

An Analytical Study of the Immigrants of Assam

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ABSTRACT: For more than half a century now, Assam, the northeastern state of India, has been experiencing heavy anti-outsider sentiment. What makes Assam's case special is that its smaller indigenous populations have undergone both internal and illegal foreign migration on a large scale, giving rise to extreme existential fear and apprehension. Their lack of the political authority needed and the indifferent attitude of the government of the Indian Union in addressing the issue has only multiplied its size. One of the highest population growth rates among the Indian states was witnessed by Assam during the twentieth century. The population of India grew by 331 per cent between 1901 and 2001, while the population of Assam grew by 710 per cent. The difference in growth rates can mostly be explained by large-scale migration, particularly from densely populated neighboring Bangladesh, of individuals from other parts of the subcontinent. The paper describes in a historical context the socio-economic complexities of the immigration problem in Assam and the social tension and disputes around it, and suggests that a multi-pronged strategy supported by strong political will is imperative to effectively negotiate the challenges of immigration in the state.

KEYWORDS: Assamese; Bangladesh; Indigenous; Immigrants; Northeast.

INTRODUCTION

During the British reign in the mid-19th century, during Colonial Assam, many outsiders settled in India for the rich forest of the area, where tea leaf growth was better suited. Assam was very precious to the British in contrast to other states because of its rich soil. In the late 19th century, when there was not even a good transportation system, they started migrating lakhs of Adivasis from the Chotanagpur region. The British played their game well because they defeated the rebellious tribes and used them as plantation workers for their laborers. These Adivasis were also often targeted by the Bodos in the state region of Bodoland, but they cannot leave because plantation work is their only source of livelihood and it is not a choice to return to their homes in Chotanagpur as they have nothing left. Due to the development of East Pakistan, economic activities in the North East region gradually shrank and the North East region became landlocked as the ports of Dhaka and Chittagong became part of the new nation. However, it was not possible to keep the inflow of migrants in check in our region[1].

Illegal Immigrants

In India, if an immigrant has migrated to India without a visa, the state does not accept him as a refugee or an illegal migrant. In India, there is no national legislature or law which would identify a refugee. There are several international agreements and treaties that have to be complied with by signatory countries. India has neither ratified the 1951 United Nations Refugee Convention nor the 1967 protocol of the Convention[2].

India has always welcomed and paid for the same refugees. India has always stood up and taken responsibility for supporting them after facing many refugee crises in its neighboring countries. What is more important is not only to recognize such immigrants, but also to provide a normal livelihood for them. It gets harder to blame the system responsible for their maintenance because there is no domestic statute.

The Foreigners Act, 1946 in India provides for someone who is an outsider. A foreigner is identified as someone who is not a citizen of India by Section 2 of the Foreigners Act, 1946. Section 3 of the Foreigners Act, 1946 gives the power to control the entry, exit or stay of any foreigner to the Central Government. This power of the Central Government could be exercised by controlling, banning or limiting their stay in India with respect to all foreigners, any foreigner in particular or any kind of foreigner. The Central Government released The Foreigners (Tribunals) Order, 1964, under Section 3 of the Act. The Order provides for the

constitution of tribunals with authority to decide on any individual's cases, whether or not he or she is an alien[3].

In the meantime, for a long time, Assam had undergone an enormous influx of immigrants from different parts of the country, starting with the British colonial era. As people were in search of fertile lands, Bengal became one of the major sources of an influx in the state. The communal riots were the justification for the influx of immigrants from Pakistan's eastern regions after 1947. As their finances were at risk, this influx frightened the government and this led to the formulation of the Immigrants (Expulsion from Assam) Act, 1950[4].

Migrants from West Bengal, Bihar, Odisha, Telangana, Andhra Pradesh were brought to work in tea plantations by the British. Assam is the most vivid example of the number of negative effects that illegal migration can have on a nation and a state.

Intrusion from Bangladesh

With states such as Tripura, West Bengal, Assam, Meghalaya, Mizoram, India shares boundaries with Bangladesh on three frontiers. The country's hostile situation forced individuals to flee their homeland and move to their neighboring country. Two groups of citizens, refugees and economic migrants, are involved in illegal refugee infiltration from Bangladesh. They have settled either in the states along Bangladesh's border or have migrated to various parts of India. In metropolitan cities like Kolkata, Delhi, etc., they are also interested in various work[5].

It is a big challenge for the government to resolve serious issues such as national security and energy. Due to illegal refugee infiltration, the demographic trend and way of life of the people of the northeastern states have been dramatically altered. The problem of insurgency in various border areas is also faced by some states. At the diplomatic and political level, the government of both sides has taken up this issue many times, but no clear decisions have been taken so far. The Government of Bangladesh has not recognized, nor taken any decision on, the illegal immigration case.

Status of Rohingyas

The Home Ministry has clarified that, because they have not followed the correct procedure, the Rohingyas are illegal migrants and not refugees. There are about 40,000 Rohingya Muslims in the world, and the government has suggested that refugee status cannot be granted to them. The Rohingyas Muslims are said to have ties with terrorist groups, and the pressure on the country's natural resources will grow. In fact, no Rohingya has acquired the status of asylum and they have not applied for it either[6].

Justice H.L. Dattu, Chairman of the National Human Rights Commission, said that the NHRC supports the Rohingyas because they face a danger in Myanmar. Rohingyas are still human beings, and we must take action to defend them if their rights have been abused[7].

