

Migration and Refugee Crisis: A Case Study of Assam in the Post-NRC Period

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**SOCIAL EXCLUSION AND INCLUSIVE
POLICY**

By

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April, 2022.



CERTIFICATE

This is to certify that the dissertation entitled “***Migration and Refugee Crisis: A Case Study of Assam in the Post-NRC Period***”, submitted by **BLESSY MATHEW**, bearing Reg. No. **18SIHL04**, in partial fulfillment of the requirements for the award of Master of Philosophy in Social Exclusion and Inclusive Policy, is a bonafide work carried out by her under my supervision and guidance and is also plagiarism free.

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DECLARATION

I, **Blessy Mathew**, hereby declare that this Dissertation entitled “***Migration and Refugee Crisis: A Case Study of Assam in the Post-NRC Period***” submitted by me under the guidance and supervision of Dr. J Rani Ratna Prabha is a bonafide research work which is also free from plagiarism. I also declare that it has not been submitted previously in part or in full to this University or any other University or Institution for the award of any degree or diploma. I hereby agree that my thesis can be deposited in Shodhganga/INFLIBNET.

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Dedication

*This work is dedicated to my parents, who worked so hard throughout their life
to get me here,*

*To my teachers and well-wishers who have supported me in every stage of my
studies,*

And lastly

To Almighty Lord,

*Who has showered His blessings, especially for the strength, courage, patience,
wisdom, time, and guidance in realization of this work.*

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LIST OF ABBREVIATIONS

AAGSP	All Assam Gana Sangram Parishad
AASU	All Assam Students Union
ADB	Asian Development Bank
AGP	Asom Gana Parishad
BPL	Below Poverty Line
BSF	Border Security Force
CHT	Chittagong Hill Tracts
ICMW	International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families
IDPs	Internally Displaced Persons
ILO	International Labour Organisation
IMDT	Illegal Migration Determination by Tribunals Act
IOM	International Organisation for Migration
IPCC	Intergovernmental Panel on Climate Change
NGO	Non-Governmental Organisation
NRC	National Register of Citizens
NSSO	National Sample Survey Organisation
OECD	The Organisation for economic Co-operation and Development
PHC	Public Health Centres
SAARC	South Asian Association for Regional Cooperation
SAARCLAW	South Asian Association for Regional Cooperation in Law
SACEP	South Asia Co-operative Environment Programme
SAFTA	South Asian Free Trade Area

UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nation High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
WHO	World Health Organisation

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Chapter 1

Introduction

1.1. Introduction

The evolution of human civilisation has always been characterized by migration. This is a continuous and dynamic process. In the structural growth of communities and economies, migration has always played a significant role. In the past, migration meant developing new dwellings in fertile and new territories, while today migration involves the transfer of people from one country to another. Migration flow occurs within and even beyond the state borders for several causes: political dynamics, economic and social imbalances, natural and climatic calamities. Globalisation has given the international labour market a fresh impetus in recent years, introducing a new element to interstate movements.

The United Nation Population Division (UNDP) has defined migrants as ‘persons who move to a country other than that of their usual residence for a period of at least one year, so that the country of destination effectively becomes their new country of usual residence’. The number of migrants worldwide is expected to double from 214 million in 2010 to 405 million by 2050, and considering the volume of migration over the last few years, the estimate of global migrants is only likely to climb even further.¹

The relationship between India and Bangladesh is historic in nature; the two countries shares border and a common history that dates back to erstwhile West Bengal, which later became East Pakistan and now currently is known as Bangladesh. The issue of Bangladeshi migration and refugees began in the early nineteenth century, and then has continued after formation of Pakistan as sovereign state, and later when it became an independent state in 1971.

Migrants and refugees from Bangladesh over the years have moved into different states of North East India due to a variety of reasons which include persecutions, hostile environment, intolerance, unfavourable economic conditions and also due to environmental calamities. In addition, the lack of a National Refugee laws has only muddled the already existing thin line between refugees and economic migrants, which has led to denying assistance, even to legitimate refugees. It has now become a huge problem for India and the millions of individuals who are affected as result.

¹ Everett S. Lee, "A Theory of Migration", *Demography* 3, no. 1 (1966): 47–57, <https://doi.org/10.2307/2060063>.

Despite the magnitude of migration from Bangladesh to India, thorough research and analysis has been scarce and it is striking how little the literature is on such an enormous issue. It is with this background that the study attempts to analyse the theories of migration, the laws and regulation on migration and refugees issues in India. As a backdrop, the studies weaves together the history of migration from Bangladesh to India and Assam in specific and also look at the ways and circumstances in which these migrants are excluded from the society of Nagaon district of Assam. This study could help in holistic understanding of migration and refugee problem between India and Bangladesh by presenting a multi-dimensional perspective of subject under consideration.

1.2 Literature Review

Even though migration as a subject has garnered a great deal of attention across disciplines over the past few years, one can say that materials introducing the concept are few or even scarce. Except for a few works not many have taken a critical and explicit look at migration through spatial notion. *Samers and Collyer's* (2017) work on migration is one where there is enough emphasis on the theories, concepts and issues related to international migration. This multidisciplinary work goes beyond and beneath the usual statistics, data, and flows and deliberates on terms like 'transnationalism' and 'social network' while throwing light on the factors that compels people to migrate.

Migrants from Bangladeshi who are living in India have not been studied extensively despite their nature and magnitude. However, there are few noteworthy studies that exist on this subject which are mostly carried out by demographers and social scientists and researchers. This section examines some of these studies briefly and their key findings are summarized. *Myron Weiner* in his work on Migration examines the population movements in India and within the neighbours of South Asia. A historical overview of migration in South Asia is discussed. Next, it focuses on international migration with special reference to the illegal migration and refugees' inflow across the borders of South Asia and its political controversies is analysed. Then there is a discussion on how migration has led to urban growth and ends with an analysis of migration in social conflict both as 'effect and cause'.

Partha S Gosh (2016) examines the concept of migration to develop a theory and also draws upon the existing theories to comprehend the realities of migration in the South Asia region. The author has highlighted the significant disparities between migrants, refugees and stateless individuals in South Asian countries. It also deals with the theory, political connections,

security variable, rehabilitative aspects, legal dynamics and cultural and psychological components related to migration.

Ranabir Samaddar's (2003) book, tries to reconstruct and analyse the presence of refugees in India, the chapters in the book examines the general treatment of refugees and it includes the interaction of refugees with the people and the authorities. The text has tried to present how India has acknowledged and reacted to refugee conditions under different situations and times. The book on the other hand has not sufficiently addressed the issue of how these refugees have been integrated into the mainstream life. *Jaiswal's* (2018) in the edited work, the last few chapters describe how migration has had an impact on the host state, in terms of politics and security and increase in anti-migrant sentiment. It also examines some crucial aspects of human security and how it is linked with migration.

Over the course of time in South Asia, issues like 'illegal migration' along with concerns about 'national security' have taken political dimensions. Unlike most migration works which are confined to domains of demography and economics, *Ranabir Samaddar* (1999) in his work discusses the 'trans-border migration' issue from Bangladesh. It examines these issues from a broader perspective while taking into consideration the history, culture and geographical aspects. While illustrating the viewpoints from the migrants and demystifies the notion of 'border' and 'national territory'. Samaddar in his analysis questions the practicality of these notions while pointing out that the flow of these migrants across the border is due to a variety of reasons which includes historical affinities, geographical proximity and unavoidable economic reasons. Due to their natural urge to survive, the idea of 'nation' and 'border' is easily forgotten by the migrants who in turn look for 'illegal' means to overcome these barriers to obtain a better life. This is first of a study that takes into account the reports, data and his travels in the hamlets of the migrants along the border and discusses the issue of 'trans-border migration'.

With regard to the studies done post-colonial period on the political, social, ethnic, and cultural issues linked to migration has gained importance in recent years and *Myron Weiner* (1978) has made an attempt to look at these issues such as the conflicts and political cleavages in depth with the reactions of the natives in response to migration to Assam. *Willem van Schendel* (2005) in his work has brilliantly captured the history of Bengal border for the past sixty years beginning from 1947. He argues that the border in the east was a 'patchwork' border, which unlike a physical barrier passes through rivers, villages, farmlands

and in some cases even houses, which is a challenge for control and management. Schendel points out that the artificial borders that was created has never worked in deterring the existing socio-cultural ties and economic affairs across border, which in a way has only encouraged the flow of people and goods. His work is based on first-hand interviews and narrative which backs up his conclusions and he attempts to portray the scenarios at the border by using historical approach and also analyse the difficulties at the border.

Since the time India was an independent state, the issue of migration and refugees has been a problem between India and erstwhile East Bengal. This endless flow of migrants and refugees from Bangladesh over these years has generated political, socio-economic, and communal tensions, *Chirantan Kumar* (2009) in his work has analysed these issues through historical and analytical methods. Through this work, Kumar has tried to explore the causes, impacts of refugee problem and suggest an ultimate proposal that can be implemented as a feasible solution to the issue.

Chandan Kumar Sharma (2012) in his article contextualises the immigrants in Assam who belonged to different ethnic backgrounds from ancient, colonial and post-independence period. He also takes into account their significance and their placement in terms of their socio-economic holdings within the in the state of Assam. The work also examines the relationship and interaction between the migrants and the natives and the causes for discontent between both the groups. The study concludes by stressing upon the importance of having different approaches to effectively handle and resolve the issues between migrants and the indigenous in Assam.

Pranati Datta (2004) in her work analyses the illegal Bangladeshi migration and focused on migration's effects and ways to prevent it. The author focuses on time frame of migration, the push-pull factors that has resulted in large-scale migration, connection between religion and its effect on migration, and various political issues are examined. *Nanda* (2006) in his work has examined the reasons for migration from Bangladesh to India by using the Census data of 1981 and 1991. He has analysed the ecological and economic factors and its importance that result in out migration which was overlooked in the work of Pranati Datta. While the article has made an great attempt to estimate the flow of migrants at the state level and has looked at the patterns in which the migrants locate and settle down in the state and also identifies the specific location in terms of rural and urban destination of settlements, and the male and female migrants ratio using the Census.

Joseph et al (2013), in their essay analyse the migration flow through Bangladesh-India corridor and in South-South and suggests a move from basic analysis to a framework that fully addresses the regional intricacies. The work reveals how academic research has solely focused on the narrow aspects of ‘Bangladeshi transnationalism’, disregarding the questions such as gender, social justice and rights in the migration process. It further looks at the implicit assumptions concerning cross-border migration of women and highlights the lack of gender dimensions and flaws of these views. The work attempts to identify the challenges in research and management of migration, and the rights and protection of migrants and repercussions that they have to face in the region.

Sanjoy Hazarika’s study (2000) has focussed on the North-Eastern states of India in his study and in his work analyses the push factors such as population pressure and high pressure on land which people are not able to possess for any purpose in addition to the environmental causes in Bangladesh has resulted in large scale migration to the North Eastern states of India. Very interestingly one can see that there is a distinction made between political refugees and environmental refuges or migrants in his work. The author travels, conducts his fieldwork and interviews migrants in different parts of North East in particular in Assam and also in Bangladesh. The work uses data from the censuses, statistical records and through the interviews that the author has conducted.

Saikia et al (2016), in their edited work present a scientific estimate using the Census data for the migration trend during 1951-2001 in Assam. They have used the 1961-2001 Census data and then estimated the trend by the recorded population, so both these estimates reveal that before and after independence, Assam has been the preferred destination for a large number of migrants from Nepal, Bangladesh, and Myanmar. About 90% of the migrants to Assam were of Bangladeshi origin. The post-Assam movement census on the migrants has been significantly underreported. The study also examines the effects of migration on both the migrants and their children, and the natives in Assam for the given time period.

The drawback of the above mentioned studies is that majority of the work has its focuses on West Bengal and there are not many studies that have examined the issue of migration in Assam or in other North Eastern states. Majority of the studies have focused on the push factors that has resulted in migration from Bangladesh to India which includes the social, political and economic factors which attracts the migrants to choose their destination. Interestingly, none of the studies or works have mentioned their life after the migration, their

settlement and adapting their life in the host society. The question of their ‘social’, ‘economic’, and ‘discrimination or exclusion’ they have gone through over the years through and post NRC is in India is not documented and remains hidden.

1.3 Statement of the Problem

The study looks at the migrants from Bangladesh who have migrated and settled down over the years in Assam, India. Despite their migration and settlement these migrants lack access to basic infrastructure which includes healthcare, education, transportation and communication facilities. Majority of these migrants lack access to health care facilities in the areas where they have settled down and at the same time, most of these migrants are illiterate and do not have access to educational institutions in the villages that they have chosen to settle down in. Poorly developed kaccha roads have denied them the access to transportation facilities like bus and in cases of health emergencies it has denied them of an ambulance to reach a hospital for treatment, which cannot make it through these roads and during the floods creates serious problems. Since most of them are illiterate, majority of them work in agricultural lands, farming, and set up small businesses in the area that they reside and take up other odd jobs and do manual labor like rickshaw pulling, etc.

This study aims to analyze the life of Bangladeshi migrants in Nagaon district of Assam by looking at their socio-economic status, the discrimination and exclusion they face in their daily lives. Nagaon district of Assam was selected for the study, based on data from the 2011 Census of India, the population of the district was 117,722 in which 12,139 were the total number of migrants whose last residence was outside India and 10,981 were from countries in Asia but beyond India. Among these migrants 9,513 were from Bangladesh, 473 from Pakistan, 265 from Nepal, and others.

1.4 Scope of the Study

The primary motive of the study was to find the reasons of migration from Bangladesh to Assam. The migrant’s assimilation in the host society and its relationship between the exclusion and discrimination they face on a daily basis and their take on what future holds. This work aims to contribute to the growing body of knowledge about Bangladeshi migration to Assam and to explore the social exclusion component that has been unknown. More studies would highlight the exclusion and the difference these migrants face in the host societies.

1.5 Objectives

Due to its significance in the current academic and legislative circles, the present study aims to:

- (i) To examine the causes of migration from Bangladesh to Assam, India in specific since Independence with the help of historical analysis and explore the theoretical perspectives of migration in general.
- (ii) To study the migrants' current socio-economic conditions and the exclusion faced by the migrants in the host society that is in Nagaon district of Assam.
- (iii) To analyze various policies and actions implemented by the State and Central government in order to minimize the negative effects of migration while maximizing the benefits.

1.6 Methodology

Since migration from Bangladesh to India in specific to Assam is highly divisive and controversial issue, gathering data which was reliable was a major challenge to the study. Due to these constraints to collect primary data, snow ball sampling method was used to collect the personal interviews. Because the study focused on the migrants, their life and circumstances, one had to be very careful and had to make sure that their privacy was not violated in any way. For example, recording the respondent's information proved to be a barrier to their free interaction. Getting the respondents to talk and especially when you are talking in English and have a translator to talk and explain and gather information, it was difficult to gain their trust and have a free flow of conversation. Pseudo names have been used for the respondents while writing the narratives to protect their identity. Secondary data consists of books, articles published in journals, government reports, census and statistical records, newspaper articles, reports published by Non-governmental organizations and websites related to the topic were referred.

1.7 Chapterisation

The study has been divided into 5 chapters, which includes the present chapter. The first chapter provides a brief introduction of the subject matter at hand and additionally, it analyzes and summarizes the intended research. The second chapter deals with the notion of migration and goes on to define the term migration and refugees and briefly examines the

various types of migration, theories of migration, that are popular and prevalent to the study is examined, which includes relevant theories like push and pull theory, developmental theory, and forced migration theory and policies of migration is studied, and lastly the issue of refugee problem in South Asia is dealt with.

In the third chapter, the background of the study is established and presents a brief history of migration in Assam from the British period. It also discusses the push and pulls for migration from Bangladesh to Assam starting from the British period to the partition in the 1941 and in 1971 when Bangladesh was formed. Gender aspects of migration which are usually overlooked have also been examined in terms of female migration from Bangladesh to India. Further, this chapter looks at the government's response to international migration and the issues related to it and reviews the various acts related to international migration in India.

The fourth chapter, studies the socio-economic status of the migrant in the host state and also the impact of migration and exclusion they face on a daily basis and their children's future in Assam is looked at. In the last and final chapter five, the summary of the study is discussed along with the findings, recommendations and suggestions. It also examines the ways in which the government has helped in maximizing and minimizes the benefit and negative impacts of these migrants in the state respectively.

1.8 Limitations

Even though the study has examined the various factors for migration and help in understanding its trends and the lives of migrants in the society of Assam, it has its own set of limitations. Firstly, since the topic is of high sensitive issue, collecting information from the respondents was very difficult. They were very cautious and in some cases reluctant to participate in the interviews mainly because they feared their detection and deportation. Being an outsider and not able to communicate in their language was another main reason why the migrant respondents were hesitant to part with information regarding their life. Not being able to ask certain questions regarding their detection and deportation is another limitation. Majority of them were in the first place not acknowledging the fact that they had migrated due to fear of being detected and deported. If answers to sensitive questions like these were answered it would be of more value to the study.

Chapter 2

Migration and Refugee Crisis: Theoretical Framework

2.1. Defining Migration

Since the dawn of civilization, “migration” or movement of people from one place to another has been an intrinsic attribute to human culture. History is a witness to the movement of people from one place to another, guided by their desires, needs, aspirations, and dreams. Population movements have always been significant and played a vital role in the structural transformation of human societies and economies worldwide.

According to Everett Lee, “A permanent or semi-permanent change of residence is referred to as migration”. There are no limitations on the transition duration or whether it is voluntary or involuntary, and no distinction can be drawn between external and internal migration.¹ Thus, a step across the hall from one apartment to another is an act of migration as much as moving from Mumbai to Iowa, though the roots and outcomes are drastically different. This description, however, does not include all types of spatial mobility. Any act of migration, no matter how long or short, simple or complex, has an origin, a destination, and an array of obstacles in between.²

A migrant, according to the United Nations Migration Agency (IOM), is someone who is moving or has moved across a foreign border or within a state away from her habitual place of residence, irrespective of (a) the persons legal status; (b) whether the migration is voluntary or involuntary; (c) the reasons for movement; (d) the duration of stay.³

According to Eisenstadt (1953), the phase of migration is a physical transition from one culture to another, one that is fraught with frustrations and leads to a slew of social issues among the migrants. The initial immigration is often driven by the feelings of inadequacy and

¹ Everett S. Lee, "A Theory of Migration", *Demography* 3, no. 1 (1966): 47–57, <https://doi.org/10.2307/2060063>.

² Lee, 5.

³ "Migration", United Nations, accessed 30 March 2021, <https://www.un.org/en/global-issues/migration>.

vulnerability in the old social structure, as well as the expectation of overcoming these insecurities in the new one.⁴

The World Health Organisation (WHO) has defined migration as, an individual or group of people travelling across an international border or within a country. It is a population movement that involves any form of human movement, regardless of duration, composition, or causes; it includes immigrant, homeless, and economic migrants, as well as people moving for other reasons, such as family reunification.⁵

According to the website of the Registrar General and Census Commissioner in 2001, “An individual is considered a migrant if his or her birthplace or last residence is different from the place of enumeration”.⁶ A migrant is described by the Government of India’s National Sample Survey Organisation as, “a member of the sample household who has lived continuously for six months or more in a place besides the place of enumeration.”

The United Nations (1970) recommended that a permanent migrant stay for more than one year with a work intention, and a temporary migrant stay for a year or less if he/she earns pay from places within the country he/she enters. An individual who stays in another country without a legal identity for a year or less is referred to as a refugee, displaced person, or transferred person. This system of classification does not give us a clear picture of the sort of work obtained and payment method used, and this mostly can be applied to international migration. Most countries use “place of birth” as criterion for calculating internal migration at the time of enumeration in the destination area.⁷

In a nutshell, a migrant is someone who has relocated from one politically recognised territory to another with similar characteristics. As a result, the notion of migration sets intrinsic boundaries that must be crossed before a movement can be termed migration.

⁴ S. N. Eisenstadt, "Analysis of Patterns of Immigration and Absorption of Immigrants", *Population Studies* 7, no. 2 (1 November 1953): 167–80, <https://doi.org/10.1080/00324728.1953.10415301>.

⁵ "Migrants", World Health Organisation, accessed 30 March 2021, <https://www.who.int/migrants/about/definitions/en/>.

⁶ Census of India, “Migration”, accessed 30 March 2021, https://censusindia.gov.in/Census_And_You/migrations.aspx.

⁷ United Nation, Department of economics and Social Affairs, Population Studies, Methods of measuring internal migration, ST/SOA/Series A/47 (May, 1970). https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/files/documents/2020/Jan/un_1970_manual_vi_-_methods_of_measuring_internal_migration_0.pdf

2.2 Defining Refugees

A definition of “refugee” is not the same as a conception of the word. In fact, there are hundreds of meanings in use across different jurisdictions. Most nations or regions have their own municipal interpretations and definitions, while the rest of them go along with the UN Conventions framework.

A refugee is someone who is escaping life threatening circumstances. This is a rough definition of refugee hood in everyday language. Predictably, the definition is much more limited in political and legal circles, especially among those who draught refugee policies for state and international organisation. This definition of refugee, where the person has crossed an international border because of the fear of persecution is a prevalent, generation old conception advanced by regional statutes, international agreements, and scholarly treaties. With such widespread consensus, the theoretical issues seem to be solved but the appearances can be deceptive.

Article 1 of the 1951 Refugee Convention, characterizes a refugee as “an individual who is outside his/her nation of ethnicity or habitual home; has a very much established dread of oppression as a result of his/her race, religion, identity, enrolment in specific gathering of people or political assessment; and cant or is reluctant to seek asylum in the security of that country, or to return there, inspired by a paranoid fear of persecution”.⁸

Refugees like aliens or migrants, challenge the dominant norms of identity based on the state’s definition of citizenship. Citizens’ membership rights are determined by factors such as birth, marriage, and residency, all which are designed to exclude the outsider.⁹ “Refugee status does not necessarily need to be permanent, it comes to an end when a refugee seeks protection voluntarily from the country of origin; reacquires voluntary nationality or protection from the country of origin or other country; when the person can safely return back

⁸ "The 1951 Refugee Convention", UNHCR, accessed 18 April 2021, <https://www.unhcr.org/en-in/1951-refugee-convention.html>.

⁹ Nasreen Chowdhory, *Refugees, Citizenship and Belonging in South Asia* (Singapore: Springer, 2018), <https://doi.org/10.1007/978-981-13-0197-1>.

to their country the recognition of refugee cease to exist.”¹⁰ A refugee has the legal right to life and liberty, equality, healthcare, labour and primary education, among other things.

Myron Weiner distinguishes, “migrants and refugees by dividing those people who cross international borders into two categories, rejected people and unwanted migrants. Unwanted migrants include those people who have crossed international and provincial borders for economic benefits, as well as those who relocated as a result of economic and environmental factors. They are undesired because the host community feel politically and socially vulnerable, and have rejected them.”¹¹ When a person leaves the country of habitual residence, then he or she becomes an international migrant, but the conferring the refugee status depends on circumstances and type of migration, as well as the will of the host country. In most recipient countries, migrants are considered illegal and unapproved.¹²

The essence of citizenship rights in postcolonial societies in South Asia was influenced by the state formation process. The state assigned these members a sense of identity in terms of rights while excluding those groups of individuals. The definition of migrants and refugees necessarily do not operate as per their wording in South Asia on account of historical, social, and political reasons. They appear to overlap or be used interchangeably for the same purpose, even in policy documents.

2.3 Different Types of Migration

Migration has shaped humanity’s history and the evolution of human culture. People migrating within a country across or between administrative or political jurisdictions (internal migration), or across countries (international migration), has been a key factor in societal change. It is important to identify migration according to its types in order to gain a better understanding of it.

Internal migrations, occurs within a region and international migration, occurs across an international border, and these are the two main forms of migration. Internal migration has different processes, reasons, and implications than international migration. Internal migration is a response to a country’s socioeconomic and spatial conditions, whereas the socioeconomic

¹⁰ Satish Kanitkar, *Refugee Problems in South Asia* (Delhi: Rajat Publications, 2000).

¹¹ Myron Weiner, *Sons of the Soil: Migration and Ethnic Conflict in India* (Princeton, NJ: Princeton University Press, 1978), 43, <https://www.jstor.org/stable/j.ctt13x121h>.

¹² Chirantan Kumar, "Migration and Refugee Issue between India and Bangladesh", *Scholar's Voice: A New Way of Thinking* 1, no. 1 (January 2009): 64–82.

and political conditions are related, when it comes to international migration and in particular the immigration and emigration policies and regulations of these countries. According to International Migration Report (2019), the number of international migrants in the period between 1990 and 2019 grew by 119 million and since 2005 this growth has only accelerated.¹³ There are many other forms of migration besides internal and external migration, and they are examined as follows.

