


MAY 2019



Beyond the Poll Rhetoric of BJP's Contentious Citizenship Amendment Bill

Kanchan Gupta

Residents of Burgaon village in Morigaon, Assam, stand in queue to check their names on the National Register of Citizens
Photo: Getty Images / Biju Boro

Attribution: Kanchan Gupta, "Beyond the Poll Rhetoric of BJP's Contentious Citizenship Amendment Bill", ORF Special Report No. 89, May 2019, Observer Research Foundation.

Observer Research Foundation (ORF) is a public policy think tank that aims to influence formulation of policies for building a strong and prosperous India. ORF pursues these goals by providing informed and productive inputs, in-depth research, and stimulating discussions.



To know more about
ORF scan this code

ISBN 978-93-89094-22-0

© 2019 Observer Research Foundation. All rights reserved. No part of this publication may be reproduced, copied, archived, retained or transmitted through print, speech or electronic media without prior written approval from ORF.

ABSTRACT

The Bharatiya Janata Party (BJP) has been raising the issue of illegal immigration from Bangladesh for a long time now, identifying itself with the “anti-foreigners agitation” in Assam in the 1980s. The party has recently amplified its position, twin-tagging the issue of illegal immigration from Bangladesh with a promise to update the National Register of Citizens, and amend the Citizenship Act to grant citizenship to Hindus, Buddhists, Sikhs, Jains and Christians fleeing religious persecution in India’s neighbourhood while excluding any mention of Muslims as beneficiaries of the proposed law. Is the BJP’s increased tenor on illegal immigration mere poll rhetoric, or does the party have a plan?

INTRODUCTION

India’s Bharatiya Janata Party (BJP), which is seeking re-election to form the next federal government, has made illegal immigration from Bangladesh one of its main campaign planks. The BJP president, Amit Shah, has been particularly vocal on the issue, at least in the eastern and northeastern states which share their borders with Bangladesh. These states have witnessed extraordinary demographic changes as a result of illegal immigration¹ – or what the party calls “infiltration” in the east while referring to migrants as “infiltrators” or “*ghuspeethiyan* (literally ‘intruder’ in English)”, the popular term in Hindi laced with innuendo: the same word is used for terrorists who sneak into India across the Line of Control and the international border with Pakistan in the west.

By itself, this is not news; after all, the party has been raising the issue of illegal immigration since the 1990s and had identified itself with the “anti-foreigners agitation” in Assam in the 1980s. What has amplified the BJP’s position is the twin-tagging of illegal immigration from Bangladesh with the promise of updating the National Register of Citizens across the country, and amending the Citizenship Act to grant citizenship to Hindus, Buddhists, Sikhs, Jains and Christians who face religious persecution in India’s neighbourhood (i.e., Pakistan, Afghanistan and Bangladesh).² The Citizenship Amendment Bill³ that was introduced by the Modi Government but faced obstacles in the Rajya Sabha where the NDA did not have a majority, pointedly excludes any mention of Muslims as beneficiaries of this proposed law.

Illegal immigration from Bangladesh as a political cause and electoral issue leapfrogged into the BJP’s election manifesto after the party adopted a formal resolution at its national executive committee meeting in Bhopal ahead of the 1996 general elections.⁴ In that resolution, the BJP demanded “Detection,

Deletion, Deportation” – detection of illegal immigrants, deletion of their names from voters' lists, and their deportation to Bangladesh.

BJP'S CORE AGENDA

Between 1996 and 2019, illegal immigration (and the party's '3D' solution to the problem) has remained a feature in every election manifesto of the BJP, along with three other constants: Building a temple at Ayodhya to commemorate the site where Hindus believe Sri Ram was born; abolishing Article 370 of the Constitution that underscores the tenuous nature of Jammu & Kashmir's integration with the Union of India; and introducing a Uniform Civil Code to replace religion-based personal laws governing civil activities like marriage, divorce, adoption, and inheritance. These four issues, along with the promise of implementing another Directive Principle of State Policy—Article 48 which mandates the state to protect the cow and its progeny—are referred to as the BJP's “core agenda”.

