

# India's Policy towards Bangladeshi Migrants: Need for New Approach\*

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## Introduction

India's policy to Bangladeshi migrants is by large linked with the domestic root of foreign policy. While domestic actors to foreign policy encapsulates a wide range of individuals, interest groups, and business and political forces (among others) that attempt to influence foreign policy decision-making; India's policy towards Bangladeshi migrants is influenced by the political forces of West Bengal. India's policy towards Bangladesh, however, depends to a large extent with West Bengal's interest and perception. West Bengal government supported a range of bilateral agreements on river-water sharing, trade, transit rights for India through Bangladesh and border settlements. But the issue of migration is making bilateral relations impulsive.

India houses a large number of Bangladeshi migrants (documented of undocumented) working in various parts of India. To deal with this issue of migrants, however, one can hardly find any palpable policy taken by both the Government (India and Bangladesh).

There is a 3D policy taken by Government of India, i.e. Detection, Determination, and Deportation in context of undocumented or illegal migration. On the contrary Bangladeshi Government takes a denial stance and said time and again that there is no presence of illegal Bangladeshi migrants in India. Scholars observed that the issue of migration is used by the central as well as state Government of West Bengal to win elections.

GoI's policy of fencing couldn't able to seize the large influx. Reports shows that in India a significant amount of Bangladeshi migrants engaged in various type of works, like domestic help, rickshaw pulling, daily wager, brick clines, poultry firms, hawker etc. However the question of pressure on local resources and employment, insider-outsider debate, national security and many more is still unanswered at one hand, on the other the question of human rights of migrants' needs attention. However in 2014 and 2019 General election, also in 2011, 2016, 2021 assembly election of West Bengal the problem of Bangladeshi Migration posed as a major issue of concern.

Under this narrative this article will try to understand India's policy/attitude towards Bangladeshi Migrants in general and how the domestic factor effects the policy formulation, in this context, through the case study of West Bengal.

## Bangladeshi Migrants in India

According to World Bank statistics as presented in the report, 3,190,769 workers from Bangladesh went to India as migrants in 2010.”<sup>1</sup>

According to Datta and others<sup>2</sup>, “first records of massive migration took place during 1948-52 due to partition of India and Hindu backlash, followed by 1964-65 due to Indo-Pak war, and later in 1971 during Bangladesh liberation war.” During the liberation of Bangladesh in 1971, “nearly 2.4 million Hindus were killed. According to census of India, due to the illegal immigration the Hindus population grew to 25.75 % in the census year of 1961-1971”<sup>3</sup>. During the period the number of Muslims grew to 29.76 %. This mainly occurred due to rapid immigration of Bangladeshi people into Bengal which consists of both Hindus and Muslims. So that most of the Hindus migrated to India due to the fear of insecurity as well as for economic.

Who Reported	When Reported	Number in Millions
The Baltimore Sun	5/14/71	0.5
The Memento, Caracas	6/13/71	0.5-1.0
Washington Daily News	6/30/71	0.2
World Bank Report	June, 71	0.2
Die Zeist, Bonn	7/09/71	0.5
New York Times	7/14/71	0.2-0.25
Wall Street Journal	7/23/71	0.2-1.0
The Christian Sci. Mon.	7/31/71	0.25-1.0
Newsweek	8/02/71	0.25
Time	9/02/71	0.2-1.0
Newsweek	3/27/72	1.5
National Geographic	Sept. 1972	3.0

### *Number of Bengalis killed during liberation of Bangladesh<sup>4</sup>*

<sup>1</sup>The Ministry of Expatriates’ Welfare and Overseas Employment, the Bureau of Manpower Employment and Training, and the International Labour Organization: Skills for the international labour market: Bangladesh country report, Dhaka, 2015. Retrieved from [apskills.ilo.org>file1](http://apskills.ilo.org>file1) (Accessed on 12.09.2018)

<sup>2</sup> Datta, P., Sadhu, S., Bhattacharyya, B. N., & Majumdar, P. K. (2003, January). Undocumented migration from Bangladesh to West Bengal: A perception study. Paper presented in the workshop at the Indian Statistical Institute on the Undocumented Migration From Bangladesh to West Bengal organised by Population Studies Unit. Kolkata, India.

<sup>3</sup>Census Data 2001. [Online] Available at: [http://www.censusindia.gov.in/2011-common/census\\_data\\_2001.html](http://www.censusindia.gov.in/2011-common/census_data_2001.html) [Accessed 14 June 2019].

<sup>4</sup>“It’s Bangladesh versus India in the development race.” Retrieved from <https://economictimes.indiatimes.com/news/economy/indicators/its-bangladesh-versus-india-in-the-development-race/articleshow/68146764.cms> (Accessed on 19 October, 2019),.

