

INDIA-BANGLADESH BORDER FENCE AND CROSSBORDER MIGRATION

ELENA DABOVA*

All of the immigrants who came to us brought their own music, literature, customs, and ideas. And the marvelous thing, a thing of which we are proud, is they did not have to relinquish these things in order to fit in...And this diversity has more than enriched us; it has literally shaped us. -Ronald Reagan

Abstract

The subject of the research is the border fence that is being built between India and Bangladesh as a solution to crossborder migration that is declared to be a threat to India. The goal of the research is to characterize the situation on the border beyond the media headlines, such as "the wall of death", "India has crossed the line" or "demographic aggression" against or "export of terrorism" from Pakistan. In order to achieve this major goal of interdisciplinary assessment of the border regime from both social and legal perspectives, the research went through several stages to fulfil the following tasks - analysis of the (a) political and legal aspects of the history of creation of the border; (b) history of demographic, economic and environmental development of the region of Bengal before and after it was split in 1947; (c) inventory of Indian domestic laws and law implementation process in the North-East region of India and (d) international laws, concerning immigration, refugees and human rights in South Asia and in the India-Bangladesh border region in particular. Comparative legal and historical analysis was applied as a main research method within the general interdisciplinary approach. The hypothesis of this study is that the border fence between India and Bangladesh, as well as similar international initiatives, is not protecting social and economic development of the region against the threat of illegal international migration. Current physical fence initiative between India and Bangladesh can not achieve the goal of peace and stability. Despite its "quick fix" allure in terms of establishing control and rule of law in the border region the fence is likely to further isolate regions with inhumane and corrupt regimes, magnify poverty, inequality and environmental degradation promoting the popularity of terrorist ideas due to mass ignorance and lack of alternatives.

Keywords: border fence, border security, demographic politics, international migration, social welfare, terrorism.

LA VALLA FRONTERIZA DE INDIA – BANGLADÉS Y LA MIGRACIÓN TRANSFRONTERIZA

Resumen

El objetivo del artículo es la valla fronteriza en construcción entre India y Bangladés como una solución a la migración transfronteriza que se ha declarado ser una amenaza para la India. El propósito de la investigación es caracterizar la situación en la frontera, más allá de los titulares mediáticos, tales como: « la pared de la muerte », « India ha cruzado el límite » o « agresión demográfica » contra « exportación del Terrorismo » desde Paquistán. Con la intención de alcanzar este gran objetivo de evaluación interdisciplinaria del régimen fronterizo desde las perspectivas legales y sociales, la investigación siguió diversas etapas para cumplir las siguientes tareas de análisis : (a) aspectos políticos y legales de la historia de la creación del límite ; (b) historia del desarrollo demográfico, económico y ambiental de la región de Bengala, antes y después de su división en 1947; (c) revisión de la legislación interna de India y las leyes del proceso de puesta en práctica de la región Nor-Este de India y (d) leyes internacionales relacionadas con inmigración, refugiados y derechos humanos en el sur de Asia y en la región de India-Bangladés en particular. Se condujo un análisis legal e histórico comparado como método de investigación del enfoque interdisciplinario general. La hipótesis del estudio es que la valla entre India y Bangladés, así como iniciativas internacionales similares, no promueve el desarrollo económico y social de la región para enfrentar la amenaza de la migración ilegal internacional. La iniciativa de la actual valla física entre India y Bangladés no puede facilitar los objetivos de paz y estabilidad. A pesar de su atractiva rápida solución en términos de establecer control y Estado de Derecho en la región fronteriza, la valla, muy probablemente, aislará regiones con regímenes inhumanos y corruptos, aumentará la pobreza, desigualdad y degradación ambiental, estimulando la popularidad de ideas terroristas debido a la ignorancia masiva y a la falta de alternativas.

Palabras clave: valla fronteriza, seguridad fronteriza, políticas demográficas, migración internacional, beneficio social, terrorismo.

LA CLÔTURE DE LA FRONTIÈRE ENTRE L'INDE ET LE BANGLADESH ET LA MIGRATION TRANSFRONTALIÈRE

Résumé

L'objectif de l'article est la clôture frontalière en cours de construction entre l'Inde et le Bangladesh, présentée comme une solution à la migration transfrontalière déclarée une menace pour l'Inde. La recherche vise à caractériser la situation à la frontière, au-delà des gros titres médiatiques, tels que « le mur de la mort », « L'Inde a dépassé la limite », ou « agression démographique » contre ou « exportation du Terrorisme » de Pakistan. Avec l'intention d'atteindre ce grand objectif de l'évaluation interdisciplinaire du régime frontalier à partir des perspectives juridiques et sociales, la recherche a suivi diverses étapes pour accomplir ces tâches d'analyse: (a) les aspects politiques et juridiques de l'histoire de la création de la limite; (b) l'histoire du développement démographique, économique et environnemental de la région du Bengale, avant et après sa division en 1947; (c) la révision de la législation nationale de l'Inde et les lois du processus de mise en œuvre de la région Nord-Est de l'Inde, et (d) les lois internationales relatives à l'immigration, les réfugiés et les droits de l'homme en Asie du Sud et à la région Inde-Bangladesh en particulier. On a appliqué une analyse juridique et historique comparée comme la méthode principale de recherche de l'approche interdisciplinaire générale. L'hypothèse de l'étude est que la clôture entre l'Inde et le Bangladesh, de même que des initiatives internationales similaires, ne protège pas le développement économique et social de la région contre la menace de la migration illégale internationale. L'initiative de la actuelle clôture entre l'Inde et le Bangladesh ne peut pas faciliter les objectifs de paix et de stabilité. Malgré l'attrait d'une solution rapide pour établir le contrôle et l'état de droit à la région frontalière, la clôture probablement isolera davantage des régions avec des régimes inhumains et corrompus, augmentera la pauvreté, l'inégalité, la dégradation environnementale, et cela favorisera la popularité des idées terroristes à cause de l'ignorance massive et la manque d'alternatives.

Mots Clés : clôture frontalière, sécurité frontalière, politiques démographiques, migration internationale, sécurité sociale, terrorisme.

1. Overview

In 2014 during the election rallies current prime minister and the Hindu nationalist leader N.Modi repeatedly called for tighter border controls and warned illegal immigrants from Bangladesh to have their “bags packed”, adding that he was even ready to resort to such controversial measures as closing roads from Bangladesh to India’s state of Assam and land transfers (Shrestha N., 2014). Yet before the British rule, followed by India’s partition, demographic politics in this region seemed to be a positive case of free migration and cultural assimilation within a big multinational, religiously diverse country (Sharma A., 1999; Kumar, 2006). The inner migration and migration from neighboring countries shaped and enriched India for centuries. During the partition of India into India and Pakistan/ Bangladesh the Muslim population of Indian states received a chance for independent country and were offered an opportunity to build their society by Muslim majority for Muslim majority, which, sadly, did not allow for creation of “ideal nation” (Mishra and Majumdan, 2003) states, but led to poverty, social instability, discrimination, and genocide in both Western and Eastern Pakistan/Bangladesh. Creation of Pakistan transformed traditional trade and prosperity enhancing inner migration in Bengal region into cross-border trafficking. Ultimately, India fought for independence of Bangladesh from Pakistan which changed the migration flows from the West to the East Pakistan, but did not

change the flows of Bangladeshi immigrants coming into Indian part of Bengal region. The partition of India damaged the usual economic, cultural and social ties that were built based on religious and cultural tolerance.

With time the partition kept proving to be an artificial project, conducted in an emergency time frame as a result of a political will rather than understanding of the situation. It was not designed to benefit the economic and social traditions of the population. Naturally, the borders of the separate countries of India, Bangladesh and Pakistan became an eternal hot spot and not the promised “guarantee of peace”. “From the top” creation of independent political entity (Pakistan) for an ethnic and religious minority (Muslims in India) instead triggered ethnic and religious expulsions from new Muslim majority states (Pakistan and Bangladesh) into Hindu predominant India. India’s partition also became a negative example of how necessity to resolve certain ethnic/ religious minority tensions taken to the extreme (Rai, 1994) resulted into distorted nation building process in both Muslim minority India and Muslim majority Pakistan.

