

CONFLICT EMANATING FROM MIGRATION

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Introduction

Migration is not a new phenomenon for Assam, as it has seen different kinds of migration since the ancient period. But, the bedrock of the Assam movement lies in the threat posed by immigration from today's Bangladesh or from erstwhile East Pakistan. After annexing Assam, the British brought tea laborers from Bihar, Orissa, UP and Tamil Nadu and solved the problem of labor shortage. Colonial policies induced migration of this group of laborers, who later settled down in Assam. But their migration stopped soon after 1940-41. The second kind of migration during the British rule was of educated Bengalis from Bengal to facilitate office work. During the same period there was a need to earn more revenue by espousing cultivation in the wasteland or in the low riverine tract because of which the British brought farmers from East Bengal. Thus, this group of migrants was brought by the landlords and colonizers to increase agricultural revenue. It was also one of the steps taken by the Colonial Government to repopulate¹ the State, in order to make the state a surplus yielding one. It was the migration of these two groups which has become a major source of conflict in Assam both pre-

¹Population of undivided Assam significantly declined due to Black fever, several foreign invasions and by Moamoria rebellion that torn apart the social fabric of the state (Devabrata Sharma, 7-8)

and post-Independence. Third, the Bihari peasants were brought to Assam, which was encouraged by national leaders as they feared about growing numbers of the Muslim population and the religious imbalance which might convert Assam into a Muslim majority province².

Soon, Nepali migrants followed suit. From the start of the Colonial rule, the Assamese-Bengali divide started deepening and by the 1920s onwards, the Hindu-Muslim rift started growing due to the demographic change occurring because of immigration³, occupational imbalance and cultural supremacy of the Bengali speaking Hindus and inclusion of Sylhet to Assam that further accentuated the crisis. The matter was so complex and was lucidly articulated through the arguments regarding the abolition of the Linesystem⁴ in the Assam Legislative Assembly (Misra, 2017; Guha, 1977). With the improved communication with other parts of the country, Marwari migrants came to Assam and played an important role in Assam's transition to a market economy (Baruah, 1999, pp. 61). The fourth type of migration was from East Pakistan after the Independence when a large number of Hindu migrants fled the country and came to India as refugees (Dass, 1980). This wave of migration continued till 1971. The fifth type of migration was from Bangladesh from 1971 onwards⁵.

Assam has always been a receiving economy of migrants, starting from the colonial rule. But the recent crisis emanating from migration is the result of prolonged migration pre and post partition and the consequences of demographic change due to the migration of erstwhile East Bengali Hindus and Muslims that continued even after partition. Therefore, the first section of the paper will try to examine whether migration is a hoax or a fact. The

²Walter Fernandes. *Land in the Northeast and the Liberalisation Scenario*. Unpublished Article. Interview with Walter Fernandes, 6 October 2017

³Interview with Walter Fernandes on 6 October, 2017

⁴Line system was first introduced in 1920 as an administrative measure to protect indigenous people's land from Bengali Muslim immigrants in certain districts such as Kamrup and Nowgong. Appendix VIII Immigration Timeline 1900-50 in Misra, Udayon. *Burden of History: Assam and the Partition Unresolved Issues*.

⁵Abdul Mannan's *Infiltration, Genesis of Assam Movement* and Devabrata Sharma's keynote address *Migration and Assimilation a Historical Perspective* presented in a National Seminar

second section analyzes the politics of the state which is primarily linguistic and delves into how linguistic politics (related to the role of Bengali Hindu migrants) has pervaded to the other communities, particularly with reference to the East Bengal origin Muslim peasants who are always at the receiving end of this rift. Third, the paper also analyzes the present "contestation" of citizenship in light of the Citizenship Amendment Bill 2016 and Section 6A of the Citizenship Act which is reflective of the fact of "failed-partition" (Baruah, 2008) or "unresolved-issues" of partition (Misra, 2017) and also reflect the progressive character of Indian Citizenship Law. The article concludes by suggesting the possible solutions to deal with these two groups of partition affected migrants.

Migration: A Hoax or a Reality ?

Before delving into the complexity of migration, it is imperative to discuss the dynamics and meanings of migration. Migrants refer to those persons who migrate freely by their individual choice and concerns without any external intervention across borders in search of a better livelihood opportunities and a standard of living and this make them different from forced migrants who are refugees, displaced people due to developmental activities or natural disaster, asylum seekers etc⁶. They are forced out by governments or social groups hostile to their existence from their respective countries.

As per the Citizenship Act 1955, "illegal migrant" is a foreigner who has entered into India without a valid passport or other travel documents or any other document or came to India with a valid passport or other travel documents and such other documents but stayed beyond the permitted period of time"⁷. In Assam, most illegal migrants came to the country from East Pakistan and later Bangladesh. So, migrants who came before the formation of East Pakistan were not illegal migrants. But those who came post 1947

⁶"United Conventions Convention on Migrants' Rights." UNESCO, pp. 25
<http://www.unesco.org/new/en/social-and-human-sciences/themes/international-migration/glossary/migrant>

Hazarika, Sanjoy. *Rites of Passage*. p. 7.

⁷Citizenship Act 1955 ss 5- 6A

were termed as "illegal migrant" (Kumar, 2011, p. 107). Post-Independence migrants from East Pakistan or Bangladesh came to be categorized as irregular migrants who are undocumented or illegal migrants who came to India or in Assam in search of better livelihood opportunities⁸ or they can be categorised as forced migrants. Madhumita Sarmah in her thesis "A study of Migration from Bangladesh to Assam, India and its Impact" has mentioned findings of her field study, stating several reasons of migration from Bangladesh to Assam. Firstly, 48% of the respondents said that they migrate to Assam because of familiar socio-cultural environment that exists here along with the help they get from near and dear ones who had already migrated to Assam. Secondly, for 38% of the respondents the 1971 War was the sole reason for their migration. Thirdly, for 53% of Hindus from Bangladesh and 17% of Muslims, the reason for their migration is social acceptance and freedom in India. Fourthly, 23% of the respondents stated that famine in Bangladesh and possibility of financial gains in the border was the cause of their migration. After the Bangladesh liberation War in 1971, a famine followed in 1974-75 that resulted in the migration of a large number of population⁹.

Because of the increase in number of illegal migrants from the neighboring country (Bangladesh), Assam saw a mass movement against the foreigners. The Assam movement (1979-85) or *Asom Andolan*, was the culmination of civilian opposition against the rise in the number of voters in the electoral rolls. The movement was spearheaded by the All Assam Students' Union (AASU) and the *All Assam Gana Sangram Parishad* (AAGSP) which led the movement stated that the movement was against undocumented immigrants and demanded their expulsion. In 1978 Hiralal Patwari MP from the Mangaldoi Lok Sabha constituency passed away and to fill the vacancy an election was conducted in the constituency. The Election

⁸Hazarika, Sanjoy. *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*. Chapter 1. Sanjoy Hazarika in his seminal work "Rites of Passage" observed that migration from Bangladesh is the result of series of factors and some of the multidimensional factors includes - land degradation, devastating floods, population density, land pressures, erosion of river banks, religious anxieties amongst the smaller groups, etc.

