

**An Impasse In Indo-Bangladesh Relation: A Study Of Bangladeshi Immigrants In North East India**

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**ABSTRACT**

A political impasse is created between India and Bangladesh over the issue of inundated influx of Bangladeshi immigrants, mainly to the Northeastern part of India. The difficulty in deciphering the reality of these immigrants is creating an imbroglio. There have been frequent skirmishes between both the nations over the responsibility of this group of people, who are paradoxically regarded as transnational migrants. This is so, as they, in a *defacto* sense, belong to both the nations, but in actual sense is unwanted by either side. It further creates a situation of statelessness for them, with massive rights violation. This problem has persisted for decades, with the issue being exploited by the political parties as election rhetoric for vote- bank politics. Lack of data on the exact amount of immigrants and the ambiguous national legislation has further aggravated the situation. The introduction of Citizenship (Amendment) Bill, 2016 further adds to the complication with the element of inequity in their treatment being a part of their proposal. The tension remains unabated creating crisis both at the level of inter-state relation and also causes demographic and social tension within the nation itself. Improvement of the relation between the two countries is crucial as it can have security implications for the South Asian region and the entire world community at large. The paper as such is divided into three parts. The first part pertains to the historiography of the immigrants, in order to understand the circumstances that compelled them into a state of statelessness. The second part analyses the situation in India with this infiltration, particularly in North East India. The insurgency in the region is also thriving on this pretext of protecting their region from infiltrators, which they believe the Indian state has failed to provide them. The last section would highlight the issue of statelessness of these people and the concern of human security pertaining to their existence.

**1. INTRODUCTION**

Amid the controversy emerging with the introduction of Citizenship (Amendment) Bill, 2016 the issue of Bangladeshi immigrants to the North Eastern part of India is touching a new height. It is worth mentioning that, on one hand, there is a certain sort of demographic disorder manifesting in North East India, due to a huge influx of illegal immigrants from the neighboring countries. This is apparently resulting in a state of violence, with the insurgents taking up arms in the region to protect their own interests, which they believe the Indian state

has failed to provide them. Assam and Tripura, out of the seven North Eastern states, have been affected the most by this immigration. In Tripura, like Sikkim, the indigenous people have become a minority. To protect their own interest, which the indigenous people were on the verge of losing, due to loss of political and economic hegemony, they resorted to the insurgency, in order to assert their rights through force (Singh 2010: 84). In Tripura, the Tripura National Volunteer Force (TNV) led by Bijoy Hrangkhawl, the National Liberation Front (NLFT), Tripura Resurrection Army (TRA) and All Tripura Tiger Front (ATTf) led their movement against these immigrants. In Assam the United Liberation Front of Assam and in Nagaland the Nationalist Socialist Council of Nagaland (NSCN) had similar demands.

On the other hand, an imbroglio is created in the situation, as it is difficult to decipher the reality of the immigrants. These immigrants in a *defacto* sense belong to both the nations but in an actual sense are unwanted by either side. It further creates a situation of statelessness for them and a massive rights violation. The paper as such seeks to understand their scenario, the cause of their migration to another country and their implications to the domestic scenario of India, that is, in the North Eastern Region of India and also in the bilateral relations between the two nations. Matters are more complicated with the absence of a national legislation to deal with the issue and an absence of a clear definition of immigrants and their exact number. Various policies are undertaken by the state to deal with the issue for decades, with little progress. So this paper seeks to put forth an alternative theoretical understanding to the problem through the cosmopolitan dimension of human being. It further seeks to expand the boundary of moral community in the world politics.