1. Emigration

According to Cambridge Dictionary, emigration is defined as “a process or an act of leaving one’s country permanently and moving to reside in another.”¹⁴ Before relocating or moving to another country to reside, one needs to live in a country beforehand and it is important to emphasise the country from which you are coming. People emigrate for a variety of reasons, which includes furthering the prospect of finding employment or be it enhancing the standard of living. Emigration has both positive and negative effects on the economies of the countries involved and it majorly depends on the countries current economic state.¹⁵

2. Immigration

Immigration according to Collins Dictionary is defined as, “the migration of people into a country to live and work.”¹⁶ Immigration is a mechanism by which individuals become permanent residents or citizens of a different country. Immigration is influenced by a variety of economic factors, which includes seeking decent work opportunities, to earn higher pay, to improve living standard and to receive education. Ethnic cleansing, persecution in home country, conflicts, war, political control in the country like dictatorship and natural disaster are some of the non-economic factors which influence immigration.¹⁷ With improved

¹³ United Nations, Department of Economic and Social Affairs, Population Division, *International Migration 2019: Report*, ST/ESA/SER.A/438 (New York 2019).
https://www.un.org/en/development/desa/population/migration/publications/migrationreport/docs/InternationalMigration2019_Report.pdf

¹⁴ "Emigration", in *Cambridge Dictionary*, accessed 19 April 2021,
<https://dictionary.cambridge.org/dictionary/english/emigration>.

¹⁵ Kenton Will, 'Emigration', Investopedia, 27 September 2021,
<https://www.investopedia.com/terms/e/emigration.asp>.

¹⁶ "Immigration", in *COBUILD Advanced English Dictionary*, accessed 19 April 2021,
<https://www.collinsdictionary.com/dictionary/english/immigration>.

¹⁷ "Introduction to Immigration Economics", Lumen Learning, accessed 19 March 2021,
<https://courses.lumenlearning.com/boundless-economics/chapter/introduction-to-immigration-economics/>.

technology and transportation, immigration has gained prominence over the years, and these numbers with regards to immigrants has had a direct impact on both the home and host country.

3. Economic Migration

According to Cambridge Dictionary, an economic migrant is “someone who relocates to another country in order to make more money or to have a substantial improvement in their standards of living than they do in their own country.” The disparity in income between the developed and developing countries encourages skilled labour to migrate to these developed countries.¹⁸ Economic migrants have more freedom when it comes to deciding the destination when compared to humanitarian migrants. Most of the asylum seekers will migrate to the nearest country that will take them in, while the economic migrants will relocate to countries that require their expertise or have better living conditions than their home country. Therefore, the pull factors in the destination country will influence the economic migrants’ decision making process.¹⁹ Economic migrants do not meet the requirements for refugee status and, as a result, they are not eligible to benefit the international protection as refugees.²⁰

4. Seasonal migration

The migration of a population from one area to another on a yearly basis in response to changes in each season or climatic changes, or labour (construction or informal sector jobs in cities that are nearby or distant) with the purpose of returning back to their usual residence, can be defined as seasonal migration. Seasonal migration is often interchangeably used with ‘short term’, ‘temporary migration’, ‘circular migration’, and ‘spontaneous migration’. All these movements, according to Zelinsky (1971), are circular in nature since they are short term, cyclic and its general motive is temporary shift in terms of one’s residence.²¹

¹⁸ Mervyn Piesse, "Factors Influencing Migration and Population Movements- Part", 24 October 2014, <https://www.futuredirections.org.au/publication/factors-influencing-migration-and-population-movements/>.

¹⁹ Piesse, 3.

²⁰ "Economic Migrant", Migration and Home Affairs, accessed 19 April 2021, https://ec.europa.eu/home-affairs/pages/glossary/economic-migrant_en.

²¹ Wilbur Zelinsky, "The Hypothesis of the Mobility Transition", *Geographical Review* 61, no. 2 (1971): 219–49, <https://doi.org/10.2307/213996>.

5. Population Transfer

The migration of a large number of people from one country to another by state policy or foreign authority, usually centred on ethnicity or religion, is known as population transfer. The affected population are forcibly relocated to a distant area that may or may not be conducive to their way of living, causing them significant emotional and bodily harm and results in severe damage and loss. When there is a movement of population in two opposite directions at the same time, it is known as population exchange. In the twentieth century, during the partition of India and Pakistan in 1947, such exchanges have occurred.²²

6. Forced Migration

The International Organisation for Migration, as well as researchers, have adopted a common description when it comes to the term “forced migration”, that refers to migration or relocation where coercion is a factor. When forced migration happens within or across international boundaries, coercion can be either natural or man-made causes. It can be provoked by war or violence, famine, which even includes trafficking, and can include effects of both foreseen and unforeseen causes.²³ This description emphasises the cause of migration in deciding whether it is considered forced or not. As a result, the term supports the idea that the causes of migration are easily recognizable, while simultaneously implying that aspects of coercion can be coupled with other factors and that these coercion may take various forms and degrees.²⁴

7. Environmental Migration

Currently there is no legal definition for the people on the move caused by environmental factors, and there is none which is internationally agreed too. The difficulty of distinguishing environmental factors from other migration drivers is the key explanation for the lack of definition pertaining to migration induced by environmental degradation. Another big

²² "Population Transfer | Introduction to Sociology", Lumen Learning, accessed 19 April 2021, <https://courses.lumenlearning.com/cochise-sociology-os/chapter/population-transfer/>.

²³ Marta Bivand Erdal, "Migration, Forced", in *International Encyclopedia of Human Geography (Second Edition)*, ed. Audrey Kobayashi (Oxford: Elsevier, 2020), 105, <https://doi.org/10.1016/B978-0-08-102295-5.10336-1>.

²⁴ Erdal, 110.

stumbling block is the misunderstanding between forced and voluntary migration.²⁵ Many actors, including the International Organisation for Migration (IOM), are working on these connections and have created a conceptual framework to work on. In 2007, the International Organisation for Migration put forward a definition that is broad working for environmental migration, while attempting to capture the complexities of the issues at hand. Environmental migrants are described as “individuals or group of individuals who are forced or have choose to leave their habitual homes, both permanently or temporarily, due to the sudden changes in the environment that has been adversely affecting their lives or living conditions, and they either move within their country or abroad”.²⁶

8. Chain Migration

In migration studies, chain migration is a widely known phenomenon. It is defined as a mechanism in which the potential migrants learn about employment prospects, acquire access to transportation, and have their initial housing and employment arranged through social relationships with those of the previous individuals who have migrated. Many who have already migrated pass valuable support and various other help, easing the migration decisions of friends and family back home and facilitate the chain migration process. Chain migration has played a significant and crucial part in the evolution of migration trends throughout history.²⁷ According to Bin Yu, Chain migration is a more dynamic social process than the simple mechanical migration of individuals. During the chain migration process, sociological factors such as social networks are crucial, and by social networks, it means, family, friends, community, etc. are included but however, chain migration operates only among the family members of their own.²⁸

²⁵ Dun Olivia and Gemenne François, "Defining 'environmental Migration'", *Forced Migration Review*, no. 31 (October 2008): 10–11.

²⁶ "International Migration Law No. 34 - Glossary on Migration" (International Organization for Migration, 19 June 2019), <https://publications.iom.int/books/international-migration-law-ndeg34-glossary-migration>.

²⁷ Anna-Maria Eurenus, "A Family Affair: Evidence of Chain Migration during the Mass Emigration from the County of Halland in Sweden to the United States in the 1890s", *Population Studies* 74, no. 1 (2 January 2020): 103, <https://doi.org/10.1080/00324728.2018.1559945>.

²⁸ Bin Yu, 'Chain Migration', in *Encyclopedia of Immigrant Health*, ed. Sana Loue and Martha Sajatovic (New York, NY: Springer New York, 2012), 384, https://doi.org/10.1007/978-1-4419-5659-0_124.

9. Return Migration

According to the Organisation for Economic Co-operation and Development, returning migrants can be defined as “people who have been international migrants (short or long term) and are returning back to the country of their origin and who intend to stay back in their home country not less than a year.”²⁹ Return migration can be divided into two types: a. Voluntary return, where the individual or group of them return back to their country of origin based on the voluntary decision made by the returnee. b. Forced return, where the migration involves diverse drivers like force, coercion, or compulsion.³⁰

2.3.1 Reasons to Migrate

Six categories can be used to classify the important factors that are responsible and influence people to migrate and they are political factors, economic factors, socio-cultural factors, demographic factors, environmental factors, and miscellaneous factors.

1. Political Factors

Political factors such as war, persecution and the absence of political rights predominantly influence people to migrate within or across borders. When people disagree with their government, have dissenting views, or those who come from different ethnicities are subjected to torture, abuse, and discrimination by the state. People, when faced with such unsafe conditions, they are forced to migrate to safer countries. Group of people from a certain ethnic background travel within the country or leave the country as a result of political uncertainty induced by culture diversity. When there is a limit on individual's political freedom and rights, and as a result when it begins to affect the economic situation of the country, people begin to migrate in pursuit of better opportunities in terms of careers, education and freedom to democratic countries.³¹

²⁹ "Returning Migrants Definition", in *OECD Glossary of Statistical Terms* (OECD, 29 November 2001), <https://stats.oecd.org/glossary/detail.asp?ID=2349>.

³⁰ "International Migration Law No. 34 - Glossary on Migration" (International Organization for Migration, 19 June 2019), <https://publications.iom.int/books/international-migration-law-ndeg34-glossary-migration>.

³¹ Mathews Jayden, "Political Factors in Migration", Sciencing, 24 April 2018, <https://sciencing.com/political-factors-migration-8212756.html>.

2. Economic Factors

The labour standards of a country along with the unemployment rate are the related economic factors. Larger number of people will migrate to another country with a better economy if the overall economic conditions are unfavourable and seem to be deteriorating further. Low agricultural income, agricultural unemployment and under employment are other economic factors in rural areas and this is also a reason as to why people move from rural to urban areas while staying within the confines of the border. The promise of higher pay, better opportunities in terms of job, education, health, and in many cases, the desire to flee home country, because of the social and political issues. As a result, nearly all studies conclude that majority of migrants move in pursuit of better economic options.³²

3. Socio-Cultural Factors

Social and cultural factors also have a significant impact when it comes to migration. Family conflicts and the desire for personal freedom, not always as result of persecution in the state, but from family can lead to migration, particularly among the younger generation. With improved facilities such as transportation, good network connectivity, influence of television, cinema, and urbanized education, as well as the resulting shift in values and beliefs, all encourage migration.³³

4. Demographic Factors

Internal migration has been found to be influenced by disparities in the population growth rates among different regions of a country. The population growth and fertility rates are often higher in rural areas, as a result encourages the migration from rural to urban areas in search of better prospects. Marriage is another key demographic component when it comes to migration, since women are accustomed to follow their partners post wedding.

5. Environmental Factors

Climate change is arguably the most extreme environmental factors that has forced and pushed people to migrate. Climate change has the ability to amplify the impact of political, economic and social push factors in the coming decades. Affected by climate change, even if

³² Kyaing Kyaing Thet, "Pull and Push Factors of Migration: A Case Study in the Urban Area of Monywa Township, Myanmar" (Lecture, Department of Statistics at the Institute of Economics in Monywa, Myanmar, 2012), <https://www.worldofstatistics.org/files/2014/03/Pull-and-Push-Factors-of-Migration-Thet.pdf>.

³³ Thet, 5.

people migrate to a short distance, the social, political and economic structures will be altered. Natural disasters such as floods, earthquakes, hurricanes, excessive droughts are other environmental factors that cause migration. Crop failure, for example, leads to food shortage as well reduction in agricultural employment, and so agriculture workers will be forced to look for alternative jobs if their land is not capable of growing or maintaining crops and this is a cause for people to migrate looking for better prospects and environment.³⁴ The effect and drivers of climate change is hastening and intensifying as a result of urbanization and rapid economic growth and by 2040, the energy demand is anticipated to grow by 66 per cent. The Asian Development Bank (ADB) report in 2014, estimates that by 2050, the South Asian economy (which includes Bhutan, Bangladesh, India, Nepal, Maldives and Srilanka) may have lost 1.8 per cent of its annual GDP owing to climate change as a result of these factors.³⁵

6. Miscellaneous Factors

In addition to the factors mentioned above, there are other factors, such as availability of relatives and friends in cities who are willing to accommodate and help them, the ability to access education that is available in these metropolitan areas, all contribute to migration. Other factors such as similarity of cultural ties, multiculturalism, and high longevity and so on have a significant impact on migration.

2.4 Theories of Migration

Migration research has caught the interest of scholars from nearly all social science fields, and as a result, many approaches to studying the development have emerged. Refugee research has also gained from this cross sectional study as the term refugee was also included within the framework of the term migrants. If the term refugee had not been included, then refugee research would have suffered from the partial interpretations given by human and social rights activists, law scholars and among others.

The study of migration has had a long history and from eighteenth century, the process of collecting empirical evidence began as a primary step to study migration. This movement was

³⁴ Mervyn Piesse, "Factors Influencing Migration and Population Movements- Part", 24 October 2014, <https://www.futuredirections.org.au/publication/factors-influencing-migration-and-population-movements/>.

³⁵ John Podesta, "The Climate Crisis, Migration, and Refugees", Brookings Blum Roundtable on Global Poverty (Brookings, 25 July 2019), <https://www.brookings.edu/research/the-climate-crisis-migration-and-refugees/>.

a result of the urbanization and growing freedom to move in and around the European countries. Researchers found two instances that could boost their empirical study which were, first where by the nineteenth century, huge crowds moved from Europe to Atlantic and the second instance, where the Chinese from the northern region migrated to Manchuria by the twentieth century. While the receiving countries began to experience a large economic growth with these migratory processes, this also caused a lot of social and political anxiety among the elites and middle classes of the society, even though they availed the share of the economic development contributed by these migrants. The middle classes often grouped the poor migrants with the local poor people and regarded them to be social evils in the society. The poorly paid migrants were also viewed as potential criminals and it was argued that they should not be allowed to claim citizenship in the country.³⁶

There was barely any research conducted in the colonized world possibly because the colonial rulers put on hold the academic activities that were pursued independently and most of the research that was related to migration was carried out in the receiving countries and most often, the migrants were considered as social and political problems as mentioned earlier. On the whole, western approach to migration is prejudiced and biased towards the immigrants. Despite these shortcomings, several theories have emerged over the years to examine the phenomenon from various approaches and among which, some of the significant ones are discussed below.

2.4.1 Classification of Migration Theory

The theories of International Migration are divided into three types by the scholars and they are not mutually exclusive to each other. First, the macro theories emphasis on the structural and objective conditions of the migrants which is “push” and “pull” factors. The push factors in the terms of economic migration would include factors like unemployment, low per capita income or less salaries when compared to the country they want to migrate to. The pull factors would typically include legislation on migration and the receiving countries labour market situation. Factors like state repression or civil war or fear of violence can explain involuntary displacement. The theorists agree that these macro conditions are crucial in explaining the forced displacement and the forerunner in voluntary migration, that is, the people who were the first among the individuals or groups of migrants from a country or

³⁶ Partha S. Ghosh, *Migrants, Refugees and the Stateless in South Asia*, First (New Delhi, India: SAGE Publications India Pvt Ltd, 2016).

area.³⁷ But the conditions are less equipped in explaining for the voluntary migration in spite, the changes in the legislation or economic conditions in receiving countries. This cannot explain as to why migration occurs relatively from a few places even though there are similar push factors that exist in many sending areas but in some cases, mass emigration is generated and in others there is no mobility at all.

That is where Meso theories comes into perspective and explain these questions mentioned above. The push and pull factors of the macro theory are rejected but instead it tries to locate how migration flows within a complex system of linkages among states. System and network are two concepts that are particularly important for Meso theory. Within a system, migration is assumed to take place, when a group of countries are linked by political, economic and cultural a tie, which is when migration flows naturally as well.

Therefore, the circumstances that generate movement are understood as relations or dynamics between two places or areas, instead as a set of objective indicators. A set of collective and individual actors like potential migrants, the families, social groups, firms, etc. and symbolic and multiple social ties that connect them together is referred to as network. Once these networks are formed, it can significantly influence the volume and direction of migration flow, offering services such as contacts, information, economic and social support that will help people migrate.³⁸

For the members of other network, the resources that move through networks makes emigrating more appealing and a feasible option and this create what can be termed as chain migration, the process of serial, large scale migration from one specific area to another specified area. To explain forced displacement, Meso level is less relevant, while it can help to understand the destination choice of refugees. Networks and system can make it easier to enter or seek protection in specific places or which is more desirable as destinations.

Micro theories basis is on the factors that impact the individuals' decisions to migrate, reviewing how potential migrants weigh the varying cost and benefits to move. The financial and psychological resources spent in moving and integrating in the destination country could

³⁷ Boswell Christina, "Addressing the Causes of Migratory and Refugee Movements: The Role of the European Union", Working Paper No.73, New Issues in Refugee Research (Germany: Institute for Peace Research and Security Policy University of Hamburg, December 2002), <https://www.unhcr.org/en-in/research/working/3e19ac624/addressing-causes-migratory-refugee-movements-role-european-union-christina.html>.

³⁸ Christina, 5.

be the cost that needs to be included while higher wages or physical safety being the benefits. Micro theory relies on the rational choice theory, which provides a series of controversial claims regarding how and why decisions are formed by the individuals.

The micro perspective, however, is a significant level of analysis in order to show how individuals process and analyse the different migration generating situations internally. Therefore, for Macro and Meso theories, it offers a form of check or control, in explaining how people actually make decisions based on the relational or objective factors.³⁹

Summing up the relative strengths of these three methodologies, one could infer that macro theories offer most understanding into the factors setting off pioneer voluntary migration and furthermore give the best clarification for forced displacement. Meso theories are best at clarifying the steadiness of voluntary migration, and why it happens from a certain territories and not others. For both voluntary migration and forced displacement, they can likewise help clarify the choice of destination. Finally, micro theories can explain how these Macro and Meso factors are converted into individuals' choice to migrate. This compartmentalization of theories gives a helpful foundation to explain international migration, and is a decent starting point for developing a general theory for the causes of migration.

There are a number of theories in migration research, like, the World Systems Approach, Labour Market and Push/Pull Approach, Demographic Approach, Political Approach, Social/Cultural Approach, Geographical/ Ecological/ Developmental Approach, Integration/ Assimilation Approach, Feminist or Gendered Approach, and there are other approaches that can be studied depending on the particular idea one is working on, and these might overlap with each other, like the security approach, globalisation approach, decision making approach, caste and family network approach, diaspora approach, and religious persecution approach.⁴⁰ For this study, theories like the labour market/push and pull theory, forced migration theory, social network theory, ecological/developmental theory is examined.

2.4.2 Labour Market/ Push and Pull Theory

When delving into Everett Lee's "Push-Pull Theory," it is also important to recognise Ravenstein's "Law of Migration", which was a significant contribution to the development of population studies. The original report by Ravenstien was based on the 1881 British Census

³⁹ Christina, 5.

⁴⁰ Gosh, *Migrants, Refugees*, 23.

and by 1889 he expanded the subject further using data from over twenty countries. Samers notes that, Ravenstein's laws are empirical assumptions based on estimation from the British and other censuses and as such they were referring to internal migration instead of international migration.⁴¹

Everett Lee has divided the aspects that influence the decision to migrate and its process into four categories: (a) Factors related to the place of origin; (b) Factors related to the destination; (c) Intervening hurdles; and (d) Personal factors. The theory, is based on the sociological theoretical perspectives, aims to formalise a "theory" about migration that would provide a framework of components that will explain the frequency of migration between the origin and destination. Lee's hypothesis is both basic and uncomplicated and has endured the test of time.

Lee identifies developing or least developing countries with the push factors and advanced or developed countries with the pull factors. In a country, people are pushed by factors such as economic and demographic reasons (poverty, unemployment, lack of basic health and education, low salaries, etc.), as well as political (conflicts, violence, insecurity, corruption, poor governance, and human rights abuses), the social and cultural reasons (discrimination based on race, religion, gender or caste), as well as environmental reasons (recurring droughts, crop failure, natural and or man-made disasters) and these people are pulled towards a region or nation for the industry, urbanization and other developments it has to offer.⁴²

The basis of labour market and push/pull theory in any state is the three layered labour market. The first layer consists of state sector which is principally designated for the native born workers, with the best pay and facilities that can be found in this sector (now with globalisation, this does not hold ground, as the corporate sector is opening its higher levels to foreigners even in developing countries and same goes for developed economies which open its lower level for foreigners). The second layer is a competitive zone which produces irregular unemployment and the third sector is made up tertiary, marginal and ghetto economies. When the three sectors are linked to migration, then it is assumed that people are

⁴¹ Michael Samers and Michael Collyer, *Migration*, Second edition, Key Ideas in Geography (New York: Routledge), 55–56.

⁴² Lee, *A Theory of Migration*, 48.

pushed out from less developed economies whereas the countries with higher wages and standards of living pull them in and this rule stands true specifically for the third layer.⁴³

The labour market approach is also called as disequilibrium approach, and in this connection, this theory is backed by both political scientists and economists but they explore it differently. While the economists explain the cross border migration, they claim of disequilibrium between both the origin and destination countries. The sending nation's wages are low, agriculture land utilisation is poor and few employment possibilities when compared to the receiving countries. Consequently, it results in outmigration from sending countries as the push factor is in operation.⁴⁴

While the political scientists, on the other hand, solely focus on the disequilibrium in the sending countries instead of comparing it between the sending and receiving countries. Within the sending countries, there are number of disparities regionally which in turn encourages the disadvantaged people migrate to escape their misery to other countries.⁴⁵ The sociologists also have brought forth a significant argument in regards to how migration was largely influenced by familial and community networks. Migrants leave the country in pursuit of better opportunities, wages, and other benefits and the receiving countries welcome them for the low cost services they offer when compared with the domestic labour. In general, the local labour unions or labour markets should oppose this cheap labour but this does not hold ground as indicated by empirical evidence. For example, Bangladeshi migrants in India was not opposed by the unions or markets, as they did not pose any risk to organised labour as these migrants are mainly engaged in unorganised labour sectors and are mostly unskilled workers. The same goes with American example, where migrants from Mexico do not face any serious opposition even though they cause an economic challenge to poor African Americans. This creates an impression that unless projected as racial or communal threat, migration as such does not arouse that nativist feeling.⁴⁶

⁴³ Gosh, *Migrants, Refugees*, 24.

⁴⁴ Gosh, 25.

⁴⁵ Gosh, 25.

⁴⁶ Gosh, 26.

2.4.3 Forced Migration Theory

In the twentieth and early twenty-first centuries, forced migration have been an important feature. Political persecution, violence, and natural and man-made calamities have forced people to migrate from their homes all over the world. Castles notes that refugees, asylum seekers and other types of forced migration has gained prominence and has led to major debates in the course of time.⁴⁷ Two pioneers laid the path for theorising forced migration, as reprinted in Cohen's book. Egon Kunz was the first to publish his studies in 1973 and 1981 and they mainly depended on Lee's push-pull theory. The first study focused on displacement, transit and arrival in the society, while the other study dealt with factors preceding and succeeding flights. The second theory, by Anthony Richmond, through several papers, thesis and book, critically linked migration with social theory, in which he challenged the dichotomy between "voluntary" and "involuntary" migration.⁴⁸ Kunz identified an distinction along the continuum, between acute and anticipatory refugees, was his central contribution, where the anticipatory refugees will depart her native country before there is any military or political hindrance for her departure and can arrive prepared to the country they decide to settle in.⁴⁹

Aristide Zolberg, made another contribution to theorization of forced migration, which is, the formation of new states, might become a process that generates refugees and this is a twofold process. The creation of new state is often linked to bloodshed, revolution or annexation and on the other hand, the formation of state is heavily reliant on the process of exclusion, which is aimed at establishing a national identity.⁵⁰ While Zolberg emphasises the common element of different historical events of flight through state formation, Stephen Castle's discuss the continual development of refugees' flows that marked the end of twentieth century. In the context of political economies, he sees this development as result of "globalisation", which generated "a system of preferential exclusion and inclusion of regions and groups, which

⁴⁷ Stephen Castles, "Towards a Sociology of Forced Migration and Social Transformation", *Sociology* 37, no. 1 (1 February 2003): 14, <https://doi.org/10.1177/0038038503037001384>.

⁴⁸ Etienne Piguet, "Theories of Voluntary and Forced Migration", in *Routledge Handbook of Environmental Displacement and Migration*, ed. Robert McLeman and François Gemenne, 1st Edition (London: Routledge, 2018), 17.

