CHAPTER-IV
GENESIS OF THE REFUGEE PROBLEM IN INDIA

India’s diversity, stability and relatively well established rule of law have made it a natural destination for people fleeing persecution and instability in their own Countries. Within the South Asian region, India stands out as an exception of tolerant, democratic and secular government in a neighborhood of unstable and volatile states. India has historically forced numerous Influxes over many millennia and the ability of these people to integrate into a multi-ethnic society and contribute peacefully to local culture and economy has reinforced the perception of India being a country traditionally hospitable to refugees. India shares seven land borders and one sea border with countries varied states of strife and war, and over the years, has hosted large refugee population from neighboring countries, various internal conflicts and political upheavals in countries bordering India its forcing citizens to seek refuge elsewhere.

From times immemorial India has been an attractive destination for all kinds of people ranging from travellers to looters, from warriors to adventures. Even the Aryans are known to have come from outside. Not only the Aryans but also Non-Aryans, the Chinese, the Sakas, the Huns, The Pathans, the Mughals the Westerners and the Britishers have come from outside.

The phenomenon did not stop even after partition although the partition itself was anathema to the entire Phenomenon. The subsequent second partition which saw the creation of Bangladesh encouraged the process further. The difference between the earlier experience and the post-independence one was that while during the earlier phase, the immigrants were from outside South Asia, in the later phases they were from within the region with some minor exceptions. Indeed, this was to
some extent inevitable because the geographical limits of India themselves got truncated with the coming of independence.

This chapter attempts to study the phenomenon of arrival of people from all over the region either as refugees, temporary workers, unauthorized migrants and permanent settlers and then relate it to the politics of the country. The essential thrust here would be to see the question from a human angle and argue that the elimination of regional disparities in the national context together with regional co-operation in the South Asian context can alone address it, holistically.

Any study of movements of people from one place to another confronts some definitional difficulties. These difficulties arise because in the modern world, both on account of technological advances and the growing awareness of people about their rights and well-being, international boundaries are no longer the dividers of people either culturally or emotionally, as it used to be in earlier times. Moreover, with the process of decolonization which witnessed state formation prior to nation formation, the problem of cross-national ethnicity and sub-nationalism has arrived at the centre stage of intellectual inquiry. Its cumulative effect is to reveal the inadequacy of finding a suitable and universally acceptable definition for social phenomenon.

If we accept the broad definitions of migration, movements, population movement and refugee, it would be found that during the last half century India, when compared to other countries in the region, has hosted the highest number of people either permanently or quasi permanently from outside its borders, and most of them from South Asia itself. Estimated, about 25 million people have been pulled into this continuing flow of people to India, driven by the search for security against the threat to life, property or faith and culture or pushed by war, hunger and work or drawn by ethnic, racial, ideological or religious homogenization.
From a strict methodological point of view based on theories of nation building all the different types of migration to India may be put in two or three typologies. For example, both the Hindu migrations after the partition and the Bengali refugee influx in the wake of the Bangladesh liberation war can be considered together in terms of nation building. But such strait-jacketing would not be useful for the purposes of this chapter, the thrust of which is to view the problem from the point of India’s political development. To further clarify the point, it may be argued that though both the above cases were nation building related, in the case of the Hindu migrants they become the direct vehicles through which the Hindu-Chauvinistic politics of India was carried forward. But in the case of the Bangladeshi refugees both the Hindu nationalist and their enemies closed ranks. The fact that the majority of the refugees were Muslim mattered little to either of the groups.

Keeping in view the primary focus of this chapter together with the various types of migrations or refugees to India both in term of causality as well as their impact on domestic politics, seven categories of migrations may be considered although some overlapping is unavoidable. These categories are:-

I. Hindu migrations caused by the partition
II. Bangladeshi refugees as a result of the civil war in Pakistan.
III. Sri Lankan Tamil, Burmese Indian and Bhutanese Nepali refugees due to inter-ethnic strife.
IV. Nepali, Bangladeshi and Pakistani settlers due to open or virtually open borders.
V. Developmental and environmental refugees from Bangladesh.
VI. India Tamil (Sri Lankan) repatriates as per contractual obligations.
VII. Tibetan and Afghan refugees as a result of military intervention by extra-regional powers.
Hindu migrations caused by the partition:

The migration of Hindus that took place from Pakistan immediately before and after the partition and which continued for several years thereafter, fall in this category. The nation formation related ideological conflict between the Congress and Muslim League had created such distrust between sections of Hindus and Muslims that when the decision to divide the country was taken it resulted in unprecedented communal carnage at several places. In the wake of the Partition a large number of Hindus migrated to India. Estimated, about seven million Hindus were involved in the process. During the fifties, another four million Hindus migrated to India. In the 60s, East Pakistan witnessed frequent communal strife causing a further exodus of Hindus, particularly to the neighboring Indian states of Assam, Tripura and West Bengal. From Partition to 1964, the numbers of such refugees were estimated 5.5 million.

