CHAPTER VI

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Migration has become a global phenomena confronting both the developed and developing nations. As old as human civilisation, it can be defined as a process of continuous human transportation or geographical movement with varying volume, timing and intentions. The reasons for migration are many and varied, and are subjective to individual and situational variations. A broad classification of reasons can be made on the basis of economic, social, political, and personal factors. Migration is always rationalised by "lack of opportunities" in one's own country and is undertaken in persuance of the betterment of life, whereby a person can get satisfactory economic returns and other social benefits.

The factors which cause migration are embedded in the socio-economic and political conditions of a country and thus can be described as complex and multidimensional. Interplay of many factors induce a motivation to migrate. Migration is largely dependent on subjective individual decisions which are influenced by various social, economic, political, and personal factors. Further, among the factors of migration, the economic factor plays an important role. The economic disparities between nations has been responsible for the migration from third world and developing nations. Demographic factors play a very important role in migration. The population growth gives rise to unemployment, underemployment, starvation and ultimately leads to conflict disrupting social cohesion. Many people migrate to other countries due to the poor living conditions in their native country. The political factor can also lead to forced migration, as in the case of those who are otherwise known as refugees.

The entire gamut of factors leading to migration in short can be compartmentalised into two broad categories-'push' and 'pull' factors of migration. Internal dynamics like indigenous factors of socio-economic and political hazards compel a person to leave the country. The 'pull' factors are the external dynamics attracting the migrants to leave their country.
Migration has multifarious impact on the society of the receiving country, affecting its culture, economy and polity. The impact of migration is felt both in the host and sending society. It sometimes gives rise to serious complications in bilateral relations.

Migrants have a tremendous impact on a country’s economy; either it boosts the economy or it stagnates the economy. With the increase in the population of the host society, social evils like poverty, unemployment and anti-social activities increase. The local people attribute the steady decline in their standard of living to the migrants, holding them responsible for their state of misery and considering them as their competitors. This precipitates intra ethnic rivalry. This is more apparent when the migrant groups are economically much better off due to sheer hard work and intelligence.

Multi-ethnic states are always vulnerable to intra ethnic cleavages which may weaken the state system. The ethnic politics itself speaks about the separateness and exclusivity of a particular ethnic group. The migrants develop a sense of alienation due to insecurity in an alien country. Insecurity emanates from the fact that they are a minority and have a completely different set of customs, tradition, culture and linguistic stock. The migrants, as an ethnic group from a particular country, exhibit cohesiveness based on a broad framework of ethnic identities which cuts across caste, creed, language and other sectarian identities. The reason for intrusion of ethnic factor into politics can be attributed to the erosion of the practice of consensus, inequality, absence of equal opportunity, discrimination based on caste, sex, religion and above all and the failure of the government to live up to the concept of distributive justice.

Migrants as an ethnic group can act as a pressure group to gain advantage from the political system. Membership of the ethnic group not only provides them with socio-psychological security but also protects their interest in a foreign country. The natives, however, always feel that the economic benefits which accrue to them and can be used for the betterment of their lives are being diverted towards the benefit of the
migrants. The antagonistic attitude undermines the cordiality between the indigenous population and the migrants. What in the first instance seems to be a conflict between the natives and the migrants takes the form of ethnic conflict.

Social integration and assimilation plays an important role in the assertiveness of the ethnic group. The extent of social integration is determined by acceptability by the other groups, and it's relation to other native ethnic groups ---cordial or antagonistic. The degree of tolerance of the natives towards the migrant also plays an important role in assimilation. The core of the problem involving two parties ----one government and other, the aggrieved group (migrants), becomes a problem of magnitude when the ethnic groups have a spill over across the boundaries of other countries. This not only increases the ethnic group's assertiveness but worsens the bilateral relations between both the countries. The money and material help is sometime extended by the diaspora groups to help them to fight the state. The "diaspora often creates trans-state networks that permit and encourage exchanges of significant resources such as money, manpower, political support and cultural influence, with their homelands as well as other parts of the same diaspora. This creates potential for conflict with both homelands and host, countries which, in turn is linked with the highly complex pattern of divided and dual loyalty within diasporas.

