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**Bangladeshi Domestic helpers in Delhi:
A Study of Securitization of Migration in India and Its Impact
on Bangladeshi Irregular Female Migrant Workers**

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Introduction:

Migration is an integral part of current global economy. The 21st century has been termed as the age of migration. However, reasons operational both at receiving and sending ends, made migration an extremely complex phenomenon. Over the last few years migration is increasingly being brought into security discourse as a non-traditional issue. There has been increase in the volume of literature that identified migration as a non-traditional security threat to certain states and societies. This report is on securitisation of migration between India and Bangladesh. It looks into voluntary labour movement from Bangladesh to India in general and that of domestic workers in Delhi in particular.

The geographical mobility of people in search of better life and livelihood in the territories that now constitute India and Bangladesh predates these countries' existence as independent states. Although with the emergence of new states movement of people for livelihoods continued within the region, there was yet to emerge a formal regime to regulate such movement. Thus, migration flow for livelihood continued to be mostly irregular.

In recent years migration between India and Bangladesh has become highly controversial. Successive Governments and a section of the Indian civil society have identified migrants from Bangladesh as threat to their state and societal security. It is believed that people from both sides move across the border for livelihood and that all kinds of migration take place between the two countries, both voluntary and forced. This report focuses on voluntary migration of labour from Bangladesh to India and particularly on female labour, who are employed as domestic workers. Sources have identified domestic work as the sector which engages the highest number of Bangladeshi female workers in India. Kolkata, Bombay and Delhi are considered to be their major locations. This report concentrates on perceived Bangladeshi domestic workers of Delhi.

Key research questions

Aim of this research is to understand broader issues such as, the factors that determine voluntary labour migration between India and Bangladesh. Why do labour moves between the two geographic locations. Are demand and supply sides of the market equally operational in respect to population movement in this region? Or the supply side is contributing more? What role does labour market information play in this regard? How market information is channelled?

Second set of issues looks into security concerns. Why over the years labour migration is generally being seen as security threat? What types of security threat do they throw to the state of India? Are the challenges thrown by migration synonymous to threats identified as security threats? Who are the securitising actors? What role

did the successive governments of India play in this respect? Is there any difference between the actions of the central government and state government in this respect? Is there any difference of opinion among political parties? What role does academics and media play in this respect? How other organs of the state such as judiciary participate in this debate? How civil society reacts to such securitisation?

Third set of issue focuses on the outcome of securitisation on migration. How does the authority distinguish between Bangladeshi migrants and migrants from other parts of India? What actions follow? Has securitisation of the issue been successful in reducing migration? How has it impacted on human security of all migrants, internal and international? It is also important to know the impact of securitisation on economies and societies of receiving and source countries. Does it affect state to state and people to people relation between the two countries? Last but a very important area of investigation is to know if there is any effort of the de-securitising migration. What can be learnt from the experiences of those organisations that are working in this area?

CONCEPTUAL FRAMEWORK

The analytical framework of the study has been developed from theories related to migration and non-traditional security. The following section provides a brief account of concepts mobilized.

Migration Theories

International migration is generally defined as movement of people from one country to another to take up employment or establish residence or to seek refuge from persecution. This research concentrates on international labour migration. According to *UN Convention on the Protection of Rights of all Migrant Workers and Members of their Families* (1990), a migrant worker is a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national. This group of workers can be both in regular and irregular status. Regular migrants are those who have been granted permission to work and stay in a country for a stipulated period under a specific contract. Irregular migrants have been defined as migrants who have not fulfilled all the requirements established by the receiving and sending states with respect to their policies of departure, entry and employment.

Causes of Migration

Social scientists of different disciplines have proposed a variety of theoretical models to explain why international migration takes place and the consequences they entail. Macro theory of neo classical economics, micro economic human capital theory, historical structuralist theory, social capital theory and cumulative causation theory are some of the major approaches in this regard. There is an emerging consensus among academics that none of the above theories on their own can adequately

account for causes of migration. Each case of migration has its own internal and external dynamics, operational at both macro and micro levels and at sending and receiving ends and each theory has some relevance in explaining this phenomenon.

The historical structuralist approach offers an understanding of wider socio-economic and environmental structures within which individuals operate (Singer 1971, Stern 1988). Neo classical macro theories provide important determinants such as geographic differences in supply and demand and wage differential between the receiving and sending areas (Harris and Todaro 1970). Push-Pull theory throw light on how migration brings equilibrium between forces of economic growth and contradictions among different geographic regions of the world and how pressure of push and pull jointly contribute to migration (Lee 1966). Individualistic approaches explain the calculated response of decision maker which induce some to migrate and others not to (Todaro 1969).

Approaches of new economics of migration added the role of larger family units and communities in migration decision making. They also demonstrated that people migrate not only to maximize expected income but also to minimize risks of market failure. Migration is a risk reducing strategy, not only for individuals but for households.

Social network theory highlights the role of migrant networks. Social network is defined as sets of interpersonal ties that grow from kinship, friendship and shared community origin. Such network increases the likelihood of further migration as it decreases the costs and risks of migration and increases the net expected return. Network connections are described as a form of social capital that substitute or provide access to financial capital to migrants (Bourdieu and Wacquant 1992).

From the above discussion it is understood that migration takes place due to a host of social economic or political factors, operational at individual, family and community levels both in the receiving and sending countries. More importantly, these theories are based on the premise that migration is inevitable outcome of mixture of different factors. In the face of interplay of those factors imposed restriction on the regular flow of labour would only increase the flow through irregular channel.

Consequences of migration

Consequences of migration constitute another important area of research. In the past, most of the framework of analysis focused on macro or micro-economic impacts of migration. Macro studies are conducted either on receiving countries or on sending countries. In case of receiving countries major indicators used are impact on production and wage rate, while for sending countries the major indicators are labour flows and associated financial flows on the national economy (Nayyar 1994). While analyzing consequences of migration at a micro level, focus on costs of migration incurred by an individual and benefits received at individual and family

levels are important indicators (Berry and Soligo, 1969; LeClere and McLaughlin, 1992).

Micro level studies also highlighted the impact of migration at community level. In later years sociologists, geographers and psychologists have broadened the purview of cost benefit analysis of migration. They have added social and psychological costs and benefits of migration. Economists, sociologists or anthropologists identified both negative and positive consequences of migration. Positive outcomes of migration are manifested in the global literature on economic and social development. For example, Massey et al (1998) have shown that industrial growth of Europe owes heavily to migration. Massive infrastructural growth and development in the Middle East since the oil price hike of the 1970s were possible through immigration of all categories of workers. Growing economies of Southeast Asia depend on steady flow of immigrant workers for their sustenance. Movement of knowledge workers is an integral part of global scientific development today. Remittances are considered as important yardsticks of migrants' contribution to their countries of origin. In 2004 remittances of migrants stood at US\$ 125billion (Ratha 2005). This figure is more than global official developmental assistance as well as capital market flows towards the developing countries. Remittances as sources of financial flows are found to be more stable than private capital flows and to be less volatile to changing economic cycles (Ratha, 2003).

Brain drain, sacrifice of social life of migrants, psychosocial impact on left behind spouses and children, exploitation of migrants and its impact on wage rate of local labour, racial discrimination and xenophobia constituted major focus of analysis of negative consequences. Probing into migration as security threat by security analysts, can be placed under the broad analytical framework of negative consequences of migration research. The following section deals with how security studies have perceived migration as a non-traditional security threat to receiving states.

Security Studies

Traditional security discourse dominated by realist understanding of international politics, remains strictly focused on external military threats to the survival of states. According to the traditionalists the security of citizens was synonymous to security of states and the primary goal of security thus remains the protection of state security and territorial integrity against existing and potential external adversaries. In the post-Cold War era security analysts are continuously trying to broaden the security discourse by bringing in non-military concerns. The broadened agenda gives greater coverage to previously neglected sources of conflict (Weiner, 1990). The process involved bringing non-military issue into security discourse is referred to as Securitisation. Buzan *et al* (1998) has cogently described the process of Securitisation.

According to Buzan *et al* (1998), Securitisation is a deliberate action of purposeful actors who frame new or previously ignored challenges as existential threats to the survival and well being of people, state and international community. He further argues that interested actors through speech act create justification for requiring emergency measures and state actions outside the normal bound of political procedure. Securitisation process results in greater resource allocation for the issue and to some extent militarization of the issue.

Teitelbaum (2002) mainly showed that large scale population movements (refugees or other types of migrants) can affect the cohesion of societies and become source of inter-state and intra-state conflict. They can also generate social and political conflict both within and between countries. Weiner (1990) described four types of situations in which receiving states may consider migrants as security threats. These include situations in which migrants (a) oppose the regime of their country of origin, (b) are perceived as political threat to a particular regime of the receiving country, (c) are viewed as a threat to the culture of the receiving country and (d) are seen as a social or economic problem in the host country. Cronin (2002-3) felt that freer movement of people across boundaries is enabling terrorists to carry out attacks more easily, while Krebs and Levy (2001) went further and linked illegal weapons smuggling, drug trafficking and other transnational criminal activities with migration.

Some security experts felt migration can be a source of existential threat to the receiving countries and therefore, prescribed actions outside the normal bounds of political procedure and suggested emergency measures. Buzan *et al* (1998) perceived migration as threatening to societies' dominant identity, yet refrained from securitizing it. Securitisation of migration therefore, means construction of a security knowledge that links together various day to day social threats like arms smuggling, drug trafficking, terrorism with the image of immigrant as the nexus of all fears.

Human Security and Securitisation

While broadening the security discourse some have brought in the issue of human security of individuals. The agenda of human security primarily concerns the variety of threats to the survival of individuals rather than the state and society. The first major statement concerning human security appeared in 1994 Human Development Report of UNDP. The report argued, that the concept of security for too long has been interpreted narrowly; as security of territory from external aggression, or as a protection of national interest in foreign policy or as global security from the threat of nuclear holocaust. Legitimate concerns of ordinary people who sought security in their daily lives was completely ignored (UNDP, 1994). The UNDP identified seven elements that comprise human security. These are: economic security, food security, health security, environmental security, personal security, community security and political security. Principal referent objects in all seven elements remain the individual. Under this formulation economic security refers to assured basic income; food security means physical and economic access to food; health security entails relative freedom from disease and infection while environmental

security denotes access to sanitary water supply, clean air and a non-degraded land system. Security from physical violence and threats constitute personal security and community security upholds the security of cultural identity. Protection of basic human rights and freedoms constitute political security (Acharya, 2001).

