

Impact of illegal Migration on Indias Position in International Relations: A Case Study of India - Bangladesh Border

Ms. Deepti Yadav

Student, Liberal Arts, Amity University Lucknow

ABSTRACT

Independence for Bangladesh began in 1971 when the government in what is now Bangladesh seceded from oppressing governments. The creation of the state of Bangladesh changed the history and the political geography of South Asia. The oppressive behavior of the Pakistan military toward civilians in their country was not only responsible for creating the refugee crisis, but also caused a massive humanitarian crisis for India. The internal turmoil being experienced in Pakistan caused a high cost for India. What started as an internal issue for the Pakistan government has since become an international issue due to the international repercussions of the access problems faced by the many millions of Bangladeshi refugees who fled to India to find safety during and after the conflict. After gaining independence, Bangladesh immediately received recognition as a sovereign state from India, which was the first country to establish diplomatic relations with the new country. The bonds that exist between the government and people of Bangladesh and India are based on commonality; i.e. shared cultural, historical, socioeconomic and political heritage, as well as shared languages, music, literature, cultural activities and a common geographical location with the world's largest contiguous land border. Over the last 50 years, the relationship between Bangladesh and India has often been challenged by many issues and events, including border disputes and the issue of illegal immigrants crossing into India from Bangladesh. More recently, the repeated and increasing number of illegal immigrants crossing the Indian border from Bangladesh has been viewed as a threat to India's national security.

CHAPTER 1: INTRODUCTION

Illegal migration has become a complex and multi-layered issue in contemporary international relations, linking domestic governance with foreign affairs and regional diplomacy, and challenging the fundamental principles of state sovereignty, control over territory and legal citizenship. For India, illegal migration (particularly from Bangladesh) is one of the most highly debated cross-border issues due to geographic, historical and socio-economic differences between the two countries. The 4,000- kilometer-long Indo-Bangla border (which includes riverine, agricultural and densely populated areas) makes it difficult to surveillance and regulate the movement of people across borders. Unauthorized, cross-border migration has continued over time despite the obstacles and challenges presented by the administration and security measures implemented on behalf of either government.

Illegal migration's effect on India's international relations with other countries has been significant. First and foremost, the illegal migration issue impacts on bilateral relations between India and Bangladesh. India raises concerns over undocumented migrants; criminal activity along the border and demographic

pressures on India's border states. Bangladesh has generally responded cautiously to India's concerns regarding the undocumented migrants; often times disputing the magnitude of the problem; creating diplomatic sensitivities; and necessitating continued dialogue, negotiation and confidence-building measures. As such, border management, fencing of the border, coordination of patrols along the border and the sharing of information regarding illegal migrants have become normal topics of diplomatic engagement between India and Bangladesh.

India's foreign policy posture and strategy around regional security is also significantly impacted by illegal migrations. The cross-border smuggling, trafficking networks and possible misuse of identification systems linked to illegal immigration have forced authorities to take a close look at these types of issues in their diplomatic interactions with other countries. As New Delhi strengthens its border control and verification processes, it brings both attention from other nations and institutions around the world, while at the same time helping to shape their perceptions of how India governs itself and its human rights behavior.

Lastly, how illegal immigrants are treated, including policies of detection, detention and deportation, will also affect India's international image with regard to conversations around refugees, minority rights, and humanitarian responsibility. Therefore, illegal immigration has become a part of not just bilateral relations between India and its neighbors but also part of the larger global dialogue regarding the governing of migration.

India has encountered widespread illegal migration from Bangladesh for many years and has also been a key source of friction in Indo-Bangladesh relations. Although this type of activity has existed on the northeast border since India and Pakistan were established after the First World War, prior to that time there were significant numbers of people crossing back to Pakistan after they moved to India at the time of partition (1947) and again after the liberation war of East Pakistan (1971).

Both of these events resulted in millions of people relocating to India from present-day-Bangladesh and again, both events occurred for primarily political reasons.

The Government of India granted Bangladeshi nationals who came to India and chose to remain citizens after 1947 citizenship through both events, however, since 1971 economic motives have become the driving force behind the continuing flow of Bangladeshi nationals entering India, with only a small portion of this activity being attributable to political reasons - particularly hindu's.

However, a large percentage of the people remaining in Bangladesh were to escape ongoing violence against them by the ruling government.

India lacks effective systems to track migration since 1971, meaning our knowledge of recent immigrants is poor.

There are also lots of undocumented immigrants ("illegal migrants") from Bangladesh. Immigration can have serious social, political, economic and security consequences on receiving countries; India is no different.