⁴⁹ Piguet, 18

⁵⁰ Piguet, 18.

sustains and aggravated inequality.” In simple terms, globalisation increased economic inequalities undermining the traditional structures and fostered conflicts, while increasing connectivity between different regions of the world and this in turn led to tremendous surge in various forms of migration blurring the line between forced and economic migration.⁵¹

The preceding arguments explain forced migration on a macro level, but they leave the possibility of refugee agency. Hirschman sheds light on the circumstance in which people migrate as a response to violence, insecurity, that threaten their loyalty, while the state has authoritative control over the freedom of expression and political association, making the “voice” too dangerous.⁵²

In South Asia, forced migration can be classified into three types according to Chari and Gupta, first, where the state has been the primary driving force in emigration; second, where the government has forced mass migration to address political differences or imbalance; and third, forced migration has been used to realize the foreign policy objectives of the said country.⁵³ Conflict and war were the reasons for majority of the displacements that have taken place in South Asia. Approximately around thirty five million people have crossed the border during partition of the Indian subcontinent in search of safety, honour, to avoid religious persecution, violence and wars, or simply to achieve homogeneity in terms of religion, culture.⁵⁴

2.4.4 Social Network Theory

The network theory is type of interpersonal network which connects migrants with previous migrants, and nonmigrant (a person who is not migrant) in their origin and destination places by kinship, friendship and also through common cultural origin. These set of networks increase the possibility of international migration by decreasing the costs and dangers of migration and at the same time increases the expected gains.⁵⁵ The first set of migrants from

⁵¹ Piguet, 19.

⁵² Piguet, 20.

⁵³ P. R. Chari and Sonika Gupta, *Human Security in South Asia: Energy, Gender, Migration, and Globalisation* (Social Science Press, 2003).

⁵⁴ Ranabir Samaddar and Helmut Reifeld, eds., *Peace as Process: Reconciliation and Conflict Resolution in South Asia* (New Delhi: Manohar Publishers and Distributors, 2001).

⁵⁵ Douglas S. Massey et al., "Theories of International Migration: A Review and Appraisal", *Population and Development Review* 19, no. 3 (1993): 433, <https://doi.org/10.2307/2938462>.

the origin country who departs to their new destination will have no social links to depend on, and so migration would be expensive for them, especially when it involves approaching another country without proper documentation. However, after the first set of migrants have left the cost of migration for the remaining relatives and friends who were left behind will be significantly reduced.⁵⁶ With each new migrant there generates a group of people who would be the required social ties in the destination area because of the family and friendship connections. Migrants are strongly connected with the nonmigrants, who would rely on the unspoken expectations derived from kinship and friendship to acquire access to job opportunities and aid at the destination.⁵⁷

Social networks have made international migration very appealing as it one attractive strategy to mitigate the risks associated with migration. Once when the networks are well established and developed, it is made easy for the community members to find employment opportunities in the destination regions and this gets other potential migrants to think that migrating will secure them a reliable and guaranteed employment and income. As a result, one can theoretically explain that this growth of networks substantially reduces the costs and risks associated with migration. With every new migrant the network grows and increases in number and which in turn reduces the risks associated with crossing borders and eventually cross-border migration is made risk-free and inexpensive.⁵⁸

Once this international migration has begun, over time it tends to expand until the network connections have spread extensively enough in the origin country that all who wanted to migrate can do so without any difficulty; after this the migration begins to slow down. International migration increasingly becomes independent of the circumstances that initially caused migration, be it structure or an individual, but it gets institutionalised with the emergence and strengthening of networks.⁵⁹ The governments at the destination countries will have great difficulty in managing flow of migrants once it begins, as the activity of

⁵⁶ Massey et al., 434.

⁵⁷ Massey et al., 435.

⁵⁸ Massey et al., 435.

⁵⁹ Massey et al., 436.

network is essentially out of their control and exists regardless of which ever policy regime is in force.⁶⁰

2.4.5 Geographical / Ecological / Developmental theory

Each of these approaches needs to be studied individually, theoretically speaking, but because they are interconnected, they can be reviewed under one group. International Organisation for Migration by 1992 stated that, environmental degradation was already contributing to migration in huge numbers and that there is a likelihood of significant increase owing to climate change. Bilsborrow in 1992, made an attempt to theorise environmental components of migration. He connected demographic shifts, such as population growth, to economic reasons for land expansion like increased demand for food and hence outmigration to rural frontiers.⁶¹

Many of these classical theories such as stress-threshold model and residential satisfaction include environmental factors, although they lack in detail. Hugo notes that an environmental risk, for example, is classified as a “stressor” in the stress threshold model, whereas the environmental amenities and disamenities are classified as locational features in the “residential satisfaction “model.⁶² Hugo, for example, states that environmental influences have range of effects, from slow onset strains to rapid onset calamities. Drought and variations in rainfall are examples of a slow onset environment change, which lead to migration, because of which households seek to adapt or diversify their livelihoods accordingly. Rapidly onset calamities, on the other hand, can cause long term migration albeit in some cases, such as the Bangladesh floods, poverty may limit migration even in such conditions. This demonstrates how the theory needs to effectively integrate the connections between environmental variables and other migration variables in different scale and time. Although migration-environment theory is still elusive, a significant contribution towards the concept was made by Black in 2011, it still considers, the influence of environment, internal and international migration and other determinants operating in different scale.⁶³

⁶⁰ Massey et al., 436-437.

⁶¹ Lori M. Hunter, Jessie K. Luna, and Rachel M. Norton, "Environmental Dimensions of Migration", *Annual Review of Sociology* 41, no. 1 (2015): 377, <https://doi.org/10.1146/annurev-soc-073014-112223>.

⁶² Hunter, 378.

⁶³ Hunter, 379.

Developmental theory of migration focuses on how dams, bridges, firing ranges and resettlement plans are all linked directly to displacements that frequently result in permanent migration who are in search of a better living. For example, the Kaptai dam which was built in 1960's in the present day Bangladesh, led to massive displacement.⁶⁴ To study migration, climate change has been used as a method as it has been a major factor in human migration throughout history. Temperature change, rise in sea level, eroding of river systems by the melting glaciers, more frequent cyclones, and other extreme climate changes are intensifying the internal and international migration patterns in South Asia. Furthermore, urbanization and rapid economic growth is hastening and amplifying the impact and drivers of climate change.⁶⁵

The policy makers and host countries of South Asia do not consider large number of displaced people or groups as refugees, but are classified as undocumented immigrants and undesirable aliens. The discussion concerning environmental refugees or forced migration is highly divisive in nature. The category of "environmental refugee" is not recognised under international law in countries like India. Even when referring to Bangladeshi migration to India, which is a result of climate change, but India regards it as a result of socioeconomic and political difficulties of Bangladesh rather than climate change. As a result, the causes for migration are frequently overlapping and complex.⁶⁶

2.5 Defining Migration Policy

2.5.1 Normative and Legal Framework for Migration Policy

International migration normative framework includes legal instruments which is related to human rights of all immigrants, the protection of refugees, and the rights of migrants as workers and also the rights of the family members, as well as instruments which is specifically designed to combat smuggling and human trafficking among migrants. The newly adopted global compact on migration and refugees, as well as the 2030 Agenda for Sustainable Development, contribute to the normative framework of international migration.

⁶⁴ Gosh, *Migrants, Refugees*, 29.

⁶⁵ Podesta, *The Climate Crisis*, 2.

⁶⁶ Dhanasree Jayaram, 'India at the Centre of Debate Surrounding "Environmental" Migration in South Asia | Climate-Diplomacy', *Climate Diplomacy*, 7 March 2016, <https://climate-diplomacy.org/magazine/environment/india-centre-debate-surrounding-environmental-migration-south-asia>.

The United Nations have adopted and ratified legal instruments linked to international migration at various levels. The 1951 Convention relating to Status of the Refugees, The 1967 Protocol relating to Status of the Refugees, for the refugees, The 1990 International Convention on the Protection of the Rights of all Migrant Workers and their families, 2000 Protocol to prevent, Suppress and Punish Trafficking in Persons especially women and children, 2000 Protocol against Smuggling of Migrants by Land, Sea and Air, are the five legal instruments of United Nations to deal with International Migration.

2.5.1.2 The 1951 Refugee Convention

Europe was experiencing the worst human rights abuses it could ever see, when the Refugee Convention was being drafted. Over fifty million people were displaced over time with the Second World War in Europe and in China, over hundred million people were internally displaced and fourteen million people were refugees in Germany alone.⁶⁷ The 1951 Convention relating to the Status of Refugees was an attempt to provide legal status as a response to the displacement existing in Europe and to those refugees who would be displaced in the course of time post conflicts. This can be said to be the first instrument among the others which laid the foundation to human rights. The drafters of this Convention understood the requirement for an instrument as this, which accorded uniform legal status to displaced refugees and as a best possibility for resettling the refugees and a population management tool when there is scarcity of resources and to generate legal status for refugees which can be enjoyed in the host states, was part of the convention.⁶⁸

The 1951 Convention establishes a variety of rights for the refugees and emphasises their responsibilities to their host country. The concept of *non-refoulement*, which is enshrined in the Article 33 of 1951 convention, is its cornerstone. A refugee should not be sent back to a nation where his or her life or freedom is seriously threatened, according to this *non-refoulement* principle. Refugees who are legitimately viewed as threat to the country's security or who have been convicted of any particular serious crime is or are deemed to be a danger to the community and are not eligible for this protection.⁶⁹

⁶⁷ Jane McAdam, "The Enduring Relevance of the 1951 Refugee Convention", *International Journal of Refugee Law* 29, no. 1 (1 March 2017): 2, <https://doi.org/10.1093/ijrl/eex017>.

⁶⁸ McAdam, 3.

⁶⁹ 'The 1951 Refugee Convention and Protocol', Facing History and Ourselves, accessed 19 November 2021, <https://www.facinghistory.org/standing-up-hatred-intolerance/1951-refugee-convention-and-protocol>.

The 1951 Convention also includes the following rights as such; (a) Article 4 is the right to religious freedom, (b). Article 16 is the right to access the courts (c) Article 17-19 is about the right to work in host countries, (d). Article 21 is about, the right to housing, (e) Article 21, the right to housing, (f). Article 22 is the right to education, (g). Article 23 is the right to public relief and assistance, (h). Article 26 is the right to unrestricted movement within the territory, (i). Article 27 and 28 is regarding the right to given identification and travel documents, (j). Article 32 is about the right not to be expelled unless and until particular and specific circumstances are met, (k). Article 33 is regarding the right not to be penalised for illegal entry into a contracting state's territory. All the refugees have certain basic rights, including the right to be protected from deportation. The longer a refugee stays in the host country, the more rights they accrue, which is based on the understanding that the longer they stay as refugees, the more rights they gain.⁷⁰ The 1951 Refugee Convention was supplemented by the 1967 Protocol relating to the Status of refugees, which abolished the Refugee Convention's temporal and geographical constraints, making it enforceable to refugees anywhere in the world. Countries that have signed the Protocol agree to apply the Convention's provision. Currently, 148 countries have ratified one or both of the conventions.

2.5.1.3 The 1967 Protocol relating to Status of Refugees

The 1967 Protocol on the Status of Refugees is a convention that regulates international relations. This treaty should be read in conjunction with the 1951 Convention on the Status of Refugees (also known as the Refugee Convention). New refugee situations developed after 1951, and these new refugees were not covered by the Refugee Convention. Because of this protection gap, nations created the 1967 Protocol, which said that it is “desirable that all refugees covered by the term in the Convention, irrespective of the dateline of 1 January 1951, have equal status” (Protocol Preamble).⁷¹

The 1967 Protocol abolished the Refugee Convention's temporal and geographical limitations, making it internationally applicable. Countries that rectify the Protocol commit to abide by the Refugee Convention even though they are not parties to it, according to Article 1

⁷⁰ “The 1951 Refugee Convention and Protocol”, Facing History and Ourselves, accessed 19 November 2021, <https://www.facinghistory.org/standing-up-hatred-intolerance/1951-refugee-convention-and-protocol>.

⁷¹ ‘The 1967 Protocol’, Factsheet (Sydney: Andrew & Renata Kaldor Centre for International Refugee Law, September 2018), <https://www.kaldorcentre.unsw.edu.au/publication/1967-protocol>.

of the Protocol. The United States, for example, has not ratified the Refugee Convention but has ratified the Protocol of 1967. This implies it must follow the articles of the Convention, which obligate it to treat refugees in conformity with the internationally recognised legal and humanitarian norms. These include adhering to the concept of non-refoulement, which means avoiding sending refugees to a government that may deport them to a nation where they face persecution; granting refugees legal status, which includes rights like employment, education, and social security; and not penalizing refugees who arrive “illegally”, that is, without passport or visa.⁷²

2.5.1.4 The 1990 International Convention on the Protection of the Rights of All Migrants and Members of their Families

The United Nations adopted the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (ICMW) in 1990 as a thorough international human rights mechanism to protect migrant workers and their families. The ICMW, however, has received less recognition from States than other international human rights treaties. Only 54 States have ratified the Convention, 13 have signed it and 131 states have taken no action so far.⁷³ The ICMW aims to ensure that migrant workers have access to human rights protections, such as political, economic, social, civil and cultural rights. The ICMW does so by relying primarily on already existing international human rights treaties, the application of which to migrants’ workers has not been specifically defined. It also grants migrant workers a variety of additional rights, including as the ability to send remittances and access to information about migration process.⁷⁴

The ICMW was approved by the UN in 1990, and it is a lengthy document with nine sections and twenty three articles. The scope and definition of the Convention is presented in Part I. The Convention has a general declaration on “non-discrimination with respect to rights”, which indicates that State who are parties must comply with the Convention by protecting the rights of migratory workers and their families regardless of “sex, race, colour, language,

⁷² "The 1967 Protocol", Factsheet (Sydney: Andrew & Renata Kaldor Centre for International Refugee Law, September 2018), <https://www.kaldorcentre.unsw.edu.au/publication/1967-protocol>.

⁷³ Sheetal Sheena Sookrajowa and Antoine Pécoud, ‘United Nations Migrant Workers Convention’, in *The Palgrave Handbook of Ethnicity*, ed. Steven Ratuva (Singapore: Springer, 2019), 1814, https://doi.org/10.1007/978-981-13-2898-5_142.

⁷⁴ Sookrajowa and Pécoud, *United Nations*, 1815.

religion or conviction, political, ethnic or social origin, nationality, birth, age, economic position, property, marital status.”⁷⁵ The right to leave any state or the country of origin, right to life, the right to freedom of thought and expression, right to religion, right to liberty and security, the right not to be tortured or subjected to cruel, barbaric or humiliating treatment or punishment, as well as the right not to be enslaved or perform forced labour or compelled labour, right to access information regarding their rights, right to education and social services, right to participate in trade unions, right to return back to his or her country of origin, right to transfer their earnings to their home country, are some the rights that has been included in the Convention. One of the most important aspects of the ICMW is that it covers a wide range of human rights for undocumented migrant workers and their families, a group of people who had never been previously addressed specifically by international human rights law. The ICMW encompasses civil/political, economic, social and cultural rights in addition to labour rights which were mentioned in the ILO Conventions.⁷⁶

2.5.1.5 The 2000 Protocol to prevent, Supress and Punish Trafficking in Persons Especially Women and Children

The Protocol to Prevent, Supress and Punish Trafficking in Persons, especially of Women and Children, was adopted by the United Nations General Assembly in the resolution 55/25. It went into effect on December 25, 2003. It is the first legally enforceable instrument with an agreed-upon definition of human trafficking. The goal of this definition is to facilitate national approaches to the formation of domestic criminal offences that will enable greater and adequate international cooperation in investigating and prosecuting cases of human trafficking. Another objective of the Protocol is to safeguard, support, and rehabilitate victims of human trafficking while maintaining their dignity.⁷⁷

The Protocol covers a wide range of important issues, which includes criminalization, victim assistance and protection, victim status in receiving countries, victim repatriation, preventive measures, actions to dissuade demands, information and training exchange, and measures to improve the effectiveness of border controls. According to the Protocol, state parties must

⁷⁵ Sookrajowa and Pécoud, *United Nations*, 1815.

⁷⁶ Sookrajowa and Pécoud, *United Nations*, 1815.

⁷⁷ UN General Assembly, Resolution 55/25, United Nations Convention against Transnational Organised Crime and the Protocols Thereto, United Nations Office on Drugs and Crime, A/RES/55/25 9 (November 15 2000). <https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html>

implement or reinforce legislation or other measures to prevent demand for all types of exploitation of people, particularly women and children, which leads to human trafficking. Before becoming parties to any of the Convention's Protocols, states must first become parties to the Convention. Finally, this convention focuses on international cooperation and prevention of human trafficking.⁷⁸

2.6 Regional Framework on Migration

The regional organisation of South Asia which is SAARC was established to create an economic cooperation among the member nations and over the years it was expected that this regional cooperation would improve the political relations and security concerns of the nations. Migration in this region has been a result of oppression, violence in both the originating and host countries, scarcity of economic opportunities and persecution. The issue of migration more specifically in South Asian region assumes great significance for a number of reasons.⁷⁹ Lack of resources, political instability, armed conflict, etc., in the region has not only declined but continues to increase over the years, is one of the first factors for displacement in the region. In addition to this, the countries of the region are not a part to any international conventions or treaty in regard to the refugees and migration nor do they have their own regional framework or national legislation in their respective states to regulate the phenomenon. Furthermore, the security threats posed will magnify for the refugees and displaced people in the future, due to the environmental decays, absence of resources, and weak and unsatisfactory governance prevailing in the region.⁸⁰

Afghanistan is the only South Asian country, which is a signatory to the 1951 Convention and the 1967 Protocol. India and Pakistan were encountering a refugee crisis in the late 1940's and early 1950's, when the refugee convention was being put together. The legal framework which was developed by the Europe was of no use in South Asia because of its historical and social reasons. But as years passed by, there was a demand to develop a regional refugee convention as most of the South Asian countries faced migration and

⁷⁸ 'United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children', European Commission, 2003, https://ec.europa.eu/anti-trafficking/united-nations-protocol-prevent-suppress-and-punish-trafficking-persons-especially-women-and_en.

⁷⁹ P. R. Chari, Mallika Joseph, and D. Suba Chandran, ed., *Missing Boundaries: Refugees, Migrants, Stateless & Internally Displaced Persons in South Asia*, UK ed. edition (New Delhi: Manohar Publishers and Distributors, 2003).

⁸⁰ Chari, Joseph, and Chandran, *Missing Boundaries*, 26.

refugee problems. It was decided to create a South Asian Protocol or Charter on migrants, refugees, displaced and stateless persons in the meeting that was held in 1996 by the South Asian Forum for Human Rights.⁸¹ The assembly made a note of all charters and protocols which defined refugees and also was keen on expanding the definition to include “victims of forced eviction, man-made and natural disasters and environmental refugees”. A model national law on refugees was suggested by the Colombo based SAARCLAW and the UNHCR, which held a round table workshop on refugees in 1999. This framework depended primarily on the former international conventions and at the same time its basic purpose was to legitimately address the issue of “absence of national and regional specific framework on refugee in South Asia along with the history and scale of movements in the region”.⁸²

Since South Asia was a refugee hit region and countries like Bangladesh, India, Pakistan and Nepal faced the same issues, it was argued that they work out a common regional convention. In 2002, the SAARC adopted the Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. However, the Convention’s definition has been quite limited, focusing solely on prostitution rather than addressing the issue of trafficking in boarder context of forced labour. Furthermore, as experts have pointed out, the Convention lacks a robust treaty body and a perspective on victim’s rights, as well as a number of other flaws.⁸³

The South Asian Association for Regional Cooperation has made little headway in addressing concerns of migration and labour mobility. The legal system in South Asia still has to completely evolve to protect the rights and interests of migrant workers. According to Khatri, SACEPS has demonstrated the restricted character of the SAARC Social Charter, which, unlike other regional charters, does not acknowledge labour as a distinct entity and make no promise by SAARC member nations to uphold the ILO Core Labour Standards.⁸⁴ The convention also looks into previous refugee protocols and discusses refugees, migrants, internally displaced and stateless people’s protection. When a displaced individual seek

⁸¹ Gosh, *Migrants, Refugees*, 30.

⁸² Gosh, 30.

⁸³ Sridhar K Khatri, "Labour Migration, Employment and Poverty Alleviation in South Asia", (Updated summary of the Proceedings of the Regional Seminar jointly organized by South Asia Centre for Policy Studies (SACEPS) and Friedrich Ebert Stiftung (FES), Hotel Himalaya, Kathmandu, Nepal August 9-10, 2007). <https://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.462.7537&rep=rep1&type=pdf>

⁸⁴ Khatri, *Labour Migration*, 4.

asylum in another country, the forum believes that it is the obligation of each state to defend each citizen's rights, and that the principle of non-refoulement should be recognised.⁸⁵

Other than SAARC, the region has taken other steps to defend the rights of migrants and refugees, such as the South Asia Declaration on Refugees, which was adopted in 2004 and it addresses the protection of refugees in the region. Additionally, under the constant supervision on UNHCR, a large scale integration programme on skill development, education, health care, and food for work has been implemented in collaboration with UNICEF, UNDP, Bridge Asia Japan, and other NGO's.⁸⁶

2.7 Social Exclusion and Migration

There is a global discussion on social exclusion particularly on the social and economic development policies. The phrase "social exclusion" was coined in France early 1970s in response to societal breakdown, specifically in regard to immigrants. From 1989, it became a policy focus for the European Commission as a means of fostering social cohesion in Europe. In the literature, various forms of social exclusion have been described. These forms differ depending on a country's economic, political and social structures, as well its cultural diversity. According to Silver, "exclusion is multifaceted and encompasses more than poverty and denial of social rights. It is a dynamic process that results in a variety of deprivations, ranging from the collapse of family relationships to loss of identity and purpose".⁸⁷

Majority of the migration studies has dealt with exclusion by implication, primarily in the context of investigating inclusion or, in today's lingo, integration. However, a large number of studies have attempted to document migrants' exclusion in some form. Exclusion is frequently discussed as a social or legal predicament in which migrants find themselves. As a result, two research strands can be identified: a). social exclusion of migrants, and b). legal exclusion of migrants, which focuses on access to and impacts of various legal statuses.⁸⁸

⁸⁵ Gosh, *Migrants, Refugees*, 31.

⁸⁶ Kanitkar, *Refugee Problems*, 36.

⁸⁷ Yogendra Gurung, 'Migration From Rural Nepal: A Social Exclusion Framework', *HIMALAYA, the Journal of the Association for Nepal and Himalayan Studies* 31, no. 1 (1 August 2012), <https://digitalcommons.maclester.edu/himalaya/vol31/iss1/12>.

⁸⁸ Marie-Claire Foblets, Luc Leboeuf, and Zeynep Yanasmayan, 'Exclusion and Migration: By Whom, Where, When, and How?' (Working Paper No.190, Max Planck Institute for Social Anthropology 2018), 40.

Scholars like Phillimore and Goodson, Philips and Yang in their works, have highlighted migrants' social exclusion in their marginalised positions in the housing and labour markets, as well as in the educational system; and this marginalisation arises, among other things, due to migrants' lack of access to resources and discrimination experiences.

Aside from the structural dimensions of social exclusion, other studies have looked at social exclusion in general context, such as how migrants or minorities are denied social membership and hindered from engaging in national or local groups. Additionally, in the recent times there is a developing socio-psychological research on majority societies' exclusionary beliefs. Literature on legal exclusion of migrants, deals with the border regimes, access to a territory and on the policies of immigration.⁸⁹

Exclusionary practices include a variety of methods for restricting access to material and immaterial resources, as well as denying membership or engagement in a group. Actors may employ laws, institutional arrangements, government regulations, bureaucratic and court rulings, as well as institutionalised instruments to accomplish the act of "exclusion". The temporality of exclusion is also important, while it is presumed that migrants are not rejected with equal vigour at all times; but at times the acts of exclusion is or are more intense and obvious.⁹⁰ Exclusion in one category does not always indicate exclusion in others, and this applies to inclusion as well. Although, this does not rule out the possibility of interaction in areas without effects. The relationship between specific sectors might be fairly obvious at time; for example, legal status plays a determining role to access the formal labour market majorly. Exclusionary memories and the incapacity to have a sense of belonging to a community that is bonded emotionally may also have an impact on the socioeconomic standing of the migrants. Improved socioeconomic status, on the hand, can affect collective memory and reduce feelings of exclusion on an emotional level. Poor health, which can be a result of lack or limited resources and access to health services due to legal status or socioeconomic status, can obstruct not just their involvement in labour markets, but engagement in social life in general.⁹¹ The objective is to gather and provide information on the various aspects of exclusion in order to create a thorough comprehension of the issue.

⁸⁹ Foblets, Leboeuf, and Yanasmayan, *Migration*, 38.

⁹⁰ Foblets, Leboeuf, and Yanasmayan, 36.

⁹¹ Foblets, Leboeuf, and Yanasmayan, 35.

Studying the reality of exclusion, how it is carried out in the society and at the same time underlying the implications of exclusion on the migrants.

