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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

**WHITE BLACK LEGAL: THE LAW JOURNAL**

## DO ILLEGAL IMMIGRANTS VIOLATE THE NATIONAL SOVEREIGNTY OF THE HOST COUNTRY?

**Badal Chatterjee<sup>1</sup>**

*We should not blur the lines between legal and illegal immigrants. Millions of people around the world have gone through the process to come here legally and they followed the rules that required them to pay a fee, learn English, and learn about American history and government.<sup>2</sup> -Ken Calvert*

What happens when you have kilometres of fenced boundaries which are for all intents and purposes unmanned for the majority of the day? Not exclusively do the illegal immigrants traverse the permeable borders, their domesticated animals is moved also.<sup>3</sup> Honest needy individuals relocating into India wouldn't have been the reason for a lot of concern, had there been a filtration procedure or checks or something to that affect.<sup>4</sup> As occurs with unchecked procedures however, the bin is getting loaded up with rotten ones also. A portion of these are harmful. It is indeed time to call the illegal immigrant population what they really are.<sup>5</sup> They are criminals who violated our national sovereignty by entering our country without permission or proper documentation.<sup>6</sup>

However people claiming that illegal immigrants crossing the borders aren't affecting the national sovereignty often rely on an analogy drawn between the states' territorial rights and private property rights. If one has a right to decide who can enter his/her house, the argument goes, states surely have the right to decide who can enter their territory.<sup>7</sup> But

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<sup>2</sup> Available at <https://www.brainyquote.com/topics/illegal-immigrants-quotes> (last visited 2020-02-23, 10:36).

<sup>3</sup> Soumyadipta Banerjee, Time for NRC in Bengal: Illegal Bangladeshi immigrants are pouring into India from porous Bengal borders, endangering natives and their property, dailyo (2019-04-15), <https://www.dailyo.in/politics/nrc-illegal-immigration-bangladesh-rohingya-india-bangladesh-border-bangladeshi-migrants-jihad-bangladeshi-jihadis/story/1/30316.html>.

<sup>4</sup> *Id.*

<sup>5</sup> Gordon Smith, Illegal immigrants are criminals violating our national sovereignty, tnonline (April 06, 2013 09:03), <https://www.tnonline.com/2013/apr/06/illegal-immigrants-are-criminals-violating-our-national-sovereignty>.

<sup>6</sup> *Id.*

<sup>7</sup> Misha Kitchell, Why 'illegal' migrants aren't violating state sovereignty, The Conversation (June 24, 2015, 15:15), <https://theconversation.com/why-illegal-migrants-arent-violating-state-sovereignty-43446>.

states' rights over territory are simply not the same as personal rights over property.<sup>8</sup> If we want to view states' rights as property rights, we either need to think of state territory as an aggregate of all citizens' private property, or as something collectively owned by its citizens. The argument in favour of this approach state that territorial rights are not like property rights, that they are privileges of jurisdiction, including jurisdiction relating to property, planned for safeguarding residents' capacity to control their domain.<sup>9</sup> States don't have to prevent everybody at the outskirts from entering so as to adequately serve those rights and those supporting for harsher treatment of "unlawful" transients should rethink the ethical premise on which they're doing as such.<sup>10</sup>

### *National Security and illegal immigrants*

Globalization and the easiness of transportation have prompted extraordinary mass movement at the worldwide level.<sup>11</sup> While at one level such developments have brought about profits, at the other, they undermine the security of the host nation. Such enormous demographic movements have permitted fanatic powers and extremist groups who today are ideologically and not regionally based, to exploit.<sup>12</sup> Post 9/11/2001, numerous western nations are investigating into their immigration policies, especially the requirement for powerful relocation control mechanisms. For instance, the US has begun necessary enrolment of immigrants from numerous nations.