Bangladeshi refugees as a result of the civil war in Pakistan:

The denial of democratic rights to the East Pakistan based Awami League to form the government in Pakistan following the general election of 1970 in Pakistan sharpened the already existing political divide between the East and West wings of Pakistan. The people of East Pakistan claiming a distinctive linguistic and cultural identity of their own, around which developed the phenomenon of Bengali nationalism, came in conflict with Pakistani, or more precisely, Punjabi, nationalism.

1There cannot be any exact estimation of these refugees’ flows. But the figures given here are generally accepted to be accurate. See O.H.K spate, Indian and Pakistan: A General and Regional Geography, London, Methuen, 1957,p.199.Also see Kingsley Davis, “India and Pakistan : The Demography of Partition, "Pacific Affairs 22,, Vancouver, 1949,pp.254-64

The Bangladesh liberation movement resulted in massive repression by the Pakistani military Junta causing mass exodus of East Pakistanis to India. An estimated 10 million refugees arrived in India.

Sri Lankan Tamil, Burmese Indian and Bhutanese Nepali refugees due to inter-ethnic strife:

The arrival of a large number of Sri Lankan Tamil as refugees on account of the Sinhala Tamil ethnic conflict, the arrival of many Burmese Indians following the nationalization of trade and industry there and the flight of thousands of ethnic Nepalese from Bhutan fall in this category. The anti-Tamil riots of July 1983 in Colombo forced many Sri Lanka Tamils to take refuge in the neighboring state of Tamil Nadu in India. It was estimated that about 30,000 Tamils took refuge in India at that time. The flow continued with varying degrees of intensity and by May 1985 it touched the figure of 1000,000. Many of these refugees settled permanently in India. A 1990 estimate showed that approximately 120,000 Sri Lanka Tamils were living in refugee camps while about 80,000 were living outside the camps. Following the assassination of Rajiv Gandhi in May 1991 the non-camp refugees were asked to register themselves with the police. By July 1991, more than 26,000 persons were registered. Soon afterwards, the police launched an operation to pick up those who were not registered. 1,800 arrests were made under the Foreigners Act.

According to the recent reports there are 115 refugee camps in Tamil Nadu which shelter 56,746 refugees. The last phase of repatriation which took place between January 21, 1992 and March 20, 1995, had effected the repatriation of 54,188 people. Since the defeat of the LTTE in Jaffna and Killinochchi, once again there has been a surge of refugee

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4V. Suryanarayan," Sri Lanka Tamil Refugees in Tamil Nadu, in ibid, pp.221-22
movements towards India. Between July 31, 1996 and October 10, 1996 about 13,000 Sri Lankan Tamil refugees reportedly arrived on the Rameswaram coast of Tamil Nadu⁶.

In Myanmar, the policies of the government after independence in 1948, aimed at indigenizing the society and polity, caused an exodus of Indians in the 40s on to the 60s. Before 1937 when Myanmar was part of the British Indian Empire there were about 900,000 Indians in the country holding important commercial and professional positions. After Myanmar's independence when the new government embarked upon a policy of indigenization which included making the Burmese the official language, a majority of Indians left the country and returned to India. During the 60s yet another exodus took place. This was caused by the policy of nationalization of trade, industry, banking and commerce which made the role of Indians there redundant, as most of them had been engaged in these profit-making sectors. About 150,000 were involved in this return migration⁷.

Again in the last decades, there has been a renewed flow of refugees from Myanmar to neighboring countries which includes India, largely on account of the repressive policies of the ruling State Law and Order Restoration Council (SLORC). Most of these refugees belong to the chin tribe and have come to Mizoram; some are also Nagas who have taken shelter in Arunachal Pradesh and Nagaland. Altogether there are about 40,000 Mynmarese refugees in India.

The ethnic strife in Bhutan between the majority Drukpa’s (Nagalongs and Sarchops combined) and the minority Lhotsampas (ethnic Nepalese) have forced a large number of the latter to leave their

⁶The Hindu 6 October 1996

country and take refuge in India and Nepal. Although the majority of these 90,000 persons of Nepali origin who fled Bhutan in 1990 are in Nepal, estimated, about 20,000 in India spread across the north-eastern states of Arunachal Pradesh, Assam and West Bengal. 7,000 of them who are in the Bomdila region of Arunachal Pradesh have been threatened with deportation because of the anti-foreigner campaign launched there by the All Arunachal Pradesh Students Union.