In recent years, the tone and tenor of the BJP's agenda on illegal immigration has increased, as it raises its pitch on an emotive and polarising issue. The hardening of the BJP's position can be gauged by comparing what was mentioned in the 1996 election manifesto with what is promised in the 2019 one.⁵ The 1996 manifesto⁶ sought to warn people about the dangers posed by “Bangladeshi infiltration” using more general semantics: “Various demographic entities are bound to come in conflict” due to “an alarming growth of a section of the population” in “certain north-east areas”.

The 2019 manifesto, in contrast, reflects the current belligerent position of the BJP: “There has been a huge change in the cultural and linguistic identity of some areas due to illegal immigration, resulting in an adverse impact on local people's livelihood and employment. We will complete the National Register of Citizens process in these areas on priority. In future we will implement the NRC in a phased manner in other parts of the country. We will continue to undertake effective steps to prevent illegal immigration in the north-eastern states. For this we will further strengthen our border security. A pilot project on the use of technology to strengthen border security (Smart Fencing) was implemented in Dhubri (Assam). We will implement this on all borders.”

The party may have upped the ante to further entrench itself in the northeast, where it has been able to shed the tag of being a “north Indian Hindi belt party”. The BJP is in power in most of the northeastern states, including Assam which has faced the brunt of illegal immigration,⁷ by appropriating the deeply held belief that the interests of the “sons of the soil” are being

undermined by the “land-grabbing”⁸, “job-snatching” illegal immigrants. Further, the BJP is making its case with aggression to achieve a significant breakthrough in West Bengal, where there is palpable disquiet over what is widely perceived as patronage provided to illegal immigrants by the incumbent Trinamool Congress Government in exchange of their votes.

This explains why the BJP's pronouncedly belligerent position on illegal immigration, along with its promise of updating the NRC in other states and amending the Citizenship Act, has received far greater attention during the 2019 general election campaign than ever before. That attention has outweighed reaction to the other items on its agenda in spite of the fact that the issue of illegal immigration still has limited political traction, restricted largely to Assam and West Bengal and, to a certain degree, other northeastern states.

THE NATIONAL REGISTER OF CITIZENS: A BRIEF HISTORY

The issue of the National Register of Citizens (NRC) emerged in public discourse a year ago, as the long-drawn, often disrupted process of updating the NRC in Assam, supervised by the Supreme Court, ended in 2018. The process left more than 40 lakh people in a situation where they could end up being classified as ‘illegal immigrants’ and, in the absence of Bangladesh opening its border for them to return (which will not happen), deemed to be potentially ‘stateless’.

Yet the NRC, contrary to popular perception, is not unique to Assam. As was explained by the Ministry of Home Affairs in December 2018, “The Citizenship Act of 1955 provides for compulsory registration of every citizen of India and issuance of National Identity Card to him. The Citizenship Rules of 2003, framed under the Citizenship Act of 1955, prescribe the manner of preparation of the National Register of Citizens. There is a special provision under the Rules to prepare the National Register of Citizens (NRC) in Assam which is application-based and distinct from the rest of India where the process is enumeration-based.”⁹ The separate arrangement for Assam is not of recent vintage. Assam first witnessed mass immigration when the British colonial administration opened up the region to Muslim peasants from undivided Bengal to till the land, Adivasis from what is now Jharkhand to feed the demand for labourers in tea gardens, and Bengali Hindus to work as clerks, teachers and other white-collar jobs.

That influx of immigration was to increase revenues from Assam, but it soon became a tide with land-hungry Muslim peasants arriving in large

numbers and flooding the districts. A colonial privilege was soon seen as a right. The scale of immigration prompted the superintendent of the 1931 Census, CS Mullan, to pen his now oft-quoted concern that it would “alter permanently the whole feature of Assam and destroy the whole structure of Assamese culture.”

A TOXIC BREW OF POLITICS AND IMMIGRATION

Politics and immigration combined to form a toxic brew with the advent of the minority Muslim League Government after the 1936 election that followed the Government of India Act of 1935. Mohammed Sadulla, who headed this Government, actively encouraged immigration by Muslim peasants to bolster numerical support for the Muslim League, a move stoutly opposed by the Congress stalwart Gopinath Bordoloi. The Muslim League Government fell in 1938; Bordoloi formed a Congress Government and set himself to the task of stopping immigrant Muslims from acquiring land. The Bordoloi government resigned in 1940 along with all Congress governments after Britain drew India into World War II without seeking the consent of Congress leaders. Sadulla was back in power and returned to his policy of encouraging immigration. This continued up to when Congress won the 1946 election and Bordoloi returned to power. It is after this that an organised pushback against immigration began.

