

# Demographic Invasion and the Assam Accord

By

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Demographic invasion – the current euphemism for illegal migrants from Bangladesh – has been a burning issue in Assam for the last four decades. The genesis can be traced back to the partition of the Presidency of Bengal in 1905 when East Bengal was merged with Assam. Realising the wide-spread consternation of the Assamese people, the British restored Assam as a separate Lieutenant Governor's province in 1911. The flow of Muslim migrants to Assam, encouraged by the All India Muslim League, began in 1906; and it still continues illegally today from Bangladesh (which East Bengal has become after having taken the avatar of East Pakistan).

After the partition of British India in 1947, a large number of Hindu Bengalis from East Pakistan moved to Assam, West Bengal and Tripura as refugees to escape religious persecution. From 1901 to 1941, population of Assam increased by 103%, that is, more than doubled in 40 years; and the same increased by 118% in 30 years from 1941 to 1971, indicating an acceleration of the flow of migrants. Bangladeshi independence movement and the resulting crackdown by the Pakistani Army led to further movement of population from East Pakistan to Assam. From 1971 to 1991, population increased by 52% in Assam while, during the next 20 years, the same increased by 40%, indicating a deceleration of the flow of migrants to Assam.

Serious attempts were made in the early sixties to evict illegal migrants from East Pakistan. As surreptitious infiltration went on, the Government of India passed the Prevention of Infiltration from Pakistan (PIP) Act in 1964. Bimala Prasad Chaliha, the then Chief Minister of Assam, wanted to use this Act; but his efforts were thwarted by the rebel Muslim MLAs on whom the Chief Minister relied on for his political survival.

When the State of Emergency was declared in 1975, the dynamics of politics in Assam changed. A lot of illegal migrants surreptitiously obtained voting rights, and political parties began to demand inclusion of names of the migrants in the electoral rolls. The problem came to the fore when a revision of electoral lists for the Mangaldoi Parliamentary constituency, where a bye-election was held in 1978, revealed more than 60,000 names of recently registered people who could not prove their Indian identity. Virtually, this revelation triggered the Assam Movement which was launched by the All Assam Students Union (AASU) along with the All Assam Gana Parishad (AAGSP) in 1979. The six-year Assam Movement had overwhelming support of the people of Assam. The agitation had brutal consequences in terms of number of deaths as a result of both Indira Gandhi's crackdown on agitators and riots against Bengali Muslims. An estimated number of 855 Assamese people died as *Sahids* and an estimated 1753 Bangladeshi Muslims were massacred brutally by the Lalungs (Tiwas) who felt dispossessed of their reserve land because of Bangladeshi encroachment. Assam virtually became ungovernable, and the State administration became dysfunctional. As the agitation reached a highly volatile and violent stage, ASSU and

AAGSP decided to negotiate with the Government of India, and finally after 27 rounds of talks, the Assam Accord was signed on 15<sup>th</sup> August 1985.

Assam Accord is fundamentally a 'Memorandum of Settlement' which was not discussed or ratified by the Parliament. But it contained formidable proposals and served Assam well at that time as it brought the social and political chaos to a halt. On the Bangladeshi issue, the main proposals in the Accord are the following. Subject to "constitutional and legal provisions, international commitments and humanitarian considerations" foreigners, who came to Assam after 25<sup>th</sup> March 1971, will be detected, deleted from the electoral roll and expelled in accordance with law. To stop further infiltration, the border will be made more secure with barbed wire fencing; patrols by security forces on land and riverine routes will be intensified; and adequate number of check posts will be set up. Furthermore, relevant laws for prevention of encroachment of government lands and lands in the tribal belts and blocks will be strictly enforced, and the encroachers will be evicted. On the economic front, the Accord promised to establish an oil refinery and one IIT, and to take steps to reopen Ahsok Paper Mill and Jute Mills.

Election took place soon after the completion of the Assam Accord, and the newly formed political party, AGP (Assam Gana Parishad), won the election convincingly. The student leaders, who formed the new government, did not understand the wisdom of the old adage: 'strike when the iron is hot'. A serious urgency to implement the proposals of the Accord was missing. Inefficiency and corruption appeared to be the hall mark of the AGP government. They could not even evict 4000 illegal migrants, although the figure of 4 million illegal migrants was uttered during the agitation. Ever since, for various reasons and under various governments, the efforts to detect and deport have been pathetic. For example, it was reported on 9<sup>th</sup> December 2009 in Assam Assembly that during the period from 2001 and October 2009, only 10,597 persons were identified as foreign nationals and only 105 of them could be deported; but the whereabouts of the rest 10,492 persons remained unknown. There are some 250,000 cases pending at the Foreigners' Tribunals. The whole process is farcical; and this is what has been going on for the last 28 years.