Nepali, Bangladeshi and Pakistani settlers due to open or virtually open borders:

The Indo-Nepal border is an open border which has resulted in substantial Nepali immigration into India. Nepali immigration has largely been to the north-eastern states of India and the northern district of West Bengal and Uttar Pradesh. In the 70s it was estimated that nearly 5 million persons of Nepali origin had permanently settled in India for more than a generation. According to more recent estimates, there are at least 6 million, perhaps even 10 million people of Nepali origin in India.

While the border between India and Nepal was made an open border by the 1950 treaty, the border between India and Bangladesh is a de facto open border. It has resulted in large scale movement of Bangladeshis into India. As a consequence of the haste with which Cyril Radcliffe accomplished the task of partitioning India coupled with the inherent fallacy of the whole exercise in mixed Hindu-Muslim localities along the border between India and Bangladesh, the border hardly gives the impression of an international border. A scholar who visited

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8Ibid, 12 February 1996.
11At the time of partition, it was border between India and East Pakistan.

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some of the border areas found the utter inefficacy of the system that was supposed to politically separate India from Bangladesh. He wrote: “We have drawn a line on paper, but where is that line on ground? This situation was illegal but unnatural. In this convoluted milieus I soon learnt how categories changed.... (Here) illegal meant routine; infiltration was migration: smuggling was trade, these were less Indian villages, but more border villages. Economic and social interactions across the international boundary are as common now in many places as they were before the partition. As a result, many people have come and settled on the Indian side of the border as a matter of routine.

The 1981 census revealed that in the eight border districts of West Bengal the population grew at over 30 percent between 1971 and 1981 whereas the remaining districts reported growth rates below 20 percent. In the extreme case of a town in northern West Bengal, the population jumped from 10,000 to 150,000. According to estimates provided by the India census report, the number of people who have migrated illegally from Bangladesh to India totaled 1,729,310 from 1961-71 and 559,006 from 1971-81. These figures do not include the estimated 600,000 who entered Assam during 1971-81. It is possible that many of the Bangladeshi infiltrators were called Biharis.

According to some estimates quoted by the media in the 1980, on an average 2,000 people were pushed back by Indian's Border Security

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12 Ranbir Samaddar, “A Twilight zone that divides a Road, a village and a people,” The Asian Age, 21 November 1995. The question of about 50,000 Indians in enclaves in Bangladesh also remains unresolved. While the transfer of tin Bigha corridor to Bangladesh has given the latter access to its enclaves on Indian soil there has been no reciprocal arrangement to give India to these enclaves. For details, see ibid, 21 October 1996. Migration of East Bengalis to the neighboring Assam and Tripura also has a long tradition. The process continued even after the partition of India. See Lalit K.Pathak,” East Bengal Immigrants in Assam Valley - An Analysis of Census Data,” Srinath Baruah,”Immigration Problem and Population Trend in Assam,” and other articles in B.Dutta Ray(ed), The Pattern and Problems of Population in North-East, New Delhi. Uppal, 1986


14 Intiaz Ahmed,”Refugee and Security,” in Muni and Baral, Refugees and Regional Security, PP. 143, 150.
Force (BSF) every month. However, the actual number of Bangladeshi nationals illegally entering India through the sparsely guarded 1,300 km, long border is suspected to be at least ten times as high. According to the figures supplied by the government of India, in 1992, 1993 and 1994, 37,891, 23,559 and 16,991 infiltrators, respectively, were intercepted on the Indo-Bangladesh border. To these numbers one should also add those Bangladeshis who enter India on forged travel documents or even valid ones but who do not return their country of origin on the expiry of their visas. In 1980 the West Bengal governments claimed that at least 40,000 passport holders from Bangladesh who had entered West Bengal over the last ten year had disappeared into the Indian community.

In reality, there is hardly any deportation of illegal immigrants back to Bangladesh, despite the hue and cry made in country over the matter. From 1989 to 1994, only 3,189 illegal Bangladeshi immigrants were deported. Presently, there are millions of unauthorized Bangladeshis living in various parts of India, generally doing menial jobs. Demographers agree that such out-migrations of people from poorer regions to neighboring less poor ones are bound to take place, just like water seeks its own level. Earlier, these settlements were concentrated in neighboring Assam and West Bengal but of late more remote areas like Bombay, Delhi, Haryana, Punjab and western UP have seen this trend.

Another case that can be added to this category is that of clandestine Pakistani migration across the border of Gujarat and

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15 Times of India, 31 march 1995
16 India, Today, 30 April 1995, P.79. The corresponding figure for Pakistan was 590.
17 As per some estimates, there were about 1.3 million illegal immigrants in the north-eastern states and West Bengal. See S. Mukherjee. "Migration in Easter India. How much of it is illegal." The Journal of Family Welfare, 37(3), September 1991, P.71.
Rajasthan. This border is 512 km long in Gujarat and 1,335 km in Rajasthan. People living in the border areas often have kinship ties across the border. Smuggling is a way of life there and trafficking in drugs and arms, particularly after the Punjab crisis, is a growing problem for the India authorities.