To sum up, all literatures focus on the following reason for migration during early days, which were; political instability in Bangladesh due to independence war in 1971, lack of safety and securities of the Hindu families mainly, due to war, religious issue and communal tension affecting mainly Hindus during regime of Ziaur Rahman, friends and relatives giving shelter in West Bengal to those displaced undocumented migrants, economic instability in Bangladesh, and curtailment of facilities enjoyed by Hindu minority group.

Over the period migration was getting influence from the push and pull factors of both India and Bangladesh. Bangladeshi population was suffering from unemployment, so that they were unable to meet the requirements of their own as well as their family. Unemployment rate has shown as the push factor which was forcing the population mostly to leave the Bangladeshi regions. Poverty, flood, natural climates and also the political control was weakening the employment opportunities in Bangladesh. In contrast, India's better employment opportunity was attracting Bangladeshi people as pull factors. At that period, "religious persecution of both Hindus as well as Buddhist was forcing them to left their homes in Bangladesh and to become an Indian. From Census 1971 and 1981, it has been known that across the region of India, population of Bengalis was 44792312 and 51298319"<sup>5</sup>. By over viewing these statistics, based on the Hindu culture, around 6506007 Bangladeshi Bengalis have entered in India. Moreover, Islamic interest was increasing towards the uncontrolled population growth, which was leading the migration program towards its future expansion. Due to uncontrolled increasing population, Hindus were getting under pressure on land and mounting population. According to 1991 census, around 7 million Bangladeshi migrants have entered in Assam who was accounted as immigrants or descendants.

## **India's Policy toward Bangladeshi Migrants**

A large number of Bangladeshi migrants who are illegal and located in the Border States had proven to become a big challenge for India in regard to serious implications for both national security and resources<sup>6</sup>. It has also substantially contributed towards the change of demographic pattern in the north-eastern states in India, where the locals feel totally overwhelmed by the outside people. It has also adversely affected the way of life that led to a huge amount of tension between the two sides. The aspect of illegal immigrants are discussed under the Foreigner's Act (1946) that anyone who crosses the Indian border without the permission of visa or passport, and if the tenure

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<sup>5</sup> indianexpress, 2019. *1947 and Bangladesh: The third unknown history*. [Online] Available at: <https://indianexpress.com/article/opinion/1947-and-bangladesh-the-third-unknown-history-partition-pakistan-4815434/> [Accessed 04 January 2019]

<sup>6</sup>Bryan, G. & Chowdhury, S., (2014). Underinvestment in a profitable technology: The case of seasonal migration in Bangladesh. *Econometrica*, 17(5), pp. 1671-1748, DOI: 10.3982/ECTA10489.

of stay within India is over, the person must leave the country within a period of 24 hours, otherwise he or she must report to the local police authorities.

On the other hand, the continuation of a sophisticated terrorist infrastructure in harmless shelters across the border; the internationalisation of organised criminal syndicates with powerful political influence and support; and a strengthening network of well-funded institutions for the communal mobilisation of the migrants are among the most dangerous trends along the India-Bangladesh border and other border areas of South Asian nations. These problems are supplemented by non-linear boundaries, borders that are poorly surrounded, and intermingled ethnic groups along both sides of the border. The span of the border, difficult topography and inconsiderate climatic conditions also present unique monitoring challenges in the region. Hence there is effective need for framing of definite policy and implementation of the policies.

Pertaining to India's response to address the issue of Bangladeshi (illegal) migrants and also the context of their human rights, one can identify the dichotomy between the Indian government's obvious anxiety about unauthorized migrants from Bangladesh and the government of Bangladesh's overt denial of the scale of this phenomenon. It is clear that framing suitable policies will require consolidated efforts by sending and receiving countries to improve the mechanism of data collection and analysis of Bangladesh-India migratory flows. Time and again the Government and leaders of some political parties made confident statement about the presence of huge number of illegal Bangladeshi migrants in India. Though, Bangladeshi Government strongly opposed this proclamation.

The argument over the migrants at the border speedily stretched into a full-scale diplomatic row involving the two countries with India forcefully maintaining that the migrants had 'no right to stay in India permanently', while Bangladesh accused India of expelling Bengali-speaking Indian Muslims<sup>7</sup>. The latter strongly denied the presence of undocumented Bangladeshis in India and, at the same time, refused to accept migrants without formal credentials<sup>8</sup>. A representative of the Bangladesh government observed, at a press conference: "how [can] you call them Bangladeshis? Are they carrying Bangladeshi passports or any other identification? There is no question of accepting them"<sup>9</sup>.

"GOI had initiated a policy in the year of 1986 to build the fence in the demarked land boundaries. The GoI initiate the policy of fencing in two phases namely phase I and phase II. Phase

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<sup>7</sup> See Hindu 2003. 'They have no right to stay here: Advani,' 6 February and Hindustan Times 2003b. 'Bangladesh tells India to stop 'push-ins' at border,' 5 February.