After Partition (which saw Sylhet being grabbed through deceit to become a part of east Pakistan, resulting in Sylheti Hindus pouring into immigrant-unfriendly Assam) and independence, the Government of India shared Bordoloi's concern and was supportive of expelling immigrants and putting in place a system that would discourage illegal immigration in the future. The Immigrants (Expulsion from Assam) Act of 1950 was meant to serve this purpose. Simultaneously, the Ministry of Home Affairs instructed that illegal immigrants be expelled by creating an NRC for Assam during the 1951 Census.

Both moves ran aground as passports and visas did not apply to Pakistanis till October 1952, which meant they could move in and out at will. Moreover, the Foreigners Act of 1946 was amended only in 1957 to designate Pakistanis as “foreigners”. By the time the 1961 Census¹⁰ was held, Assam had an estimated 220,691 illegal immigrants who likely entered the state in the past decade. The proposal to update the NRC was revived in 1965, and it was also decided that every Indian national would be given an identity card. Both the proposals were found to be “impractical” and junked within a year.

Meanwhile, the tide of immigration remained unchecked as district after district witnessed a silent demographic transition. The Congress, after

Bordoloi's death, began gravitating towards cynical electoral politics of using illegal migrants as a captive vote-bank by providing them with ration cards and thereby qualifying them to be included in electoral rolls. This model was later adopted in West Bengal by the CPI(M)-led Left Front and its successor TMC regime. Assam's experiment with the politics of bartering patronage for immigrant votes proved to be disastrous, alienating communities and resulting in violence.

THE MANGALDOI BY-ELECTION AND INDIRA GANDHI'S FOLLY

Rare, if any, has been a by-election in India that has had a profound impact on state and national politics. In 1978, the death of Hiralal Patwari, who represented Assam's Mangaldoi constituency in the Lok Sabha, necessitated a by-election that would have gone unnoticed and unreported in the media. But it became a national story, an event that foretold the upheaval that lay ahead. The All-Assam Students Union, which had begun raising its voice against illegal immigration, pointed out that the Mangaldoi electoral rolls were bloated with names that had been freshly included. A close scrutiny of the electoral rolls indicated that there had been mass inclusion of names of illegal immigrants, prompting AASU to demand that the by-election be called off, those names be deleted, and the Bangladeshis be deported immediately. That was the first time that the demand for "detection, deletion and deportation" was articulated as a political statement of protest. It triggered a mass movement in 1979 that came to be known as the "anti-foreigners agitation". Led by AASU, it received popular support.

Indira Gandhi, after staging a comeback in 1980, was keen to regain Assam that had slipped out of Congress's hands and was in turmoil. In 1983 she decided to proceed with Assembly elections in Assam without first purging the electoral rolls of names of illegal immigrants. The election was boycotted by AASU, and violence ensued. That election was tainted by the Nellie Massacre¹¹ in which 2,191 immigrants from Bangladesh were killed. (The unofficial death toll is believed to be much higher.)

The blood-stained election did not solve any of the problems plaguing Assam; it only exacerbated them. The agitation saw AASU forcing a lockdown. Indira Gandhi was assassinated in 1984 and Rajiv Gandhi, in a commendable effort to start his tenure with a clean slate, reached an agreement with AASU: the 'Assam Accord'¹² was signed on 15 August 1985. The key element of that accord was the detection of illegal immigrants, the deletion of their names from electoral rolls, and their deportation (to Bangladesh).

The Citizenship Act was amended to include clause 6A that provided for the classification of immigrants in Assam: those who came before 1966 (including Hindu refugees who fled East Pakistan during the 1965 war); those who came between 1966 and 24 March 1971 (when war with Pakistan officially commenced); and those who came after 25 March 1971 (war refugees and later illegal immigrants). Citizenship was to be given to all those who migrated before 1966 from east Bengal and east Pakistan. Those who came between 1966 and 1971 were to be disenfranchised and granted citizenship after due process. Those who came after 24 March 1971 were to be detected and deported.