Unchecked migration as a result of lax immigration control together with high fertility rates, volatile ethnic (including religious) rivalries and haphazard urbanisation can contribute to extremism, especially when occurring in areas of weak infrastructure, rising economic expectations and resource shortages.<sup>13</sup> An enormous number of disappointed youth may be accessible for enrolment by associations like Al-Qaeda.<sup>14</sup> Large-scale unlawful immigration has made Karachi, North-West Frontier Province (NWFP) and Balochistan

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<sup>8</sup> *Id.*

<sup>9</sup> *Supra* Note 7.

<sup>10</sup> *Id.*

<sup>11</sup> Anand Kumar. *Illegal Bangladeshi Migration to India: Impact on Internal Security, Strategic Analysis*, 35(1) Strategic Analysis, 106-119 (2010), DOI: 10.1080/09700161.2011.530988.

<sup>12</sup> *Id.*

<sup>13</sup> Brian Nichiporuk, 'Regional Demographics and the War on Terrorism', 148(1) RUSI Journal 22–29, (February 2003); Anand Kumar. *Illegal Bangladeshi Migration to India: Impact on Internal Security, Strategic Analysis*, 35(1) Strategic Analysis, 106-119 (2010), DOI: 10.1080/09700161.2011.530988.

<sup>14</sup> *Id.*

ungovernable<sup>15</sup>, and a haven for pan Islamic jihadi associations. The Karachi police have in the past communicated the sentiment that a powerful keep an eye on unlawful migration can control diverse fear based terrorist groups. They have likewise communicated worry over the Bangladeshi influx in both India and Pakistan.<sup>16</sup> India may confront a comparable circumstance if the unabated deluge from Bangladesh proceeds. Aside from outsiders, an enormous number of bootleggers cross the boundaries along West Bengal into India. They are being occupied with smuggling products from India into Bangladesh to keep away from high duty imposed on some Indian merchandise by Bangladesh Government.<sup>17</sup> Bangladeshi ladies are dealt to India, Middle East for work and as sexual merchandise.<sup>18</sup> According to CEDAW report 1% of foreign prostitutes in India and 2.7 % of prostitutes in Kolkata are from Bangladesh.<sup>19</sup> Recently, a new concept of Jihad emerged in West Bengal, which is termed Land Jihad. Allegations have emerged that native poor Hindus are being forced out of their lands by illegal immigrants who manage to make money.<sup>20</sup> So, illegal immigrants are a threat to India or any other nation in terms of increasing population, unemployment and crime.<sup>21</sup>

### *India's policies on illegal immigration post independence*

Millions of illegal immigrants live in India. After independence and before independence they came due to communal riots and divide and rule process. During the Bangladesh Liberation War at least 10 million Bangladesh -citizens came to India illegally to seek refuge from widespread rape and genocide.<sup>22</sup>

The 2001 census says that 3,084,826 people crossed the border without passport and came to India from Bangladesh; Assam alone gives a figure of 20 lac people crossing the border without permission. For six long years, from 1979 to 1985, there was a powerful protest movement against the entry and enfranchisement of 'foreigners' mostly immigrants from East Pakistan/Bangladesh lead by All Assam Students Union. In India this campaign is conventionally referred to as the Assam

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<sup>15</sup> B. Raman, 'Clear and Present Danger', *the Pioneer* (New Delhi), February 16, 2003.

<sup>16</sup> *Id.*

<sup>17</sup> Saheli Naik, *Illegal Migration - A Threat to India*, 21(7) IOSR-JHSS, 17-20 (July. 2016).

<sup>18</sup> *Id.*

<sup>19</sup> Committee on the Elimination of Discrimination Against women, United Nations. <http://www.un.org/esa/gopher-data/ga/cedaw/17/country/Bangladesh/C-BGD3-4.EN> (last visited 2020-02-23).