The Assam Accord must now be considered a failure; and the seeds of failure were implanted in the Accord inadvertently and negligently. First, nobody knew how many illegal Bangladeshis were in Assam at that point of time, and therefore, no serious considerations were given to the scale of the administrative and judiciary resources required for successful implementation of the detect-delete-deport policy. Second, not a moment's thought was given to whether Bangladesh would accept returnees at a large scale from Assam because no international agreement or treaty existed between India and Bangladesh. On 20<sup>th</sup> May 2013, this writer met the High Commissioner of Bangladesh for the UK who confirmed that the Government of India never raised the issue of illegal migrants with the Government of Bangladesh. Third, the Illegal Migrant (Determination by Tribunals) Act 1983, commonly known as the IMDT Act was "mischievously" legitimized in the Assam Accord. The transparent flaw of the Act is that the onus of furnishing proof against a suspected foreigner rests on the complainant and not on the accused. Furthermore, the complainant has to pay a punitive charge to complain. And worse, a ration card is taken as sufficient proof of domicile status. In 2005, after 22 years, the Supreme Court of India struck down the IMDT Act, and observed that the Act "has created the biggest hurdle and is the main impediment or barrier in

the identification and deportation of illegal migrants”. Those who passed the IMDT Act, applicable only in Assam, should hang their heads in shame! Fourth, it was a serious mistake not to include representatives from tribal communities and the Assamese Muslims. Their non-participation in the process of negotiations weakened the Accord’s political relevance and legitimacy.

Although tripartite (AASU, Assam Government and the Central Government) meetings occasionally take place to monitor progress of the implementation of the Accord, the border fencing has not yet been completed in 28 years. It is a reflection of utter inefficiency and irresponsibility on the part of both the Central Government and the AGP Government that the fencing work started years later in 1992. Neither the proposal of establishing 19 Police stations of the riverine police nor the 1999 decision of establishing a second line of defence to detect illegal migrants have been implemented. The border still remains porous today, and this must be considered a grotesque failure after 28 years. However, some other proposals in the Accord have been successfully completed. Numaligarh Oil Refinery, One Indian Institute of Technology, two Central Universities (Tezpur and Silchar), LPG Bottling Plant in Bongaigaon, and three Industrial Growth Centres have been established. Ex-gratia grants have been made to those who died in the agitation. But the prime objective of detection, deletion and deportation has failed, in our opinion, for reasons embedded in the Accord.

Authoritative estimates of the number of illegal Bangladeshis in Assam for the 20-year period 1951-1971 and for the 40-year period 1971-2011 are not available. There seems to be a mystery about the number of illegal migrants. On 10<sup>th</sup> April 1992, Hiteswar Saikia, the then Chief Minister of Assam, announced in the Assembly that there were “between two and three million” illegal Bangladeshis in Assam. A nine-paragraph statement outlining the economic and political consequences of the Bangladeshi infiltration was distributed to the media. But, as reported in *Frontline* (7 July 1992), Abdul Aziz, one of the Convenors of ‘Muslim Forum’, reminded the Chief Minister on 24<sup>th</sup> May that Saikia’s party depended on Muslim votes and warned that it would take “just five minutes for the Muslims of Assam to throw Hiteswar Saikia out”. Two weeks later, on 7<sup>th</sup> June 1992, while addressing a meeting of the All Assam Minority Students Co-ordination Committee at Juria (near Nagaon), Hiteswar Saikia did a volte-face; and he announced that there was “not a single illegal migrant in Assam”. To borrow a famous phrase from John McEnroe: you can’t be serious. A rational explanation of this bizarre episode has never been given to the people of Assam.

The number game is both confusing and controversial. Confusing because objectives of the empirical studies differ, and controversial because statistical methods used vary. A recent study by three authors [B.K. Nath, D.C. Nath & B. Bhattachayya, *Asian Journal of Applied Sciences*, 2012, pp. 164-173] estimates “undocumented migrants” in Assam for the period 1971-2001 to be 1.37 million. They use the Leslie Matrix method. A simple extrapolation of this estimated number at 2.15% (the natural rate of growth of Bangladeshi population in 2008) for 10 years to 2011 yields an approximate estimate of 1.7 million. Earlier, using the “survival method”, another study [A. Goswami, A. Saikia & N. Goswami, *Population Growth in Assam 1951-1991 with Focus on Migration*, Akansha Publishing House, New Delhi, 2003] revealed that 1.3 million illegal “international migrants” entered Assam during the 40-year period 1951-1991. Using Census data and employing clever statistical analysis, the most recent estimate of “Muslim migrants” to Assam [V.K. Barooah, “The killing Fields