## **2. DEFINING THE TERM ‘IMMIGRANTS’**

The 143 Convention of the International Labour Organisation of 1975 defines illegal immigrants as those who “during their journey, on arrival or during their period of residence and employment are in conditions contravening relevant international multilateral and bilateral instruments or agreements, or national laws or regulations”. The immigrants who enter a country may be of two categories on the basis of the way they enter the nation. The first category is one that enters through irregular manner or inflow of them over a given period. The second category includes those that reside in the nation in an undocumented situation or the stock of people that reside illegally at a given moment. These two categories

of people are taken into account while estimating the immigrants that enter any nation. The first category of people is difficult to estimate compared to the second category (Jandl 2004: 141).

So there are irregularities in their residence in multifaceted aspects, including an entry in the country, during the period of residence in the host country and also during the period of being employed (Tapinos 1999: 229). Also, multiple agents are involved in the process of this illegal flow. It includes the migrant himself/herself, the intermediary or the one who aid in the passage or of placement of the migrant and the company for whom the migrant works. It is a complex situation, as it is the migrant alone who has to face the law, the other two agents mostly go undetected or scot-free. It should also be noted down that there is a difference between 'illegal immigrants' and 'illegal border crossing'. These categories provide further complication to the definition of the term illegal immigrants. The historiography of this inundated illegal immigrants from Bangladesh needs to be understood to deal with them comprehensively.

### **3. HISTORIOGRAPHY OF THE PROBLEM**

The genesis of the problem could be found in the partition of British India during 1947. Successive waves of people came to India from the then territory of East Pakistan (present day Bangladesh) whose exact number is now difficult to find due to lack of reliable data. Even after the formation of the nation of Bangladesh in 1971, the influx continued to be unabated, generating further tension in the region. This problem of immigrants has persisted for decades due to several factors. One reason could be the absence of formal binding laws or national refugee laws in India to deal with the influx of population. Though the case of these immigrants for economic reason may be quite different from those seeking shelter for fear of losing their life, due to the absence of formal binding laws or national refugee laws in India, the distinction between economic migrants and refugee is quite blurred (Tripathi 2016). The archaic Foreigners Act of 1946 could hardly serve the purpose as it lacks a clear definition

Secondly, the economic development of India along with its democratic political system and a preferable geostrategic location vis-a-vis its neighbors, in the region of South Asia, makes it a nation favorable for people of the South Asian neighbors who are fleeing

their own countries in search of economic prospects available in the country. Thirdly, in the domestic forum of Indian politics the situation of infiltration a political issue or election rhetoric to be used for vote- bank politics. (Pant 2007: 239). In such a situation, the issue continues to linger due to lack of political will on the part of the leaders. It, in turn, further deteriorates the relation between India and Bangladesh. The familiar politics of citizenship was seen in the recent National Democratic Alliance (NDA) government in its 2014 parliamentary election campaign. Promises were made to the people that concrete steps will be taken to resolve the problem in the election rally of Assam too (Hussain 2016). Thus multiple factors add to the dilemma of the state and its actors to sort out the issue in an effective and time- bound manner. It, in turn, causes several implications both at the domestic and international level.

#### **4. DOMESTIC IMPLICATIONS- IMPACT ON NORTH EAST INDIA**

Since the region of North East India was already having a strained relation with the center due to the isolation faced by it, the heavy influx of foreigners and a pressure on their land and resources was further creating a ‘we-they’ divide. There is also the presence of prolonged insurgency in the region, which banks on the people’s grievances towards the center for its existence. There is also a decline in the proportion of indigenous people as compared to the total population. Such influx may have a long- term implication in the politics of the region (Baruah 2005: 50). The migrants coming from Bangladesh may cause economic, ethnic as well as the ecological impact on North East region.

In the areas of Nellie, Gohpur and Chaygaon of North East India, the ethnic carnage has been perpetuated in 1983, which is the worst form of violence Independent India has seen on its soil. Though the root cause of the massacre of thousands of people lies in many factors, however, the problem of the illegal immigrant and the loss of land and forest land due to this was one of the primary reason. This is because the indigenous people equate the loss of land and forest area as loss of their culture as well as identity. This form of resistance emanates from the widespread belief among them and the realization that it is only through force that they could protect their own interest. They come to reflect the tendency to perceive the Indian state as incapable of protecting their rights (Singh 2010: 83).