CHAPTER 2: REVIEW OF LITERATURE

HISTORICAL BACKGROUND

Prior to the establishment of an independent state in 1947, historical control or creation of Pakistan lacked any existence of valid or clear-cut territory that were relatively the same to what each other were built on. Cultural, national, and religious differences as far as the people of each were concerned, did not have any role toward establishing a basis for a nation to be brought into existence. The relationship between the two

areas of Pakistan, East and West, as far as the people is concerned, was primarily based on or fueled by the economic exploitation of the East by West, yet the relationship between the people of East and West was one of hatred and superiority complex by the Punjabi Army against the Bengali population of East Pakistan.

The environment following East Pakistan's Partition from West Pakistan and into India in 1947 was characterized by dramatic political, economic, and social struggles that continued until at least 1971. Following WP's Partition from EP, at the outset the governing population of WP truly felt that there was little or no need for the former state to exist, as their position (WP) was dominant in all aspects. The result of this position of power, the previous manner of which the Central Government (located within WP) controlled the political, economic and social processes of E. Pakistan, shapes many of the feelings of "alienation" and lack of "community" which many East Pakistanis were feeling, in addition to the different mindset of the political leaders in both ends of the country. By cause of these differentials in how each area was govern and administered, the demands of an autonomous, independent, and sovereign nation ultimately become the rallying point for the E. Pakistanis to come together and establish an entity (country) based upon these demands expressed over time through various movements.

India and Bangladesh signed a significant treaty within the frame of the Land Boundary Agreement (LBA) 2015 that addressed unresolved resolve long-term territorial disagreements based on colonialism and the Partition in India 1947. While this LBA stems from an agreement made previously in 1974 by India/Bangladesh, it was only fully implemented following successful constitutional approval in India in 2015. This signed agreement represents one of the most successful forms of India/Bangladesh joint counter-diplomacy; as such, cooperation is seen as part of improving overall relations.

The primary aim of LBA was to address the issue known as "Chitmahals," or enclaves, small pieces of land belonging to one country but located within the other country's boundaries; prior to 2015 there were more than 160 enclaves at the borderline between these two neighboring countries.

The residents of these surround areas were subject to challenges in accessing public services, police protection, and jurisdictional assistance.

LBA allowed for the following:

- Exchange of enclaves by both parties
- Demarcation of disputed segments in border areas
- Voluntary choice for citizenship by enclave residents
- Delivery of administration and other types of services to formerly enclaved persons
- Resolution of long-standing unresolved land possession disputes resulting in the occupant legally owning the parcel.

Ultimately, to effect changes required by LBA within India's borders, India proposed a constitutional amendment thereby demonstrating political resolve.

THE CONDITION THAT RESULTED IN THE FORMATION OF BANGLADESH

The All-India Muslim League Resolution of March 1940 is popularly known for the "Pakistan Resolution," in which it was proposed that "Independent States" would be established for the Muslims of British India.

The question then arose regarding whether the proposed states would be sovereign or whether the proposed new states would be independent within the borders of India; when this question was subsequently raised to Zulfikar Ali Bhutto, he had referred to this as a typographical error and an error of his secretary.

The rationale for the partition of British India was the two-nation theory, which was developed by Sir Syed

Ahmed Khan's teaching that Hindus and Muslims were two distinct nations, and this theory was supported in the writings of Vira Savarkar.

At the time of Britain's partitioning of India, only the religious difference between Hindus and Muslims were accounted for in the segregation and all other facets of India's unity were disregarded creating seeds of discord between East Pakistan and West Pakistan.

Some of the major factors that the establishment of Bangladesh are attributed to include: cultural differences, constitutional issues and demands, political strife, and Operation Searchlight.

MIGRATION

The movement of people from one location to another in search of improved living environments is referred to as migration. The IOM (International Organization for Migration) defines migration as "the movement of an individual or group of individuals across either an international boundary or within a unit of territorial integrity. Migration is a form of population movement that can involve people traveling for any purpose whatsoever and for an undetermined amount of time and composition of individuals; thus, migration occurs for many different reasons (e.g., to escape war or persecution, to find work, to join family).

Illegal immigration is defined as the act of moving across national borders illegally or remaining in a country illegally by violating that country's national laws (either civil or criminal). In general, if a person believes they will have a better chance of succeeding by immigrating to another country than remaining in his/her current home country, he/she may choose to take a chance by crossing into another country illegally.

Potential migrants may be motivated by both push and pull factors. "Push" factors are typically the conditions found in the migrant's place of origin, while "pull" factors refer to the areas considered the most ideal for work, education, and a decent standard of living. Additionally, having a network of existing relatives or friends who have settled in the destination country can also serve as a motivating factor for potential migrants.