In India, some of the border villages in the districts of Barmer, Bikaner, Ganganagar and Jaisalmer in Rajasthan have registered a much higher rate of growth than other villages. For example, between 1971 and 1981, the population of Bandha village went up from 172 to 5,888, of Muhar village from 9 to 247, of Kuldar from 32 to 240, of Modana from 422 to 1,198, of Mota kilon-ki-Dhani from 48 to 540 and of Madasar from 445 to 1,171. While part of this growth is attributed to the construction of the Rajasthan canal (Indira Gandhi Nahar) which attracted people from other districts, part of it is due to migration from Pakistan. There has been a rise in the number of Muslim majority villages along the border. In this connection it may be noted that in the wake of 1965 and 1971 Indo-Pak wars many Indian Muslims crossed over to Pakistan and settled there. They, however, managed to retain their Indian citizenship, thanks to local district politics. These people had a unique state of holding dual citizenship of both India and Pakistan and continued to cross the border with relative ease.

Developmental and environmental refugees from Bangladesh:

In this category one may include the migration of the Chakma tribals of Bangladesh to some of the north-eastern states of India. The construction of Karnafuli(Kapatai) hydro-electric project in 1964 submerged 54,000 acres of settled and cultivable land affecting about

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18 India Today, New Delhi, 15 September 1985, P.53
19 The Facelift that the canal has given to the local economy has been discussed in B.G. Verghese, Winning the Future: From Bhakara to Narmada, Tehri Rajasthan Canal, New Delhi, Konark, 1994, pp. 67-73.
20 Sunday Calcutta, 10-16 November 1985, pp.15-22. See also the Hindu, 4 July 1995, for a recent report on the phenomenon.
100,000 people, 90 percent of whom were Chakmas. In addition, state-sponsored resettlement schemes meant for plains people in the traditional “homelands” of the Chakmas, made them aliens in their own habitat. All this led to disaffection, civil strife, militancy, and eventually, state repression resulting in the flight of the tribals to neighboring India for safety. By August 1987, there were about 33,000 such refugees spread over several camps in the North-East\textsuperscript{21}. More recently, Bangladesh and India has agreed upon a process of repatriation. The pace though is slow. By April 1995, only 1,027 refugee families had been repatriated\textsuperscript{22}.

There is also case of Bangladeshis who enter India in large number in search of livelihood. Several studies have shown that the construction of the Farakka barrage in India on the Ganges near the India-Bangladesh border has contributed to the impoverishment of people of south-western Bangladesh, particularly of the Khulna and the Rajshahi divisions. Khulna was traditionally a high growth division but during the last two decades it has registered a drastic fall which is largely attributed to the impact of the Farakka dam on its agriculture. The exact number of out-migrants from these two divisions to India can never be known but it would not be too much of an exaggeration to put the figure at two million or so\textsuperscript{23}.

**India Tamil (Sri Lankan) repatriates as per contractual obligations:**

Within this category falls the repatriation of a certain number of India Tamils from Sri Lanka to India. In 1953 it was estimated that there were 975,000 stateless persons of Indian origin in Sri Lanka. According

\textsuperscript{21}The Hindu, 3 August 1987
\textsuperscript{22}Asian Age, 5 April 1995. Times of India, 7 April 1995.
\textsuperscript{23}For a detailed analysis, see Ashok Swain, The Environmental Trap: The Ganges River Division, Bangladeshi Migration and conflicts in India, Report No.41, Department of Peace and conflict Research, Uppsala University, Sweden, 1996. see also Thomas Homer-Dixon and Valerie Percival, Environmental security and Violent conflict: Briefing Book, American Association for the Advancement of Science and the University of Toronto, 1996, pp. 10-16
to the Sri Lankan census of 1981, the Indian Tamils were 825,233 in number, constituting 5.6 percent of the island's population. The Shastri-Sirimavo pact of October 30, 1964, provided that of the 975,000 stateless persons of Indian origin in Sri Lanka, registered in 1953, 300,000 persons and their descendants would be granted Sri Lankan citizenship while 525,000 their descendants would be granted Indian citizenship. The status and future of the remaining 150,000 people and their descendants would be decided later by a separate agreement. Subsequently in 1974, it was decided that both governments would grant citizenship to 150,000 persons left undecided by the 1964 pact in a 50:50 ratio. The agreements could not be implemented properly because of the inherent problems associated with eviction from one's homestead. By January 31, 1989, 166,000 families had been repatriated to India but their rehabilitation was far from satisfactory.