The detection, deportation, deletion was to be done with the help of tribunals set up under the IMDT Act and in keeping with the provisions of the Foreigners Act. In the elections that followed, AASU came to power in its political garb as Asom Gana Parishad. Over the next five years its leaders proved their incompetence as administrators, while the ship called 'Assam Accord' on which they sailed to power foundered on the rock called IMDT Act of 1983, Indira Gandhi's legacy.

TRIBUNALS OF FAILURE

The Illegal Migration (Determination by Tribunal) Act,¹³ or the IMDT Act, was designed to fail in fulfilling the purpose for which it had been ostensibly drafted: to detect illegal immigrants in Assam. The burden of proof, which earlier lay with individuals, to establish nationality was transferred to the state. Consequently, the reference to tribunals became difficult and deportation impossible. The IMDT Act was found in contravention of provisions of the Foreigners Act.

The entire exercise turned into a farce. Sarbananda Sonowal, an AASU leader who is now Chief Minister of Assam, filed a petition in the Supreme Court, seeking that the IMDT Act should be struck down. On 12 July 2005 the Supreme Court struck down the Act as it was *ultra vires* of the Constitution. The high tribunal declared illegal immigration as an "act of external aggression", and reminded the state that it was duty-bound to protect India's citizens from such aggression.

The judgement in 'Sonowal vs Union of India'¹⁴ was to become the cornerstone for a new push to detect, delete and deport illegal immigrants on the basis of the Foreigners Act as applicable to Assam. A pilot project in Kamrup and Barpeta districts (where illegal immigration has been extraordinarily high) in 2010 had to be abandoned after officials were chased by a mob.

The situation meandered till 2013, when the Supreme Court ordered that work on the NRC be completed without further delay. Deadlines were set, relaxed and then fixed for the end of 2018.

As mentioned earlier, the NRC process in Assam was to be application-based, compared to the rest of the country where it is enumeration-based. The Ministry of Home Affairs statement to Parliament delineates the process followed in Assam: “The applications for preparation of NRC in Assam were invited in May-August 2015 and after necessary scrutiny and verification, the draft NRC was published on 30 July 2018. After the publication of the draft NRC, the process of filing claims and objections started on 25 September 2018 and remained open up to 31 December 2018 whereafter the verification process commenced from 15 February 2019 in accordance with the directions of the Supreme Court. Any person, who does not find his/her name in the draft NRC may file the claims. Similarly, any person can file objections in respect of inclusion of any name in the draft NRC list. Total number of persons included in the draft NRC is 2,89,83,677 out of 3.30 crore. The Supreme Court of India is monitoring the NRC process in Assam.”

LIFE AFTER NRC IN ASSAM, BEFORE NRC IN INDIA

Detecting illegal immigrants in India is an onerous task, no matter how honest the political leadership's intent and how sincere the efforts of bureaucrats. Assam's tortuous experience with preparing its NRC, first mooted in 1951 and completed in 2018, provides enough examples of obstacles to separating “aliens” from citizens. Among the obstacles are poor and inadequate legacy documentation in a country where record-keeping is shoddy at best, as well as cynical politics of the opposition. Even if these obstacles were to be overcome and individuals were to be identified as foreigners who have entered India illegally, what next? Deleting their names from voter lists is easily done, though not without political and legal challenges.

It is the third step that is complex. Deportation (or expulsion) would require agreement on part of Bangladesh to accept those being deported. Bangladesh (or any other country) would ask for adequate evidence, including documentary proof, to establish the credentials of the individuals being deported. Moreover, if the actual number of Bangladeshis residing illegally in India, many of them for up to five decades or more, is anywhere near the estimated numbers that are periodically cited by the Ministry of Home Affairs (MHA) any expectation that Bangladesh would agree to take them back is entirely misplaced. The latest estimate from the MHA is that there are two

crores illegal immigrants from Bangladesh in India;¹⁵ the subsequent official statement, however, is that the ministry is not certain.¹⁶

The Government of Bangladesh has already begun to cut short discussions on illegal immigration from that country with the blunt assertion that there are no Bangladeshis residing illegally in India. (It would be instructive to remember that American immigration authorities believe an estimated 500,000 Indians are living illegally in the US.¹⁷ Since they do not possess documents that can be used to prove their nationality, India has refused to even discuss the issue.)