UNDP definition of human security has been viewed by Canada as too broad. The Canadian government prefers to concentrate on the human cost of violent conflict such as starvation and genocide. Norway established a partnership on human security with Canada and identified a nine-point agenda on human security. These states view that all elements of human development should not be brought under the ambit of human security; rather impact of different types of conflict on human security of individuals should be the prime focus. Japan has highlighted two basic aspects of human security: freedom from fear and freedom from want.

Earlier discussion on human capital and market failure theory showed that migration decisions in most cases were taken by individuals or their households in order to reduce insecurity or to ensure improved human security. The core hypothesis of this research is when migration is securitized it may contribute to shaping of new threats to human security of migrants.

In this section we have discussed different theories of migration. We have also seen how non traditional security school conceptualizes migration. Migration theories explained that in the 21st century, due to various reasons international migration will continue to increase. This include, structural conditionings of receiving and sending countries in the back-drop of current restructuring of global economy; personal experiences of individuals and their families; massive development in communication technology; access to information on labour markets of receiving countries; development of fee charging private recruitment industry and existence of strong social network of the migrants. Theories of consequences of migration show that developmental impacts of migration are huge, at the same time migration has negative impacts. Non traditional security discourse identified migrants as threat to receiving states or their societies. In case of some countries migration has been securitized. A discussion on discourse of human security leads to argue that Securitisation of migration will contribute to the weakening of the seven elements of human security of individual migrants and their families.

Methodology

The research *Perceived Bangladeshi Migrant Domestic Workers in Delhi* is based both on primary and secondary information. Primary information is collected through fieldwork in Delhi. It was conducted in August-September 2005. The fieldwork team was comprised of Dr. Tasneem Siddiqui, Dr. C R Abrar, Ms. Nahid Alam and Mr. Mohidul Islam.

Survey through email

The research team understood that finding migrant domestic workers of different country origin in a state where research members are not locals will be difficult. Therefore, before undertaking the actual fieldwork, a quick survey was conducted through mail to locate organisations that may have information on domestic workers and migrant workers in general. Name of the institutions and individuals contacted is attached as Annex I. These organisations provided names and addresses who work with domestic workers and labour migrants. They provided some more names and addresses. The list is attached as Annex II

Interview of individuals and organizations

Media and academic writings every now and then mention about Bangladeshi domestic workers. However, generally they do not have information about their location. Therefore in order to locate Bangladeshi workers this study team interviewed members of variety of organisation. Chetanalaya, a church based organisation was the first to be interviewed. They work solely with domestic workers from Shatrishgar, Jharkhand, Orissa, Chabbish Pargana and West Bengal. These women are mostly of tribal background with Christian faith. They do not work with Bangladeshi domestic workers. They informed the research team that the Bangladeshi worker can be found in Nizamuddin, Munirka and Vasant Kunj area.

South Asia Research and Development Initiative (SARDI) provided names and contact addresses of a few placement agencies that may have information on domestic workers of Bangladeshi origin.

Dr. Mahendra P. Lama, Dr. Partha Ghosh and Dr. Ravi S. Srivastava helped the research team to identify few locations which are popularly known as places where Bangladeshi domestic may be working. These are New Seemapuri, Azadpur Market, Yamunapusta, Nizamuddin, Mehrauli, Salimpur, Vasant kunj, Hati Park, Ram Park and Dwarka.

Ms. Roma Devabrata of STOP was interviewed and she identified Chitta Ranjan Park, Mukharjee Nagar, Kailash Colony where Bangladeshi Rickshaw Pullers or domestic workers may be found.

South Asia Study Centre informed that they work with Nepali migrant workers. In Lalita Park, Laxmi Nagar, where they work, may have some workers who could be of Bangladeshi origin. Nirman works with construction workers. They opined their workers are internal migrants of India and they did not think that some of them could be of Bangladeshi origin.

Aman Charitable Trust is a human rights organisation who works on establishment of rule of law in the area of arrest, detention and deportation of workers who are perceived by the Indian government as Bangladeshi. They provided further information on other organisations that have programme in the areas which

identified by the police as Bangladeshi prone areas. These organisations are: Hazards Centre and Bal Vikas Dhara.

The research team then informally surveyed areas identified by the above institutions and individuals. Areas covered are Nijamuddin, Chittaranjan Park, Fish Market of Kailash, and Vasant Kunj. 6 focused group meetings took place in four locations. The first meeting took place near a telephone booth in Nijamuddin. Identified as the area from where perceived Bangladeshi make contact to Bangladesh. Two members of the research team spent two evenings there. Second focused group discussion took in a rickshaw stand in Chittaranjan Park. Three discussion meetings took place in Petrol Pump Slum and one in Harijan Colony area.

Harijan Colony and Petrol Pump Slum of Vasant Kunj were found to be the most suitable area for conducting fieldwork. Because of grass-roots level intervention of few organisations in that area the confidence of the people could be gained and they agreed to be interviewed. All together 50 female domestic workers were interviewed. 22 female were interviewed from Petrol Pump Slum. 7 women were interviewed in their work location (Vasant Kunj -Housing). They also reside in Petrol Pump Slum. Therefore total number of women interviewed from Petrol Pump Slum was 29. Except the new entrants who migrated recently, the old migrants used to reside in Harijan Slum. Year ago that slum was destroyed by the government's land authority and the evicted people have settled in this new slum called Petrol Pump Slum. Some of the Harijan Bosti dwellers who have done relatively well moved into Harijan Quarter which is next to the already demolished Harijan Bosti area. 21 of those moved to quarter from Harijan Bosti were interviewed. This group represents relatively better off economic condition.

Secondary Information

Secondary information was collected from different sources. Internet search was conducted in Dhaka before the fieldwork. Addresses of websites searched and report downloaded is provided in Annex III. Name of the newspapers which contained report is attached as Annex IV. Reports were also scanned from newspapers directly. This was done in JNU library. The list is attached as Annex V. secondary information collections started in June 2004 and finished in June 2006.

In the issue of migration between India and Bangladesh, concerned laws and court judgment are of immense importance. The Laws that are collected are as follows, The Foreigners Act, 1946; The Foreigners Order, 1948; [The] Illegal Migrants (Determination by tribunal) IM(DT) Act, 1983; The Foreigners (Amendment) Act, 2004; IM(DT) postponement judgment 2005. Besides, different books, articles, reports and brochures were collected. They are all sighted in the reference section.

Structure of the report

This report is divided in eight sections including this introductory one. Sections II tries to make an assessment of nature and extent of migration. This is difficult as there exists very little systematic data. This section also attempted to give an idea on major area identified where the perceived Bangladeshis migrate for work, their ethno-religious, economic background and the type of work they involved in. Section III locates the role of successive government and political parties in securitising migration. Methods used by political parties and role that media play in this respect. Section IV highlights deferent legislative instruments that developed over the years and also deals with the role of judiciary of India in securitising migration. Section V, VI, and VII presents the findings of interviews and focus group meetings conducted in two locations of Delhi. Section V provides the basic socio-economic information of respondents. More importantly, this section concentrates on understanding the determining factors that contributed to their migration decision. Section VI highlights the work and living conditions of interviewee domestic workers. Section VII highlights the securities and insecurities that the migrants face at the point of destination due to securitisation of migration. The concluding sections summarise the major finding of the research and provide some recommendations for tackling challenges thrown by migration. On the other hand it also makes necessary recommendations for de securitising migration.

SECTION II

NATURE AND EXTENT OF MIGRATION BETWEEN INDIA AND BANGLADESH

Bangladesh and India share 4096 km: of land border. All types of population movements have taken place between these two countries. This include, migration of landed aristocracy from different parts of the then East Bengal to city of Kolkata of West Bengal, movement of plantation workers from Uttar Pradesh to Sylhet, movement of menial workers from Orissa and South India to the urban municipalities of East Bengal, movement of agricultural workers from greater Mymensingh and Sylhet to Assam, migration from Maharastra to different parts of the then East Bengal to work in the railway sector, are some significant internal movements that took place during the British period. Large scale cross border migration of people along religious faiths accompanied the partition of the British India into India and Pakistan in 1947. During the initial period institutional arrangements for migration between the two countries were in place under which option for naturalization could be availed by the migrants with relative ease. Migration of minority communities from both sides of the border also became a district form of population movement in this period. Gradually, a stricter migration control regime was put in place in both India and Pakistan.

Once Bangladesh became independent in 1971, such formal regime of restricting migration continued to exist. Nonetheless for various reasons migration between India and independent Bangladesh continued both through informal and formal routes. Among different streams of informal migration two of them are more popularly discussed. These are migration of Hindu community from Bangladesh to India and migration of relatively poor and less educated Muslim populations from Bangladesh to India. Other important forms of migration from Bangladesh to India include student migration, migration induced through treatment, formal and informal trade and migration through marriage.

Migration also takes place from India to Bangladesh. This includes migration through marriage and seasonal agricultural migration. Particularly in recent time, professional and skilled Indians are also migrating to Bangladesh for short term. This is due to expansion of opportunities in service sectors and trade. According to newspaper reports and information received from immigration department, people of Indian origin are temporarily employed in garment factories, shrimp firms, poultry and fishing firms, sugar mills, textile and leather industries, steel and re-rolling mills, pharmaceutical industries, telecom industries, natural resources exploration, beverage companies, audit firms, railway sectors, construction firms, schools and colleges (as teachers), hospitals (as doctors, nurses and technicians), hotel managements, sheaf, hear dressers, beauticians. No researched study is available in this area. According to foreign ministries estimate based on immigration clearance the number of skilled and professional Indian workers hovers around 1 lac. Newspapers every now and then also put reports on seasonal migration from India

to Bangladesh in the bordering areas. Again systematic work is not available to give an idea about the extent of such movements.

This particular research is on informal labour migration from Bangladesh to India. Some micro level researches are available however, systematic research based figure on the extent of labour movements from Bangladesh to India is also not available. On the basis of different Indian newspapers and circulars of central and state government of India, a brief description is provided on the destination, scale, sectors of employment and gender is given below:

DESTINATIONS IN INDIA

According to different newspaper reports highest number of Bangladeshis migrates to West Bengal and the second largest destination point is Assam. These reports also mentioned that people of Bangladeshi origin have migrated to almost all parts of India including Bihar, Punjab, Haryana, Delhi, Rajasthan, Uttaranchal, Gujarat, Maharastra Madhya Pradesh, Tripura, Meghalaya, Nagaland and Orunachal Pradesh.

