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## **UNIT 7 MIGRATION, REFUGEES AND CITIZENSHIP \***

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### **7.0 OBJECTIVES**

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After reading this unit, you will be able to:

- Explain the meaning of concepts of migration, refugee and citizenship;
- Discuss the phases of migration in Northeast India;
- Elaborate upon the issue the questions relating to refugees in Northeast India; and
- Discuss the issue of citizenship in the region.

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### **7.0 INTRODUCTION**

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The issue of ‘migrants’ has dominated the politics in Northeast India since the 1930s. It continues to play a decisive role in the region’s politics during the post-colonial period. During 1979-85 it was the central issue in the anti-foreign national movement in Assam. In the discourse on ethnic or ethno-nationalist politics in Northeast India, the migrants are often alluded to as “outsiders” by the indigenous communities. In terms of group identities, migrants and indigenous communities broadly belong to different ethnic groups. In tribal areas, the

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differences between the migrants and indigenous communities are often manifested in the form of differences between the tribal and non-tribal groups. The tribal areas in the Northeast have often witnessed anti-outsider or anti-migrant movements resulting in violence. Migration has been an important issue in election campaigns, non-electoral mobilisation, debates within the legislatures, and popular discourse in different states of Northeast India, especially Assam, Mizoram, Tripura and Meghalaya. The arrival of refugees from East Pakistan in the wake of the partition of the country or later Bangladesh and the question of citizenship in this century has also become central to political mobilisation in Northeast India. This unit is about the issues of migration, refugees and citizenship in Northeast India.

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## **7.2 MIGRATION, REFUGEES, CITIZENSHIP: MEANINGS**

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Migration is a movement of people from one place to another for long or short-duration settlement. A refugee is a person who is forced to migrate to another country from his/her original habitat because of displacement. The displacement can be due to reasons such as persecution because of status as an ethnic minority, natural calamities, state policies, external aggression, social strife, etc. Citizens are those natives of a country who are granted legal rights to live in that country and enjoy all the entitlements by the state. Refugees are sometimes granted citizenship in the country of their migration, and sometimes they remain permanently as refugees. Citizenship could be acquired by birth, naturalisation or application. When the migrants are accepted by the hosts, they are granted citizenship which means enjoying all the rights and entitlements that the original citizens have. The Citizenship Act of India 1955, while defining Indian citizenship, also defined 'illegal immigrants. According to this Act, an illegal immigrant is the one who enters into India without a valid passport or other travel documents or such other document or authority as may be prescribed by or any other law in that behalf or without a valid passport or other travel documents or authority as may be prescribed by or any other law in that behalf but remains therein beyond the permitted period of time. The illegal migrants are also referred to as infiltrators. The host country can prosecute them, or they can be deported to the country of their origin.

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## **7.3 MIGRATION**

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Migrations into Northeast India took place in two phases: One, during the colonial period, and two, after independence.

### **7.3.1 Migration in Pre-Independence Period**

Migration into Northeast India from other regions of undivided India began in the third decade of the nineteenth century following the occupation of territories that later constituted Assam. This migration occurred with the patronage and encouragement of the British. They encouraged and patronised people from other regions to engage in various economic and administrative activities: tilling the

land, working in tea plantations, doing unskilled labour, service in public institutions, army, trade, etc. The colonial authorities realised that migration of peasants was necessary for cultivating the massive uncultivated/ wasteland which they discovered at the time of occupation of Assam in 1824. In order to generate revenue by increasing agricultural productivity, they decided to cultivate the wasteland. For this purpose, the colonial authorities decided to populate Assam with migrants from neighbouring Bengal districts and settle them in the wastelands of Assam. The colonial authorities also recruited indentured labour from other parts of the country to work in the tea plantation. Besides, for farming land and tea plantation, there was migration to Northeast of collar workers, artisans, traders, dairy farmers, merchants and speculators, labour force working in the petroleum and coal industries of Assam. The migration of people from outside Assam was thus able to transform the demography of the province. The recruitment continued till 1950.

