilated into the host country's society. Dhubri and the South Salmara-Makachar district of lower Assam share a common socio-culture with Bangladesh. Therefore, Bangladeshi immigrants easily assimilated into the society. From the early 1970s, a huge number of Bangladeshi immigrants entered Dhubri and South Salmara-Mankachar districts. They have a significant impact on the religious structure, language, culture, and an increase in social tension and crime, and so on. The following impacts are discussed below-

5.3.2.1 Religion and Ethnic Conflict

According to the Census 2011, the religious formation in Assam was 61.47 per cent Hindus, 34.22 per cent Muslims, 3.7 per cent Christianity, 0.2 per cent Buddhists, and 0.41 per cent others. In Dhubri district, 73.49 per cent were Muslims, 26.07 per cent Hindus, 0.21 per cent Christianity, and 0.23 per cent others. But in South Salmara Mankachar district percentage of the Muslim population was higher than in the Dhubri district, 95.19 per cent were Muslims, 4.49 per cent Hindus, and 0.32 per cent others. Muslim population growth in both districts was higher than the state as well as country averages. The growth of the Muslim population is a major threat to other religions, mainly Assamese Hindus. Field interviews conducted in Dhubri district for this study found that 79 per cent of 210 respondents are Muslims, 15 per cent are Hindus, and 6 per cent are others. Even out of 15 per cent of Hindu respondents, 14 per cent believed that the abnormal Muslim population growth in their area is mainly due to infiltration from Bangladesh. In fact, 21 per cent of Muslim (Assamese) respondents also believed that the growth of the Muslim population in their area was due to illegal Muslim Bangladeshi immigrants. Even the Muslim population growth rates are higher than the country's average, both in Assam and the lower districts, and this phenomenon is attributed to illegal Bangladeshi immigrants (see Table 5.4). According to the Dhubri Municipality Development Board, ten new mosques were constructed between 2015 to 2020 in Dhubri Municipality, but in the same period, only one Hindu temple and one Guru Dawar of Shik were constructed. This indicates a consistent and rapid increase in the number of Muslims in Dhubri district, which is generally assumed to be the result of illegal immigration from Muslim Bangladesh. The same trend is being reflected in the South Salmara-Mankachar district.

Table -5.4

Population growth rates in Assam from 1971-2011 (in per cent)

| Year | Hindus | Muslims | Christianity | Others |
|------|--------|---------|--------------|--------|
| 1971 | 72.51 | 24.56 | 2.61 | 0.32 |
| 1991 | 67.13 | 28.43 | 3.32 | 1.12 |
| 2001 | 64.89 | 30.92 | 3.70 | 0.36 |
| 2011 | 61.47 | 34.22 | 3.78 | 0.41 |

Source: Census of India.

Fig-5.4

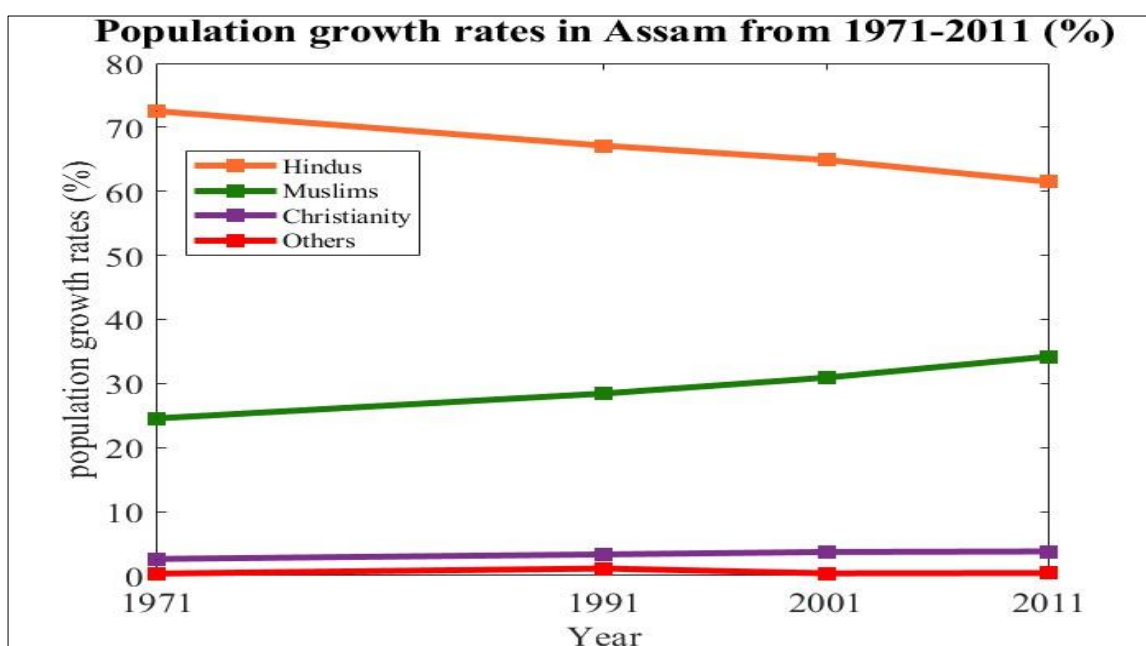


Table-5.5

Muslim population growth rates in Dhubri district 1971-2011 (in per cent)¹⁴¹

| Year | Hindu | Muslim |
|------|-------|--------|
| 1991 | -6.07 | +6.0 |
| 2001 | -4.0 | +3.16 |
| 2011 | -3.85 | +3.33 |

Source: Census of India

¹⁴¹ This is the combined data for Dhubri district and South Salmara-Mankachar, which was carved out in 2016 and was not counted separately in previous censuses.

According to field interviews, 87 per cent of 210 local respondents in the South Salmara-Mankachar district are Muslims, 12 per cent are Hindus, and the remaining 1 per cent are others. One of the important outcomes of the field interview is that 9 per cent of the Hindu respondents do not believe that the growth of the Muslim population in their villages is unnatural. In the 1991 Census, 11 per cent of the population were Hindus, but in 2011, the number of the Hindu population decreased to 4.49 per cent, which resulted in more than 60 per cent of Hindus and other religious persons were just vanished.

The percentage of the population of indigenous communities, such as Assamese-speaking Hindus, Koch-Rajbangshis, and Bodos has also declined relatively. The decline in indigenous populations is generally considered a threat to culture, political power, and social harmony. Various government records show that the number of the Muslim population has increased. Still, the number of the Scheduled Caste (SC) and Scheduled Tribe (ST) populations has decreased in both the Dhubri and South Salmara-Mankachar districts. According to the 2001 census report, 3.9 per cent of the total population in Dhubri district was Scheduled Caste and 2.0 per cent was Scheduled Tribe. But in the 2011 Census, the population of Scheduled Castes and Scheduled Tribes was 3.6 and 0.3 per cent, respectively. The reason for this sharp decline in the population of Scheduled Castes and Scheduled Tribes was the high rate of increase in immigrants, especially Bengali Muslims. Therefore, either they were migrated to other villages in the district or migrated to other parts of Assam. But those who decided not to move from their places faced various forms of life threats from Muslim immigrants. From field interviews in six border villages and two wards of Dhubri municipality of the Dhubri district, 35 SC and ST out of 210 respondents believe that the SC and ST population has declined due to high Muslim population growth, threats to life, and cultural practices. Even 40 per cent of SC and ST respondents mentioned that many of their family members and relatives have moved to other districts of Assam, and 25 per cent of respondents mentioned that their families have moved to other states of the country.

The situation of the Scheduled Castes and Scheduled Caste communities in the South Salmara-Mankachar district is even more miserable than in the Dhubri district. According to the 2001 Census, Scheduled Tribes constituted 0.45 per cent of the total population of South Salmara revenue circle in South Salmara-Mankachar district, but in 2011, the tribal population remained at five individuals, which is about 0 (zero) per cent of the total district population. Even the Scheduled Caste population of these districts is at an all-time low of 1.36 per cent, which is lower than the state average. From field survey interviews conducted in three border villages of South Salmara-

Mankachar district, 11 SC respondents mentioned that the decline of their community was due to high growth of (illegal) Muslim immigrants in their village that created pressure on land, employment, educational, and an increase in criminal activities, and natural disasters; therefore, people of their community are migrating to other districts and states of India.

5.3.2.2 Language and Identity Crisis

Language is one of the most significant symbols of identity, culture, and regional belonging. In a multilingual and multi-ethnic society like Assam, the linguistic landscape is generally a reflection of some larger socio-political contexts. Due to the geographically distinct border with Bangladesh and historical events of migration in the bordering areas, Dhubri and South Salmara-Mankachar are two districts of Assam where linguistic patterns have silently changed over time. These linguistic shifts, deeply associated with the phenomena of illegal immigration, have also generated debate and controversy regarding cultural assimilation, identity erosion, and lack of attention from policymakers and government officials.

Before the large-scale entry of migrants in the post-Partition and post-1971 period, the majority of linguistic groups in Dhubri district, as well as undivided Goalpara district (from which both South Salmara-Mankachar and Dhubri originated), were the Assamese-speaking communities, Koch-Rajbongshis, and the tribe populations such as Bodos and Rabhas. Assamese was the common language among people of different ethnic communities, especially in administrative functions, educational instruction, and socio-cultural contacts. Local dialects like Goalpariya (a hybrid of Assamese, Bengali, and Maithili) were spoken in many rural areas.

However, this linguistic equilibrium began to change rapidly soon after successive waves of migration, particularly during and after the Bangladesh liberation war in 1971. The hundreds of thousands of Bengali-speaking, many of them with fake or no documents, entered lower Assam. This has not only brought additional socio-economic pressure to western Assam but also had an impact on language and culture. Over time, this demographic transformation of language has also been evidenced in recent census data and local observations (see Table 5.6 below).

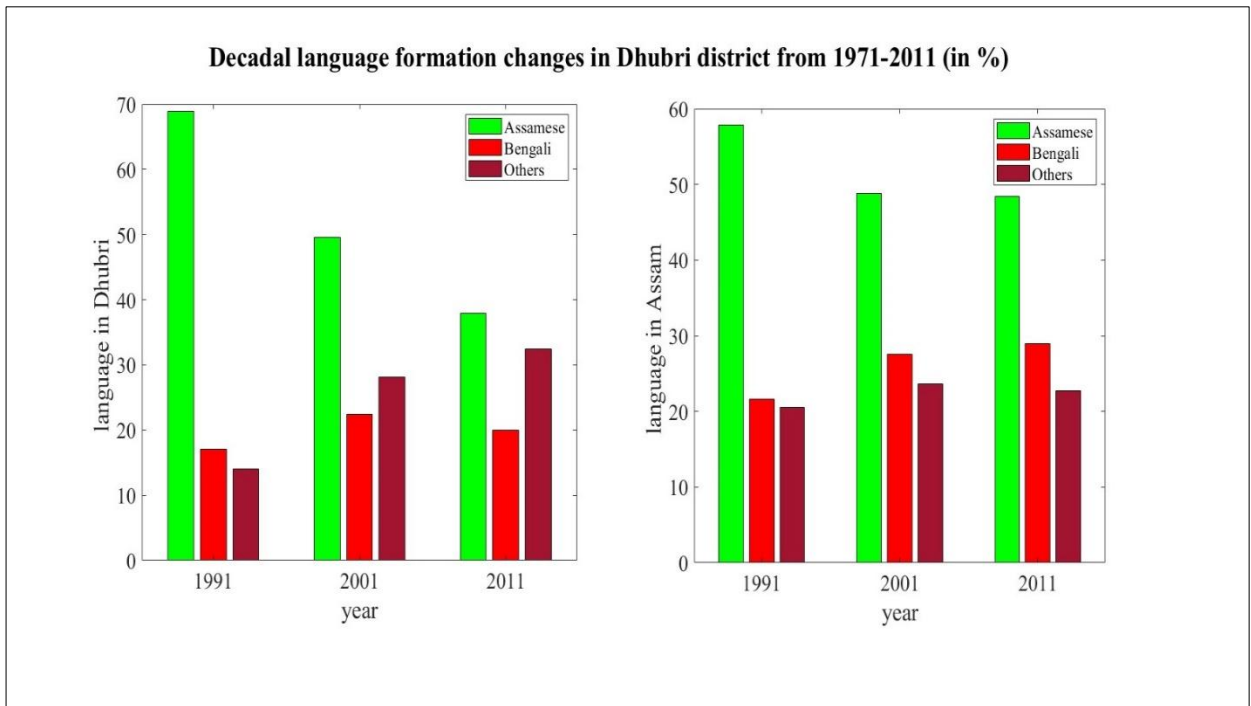
Table-5.6

Decadal language formation changes in Dhubri district from 1971-2011 (in per cent)

| Year | Dhubri | | | Assam | | |
|-------------|---------|----------|--------|---------|----------|--------|
| | Bengali | Assamese | Others | Bengali | Assamese | Others |
| 1991 | 17.10 | 68.89 | 14.01 | 21.67 | 57.81 | 20.52 |
| 2001 | 22.38 | 49.53 | 28.09 | 27.55 | 48.81 | 23.64 |
| 2011 | 19.96 | 37.97 | 32.43 | 28.92 | 48.37 | 22.71 |

Note: This is the combined data for Dhubri district and South Salmara-Mankachar, which was carved out in 2016 and was not counted separately in previous censuses, but shows a parallel trend.

Fig-5.5



The above data clearly indicate a significant increase in the percentage of Bengali speakers, many of whom are Muslim immigrants (legal/illegal). At the same time, the number of Assamese speakers has decreased, and the small linguistic communities in the region are practically extinct.

This linguistic transformation did not happen in isolation but rather created existential anxiety among Assamese speakers, Koch-Rajvanshi, and other indigenous communities. Many of the indigenous respondents interviewed in the field survey expressed fear that their children were not learning Assamese either at home or in school, because Bengali is the medium of instruction

in schools in Dhubri and South Salmara-Mankachar districts, which threatened to erode cultural identity over time.

Field interviews conducted with 210 respondents in Dhubri district and 210 from Mankachar (South Salmara-Mankachar) for this study found that 82 per cent of the Assamese-speaking parents reported that the Bengal language was the dominant means of communication between neighbourhoods and schools, rather than their mother tongue. Therefore, the young generation is alienated from their own language. One respondent from Dhubri town said that,

“আমাৰ ঘৰতে এতিয়া অসমীয়া কথা ক’বলৈ লাজ লাগে। প্ৰতিখন দোকানত বা স্কুলত বাঙালি ভাষাতে কথাবতৰা হয়। ”

(“We are now ashamed to speak Assamese at home. Bengali is spoken in every shop or school.”)

5.3.2.3 Cultural Assimilation vs. Conflict

The influx of immigrants and cultural change are interrelated. The process of illegal migration in Assam, specifically in border districts like Dhubri and South Salmara-Mankachar, has not only changed the demographic composition and linguistic trend but has also profoundly affected the cultural fabric of the region. Indigenous or native peoples and newcomers (immigrants) have interacted to create complex cultural systems that reflect both assimilatory trends and zones of persistent cultural conflict.

The undivided Goalpara district, from which both Dhubri and South Salmara-Mankachar were created, was historically home to several ethnic communities such as the Koch-Rajbangshi, Assamese Hindus, Assamese Muslims (mainly tribal), Bodos, and other tribal communities. All these communities, despite their different cultures, have a common regional spirit based on language (Assamese and Goalpara dialects), festivals, food habits, and folk culture. Religious and communal identities, while significant, rarely created long-term tensions before the massive demographic shifts of post-1947 and 1971. The cultural homogeneity of the region was rooted in rural reciprocity, common agricultural practices, and indigenous religious harmony, which was

reflected in the joint celebration of Bihu¹⁴², Urs, and Eid by Assamese-speaking Hindus and Muslims, respectively.

After 1971, those who entered these regions from Bangladesh (mostly undocumented and unauthorized) carried with them their cultural beliefs, language, religious traditions, clothing styles, social customs, and lifestyles, which produced significant cultural friction with the local populations. In many cases, indigenous communities began to feel threatened by the aggressive movement of a foreign culture that was apparently establishing itself in areas historically identified with Assamese heritage. In some such villages of Dhubri and South Salmara-Mankachar, with the dominance of the Bengali-speaking population, the traditional ‘*Bihu festivals*’ lost their importance and were unpracticed. The native folk music and dance have gradually been replaced and marginalized by the new settlers (immigrants). Even the religious practices have also seen changes, with an increasing trend of opening madrasas and religious institutions outside the Assamese cultural framework. An empirical investigation was conducted to assess the cultural impact of illegal migration with the help of a field survey conducted through structured questionnaires on 420 respondents in the border villages of Dhubri and South Salmara-Mankachar districts. We found that;

Table-5.7

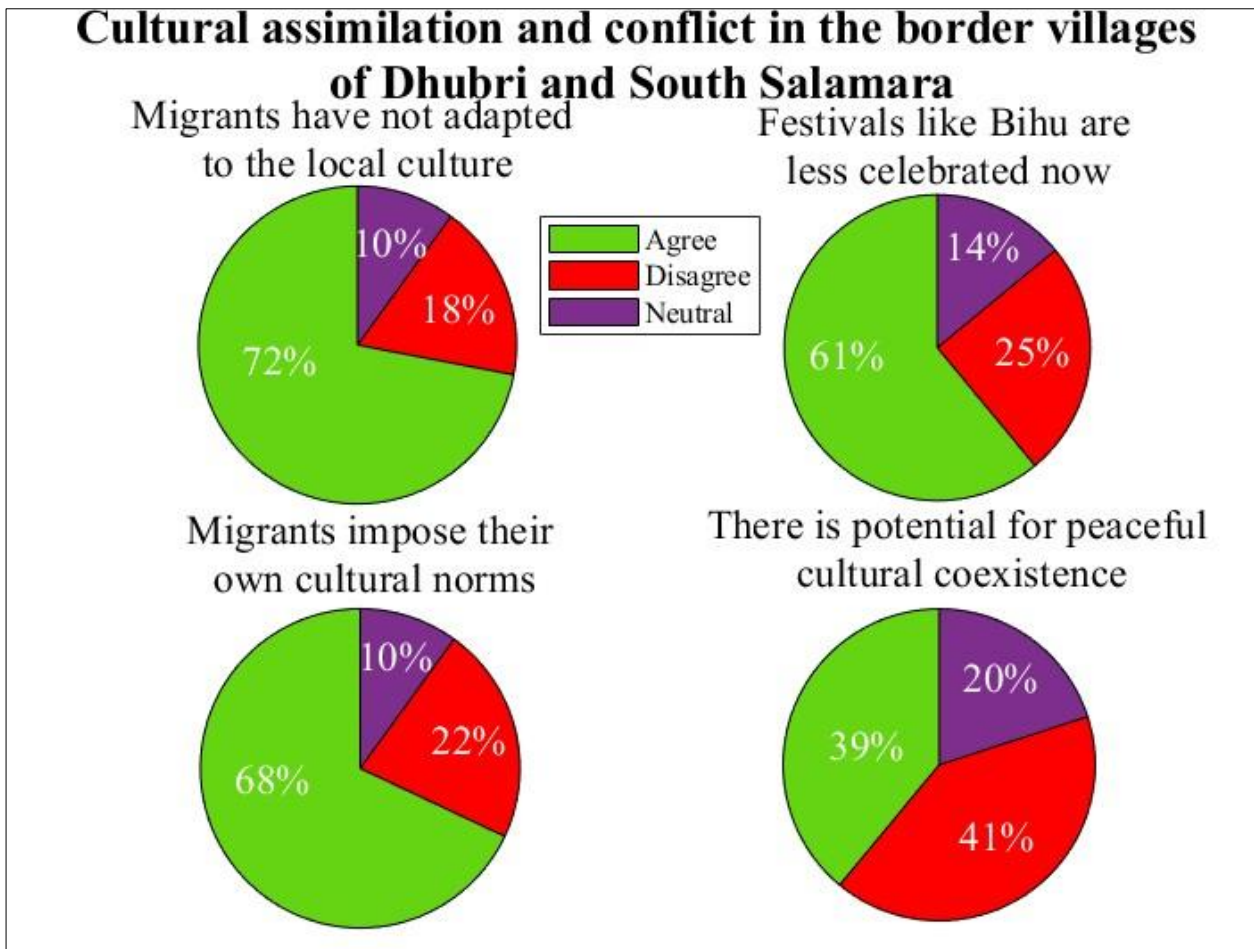
Cultural assimilation and conflict in the border villages of Dhubri and South Salamara

| Indicator | Agree (%) | Disagree (%) | Neutral (%) |
|--|------------------|---------------------|--------------------|
| Migrants have not adapted to the local culture | 72 | 18 | 10 |
| Festivals like Bihu are less celebrated now | 61 | 25 | 14 |
| Migrants impose their own cultural norms | 68 | 22 | 10 |
| There is potential for peaceful cultural coexistence | 39 | 41 | 20 |

Source: field survey 2024-25

¹⁴² Bihu is the national festival of Assam. Bihu is a festival celebrated by all people regardless of caste and race. Bihu is mainly an agricultural festival. The Assamese New Year begins on the first day of Bohag. There are three main agricultural festivals: at the beginning of the crop, during the growing season, and at the end of the harvest. <https://utsav.gov.in/view-event/bohag-bihu-or-rangali-bihu>. Accessed on 24.12.24.