⁹Sarmah, Madhumita. *A study of Migration from Bangladesh to Assam, India and its Impact*. Thesis submitted for the Degree of Doctor of Philosophy, Department of Geography, Environment and Population Faculty of Arts The University of Adelaide, Australia, 91

Commissioner in 1979 reported high rise in the number of voters in the electoral rolls (Ahmed). In popular discourse, this increase in the number of voters was perceived to be the sole reason for the mass movement against outsiders in Assam which was an outcry against the entry of illegal immigrants from Bangladesh. Whether it is the sole cause of such a mass movement is debatable. Scholars and non-state actors have pointed out that there were many issues, which were unresolved by the Indian state that were responsible for the mass movement. Such issues were -the exploitative character of the center in dealing with the state's economy and natural resources (Misra, 1980), growing domination by migrant communities i.e. non-Assamese people, land alienation of the Tribal etc¹⁰ and electoral rolls of 1979 was the proof of settlement of large number of settlers whose identity was questionable.

One of the ongoing debates in the state of Assam is whether illegal migration is a hoax or a reality. If we go through the decadal growth rate of the state and compare it with all India data on the decadal growth, it is evident through the census data that decadal growth of Assam was higher than the country as a whole from 1901 to 1991. There was a decline in 1921-31, 1941-51 and there has been a decline from 1971 onwards as shown in the table below. From 1941-51 the decline was related to the partition of Sylhet which was the second most populous district of un-divided India thereby losing one-third of the entire population (Dass, 1980, pp. 850-59). From 1951-1961, there was a drastic surge in the population which was related to the natural rate of growth of population, heavy influx of Bengali Hindu Refugees from Sylhet district (Dass, 1980, pp.852), communal disturbances in East Pakistan in February 1950 and 1965 saw the entry of the refugees and also because of increase in the entry of Hindi speaking

¹⁰Land alienation of the tribals happened because of the settlement of East Bengal origin Muslim peasants in the wastelands (done by the British to earn more agricultural revenue). The wastelands where they were settled in belonged to the tribals. Tribals in Assam did not like the presence of unknown people near their inhabitation, so when they found people different from them in terms of ethnicity, language, and religion as occupants in the nearby land then they moved out from their villages and moved deeper in the hill areas. There are occasions when migrant settlers occupied land by force. As a result, tribals had to live their home and hearth (D.N Bordoloi).

population that saw the rise of this population to 54.09%. Similarly, in Assam, there was the voluntary repatriation of Bengali Muslims to East Pakistan between 1947-51¹¹.

DECADAL GROWTH OF POPULATION IN ASSAM (1901-2011)

DECADES	DECADAL GROWTH OF ASSAM (in %)	DECADAL GROWTH OF INDIA (in %)
1901-1911	16.99	5.75
1911-1921	20.48	0.31
1921-1931	19.91	11.00
1931-1941	20.40	14.22
1941-1951	19.93	13.31
1951-1961	34.98	21.6
1961-1971	34.95	24.80
1971-1981	23.8	24.66
1981-1991	23.8	23.85
1991-2001	18.85	21.34
2001-2011	16.93	17.64

Table 1: Source: Basic statistics of North Eastern Region, NEC, Shillong, 1992 and Census of India, 1981-91, Series- I of 1992, India, Final Population Totals cited from H.N Sharma and B.K Kar. <http://www.census2011.co.in/census/state/districtlist/assam.html>, <http://pib.nic.in/prs/2011/latest31mar.pdf>, <http://www.educationforallinindia.com/page159.html>

The Government of India, Census Reports cited from Gurinder Singh article on Illegal Migration, Insurgency and the Political Economy of Assam, page 307-308. *Strategic Analysis*

¹¹Two tables of Census 1951 Table 1.10-A and 1.10-B, show the decline of population in certain tracts of Goalpara and Karnrup as a result of communal disturbances of February-March 1950. Dass, SK. *Economic and Political Weekly*. pp. 852.

In 1971, when the new nation-state of Bangladesh was formed, another wave of influx followed due to the Bangladesh War of liberation in 1971 and due to the terror unleashed by the Pakistani military, about 10 million people came to India by crossing the border. Not all of them returned and are now assimilated into the lifestyle of Indian mainstream (Kumar, 2009, pp.64-65). However, the census of 1971 does not reflect the reality of heavy influx. Nonetheless, the electoral rolls of 1979 showed the sudden rise of voters which ultimately spearheaded a mass movement against the foreigners. With the death of Sheikh Mujibur, Islamism started to deepen in Bangladesh. In 1965, the Enemy Property Act was passed and acted as an instrument to create fear and insecurity in the minds of the minorities (Hindus and other tribal communities) leading to persecution and migration of these communities (Medhi, 2018 pp. 31). This act also regarded India as an enemy country (Kumar, 2009, pp. 69). The enemy property act should have been repealed (ibid) after Bangladesh formation. However, the Act continued to exist in its reincarnated form of - The Vested Property Act. This Act is considered to be the primary cause of migration of the religious minorities (ibid 69). In 2001, after the national elections at Bangladesh, the grassroots workers of Bangladesh Nationalist Party suppressed Hindu minorities as they voted for the rival party i.e. the Awami League. The Hindu population in Bangladesh has substantially declined from 30% to less than 10% (Kumar, 2009, pp.72). Hence, the decline of the population in 1971 Indian census lies in complete paradox to the then India's Chief Electoral Commissioner S.L.Shakdhere statements in 1978 as he had publicly spoken about "large-scale inclusion of foreign nationals in the electoral rolls" (Baruah, 2008). The statement which has come from a constitutional authority of India acted as a 'lightning rod' for the mass movement in Assam (ibid).

Thus, with the creation of an international border the predicament of the past did not change as what Assam confronted was the legal opening of land for new settlements among the immigrants. What changed after Partition was the addition of a prefix "illegal" to describe one set of migrants. The Partition only saw the increase of migration from erstwhile Eastern Bengal or Eastern Pakistan and today's Bangladesh. Hence, a similar kind of issue continued even after partition because when the locals started realizing the impact of

demographic change they started revolting and politicising the entire issue of migration from today's Bangladesh. As observed by scholars of the region post-Independence, is the politics in Assam about the failure of 1947 partition or is it the burden of history? This will be discussed in the subsequent paragraphs¹².