<sup>20</sup> Soumyadipta Banerjee, *Time for NRC in Bengal: Illegal Bangladeshi immigrants are pouring into India from porous Bengal borders, endangering natives and their property*, *dailyo* (2019-04-15), <https://www.dailyo.in/politics/nrc-illegal-immigration-bangladesh-rohingya-india-bangladesh-border-bangladeshi-migrants-jihad-bangladeshi-jihadis/story/1/30316.html>.

<sup>21</sup> *Id.* at 17.

<sup>22</sup> "India's 'Mexican' Problem: Illegal immigration from Bangladesh", *IBMTimes* (6 Feb, 2012) <http://www.ibmtimes.com/indias-mexican-problem-illegal-immigration-bangladesh-213993>.

Movement.<sup>23</sup> The census operations of 1981 had to be cancelled in Assam. Even though the Assam Movement ended with an accord<sup>24</sup> signed in 1985 between the leaders of the campaign and the Indian government, an authoritative resolution of the citizenship controversy is still due and controversies freshly erupted in the state after the NRC was updated for the first time since 1951 as per the directives of the Supreme Court last year leaving out 19 lac people.<sup>25</sup>

In 1998, the Bharatiya Janata Party (BJP) manifesto talked of stringent laws to check illegal migration as the Illegal Migrants Determination by Tribunal (IMDT) Act<sup>26</sup> was ineffective. The IMDT Act came into existence as a consequence of the Assam Accord in 1983.<sup>27</sup> The party also promised to create a National Register of Citizens and Multi-Purpose National Identity Cards, which the BJP-led National Democratic Alliance (NDA) started implementing.<sup>28</sup> The process was continued by the Congress-led United Progressive Alliance (UPA) which came to power in 2004. The BJP, however, was not very successful in deporting the detected Bangladeshis.<sup>29</sup>

The present update was to include the names of those persons (or their descendants) who appear in the NRC, 1951, or in any of the electoral rolls up to the midnight of 24 March, 1971, or in any one of the other admissible documents issued up to then, which would prove their presence in Assam or in any part of India on or before 24 March, 1971.<sup>30</sup> This implies that once the process of appeals is complete, those declared as illegal immigrants, as defined by the Citizenship Act of 1955, will have to be either imprisoned or deported under the Foreigners Act, 1946 or the Passport Act, 1920.<sup>31</sup>

Notwithstanding, this has set the Union government and the Assam government on the horns of a situation in light of the fact that most by far of the individuals who are by and by ineligible for consideration in the NRC are Hindus.<sup>32</sup> Sensibly, expelling these individuals would be a gross miscarriage of Justice given that they fled their nation of cause of religious persecution. Fully expecting this issue, the legislature revised the last two Acts in 2015, in this way excluding Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan, who had

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<sup>23</sup> Baruah, S., Immigration, ethnic conflict and political turmoil: Assam 1979–85, 26(11) *Asian survey* 1184–1206 (1986) [[Crossref](#)], [Google Scholar].

<sup>24</sup> The Assam Accord signed by the Congress under Mr. Rajiv Gandhi in 1985 required a process to be initiated for the “detection and deletion of foreigners.”

<sup>25</sup> Sanjib Baruah, The Partition's long shadow: the ambiguities of citizenship in Assam, India, 13:6 *Citizenship Studies* 593–606 (2009) DOI: 10.1080/13621020903309581.

<sup>26</sup> It was different from the Foreigners Act enforced elsewhere in the country. While the IMDT Act said the onus of proving the citizenship of a suspected illegal immigrant lay on the complainant, under the Foreigners Act a suspected illegal immigrant has to establish his or her nationality.

<sup>27</sup> *Supra* Note 11.

<sup>28</sup> *Id.*

<sup>29</sup> *Supra* Note 11.