For many Bangladeshi people, India has traditionally been the preferred destination country, especially the states of West Bengal and Assam, because of the similarities in language, culture, and religion.

METHOD ADOPTED

There are three primary methods that potential migrants use to illegally enter another country:

- Crossing the border between two countries through illegal and un-guarded entry points under the cover of darkness. Some will also cross during daylight hours by paying off border officials with cash to leave the border for shopping or purchasing local goods just outside of the border area.
- The second method used by some migrants is to come legally into another country using their valid visa, then when their visa expires, they remain in the country without having any legal identifying documentation by blending in with the local population of the area in which they are located.
- The third method of illegally entering another country is to enter into a bogus marriage with an Indian citizen (either male or female) to remain in the country on a permanent basis through the immigration process.

CHAPTER 3: METHODOLOGY

This project studies the impact of illegal migration on India's position in international relations, with special reference to the India–Bangladesh border, by adopting a qualitative, descriptive, and analytical research methodology.

The research primarily relies on secondary sources of data, including government reports from the Ministry of Home Affairs and Border Security Force, parliamentary documents, books, academic journals, research papers, reports of international organizations such as the United Nations and International Organization for Migration, as well as newspaper articles and credible online sources. A case study method has been used to analyze the India–Bangladesh border as one of the most significant migration corridors, focusing on its historical background since the Partition of 1947 and the creation of Bangladesh in 1971, geographical and socio-economic factors encouraging migration, border management challenges, and the influence of migration on bilateral relations between the two countries.

The study also employs content analysis, comparative analysis, and historical analysis to interpret policies, agreements, and differing viewpoints regarding migration and its diplomatic implications for India’s foreign policy, national security, and regional cooperation in South Asia.

The scope of the research is limited to illegal migration from Bangladesh into India and its impact on India’s international relations, while the findings are constrained by reliance on secondary data and the lack of fieldwork due to time and resource limitations.

CHAPTER 4: THE ROLE OF INDIA IN BANGLADESHS LIBERATION WAR

India’s involvement in the liberation war in Bangladesh stems from a variety of underlying motives; e.g., the humanitarian and genocidal aspects of the humanitarian crisis, geopolitical motivations, political reasons for East Pakistan wanting independence, nationalistic emotions, fear of a domino effect on surrounding countries, and providing help to establish and create a new nation. The immediate cause for intervention from all these potential sources was, respectively, the large number of refugees coming to India, securing India’s North-Eastern states, and the murder of thousands of Hindus in East Pakistan. The civil unrest and war in Bangladesh ended as a result of India’s involvement in the sad situation in Bangladesh.

A large number of refugees have come to India from East Pakistan as a result of the gross violations of human rights done by the West Pakistan army. The nature of those crimes in East Pakistan has led many people to consider the situation as being comparable to the Holocaust. The estimated financial cost of the refugee population was \$700 million a year for India. Given the size of the refugee crisis in India from East Pakistan, and the costs incurred when providing those refugees with basic necessities (specifically food), it is conceivable that this financial burden is what led Prime Minister Indira Gandhi to cancel all development projects. It is also thought that if the cost of providing aid to refugees for one year had been calculated, it would have exceeded the cost of entering into a war, which is what India ended up doing. New Delhi only intervened when more than 5 million refugees had fled from East Pakistan into India after crossing the international border. The cost of food and the existence of contagious and widespread diseases created as a result of the influx of refugees created a large financial burden to support the huge influx of refugees.

The instability within Pakistan has had a significant impact on India as well. Pakistan's internal instability has become not just India's internal problem, but also an external issue. On May 24, 1971, the Prime Minister of India, Indira Gandhi, announced that India would take a strong stance on Pakistan and that India's peace and security as perceived through the eyes of its citizens would be maintained through its stability. (Gandhi, Indira, 1972) The major concern for New Delhi and the Indian Government is the security risk posed to India by the influx of immigrants from West Bengal and the terrorism being carried out by the Maoist guerrillas in North-East India. In addition to this concern is the potential for these

immigrants to be recruited into the guerrilla ranks and create an unstable political situation throughout the region. (Ganguly, Sumit, 1994).

As far as the Pakistani Army was concerned, both Indian and East Pakistani Hindus were considered enemies; therefore, the genocide of Hindus was a compelling reason for India to intervene in the liberation war. According to Bass (2013), 13% of the population of East Pakistan was made up of Hindus, with a total estimated Hindu population of 10 million being murdered and specifically targeted. Of the millions of people who fled to India, around 90% of them were Hindus. The intentional expulsion or pushing out of millions of Hindus by the Pakistani government is known to the Indian government; however, in order to thwart any communal violence or riots between Hindus and Muslims in India, and in order to avoid being attacked by opposition parties, the Indian government made the deliberate decision to refer to it as genocide perpetrated against the Bengali community without providing any reference to Hindus; as stated by Bass (2013).