This paper is based on field study conducted in the border char areas of Dhubri district. One of the observations during the course of the field work in the border areas and in conversation with the various stakeholders was the illegal migration which has happened post-1971 that has substantially reduced over the years. The Army Chief's Statement about demography change caused by the influx of illegal migrants from Bangladesh leading to the faster growth of All India United Democratic Front (AIUDF) than Bharatiya Janata party (BJP), has to be dealt in depth taking into account several elements leading to that population growth¹³. One of the reasons in 9 districts (mentioned in the Table 2 below) is related to the fertility rate of the Muslim population and it is not solely the result of illegal migration (Manan, 2017). Dhubri, which has the highest chars (Chakravorty, 2012), is often in the news because of its riverine border with Bangladesh and is thought to be the home for illegal Bangladeshis.

Table 2: NINE DISTRICTS WITH HIGHEST MUSLIM POPULATION CONCENTRATION

Barpeta	70.74%
Bongaigaon	50.22%
Darrang	64.34%
Dhubri	79.67%
Goalpara	57.52%
Hailakandi	60.31%
Karimganj	58.36%
Morigaon	52.65%
Nagaon	55.36%

Source: 2001 Census data cited from Akhil Ranjan Dutta

¹²Misra, Udayon. *Burden of History*. Baruah, Sanjib. *Assam confronting a failed partition*.

¹³Bhusan, Amar. "About time we took up Illegal Migrants Issue." *The New Indian Express*, March, 2018 <http://www.newindianexpress.com/magazine/voices/2018/mar/10/about-time-we-took-up-illegal-migrants-issue-1784149.html>.

However, though the district has the largest concentration of Muslims it is difficult to ascertain it as a district comprising of illegal Bangladeshis, keeping into account the high density of the population¹⁴. No line is drawn in the riverine border and it is the river that delineates the border. With the change in the course of the river, the border keeps changing. During the field visit to Dhubri Chars, we were acquainted with the development-related work in the char areas. One such development undertaken by the Government is the construction of a bridge at River Brahmaputra that still lies half constructed (Shown in the Picture below). This is because the river has now changed the course and it flows in the other direction. This picture also draws our attention to the fact that it is the river that constructs the border.



Half constructed bridge of the River Brahmaputra and the unfenced riverine border near Ghewmari at Dhubri (Indo-Bangladesh Border area)

Another important fact that needs to be highlighted is that most of the border area is still unfenced despite repeated promises made by the Government. Nonetheless, border surveillance has definitely increased and the Border Security Force (BSF) constantly monitors the movement of people with a number of Border Security outposts and forces, which are already deployed in the border areas. Movement of residents in border char areas

¹⁴Observation from the field visit

(such as Sialdah, Pathamari, Takamari) is restricted as they are supposed to return home by 6 pm and their identities are regularly checked. Though most of the area is unfenced, it is not easy to infiltrate, given the tough topography, increased surveillance, or the whole updating process of National Register of Citizens (NRC) and downstream friction caused by the river when it flows towards Bangladesh. Although it is not easy for a person to come through the river against the flow, cows can be smuggled easily from India to Bangladesh along with the flow of the river.

However, the presence of one or two illegal migrants cannot be ruled out due to the porous border. People with similar ethnicity reside on both sides of the border with no proper demarcation of border and police presence in the char areas. In the border char areas 99% of the people are Muslims and because of the similar socio-cultural background, the possibility of movement of people cannot be ruled out. Due to the insufficient capacity of physical barriers, technological barriers (such as Sensors, DAN camera, UABs) are going to be implanted in the near future, stated by the BSF commandant¹⁵. Nonetheless in contemporary days, India's North East has become less attractive destination for Bangladeshi migrants. In terms of the levels of development and economic growth the region lags behind Bangladesh today. The most recent figures of GDP in 7 North-Eastern states of India is \$58 billion while GDP of Bangladesh is \$221 billion. This is the reason why Bangladesh is now move to Arabian Peninsula or move to the more developed states of India (Sobhan, 2018).

Linguistic politics

Migration into the densely populated region or a country can result in conflict over resource sharing, put strain on living conditions, health and sanitation (Weiner, 1995 cited from Sarmah). This is one of the reasons why migration has become a source of conflict. While looking at the migration of Bengali refugees post-independence, the flow of Bengali Hindu refugees from Bangladesh have deepened the rifts between Assamese and Bengalis which existed from the colonial days due to the allocation of power and

¹⁵Interview with BSF commandant

resources as speakers of Bengali language already had larger share in Government jobs (Guha, pp. 166). In addition the increase in the number of Bengali speakers from census to census due to migration from East Bengal, Sylhet inclusion and launch of the movement by Goalpara Zamindars for transfer of Goalpara to Bengal during 1920s and 1930s etc., control of migration from East Bengal emerged as a serious political issue¹⁶. The question which emerged with the prevailing situation in the 1920s and 1930s is that if migration continued unabated then would Assamese people become a linguistic minority in their own homeland? This question plagued the minds of not only the urban middle class but also peasant masses (ibid, pp. 166). Thus, this section discusses the various rifts between the Assamese and Bengalis which has pervaded into other communities.

One such rift was the inclusion of Sylhet into Assam that was opposed by the Assamese right from its incorporation as they viewed their state as a homogenous homeland for Assamese (Misra, 2017, pp. 106). Induction of Sylhet from 1874 to 1947, changed the demographic composition of Assam adding more Bengalis into it. Bengalis constitute 45.67% of Assam's population in 1911 which is more than double the number of Assamese speakers¹⁷. Assamese fear of being outnumbered kept plaguing their minds since the colonial rule. Assam during the colonial day's state power was occupied by outsiders, i.e. Bengali people. For instance, in 1918, the Assam Legislative Council had 25 members and amongst them, 13 were British, 12 Indians which include 6 Bengali members, 5 Assamese and one Parsi. What was even more disappointing to the Assamese was that out of 39 members in 1910, 21 were Europeans, 16 were Bengalis and only two were Assamese¹⁸. This is another cause for the divide between Assamese and Bengalis where state power was dominated by the Bengalis, also hinting towards the fact that the Bengalis were many steps ahead of the Assamese.

¹⁶Ibid 32, page 166

¹⁷Abalakanta Gupta, Congress legislator from Sylhet said, "Assam was a province of several distinct "tribe" and "communities", of which Bengalis form the single largest community" (Baruah, Sanjib. *India Against Itself*.p.292)

¹⁸Guha, page 79 borrowed from Sanjib Baruah book *India Against Itself* page 218

At the time when Sylhet was included with Assam, the English educated Bengali people were present in large numbers who were easily employed in the Government jobs¹⁹. The occupation of the government jobs by the Bengali speaking community was strongly resented by Assamese. In contrast to Bengal, open manifestations of political rivalry in terms of Hindu-Muslim communalism was subdued because in Assam each community was divided in terms of language and valleys (Guha, p. 165). Though people like Saadulla and anjumans argued in favour of separate electorates for Muslims even before the birth of Muslim League in Assam, they never created riots or deadlocks (Guha, p. 165). Amalendu Guha opines that the main contention is still not between the two valleys as much as the two major linguistic groups (Assamese and Bengalis) regarding the allocation of power and resources because speakers of Bengali language already had a larger share in government jobs.