Assam Accord of 1985

It defined new citizenship requirements applicable exclusively to the State of Assam, in compliance with the provisions of the Assam Accord. An amendment was enacted in 1987 in line with this, adding Section 6A to the Citizenship Act, 1955, which states that

- All those who came to the state of Assam will be regularized until January 1, 1966.
- All those who are not residents and who came to Assam between 1 January 1966 and 25 March 1971 will not be treated as Indian citizens.
- The foreigners who arrived in Assam after the 25th of March 1971 will be deported.

Foreigners who came to Assam on or after March 25, 1971, shall continue to be identified, deleted and expelled in compliance with the statute, pursuant to Clause 5.8 of the Assam Accord.' "In order to expel such foreigners, immediate and practical steps will be taken." The NRC updating process is carried out in a three-stage administration that is Detect, Remove and Expel, much like the Assam Accord[8].

Citizenship (Amendment) Act, 2019 and Opposition in Assam

The 2019 Citizenship (Amendment) Act seeks to amend the 1955 Citizenship Act by granting citizenship rights to illegal immigrants belonging to some religious minorities who entered India on or before December 31, 2014, after facing persecution in Pakistan, Afghanistan and Bangladesh. It has also relaxed the time limit for these groups to get Citizenship by Naturalisation from eleven years to five years.

After the Bill was passed by the Lok Sabha on 10 December 2019, a lot of protests began in Assam. The bill seeks to nullify the intent of this year's published National Register of Citizens (NRC). To remove the thousands of illegal Bangladeshis who lived in Assam, the NRC was passed. However, 19 lakh individuals find themselves removed from the NRC after the exercise. Hindus and Muslims were among these individuals. The new amendment now aims to grant citizenship to non-Muslims who have entered Assam illegally. But when it comes to providing Muslims with citizenship, they are silent[9].

The people of Assam fear that accepting such migrants could pose a threat to the region's culture, tradition, language and ethnicity, which have become the source of their protests. Allowing illegal immigrants to live in Assam will also create an economic burden for the state and could determine Assam's political future.

As the government has been seeking to enforce both, there is a disagreement between the CAA and NRC. There are variations between the two, however:

- NRC is aimed at weeding out individuals who illegally entered Assam from Bangladesh after 24 March 1971, but CAA is aimed at providing citizenship to the six communities who came to India before 31 December 2014 in Afghanistan, Bangladesh and Pakistan after facing persecution.
- NRC is not religiously based, but CAA is.
- The base year for the NRC is 1971, but it is 2014 for the CAA.
- The NRC is currently only applicable to Assam, but the CAA is applicable to India as a whole, with the exception of certain areas as defined in the Act[10].

CONCLUSION

Assam has a tradition of sustained mass protests and violence as guaranteed in the Constitution for its demands for defense of its right to autonomy. Ever since the country's independence, these requests have existed. Assam faced an influx of refugees in large numbers after partition. This illegal infiltration never stopped because of unarmed, porous borders with neighboring countries.

Illegal infiltration of shelters is now a global problem. The developed countries, as well as the developing ones, are facing the question of illegal immigrants. Ever since independence, illegal immigration has been a persistent issue for India. Now, with the enactment of the CAA that only gives citizenship to non-Muslim immigrants who have been residing in the three countries for five years, Assam is another issue because they think it would hamper their tradition, culture, etc. As a final statement, it can be said that India lacks both capital and a concrete legal structure for its subsistence.

REFERENCES

- [1] R. Shrivastava and J. Heinen, "Migration and Home Gardens in the Brahmaputra Valley, Assam, India," *J. Ecol. Anthropol.*, 2005, doi: 10.5038/2162-4593.9.1.2.
- [2] M. Chadda, "India Against Itself: Assam and the Politics of Nationality by Sanjib Baruah," *Polit. Sci. Q.*, 2000, doi: 10.2307/2657927.
- [3] H. K. Nath and S. K. Nath, "Illegal Migration into Assam: Magnitude, Causes, and Economic Consequences," *SSRN Electron. J.*, 2012, doi: 10.2139/ssrn.1750383.
- [4] V. K. Borooah, "The killing fields of assam: Myth and reality of its muslim immigration," *Econ. Polit. Wkly.*, 2013.
- [5] N. Saikia, Moradhvaj, A. Saha, and U. Chutia, "Actual and ideal fertility differential among natives, immigrants, and descendants of immigrants in a northeastern state of India," *Popul. Space Place*, 2019, doi: 10.1002/psp.2238.
- [6] K. R. Dikshit and J. K. Dikshit, "Migration and its impact on the society and the economy of North-East India," in *Advances in Asian Human-Environmental Research*, 2014.

- [7] W. Fernandes and K. Anglong, "Tribal Commons and Conflicts in Manipur and Tripura in Northeast India," *Soc. Res. (New. York)*, 2005.
- [8] J. K. Das, "ASSAM : THE POST-COLONIAL POLITICAL DEVELOPMENTS," *Indian J. Polit. Sci.*, 2005.
- [9] A. Chandrachud, "Secularism and the Citizenship Amendment Act," *Indian Law Rev.*, 2020, doi: 10.1080/24730580.2020.1757927.
- [10] I. T. W. D. N. DelhiDecember 18, 2019UPDATED: December 18, and 2019 11:13 Ist, "What is NRC: All you need to know about National Register of Citizens," *India Today*. 2020.