Even on the limited success that India has had on deporting Bangladeshis who entered India (or stayed on) illegally, there is confusion: no two sets of details from two different sources tally. Published reports indicate wildly swinging figures of deportations. An August 2005 news report quotes the BSF, which guards India's 4,000 km land and riverine border with Bangladesh, as saying that 62,458 Bangladeshi illegal immigrants were deported over the previous three years.¹⁸ The report also mentions that 21,539 Bangladeshis were either stopped from entering India illegally or arrested after they made their way to Kolkata. Since the report was filed from Kolkata, it can be assumed that the data is specific to West Bengal. In October 2008, the MHA informed Parliament that 40,743 Bangladeshi illegal immigrants were deported between 2005 and 2007. In March 2016, the ministry informed Parliament that 48,049 Bangladeshi illegal immigrants were deported between 2008 and 2013.¹⁹ In March 2018 the MHA informed Parliament that 1,822 Bangladeshis were deported between 2014 and 2017.²⁰ For 2019, there are reports of Assam deporting 21 Bangladeshis; in the previous two years 39 Bangladeshis were deported from Assam.

Contrary to popular impression, detection and deportation of illegal immigrants is not done by the Union Government but by State Governments. In response to a Right to Information query, the MHA has disclosed, "The powers of identification and deportation of illegally staying foreign nationals, including Bangladeshi nationals, have been delegated to state governments and Union Territories administrations."²¹ What this means is that the Union Government has no role in detecting and deporting illegal immigrants after deleting their names from electoral rolls. It is up to the States to respond to the problem.

UNEVEN, INDIFFERENT RESPONSE

The response has been uneven so far. Assam has pushed for the detection of aliens, most notably through the process of preparing the NRC. It is still not

known what fate awaits those who are excluded from the NRC after appeals and complaints have been dealt with. A joint committee comprising officials of the State Government and the Union Government was formed in November 2018 to deal with the issue. Nothing has been heard about its suggestions, if it has formulated any.

In normal course, the names of those excluded from the NRC would be forwarded to the Foreigners Tribunals for a final determination of their nationality. However, there is little that can be done apart from removing their names from the electoral rolls. At the moment, over four million people stand excluded from the NRC, of which 2.09 million have filed claims for inclusion. Half of those excluded are reported to be Bengali-speaking Hindus.

Assam's all-powerful Minister and BJP leader Himanta Biswa Sarma, responding to media queries, has said deporting such a huge number of people is an impossibility and government has to think of ways to deal with the problem. Disenfranchisement (already in practice in the form of 'D Voter List' or dubious voters' list) is a possibility but it has to pass legal scrutiny when challenged.²²

Apart from Assam, there is little visible interest in other States, especially in West Bengal, Bihar and Tripura, to identify and deport illegal immigrants. The political dispensation in West Bengal, whose districts adjoining Bangladesh and the hinterlands are awash with illegal immigrants and have become the staging points for their further dispersal around the country, has aggressively rejected any suggestion to identify and deport them. Bihar has maintained total radio silence. It remains to be seen if Tripura reacts in the coming days.

There are two interesting anecdotal examples to illustrate political responses to the otherwise populist issue of identifying and deporting illegal immigrants. The previous BJP-Shiv Sena Government in Maharashtra had tried to deport a group of Bangladeshis who it claimed had made their way to Mumbai after entering India illegally.²³ Political activists aligned with the CPI(M), then in power in West Bengal, stopped and entered the train by which the illegal immigrants were being brought for deportation by Maharashtra Police. The police opened fire but that did not deter the protesters. Subsequently, those who were to be deported were set free on bail. Nothing more is known of that incident.