<sup>30</sup> Deepak Sinha, Perspectives on dealing with illegal immigration, Observer Research Foundation, (DEC 27 2019), <https://www.orfonline.org/research/perspectives-dealing-illegal-immigration-59556/>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

fled to India before 31 December 2014 as a result of strict mistreatment, from being extradited.<sup>33</sup> A characteristic culmination to this activity would have been to change the Citizenship Act 1955 to allow citizenship to these gatherings in a prior time allotment, as opposed to the eleven years that the Act in any case requires.<sup>34</sup> This is actually what the administration has done with the CAA, 2019. That such an activity will likewise help further its own political plan is unquestionable, yet that is actually how all government officials in power work.<sup>35</sup>

### *State as facilitator of migration from Bangladesh*

Sending transients to different nations is an undeclared goal of Bangladesh.<sup>36</sup> This approach was followed during pre-independence days by the Muslim League. After freedom, Mujibur Rahman composed that Bangladesh would not be complete without the north east.<sup>37</sup> Some journalists have summoned the guideline of Lebensraum to legitimize Bangladeshi movement to upper east India and different places of the nation.<sup>38</sup> Some Indian experts additionally accept that Bangladesh is following this as state strategy since 'sending settlers is the best method to colonize nations' and it is likewise less hostile than sending military endeavours and considerably less costly.<sup>39</sup>

The Bangladesh government has restricted fencing of the outskirts on numerous events. The apparent explanation is that no defence structure is permitted inside 150 meters of the outskirts and Dhaka has regularly depicted fencing as a disagreeable motion of India. Actually fencing of the border will make trouble for Bangladeshis to traverse into India.<sup>40</sup>

### *Majority in North East against citizenship to minorities from Bangladesh, Pakistan*

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<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> Anand Kumar, *Illegal Bangladeshi Migration to India: Impact on Internal Security, Strategic Analysis*, 35(1) *Strategic Analysis*, 106-119 (2010), DOI: 10.1080/09700161.2011.530988.

<sup>37</sup> 'Illegal Migration into Assam', South Asia Terrorism Portal, at [http://www.satp.org/satporgtp/countries/india/states/assam/documents/papers/illegal\\_migration\\_in\\_assa\\_m.htm](http://www.satp.org/satporgtp/countries/india/states/assam/documents/papers/illegal_migration_in_assa_m.htm) (last visited 2020-02-23, 15:55).

<sup>38</sup> Sadeq Khan, *Holiday* (Dhaka), October 18, 1991, cited in Report on Illegal Migration into Assam, Submitted to the President of India by the Governor of Assam, November 8, 1998. Text of the report available at [http://www.satp.org/satporgtp/countries/india/states/assam/documents/papers/illegal\\_migration\\_in\\_assa\\_m.htm](http://www.satp.org/satporgtp/countries/india/states/assam/documents/papers/illegal_migration_in_assa_m.htm) (last visited 2020-02-23, 15:58).

<sup>39</sup> Bimal Pramanik, 'Indo-Bangladesh Border Scenario and Our National Security', *Dialogue*, 9(1), July–September 2007, at [http://www.asthabharati.org/Dia\\_July07/bim%20.htm](http://www.asthabharati.org/Dia_July07/bim%20.htm) (last visited 2020-02-23, 15:58).

<sup>40</sup> Anand Kumar, 'Bangladesh: Fighting over Fencing', South Asia Analysis Group, Paper No. 1330, April 8, 2005, at [http://www.saag.org/common/uploaded\\_files/paper1330.html](http://www.saag.org/common/uploaded_files/paper1330.html) (last visited 2020-02-23, 16:03).

The protests in the north-east are distinct in the sense that they are not driven due to those who are excluded, but how many have been included.<sup>41</sup> The Act has reignited longstanding fears about the arrival of more migrants, irrespective of religion or nationality, which would lead to changes in demography.<sup>42</sup> The socio-political movement started by the Assamese people in 1979<sup>43</sup> to evict illegal Bangladeshis ended in the Assam Accord in 1985. The Assam movement also gave birth to the United Liberation Front of Asom (ULFA) in 1979, which was formed to create a sovereign socialist Assam but also to evict Bangladeshis from the state.<sup>44</sup> Later, however, ULFA moved on a different path.<sup>45</sup>