Migration for specific activities generally took place on a regional basis. Migration and settlement of dairy farmers and ex-army men came mainly from Nepal. Migration of White-collar workers/salaried employed in the government as well as plantation sectors mainly took place from Bengal. Tea plantation migrant workers mainly belonged to the mixed population, mainly of tribals from India's Eastern and central provinces. In the plain areas of Assam like Brahmaputra valley and Barak Valley, migration was initially of landless agriculturists of Bengal who were encouraged to come and settle in these lands. Assam witnessed a larger share of this migration. The tribal areas such as Nagaland, Mizoram, Tripura did not experience in large scale migration from other parts of India except government officials and Christian missionaries. While migration for farming and into the tea plantation sector was linked with land and rural economy, migration into cities was linked to urban economy – services in offices, trade and business, other kinds of activities. Migration and settlement into the capital region of Shillong (Meghalaya) and Imphal (Manipur) was largely that of government officials, traders and merchants (as there was no prohibition in settlement). Colonial interests moulded the British migration policy in the Northeast. Although the colonial authorities encouraged outsiders (people from other regions) to Northeast India, they did not allow it into every part of the region. The British regulated it by introducing the Inner Line Permit System, which prohibited the entry of non-tribals into tribal areas. Due to such policy, different areas in the Northeast witnessed different levels of migration.

### **7.3.2 Migration in Post-Independence Period**

After the partition, the people who moved from other regions into Northeast India can be categorised into three types: migrants, refugees, and illegal migrants. As a refugee, by definition, is a person who migrates from his/her country to another country; with East Bengal becoming a part of a new country after the partition (Pakistan), migrants came to be categorised as refugees. Apart from the refugees and illegal migrants from the neighbouring countries such as East Pakistan or Myanmar, migration from other parts of India continued after Independence labouring classes, white-collar workers, skilled and unskilled labour force,

managerial groups, entrepreneurs, businessmen, traders and speculators from other parts of India. Tea estates, major oil refineries at Guwahati, Digboi and Bongaigaon, tertiary sectors involving infrastructural needs like the expansion of roads etc., attract migrant labourers from the other regions. Educational institutions in the states of northeast India such as central universities and other central government offices like the Railways, Postal sector, Banking sector, the telephone sector also attract migration of middle-class employees to northeast India from other parts of the country.

### **7.3.3 Conflict on the issue of migration**

Migration has often been perceived as detrimental to local or indigenous communities' economic interests and social and cultural identities. This happens with reference to both kinds of migration: the migration from neighbouring countries, especially Bangladesh, and internal migration, i.e. from other regions of India to the states of Northeast India. There have been ethnic conflicts between the migrants and indigenous population in the region. In states with a substantial tribal population, the conflict relating to migration often becomes a conflict between tribals and non-tribals. The Assam movement (1979-1985), which was led by the All Assam Students Union (AASU) is the most important example of a movement against foreign nationals in northeast India. The detection of bogus voters during a by-election in 1979 to Mangaldai Lok Sabha constituency sparked off the anti-foreign National Movement. It spread to other Northeastern states led to a series of violence which included the Shillong riots (1979), the Nellie Massacre (1983) and the Mandai Massacre (1985). The movement ended in 1985 with the Assam Accord, which agreed to confer citizenship of India to all those immigrants who came to India up to 1971. It had a caveat that those who entered between 1961-71 would have to complete a term of ten years before the conferment of citizenship.

#### **Check Your Progress Exercise 1**

**Note:** i) Use the space given below for your answers.

ii) Check your answers with the model answers given at the end of the unit.

1) Explain the meanings of migration, refugees and citizenship.

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2) Discuss the phases of migration into Northeast India.

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## 7.4 REFUGEES

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The entry of refugees into Assam started after the partition of the country in 1947. Indeed, the people who were simply considered migrants into Assam from another part of British India in the pre-Independence period came to be known as refugees after East Bengal became East Pakistan in 1947 and Bangladesh in 1971. As you read section 7.2 of this unit, refugees, by definition, are displaced migrants from other countries. Partition of India and communal riots that accompanied it displaced many people (Hindus) in East Pakistan. The displaced people migrated to Assam as refugees. The first substantial influx of refugees took place following the Noakhali Riots in October 1946. The stream of refugees decreased considerably after the riot. But the outbreak of fresh communal violence in the 1950s resulted in increasing the number of refugees into Assam, mostly in the Cachar district. The largest number of the refugees came from Sylhet, followed by those from Mymensingh and Dhaka. The number of refugees declined following the signing of the Nehru-Liaquat Khan Pact of 8 April 1950. The Nehru-Liaquat Pact envisaged security, freedom and protection of property of the minorities in both countries. However, the Nehru-Liaquat Pact could not stop the process of movement of the refugees into Assam. During the Bangladesh war of 1971-72, lakhs refugees entered Assam and West Bengal. While many of them returned to Bangladesh after the war, it is presumed that a chunk of this population did not go back and settle in these provinces. In Tripura, the migration of Bengalis resulted in the demographic transformation of the state. In all states of the region, there is resentment against the influx of refugees. Apart from Assam, the Arunachal Pradesh and Mizoram also witnessed the arrival of Chakma and Hajong refugees from East Pakistan in the 1960s. Their displacement leading to their migration, was caused by dam construction in the Kaptai river. During the second half of this century, a large number of Rohingyas have come to Tripura, Assam and Mizoram.