NUMBER

No authentic statistics is available on number of Bangladeshi in India. Different figures are placed by national and state governments and opposition leaders, student leaders etc. on this. In the following, figures estimated by central and state governments and reported in different newspapers are presented below:¹ In popular and also in some Indian academic literature these group of undocumented migrants are termed as illegal migrants.

Speaking in the Rajya sabha, minister of state for home Sri Prakash Jaiswal said a total of 1,20,53,950 illegal Bangladeshis migrants were residing in 17 states and union territories across the country as on 31 December 2001. Among the north eastern states Monipur, Mizoram and Sikkim drew a blank. Tripura is next only to Assam with 3, 25,000 migrants, followed by Nagalands 59,500 and Meghalaya 30,000 illegal Bangladeshis. Even Arunachal begun to witness a demographic shift with 800 Bangladeshis. Replying to a question in the Lok Sobha , minister of state for home S. Reghupathy said there were only 26,490 illegal foreigners state, contradicting the ministry's own admission (Assam).²

In 2003, Intelligence Bureau of central government of India and other agencies made an estimate of number of irregular Bangladeshi in India. Intelligence

¹ It is important to note that a large number of Bangladeshis go to India as student or to take long term treatment. Figures that are sighted do not count these types of migrants. The figure mostly counted of those who went or stayed back in India without the permission or authorization of the government of India.

² True Tally of Migrants from Bangladesh, From:Rajib Baruah, Date: Thu, 15 July 2004, 07:06:50-0700, <http://www.mail-archive.com/assam@pikespeac.uccs.edu/msg09239.html>

Department of individual state of India where asked to provide figure of irregular Bangladeshi in their concerned states. Director of Intelligence Bureau coordinated the estimation process. Their estimation came up with a figure of 16 million migrant from Bangladesh across India up to January 1, 2003. The break down are as follows, J&K-468, Himachal Pradesh-20, Punjab-344, Haryana-712, Delhi 502,366, Rajasthan-447,150, Up Uttaranchal-34,874, Gujrat-138, Maharastra-28,034, Karnataka-12, Orissa-41339, West Bengal-7,650,123, Tripura-34,874, Meghalya-40,518, Nagaland-79,730, Assam-6,700.228, Orunachal Prodesh-1.072, Bihar-6,700.228, Madhya Pradesh-941.³

On 14 July 2004 during the question- answer session of Rajya Shabha a state wise details of illegal Bangladeshi migrants was presented. The figures presented differs a little from the above mentioned estimate. The figures presented are as follows: Assam: 50 00 000, Bihar: 479000, West Bengal: 5700 000, Delhi: 375 000, Tripura: 3, 25,400, Nagaland: 59,500. Total: 120 53 950.⁴

In January 8, 2003 the Statesman quoted that Bangladeshi immigrants estimated to be over 20 million.⁵ This “20 million” figure was first presented by L. K. Advani in a joint conference of Chief Ministers of every states and the DIGs of police. He insisted that, 10 million of them are in West Bengal and Assam and the rest are spread all over India.⁶ Similar statement was also made by Home Secretary of Central Government, N. Gopalswami after the above mentioned meeting.⁷

Contrary to all the above statement, The Ministry of Home Affairs (MHA) has said that according to available information 46,587 foreigners were staying illegally in India as on 31 December, 2003. 26,669 foreigners are staying illegally in Assam. In West Bengal where 14131 such foreigners were staying illegally.⁸ The rest are dispersed in other areas.

From the above statements and figures above, one can see that state and central government have been providing different numbers. What is their religious composition or when did they migrate these information's are not known. Moreover, are they all permanent migrants? Or a section of them are seasonal, this is also not understood. From the discussion it can only be stated that a good number of people of Bangladeshi origin may have been migrated to India but no real estimate of their scale exists.

GENDER DISTRIBUTION

³ Neighbour, 2003.

⁴ Illegal migrants, Place: The Rajya Shabha. Time: Question hour, Date: 14 July, <http://www.centralchronicle.com/20040804/0408301.htm>.

⁵ The Statesman, 8 January 2003.

⁶ Sangbad Pratidin, 8 January 2003, Anandabazar, 8 January 2003

⁷ Bartaman, 8 January 2003.

⁸ The Assam Tribune, 16th December 2004.

Although no information is available on gender distribution of Bangladeshi migrants, it is well documented that both men and women migrate from Bangladesh to India. In some occasions they migrate as family and in other occasions both men and women migrate independently as principal migrants. Again they represents all kinds of marital status, married unmarried, widow, separated or detached from spouse.

WORK

Few micro level researches are available which shows where men and women work (Rashid, 2003, Blanchet, 2002). Rashid interviewed 100 returnee migrants from India. They were engaged in labour intensive jobs. Most men were employed as construction workers, hotel boys, salesmen, electricians, hawkers, car cleaners, bus helpers, rag pickers and agricultural labourers. Most women took up employment as domestic workers and factory workers in small manufacturing units, such as glass factories, Bangla factories biri factories. Another study conducted by Therese Blanchet shows that sections of cross border women migrants from Bangladesh also voluntarily enter the sex industry in India. They work as sex workers and bar women in Mumbai and some other large cities. They are a group of irregular migrants apart from those who are trafficked.

CONCLUSION

The above discussion shows that figures provided at different times by different sources vary substantially. It also demonstrates that figures referred by state governments and national governments also vary. Some of the calculations include movements that took place during British period. Migration during British period should be seen as internal migration within British India. Only information which is based on some data prepared by Indian Ministry of Home Affairs up to December 31, 2004, the number of foreigners in India stood at 46,587, highest number of them are staying in Assam followed by West Bengal. It is also understood that they are found in more than 14 states of India. Although there are confusion regarding these figures, it is understood that a good number of people do migrate for short or long term to India from Bangladesh. Among the migrants both sex are represented. Most importantly they are working in marginal sectors of the economy. Thorough collaborative research is needed to determine the extent of migration from Bangladesh to India.

SECTION III

SECURITISATION OF MIGRATION

I have discussed the concepts of securitisation in section 1. It was seen that in non-traditional security literature securitisation is seen a deliberate act of certain actors to dramatise an issue claiming it to deserve supreme priority. The issue under consideration is presented to be treated by extraordinary means. In other words, the process of securitisation entails construction of a social discourse that link together various day to day social threats with the issue that the concerned parties are trying to securitise. In this case, it is migration.

This section attempts to find out how labour migration between India and Bangladesh is being securitised. First it presents different examples of speech act. Then it presents the action that followed the speech act. In the area of speech act it begins with discussing the number game and the process through which it is being presented to broader audiences as threat. In this case a section of Indian politicians at both central and state levels, representing both government, opposition, and the media are the main securitising actors.

SPEECH ACT

Number game

According to a newspaper report of 17 February 2003, the then BJP government appointed a task force to provide an estimate of “illegal Bangladeshis” in different states of India. Special Director of Intelligence Bureau Ajit Doval was assigned the task of coordination. The task force report stated that as of 1 January 2003 there were 16 million irregular immigrants in India. This figure stated by the task force began to be widely circulated in leading Indian dailies such as Times of India, the Statesman, Sangbad Pratidin, Anandabazar Patrika, South Asia Tribune, Asia Times, the Hindu, the Pioneer, the Asian Age, Indian Express, the Hindustan Times and by a good number of websites.

L.K. Advani, the then Deputy Prime Minister, referring to the report claimed that India was being swamped by “illegal Bangladeshi migrants”. However, instead of sticking to the 16m figure stated in the report, Advani raised it to 20 million. He further claimed that every day 25,000 Bangladeshis cross over to India and stated that there was an increase in the number by 50 percent during the last six years.⁹ Another news paper claimed that no political will exists to check the influx estimated at 300,000 every year.¹⁰ Asia Times reported that the “illegal influx” of Bangladeshi to India is about 300 000 persons per year.¹¹

Threat to national security

⁹ Times of India, 17 February 2003; South Asia Tribune, Issue 42, May 18-24, 2003.

¹⁰ <http://www.stratmg.com/issuejune-1/page01.htm>

¹¹ Asia Times Online February 6 2003, http://www.atimes.com/atimes/south_Asia/EB06Df05.html

Along with the threat of a large and ever increasing number, Bangladeshi migrants were presented by different corners to be source of various types of threats. Most important among the allegations was made by LK Advani. He stated that these migrants posed the biggest threat to national security of India.¹² Editorial of The Statesman also wrote that, Illegal immigration on such a massive scale has eroded national sovereignty, besides threatening Indian stability and security.¹³

Change in terminology

It is interesting to note the change of terminology in the way Bangladeshis were perceived. In earlier statements and newspaper reports, they were perceived as economic migrants. Once BJP linked migration to security threat, the perceived irregular migrants were begun to be referred as “infiltrators from the East”.

Geo-politics

At a meeting held on 7 January 2003 the state government of West Bengal informed the Central government that ISI agents of Pakistan were providing training in Bangladesh. Along with imparting training the Indian insurgents, ISI officers were also using the Bangladeshis. The state government linked these with the increased level of “infiltration of Bangladeshis” into West Bengal and increased activities of Kamtapuri Militant and People’s War groups.¹⁴ Sangbad reports that “illegal Bangladeshis” were being used by Pakistani intelligence agencies in anti-Indian activities.¹⁵

Demographic invasion

The state governor of Assam L T Ajay Singh in 23 June 2005 stated that 6000 Bangladeshi migrant illegally entered Assam everyday.¹⁶ Migration from Bangladesh to the state of Assam has been presented as a “demographic invasion”. The census report 2001 claimed that Muslim population in Assam has grown by 129.41 per cent.¹⁷

According to Asia Times large scale migration from Bangladesh has brought about a demographic transformation in the border belts of West Bengal, Bihar, Assam, Tripura and Meghalaya. The Muslims today constitute 35 percent of the state electorate.

Electoral majority

¹² Daily Times, August 16, 2004.

¹³ 23 June 2005

¹⁴ Anandabazar Patrika, 8 January 2003; Bartaman, 8 January 2003, Sangbad Pratidin 8 January 2003.

¹⁵ Sangbad Pratidin, 8 January 2003

¹⁶ Hindustan XXX, XX July 2005.

¹⁷ The Asian Age, New Delhi, 17 July, 2005.