There is a pervading sense of alienation felt by the people in the region. This physical and psychological isolation from the mainland of India is made worse by the apprehension that these people suffer from the demographic alternation that is present due to invasion by 'foreigners' in their territory (Singh 2010: 73). This overwhelming fear is reinforced by the huge amount of migrants that are coming into the region. As such, they reject entry of people who are alien to it fearing that any influx would change the demographic content and in turn reduce their entitlements (Weiner 1992: 112). This process of otherization further led to the situation of ethnic clash that is violent in nature. There is the presence of a norm of indigeneness that is widely present in the population of the country. This norm differentiates or prescribes different rights for the indigenous and those who are not vis-à-vis the land, political power, education, employment and so on. The phrase 'son of the soil' is an overtly expressed phrase to justify the claim. This problem is further perpetuated and maintained by India's stand of refugee treaty.

#### **4.1 INDIA'S REFUSAL TO SIGN THE REFUGEE TREATY**

India did not sign the 1951 United Nations Convention on refugee and its additional protocol of 1967 as it has not taken into account the regional complexities (Tripathi 2016). However, the nation follows the principle of voluntarism while granting asylum to the refugees. Though it has not committed itself to the formal binding international laws, an attitude of 'generous humanitarianism' is adopted in dealing with the refugees (Oberoi 2006: 234). Scholars argue that given this impeccable record of India in providing asylum to refugees, commitment to the international laws as well as the norms are not a necessary condition for India.

Nevertheless, this argument is a misplaced one. It is like arguing that since "...a state respects the rights of its people, there is no need for a Constitution" (Gorlick 1998: 27). The aspect of 'generosity' is quite different from that of being 'committed' to a particular law. This generosity may be context specific, which India under certain national interest may give up (Singh 2010: 257). Moreover, the situation of distinguishing the refugee from the illegal immigrants is not possible in such a scenario, as there is an absence of a clear framework and a definition to distinguish both the groups. Also, critics point out to the fact that there is the presence of 'political ad-hocism' in this state of absence of a binding agreement because different groups would be treated differently. Uniformity of treatment is

required to make the practice much more equitable. Problems may also arise with respect to the state governments and also the Border Security Force's ability to deal with the refugees. So there is a pressing need for a legal framework to deal with the refugees. Added to it, the recent legislation on the Citizenship (Amendment) Bill 2016 is further making the issue complex from another standpoint.

#### **4.2.COMPREHENDING THE CONTENTIOUS CITIZENSHIP (AMENDMENT) BILL 2016**

The Citizenship (Amendment) Bill 2016 which seeks to amend the Citizenship Act of 1955 regarding two groups of person, namely illegal migrants and Overseas Citizen of India (OCI) Cardholders is a controversial one. The provision of the 1955 act in which illegal migrants are prohibited from acquiring Indian citizenship is diluted. Also, the imprisonment or deportation of such migrants is exempted under the Bill by the Foreigners Act of 1946 and the Passport Entry into India Act 1920. The central government issued two notifications exempting migrants without valid documents from six minority communities, namely Hindus, Sikhs, Buddhist, Jains, Parsis and Christians from Bangladesh, Pakistan and Afghanistan who have come to India on or before December 31<sup>st</sup>, 2014 from provisions of the Foreigners Act and Passport Entry Act. It seeks to grant them further benefits, as it proposes to make them eligible for Citizenship (PRS Legislative Research).