India had experienced communal violence before, particularly during the partition of British India, and could not afford similar violence/chaos in the future because the impact would be expensive for the Indian economy and for economic and military security. To prevent this from happening again, India took major strategic measures by pointing out the genocide of the Bengali people by the Pakistani Army in Bangladesh. India did take the issue to the United Nations to garner support but could not obtain any. Before the creation of the Mukti Bahini, however, India was already helping to support the movements for independence for the people of Bangladesh, through their military/supplies, and through their humanitarian assistance. The Mukti Bahini was created by members of the Border Security Force of India one day after the combined forces of the Pakistani Army began the Terror Warfare campaign against the people living along the Tripura Border. Commander Major P K Ghosh was responsible for creating Mukti Bahini and was the chief officer at the 4 Border Security Force Outposts located in Srinagar, Tripura, situated along the Southern Border of Bangladesh.

According to Indian leaders, there could be no dam built across a refugee flood unless the killing in the border was ended. Thus, as a result of this thinking, on December 3, 1971, West Pakistan conducted an air strike against India in the Western sector and the very next day, India used its military force in the eastern wing of Pakistan, which resulted in the separation of East Pakistan to form Bangladesh. For India, it provided a way to weaken Pakistan's military capabilities as well as demonstrate India's superior forces in the region. The government also hoped that an independent Bangladesh could serve as a buffer state between India and Pakistan. Additionally, many Indians had nationalistic feelings and desire to help the Bengali Nationalist Movement and grow their connection to the Bengali people, all of which influenced India's decisions and involvement in military action against West Pakistan.

CHAPTER 5: THE NATURE AND SCALE OF THE PROBLEM

India has a complicated relationship with immigration. Many people who have fled from countries like Pakistan, Tibet, Afghanistan, and Sri Lanka have been taken in with both sympathy and practicality; however, these efforts have been made somewhat inconsistently via executive orders (no laws passed by Congress). People from Bangladesh and Myanmar have migrated to India at such a rate that there has been little done to address these people (both in terms of volume and impact). Illegal immigration from Bangladesh has been an ongoing issue for decades. There is a 4,096-kilometre border between India and Bangladesh that touches five states (West Bengal, Assam, Meghalaya, Tripura, and Mizoram). Due to the poor management of this border and its porous nature, millions of people have illegally crossed into India; many of them because of poverty, political problems, or religious oppression.

While it is difficult to obtain accurate numbers, estimates show that around 20 million illegal Bangladeshi immigrants (the number Kiran Rijiju, the former Minister of State (Home), provided in Parliament in 2016) may currently reside in India. Many of these immigrants have found work within informal sectors within urban centres; however, their concentrations have begun to create demographic changes in some of India's border states. Many of these illegal Bangladeshi migrants will be eligible for Indian citizenship, based on the criteria set forth in the Citizenship (Amendment) Act, 2019, when the application process begins, because of their non-Muslim status. It is hard to say how many they are, but certainly they are a big group. The number of estimated illegal immigrants living in Assam are stated as per the NRC report dated 31st August 2019, which are produced as part of the implementation of the Assam Accord drawn up in 1985. According to that report there are over 19 lakh illegal immigrants in Assam, divided into approximately 700,000 Muslim immigrants and 1,200,000 as non-Muslim immigrants.

The Rohingya crisis in Myanmar represents a new dimension of the problem. Being stateless and experiencing persecution in Myanmar's state of Rakhine, a number of these Muslims have fled to India and travelled across Bangladesh previously. The then-MoS (Home), Kiran Rijiju confirmed in the Rajya Sabha in August 2017 that there were over 40,000 illegal Rohingya immigrants present in India. It is currently estimated that there are approximately 75,000 illegal Rohingya immigrants residing in India, with approximately 22,000 registered as refugees with the UNHCR New Delhi.

The emergence of Rohingya migrants to sensitive areas such as Jammu and Kashmir raises many questions of national security. Furthermore, Rohingyas are at risk for radicalization due to the interests of international terrorist organisations including ISIS and Al-Qaeda, who may take advantage of their situation. Since the majority of Rohingya have travelled through Bangladesh and therefore not fled to India first as their home country, India does not have any international law obligations to accept them as refugees.