2.8 Conclusion

The concept of migration and refugees is defined at the beginning by giving different perspectives from different authors. Then the different types of migration and theories of migration are classified on the basis of three methodologies used to identify the various theories. Four different theories such as the push and pull theory, social network theory, forced migration theory and ecological or developmental theory which were more appropriate to the study is briefly examined. International legislations with regard to migration such as Convention to Status of Refugees, International Convention on protecting the rights of migrant workers and families are briefly studied. Regional legislations on international migration in South Asia and the chapter conclude by presenting the general exclusion the migrants experience in their day today life in their destination society.

Chapter 3

Overview of Migration and Refugee Crisis in Assam

3.1 Introduction

India has had a complicated and long history in migration, and has been receiving migrants in varying numbers from Pakistan, Sri Lanka, Tibet, Myanmar, and Nepal, but the largest number has been from Bangladesh, which includes the large scale migration after the independence of India in 1947 and Bangladesh in 1971. India is by far the most sought after destination for immigrants from the neighbouring nations, as it is developed when compared to other South Asian countries.¹ Though historical migration trends have been analysed, there has been little empirical research on recent migration. The world's fifth longest land border is between India and Bangladesh and it has certain unique features such as enclaves.

A considerable number of individuals both directly and indirectly rely on the border and the region due to the geographical location. The peculiar economy like in many parts of the world is what connects the people on both sides of this border and this border is one illustration of border politics in the South Asian region.² Some Indian states, notably Assam, a state in the North East India, is not an exception when it comes to such demographic movements from within India and the other countries it shares borders with. Historically, Assam has long been at crossroads of various population flows and much of it can be traced to the colonial regime and factors like labour demand and supply.³

3.2 Assam's Historical Background of Migration

Assam has served as India's frontier for more than a century; it was not just a border state with countries like Myanmar, Tibet, Bangladesh and Bhutan but was a land that attracted

¹ Subhakanta Behera, "Trans-Border Identities: (A Study on the Impact of Bangladeshi and Nepali Migration to India)," ICRIER Policy Series No.1 (ICRIER, May 2011), <https://www.shram.org/researchpapers/papers/20130624053912>.

² Dhananjay Tripathi and Sanjay Chaturvedi, "South Asia: Boundaries, Borders and Beyond," *Journal of Borderlands Studies* 35, no. 2 (March 14, 2020): 175, <https://doi.org/10.1080/08865655.2019.1669483>.

³ Nandita Saikia, Apala Saha, and Jayanta Bora, "Trends in Immigration from Bangladesh to Assam, 1951-2001: Evidence from Direct and Indirect Demographic Estimation", IMDS Working Paper, No. 91-93, International Migration and Diaspora Studies Project, ZHCES, JNU, New Delhi. Working Paper, March 2016, 6, <https://doi.org/10.13140/RG.2.2.24709.24800>.

thousands of migrants from the subcontinent.⁴ For this reason, Assam is no stranger to migration; this has been going on for generations. Even though there are migrants in Assam from other states of India and countries like Nepal, Myanmar, the trans-border migration from Bangladesh to Assam, according to Das, assumes a greater significance since it has affected the political, social, economic and demographic condition of the state.

The migration flow began with the annexation of Assam in 1826 by the British. In ancient and medieval times, Mongoloid and Austro-mongoloid people were the early migrants, followed by the Aryans, who began their migration to the Brahmaputra valley.⁵ The Assamese were Indo-Aryan agricultural people living in the lowlands of Brahmaputra valley, with a variety of tribal people under the rule of independent Ahom kings who were culturally absorbed as Hindus, by whom they had captured.⁶ In the colonial era, migration began with the labourers who came to work in the tea gardens, then came the peasants from Bangladesh, formerly called East Bengal. The Nepalese who came to work on agricultural land, as soldiers and as office attendants, next came the Bengali Hindus, the Marwaris who were the trade merchants, and the ‘Deshwalis’, which included migrants from Bihar, Uttar Pradesh and Madhya Pradesh.⁷

The discovery of tea and the building of tea plantations by British, on the other hand that led to a massive change in the social and demographic landscape of Assam. The business quickly expanded and went on to include the districts of Lakhimpur, Darrang, Kamrup, and Cachar but at the expense of an influx of migrants, mainly as labourers, from all across India, and the main reason for this influx was the need for cheap labour and the colonial regime brought the workers under repressive conditions.⁸ On the other hand, colonial officials had a much broader vision of Assam’s wastelands than just the tea-growing areas. They recognised the floodplains of Brahmaputra, the lowlying areas which were used for seasonal crops instead of year-round cultivation and settlement in pre-colonial times. The colonial administrators had

⁴ Myron Weiner, *Sons of the Soil: Migration and Ethnic Conflict in India* (Princeton, NJ: Princeton University Press, 1978), <https://www.jstor.org/stable/j.ctt13x121h>.

⁵ Chandan Kumar Sharma, “The Immigration Issue in Assam and Conflicts around It,” *Asian Ethnicity* 13, no. 3 (June 1, 2012): 288, <https://doi.org/10.1080/14631369.2012.676235>.

⁶ Weiner, Myron, “Sons of the Soil: Migration and Ethnic Conflict in India”, Princeton University Press, 1978.

⁷ H.P. Das, “The Problem of Immigration in Assam: A Geographical Review and Interpretation”, Presidential Address to the National Association of Geographers, India, published in Prof. Hariprasanna Das Life and Works, North-East India Geographical Society, Guwahati, June 4, 2005.

⁸ Sharma, *The Immigration*, 289.

to wait until the early twentieth century for their reclamation up until the jute industry in Bengal saw an increase in demand for their raw jute and Muslim migrants from Eastern Bengal were urged to settle in those lands. Once the community was built besides establishing networks, it connected both the regions, and they began to arrive on their own. Moreover, in the 1930s and 1940s, this flow of migrants gained momentum.⁹

In 1905, Bengal was partitioned by the British under the ‘Divide and Rule Policy’, which can be considered as one of the significant developments in the backdrop of migration as this resulted in dividing Bengali into Hindus and Muslims, and it sowed the seed of communal feelings amongst them. Communal riots began to occur in various parts in the new provinces of Eastern Bengal and Assam, either for or against the separation, which left a deep sense of fear and insecurity in the minds of the Hindu population, compelling a section of them to migrate to the western part of Bengal.¹⁰

C.S. Mullan, superintendent of Census operations, has observed in the 1931 Census Report of Assam that there was a massive influx of Bengali immigrants from the districts of eastern Bengal, particularly from Mymensingh.¹¹ Mohammed Sadullah, who was the head of the Muslim League government, encouraged the Muslim cultivators to migrate from East Bengal to Assam for the ‘Grow More Food Campaign’. However, Viceroy Lord Wavell notes that Sadullah aimed to increase the Muslim population, which would help merge both these regions during partition.¹²

The partition of India and the creation of Pakistan was another primary reason for migration during the early forties and early fifties from erstwhile East Pakistan, now Bangladesh, to India. Van Schendel notes that the border created between India and Pakistan aimed to separate two regions and not to divide Hindus and Muslims of these two countries, but the objective failed.¹³ In his report on the Census of 1951, R. P. Vaghaiwalla stated that during

⁹ Sanjib Baruah, *In the Name of the Nation: India and Its Northeast* (Stanford: Stanford University Press, 2020), 20.

¹⁰ Chirantan Kumar, “Migration and Refugee Issue between India and Bangladesh,” *Scholar’s Voice: A New Way of Thinking* 1, no. 1 (January 2009): 67.

¹¹ C.S. Mullan, *Census of India, Assam Report Part 1 Volume 3*, Government of India, Calcutta, 1932.

¹² Prakash Singh, “Demographic Movements: The Threat to India’s Economy and Security,” *Low Intensity Conflict & Law Enforcement* 11, no. 1 (March 1, 2002): 95, <https://doi.org/10.1080/0966284042000268328>.

¹³ Willem van Schendel, *The Bengal Borderland* (London: Anthem Press, 2004), 50.

the 1940s large number of Hindu refugees migrated to Assam from Pakistan.¹⁴ Post-independence and creation of new states, a considerable number of Hindus migrated to the Indian states of Assam, Tripura, and West Bengal from East Pakistan (now Bangladesh). A large number of refugees came from Sylhet to Cachar district of Assam (93,177) in India, then in Goalpara (44,967), Kamrup (42,871), Nowgong (38,599), Darrang (18,853), Lakhimpur (13,965) and in Sibsagar (7,514).¹⁵

In Assam, there were 24,600 families who were displaced persons which is around 114,500 persons in July 1949, according to the Census of 1951.¹⁶ At the same time, a massive number of Muslims who were Bengalis crossed the border and entered India when the Pakistani Army persecuted them.¹⁷ Jinnah stated in his first speech to Pakistan's Constituent Assembly that there would be no difference based on religion. And that all of them would be equal citizens of the country, and the vast majority of the ruling class did not accept this idea. The central leadership of Pakistan after the death of Jinnah in 1950 triggered turmoil and massive communal riots across East Bengal. As a result, the partition in 1947 and subsequent communal riots in 1950 induced the migration of Hindus from East Bengal to India.¹⁸

Jawaharlal Nehru and Liaquat Ali Khan signed an agreement on the 8th of April, 1950 to protect the minorities in the respective countries. The 'Nehru-Liaquat Pact' or the "Delhi Pact of 1950" was signed and this agreement has reduced the amount of people migrating from East Pakistan to India.¹⁹ The agreement provided 'Bill of Rights' to minorities both in India and Pakistan, which was to mitigate the fears of minorities and promote communal peace on both sides. This agreement helped in improving relations between both the countries and with the implementation of the pact, around 60,000 migrants went back to East Pakistan mostly from Assam.²⁰ Anti-Hindu riots broke out in East Pakistan during 1964, forcing the Hindus to

¹⁴ R.P. Vaghaiwalla, Part 1-A, Assam, Manipur and Tripura, Census of India 1951, Vol XII, Bombay, 1951.

¹⁵ Madhumita Sarma, "A Study of Migration from Bangladesh to Assam, India and Its Impact, University of Adelaide, Australia," (Unpublished Thesis, Adelaide, The University of Adelaide, 2005), 30.

¹⁶ R.P. Vaghaiwalla, Part 1-A, Assam, Manipur and Tripura, Census of India 1951, Vol XII, Bombay, 1951.

¹⁷ Singh, "Demographic Movements," 98.

¹⁸ Kumar, "Migration and Refugee Issue between India and Bangladesh," 94.

¹⁹ Chandan Nandy, "Illegal Immigration from Bangladesh to India: The Emerging Conflicts," Working Paper, Rosemarie Rogers Working Paper Series;33 (Boston: Brandeis University, November 2005), 30, <https://dspace.mit.edu/handle/1721.1/97624>.

²⁰ Nandy, 50.

flee the violence and atrocities committed against them and they settled in West Bengal and various parts of North East India. Hazarika points out that in these parts of India, there were anti-Muslim protests and it spread to northern parts of India.²¹ The war in 1965 between India and Pakistan led a considerable number of refugees to flee from East Pakistan to India. Assam and Bengal became the logical destinations for these refugees to escape as it was Indias bordering states and because of the comfort and similarities that culture and language provided.²² In 1965, the government of Pakistan passed the Enemy Property Act, and as a result, the Hindu community migrated on a large scale to India.

In 1971, with the liberation of Bangladesh following the disintegration of Pakistan, it was expected from the new regime that it would address the socio-economic problems of the country and maintain communal harmony as a way to reduce or eliminate the factors of migration. However, that did not occur, and many Hindus and Muslims continued to flock to India.²³ In 1975, Sheikh Mujib was assassinated, and General Zia-ur Rehman lifted the ban on communal parties. General Ershad declared Islam as the official religion of Bangladesh; attacks accompanied these incidents on the minorities in Bangladesh led to migration to India.²⁴

In 1975, Farrakka Barrage was constructed to improve Kolkata's port navigation capacity, supply water to Kolkata, and improve inland water transportation. But this diversion of Ganges water caused a severe ecological impact on both the countries, including submergence, soil erosion, and reduction of water flow besides water pollution. As the river flow decreased in Bangladesh, this led to a loss in the agricultural and fisheries sector, and loss of livelihood forced the people to move. Consequently, it is estimated that around two million people migrated to bordering areas of Assam and West Bengal.²⁵

Approximately six and half million immigrants and their lineage have lived in Assam since the twentieth century. In 1971 alone, the population of Assam was little around 15 million people. Assamese social structure foundation was shaken with the presence of these migrants

²¹ Sanjoy Hazarika, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh* (New Delhi: Penguin Books India, 2000), 54.

²² Hazarika, 54.

²³ Kumar, "Migration and Refugee Issue between India and Bangladesh," 64.

²⁴ Singh, "Demographic Movements," 67.

²⁵ Sarma, "A Study," 43.

and generated solidarity among them. A nativist and assimilationist sentiment, a huge conflict arose with respect to language, education, and political division, resulting in interference from the central government and has led to employing the Indian Army. Migration in Assam provided the impetus for political, economic, social and cultural transformation.²⁶

3.3 Different Strategies used to Migrate

A potential migrant will choose one of the three methods to cross the border:

- i. Crossing the border in the dead of the night at unprotected porous border crossing points. During the day, the migrants bribe the border guards to go shopping or to buy local things, allowing them to cross into other regions of the country.
- ii. Some migrants will enter through legal channel that is with a legal visa, but instead of departing to their country of origin at the expiry of the visa period, they begin to use concealed identity and stay back in other parts of India.
- iii. Lastly, sham marriage is used as a strategy by some migrants to permanently settle in India.²⁷

Brokers, also known as Dalals, play a crucial part in the border crossing. These dalals have both stayed and returned back from India or they have formed a connection with local people and officials, as well as the guards through financial incentives. According to some reports, the migrants pay the dalals somewhere between BDT 1000 and BDT 3000 for their assistance in crossing the borders, while some others bribe their way through the porous border while traveling on their own.²⁸

3.4 Factors for Migration from Bangladesh to Assam

The living standards in any country is considered as a basic right by the people, and when this is threatened or challenged by various means, large groups of people begin to migrate in search of better living prospects. The “push” and “pull” factors needs to be identified while analysing any specific migration movements, be it legal or illegal and determine its significance. Over decades migration patterns have developed and definitely accelerated during time of turmoil and transition and have continued after new borders were drawn. As a

²⁶ Weiner, *Sons of the Soil*, 57.

²⁷ M. Mayilvaganan, “Illegal Migration and Strategic Challenges: A Case Study of Undocumented Migration from Bangladesh to India,” *Artha Journal of Social Sciences* 18, no. 4 (October 1, 2019): 26, <https://doi.org/10.12724/ajss.51.2>.

²⁸ Mayilvaganan, “Illegal Migration,” 29.

result, postcolonial migration patterns from Bangladesh resemble historical patterns to an extent. The flow of Bangladeshi migrants into India was fuelled by the severe economic situation, environment and political factors, population pressures and as the borders between the two nations are poorly marked; the cultural similarities; physical proximity; and the existence of previous migrants have contributed to reinforce these trends.²⁹

The demographic, political, economic, and religious aspects that influence the migration from Bangladesh are examined by Datta (2004) in her work. The Farakka Barrage, the Vested Property Rights Act that was implemented in 1965, and other issues that resulted in the influx of migrants are examined by her in the work. Although Bangladesh's internal politics, economic deprivation and environmental conditions are all important causes in the continuation of these flows, Datta believes that toleration towards migration from Indian political circle as well as the political patronage from the areas affected remains as the major pull factors for migration.³⁰ Sanjoy Hazarika discusses the migrant's risky journey from Bangladesh to India through the rough terrains, chars, and valleys. Landlessness, lack of economic security and high population density are the major causes of migration in this region as identified by Hazarika.³¹

A study conducted by Sarkar argues that, the "social network" theory is significant migration theory in the context of cross- border migration from Bangladesh. This is the major pull factor and primary determinant for Bangladeshi migrants to cross over to India. According to the study, 41 of the 100 households examined first visited their relatives' house in India. Consequently, 76 household interviewed chose to live in the neighbourhoods where family, friends, and acquaintances already lived. On the whole, it has been observed that migrants maintain and foster their ties with their people back home.³²

²⁹ Sujata Ramachandran, "Indifference, Impotence, and Intolerance: Transnational Bangladeshis in India," Global Migration Perspectives (Switzerland: Global Commission on International Migration, September 2005), 43.

³⁰ Pranati Datta, "Push-Pull Factors of Undocumented Migration from Bangladesh to West Bengal: A Perception Study," *The Qualitative Report* 9, no. 2 (June 1, 2004): 336, <https://doi.org/10.46743/2160-3715/2004.1932>.

³¹ Hazarika, *Rites of Passage*, 70.

³² Jyoti Parimal Sarkar, "Bangladesh Migration to West Bengal: A Cause of Concern" (Unpublished paper), 23, accessed April 22, 2021, https://hd-ca.org/?s2member_file_download_key=592826f79d8998c536455591b1746117&s2member_file_download=/Jyoti+Sarkar.pdf.

Economic and population pressure, famine, poverty, unemployment, and natural disasters according to Samaddar, are the drivers for the flow of Bangladeshi migrants.³³ According to Raisai Mahmood, it is the ‘appalling economic conditions’ back home that compels many of these migrants from Bangladesh to take the risk and cross the border and remain in India. He further explains why the receiving countries need to employ the migrants for the economic gain and for the flexibility and ability of these migrants to work for long duration.³⁴ Hindus and Muslims make up a large portion of these migrants, with Hindus mostly come in as refugees seeking political asylum and Muslim migrants arrive in search of better opportunities. Since both the groups have migrated for different reasons, this form of migration from Bangladesh to India is primarily driven by political, ethno cultural, socio-economic interests.³⁵

3.4.1 Political Reasons

Since 1947, ethnic and religious minorities who were persecuted and have been victims of communal and racial atrocities, and discrimination have been migrating to India in large numbers. Bangladesh was committed to secular governance for a short period of three and half years after its inception, and during this period the persecution on the religious minorities reduced. In 1975, Bangladesh removed secularism from its Constitution and legalised the restricted communal and fundamental parties and declared Islam as its state religion. This resulted in increasing the insecurities among the minorities who then began to migrate to India’s bordering states. The second group of migrants is made up of poor landless Muslims from Bangladesh rural areas who are seeking employment. The influx of economic migrants began during the 1974 famine and has remained unabated since then.³⁶ The years after partition were marked by “cruelty and violence of nation building” that was “epitomised by the intense suffering of millions of uprooted people”, who to save their lives crossed the borders. The years after 1971 followed the narrative of “infiltration”, “illegal migration”, and

³³ Ranabir Samaddar, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, First edition (New Delhi: Sage India, 1998), 76.

³⁴ Jolin Joseph and Vishnu Narendran, “Neither Here nor There: An Overview of South-South Migration from Both Ends of the Bangladesh-India Migration Corridor,” ISS Working Paper Series / General Series, 569 (October 30, 2013): 24.

³⁵ Amrita Purkayastha, “Migration and Diaspora: A Case Study of the Bangladeshi Immigrants In Assam and North-East” (Unpublished paper), 4, accessed May 3, 2021, https://www.academia.edu/26212863/Migration_and_Diaspora_A_Case_Study_of_the_Bangladeshi_Immigrants_in_Assam_and_North_East.

³⁶ Nandy, “Illegal Immigration,” 12.

“demographic invasion”, from Bangladesh to India.³⁷ *Anuprabesh* in the language of infiltration is generally used to characterise the Bangladeshi Muslim infiltration and *Sharanarthi* (refugees) is to refer those Hindus, who arrive clandestinely, despite the fact that they do not receive the same benefits, status, or official recognition, when compared to those who entered after Partition or the Bangladesh Liberation war.³⁸

3.4.2 Economic Factors

Migration to India in particular to Assam has always happened for the historical connect between the two regions but over the years there are reasons to believe that migration was primarily driven due to economic reasons and over time distress driven factors has only added to the list of factors for out migration from Bangladesh. According to the classical economic theories, disparities in average wage and land-man ratio could be the motivating factors to migrate.³⁹ Land man ratio according to Gogoi is an important determinant of migration, and there is minimal evidence to indicate that disparity of income distribution that has led to migration between Bangladesh and Assam. The geographical distance between the regions has a detrimental effect on migration notes Gogoi and since Assam is next door neighbour to Bangladesh, it receives a considerable number of migrants.⁴⁰ Kumar and Aggarwal, on the other hand finds income disparity as one of the significant cause for international migration to Assam.⁴¹ It is also important to note that the wage gap is not enough reason for people to migrate from Bangladesh to Assam, as the potential migrants will not look at one single factor or motivator but compare their well-being with and without migration. However, even though the wage is higher in the host country, the wellbeing of the migrants will be low as a result of the exclusion and hardship they will have to face in the initial years.⁴²

³⁷ Nandy, 11.

³⁸ Nandy, 12.

³⁹ Hiranya K. Nath and Suresh Kr. Nath, “Illegal Migration into Assam: Magnitude, Causes, and Economic Consequences,” *SSRN Electronic Journal*, January 28, 2011, 12, <https://doi.org/10.2139/ssrn.1750383>.

⁴⁰ Jayanta Gogoi, “The Migration Problem in Assam: An Analysis,” in *Indias North-East: Developmental Issues in a Historical Perspective*, ed. Alokesh Barua (New Delhi: Manohar Publishers and Distributors, 2005), 50.

⁴¹ Pushpam Kumar and Suresh Aggarwal, “An Econometric Analysis of Causes of Migration in Assam,” *Demography India* 32 (January 1, 2003): 110.

⁴² Nath and Nath, “Illegal Migration into Assam,” 23.

Natural calamities like the flood of 1988 in Bangladesh drowned nearly sixty per cent of land which affected the cultivation, roads and railways and displaced large number of people. The famine in 1974 further propelled out migration, with people fleeing the country to dodge poverty and hunger.⁴³ Migration due to conflicts has occurred on a regular basis from Bangladesh to India. With the places of worship and properties being destroyed, many Hindus took refuge in India after the clash and communal violence in 1992, following the demolition of Babri Masjid in India. Financial difficulties combined with the shortage of employment and trade prospects in the region, and reuniting with family are some of the leading economic push factors. By and large, lack of industrialization, economic distress, and surge in population, extreme poverty, political turmoil and cultural closeness are the major factors that motivate this migration.⁴⁴

3.4.3 Porous Border

India shares 4,095 km borders with six of Bangladesh divisions which include Chittagong, Dhaka, Khulna, Rangpur, Rajshahi and Sylhet along with states of Assam, Mizoram, Meghalaya, Tripura and West Bengal. The border between the two countries is highly porous as it encompasses rivers, hills, wetlands, mountainous terrains and others, and guarding such border is an incredible challenge due to its terrain.⁴⁵ In many cases, the border cuts through many villages resulting in situation where one section of the house is on the other side of border and other part in is the country. For example, one can find several villages in Karimganj district, where the main entrance of the house is in India but the kitchen and toilet are in Bangladesh.

The people who live in the villages near the borders have no notion of nationality and do not recognise the nation states' borders as the concept of border is politically built. A non-existent line separates the people living on each side of the boundary from leading a normal life they have done for ages. Despite these barriers, people cross over to the other side on a regular basis to earn a living, either as daily wage workers or as rickshaw pullers, or to use

⁴³ Joseph and Narendran, "Neither Here nor There: An Overview of South-South Migration from Both Ends of the Bangladesh-India Migration Corridor," 30.

⁴⁴ Joseph and Narendran, 31.

⁴⁵ Smruti S. Pattanaik, "India-Bangladesh Land Border: A Flawed Inheritance and a Problematic Future," *Strategic Analysis* 35, no. 5 (September 1, 2011): 750, <https://doi.org/10.1080/09700161.2011.591763>.

treatment services accessible over the border.⁴⁶ As a result of inadequate fencing and boundary pillars, and shortage in patrolling forces along the border, there is an increase in cross-border movements from Bangladesh to India.

India and Bangladesh have certain enclaves that are exchangeable and non-exchangeable, where India has 51 enclaves in Bangladesh whereas Bangladesh has 111 enclaves in India, which makes border crossing easy. Some parts of the border have riverine nature which creates chars after floods and leads to unfavourable situation. When the velocity of the river drops, sedimentation rise, the river changes its course branching into new routes. Migration on the border is also caused by soil erosion, sieving river roots and severe floods. Those who stay in these low lying areas move from the rivers towards the mainland during floods. It is worth noting that it is not always Bangladeshis who attempt to cross the border, but some Indians too, cross the border for various reasons.⁴⁷

3.4.4 Socio-Economic Factors

As a result of their shared historical and geographical closeness, India and Bangladesh share a strong socio-cultural, linguistic and ethnic connection. But the condition in the border has escalated due to the flow of migrants, as it has increased total population in these areas. In Assam, the ethnic groups intermingle and go into matrimonial alliance and develop the relationship and get to settle down in the area.⁴⁸ Mostly the poor cross the border from Bangladesh in pursuit of better opportunities and this suggests that economic and political crisis force people to involuntarily migrate from their home. Inequalities, poor governance, stand off and political turmoil along with regular strikes, political violence and boycotts has limited the jobs available, which hit the daily wagers more explicitly; all these have reasons have forced people to migrate to India, where there is a greater prospect for employment and political stability. Since the economy is expanding in India, the migrants find it easy to locate plenty of jobs in the tertiary sectors as the employee also get cheap labour in return.⁴⁹

⁴⁶ Pattanaik, 751.