Fig-5.6



According to the above result, the majority of respondents believe that cultural assimilation is insufficient for an immigrant. It is generally understood that traditional festivals are gradually disappearing in places with large immigrant populations. Nevertheless, a more optimistic 39 per cent of those respondents believe that peaceful coexistence is possible and inevitable.

5.3.2.4 Educational Backwardness

Education is one of the main indicators of the socio-economic status of residents. When the education level is high, the society tends to be more stable than one with a low education level. Even a stable society experiences less crime than an unstable one with a low educational level. Table 5.8 shows that the literacy rate is higher in Dhubri district villages (61.58 per cent) than in the border villages (54.62 per cent) of South Salmara-Mankachar district. Furthermore, the female literacy rate is extremely low, at around 45 per cent, indicating deep-rooted gender inequality.

Perhaps this indicates that the characteristics of new immigrants are different from those of old settlers. In higher education, attainment is higher in the border villages of Dhubri district (3.74 per cent graduates and above) compared to the border villages of South Salmara-Mankachar district. The concerning issue is that more than 40 per cent of students drop out of school after primary school, especially in rural and migrant-prone areas.

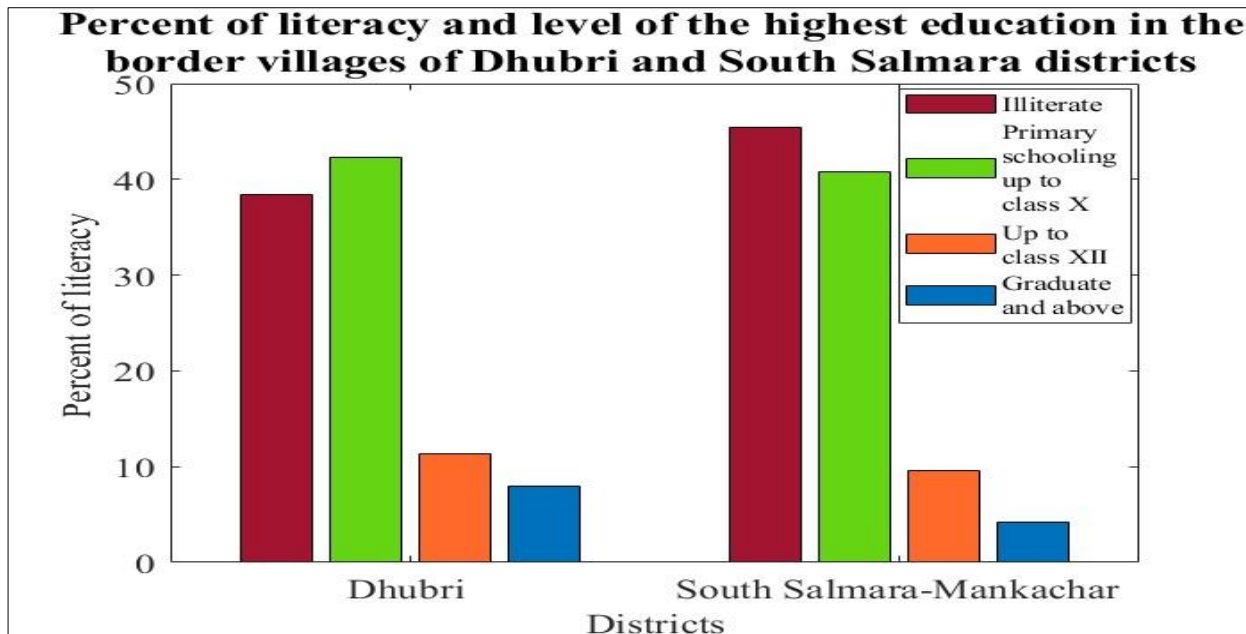
Table-5.8

Percent of literacy and level of the highest education in the border villages of Dhubri and South Salmara districts

| Dhubri | | | | South Salmara-Mankachar | | | |
|------------|---------------------------------|-----------------|--------------------|-------------------------|---------------------------------|-----------------|--------------------|
| Illiterate | Primary Schooling up to class X | Up to class XII | Graduate and above | Illiterate | Primary Schooling up to class X | Up to class XII | Graduate and above |
| 38.42 | 42.34 | 11.30 | 7.94 | 45.38 | 40.78 | 9.64 | 4.2 |

Source: field survey during 2024-25.

Fig-5.7



The types of schools available in a region can serve as an indirect but important indicator of access to economic, linguistic, and religious education. We found that the households in the villages and town of Dhubri district not only have high literacy rates, but they also have high access to private schools. This should be considered evidence of their ability to speak, read, and write

English, which surpasses the villages of the South Salmara-Mankachar district. Most of the border villagers in the southern Salmara-Manikchar district send their children to either government schools or madrasas (Muslim religious institutions), which clearly indicates that religious beliefs and ethnic origin play a significant role in these villages.

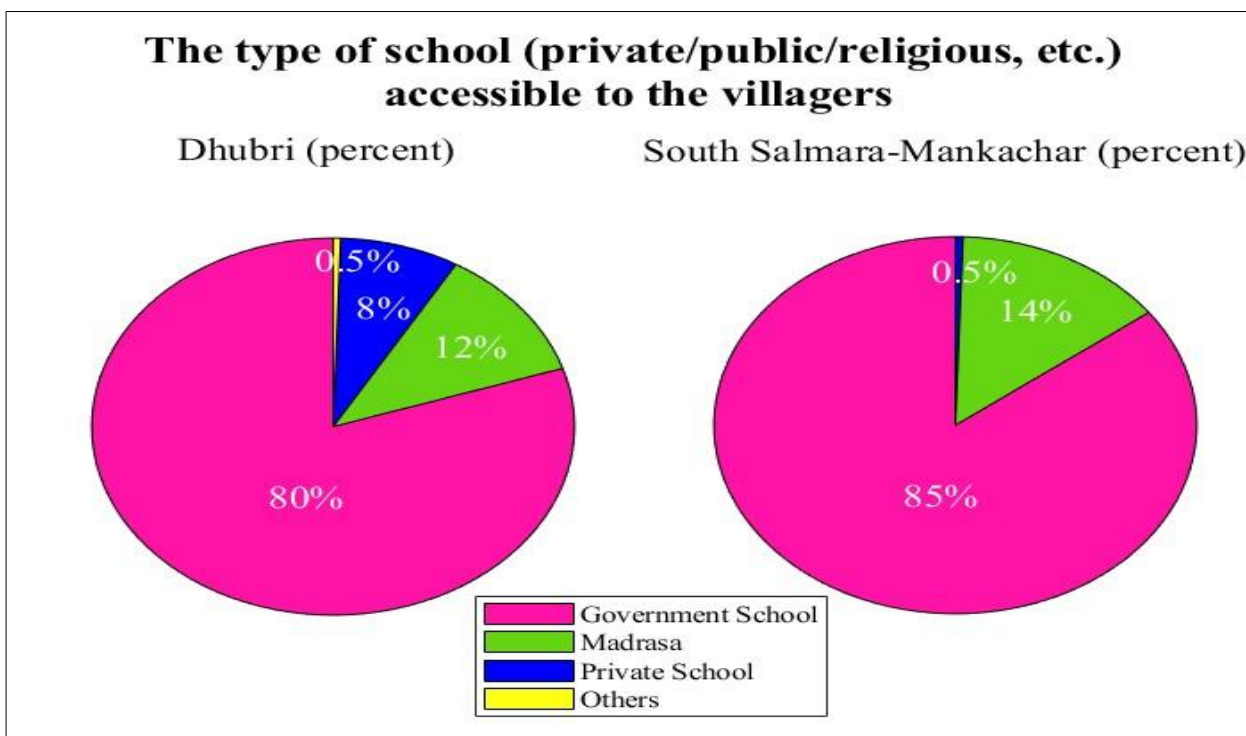
Table-5.9

The type of school (private/public/religious, etc.) accessible to the villagers

| School | Dhubri (percent) | South Salmara-Mankachar (percent) |
|-------------------|------------------|-----------------------------------|
| Government School | 80 | 83.5 |
| Madrasa | 11.5 | 14 |
| Private School | 8 | 0.5 |
| Others | 0.5 | 0 |

Note: calculate in 100 percent

Fig-5.8



To find out about the impact of illegal immigration on education, we conducted a field survey with 420 respondents (210 respondents from three border villages in each district). From which we found the correlation and pattern of migration and educational backwardness (see Table 5.10). The student dropout rate is higher in the border village than in the non-border villages and

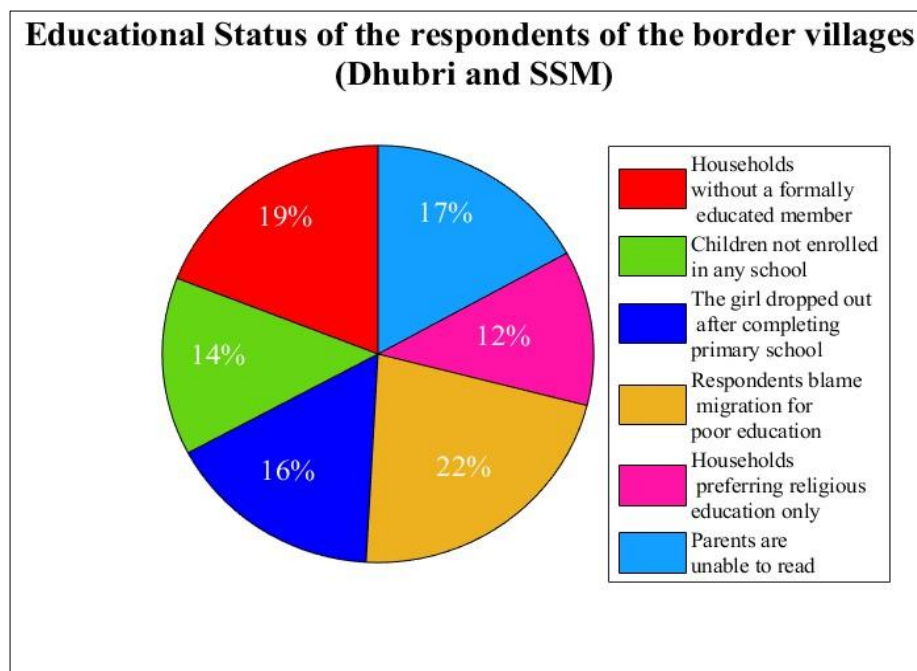
towns. Even in the villages along the border of South Salmara-Mankachar (SSM), the dropout rate of students is higher compared to the Dhubri district.

Table-5.10

| Educational Status of the respondents of the border villages (Dhubri and SSM) | |
|--|---------------------|
| Educational variable | (in percent) |
| Households without a formally educated member | 54 |
| Children not enrolled in any school | 39 |
| The girl dropped out after completing primary school. | 46 |
| Respondents blame migration for poor education | 62 |
| Households preferring religious education only | 34 |
| Parents are unable to read | 48 |

Source: field survey 2024-25.

Fig-5.9



5.3.3 Economic Impacts:

Illegal immigration has significantly changed the economic landscape of Dhubri and the South Salmara-Mankachar district. It has both social and economic impacts, which are clearly felt in agricultural land ownership, employment, public services, resource distribution, and trade,

especially informal trade. Therefore, the influx of undocumented and illegal migrants has disrupted the regional economy at both the micro and macro levels.

During the early colonial period, the settlement of migrants in lower Assam, especially in Dhubri and South Salmara-Mankachar districts, increased the income level of the region, improved the agricultural productivity, and expanded these districts under multiple crops and cash crops, which also encouraged local farmers to adopt advanced agricultural techniques and methods that were not previously possible to implement. At the same time, it also introduced commercial cultivation of jute, vegetables, tobacco, oilseed, sugarcane, etc. However, over time, increasing migration puts enormous pressure on land, which reduces the productivity of each agricultural worker. The land encroachment by migrants in tribal areas, wastelands, riverine char, and forest areas has created social and environmental problems. Additionally, it creates unemployment problems within local communities (Saikia, 2015: 58-82).

5.3.3.1 Pressure on Land and Resources

Large-scale migration from Bangladesh to the border villages of Dhubri and South Salmara-Mankachar districts, especially after 1971, has put tremendous pressure on land. One of the most visible and controversial economic consequences of illegal migration in these two border districts of lower Assam is land encroachment and alienation. Over the years, the fertile char (river island) areas of the Brahmaputra and its tributaries have been illegally occupied by migrant settlers. In many cases, these are recorded as the government's 'Khas land'¹⁴³, reserve forests, or Community grazing lands, which are gradually being converted into active cultivated land by the illegal settlers.

The land alienation has led to widespread tension between the Assamese indigenous population and new migrant settlers. Local tribal and ethnic Assamese communities, who have historically depended on agriculture and grazing land, have found themselves increasingly displaced or even marginalized. The illegal settlement has led to high population density, which has led to a decrease in the amount of land per capita, overexploitation of agricultural land, and increased disregard for traditional land rights. The average per capita land holding has

¹⁴³ "Khas land or Khas Zami" is a land that is owned and controlled by the government. Without government permission or order, no person or institution has the right to settle or carry out any activity on this land.

continuously decreased (see Table 5.11). There is no doubt that the inheritance laws are partly responsible for this decline; however, the effect of immigrants acquiring agricultural land should not be overlooked. Additionally, the encroachment of river deltas (Char), grazing areas, and forest lands by migrants affects the ecosystems of Dhubri and South Salmara-Mankachar districts, influencing long-term weather patterns and climate change. The rivers are home to thousands of species of aquatic life, including freshwater fish. The forest lands are home to a large number of wildlife, including some of the rare species. Human activities across water bodies, such as fishing, forest lands encroachment, etc., have further endangered this wildlife and consequently pose a threat to the ecosystem. Furthermore, deforestation has long-term effects on the climate conditions of the state as well as the region. Another concerning issue is that migrants have even encroached on land inside belts and blocks specifically reserved for indigenous tribal populations in these districts. In the past few decades, ethnic tensions and insurgencies have increased in both districts, largely due to pressure on their land by illegal outsiders. All these factors put pressure on agricultural productivity and created an effective food crisis. Therefore, native and tribal people are migrating to other districts as well as other parts of the country.

From the field survey interviews conducted for this study, 32 per cent of respondents from the villages of Dhubri district reported that their family members had migrated to other districts due to pressure on agricultural land and residential areas. They also (8 per cent) said they were planning to relocate to their families. Even 10 per cent of Assamese Muslim respondents recorded the same, that they were planning to relocate to Upper Assam and Siliguri. Another interesting fact is that 17 per cent of respondents reported that their family members had sold their entire property and moved permanently to other parts of the state. More or less, the scenario is similar in the border villages of the South Salmara-Mankachar district as well. Out of the 210 respondents, 37 per cent of respondents reported that their family members had moved to other districts due to pressure on agricultural land and residential areas. Even 7 per cent of the respondents recorded that they have their own house and land in Dhubri town.

Table- 5.11

Agricultural Land Holding in Dhubri, Assam

(Number in .000 units, Area in .000 hect.)

| Year | India | | | Assam | | | Dhubri | | |
|----------|----------------|--|--|----------------|--|--|----------------|--|--------------------------------------|
| | No. of holders | Total operated area (in thousand hectares) | Average size of holdings (in hectares) | No. of holders | Total operated area (in thousand hectares) | Average size of holdings (in hectares) | No. of holders | Total operated area (in thousand hectares) | Average size of holdings in hectares |
| 1970-71* | 70493 | 162124 | 2.30 | 1964 | 2882 | 1.47 | - | - | - |
| 1976-77 | 79754 | 163343 | 2.00 | 2253 | 3079 | 1.37 | - | - | - |
| 1980-81 | 88883 | 163797 | 1.84 | 2297 | 3121 | 1.36 | - | - | - |
| 1985-86 | 97155 | 164562 | 1.69 | 2419 | 3161 | 1.31 | - | - | - |
| 1990-91 | 106637 | 165507 | 1.55 | 2523 | 3205 | 1.27 | 123 | 170 | 1.38 |
| 1995-96 | 115580 | 163355 | 1.41 | 2682 | 3138 | 1.17 | 127 | 150 | 1.18 |
| 2000-01 | 119931 | 159436 | 1.33 | 2712 | 3113 | 1.15 | 128 | 150 | 1.17 |
| 2005-06 | 129222 | 158323 | 1.23 | 2750 | 3045 | 1.11 | 128 | 136 | 1.06 |
| 2010-11 | 138348 | 159592 | 1.15 | 2720 | 2999 | 1.10 | 129 | 120 | 0.93 |
| 2015-16 | 146454 | 157817 | 1.08 | 2742 | 2976 | 1.08 | 129 | 118 | 0.91 |

Sources: Agriculture Census from 1970-17 to 2021-22. *Note: Dhubri district was bifurcated from Goalpara in 1983.