The provisions of the bill are debatable as it implies that illegal migrants who are Muslims or person belonging to other minority groups like Jews or Baha'is will be ineligible for citizenship. These provisions as such violate the provision of equality guaranteed under Article 14 of the Constitution of Right to Equality to all citizens and foreigners because it provides differential treatment to illegal migrants depending upon the religion that they belong to. The reasonable rationale provided by the Constitution is violated by the statement of Objects and Reasons of the Bill. The Bill also violates the provisions of the Assam Accord signed in 1985 which states the illegal migrant who come after 25<sup>th</sup> March 1971 will be deported irrespective of his or her religion. This decision has been met with opposition from groups like the AASU for this dilution (Hussain 2016). There are demands made seeking the implementation of Assam Accord in letter and spirit. Moreover, if minority religion in these three countries that face persecution is the sole reason to consider the six groups of religions,

then there should have also been scope for Muslim sects like Shias and the Ahmediyas, as these two groups face similar persecution in a Sunni-dominated Pakistan. This manipulation is visible in the stern discrimination, in the Bill, between the Hindu Bangladeshis who are regarded as refugees and the Muslim Bangladeshis who are considered infiltrators (Navlakha 1997). So there is a failure on the part of the legislation or the state to come up with an effective solution to the issue. This situation of conflict faced by both the people in the region and the Bangladeshis call forth a re-examination of the issue, as the current perspectives have failed to deal with the situation. It further impacts the bilateral relation between both the nations.

## **5. AN IMPASSE IN INDO- BANGLADESH RELATION**

The influx of Bangladeshi immigrants has created discord in the relation between both the nations. There is an alleged alternation of demography in the border area of India which further leads to an imbalance in the ethnic content, in the election results and also in the availability of employment opportunities for the people of the North eastern region (Sengupta 2005). Though India and Bangladesh shared close historical, geographical and cultural ties in the past, the situation is quite different now. During the 1970s, India played a central role in assisting the MuktiBahini guerillas to fight for the liberation of East Pakistan or Bangladesh from Pakistan. The influx of immigrants fleeing the region due to fear of persecution or for economic benefits was one of the primary reason due to which India assisted Bangladesh. However, the situation did not improve even after that. The flow of illegal immigrants continued.

The deterioration of bilateral relation between the two nations is also led to by various other factors. One reason is the structural factor, like all South Asian nations, to balance India's predominance in the region of South Asia (Pant 2007: 234). Bangladesh too became skeptical of India's hegemonic role in the region. India is seen as a potential threat. In such a situation of mutual 'trust deficit', to arrive at a solution that deals with the illegal immigrant bilaterally seem an impossible task. Along with this aspect, India, in order to protect its boundary from influx and problems associated with it, deploys a huge military force along the border. This sometimes leads to the unfortunate incident of killing of innocent

Bangladeshi along the border, which further deteriorates the relation between the two countries.

The land boundary delimitation agreement of 1974 was signed between the two nations. However, this agreement though implemented could not make much change. So a major setback to the relation between the two countries is the problem of ineffective border management. Along with the illegal immigrants, this factor proves problematic to India's security position in the form of women and child trafficking and also hiding place for insurgents (Pant 2007: 241). Along with this Dhaka maintains that its nationals have not illegally moved into India (Hussain 2016). The official discourse present in Bangladesh puts a different picture altogether from the one offered by India. Even the political leaders, be it the military or the democratic leader, have vociferously maintained that the issue of out-migration from their nation has not taken place in any period of history. They argue that it is not possible that hundreds of their citizens would sacrifice their comfort which they get in their own nation to explore the uncertainty of some unknown future (Jha 1972: 276). So there is a trend of determined denial on the part of the leaders of Bangladesh (East Pakistan).

Eventually, in this situation, there have been frequent skirmishes between both India and Bangladesh. The expulsion of the detected illegal immigrants and their possible deportation to Bangladesh is a daunting task as Bangladesh is not ready to accept them. This 'trust deficit' that has grown between the two nations need to be dealt with urgently. India being economically powerful should take generous and constructive steps in dealing with the economic situation of Bangladesh, the root cause on which the entire problem lies. It needs to take the initiative to improve its relation with Bangladesh so as to bilaterally solve this pressing issue. Also, the present understanding of the issue needs to be relooked, as the way it is dealt with has not succeeded in resolving the root cause of the issue.