⁴⁷ Sanjay Bhardwaj, "Illegal Bangladeshi Migration: Evaluating India-Bangladesh Approaches," *CLAWS Journal*, 2014, 60.

⁴⁸ Bhardwaj, 60.

⁴⁹ Bhardwaj, 61.

3.4.5 Environmental and Climate Induced Factors

Every year a considerable number of people migrate for a number of social, cultural and economic reasons from Bangladesh to India. Climate change and environmental deterioration act as one of the “push” factors for migration from Bangladesh to India, in addition to the existing influx of migrants. The country is predominantly made up of low lying areas and the floodplain covers about eighty per cent of the land and due to this, people have limited opportunities to migrate within the country.⁵⁰ Due to its spatial location, Bangladesh is one of the most environmental vulnerable regions and also because of its low elevation, high population density, high poverty rate, and the country’s reliance on natural resources; the country is prone to climate change.⁵¹

Developmental projects such as dams, roads, bridges, railways, etc., have resulted in relocation of the people involved. The construction of Kaptai Hydroelectric Project in the CHT displaced ethnic minorities, who in the process lost their arable lands and had to cross the border and settle in India.⁵² Water levels in most of the major rivers of Bangladesh have been reducing drastically over the decades. Due to this agriculture and fishing sector has suffered, affected the inland water transportation which has resulted in the loss of subsistence for a majority of the population. Every year Bangladesh is struck by natural disasters like cyclone with storms surges, riverbank erosion, floods and droughts which results in loss of human lives and hardships. They also destroy and cause huge loss to husbandry, forests, and hinder economic development. Consequently the families are compelled to leave in search of new opportunities.⁵³

In two ways, population growth can cause environmental degradation. One, when the population grows, automatically there is a demand for more food, which requires more land for production, more water and energy and other resources associated. This lowers the resource availability and the potential to production and growth. Secondly, when the existing

⁵⁰ Architesh Panda, “Climate Induced Migration from Bangladesh to India: Issues and Challenges,” *SSRN Electronic Journal*, September 6, 2010, 5, <https://doi.org/10.2139/ssrn.2186397>.

⁵¹ Panda, 7.

⁵² Sarfaraz Alam, “Environmentally Induced Migration from Bangladesh to India,” *Strategic Analysis* 27, no. 3 (July 1, 2003): 433, <https://doi.org/10.1080/09700160308450098>.

⁵³ Alam, 434.

natural resources are overused by the pressures of high population density, in order to meet that demand supply, the economic activity should expand. As a result, the quality productivity of those resources deteriorates.⁵⁴

Bangladesh's most valuable natural resource is its land and agriculture is entirely dependent on this resource. Agriculture is the primary source of food and income in the rural areas of Bangladesh. Since the country is overpopulated and there are too many people who are landless and do not have enough food to feed its people, migration sets in.⁵⁵ Unequal distribution of resources is also a cause for environmental disasters and this indicates that, when a huge share of a resource like land is concentrated relatively by a few people, the rest of the population face severe scarcity of resources. When the landless and other agricultural labourers cannot find work beyond the agricultural sector in rural areas and are not able to deal with the issues such as unemployment and low agricultural income, they shift either to non-farming sectors or migrate to urban parts of the country or move to the bordering states of India. Interaction between population growth, environmental change and uneven resource distribution causes severe socio economic pressure and increases vulnerability.⁵⁶

Landlessness, unemployment, low wages, inhabitable atmosphere with income disparities are the consequences of environmental disasters. When the impoverished have low standards of living and are not able to meet the needs and yearnings in their country, they attempt to migrate to India, where the possibilities are endless. Once they fail to migrate through legal means, they cross the border illegally. Environmental crisis and the socio economic pressures as well as the poor response by the state to problems of its people, is the explanation to why people migrate from Bangladesh to India.⁵⁷

3.5 Reasons for Bangladeshi Migrants to take Refuge in India

Migrants from Bangladesh have found an easy destination in India for the following reasons; immigration is a significant topic under the constitution, as the state controls the entire process of making migration, to make it more easy or difficult and particularly when it comes

⁵⁴ Alam, 435.

⁵⁵ Sanjoy Hazarika, *Strangers of The Mist: Tales of War and Peace from India's Northeast* (New Delhi: Penguin India, 2000), 45.

⁵⁶ Alam, "Environmentally Induced," 424.

⁵⁷ Alam, 425.

to cross border migration. This aspect makes it simpler for the migrants to choose and enter Indian Territory.⁵⁸ For the migrants from East Pakistan, the cut-off date was different for the rest of the country and Assam; it was July 1948 and March 1971 respectively. All the people who arrived before 1971 as a result are recognised as citizens. Those migrants who entered post 1971 have made attempts to blend in with the rest of the population, making it difficult to identify the locals and migrants. The migrants take advantage of this social and cultural affinity and move into Assam and other bordering states of India.⁵⁹

The politicising migration for their gains worsened the issue. Until the All Assam Students Union (AASU) a student led organisation, started an agitation against outsiders in Assam, the issue was overlooked by the Union Government. The migrant community was used as vote banks by some of the political parties, and these migrants were issued with ration cards and could avail other benefits like own land etc., which until then enjoyed by the Indian citizens. In addition to this, many wanted to give this issue a communal colour to benefit their political agenda.⁶⁰

Migration across the Indian subcontinent is a common practice mainly due to the ethnic affinity between the populations as they have similar physical features, language, and culture. Most of the migrants from Bangladeshi who flee the country on account of communal riots prefer to stay in India due to the democratic and secular elements that it has to offer and following a communal tension or violence in the region, the Hindus are provided with asylum by India.⁶¹ The historical and cultural legacy as well as the geographical proximity with India has played a role in the decision making of the migrants to seek shelter. Owing to their poor living conditions, many of the migrants from Bangladesh are often unable to seek protection in other country even though they are driven out for political reasons.⁶²

3.6 Precarity of Gender and Women's Mobility

Gender aspects of migration have been ignored or overlooked and the reason being that women were considered as “associational migrants” or “trailing wives”, signifying that they

⁵⁸ Kumar, “Migration and Refugee Issue between India and Bangladesh,” 68.

⁵⁹ Kumar, 70.

⁶⁰ Kumar, 72.

⁶¹ Kumar, 73.

⁶² Kumar, 75.

were powerless and depended on the male who migrated. Moreover, these women who migrated were always seen as “wives” instead of “workers”, hiding the economic inputs.⁶³ The labour mobility of gender especially in the South has received less focus although there is an increase in feminisation of migration. Women are on the move increasingly than ever before and this requires for re-gendering migration research and to acknowledge the contributions made by women in building a positive economic development.⁶⁴

In the global South, the migration of women is often associated with human trafficking and exploitation or it is dismissed and if it is recognised then all the immigrant women become domestic workers while the skilled and successful workers fall through the gaps. Most of the migrant women who work overseas find it to be more of a positive atmosphere, from their country of origin, because this offers them a higher income through which they can improve their lives and gives sense of freedom that they never enjoyed before. Though there are a few who are subjected to oppressive conditions. The social and economic development due to the autonomy, their productive roles and the positive ripple effect of women’s mobility is overlooked in majority of the studies.⁶⁵

Blanchet notes that over thirty five per cent of women moved to India when compared to men who accounted to eleven per cent, to total outflows from Bangladesh.⁶⁶ Nevertheless, the women who migrate are overlooked significantly when it comes to the literature of this migration route. However, Afsar points out that in the migration policy discourse of Asia in general has paid minimal attention to the dynamics and patterns of women’s migration, their participation and coping methods with the society and labour market.⁶⁷ Female migration has risen over the years and now can be compared to that of men migrating in most areas of Asia

⁶³ Ravinder Kaur, “Marriage and Migration: Citizenship and Marital Experience in Cross-Border Marriages between Uttar Pradesh, West Bengal and Bangladesh,” *Economic and Political Weekly* 47, no. 43 (October 27, 2012).

⁶⁴ Joseph and Narendran, “Neither Here nor There: An Overview of South-South Migration from Both Ends of the Bangladesh-India Migration Corridor,” 15.

⁶⁵ Joseph and Narendran, 16.

⁶⁶ Thérèse Blanchet, “Bangladeshi Girls Sold as Wives in North India,” in *Marriage, Migration and Gender*, ed. Rajni Palriwala and Patricia Uberoi (New Delhi: SAGE Publications India Pvt Ltd, 2008), 155, <https://doi.org/10.4135/9788132100324.n6>.

⁶⁷ Blanchet, 157.

and the functions of labour market and society, and role and status of women is all intertwined between them.⁶⁸

In Asia, women account for two thirds of the poor and more than half of them are international migrants with majority of them employed as domestic workers. They are largely confined to traditional gender roles, primarily domestic work, and the “entertainment” industry and as garment worker. These jobs are not necessarily exploitative but the nature of the job and fragile legal status that offers no protection to migrant women makes them particularly vulnerable to abuse and exploitation.⁶⁹

Various studies on migration patterns of Bangladeshi women show that India is the popular choice of destination and that their representation has increased over time in the cross border migration trends from Bangladesh to India. They confront gender specific obstacles and their capacity to adjust and adapt to the adversity is critically linked to their family’s survival. Women being trafficked as slaves, domestic workers, and sex workers have become so prevalent and this creates worries about exploitation. In 1998, 27,000 women from Bangladesh were forced into prostitution in India according to the Centre for Women and Children Studies. Most of the women migrants from Bangladesh have different way to access information and formal routes for migration, resulting in informal migration. Their situation is made worse by the lack of safety nets and social security systems and the women fleeing face the real threats of rape, prostitution and captures by the sex trade.⁷⁰

Majority of the Bangladeshi immigrant women according to the leading discourse implies that they are trapped in these low-wage jobs with little or no security, being victims of brutal exploitation and trafficking. While some women are still trafficked, most of the detained women immigrants in India are treated as victims of trafficking or prostitution rings, regardless of the fact whether they are trafficked or not.⁷¹ The branding and discrimination

⁶⁸ Tasneem Siddiqui, “Migration and Gender in Asia” (Paper Presentation, Expert group meeting on international migration and development in Asia and the Pacific, Bangkok, September 20, 2008).

⁶⁹ Joseph and Narendran, “Neither Here nor There: An Overview of South-South Migration from Both Ends of the Bangladesh-India Migration Corridor,” 20.

⁷⁰ Joseph and Narendran, 21.

⁷¹ Mohammad Jalal Uddin Sikder, “Population Movements and the Threat of HIV/AIDS at the Bangladesh-India Border,” RSIS Monograph No. 14 (Singapore: S. Rajaratnam School of International Studies, 2008), 23, <https://www.jstor.org/stable/resrep05906.1>.

faced by these non-trafficked women migrants from Bangladesh are aggravated by this approach.⁷²

In 2009, a UNDP commissioned study on international migration from Bangladesh notes that the government has placed its restrictions on women migrants who go overseas in search of employment, in an attempt to protect them from the difficulties and security issues frequently associated with migration are the reasons for substantially low women migrants from Bangladesh. But in reality, limiting the female workers mobility has only encouraged the underground and undocumented migration, by putting them at higher chance of exploitation.⁷³

In a stark contrast to the official numbers, a considerable number of Bangladeshi women migrate seeking employment opportunities. According to a researcher at the Refugee and Migratory Movements Research Unit in Dhaka, women have walked across the Indian borders without papers in many villages, particularly through the Jessore and Satkhira districts, although this is ignored by the government. The official number of women who migrated increased once the limitations were lifted by the government in 2003. About forty per cent of the women migrants from Bangladesh used recruiting firms, according to a study backed by the UN Development Programme and the rest make individual or secret plans with the help of dalals, family or friends from either side of the border and this misconstrues the official figures and makes them vulnerable to exploitation.⁷⁴

Women unquestionably are an important part of this changing transnational migration trends. A study of Bangladeshi women who have been and most likely are still ‘sold’ as wives to villagers in the north Indian provinces, this reveals the additional complexities linking gender relations, cross border migrations and existing social structures.⁷⁵ In India, when the men are not able to find wives due to the skewed sex ratio, they purchase young Muslim brides from Bangladesh through dalals, who otherwise would have been sold to brothels. These women are then converted forcibly and made slave wives in rural households, where they live a life

⁷² Fiona Samuels and Sanju Wagle, “Population Mobility and HIV and AIDS: Review of Laws, Policies and Treaties between Bangladesh, Nepal and India” (Overseas Development Institute, June 2011).

⁷³ Tasneem Siddiqui, *Transcending Boundaries: Labour Migration of Women from Bangladesh*, 1st edition (Dhaka: Univesity Press, 2001), 78.

⁷⁴ Joseph and Narendran, “Neither Here nor There: An Overview of South-South Migration from Both Ends of the Bangladesh-India Migration Corridor,” 19.

⁷⁵ Blanchet, “Bangladeshi Girls,” 158.

of misery and hardship. They and their offspring lack status and respect because they practised a different religion earlier and also instead of paying dowry as per custom they were procured as they belonged to poor families.⁷⁶ Wives who were purchased are not allowed to communicate with their family back home in Bangladesh, who had no idea they were sold. Unfortunately, the few women who could return back to their birthplace were also shunned for the same reasons. Another notable consequence of these acts is the rise of a new lower caste in these areas made up of the children from these mixed marriages. However, the various societal impacts of India's transnational migrations remain undetectable and inadequately documented.⁷⁷

Majority of the South Asian women who migrate are married in respect to the socio-economic factors of women migrating from South. In Bangladesh, Siddiqui notes that this is structured by the government's policy concerning female migration, particularly to prevent single women from migrating.⁷⁸ While these were an attempt to mitigate vulnerabilities, these constraints has only served to divert migration through informal paths.

Despite the lack of gender disaggregated data from Bangladesh to India migrant flow, considerable progress has been achieved in highlighting women's mobility in the South. In the Global Forum on Migration and Development held in 2012, South-South Migration was chosen as key area of interest and theme focus on "A gender sensitive analysis of socio-economic impact of South-South Migration", was included on its agenda. It is vital to explore and challenge how Bangladesh migrants, specifically migrant women have been placed in the existing policies and academic discourse of migration to improve the Bangladesh-India migration research.⁷⁹

3.7 Centre and Assam State's Migration Policies in India

Samuel and Wagle reports that India has many laws and policies to protect internal migrants but they are not duly enforced and not many migrants are aware of these laws. While there are several labour protection laws and policies in place for the internal migrants, none of

⁷⁶ Ramachandran, "Indifference, Impotence," 4.

⁷⁷ Ramachandran, 5.

⁷⁸ Siddiqui, *Transcending Boundaries*, 56.

⁷⁹ Joseph and Narendran, "Neither Here nor There: An Overview of South-South Migration from Both Ends of the Bangladesh-India Migration Corridor," 11.

them address the difficulties that cross-border migrants face.⁸⁰ Despite the fact that India has a long history in providing shelter to refugees from other nations in the region, it is yet to enact a national refugee law. It is a known fact that, India is not a signatory to the 1951 Refugees Convention by United Nations and its 1967 Protocol. All the foreigners in India are governed by the Foreigner's Act, 1946, which defines a foreigner as "a person who is not a citizen of India". It further makes no distinction between the refugees and illegal migrants, nor does it identify refugees as a specific group who are in need of humanitarian protection.⁸¹ The Foreigner's Act of 1946, with an exception to the citizens of Nepal, is the most important Indian law relevant to migrants. It controls the entry, stay and departure of foreigners in India. The act gives the government the authority to (a). assert control on foreigners; (b). restrict their mobility, activities, and stay, and demand proof of identity; (c). deport them, among other things.⁸² The Indian government enacted the Illegal Migration determination by Tribunals Act in 1983, in response to large influx of migrants from Bangladesh in the state of Assam. Those who settled in Assam prior to March 25, 1971 were granted citizenship legally. Yet, there were challenges in proving citizenship, and the act was declared illegal by the Supreme Court in 2005. The Foreigners Act of 1946 is currently the only law in India that deals with cross-border migration, specifically for the Bangladeshis in India.⁸³

The undocumented migrants from Bangladesh in India do not have any access to benefits associated with Indian laws and policies. The Ministry of Expatriate Welfare and Overseas Employment in Bangladesh is responsible for safeguarding their migrants' rights and interest in host nations, ensuring their well-being, facilitating employment opportunities to prospective Bangladeshi migrants, and improving the labour force's competencies and skills. These services, however, are only available to the documented migrants.⁸⁴ The Emigration Ordinance 1982 is key instrument on migration in Bangladesh which allows people to emigrate with valid documents. Bangladesh has signed the 1990 UN International

⁸⁰ Samuels and Wagle, "Population Mobility," 5.

⁸¹ Sanjeev Tripathi, "Illegal Immigration From Bangladesh to India: Toward a Comprehensive Solution," Carnegie India, June 29, 2016, <https://carnegieindia.org/2016/06/29/illegal-immigration-from-bangladesh-to-india-toward-comprehensive-solution-pub-63931>.

⁸² Vartika Sharma et al., "Migration in South Asia: A Review" (New Delhi: Population Council, June 2015), 10, https://assets.publishing.service.gov.uk/media/57a08970ed915d3cfd000246/61263_Desk-review.pdf.

⁸³ Sharma et al., 11.

⁸⁴ Sharma et al., 14.

Convention on Protection of rights of All Migrant Workers and Members of their Families but has not ratified it. This convention would have enforced the human rights legislation to its women migrants; on the other hand, in Bangladesh unskilled and semi-skilled women are not permitted to migrate alone but must travel with a male companion. As a result, female workers who are undocumented are labelled as victims of human trafficking. Undocumented migrants according to the Bangladesh Passport Order 1973, can be arrested, fined or both. In India, if the migrants are found without documents, they will be imprisoned under Indian act.⁸⁵

The Indian government when the need has risen have adopted a multidimensional approach to end the threats of migration through various actionable measures and policies. For example, the Illegal Migrants Determination by Tribunals (IMDT) Act, 1983 was passed to screen and examine the complainant, who is suspected to be illegal migrant by District Tribunal in the same station limit and then appeal for an Appellate Tribunal.⁸⁶ The Passport Act, the Foreigner's Act, and the Registration of Foreigners Act, were enacted to detect and deport foreign nationals who were unauthorised to stay in India. In addition to these laws, many administrative measures were issued from the Ministry of Home Affairs to State or Union Territories when required to identify, detect and deport migrants.⁸⁷

3.7.1 Passport (Entry into India) Act, 1920 and Passport Act, 1967

The Passport (Entry into India) Act of 1920 controls the issue of passports for people entering and exiting India. Section 3 of the act enables the central government to enact regulation requiring anybody entering the country to be in possession of a passport. Both the act make no distinction between refugees and other foreigners such as economic migrants, tourists etc. As a result, without a valid passport, the refugees face a high chance of being detained by immigration authorities and deported illegally. The refugees would have left their nation in such state of chaos that they would not have had the time to travel with their passports or to obtain one officially.⁸⁸

⁸⁵ Sharma et al., 15.

⁸⁶ Mayilvaganan, "Illegal Migration and Strategic Challenges," 30.

⁸⁷ Mayilvaganan, 30.

⁸⁸ Swananda Banerjee, "Legal Status of the Refugees in India," *SSRN Electronic Journal*, 2012, <https://doi.org/10.2139/ssrn.2129225>.

3.7.2 Foreigner's Act of 1946

The Act regulates the “admission of foreigners into India, their presence therein, and their departure therefrom”. The authority to grant or deny permission to a foreigner to enter India is outlined in Paragraph 3(1) of the Foreigner Order 1948. It establishes a broad rule that no foreigner should be allowed to enter India without first obtaining the permission from the authority that has jurisdiction on such entrance points. The main purpose was to deal to with the illegal immigrants and infiltrators.⁸⁹ The act does not clearly define refugees and they are not sub divide like foreigner and the refugees can generally be deported with minimal due process.⁹⁰ This act was amended in 2004 and is called the Foreigners (Amendment) Act, 2004. Section 14 was added after the amendment, which deals with the penalties for violating the provisions of the Act.

3.7.3 The Immigrants Act, 1950

The influx of migrants from East Pakistan to Assam increased following the the Partition in 1947 and the subsequent communal riots. As a result of this alarming situation, the Indian government decided to enact an act and termed it Immigrants (Expulsion from Assam) Act 1950. The act authorised the expulsion of illegal migrants from the territory of Assam. The National Register of Citizens (NRC) was set up for the first time in Assam during the 1951 Census to detect illegal migrants. The plan was to use the 1951 Census to record identifiable information of every citizen in Assam and then use that information to identify illegal migrants. The process of NRC was more complex than expected and since NRC could not be finished, the Immigrants Act of 1950 was not implemented and the illegal migrants could not be identified.⁹¹

3.7.4 The Nehru-Liaquat Ali Pact, 1950

The Nehru-Liaquat agreement is a pact signed between the governments of India and Pakistan with regards to security and rights of the minority following the tension against the minorities in East Pakistan (now Bangladesh) in 1950. With this agreement to the question of

⁸⁹ Saurabh Bhattacharjee, “India Needs a Refugee Law,” *Economic and Political Weekly* 43, no. 09 (November 6, 2019): 72.

⁹⁰ Bhattacharjee, 75.

⁹¹ Mubasir Raji, “What Is the Background of NRC and Immigrants (Expulsion from Assam) Act, 1950?,” *The Sangai Express*, August 24, 2019, <https://www.thesangaiexpress.com/Encyc/2019/8/24/What-is-the-background-of-NRC-and-Immigrants-Expulsion-from-Assam-Act-1950-.html>.

minorities' rights protection, both the government would be held accountable. Both the government agreed to provide complete and equal citizenship, security of life and property to the minorities. Part of the agreement was to provide them fundamental human rights which would include freedom of movement, freedom of religion, and freedom of thought and expression.⁹² A commission for minorities was to be established to ensure that they were represented. They promised not to violate the pact's provision and to take all efforts to strengthen it. If the minorities had an issue, it was the responsibility of government to redress it without delay. In short, this act pledged to guarantee the minorities their full rights and status of citizens.⁹³

3.7.5 Foreigner Tribunal Order, 1964

The Union Government introduced the Foreigners Tribunal to check and prevent unlawful entry and determine the status of foreigners. The Central Government issued the Foreigners (tribunal) Order 1964 under Section 3 of the Foreigners Act, 1946 and it applies to the entire country. In 2013, major changes were made to the Foreigner's (Tribunals) Order, 1964 and most recent changes were made in 2019. As a result, the most recent revision in 2019 does not contain any new information in this regard. It solely specifies how the tribunals would decide on appeals from people who are dissatisfied with the outcome of claims and objections submitted against the NRC. As NRC is limited only to Assam, this amended act is relevant only in Assam for all practical purposes. This amended act allows the District Magistrate to submit to the Tribunal for an opinion on whether or not the Appellant is a "Foreigner" under the Foreigners Act, 1946.⁹⁴

3.7.6 Illegal Migrants Determination by Tribunal Act, 1983 (IMDT)

On December 12, 1983, by an act of the Parliament, the Centre established the Illegal Migration (Determination by Tribunals) Act, 1983 to address illegal migration in Assam. The Indian Parliament passed this law in order to identify and deport Bangladeshi migrants

⁹² MEA, "Agreements between the Governments of India and Pakistan regarding security and Rights of Minorities (Nehru-Liaquat Agreement)", India Bilateral Treaties and Agreements, Volume 1. <https://mea.gov.in/Portal/LegalTreatiesDoc/PA50B1228.pdf>

⁹³ Archana Subramanian, "Delhi Pact Was Signed between India and Pakistan on April 8, 1950," *The Hindu*, April 7, 2016, sec. Young World, <https://www.thehindu.com/features/kids/delhi-pact-was-signed-between-india-and-pakistan-on-april-8-1950/article8446823.ece>.

⁹⁴ Ministry of Home Affairs. "Foreigners Tribunals", Press Release, PIB., June 11, 2019, <https://pib.gov.in/PressReleasePage.aspx?PRID=1573947>

through a proper mechanism from Assam. The IMDT Act, is applicable only in the state of Assam, states that that anybody who settled in Assam before March 25, 1971 was a citizen legally. Significantly, the cut-off date for obtaining citizenship is July 19, 1948 in the rest of India. The burden of proof was placed on the complainant by the IMDT Act, that is, rather than the accused the police was to establish the latter's citizenship status. The Foreigner's Act of 1946, on the other hand, placed the responsibility to prove on the accused, rather than the complainant.⁹⁵ In July 2005, the Illegal Migrants (Determination by Tribunals) Act, 1983 was struck down as unconstitutional by the Supreme Court in a PIL filed by Sarbananda Sonowal, who is a student leader turned AGP MP.⁹⁶

3.7.7 National Register of Citizenship (NRC) in Assam

The National Register of Citizens (NRC) is an official register that contains the name of Indian citizens. In India, the first NRC was completed by 1951. In Assam this is updated by enlisting the names of the people or their descendants, whosever names appear in any of the Voters List by 1951 NRC, midnight of March 24, 1971, or any documents that is admissible as stipulated. The statues governing NRC updation are the Citizenship Act of 1955 and the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003.⁹⁷ The NRC was considered as a legal and political tool to resolve two issues that have impacted political mobilisation in Assam from the mid twentieth century: autonomy and social justice.⁹⁸ Despite the word 'national' being used, the update is solely for Assam.