Fig-5.10

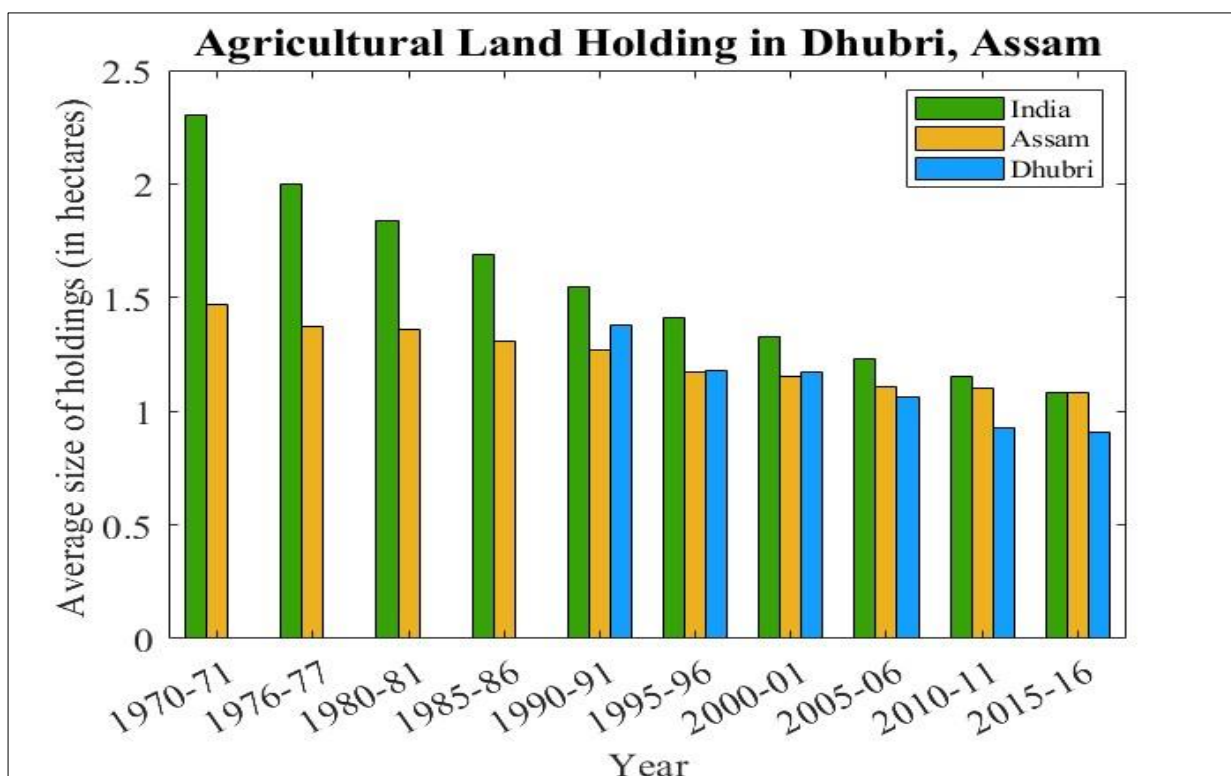
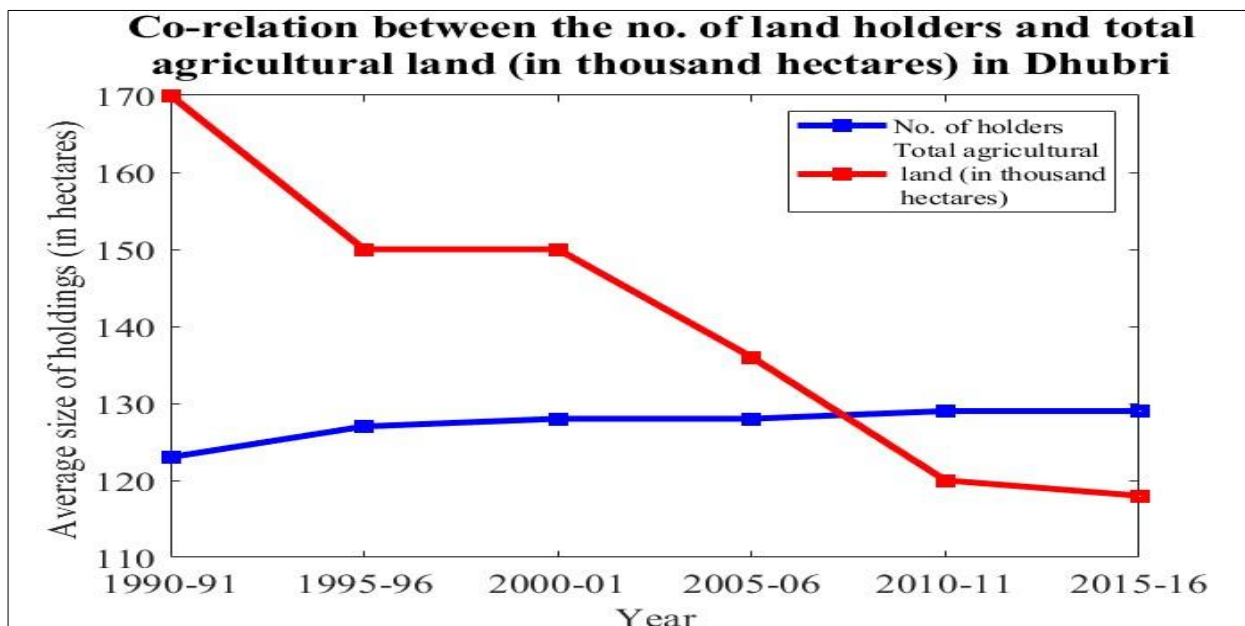


Fig-5.11



5.3.3.2 Impact on Employment Opportunities or Job Market

The main economic fear and focus around immigration, especially illegal immigration, is about the impact on the labour market. There is a fear that native Assamese workers will lose their jobs due to the supply of cheap labour by immigrants in general and illegal immigrants in particular, because they (immigrants) compete for lower-paying jobs compared to native Assamese workers. They are mainly engaged in semi-skilled or unskilled informal work, such as rickshaw pullers, daily wage laborers, construction workers, barbers, helpers, and domestic workers. This has resulted in skyrocketing unemployment rates among the native Assamese population, forcing them to migrate to other districts of Assam or other parts of the country (Andhra Pradesh, Gujarat, Kerala, Kolkata), as well as abroad (Dubai, Arab, Malaysia, and other Middle East countries), in search of jobs.

The survey results showed that the continuous influx of immigrants into the border villages of Dhubri and South Salmara-Mankachar districts has led to significant changes in the employment structure. Out of the 420 respondents, 64.3 per cent agreed or strongly agreed that immigrants change the employment structure of their area (See table 5.12). Even 34.7 per cent of respondents mentioned a daily wage of rupees 375 in the informal sector, like construction, which does not meet their daily needs. Even 18 per cent of respondents reported that due to the lack of jobs in local markets, their family members (mainly male members) migrated abroad for employment.

Interestingly, four out of ten respondents from both districts mentioned that at least one member (under age 18-35 years) of their household is unemployed.

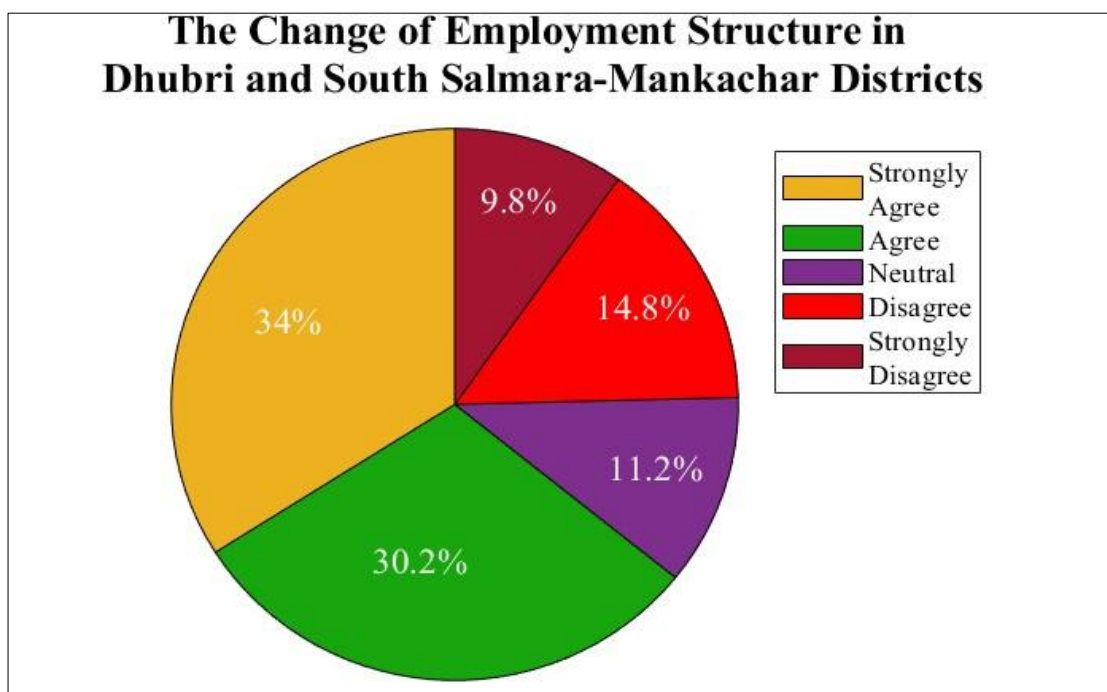
Table-5.12

The Change of Employment Structure in Dhubri and South Salmara-Mankachar Districts

| Category of response | Number of respondents in Dhubri (210) | Number of respondents in South Salmara-Mankachar (210) | Total (out of 420) | Percentage (%) |
|--------------------------|---------------------------------------|--|--------------------|----------------|
| Strongly Agree | 74 | 69 | 143 | 34.0 |
| Agree | 63 | 64 | 127 | 30.2 |
| Neutral | 25 | 22 | 47 | 11.2 |
| Disagree | 29 | 33 | 62 | 14.8 |
| Strongly Disagree | 19 | 22 | 41 | 9.8 |

Source: survey 2024-25

Fig-5.12



The above results show that respondents in the border villages of Dhubri district have a slightly higher level of belief that migrants have an impact on the local job market compared to South Salmara-Mankachar district. Only 9.8 per cent of respondents strongly disagree that

immigrants have an impact on the job market. During the field survey, one respondent (male, 45 years old) from the No. 8 ward of Dhubri town mentioned that,

“পূৰ্বতে আমাৰ বেছিভাগ যুৱকে ধান খেতি বা মাছ ধৰাত কাম কৰিছিল। এতিয়া প্ৰব্ৰজনকাৰীয়ে তেওঁলোকৰ ঠাই লৈছে, আৰু তেওঁলোকে বহুত কম মজুৰিৰে কাম কৰিবলৈ সাজু হৈছে, যাৰ ফলত স্থানীয় লোকসকলে অসমৰ বাহিৰত চাকৰি বিচাৰিবলগীয়া হৈছে”

(Earlier, most of our youth worked in paddy cultivation or fishing. Now migrants are taking their place, and they are ready to work for much lower wages, forcing locals to look for jobs outside Assam.)

This shift in employment from traditional agricultural and riverine occupations to marginal informal jobs or out-migration to urban job markets in Guwahati, Siliguri, and beyond, respectively.

A substantial 58.1 per cent of respondents strongly believe that indigenous people are displaced due to high pressure from immigrants in the local job market. They are mainly displaced from the semi-skilled and unskilled labour market, including agriculture, construction, Barber, carpenter, and small-scale transport services like e-rickshaw driving, etc. Out of the 210 respondents from Dhubri district, 59.5 per cent strongly believed that indigenous people are displaced from the mainstream of the job markets. While 9.5 per cent of respondents in the southern Salmara-Mankachar district disagreed that immigrants have created significant pressure on the indigenous job market.

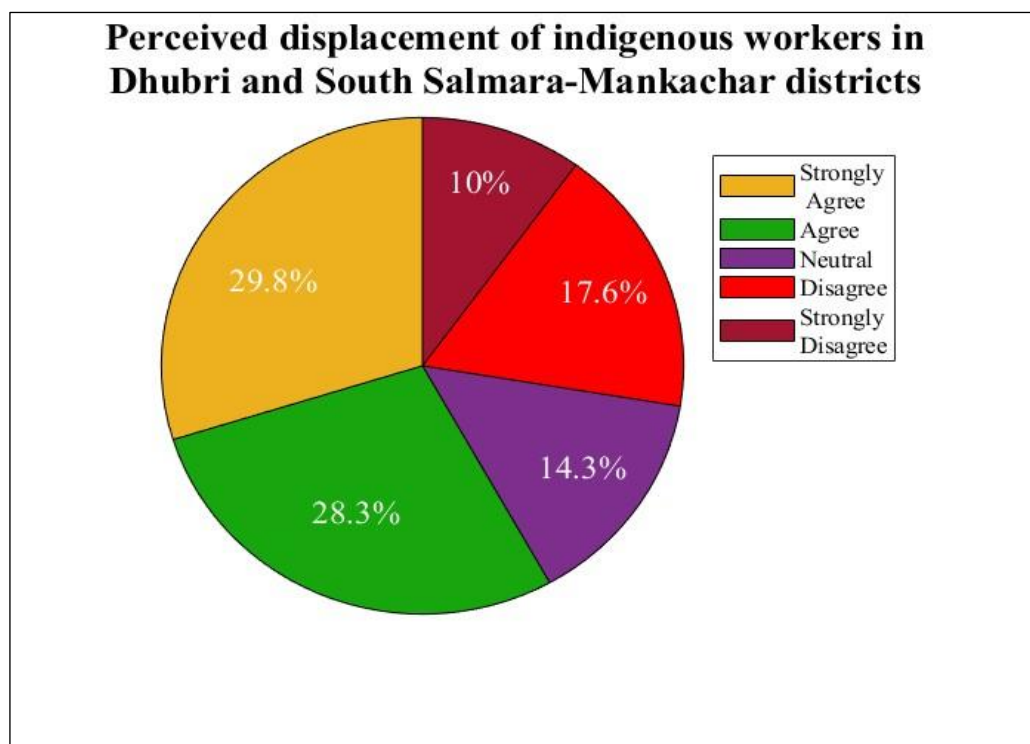
Table-5.13

Perceived displacement of indigenous workers in Dhubri and SSM districts

| Category of response | Number of respondents in Dhubri (210) | Number of respondents in South Salmara-Mankachar (210) | Total (out of 420) | Percentage (%) |
|-----------------------------|--|---|---------------------------|-----------------------|
| Strongly Agree | 66 | 59 | 125 | 29.8 |
| Agree | 59 | 60 | 119 | 28.3 |
| Nural | 32 | 28 | 60 | 14.3 |
| Disagree | 34 | 40 | 74 | 17.6 |
| Strongly Disagree | 19 | 23 | 42 | 10.0 |

Sources: field survey 2024-25

Fig-5.13



An interesting result from the field survey was that, when cross-tabulating across occupational categories, perceptions of displacement were highest among agricultural workers (72 per cent) and small business owners (66 per cent) and lowest among government employees (28 per cent). 22 per cent of respondents from the border villages of Mankachar block in South Salmara-Mankachar district stated that most shopkeepers in the villages are Bangali Muslims. 59.4 per cent of the respondents in both districts believed that immigrants predominantly run local markets and shops.

Influx of Migration (illegal and legal) from Bangladesh to the border districts in Assam state has both quantitative and qualitative changes in the demographic, socio-cultural, and economic structure. The land-to-people ratio declined, and the per capita availability of cultivable land has also been rapidly decreasing. Land encroachment by migrants in tribal areas and blocks, public wastelands, and forest areas has created social and environmental problems. The illegal flow of Bangladeshi immigrants has changed the demographic structure of the Dhubri and Salmara-Mankachar districts of lower Assam. Due to the porous nature of the India-Bangladesh border, Bangladeshis are illegally entering the border villages of these districts. Therefore, the number of people in these villages has changed in a short period of time, and native people became

a minority section in the villages as well as in the district. This change has also affected the ethnic composition, religious patterns, linguistic characteristics, and population density, and urban-rural distribution patterns of both districts. The population growth rate and density in both districts had been significantly higher than the state as well as national averages. Such an unnatural population growth has often been shown as indirect evidence of the trans-border infiltration.

Muslim population growth in both districts was higher than the state as well as country averages. The growth of the Muslim population is a major threat to other religions, mainly Assamese Hindus. According to the Dhubri Municipality Development Board, ten new mosques were constructed between 2015 to 2020 in Dhubri Municipality, but in the same period, only one Hindu temple and one Guru Dawar of Shik were constructed.

The percentage of the population of indigenous communities, such as Assamese-speaking Hindus, Koch-Rajbangshis, and Bodos, has also declined relatively. The decline in indigenous populations is generally considered a threat to culture, political power, and social harmony. Various government records show that the number of the Muslim population has increased. Still, the number of the Scheduled Caste (SC) and Scheduled Tribe (ST) populations has decreased in both the Dhubri and South Salmara-Mankachar districts.

The huge supply of cheap labour from illegal immigrants has affected not only the rural agricultural labour market, but also the urban informal job market; however, in the long run, the formal labor market will also be affected. Therefore, unemployment and poverty are accelerating among the Assamese or local residents, which leads to social unrest and ethnic conflict.

The number of Assamese speakers has decreased, and the small linguistic communities in the region are practically extinct. This linguistic transformation did not happen in isolation but rather created existential anxiety among Assamese speakers, Koch-Rajvanshi, and other indigenous communities. The indigenous people expressed fear of linguistic isolation, that their children were not learning Assamese either at home or in school, because Bengali is the medium of instruction in schools in Dhubri and South Salmara-Mankachar districts, which threatened to erode cultural identity over time. The language of Bengali was the dominant means of communication between neighborhoods and schools, rather than their mother tongue.

Indigenous/native peoples and newcomers (immigrants) have interacted to create complex cultural systems that reflect both assimilatory trends and zones of persistent cultural conflict. Indigenous communities began to feel threatened by the aggressive movement of a foreign culture

that was apparently establishing itself in areas historically identified with Assamese heritage. In some such villages of Dhubri and South Salmara-Mankachar, with the dominance of the Bengali-speaking population, the traditional Bihu festivals lost their importance. The native folk music and dance have gradually been replaced and marginalized by the new settlers (immigrants). Even the religious practices have also seen changes, with an increasing trend of opening madrasas and religious institutions outside the Assamese cultural framework.

The correlation and pattern of migration and educational backwardness. The student dropout rate is higher in the border village than in the non-border villages and towns. Even in the villages along the border of South Salmara-Mankachar, the dropout rate of students is higher compared to the Dhubri district.

The land alienation has led to widespread tension between the indigenous population and new migrant settlers. Local tribal and ethnic Assamese communities, who have historically depended on agriculture and grazing land, have found themselves increasingly displaced or even marginalized. The illegal settlement has led to high population density, which has led to a decrease in the amount of land per capita, overexploitation of agricultural land, and increased disregard for traditional land rights. The average per capita land holding has continuously decreased. Additionally, the encroachment of river deltas (Char), grazing areas, and forest lands by migrants affects the ecosystems of Dhubri and South Salmara-Mankachar districts, influencing long-term weather patterns and climate change. A significant number of the villagers of Dhubri district reported that their family members had migrated to other districts due to pressure on agricultural land and residential areas.

The native workers will lose their jobs due to the supply of cheap labour by immigrants in general and illegal immigrants in particular, because they (immigrants) compete for lower-paying jobs compared to native workers. They are mainly engaged in semi-skilled or unskilled informal work, such as rickshaw pullers, daily wage laborers, construction workers, and domestic workers. This has resulted in skyrocketing unemployment rates among the native population, forcing them to migrate to other districts of Assam or other parts of the country, as well as abroad in search of work. The lack of job opportunities in local markets, their family members (mainly male members) migrated abroad for employment. Interestingly, four out of ten respondents from both districts mentioned that at least one member of their household is unemployed.

Chapter-6

Impact of Migration on Security Dynamics and Political Landscapes of Dhubri and South Salmara-Mankachar

6.1 Political and Security Dynamics of Assam:

Migration is deeply rooted in human civilization and has had a profound impact on the demographics, culture, economy, and politics of the host society. However, when migration flows are irregular or undocumented across international borders, it often increases tensions at multiple levels of the receiving countries and their citizens. In South Asia, the dynamics of transnational Bengali (Muslims and Hindus) migration between Bangladesh and India have been an enduring and controversial issue for decades. The cross-border migration poses a significant challenge to Indian democracy. Migration plays a significant role in the security threats and disturbance of the political landscapes in India, particularly in Assam. Assam, situated in the northeastern part of India and sharing its border with Bangladesh, has been one of the most (illegal) migrants affected states due to the porous nature of the border. Assam is home to millions of Bangladeshi immigrants. The influx of Bangladeshi migrants (both undocumented and illegal) has settled in the Dhubri and South Salmara-Mankachar border districts of western Assam. These immigrants have not only put pressure on the demographic, economic, and social sectors (see chapter 5) of these districts but also impact on the traditional and modern security, governance, and political stability. It also noted that the continuous influx of illegal immigrants from Bangladesh is posing a threat to India's national security, with some political parties and groups mobilising immigration issues for their political gains and exacerbating ethnic divisions.

Historically, migration has helped address labour shortages and improve traditional agricultural processes and increased cash crops in Assam, but it has simultaneously contributed to border security issues, demographic imbalances, and political contestation. The porous nature of the India-Bangladesh border has facilitated illegal immigration, trafficking of women and children, cattle smuggling, illegal arms trades, and the smuggling of unauthorized goods, which directly impacts national security. Furthermore, demographic changes related to immigration have altered electoral patterns and behaviours, fueling identity politics and communal polarization. For this

purpose, we selected two border districts of lower Assam, namely Dhubri and South Salmara-Mankachar, for a micro-level study of these issues, and this provides an opportunity to understand the nexus between migration, security, and politics in Assam.

Previous chapter, we discussed the socio-economic consequences of illegal migration in Assam, specifically in Dhubri and South Salmara-Mankachar districts. In this chapter, we discussed what are the major political and security challenges faced by the native Assamese and indigenous people from the unauthorized migrants (illegal). We analysed electoral politics and election-related criminal activities, political polarisation, illegal voter enrolment, questions of citizenship, CAA 2019, NRC, D-Voters conflicts, the role of political parties and their leaders to use immigrants as their vote bank, suppression of native Assamese and indigenous, etc. In this, we also highlighted multiple security issues of illegal cross-border trades and smuggling, women and children trafficking, the rise of militancy and terrorist activities, the role of policy, the BSF in ground-level border protection, and the role of the government and local people. The primary objective of this chapter is to analyse the political and security threats in the migration-affected border villages of Dhubri and South Salmara-Mankachar districts.