As of right now, an 8 foot double walled barbed-wire fence goes along the India–Bangladesh border, covering about 70 percent of India’s borderline to prevent both voluntary and involuntary migration flows from Bangladesh. It consists of concrete wall pieces with barbed wire and columns along the 3,909 kilometer border line that divides Dhaka, Khulna, Rajshahi, Rangpur, Sylhet and Chittagong of Bangladesh and

Indian states of West Bengal, Assam, Meghalaya, Tripura and Mizoram and the completed 2735 km of this fence by 2011 costed over 500 million dollars. The fence building process started in the mid-1980s. Continuing flows of immigrants, physical violence of the guards, casualties of civilian population show the inefficiency of the border wall yet the wall project is going to be completed despite large costs. Geographically, only part of the wall is constructed on the land. Parts of the fence stand on the wetlands and can be crossed by simply ducking under it. Also there are breaks in the fence due to various water beds. Even when the border stands on the land, it sometimes goes literally through the houses of the local villages with a front door in India and the back door in Bangladesh. In 2002 inspection in Assam found cuts in the fence wiring made specifically to facilitate illegal movement of people (Kumar, 2006). The agreement on establishing the “no man” zone along the border between the two countries does not help fighting the corruption that facilitates illegal crossings for a rather affordable fee all along the fence 24 hours a day. To try to correct the situation, India and Bangladesh recently signed another land swap agreement aimed at promoting legal trade and eliminating criminal infiltrators (Roi, 2015). There is a high demand for illegal migration on both sides of the border. The supply is facilitated by corrupt local police forces that help the immigrants for a fee to cross the border while escaping punishment. Some illegal immigrants are being protected by corrupt political forces in India or by the pro-terrorist organizations in Pakistan (Rai, 1994). Altogether, the history of the demographic development of West Bengal before and after the

partition of India, current and historical insufficient control of India’s central government over this border region, Indian domestic law and imperfections of the existing international mechanisms of protection of human rights of the cross-border immigrants make the India-Bangladesh a complex “hyper-border” (Romero, 2007), like the one between the US and Mexico.

India is a multinational country. It has been this way before the colonial rule of Great Britain, by the time of creation of Indian nation state in 1947 and after that. The founding father of Independent India had dreamed about an independent culturally, religiously and ethnically diverse India as a recipe for sustained success of its population. But the other founding father of Independent India, who later became the first leader of the Independent Pakistan M.A. Jinnah thought otherwise. He believed that Muslim Indians cannot flourish inside Hindu-dominated India and they deserve their own pure land, that later became in 1947 West Pakistan, later Pakistan; and East Pakistan, later Bangladesh. When Great Britain was ready to quickly get rid of the main pearl of its colonial Empire, it was Jinnah who insisted that Independence of India should be happening with creation of the pure land for the Muslim Indians—the Pakistan. It was also ironic that in the beginning of the Indian independence movement Gandhi and Jinnah were standing next to each other. When the conference aimed at discussing the conditions of India’s independence was called by the British, Jinnah called for a peaceful demonstration of Indian Muslims in Calcutta that the very same day turned into a blood bath for the Hindu population and started a civil



war. This was the price for creating an independent Pakistan, part of which later became Bangladesh. The creation of Bangladesh was initiated by the genocide of East Pakistan/later Bangladesh Muslims by the West Pakistan Muslims/later Pakistan. While Indian troops stopped the genocide by helping in creation of an independent Bangladesh, they could not solve the problem of marginalizing of the new minorities. For example, more than 200 000 of Biharis (ethnic group that fled West Pakistan) were not fully accepted in Bangladesh and became “stateless” people living in camps (Majumdar and Mishra, 2003). Also India itself ultimately resorted to creation of the wall that is now dividing ethnically same Bengali people.

Regional social and demographic problems that current border fence is promoted to be a solution to were discussed during the time of Partition of India (Baren, 2002; Husain, 1994; Roy, 2012). Current India-Bangladesh border fence line now follows the same Radcliff line by British Empire. Tragically the Radcliff line already caused about 15 million people moving across border, 500,000 people dead in the violence and millions injured, yet the same Radcliff line was kept as an official border between India and Bangladesh and later fortified into into current fence. Neither the Radcliff line, nor the current fence follow historic, cultural, religious or ethnic logic of the regional demographic development. It divided thousands of villages, towns and cities with a unified regional system of canals and communication networks that served more than 35 million people, including 16 million Muslims, 15 million Hindus and 5 million Sikhs, who despite their religious differences, shared a common culture, language and history. For example, historically regional shrines of Sufi saints were equally revered by the Muslims, as well as by Hindus and Sikhs; the cultural center- Lahore had a Muslim majority with Hindus and Sikhs owning the major bulk of banking, insurance and manufacturing, and Gurdaspur, for example, had a slight Muslim majority, but it was the Sikhs who dominated their economy. The religious logic of regional borders, including post-colonial borders of India, was invented within the so-called “Muslim country for Muslims” project of Pakistan and was not meant to benefit India or any other state but Pakistan. Historically “Muslim-Non Muslim” differentiation and religious segregation in general was not the main social dividing line in India. Muslims were not a socially homogenous group in India and had stronger ties with non-Muslim population based on same cast and ethnic identity.

2. Theoretical debate on walls, borders and international migration

The India-Bangladesh wall is not a unique case in current world politics. After the collapse of such great divides as the Berlin wall and the apartheid system in

South Africa, the politics of walls did not go out of fashion. Besides the India-Bangladesh wall, there is a US-Mexico wall, the electrified Zimbabwe border, Saudi Arabia-Yemen wall, a fence between Turkmenistan-Uzbekistan, an India-Pakistan fence and others. These walls represent an ambition of the nation state to control transnational movement of people. There are serious academic papers on wall practices in Europe and North American, but much less on the walled borders in Asia. Yet there are studies on border development and protection practices in India, such as border management of India’s land borders and India’s borders, ecology and security perspectives, edited by Rao and Sharma (1991). International migration can be looked at from several grounds-historical, moral, economic, political and legal. Opinions on walls and international migration are very much linked to the globalization debates:

• “Globalization’s last frontier”

Primarily from a moral perspective, today’s migration regime is unjust. It distributes opportunity by fate of birth on a particular territory and makes people prisoners of cruel and corrupt regimes (Moses, 2006). This injustice was recognized a while back by actors from across the political spectrum. For example, both Soviet leader N. Khrushchev and president of the United States G.W. Bush recognized the injustice of existing border regimes that were designed to “fence people in” and deprive people of their right of choice to explore and see what the world is like for themselves, to fulfill their basic desire of searching for a better life. The immigration laws should become more rational and humane, and that can happen without jeopardizing the livelihood of citizens. In the second half of the 20th century, globalization brought closer the capitalist and socialist camps. These camps seemed to be nothing but political and economic antagonists while their arms race posed danger to the world’s existence. Yet now we witness social welfare capitalist states and economically liberalized post-soviet states trading together for the common benefit. The liberalization of migration is the next logical step in allowing globalization forces to bring together various seemingly antagonist political and economic camps, provide equal opportunity to larger number individuals across the globe, and facilitate evolutionary social progress via peaceful competition of talent, traditions and culture. This approach also believes in global assimilation politics based on universal values and not cultural traditions of various ethnic groups. From these perspectives, border walls are an obstacle to the global social progress. Arguments against liberalizing migration regimes though promote the idea that cultural, religious and social differences between the immigrants and local population are a dividing line that cannot be overcome and, therefore, the liberalization of international migration will pose a threat to global social stability.

• *Liberalized borders as a threat to civilized society*

In the context of the debate on state borders and immigration control policies (Andreas, and Snyder, 2000), some authors insist on the illusive nature of globalization. They consider escalation of border conflict, including India-Bangladesh violent border regime, as a proof to the general rule of limits of liberalization and integration. In their view, the walls are justified, since unlimited international migration can explode the existing world order and undermine the civilized approach to international relations, based on secularism, individual freedoms, gender and other equality etc. The wall between India and Bangladesh is seen as the Berlin wall of Asia, or the new “great Chinese wall” between the largest democratic secular state in the region and current and perspective adepts of the Islamic fundamentalism that promote the idea of theocratic Islamic South Asia as a civilizational victory over the West. Despite the shared historical past and economic dependency, Hindu-dominated India and Muslim-dominated Bangladesh are engaged in Kulturkampf (cultural war) and are on the different sides of Huntington’s “civilizational” frontier. Biologically and cybernetically, nations are living streams of a higher order, with different systemic qualities that are transmitted genetically and by tradition. The integration of large masses of foreigners and the preservation of our nation thus cannot be achieved simultaneously; it will lead to the well-known ethnic catastrophe of multicultural societies. Well equipped border walls as a means of supporting stable and secure border regime can prevent the inevitable social explosion when different cultures reside in close geographical proximity or try to mix with each other on the same territory.