The fear of increase in the number of Muslims has its political ramifications. Illegal migrants (supposedly Muslims from Bangladesh) were perceived to influence the electoral outcome. Demographic transformation have been brought about in the border belts of West Bengal, Bihar, Assam, Tripura and Meghalaya as a result of large scale migration , and according to one estimate , illegal migrants are in a position to influence the electoral outcome in 25 parliamentary and 125 assembly constituencies in the country.¹⁸ In West Bengal's 292 assembly constituencies, Bangladeshi migrants can ensure a result in 52 of them and influence the vote in 100 others.¹⁹

It has been claimed by some quarters that the Bangladeshi migrants dominate a number of Assembly seats in East Delhi. These are Nand Nagri, Babarpur, and Simapur. If illegal Bangladeshis get the opportunity to cast votes, that would undermine national security of India, argued one source.²⁰

Linking with crime

Bangladeshi migrants have also been linked to different forms of crime. Even secularist sources quoting, police noted that Bangladeshis are behind most of the robberies, stabbing and other crimes in the capital city of Delhi. Their area of operation includes posh localities of South Delhi where most work as domestic help.²¹ Another report also states that Bangladeshis not only reside in several slums and J.J. cluster on the Yamuna Pustha, but indulge in all crimes. In the recent past the Delhi police has neutralised several armed gangs of Bangladeshis. Their subsequent interrogation revealed that they have been living in Delhi and committed many crimes and robberies.²² Bangladeshi smugglers, touts, terrorists and criminals in collusion with their counterparts and corrupt BSF and police officials have established effective control over the outlying border areas of the two countries²³. A report in The Asian Age linked with Bangladeshi migrants with drug peddling as well. The report quoted a senior police official of course not by name and mentioned that, Bangladeshi migrants in the (capital) city are involved in drug peddling and robberies. "Most of them run away after the crime only to surface six months later" a senior officer said.²⁴

Pressure on civic facilities

It has also been suggested that 130,000 of illegal Bangladeshis have acquired documents such as ration cards, passport and voter identity cards. Using these documents they have been able to access civic facilities. This is exerting pressure

¹⁸ Asia Times Online, February 6 2003 http://www.atimes.com/atimes/south_Asia/EB06Df05.html

¹⁹ <http://www.stratmg.com/issuejune-1/page01.htm>

²⁰ (The Pioneer, 21 September 2003).

²¹ (Bharat Bani.org).

²² (The Pioneer, 8 May 2003).

²³ (The Statesman 23 June 2005)

²⁴ The Asian age, 20-12-2002

on social services and the rightful citizens are having difficulties in accessing these services.²⁵

Hijacking scarce job

Many Bangladeshis have been alleged to be employed in domestic work in Delhi. This has led to accusing them of “hijacking” scarce job opportunities.²⁶ On 23 June, 2005 the editorial of The Statesman wrote, “...no fewer than 20 million foreigners who take up jobs as Indian citizens, occupy public land, strain civic amenities, and fare services, and cause social tensions and environmental degradation.”²⁷ Asserting that millions of Bangladeshi nationals had migrated illegally, a report in The Hindu states that their presence has made the life of the people of Assam “wholly insecure” and hampered the state’s growth.²⁸

Threat to social and cultural identity

In the theoretical section Barry Buzan’s observation that migrants pose social and cultural threats to the dominant group of a society was referred to. In the context of the North East India Myron Weiner identified large scale migration of mainstream communities to the region as a potential source of threat to indigenous people’s culture and identity. In Assam, Bangladeshi Muslims are identified as sources of threat to native culture.²⁹ The fear among sons of the soil of losing out their distinct identities to outsiders has generated deep rooted socio-political tensions and sparked off insurgencies in Assam and the rest of the north east region. If the left front continues to ignore the prejudicial activities of the Muslim fundamentalist’s fringe, communal tension will mount and spread to other areas in the state and beyond.

ACTIONS FOLLOWING SPEECH ACT

Detection, Arrest and Deportation

The BJP government and its political allies through speech act could successfully generate a feeling of scare among general public of India about huge number of Bangladeshi migrants. They could identify the irregular Bangladeshi migrants as threat to national security of India. By 2004, according to a network of intellectuals and NGOs entitled Citizen’s Campaign for Preserving Democracy (CCPD), migration from Bangladesh became a central theme in public discourse of India (CCPD 2005). Different actions were taken by central government and state governments following their speech act. Among different actions, operation push back is the most well known. This entails arrest detention and deportation of perceived irregular

²⁵ Times of India, 4 September 2004.

²⁶ Bharat Banii.org.

²⁷ Editorial of “The Statesman”.

²⁸ The Hindu, 15 July 2005.

²⁹ http://migration.ucdavis.edu/mn.more.ph?id=2399_0_5_0

Bangladeshi immigrants to Bangladesh. Of course this started much earlier. In 1993 the then government undertook a programme entitled “Operation Pushback”. This programme was designed to identify, round up and deport perceived irregular Bangladeshis from India according to their study. Under this programme many Bangla speaking Muslims, may or may not be of Bangladeshi origin were rounded up in different parts of India, brought to bordering areas and left in No-man’s land. The government of Bangladesh did not accept them as Bangladeshi citizen. This resulted in many incidences where people perceived to be of Bangladeshi origin fell in between the gun points of two countries border security forces, the Bangladesh Rifle’s (BDR) and the Border Security Force (BSF) of India.

In 1997, the Supreme Court of India passed a judgement in D.K. Basu VS. State of West Bengal case, which established a certain guideline for conducting arrest, detention and deportation of perceived “illegal Bangladeshis”. This judgement may have reduced incidence of arrest of perceived Bangladeshi irregular migrants. However, once BJP and its allies came into power in 1998 in the central government, arrest detention deportation reached its peak. Delhi high court in response to a write petition³⁰ had directed the government of Delhi to undertake a survey to detect illegal Bangladeshi migrants residing in Delhi and to deport them immediately. The Home Ministry formulated an action plan in May 1, 2002 to “expeditiously detect and deport illegal Bangladeshi nationals from Delhi. As per this plan, the commissioner, Delhi Police was required to set up 10 Task Forces to identify the illegal migrants. Each Task Force is assigned a quota of identifying 100 illegal migrants daily and this number is to be increased later. Every alternative day at least 50-70 persons were to be sent by train from Delhi to Hawrah for deportation. This Task Force functioned under a Monitoring Cell, in the Home Department of the Government of the National Capital Territory of Dehli (GNCTD), and reports to a high powered Nodal Authority constituted by the Home Ministry. This Nodal Authority, in turn, is required to submit monthly reports to the Delhi High Court”. The Times of India reports³¹ that following the High Court order the police and Delhi government prepared an action report where they decided to deport about 3000 irregular Bangladeshis every month. Along with operation push back second important step was border fencing.

Border Fencing

The central government of India decided in 2003 to construct border fencing along Indo-Bangladesh border within 150 yards from the international border. Border fencing was and still is a major demand from Assam and other North Eastern countries. Sinha’s report stressed heavily on full fencing of Assam-Bangladesh border.³²

National Register of Citizens’ and boycott of Illegal Bangladeshis

³⁰ Chetan Dutt v. Union of India, 3710/2001

³¹ September 6, 2004

³² The Hindustan, New Delhi, 5 July 2005.

Updating of National Register of Citizen (NRC) was agreed on a tripartite meeting among All Assam Students' Union (AASU), the centre and Assam government on May 5, 2005 as a step to identify "Bangladeshi infiltrator". Chiring Chapori Yuva Mancha called to all section of people of the state through lift let and SMS message, to restrain from providing employment to irregular Bangladeshis, not to travel in vehicles ply by them, not to have any business transaction with them, and not to provide shelter or rent out accommodation.

Resource allocation

The Ministry for Home Affairs has got more funds to check illegal immigration from Bangladesh. The focus is on fencing the 4,000 km border, constructing roads and putting in place communication facilities. Allocation for these projects is Rs 200 crore compared to last year's Rs. 75 crore. The total outlay Rs.12, 137.06 crore as against 2002-03's revised estimate of Rs 11,642.22 crore.³³

WHY SECURITISATION?

In previous two sections it was seen how migration has been securitised in India. It also showed who the securitising actors are. On top it also identified the outcome of securitisation in terms of resource allocation, border fencing, judicial enactment etc. It was seen that different actors deliberately essentialised the identity of migrants as the "threatening others". By constantly focusing on discovering the straight forward linkage between population movement and security threats, politicians, media, academicians, and researchers have constructed a generalised image of all migrants as a source of insecurity. Now the important question is why the migration is being securitised? Different writers have given some explanations. They are presented below.

Gain from communal psyche: CCPD argued that Securitising migration is part of communal agenda of a section of political elite represented by BJP. BJP all along tries to gain Hindu vote by taking stand against secularism. Indifferent public addresses Bharti Janta Party (BJP), Rastriya sevak Shangha (RSS) and ---- claimed secularism gives more privileges to Muslim. Identifying migrants from Bangladesh as threatening to national security their parties can raise the communal psyche of a section of people. BJP and its ally is interested to appeal to the anti Muslim psyche of a section of conservative forces in India

Use of migrants as vote bank: Migrants are vulnerable in many ways. To secure their stay they try to hide their Bangladeshi identity. They also try to gather papers which show that they are from India. It is alleged that some political parties help them in getting papers. Due to such patronage the migrants automatically become their voters.

³³The Hindustan Times, 1 March, 2003.

Destroy Vote bank: BJP and its political allies electoral reading is that congress at central as well as state level (Assam) benefit from Muslim vote. They think congress and left in West Bangla provide these Bangladeshi migrants with ration card, school certificate, voter ID etc. This group of people during election time vote for Congress or for the Left front in the West Bengal. Therefore in order to destroy this vote bank BJP and its allies securitise migration.

Corporate interest of defence establishment: The military industrial complex all over the world tries to gain greater budget allocation by identifying new threats. In securitising migration of Bangladeshi in India, the defence establishment played a major role. Different defence establishments have their own web sites. Through these web sites they were continuously identifying Bangladeshis as part of insurgency group or Muslim fundamentalists. Migrants are alleged to have been trained by Pakistani ISI in Bangladesh. Journalists and to some extent academics also picked these information on face value and write articles highlighting similar information. One can say combinations of all these are securitising labour migration from Bangladesh.