Partition politics in Assam has been dominated by the transfer of Sylhet through the 1947 Referendum, the referendum was opposed by the Bengali Hindus who viewed the transfer as betrayal by the Assam Congress. They wished Sylhet to be part of Assam whereas the Assamese Hindus were elated by the transfer because they never accepted Bengali speaking district which was included to Assam in 1874 because of its linguistic composition in the beginning and religious composition towards the partition (Misra, p. 131).

In early 20th century, it was seen that both Bengali Hindus and Muslims supported Sylhet's transfer to Bengal²⁰. As days passed by, a large segment of Muslim leadership opposed Sylhet separation from Assam while Sylheti Hindus stick to their previous position. Sylheti Muslims changed their position with the increasing interaction among the Assam Valley Muslim leaders who wanted Sylhet to be part of Assam as with the transfer of Sylhet Muslim population in Assam would decline which would mean loss of 16 lakh Muslim population leading to the weakening of the Muslim Community in Assam (Misra, p. 110). Even after the Lahore Resolution of All India Muslim League (AIML), Muslims supported the retention of Sylhet in Assam while the Assamese and Bengali Hindus opted for its

¹⁹Baruah, Sanjib. *India Against Itself: Assam and the Politics of Nationality* Chapter 2, pp. 40-43

²⁰In 1917, several deputations in Surma Valley demanded transfer of Sylhet to Bengal

transfer²¹. The equations changed completely at the time of partition when the Sylheti Muslims voted in favour of the transfer of Sylhet to Pakistan, and Bengali Hindus voted for Sylhet's retention in Assam. Thus, when the referendum was held on 6 and 7 July, 56.6% of Sylheti Muslims voted in favour of the referendum and 43.3% of Bengali Hindus voted to stay back in Assam or in India. As Bengali Muslims were in majority it was evident that it would become part of East Pakistan (Misra, pp. 23, 117). The politics were shaped by both linguistic and religious factors and Assam Congress was blamed for its indifferent role of not retaining Sylhet in Assam. For the Assam Congress, it was a priority to construct a unilingual state. Nonetheless, it is incorrect to entirely blame the Assam Congress for the transfer because the referendum was decided by the Sylheti Muslim's votes and the decision for a referendum was taken by the Indian Government as part of Lord Mountbatten Plan and not by Assam Congress (Misra, p. 117). After partition, Sylheti Hindus had to live like second-class citizens in East Pakistan and were forced to leave their homeland (Misra, 2017 p. 128). Hence, even after partition, migration of a large number of refugees, who were the victims of religious persecution and riots taking place in erstwhile East Pakistan, continued till 1971. The 1951 census pointed out that 2,75,455 Bengali Hindus crossed the border after partition²².

Post Partition and with the separation of Sylhet there was the resurgence of Assamese nationalism. The Assamese thought the changes in their objective of creating a homogenous homeland was somewhere accomplished (Misra, p. 128). Separation of populous Bengali speaking district of Sylhet and adoption of Assamese by large numbers of Muslim immigrants in the 1951 census, made Assamese the majority language²³. The Asom Sahitya Sabha, under the leadership of Ambikagiri Roy Choudhary, pressurised the government to declare Assamese as the official language (Misra, p. 128).

²¹Saadulla's stance was to retain Sylhet, as for him separation from Assam was a demand of the educated Bengali Hindus of Surma Valley (Misra, pp 111 and 133)

²²Census of India, 1951, cited from Kimura "The Nellie Massacre of 1983: Agency of Rioters"

²³Misra, Udayon. "Little Nationalism Turned Chauvinistic: A Comment." *Economic and Political Weekly*, vol. XVI, no. 8, 1981, pp. 290-92.

Ultimately, in 1960, after a gap of ten years the Assam Legislative Assembly passed the official Language Bill which made Assamese the official language (Misra, p.128). Heterogeneous character of the state was not accepted by certain Assamese nationalists as they failed to realise that Assam is made up of two valleys and many tribes that follow their own language and cultural traditions. The move to make Assamese the official language of the state was met with fierce opposition from the hill tribes and from Bengali Hindus. In Cachar district, resistance to the official language act saw the killings of 11 persons, most of them students, in police firing on 19 May 1961 (Misra, p.129). Nonetheless, because of the bilingual character of the Official Language Act, the movement in Cachar lost its significance as there was a Provision in the Assam Official Language Act, 1960 that safeguarded the use of Bengali language in Cachar district. One of the provision of the Official Language Act was that Bengali language shall be used for administrative and other official purposes at the district level in the district of Cachar until the Mohkuma Parishads and Municipal boards of the district²⁴. This provision of the Assam Official Language Act, 1960, is related to the State Reorganisation Commission Report of 1955, which mentioned that if in a district, 70% of the total population is comprised of a group which is the state minority, then the language of the minority group and not the state language should be considered as the official language in that district²⁵.

The State Reorganisation Commission report which was the solution devised for the nation-building process to form linguistic states in India led to fragmentation of linguistic identities in Assam. Post-Independence, Dar Commission was appointed on the recommendation of the Drafting Committee of Constituent Assembly. It was concluded that a state should be considered "unilingual" only when one linguistic group comprises about 70% or more of its entire population²⁶. And, when there is the presence of a substantial minority constituting of 30% or so of the population, the state

²⁴ Assam Official Language Act, 1960

²⁵ Report of the State Reorganisation Commission, 1955, p. 212

²⁶ Report of the State Reorganisation Commission, 1955, p. 212

should be considered as a bilingual state²⁷. Nonetheless, the same principle was incorporated at the district level, i.e. if 70% of the total population of a district comprises a group which is the state minority then the language of the minority group and not the state language should be considered as the official language in that district as is the case with Cachar district in Assam. Also, in the bilingual districts, municipalities or other smaller units, where the minority group constitutes 15% to 20% of the population, must print public documents such as Government notices, electoral rolls, ration cards etc. in both languages. Filing of documents in the minority language is considered permissible and candidates seeking election to any local bodies are required to have knowledge of minor groups²⁸.