The other anecdote pertains to Delhi. Among the issues on which the BJP contested the first Assembly election in India's capital city state in 1993, "detection and deportation of Bangladeshi infiltrators"²⁴ stood out for its

emotive appeal. The BJP was firming up its position on illegal immigration and it wanted to use the 1993 Delhi election to test the electoral potency of the cause. As the party swept the polls and came to power, it promised to “crackdown on Bangladeshis”. That promise would later be quietly dropped from the BJP’s agenda.²⁵

Similarly, the party’s units in the States where the BJP has been in power for years have been loath to put into practice what their central leaders preach about “infiltrators” despite the fact that the presence of illegal immigrants from Bangladesh is no longer limited to Assam and other border states; they can be found from Kashmir to Kanyakumari. Bangladeshis are increasingly moving on from the states which they enter after crossing the border illegally to find jobs in urban areas and fill the vacuum in farm labour, armed with illegitimately procured Aadhar cards that have come to substitute similarly procured ration cards of the past.

AMIT SHAH AND CITIZENSHIP AMENDMENT BILL

In 2016 the Modi Government introduced the Citizenship Amendment Bill in the Lok Sabha. The Bill was meant to amend the Citizenship Act of 1955 to redefine the term “illegal immigrant” so as to provide shelter to persecuted religious minorities in Muslim majority Pakistan, Afghanistan and Bangladesh. Accordingly, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from these three countries were no longer to be treated as “illegal immigrants”. The terms of acquiring citizenship through naturalisation were changed for them, reducing the 11-year waiting period to six. Such a welcome was not to be accorded to Muslims from these three countries, even if they were to claim persecution. The argument was that Muslims have other Islamic countries to seek shelter; Hindus have only India.²⁶

In the face of overwhelming evidence, it is difficult to argue that non-Muslim minorities do face discrimination and persecution in these three countries. (It is equally undeniable that India has sheltered Bangladeshi writer Taslima Nasreen ever since the days of Prime Minister Atal Bihari Vajpayee in keeping with the BJP’s 1996 manifesto promise and prevented her expulsion when the UPA was in power.)

While critics of the Bill have contended that it contravenes Article 14 of the Constitution and is liable to be struck down by the Supreme Court if passed by Parliament, the BJP remains adamant. The Bill was passed by the Lok Sabha, and subsequently lost in the Rajya Sabha. It therefore lapsed with the outgoing Lok Sabha.

There is an unstated purpose behind Citizenship Amendment Bills (CAB): to help out Bengali-speaking Hindus, Buddhists and Christians who migrated from Bangladesh into India and have been living here as “illegal immigrants”. If the CAB were to get parliamentary approval then half or more of those excluded from Assam’s NRC would qualify for Indian citizenship.

At one level, this would contain the political fallout of the NRC excluding Hindu immigrants, and blunt the criticism of parties like the TMC which have seized upon the exclusions to paint the BJP as not standing by Hindus. At another level, it would meet the demographic challenge: Two million is not a small number and Himanta Biswa Sarma, who has been advocating for CAB, realises its political import in beating Muslim parties like the AUIF of Badruddin Ajmal, who has welcomed the NRC exclusions as the bulk of his voters has made it to the citizenship register.

This dovetails to what Amit Shah has repeatedly said: “We will get the Citizenship Amendment Bill passed in Parliament and then draw up the National Register of Citizens for the entire country, including Bengal, to identify infiltrators... All religious minorities, Hindus, Buddhists, Jains, Sikhs, Christians and Parsis from neighbouring countries like Bangladesh will be given citizenship in India and they will live with full dignity.”²⁷ Implicit in his assertion is a two-pronged strategy: protect non-Muslim “immigrants” while punishing Muslim “infiltrators”.

CONCLUSION

If the BJP were to retain power, it would be bound by its twin promises and faced with a problem with no plausible solution in sight. It would have to revive the Citizenship Amendment Bill and get it through Parliament by 2020 as pledged by Amit Shah. After that it would have to do what the Citizenship Act of 1955 mandates:²⁸ “Compulsory registration of every citizen of India and issuance of National Identity Card to him/her” through an enumeration-based process. Which would mean the 2021 Census. Although it remains a mystery as to why a nationwide NRC would require a phased implementation, when the Census is not conducted in such a manner. If the BJP, in the event of the NDA being voted back to power, can succeed in both aims, it can plan its 2024 strategy on a brand new plank of redefined popular nationalism: “We gave each citizen his/her identity as an Indian which no Government since 1951 has been able to do.”²⁹

Yet what should be the response to the illegal immigrants who are detected and whose names are deleted from electoral rolls? Deportation is not a feasible

solution. What next? Having a disenfranchised community of “aliens” within the national boundaries of India is not a happy proposition.