SOCIAL-ECONOMIC IMPACTS

States of northeast India bordering Bangladesh are mainly made up of tea, petroleum and timber as part of their economy. Most of the population relies on agriculture for their livelihood. Many illegal Bangladesh migrants enter India by crossing over illegally, which decreases each state's already minimal share of food and agricultural production. Over time, illegal migrants attempt to acquire or to encroach upon the land of local peoples. This can create situations where tribal groups become alienated from land they have used as their ancestors and may lead to conflict. There are legal mechanisms in place to prevent alienation of tribal lands, but they are not well enforced within Assam. The vast majority of the impact from an influx of Bangladeshi nationals into Assam is demographic. It is reported that Bangladeshi migrants may have encroached upon significant tracts of forest land (Saikia, 2017). Consequently, it is reported that

Assam saw an approximate decrease in the amount of forest land from 39% in 1951-52 to around 30% in 2015-16 (Das & Talukdar, 2016). Illegal migrants from Bangladesh obtaining access to subsidized food through state programs and receiving education and health care from government schools and clinics.

ENVIRONMENTAL IMPACTS

There is a significant increase in the immigrant population of border districts of Assam, West Bengal and Tripura, therefore there is a growing demand for fuelwood and timber from forest areas as well as increasing pressure to develop land for agriculture from these forested areas. This has caused even marginal forest land to be cleared for agricultural purposes. The amount of forest resources needed to produce minor products, including fuelwood has grown exponentially over the past several years, thus causing large scale environmental degradation in this region.

POLITICAL IMPACTS

The rise of the All Assam Gana Sangram Parishad (AAGSP) and All Assam Student's Union (AASU) as well as protests in Assam during the 1970s and 1980s were political fallouts from large-scale illegal migration from Bangladesh. A sizeable number of illegal Bangladeshis immigrating to India are now settled in the borders of West Bengal and Assam states and have reportedly successfully settled their names in the voters' list and have received electoral identity cards, so that they are, firstly, illegal voters; and, secondly, those that have granted themselves citizenship (Financial Express, 2018). Although there is an initiative called the National Register of Citizens (NRC), which aims to identify illegal Bangladeshi immigrants currently living in India, it is yet to achieve success. According to Singh (2002), it is reported that the (illegal) Bangladeshi immigrants that have settled in bordering areas of the two states are playing a huge role in the outcomes of elections in India, and, especially, these illegal immigrants are reported to 'determine' the outcomes of elections in 52 out of 292 of West Bengal's Assembly Constituencies. Therefore, it is perceived that the local people have lost their political power to immigrants.

SMUGGLING AND HUMAN TRAFFICKING

The high level of illegal migration from Bangladesh to India has been linked to smuggling on the Indo-Bangladesh border, with rampant smuggling activity of various commodities such as rice, cattle/meat, saris, humans, and drugs occurring on an almost daily basis. Many instances of middle agents using bribes and/or sexual favours to facilitate their work in smuggling/trafficking has been reported. Similarly, connections between border patrol between Indian security forces officials & smuggling rings across the India/Bangladesh Border Patrol Zone is also evident. Trafficking of women and adolescent girls in India (particularly into the prostitution industry in Kolkata, Mumbai and other cities) continues to be a significant issue (India Today, 2017). Finally, the lucrative cattle smuggling business, as well as the cattle trade from India into Bangladesh (Hindustan Times, 2017) is an additional consequence of illegal migration along the India-Bangladesh border.

SECURITY THREATS

Though they are not directly responsible for terrorist acts in India, illegal immigrants have often been linked as hosts or couriers to these attacks. The rise of radicalism due to the increase in the number of hardline groups in Bangladesh that adhere to the Wahhabi stream of Islam has generated a potential spill-over effect on the security of India and thus "creates trouble for the region as well as beyond it." Furthermore, the degree of religious intolerance and local Islamic fundamentalist groups' connections to global jihadist networks has increased exponentially since the mid-2000s and this poses an additional threat

to the security of India because Jamaat-e-Islami in Bangladesh has reported connections with Islamic groups in Assam.

Due to the rapid proliferation of madrasas in the bordering regions of Assam, West Bengal and other northeastern states, much of this can be attributed to illegal migration from Bangladesh. West Bengal's Chief Minister, Buddhadev Bhattacharya said in 2003 that there are "some madrasas that are engaged in illegal activity" (Economic Times 2016). One of the other serious threats or challenges towards India's national and societal security is the relationship between some of the extremist groups based in Pakistan and Bangladesh that use their connections to get useful intelligence through the illegal immigrants living in India.

The manner in which Pakistan's Inter-Services Intelligence (ISI) is alleged to be working with radical Islamic groups in Bangladesh has made the existence of such a large population of Bangladeshi immigrants in India appear to be a significant advantage to activities that seem likely to undermine India's national and social stability.

