

THE POLITICAL EXCLUSION OF (ILLEGAL) BANGLADESHI IMMIGRANTS IN ASSAM

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Abstract: The main focus of this paper lies in explaining the hypothesis that the exclusion of the (illegal) Bangladeshi immigrants in Assam has been the outcome of a continuous historical process undertaken by the political leaders of the state, rather than as a result of any particular mass uprising from 'below'. This push from a top-down perspective changed the issue from one of economic consequences to a more religious nature, also culminating in a failed project to assert a unique indigenous 'Assamese' identity in relation to the 'other', all the while relegating the more usual aspects of open versus closed borders that figure in immigration discourses to the background.

Keywords: Bangladeshi, immigrants, Assam, political exclusion, historical.

INTRODUCTION

With the increasing trend of reports of violence being unleashed in Assam stemming from a communal perspective, it may be difficult for any citizen to frame a deeper understanding on such a sensitive issue as international immigration. What might appear to be a clearly defined case of deeply entrenched communal hatred overflowing and coming to the surface reveals deeper problems of continuous political manipulations for mere electoral gains by different political spectrums on a deeper probe. In the context of the continuing issue of the status of the perceived and apparently illegal Bangladeshi immigrants in Assam, this paper would endeavor to unfold the historical trajectory of this political deception by those at the apex of the power-knowledge nexus, in terms of how these 'elites' disguised the economic aspect under the garb of 'indigenous religious assertion' of the masses, while in reality, throughout history, the Assamese people (whoever they might be) have only been passive recipients of the unfolding of these political games 'from above'.

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An important aspect that needs mention right here is that this paper is not geared towards generating a usual debate on the status of these immigrants, but its emphasis lies in historicizing the political trajectory of their exclusion from the mainstream consciousness of the Assamese society based on a flimsy ground of a quest for assertion of an indigenous identity.

THE HISTORICAL TRAJECTORY OF EXCLUSION

Even after the consolidation of the colonial empire in India, Assam was relegated to merely being a periphery. The lack of political will and acumen to address the problems of the Assamese people at a more direct interventionist level consolidated the lackadaisical attitude of the colonial rulers towards Assam, along with the growing sentiment of the people that their pressing concerns would not be heard immediately, or even given due recognition. Throughout this phase of misrule of colonial rule, SattwaKar (2013) paints a picture of the common Assamese people at the receiving end of the deep neglect that was perpetrated against them through the misreading of the actual forces at work in the colonial land settlement and immigration policies.

In cognizance with the rich landed peasantry of the state, the British followed a liberal policy of allowing immigrants to be involved in the cultivation of wastelands right from the nineteenth century onwards. Together with the influx of cheap labor necessary for the emergent tea industries as well, this influx did not create any major socio-political or religious upheaval among the masses, despite their recognition of the fact of increasing number of Muslim immigrants¹ from the Mymensingh district, such an occurrence being accepted passively by the people instead. What followed was a perceived threat to the economic and cultural life of the people, with the public opinion being “too feeble and unorganized to focus [on] the magnitude of the problem in the proper perspective” (SattwaKar 2013).

This is precisely the point where the elites of the society stepped into the picture, with the ‘Line System’ being introduced in 1916 that clearly demarcated areas of settlement for both the immigrants as well as the ‘indigenous’ people. But this did not mark the end of the perceived problem despite a law already being

implemented to tackle the issue. In December 1925, the Assam Association urged the British to put a complete stop to the immigration, despite the colonial rulers themselves accepting of the fact that the surplus of land available could be used to tackle the problem comprehensively. The political life of the state got further muddled up over the issue, as the Muslim leaders of the Congress Swarajist Party decided to side with the British on the issue, to the opposition of their non-Muslim counterparts that wanted a complete check on immigration. This interplay of forces would go on to define the future life of the state, showing in no uncertain terms that the masses as such (however ambiguous the category might be) had no role to play in the quest for exclusion of the Muslim Bangladeshis, that were the sole prerogative of the political leaders purely.

Coupled with Rohini Kanta Baruah's assertion that 'preference' must be accorded to the indigenous Assamese in the settlement of land as well as 'reserving' adequate wastelands for the possibilities of 'future' expansion of the indigenous people; taken together with the dilly dallying² of the governments of Saadullah and Gopinath Bordoloi on the issue, the context of the economic dimension of the problem itself was lost, with the focus now shifting to a pitched battle between the political camps on the issue of excluding certain groups from access to lands that they had been 'brought' to cultivate in the first place. All the while, in the backdrop, those bodies that represented the masses, like the 'ryot sabhas'³, the press and even the Assam Samrakshini Sabha⁴, were vehemently opposing any implementation of the Line System itself in the first place. Here, we must make note of the fact that while their opposition stemmed from a completely non-political standpoint of allowing the Assamese people to have access to lands even in non-designated areas, the converse also holds true in this regard i.e. there existed no public opinion that argued that the Bangladeshis themselves had no right to settle in a place of their choice.