## **6. LEGISLATION UNDERTAKEN TO OVERCOME THE PROBLEM**

The Indian state to control the flow of these illegal immigrants undertook various steps undertaken but to no avail. In Assam, popular movements aroused demanding the deportation of these illegal immigrants from Bangladesh during the period of 1979- 1985. Indian

Parliament under the leadership of the then Prime Minister Indira Gandhi passed the Illegal Immigrants (Determination by Tribunal) Act, 1983 to cater to the demands of the people and to address the issue. But it failed in its effort to better the situation. In a recent judgment of the Supreme Court in 2005, this Act was finally struck down in the *Sarbananda Sonowal v. Union of India* case, as it hindered the process of deportation of illegal immigrants. The famous Assam Accord signed on 15 August 1985 was a historic accord, as it put forth a deadline to be given for the entry of foreigners. It was signed by Rajiv Gandhi, the then Prime Minister with the All Assam Students Union (AASU) and the All Assam Gana Sangram Parishad, after which the agitation ended. It laid down a complex formula, which proved to be impossible to be implemented. Those who entered Assam on or after 25<sup>th</sup> March 1971 were to be deported to the nation from where they came from under the Foreigners Act, 1946 (Tripathi 2016). However, this too failed to make any headway. Since it is the porous border that makes it easy for the migrants to enter India, the state of India has taken various steps to enhance the surveillance along the border or building a strong fence along it. These measures like the earlier ones failed to make any headway to solve the crisis. Thus the Indian state failed to make headway into the situation, facing impasse at every front. This issue is further added to the ambiguous nature the Indian legal system and its policy on the aspect of refugee and immigrants.

The most difficult task is to detect the illegal immigrants and single them out from the local residents, as both these groups of people have subtle differences from each other in terms of their features and dialects. To identify the non- Indian nationals, the process of National Register of Citizens (NRC) was undertaken recently by the state of Assam. The citizens' register, through the use of NRC, is updated in the state of Assam alone after a gap of 65 years. But there is skepticism that this measure to identify the Bangladeshi may prove futile, as it is assumed that those illegal immigrants are more likely to have all the documents of Indian identity than an Indian who may take his or her citizenship for granted (Tripathi 2016). This issue thus calls forth an alternative theoretical understanding from a critical theory perspective.

## **7. ISSUE OF STATELESSNESS AND CONCERN OVER HUMAN SECURITY- AN ALTERNATIVE UNDERSTANDING**

In the lexicon of International Relation between states, the ‘refugees’ or ‘immigrants’ are categorized as a new group of people only with the coming forth of nation states in the West European countries during the seventeenth century. For the South Asian nations, this group emerged as the by-product of the end of colonialism in the twentieth century. Since it is the aspect of modernity that led to the advent of nation states, so the emergence of this group can very well be intertwined to the concept of modernity as well. (Singh, 2009: 221). The nation states in the course of its emergence consolidated itself through various processes. It includes binding the people through a sense of communal identity and also of homogenization, along with ensuring the people its role as a protector and upholder of their individual rights and a means for providing them with citizenship. All these processes make territory an inevitable aspect, based on which certain groups which do not fall into the domain of this activity is pushed out of this demarcated area and are given the status of a refugee or immigrants (Adelman 1999: 89). These nation-states in the meanwhile became the sole marker in deciding the identity of the people within the territorial space, branding people as outsiders if they are ‘alien’ to that territorial space. This authority on itself, in turn, gave the state its essence and a reason to justify its sovereignty (Chimni 2005: 277). The sovereign nation-states formed are thus exclusionary in nature while dealing with the outsiders.