The decision to update the NRC in Assam was made with the aim of checking infiltration from Bangladeshi migrants, a long standing concern in the political history of Assam. This issue was articulated as a threat to their identity by the leaders of Assam Movement in the 1980s. This led to a call for updating the available 1951 NRC to filter 'Illegal migrants' from

⁹⁵ Namrata Goswami, "Illegal Migration in Assam: A Concern for India's National Security," Institute for Defence Studies and Analyses, May 4, 2006, https://idsa.in/idsastrategiccomments/IllegalMigrationinAssam_NGoswami_040506.

⁹⁶ Walter Fernandes, "IMDT Act and Immigration in North-Eastern India," *Economic and Political Weekly* 40, no. 30 (June 5, 2015): 3238.

⁹⁷ Amit Ranjan, "National Register of Citizen Update: History and Its Impact," *Asian Ethnicity* 22, no. 3 (July 3, 2021): 448, <https://doi.org/10.1080/14631369.2019.1629274>.

⁹⁸ Sanjay Barbora, "National Register of Citizens: Politics and Problems in Assam," *Explorations: E-Journal of the Indian Sociological Society* 3, no. 2 (January 1, 2019): 10.

‘genuine citizens’.⁹⁹ In the Assam Accord, the cut-off date was decided to be March 24, 1971, which was before Bangladesh’s independence. To be regarded as an Assamese citizen, the person must establish that his or her ancestors inhabited the state before midnight on March 24, 1971, according to the current NRC registration.¹⁰⁰

The current NRC additionally requires a two-phase identification process. First, in their support for the claim to be included in the register, the applicants must identify themselves or descendants in the “legacy data”, which is a master roll with the names of the households based on the census. To prove that an individual and their relative have lived in the state before the cut-off date, they must produce additional backing proof like their name existing in the pre-electoral rolls of 1971 or in the 1951 National Register of Citizens. Second, the candidate must submit “link documents” confirming to their relationship with the relative in question.¹⁰¹ The applicants must submit a plenty of documents, which includes the copies of 1951 NRC, electoral list prior to 1951, certificate for refugee registration, tenancy records, permanent residential certificate, ration card etc., in order to prove their citizenship status beyond the shadow of doubt from NRC officials.¹⁰²

3.7.8 Assam Accord

Beginning in 1979, when by poll was to be held at Mangaldoi, the problem of illegal immigrants triggered major protests for six years. The All Assam Students Union (AASU) which was at the heart of the protests, complained that foreigners, primarily Bangladeshis, had been included in the voters rolls. Between 1980 and 1984, the Indira Gandhi government continued to negotiate without reaching an agreement. The Rajiv Gandhi government at the centre signed an agreement with the AASU and All Assam Gana Sangram Parishad, which put a stop to the agitation in August 15, 1985.¹⁰³ “The government will give due considerations to certain difficulties expressed by the AASU/AAGSP regarding the

⁹⁹ Rafiul Ahmed, “The NRC as ‘truth Machine’ in Assam,” *South Asia @ LSE* (blog), April 30, 2018, <https://blogs.lse.ac.uk/southasia/2018/04/30/the-nrc-as-the-truth-machine-in-assam/>.

¹⁰⁰ Ahmed, 2.

¹⁰¹ Ahmed, 3.

¹⁰² Ahmed, 3.

¹⁰³ Prabhash Dutta, “What Is Assam Accord of 1985 and How Amended Citizenship Law Challenges It?,” *India Today*, December 13, 2019, <https://www.indiatoday.in/news-analysis/story/what-is-assam-accord-of-1985-and-how-amended-citizenship-law-challenges-it-1627965-2019-12-13>.

implementation of the Illegal Migrants (Determination by Tribunals) Act, 1983”, stated the accord in Para 5.9.

The main focus areas in the fifteen clauses of Assam Accord are: “Foreigners issue, Restricting acquisition of immovable property by foreigners, Economic Development, Prevent encroachment of government lands, Registration of births and deaths.” This has been done to protect the local people’s political, economic, social and cultural identities. Detecting foreigners in Assam, removing their names from the electoral list and deporting them through reasonable means are the problems of foreigners that are dealt in the Clause 5 of the Assam Accord. Foreigners were classified into three categories for identification and differential treatment under Clause 5 and 1st of January 1966 and 24th March 1941 are the two important dates in the Accord.¹⁰⁴

3.8 Conclusion

Once the history of migration in India with respect to the neighbouring countries is looked at, one can see that India has been receiving migrants from all these countries and it usually highest from Bangladesh. Since India and Bangladesh share border, majority of the migrants flow into North East states of India, especially to Assam due to similar social and cultural affinities that booth the countries share. The history of migration in Assam from the Ahom to the post-Independence period is presented and the different causes of migration from Bangladesh to Assam are briefly examined. Next part of the chapter presents the gender aspects of migration and how women migrants are forgotten in the whole discourse of migration and the last part briefly examines the migration policy of India- the central and state initiatives to try minimize and maximize the effects of migration in India and Assam.

¹⁰⁴ Dutta, 2.

Chapter 4

Migrants Post-National Register of Citizenship (NRC): A Case Study

4.1 Introduction

By definition, ‘migrant’ is someone who is unwelcome and undesired. One can argue that this “undesirability” is not just a fundamental element of the ‘migrant’ position; it is also a foundational element of migration as in legislature and academic debates. Migration is looked and problematized as a political issue in the host society. One can say that they are deprived and excluded from the state welfare service which is in violation of their constitutional commitment which was supposed to be protecting and providing them with a dignified existence.¹ The chapter is an attempt to look at the Bangladeshi migrants’ exclusion in terms of socio-economic and other issues, by attempting to know their viewpoints of the issues they face on a daily basis.

In India, according to Census data of 2001, about 6,084,826 people residing were born in the neighbouring countries and majority of them came from Bangladesh, Pakistan, Nepal and Srilanka. People who have migrated from Bangladesh primarily consist of semi-skilled and low-skilled workers and undocumented and informal entries. They generally tend to work as construction labourers, domestic help, rickshaw pullers and rag pickers in the informal sectors of metro cities or as agricultural labourers in the North East states. Since the Bangladeshi government does not acknowledge the migrants officially, they are not provided with any assistance or support to fend them.²

Despite the fact that the actual numbers of Bangladeshi immigrants are unknown, it is noteworthy that these migrants have settled down in large numbers in India. They are concentrated in the North Eastern states, West Bengal and over the years their presence has scattered across the country. When compared to migration elsewhere, for example the United States or Europe, the ethnic and cultural similarities between Indians and Bangladeshi and

¹ Shalini Randeria and Evangelos Karagiannis, "The Migrant Position: Dynamics of Political and Cultural Exclusion", *Theory, Culture & Society* 37, no. 7–8 (December 2020): 220, <https://doi.org/10.1177/0263276420957733>.

² Sanjeev Tripathi, "Illegal Immigration From Bangladesh to India: Toward a Comprehensive Solution", Carnegie India, 29 June 2016, <https://carnegieindia.org/2016/06/29/illegal-immigration-from-bangladesh-to-india-toward-comprehensive-solution-pub-63931>.

other migrants endow migration with ethnic element, both as the “push” and “pull” factors.³ The same ethnic factor not surprisingly has an impact on the migrants’ decision to embrace an Indian identity or to keep that of their homeland; this is related to other issues as well like, social ties, foreign policy, security, and economic development.⁴

Migrants from Bangladesh to India can be divided into two groups: Muslim migrants and Hindu refugees, each of these groups have their own set of motives for emigrating. However, the ethnic affinities with Indian Bengalis are an essential consideration in both cases. They identify themselves as Bengalis and share a similar ethno-cultural ethos and tradition with Bengalis across the borders, despite their national identity within the nation-state framework.⁵ Migrants from Bangladesh to India include both refugees and economic migrants, which continues. Moreover, many of these migrants have changed and adapted their lifestyle to suit the local set up and context where they would be settling or working to look more like an Indian, for example, learning the local language, change their dressing style from wearing a ‘lungi’ to ‘trousers’ in case of men and women start wearing ‘salwar kameez’ instead of ‘sari’.

So far, there is no reliable data or an exact number to determine the number of immigrants from Bangladesh to India. However, a study of population growth and demographic statistics in the last four censuses from 2011, 2001, 1911, and 1981 indicates that the combined population of Bangladesh and India exceeds fifteen million. The majority of them have settled along with the states that border Bangladesh, while some have moved to remote parts of India and a vast number of them who have moved to the metropolitan cities in India are engaged in low-skilled jobs.⁶

Migrants from Bangladesh have been pouring into India for decades now. In the 1980’s, the All Assam Student Union who lead the Anti-Foreigners Movement in Assam estimated that they were around 4.5 to 5 million immigrants from Bangladesh.⁷ Hazarika points out that

³ Subhakanta Behera, "Trans-Border Identities: (A Study on the Impact of Bangladeshi and Nepali Migration to India)", ICRIER Policy Series No.1 (ICRIER, May 2011), 5, <https://www.shram.org/researchpapers/papers/20130624053912>.

⁴ Behera, 6.

⁵ Behera, 7.

⁶ Tripathi, *Illegal Immigration*.

⁷ Wasbir Hussain, "Assam: Demographic Jitters", in *South Asia Intelligence Review Weekly Assessments & Briefings*, vol. 3, 10 (K. P. S. Gill, 2004), https://www.satp.org/satporgtp/sair/archives/3_10.htm.

22.38 million that would be one third of Assam's population would be migrants from Bangladesh and their family.⁸ A survey conducted in 2002-03 by the Indian Statistical Institute notes that most migrants are motivated by economic factors such as poverty, lack of jobs, and political instability.⁹ Most of these migrants settled in Dhubri, Nagaon, Barpeta, Goalpara, Kamrup, Karimganj districts of Assam and about 85 per cent of them would be Muslim migrants and rest will be Hindus.

To complete the objective, the researcher has tried to analyse the social and economic status of the migrants in Nagaon district of Assam with forty respondents, twenty each from both Muslim and Hindu migrants. There are several studies done in regard to the social and economic status of migrants in the host country but there is no in depth study done on Assam. The study doesn't materialise mainly because the migrants are and were unwilling to identify themselves and due to this the given data is also inadequate and sometimes unreliable for various reasons. The 2011 Census does provide information on the number of migrants, the district/region where they settle down and also their religious affiliation and the district of Nagaon was chosen as the district had highest number of migrants from Bangladesh. This chapter also takes into account the discriminations and exclusion that these migrants face on a day to day basis in the host society in a narrative form.

TABLE 4.1: Volume of International Migration in Assam, 1991-2001-2011

Countries	1991	2001	2011
Bangladesh	2,88,109	164,144	64,137
Nepal	22,433	17,896	8,754
Pakistan	15,110	7,097	3722
Others	13,903	1,421	8,175
Assam	3,39,555	190,558	1,10,314

Source: Census of India, Migration tables by place of birth- 1991, 2001, and 2011.

⁸ Sanjoy Hazarika, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh* (New Delhi: Penguin Books India, 2000), 34.

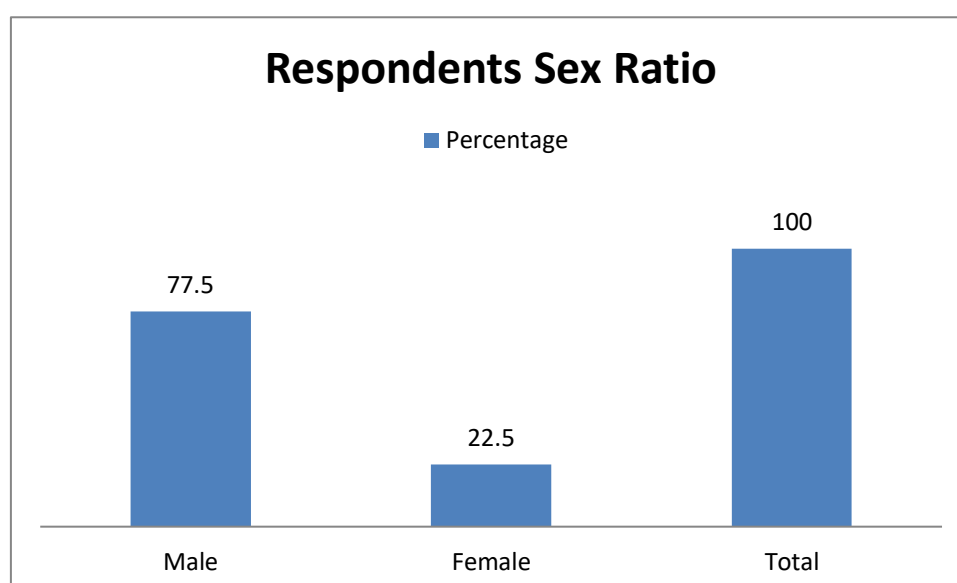
⁹ Daniel Naujoks, 'Emigration, Immigration, and Diaspora Relations in India', Migration Policy, 15 October 2009, <https://www.migrationpolicy.org/article/emigration-immigration-and-diaspora-relations-india>.

Nagaon is one largest district in Central Assam and since time immemorial; the district has helped in joining various ethnic and cultural groups. People of different races have migrated through and in the area and have integrated themselves in through the assimilation and fraternity.

4.2 Migrants Household Information in General

A structured interview was devised with 40 households in Nagaon, 20 each from Hindu and Muslim migrants and 77.5 per cent of the respondents interviewed were male and 22.5 were female. The total members of the household were 262 out of which 147 were male and 115 were female and 31 households were living in an extended (joint) family and remaining 9 households were in a nuclear family. It is noted that 49.25 per cent of migrants entered India in 1971-1981, 26.25 per cent during 1981-1991, 14.50 per cent during 1991-2001, and 5 per cent each during 2001-2011 and 2011-2020 respectively.

Figure 4.1: Sex Ratio of the Respondents



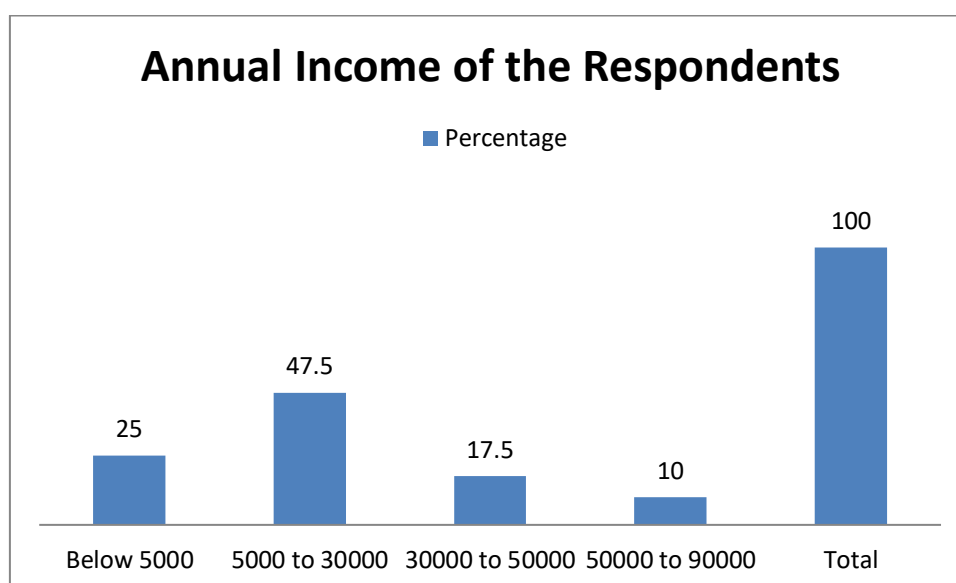
Source: Data collected through interview with Bangladeshi Migrants.

4.3 Status of the Migrants

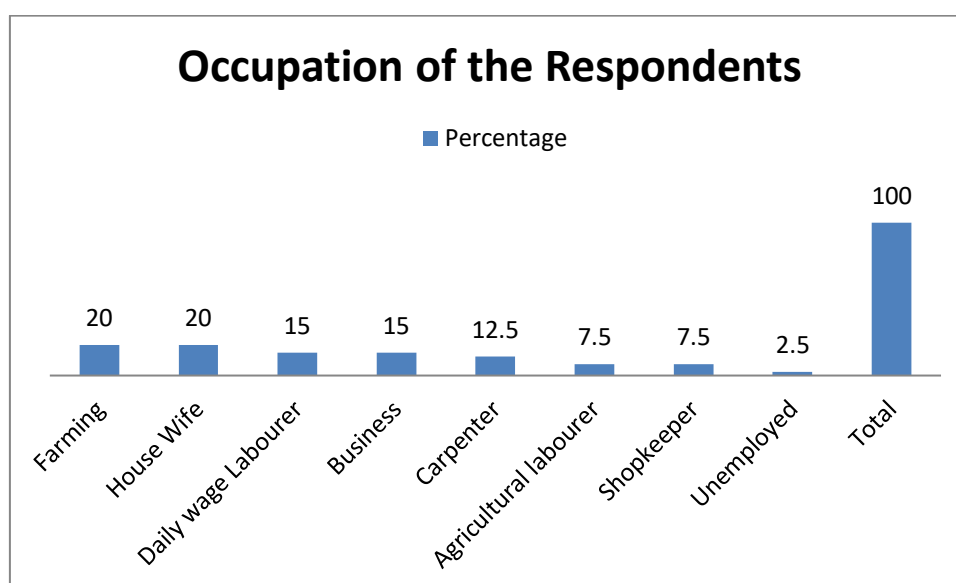
The migrants when they initially settled down in the district a majority of them were solely dependent on agriculture. This dependency on agriculture has led to multi cropping system and supply of cheap labour in the land and this boosted the economy. When the migrant's population began to increase and this resulted in pressure on their land and its output, they

moved to other sectors in search of job like in construction sites, setting up their own business or shops and the womenfolk began to work as domestic help and this would result in competition in the employment between locals and the migrants. Majority of the migrants hold multiple jobs to meet ends, for example, when it is 'lean' period they would be in the fields harvesting and once that season is over they will have to find other jobs to sustain the family. Given below figure 3 and 4 explains the annual income and occupation of the interviewed migrants in Nagaon district.

Figure 4.2: Annual Income of the Respondents



Source: Data collected through interview with Bangladeshi Migrants.

Figure 4.3: Occupation of the Migrants

Source: Data collected through interview with Bangladeshi Migrants.

For the first generation migrants, life was easy but now most of them are earning on their own. Majority of the population in the neighbourhood are descendants from Bangladesh and many of their grandparents came in search of better employment opportunities and economic reasons and while others came in due to the presence of their friends and relatives, for security and social acceptance. So when they moved in initially they had to do physically demanding jobs like farming and manual labour. When compared to their ancestors who first migrated, there is a significant shift in their occupational status.

In the beginning, they took to agriculture labour as profession, but now they have migrated internally to different cities and work as daily wagers by pulling rickshaw, work as carpenters and masons. But back home, the people who have stayed back engage in cultivation. So when one looks at the above figure 1, in the annual income of the respondents 25 per cent of them were earning less than 5000 rupees for a year, 47.5 per cent of the migrants earned somewhere between 5000 to 30000 rupees per year, 17.5 per cent of them earned between 30000 to 50000 and 10 per cent earned between 50000 to 90000.

When the season of harvest is done they go the city and look for jobs as when called. Most of the migrants arrange to arrive on their own or in organised groups and they usually have contacts in the city it can either be their friends or relatives who live there or will have contractors who would call them to inform regarding jobs that will be available and they go to the towns or city for the same in a group. The unskilled labourers work in the informal

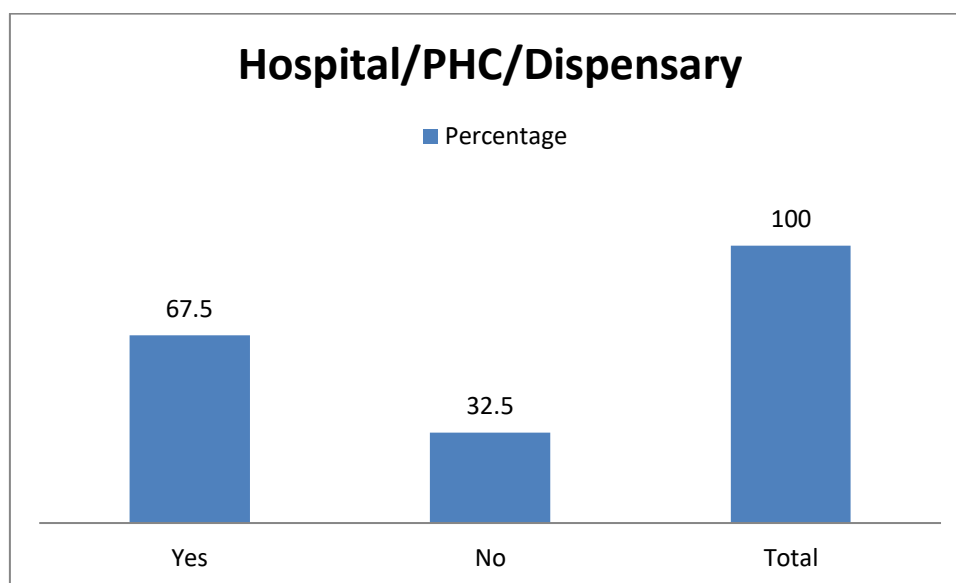
sector as labourers in construction sites and since there are excess supply of workers, the employers pay them less money than the minimum wage fixed by the government which is an advantage to the employers.

Another set of these migrants work at truck and bus depots, where they load and unload the stocks and luggage for a nominal wage. Rickshaw pulling is another easily available occupation that most of the migrants prefer. Few of the respondents who had land in different villages had their siblings or cousins who would be taking care of the land for them when they are away. They keep in touch with them regularly and update them in case of any event and come back whenever it is required and during planting and harvesting season. It is noted that none of the respondents have been employed in a high paying jobs or as a salaried employee. In figure 4.2, the migrants occupation and its percentage is presented.

4.4 Basic Amenities

4.4.1 Healthcare

Basic amenities like safe drinking water, basic education and health care, social security, among other things are few essential necessities that are important for a society's long term development and equal growth. There is only one government hospital, nine PHC's and twenty five dispensaries where medicines are given out. Given the population, the health care facilities are insufficient. When the migrants were questioned about their basic necessities such as drinking water, health care etc., 67.5 per cent of the migrants responded saying that they had access to government primary health care centres in the villages and the rest 32.5 per cent of them had to resort to other means, either have to travel long distances to the nearest town which would be around 15 to 20 kilo meters away from their village to avail services in hospital or take medicine from the local quacks. It is noted that a majority of the respondents cannot get treatment at a private hospital since they cannot afford to bear the expense.

Figure 4.4: Hospital/PHC/Dispensary

Source: Data collected through interview with Bangladeshi Migrants.

According to WHO and World Bank joint report on International Migration, Health and Human Rights (2003) both migrants and refugees are groups along with others who are disproportionately affected by limited access to health care facilities and this is either due to their exclusion from already existing service or the place they have been staying has no provision for health care. Another determining factor for the migrants not to have access to health care facilities is their legal status in the destination country.¹⁰

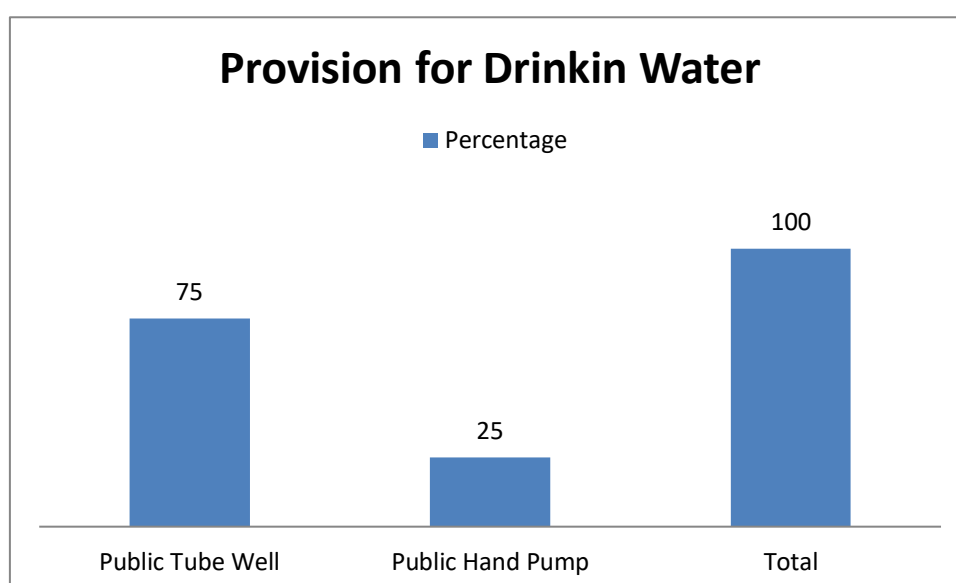
Majority of the migrants were not satisfied with the health care services provided, one being they cannot afford the treatment and second reason being non availability of the doctors in these PHC's and even if they are available, the migrants in special would be referred to the hospital in town which would be 12-15 kilo meters away. Few of the migrants have lost their family members due to emergencies that have arisen and non-availability of services to them. Even if they want to call for a free ambulance service that is offered, the ambulance won't make to the place they reside because of the poor and uneven roads. The migrants made sure that they and the family will not fall sick as they lacked money for treatment and they could afford to travel to the nearest town and then loose a day's work and pay which would help them more.