The unorganized masses thus were left to the mercy of their political representatives, who were only interested in gaining value points over their counterparts by painting a communal angle on the canvas of immigration. Following the elections of 1946, when the Congress government of Bordoloi decided to accept the Hockenhull Committee Recommendations by 'evicting the immigrants from professional grazing grounds', the groundwork of dis-

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trust and manipulation had already been well entrenched. The culmination of this phase saw the All India Muslim League, in April 1946, asking for the inclusion of Assam into Pakistan due to the changing demographic trends of the region!

THE POST-INDEPENDENCE CONTEXT OF THE ASSAM AGITATION

In seeking to build upon the politics of the previous decades, the phase from the late 1970s onwards sought to bring back a renewed focus on carving out a distinct identity of the 'Assamese', by putting it against the already fluctuating category of the 'other' i.e. the 'illegal' Bangladeshi immigrants. It was precisely during this phase of agitation against the encroaching 'other' that the politics of electoral appropriation emerged, with differing claims existing that each claimed to represent the interests of the indigenous Assamese identity. During the run up to the Legislative Assembly Elections of 1983, the All Assam Students Association (AASU)⁵ brought out various discrepancies in the electoral rolls out into the public domain, alleging that the actual voter list had been inflated considerably due to the inclusion of innumerable 'illegal' Bangladeshi immigrants in it. This was the first instance of illegality coming into the picture in the context of Assam. By pitting the original inhabitants of the land as the Assamese, the AASU managed to gain the crucial support of the masses themselves, showing a complete reversal from the politics of the Line System. At this juncture, the politics of manipulation that the earlier elites had played seemed to have run out its due course, succeeding greatly in polarizing the Assamese society against the perceived 'menace' of the Bangladeshi immigrants. However, the turning of the circle did not mean the end of elite dominated, top-down politics, but rather marked an accelerated manifestation of the same, where the leaders of the All Assam Gana Sangram Parishad carried out mass campaigns against the illegal occupiers, driving the common people into a frenzy of 'Assamese' nationalism.

At the center of their struggle was the removal of the names of these illegal voters, that called for a revision of the National Register of Citizens (NRC) 1951. However, what the leaders of the agitation failed to take note of was the fact that the NRC itself

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was based on the Census of India of 1951, an exercise that has come under severe criticism from several quarters regarding the very process through which it was carried out. The criteria of collecting information from village officials through ill trained enumerators formed the first line of criticism. But perhaps the most apparent drawback of the exercise of 1951 lay in the categorization of individuals according to households, that left the fray completely open to misrepresentation or even under-representation of all the members of a particular household. The tabulation officers' choices and biases crept into their official reports, that later reflected the inadequate basis of the succeeding NRC in 1951. Accordingly, when the names and place of birth of 558,833 people were recorded as East Bengal (which was then known as East Pakistan), the same data found reflection in the NRC as well⁶. The AASU, which had been propagating a stand apparently against all illegal immigrants till then, irrespective of their religious identity, was quick to put forth this data in the public domain, framing the start of a fanatical period during which the assertion of the 'religious and illegal other' framed the backdrop of the continued search for a unique Assamese identity.

This explicit push towards the construction of the 'other' completely bypassed certain other developments during this period too, most notably the Nehru-Liaqat Agreement⁷, which gave the people already driven out the 'legal' right to return to their earlier place of occupation in order to dispose of their property in a proper manner. Further, as Roychoudhury (1981) illustrates, the Gauhati High Court in its judgment in 1971 had already struck down the status of the NRC as 'evidence' in a court of law, thus showing the complete bypassing of the judiciary itself by the leaders of the movement, who harped back to an already discredited source as the basis of their appeal against the illegal immigrants.

Perhaps the most disturbing trend of overt manifestation of the controlled and manipulated public sentiment against the illegal (and now, the Muslim illegal) Bangladeshi immigrant was the passage of the Illegal Migrants (Determination by Tribunals) Act of 1983. While the core reason behind the Act's enactment was the protection of the (Assamese) minorities that had been affected by the violent uprisings of the Assam Agitation post the infamous Nellie massacre of 1983⁸, the process provided for the detection and deportation of the illegal Bangladeshi immigrants through tri-

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bunals. The principle criticism that the Act faced was its dubious position regarding the identification of the illegal immigrants, where the onus to prove one's legal citizenship status now lay on the accuser instead, a clear departure from the Foreigner's Act of 1946, wherein the onus rested in the hands of the accused⁹. Despite the inherent shortcomings and grave biases of the Act, it continued to be used as the most visible tool to discriminate against the perceived threat to the Assamese way of life from the Bangladeshi 'illegal' immigrants. When it was finally repealed in 2005 on the basis of a petition filed by the then AGP leader Sarabananda Sonowal, the backdrop of its complete failure in detection and deportation came to light.