When the State Reorganisation Commission came out with its report, it acted as a catalyst for linguistic conflict between the Assamese and Bengali and also among the other local communities of the state. To maintain the unilingual character of the State and in order to get rights and benefits, the state declared Assamese as the official language of the state in 1960. The Assamese speakers benefited from the assimilation of Bengali origin Muslim population, i.e. in the 1951 Census people in Goalpara district recorded their mother-tongue as Goalparia. As there was no such Goalparia language, these persons were recognised as Assamese with the direction from Registrar General, after consulting the state government²⁹. Further, during 1931 census, the percentage of Bengali speakers declined substantially because of the identification of Bengali Muslim immigrants as Assamese, thereby increasing the number of Assamese speakers from 22% in 1921 to 32% in 1921 (Dass, 1989, pp.20-21; Baruah, p. 48 and 218). However, from 1961-71 Assamese speakers declined by 3.18% which indicates a relative increase of Hindi and Bengali speaking population as a result of migration of the former group followed by the latter's refugee influx from East Pakistan (Dass, 1980, p. 857). Assamese speakers saw further decline of their population and the rise of Bengali speakers. One important question raised by the Assam Movement

²⁷Report of the State Reorganisation Commission, 1955, p. 212.

²⁸Report of the State Reorganisation Commission, 1955, p. 212.

²⁹Dass, Sushanta Kishore. "Immigration and Demography Transformation of Assam". *Economic and Political Weekly*, 1980, p.857

was- "do linguistic groups in India have rights to preserve their own cultural political identity in India's constitutional framework?" (Baruah, 1986,p. 283) What will the Punjabis, Tamilians do if the linguistic-cultural character of the respective states gets transformed because of the demographic change produced by immigration? What will Punjab do if they get a Bengali or Assamese Chief Minister? Will they bow down to the juggernaut of historical inevitability? These are some questions which are reflected in Sanjib Baruah's article on "Lessons of Assam," where he says that this frontier state going through a transformation in the 20th Century did not accept historical inevitability' (Baruah, 1986, p. 284).

One of the biggest fears of Assamese becoming a minority is further falling into place with the drop of Assamese population in 7 districts (Barpeta, Darrang, Sonitpur, Morigaon, Bongaigaon, Lakhimpur and Dhemaji³⁰) of Brahmaputra Valley in contrast to the Bengali speakers whose population has increased from 1991-2001³¹. In these seven districts, a significant number of Muslims of East Bengali origin, who have settled in pre-partition days have adopted Assamese as their mother tongue, along with Bengali speaking Muslims migrating from East Pakistan³². However, to categorise the Muslims settlers in these districts as illegal migrants from Bangladesh is fallacious.

³⁰In 2001, in the Barpeta district, the number of Assamese speakers decreased from 8,68,199 to 7, 74,229 according to the 1991 census. Whereas, the number of Bengali speakers increased from 3,95,063 to 7,35,845 in 2001. In Darrang, Assamese speakers declined to 5,89,006 in 2001 from 8,69,477. It recorded a substantial increase in the number of Bengali speakers - from 1,82,007 to 4,62,676. In Sonitpur, Assamese speakers decline from 7,79,521 to 5,62,048 in 1991. The number of Bengali speakers rose from 1,87,438 to 3,15,840. In Morigaon district also, number of Assamese speakers declined from 5,29,239 to 5,15,274 in 2001. The Bengali population increased from 67,001 to 2,19,039. In the upper Assam district of Lakhimpur, the population of Assamese speakers decreased from 4,88,070 in 1991 to 4,73,427 to 2001. The Bengali population recorded rise from 73,829 to 1,34,616 in 2001. In 2001, the Bengali population became almost equal to the indigenous Mishings as this district has been witnessing a huge inflow of settlers from lower Assam districts (<http://www.thehindu.com/todays-paper/tp-national/Decline-in-Assamese-speaking-population-in-7-districts/article15276523.ece>).

³¹Accessed 5 December 2017 <http://www.thehindu.com/todays-paper/tp-national/Decline-in-Assamese-speaking-population-in-7-districts/article15276523.ece>

³²Accessed 5 December 2017 <http://www.thehindu.com/todays-paper/tp-national/Decline-in-Assamese-speaking-population-in-7-districts/article15276523.ece>

The consequences of stereotyping East Bengal origin Muslims as illegal Bangladeshis were severe with incidents like the Nellie Massacre when the movement against the foreigners actually pervaded in a malicious manner to the East Bengal origin Muslim population.

During the course of my field study, various stakeholders have spoken about how the media portrays the East Bengal origin Muslims residing in lower Assam, as Illegal Bangladeshis. It was said that when labourers from Lower Assam go to upper Assam for work, they are at first caught by the AASU on suspicion of being illegal migrants from Bangladesh and handed over to the police. The local police, through interactions with the labourers, got to know that they belong to Dhubri or Barpeta. The police consulted with the local Government officials of Dhubri or Barpeta and are informed of these inter-district migrants and then after verification of the identity they release these migrants from the jail. However, by the time it is established that they are inter-district migrants, the media already projects them as illegal migrants. There is an ample number of incidents when these workers groups are profiled as illegal migrants. One such incident is when the Chiring Chapori Yuva Manch launched a campaign against the Bangladeshi nationals in April 2005³³. This organisation requested the local people to economically boycott the "Bangladeshi" nationals in any economic activity³⁴. This action of the Chiring Chapori Yuva Manch led to the fleeing of several hundred Bangladeshi people from Dibrugarh district and also from other parts of the state. It also affected some people in the parts of Meghalaya (Upadhyay, 3002). The Government later declared that these people are not Bangladeshis but inter-district migrants hailing from Lower Assam who had gone to Dibrugarh and other places in search of livelihood (Ahmed). Similarly, in October 2017, it was reported that more than 50 labourers were apprehended by the AASU in Phulani Chariali in Majuli, who were suspected to be illegal migrants from Bangladesh³⁵. The workers were handed over to the police who later released the workers on

³³Workers of Bangladeshi origin, most of them were labourers working in Brick kilns, rickshaw pullers and construction workers (Upadhyay, Archana. *Economic and Political Weekly*, p. 3002)

³⁴Abu Nasar Saied Ahmed, *Introduction*, p. 18

³⁵"Migrant on Island Radar." *The Telegraph*, October 2017, <https://www.telegraphindia.com/states/north-east/migrants-on-island-radar-181431>

being able to produce voter identity cards issued in 2014³⁶. The move of the police was criticised by Prabajan Virodhi Manch for releasing the migrants without any proper verifications and Convener of the Manch allege that the previous Congress Government had included them in the voter list as a vote bank. Though this is a common perception widely held among people in Assam, however, till date this stance of any Government has not been proven. In the field study conducted with the residents from Takimari, Pathamari char at Dhubri, it was observed that most of the respondents diversify their livelihood activities during rainy season by migration to the towns and cities³⁷. These char dwellers often get labelled as illegal migrants³⁸. Unfortunately, the mainstream media also does the same and fails to trace the root cause of their migration from Char areas. In a nutshell, the Bengali speaking Muslims are the prime suspects because of both religion and language as both these features are common to the Bangladeshis populace³⁹.