By its own admission the BJP has done precious little to ramp up border management on the eastern front. Much of India's 4,000 km-long land and riverine border with Bangladesh remains porous and poorly guarded. The rules that govern visa for visiting Bangladeshis are followed more in the breach. A popular Bangladeshi actor, for instance, with impressive earnings canvassing support for the TMC was found to have been living in Kolkata with an expired visa. Another actor is believed to have been working on a tourist visa. In 2018 a Bangladeshi hate preacher was all set to tour West Bengal till a social media campaign forced the Ministry of Home Affairs to rescind his visa.³⁰

Stories abound, too, of institutional corruption in the BSF that prevents the implementation of a zero-tolerance policy towards human smuggling and other criminal cross-border activities. If all that the BJP has to show for five years in power is a pilot ‘Smart Fencing’ project in one district and frugal spending on making the border impenetrable, will it perform any better over the next five years? Detection of illegal immigrants, even if successful, would prove meaningless unless their arrival is blocked permanently.

The question, therefore, is whether the noise is merely election-time rhetoric, or the BJP has a plan in place. 

ABOUT THE AUTHOR

Kanchan Gupta is a Distinguished Fellow at ORF.

ENDNOTES

1. Census of India. "Office of the Registrar General & Census Commissioner", India. <http://censusindia.gov.in/> (Accessed May 2, 2019)
2. Bharatiya Janta Party. "Sankalp Patra Lok Sabha 2019", 8 April 2019. Delhi. <https://www.bjp.org/en/manifesto2019> (Accessed May 1, 2019)
3. PRSIndia. "The Citizenship (Amendment) Bill, 2016", 19 July 2019. Delhi. <https://prsindia.org/billtrack/the-citizenship-amendment-bill-2016-4348> (Accessed May 2, 2019)
4. Bharatiya Janta Party. "BJP Election Manifesto 1996", 11 July 2016. Delhi. <http://lib.bjplibrary.org/jspui/bitstream/123456789/261/1/BJP%20ELECTION%20MANIFESTO%201996.pdf> (Accessed April 30, 2019)
5. Ibid
6. Ibid
7. Home and Political Department. "Government of Assam on Foreigners' Issue White Paper". October 20, 2012. Guwahati. <https://cjp.org.in/wp-content/uploads/2018/10/White-Paper-On-Foreigners-Issue-20-10-2012.pdf> (Accessed May, 2019)
8. Phadnis Aditi. "Son of the soil' CM Sarbananda Sonowal has kept Assam steady amid NRC woes", 2 August 2018. Delhi. https://www.business-standard.com/article/specials/son-of-the-soil-cm-sarbananda-sonowal-has-kept-assam-steady-amid-nrc-woes-118080201541_1.html. (Accessed May 3, 2019)
9. Press Information Bureau "National Register of Citizens". 18 December 2018. Delhi. <http://pib.nic.in/newsite/PrintRelease.aspx?relid=186562> (Accessed May 3, 2019)
10. Census of India. "Census of India 1961 Volume XIX". 12 June 1964. Delhi. http://censusindia.gov.in/DigitalLibrary/Data/Census_1961/Map/Delhi/MAP_1961_52899.pdf (Accessed May 3, 2019)
11. Kimura, Makiko. *The Nellie Massacre of 1983: Agency of Rioters*. New Delhi: Sage Publications India, 2013
12. Assam Accord. "Assam Accord and its Clauses". 15 August, 1985. Delhi. https://peacemaker.un.org/sites/peacemaker.un.org/files/IN_850815_Assam%20Accord.pdf. (Accessed May 3, 2019)
13. Legislative Department. "The Illegal Migrants (Determination by Tribunals) Act, 1983". 25 December 1983. Delhi. <http://legislative.gov.in/sites/default/files/A1983-39.pdf> (Accessed May 3, 2019)
14. IndiaKanoon. "Sarbananda Sonowal vs Union Of India & Anr". 12 July 2005. Delhi. <https://indiankanoon.org/doc/907725/>. (Accessed May 3, 2019)