We conducted a field survey in six border villages and town wards of Dhubri and South Salmara-Mankachar districts. These districts were selected based on their high population growth and criminal activities compared to the state average recorded in the recent censuses of 2001 and 2011. Recently, these two districts have experienced increased communal violence, riots, bombings, and conflict between Bangali Muslims and the ethnic community. Once the villages were selected, we conducted qualitative research (focus group discussion or FGD, key informant interviews, and in-depth interviews). The key informants and in-depth interviewees have been domiciled in those areas for a long time (some of them are people who migrated to Assam before independence), held government service and familiar with the concerned area (teachers, gram sevak {local government representative}, forest guard, village panchayats, political leaders, BSF and members of NGOs) and have close contact with immigrant population because of their business (e.g. shop keeper, labour contractor, wood contractor and other vendors). We attempted to take a representative sample of villages by covering villages along the Assam-Bangladesh border. After selecting the villages, we randomly sampled 70 respondents from each village using systematic sampling. We had collected data from a total of 420 respondents from the selected villages.

6.2 Political Implications:

The influx of immigrants from Bangladesh to western Assam, especially Dhubri and South Salmara-Mankachar districts, affects both socio-economic conditions and the political landscape of these areas. Three major waves of Bangladeshi migrants entering India are through colonial employment, partition, and during and after the Bangladesh liberation movement. During the partition and liberation movement, about a hundred thousand Bangladeshi Hindus were forced to flee to India due to political pressure and genocide. Interestingly, Muslim people of Bangladeshi origin migrated into Assam after March 25, 1971, not for political reasons but because of economic opportunities. The government of India decided that March 25, 1971, was the cutoff date for Indian citizenship; after that, those who entered Assam or any part of the state were identified as illegal immigrants and deported. Historically, migration has always been one of the key factors in shaping political solidarity, electoral behaviours, electoral outcomes, and identity-based competition in the border districts of Dhubri and South Salmara-Mankachar. Immigration and politics are intertwined in broader debates about citizenship, political representation, ethnic security, and national identity, making these districts important locations for explaining how demographic shifts translate into political change (Weiner, 1983).

6.2.1 Electoral Politics

India is a democratic country, and the governments (both Central and State) are elected by the citizens of India. The Constitution guarantees every citizen (above 18 years old) certain political rights, such as voting rights, the right to propagate for any political party, and the right to contest in elections, among others. No authority or political party can force any citizen to vote for a particular political party. Therefore, every individual's vote is important to a political party seeking power. In India present context, political parties (both national and regional) try to gain power by any means. Political parties engage in coercion, create fear among voters, polarise communities, commit vote Chori (vote theft), capture polling stations during elections, manipulate the electoral rolls, illegal voter registration, and the mobilisation of immigrants. The Congress MP and leader of the opposition in the Lok Sabha, Rahul Gandhi, claims that “more than one lakh were ‘votes chori’ in the Mahadevpura assembly constituency of Bengaluru Central in 2024 Lok Sabha election, resulting in the defeat of a Congress candidate” (The Hindu, 14 August 2025). In Assam, Chief Minister Himanta Biswa Sarma has claimed that in the 2021 state legislative election, All

India United Democratic Front (AIUDF) MLA Najrul Hoque was elected by illegal immigrant voters from Dhubri constituency (The Indian Express, 21 June 2021). The Dhubri and South Salmara-Mankachar districts in western Assam have high concentrations of Muslim migrants. During each election, political clashes between natives and migrants are observed in these border districts. Thus, migration reshaped electoral politics at Dhubri and South Salmara-Mankachar. The continuous migration and settlement of Bengali-origin migrants (mostly Muslims) over the past five decades have irreversibly changed the voter demographics of these districts, turning them into minority dominated constituencies. This shift in electoral demographics has consequently influenced the political strategies adopted by parties, leading to vote-bank politics being established as the dominant electoral paradigm (Bhuyan, 1978).

The migrant voters become a determining factor or king-maker in Assam. Both National and Regional political parties have mobilised them for electoral gain. The Indian National Congress (INC), in particular, has been accused of historically benefiting from the inclusion of immigrant voters, which has influenced election results in border districts (Baruah, 1999). This strategic dependency has often led to difficulties in data accuracy and counting, as it was always unclear how many Bangladeshi migrants there actually were in Assam. There has been criticism of census records and electoral rolls, as they may be a problem in terms of the manipulation of data for political purposes that could influence the decision-making processes (Gohain, 2008). The Assamese felt politically isolated in their region due to migration pressure, which led to the Anti-foreigner movement in Assam in the early 1980s. The failure of the government to resolve the problem paved the way for the agitation by the Assamese people, which was led by the All Assam Gana Sangram Parishad and All Assam Students' Union (AASU). This offensive in response made life unbearable for Bangladeshi immigrants and led to the worst inter-communal clashes of the early 1980s. The northeastern state of Assam experienced political uncertainty and continuous anti-government protests, and some horrific incidents of ethnic violence. Tensions became so intense that on February 2, 1980, AASU submitted a memorandum to Indira Gandhi, then the Prime Minister of India, to shoot the Bangladeshi migrants on sight (Barooah, 1993).

In December 1980, the newly formed Congress government, headed by an Assamese Muslim, Anwara Taimur, in Assam, led to increased tensions between indigenous Assamese Hindus and Bengali Muslims of Bangladeshi origin. The escalating violence all over the state led to the collapse of the Timur government, and the presidential rule was imposed in Assam in June 1981. The Congress party at the center attempted damage control and appointed Keshav Gogoi, an

ethnic Assamese Hindu, as the new Chief Minister in January 1982, although his government did not last more than two months. For the second time since March 1982, Assam was brought under direct Central rule. By early 1983, Guwahati, the capital of Assam, and most of the townships in the Brahmaputra River Valley had been turned into virtually armed camps. Paramilitary forces were brought in from other parts of India to assist the government in controlling the situation and establishing law and order.

In February 1983, ignoring the explosive situation, the ruling Congress Party at the Center called for state legislative elections with the motive of winning the election with the support of the immigrant votes. The native Assamese groups called for a boycott of the election and rejected the voting. The Congress won a simple majority and returned as the ruling party in Assam, but it had to pay a terrible price for this. More than 3,000 people have lost their lives in ethnic violence between native Assamese and Bangladeshi Muslim migrants. More than a million people were displaced from their residential areas. Although most of them return with the help of the government. According to the Dhubri District collector, 158 people have lost their lives, and 97 are missing. Just days before the election, more than 8,000 indigenous Hindu Assamese assailants surrounded the village of Nellie and systematically killed poor Bangladeshi Muslim immigrants. According to the official records, the death toll in this five-hour rampage was 1,700 (Hazarika, 1993). But the actual number of deaths was more than the officially recorded. In 1984, Rajiv Gandhi, then the Prime Minister of India and made sincere efforts to resolve the Assam problem. His government decided to negotiate with anyone willing to abandon the path of violence in order to achieve peace and law and order. On August 15, 1985, Mr. Gandhi accepted the demands when he signed an agreement with the leaders of the Assam movement, which is called the Assam Accord-1985. According to this accord, they decided that those immigrants who entered Assam after March 25, 1971, would lose their voting rights and be expelled as soon as possible. Surprisingly, two months after the signing of the Assam Accord, the leaders of the Anti-foreigners movement formed a political party called the Assam Gana Parishad (AGP) to contest the upcoming elections (Hazarika, 1988). The Bangladeshi Muslim immigrants in Assam feel frustrated by the Congress Party and formed a political party called the United Minorities Front, Assam (UMF) in December 1985 to counter the challenge of the AGP. Later, they withdrew their support from the Congress led to the defeat of the Congress Party, and the AGP came to power in Assam. UMF contested in the 1985 elections and won 17 seats in the legislative assembly and one seat in the Lok Sabha (Banerjee, 2014). However, AGP has failed to fulfill its election promise to identify

foreign nationals in Assam due to inefficiency and internal conflicts. Another reason for the failure of the AGP government was the lack of cooperation from the Congress government at the center to regain the trust and support of Muslim immigrants (Saikia, 2015).

In the 1991 state legislative election, the Congress Party employed this dual strategy to defame the AGP government and gain support from Muslim immigrants, which paid them huge dividends in the election, and they returned to power in Assam. Another interesting fact is that the pro-immigrant or immigrant-friendly policies of the newly elected Congress government also gradually led to the decline of the UMF (Saikia, 2015). However, the situation became extremely serious after the Chief Minister Hiteswar Saikia's speech in the budget session of the state assembly on April 10, 1992, when Saikia admitted to the large-scale illegal foreign immigration in Assam. This change in approach of the Congress party once again united the Muslim migrants, and in May 1992, they formed a new organisation called 'Muslim Forum' and made a public statement threatening the Chief Minister at their first conference in Guwahati, "either withdraw your statement or we will withdraw our support from the Congress". On June 7, 1992, due to political pressure, the Chief Minister withdrew his statement at a public meeting in the migrant-centric Nagaon district and said, "there were no illegal immigrants in Assam" (Sinha Report, 1998). Therefore, the power of Muslim migrants in Assam is best illustrated by this incident. According to a local journalist from Assam, "Bangladeshi Muslims have now become the king-maker and king-breaker in Assam (Swain, 1996).

In July 1994, serious violence erupted in Assam when a local Assamese Bodo militant group clashed with Bangladeshi Muslim immigrants in the western Assam region. The violence affected about 3,500 Muslim migrant families and forced 1,500 individuals to seek shelter in relief camps (Indian Express, 23 July 1994). On July 23, 1994, a Bodo militant group attacked a relief camp near Dhubri town and killed 60 Bengali Muslim migrants. The Central government deployed the armed forces to bring the situation under control. Muslim communities strongly criticised the state government's failure to protect minorities. To deal with the situation, the Assam Chief Minister has introduced many migrant-friendly policies to regain their trust. On December 8, 1994, the Congress leader of the Assam unit even objected to the Chief Election Commissioner of India's order for "complete" revision of the state electoral rolls and conduct elections based on revised electoral rolls (The Hindu, January 21, 1995).

The important turning point came with the rise of the All India United Democratic Front (AIUDF) under the leadership of Badruddin Ajmal on October 3, 2005. The AIUDF essentially became the political representation of migrant Muslims from the Char (river) region, who felt marginalised by both the Assamese Nationalist Party (like AGP), communist political parties, and the Congress. In successive elections, the AIUDF united these communities as a vote bank, effectively displacing the Congress as the sole representative of immigrant Muslim voters. The demographic political alignment is visible in the Dhubri parliamentary constituency, where the AIUDF has performed strongly since 2009.

The failure of AGP and other regional political parties, along with pro-migrant policies of the Congress and the increasing influence of Muslim migrants, created opportunities for Hindu nationalist political parties and organisations such as the BJP and RSS. The Bharatiya Janata Party (BJP) has pursued a counter-strategy of polarization, consolidating indigenous Hindus, ethnic Koch-Rajbongshis, and some tribal communities against migration as a threat to identity, security, and resources. The Bharatiya Janata Party (BJP) and the Rashtriya Swamsevak Sangh (RSS) are actively working to mobilise Assamese Hindus against the question of illegal immigration. The slogan “Bring BJP and Save Assam” spread widely across Assam, with the party primarily targeting areas with a high concentration of migrants to gain the support of the native Hindu Assamese electorate (The Times of India, 21 December 1993). Additionally, the RSS has started establishing ‘Vidya Bharati schools’ in remote and border villages of Assam to promote the history of Hinduism and recruit members (Assam Pradesh, 9 November 1993). The BJP came to power in 2021 under the leadership of Himanta Biswa Sarma. An interesting fact is that in the 2021 assembly elections, the BJP lost all the seats in Dhubri and South Salmara-Mankachar districts of West Assam (see Table 6.1). After forming the government, Assam Chief Minister Mr. Sharma claimed that there was a large number of illegal Muslim immigrants in both the districts, and his government would identify them and expel them from Assam.

Table-6.1**Parliamentary Electoral Performance in Dhubri Lok Sabha Constituency from 2004 to 2024**

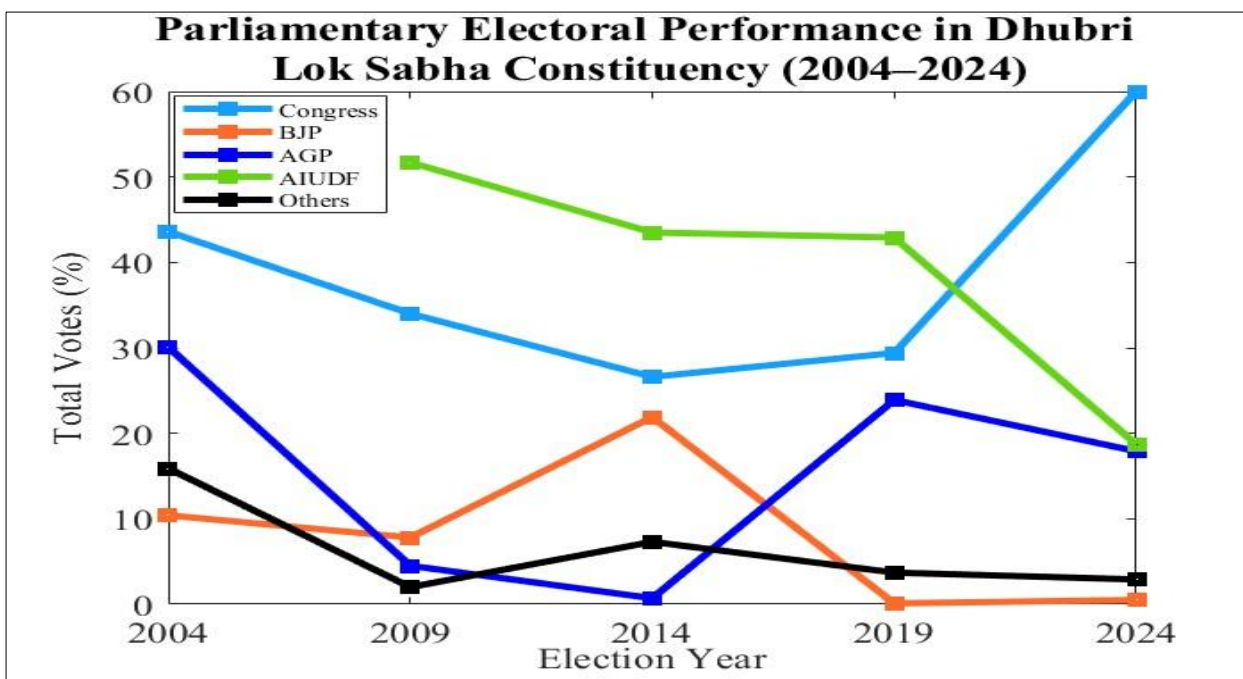
| Election Year | Total Electors | Total Votes Polled | Congress (%) | BJP (%) | AGP (%) | AIUDF (%) | Others (%) | Winning Candidate and Party (Margin of Win %) |
|----------------------|-----------------------|---------------------------|---------------------|----------------|----------------|------------------|-------------------|--|
| 2004 | 11,49,939 | 8,63,463 (75.1%) | 43.6 | 10.4 | 30.1 | - | 15.9 | Anwar Hussain, INC (13.5%) |
| 2009 | 13,71,949 | 10,46,985 (76.3%) | 34.0 | 7.8 | 4.5 | 51.7 | 2.0 | Badruddin Ajmal, AIUGF (17.6%) |
| 2014 | 15,52,554 | 13,69,624 (88.2%) | 26.6 | 21.9 | 0.7 | 43.5 | 7.3 | Badruddin Ajmal, AIUGF (16.8%) |
| 2019 | 17,99,561 | 16,85,005 (94.1%) | 29.4 | 0.1 | 23.9 | 42.9 | 3.7 | Badruddin Ajmal, AIUGF (13.4%) |
| 2024 | 26,60,827 | 24,53,608 (92.2%) | 60.0 | 0.5 | 17.9 | 18.7 | 2.9 | Rakibul Hussain, INC (41.3%) |

Source: Election Commission of India, <https://www.eci.gov.in/> (Accessed on 10.04.25)

The above Table 6.1 clearly shows that the Congress Party has major dominance in the 2004 and 2024 Lok Sabha elections. In the 2004 General election, Congress candidate Anwar Hussain won by a margin of 13.5 per cent and received 43.6 per cent (376,588 votes) of the total vote polled. The ‘Por-Migrants policy’ of the Congress government has brought huge success in the Lok Sabha election. After the emergence of the India United Democratic Front (IUDF) under the leadership of Badruddin Ajmal, Muslims supported him in the Lok Sabha elections from 2009 to 2019. Mr. Badruddin Ajmal became a three-time consecutive Member of Parliament (MP) from Dhubri. In the 2024 Lok Sabha election, the Congress party won in the Dhubri Lok Sabha seat after 20 years by the highest margin of 41.3 per cent votes in Assam from its immediate opponent candidate of AIUDF. According to Indian Express journalist Sukrita Barua, Muslim migrant voters returned to support the Congress party because the Congress is fighting against the implementation

of NRC and CAA 2019 in Assam (Indian Express, May 10, 2024). The Congress party has filed a public interest litigation (PIL) against the Election Commission of India (ECI) and the Assam state government in the Gauhati High Court. The vote share of the BJP and AGP has been steadily declining in the Dhubri parliamentary constituency, but the high voter turnout of 94.1 per cent in 2019 and 92.2 per cent in the recent 2024 Lok Sabha elections, which was the highest among the state average (81.6 per cent) and the country (65.6 per cent). Therefore, the data from the 2004 to 2024 Lok Sabha elections shows that Muslim immigrants are playing a decisive role in the Dhubri parliamentary constituency. Both the Congress and AIUDF mobilised them to gain in elections. BJP-supported candidate Radharani Biswas, in a press meeting, said that the Congress candidate Rakibul Hussain won the election by illegal migrant voters (The Hindu, June 12, 2024).

Fig-6.1



A similar picture in the assembly election results in Dhubri and South Salmara-Mankachar. The Congress and AIUDF won most seats. In the 2021 Assembly election, the BJP-led National Democratic Alliance (NDA) secured a majority in Assam and formed the government under the Chief Minister of Hemanta Biswa Sarma, but they lost all seats (5+2) in these two border districts. BJP-led NAD won 75 seats, and 50 seats were won by the 'Mahajot'-led by INC. However, more than 1.08 lakh people in this state (8,208 D-voters in Dhubri district) have been excluded from voting in the 2021 assembly election after being tagged as D-voters (Doubtful voters) by the Election Commission of India (India Today, 4 March 2021).