The boundary line that is drawn between the nations could not, however, demarcate the people as they, despite this division, share a cultural and ethnic link to the people on the other side of the border. Providing an alternative dimension to this, through the aspect of the sociology of state system, Linklater refers to the cosmopolitan dimension of the human beings. He is referring to the post- Westphalian state that segregates both the citizen and the state in order to transform the existing boundary of the political community. Since the Westphalian system of state necessarily creates this whole conception of nation- state, he as such challenges it. In it, his concern is mainly with the ‘good international citizen’. But this is not to say that he is an anarchist. The cosmopolitan ethics that he propounds is mainly undertaken in order to add to the state’s ethical obligation to the sphere of humanity.

This concern for the cosmopolitan society or the supranational citizenship, however, does not altogether succeed to overcome the divide between ‘citizen’ and ‘men’. Nevertheless, the ethical obligation of the state to give protection to the ‘other’ that is beyond the border is enunciated by him (Linklater, 2007). He is concerned more with expanding, in

world politics, the boundaries of the moral community so as to create a global relationship with 'strangers'. For him, emancipation in the realm of International Relation entails the loss of ethical and moral significance by the concept of 'border' of a sovereign state (Hobden and Jones, 2011: 142). He even questions the rationale for the inclusion of citizens by the state and the exclusion of non- citizens, from the moral community (Linklater, 1990: 135). In a globalized world, there is an opportunity to replace the old form with a new political community that has a more cosmopolitan dimension. In this attempt, the goal is to share the same set of duties and obligations by the citizens towards non- citizens as they do towards fellow citizens. It requires a transformation of the present institutions of governance. Dialogue and consent will further guide this community rather than the aspect of power and force (Linklater, 1998).

Also since the problems men facing today are of global nature, they should as such follow a global mentality and become a part of the community of mankind. In the present interconnected world, it is easier to arrive at such a community. Critical theory of International Relations while enunciating this debate of inclusion and exclusion argues that the idea of 'society of humankind' is one such aspect that modern state could not negate entirely. The aspect of 'cosmopolitan morality' survived in this transition of state system from its medieval period to the modern state system. Though there is an attempt to preclude the expansion of community by the dominant logic of International Relations, on the ground that they may prove redundant, however, the pattern of social and economic changes seen in the world order today makes the analysis of the expansion significant (Linklater 1990: 138). Aswini K Ray (1999: 1368) further added to this aspect by propounding the idea of justice in International Relations. He enunciated that rather than the concept of justice itself, it is the concept of order and of stability that is given priority in the field of study and while dealing with practical issues. Such prioritization for him is necessarily flawed, especially in the current century with the advent of globalized society. This legacy of realism, of clinging to the concept of power politics and of stability is condemned by him as 'original sin'. So, for him, there is a need to look beyond this in order to have a universal composite culture that includes all within its domain. Thus the critical theory argues for developing a model that is humane and also takes an approach that is rights- based. Kant articulated further that foreign

policy should incrementally replace force with order and subsequently move beyond it to replace it with justice.

From this perspective, it is evident that there is difficulty in deciphering the reality of these immigrants. In the political impasse created over the issue between India and Bangladesh, with frequent skirmishes, over the responsibility of this group of people, who are paradoxically regarded as transnational migrants. They have to suffer, as they, in a *defacto* sense, belong to both the nations, but in an actual sense are unwanted by either side. It further creates a situation of statelessness for them, with massive rights violation. Their moral rights are violated in the meantime. So this alternative understanding can provide a philosophical understanding of the issue at large.

## **8. THE WAY AHEAD**

However since the moral society needs all round changes, to deal with the situation until then, a multi-pronged approach is required. There is a need to formulate a national refugee law in order to treat differently the refugee who genuinely needs humanitarian assistance and the illegal economic immigrants. There is the need to evolve a legal framework and also legislation on the aspect of refugee as no law has been made specific to them. Moreover, the Foreigners Act of 1946 is the principal legislation in India that deals with the refugees. This legislation is an archaic one that is not even clear in defining the term. Also, it could not deal with the specificities of today's refugee problem (Saxena 2007: 5). So the legal way to deal with the issue must be relooked at, as it can be one of the probable ways to mend the problem. There should be a set of incentives and also disincentives attached to the registration process in order to encourage the illegal immigrants to voluntarily register with the authorities concerned. Provision of work permit should be there to those seeking economic opportunities, along with the necessary documentation and a joint verification to be adopted by both the nations (Tripathi 2016).