_Tibetan and Afghan refugees as a result of military intervention by extra-regional powers:_

So far, there are two cases of this variety. It includes the Tibetan refugees who crossed over into India following the ‘Chinese annexation of Tibet and the small number of Afghan refugees, following the soviet intervention in Afghanistan. Tibetan refugees started arriving in India first in 1950. It was during that year that the People’s Republic of China started asserting its sovereignty over Tibet. However, it was only in 1959 that a large number of Tibetans fled to India and Nepal in the wake of the Chinese military action in the plateau. The reports of the International commission of Jurists (ICJ), published in 1959 and 1966, documented several cases of religious persecution, torture, forced

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24 For details, see Partha S. Ghosh, cooperation and conflict in South Asia, New Delhi, Manohar, 1989, pp.155-61

sterilizations and destruction of families, perpetrated by the Chinese authorities. It is difficult to ascertain the exact number of Tibetans who were forced to migrate. By 1966, it was estimated that about 80,000 to 90,000 Tibetans had taken refuge in India\textsuperscript{26}.

The Soviet intervention in Afghanistan in December 1979 resulted in a huge inflow of Afghan refugees into Pakistan. Some Afghans also moved to India and stayed on, mostly in Delhi\textsuperscript{27}. Their presence attracted attention when following the hanging of former Afghan president Mohammed Najibullah by the Taliban in October 1996, Afghan refugees prevented his widow entering a mosque in Delhi to pray for his departed soul.

**The political connection:**

Of the seven categories mentioned above except for the first and probably the last, the movement of peoples coming across is a continuing phenomenon. In the absence of a kind of colonial and imperial system that operated in India prior to independence, there is little likelihood of a replay of the 1947 Partition. Similarly, after the end of cold war and the growing change in the Chinese political strategy in south Asia, there is little possibility of China or Russia following an expansionist policy. But whether the phenomenon of cross-national movement of people is past or contemporary, it has a lingering effect on the politics of the country. It is, therefore, important to grapple with the issue from the perspective of the interface between the refuge problem and domestic politics.

Three points need to be borne in mind in this regard. In the first place, migrant populations affect the politics of the host country by their

\textsuperscript{26}Dawa Norbu."Refugees from Tibet: Structural causes of successful settlement," paper presented to the Fourth International Research and Advisory Panel conference of forced Migration, oxford University, 5-9 January 1994, pp.1-3.

\textsuperscript{27}Asian Age, 1 may 1995.
direct or indirect involvement in the local politics of their hosts. This has been evident in the examples of the Hindu refugees from Pakistan in Delhi and Punjab, the East Pakistani and Bangladeshi settlers in Assam and West Bengal, Nepali settlers in northern West-Bengal, Sikkim and some north-eastern parts of India and the Sri Lankan Tamil refugees in Tamil Nadu.

Secondly, in all the cases of migration discussed above, there is a strong element of communal and ethnic underpinning which complicates the problem further. For example, since the majority of Bangladeshi infiltrators are Muslims, it gives a handle to the Hindu chauvinistic parties in India to communalize the issue. Similarly, Sri Lankan Tamil refugees in Tamil Nadu contribute to strengthening the Dravidian element in state politics.

Thirdly, some of the refugee groups bring with them a connection with insurgent groups active in their place of origin, thus spreading violent politics to the refugee receiving country. Sri Lankan Tamils in Tamil Nadu provide one of the best examples. As one Indian scholar noted, prior to the arrival of these refugees the political fights in the state even if they went to a physical level "rarely went beyond cycle-chains, sticks and stones. The Jaffna 'boys' have introduced guns. That really worries the establishment, both in Tamil Nadu and in Delhi.28

Impact of domestic politics:

India presents a good case study for the theory that international migrations influence the politics of the host country. From the time of the Hindu refugee influx in the wake of the partition to date, when the country is experiencing a virtually constant flow of refugees of all kinds from neighboring countries, though in smaller numbers, the politics of

28Quoted by Mervyn de Silva. “Will the ceasefire hold? Lanka Guardian, Colombo, 8(7), 1 Aug 1985. The scholar was not identified.
several parts of India has been influenced by the phenomenon. The ethno-religious dimension of it often makes the problem more complex.

Large-scale migration of Hindus from Pakistan after the partition substantially influenced Hindu nationalist politics of India. The birth of the Hindu chauvinistic Bharatiya Jana Sangh in 1951 can be directly attributed to the post-independence communal strife. The linkage of the Jana Sangh with the Hindu nationalist Hindu Mahasabha and the Rashtriya Swayamsevak Sangh (RSS) is too well known to be recapitulated here. The founder of the Jana Sangh, Shyama Prasad Mukherji, constantly emphasized the refugee factor as one of the most important compulsions behind the launching of the new party. The refugee settlements, particularly in Delhi, constituted the initial base of the Jana Sangh.