At first, individuals expected that the developing number of Bangladeshis would undermine the language and culture of Assam.<sup>46</sup> As of late, strain has likewise emerged among local people and Bangladeshis over the exchange of terrains. From August to October 2008, a progression of conflicts occurred among Bodos and Muslims.<sup>47</sup> Clashes additionally emitted among Rabhas and Muslims.<sup>48</sup> Bodos state that the vagrants have taken 37 percent of tribal land and that the state has given those pattas for the land involved by them.<sup>49</sup><sup>50</sup>

Bangladeshis in the upper east are no longer constrained uniquely to Tripura and Assam. The Bangladeshi footprints in Nagaland, a state secured by the inner line permit, is progressively on the ascent, especially in Dimapur and Kohima,<sup>51</sup> where an enormous number are controlling organizations and businesses. Huge numbers of them are additionally in modest employments. Be that as it may, what is worrisome, and as reports call attention to, is that many are engaged with different undesirable exercises.<sup>52</sup> It must be noticed that generally the Nagas had no connections with either the Bangla or Assamese Muslims.<sup>53</sup> The jihadi impression in the north east, however still constrained, can alarmingly extend later on as

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<sup>41</sup> [Aniruddha Ghosal](#), How India's Constituent Assembly Defined Indian Citizenship and Who Benefits from the New Law, new18 (December 18, 2019, 11:09), <https://www.news18.com/news/india/how-indias-constituent-assembly-defined-indian-citizenship-and-who-benefits-from-the-new-citizenship-act-2427773.html>.

<sup>42</sup> *Id.*

<sup>43</sup> Gurinder Singh, 'Illegal Migration, Insurgency, and the Political Economy of Assam', *Strategic Analysis*, 32(2), March 2008, p. 309.

<sup>44</sup> *Id.*

<sup>45</sup> *Supra* Note 11.

<sup>46</sup> *Supra* Note 11.

<sup>47</sup> 'Bodo Count: Assam's Largest Tribe Goes to War with its Muslims', *The Economist*, October 9, 2008, at [http://www.economist.com/displayStory.cfm?story\\_id=12380901](http://www.economist.com/displayStory.cfm?story_id=12380901).

<sup>48</sup> 'Violence Spreads in Assam State', October 6, 2008, at [http://news.bbc.co.uk/2/hi/south\\_asia/7654012.stm](http://news.bbc.co.uk/2/hi/south_asia/7654012.stm).

<sup>49</sup> *Supra* Note 11.

<sup>50</sup> Earlier in the article I have mentioned about a new term which is prevalent in West Bengal called Land Jihad wherein the rich illegal immigrants are appropriating the lands of the poor and downtrodden Hindus.

<sup>51</sup> M. Amarjeet Singh, 'A Study on Illegal Immigration into North-East India: The Case of Nagaland', Institute for Defence Studies and Analyses, IDSA Occasional Paper No. 8, 2009, at [http://www.idsa.in/occasionalpapers/AStudyonIllegalImmigrationintoNorthEastIndiaTheCaseofNagaland\\_masingh\\_2009](http://www.idsa.in/occasionalpapers/AStudyonIllegalImmigrationintoNorthEastIndiaTheCaseofNagaland_masingh_2009) (Last visited 2020-02-23, 16:44).