The warning issued by a certain VHP leader that the problem of infiltration of the Bangladeshi immigrants was a "conspiracy to turn Assam into a Muslim State" (which paved the way for an indirect link to the formation of the 'other', in this case Pakistan), shows that the Act still held a iron grip on the imaginations of the political leaders, who did never stop in inciting the masses to rebel against the Muslim other in order to protect their (the Assamese) culture and heritage. Fernandes (2005), while rightly pointing out that the repealment of this 'black act' did indeed deprive the leaders of their most valuable plank for electoral gains, more crucially makes note of the fact that this very repealment came extremely late, after the Assamese society had already been deeply polarized by the politics of the preceding two decades. The adoption of the Assam Accord on 15 August 1985, symbolically linked with the date that India got her independence, also saw its abject failure in categorizing the problem of illegal immigration under three broad heads¹⁰, while in the backdrop, there also existed the 'carrot' of a special economic package for the state, in order to protect the socio-cultural and linguistic 'heritage' of the state. With the Asom Gana Parishad (AGP) coming to power with a slim victory in the ensuing elections, the plank of carving out a distinct Assamese identity gathered momentum further in the backdrop of a renewed focus on the construction of the 'other', now coming to possess a religious connotation as well.



FUTURE TRENDS

While the major electoral plank was definitely removed from under the feet of the political leaders with the Supreme Court's verdict on the IMDT Act, it did not signal the end of 'identity' politics in Assam. In fact, with all the parties seeking to give themselves due credit for the Act being struck down and championing themselves as the true voice of the masses, there existed an (apparently invisible) undercurrent of tension regarding their future role in Assam as well. The continued reliance on pre-agitation rhetoric of the increase in the number of Muslim Bangladeshi immigrants continued, as the 2001 census showed that the number of Muslim majority districts had increased from four to six in a period of ten years. Projecting this as a grave threat to the Assamese indigenous people, both the AGP and the BJP in the state failed to take note of the fact that this number need not necessarily mean that the increase was solely due to the rising influx of illegal Muslims from Bangladesh. As Bhattacharyya (2001) astutely deciphers, there existed only fifteen lakh Bangladeshi immigrants in Assam in 2001 (both Hindus and Muslims), while the total immigrant population as per the census data stood at forty lakh, putting the Bangladeshi's at around forty percent of the immigrant population only, negating the distorted manipulation of facts by the political 'leaders'.

In the present context of the 2014 General Elections, there exists a common thread running across the electoral manifestos of the three major political forces in Assam. While the incumbent Chief Minister of Assam, Mr. Tarun Gogoi has requested a 'refugee' tag for the Hindus coming from Bangladesh, this very same logic is again evident in the speeches of the BJP's Prime Ministerial candidate, Mr. Narendra Modi, who too espouses a clear rejection of any status for the Muslim immigrants from Bangladesh, going as far as calling the failure of implementation of the Assam Accord of 1985 (of which the Congress was the other signatory), as a failure to the legacy of Rajiv Gandhi too! On the other side of the debate stands the AGP, discredited and defeated in past elections by a huge landslide, still clamoring for a distinct definition of who constitutes an 'Assamese' in the first place, without bothering to define the 'illegal other'¹¹ against whom this definition is sought to be formulated, negating the very starting point of an attempt at any concrete definition¹².

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In conclusion, with the August 10, 2012 judgment of the Supreme Court stating that “the demand for identifying and deleting the names of alleged 41 lakh doubtful voters from the list of 2006 on the basis of religious and linguistic profiling would prima facie be illegal, arbitrary and violative of the secular and democratic credentials of India”, a spanner was thrown in the works of the political parties, with the Court claiming that deportation would still be followed, though only “lawfully”. In the backdrop of the recent massacre of 33 Muslims of suspected Bangladeshi origin in Assam by Bodo militants since 2 May 2014, as well as the mass exodus in 2012, the empirical findings do not seem to hold in line with the resolution adopted by the Court. With the official data of the Census itself showing that there exists a decreasing trend¹³ in the number of Muslims in Assam since 1991, taken along with the fact that the IMDT Act itself has been scrapped, it shows that the politics of communal hatred, the seeds of which were sown right from the implementation of the Line System in 1916, has indeed succeeded in polarizing the Assamese middle classes as well (Boruah 1980). Despite the lack of any current law to tackle the illegality problem in Assam, the declining proportion of the growth of Muslim population raises a serious concern of ‘voluntary return’ due to continuous persecution, a question that needs to be tackled urgently.