¹⁰ World Health Organization, 'International Migration, Health and Human Rights', Health and Human Rights Publication Series No. 4 (Geneva: World Health Organization, 2003), 11, <https://apps.who.int/iris/handle/10665/42793>.

4.4.2 Drinking Water and Sanitation

One of the most important elements causing major health concerns among the migrants has been availability and access to clean and healthy drinking water. Both the communities have their own source of drinking water. 75 per cent of the respondents were found to be using public tube well and the rest 25 per cent used public hand pump to have access for drinking water. It was quite evident from the response of the migrants that they clearly lacked access to good sewage facility in their area of residence as seen by the absence of sufficient toilet facilities in their households. Most of them still defecate in the open fields even now, and where 67 per cent of the households from both the communities use ‘Sulabh/Soakage pit latrines’. Since the quality of drinking water is very poor they tend to have water borne diseases such as diarrhoea, dysentery, indigestion and gastro related health issues.

Figure 4.5: Drinking Water



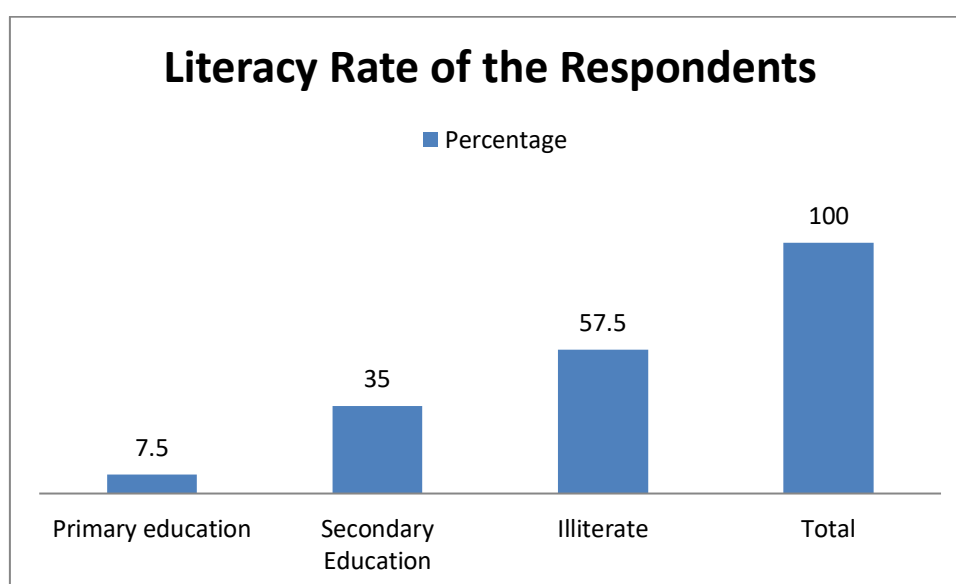
Source: Data collected through interview with Bangladeshi Migrants.

4.4.3 Literacy Rate of the Respondents

Literacy rate and higher level of education are an indication of any society's development. Higher the level of education greater will be the awareness and in return help in the development of the migrants and their quality of lifestyle is it in terms of health, employment, etc. In terms of educational facilities, there is good infrastructure when it comes to primary

education but in secondary and higher education infrastructure has not been given adequate attention and enrolling (55 secondary schools and 25 colleges for the whole district). The majority of the respondents said that they have schools in their village. 37 per cent of the migrants' children were enrolled in a government school and the medium of education was Assamese. When asked if anyone in the family has gone for higher education, 57.5 per cent replied no and the reason majority gave was there are no schools and colleges nearby and most of them will have to travel far to the nearest town to get admitted for higher education which is not feasible given their conditions. 17.5 per cent of the respondents said that if they need to get good paying jobs they will have to educate their child and for that they will have to go far for these colleges and higher secondary schools.

Figure 4.6: Literacy Rate of the Migrants



Source: Data collected through interview with Bangladeshi Migrants.

The migrants and their children have a low literacy rate due various reasons which includes having fewer schools, having to go great distance to schools and majority of the migrants did not study further and stop their education children's education mid-way because the family needed an extra hand to get more income to the family and in this way they involve their children in agricultural activities or send them to other jobs which one of their family member would be perusing. In the case of Hindu migrants, they make sure that their children

complete high school, so that they get ‘decent jobs’ which will pay well unlike their parents who have to toil day and night and by the job that their children get the migrants try to earn the respect from the localities and make them accepted as well. This shows how eagerness that the Hindu migrants have to establish a high social and economic status when compared to the Muslim migrants.

4.4.4 Mode of Transport

The migrant’s transportation systems are inadequate and do not meet their needs when required. 25 per cent and 22.5 per cent of the respondents have to travel 20 kilo meters and 17 kilo metres respectively to reach the nearest town. It takes an average of 6-8 kilo meters, to get to the nearest bus stop and this is the same in terms of finding a post-offices or a bank. They will have to walk a 2-8 kilo meter radius to find local shops, mandis, stores, markets, etc. Majority of them have to walk or travel this far, because the shops nearby would not sell products to the migrants and turn them away. Once they have experienced this kind of a situation, they would never go back to these shops but travel away to get basic provisions so that they will not get into trouble with the localities.

72.5 per cent of the respondents said that they have kaccha roads or uneven and since the roads are uneven they do not have access to bus services. 45 per cent of the respondents own bicycle and 35 per cent of them own a bike. Most of them if they are sick or have an emergency and have to travel, they will have to hire an auto or tempo taxi to reach the said destination and at times they will plan a day ahead to travel and wait for a bus then go to do their errands.

4.4.5 Property Owned by Migrants

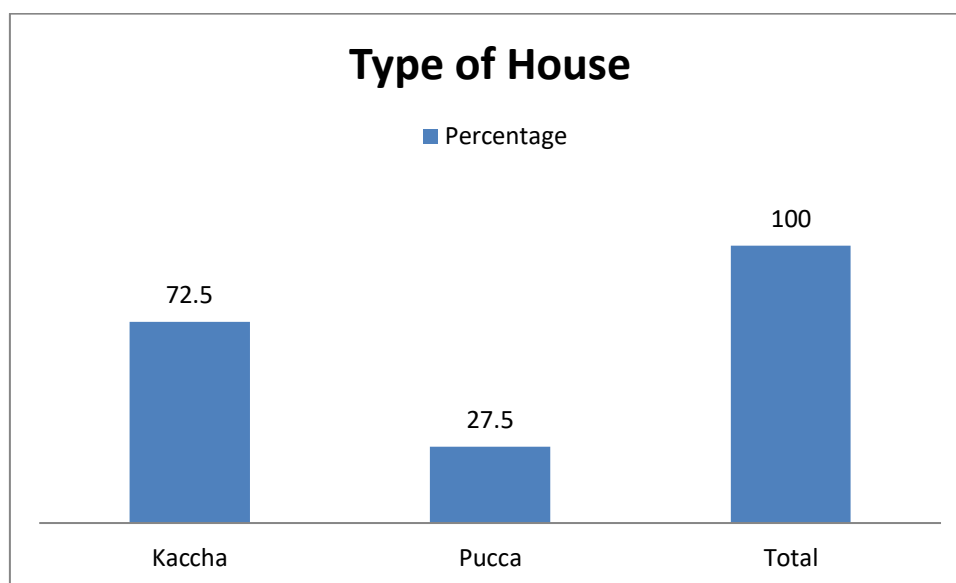
Most of the migrants who were interviewed did own some asset/ property in Assam. 52.5 per cent of them owned their own house, 14.5 per cent of them had their land and 15 per cent of them had agricultural land, 7.5 per cent owned shops, 45 per cent of them had their own bicycle, 14 per cent had bikes and 7.5 per cent had a rickshaw. When asked their housing, majority of the respondents said that most of them residing in the cluster had kuccha house, which would be made out of mud and have thatched roof and some others would have roofs made out of tin and wood slabs and most of these house do not have any amenities in the house. If the family is well to do then they rebuild a house using concrete and will even have toilets and electricity in the house.

Table 4.2: Types of Property Owned by the Migrants

Types of Property Owned by the Migrants	Number of Respondents	Percentage
House	21	52.5
Land	4	14.5
Agricultural Land	6	15
Shops	3	7.5
Bicycle	18	45
Bike	14	35
Rickshaw	3	7.5

Source: Data collected through interview with Bangladeshi Migrants.

Majority of the respondents said that they or a group of family buy a land or rent it and stay together in it and then pay money to the owner or share the price to be paid for land, whichever is the case. All the respondents said that they all stick together as the ‘other’ people do not like to mix with *us* (them) and it is always safe to be with kins and friends whom we have known for a long time now. Most of the respondents lived isolated in a group and far away from a nearest town. It is important to highlight that the family and friends create a safe atmosphere and support each other when required. After a period of time, the migrants who have been living here for quite some time manage to get official documents such as ration cards, voter identity cards, license etc. These documents are obtained through local brokers or *dalals* as well as from government officials and in both these cases, they must pay bribe.

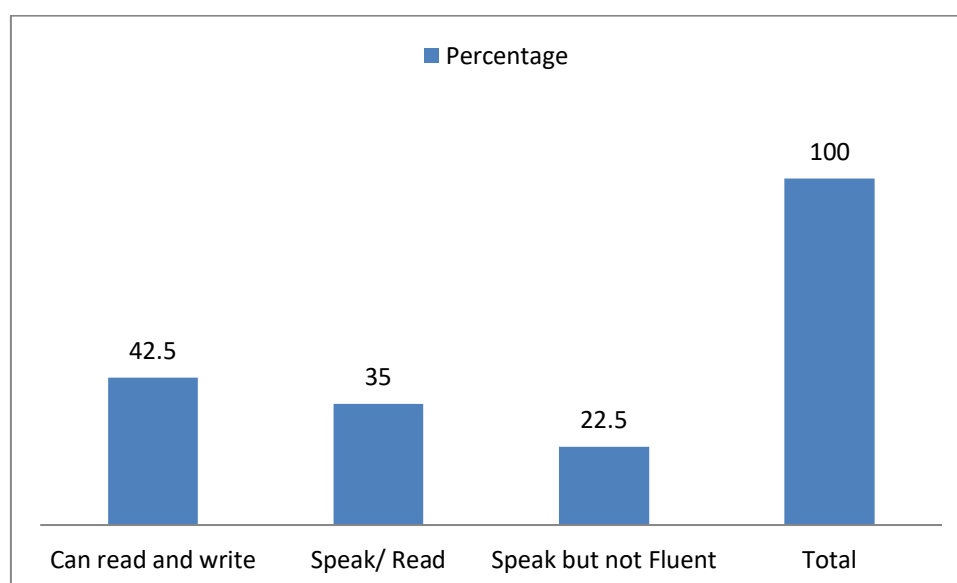
Figure 4.7: Types of House

Source: Data collected through interview with Bangladeshi Migrants.

4.4.6 Language: Assamese and Mother Tongue

When asked if the respondents could speak and write Assamese language, 42.5 per cent of the respondent said they could write and read in Assamese, 35 per cent of the respondents can only speak the language and remaining 22.5 per cent of them could speak but are not so fluent. When the respondents were asked about their mother tongue and language they speak at home, 22.5 per cent of the respondents replied that they know to talk in Bengali/Bangla but officially they say their mother tongue is Assamese for security reasons.

The men of the households since they venture out in search of job and meet new people, they have picked up the language over the years which is “in between” i.e., it is a mixture of both Bengali/Bangla and Asamiya (according to the translator through which this researcher spoke to, to the migrants) but the women in the household cannot speak fluently they (respondents-male) say and so in the households they still do talk in Bengali/Bangla.

Figure 4.8: Migrants who can Read and Write the Official Language of Assam

Source: Data collected through interview with Bangladeshi Migrants.

Majority of the respondents send their children to study in Assamese schools so that their children can learn to read, write and speak fluently unlike them. When asked why they wanted their children to learn Asamiya, majority of the respondents say that it is a language that links them with majority in the state as it is the official language and also helps them to the host community. The majority of migrants say they want to adopt the language as it simplifies their lives for them and are happy to do so. For these migrants and their community Asamiya or Assamese is the only way they can claim to get that social mobility, political security and is also a way to gain acceptance in the host society and this goes on to show that they do not want to be excluded as a minority in any sense.

When the Muslim migrants were interviewed, majority of them were hesitant to accept the fact that they were of Bangladeshi origin and would immediately tell that they have all the “proofs” required to show that they were legally residing here in India. But as the conversation goes further, they would slowly or by mistake or unknowingly acknowledge this fact indirectly but once you stress on that fact, they would simply try to avoid it and become reluctant to answer and stop talking freely. The Hindu respondents would openly admit and say they are from Bangladeshi origin. For them they did not have much to lose by admitting their background, as Nirmal 46 years old says, *“By not suppressing our identity, it’s our way to gain admission and gain sympathy from the community here in India. It is a way through which we highlight our plight as refugees, as we had to flee the hostility and violence against*

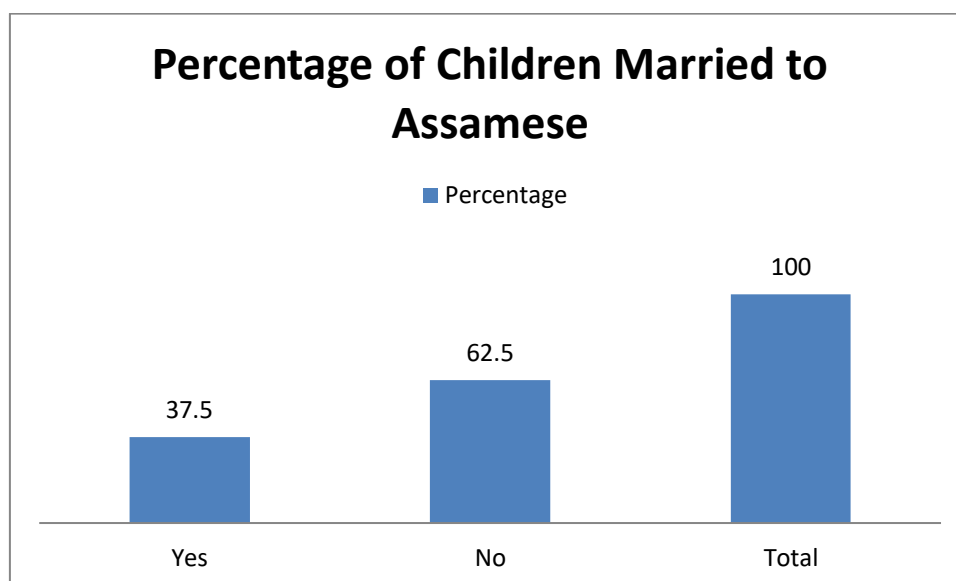
us from the state. Also, the benefits we would get by declaring the Hindu community as refugees is also equally important for us.”

4.4.7 Migrants Alliance with the Locals

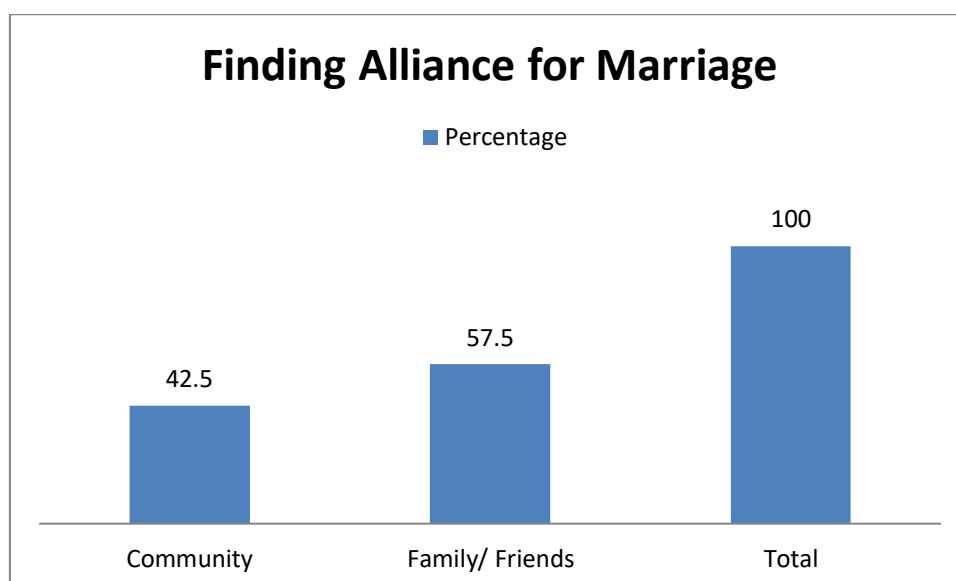
On the question of getting their children or relatives married to the locals in the village, 37.5 per cent of the respondents’ responded as “yes” that they have got their children or relatives married to the locals in Assam and 62.5 per cent of the respondents’ replied “no”. When questioned further, majority of the respondents were of the opinion that even though on the outset they seem to practice the same religion, language, and are ethnically connected; the marriage needs to happens in same race and religion but there are people who are not ready to neither give their daughters nor take the migrants daughters for marriage even in poor households and this shows that the migrants’ status is not good enough for an alliance. Consequently one can see that the migrants experience stark contradictions in how they perceive them and the majority community as closely knitted group of individuals but there is this difference in terms of how they are seen and treated by the majority community.

Farhan 37 years old says:

“Our family has lived here for over thirty years. I remember hearing our uncle say that he was born Nagaon district. But his father and his ancestors had migrated from Bangladesh to Assam. The same goes on with my maternal side too, they are also from there. It seems we used to have a home back there and was into farming. Then after they shifted to Assam, they got to buy land through help from others and started cultivating. We have land in another village which is looked after by some family members. When I was to get married, they were looking for a potential bride whose ancestors are also from Bangladesh. Family, friends and our own community helps in finding girls or boys for marriage. My neighbour got his daughter married to a local guy from Assam; we do give our children for marriage to Assamese but make sure they won’t be of any trouble to us anytime. Our cousins staying in other village have got their son and daughter married to Assamese. Most of us in the community have learnt to talk in Asamiya. Our children in particular are made to talk in Asamiya. We send our children to Assamese school so that they can speak and we also can learn good Assamese. When in public places, most of us always make sure to speak in Asamiya. At our homes we speak Bengali so to tell you the truth, we are all Bengalis. For several reasons which also include our own safety and security, we tell that we are Assamese”. (then was hesitant to talk further when pressed for reasons).

Figure 4.9: Number of Children Married to Indigenous People

Source: Data collected through interview with Bangladeshi Migrants.

Figure 4.10: Alliance for Marriage

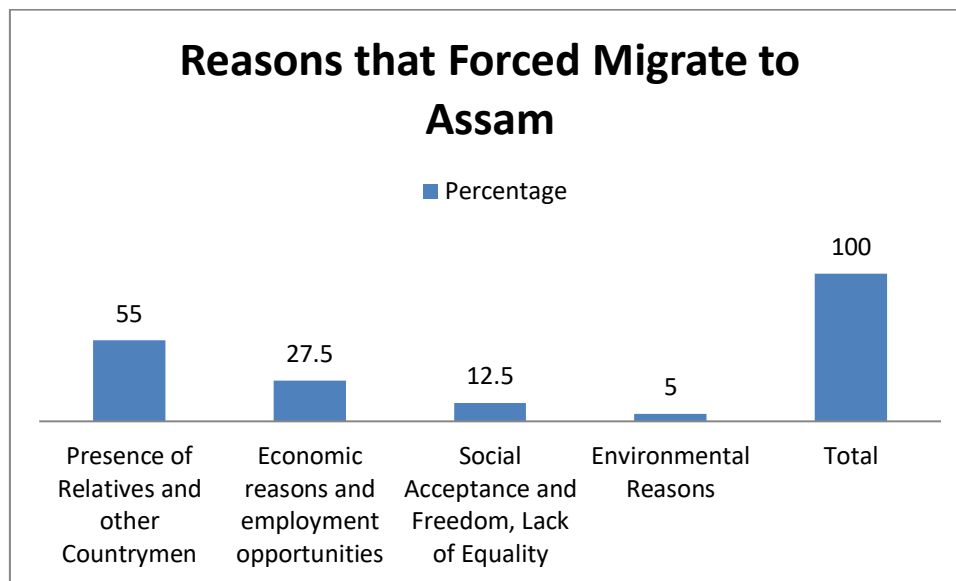
Source: Data collected through interview with Bangladeshi Migrants.

4.5 Choosing a Place to live in Assam

A prospective migrant before moving, will look for a place and gather information in regard to the place, someone or who is able to or will be willing to help and assist them initially, source of income, cultural ties and religious tolerance, and most importantly, their security. In such situations, these people heavily depend on informal network, both in the present place of residence and also at the destination country.¹¹ Likewise, the respondents who were potential migrants once had developed contacts in the destination, which included their families, relatives, friends or people who were from the same community. These connections helped them in giving information in regard to the place or destination, the accommodation when they reach and other situations that needs to be anticipated. Dalals are specialised brokers who have their own network and offer their “services” in facilitating the migrants to cross borders for a fee.

More than 80 per cent of the respondents said that the whole family migrated together as this could help in earning an extra income which was an advantage. Since majority of them migrated to agrarian based land, they needed more people to work and toil and at the same time, the risk of not being able to return and bring the rest of the family is also reduced in this way and the respondent’s response aligns with the history of migration in Assam.

¹¹ Swarnalatha Ukwatta, "Economic and Social Impacts of the Migration of Sri Lankan Transnational Domestic Workers on Families and Children Left Behind" (PhD thesis, Adelaide, The University of Adelaide, 2010), 20, <https://digital.library.adelaide.edu.au/dspace/bitstream/2440/63080/8/02whole.pdf>.

Figure 4.11: Reason for Migration from Bangladesh

Source: Data collected through interview with Bangladeshi Migrants.

One can see in the table above that for 55 per cent of the respondents the main reason to choose this current place to reside was the presence of family and relatives. The migrants chose the place because they had friends and others who had either come before them or travelled together and settled down at the same place for security and support whenever the time arrives. Hugo's Social Network Theory finds its relevance here, the micro-level factors such as presence of family, relatives or people, who the migrants know from their place of origin etc., influence them to choose a particular place to settle down. The existence of such networks motivates other migrants to move and also because it reduces the cost and risk of migration.

For a migrant and the family, once they have migrated getting employed is important since they need to earn a livelihood for survival and to get a job they depend again on the networks they have established before, while and after moving to the place, which includes their family or relatives, friends, other countrymen who settled in before, the brokers and in some cases government helped (in terms of granting financial aid to build a house, food subsidies, and providing loans). Then 27.5 per cent of the respondents moved for economic reasons which include employment opportunities and better wages so by this the Push and Pull theory can be explained. 12.5 per cent of them moved for the freedom and social acceptance and lack of equality through which Forced migration theory can be understood and 5 per cent of them

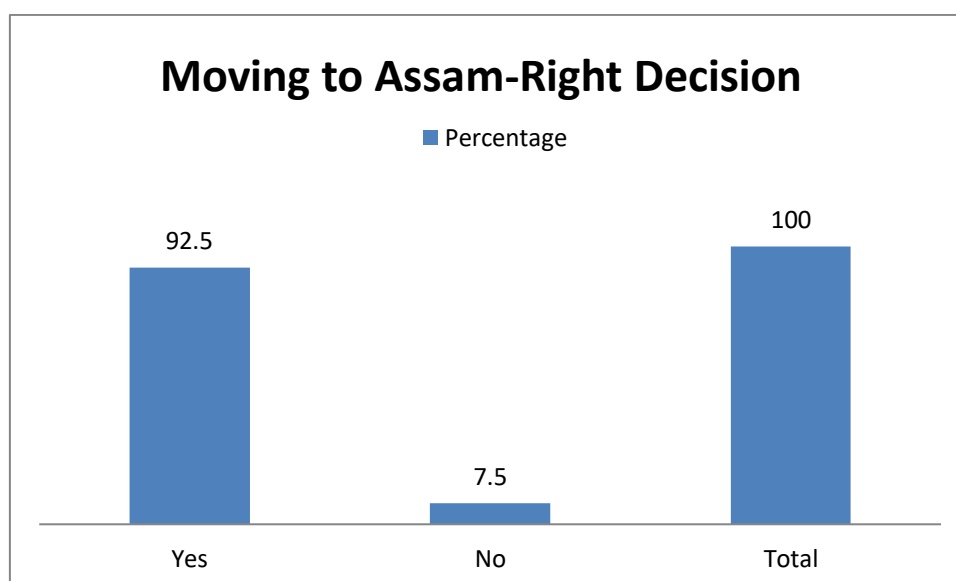
over the past few years have moved due to environmental factors like due to floods, non-availability of land and other reasons and through this Ecological/developmental theory can find its relevance.