<sup>52</sup> *Id.*

<sup>53</sup> *Supra* Note 11.

combination between radical components of the area and frustrated citizens in the north east is fortified.<sup>54</sup>

*Is the new Citizenship amendment discriminatory against Ahmadis, Shiites, Hazaras, Madhesis and Balochs and illegal immigrants from neighbouring nations?*

Primarily, the raison d'être for the contentious Citizenship Amendment Act 2019 has two central grounds: alleged religious persecution in three Muslims dominated countries and rectifying the partition misdeeds.<sup>56</sup>

The government reasons that however there have been mistreatments of Shiites, Ahmadis, Hazaras or Balochs in the three nations, especially in Pakistan, where Ahmadis are not by any means perceived by that nation's Islamic constitution as Muslims.<sup>57</sup> Be that as it may, these oppressions are for the most part for ethnic or political reasons, not really strict- the domain of the CAA.<sup>58</sup> Regardless of whether Pakistan remembers them or not, India sees Ahmadis as Muslims. Significantly, the two Shiites and Ahmadis, much the same as the predominant Sunnis, view Allah as the main genuine God and the Quran as their fundamental legitimate script.<sup>59</sup> It isn't feasible for India to meddle in the sharp partisan divisions present inside the Islamic world.<sup>60</sup>

Numerous pundits of the CAA are worried about the exclusions of Myanmar's Rohingya Muslims, huge numbers of whom are at present in exile camps in Bangladesh.<sup>61</sup> The Rohingya are an ethnic group who are considered by Myanmar to be Bangladeshi settlers. Bangladesh's leader, Sheik Hasina<sup>62</sup>, herself sees the Rohingya refugee as a danger to her nation.

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<sup>54</sup> 'Jehadi Activity in NE at Nascent Stage: IB', *Assam Tribune*, October 31, 2009, at <http://www.assamtribune.com/scripts/details.asp?id=Nov0109/at06> (last visited 2020-02-23, 16:46)

<sup>55</sup> *Supra* Note 11.

<sup>56</sup> Nagendra Nagerwal, Global Implications of India's Citizenship Amendment Act 2019, Russian International Affairs Council (January 16, 2020), <https://russiancouncil.ru/en/analytics-and-comments/analytics/global-implications-of-india-s-citizenship-amendment-act-2019/>.

<sup>57</sup> Sagarneel Sinha, India's citizenship act is not discriminatory, *Asia Times* (December 19, 2019), <https://asiatimes.com/2019/12/indias-citizenship-act-is-not-discriminatory/>

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> "Will Take Back Illegal Bangladeshi Migrants If...": Sheikh Hasina's Advisor, Press Trust of India (December 17, 2019 08:40), <https://www.ndtv.com/india-news/sheikh-hasinas-advisor-gowher-rizvi-says-will-take-back-bangladeshis-staying-in-india-illegally-if-i-2150392>.

There have been numerous reports by intel organizations of abuse of Rohingya fanaticism by Pakistan's Inter-Services Intelligence.<sup>63</sup> In 2017, a fierce slaughter of 99 individuals from the Hindu Rohingya minority in Rakhine<sup>64</sup> was completed by radical Rohingya Muslim gatherings, as detailed by the British Broadcasting Corporation.<sup>65</sup> Likewise, there were reports of coercive conversions of Hindu Rohingya<sup>66</sup> in the Bangladesh evacuee camps.

One mustn't overlook that India has the option to guarantee the security of its own kin. It appears that separated from security dangers, India wouldn't like to be trapped in a contention among Myanmar and Bangladesh over the Rohingya's origin.<sup>67</sup> That is the reason even Rohingya Hindus what themselves' identity is caught between Muslim fanatics and the Myanmar armed force<sup>68</sup> are additionally excluded from the CAA.<sup>69</sup>

Persecution of Sri Lankan Tamils, both Hindus and Muslims, is also for ethnic and political reasons – factors not addressed by the CAA, which focuses on religious persecution. Plus, the separatist war responsible for this ended long ago.<sup>70</sup>

#### *The impact of illegal immigrants on the Siliguri corridor*

The Siliguri corridor, called the 'chicken's neck', is of prime significance to India as it associates the mainland India with the North East. It has three nations Bangladesh, Bhutan and Nepal on its sides. Significant roadways and railroads go through this corridor. The demographic graph in the Siliguri corridor, inside a 5 km belt of the international border with Bangladesh, has experienced fast changes.<sup>71</sup> This has happened essentially because of unlawful migration from Bangladesh and also the weak policing by the state. Research shows a bizarre 150 percent expansion in Muslim populace in Siliguri and nearby territories in the previous seven years, against 30–40 percent in other Muslim-overwhelmed belts in

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<sup>63</sup> Sudhi Ranjan Sen, As Rohingya deepens, Bangladesh fears Pakistan's ISI will foment trouble, India Today (September 15, 2017), <https://www.indiatoday.in/world/story/rohingya-bangladesh-myanmar-pakistan-isi-sheikh-hasina-1045353-2017-09-15>.