• *Tension between sovereign nation state and globalization forces*

While previous approaches imply that border walls as a means of facilitating international migration can influence global social progress, the border fences can be viewed as neutral in their effect on world affairs. They are an index of shifts in power, for example in the power of a sovereign nation state. Walls are “nests” of tensions, caused by globalization, such as between global networks and local nationalisms, virtual power and physical power, private appropriation and open sourcing, secrecy and transparency, territorialization and deterritorialization. In his book *Walled States and waning sovereignty* (Brown, 2014), neoliberal Brown suggests that proliferation of nation-state walls is a reaction to the eroded nation-state sovereignty when globalization has unleashed growing transnational powers. Yet the attempt to strengthen the national sovereignty through demarcation of existent or aspirational nation state boundaries is most likely to fail to create a fortress to protect against political legitimacy deficits or citizen anxieties or state and non-state violence. If anything, walls are rather likely to promote boundary corruption

in a post-Westphalia context.

• *The risk of social explosion or sustainable welfare system*

From an economical perspective, international migration is viewed as risking social explosion and threatening the means of sustainability of the welfare system promised by the governments of the national states to their citizens. Historically, international migration has provided the influx of young and active immigrants as can be seen in the history not only of the United States, but Europe, Russia and Asia. When regarding international migration as means of sustaining social welfare, there are three questions that arise logically: (a) can national governments provide tight immigration policies that can guarantee precise amounts and particular type of immigrants suitable for its economic needs? (b) will immigrants contribute more to the national welfare than they will rely on the social package provided for them by the recipient government at the expense of the taxpayers?(c) do immigrants expand the national market and size of the economic pie for the recipient country?

Some authors suggest that the current status quo of “tight” immigration control is a myth and is impossible to sustain, but most importantly it threatens the welfare system by depriving aging population of welfare benefits they worked for. Attempts to corrupt the supply-demand laws of the international market administratively deepen economic inequality and poverty and lead to more social explosion in the era of high technologies and information. First generation immigrants do not improve their economic status substantially, but the second and third generation does and does it faster than the local population. As for the social package, some do rely on it to some extent, but they do not receive full benefits of the educational or medical system as locals do and they are a minority in immigrant population. On the other hand international migration has a positive effect on the economy of the sending country, by raising the price of labor and vacating limited resources. Indirectly international migration decreases economic inequality in the neighboring regions and countries, which drove the immigration wave in the first place. The overall attitude of the anti-Isolationist to the walls is that they are costly and useless measures that do not benefit either of the sides of the border while immigration alarmism in general feeds national xenophobia. The Isolationist insists that immigrants spread poverty and disease as cheap labor pushes the local population out of the labor market and as social welfare beneficiaries represent a burden on economic effectiveness. The border walls on the other hand are source of employment for guards and officers and a boost to technology development.

There have been several attempts by individual authors to collect facts and data on economic input of the immigrant population to the local economies. In most cases, the conclusion was contrary to the populist

statement of the “immigrant curse” on economic affairs and welfare of the average citizen. One of the books that collected various economic data on immigration and wall politics is the book “Let them in: the case for open borders” (Riley, 2008), devoted to Mexican immigration to the United States and the history of international migration to America in the 20th century. He claims that nowadays Latino immigrants are not different and that newer and open immigration policy is compatible with free market conservatism and homeland security. The US benefits from a workforce that is younger than in Asia or Europe, that provides unskilled labor where the overqualified do not want to work, and that provides upward mobility for the native population. He suggests that instead of border fences, societies need alternative legal ways to isolate criminals and to reserve board patrols for searches for drugs and terrorists. The fact that there are large masses of illegal immigrants in various countries despite the tightest possible border controls proves that national and international labor forces are a fundamental economic resource that are not under control of national governments.

Whatever current immigration trends are, they cannot be altered and put at the service of the lawful citizens of the national states without international regulation, which in turn cannot happen without recognition of unpleasant failures of national border politics and without providing sufficient legal infrastructure for the international migration according to the international economic and social needs. While governments refuse to have an honest economic debate on the influence of the immigrant population on national and international economies and admit that social explosions are the results of corruption and economic mismanagement, a global social explosion is very likely to be caused by real threat-national and international criminal organizations that consider threatening global stability and welfare as their main goal. More than walls, national governments and the international community need a truthful and public balance sheet on international migration to make sure that the wealth and power produced by immigrants goes into the pockets of lawful citizens and governments and not into the hands of illegal groups that use border walls and fences almost as their fiefdoms and walled regions as their harvest fields. When it comes to international migration, the nation states in their economic competition are losing control not to each other, but to international shadow market. The role and influence of individuals and corporate structures grows bigger while the legal, political and social infrastructure remains the same or decreases which leads to the creation of a pervasive form of international movement of labor objectively driven by economic and social needs, but not supported officially and administratively

by nation state or international authorities.

- *State sovereignty and human rights*

The existing level of illegal migration all over the world has been caused by “tight” immigration regimes, which includes a long history of walls. Reversing already existing economic demand and supply of international labor force cannot be done without damaging their national, regional and global economic ties and progress. And it cannot be done by the national states alone. In the 20th century, the creation of the passport system and the lack of an appropriate international legal regime have created problems in facilitating labor force movement for the benefit of a legal international market that is benefiting official national and international institutions. Instead, international labor force have become a source of income and political influence for the shadow national and international organizations, including terrorists, drug dealers, smugglers, human trafficking groups, mafia organizations and separatist groups. All of them benefit from exploiting people that lose their legal protection after crossing national borders voluntarily or involuntarily. States fear loss of their legal control over migration and damage that can be caused to their sovereignty rights by including international migration as a part of the human rights system. Yet, de facto, states have already lost some of their sovereignty to much more dangerous and unknown bodies, such as domestic and international criminal groups, that are gaining more and more administrative control over immigration due to political myopia and the lack of courage to admit failures of states in facilitating timely and adequate legal infrastructure for international immigration.

An emerging system of international human rights already limits the state’s freedom of action. The state is no longer the exclusive subject of international law: states coexist with actors that either have rights or limit states’ capacity for sovereign action. The longer the states wait to take a position on the pressing fact of international migration, the more influence they will cede to other actors that might be interested in undermining the existing system of international law in general.

At the same time, there are obvious gaps in international law that need to be filled by the initiative of the nation states. After World War II, the Universal Declaration on Human Rights acknowledges the need for people to defend themselves against tyranny and oppression beyond the last resort of rebellion, and explicitly recognizes the equality of all people. Articles 13-16 apply directly to migration and reserve the right to move within the boundaries of the given state, to leave any country and to return to one’s own. The Declaration protects the asylum seekers from prosecution, gives right to a nationality and protects the family as natural

and basic unit. But the 1985 Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in Which They Live made it clear that the right to leave the state is a rather empty one. This document confirmed that once the individual leaves his own country, he has no guarantees that any other country is going to accept him. Considering that all the territory beyond the border he crosses is some other state sovereign territory, technically an immigrant has no place to go. There is no question that the terms of an alien's presence and the condition of his entry is a subject to national authority, yet if international community declares a right to exit, it has to provide a mechanism that would support its implementation. There was an attempt initiated by Nansen to provide refugees with alternative state passports, but those passports did not guarantee the admission to the state of issuance. As a result very few post-war refugees were able to benefit from this mechanism.

3. India-Bangladesh trans-border migration

To understand border fence politics, and in order to assess the effectiveness of this policy in terms of controlling international migration to India, one needs data on (i) who is intending or trying to migrate to India, (ii) why (iii) how and (iiii) how many of them. While there is some understanding on why, how, and how many people immigrate mostly illegally to India, there is no direct data on the composition of the immigration flows.