4.6 Migrants Life in Host Society

In this part of the chapter the researcher would be looking at the migrants' lives, their adjustments, discrimination and exclusion in the host society. As mentioned earlier, the reasons for most of the migrants to move were the presence of relatives and others and having a similar cultural environment here in Assam. Several others migrated for economic and employment opportunities, availability of land and resources and others for social acceptance and freedom, for few the security and equality that is assured here in India. When asked if they felt secure here in India after migrating, 35 per cent of the migrants said yes and 65 per cent of them replied no.

62.5 per cent of the migrants were of the opinion that their acceptance in the host society will be a challenge but say it can improve over time. 25 per cent of them are optimistic about the future that holds for them and their children and 12.5 per cent of them respond by saying that this living is better than what they had in Bangladesh. But majority of them say there has been improvement in terms of material aspects otherwise it is the same kind of treatment on both sides.

Figure 4.12: Moving to Assam

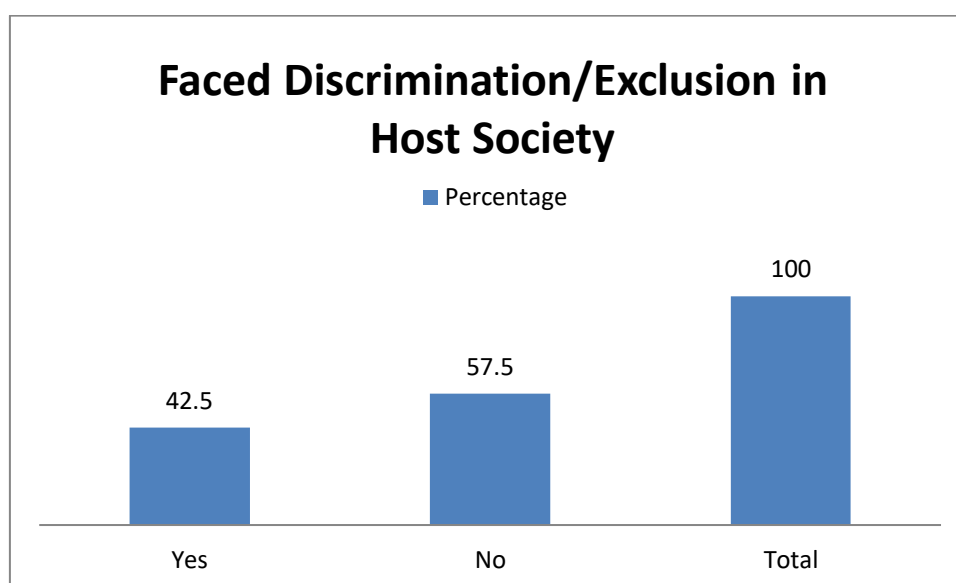


Source: Data collected through interview with Bangladeshi Migrants.

It is noted that majority of the migrants were of the opinion that moving to Assam from Bangladesh was the right decision.

When people migrate and go out in search of job in the off season of farming for the sake of their families, this seems to negate the idea of togetherness. This long separation has made these people to have different opinions with respect to absence of family members. For some it is economic gain and for others it is separation. Although this may seem to show that there is disintegration of family structures and ties but one can see internal changes in these homes as to who takes in charge once these members leave for job. The decision of 'who migrates' and 'when' is controlled by the head of the family, and it not always necessary that the rest of family members agree over the decision taken. The above respondents' story is one example, where the son had to go the town and later take his wife too, as they could not survive by farming alone. This is just one story, and as Respondent Naila 48 years old said, *"There are several families here whose husbands and other family members go out for work like mine. It is difficult for us to manage the household and we (includes other families too) surely do miss them when they are away."*

Despite the fact that inequality doesn't exist by default, it is essential to ask, what degree and dimensions of inequality is acceptable. As a result of this question and the findings from above it is important to consider the disparity or inequality that these migrants face in Assam. 57.5 per cent of the say that they faced no discrimination and 42.5 per cent affirmed that they did face discrimination and exclusion also when asked if any family member were arrested since their stay there, 20 per cent said yes and 80 per cent replied no. Here in this part of the chapter, attempts has been made to understand and examine the discrimination they in accessing different services, which is meant to be provided to everyone.

Figure 4.13: Discrimination/Exclusion of Migrants in Host Society

Source: Data collected through interview with Bangladeshi Migrants.

Respondent Naila on when asked if they had faced any kind of discrimination or exclusion in society, was hesitant in responding but took a while and said yes. *“Initially when I got married and came into the family, my husband had to move out of our village in search of job to the town (did not mention the place) and later after few months he came back to take me with him. Since the family cannot sustain themselves with farming in small land that they own and also had huge amount as debt so they both had to go out to work. When he (husband) used to go out to work in construction sites, I used to work as a maid. From the beginning it was very scary because when we were in our village and we used to go out, there was this suspicious looks and social stigma and we always used to feel like people were looking at us wherever we used to go and now this was in new environment in terms of job and people, and there was this fear of being arrested or being called out as foreigners. The fear was constant back there and here in the village. After a few years of working there, I returned back because of the fear and even though the pay wasn’t so high, it helped in paying off our debts. Now I stay here and my husband and others go out to work during the off season.”*

The husband also says, *“It was very important to find a job for both of us, which is why I went first and then came back and took her. In the village, even during the farming season we ourselves don’t have enough work to do, other than farming season she will not have any job and for that also she will not be paid because she is working on our small land and cannot go*

out to others land to work. People are nice here but there are many who don't like us and sometimes the police also chase us. Once they know that we are migrants, they call names and insult us. Here, she will not go to work because of name callings and ill-treatment but in the city also there is no denial but we were and are more careful when we go there and we always speak in Bengali to be on the safer side."

Respondent Surya 56 years old on being asked on discrimination and exclusion post-NRC says:

"We are always afraid, I remember when my brother went out to another district to work, and he always used to say that people and police keep an eye on them and people call us name when we walk on the roads due to our dressing sense. Whenever we go in search of work or even to shop, we always make sure we are all together. If it is for job purpose, we have a contractor, who would call us and tell us whenever there is job. So even there, the fear of being arrested is very much present and we cannot sleep or eat properly. We always stick together here or anywhere we go and we do not travel until it very urgent or necessary, that is one way to avoid unnecessary attention to us."

Respondant Mayur 55 years old who has worked in Guwahati as rickshaw puller and now is back in village also had similar experiences:

"When we go to government hospital they don't give us any treatment. They deny and send us back after seeing our way of dressing and then ask us not to come to such places for treatment. So even if we are very sick, we don't seek help and try our best to not to go to a hospital. Also, back in the village we used to get some help like rice and all, now we don't get anything. In the city or any place you live, in case there is some theft that has happened, we will always be blamed. Their threats of calling the police when nothing has ever happened, is what frightens us the most and they are well aware of this."

Respondant Kiran 42 years old narrates his story: *"when we go to work, be it farming in others land or go to town for contract work, we do not get paid adequately like the locals. Our pay is always reduced and if we question that then they will threaten us saying we will report you to the police. So we also do not question the less payment. At various levels discrimination occurs most notably in the labour market, where the wages paid are less than prevailing wage rate or forcefully made to move out from the construction site by the pro-active groups. We don't have any rights or insurance, we have all identity cards, can get them made if paid for it, but it is of no use, There is no union or any voice that can stand in*

support for us in terms of the rights, I know it is too much to ask but aren't we also humans, don't we also have needs and children to look after. We just bear the insult and move on."

Das 49 years old "Any complaints taken to the police station for the problems of their own, the issues won't be entertained or they won't take it seriously. Mainly because if the complaint is against a local person then gradually the other person is on top for being more influential than us in terms of being the native and they are more stable financially unlike us and even if we have any complaints we do not say it."

Baikul 48 years old shares an interesting conversation regarding issues between the old and new generation migrants, "Whenever there is some fight between the old migrants and new ones, we try to solve it by going to our head (elder they chose based on age and experience), we talk it through ourselves and not go for any legal help. But when there is some quarrel between us and the locals, we insist on not going to the police or anything and try to solve it within ourselves by talking through some negotiations. We do not want to go the police mainly because they will start troubling all of us, they will start searching whole community and deport us back to where we don't have anything. Everything we have now is made here and is all that we have and are happy here."

Khizer 43 years old shared his story during the NRC process was on, "When the NRC was being, we had several instances where the police would come unannounced and then start harassing us. Many times few of our people were arrested and taken in for questioning. We would be made to wait for days until we can get out. We will not be allowed to meet any family members also. In some places like where my uncle lives they would come in the night or when they were in the field to work and taken away. So as you know when you are in the fields, there are a lot of people who would have seen that. In addition to the trauma of being arrested, after coming out we have to face these people too and not have work for several months together and the family would be cornered. "

Mohd. Rehim 49 years old also agrees with this and adds, "Yes, we would be simply arrested and taken away for days together and for people who can give some money they would be left out. But for us it is pure torture. I remember when one of our friends was arrested and taken away, even after a week we didn't see him and by the time he was out, he was on the verge of losing his mind. He took a lot of time to come out of the shock. The verbal abuse that he had to go through made him so weak and after seeing that we are so scared of the police and even more scared of the people around us."

Swapla 51 years old also says that the family has had similar experience, *“When we are taken arrested, our family won’t have any kind of financial and emotional support. The main reason being fear, that once you support them then the people helping also would get into trouble is what stops these people to come forward and help. Even the womenfolk will not be encouraged to keep in touch and then even the children have to suffer because of this. What do they even know, it’ll be so much shameful for them to even meet their friends or go to school also. The little money we had saved had to be used for legal and travel costs and even after being out it took us a lot to come out of the trauma and we are still trying to recover from it.”*

The migrants whom the researcher spoke to were stressed about their sense of belonging and expressed their vulnerability and instability. In a way, both these men and women were usually required and wanted a job and they are always ready to do any kind of labour that has no takers as well. As the men get into daily labour, do menial work, work on construction sites, pull rickshaws; the women folk work as maids or housekeepers in different houses. In spite of this, they are always treated as miscreants and ill-treated. In fact, this what De Genova writes, ‘the state’s legal production of illegality provides them with an apparatus for sustaining their vulnerability and tractability as workers’.¹²

The migrants’ life and assimilation in the host society that is Assam has been quite difficult and still is. They had to start life afresh beginning with economic stability. Post settlement they began to do any jobs that came their way, once they had enough money they began to buy land, set up their house, and get into jobs of their preference for example, setting up shops or businesses and those depending on farming and agriculture also generate income through different methods and start buying other properties like bikes, bicycles etc. As mentioned earlier, the migrants have not been socially accepted by the indigenous people of Assam. Once migrated, to get identity as a Indian they try their best to obtain documents through any means and then they try to assimilate with natives by learning the Assamese language, educate their children, get in matrimonial alliance with indigenous population according to their community. But since the migrants come from a different background, their complete assimilation will take time.

¹² Nicholas P. De Genova, ‘Migrant “Illegality” and Deportability in Everyday Life’, *Annual Review of Anthropology* 31 (2002): 422.

4.7 Conclusion

Migrants from Bangladesh choose India as their destination due to ethnic and cultural affinities and the movement of both refugees and economic migrant still continues. The social economic status of 40 migrants in Nagaon district of Assam is presented in this chapter and it is noted that these migrants lack in the basic amenities such as health care, drinking water, sanitation facilities. Their reason to migrate from Bangladesh to Assam is also presented along with a few narratives which help in giving a first-hand experience regarding the exclusion that these migrants face in the host society on a daily basis.

Chapter 5

Conclusion

5.1 Introduction

The South Asian countries have shared their histories for ages before the borders were drawn. Most of these countries have gained political prominence in the twentieth century. Although the history, cultural and proximity between these countries were once the key determinants in this undocumented migration but now violence, economic factors and disasters are the prominent reasons. The basic reason of migration in South Asia needs to be addressed promptly and these causes are interlinked with different aspects such as social, political, and economic issues and are complex in nature. For this reason, the migration within the region cannot be stopped and also because how globalisation has had a great influence which encourages people to move for capital and labour.

The South Asian states' borders are porous and the barriers created by rules and regulation will not stop migration even if the political will wanted to unless the core problems are addressed. SAARC can play a conceivable role, despite its shortcomings and can develop a Convention and oversee migration in the region, which in a way farfetched but alternatively the countries that are affected by migration and refugee movements can setup dialogue activities at the bilateral levels.¹ Though, S.A. Malek denies the cross border migration pressure in his country, but agrees on the sub-regional cooperation under the aegis of SAARC with India, Bhutan, Bangladesh, and Nepal together. Muhammed Yunus also expressed a similar opinion and was in favour of a regional association between Bhutan, Bangladesh, India and Nepal, which could be styled on the base of European Union structure, which includes visa less travel and borderless trade in the region.²

Over the years it has been clear that migration across borders cannot be stopped by wired fences but it can just contain the movement of people. Administrative and economic measures along with strong political will can or probably end the problem of Bangladeshi migration to India.³ Farooq Sobhan an ex Bangladeshi diplomat, acknowledges that over the

¹ P. R. Chari, Mallika Joseph, and D. Suba Chandran, eds., *Missing Boundaries: Refugees, Migrants, Stateless & Internally Displaced Persons in South Asia*, UK ed. (New Delhi: Manohar Publishers and Distributors, 2003), 20.

² Chari, Joseph, and Chandran, *Missing Boundaries*, 21.

³ Chari, Joseph, and Chandran, *Missing Boundaries*, 22.

years there has been some migration into north east and that both countries must work and find realistic and humanitarian solutions rather than blaming each other for the migration. The two countries can profit from establishing a mutually agreed process of citizenship verification and transitory movement of labour within border.⁴

India has a long historic relationship when it comes to Bangladesh and this is because they both share its borders and have social cultural similarities from the time of Ahom. Even before the states were created and there has been trends of migration from Bangladesh to India. Post- Independence the migrants and refugees who have moved into India have settled down in different states of North-East India. As understood migration is where people move from one place to another for various reasons and this study will be of help in understanding the main causes of migration to Assam from Bangladesh. For this study to be possible the researcher had to interview the migrants to understand the reasons as to why they moved to Assam and their life in host society with the indigenous people.

The current portrayal of Bangladeshi migrants to Assam is biased as it is restricted to security issues and does not include other frameworks and confines the debate to pre-defined conception of migration. Migration from Bangladesh to Assam can be viewed from two perspectives which are opposite: one from security concern and other as a humanitarian issue, where migration is the survival strategy for better living conditions. most of the time, the security approach leads the debate and human security approach, where the migrants focus is on seeking better opportunities is often forgotten or even absent. Additionally, there is ample focus on the pull factors for migrating into Assam and the push factors for migrating from Bangladesh are ignored.

The study will help in understanding migration from Bangladesh to Assam through various resources that has been used. The study has included the reasons for migration, the impact it has had and assimilation and post migration the lives of migrants in Assam. Since Bangladeshi migration is a sensitive socio-political issue in Assam and India, the study had to overcome few challenges, one was could not get migrants agree for the interviews as they would deny that they were migrants from Bangladesh and since very few people were willing to talk about their problems they would underreport facts and issues for the fear of being detected, excluded and deported.

⁴ Farooq Sobhan, "A next Step Called Teesta", *The Indian Express*, 10 June 2015, <https://indianexpress.com/article/opinion/columns/a-next-step-called-teesta/>.

5.2 Summary

A summary of key findings along with the objectives is given below in addition to the policies undertaken by the government and recommendations that can help in further study.

The main aim was to look at the factors and processes of migration from Bangladesh to Assam, by specially focussing on the lives of migrants, their exclusion and assimilation in Assam society. One of the main objective was to understand the causes that motivated migration from Bangladesh to Assam and it is noted from the study that Hindus and Muslim migrants' main reason was to achieve economic development. Even though there are various reasons like the presence of family and relatives which is a strong social networking factor, the similarity and linkage of social, cultural and language that made them cross over. In addition to these, the migrants being able to experience social security and freedom and being able to own land even though it is not a large proposition are some of the other factors.

When the migration trend from Bangladesh to Assam is studied, it is worth noting that during the British rule, migration was coordinated and planned as a part of the British government's agenda. Later, the next waves of migration occurred during and after partition and several factors have influenced this voluntary and forced migration during the phase. Post 1971 until today the migrants were driven due to political causes like wars and economic reasons like employment and agricultural opportunities.

Migrants are responsible for the region's labour market transformation, specifically in the farming sector and in the informal job market. The migrant have changed the way their labour is made accessible for a diverse economic activities in urban area, and more crucially, they have restructured the pay levels and other labour related concerns. That the migrants have brought about change that impacts both in a positive and negative way on the socioeconomic situation of the state. They have strengthened the labour market and made it more competitive, brought in new skills and have contributed to the development of agricultural and other work areas. However, due to the growth in population, it has posed a threat to the indigenous by putting a strain on the resources such as land, water and infrastructure. For Assam and the neighbouring states, the quantity of Bangladeshis has become a serious political issue. Regardless of whether these migrants are properly recognised or not, their plight is no different than that of other migrants.

The second objective was to see the migrants' lives in the host society- their adjustments and exclusion. From the data collected through interview it is quite evident that migrants overall development and standard of living is very low and had to face hardship to establish what they have today. The migrants still lack adequate basic amenities like education, healthcare, their transportation and routes in the areas that they have settled down. The Hindu migrants have better standard of living when compared to Muslim migrants mainly because they get the empathy compared to the counterparts.

Majority of them speak the Assamese language and also speak Bangla in the household. The period of migration, type of residence, types of ownership, types of identity cards, none of respondents are not members of any political organisation or party, reasons for arrest, on the question of security most of them responded saying that they did not feel secure as they are always on scrutiny and on watch. Majority of the respondents did not want to return back to their country of origin as they were better off here when it came to the livelihood and the wages when compared and since most of them are from the second generation, they do not want to give up this life and go back to a land where they have nothing and start everything from scratch.

The migrants settle down in unhygienic conditions, where most of them lack proper nutrition, there is not enough safe drinking water and sanitation in the surroundings they live in. They lack proper medical facilities and the healthcare infrastructure is very limited with no full time doctors being available to assist them in case of an emergency and have no sufficient means to hospitalisation when the need arises and have to travel a long distance to reach a hospital. The doctors would be available only for hours a week and usually the PHC's are managed by paramedics who are trained for a basic first aid- treatment. If they get an access to the hospital, there are high chances of them being denied to treatment. The connectivity and roads are poorly developed and this acts as a hindrance for them to access a hospital, educational institutions. They are not covered under any insurance nor do they enjoy any protection under the law making life difficult for them to get basic rights. The migrants haven't been socially accepted by the indigenous people in the society, even though they are quite evident in the day to day lives of the localities. The migrants go to work in the areas, houses of the local population and have even learnt the local language and even given their children in matrimonial alliances too and yet they are not accepted socially.

The third objective was to examine the policies regarding the migrants from Bangladesh is looked at from the Central and State government level. There are several policies and laws that have been formulated. The first law enacted was IMDT Act and since the three-judge court declared the Illegal Migrants (Determination by Tribunals) Act (IMDT) unconstitutional, ruling that “it has created the biggest hurdle and is main impediment or barrier in the identification and deportation of illegal migrants.” As a result, the independent panels which had the task of determining the nationality and citizenship of people labelled as Bangladeshis in Assam were decommissioned.

Next, the Assam Accord of 1971 which was signed between Central government and agitation leaders has discussed several issues related to issues such as detection and deportation of foreign nationals in Assam and others. The National Register of Citizen is where the citizen need to register and will be issued an national identity card which would help in identifying Indian nationals from the foreigners and the final list was released in July 2018 with over 1.9 million people being declared as illegal residents in Assam. These are the policies and laws that were introduced to check the positive and negative impact of migration in Assam.

5.3 Recommendations

It appears that such a solution for the ‘Bangladeshi problem’ would be more ideological than practical: ‘Although the border is never shown as a novel creation, but as something ancient, robust, and real, it will never be hermetic.’ Deporting millions of people is an impossible task: identifying them given the physical and cultural similarities that are shared between both Bangladeshis and Indians are same and it would affect the poor mainly due the brittle means they are asked to prove their citizenship. There are several examples where Indian Bengalis were mistaken and deported to back to Bangladesh or people who have been stranded in no-man’s land between the two regions.

While India must control unabated flow of immigrants across the borders through effective regularisation at the international border & international cooperation, she should equally recognise migrants’ contribution at the destination and ensure basic rights such as education and health. The following are the few suggestions or recommendations that are made:

It should be noted that people flee their homes and country, when there is a threat to their survival or violence. Once, the land of origin provides and guarantees that minimum human rights and stability for its people, then it can prevent the population movements. When these

fleeing people are deprived of shelter and other bare necessities for survival, they are subjected to human rights violations. This leads to the next issue of refugee rights, specifically for women, children and the elderly. Since it is generally assumed that these refugees or displaced people will never return back to their country of origin, the rights are never recognised globally. As a result, they must be assisted in becoming legally and economically integrated within their new communities.

Both governments can negotiate an agreement to eradicate illegal migrants and also develop free trade between both the countries which will increase the revenue generated and reduce the migration due to economic reasons. Since there is demand for labour incentive jobs in Assam, temporary work permits can be given to the people who want to work here and return back once the set period is over.

Bangladeshi migrants can be given work permits or job cards by the Central or concerned State governments. The multi-purpose identity cards can be issued first to Indian citizens in North East and then later issue work permits to the migrants who wish to work in the North East or any region in India. In the current circumstances, an innovative solution needs to be devised on accepting the long term migrants as “guest workers” with no political rights and the Indian state and its institutions must abandon the specialised border functions but implement an immigration system.

There needs to be a National Immigration department, which can look at the causes for migration both at origin and destination countries and take serious action to prevent illegal migration. There is an urgent need to check corruption at the borders and at government offices where money is offered as bribe to pass through the border and also get their legal documents done respectively.

Since the migrants lack educational infrastructure, this can be addressed by increasing the institutions number at primary, secondary, higher secondary levels and since majority of the migrants are illiterate, can introduce adult education as majority of them who are working can also join these classes in the evening and this way they can gain out of it. There can be a public-partnership partnership which can grant aids and scholarships for those who cannot bear the expense.

As the migrants are still practicing traditional means to farming, the harvest rate is low and it is not very consistent to depend on the income generated by agriculture and allied jobs. So once the harvest season is over, they are unemployed and in some cases they are

underemployed as they would be working on their land and not having enough economic output through it. They can be encouraged to start or search for their own employment opportunities other than depending on agriculture and also can help in modernising the tools and methods that they use for farming which would in turn help in increasing their output.

Next their housing and basic amenities need to be improved, as they lack good drinking water and sanitation facilities. These two issues affect their economic efficiency as once they fall sick they won't be able to work and would lose on the wages for the number of days they don't turn up for work. Need to increase their access to healthcare facilities and reduce their dependency on quacks and their treatments. There is urgent need to increase awareness of health services to the female migrants as they are more vulnerable to these traditional treatments and educate them on the services that they can avail by the health centres so that they can educate themselves and children. Once the womenfolk in the family are educated the other factors like population growth and healthcare of the migrants can be improved. This in a way will also help in reducing the marriages of girl child once they hit puberty.

The state along with private organisation can pool in resources to provide health care services and can also use mobile services like mobile toilets, mobile healthcare van so that it can be accessed by anyone.

The fact that they have crossed the border legally or illegally does not matter because they have had access to aadhar, ration cards, voter identity card. They even have access to banks and hold an account, and have acquired land in the course of time. Since most of them have stayed in India for more than ten years, they have acquired citizenship by naturalisation. So there is rampant corruption at all levels beginning from the border to the government offices that need to be addressed.

Despite the number of Bangladeshi migrants being high in India, little is known about their migrating mechanisms. There is much required scholarly work that needs to be done on these transnational migrants between Bangladesh and India mainly to combat the assumptions and biases about them and on their process of migration and further studies and research will help to inform and shape new policies. Also, both governments of India and Bangladesh should treat these migrants with compassion and look at them from human rights perspective. Steps should be taken, in particular, to reduce their exploitation, exclusion, and discrimination.

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