**Host-Refugee Conflict:** There were strong resentments against the settlement of these refugees in these states, and despite the Supreme Court verdict to confer their citizenship status, the matter remains unsolved. This led to resentment against Bengali domination/hegemony among the indigenous people in Tripura, against Chakma Hajong in Arunachal Pradesh and against Chakmas in Mizoram.

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## 7.5 CITIZENSHIP

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### 7.5.1 Emergence of Citizenship issue

The citizenship issue in Assam arose immediately after the commencement of the Indian Constitution in 1950. There were complaints of continuation of illegal migration into Assam even after the partition. The Government of India took different measures after the partition to deal with the question of citizenship. Among these were the Foreigners Act 1948, The Foreigners Order 1948, Immigrants (Expulsion from Assam) Act 1950, The Citizenship Act 1955, Permits System, PIP (prevention of infiltration of Pakistanis) Scheme 1965, The

Foreigners (Tribunal) order 1964, The Foreigners (Tribunal) Amendment order 2012, The Passport (Entry into India) Act 1920, The Citizenship (Registration of citizen & Issue of National Identity Cards) Rules 2003, The Citizenship Rules 2009, Foreigner Tribunal and illegal migrants (Determination Tribunal), and Illegal Migrants (Determination Tribunal) (IMDT) Act 1983. A category of 'D' voters was used to detect, deport and intern the suspected infiltrators. According to a Government report during 1951-61, a total of 2,20691 Pakistani infiltrators entered Assam, of which 122476 were detected and deported by June 1965. Between 1985 and July 2005, after the formation of IMDT, a total of 112791 persons were referred to as foreign nationals, of which 12846 were declared to be so, and 1547 actually deported. Between 1985 and July 2012, a total of 61774 persons have declared D voters, of which 6590 persons were actually declared foreigners. Evidently, there were endeavours to detect and deport foreign nationals all along the period. The government also established a number of Detention Camps where 'doubtful' citizens were incarcerated till their citizenship was proven or were deported. But there were gross human rights violations in these camps.

In 1951, the National Register of Citizens (NRC) was prepared to keep the record of genuine citizens of India in Assam. The Citizenship Act 1955, which envisaged the citizenship laws in India, was enacted five years after the commencement of the Constitution. The makers of the Indian Constitution did not give a complete code of citizenship and left modification and regulation of citizenship rights to the Parliament. Therefore, under Article 11 of the Constitution, the Parliament passed in 1955 a comprehensive law to deal with citizenship. The main objective of the Act is to provide for the attainment and termination of Indian citizenship. The provisions of the Act may be broadly divided into three parts i.e., acquisition of citizenship, termination of citizenship and supplemental provisions. The Act provides five modes of acquiring the citizenship of India. The modes are acquiring citizenship by birth, descent, registration, naturalisation, and incorporation of territory. The Act also provides for loss of citizenship by renunciation, termination and deprivation. The citizenship Act of India 1955 took due care of the previous history and geography of the country, which had undergone two hundred years of colonial rule and vivisection during independence. Those who were inhabitants of parts of India, which had now become another sovereign country, were not deprived of Indian citizenship, if they decided to migrate to this part of India. The citizenship laws were changed as per the provisions of the Assam Accord signed in 1985. According to the changes, all those who migrated to India from Bangladesh before March 1971 were considered citizens.