• (i) "Who"

Lack of administrative control makes it almost impossible to detect, calculate, and even more so to deport, the immigrants as was intended, for example, in the Assam accord that provided for the detection and deportation of all infiltrators, both Hindus and Muslims, who entered India after March 25th, 1971 (Kashyap, 2015b). As the Rajiv-Longowal Accord of Punjab, it was never successful since nothing has been done to implement those initiatives. Similarly, the intention to locate the illegal Bangladesh immigrants as part of the census in 1991 failed in its task and was claimed to be a fraud (Mishra and Majumdan, 2003). Lack of any sort of direct statistics makes it extremely difficult to characterize the immigrant flows to India. There is public awareness on recent "aggressive" migration of Muslim Bengali people from Bangladesh to India or from Pakistan through Bangladesh to India (Coruccini and Kaul, 1990; Mishra and Majumdan, 2003). Immigration and Assam p10, While the number of post-partition immigrants in new border regions in 1947-1952 alone seems rather large: 14-15 mill people moved in 1947-1952 alone (Mishra and Majumdan, 2003), it is important to remember that before colonization followed by creation of nation state large trade based migration

flows were a characteristic feature of larger South Asia region. Most statistics on immigration to India, including from Bangladesh, representing, for example, a break down on actual refugees vs. smuggled people for the purpose of corrupt local governments and mafia groups, or emigrants vs. immigrants, (Irudaya, 2011 and Khadria, 2009) doesn't make it to public sources. There is a public sentiment that the massive flow of economic immigrants from Bangladesh spread poverty and damage Indian economy which is in many cases becomes a "numbers game" (Samaddara, 1999) played by media to manipulate public opinion. It seems that the real problem of India-Bangladesh cross-border migration is the resulting decrease in Hindu population (Chatter and Sengupta, 2011) along the geographically peripheral regions of India, that central government considers as a possible threat to political balance on the federal level. It is important to note though that legal economically based voluntary migration has not proved so far to disturb the political balance in the US, Canada or Great Britain.

There are serious studies on the poverty of certain groups of Indian population, which have been caused by internal social politics for centuries, but these studies are not making the headlines and do not blame international migration for creating numerous economic and social problems. For example, J. Alam explains "making of the poor" (Manchanda, 2010) as a result of political practices of Muslim elites in Muslim communities and colonialism that caused systemic poverty to be inherited by communities after Independence. Different types of immigrants influence the receiving country in different ways, yet there is no clear understanding on the composition of the immigrant from Bangladesh. While human rights organizations can consider the victim of the border accident as a civilian, the border patrol is sure he is a smuggler, an Indian official counts him as an economic immigrant or a terrorist, an international authority suspects him to be a political or environmental refugee while the Bangladeshi side hasn't been vocal on the matter until recently. Partially because complex migration history and long ancestral ties it is difficult to define legally the infiltrators and even more so to count. (Kashyab, 2015b). While migration from Bangladesh to India was called India's "Mexican problem" (Ghosh, 2012) in the cases of USA-Mexico border or immigration flows from Africa to Europe the situation is much more clearer. This ambiguity proves that the character of the Bangladesh-India immigration is much more complex and sophisticated in terms of composition and needs to be examined properly before drafting any national or international regulations.

• (ii) "Why"

The immigration from Bangladesh to India has some universal and some regional features. However, the unique characteristic is probably that it happens across a border between the most densely populated country in

the worlds and a state with the biggest economic inequality gap between the elites and poor. The other unusual feature is that due to the historical development of the region, a certain percentage of the Bangladesh population does not consider themselves as immigrants, though they are engaged in trans-border illegal trade, or visits to their family, or even go to school across the border on a daily bases. As for the long-term voluntary immigrants from Bangladesh, there is a difference between voluntary and involuntary migration to India from Bangladesh. Part of the immigrants are those who were smuggled in for various illegal purposes, such as women and children prostitution and exploitation. As for the long term voluntary immigration, India represents a lucrative destination as an economically developing secular democracy with multi-national population.

- Violation of human and minority rights in Bangladesh

The Constitution of Bangladesh has core human rights incorporated under two heads: Fundamental principles of state policy in part II of the Constitution, articles 8-25, and under Fundamental Rights, part III of the Constitution, articles 26-47A. The catalogue of Rights according to the Constitution is broadly compatible with the Declaration on Human Rights and the Center fo Civil and Political Rights (CCPR). These rights are judicially enforceable but depend solely on the level of independence of the Constitutional Court. The Fundamental Principles of State policy includes almost all the norms of economic, social and cultural rights recognized by the Committee on Economic, Social and Cultural Rights (CESCR), but these rights are not judicially enforceable. Human Rights reports on Bangladesh published by various sources such as as Amnesty International 2013 “Pushed to the edge” report, along with US Department of State, Human Rights Watch and local NGO’s such as Ain O Salish Kendra (ASK), agreed on wide spread cases of extra judicial killing, torture, domestic violence, violation of women’s and indigenous people’s rights.

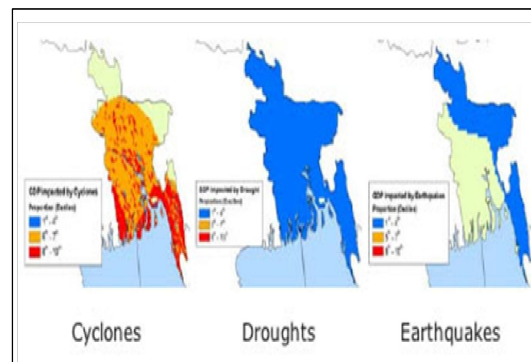
One of the problems of the Bangladesh legal system is the traditional orientation on the system that was in use in the pre-colonial era, when Bengal was the richest province of the Mughal Empire. Unfortunately, the Mughal’s criminal justice practices varied between the two extremes of excessive leniency and intolerable severity and do not benefit an average citizen. In respect to minorities, Bangladesh politics is widely criticized in the region. The Constitution does not recognize any minority therefore there is no protection of them. There are up to 45 various ethnic minority groups accounting for 1.13 percent of the population, most of them are concentrated in Chittagong Hill Tracts (CHT), gradually lost their autonomy, culminating in 1972 when the Constitution declared a unitary state (Manchanda, 2010). The history of ethnic minorities in CHT is full of social and military violence, including aggressive settlement

policy that was aimed to outnumber indigenous people, and full armed conflict. The Chittagong Hill Tracts Peace accord seems to represent a time-out rather than a real solution (Rashiduzzaman, 1998). Besides the Chittagong Tract minorities, there are other minorities that remain under pressure-the Hindu population that suffers from violence before, during and after national elections and Biharis.

- Environmental problems in Bangladesh

While being overpopulated, Bangladesh territory is not much suitable for land cultivation due to various reasons, including to floods. At the same time, fresh water resources are limited as well. Medical services are undeveloped and the population education level remains very low, especially for women, which leads to even higher density of the population. Flooding and riverbank erosion in Bangladesh drive 18-20 million of people every year out of their habitat. First, they become displaced by floods internally. They then move further and ultimately cross the border not because they choose India, but because Indian territory is viewed as the closest farming opportunity for them. There a number of studies available on the environmental problems along India’s borders, such as mentioned earlier India’s borders, ecology and security perspectives (Rao and Sharma, 1991) as well as well as particular studies on the effect of environmental stress on economy, demography and migration in India-Bangladesh border región (Shibli, 1996; Suhrke and Hazarika, 1993).

Center for Hazards and Risk Research-Bangladesh Natural Disaster Profile, 2004:



- Historical tradition

Traditionally, the areas bordering present-day Bangladesh and Pakistan, as part of India, were not strongly controlled nether by central government nor by the Hindu majority. In fact, the area of Assam (also called a “rebellion” state bordering Bangladesh from the India side) was traditionally a state with a rapidly changing demographic situation, promoted by the British Empire and then on though out the 20th century. Basically, for the large masses of the population of South Asia since before the colonial era were used to freely migrate to

bordering region of India and Bangladesh.

- (iii) "How"

- Porous border and corrupt border protection system in India-Bangladesh bordering region. The Union Home Secretary, B.B. Kumar, spends a lot of effort promoting reform in the India-Bangladesh border regime (Kumar, 2006). For example, he argues for the necessity of adjusting the Radcliff's border line that goes literally through houses and farming areas, making it impossible to control the immigration. Due to some geographical conditions, the border fence in some areas can be changed while in some areas change makes no sense and would cause useless expenditures. Some major recommendations of the Working group on management of the Bangladesh border were accepted by the Group of ministers of the NDA government, but remained without action. The first recommendation was the principle of one border—one force, requiring the Border Security Force, Indo-Tibetan border police or the Assam rifles to be held responsible for their actions and inactions. The second recommendation was to setup clear rules for judging the performance of each group. The other recommendation was that the forces should be split into border deployment force and inner security force so that the border forces could be deployed constantly, except under exceptional circumstances.