PROTEST MOVEMENT AGAINST SECURITISATION

It may be summarised from the above that BJP government, a section of opposition leaders, newspapers have securitised migration of Bangladeshi workers through continuous speech acts. However, sections of the Indian civil society and politicians taken issue with such positions and termed them to be over-generalised. The Intelligence Bureau of the Government of India estimated 16 million illegal Bangladeshi migrants. The reported figures were not based on any comprehensive or sample study but were based on hearsay and that too from interested parties.³⁴

More importantly, L.K. Advani, the Deputy Prime Minister, cited the figure of 20 million while referring the same report which put the figure 16 million. Such discrepancy in figures between the report and the claim of national leader on such an issue of vital importance perhaps reflects political consideration. Mr. Advani's claim that 25,000 cross illegally to India each day, would mean that 45 million of Bangladeshis have migrated to India in a five year period. This figure does neither match the Task Force report of a total of 16 million, nor the figure of 20 million that he claimed from time to time.

The Governor of Assam Ajay Singh's claim that 6000 Bangladeshis enter Assam each day has been questioned by the Chief Minister of Assam Tarun Gogoi. The latter stated that at that rate 1.29 crore Bangladeshis should have entered during the six years of NDA and add the state population of 3 crore (Times of India). Gogoi further contested the Task Force Report that claimed that the number of Bangladeshis in Assam was 5 million. "I don't say there is no illegal foreigner, but to give a figure of 5 million is not correct. The population growth rate of Assam from

³⁴ <http://www.centralchronicle.com/20040804/0408301.html> Illegal migrants, Questions and Answers session at Rajya Sabha. Date: 14 July.

1971 to 2001 is less than the national rate.³⁵ He further challenged the central government to prove the veracity of such figures.³⁶ Interestingly, both members of the Hindu community who migrated earlier and do not fall into indigenous category and the Assamese nationalist groups are singling out Bangladeshi Muslims as sources of such threat to cultural identity. This means the dominant Hindu culture did not pose any threat to the culture of indigenous people.

Editorial of Times of India wrote, US policies of fighting terrorism after September 11 2002, went in great favour of the then BJP central government of India. In order to increase defence spending 'the strategic affairs industry' and BJP deliberately linked Bangladeshi migrant with terror network. The backdrop of 9/11 was more than the BJP and its cousin in the strategic affairs industry could have asked for. They argue that Bangladeshis in India are feeding into the terror network.³⁷

M. Shahidul Islam (Holiday) points out that reports on Muslim infiltration from Bangladesh to India do not match its own census report of 1991. According to this census, the Muslim population in the West Bengal's historically Muslim pre-dominant district of Murshidabad, Malda, and West Dinajpur constitutes respectively, 58.66%, 45.27%, 35.89% of the district's overall population, indicating a substantial reduction from the pre-1947 (even pre 1972) period in the numbers of West Bengal's Muslim population. He also observed that of the 588,491 Bangladeshi nationals who had entered West Bengal with valid visas between 1972-91 only 157,936 (26.83%) were Muslims. Therefore, the claim in of demographic invasion by the Muslim population should be small, area specific, in no way reflects the broader picture. According to him India's push-back' constitutes unprovoked aggression.³⁸

The Act of arrest and deportation of perceived irregular Bangladeshi were criticised and protested by a section of politicians and civil society. Two MPs of the CPI (M), Somnath Chatterjee and Hannan Mollah, said in a letter to the deputy prime minister, L.K Advani, that a large number of incidents had occurred and were still taking place in Nodia, where the local administration and police were "wrongfully harassing, arresting and victimizing the Bengali-speaking residents" of sector 18, 37, 44, and 58 of Nodia, a city adjoining the capital. "It seems there is now a repetition of the incidents that happened in April 1999 and June in 2000, when a large number of Bengalis speaking people were arrested on the false plea that they were nationals of Bangladesh and harassed in an inhuman manner," they said.³⁹

³⁵ www.centralchronicle.com/20040804/0408301.htm. Question and Answer session at Rajjya Shabha, 14 July 2004.

³⁶ Monday July 19, 11:00 AM, Bangladeshi migrants issue rocks Assam, By Sayed Zahir Hussain, Indo-Asian News Service

³⁷ The Times of India, Edit Page- The Bangla Bogey, New Delhi--July 2004.

³⁸ M. Shahidul Islam Writes from Toronto, Editorial, Friday, February 7 2003, Holiday (Internet edition), (<http://www.weeklyholiday.net>).

³⁹ The Hindu, New Delhi, 02-03-2003

In August 2004, some civil society organisations named Chintan Environmental Research and Action Group, Bal Vikas Dhara, Aashray Adhikar Abhiyan, Aman Trust and Hazards Centre conducted a research to examine the process of deportation of people to Bangladesh. After a thorough research they concluded “It is true that the physical and cultural similarities of people living on either side of the border make it difficult for the concerned authorities to distinguish between them. However instead of evolving a judicious mechanism to determine the same the government has accorded legitimacy to an arbitrary and discriminatory procedure. The cumulative impact of this procedure is the systematic and targeted harassment and abuse of a specific religious and linguistic minority i.e., Bengali-speaking Muslims. In a polity where communal prejudice is increasingly manifest in various sections of both the public and government, this deportation drive, in the absence of necessary checks and balances, begins to acquire the colour of ethnic cleaning in contravention of the secular and plural foundations of Indians society (CCPD, 2005)”.

Nivedita Rao, Simmy Kaur, Pravin Rana, Eddie Rodrigues and Mahruk Adenwalla prepared a report where they identified that securitisation of irregular migrants from Bangladesh by BJP have their political motivation. According to their report “There is enough evidence to show that at different times in its chequered and violent political history the Shiv Sena had targeted various communities within the city on one pretext or another. Whether it was the South Indians or the Bengali speaking Muslims of Bengalipura know fully well the political motivation that underlie this issue of illegal deportation.”⁴⁰

Conclusion

This section highlights why and how voluntary labour migration from Bangladesh is being securitised in India. It also shows who the securitising actors are. It is seen that among the political parties BJP, SSS, and VHP are the most important securitising actors. Over the years Congress party also to some extents participated in this process. In the context of West Bengal the left political party for a long time was not part of such game. However since Pronob Mukargee got elected from West Bengal to central legislation, the left party of West Bengal is also identifying migrants as threat to national Security. Through the website, defence ministry is also continuously throwing information which identify Bangladeshi migrants as security threat.

While presenting report of different news papers it was seen that, without any scientific calculation figures are given, that total number of Bangladeshi in India would be 16 million or 20 million. This means 5% of Bangladeshi total Muslim population is in India. Migration from Bangladesh is seen as demographic invention, as threat to national security. Bangladeshi Muslims can change electoral outcome, they are creating pressure in civic facilities, top of all they are part of criminal syndicate and they are drug traffickers.

⁴⁰ Mumbai, August 27th 1998.

http://www.geocities.com/indianfascism/fascism/deportating_bangali_mulims.html

A common experience of India and Bangladesh is that both the countries have criminal syndicates, drug traffickers and discontented ethnic militant groups. Whenever Indian law enforcing agencies run any operation against them they flee to Bangladesh for certain period. Similarly, when law enforcing agencies in Bangladesh take similar action, they flee to India. Mixing up these criminal and militant groups with voluntary labour migrants is unfortunate. Even if migration was at zero level between these two countries, the criminals or militant would move. Therefore, it is important to de-link actions of militant and criminals from voluntary labour migrants.

Report showed that such securitisation resulted in policy of detection arrest and deportation of people perceived to be of Bangladeshi origin. Report of CCPD has shown that fare method was not used by authorities in detecting, arresting and deporting people who are perceived to be Bangladeshi. They also felt that in the in the process many Bangla speaking Indian nationals has been harassed by the authority. Along with deportation the government also pursued actions such as border fencing, greater resource allocation to defence etc. It is interesting to note that a large group of civil society organisations have protested against such securitisation.

SECTION IV

ROLE OF JUDICIARY IN SECURITISING IRREGULAR MIGRATION FROM BANGLADESH

In the previous section it was seen how a particular central government of India, a section of opposition political parties, BJP backed AGP state government of Assam and media had securitised the issue of irregular Bangladeshi migration in India. It was also seen that a section of civil society, political leaders, and members of judiciary had protested against such securitisation. In this section, we will highlight the broader role that judiciary played in this area. At first, the important legal regimes through which migration issue is governed are presented. These are, Foreigner's Act, 1946, Foreigners Order, 1948, The Illegal Migrants (Determination by Tribunals) Act, 1983. Then a discussion is made on the judgement that postponed The IM(DT) Act, 1983. The text of the IM(DT) postponement judgement from the beginning till the end securitises irregular migration issue. First I will present the enactments which were made for dealing with foreigners.

FOREIGNERS ACT, 1946

The first enactment governing the foreigners was the Foreigner's Act, 1864, which provided for the expulsion of foreigners and their apprehension, detention pending removal and for a ban on their entry into India after removal. The situation created by the Second World War led to promulgation of foreigners Ordinance in 1939 which was replaced by foreigners' act 1940. The legislature later enacted The Foreigners Act 1946, which replaced the 1940 Act. Here, at first I will discuss main features of the Foreigners Act 1946:

The Act is called the Foreigners Act 1946. It extends to the whole of India. In this Act, "Foreigners" means a person who is not a citizen of India

Power to make orders

The central government may by order make provision, either generally or with respect to all foreigners or with respect to a particular foreigners or any prescribed class or description of foreigners, prohibiting, regulating or restricting the entry of foreigners into India or the departure therefore or their presence or their continued presence therein.

Under the Act, foreigners shall not enter India, or shall enter India only at such times and by such route and at such port or place and subject to the observance of such conditions or arrival as may be prescribed, Shall not depart from [India] or shall depart only at such times and by such route and from such port or place and subject to observance of such conditions of departure as may be prescribed;

Shall not remain in India, or in any prescribed area therein; Shall remove himself to, and remain in such area in India as may be prescribed; Shall comply with conditions as may be prescribed or specified. The Act also provides power to close premises either

entirely or during specified periods, if that is used by the foreigners. Authority may refuse admission to premises either to all foreigners or to any specified foreigner or class of foreigners.

The Act determined the nationality in the following way. when a foreigner is recognized as a national by the law of more than one foreign country or where for any reason it is uncertain what nationality if any is to be ascribed to a foreigner, that foreigner may be treated as the national of the country with which he appears to the prescribed authority to be most closely connected for the time being in interest or sympathy or if he is of uncertain nationality, of the country which he was last so connected: Provided that where a foreigner acquired a nationality by birth, he shall, except where the central government so directs either generally or in a particular case, be deemed to retain that nationality unless he proves to the satisfaction of the said authority that he has subsequently acquired by naturalization or otherwise some other nationality and still recognized as entitled to protection by the government of the country whose nationality he has so acquired. A decision as to nationality given shall be final and shall not be called in question in any court; provided that the central government, either of its own motion or on an application by the foreigner concerned, may revise any such decision.