In addition to the above, there has been a sense of resentment for the Bengalis in the Brahmaputra valley and it is still a part of the public memory of how Bengali was declared as the official language (Hazarika, p. 28) by Colonisers. All these complexities played a big role in the Assam Movement and continue to play a significant role in shaping Assamese nationalism. Now the task ahead for the Government is to differentiate citizens from non-citizens because of which the bureaucratic exercise of preparing a National Register of Citizens (NRC) for Assam has been undertaken (Roy, 2016, pp. 26-27). This leads to the next section where present day contestation of Citizenship is explored in detail.

³⁶"Migrant on Island Radar."The Telegraph, October 2017, <https://www.telegraphindia.com/states/north-east/migrants-on-island-radar-181431>

³⁷During the field visit to Dhubri chars, I have interviewed 6 male respondents, who said during raining seasons they move to towns and cities in Assam and are generally engaged in construction related work

³⁸Observed during the field work, also cited "The "Ubiquitous" Bangladeshis", by Gorky Chakraborty, EPW, Vol. 47, Issue No. 35, 1 September 2012

³⁹Hazarika, Sanjoy. *Rites of the Passage*. pp. 28

Contestation over Citizenship

Citizenship refers to the substantive membership in a political community (Roy, 2009). The most commonly referred definition of Citizenship is provided by T.H. Marshall in *Citizenship and Social Class* (1950) as "full and equal membership in a political community" that implies equality and integration within the political community⁴⁰. However, the notion of equality does not necessarily apply in all contexts as societies are entrenched in hierarchies of caste, class race, religion rather than equality of status and belonging. Becoming a citizen at different epochs either enmeshed extension of citizenship to include more persons or meant wrecking of existing structures of oppression⁴¹. One of the citizenship extension models is the Graded model of citizenship which originated from Greek City States. This Model was extended to included non-Romans by also adding a second-class category of *civitas sine suffragio* (which means citizenship would be granted without voting rights). In the context of Assam, the model of Citizenship followed in the State is similar to the graded model of citizenship that is ingrained in Section 6A of the Citizenship Act.

Citizenship of Assam is governed by Section 6A of Citizenship Act that was incorporated through an amendment in the Citizenship Act of 1955 in 1986 which was the product of Assam Accord. The positive aspect of Section 6A of the Citizenship Act is that it provides for a particular cut off. According to Section 6A if a person has come to Assam from a specified territory and that specified territory is Bangladesh, then their descendants and they will be eligible for citizenship. But this is subjected to the proviso that they should have come before 24 March 1971. There are two cut-off sets for acquiring citizenship, i.e. if a person has come on or before 1 January 1966 shall be full-fledged citizens, but those who came in between 1 January 1966 and 24 March 1971 will have limited citizenship as they will get passports but not voting rights for a period of 10years of the period from the date of registration⁴². This kind of graded citizenship (Roy, 2016) reflects the

⁴⁰Anupama Roy, 'Citizenship' in *Political Theory an Introduction* Rajeev Bhargava & Ashok Acharya (Pearson, 2009).

⁴¹Anupama Roy, 'Citizenship' in *Political Theory an Introduction* Rajeev Bhargava & Ashok Acharya (Pearson, 2009).

⁴²Citizenship Act 1955, Interview with Prateek Hajela on 28 August 2017

progressive, accommodative character of India's democracy where citizenship laws change and evolve due to the changes in the society. But as the constitutional deadline for acquiring Citizenship is 19 July 1948 for the whole country excluding Assam, Section 6A has been challenged through PILs in the Supreme Court, such as PILs (Assam Sanmilita Mahasangh, Assam Public Works and All Assam Ahom Association v. Union of India, Writ Petition (Civil) no. 562 of 2012) challenging the validity of Section 6A.

In India, citizenship is not only defined by the place of birth but also in terms of ethnicity which means that a Bengali staying in Assam is only the resident of the state but is not an Assamese. For Bengali speakers to become Assamese, it would mean adoption of Assamese way of life (Weiner, 1978, p.300). An individual cannot be both Assamese and Bengali as both are mutually different terms. After the State Reorganisation in Linguistic terms in the mid-1950s, each state got an "official language" of a dominant ethnic community. Hence, ethnic minorities in each state identify themselves in ethnic and not territorial terms. This is because of the benefits and safeguards attached to both the minority and dominant communities. By defining identity in ethnic terms, communities assert their political power and identity (Weiner, p. 302). Though the Assamese have accepted the assimilation of migrant communities such as tea labour community, East Bengal origin Muslim population, who are now called Na-Ahomia, this is not the same with the Bengali Hindus. They have never assimilated because of which fear about the increase in the number of Bengali speakers is rising. In addition, if the Citizenship Amendment Bill 2016 grants citizenship status to the Bengali Hindus, the possibility of another conflict remains as the Bill changes the linguistic composition of the state and the older fear of the increase in the numerical strength of Bengalis in Government run entities still persists. This would be disadvantageous for the Assamese people in putting forward their claims.

The main fear continues to come from the Bengali Hindus as it is the Bengali Hindus who have migrated in large numbers due to the political change in Bangladesh than the Bengali Muslims after 1971. This might be the reason for an increase in the Bengali population in 2001 Census. Even the 1971 census showed the fragile nature of Assamese majority. In 1971,

the percentage of Assamese speakers was slightly more than 60%⁴³. Rather, the Cachar district recorded a numerically homogenous block with a population of 78%, while in the Brahmaputra Valley only Sibsagar recorded 85.76% Assamese speaker (Prabhakar, p.33).

The pertinent question which arises is whether Assam will become a multi-lingual state? The Population of Assamese speakers in 2001 census already dropped in contrast to the rise of the Bengali speakers. 2011 census has not declared the Linguistic composition of the state. With the recent development, reviving the old issues of language and identity of 1920s, 1930s, 1940s and 1950s is the Citizenship Amendment Bill 2016. It is tabled in the Parliament and focuses on the 6 religious minority communities who came from Afghanistan, Bangladesh and Pakistan and entered India without valid documents, rendering them to be not considered as illegal migrants. It is proposed to make them eligible for citizenship⁴⁴. If the Bill materialises, it would mean granting of citizenship status to the undocumented Hindu migrants who came in post-1971. It will also relieve those people whose citizenship was questioned or doubted several numbers of times and also those who are staying at detention centres⁴⁵. The Bill sought to make illegal migrants eligible for citizenship on religious lines and is deeply harming the secular content of the Indian Constitution. This is a major point of contention between the BJP and several ethnic organisations along with the AGP. Citizenship Amendment Bill 2016 has become a point of contention between the BJP and AGP as the latter held that it will never accept the Bill⁴⁶.