15. PTI, "*Two crore illegal Bangladeshis living in India: Government*". 16 November 2016. Delhi. <https://indianexpress.com/article/india/india-news-india/two-crore-illegal-bangladeshis-living-in-india-government-4379162/> (Accessed May 3, 2019)
16. Das Debarshi Das & Bose Prasenjit. "*Assam NRC: Govt Clueless About How Many Illegal Immigrants Actually Live in India, RTI Shows*". 16 November 2018. Delhi. https://www.huffingtonpost.in/2018/11/16/assam-nrc-govt-clueless-on-how-many-illegal-immigrants-actually-live-in-india-rti-shows_a_23591448/ (Accessed May 3, 2019)
17. George K Verghese. "*Clock ticks for Indians in U.S. without papers*". 23 June 2018. Delhi. <https://www.thehindu.com/news/international/clock-ticks-for-indians-in-us-without-papers/article24242512.ece> (Accessed May 3, 2019)
18. M Chhaya. "*62,000 Bangladeshis deported*". 15 August 2005. Kolkata. <https://www.rediff.com/news/2005/aug/15bangla.htm>. (Accessed May 3, 2019)
19. Bhat Anil. "*Decades of illegal migration from Bangladesh to be tackled with NRC*". 9 August 2018. Delhi. <https://www.asianage.com/india/all-india/090818/decades-of-illegal-migration-from-bangladesh-to-be-tackled-with-nrc.html> (Accessed May 3, 2019)
20. Mohan Vishwas. "*'Missing' Bangla migrants set alarm bells*". 1 November 2008. Delhi. <https://timesofindia.indiatimes.com/india/Missing-Bangla-migrants-set-alarm-bells-ringing/articleshow/3660700.cms> (Accessed May 3, 2019)
21. Press Information Bureau. "*Illegal Immigrants*". 20 March 2018. Delhi. <http://pib.nic.in/newsite/PrintRelease.aspx?relid=177727> (Accessed May 2, 2019)
22. Das N. Krishna. "*Modi's BJP vows to strip Muslim immigrants of vote in Assam*". 11 March 2016. Delhi. <https://ru.reuters.com/article/indiaTopNews/idUKKCN0WC2WR> (Accessed May 3, 2019)
23. Udayan Namboodiri, Chakravarty Sayantan and Sen Avirook. "*Shiv Sena-BJP govt launches operation in Mumbai to push illegal Bangladeshi migrants back*". 10 June 1998. Mumbai. <https://www.indiatoday.in/magazine/nation/story/19980810-shiv-sena-bjp-govt-launches-operation-in-mumbai-to-push-illegal-bangladeshi-immigrants-back-826862-1998-06-10>. Accessed May 2, 2019)
24. Ministry of Home Affairs. "*Information under RTI Act, 2005*". 23 July 2014. Delhi. https://mha.gov.in/sites/default/files/72_RTI_NE_AK_280714.PDF (Accessed May 2, 2019)
25. Hazarika Sunjoy. "*Fear of a Confrontation Empties Delhi's Streets*". 26 February 1993. New York. <https://www.nytimes.com/1993/02/26/world/fear-of-a-confrontation-empties-delhi-s-streets.html> (Accessed May 3, 2019)

26. Ibid
27. Bureau Telegraph. "NRC to cover entire country: Amit Shah". 23 April 2019. Kolkata. <https://www.telegraphindia.com/states/west-bengal/nrc-to-cover-entire-country-amit-shah/cid/1689263> (Accessed May 3, 2019)
28. Ameen, Furquan, "Why the Northeast is protesting against the Citizenship Act amendment", 13 February 2019. Delhi. <https://www.telegraphindia.com/india/why-the-northeast-is-protesting-against-the-citizenship-act-amendment/cid/1684432> (Accessed May 2, 2019)
29. Ibid
30. Banerjee Anindya. "Welcome to Mamata's Bengal: Islamist hate-preacher gets a free pass, BJP's rath yatra opposed tooth and nail", 10 December 2018. New Delhi. https://www.mynation.com/amp/news/mamata-s-bengal-islamist-hate-preacher-gets-free-pass-bjp-rath-yatra-opposed-pji7ow?__twitter_impression=true (Accessed May 3, 2019)



Ideas • Forums • Leadership • Impact