Burden of proof

If in any case not falling under section 8 any question arises with reference to this Act or any order made or direction given there under, whether any person is or is not a foreigner of a particular class or description the onus of proving that such person is not a foreigner or is not a foreigner of a particular class or description, as the case may be, shall notwithstanding anything contained in the Indian Evidence Act, 1872 (1 of 1872), lie upon such person.

Power to give effect to orders, directions etc

Any authority empowered or under in pursuance of the provisions of this Act to give any direction or to exercise any other power, may, in addition to any other action expressly provided for in this Act, take, or cause to be taken such steps and use, or cause to be used, such force as may in its opinion, be reasonably necessary for securing compliance with such direction or for preventing or rectifying any breach thereof, or for the effective exercise of such power, as the case may be.

Any police officer may take such steps and use such force as may, in his opinion, be reasonably necessary for securing compliance with any order made or direction given under or in pursuance of the provision of this Act or for preventing or rectifying any breach of such order or direction. The power conferred by this section shall be deemed to confer upon any person acting in exercise thereof a right of access to any land or other property whatsoever.

Penalty for contravention of provisions of the Act, like visa overstay or violent condition for which visa was issued, he or she will be punished with imprisonment for a term which may extend to five years and shall also be liable to fine. Penalty is different if a foreigner enters in restricted areas of India. The offender shall be punished with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be liable to fine which shall not be less than ten thousand rupees but may extend to fifty thousand rupees.

Penalty for using forged passport.-Whoever knowingly uses a forged passport for entering into India or remains therein without the authority of law for the time in force shall be punishable with imprisonment for a term which shall not be less than two years, but may extend to eight years and shall also be fine which shall not be less than thousand rupees but may extend to fifty thousand rupees.

The Act also provides Protection to persons acting under this Act. - No suit prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to done under this Act. The provision of this Act shall be in addition to, and not in derogation of, the provision of the Registration of Foreigners Act 1939 (16 of 1939), the Indian passport Act, 1920 (34 of 1920), and of any other enactment for the time being in force.

THE FOREIGNERS ORDER, 1948

In exercise of the powers conferred by section 3 of the Foreigners Act 1946 (31 of 1946), and in suppression of the Foreigners Order, 1939 and of all notifications amending the same, the central government make the following Order.

Some important features of The Foreigners Order 1948 are discussing below:

Power to grant or refuse permission to enter India: No foreigner shall enter India-otherwise than at such port or other place of entry on the borders of India as a Registration officer having jurisdiction at that port or place may appoint in this behalf, either for foreigners generally or for any specified class or description of foreigners.

Power to grant permission to depart from India: No foreigner shall leave India otherwise than at such port or other recognized place of departure on the borders of India as a Registration officer having jurisdiction at that port or place may appoint in this behalf, either for foreigners generally or for any specified class or description of foreigners; or without the leave of the civil authority having jurisdiction at such port or place.

Power to examine persons: The civil authority may examine any persons who seeks leave to enter India or to depart therefore or during his stay in India for the purpose of the Foreigners Act, 1946, or of any order made there under; and it shall be the duty of every such person to furnish to the civil authority such information in such manner and at such times, as that authority may require.

Prohibited places

No foreigner shall, without the permission of the civil authority having jurisdiction at such place, visit, or reside in, any prohibited place as defined in the Indian Official Secrets Act, 1923(19 of 1923).

Evaluation of Foreigners Acts

The Foreigners Act of 1946 and the Foreigners order of 1948, according to many lawyers gave unbridled powers to the authorities, mainly the police, to designate any person as a foreigner and detain and deport him. Anyone disputing his designation as a foreigner had no recourse under the Act to a judicial body. The Foreigner's Tribunal order 1964 framed under the Act however did give the discretion to the government to refer any dispute to tribunals constituted for this purpose; the government did not constitute any such tribunals in any part of the country outside Assam. In this legislation (the Foreigners Act), if any person alleged to be a foreigner by the authorities, the burden of proving that he or she were not a foreigner was on the person. Bhusan saw this as (2004) an impossible burden to discharge for most people in the country, who had no birth certificates and no land holdings. People were at the mercy of the police, who in many places were abusing their powers under the Act to extort money from poor and defenceless people.

IM(DT) ACT

To reduce these problems, in 1983 parliament enacted the Illegal Migrants (Determination by Tribunals) Act, IM(DT) Act). IM(DT) Act is perceived by many as a right based legislation. This Act provided for judicial tribunals to determine disputes about Citizenship which might arise under the Foreigners Act. The rules under the Act also provide for an administrative screening committee which would examine the complaints under the Act and reject complaints found to be frivolous. The Act ensured, limited right to any person to lodge a private complaint with the Tribunals under this Act against persons regarding whom they had information of their being foreigners. Such a right did not exist under the Foreigners Act. The right however was made limited by providing that such a complaint could only be made against a persons residing within the same local area and that persons could make a maximum of ten such complaints. Though the Act itself was for the entire country, it was initially made applicable only to Assam and was to be made applicable to other parts of the country whenever the government notified it for those parts. The main features of IM(DT) Act are discussed below:

Title

This Act is called The Illegal Migrants (Determination by Tribunals) Act, 1983. It extends to the whole of India .It shall be deemed to have come into force in the state of Assam on the 15 day of October, 1983 and in any other state on such date as the

central government may, by notification in the Official Gazette, appoint and different dates may be appointed for different states and references in this Act to the commencement of this Act shall be construed in relation to any state as references to the date of commencement of this Act in such state.

Applications to tribunal

The Tribunal will be applied If any question arises as to whether any person is or is not an illegal migrant, the central government may, whether such question has arisen on a representation made by such person against any order under the Foreigners Act, 1946 requiring him not to remain in India or to any other effect or has arisen in any other manner whatsoever, refer such question to a Tribunal for decision.

Any person may make an application to the Tribunal, for its decision, as to whether the person whose name and other particulars are given in the application, is or is not an illegal migrant. Provided that no such application shall be entertained by the Tribunal unless the person in relation to whom the application is made is found, or resides, within the jurisdiction of the same police station wherein the applicants has the place of residence.

Every application made under sub section shall be made in form and in such manner as may be prescribed and shall be accompanied by affidavits sworn by not less than two persons residing within the jurisdiction of the same police station. Every reference is made to the Tribunal within the territorial limits of whose jurisdiction the place of residence of the person named in such reference is, at the time of making such reference, situated:

Application to the central government for reference

Any person may make an application to the central government, for decision by a Tribunal , as to whether the person whose name and other particulars are given in the applications, is or is not an illegal migrant and where any such application is received by the central government , it may, on the basis of any information in its possession or after making such inquiry as it deems fit, reject the application on the ground that the application is frivolous or vexatious or it does not comply with the requirements of this section or refer such application to a Tribunal for decision. Provided that, no person shall make more than ten such applications or more than ten such declarations. Every Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.

Determination of the question as to whether a person is an illegal migrant. The Tribunal to which a reference has been made, shall after taking such evidence as may be produced before it and after making such inquiry as it may think fit and after

hearing such persons as it may deemed appropriate, by order, decide the question as to whether the person named in such reference or application, as the case may be, is or is not an illegal migrant.

Reference and application to be disposed of within six months. Every reference made to a Tribunal shall be inquired into as expeditiously as possible and every endeavour shall be made to conclude such inquiry within a period of six months from the date of the service, on the person concerned, of a copy of such reference or application.

Appeal

The central government, or any person, named in a reference or an application may, if it or he is not satisfied with any order made by a Tribunal, prefer an appeal to the Appellate Tribunal against such order.

Expulsion of illegal migrant

Where a person has been determined by a Tribunal, or, as the case may be, by the appellate tribunal, to be an illegal migrant, the central government shall, by order served on such person, direct such person to remove himself from India within such time and by such route as may be specified in the order and may give such further directions in regard to his removal from India as it may consider necessary or expedient. Police officer not below the rank of a Superintendent of police shall have such powers.

Penalties

Any person who- Contravenes or attempts to contravene, or abets the contravention of, any order made or fails to comply with any direction given by any such order; or harbours any person who has contravened any order made under the act or has failed to comply with any direction given by any such order.

Protection of action taken in good faith - No suit, prosecution or other legal proceeding shall lie against any person of anything which is in good faith done or intended to be done under this Act.

Evaluation

In the area of detecting foreigners this law was based on respect to rights of the accused. Law was geared towards the establishment of justice. Different civil society organizations of India were advocating for central government notifications promulgation of this act all over India. However instead of ensuring its application all over India, a Supreme Court judgement postponed the act it self and decided to go back to foreigner's act.

POSTPONEMENT OF THE IM(DT) ACT, 1983 THROUGH JUDGEMENT ON WRITE PETITION (Petition No. 131 of 2000)

Initially The IM(DT) act was made for all India, however it was only made operational in Assam. Experience of Assam showed that in majority cases, identification of a person as foreigner (on this case Bangladeshi) was not based on fact. They were rejected by the authority even before they could be referred to the tribunal. In Assam there was a long drawn movement against foreigners, Vis-à-vis adibashi, over the years that turned into movement against Bangla speaking Muslims. Of course historically since British period a large group of Hindu and Muslim did migrate to Assam from the then East Bengal.

When the Assam Gono Porishad (AGP) government (supported by the BJP) was in power in Assam it felt that the IM(DT) Act was coming in the way of expelling the foreigners. They began demanding that the Centre repeal the Act, and give the power to the government and the police to expel anyone under the Foreigners Act, without going through judicial determination.

Once the BJP government came to power at the Centre in 1998, it began to support the demand of the AGP and the All Assam Student Union (AASU). The BJP appointed Gen S.K. Sinha as Governor of Assam. In November 1998, he produced a report. The BJP led government attempted to change the act through new legislation in parliament but could not convince its coalition partners in the parliament about the need to postpone the IM(DT) Act. In 2000, a former president of the AASU, Sarbananda Sonowal filed a writ petition in the Supreme Court seeking a declaration that the IM(DT) Act was unconstitutional. It thus violated the right of the Assamese people to preserve their culture. The application of the IM(DT) Act to Assam alone was discriminatory since in other States, the authorities could resort to the Foreigners Act and expel one, without allowing recourse to a judicial Tribunal. On 12 July 2005, a 3 judge bench of the court allowed Sonawal's petition and declared the IM(DT) Act and the Rules framed under it unconstitutional and void. Main features of the judgment through which The IM(DT) Act, 1983 was postponed is presented below". The judgment is narrated here more or less verbatim but in abridged form to show how judiciary used securitizing speech act as well as followed that with extremely important action in the area of treatment of alleged "illegal migrants". The text of the judgment has been made reader friendly by omitting the legal language as far as possible.