⁴³Prabhakara, M.S. *Looking Back into the Future: Identity & Insurgency in North East India*. Chapter 3, pp 32-33

⁴⁴CITIZENSHIP (AMENDMENT) BILL, 2016

⁴⁵According to the Citizenship Amendment Bill 2016 citizenship would be provided to illegal migrants belonging to Hindus, Sikhs, Buddhists, Parsi, Christians and Jains, thereby amending the Citizenship Act, 1955 to make the stated communities eligible for citizenship. Under the Act, one of the requirements for citizenship by naturalisation is that the applicant must have resided in India during the last 12 months, and for 11 of the previous 14 years. The Bill relaxes this 11 year requirement to six years for persons belonging to the same six religions and three countries. Accessed 5 December 2017. (<http://www.prsindia.org/billtrack/the-citizenship-amendment-bill-2016-4348/>)

"Will do all to defeat Citizenship Bill: BJP Ally." *The Economic Times*, 2017

If the Bill materialises, there is the possibility of Assam becoming a multi-lingual state. The tea-garden labour community has returned Assamese as their second language indicating their acceptance of Assamese language in 1971. But the same trend did not continue in the 1991 Census in light of the militancy of this section of the population who are now trying to reaffirm their original mother tongues (Prabhakar, p.35)⁴⁷. Even several organisations of the plain tribal communities through formal resolutions, have directed their followers to return their respective tribal language as their mother tongue (Prabhakar, p 36). Such an approach by the plain tribals would lead to the emergence of separate people in both ethnic and tribal status and also in terms of speakers of new language, which will definitely lead to the decline of Assamese speaking population⁴⁸. In these circumstances, where tribal communities are thinking of returning their own tribal language as their mother tongue and Bengali Hindus who have never adopted Assamese as their mother tongue, if the citizenship Amendment Bill is passed, in official terms Assam would be turning into a multilingual state. These are the consequences of migration and demographic change in a society. Though tribals in Assam are the indigenous people of Assam, passing of the Citizenship Amendment Bill 2016 will mean change in the linguistic composition of the state as it would be the Bengali Hindu migrants (post-1971) who will not be identified as "illegal migrants" but would be regularised as citizens. There is also the fear of Bengali Hindus and Muslims coming together to assert their linguistic identity which is a long continuing fear of the Assamese people (Ahmed) and needs to be seen in the current scenario of Bengali-Muslims assertion through "Miyah" poetry where they are embracing the term Miyah (given by the Assamese populace)⁴⁹.

What will be the consequence of Citizenship Amendment Bill 2016 is a question that needs to be pondered upon by the State, in order to avoid clashes between communities. The Citizenship Amendment Bill 2016 has

⁴⁷Prabhakara, M.S. *Looking Back into the Future: Identity & Insurgency in North East India*. Chapter 3, pp 35

⁴⁸Prabhakara, page 36

⁴⁹<https://www.firstpost.com/living/for-better-or-verse-miyah-poetry-is-now-a-symbol-of-empowerment-for-muslims-in-assam-3007746.html>

already caused violence with the incident at Silapathar where the President of Nikhil Bharat Bengali UdbastuSamannay Samiti (NBBUS⁵⁰), Subodh Biswas, led a mob to attack the office of AASU in Silapathar town of Dhemaji district on March 6, 2017⁵¹. Biswas along with some other leaders of NBBUSS demanded Indian citizenship for Hindu Bangladeshis as per the Citizenship (Amendment) Bill, 2016, tabled by the Narendra Modi Government in July 2016⁵². The bill once again revived the old issues which the Partition have failed to resolve.

The Bill also challenges the validity of the Assam Accord which fixed the date as 24th March 1971 for identifying illegal migrants. It has received severe backlash from the public and several organisations such as AASU, Krishak Mukti Sangram Samiti (KMSS), Asom Sahitya Sabha, Prabajan Virodhi Manch, Sadou Asom Garia Chatra Parishad, Sadou Asom Goriamoria Deshi Jatiya Parishad, Char Chapori Sahitya Parishad and Asom Jatiyatabadi Yuba Parishad, Indigenous Tribal Sahitya Sabhas⁵³. As per these organisations, if citizenship is granted to Hindu refugees, the demographic balance will change and eventually turn the Assamese into the minority. Upamanyu Hazarika, by renouncing the citizenship amendment Bill 2016 has criticised the present Government for its rhetoric of providing protection to jati, mati, bheti to the indigenous people, which is unfortunately compromised by the present Government.

The genesis of the Citizenship Amendment Bill 2016 lies in the Immigrant Expulsion Act from Assam Act, 1950. Section 2 of the Immigrant Expulsion Act stated that "*power to order expulsion of certain immigrants: if the Central Government is of the opinion that any person or class of persons, having been ordinarily a resident in any place outside India, has or have, whether before or after commencement of this Act, come into Assam and that the stay of such persons or class of person is detrimental to the interests of general public or*

⁵⁰A little-known refugee group

⁵¹Protestors attacked the martyrs' columns at the AASU office and they also damaged the portraits of Assamese cultural icons of Bhupen Hazarika and Jyoti Prasad Aggarwala

⁵²<https://thewire.in/118141/absconding-hindu-bengali-outfit-chief-subodh-biwas-arrested-west-bengal/>

⁵³Congglomeration of 8 literary groups of indigenous communities

*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"*⁵⁴. After the passing of the Immigrants (Expulsion from Assam) Act, 1950 by Parliament on February 13, 1950, there was a concerted move to throw out the East Bengal origin Muslims from Kamrup, Cachar and other regions of Assam (Roychoudhary, 1981). Thus, the Citizenship Amendment Bill 2016 is the reincarnation of the Immigrants Expulsion Act 1950 which also replicate the model of bounded citizenship as the Bill indicates excluding one section of the population.

Assam Movement as stated above was against undocumented immigrants which demanded detection, disenfranchisement and deportation of foreigners from Assam. According to the Foreigner Act 1946 the burden of proof of whether a person is a foreigner or not lie upon such persons. However, in Assam, the Illegal Migrants Determination by Tribunal (IMDT) Act 1983 was implemented to identify illegal Bangladeshis where the burden of proof did not lie with the accused but with the accuser. Though the Act aimed at identifying the illegal migrants from Bangladesh, it also provided protection to the minorities as the Act was implemented after the Nellie Massacre. But the Supreme Court struck down the Act and considered it unconstitutional⁵⁵. The famous case of Sarbananda Sonowal v. Union of India stated that Foreigners Act 1946 and the Rules made thereunder would be applicable to the state of Assam⁵⁶. All cases which were pending before the Tribunals under the IMDT Act shall be transferred to the Tribunals constituted under the Foreigners Tribunal Order, 1964 and shall be decided in the manner provided in the Foreigners Act

⁵⁴The Immigrant (Expulsion from Assam) Act, 1950.