Together with the Hindus, a large number of Sikhs had also arrived as refugees from Pakistan. While the Sikh ethnic identity remained as before, the Punjabi Hindu ethnic identity underwent a change. The Punjabi Hindus began to identify themselves more closely with Hindu as opposed to the Sikhs who continued to emphasize what had been the common mother tongue of both, Punjabi. The origin of militant Sikh separatism that rocke d Indian politics in the 70s and 80s can to some extent be traced to the communalization of the Sikh mind after partition. The Hindu-Sikh differences which surfaced over the question of language during the 1951 census were largely created by the communities on this issue. The subsequent bifurcation of Punjab and the creation of Haryana, in the 60s was the inevitable consequence of this controversy.²⁹

Bangladeshi refugees:

During the Bangladesh liberation war, millions of Bangladeshi refugees took refuge in India, particularly in Assam. Not all of them returned to Bangladesh after its creation. On the contrary, there was a constant flow throughout the seventies, largely on account of the deteriorating economic situation in Bangladesh. The magnitude of the flow came into sharp focus when the Indian Election commission released the electoral lists for the state of Assam in 1979 on the eve of the 1980 parliamentary elections. The All Assam Students Union (AASU) which had launched a agitation in 1978 against unauthorized Bangladeshi settlers, now intensified its stir.

Eventually, in August 1985, the Assam Accord was signed between the agitationists and the government of India, and a formula worked out to evict unauthorized foreigners. Considering the impracticality of the AASU demand that all be deemed "foreigners", who had arrived in India after 1951, it was eventually conceded that March 25, 1971 would be the cut-off date. All those who had arrived after date would be repatriated. With regard to those who come between January 1, 1966 and March 24, 1971, the accord stipulated that they would continue to stay in India but would become full citizens with voting rights only after ten years. Because of the almost impossible take off identifying illegal migrants, it was evident from the beginning that the accord was doomed to failure. Even after a decade, there is little evidence of illegal foreigners being actually identified and repatriated from Assam.

In 1981, there was no census in Assam due to the disturbed situation there. In 1991 when the census data suggested that the

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31India Today, 15 September 1985, P.27
foreigner’s problem had been exaggerated, the then Chief Minister of Assam Hiteshwar Saikia took full political advantage of it. He had a strong following among the Muslims and he found the census convenient to consolidate his base. Drawing attention to the fact that Assam had registered the lowest population growth of 53 percent during the last twenty years (which was a percentage point lower than the national average) and particularly much lower when compared to the other north-eastern states\textsuperscript{32}, Saikia refuted the statement of the Union Home Minister S.B. Chavan that illegal immigration continued unabated in the state. He said emphatically that “if anybody can identify a single foreigner in Assam, I am willing to quite politics forever\textsuperscript{33}.

But soon after Saikia's death in 1996 and with the return of the Assam Gan Parishad (AGP) to power, the foreigners issue surfaced again. Although, the AGP and the AASU did not subscribe to the Bhartiya Janata Party's communal politics of treating Hindu foreigners as refugees who should be given shelter and their Muslim counterparts as "foreigners" who should be deported, their opposition to granting voting rights to 670,000 foreigners was indication enough that the pot was still boiling\textsuperscript{34}. The Bodo threat to the Muslim settlers added an element of violence to this otherwise political problem\textsuperscript{35}. That time, the demand of the Prafulla Kumar Mahanta-led AGP government of Assam is that the illegal Migrants (Determination by Tribunals) Act (IMDT Act) of 1985, a part of Assam Accord, be replaced by the Foreigners Act of 1946. According to the 1946 Act the Onus of proving that one was not

\textsuperscript{32}For details of the census date, see Raghubir Chand and Mahavir Chand Thakur,"Changing Population Profile," Seminar New Delhi, No 378, February 1991, PP. 19-23

\textsuperscript{33}Times of India, 22 August 1994

\textsuperscript{34}The Hindu, 7 January 1996

\textsuperscript{35} In 1994 Bodo attacks on Muslim village turned 50,000 villagers into refugees, India Today 31 August 1994, pp.68-71
A foreigner was on the accuser. The United Front government at the Centre has been sympathetic to the demand.

The demand, however, got diluted under political compulsions. The AGP has itself become ambivalent on the question. Since the replacement of the IMDT Act by the foreigners act was opposed by Assamese Muslims, behind who was Congress party, it has not been an easy political decision for Mahanta to remain steadfast. Besides, the controversy had its reverberation on nation at politics. The congress, the CPI, the CPI (M), the Indian Union Muslim League (IUML), all opposed any change in the situation. Home Minister Indrajit Gupta who belonged to the CPI was only prepared to accept that the "Mechanisms for detection and deportation of illegal immigrants need to be strengthened". Against this background Mahanta found discretion the better part of valour and his favorite phrase become "IMDT or no IMDT, we would like to make it clear that the minorities of Assam will not be harassed. Since the AGP itself had developed cold feet and there was no demand as such from any other political quarter, except sections of the AGP led by Bhrigu Kumar Phukon and Brindaban Goswami, there was hardly any justification for Prime Minister H.D. Deve Gowda's government to alter the legal position with regard to the detection of illegal foreigners.