LAW AND ORDER CRISIS

Severe social strain and resulting law and order problems faced by states like Assam have resulted from an influx of Bangladeshi migrants and local conflicts between native tribes and these migrants. The Assam Agitation of the late 1970s provides an example, particularly the violence in 1983 when a group of native tribes killed at least 1,700 Bangladeshi Muslim migrants in the village of Nellie during the lengthy secessionist movements ongoing within Assam (Mander, 2012).

The Justin Bodo cook, Bodo, fighting for independence from the Bengali-speaking migrant Muslims at Kokrajhar district in 2012 (Hazarika, 2014) is another example of a law-and-order crisis that has arisen as a result of illegal migration into this state.

Illegal Immigration, as it were, is simply a case of an individual being in violation of the country's law with respect to its entrance into a "country," that is to say, being in violation of how the sovereign country regulates who can enter their country legally, thus making any entry into country as a consequence of violation of their laws or as stated by Lt. General S.K. Sinha, then governor of Assam, thru "may be loss of valuable geo-strategic districts of lower Assam ... and it is only a matter of time there will be a demand for their annexation to Bangladesh," (The Hindu, 2001).

Tripura has also been impacted by the growing growth rate of secessionist groups, e.g. "All Tripura Tribal Force," "National Liberation Front of Tripura," which are tied to the influx of illegal Bangladeshi migration. Also, it appears that recently there have been many reports of local unrest/disproportionate social tensions between locals and Bangladeshi migrants in Cooch Behar and the districts of Jalpaiguri and Siliguri in West Bengal.

INDIA'S POLICY MEASURES AND ACTION

India's government has taken many different ways to control countries using illegal immigration laws, and some of the efforts include creating laws such as the Illegal Migrants (Determination by Tribunals) Act so that citizens can report suspected immigrants to the police in their local area to verify if someone staying in a particular location is considered an illegal migrant, and to provide a process for appeal before higher courts.

The Foreigners Act, the Passport (Entry into India) Act, and the Registration of Foreigners Act are a few others that can be used by the government to detect or deport foreigners who have entered or overstayed in India illegally. Also, all state/UTs in India regularly receive instructions/orders from Home Ministry to assist in collecting and deporting illegal immigrants.

Finally, India has regularly engaged with the Government of Bangladesh regarding this serious issue, including discussing deportation of illegal immigrants with Bangladeshi government representatives during annual Home Secretaries' meetings and Joint Working Group (JWG) meetings involving the Ministries of Foreign Affairs and Home Affairs from both countries.

The Government of India commenced fencing at the Indo-Bangladesh border after the signing of the Assam Accord on 24th August 1987. In a written reply to a question in the Rajya Sabha by Shri Kiren Rijiju, the Minister of State for Home Affairs, it was indicated that as of February 2018, 2746.44 km had been completed from the total 3326 km length of the fence sanctioned along the Indo-Bangladesh border (Ministry of Home Affairs, 2018).

Further, the government has taken action to construct border roads, build Border Out Posts (BOPs), install floodlights, hi-tech surveillance systems, etc., at a rapid pace.

POLICY OPTIONS OPEN TO INDIA

India has implemented a number of strategies to deal with cross-border migration from Bangladesh. Among these is the physical fencing of the Indo-Bangladesh border, which is currently being completed. The Border Security Force has been equipped with modern technologies, including thermal imaging systems, night vision goggles, speedboats, etc., to detect illegal crossings.

Floodlighting and CCTV installations have also taken place at various areas that are highly vulnerable to migration, as well as the implementation of an Integrated Border Management System, which integrates personnel, sensors, networks, intelligence, and command and control, for effective and timely decision-making at the point of entry.

While India's focus has primarily been on bolstering the physical security of its borders, this alone cannot solve the migration problem, as long as people are still pushed to migrate to India from Bangladesh due to conditions in their own country.

The only way the migration issue can be solved is through Bangladesh developing a stronger economic infrastructure that allows for the reabsorption of people that have had to migrate from Bangladesh to India due to events such as natural disasters or economic difficulties.

India must do everything possible to assist Bangladesh in developing its economy and capacity to absorb these people by providing preferential access to Bangladeshi exports, as well as technology and expertise. According to scholars like Hazarika (Hazarika, 2000, p. 261), issuing work-cum-residence permits to Bangladeshi migrants would enable India to better manage the movement of migrants into India and also make good use of their skills.

By enabling Bangladeshi migrants already living in India to access work-cum-residence permits, they would be able to obtain legal status in India as well.

CHAPTER 6: ADDRESSING THE CHALLENGE

To effectively deal with the challenging problem of Illegal Immigration, India requires a multi-faceted and comprehensive approach that addresses both humanitarian concerns as well as national security needs of its citizens/borders and maintaining social harmony. This includes the following:

Enhanced Border Management

Upgrade and Modernize Border Fencing: Using new materials, as well as technological enhancements to upgrade border fencing along the Indo-Bangladesh border security operations.