Table -6.2

Assam State Assembly Electoral Performance by Political Parties from 2001 to 2021

| Year | Total Electors | Total Votes Polled | Congress Seats & voters | BJP Seats & voters | AGP Seats & voters | AIUDF Seats & voters | Others Seats & voters |
|------|----------------|------------------------|-------------------------|--------------------|--------------------|----------------------|-----------------------|
| 2001 | 1,44,39,167 | 1,08,36,651 (75.1%) | 71 (39.8%) | 8 (9.3%) | 20 (20.0%) | - | 27 (30.9%) |
| 2006 | 1,74,34,019 | 1,32,09,887 (75.8%) | 53 (31.1%) | 10 (12%) | 24 (20.4%) | 10 (9%) | 29 (27.5%) |
| 2011 | 1,81,88,230 | 1,38,08,561 (75.9%) | 78 (39.4%) | 5 (11.5%) | 10 (16.3%) | 18 (12.6%) | 15 (20.2%) |
| 2016 | 1,99,47,690 | 1,67,30,280 (83.9%) | 26 (31.3%) | 60 (29.8%) | 14 (8.2%) | 13 (13.2) | 13 (17.5%) |
| 2021 | 2,20,49,568 | 1,90,03,022 (86.2) | 29 (30.0%) | 60 (33.6%) | 9 (8.0%) | 16 (9.4%) | 12 (19.0%) |

Source: Election Commission of India, <https://www.eci.gov.in/> (Accessed on 10.04.25)

Fig-6.2

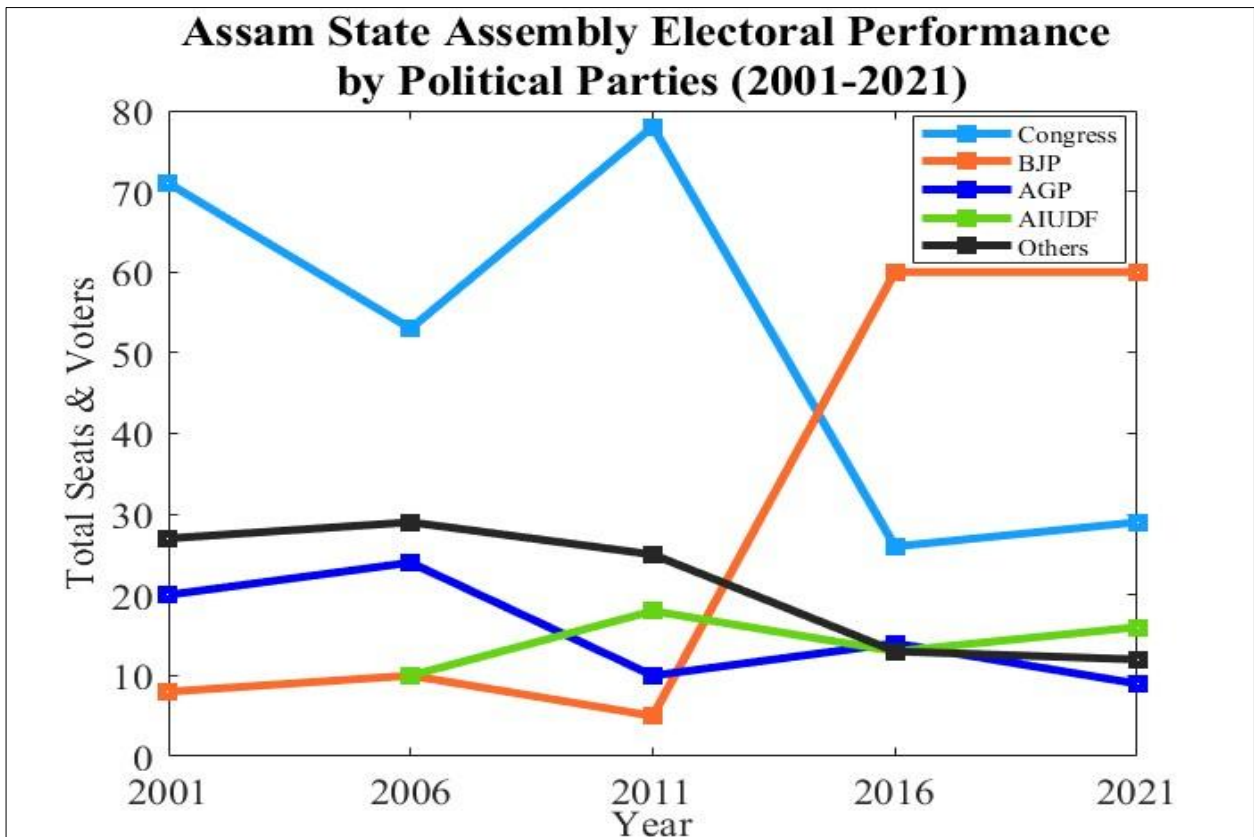


Figure 6.2 shows that from the 2001 to 2021 assembly elections, the BJP and its alliances have consistently increased their seats and vote share, except in the 2011 assembly elections (5 seats and 11.5 per cent of votes). In 2021, the BJP-led National Democratic Alliance (NDA) formed a non-Congress government in Assam for the second consecutive term. The BJP and its allies have gained support from non-Muslim Assamese and ethnic communities in the assembly elections. It is also noted that the Citizenship Amendment Act 2019 ensured citizenship for foreign nationals from six non-Muslim communities, which was also reflected in the BJP's results in the recent assembly (share of voters 29.8 per cent in 2016 to 33.6 per cent in 2021) and Lok Sabha elections (9 seats in 2019 to 11 in 2024). The BJP-led alliance won most of the seats in Upper and Central Assam, but lost most of the Muslim-centric constituencies in Lower and border regions to the Congress by huge margins.

Table-6.3

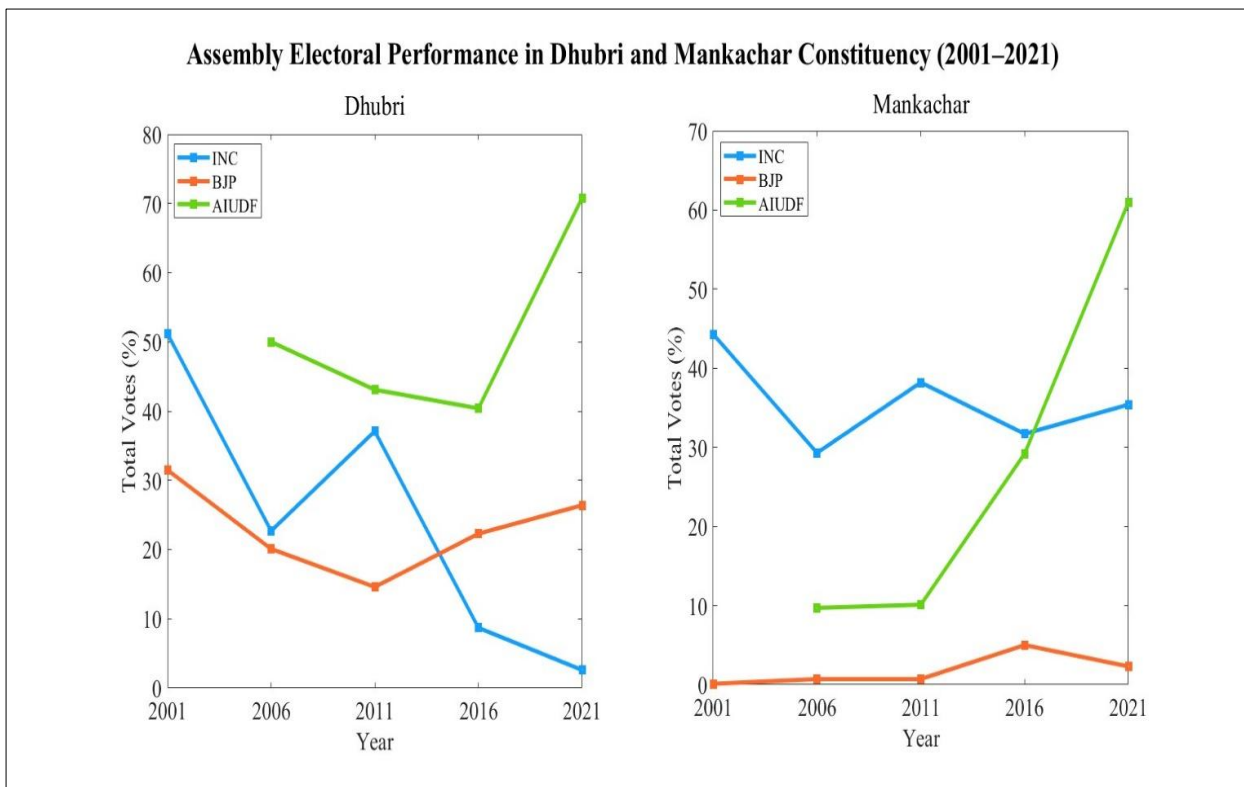
Assembly Electoral Performance in Dhubri and South Salmara-Mankachar Constituency (2001-2021)

| Year | Dhubri (%) | | | | South Salmara-Mankachar (%) | | | |
|------|----------------|---------------|-------|-----------------------|-----------------------------|---------------|-------|-------------------------------------|
| | INC + Alliance | BJP+ Alliance | AIUDF | Winner & affiliation | INC + Alliance | BJP+ Alliance | AIUDF | Winner & affiliation |
| 2001 | 51.2 | 31.5 | - | Nazibul Umar (INC) | 44.3 | 0.1 | - | Hosenara Islam (NCP) |
| 2006 | 22.7 | 20.1 | 50.0 | Rasul Hoque (AIUDF) | 29.3 | 0.7 | 9.7 | Dr. Motiur Rohman Mondal (IND-30.8) |
| 2011 | 37.1 | 14.6 | 43.1 | Jahan Uddin (AIUDF) | 38.2 | 0.7 | 10.1 | Zabed Islam (IND-45.9) |
| 2016 | 8.7 | 22.3 | 40.4 | Najrul Hoque, (AIUDF) | 31.7 | 5.0 | 29.2 | Dr. Motiur Rohman Mondal, (INC) |
| 2021 | 2.6 | 26.4 | 70.8 | Najrul Hoque, (AIUDF) | 35.4 | 2.3 | 61.0 | Md. Aminul Islam, (AIUDF) |

Source: Election Commission of India, <https://www.eci.gov.in/> (Accessed on 10.04.25)

Table 6.3 shows the performance of political parties in the assembly elections of Dhubri and Mankachar constituencies from 2001 to 2021. These two constituencies are important for the study because they are located in the India-Bangladesh border region of Lower Assam and are dominated by Bengali Muslim immigrants. From 2006 to the 2021 assembly elections, the political party AIUDF had a strong hold on the Dhubri constituency. In the 2021 assembly elections, AIUDF candidate Nazrul Haque won the Dhubri seat and Md. Aminul Islam won the Mankachar seat with 70.8 per cent and 61.0 per cent of the votes, respectively. In Dhubri constituency, the Congress party steadily declined in vote share from 51.2 per cent in 2001 to just 2.6 per cent in the 2021 assembly elections. But compared to the Dhubri assembly seat, the Congress party achieved better results in the Mankachar seat, where 98.7 per cent of registered voters are Muslim immigrants. In the 2016 assembly election, Congress candidate Dr. Matiur Rahman Mondal won the Mankachar constituency by a 4.7 per cent margin from his opponent. Although 27.73 per cent of the registered voters in the Dhubri constituency are Hindus, but all the winning candidates are Bengali Muslims. Therefore, the 2001-2021 electoral history shows migration to be not just a demographic challenge, but a structural determinant of political alignments in Dhubri and South Salmara-Mankachar.

Fig-6.3



In 1994, the 73rd Constitutional Amendment Act 1992, established the Panchayati Raj Institution as a major initiative to strengthen Indian democracy at grass roots levels. People participate in government activities at the local level. Therefore, the study of local self-government is important for understanding the political perception of citizens at the grassroots level. The Gram Panchayat or village Panchayat elections in Dhubri and South Salmara-Mankachar districts are instructive for understanding the impact of migration on micro-level politics. Unlike assembly or parliamentary elections, where broader parties (National and Regional political parties) narratives dominate, panchayat elections are influenced by demographic realities, kinship networks, and community solidarities at the grassroots level.

Since 2013, panchayat elections in these districts have also projected the numerical strength of the immigrant-origin Muslim population, especially in the char (river) areas. This demographic power is reflected in the panchayat leadership, which is almost exclusively reserved for candidates of immigrant origin, who usually contest elections as Congress or, after 2005, AIUDF candidates. For instance, in most panchayats of Mankachar subdivision (South Salmara-Mankachar district), 70-80 per cent of the elected representatives are first-generation immigrant politicians, who are establishing political dominance at the lowest administrative levels. This consolidation has two important implications: (1) Migrant-controlled panchayats have a lot of influence on rural development schemes like MGNREGA, PMAY, and PDS distribution. Discriminatory allocation of funds is a common complaint from indigenous peoples, who claim that benefits often accrue more to immigrant settlements. (2) Domination of Panchayat-level politics creates an electoral opportunity for higher politics (National and State level). Several AIUDF leaders from Dhubri and South Salmara-Mankachar district started their political careers as “panchayat savok” or representatives, building networks from the grassroots level to consolidate loyalty among migrant voters.

However, resistance has been seen in areas where the indigenous Koch-Rajbangshi, Bodo, Ravara, and Assamese Hindus are present in significant numbers. In some of these areas, the BJP and regional parties have supported native Assamese independent candidates to counter the challenge of Muslim immigrants. Although their success rate is extremely low or negligible, these elections serve as further evidence of polarized voting even at the grassroots level.

Table-6.4

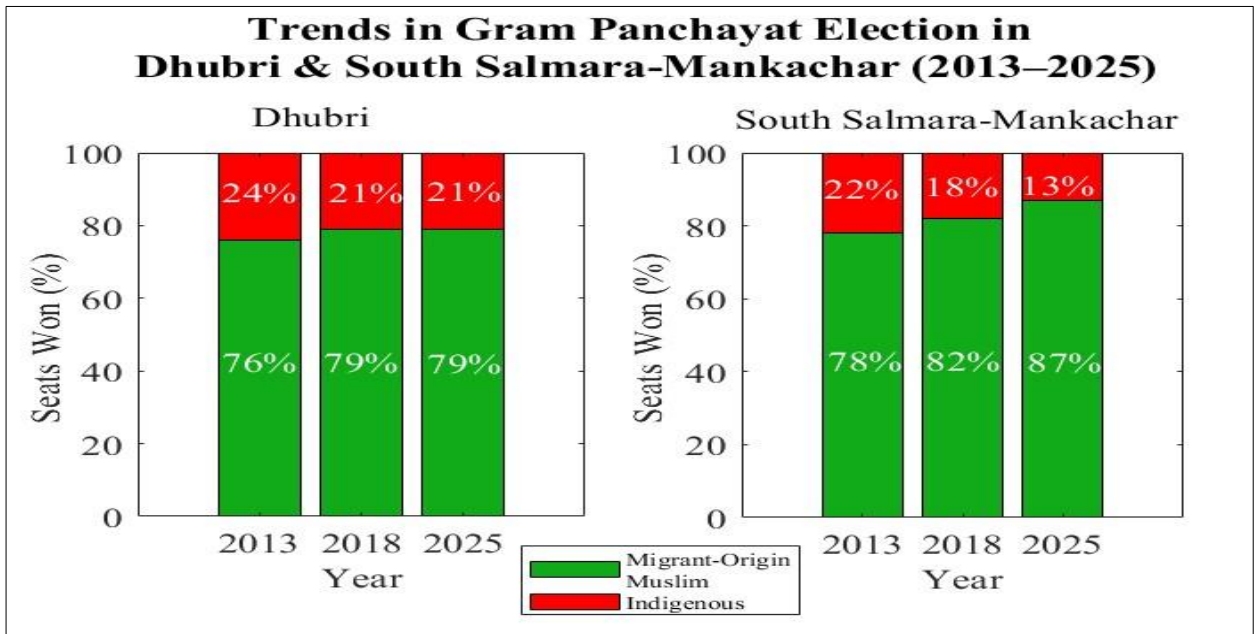
Gram Panchayat Election in Dhubri and South Salmara-Mankachar from 2013 to 2025

| Year | Dhubri | | | | South Salmara-Mankachar | | | |
|------|-------------|---|-----------------------------|---|-------------------------|---|-----------------------------|---|
| | Total Seats | Seats Won by Migrant-Origin Muslim Candidates (%) | Seats Won by Indigenous (%) | Major Party Affiliation of Migrant-Origin Winners | Total Seats | Seats Won by Migrant-Origin Muslim Candidates (%) | Seats Won by Indigenous (%) | Major Party Affiliation of Migrant-Origin Winners |
| 2013 | 1285 | 76 | 24 | AIUDF & Congress | 421 | 78 | 22 | AIUDF & Congress |
| 2018 | 1283 | 79 | 21 | AIUDF (majority), Congress (minority) | 425 | 82 | 18 | AIUDF |
| 2025 | 1280 | 79 | 21 | Congress | 431 | 87 | 13 | Congress |

Source: State Election Commission, ASSAM, from 2013 to 2025.

Table 6.4 clearly shows that, in both districts, AIUDF has been strongly dominant in the panchayat elections since 2013. In the 2013 election, out of 1285 seats of gaon panchayat (wards) in Dhubri district, Migrant-origin Muslim Candidates won 977 (76 per cent), while 308 seats were won by Indigenous Candidates (Koch-Rajbongshi, Bodo, Rabha) and Assamese Hindus. In the same election in South Salmara-Mankachar, Bengali Muslim candidates won 78 per cent of the seats in the gaon panchayat (wards). In the 2013 Dhubri Panchayat election, AIUDF won 45 per cent seats, Congress 31 per cent, NDA (BJP and AGP) won 17 per cent seats, and 7 per cent other political parties. In the 2025 panchayat election, the BJP-led NAD secured an absolute majority in Zilla Parishad 301 out of 397 seats (75.82 per cent), and 1,445 out of 2188 seats (66.04 per cent) in Anchalik Parishad (APM), but in these two districts, AIUDF and Congress have emerged dominant with 10 and 5 seats out of 20 in Dhubri district Zilla Parishad and all four seats in South Salmara-Mankachar.

Fig-6.4



Therefore, the Gram Panchayat elections are evidence of the transformation of migration (Muslims) not only in electoral politics at the state and national levels but also in the routine processes of local democracy. Panchayats have increasingly become a space where demographic shifts on the ground lead to political empowerment, the practice of grassroots local governance, and the strengthening of identity-based vote banks.

6.2.2 Illegal Voter Enrolment and Identity Crisis

The number of voters in Assam increased exponentially in the latter half of the 20th century. This unusual increase in voters cannot be explained simply by natural population growth; there must be a large-scale influx of (illegal) immigrants behind it. The number of voters increased from 4,493,359 to 14,27,18,59 between 1957 to 1997. In just 40 years, the absolute number of voters has increased by 9,778,500, which was 217.62 per cent (5.58 per cent CAGR), the highest among the national average. In fact, the most abnormal increase in voter turnout was between 1996 to 1997, with 13.49 per cent (16,96,005 voters) just in one year. The total number of voters in the 1996 Assam general elections was 1,25,75,854, which increased to 1,42,71,859 the following year (see Table 6.5). At a conference held in Guwahati on 24-26 September 1978, the Chief Election Commissioner (CEC) of India noted the unnatural increase in voter turnout in Assam and said that the possible reason for this was the presence of foreigners in the state (Mahanta, 1986).

Table -6.5

The number of electors increased from 1957 to 1997 in Assam

| Year | Total electors | Increase (in absolute number) | Increase with duration (%) | Total increase (%) |
|-------------|-----------------------|--|---|-------------------------------|
| 1957 | 4493359 | - | - | - |
| 1962 | 4942816 | 449457 | 10.00 (5 years) | 10 |
| 1966 | 5585056 | 642240 | 12.99 (4 years) | 24.30 |
| 1971 | 6296198 | 711142 | 12.74 (5 years) | 40.12 |
| 1977 | 7229543 | 933345 | 10.82 (6 years) | 60.89 |
| 1979 | 8537497 | 1307954 | 18.10 (2 years) | 90.00 |
| 1990 | 11202552 | 2665055 | 31.22 (11 years) | 149.31 |
| 1996 | 12575854 | 1373302 | 10.92 (6 years) | 179.88 |
| 1997 | 14271859 | 1696005 | 13.49 (1 year) | 217.62 |

Source: The Election Commission of India, Election Department, Guwahati, Assam.