<sup>8</sup> See Telegraph 2003a. 'Election heat on Bangla migrants,' 31 January.

<sup>9</sup> See Kaushik, Narendra 2003a. 'Bangladesh turns back deported people,' Mid-Day, 28 January.

I initiated in the year from 1987 to 1999 and phase II initiated from the year 2000 to 2007”<sup>10</sup>. To resist the attempt of migration from Bangladesh with the intention of terrorist activity the proposal of making 3438 km fencing was made in the policy.

After the emergence of Bangladesh, the Indira-Mujib Pact of 1972 provided that all migrants who had entered India prior to March 25, 1971, the day the Pakistani crackdown on civilians and the Bangladeshi resistance fighters began, would be allowed to remain in the country while the rest would have to return to Bangladesh. India does take necessary actions to restrain illegal immigration from Bangladesh i.e. border fences, laws to detect, disenfranchise and deport illegal migrants, identity cards, forced expulsion drives, joint border patrolling and other coercive methods -- were not effective enough in unsettling the flow of Bangladeshi migrants across the border. In reference to Human Right protection of Bangladeshi migrants, there are hardly any measures undertaken by Government of India.

Illegal immigrants from Bangladesh into India continued since 1991 that included refugees, economic migrants, and the continuation of other people. There is no reliable figure in regard to the exact number of immigrants from India to Bangladesh. “The analysis in regard to the population growth as well as the demographic statistics of the Bangladeshi citizens to India in the last four sessions suggests that the number exceeds 15 million”<sup>11</sup>. There are about 100,000 people that have settled as Bangladeshi immigrants to different parts of India since 1991, which has increased the population of India, as well as it creates problems in employment. Most of them are also engaged in menial jobs in the metropolitan cities in various parts of India.

The penalty for the violation of this Passport Act (1920) is Rs. 100,000 for those who enter the country without valid documents. However, that is not always applicable to the Bangladeshi immigrants because getting hold of them since their migration to India is an issue because they quickly intermingle with the Indian population. As the native tongue of the Bangladeshi immigrants is Bengali, that also be the native language of West Bengal which actually helps the Bangladeshi immigrants to mingle properly with the natives of this state.

However, as far as the Bangladeshi illegal migrants are concerned, most of them do not have valid documents, and they started coming into India to escape economic problems, and in the hope of getting better employment from India. Other than that, the political and religious reasons are also considered as vital reasons for immigration. The approach of India towards the Bangladeshi migrants had changed a lot since 1991 due to several insurgencies that had taken place

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<sup>10</sup>Shamshad, R., 2017. Bengaliness, Hindu nationalism and Bangladeshi migrants in West Bengal, India. *Asian Ethnicity*, 18(4), pp. 433-451, DOI-10.1080/14631369.2016.1175918.

<sup>11</sup>Upadhyaya, P., (2017). Securitization matrix in South Asia: Bangladeshi migrants as enemy alien. *Non-Traditional Security in Asia*, 11(4), pp. 25-51, DOI: 10.1080/09700161.2014.863465

in the country for the increase in the number of immigrants<sup>12</sup>. In the state of Assam, the presence of disproportionately huge amount of illegal immigrants from erstwhile Eastern Pakistan, and Bangladesh had led to a demand of their deportation.

After the year 1991, for assisting the South Asian countries along with the development of domestic refugee laws, the UNHCR had set-up a group of five-member Eminent Persons Group (EPG) in the year 1994, which was headed by P.N. Bhagwan, who was also the former chief justice of India, and he was also with a compromising Justice Dorab Patel of Pakistan, Kamal Hossain of Bangladesh, Rishikesh Shah from Nepal, and also a human rights activist, Bradman Weerakoon from Sri Lanka, who was a senior bureaucrat<sup>13</sup>. This EPG had proposed the model refugee laws in the year 1997, and it subsequently came out with the South Asia Declaration of Refugees.

India's policy towards the Bangladeshi migrants is not anything specific. However, as per the citizenship amendment act (2003), "the Central Government may, on an application made in this behalf, register as a citizen of India any person not being an illegal migrant who is not already such citizen by virtue of the Constitution or of any other provision of this Act if he belongs to any of the following categories, namely:-

“(a) A person of Indian origin who is ordinarily resident in India for seven years before making an application for registration;

(b) A person of Indian origin who is ordinarily resident in any country or place outside undivided India;

(c) A person who is married to a citizen of India and is ordinarily resident in India for seven years before making an application for registration”<sup>14</sup>.