<sup>64</sup> Myanmar Rohingya militants massacred Hindus, says Amnesty, Bbc (22 May 2018), <https://www.bbc.com/news/world-asia-44206372> (last visited 2020-02-23, 18:24).

<sup>65</sup> *Id* at 57.

<sup>66</sup> Manogya Loiwal, 'Hindus were identified and taken to a nearby hill... Only eight women were allowed to live... mostly the young and the beautiful': Forced conversions reported at Rohingya refugee camps, Mail Online India (25 September 2017, 22:59), <https://www.dailymail.co.uk/indiahome/indianews/article-4919172/Forced-conversions-reported-Rohingya-refugee-camps.html>.

<sup>67</sup> *Supra* Note 57.

<sup>68</sup> Conflict Between Myanmar Army And Muslim Extremists Left Hindus in Trouble : BBC Duniya With Vidit, available at <https://www.youtube.com/watch?v=n6F540JKfi4&t=537s> (last visited 2020-02-23, 18:22).

<sup>69</sup> *Supra* Note 57.

<sup>70</sup> *Id*.

<sup>71</sup> Anand Kumar. *Illegal Bangladeshi Migration to India: Impact on Internal Security, Strategic Analysis*, 35(1) Strategic Analysis, 106-119 (2010), DOI: 10.1080/09700161.2011.530988.

the state. The town's cosmopolitan character makes it simpler for pariahs to get accustomed to the nearby people.<sup>72</sup>

There are towns in and around Siliguri which have a unique populace blend and frequently go about as safe houses for ISI agents.<sup>73</sup> A town called Chopra is the operational hub for 'unlawful border trafficking and phony counterfeit cash racket of Saudi rials and different monetary forms.<sup>74</sup> ISI functionaries have additionally built up a solid base in Islampur. This town has somewhere in the range of 2,000 Pushto and Baluch pilgrims from Afghanistan occupied with cash loaning industry and 'suspected ISI exercises'.<sup>75</sup> It has somewhere in the range of 6,000 Iranians, who settled here in the late 1960s, 'engaged with smuggling of psychotropic substances and a few Saudis who are involved in criminal activities.<sup>76</sup>

#### *Links of the illegal immigrants with terror activities*

Illicit Bangladeshi nationals are progressively seen as engaged with dreaded terror exercises in numerous areas of India.<sup>77</sup> The spotlight has turned on them after their presumed association in sequential bomb blasts that occurred in numerous Indian urban areas.<sup>78</sup> Since 2004, HUJI, a Bangladeshi-based terrorist organization, has been connected to most terror assaults from New Delhi, Kolkata, Bangalore, Varanasi, Lucknow, and Hyderabad.<sup>79,80</sup> The most noted was the July 2006 serial bombings on the Indian railways that caused 180 casualties.

The Jaipur serial bombings examination highlighted the Indian Islamists in intrigue with a Bangladeshi activist gathering.<sup>81</sup> The idea of the impacts, wherein bombs were lashed on

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<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Supra* Note 57.

<sup>75</sup> *Id.*

<sup>76</sup> 'Jehadi Activity in NE at Nascent Stage: IB', no. 41.

<sup>77</sup> 'Bangladeshi-Immigrants Support SIMI, HuJI? Cops Probe', CNN-IBN, at [http://ibnlive.in.com/printpage.php?id=65536&section\\_id=3](http://ibnlive.in.com/printpage.php?id=65536&section_id=3) (visited 2020-02-24).