Fig-6.5

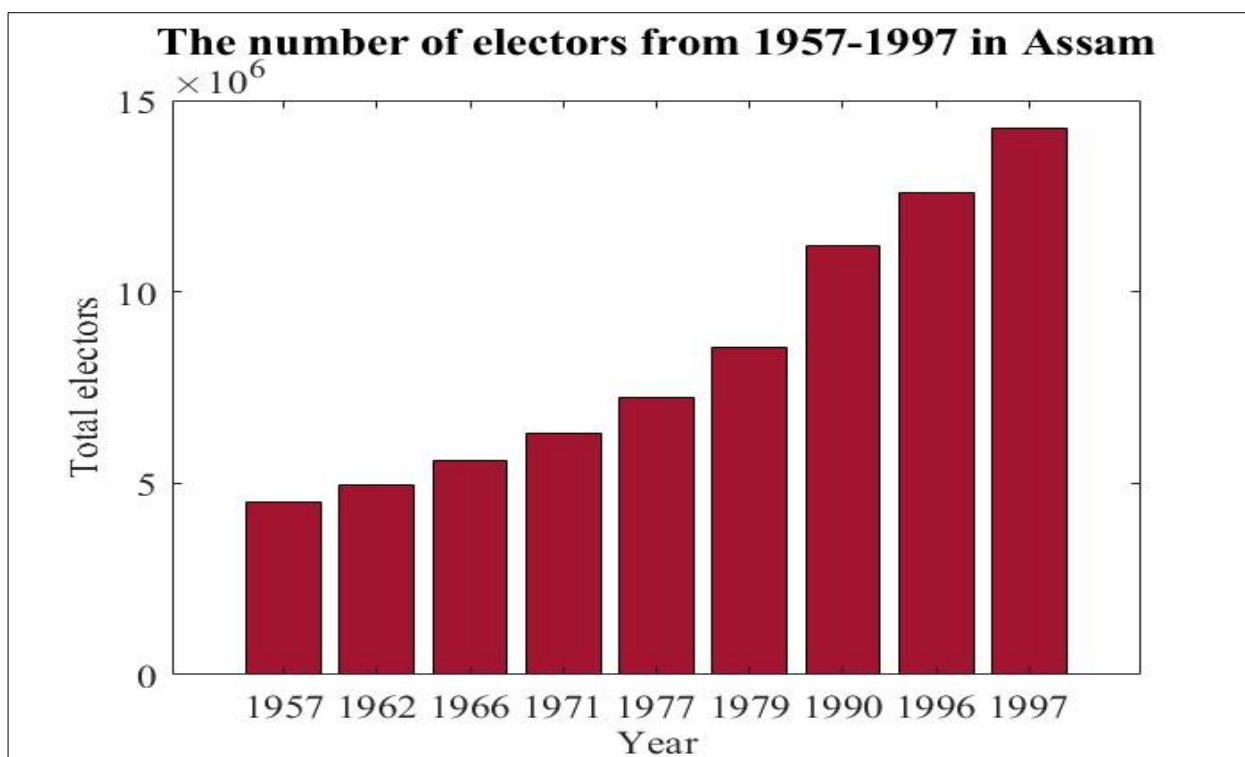
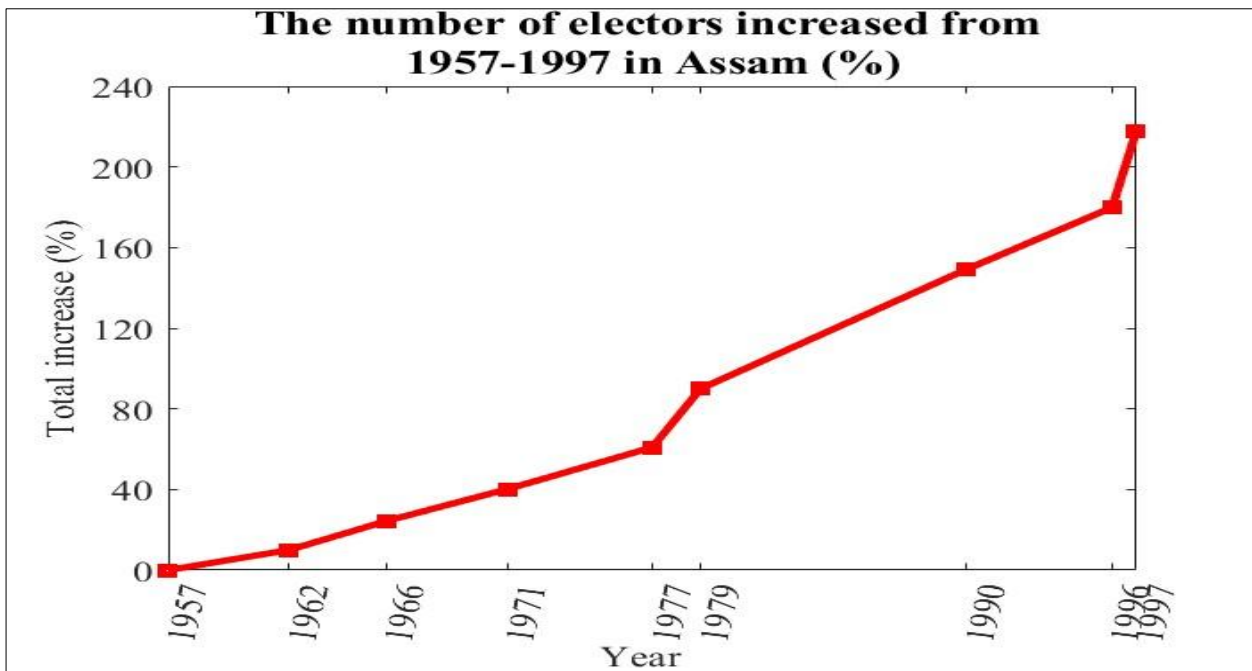


Fig-6.6



This scenario is more concerning in Dhubri and South Salmara-Mankachar districts in western Assam. These two districts share the highest population growth in the state average as well as the country (see chapter 5). The number of voters has increased from 11,49,939 to 26,60,827 between the 2004 to 2024 Lok Sabha elections. Last 20 years, the absolute number of voters has increased by 15,10,888, which was 131.39 per cent (6.92 per cent CAGR), the highest among the state and national averages (see Table 6.6). This abnormal increase in electors cannot be explained simply by natural population growth; there must be a large-scale influx of (illegal) immigrants behind it. The picture is more or less the same in South Salmara-Mankachar.

Table - 6.6

Electors increased in General Elections in Dhubri Parliamentary Constituency (1999-2024)

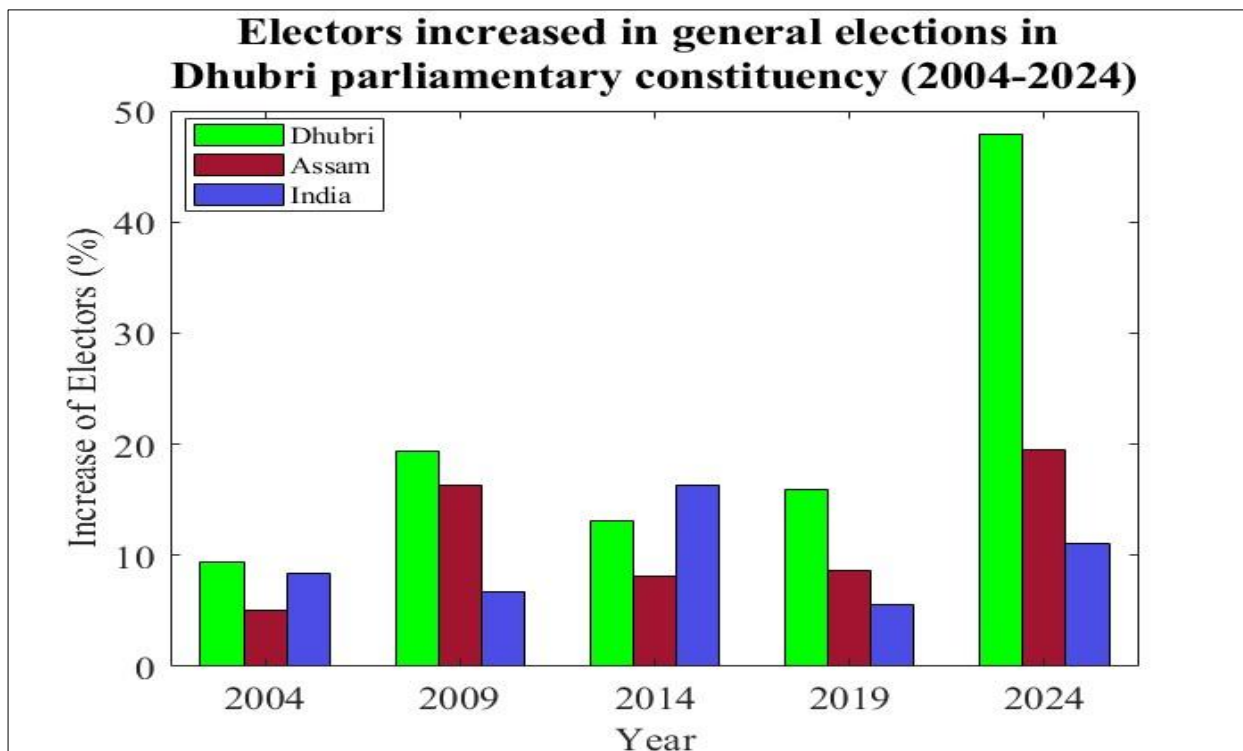
| Year | Dhubri | | Assam | | India | |
|------|----------------|--------------|----------------|--------------|----------------|--------------|
| | Total electors | Increase (%) | Total electors | Increase (%) | Total electors | Increase (%) |
| 1999 | 10,50,547 | - | 1,42,90,673 | - | 61,95,36,847 | - |
| 2004 | 11,49,939 | 9.46 | 1,50,14,874 | 5.06 | 67,14,87,930 | 8.38 |

| | | | | | | |
|-------------|-----------|-------|-------------|-------|--------------|-------|
| 2009 | 13,71,949 | 19.31 | 1,74,70,329 | 16.34 | 71,69,85,104 | 6.77 |
| 2014 | 15,52,554 | 13.17 | 1,88,85,274 | 8.10 | 83,41,01,479 | 16.33 |
| 2019 | 17,99,561 | 15.91 | 2,05,06,994 | 8.58 | 88,05,32,803 | 5.57 |
| 2024 | 26,60,827 | 47.86 | 2,45,06,236 | 19.50 | 97,76,57,252 | 11.03 |

Source: The Election Commission of India. (Accessed on 24.03.2025)

The Dhubri parliamentary constituency (which consists of Dhubri and South Salmara districts) has seen the highest increase in the number of voters in the state and the country. In the last twenty-five years (1999-2024), the number of electors has increased by 153.28 per cent compared to 71.48 per cent in the state and 57.79 per cent in India. The voter turnout in Dhubri has risen by more than double the state’s voter turnout rate over the same period. The Election Commission of India cannot make any conclusion about this high rate of voter growth.

Fig-6.7



The All Assam Students Union (AASU) has protested against this abnormal growth of voters in these two districts. The ASSU Secretary General has criticised all active political parties in these districts for using illegal immigrants as their vote banks. However, the ‘Minority Front’

argues that the percentage of increase is higher because many minority communities that were excluded from the previous electoral rolls' revision have been included in the current lists (Asomiya Pratidin, January 16, 1998).

6.2.3 Migration and Citizenship Debates:

Migration in Assam is certainly a demographic and political issue, but it is also at the heart of the debate over citizenship. Dhubri and South Salmara-Mankachar districts, due to their geographical proximity to the international border with Bangladesh and the presence of a large (illegal) migrant-source population, have become the focus of debates on issues of property, legality, political rights, etc. The Assam Accord (1985) addressed the long-standing fears of the indigenous community by setting a deadline of March 25, 1971, for the identification and deportation of illegal immigrants. However, the documentation challenge has become more acute in districts like Dhubri and South Salmara-Mankachar. In Assam, most of the people who live in rural areas do not have birth certificates, land deeds, or school living certificates. This administrative fault has left many indigenous populations at risk of exclusion (D-Voter), while migrant groups have been able to exploit these loopholes to claim Indian citizenship.

6.2.3.1 Sarbananda Sonowal Judgment and the IMDT Act 1983 Debate

In 2005, the Supreme Court of India, in *Sarbananda Sonowal vs. Union of India*, had invalidated the Illegal Migrants (Determination by Tribunal) Act or IMDT Act 1983, because it proved ineffective in combating illegal migration from Bangladesh. This judgment had wide ramifications for the people of Dhubri and South Salmara-Mankachar, as both districts were the worst affected by the impact of unchecked illegal infiltration. Following the judgment, Foreigners Tribunals under the Foreigners Act, 1946, emerged as the primary mechanism for identifying and deporting illegal migrants. Local indigenous respondents in field interviews viewed this decision as a watershed moment that strengthened calls for tighter border controls. However, in practice, implementation of the judgment was delayed, and many suspected immigrants continued to live in these districts under suspicion, leading to a breakdown of trust within the local community.

6.2.3.2 NRC and Its Impact

The National Register of Citizens (NRC) update in Assam began in 2005 after the Supreme Court judgment on *Sarbananda Sonowal v. Union of India*, which has influenced the political and security perceptions in Dhubri and South Salmara-Mankachar districts. The NRC was at the heart of the verification process due to widespread suspicions about the presence of illegal Bangladeshi Muslim immigrants in these areas located on the Indo-Bangladesh border and char lands. The NRC update aims to identify illegal immigrants who entered Assam after March 24, 1971, and deport them to their countries of origin. It also attempts to verify whether these names sought in the NRC application are genuine Assamese citizens or not. For an applicant to be considered for identification, the names of the applicant's family members must be in the 1951 NRC list, or the applicant's name must be in the electoral roll used in the election process up to 1971.

On 31st August 2019, the Assam government finally enforced the Supreme Court order and published the final NRC list, excluding over 19 lakh individuals across Assam, with a significantly higher percentage of exclusions from border districts like Dhubri and South Salmara-Mankachar. Field interviews during 2023-24 indicate that the whole families were subject to split verdicts (when some family members are included and others excluded), which resulted in deep psychological agonies over identity and the fear of statelessness, while they also had to engage in prolonged legal battles in the Foreigners Tribunals.

The NRC update had a two-fold political impact such as it consolidated ethnic Assamese political narratives about protecting the rights of indigenous people, which is often mobilized by political parties like the BJP, and presented the NRC as a safeguard against demographic imbalances. On the other side, minority-based parties like the AIUDF have used the exclusion crisis to strengthen their hegemony over Bengali Muslims by portraying the NRC as a form of discrimination and disenfranchisement. The NRC process had negative security implications in terms of addressing both administrative and humanitarian challenges. Security forces were deployed to avoid any clashes with the locals during the verification drives, and surveillance was strengthened at the border checkpoints. Local people are afraid of harassment, arrest, and being sent to detention centers, and they feel unsafe.

6.2.3.3 The Citizenship Amendment Act, 2019 (CAA) and Its Impact

In 2019, the Indian parliament amended the Citizenship Act of 1955 and passed the ‘Citizenship (Amendment) Act’ or CAA 2019, to grant citizenship to refugees fleeing from neighbouring Islamic countries, including Pakistan, Afghanistan, and Bangladesh. Under the CAA 2019, the government is granting citizenship status to ‘six non-Muslim minority communities’, namely Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians (CNN, 17 December 2019). Muslim people and their organizations protested against the CAA of 2019, as it would destroy the idea of secularism in India. Even academics, political leaders, social activists, prominent Indian personalities, and people from different parts of the world criticised the law. According to CNN journalist Helen Regan, “The government, ruled by the Hindu nationalist Bharatiya Janata Party (BJP), said the bill seeks to protect religious minorities who fled persecution in their home countries” (CNN, Regan, 17 December 2019).

The picture of Assam against CAA 2019 is different from the rest of India. The Assamese Indigenous protested the Citizenship Amendment Bill (CAB) as it had declared 2014 as the cutoff date for the citizenship status of non-Muslim (illegal) immigrants, which was against the 1985 Assam Accord. They fear that the CAA will push millions of illegal Bengali Hindus from Bangladesh towards legal citizenship status, which will transform their communities, burden resources, and threaten their language, culture, and heritage (The Economic Times, 17 December 2019). On December 26, 2019, thousands of Muslim students from the All Assam Minority Students’ Union (AAMSU) and the Muslim Students Union of Assam (MSUA) protested at Dhubri town and Gouripur National Highway. Protesters destroyed government property, burned police vans and cabs, and displayed placards in front of the district collector’s office in Dhubri town.¹⁴⁴ The Assam government imposed CrPC Section 144 in Dhubri town and South Salmara, arrested 247 people, and sent them to jail.

¹⁴⁴ The Assam Tribune, <https://assamtribune.com/anti-cao-stir-intensifies-in-dhubri-district> (Accessed on 24.06.2023)

Pic-1



People are protesting in Dhubri town of Dhubri district, Assam. **Source:** <https://scroll.in/>

To understand public perceptions about the Citizenship (Amendment) Act 2019, we conducted a field survey interview in six border villages and town wards of Dhubri and South Salmara-Mankachar districts (210 responses from each district) during March-July 2024.

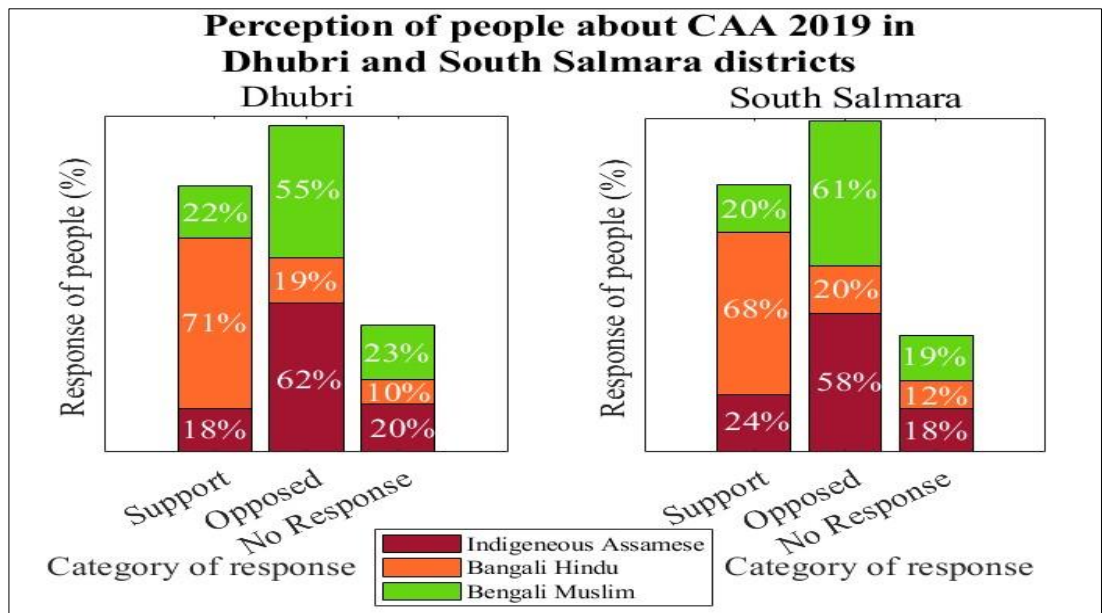
Table -6.7

People's perception about CAA 2019 in Dhubri and South Salmara-Mankachar districts

| Category of response | Dhubri (210) | | | South Salmara-Mankachar (210) | | |
|--------------------------------|-------------------------|-------------------|--------------------|-------------------------------|-------------------|--------------------|
| | Indigenous Assamese (%) | Bangali Hindu (%) | Bangali Muslim (%) | Indigenous Assamese (%) | Bangali Hindu (%) | Bangali Muslim (%) |
| Support | 18 | 71 | 22 | 24 | 68 | 20 |
| Opposed | 62 | 19 | 55 | 58 | 20 | 61 |
| Indifferent/no response | 20 | 10 | 23 | 18 | 12 | 19 |

Source: field survey 2024.

Fig-6.8



The above results show that 62 per cent of Indigenous Assamese respondents in the Dhubri district were opposed to CAA 2019, fearing population pressure and the decline of Assamese identity. In comparison, 71 per cent of Bangali Hindu respondents supported the law as a safeguard against statelessness. In South Salmara-Mankachar, a predominantly Bangali Muslim immigrant area, 61 per cent of Bangali Muslim respondents opposed the CAA 2019, a higher percentage than in both districts, due to fears of increased Hindu solidarity, although the Bangali Hindu minority expressed strong support (68 per cent). From the evidence, it is clear that the CAA debate has intensified communal and identity-based polarisation, creating political divisions based on ethno-religious affiliations in Assam.