Some of the common problems confronting the South Asian states are population explosion, poverty and unemployment. Migration within this region involves mostly poverty stricken, unemployed people, who leave their homes and hearths to earn more. Migration in South Asia has not resulted in the transfer of technology or acquisition of skills as is happening in case of migration between developing and developed countries. Migration in the whole of South Asian region, in the past, had taken place due to domestic labour shortage and unwillingness of the locals to accept certain jobs which were considered as lower in status. Since there was no unemployment problem migrants were not considered a threat by the locals.
Most of the countries, in South Asia who had been under colonial rule, had been exploited by their colonial masters. This left them with underdeveloped economies, characterised by a lack of infrastructure for modern industries and technical expertise. After independence, the problem of growing population, and low availability of alternative sources for productive employment forced local populations to migrate for employment outside the national boundary. Migration between the South Asian states can be generally characterised as a population movement aimed at achieving the subsistence level of economic aspirations and a move for survival with better economic gains.

The socio-cultural similarities play a very important role in migration between neighbouring countries. This is true of South Asia where one ethnic community finds its ethnic compatriots in the neighbouring countries.

The absence of natural barriers to act as an obstruction and the contiguous geographical land mass facilitates migration from adjoining areas. The whole of South Asia shares common history, culture tradition and customs. This region is unique in the sense that there is a criss -cross of ethnic affinities across the border. The initial adjustment in the host society therefore, is easier because of similar dress, food habits, climate, culture and tradition. No where in the world can one find so much of socio-cultural and linguistic similarities. The movement of the people across the border has not evoked much of a constraint in adjusting to the socio-economic or linguistic variants in another country.

Migration in the context of Indo-Nepal relations can be attributed to various factors apart from an open and porous border. The Indo-Nepal border is open because of the 1950 Treaty which facilitates migration. Nowhere in the world is the status of the migrants in a country governed by such an unique Treaty, that secures their position in the society. The Treaty concluded between the government of India and the Rana ruler, Mohun Shamsheer Jang Bahadur Rana, the then Ruler of Nepal in 1950
is extremely significant and has remained as a framework for bilateral relations between India and Nepal. Article VI and VII are two important clauses of the Treaty of Peace and Friendship. Article VI of the Treaty states that "Each government undertakes, in token of the neighborly friendship between India and Nepal, to give to the national of the other, in its territory, national treatment with regard to participation in industrial and economic development of such territory and the grant of concessions and contract relating to such development." Article VII further states that "the government of India and Nepal agree to grant, as reciprocal basis, to the nationals of one country in the territories of the other the same privilege in the matter of residence, ownership of property, participation in trade and commerce, movement and other privileges of a similar nature. The free movement of people across the border is very significant factor in case of Indo-Nepalese migration. The reason for migration in this region has its own internal and external dynamics in terms of the peculiar features of geo-physical location apart from socio-political factors. The Indian influence in all aspects of Nepalese life can be traced to age old historical ties which are reflected and find expression in the traditions, custom, language and way of life. Both countries' socio-economic traditions and culture are so intertwined with each other that it is indispensable for both the countries to maintain close socio-cultural links.

There have been a number of reasons for Indian migration to Nepal. The social factors underpinning such migration are a function of cultural and linguistic affinity. Close geographical proximity has also facilitated Indian migration to Nepal. The migration of Indians to Nepal Tarai was due to the poor living conditions, and poverty in the adjoining Indian areas largely due to the British oppression and exploitation.

The poor socio-economic situation of the Indian labourers due to the exploitation and oppression of the landless people by Zamindars was further aggravated by the Permanent Settlement Act of 1793. To get rid of this abject poverty,
migration was the only alternative. Systematic migration and settlement in Tarai dates back to the period of Rana regime, after they came to power in 1846.

The Nepal government’s policy of cultural and political integration of the Tarai to the national mainstream was undertaken, keeping significant factors in mind like population redistribution to reduce population pressure in the hills and balancing the population-land ratio and planned resettlement of the hill people in Tarai to reduce the influence of madhesias. This was done in order to prevent the dominance of Indian origin people in Tarai so that in future the influence of Indian culture could be contained. Though the government highlights the economic reasons for migration from the hills, the underlying justification perhaps was cost effective way of ‘Nepalisation of Tarai’.