It is clearly mentioned in the citizenship act that there is no provision for illegal migrants to become the citizen of India. Still data revealed by many sources that illegal migrants from Bangladesh holds many Indian documents like ration cards, voter cards, adhaar cards etc. This indicates the range of political and administrative corruption which helps illegal migrants to get the Indian official documents. In response to tackle the issue of illegal migrants from Bangladesh the Government of India is following 3D policy, that is detection, determination and deportation. Though there are hardly any bilateral arrangements between India and Bangladesh in this issue. And Bangladesh often shows there irritation by stating that India expelling Bengali Muslims and

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<sup>12</sup>Bhagat, R., (2016). Internal migration in India: are the underclass more mobile. *India Migrations Reader*, 12(5), pp. 132-150, DOI: 10.4324%2F9781315559377-14.

<sup>13</sup>Björkman, L., (2014). Becoming a Slum: From Municipal Colony to Illegal Settlement in Liberalization-Era Mumbai. *International Journal of Urban and Regional Research*, 12(5), pp. 36-59, DOI: 10.1111/1468-2427.12041.

<sup>14</sup>The Citizenship (Amendment) Act, 2003, Amendment of section 5.- In section 5 of the principal Act, (a -1)

there is no presence of illegal Bangladeshi migrants in India. Thus there is dearth need to examine the issue of illegal migrants from Bangladesh and response from the Government of India.

### **Need for New Approach**

The study on Bangladeshi migrants in India needs a new approach to deal with the multidimensional significance. The issue of migration has been changed in the context of the world-wide complexity varied from region to region. Bangladeshi migration to India is an exceptional phenomenon in terms of its regional and historical significance. Over the past few years, and most recently, trends and context of Bangladeshi migration to India have been placed as an important international agenda. It has also laid some serious question reflecting international agenda of security, national interest, the context of national sovereignty, terrorism and so on. But one should be well aware of the fact that in the name national security, sovereignty Government could not simply term nationals from other country as a terrorist, or they should not be treated as aliens. In this context protection of Human Rights of migrants and Governmental approach is an important measure that needs to be addressed.

Since the independence of India and after the independence of Bangladesh, migration flow to India takes new height. But it is noteworthy to mention here that India's foreign policy changes from idealist mode of cooperation to pragmatic realist mode after cold-war, not drastically but rather holistic. On the other hand, migration becoming more important issue since globalisation has been able to bag the world market, after the cold war world era. For extensive analysis of the problem, India's attitude after the cold war will be the appropriate period of enquiry as liberalisation, privatisation and globalisation have started its journey leading to massive growth of population movement to meet the demand of the market.

To deal with the issue of migration from Bangladesh to India, SAARC can be an effective platform to resolve the problem. It is imperative that the respective government's inquiry into the motive reflects the burning nature of immigration. Following can be considered to address the issue.

- Those who have migrated for better economic opportunities should be given work permit for a certain period.
- India and Bangladesh must encourage greater political exchanges and considerable security cooperation to overcome the common challenges.
- People to people contact through cultural harmony, educational development programmes and sustainability in their respective countries as well as in their neighbourhood should be encouraged.
- Enhancing bilateral trade and exchange of high level visits are not enough for rejuvenation of bilateral ties.

- There is need for continued mutual trust and understanding, otherwise the increasing weight of suspicion and doubt will overshadow this much- needed partnership.
- Both the country should encourage the member state to focus on bi-lateral dialogue, confidence building measures (CBMs) and increasing economic ties and cooperation.

## **Concluding Observation**

The changing global order since 1991 including the collapse of the Soviet Union and the end of the cold war had necessitated some political reforms in Indian immigration policies towards Bangladeshi migrants<sup>15</sup>. The primary task of this foreign policy is ensuring an external environment that fosters development and transformation of India, and the focus is firstly towards India's neighbourhood like Bangladesh because the flux of immigrants from Bangladesh is huge in number. The improvement of ties between Dhaka and New Delhi had been reciprocated by a previous, non-Congress leader I.K.Gujral that had helped in extending policies towards the South Asian neighbours, which is also known by 'Gujral Doctrine'.

At the same time State has to examine the issue of the national security and sovereignty. The emerging role of MNC and the context of national interest have also been changed in due course. The rigid nationalist approach to deal with the issue of migration may jeopardise the humanitarian understanding of the issue. When migration (i.e. immigration) is considered as the source of working force, the host country should accept the migrant worker and treat them at par with the workers of their own country. But politics played by political parties, groups and individuals creates a distinction between 'us' and 'them'. This creates a dilemma for the State that reflected in its policy and attitudes. At the same time policy promises made by the Government and policy implementations or action taken in the same direction or not is also an important question that needs to be examined.

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<sup>15</sup>Morten, M., (2016). *Temporary migration and endogenous risk sharing in village india*. 4 ed. London: National Bureau of Economic Research, ISBN: 1086700763.

\*Some part of the article is taken from the PhD thesis of the contributor.