Citizenship became a dominant issue in Northeast India during the Assam Movement (1979-1985). As citizenship is about the right of individuals to reside and vote, own, inherit and transfer property, etc., the detection and deportation of foreign nationals from Assam are related to the question of citizenship. The leaders and supporters of the Assam movement argued that their citizenship rights were adversely affected because the illegal migrants (non-citizens) had

encroached upon their rights: usurped their land, economic opportunities, and got themselves illegally included in the voters list. Inclusion of illegal migrants/non-citizens in voters' lists harmed the rights of the indigenous people. By-election to Mangaldai Lok Sabha constituency for the first time triggered the six years of anti-foreign movement in Assam. The Congress government passed IMDT Act 1983 to identify the illegal migrants and deport them to Bangladesh. The leaders of the Assam movement disapproved of the IMDT on the following grounds: the Assamese opinion was not taken into consideration while passing this Act; the onus of proving the charge of illegal citizenship was on the complainant, not on the illegal migrant. The foreign national issue continued to prevail even after the Assam Accord was signed in 1985: a large number of foreign nationals were still present in Assam. The issue reemerged at the centre stage of politics in 1998 when the report of Lt. Gen S.K. Sinha, then Governor of Assam, which he sent to the President of India, had become public. Lt. Gen. Sinha's report mentioned that about a crore of illegal Muslims had infiltrated into Assam with a grand design of Pakistan laying claim to the territory; lakhs of Bangladeshi nationals were staying illegally in Assam. This might reduce the indigenous Assamese into a minority. Fears grew in the indigenous communities that the rise in the Muslim population in Assam would decrease the number of indigenous communities. Against this background, in 2005, a petition was filed by Sarbabanda Sonowal, AGP leader (who later joined BJP and became chief minister of Assam) in the Supreme Court challenging the validity of the IMDT Act, 1983. The Supreme Court declared the IMDT Act null and void in the same year.

Citizenship is giving citizenship rights to the citizens and denying it to the non-citizens such as illegal migrants. Illegal migrants have been defined in Assam Accord as those who infiltrated illegally after December 24, 1971. However, the stream that infiltrated illegally between January 1, 1966, and December 24, 1971, was not to be deported and was to be given Indian citizenship after a lapse of ten years. In other words, to declare a person an illegal immigrant, it has to be proved that a person is not an inhabitant of India and had entered and/or stayed in India without authority irrespective of the country, language, religion he/she belongs to. However, if anyone has the documents to show that he/she is an inhabitant of India, and therefore a legitimate citizen according to the country's citizenship laws, he/she could not be accused of being a foreign national and illegal immigrant. Despite that, the Assam continued to complain about the large-scale entry and presence of illegal immigrants since India's independence.

### **7.5.2 The NRC and CAA, 2019**

Both NRC (National Register of Citizens) and Citizenship Amendment Act, 1919 (CAA, 2019) are about citizenship. As mentioned earlier, the NRC was first prepared in 1951. The Parliament passed the Citizenship Amendment Act (CAA) 2019 to Amend the Citizenship Amendment Act, 1955. The CAA proposes to grant citizenship to persecuted religious minorities – Hindus, Sikhs, Buddhists, Jains or Christians from Afghanistan, Bangladesh and Pakistan. The NRC is a contemporaneous register prepared by the officers appointed under the provisions

of the Census Act in the course of census operations. In 2005 the first proposal to upgrade the NRC of 1951 was made in a tripartite meeting between the AASU, Assam government, and the central government. Its immediate context was the tripartite meeting of the Supreme Court's verdict, which declared the IMDT Act, 2013 null and void. The court verdict was on a petition filed by Sarbanand Sonowal to challenge the IMDT Act. Subsequent meetings were held to discuss the citizenship issue in 2011 and 2013 by the then Assam Chief Minister Tarun Gogoi to update the NRC. But the process of updating of NRC by the Gogoi government in 2012 was halted following the protests in Dhubri and Goalpara, and riots between the Muslims and Bodo tribals in Bodoland areas in 2012 and 2014. In 2014 a new organisation called *Assam Sanmilita Mahasangha*, filed a petition in the Supreme Court to examine the constitutional position of the laws of citizenship in India and to upgrade the National Register of Citizens prepared in 1951 for Assam. The Supreme Court delivered judgment on these petitions in December 2014, which allowed upgrading of the NRC of 1951 to resolve the issue of the citizenship and illegal immigration. The upgrading of the NRC, 1951 had become necessary of its limitations. Its enumeration was a hurried one, in which the register of citizens of the entire nation was prepared in an impossible span of mere twenty days: between 9<sup>th</sup> February and 28<sup>th</sup> February, 1951. It was a casual attempt and a by-product of the Census Act of 1948, and the untrained census enumerators issued a slip for every entry in the census. Thus, the register was prepared based on the slip. In due course, even the process of tallying the slip was abandoned at the orders of the Registrar General of Census. The Guwahati High Court held in 1970 that the NRC, 1951 was inadmissible evidence according to the Evidence Act.