- Implement Smart Border Surveillance: Drones, motion sensors, AI based face recognition, satellites will be employed to monitor any illegal crossing.

- Community Participation to Help Monitor Illegal Crossing/Report Illegal Crossing: Using community members to monitor illegal crossings/reporting illegal crossings by providing awareness and incentives.
- Enhance Border Infrastructure and Patrols: Creating all-weather road networks along borders; increase presence and activity of BSF in vulnerable areas of the Indo-Bangladesh border.

Enacting a National Refugee Law

India should legislate a national law for refugees so it can legally differentiate refugees from illegal immigrants. While the Immigration and Foreigners Act of 2025 will apply to illegal immigrants, a separate refugee law should clearly define refugees' rights and set out processes for identifying, registering, protecting and ultimately returning or resettling refugees in a third country. In drafting such a refugee law, India must consider its own national interests and, among other things, should include the following provisions in the new law:

- A person will be considered for refugee status under the new law only if India was the first country the person entered after leaving his or her country of origin.
- Legal or illegal immigrants who want to apply for refugee status in India must do so at designated locations within a designated time period (say three months) after the enactment of the new law or after entering the country (whichever is later). If they do not apply in that time period, they will not be eligible to apply for refugee status in India.
- The above provisions will not apply to an immigrant if there is some other rule or regulation governing the granting of refugee status or citizenship to that immigrant, including those covered by the Citizenship (Amendment) Act of 2019.

Maintaining Biometric Records of Illegal Immigrants/Refugees

In order to ensure that illegal immigrants cannot use falsified identity documents (such as Aadhar Cards or Voting Cards), it is important that Biometric Records of illegal immigrants (including asylees) are kept up to date. Illegal immigrants will receive temporary Biometric Residence Permits until they are deported or granted Indian citizenship, but they will be restricted from entering specific cities, provinces, or sensitive areas to protect India's National Security.

With regards to Rohingya refugees from Myanmar, India should seek assistance from the United Nations High Commission for Refugees (UNHCR) by requesting a list of registered Rohingya refugees along with their Biometric Identification Records.

Issuing National Identity Cards to Indian Citizens

In recent years, most countries in South Asia have either implemented biometric national ID systems for their citizens or are in the process of doing so, with the exception of India. Countries such as Sri Lanka, Pakistan, Bangladesh, and Bhutan have had a national ID card system for many years. Nepal, which began its national ID card process in 2018, is expected to have national ID cards for all of its citizens soon. While the Indian Citizenship Act, 1955, has provisions for a national ID card through Section 14A (passed by the CAA of 2003), no progress has been made towards implementing this system. The Aadhaar card, which provides an individual's identity but not nationality, has reduced the urgency of the issuance of a national ID card (NID) in India.

One potential reason for the delay in the provision of NIDs in India may be the opposition from some political parties to this exercise. The government must also address concerns from various sections of society regarding the usage of NIDs and the creation of a National Register of Citizens (NRC); as, many people feel that the NRC will be used to target specific communities within India. The government must

bring all stakeholders together to address this concern.

It is illogical for India, an important regional power, not to have a complete record of all its people. Bangladesh has had a process of issuing National Identity Cards (NID) to its own people since 2006. The ID system began using a paper-based laminated card until 2016 when the process was changed to embed a microchip and a biometric signature into the samrt card. Any Bangladeshi citizen 18 years of age or older must possess an NID. Because most people require an NID to conduct almost every daily pursuit, illegal foreign nationals have had extreme difficulty surviving in Bangladesh.

Rohingya refugees living in Bangladesh but who do not live in a refugee camp or who leave the camp will have even greater difficulty surviving in Bangladesh; therefore, they pose a greater likelihood of trying to enter India as an illegal immigrant. In order to maintain order in its country and provide its citizens with a fair and orderly manner of conducting their transactions with India's government, India will also need to move quickly to establish a large-scale biometric NID system for its citizens. The NID must be required for access to all public services and benefits provided by the government of India, so that illegal immigrants cannot gain access to Indian public services and benefit programs.

Legal And Diplomatic Measures

Repatriation Agreements between Bangladesh and Myanmar will establish a formal mechanism for returning nationals who are currently living in a country illegally after verification and eligibility have been confirmed through a thorough due diligence process.

By creating sub-regional organizations such as SAARC and BIMSTEC, the region will cooperate more effectively with one another regarding issues associated with unlawful transnational migration by means of improved mutual collaboration, increased information exchange and enhanced border security capabilities.