NOTES

¹ SattwaKar (2013) makes note of several statistics of this trend, an aspect that was continued in the post-independence period as well, characterized by an over-reliance on numbers. The number of Muslim population in the Brahmaputra valley was 3,65,540 in 1911 which rose to 5,94,981 in 1921 and 9,53,299 in 1931. These numbers corresponded to a rise in their percentage of the overall population as well, from 9 percent in 1921 to 19 percent in 1931 and 23 percent in 1941.

² While the Saadullah government opposed the line system on the basis of Section 298 of the Government of India Act of 1935 that prohibited any discrimination on the grounds of race, religion as well as one’s place of birth, the Hockenull Committee Report of February 1938 fell in line with the colonial agenda in recommending further expansion of the scheme of land demarcation. The succeeding Bordoloi government achieved notoriety for sitting on the report for more than fifteen months, and still failing to take any action, whether with or against the Committee’s recommendations.

³ In Assam, these were representative groups of the tenants and the cultivators; representative in the sense that they were conglomerations of both the Assamese people as well as the Bangladeshi immigrants (both Hindus and Muslims). These groups had the right to cultivate land. Some of the most vocal critiques against the colonial Line System emerged

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from the Tezpur and the Sonitpur ryot sabhas, showing the disconnect that existed between the masses and their leadership, a disconnected exploited even now for narrow political gains.

⁴ From an exponent of the voices of the common (Assamese) people, the sabha was to change its stance in later years. Post its rechristening as the Assam Jatiya Mahasabha, it adopted a more direct approach of "Assam for the Assamese" (Boruah 1980).

⁵ Although the movement was spearheaded by the AASU, the body itself was one among several constituents of the larger rubric of the 'All Assam Gana Sangram Parishad', composed of the Assam Sahitya Sabha, the Jatuyabadi Dal, the Young Lawyers Forum and other like minded institutions.

⁶ Unofficial figures, as Roychoudhary (1981) points out, put the percentage of Muslims in this figure at more than 90 percent, a statistic that was to go on to frame the backdrop of the IMDT Act of 1983.

⁷ Signed on April 8, 1950, this pact the rights of the displaced minorities to return in order to dispose their property, as well as the returning of their abducted women and property to them.

⁸ The ethnic cleansing that happened in Nellie is an instance of the worst kind of communal flaring up in the history of Assam till date. More than 5000 Muslims, most of them of Bangladeshi origin, were killed in a six hour time frame on 18 February 1983. The reason that led to such a 'pogrom' taking place was the superficial instance of State elections failing to take place during the Assam Agitation in 1983. Such a surface level argument did not succeed in hiding the tensions that had been gradually lit by the leaders of the movement and their espousal for a distinct Parliamentary look into the problems of the 'illegal' immigrants, seen as composed predominantly of Muslims in the skewed data of the 1951 NRC.

⁹ It must be noted that the IMDT Act was a special provision pertaining solely to the state of Assam, while the rest of the country fell under the purview of the Foreigner's Act. The IMDT act provided for a 'maximum' of ten reports to be filed by the accuser, showing a clear bias inherent in its very formulation. Further, the ration card that the accused was supposed to produce as a proof of his citizenship status had extremely limited availability in the first instance, because it was issued against households, in which the accused had wide chances of not being included, as already discussed in the section on the 1951 Census slips.

¹⁰ All those foreigners who had entered Assam between 1951 and 1961 were to be given full citizenship, including the right to vote; those who had done so after 1971 were to be deported; the entrants between 1961 and 1971 were to be denied voting rights for ten years but would enjoy all other rights of citizenship (Text of the Assam Accord, 1985).

¹¹ On September 10, 2012, a group of prominent personalities and academicians came together with the motive of "rescuing Assam from the abyss", wherein they laid emphasis of defining Bangladeshis as anyone who came after the cut-off date of 1971.

¹² In an interview with Sushanta Talukdar published in *Frontline* in 2010, Prafulla Kumar Mahanta of the AGP put forth the idea of the 'Assamese' as follows- "All tribes and nationalities and Indian citizens who are permanent residents of Assam within the geographical boundaries of the State, whose mother tongue is either Assamese or any of the indigenous tribal languages and have been engaging themselves in the development and progress of the State and have become stakeholders in the promotion of the Assamese language, literature or tribal languages, literature and culture will be considered Assamese".

¹³ From 1971 to 1991, the difference in the percentage growth rates between the Hindus and the Muslims declined from 35.53 percent (where the growth rate of Hindus stood at 41.89% and that for the Muslims was 77.42%), to 14.3% in 2001 (the corresponding figures being 14.95% and 29.3% for the Hindus and the Muslims respectively).

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