The question of infiltration of Bangladeshi nationals into India has caused considerable consternation to many Indians, most notably the supports of the B.J.P. by mixing this issue with the rising population of the Muslims which the 1991 census revealed. These political forces argued that while this growth can be attributed to the disregard of the Muslims of family planning measures, it is also due to unchecked

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36Time of India, 10 June 1996 and 13 September 1996.


38Some relevant literature are as follows: R.B.N. Sinha," Attitudes of Hindus and Muslims to Family
Bangladeshi infiltration\textsuperscript{39}. In Maharashtra where the Hindu chauvinistic Shiv Sena and B.J.P were in power the controversy was most pronounced. The Shiv Sena-backed BJP government had made a big noise against Bangladeshi slum dwellers in several parts of Bombay, where they were supposed to be concentrated\textsuperscript{40}. In the 1996 general election, the BJP made it one of their major poll issues and campaigned vigorously in the border town of West Bengal\textsuperscript{41}.

**The Nepali question:**

The growing visibility of Nepalese in India, and the fact that hard data on their number is almost impossible to get, has made the subject politically sensitive. The policies followed from time to time by India to restrict the flow of Nepali immigration, have served as an irritant not only to Indo-Nepal relations but also to Nepalese settled in India. Both questions are intricately linked. In October 1976, the Indian government, in response to a series of demonstrations in Nepal against India’s "annexation" of Sikkim in August 1975, imposed a Restricted Area permit on all foreigners, including Nepalese. Thus restrictions were put on the travel of Nepalese to certain areas including parts of Arunachal Pradesh, Assam, Manipur, Meghalaya, Nagaland, Sikkim, Tripura, Uttar Pradesh and west Bengal. Considering the fact that India and Nepal are tradition and treaty bound by India-Nepal Treaty of Peace and friendship of 1950 to keep their borders open, Nepal resented at the decision.

\textsuperscript{39}See the resolutions adopted by the BJP at its national executive meetings held on 27 February 1993 at New Delhi and on 10, 11 and 12 April 1993 at Calcutta. See also the interview of noted demographer Ashish Bose in the Times of India, 2 December 1995

\textsuperscript{40}For details, see India Today. 30 April 1995, PP. 78-79

\textsuperscript{41}Asian Age, 25 April 1996
Various state governments of India have imposed this requirement of a restricted area permit to restrict the immigration of Nepalese to their states to the detriment of local Nepali political interests. Indeed, the restrictions caused difficulties not only to prospective Nepali immigrants but also to about five million Indian nationals of Nepali ethnic origin who have close relatives living in Nepal. The government of India, however, has not eased upon this requirement. Even Janata government (1977-80) which was committed to improving relations with neighboring countries did not alter the decision. In 1980, the government introduced a system of identity cards in the state of Sikkim to control Nepali immigration into the state and thereby present distortions in the electoral rolls.

The Nepali question in Indian politics is a curious mixture of politics of Nepali nationals on Indian soil and that of ethnic Nepalese of Indian nationality. The question found its most articulated political expression in the politics of Nar Bahadur Bhandari of Sikkim and that of Subash Ghising, the leader of the Gorkha National Liberation Front (GNLF) of Darjeeling in west Bengal. The GNLF movement assumed international dimensions when on December 23, 1986 Ghising wrote a letter to the king of Nepal. Copies of the letter, 16 in all, were endorsed to various governments and international agencies. It pleaded for justice for "the unpardonable historical crimes against humanity on the still unresolved question of the very political existence or future status of… Gorkha in the Indian union." It sought" fresh new treaties for a permanent political settlement of the…victimized Gorkhas as per… the provisions of the Charter of the United Nations" taking into accounts" the future status of their ceded land and territories.\footnote{Text of the letter in the Hindu, 24 Dec 1986.}

In Assam, too, the Nepalese were unhappy at Rajiv Gandhi’s
statement in December 1986 in Darjeeling that there was no question of granting citizenship rights to Nepalese who had immigrated after 1950. Protesting against this, the Assam Gorkha Sammelan and the All Assam Gorkha Student Union argued that it was unethical to brand one section of immigrants as citizens, the Bangladeshis, and the other as not43.