International Cooperation

India has been a primary location for both refugees and those wanting to migrate economically in the South Asian region. While most of these issues have been handled by India independently, given the increasing magnitude of the number of individuals migrating to India, the involvement of global, multilateral organizations would help improve how India deals with the issue of illegal immigration. The United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) are both organizations which could assist India with the management of illegal migration into India.

India has been a member of the IOM since 2008, as well as a member of the Executive Committee of the UNHCR since 1995. As many Western nations are experiencing similar migration trends as India, there may be a greater understanding by Western nations if India were to become more fully involved with these organizations.

India has made significant expenditures to support the welfare of at least two groups of refugees — the Tibetan refugees and the Sri Lankan refugees. More recently, India announced its intentions to provide Indian citizenship to religious minorities originally from three predominantly Islamic nations: Afghanistan, Bangladesh, and Pakistan, who have immigrated to India as a result of religious persecution. This can be used as a rationale to gain recognition as a major contributor at the UNHCR.

CONCLUSION

India faces many challenges regarding effective border management. For example, the porous, rugged terrain of the frontier is a hindrance to having continuous roads and proper patrolling. Another big problem

is that India has a difficult time finding illegal migrants (those who entered without permission). Because there is no tracking system for illegal entrants, and there is no documentation of illegal entry or illegal presence anywhere along the border, illegal migrants are very hard to locate or deport, even though the government has taken steps through the updating of the National Register of Citizens (NRC) by the state of Assam with oversight from the Supreme Court. Even the process of updating the NRC has been tainted by doubt because many illegal migrants have enrolled their names under one or more other categories of government documents as Indian citizens. Because of this, it is impossible to reasonably estimate how many illegal migrants are present since no reliable or accurate information is available. Finally, the negative attitude and non-cooperative response of the Bangladesh government regarding illegal migration makes it very difficult for the Indian government to resolve this issue.

Migration from Bangladesh to India is illegal and has been well documented, however, statistics supporting this assertion do not exist; therefore, it is difficult to determine the extent or magnitude of this migration. Based on estimates provided by various research groups, it is believed that a minimum of 3 million Bangladeshi migrants occupy, or have occupied, territory within India. The migration of Bangladeshis has led to many social, political and economic consequences for both Bangladeshis and Indians, such as the significant demographic change in states like Tripura and Assam. Bangladeshi migration also serves as a catalyst for widespread social unrest in India; therefore, the widespread anti-migration movement in Assam and other northeastern states is creating significant problems for India's security. The migration of Bangladeshis to India has profoundly influenced both the social and political spheres in India because of the large numbers of migrants and the significant political influence of the skilled, educated and wealthier Bangladeshi nationals that migrate to India; therefore, they significantly alter the election outcomes. In addition, it is important to consider the environmental degradation caused to the host societies as a result of the migrant population and the growing economic burden placed on the host society. Various measures are being taken in an effort to address this problem; among them is increasing the resources allocated to the security of the Indo-Bangladesh border.

Becoming an illegal immigrant from Bangladesh or Myanmar into the country is becoming a complicated problem for India, affecting the country's national security, economy and society. The present approach of addressing illegal immigration, which lacks clear guidelines or an agreed process for enforcement of current laws, does not adequately address the complexity or magnitude of the problem.

India needs a complete approach in dealing with illegal immigration, which incorporates a variety of factors, including comprehensive border security and enforcement; developing efficient verification and detection systems; maintaining a humanitarian response to individuals being displaced from their home countries; and engaging in the cooperative advancement of various nations throughout the world. Making a transparent distinction between refugees and economic immigrants, and implementing consistent policy enforcement around this issue should be India's immediate focus. By reforming the different elements of illegal immigration in a timely manner, India can create and protect its national interests, as well as continue to demonstrate its humanitarian disposition. Illegal immigration in India is more than just about protecting the borders and national security; it is about creating social stability, ensuring economic equality and maintaining the Constitution as the region becomes increasingly globalized.

REFERENCES

BOOKS

1. Hazarika, Sanjoy. (2000). Rites of Passage. Border Crossings, Imagined Homelands, India's

2. East and Bangladesh, Penguin Books, 2000.
3. Gupta, Surendra, K and Gupta, Indira, B. (1990) Conflict and Communications. Mass upsurge in Assam, Har-Anand Publications.
4. Ministry of Home Affairs. (2018). Status of fencing work along Indo Bangladesh Border. Press Information Bureau. Government of India. Retrieved.

WEBSITES

1. <https://www.thehindu.com>
2. <https://www.ijrar.org>
3. <https://www.studyiq.com>
4. <https://journals.christuniversity.in> <http://pib.nic.in>