- Immigration and voting reforms in India

The so-called "unprecedented" immigration flows that are impossible to absorb and that cause social instability and poverty can easily be a scape goat supporting the creation of the wall. Creation of the wall is a populist measure that is much cheaper than an extremely difficult and costly voting reform that many believe is needed and is deeply connected with the problem of illegal migration (Biswas, 2011; Singh, 2013).

On the one hand, the process of legal international cross-border migration is not supported sufficiently neither on Indian domestic level, nor on the international level to meet the demand-supply needs of India and Bangladesh. The process of obtaining a visa to cross India-Bangladesh border legally can take months, years or be impossible, unless you have sufficient connections to get your legal application processed. The visa system is undeveloped and not enforced even where it partially exists. The process of lawful naturalization does not exist as well (Kumar, 2006). While illegal migration from Bangladesh seems to be viewed as a question of national importance, revision and implementation of the legal visa regime between the two countries or the naturalization process for immigrants is not a part of public wall discussion. There is not much discussion on means of legalizing the immigrants that have already crossed the border and not much effort made to get at least an informal statistic on those who migrated to India. In the last case the position of Bangladesh is very unhelpful since Bangladesh doesn't recognize the

fact of mass illegal migration of Bangladesh citizens to India. There were two major initiatives discussed since independence: registering citizens to vote and giving bona fide identification cards to the people living in the bordering region with obligatory check of the citizens staying for more than 30 days. Both initiatives remained solely on paper (Manchanda, 2010). Oftentimes, local governments refuse to take action. Even so, India was a primary target for terrorism since 1990 when a few anti-terrorism initiatives and laws were repealed as a means to prevent discrimination of Muslim population (Manchanda, 2010). At the same time, proposals such as working permits for a certain period and a law prohibiting employing a Bangladeshi other than when with a work permit did not succeed. A lot of these initiatives were developed in detail in a meeting of the chief ministers held by the Union Home minister in 1992.

At the same time, not only do the imperfections of the immigration regime with Bangladesh pose a direct threat to the existing secular democratic regime in the bordering states of India, there is also a need for voting reform to complement the immigration policies. As of right now a voting block of corrupt politicians can be easily composed by a large number of illegal immigrants who can falsify their citizenship and vote. They do not need to go through a formal registration and can present a couple of witnesses of their citizenship, who for example can be another two illegal immigrants. A lot of the illegal immigrants get their votes registered with the help of corrupt politicians, and a lot of them are engaged in criminal activities. Some political parties that rely on the support of the Muslim population are directly interested in concealing facts on the problem of the illegal immigrants. Due to various factors the votes of the foreigners are being counted as the votes of the citizens and bring victory to Islam-oriented parties. There were instances of an illegal immigrant holding a government position or being elected. It is important to note that the constitution of India does not bar a person of foreign origins from holding even highest constitutional position in the country once he is a citizen.

- Traditional social inequality in India

There are many instances in the international media on cases of discriminating and inhumane treatments of those crossing the border and being shot by the border guards. But there is a much larger number of suffering immigrants and a local Indian population that is being controlled by the mafia and corruption inside the country. There is enough publicity around those who cross the border illegally on a daily bases by paying bribes-individuals like smugglers of cows and other goods (Chatter and Sengupta, 2011). But there is not much publicity on the same smugglers attacking and killing the border guards as well their own fellow citizens who stand in their way. And there is even less publicity on a much larger group of discriminated people that demands international concern. These are

the people who are smuggled through the border quietly through high rank corruption to serve the demand of mafia groups of exploited labor (Rai, 1994). Ironically, Muslim and communist terrorists propaganda, that is linked to mafia groups, are those who talk most openly about the need of “liberation” of India and eliminating inequalities, discrimination and exploitation and about the evil nature of Indian secular democracy that sustains itself at the expense of the “oppressed communities” (Rai, 1994).

Formally, there is constitutional equality of all Indian citizens. But some claim this equality to be declarative or “passive”. In numerous works on demographic politics of India (Alam, 1985a; Alam 1985b) and its effect on Muslim population in India and internationally, Alam J. (Manchanda, 2010) develops that the beginning of the 21st century prompted a change in the “citizen politics” in India, which affected Indian Muslims as one of the “oppressed communities” in India, besides women in general and male and female members of lower castes. The Sachar committee report of 2006 (Manchanda, 2010) among other things crystallized the change in political demands of Muslim communities. Historically, Muslim communities were very geographically dispersed and Muslim communities were reluctant to develop a unified approach to national politics. Part of the reason was the fear of being accused of separatism and “hypersensitivity” to their cultural identity, based on various interpretation of Islam. As a result Muslim political consciousness was very easy to manipulate by non-Muslim and Muslim leaders in a way that would damage the practical interests of the communities.

In the past 15 to 20 years, democratic politics have reshaped the issues of discrimination, disadvantage and marginalization and made formerly “oppressed” communities or those that felt “oppressed” a forefront of the struggle for the new social order (Manchanda, 2010). Much like the implementation of the Mandal commission report marked the change in the politics of the backward oriented castes (Alam, 1985a; Manchanda, 2010), V.P. Singh’s decision to give up his power and loose his prime citizenship to protect Babri Masjid was considered an act of “crucifixion” to protect the dignity of the Muslim population as an inalienable part of the nation and not just a vote-bank that can be used for the elections. As a result, a positive pan-Indian political orientation of Muslims got boosted and caused a debate on how best to ally with secular trends and political formations that can provide real equality and active “citizen politics” in India. The rapid spread of hindutva ideology, supported by upper-caste youth “privilegencia”, some media and the militant Hindu right wing, added urgency for Muslims in their search for secular allies.

- Discrimination of Muslim population in India

There is a sentiment supported by media groups and some Muslim intellectuals that the wall is one of

the variations to the old theme of discrimination against the Muslim population in India (Ahmad, 2009). This sentiment can be hardly proved by the following facts: when the territories of modern Pakistan and Bangladesh were carved out from India in 1947 for the Indian Muslim population solely, the Muslims composed about 23 percent of the whole population. Raj Mohan Gandhi, a grandson of Mahatma Gandhi, devoted a lot of personal effort to promote studies on “understanding Muslim mind” in search for social peace and justice and as a response to the accusation of discrimination against the Muslim community (Gandhi, 2008). Since 1947, after the partition, the Indian Muslim population that stayed grew from 9 to 12 percent by 1991 which is quite the opposite of the claim of Indian genocide against Muslims. At the same time, the ethnic cleansing of Hindus and Sikhs did happen in Kashmir valley and was never recognized. The genocide of Hindus and even larger amounts of Bengali Muslims did happen in both East and West Pakistan and was stopped only by Indian military forces dying for the independence of future Bangladesh. In brief, certain undeniable social tension between different religious communities in India that has a very long history cannot be compared to direct discrimination and genocide of Hindus and Muslims in Pakistan and Bangladesh (Rai, 1994).

One of the most recent cases of social explosion and violence occurred in the Barpeta district of Assam when Bodo insurgents, with the help of Mafia groups, attacked a Muslim community that illegally occupied the land that belonged to the Indian government and local population. For a long time local politicians refused to take any action to establish justice peacefully through legal institutions. Yet in 2014 some Indian politicians when discussing the massacre of those Muslims that illegally occupied the land and illegally migrated from Bangladesh, called the incident an Indian “Bosnia” (Zakaria, 2004). This statement seemed rather unbalanced considering that after mass massacre of the lawful residents of Kashmir nothing of that sort has been said or discussed in this tone in the Parliament.

The poorest possible condition of a Muslim population in India was under the Muslim rule of the Mughal Empire and not in the modern history (Ansari, 2006). One of the Indian advocates of the rights of Muslims, Ansari (2006) believes, the facts are that the overwhelming majority of the present day Muslims of India are of the indigenous origin and they did not have any share in power even in Medieval India and they did not undergo any socio-economic upward mobility by the virtue of their conversion to Islam. Their present backwardness can be traced back to their occupational structure and social status that has remained unchanged during the period of about a thousand years

- (iv) “how many”

• “Demographic aggression” (Rai, 1993) against India or public hysteria

One of the reasons why current demographic

changes in the North East India from Bangladesh are being called “an act of aggression” is that India considers itself being in an open or silent form of war with Pakistan, under “siege” and “twin invasion” (Rai, 1994). The movements of large masses of Muslims from Bangladesh are considered to be part of the “proxy war” with Pakistan. The proxy war is a 4th war, after three military conflicts in 1948, 1966, 1971, and is supposed to replace the costly tactics of military confrontation while the perspectives of use of the nuclear weapons remain unclear. The proxy war means terrorism, subversion, sabotage, promotion of secessionist organizations, weakening the secularist ideology in India, distribution of sophisticated weapons among the elements hostile to India, instigation of local Muslims to provoke communal riots and defaming India’s international prestige (Manchanda,2010). The main means of carrying out the strategy of the proxy war is the illegal infiltration of India by Muslims from Pakistan and Bangladesh through the porous India-Bangladesh border and now around the wall. In this demographic “act of aggression” both Pakistan and Bangladesh are singularly fortunate of having the support of very influential collaborators in the Indian media, ministers in the central and state governments and two political parties viz. The Congress and the Communist party of India (Marxist) whose interest in Muslim votes overrides every consideration of national interest (Rai, 1994).