Because of the Supreme Court's verdict of 2014, the Assam Government started enumeration of the NRC. The NRC enumeration results were declared in 2019, by which more than 19 lakh population of Assam was declared illegal. Simultaneously another legislation called Citizenship Amendment Act (CAA) the Government of India passed in 2019. Citizenship was given to the persons belonging to five persecuted religious minorities from the three countries (mentioned earlier) that had arrived in India before 2014. The CAA 2019 was opposed by all the states of northeast India as they feared that the Act would grant citizenship to refugees whom they seek to expel from their territory. In other parts of the country, it was opposed on the ground that excluding Muslims it was violating the secular spirit of the Indian Constitution. The CAA 2019 is among the latest of such attempts. As mentioned in sub-section 7.5.1, the Government of India took several measures on the question of citizenship after Independence.

### **Check Your Progress Exercise 2**

**Note:** i) Use space given below for your answers.

- ii) Check your answers with the model answers given at the end of the unit.

1) What is NRC?

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2) What is CAA, 2019?

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## 7.6 LET US SUM UP

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Migration, Refugees and citizenship are crucial issues in academic, political and popular discourse on Northeast India. Migration implies a movement of people from one place for settlement. Refugees are the people who migrate from their original habitat to another country due to their persecution as an ethnic group, displacement caused to state policies, social strife, external aggression, etc. Migration into Northeast India began in the colonial period after the British occupied different areas of Assam from the third decade of the nineteenth century. During the colonial period, the colonial authorities encouraged people from other parts of the country to migrate to the region to carry out administrative and economic activities: plantation, dairy farming, labour to develop infrastructure, government jobs, army, etc. The migration into the Northeast continued in the post-Independence period. After the partition, migrants from East Pakistan/Bangladesh became known as refugees, illegal migrants or infiltrators. Migration in the Northeast has been a source of conflict in Northeast. In Assam, migrants from Bangladesh are seen as the main cause of economic and cultural problems. In tribal states, non-tribal migrants are viewed as the main source of economic problems and identity crisis. In Assam, migration sparked off an anti-foreign movement in 1979-85, and in the tribal states, it resulted in ethnic crises. Following the signing of the Assam Accord in 1985, citizenship became one of the central issues in the politics of Assam and other Northeastern states.

Assam Accord did not resolve the foreigners' issue. From 2005, it got linked with the citizenship question. A tripartite meeting between the state government, the AASU and the central government resolved to upgrade the NRC of 1951, which had several limitations. In 2014, giving a verdict on a petition, the Supreme Court directed the Assam government to prepare a new NRC. The NRC was prepared in 2019 (which had many flaws). Meanwhile, the Government of India passed the CAA in 2019, providing citizenship to the persons belonging to persecuted religious minority communities from Afghanistan, Bangladesh and Pakistan who had entered India before 2014. The CAA faced opposition in Northeast India on the apprehension that it would encourage infiltration/movement of foreigners into their region.

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## 7.8 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

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### Check Your Progress Exercise 1

- 1) Migration is a movement of people from one place to another for short or long-duration settlements. Refugees are migrants displaced from their original places due to persecution, social strife, state policies, and external aggression. Citizens are people who have a legitimate right to exist in a country and enjoy democratic rights.
- 2) Migration into Northeast India took place in two phases. The first started after the British occupied Assam from the third decade of the nineteenth century. The British encouraged the migration from different parts of India into Assam in this phase to carry out economic and administrative activities. The second phase of migration took place in the post-Independence period. During this phase, apart from the migration from other regions of India, there was also the influx of refugees and illegal migrants from neighbouring countries such as Bangladesh and Myanmar.

### Check Your Progress Exercise 2

- 1) NRC (National Citizen Register) is a register that maintains a record of all citizens in Assam. It was first prepared in 1951. However, it had several limitations. The Supreme Court of India ordered the upgrading of NRC in 2014 in a judgment. Accordingly, the Assam government completed upgrading the NRC, but it has errors.
- 2) CAA (Citizenship Amendment Act), 2019, was passed by the Parliament in 2019. The Act seeks to provide citizenship to persecuted religious minorities – Hindus, Sikhs, Buddhists, Jains or Parsis from Afghanistan, Bangladesh and Pakistan.