<sup>78</sup> 'Following Blasts, India Revives JWG Negotiations with Bangla', *The Indian Express*, June 4, 2008, at <http://www.indianexpress.com/story-print/318326/> (visited 2020-02-24).

<sup>79</sup> Sreeram Chaulia, 'Bangladeshi Immigrants Stoke Terror in India', *Asia Sentinel* (Hong Kong), May 15, 2008, at [http://www.asiasentinel.com/index.php?Itemid=255&id=1200&option=com\\_content&task=view](http://www.asiasentinel.com/index.php?Itemid=255&id=1200&option=com_content&task=view) (visited 2020-02-24).

<sup>80</sup> Harkat-ul-Jihad-i-Islami (HUJI) was implanted in Bangladesh to speed up a violent anti-India Islamic militant movement. HUJI is part of a loose terror network that includes Lashkar-e-Taiba (LeT).

<sup>81</sup> Bappa Majumdar, 'Indian Police Suspect Bangladeshi Hand in Blasts', Reuters, May 16, 2008, at <http://www.reuters.com/article/idUSDEL26101120080516>.

cycles in packed territories, is a run of the mill HUJI trademark. In Jaipur, countless Bangladeshi vagrants are living in the Bagraha territory and as per the nearby police; most drug dealers in Jaipur dwell right now.<sup>82</sup> Bangladeshis are likewise engaged with other crimes.<sup>83</sup>

### *Conclusion and Synthesis*

“If you want to stop illegal immigration, you have to make it so that - so that the people that hire the illegal immigrants will not be in a position to hire them”- Jesse Ventura<sup>84</sup>

An open and ineffectively controlled national boundary without a sound and exhaustive immigration policy in India has significantly encouraged unlawful migration. Widespread debasement and corruption among the Border Security Force and the negative approach of transforming the illegal immigrants into possible voters by ideological groups and political parties has rendered the issue even more obstinate. The obstinate denial by the Bangladesh administration of the very presence of the issue has exacerbated its gravity and the potential for between state clashes. India is stressed over the long term unfavourable effect of the massive, unreasonable and illegal migration on its sovereignty, national security and regional integrity.

The issue of illicit immigration has not been high on the plan of the administration of India. The legislature has likewise been cautious in dealing with this issue as it gets handily communalised. Besides, the generally financial nature of the relocation and the extending economy of India give the legislature the privilege to neglect this issue. Be that as it may, with the developing power and recurrence of terror occurrences, the legislature has finally decided to painstakingly inspect the issue and discover arrangements and solutions for the same.

While proceeding with its endeavours to convince Dhaka to perceive the gravity of the issue and its antagonistic effect on respective relations, New Delhi would need to turn into a signatory to all the United Nations treaties on refugees and immigration, and other global instruments that oversee relocation issues. The Indian experts must comprehend and

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<sup>82</sup> ‘Cops Turn Eye on Jaipur’s Bangladeshi Enclave’, May 16, 2008, at <http://www.rediff.com/news/2008/may/16rajblast2.htm>.

<sup>83</sup> 55. ‘Crackdown Against Illegal Migrants in Rajasthan, 42 Arrested’, India Today, May 20, 2008, at <http://indiatoday.intoday.in/site/Story/8542/Crackdown+against+illegal+migrants+in+Rajasthan>

<sup>84</sup> Available at <https://www.brainyquote.com/topics/illegal-immigrants-quotes> (last visited 2020-02-23).

welcome that without the contribution of the global network the migration issue can't be viably handled.

On the off chance that every one of these endeavours bear no result, India may need to think about after an approach of utilizing economic sanctions. Albeit coercive strategy has regularly ended up being a compelling apparatus in settling clashes, it has been productive just as a transient measure. India should go past such momentary measures and search for enduring arrangements.