of Assam: Myth and Reality of its Muslim Population”, *Economic and Political Weekly*, vol. XLVIII, No.4, 2013, pp. 43-52] finds that the maximum number of illegal Muslim immigrants in 2011 “comprises 5% of Assam’s Muslim population of 10.1 million” which is 0.51 million, but less than 2% of the state’s population 31.2 million” which is 0.62 million. Barooah puts forward the “reproductive hypothesis”, that is, the Muslim population in Assam has increased during the period 1971-2001 because of higher natural rate of growth of the Muslim population. This is an alternative to the “illegal migration hypothesis”.

However, several districts in Assam have been swamped by high growth of population. During the decade 1951-61, Kokrajhar, Demaji, Karbi Anglong, Baksa and Udalguri registered respectively 55%, 103%, 68%, 57% and 67% decadal growth. During 1961-71, some of these high-growth districts continued to be so, and Kokrajhar, Dhemaji, Karbi Anglong, Chirang and Baska registered respectively 55%, 103%, 68%, 57% and 67% decadal growth. For the period 1971-91, noting that Census did not take place in Assam in 1981, the districts recording 70% or more population growth are: Dhemaji, Karbi Anglong, Dima Hasao, Chrang, Kamrup, Nalbari, Baska and Darrang registering respectively 107%, 75%, 98%, 103%, 82%, 76%, 74% and 90% growth. Note that Darrang, Nalbari, Kamrup and Dima Hasao are newly flagged up. For the decade 1991-2001, only Dima Hasao registered 25% decadal growth, and the rest show significantly less growth, the lowest being -0.08% in Chirang. For the decade 2001-11, data for all districts show more or less natural rate of growth with the exception of Dhubri registering 24% decadal growth.

With reference to the Muslim population, consider first the districts that have higher (above 50% or so) percentage of Muslim population in 2001. These are: Dhubri (74%), Golapara (53%), Barpeta (59%), Marigaon (48%), Nagaon (51%), Karimganj (52%) and Hailakandi (58%). Dhubri borders along north-east of Bangladesh, Goalpara, Barpeta are in the west of Assam (closer to Bangladesh), Marigaon and Nagaon are in central Assam, Karimganj and Hailakandi are in the south of Assam, but the north-west of Karimganj borders Bangladesh. Now consider the average annual rate growth of the Muslim population during 1971-1991 and 1991-2001 in the following high-growth districts (first and second figure respectively for 1971-91 and 1991-2001): Goalpara (4.0%, 2.9%), Kamrup (3.8%, 2.8%), Darrang (5.7%, 3.3%), Lakhimpur (4.9%, 2.8%), Nagaon (3.9%, 3.1%), Sibsagar (3.6%, 2.6%), Karbi Anglong (5.6% 7.4%), and North Cachar Hills (20.5%, 4.0%) and Cachar (2.3%, 2.7%). These figures reveal that, with the exception of Nogaon, the rate of growth of Muslim population during the 1990’s is higher in districts where the proportion of Muslim population is relatively lower. This indicates that immigrants move to newer territory (with lower proportion of Muslim population) in Assam. Second, not only the districts bordering Bangladesh, namely, Dhubri and Karimganj, have higher ratios of Muslim population, but also from Dhubri, Muslim population has spilled over to the western districts, Goalpara and Barpeta, and from Karimganj to Hailakandi.

There is no doubt that a “large” number of illegal Bangladeshi migrants live in Assam. It is also not surprising that the people of Assam feel betrayed as the required actions were not taken on time. The Assam Accord is now outdated as events have overtaken it and conditions have historically changed. The policy of detection and deportation is no longer feasible for reasons we have explained. Those migrants who entered Assam some 40 or 30 years back and who have now children and grandchildren cannot be got rid of because of human rights.

We suggest that the policy now should be 'prevention and assimilation'. Prevention implies rapid implementation of the promised policy of fencing along the border, check posts, patrols along the riverine routes etc. Assimilation implies that, as a first step, we need to declare amnesty to illegal Bangladeshi migrants who have lived in Assam for 25 years or more and who own land. There is no way that these migrants could be deported. Those who have lived in Assam for less than 25 years, work permits should be issued, and they will remain Bangladeshi citizens and will not have voting rights. The indigenous Muslim community should work with Bangladeshi Muslims for peace and harmony. If the migrants feel threatened, the Jihadi forces will find a natural ally for support; and this is already beginning to happen, and must be stopped.

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