6.3 Security Implications:

Illegal Migration and the question of security are interrelated. Illegal migration is always a threat to the human security of the host country. The migrants put pressure on the demography, socio-economic, and natural resources of the country. Even without checking, cross-border inflation and increased criminality happened simultaneously, such as terrorism, smuggling, human trafficking, illegal trade of arms and drugs, fake currency, and so on. Therefore, every country strictly controls them (illegal immigrants) at the border entry points. Every country makes strict laws, regulations, and policies to combat illegal immigrants. In fact, Myron Weiner was perhaps

the earliest scholar to emphasize the security aspect of immigration. He discussed the security model known as 'security stability'. To him, security is a socially constructed phenomenon. According to Weiner, "migration is something that creates instability and is seen as a threat to the security of a country or its people."¹⁴⁵ He mentions five types of situations in which migration (illegal) is considered as a threat to the receiving state, such as the threat of overthrow of the government of the country of origin; political threats or security risks to the host country; cultural threats; socio-economic burdens to the host country; and host country using migrant as a weapon to threaten country of origin (Weiner, 1990: 14-15)

India, specifically Assam, is highly affected by undocumented immigrants from its neighbouring countries. After partition, millions of Hindu refugees entered Assam due to fear of mass genocide by the Pakistani government in East Pakistan (now Bangladesh). But after the independence of Bangladesh, Muslim migrants entered Assam for economic reasons. Assam was already suffering from high unemployment; moreover, this excess population (both legal and illegal) posed a significant challenge to the governance of the state. Therefore, cross-border migration between India and Bangladesh has never been just a demographic phenomenon; it has serious implications for national security, law and order, and border management. Dhubri and South Salmara-Mankachar are the most vulnerable border districts in Assam. The security threats are inextricably linked to socio-political insecurity, making the region a frontier of opportunity for migrants and a risk zone for the Indian state.

Dhubri and South Salmara-Mankachar districts of Western Assam share a 141.9 km (102.6 km and 39.3 km) border with Bangladesh. Geographically, Dhubri and South Salmara-Mankachar have riverine borders with char (sandbar) areas, which are highly susceptible to cross-border infiltration. Unlike land borders, fencing and surveillance at the Brahmaputra and its tributaries are very difficult. During field survey interviews, the security officials repeatedly expressed concern about illegal immigration, cattle smuggling, and infiltration across the border. On July 17, 2024, police arrested a group of 23 (4 minor children, 6 women, and 13 men) illegal immigrants from Kathalbari Gram Panchayat of Mankachar Block in South Salmara-Mankachar district (Asomiya Pratidin, 19 July 2024). Local respondents mentioned that Border Security Force (BSF) offices are involved in illegal infiltration. Survey data from 210 respondents in each district confirms these vulnerabilities at the border.

¹⁴⁵ Myron Weiner, (1990). Security, "Stability and International Migration," Massachusetts: Centre for International Studies Massachusetts Institute of Technology. <https://www.files.ethz.ch/isn/Security>

Table-6.8

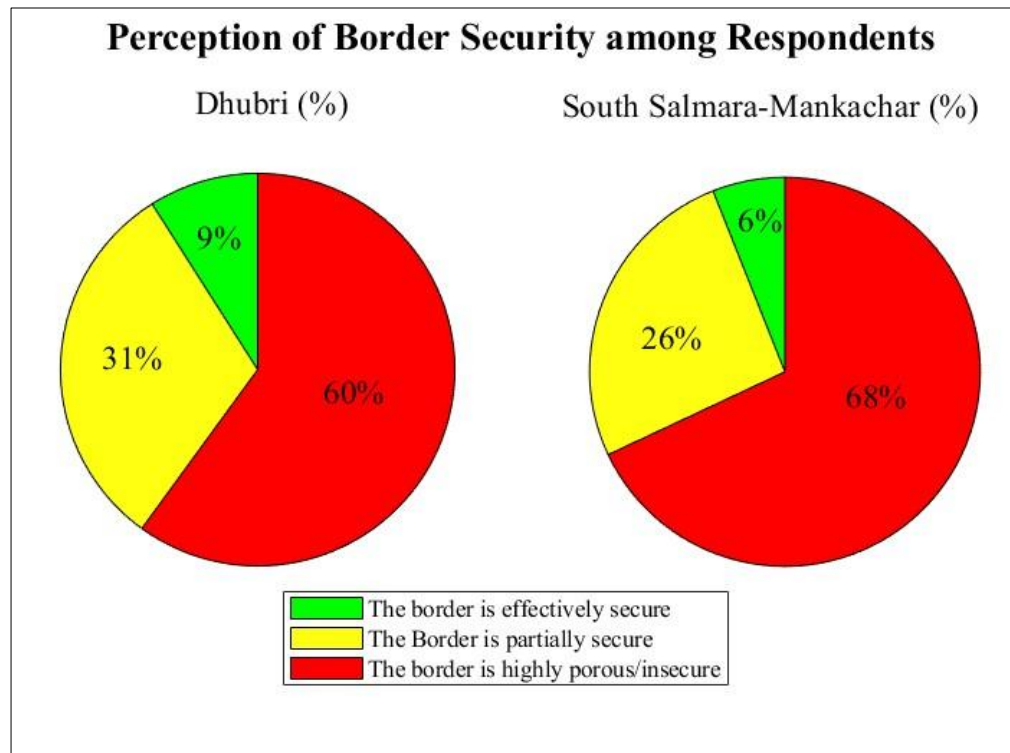
Perception of Border Security among Respondents

| Perception of Border Security | Dhubri (%) | South Salmara-Mankachar (%) | Total (%) |
|--------------------------------------|-------------------|------------------------------------|------------------|
| The border is effectively secure | 18 (9%) | 12 (6%) | 30 (7%) |
| The Border is partially secure | 65 (31%) | 54 (26%) | 119 (28%) |
| The border is highly porous/insecure | 127 (60%) | 144 (68%) | 271 (65%) |

Source: field survey 2024

The above data table 6.8 reveals that six out of ten respondents feel that the border is very insecure, which raises doubts about the fencing, BSF patrolling, and surveillance. This sense of vulnerability created a narrative of the demographic invasion, which ultimately fuels identity-based anxieties. The residents of Char claim that they cannot differentiate between ‘locals’ and ‘newcomers’ because their language and cultural characteristics are similar.

Fig-6.9



Migration had an indirect impact on the communal harmony of Assamese society. In 1992, communal violence broke out in Nagaon and Dhubri districts after the demolition of the Babri Masjid in Ayodhya, Uttar Pradesh, on December 6, 1992. The day after, AAMSU called for a

'*bandh*' in Assam. A group of AAMSU volunteers attempted to enforce the shutdown in Dhubri town. On the night of December 7, some serious violence or crimes were also committed in Hojai, such as the demolition of several temples, including a Kali temple, damage to temple idols and property, attacks on priests, and setting fire to houses belonging to the Hindu community, etc. On the midnight of December 8, around 100 armed miscreants attacked the Palpara Kali Temple and set it on fire. That day, Hindus kidnapped and killed a student named Akhrus Jamal in Mistripara, Dhubri. On December 9, Muslim immigrants burned down a Hindu temple in southern Salmara. Three more temples were set on fire in Dhubri town and two in Bhutiadanga. On the same day, an agitated crowd set fire to a police vehicle at Gouripur in Dhubri district. In this communal violence, more than 90 people lost their lives, around 1100 households were victimised, 23 mandirs and a mosque were demolished, and 47 were partially affected. The government appointed an inquiry commission under the chairmanship of Justice D Pathak. The Commission submitted its report in 1995, but it was published for the common people in 2000. The commission has mentioned in his report that the communal riots in Dhubri were not because of the Babri Mosque demolition incident, but competition on land encroachment between Hindus and Muslim migrants, and the systematic wiping out of the indigenous Assamese population from these areas (Barua, 2014: 62).

Pic-2

Muslims set fire to a Hindu's house



Picture source: BBC, 10 December 1992 at Dhubri, Assam (Accessed on 24.08.2024)

In July 2012, another communal riot escalated between Bodo and Bangali Muslims at Kokrajhar and Dhubri districts. During this violence, more than 108 people lost their lives, and 4.5 lakhs people were displaced from 500 villages and took shelter in relief camps (The Times of India, 4 December 2014). Sansuma Khunggur Bwiswmuthiary, the MP at Kokrajhar, mentioned in the parliamentary session of the Lok Sabha that illegal Muslim immigrants were the main culprits for the violence. Assam Chief Minister Tarun Gogoi has imposed 'curfew' in Dhubri town and ordered the army to 'shoot at the sight' (The Times of India, 28 July 2012)

On 7 June 2025, a piece of cow meat was found in a Hanuman temple at Dhubri town after the day of Eid al-Adha. On June 13, the Chief Minister, Himanta Biswa Sarma visited the place and said, "A communal group is active in Dhubri to disturb peace and harmony. I have issued shoot-at-sight orders at night. If someone throws stones at any one or any property and police have doubts about their actions, they will shoot" (Hindustan Times, 13 June 2025). In this incident, the police have arrested a suspect named Ramzan Ali Sheikh and claimed that the suspect has links to the Bangladeshi terrorist organization 'Jamaat Mujahideen Bangladesh' (JMB).

Thus, illegal migration and an increase in social crime are interrelated, which is shown in these border districts. The life of indigenous and native Assamese, especially Hindus, continues to be threatened in these districts. As a result, they are relocated to the upper and middle Assam. The Bangladeshi and Pakistani terror organizations are active in this region.

Chapter-7

Summary and Conclusion

7.1 Findings:

Migration is a widespread phenomenon worldwide. The process of human migration is as old as human civilization itself. According to the IOM, 3.6 per cent of the world's population are migrants, either internally or internationally (2024). Generally, it is human nature to prefer staying in one's homeland with family and peer groups. If living conditions are satisfactory, people usually do not leave their own country. Unfortunately, various 'push-pull' factors influence an individual's decision to migrate. Throughout history, people have migrated from their areas of residence in search of economic opportunities, better lifestyles, employment, quality education, healthcare, and a secure political environment. Conversely, sometimes they are forced to leave their homeland due to war, ethnic conflict, political violence, or environmental disasters. It has been observed that illegal immigration has caused both quantitative and qualitative changes in the socio-economic and demographic makeup of the destination countries. Although migration has historically contributed to economic growth, it has also led to significant negative effects that outweigh the benefits, such as increased pressure on land, population density, job markets, and natural resources. In the modern era of advanced science and technology, anyone can easily forge passports and other identity documents. Interestingly, illegal migrants are not necessarily without documents; in fact, they often possess more documents than legitimate citizens. Illegal immigrants pose threats to national security, including terrorist activities, human trafficking, drug and narcotics smuggling, arms smuggling, the flow of counterfeit currency, and illicit trades. As a result, most developed countries implement various effective measures and initiatives to control and combat illegal or undocumented immigrants at entry points or borders.

India is one of the fastest-growing economies in the world and in Asia. In 2025, India reached a significant milestone as the fourth-largest economy with a GDP of 4 trillion US dollars. As a result, people from neighboring countries are motivated to migrate to India. Sometimes, they (immigrants) resort to illegal means to enter the country. These illegal immigrants are not only changing demographic patterns but also pose security threats to the nation and its citizens. Assam is one of the important border states in India, is most affected by both legal and illegal immigrants, mainly from Bangladesh. In this research work, we analyze the socio-economic and political

impacts of illegal migration in Dhubri and South Salmara-Mankachar districts of Assam from 2005 to 2024 across six chapters. In this section, we summarize all the findings and recommend major policies and initiatives to control illegal and undocumented immigrants and to protect Assamese rights as well as national security.

The first chapter is essentially an introductory part of the thesis. In this chapter, we begin with a discussion of the current global problem of illegal immigration. In India, illegal migration is a threat to national security as well as a violation of indigenous people's rights. After the partition of India in 1947 and the Bangladesh liberation movement in 1971, a steady flow of (illegal) Bangladeshi immigrants into the northeastern and eastern states of India, namely West Bengal, Assam, Tripura, Meghalaya, etc. The picture of Assam is more problematic than other Indian states. The state of Assam's unabated influx of illegal migrants from Bangladesh has not only changed the demographic structures of the state but has also affected the social, cultural, economic, and political spheres negatively. These Bangali immigrants (both Hindus and Muslims), to ensure a prolonged stay in the mentioned State, marry local girls from indigenous communities, thereby diluting their cultural heritage. Apart from this, criminal activities have increased manyfold, not to mention overcrowding, environmental pollution, and the sprouting of slums in the area. In this section researcher discussed the statement of the problem, review of existing knowledge, research objectives, research questions, scope and limitations of the study, methodology, and data collection to study various parameters of illegal migration from neighbouring countries in Dhubri and South Salmara-Mankachar districts of Assam.

Chapter two discusses the main concepts and theories related to migration that are relevant to the present study. We have critically analyzed the various concepts related to migration, such as emigration, immigration, internal migration, and external or forced migration; displacement, causes of migration; types of migration; refugees; and human trafficking etc. For this study, we also analyzed various leading theories on migration, like Ravenstein's Law of Migration, Stouffer's Intervening Opportunity Model, Lee's Push-Pull theory, Network theory, Neoclassical Economic theory, and Dual Market or Segmented Labour Market. The diverse and multifaceted phenomenon of international migration cannot be explained solely by a model that rests on a particular level of analysis at a specific point in time. Todaro, highlighting the paradox of migration, views that people move in search of a better life or a higher standard of living through a good job, as well as an adequate level of income. Thus, people might be enduring short-term

difficulties in the process of achieving better prospects for economic growth and improved welfare in the longer term (Todaro, 1969).

Lee, in his 'Push-Pull theory has conceptualized the factors that influence an individual's decision to migrate or not. The process of migration was dependent on individual calculations, which were based on positive factors at the destination or where they wanted to go, as well as negative factors associated with the area of origin.

From a network theoretical perspective, we can understand Bangladeshi migrants in Assam. Bengali Muslim migrants have entered the Dhubri and South Salmara-Mankachar border districts of western Assam because their family members live in these areas. Additionally, both districts are mainly populated by Bangladeshi Muslims, and new immigrants (legal or illegal) from Bangladesh tend to migrate to this region. Their family members and relatives assist them in preparing all necessary documents, most of which are fake, for citizenship. If an individual enters Assam illegally from Bangladesh, it becomes difficult to identify and detect them due to the shared language, culture, and facial features with the Assamese. Even if an immigrant faces legal issues after migrating, they contact their family members and community-based organizations for help in resolving those problems. Therefore, network theory is crucial for understanding illegal immigrants in Dhubri and South Salmara-Mankachar, Assam.

The equilibrium approach is significant for analyzing international migration between countries that have a similar nature of socio-cultural and economic conditions. In the case of migration from Bangladesh to Assam, it is essentially true that this movement has been driven by the unequal distribution of cultivated land, workforce, capital, and natural resources in Bangladesh, which has resulted in the exodus of people from that country to India. This theory also assumes that international migration occurs in a country that is culturally homogeneous in nature. In this regard, Bangladeshis (both Hindus and Muslims) always prefer to migrate to Assam due to its cultural and ethnic homogeneity is rooted in the long footprint of history.

The Neoclassical theory suggests that migration is driven by factors such as supply and demand for labour, as well as wage differences. From this perspective, migration is a 'cost-benefit analysis' in which people aim to maximize their income by moving to areas with better earning potential. During the colonial period, the demand for labour to cultivate tea and other economically intensive crops on available land in Assam significantly influenced population movement. The

Britishers recruited daily wage labourers from Bangladesh and Central India through labour import policies. Migrants were offered lands and higher wages to encourage them to permanently settle in Assam.

The theoretical assumption of ‘macroeconomics of migration’ is also partially applicable in this research; economic deprivation is the main driving force behind migration from Bangladesh to Assam. According to Professor Nandy (2005), in many cases, their living conditions and employment patterns in Assam indicate that their “basic need is to fill their stomachs”. According to the ‘dual labour market or segmented labor market theory’ of migration, instead of increasing labour demand in India, individuals are escaping from Bangladesh due to poverty, hunger, high population density, unemployment, criminal activity against humanity, political and religious oppression, governmental indifference, and a bleak future in Bangladesh. The result of the segmented labour market theory is the establishment of “immigrant enclaves,” or “growing enclave economy,” that creates opportunities for new immigrants (Massey, 1999: 306). This is a common phenomenon in Assam and other northeast states in India.

Chapter Three discussed the trends and patterns of migration in Assam from the pre-colonial era to the contemporary period. The historical trends of migration in Assam are a long and complex movement influenced by geographical, political, economic, and socio-cultural factors. From early tribal movements and the medieval entry of the Ahoms, to massive migrations during the colonial period and the inflow of refugee populations from Pakistan and East Pakistan (Bangladesh) after partition, Assam has been repeatedly ‘invaded’ by multiple waves of migrants.

British policies during the colonial era encouraged large-scale migration to Assam, especially by Adivasi laborers to the tea gardens from Central Indian and Muslim peasants from East Bengal, leading to fundamental changes in the state’s demographics. Moreover, these colonial immigrants (economic immigrants) put pressure on the lifestyle and social structure of the indigenous and Assamese people. After the partition of 1947, Assam immediately faced widespread violence and displacement by millions of refugees from East Pakistan. These outbreaks exacerbate concerns about identity, land, and political representation. Ultimately, the demographic changes turned into the Assam Movement (1979-1985) that subsequently produced the Assam Accord, a controversial attempt to address the problem of illegal immigration by setting a deadline for citizenship of March 24, 1971. However, despite such legal and political interventions, the immigration problem remains. Attempts like the National Register of Citizens (NRC) and the

Citizenship Amendment Act (CAA) 2019 have triggered new debates on identity, legality, and secularism. While the NRC seeks to identify infiltrators, the CAA frames citizenship from a religious perspective, which creates fears among the citizens of losing cultural identity and autonomy. Overall, the historical trends and patterns of migration in Assam point to the need for a sensitive, balanced, and inclusive migration policy, which recognizes Assam's pluralistic heritage and protects its indigenous communities and democratic values. Therefore, understanding this history is crucial for establishing just and effective governance in the region.

Chapter Four discussed the primary laws, regulations, and policies of India that regulate migration (both legal and illegal). The United Nations has passed several guidelines and policies to address migration, refugees, asylum seekers, displacement, both forced and natural. In the 1951 Refugee Convention, the UN defined who the refugees are and their rights. India is not a signatory to the 1951 UN Refugee Convention. The UN advised host countries to follow the guidelines and not forcefully return to their country of origin, where they face serious life threats. The Western developed countries have strict laws on the issues of illegal or irregular migration. The American Trump government clear policy to identify and deport illegal immigrants from the country.

India is a fast-growing economic country not only in Asia but also in the world. Therefore, the motivation of the people from the neighbouring countries to come to India and settle. From the colonial period, people migrated from Burma (Myanmar), Tibet, East Bengal (Bangladesh), Nepal, and so on. This migration process continues after independence. In fact, the migration movement reached high during the Bangladesh liberation movement in 1971, specifically in Indian border states such as Assam, West Bengal, and Tripura. The Government of India declared that those who entered India on and after 25 March 1971 are illegal immigrants. The illegal immigrants not only change demographic structures but also threat to the security of the country. Therefore, to effectively control illegal immigrants, the Indian government enacted several Acts such as the Foreigners Act 1946, the Citizenship Act 1955, the Passport (Entry into India) Act 1920, the Immigrants (Expulsion from Assam) Act 1950, the Illegal Migrants (Determination by Tribunals) Act 1983, the Foreigners (Tribunals) Order 1964 and Amendment Order 2019, Citizenship Amendment Act 2019 (CAA). But the problem is that the nature of migration in India, specifically in Assam, is different than the world. Bangladeshi Hindus illegally migrated to Assam due to religious persecution (See Chapter 3). In 2005, the Supreme Court Struck down the IMDT Act 1983 as unconstitutional because it was largely ineffective in detecting and deporting illegal immigrants, particularly in Assam. Thus, any individuals suspected as an illegal migrant should be

decided under the Foreigners Act 1946 and the Foreigners (Tribunals) Order 1964. But there is no legal framework or mechanism to address the problem of children born in India, whose parents entered illegally. Under the Foreigners Act, those children are considered illegal immigrants and all punishments imposed on them as illegal immigrants.