The principle grievance of the petitioner is that the IM(DT) Act is wholly arbitrary, unreasonable and discriminates against a class of citizen of India, making it impossible for citizens who are residents in Assam to secure the detection and deportation of foreigners from Indian soil. The Foreigners Act 1946 applies to all the foreigners throughout India, but the IM(DT) Act which was enacted subsequently with the professed aim of making detection and deportation of the illegal migrants residing in Assam easier has completely failed to meet even the standards prescribed in the foreigners Act. The apart, even those provisions of the IM(DT) Act

which afford some measure of protection to some genuine Indian citizens against illegal migrants are not being properly enforced due to extraneous political consideration in derogation of the rights of Indian citizens living in Assam. The result of the IM(DT) Act has been that a number of non-Indians, who surreptitiously entered into Assam after March 25, 1971 without possession of valid passport, travel documents or other lawful authority to do so, continue to reside in Assam. Their presence has changed the whole character, cultural and ethnic composition of the area and the IM(DT) Act creates a situation where under it has become virtually impossible to challenge the presence of a foreigner and to secure his/her detection, deportation or even deletion of his/her name from the electoral list as they get protection on account of the provisions of the Act. According to the census figures, which have been given in the writ petition, the rate of growth of the population in Assam is far more than rest of India which shows that large numbers of foreigners have migrated to different areas of Assam and have settled there. It is further averred that in view of the problem of illegal migration of foreigners into Assam and their continued presence therein, a state wise protest movement of students was organized which continued for a long period. As a result of the student's movement and ensuing negotiations, memorandum of settlement dated 15th August, 1985 was entered into between All Assam Students Union and the Union of India and the State of Assam, which is commonly known as 'Assam Accord'. The term of the Accord specifically provided that steps would be taken to detect and deport illegal migrants from Assam and it also contained a clause that "the government will give due consideration to certain difficulties expressed by AASU/AAGSP regarding the implementation of the Illegal Migrants (Determination by Tribunals) Act 1983". The Accord further provided that foreigners who have entered into India after 25th March, 1971 will continue to be detected, their names deleted from the electoral rolls and they will be deported from India. In pursuance of this provision, the citizenship Act, 1955 was amended by Act No. 65 of 1985 and section 6A was inserted with the heading "special provisions as to citizenship of persons covered by the Assam Accord." It provides that the term "detected to be a foreigner" shall mean so detected under the foreigners Act and the foreigners (Tribunals) Order, 1964 framed thereunder. Under the said provision a person of Indian origin as defined under Section 6-A (3) who entered into Assam prior to 1st January, 1966 and has been resident in Assam since then is deemed to be a citizen of India. However, if such a person entered into Assam between 1st January, 1966 and before 25th March, 1971 and has been detected to be a foreigner under the foreigners Act then he is not entitled to be included in the electoral list for a period of ten years from the date of detection. This amendment of the citizenship Act makes it clear that the question of determination of detection of a foreigner is to be governed by the provisions of the existing central legislation, viz. the Foreigners Act 1946 and the Foreigners (Tribunals) Order, 1964.

It is further pleaded that after signing of the Assam Accord, several assurance were given and statements have been made by the central government that is examining the failure of the IM(DT) Act regarding detection and deportation of foreigners and it is considering steps to repeal the Act. The difficulties created by the provisions of

the IM(DT) Act due to which it has become extremely difficult to identify an illegal migrant and pass a deportation order have also been enumerated in detail. It is also pleaded that a huge number of Bangladesh nationals who have crossed over to India, have occupied vast tracts of land in sensitive international border which has very serious implication for national security.

It is difficult to make a realistic estimate of the number of illegal migrants from Bangladesh because they enter surreptitiously and are able to mingle easily with the local population due to ethnic and linguistic similarities. The demographic composition in the districts bordering Bangladesh has altered with the illegal immigration from Bangladesh. The district of Assam and West Bengal bordering Bangladesh has recorded growth of population higher than the national average. The state of Meghalaya, Mizoram and Tripura has also recorded high rates of population growth. Illegal immigrants from Bangladesh have also been using West Bengal as a corridor to migrate to other parts of the country.

The large scale influx of illegal Bangladeshi immigrants has led to large tracts of sensitive international borders being occupied by foreigners. This has serious implications for internal security. The types of illegal migrants are as follows:

- a) those who came with valid visa/documents and overstayed;
- b) those who came with forged visa/documents; and
- c) those who entered surreptitiously.

According to the information furnished by the Government of Assam, the progress in respect of detection /expulsion of illegal migrants (those who entered Assam on or after 25.3.1971 up to 30.4.2000) is as follows:

1. Total number of inquiries initiated 3,10,759
2. Total number of inquiries completed 3,07,955
3. Total number of inquiries referred to Screening Committee 3,01,986
4. Total number of inquiries made by the Screening Committee 2,98,465
5. Total number of inquiries referred to IM(DT)s 38,631
6. Total number of inquiries disposed of by IM(DT)s 16,599
7. Total number of persons declared as illegal migrants 10,015
8. Total number of illegal migrants physically expelled 1,481
9. Total number of illegal migrants to whom expulsion order served 5,733
10. Total number of inquiries pending with Screening Committee 3,521
11. Total number of inquiries pending with the Tribunal 22,072

In reply to Para 9, it is submitted that the chief minister of Assam had requested that then prime minister vide his letter dated 22.6.96 regarding repeal of the IM(DT) Act. The chief minister again reiterated for scrapping the IM(DT) Act, vide his letter dated 31.7.96 addressed to the home minister. This view has been reconfirmed by the state government vide its message dated 23.4.98

The state of Assam filed a counter affidavit on 28th August, 2000, wherein it is stated that the state government has been persistently writing to the central government that the IM(DT) Act is operating against national interest inasmuch as in view of the stringent provisions in the IM(DT) Act regarding detection and deportation of foreigners, the illegal migrants whose presence are in *lakhs* in the state of Assam could not be deported.

It is pertinent to mention that there has been a sharp increase of the Muslim population in the concerned state in the last few decades. The statistical analysis of the sharp growth of Muslim population in Assam vis--vis Hindu population for the decades 1951-1961, 1961-71, and 1971-91 is as follows:

Year	Muslim	Hindu
1951-1961	38.37	33.70
1961-1971	37.18	30.99
1971-1991	77.42	41.89

Source: Directorate of Census, Government of India

The chart given above clearly indicates that Muslim population in Assam has shown a rise of 77.42% in 1971-1991, whereas Hindu population has risen by nearly 41.89 % during the said period.

There are three districts in Assam, which has borders with Bangladesh; they are Karimganj, cachar, and Dubri. All India percentage of decadal increase in population during 1981-1991 is 23.85% whereas in the border districts of Assam namely, Karimganj shows decadal increase of 42.08%, Cachar district 47.59% and Dubri district 56.57%. From the above it can be assumed that the infiltration of foreigners from Bangladesh contributed significantly to the sharp increase of population in Assam.

The application of IM(DT) Act, 1983 in Assam virtually gives the illegal migrants, in the state preferential protection in a matter relating to the citizenship of India. This is clearly unconstitutional and violative of the principles of equality. The affidavit of the state seems to suggest that the matter has now become a political rather than a legal issue.

Though the administrative power have been delegated to the government of Assam to implement the IM(DT) Act but the entire expenditure incurred is being reimbursed by the central government to the government of Assam. It is further averred that since the enforcement of the IM(DT) Act only 1494 illegal migrants had been deported from Assam up to 30th June, 2001. In contrast 489046 numbers of Bangladeshi nationals had been actually deported under the foreigners Act 1946 from the sate of West Bengal between 1983 and November 1998. The IM(DT) Act had failed to fulfil the objects for which it was enacted which are apparent from the poor results and it places Assam in a different position from rest of the country where the foreigners Act, 1946 is applicable.

Reference is made to a report of the General Secretaries to the Seventh General Conference of the North Eastern Congress I Co-Ordination Committee dated 3rd July, 1992 wherein it was recorded as under:

There are infiltrations though it is a difficult task to examine the precise number. The infiltrations are not only by minorities of Bangladesh but also from the majority Muslim.

An ideological support is given to the phenomenon by the Islamic fundamentalists creating the vision of a larger country comprising Bangladesh and the entire North East where its economic problems will be solved and security ensured. There is a direct correlation between the rise of fundamentalist and increase in influx.”

It is further averred in this affidavit that the Law Commission of India in its 175th Report on the Foreigners (Amendment) Bill, 2000(submitted in September 2000) has also deals with this issue. While nothing that entry of illegal migrants and other undesirable aliens into India has posed a grave threat to India’s democracy and the security, especially for the eastern part of the country, Jammu and Kashmir, the Law Commission has observed that influx of migrants from Bangladesh has remained unabated and has acquired frightening proportions. The Law Commission has also reoffered to the Report of the Governor of Assam dated 8th November, 1998 submitted to the president of India highlighting dangerous dimensions of the unprecedented migration of Bangladesh to Assam and the security threats and strategic and economic consequence thereof.

In I.A. No.6 of 2004, the copy of the memorandum submitted before the Parliamentary Standing Committee of Home Affairs on “The Illegal Migrants Laws(Replacing and Amending) Bill, 2003” on behalf of Government of Assam has been filed, which contains the figures regarding inquiries conducted up to 31st August,2003 and the same is as under:

1. 1 Total number of inquiries initiated 386249
2. Total number of inquiries completed 379521
3. 3 Total number of inquiries referred to Screening Committee 362592
4. Total number of inquiries made by the Screening Committee 359733
5. Total number of inquiries referred to the IM(DT)s 76228
6. Total number of inquiries disposed of by the IM(DT)s 21169
7. Total number of persons declared as illegal migrants 11636
8. Total number of illegal migrants physically expelled 1517
9. Total number of illegal migrants to whom expulsion orders served 6159
- 10.Total number of inquiries pending with the Screening Committee 2859
- 11.Total number of cases pending with the Tribunals 55059

A copy of the report dated 8th November, 1998 sent by Governor of Assam, Lt. Gen.S.K. Sinha (retired), former deputy chief of Army Staff, has also been filed along

with this application. The report is a long and comprehensive one which was prepared after thorough inspection of border areas and districts, discussion with Indian ambassador in Bangladesh and talks with political leaders. Some portions of the report are being reproduced below:

The unabated influx of illegal migrants from Bangladesh into Assam and the consequence perceptible change in the demographic pattern of the state has been a matter of grave concern; it threatens to reduce the Assamese people to a minority in their own state, as happened in Tripura and Sikkim.