The “proxy war” led by Pakistan against India includes not only “demographic aggression” via Bangladesh but also an “internal siege” by Muslim mafia elites inside India (Rai, 1994). Thousands of Muslim mafias are operating in India and “indulging in nefarious activities on national, state, district and local levels. The operation of these mafias is an extremely important aspect of the Muslim Community to which virtually no attention has been paid by the people or the media or the government” (Rai, 1994). These mafias also enjoy massive support from foreign Muslim states, control profitable Indian export commodities and are responsible for numerous terrorist attacks, such as the Surat railroad station explosion in Gujarat and Bombay and Calcutta explosions of 1993. They support planned violent riots of different sorts in Assam province and other parts of the country. Just the Agar oil mafia of Assam province receives more than 200 cr.rupees annually from illegal trade with Middle East countries and the average price of seized illegal agar wood chips by Indian customs is worth about 10 lakhs of rupees in India and 5 times higher abroad (Rai, 1994;). Besides corruption and social destabilization, these mafia are also the cause of a so-called “super-citizenship” of Muslim population through violence, blackmail and political permutations.

The “demographic aggression” is backed by promotion of the Urdu language, as weird as it may sound. Earlier the decision to make Urdu an official

language of East Pakistan in many ways boosted the separation of East Pakistan from one big sacred Pakistan (Rai, 1994). The Urdu language is not native to the Indian Muslims especially Bengali Muslims that traditionally inhabited the Bengal region; its Western part in India and its Eastern part in Bangladesh. The native language of the people who formed Pakistan was Punjabi, Singhi, Baluchi, Siraike, Pushtu etc. These were the languages you could not survive without in Bengal. Yet Jinnah, in 1948, imposed Urdu as an official language on East Pakistan and now the promotion of Urdu language is supported by corrupt politicians in India, for example in the form of making their official speeches in Urdu and not their mother tongues or official languages—Hindi or English. Despite the accusations of discrimination against the Urdu language, the number of periodicals in India grows constantly and the Urdu press remains the fourth largest after Hindi, English and Bengali(Rai,1994). The worry of the Indian government is not the migration of the Muslim Bengali people from Bangladesh per se but the level of poverty, discrimination and political manipulation that illegal newcomers are going to face that will lead them to engage in criminal activities. After independence the Indian government failed to establish administrative control over immigrant communities. Meanwhile the Muslim mafia used the illegal immigration flows to facilitate “demographic aggression” as part of the Pakistan’s proxy war. After the independence, traditionally beneficial migration flows in India transformed into a curse for the state and strategic resource for corrupt political institutions, criminal organizations and Pakistan. The wall therefore seems to be a desperate attempt to limit the influence of the mafia through cutting the supply of cheap labor and illegal voters. Yet it is more likely to succeed as a means of drawing international attention to the growing influence of terrorist organizations in North East India exported by Pakistan through Bangladesh and a questionable response to massive violations of human rights by regional and international criminal groups that are engaged in trafficking, smuggling, exploitation and are based in the border regions of India, Pakistan and Bangladesh (Chatter and Sengupta, 2011).

4. Terrorism, separatism and border security

Uncontrolled migration existed in Bengal area long before the creation of the wall, but was magnified by the terrorist threat to India and the South Asia region. The terrorist movements have Islamic fundamentalism ideology, spreading Muslim theological regimes in South Asia and, among other things, demanding that some of the territory of India be granted to Pakistan. The porous border and large illegal immigration flows to India from Bangladesh are used for achieving those goals.

- *Ideological orientation of local Indian Muslim*

population

Most recently local Indian Muslim communities attempt to align with more secular ideologies as a reaction to the threat of violent “hindutva”, and only few consciously resort to “terrorism with international links”(Manchanda, 2010). International terrorism in India supported by a small part of Indian Muslim community is a post-partition phenomena (Manchanda, 2010). To be precise, it seems to be a reaction to the demolition of the Babri Masjid which became an apogee to decades of growing feeling of “being unwanted”. Exactly a year later after the demolition, on December 6th 1993, the first act of terror was committed by an Indian Muslim terrorist who placed explosions in the trains leaving Hyderabad. Muslim Indians were historically used to the position of a minority in multi-ethnic cast Indian society (Manchanda, 2010), along with other minorities, but they started feeling “unwanted” during the riots that started in 1960s and peaked in 1980’s. Well organized riots and pogrom-like violence created a “pervasive” perception of being “unwanted in the society”. The common suffering from riots and violent discrimination united Muslims, like other forms of discrimination united women and the cast of untouchable. The sense of bonding for political action finally allowed progress in unification of Indian Muslims into a pan-Indian community. On the other hand, a minority in the Indian Muslim community that was manipulated through their Islamic identity joined the ideological camp of international terrorism. Yet they remain a minority both in the Indian local Muslim population and in the international terrorist movement. One of the reasons for such situation is that the social, economic and other troubles of Muslim population in India are not a result of the oppressive politics of the Indian state. Vast inequalities between the elites and the most of the populations were present in pre-colonial Indian feudalism, deepened during British rule, and remained the same all along before and after the creation of the independent Indian state in 1948. In fact, after 1948, India tried to tackle all sorts of feudal and colonial heritage in the form of backward oriented social practices, including the position of the Muslim population trying to reverse the attitude toward Muslims that was in practice during the Mughal Empire.

- *Terrorist and separatist threat from Pakistan*

The wall between India and Bangladesh is also promoted as a means of containing international terrorism and the separatist threat coming from Pakistan and facilitated via uncontrolled migration. As Amir Tuteja (1994) mentions, Pakistan has been sponsoring terrorist activities, separatist movements and insurgencies in India and other parts of the world for quite a while now. The special US Congress committee report on growing activities of Islamists International concluded that Pakistani Intelligence (ISI) was providing a vast training infrastructure for Afghan

resistance movement that could just as well be used for training other regional units. Those terrorists were smuggled into India to conduct acts of terror against the Indian government and foreign diplomatic missions. Since the 1970s, Sikhs and other separatist movements have been trained in Pakistan as part of Zulfikar Ali Bhutto’s strategy of “forward strategic depth” (Scott, 2011). Pakistan considered those activities not only as contributing to Islamic liberation of India and the South Asia region, but also as a matter of revenge to India for her assistance to Bangladesh in gaining independence from Pakistan. One of the goals of terrorist actions is promotion of separatism through twisted demographic and immigration politics. For example, by 1993, at least 15 million Bangladeshi Muslims migrated to India illegally, outnumbering Hindu refugees by 3:1. They moved mainly to Assam, West Bengal, Bihar, Tripura and other North East India states. As a result, India fears that this population is likely to support the demands of further partition of India through the votes of corrupt politicians. New Delhi worries that by lacking control over immigrant population, India might de facto agree to the creation of greater Bengal and cede the state of West Bengal to Bangladesh as a homeland to form a new nation in West Bengal, for example, Banga Bhoomi - the new Muslim and theocratic nation state, promoted by separatist forces in this region.

M.J.Akbar argues that immigrants while illegally crossing the border, are “voting with their feet” against partition (Binoi, 2014) which is reversing the most important fact of modern Indian history. The infiltration has invalidated the communal logic of the Muslim league which led to the creation of Pakistan and the Pakistan’s thesis that Muslims could only protect themselves and flourish by being separated from Hindus in their own pure land. Therefore India should cheer when a Bengali Muslim consciously leaves an Islamic Bengali state and voluntarily seeks to settle in a Hindu majority but secular state. Most politicians though believe that the Bangladeshi Muslims are entering India not voluntarily (Manchanda, 2010; Rai, 1993). Instead they are pushed out by poverty and demographic suffocation in Bangladesh. But once out of Bangladesh and in India, they might not want to live in a secular India, like Muslims in Indian Kashmir, and will ultimately join the Islamic state of Pakistan with the agricultural land that they acquired illegally. In a sense, the muslim minorities become “proxi citizens” enemy (Manchanda, 2010), that through Muslim populations of Bangladesh, Pakistan and India can together form a Muslim majority against Hindus that can threaten not only domestic Indian affairs but regional peace.