After 1960, a series of legislative measures were passed to curb Indian migration to Nepal. Citizenship law was passed in 1964 making naturalisation difficult. The Industrial Enterprise Act of 1961 required that a capital investment of 50,000 to start small scale industries which could only be opened by Nepalese national. This was against Indians who wanted to establish small commercial enterprises like Hotels, Restaurants and other small scale industries. The restriction on Indian migrants was due to the fact that while during the fifties there was no competing business class in Nepal, by the 1960s this class began to emerge and by the 1970s it was firmly entrenched. The presence of Indians was resented because completion for employment and business opportunity increased in Nepal. The government also tried to discourage the Indian business community by imposing heavy tax on it. In addition, people without citizenship certificates were subjected to double taxation. It was not allowed to set up industries in the Terai upto 8 kms of the Indian border. The 1964 Company Act required all companies, small as well as large to maintain their records in either Nepali or English. All these measures affected the
Indian migrants because most of the industries was in Terai and since these were owned by Indian migrants it was more likely that the record was maintained in Hindi.

The 1963 Mulki Act barred the foreigners from acquiring any immovable property without citizenship. The 1964 Land Reform Act prohibited the Nepalese to sell, give away or otherwise relinquish their right on any immovable property in favour of any foreigner or corporate bodies of foreign national, without the prior approval of the government of Nepal. The surplus land acquired through the implementation of this Land Reform Act was to be distributed among Nepalese nationals. Instead of equitable distribution of land as was stated to be the aim of this legislation, it resulted in replacement of land owners and tenants of Indian origin. The Ukhanda Land Tenure Act of 1964 provided for the termination of the existing ownership rights over land being cultivated under share crop system by tenants and the Act asked for the registration of the land only in the name of Nepali nationals. Since most of the tenants from India did not have citizenship certificate it was virtually impossible to prove their ownership.

In April 1987 His Majesty government of Nepal included Indians in the category of foreigners requiring work permit for employment in any organised sector. It started in three districts around Kathmandu and latter was extended to the whole country. Indians faced problems in opening Bank accounts in Nepal, the Indian transporters had difficulty in registering their vehicles in Nepal. Apart from this many Indian were not allowed into a 10 kilometers wide strip along with the Sino-Nepal border said to be “for their own safety in the inaccessible areas”.

Many Indians professional including teachers were given termination notice. Even the doctors and other professionals were required work permits. The worst sufferers were the truck drivers whose permit were seized in the absence of workpermit, it even affected the self employed people in Tarai region.

Citizenship certificates were required not only to vote in the elections, but also for admission into schools, campuses, to start any business, industry or other vocation,
purchases and sale of property, operating bank accounts and obtaining a passport to go abroad. The citizenship certificate distribution is another factor that has alienated the Madhesias. From among the 12.5 million voters only 4.2 million have been granted citizenship certificates. In the elected bodies like parliament, the people of Indian origin are not given representation in proportion to their population.

In a multi ethnic pluralistic society, the role perception and orientation of the settlers are to a large extent shaped by the government's policies, governing elites attitude and attitude of the indigenous mass. Accordingly, the migrant settlers, if their number is large, adopts the path of integration in the polity or maintain a distinct identity without assimilation. Here ethnicity comes to play an important role. Recognition and development of their language, culture and guarantee of minimum political rights and civil rights continue to be the issue of crucial importance for Indian migrants in Nepal.

Nepalese migration to Bhutan can be attributed to a number of reasons. According to the government sources, it was in year 1900 A.D that Kazi Ugyan Dorgi, the Prime Minister of Bhutan who was in the charge of souther Bhutan, was authorized by Tongsa Penlop to recruit Nepalese as contractual labourers or 'tangyas' (forest laborers) for the extraction of timber and clearing forests in the south. The history of Nepalese migration to Bhutan has led to serious controversies in recent years with the government of Bhutan and the rebel leaders giving different dates about the Nepalese settlement in Bhutan. The controversy has arisen due to the fact that both the communities have tried to prove their presence in the country centuries ago so as to claim that they have been settling here since long and the country rightfully belongs to them.

From the very beginning of the settlement of Nepalese, the Bhutanese adopted a policy of isolation to isolate the Bhutanese of Nepali origin as completely as possible from the rest of Bhutan's society by restricting them to the
disease prone southern Bhutan. The Nepalis were mostly engaged as agricultural labourers. Moreover, they were not granted citizenship of Bhutan.