Chapter Five analyzed the socio-economic consequences of migration (illegal) in Dhubri and South Salmara-Mankachar districts of lower Assam. The influx of Migration (illegal and legal) from Bangladesh to the border districts in Assam state has both quantitative and qualitative changes in the demographic, socio-cultural, and economic structure. The land-to-people ratio has declined, and the per capita availability of cultivable land has also been decreasing faster than in other parts of the state. Land encroachment by migrants in tribal areas and blocks, public wastelands, and forest areas has created social and environmental problems. The illegal flow of Bangladeshi immigrants has changed the demographic structure of the Dhubri and Salmara-Mankachar districts. Due to the porous nature of the India-Bangladesh border, Bangladeshis are illegally entering the border villages of these districts. Therefore, the number of people in these villages has changed in a short period of time, and the indigenous-Assamese people became a minority section in the villages as well as in the district. This change has also affected the ethnic composition, religious patterns, linguistic characteristics, and population density, and urban-rural distribution patterns of both districts. The population growth rate and density in both districts had been significantly higher than the state as well as national averages. Such an unnatural population growth has often been shown as indirect evidence of the trans-border infiltration.

Muslim population growth in both districts was higher than the state as well as country averages. The growth of the Muslim population is a major threat to other religions, mainly Assamese Hindus. According to the Dhubri Municipality Development Board, ten new mosques were constructed between 2015 to 2020 in Dhubri Municipality, but in the same period, only one Hindu temple and one Guru Dawar were reconstructed.

The percentage of the population of indigenous communities, such as Assamese-speaking Hindus, Koch-Rajbangshis, and Bodos, has also declined relatively. The decline in indigenous populations is generally considered a threat to culture, political power, and social harmony. Various government records show that the number of the Muslim population has increased. Still, the number of the Scheduled Caste (SC) and Scheduled Tribe (ST) populations has decreased in both the Dhubri and South Salmara-Mankachar districts.

The huge supply of cheap labour from illegal immigrants has affected not only the rural agricultural labour market, but also the urban informal job market; however, in the long run, the formal labor market will also be affected. Therefore, unemployment and poverty are accelerating among the Assamese or local residents, which leads to social unrest and ethnic conflict.

The number of Assamese speakers has decreased, and the small linguistic communities in the region are practically extinct. This linguistic transformation did not happen in isolation but rather created existential anxiety among Assamese speakers, Koch-Rajvanshi, and other indigenous communities. The indigenous people expressed fear of linguistic isolation, that their children were not learning Assamese either at home or in school, because Bengali is the medium of instruction in schools in Dhubri and South Salmara-Mankachar districts, which threatened to erode cultural identity over time. The language of Bengali was the dominant means of communication between neighborhoods and schools, rather than their mother tongue.

Indigenous and native Assamese and newcomers (immigrants) have interacted to create complex cultural systems that reflect both assimilatory trends and zones of persistent cultural conflict. Indigenous communities began to feel threatened by the aggressive movement of a foreign culture that was apparently establishing itself in areas historically identified with Assamese heritage. In some such villages of Dhubri and South Salmara-Mankachar, with the dominance of the Bengali-speaking population, the traditional Bihu festivals lost their importance. The native folk music and dance have gradually been replaced and marginalized by the new settlers (immigrants). Even the religious practices have also seen changes, with an increasing trend of opening madrasas and religious institutions outside the Assamese cultural framework. The correlation and pattern of migration and educational backwardness. The student dropout rate is higher in the border village than in the non-border villages and towns. Even in the villages along the border of South Salmara-Mankachar, the dropout rate of students is higher compared to the Dhubri district.

The land alienation has led to widespread tension between the indigenous population and new migrant settlers. Local tribal and ethnic Assamese communities, who have historically depended on agriculture and grazing land, have found themselves increasingly displaced or even marginalized. The illegal settlement has led to high population density, which has led to a decrease in the amount of land per capita, overexploitation of agricultural land, and increased disregard for traditional land rights. The average per capita land holding has continuously decreased.

Additionally, the encroachment of river deltas (Char), grazing areas, and forest lands by migrants affects the ecosystems of Dhubri and South Salmara-Mankachar districts, influencing long-term weather patterns and climate change. A significant number of the villagers of Dhubri district reported that their family members had migrated to other districts due to pressure on agricultural land and residential areas.

The native workers will lose their jobs due to the supply of cheap labour by immigrants in general and illegal immigrants in particular, because they (immigrants) compete for lower-paying jobs compared to native workers. They are mainly engaged in semi-skilled or unskilled informal work, such as rickshaw pullers, daily wage laborers, construction workers, and domestic workers. This has resulted in skyrocketing unemployment rates among the native population, forcing them to migrate to other districts of Assam or other parts of the country, as well as abroad in search of work. The lack of job opportunities in local markets, their family members (mainly male members) migrated abroad for employment. Interestingly, four out of ten respondents from both districts mentioned that at least one member of their household is unemployed.

In Chapter Six, we discussed the impacts of migration on security dynamics and political landscapes of Dhubri and South Salmara-Mankachar districts. The cross-border migration poses a significant challenge to Indian democracy and secularism. Migration plays a crucial role in the security and political landscape in India's border states, particularly in Assam. Assam is home to millions of Bangladeshi immigrants. The influx of Bangladeshi migrants (both legal and illegal) has settled in the Dhubri and South Salmara-Mankachar border districts of western Assam. These immigrants have not only put pressure on the demographic, economic, and social sectors of these districts but also affected the security, governance, and political stability. The porous nature of the India-Bangladesh border has facilitated illegal immigration, trafficking of women and children, cattle smuggling, illegal arms trade, fake currency, and the smuggling of unauthorized goods, which directly impacts national security. Furthermore, demographic changes related to immigration have altered electoral patterns and behaviours, fuelling identity politics and communal polarization.

Migration has always been one of the key factors in shaping political solidarity, electoral behaviours, electoral outcomes, and identity-based competition in the border districts of Dhubri and South Salmara-Mankachar. Illegal migration and politics in Assam are intertwined in broader debates about citizenship status, political representation and affiliation, ethnic security, and

national identity, making these districts important locations for explaining how demographic structures shift and translate into political change.

The Dhubri and South Salmara-Mankachar are border districts in western Assam that have high concentrations of Bangali Muslim migrants. During each election, clashes between natives and migrants are observed in these border districts. Thus, migration reshaped electoral politics at Dhubri and South Salmara-Mankachar. The continuous migration and settlement of Bengali-origin migrants (mostly Muslims) over the past five decades have irreversibly changed the voter demographics of these districts, turning them into minority dominated constituencies.

The migrant voters become a determining factor in gaining political power in Assam. Both national and regional political parties have mobilised them for electoral gain. The Indian National Congress party, in particular, has been accused of historically benefiting from the inclusion of immigrant voters, which has influenced election results in border districts (Baruah, 1999). The Assamese felt politically isolated in their region due to migration pressure, which led to the Anti-foreigner movement in Assam in the early 1980s. In December 1980, the newly formed Congress government, headed by an Assamese Muslim, Anwara Taimur, in Assam, led to increased tensions between indigenous Assamese Hindus and Bengali Muslims of Bangladeshi origin. Bangali Muslims have emerged as the decisive force in determining the fate of leadership or the rule maker and rule breaker in Assam's politics. In the 2004 General election, Congress candidate Anwar Hussain won by a margin of 13.5 per cent and received 43.6 per cent (376,588 votes) of the total vote polled. The Por-migrants policy of the Congress government has brought huge success in the Lok Sabha election. The AIUDF essentially became the political representation of migrant Muslims from the Char (river) region, who felt marginalised by both the Assamese Nationalist Party (like AGP), communist political parties, and the Congress. The Bharatiya Janata Party (BJP) has pursued a counter-strategy of polarization, consolidating indigenous Hindus, ethnic Koch-Rajbongshis, and some tribal communities against migration as a threat to identity, security, and resources. The Bharatiya Janata Party (BJP) and the Rashtriya Swamsevak Sangh (RSS) are actively working to mobilise Assamese Hindus against the question of illegal immigration. The BJP-led alliance won most of the seats in the 2024 general election from upper and central Assam, but lost most of the Muslim-centric constituencies in lower and border regions to the Congress by huge margins. The electoral history shows migration to be not just a demographic challenge, but a structural determinant of political alignments in Dhubri and South Salmara-Mankachar.

In panchayat elections of these districts have also projected the numerical strength of the immigrant-origin Muslim population, especially in the char (river) areas. In the Mankachar sub-division of South Salmara-Mankachar district, 70-80 per cent of the elected representatives are first-generation immigrant politicians, and 95 percent elected members are Bangali Muslims. In some of these areas, the BJP and regional parties have supported native independent candidates to counter the challenge of Muslim immigrants. Although their success rate is extremely low, these elections serve as further evidence of polarized voting even at the grassroots level. In the 2025 panchayat election in Assam, the BJP-led NAD secured an absolute majority in Zilla Parishad, Anchalik Parishad (APM), and Gram Panchayat, but in these two border districts, AIUDF and Congress have emerged dominant position.

The number of voters in Assam increased exponentially in the latter half of the 20th century. This unusual increase in voters cannot be explained simply by natural population growth; there must be a large-scale influx of (illegal) immigrants behind it. Last 20 years, the absolute number of voters has increased in Dhubri Parliamentary constituency by 131.39 per cent, which is the highest among the state and national averages. This abnormal increase in electors cannot be explained simply by natural population growth; there must be a large-scale influx of (illegal) immigrants behind it. The voter turnout in Dhubri has risen by more than double the state's voter turnout rate over the same period. The ASSU Secretary General has criticized all active political parties in these districts for using illegal immigrants as their vote bank.

In 2019, Dhubri and South Salmara-Mankachar districts became political hotspots over the citizenship and CAA-NRC issues. Indigenous Assamese respondents in the Dhubri district were opposed to CAA, fearing population pressure and the decline of Assamese identity. In comparison, Bangali Hindus supported these laws as a safeguard against statelessness. Bangali Muslims opposed the CAA, a higher percentage than in both districts, due to fears of increased Hindu solidarity.

The cross-border inflation and increased criminality happened simultaneously, such as terrorism, smuggling, human trafficking, illegal trade of arms and drugs, fake currency, and so on. Dhubri and South Salmara-Mankachar are the most vulnerable border districts in Assam. The security threats are inextricably linked to socio-political insecurity, making the region a frontier of opportunity for migrants and a risk zone for the Indian state. The residents of Char claim that they

cannot differentiate between ‘locals’ and ‘newcomers’ because their language and cultural characteristics are similar.

Migration had an indirect impact on the communal harmony of Assamese society. In July 2012, a communal riot escalated between Bodo and Bangali Muslims at Kokrajhar and Dhubri districts. On 7 June 2025, a piece of cow meat was found in a Hanuman temple at Dhubri town after the day of Eid al-Adha.

Thus, illegal migration and an increase in social crime are interrelated, which is shown in these two border districts of lower Assam. The life of indigenous and native Assamese, especially Hindus, continues to be threatened in these districts. As a result, they are relocated to the upper and middle Assam or other parts of India. Bangladeshi and Pakistani fundamentalist groups are active in this region due to the ineffectiveness of the government and border patrol officers.

7.2 Discussion:

Considering the impact of (illegal) migration on the demographic landscape and the challenges faced by the Assamese population, the situation for indigenous communities in particular and the State as a whole appears to be deteriorating. The Assamese people have lost their jobs (informal sector), lands, language dominance in public spaces as well as schools and other institutions, rich cultural heritages, and social customs. In the present time number of governmental projects and policies is designed to support the local communities, along with the administrative framework; however, these efforts do not appear to be sufficiently effective or adequate in safeguarding and advancing the interests of marginalised groups. The demographic composition and population growth rates in the Dhubri and South Salmara-Mankachar districts indicate a continual increase in the percentage of the Bangali Muslims, while the proportion of the Assamese Hindus and indigenous populations has been consistently declining. In this context, the conventional democratic principles appear to be insufficient to improve and protect the condition of the Assamese people. Therefore, there is a pressing need for additional constitutional measures and legislative protections to ensure the interests of the Assamese and the indigenous population of this region. It is within this context that many socio-economic and political organisations of the Assamese people (both Hindu and Indigenous) are demanding that this region be declared as a “protected district or protected Areas”. A collective effort involving the Government,

organisations, agencies, and all segments of society is necessary to safeguard and promote the rights of the Assamese people, who have become victims of a continuous influx of illegal Muslims migrants, especially former East Pakistanis now identified as Bangladeshis, from across the border, resulting in their minority status in their own area, State, and territory.

7.3 Suggestive Recommendations:

From the above significant findings of the study, the researcher suggests some ways to reduce the existing problems of Assamese society and control the continuous flow of migration (illegal and undocumented) from neighbouring countries. The following recommendations are-

- a) Dhubri and South Salmara-Mankachar districts of Assam are located on the Brahmaputra River Valley and adjacent to an international border with Bangladesh, which facilitates the illegal entry of Bangladeshi immigrants. Although complete border fencing may not be feasible due to the porous nature of the border, proper lighting arrangements and CCTV should be installed along the river borderline. Additionally, observation towers should be established in the border villages and char regions of these two significant border districts.
- b) Floating checkpoints should be set up on the Brahmaputra River, and 24×7 speed boat patrols and other water vehicles should be arranged at zero points.
- c) Biometrics and other modern identification technologies should be installed at entry points.
- d) All types of boats operated by the county on the river adjacent to the border must be registered, with their registration number clearly displayed, and the crew must have the registration documents with them for verification if necessary.
- e) In border villages, every citizen should be provided a multi-purpose photo identity card with a biometrics upgrade. Voter ID Card and other identification cards should be verified and updated at least once in a year.
- f) Special Intensive Corrections (SIR) should be implemented as soon as possible to identify illegal immigrants and foreign nationals. Electoral rolls should be updated regularly.
- g) Appropriate institutions must be established to ensure systematic registration of births and deaths of citizens.

- h) No census has been conducted since 2011; therefore, conduct a population Census survey as soon as possible.
- i) The Census of India does not implement specific measures to identify illegal migrants. As a result, there should be a dedicated agency responsible for surveying these immigrants, or additional questions should be included in the census schedules and asked to foreign nationals in areas where immigrants reside.

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ANNEXURES-1

SOCIO-ECONOMIC AND POLITICAL IMPACT OF ILLEGAL MIGRATION IN ASSAM: THE STUDY OF DHUBRI AND SOUTH SALMARA-MANKCHAR DISTRICTS (2005-2024)

Schedule for Ph.D. Research Purpose

| |
|--|
| CONFIDENTIAL For Research purposes only |
|--|

Interview Questionnaires

DISTRICT- DHUBRI AND SOUTH SALMARA-MANKACHAR

NAME OF SUBDIVISION/REVENUE CIRCLE

[MANKACHAR-1, DHUBRI=2]

NAME OF WARD/VILLAGE/BLOCK.....

TYPE OF LOCALITY (URBAN=1, RURAL=2)

IDENTIFICATION OF QUESTIONNAIRE

SERIAL NUMBER OF THE QUESTIONNAIRE

| | | |
|--|--|--|
| | | |
|--|--|--|

DATE OF INTERVIEW VISIT

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

RESULT

(CODE FOR INTERVIEW)

1 Completed satisfactorily

2 Incomplete

3 Desired respondents not available

4 Deferred

5 Refused

6 Vacant dwelling

7 Address not a dwelling 8 Unable to locate dwelling

9 Other, specify.....

CHARACTERISTICS OF THE COMMUNITY AND AREA

TOTAL AREA OF THE COMMUNITY/VILLAGE [IN SQ.KM]

Has there been ANY MAJOR NATURAL DISASTER IN THE PAST 5 YEARS?

Flood

Cyclone

Earth quake

OTHER, SPECIFY.....

NUMBER OF PEOPLE AFFECTED.....

TOTAL POPULATION IN THE VILLAGE\WARD

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

TOTAL HINDU POPULATION IN THE VILLAGE\WARD

TOTAL MUSLIM POPULATION IN THE VILLAGE WARD

| | | | | | | | |
|--|--|--|--|--|--|--|--|
| | | | | | | | |
|--|--|--|--|--|--|--|--|

WAS THERE ANY COMMUNAL RIOTS AND OTHER RELIGIOUS CONFLICTS IN THIS VILLAGE IN THE PAST FIVE YEARS? YES=1 NO=2

IN GENERAL. OVER, SAY, THE PAST FIVE YEARS, HAVE MORE PEOPLE BEEN COMING TO LIVE IN THIS VILLAGE\WARD FROM BANGLADESH? YES=1 NO=2

Name of the respondent

1. Gender: Male, Female, Other

2. What is your age group?

18 -35, 35-60, Above 60

3. What is your marital status?

Singel, married, divorced, widowed {if married, ask Q no-6}

4. How many people live in your household?

1-5, 5-10, more than 10

5. Is/Was your father or mother a permanent resident or a migrant here?
 - Yes,
 - No, specify.....
6. Does your spouse work?
 - Yes, specify the nature of work.....
 - No
7. What is your highest level of education?
 - Illiterate (not able to sign),
 - Primary Schooling up to class X
 - Up to class XII,
 - graduate and above.
8. What is your religion?
 - Hindu, Muslim, Others, specify.....
9. What is your community/ethnic group?
 - Assamese, Bengali, Bodo, Others, specify.....
10. In which language do you primarily communicate?
 - Assamese, Bengali, Hindi, Others, specify.....
 - (If other than Assamese, then ask), Did you know Assamese?
 - Speak, read, write; Only speak; No.
11. What is your occupation?
 - Farmer, Laborer, Government employee, Business, Others...
12. What is your monthly household income?
 - Below 10000, 10000-50000, 50000-100000, Above 100000
13. What do you think are sufficient job opportunities available in Assam?
 - Yes, No, {if NO, ask Q no 14}
14. What are the main reasons responsible for the lack of job opportunities, do you think?
 - Huge number of migrants {if migrants, ask Q no 15}
 - Government policies
 - Local politics
 - Others specify.....
15. Which types of jobs have been impacted by the migrants?
 - Unskilled
 - Semi-skilled
 - Skilled

16. Are you satisfied with your job?

Yes, because.....

No, because.....

(if no, asked Q no. 17)

17. What kind of job do you prefer?

.....
.....

18. Are you satisfied with your wages?

Yes

No, because.....

19. Have you received any Government Schemes?

Yes, specify.... i.

ii.

iii.

No, because.....

20. Have you ever faced any problem in getting Government Schemes?

Yes, specify.....

No

21. Are you a registered voter in Dhubri?

Yes

No, specify.....

22. Is/ was your father a registered voter of Dhubri?

Yes

No, specify.....

23. Have you ever cast your vote in any election?

Yes

No, because.....

24. Which year did you cast your vote for the first time?

Name of the election and when

25. Have you or any member of your family ever been on the D-voter list?

Yes, specify the name of the member/s.....

No

26. Have you noticed any election clashes between local people and immigrants?

Yes, specify.....

No

27. Do you think migration-related conflicts are fueled by political agendas?
- Yes, because.....
- No
28. Are political parties using the issue of migration for electoral gain?
- Yes, specify.....
- No
29. Are you a member of any political party?
- Yes, specify the nature of membership.....
- No
30. Have you noticed any cultural change in your area? (local mela, puja, cultural festival, etc.)
- Yes, specify.....
- No
- Don't know
31. Has there been an increase in inter-community marriage? (ex- Hindu-Muslim, local-migrant, etc.)
- Yes,
- No
- Don't know
32. Do you believe illegal migrants have affected the quality of life of residents?
- Yes, specify.....
- No
33. Do you think that illegal migrants have led to an increase in social crime rates in this district?
- Yes, specify.....
- No
- Don't know
34. Have you ever faced any threats or violence from a migrant person?
- Yes, {if yes, ask Q no 35}
- No
35. What type of threats or violence do you face?
- Sexual attacks/harassment
- Threat of killing

- Asking you to leave your place of resident
- Insulted
- Being beaten
- Grabbing of land by force
- Others specify.....

36. Did you receive any government assistance/help to overcome such threats?

- Yes, specify.....
- No, because.....

37. Have you ever experienced violence or riots in this district?

- Yes, share your experience.....
- No {if YES, ask Q no. 38}

38. Have you or your family member ever participated in riots or violence?

- Yes, specify.....
- No

39. Have you ever visited the awareness program related to illegal migration arranged by the Government?

- Yes, when and share your experience.....
- No, why.....

Supplementary Questions

ANNEXURES-2

Provides photographic evidence of field survey interviews conducted in various villages within the Dhubri and South Salmara-Mankachar districts of Assam. These images showcase the researcher's interaction with local respondents and the process of collecting primary data.













Indo-Bangladesh border along in Dhubri, Assam



Indo-Bangladesh border area

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