Unfortunately, since the 1990s when the Working group on border management appointed by the National Democratic Alliance (NDA) Government had made several “fool-proof measures” recommendations on improving administrative control in the border region,

not much has been done (Kumar, 2006). One of the recommendations was for the government to issue an ordinance to repeal the illegal immigrants and provide determination by Tribunals of the Illegal Migration Determination by Tribunals (IMDT) Act of 1983. The group also mentioned that the concentration of the madrasas and mosques set up through foreign funding in border areas whose demographic composition has undergone a dramatic change is well documented. Yet the Foreign regulation act (FCRA) which has been used successfully in other instances was never applied to preventing arabization and spread of fundamental and terrorist ideology. It was also recommended by a working group that a border belt of about 10 kilometers should require a mandatory approval of district authorities before establishing any place of worship. But these recommendations were never implemented.

5. Final considerations

Communalists, Realists and Universalists are united in criticizing the existing international migration regime world-wide (Moses, 2006). They differ in their opinions on to what extent and how exactly international immigration influences national and world economy, social stability, the preservation of political regimes, national security and the protection of the benefits for native citizens. They also differ in evaluating walls as means to regulate international cross-border migration (Moses, 2006). Before the partition, Indian migration politics was very liberal. The situation changed when Pakistan started to pose terrorist and separatist threat to India using international migration to influence India's domestic politics. The Indian border with Bangladesh became a corridor for various criminal groups, while India has started to revise its citizen politics to overcome traditional social inequalities. Since the serious social and economic changes that followed its independence, India has become a destination of large masses of political, economic, environmental refugees from Pakistan and Bangladesh. Historically, the immigrant population assimilated over time without the need for Indian central authorities to establish tight administrative control. Yet after the partition, serious political forces inside and outside India have been against assimilation and have thrived on social instability, violence, exploitation, separatism and terrorism. The walls seems to be a reaction to new threats that India did not face before, including (a) deep change in social structures, especially in the status of the minorities, and (b) large masses of immigrants of former Indian minority groups under administrative and religious control of international mafia groups, which are, among other things, acting for the benefit of Pakistan, a country officially engaged in the proxy-war with India. In terms of efficiency, the India and Bangladesh border wall project seems to be rather populist measure. It is not likely to fulfill the

declared goal of controlling cross-border migration because of the geographical location of the border, corruption, the huge demand for exploited labor in India, serious economic, political and ecological problems in Bangladesh, citizenship politics in India, and serious economic and political influence of the international mafia groups in the bordering region. These factors decrease the efficiency of the current wall project.

International migration hot spots, such as India-Bangladesh border fence, can be considered as indicators of the "unnatural" border lines. Successful or "natural" border lines geographically lie between the centers of gravity for social and economic activity but administratively connect them by regulatory means for the the common benefit of economic efficiency and transparency. Current India-Bangladesh border in this regard is an example of socially and economically "unnatural" border that provoked illegall adjustment of border regime "from the bottom" through grey market and corruption in the absence of much needed lawful action "from the top". While nations failed to fulfill their obligation to adjust the border regime according to the changing vectors of social and economic activity, international migration flaws fell under control of international criminal organization, that increase their revenues and influence in the border regions speculating on the absence of legal mechanisms of regulating the flaws. Much talked threats of terrorism and social instability along the India-Bangladesh border fence are promoted rather than contained by inadequate border regime, that facilitates illegal instead of legal migration.

International terrorism, among other things, is a form of "politically inspired" organized crimes, which is related to political discrimination based on cultural difference of the minorities in larger Bengla región. To avoid further marginalization of economically driven ilegal migration flows, caused by economic aftershocks of failed Pakistan and Bangladesh economic politics, need to be identified and legalized, else through poverty will become a source of crime and social instability. The culturally "opressed" and "unwanted" on both sides of the border communities represent a group that needs social engagement, since their cultural, religious and ethnic identity based value breakdown can be overcome only through social re-involvement or violence towards the host state. The few "conciuous" terrorists prepared for infiltration and protected by corrupted regimes less so than any other group of ilegal migrants can be stopped by a fence, that reserves passages even for individual smugglers.

Phisical walls in general can not serve the putative aim. They transform possibilities for legal trade and social progress into illegal migration and smuggling by increasing one-way migration; raising price of smuggled goods and labor without cutting the supply or changing the demand; raising price of combating Mafia style organizations that facilitate the illegal crossing;

increasing violence in the border regions; deepening exploitation of illegal immigrants that leads to even more social instability. Officially India-Bangladesh wall project shares the questionable rationales of Israel-Palestine, US-Mexico wall rationales of containing religious/terrorist warfare and illegal trade. Yet “the fence” successfully facilitates cross-border guerrilla warfare and counterinsurgency movements. It is also an example of described by Brown W. “psychological frenzy” (Brown, 2014) of the “walled” social and economic stability on one hand and means of expanding grey markets and increasing security budgets spending. India and Bangladesh border regions accommodate social and economic interactions that are crucial to survival of local population on both sides. Similarly to the case of Eastern Europe after the collapse of the Soviet Union, India and Bangladesh could have benefited tremendously from establishing a visa/work permit regimes as part of broader legal infrastructure for the regional cross-border trade. Yet these geographic areas with crucial natural resources, such as fresh water and farming lands, remained politically peripheral to both nation states for the benefit of highly organized international illegal migration market and international terrorist groups. Current fence project contributes to further social marginalization and spread of violence in the region.

There is an obvious need to overcome the lack of recognition of the real problem of marginalization of international migration by international mafia and the lack of legal institutions necessary (i) to facilitate legal movement of the individuals across borders (ii) to conduct administrative control over the immigrant population in India, and (iii) to protect universal human rights of immigrant population as a means of preventing marginalization, discrimination and exploitation of immigrants by international criminal organizations, rather than promoting the economic development of India and the welfare of Indian citizens.

The demographic threat to India from international immigration per se is overblown. The proportion of immigrant population to nonimmigrant population in India is about the same or even smaller compared to other countries, especially compared to the United States in the 20th century. After all, historically immigration flows tend to decline and are provoked by temporary reasons. Immigration flows need to be regulated rather than contained. In order to regulate the immigrant flows to India, there is a need to (a) clarify the existing ambiguities on the composition of international immigrant flows, (b) provide each group the appropriate protection needed and design a transparent and internationally recognized prosecution process for those violating national and international regulations, and (c) increase administrative control over the bordering regions. Some policy makers and analyst say that “uncontrolled immigration is an impossibility, while the

others say that controlling migration is an impossibility. Garson (2015), a specialist on international migration at OECD, says that “zero migration is just pure fancy”. The author supports the third opinion and therefore advocates gradual liberalization of international migration supported, promoted and facilitated by official national and international institutions. Instead of engaging in a lose-lose fight between national states and international migration, it would be more practical to target the side effects of international migration with better developed international mechanism of human right protection, formulating responsibilities of the receiving state or/and international community. Gradual liberalization through national and international regulations can provide the path for turning the “black market” of immigrants into a sustainable international welfare system.

Massive illegal migration flows are a side affect of globalizing trade opportunities in the context of political distrust among the states that does not allow for necessary security cooperation across the border. If distrust can not be overcome on official state level, there is a need to balance growing influence of international criminal networks with private based organizations aimed at protecting human rights in “migration” hot spots in border regions, while those geographic areas remain on the periphery of state’s political control. Meanwhile, individual actors, united in non-state illegal frameworks are benefiting from international labor force more than nation states by outsourcing from the pool of potential immigrants.