The policy of the government of Bhutan after 1950 can be compartmentalised into two distinct phases. The phase after 1950-1985 is marked by integrating the Nepalese society into the Bhutan’s political and social life. In 1958 the Nepalese of Bhutan were granted citizenship. The citizenship right not only gave them legitimacy but conferred on them political and economic rights at par with other communities of Bhutan. In Tshogdu (National Assembly) which had been established in 1953, gave representation to the Southern Bhutanese only in 1958, thus including them in the decision-making process. The southern Bhutanese were represented in the Bhutanese civil service wazzu. They were free to study in their mother tongue and teaching was imparted in Nepali also. In the National Assembly other than Dzongkha, the national language, the debates were translated into English and Nepalese also. After 1985 the government followed a vigorous policy of integration by imposing the Bhutanese language and culture to ‘absorb’ them into Bhutanese society. Here certain internal and external dynamics was responsible for the evolvement of such policy.

The major shift in the policy of the government towards southern Bhutanese in late eighties can be attributed to a number of factors. The census exercise of 1988, which indicated the growing number of Nepalese population, induced a sense of insecurity in the Bhutanese mind. Bhutan became apprehensive about its identity, culture, its Mahayana form of Buddhism which is unique and exclusive. The Bhutan government was also insecure about the strategic location of southern Bhutan. The Nepalese were suspected to be the carriers of revolutionary ideas due to their interaction with the Indians and Nepalis living beyond the border. The geographical location of southern Bhutan has made the region politically vulnerable to the influence of neighbouring countries. The general fear of ethnic
Bhutanese was that, soon a time would come when they would become a minority in their own country.

The programme of distinct cultural identity in form of 'Driglam Namzha' was introduced as a major policy in the sixth plan. The justification for it as explained was as being necessary for the well-being and security of the country on the strength of its culture, traditions and value systems maintaining unique Mahayana Buddhist identity of Bhutan. Driglam Namzha was described as a symbol of traditional values and eliquette, common social values of Bhutanese society like respect for teachers, sovereign, parents and elders, institution of marriage and family, civic duties. It includes a dress code, Khoand Kira for man and woman respectively.

The hostile reaction to the imposition of national culture was spontaneous among the Nepalese because of obvious reasons. The national dress was not unsuitable and uncomfortable in the hot humid weather of Bhutan's Tarai, the material needed for the dress was very expensive and beyond the means of ordinary Nepalis and the older generation of Nepalis were not used to such kind of dress.

The ethnic problem which has assumed its present stature owes its genesis to a number of problems and grievances among the Southern Bhutanese that have accumulated over the years. The structure of the National Assembly is a major factor among the grievances. The distribution of seats is not according to the population. It was decided to make Dzongkha the working language of the National Assembly in 1980. To strengthen the use of Dzongkha it was resolved in 57th National Assembly that all correspondence, accounts, sign board of offices, has number milestones as far as possible would 'be' written in Dzongkha; In 1985 the teaching of Nepali was stopped in Southern Bhutan schools.
census not only identified a substantial number of illegal immigrants but also revealed an unprecedented rise in the Lhotshampas population. The basis of ascertaining the citizenship was the tax receipt and acquisition of property before 1958 when citizenship was conferred on the southern Bhutanese. "Any documentary evidence whatsoever (land ownership deeds or document showing sale/gift/inheritance of land, tax receipt of any kind etc.) showing that the person concerned was a resident in Bhutan in 1958 was taken as conclusive proof of citizenship. This created a lot of problem for Southern Bhutanese who felt that they were being discriminated against.

In the mass demonstration in the five Southern districts and one subdivision in southern Bhutan, in 1990, the Lhotshampas burnt down the national dress to show their disapproval of the government policy. The demonstrators destroyed schools and government property in violent reaction to the governmental policy. The government came down heavily on the demonstrator leading to loss of life and property. Many people fled Bhutan and took refuge in India and later shifted to the refugee camps in Nepal maintained by the UNHCR. Many of them fled because of terror inflicted by the security forces and sometime out of the insecure feelings watching many people fleeing the country.

Extra territorial ethnic loyalty not only defines the gamut of bilateral relationships but also influences the domestic political environment. The porous borders defeat all efforts to control migration. This has become the major cause of inter-state tension in the region. The security in South Asia has a socio-cultural, politico-economic connotations. It does not have a military connotation as far as migration is concerned. Both in the case of Nepal and Bhutan, the threat is explained in terms of socio-cultural and demographic threat. In case of Nepal, Indians are considered as potential economic threat as far as business opportunities and employments are concerned. In case of Bhutan, the threat is seen more in demographic and cultural terms.
The emigrants from India are mostly settled in Nepal's Tarai. Since for the migrants the geographical proximity and socio-cultural affinity is more with adjoining states in the Indian side than with the hills, their political and social allegiance was suspected because their socio-cultural affinity was seen as being largely derived from across the border.