⁵⁵"SC Strikes down IMDT Act as Unconstitutional." *The Economic Times*. 13 July 2005

⁵⁶Sarbananda Sonowal v. Union of India on 5 December 2006

1946 (ibid 104). Thus, the Supreme Court by striking down the IMDT Act have replicated the bounded citizenship model where the Court sanctified the territorial protection of the nation's population from infiltration as they posed a threat to national security (Roy, p. 46).

Way Forward

In Assam, there is a special category called "D" voters. This is for the doubtful voters who are identified during electoral rolls revision as "D" voters. The category is a product of the Assam Movement when the Government was asked to carry out intensified revision of the voters list for Assam⁵⁷. Dvoter's cases are still pending with the Foreigners Tribunals or might be declared as Foreigners by the Tribunals. They can apply for inclusion of their names in the updated NRC only with the clearance from the Foreigners Tribunals. Children of the D voters who have legacy data can also apply for inclusion⁵⁸. In February 2017, Assam's Parliamentary Affairs Minister, Chandan Mohan Patowary stated that 4, 44,189 cases are referred to the Tribunals and 2, 01,928 cases are still pending with the Tribunals⁵⁹. The question still remains as to what is the Government planning to do with the D Voters? It is to be seen whether the D voters are deported considering deportation is not a unilateral decision as it has to follow international protocol. Though the Supreme Court has directed the Union of India to take the matter into bilateral discussions with the Bangladesh Government for implementation of the process of deportation⁶⁰, till date, there is no discussion in any bilateral meetings, provided Bangladesh have always denied illegal migration to Assam.⁶¹

⁵⁷Abdul Kalam Azad. 2017. The Struggle of 'Doubtful Voters' Has Intensified in BJP's Assam. *The Wire*

⁵⁸Accessed 15 November 2017. nrcassam.nic.in/faq09.html

⁵⁹Abdul Kalam Azad. 2017. The Struggle of 'Doubtful Voters' Has Intensified in BJP's Assam. *The Wire*

⁶⁰Baruah, Sanjib. "Stateless in Assam." *The Indian Express*, 2018

⁶¹Hasanul Haq Inu, Bangladesh Information Minister in October 2017, stated that there is no unauthorised migration from Bangladesh to Assam. He emphasised that illegal migration has never been part of any discussion between the two Government. Baruah, Sanjib. "Stateless in Assam." *The Indian Express*, 2018

The Possibility of India discussing the matter of deportation with the Bangladesh Government is unlikely. At the same time, the process of deportation done through bilateral agreements for the readmission of nationals to relevant countries is an expensive exercise. For instance, the European Union by an agreement with Libya has reduced the flow of migrants for large sums of money (ibid 122). Even the deportation of unauthorised migrants of Mexico from the US has been expensive as the US pays Mexico \$1,000 for each person to be deported (Ibid 122). However, Customary International Law obliges one's own country to take back its nationals. In practice, it is a difficult exercise. In the context of Assam, it is unlikely that India will take up the matter of deportation to the Bangladesh Government, provided the "neighbourhood first" policy of the current Government (Ibid 122).

Hence, if the Citizenship Amendment Bill is passed, and after the NRC is updated⁶², it is uncertain as to what procedures to deal with the Muslims illegal migrants from post 1971 will be feasible. For Myron Weiner, one approach of dealing with the problem of illegal immigration is accommodating the chunk of illegal immigrants by which economic benefits in terms of cheap labour can be utilized (Singh, pp. 111-112). This option is based on neo-classical economics which might be valid option to deal with the identified illegal migrants, either through NRC or Foreigners Tribunals. As both Bengali Hindus and Bengali Muslims are the communities affected by the partition, it is imperative to take a holistic and a more inclusionary approach. Instead of providing citizenship status to the 6 religious minority communities, we need to determine if other kind of citizenship models, such as limited citizenship, be replicated to both sets of migrants from erstwhile East Bengal. The Government can also find out whether it is possible

⁶²Assam is the only state in India that prepared an NRC in 1951 following the 1951 Census and has also become the first state to get the first draft of NRC. The NRC is updated with the names of applicants whose names appear in the NRC 1951, any electoral rolls till March 24 1971 and their descendants. NRC is also going to contain the names of all Indian citizen who moved to Assam post 1971. First draft of NRC is already published in the midnight of 31st December 2017. It has published the name of 1.9 crore applicants out of 3.29 crore applicants. (Sushanta Talukdar, 2018, First Draft of NRC recognises 1.9 crore people as citizens. *The Hindu.*)

have a different immigrant law for the state of Assam to deal with the Post 1971 migrants which may grant labour rights and basic minimum right to live with dignity by excluding the voting rights for a certain period of time.

For instance, in December 2005, Wisconsin Congressman, James Sensenbrenner, in the US, convinced the law makers to pass the immigration proposals that were considered to be one of the most repressive proposals by criminalising 12 million undocumented immigrants in the US from Mexico⁶³. However, the fact remains that family of this Representative benefits from the labour of these migrants and they create conditions that facilitates their migration. Kimberly Clark, one of the world largest paper companies is started by Sensenbrenner's grandfather. Yet he is the one who fulminated against undocumented immigrants. He was criticised by others arguing that labour of migrants was needed in the economy of the US and the economy would receive a severe set-back if the undocumented immigrants returned home, as the country's largest corporations are dependent on the labour of immigrants (Bacon, p. 58). Similar is the story of undocumented migrants from Bangladesh that, who have made their presence in the informal labour market of Assam. Now to deport this group is not a viable option due to India's Foreign Policy. Their deportation will mark a major crisis in the economy where they undertook work at menial wages. If they are illegal migrants their exclusion from social welfare policies can be considered as one of the options along with their right to life should be protected in all form. In the US Congress, for example, the lawmakers argued in favour of granting permanent residence visas to the people who were already there. Those visas would give them a chance to come and go to work, study or take care of their family. Similar kind of attempts can be made in Assam through Work Permits. Proponents of work permit in Assam also propose to grant them to groups of 15-20 persons. The permits should be issued for a limited period of time depending upon the nature of work. The permits should act like passports with the details of individuals, their employers and the length of stay of the group in India. So, once the NRC is updated, non-citizens can

⁶³David Bacon, The Political Economy of International migration, *New Labor Forum*, Vol. 16, No. 3/4 (Fall, 2007), p. 57.

also be given work permits by disenfranchising them and allowing them to stay and work and after some point of time they should be allowed to apply for citizenship through naturalisation⁶⁴.

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⁶⁴Sangeeta Barooah Pisharoty. Policy for Those Found Non-Citizens After NRC Update in Assam Still Undecided. *The Wire* <https://thewire.in/external-affairs/policy-found-non-citizens-nrc-update-assam-still-undecided>

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