In the case of India and Bangladesh, except for the religion based partition forced cross border movement, international cross border migration in Bengla region repeats the path of domestic migration of different social groups. International migration became the next logical step for a region with shrinking geographical space and expanding access to information. The historical experience of India and other states can be used for a regional debate, say in the South Asian Association for Regional Cooperation (SAARC) framework, on the most effective means of “digesting” influxes of social groups with different cultural or religious traditions. The history of demographic politics in India before partition can contribute greatly to the assimilation politics debate. The region is full of historical lessons on the failure of isolationist and segregationist policies that lead to social explosions instead of protecting the unity and sustaining homogeneity. The current results of partition of India can be regarded as the biggest, in terms of number of people involved, failure of the isolationist policies of the 20th century. Gradual liberalization and detailed regulation of international migration in the South Asia region could create a system where residents of politically and economically regressive states can vote with their feet for timely reforms or against installment of inhumane regimes. It will help keep corrupt and authoritarian governments more accountable and responsible for

keeping their fundamental promises to their population and reduce the influence of international organized crime groups facilitating illegal migration. The inflow of young, active, but legal, labor force will ensure the benefits of the receiving country and leave more room for economic activity in the countries of exit. In the long run, liberalized and well regulated international migration could be the long searched for mechanism for the enforcement of principles of international law, a guarantor of continuation of the welfare system and a channel of peaceful integration of individuals and communities into a culturally diverse, economically competitive, but united under principles of international law, globalized world. The question for the next study could be the mechanism of ensuring competitiveness of the “citizenship bundles” offered by sovereign states to the liberalized well regulated international labor force. As of right now, no mechanism can prevent nation states from trust-like unions to fix a non-competitive price for a “citizenship bundle”.

References Bibliographiques

- AHMAD, I. (2009). *Islamism and Democracy in India: The Transformation of Jamaat-e- Islami*, Princeton, P.13
- ALAM, Javeed. (1985a). *Class, community, and nationality formation [microform]: a theoretical exploration through two case studies*. Calcutta: Centre for Studies in Social Sciences, Calcutta, 68 p.
- ALAM, Javeed. (1985b). *Domination and dissent: peasants and politics*. Calcutta: Mandira, 170 p.
- ANDREAS, P. and SNYDER, T. (2000). *The wall around the West: State borders and immigration controls in North America and Europe*. Lanham: Rowman and Littlefield. 242 p.
- ANSARI, Iqbal. (2006). *A Political representation of Muslims in India, 1952-2004*. New Delhi: Manak Publications, 418 p.
- BAREN, R. (2002). *Partition of India and other related matters*. New Delhi, 299 p.
- BINOI, Th. *Why MJ Akbar Is Speaking Out For Modi!* <http://www.weeklyvoice.com/headlines/why-mj-akbar-is-speaking-out-for-modi/> [Last accessed on October 7th, 2015]
- BISWAS, S. (2011). *Why India is in dire need of electoral reform!* <http://www.bbc.com/news/world-south-asia-13692575> [Last accessed on October 7th, 2015]
- BROWN, Wendy. (2014). *Walled states and waning sovereignty*. Zone books, PP. 18, 73, 101
- CHATTER, S and SENGUPTA, A. (2011). *Demography and migration in Asia: issues and trends*, Manlana Abul kalam Azad Institute of Asian studies, PP.25-28
- CORUCCINI, R.S and KAUL, S. (1990). *Halla. Demographic consequences of the partition of the Panjab 1947*, Lanham-Ny-London, P.115
- GANDI, R. (2008). *Understanding the Muslim Mind*, Penguin books of Australia, 359 p.
- GARSON, Jean-Pierre (2015). *Zero immigration is pure fancy!* OECD Directorate for Employment, Labour and Social Affairs.” http://www.oecdobserver.org/news/archivestory.php/aid/436/_Zero_immigration_is_pure_fancy_.html#sthash.WUur5il1.dpuf[Last accessed on 3.9.2015]
- GHOSH, P. (2012). *India's 'Mexican' Problem: Illegal Immigration from Bangladesh* /<http://www.ibtimes.com/indias-mexican-problem-illegal-immigration-bangladesh-213993> - [Last accessed on October 7th, 2015]
- HUSAIN, Zahid. (1994). *Demography and partition of India*. Karachi, Pakistan: Royal Book Co., 88 p.
- HOSENA, Syed Anwar. (1999). *War and peace in the Chittagong Hill Tracts: retrospect and prospect*. Dhaka, Agamee Prakashani. 93 p.
- IRUDAYA, R. S. (Ed.) (2011). *Migration, identity, and conflict: India migration report, 2011* /New Delhi; Abingdon : Routledge, 338 p.
- KASHYAB, S. J. (2015a). *In Assam, an ongoing effort to detect illegal Bangladeshi migrants*, June 17th, 2015 /<http://indianexpress.com/article/explained/simply-put-in-assam-an-ongoing-effort-to-detect-illegal-bangladeshi-migrants>. [Last accessed on October 7th, 2015]
- KASHYAB, S. J. (2015b). “30 yrs after Accord, Assam still hunts a deportation formula”/ <http://indianexpress.com/article/india/india-others/30-yrs-after-accord-assam-still-hunts-a-deportation-formula/>[Last accessed on October 7th, 2015]
- KUMAR, B.B. (2006). *Illegal migration from Bangladesh*, New Delhi. P.176-78, 187
- KHADRIA, Binod (Ed). (2009). “India migration report 2009: past, present, and the future Outlook”. New Delhi: International Migration and Diaspora Studies Project, Zakir Hussain Centre for Educational Studies, Jawaharlal Nehru University, 147 p.
- MAJUMDAN, A.J. and MISHRA, O. (2003). *The elsewhere people*, Lancers books, PP. 150-153, 154
- MANCHANDA, R. (2010). *States in conflict with their minorities: challenges to minority right in South Asia*, New Delhi, P.42, 49,50-53, 56, 58, 92
- MOSES, J. W. (2006). *International Migration: Globalization's Last Frontier* (Global Issues). Zed Books. PP.55-56
- RAI, B. (1993). *Demographic aggression against India: Muslim avalanche from Bangladesh* / Baljit Rai. Chandigarh, P. 219.
- RAI, B. (1994). *Is India doing Islamic?* B.S. Publishers, PP.1-2, 5-7, 9, 19-24, 30-31, 55, 115
- RAO, R. and SHARMA, R.C. (Ed) (1991). *India's borders, ecology and security perspectives*. Scholars' public forum, 230 p

- RASHIDUZZAMAN, M. (1998). *Bangladesh's Chittagong Hill Tracts Peace Accord: Institutional Features and Strategic Concerns*. Asian Survey Vol. 38, No. 7, PP. 653-670 .
- RILEY, J. L. (2008). *Let Them In: The Case for Open Borders*, Gotham, 256 P.
- ROMERO, F. (2007). *Hyperborder: The Contemporary U.S.-Mexico Border and It's Future*, Princeton, 320 p.
- ROY, I. (2015). "Border deal will control infiltration from Bangladesh" <http://www.rediff.com/news/interview/border-deal-will-control-infiltration-from-bangladesh/20150605.htm> -[Last accessed on October 7th, 2015].
- ROY, Kaushik (2012). *Partition of India: why 1947?* Edited by. New Delhi : Oxford University Press, 276 p.;
- SAMADDARA, R. (1999). *The marginal nation: transborder migration from Bangladesh to West Bengal*. New Delhi; Thousand Oaks, Calif. : Sage Publications, 227 P.
- SCOTT, D. (2011). *Handbook of India's International Relations*, Routledge. P.62
- SHARMA, A. (1999). *Immigration and Assam politics*. Ajanta, 118 p. P. 1-2
- SHIBLI, Abdul. (1996). *Prioritization of environmental problems of Bangladesh: report of the environmental economist, January to April 1996*. Dhaka, Bangladesh: National Environmental Management Action Plan, 31 P.
- SHRESTHA, N. (2014). *India's Modi vows to halt illegal immigrants from Bangladesh*. <http://www.reuters.com/article/2014/11/30/us-india-immigration-bangladesh-idUSKCN0JE08620141130-> [Last accessed october 7th, 2015].
- SINGH, B.P. (2013). *Electoral reforms in India: issues and challenges*. International Journal of Humanities and Social Science Invention, Volume 2 Issue 3 /March. PP.01-05.
- SUHRKE, Astrid and HAZARIKA, Sanjoy (1993). *Pressure points: environmental degradation, migration and conflict*. Cambridge, MA, American Academy of Arts and Sciences.
- TUTEJAA. (1994). "Pakistan and export of terroris". *The Tribune*, Jan. 24, 25,26
- ZAKARIA, R. (2004). *Indian Muslims: Where Have They Gone Wrong?*. Popular Prakashan, P. 271

***ElenaDabova**

PhD Candidate, School
of International relations,
Saint-Petersburg State
University, Russia.
e-mail: lenadabovasbpgu@gmail.com

Fecha de Recibido: Septiembre 2014
Fecha aprobación: Noviembre 2014