The anti-Indianism which marked the bilateral relations after 1960 largely shaped the policy toward Indian immigrants, after the introduction of Panchayat regime. The deterioration of relations had certain repercussions on the Indians on Nepal as series of laws were enacted to restrict Indian migration. The reciprocal clauses of Indo-Nepal Friendship treaty was also given scant regard when laws like Industrial Enterprise Act of May 1961, The new Mulki Ain of Nepal 1963, The Citizenship Act of 1964, The 1964 Ukhanda Unmoulan Ain (Eradication of Alien Acts) were enacted crippling the interests of the Indian settled in Nepal. Indians in Nepal are seen as an extension of the Indian culture. The general opinion in Nepal is that since Nepal is small in size, any addition to their demography is a threat to their cultural identity and retards economic development. Indians are considered a potential economic threat as far as business opportunities and employments are concerned. The concentration of Indians in Nepal's Terai bordering India has always been considered as a threat to Nepal because of their concentration which is seen as a threat to Nepal's national identity and cultural threat to the Nepali way of life because of family and business linkages with India. Nepal does not perceive any kind of external threat in terms of military action against India, but their insecurity emanates from the size and potential of the Indian immigrants.

The issues of National language, work permit system have been a major stumbling block in the way of cordial inter-state relations. The New Education Plan which was introduced in 1971 discouraged education in Hindi medium. The knowledges reading and speaking of Nepali was needed for naturalisation. The
1980 Citizenship Act prescribed residential qualification of two years in case of a person of Nepali origin and that of fifteen years in case of others. Citizenship certificates were required to get employment and jobs.

In 1983, a Population Task Force was appointed to study the internal and international migration in Nepal, which was submitted in 1984. Many of the recommendation of the Commission were against the interest of Indians. On its part the government of India warned Nepal that the growing discrimination against Indians knocks the bottom of 1950 treaty under which citizens of both the countries are required to be treated on par.

The concentration of Indians in Nepal’s Tarai bordering India, has always been considered as threat to Nepal because of their concentration which is seen as a threat to national identity and a cultural threat. Nepal does not perceive any kind of external threat in terms of military action against her by India, but then insecurity emanates from the size and potentiality of Indian immigrants, who are well settled in business and settled in an area proximate to Indian border. Apart from its small size, this large number of Indian immigrants are not only a demographic threat but their socio-cultural identity has more affinity towards its southern neighbour because of family and business linkages with India.

The current crisis in Bhutan owes its genesis to migration of large number of Nepalese, who are settled in the southern part of Bhutan. It exemplifies a typical example of a small nation swamped by migrants and caught in a dilemma of assimilation and crisis in evolving its national identity. The issue of Nepalese immigration and their numerical strength has caused much insecurity among the elites of Bhutan, who see it as threat to the identity of Bhutan as a nationstate. The government’s policy of citizenship and imposition of a uniform culture and tradition which represents a segment of population and alienates the other, has been the root cause of the present refugee problem.
The conflict ensuing between the migrants and the Government has drained the resources of the country in a bid to restore internal stability and external security. The terrorist activities committed by the dissidents inside Bhutan have become a major internal security threat to a tiny Kingdom like Bhutan with limited resources; underdeveloped economy and a very small security force. In order to deal with the terrorist activities, the Royal government has diverted much resources that were meant for development of militia force. The impact is more severe when the country is as underdeveloped as Bhutan. The issue of refugees has become a volatile political issue for Nepal which cannot turn a blind eye in terms of its interest and involvement with the people of Nepalese origin.

In the first meeting between both the countries to resolve the problem was held in Thimpu on 17th July 1993. The bilateral talk which is in progress has been slow and time consuming. The seventh round of talks that was concluded on 9th April 1996 have also yielded no results.

It is clear that the most challenging job for Nepal and Bhutan is to integrate the migrants into socio-political system of the country by removing discrimination and encouraging participation of all groups in the process of nation building. Recognition and development of their language, culture and guarantee of their minimum rights would continue to be issues of crucial importance for the migrant communities in both the countries.