**India and Sri Lanka:**

The Sri Lankan Tamil refugees in India presented a problem for Indian politics which was somewhat unique compared to other situations, namely, the Bangladeshi or Nepali nationals in India or Hindu refugees in the aftermath of the partition. The number of Sri Lankan Tamil refugees has never been large yet they disproportionately influenced the politics of Tamil Nadu where the majority of them had taken shelter. On account of the very nature of Tamil Nadu politics and the emotive response that the refugees evoked locally, the problem assumed relevance for Indian politics, particularly so as Tamil Nadu had a record of nurturing a secessionist movement during an earlier phase. Both the contenders for power in Tamil Nadu - the Dravida Munnetra Kazhagam (DMK) and the all India Anna Dravida Munnetra Kazhagam (AIADMK) - relied heavily on their capacity to project themselves as the champions of the Tamil cause.

The Congress party ruling at the Centre kept shifting its alliance, from one to the other, depending upon the prevailing political exigency. As it happens in this kind of a competitive situation, the party in the opposition had the added compulsion to assume an ultra-chauvinistic stance to which the ruling party was forced to respond on almost equal terms.

The intermeshing of Sri Lanka Tamil politics with that of Tamil

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43 Lok Raj Baral, regional migrations, Ethnicity and security: The south Asian case, new Delhi, sterling,1990.P.55
Nadu and then with that of India at the national level, found its most dramatic expression in the assassination of Rajiv Gandhi in the run up to the parliamentary election of 1991. The assassination which was masterminded by a suicides squad of LTTE took place on Tamil Nadu soil itself.

As a result the ruling DMK government came under severe political pressure from its rival, the AIADMK, which routed the former in the assembly elections that took place in January 1992. At present, although the DMK is back in power with the support for the Tamil Maanila Congress, a splinter group of the Congress party, the Sri Lankan Tamil factor is for the time being dormant. However, it has the potential to assume Centre stage.

One of the paradoxes of the problem associated with refugees in India-"teflon citizenship meets symbolic xenophobia" has been the way in which the political rhetoric of expulsion of unauthorized immigrants has increased in direct proportion to the inability of politicians and the state to control their movement. The problem, indeed, is both massive and complex. Almost all the types of immigration that we have discussed are a continuing phenomenon and given the regional disparities and security-related asymmetries among the nations of South Asia, they are likely to accentuate. But what would really keep the pot boiling is the massive poverty of the region and the regional strategic asymmetries.

South Asia is one of the poorest regions of the world. Within the region, according to the World Development Report, India is poorer than most of the other states. Still, the on-going migrations are mostly towards India and not vice-versa. Regional development is lopsided in

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44The phrase has been borrowed from the report prepared by John stone for a workshop organized by the Woodrow Wilson center, Washington,D.C, on "Ethnic conflict in the post-cold war era: problem in Advanced Industrial Societies", January 1995,P.5.
each of the South Asian nations. But for countries like Bangladesh and Nepal, being small in size, their capacity to absorb internal economic migration is extremely limited. India provides a vast area where somewhere or the other, these migrants can earn a better livelihood.

The relevant literature on how to control illegal immigration is generally West-centric. As such, the problem has been viewed primarily from North-South perspective. Some of the strategies being considered in the developed countries in relation to illegal migration include more trade relations with the immigrant countries in relation to illegal migration; include more trade relation with the immigrant countries, more foreign direct investment and official development assistance\textsuperscript{45}. Yet another strategy that has been worked out, particularly in France, is not to focus on totally eliminating the possibility of illegal immigration but to present illegal employment which would automatically discourage illegal immigration\textsuperscript{46}.

None of these strategies seems to be effective in the Indian situation. Barring Bangladeshi and Nepali immigrants, all the other kinds have arrived in India for reasons other than economic. Even for Bangladeshi and the Nepali immigrants, the above-mentioned strategies have little relevance. With Nepal, apart from treaty agreements which allows free entry of Nepalese to India, there exists a wide ranging trade and aid relation. The same is true with Bangladesh. With regard to the solution about preventing illegal work, it may be said that most of the illegal immigrants are employed in the organized sector as domestic


\textsuperscript{46}Claude-Valentin Maril,”From the campaign against illegal Migration to the campaign against Illegal work,” The Annals Philadelphia No. 534 July 1994,P
servants or daily wage earners, which no law can check, particularly when law enforcement itself is weak. There are other related problems as well. For example, given the rise in the crime graph, the police department of Delhi now insists on the registration of domestic servants with them. As a result, whenever a Nepali servant is caught for some crime, a whole lot of Nepali servants is caught for some crime; a whole lot of Nepali servants are rounded up causing consternation among the local Nepali community.

What is the solution then? Barricades, fences and forcible evictions? None of them has worked so far, nor is there any possibility of their working in the future, given the history, geography and society of the region. Probably there is no enduring solution. At best what can be expected is a reasonable management of the situation, from which there is no escape, through regional cooperation among the concerned states under the aegis of the SAARC.

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