The statistical methods should be used extensively by the government to arrive at a better estimation, and thus to come forth with a rational policy making for them. Often the policy-making on illegal immigration by the government is based on guess work rather than reliable estimation. There is a vested interest involved in stating the numbers of illegal

migrants. For the sake of their own political gain, they may either overstate the size or understate it. This has further ramification on the policies to be formulated to deal with those migrants. It may also render the policies made for them irrelevant and will thus further aggravate the problem. Though it is equally true that all the estimates are prone to a certain amount of error, the scientific method has an advantage for it specifies the method used for calculating the population of immigrants, the field that is covered by them, the hypotheses used by them and also the statistical biases that were present in it (Jandl 2004: 153).

The courts are referred to as ‘shadow of refugee law’ (Saxena 2007:6). The judiciary can play a proactive role in this situation of confusion over the absence of legislation on refugees. In several instances, both the Supreme Court of India as well as the High Courts have taken proactive steps to stop deportations of refugees on genuine cases and provided them the opportunity to apply for protection from the UNHCR. The landmark decision of the Supreme Court in the case of NHRC v. State of Arunachal Pradesh is worth mentioning. The judgment portrays India’s willingness to respect the right of this section of people. The right to non- refoulement was also put forth in this context under Article 21 of the Indian Constitution. However, there are doubts expressed on this role of the judiciary, as it is only a temporary solution. To provide a permanent solution, the legislation on refugee is required.

There is a need to evolve a South Asian protocol at the regional level on the issue of refugee or immigrants in order to avoid the confusion. Since none of the South Asian nations till date have ratified the regime on refugee rights, a regional framework becomes imperative to deal with the situation. The states can then deal with the situation multilaterally and arrive at an effective solution (Singh 2010: 260). There is also a need to develop an SAARC Convention on refugees. India should take an initiative to convince the other South Asian countries to develop such regional convention that is in line with the similar practices undertaken by African and Latin American states. The conventions/declaration includes the OAU Convention Governing the Specific Aspects of Refugee Problem in Africa and the Cartagena Declaration on Refugees, both of which govern refugee issues effectively (Tripathi 2016). These regional practices can help the South Asian nations to address the various pending and protracted issues, which they formerly could not deal with in the past, either bilaterally or regionally.

However, the most important task for the state is to stop the further influx of immigrants into the country. Though the task is a complex one, long-term measures should be undertaken to deal with the issue. Along with sealing the porous border, there should be measures undertaken for effective communication and also surveillance along the border. If an economic reason is the cause of the infiltration steps should also be taken for fostering economic development in Bangladesh along the borders. Thus a collective of measures needs to be undertaken in this endeavor to resolve the issue that is creating a huge loss to the nation at large.

Although India still give refuge to its asylum seekers, but its reluctance to establish a legal framework for the immigrants makes the situation a difficult one. The immigrants had to rely on the mercy of the state rather than a legal framework that guarantees their rights in the absence of such a law. There needs to be a change in the 'official discourse' which considers the immigrants or the refugee as a parasite to the society and giving them relief is a process of charity rather than their legitimate right. The civil society can play a decisive role in changing the language of this discourse (Chimni 2005: 310). Three developments in the recent period subservice to the aspect of state sovereignty in International Relations. It includes greater emphasis on the protection of human rights, collective action to better the condition of the poorer people in the international society and stress given on the "common heritage of mankind" or for "world heritage". So along with the legal framework, this entails a process of 'social learning' to change the discourse.

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