Illegal migrants into Assam were the core issue behind the Assam student movement. It was also the prime contributory factor behind the outbreak of insurgency in the state. Yet much tangible progress in dealing with this all important issues were not made.

There is a tendency to view illegal migrants into Assam as a regional matter affecting only the people of Assam. Its more dangerous dimensions of greatly undermining our national security, is ignored. The long cherished design of Greater East Pakistan/Bangladesh, making in-roads into strategic land link of Assam with the rest of the country, can lead to severing the entire land mass of the North-East, with all its rich resources from the rest of the country. They will have disastrous strategic and economic consequences.

Mr. Inderjit Gupta, the then Home Minister of India stated in the Parliament on May 6, 1997 that there were 10 million illegal migrants residing in India. Quoting Home Ministry/Intelligence Bureau sources, the August 10, 1998 issue of India Today has given the breakdown of these illegal migrants by states:-

West Bengal	-	5.4 million
Assam	-	4 million
Tripura	-	0.8 million
Bihar	-	0.5 million
Maharashtra	-	0.5 million
Rajasthan	-	0.5 million
Delhi	-	0.3 million
Making a lot of	-	10.83 million

Community wise growth

	Assam		India	
	Hindu	Muslims	Hindu	Muslims
1951-1961	33.71	38.35	20.29	25.61
1961-1971	37.17	30.99	23.72	30.85
1971-1991	41.89	77.42	48.38	55.04

Muslim population in Assam has shown a rise of 77.42 per cent in 1991 from what it was in 1971. Hindu population has risen by nearly 41.89 per cent in this period. Muslim population in Assam has risen from 24.68 percent in 1951 to 28.42 percent in 1991. As per 1991 census four districts (Dhubri, Goalpara, Barpeta, and Hailakandi) have become Muslim majority districts. Two more districts (Nagaon and Karimganj) should have become so by 1998 and one district Morigaon is fast approaching this position.

The growth of Muslim population has been emphasized in the previous paragraph to indicate the extent of illegal migration from Bangladesh to Assam because as stated earlier, the illegal migrants coming into India after 1971 have been almost exclusively Muslims.

Pakistan's ISI has been active in Bangladesh supporting militant movement in Assam. Muslim militant organizations have mushroomed in Assam and there are reports of some 50 Assamese Muslim youths having gone for training to Afghanistan and Kashmir.

CONSEQUENCES

As a result of population movement from Bangladesh, the spectre looms large of the indigenous people of Assam being reduced to a minority in their home State. Their cultural survival will be in jeopardy, their political control will be weakened and their employment opportunities will be undermined.

The silent and invidious demographic invasion of Assam may result in the loss of the geo strategically vital districts of lower Assam. The influx of these illegal migrants is turning these districts into a Muslim majority region. It will then only be a matter of time when a demand for their merger with Bangladesh may be made. The rapid growth of international Islamic Fundamentalism may provide for driving force for this demand. In this context, it is pertinent that Bangladesh has long discarded secularism and has chosen to become an Islamic State. Loss of lower Assam will sever the entire land mass of the North East, from the rest of India and the rich natural resources of that region will be lost to the Nation."

MEMORANDUM OF SETTLEMENT

Government have all along been most anxious to find a satisfactory solution to the problem of foreigners in Assam. The All Assam Student Union (AASU) and the AAGSP have also expressed their keenness to find such a solution.

The AASU through their Memorandum dated 2nd February 1980 presented to the late Prime Minister Smt. Indira Gandhi, conveyed their profound sense of apprehensive regarding the continuing influx of foreign nationals into Assam and the fear about adverse effects upon the political, social cultural and economic life of the state.

Keeping all aspects of the problem including constitutional and legal provisions, international agreements, national commitments and humanitarian consideration, it has been decided to proceed as follows:

Foreigners Issue

- For purpose of detection and deletion of foreigner, 1.1.1966 shall be the base date and year.
- All persons who came to Assam prior to 1.1.1966, including those amongst them whose names appeared on the electoral rolls used in 1967 elections shall be regularised.
- Foreigners who came to Assam after 1.1.1966 (inclusive) and up to 24th March 1971 shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order 1964.
- Names of foreigners so detected will be deleted from the electoral rolls in force. Such person will be required to register themselves before the Registration Office of the respective districts in accordance with the provisions of the Registration of the Foreigners Act, 1939 and the Registration of Foreigners Rules, 1939.
- For this purpose, Govt. of India will undertake suitable strengthening of the governmental machinery.
- On the expiry of a period of ten years following the date of detection, the names of all such persons which have been detected from the electoral rolls shall be restored
- All persons who were expelled earlier, but have since re-entered illegally into Assam, shall be expelled.
- Foreigners, who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and expelled in accordance with law. Immediate and practical steps shall be taken to expel such foreigners.
- The Government will give due consideration to certain difficulties expressed by the AASU/AAGSP regarding the implementation of the Illegal Migrants (Determination by Tribunals) Act, 1983.

Before advertng to the provisions of the IM(DT) Act, it is necessary to have a brief look at the enactments made for dealing with foreigners. The first enactment governing the foreigners was the Foreigners Act, 1864, which provided for the expulsion of foreigners and their apprehension, detention pending removal and for a

ban on their entry into India after removal. The situation created by the Second World War led to promulgation of Foreigners Ordinance in 1939 which was replaced by Foreigners Act, 1940. Section 7 of this Act read as under:

Burden of proof if any question arises with reference to this Act or any order made or direction given there under, whether any person is or is not a foreigner of a particular class or description, as the case may be, shall, notwithstanding anything contain in the Indian Evidence Act, 1872, lie upon such person.

The legislature then enacted the Foreigners Act, 1946 which replaced the 1940 Act. Section 2(a) of this Act defines a “foreigner” and it means a person who is not a citizen of India.

It need to be emphasized that the general rule in the leading democracies of the world is that where a person claims to be a citizen of a particular country, the burden is upon him to prove that he is a citizen of that country. In United Kingdom, the relevant provision is contained in the Immigration Act, 1971 and sub-section (1), (8) and (9) of section 3 thereof read under as under:

“3. General provisions for regulation and control. (1) Except as otherwise provided by or under this Act, where a person is not a British citizen.....

There is good and sound reason for placing the burden and of proof upon the person concerned who asserts to be citizen of a particular country. In order to establish one’s citizenship, normally he may be required to give evidence of (I) his date of birth (II) place of birth (III) name of his parents (IV) their place of birth and citizenship.

Some times the place of birth of his grand parents may also be relevant like under section 6-A (1) (d) of the Citizenship Act. All these facts would necessarily be within the personal knowledge of the person concerned and not of the authorities of the state. After he has given evidence on these points, the state authorities can verify the facts and can then led evidence in rebuttal, if necessary. If the state authorities dispute the claim of citizenship by a person and assert that he is foreigner. , it will not only be difficult but almost impossible for them to first lead evidence on the aforesaid points. This is in accordance with the underlying policy of section 106 of the Evidence Act which says that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Rule 4 requires an inquiry officer to elicit information and particulars from the alleged illegal migrants on the points mentioned in Form I. Item No.5, 10, 11, 12 of this form are as under:

Address in the country of origin (village, police station, district and country).

Does the person hold any passport issued by any foreign country? If so furnish particulars.

What are the reasons for leaving the person’s country of origin?

If the person has entered into India without a passport, how the person entered India?

(Name of village, District from the person has entered). Date of entry.

To give the exact date of entry into India of Bangladeshi national, who has illegally and surreptitiously crossed the international border, is not only difficult but virtuously impossible. A citizen doing his duty towards nation of pointing out the presence of a Bangladeshi national to the authorities of the state is put under threat of criminal prosecution, if the contents of the application are found to be false. This is bound to have a cascading effect on citizens who will prefer to remain a quiet spectator to the continued in flux of illegal migrants from Bangladesh rather than to take initiative in their detection or deportation.

The analysis of the provisions of IM(DT) Act and the rules made thereunder clearly demonstrate that the provisions thereof are very stringent as compared to the provisions of Foreigners Act, 1946 or Foreigners (Tribunals) Order, 1964, in the matter of detection and deportation of illegal migrants. It is far easier to secure conviction of a person in a criminal trial where he may be awarded a capital punishment or imprisonment for life than to establish that a person is an illegal migrant on account of extremely difficult, cumbersome and time consuming procedure laid down in the IM(DT) Act and the rules made thereunder. The Act does not contain any provision for constitution of a screening committee which has been conferred a very wide power of rejecting complains against which no appeal lies. The figures supplies in the initial affidavit filed by the state of Assam show that more than eighty five percent enquiries initiated were rejected and no reference was made to the Tribunal. Similarly, the restrictions imposed on an applicant, a citizen of India doing a national duty of pointing out the presence of an illegal migrant in Assam, that he should be resident of same police station or same sub-division where the illegal migrant resides or is found does not carry any sense as these migrants keep moving. The requirement regarding application being accompanied by affidavits of two persons who are residents of same police station or being accompanied by declaration of another person who is residents of same subdivision or that not more than ten such applications can be filed or ten such declarations made do not serve any purpose except to create hurdles in the matter of identification or deportation of illegal migrants. Not every person feels that he owes a duty towards the nation and he should initiate proceedings for deportation of an illegal migrant. The applicant also incurs risk to his own security and safety besides spending time and energy in prosecuting the matter. Similarly, there is hardly any sense in making a provision for mentioning the time and date of visit to a place by an inquiry officer in a diary. A deep analysis of the IM(DT) Act and the rules made thereunder would reveal that they have been purposely so enacted or made so as to give shelter or protection to illegal migrants who came to Assam from Bangladesh on or after 25th March, 1971 rather than to identify and deport them.

The state of Assam in its affidavit filed on 24.8.2000 has pointed out some practical problems in the implementation of the IM(DT) Act due to which the Act has not become effective and the results are extremely poor, which are as under:

- The onus of proof as illegal migrants lies on the prosecution under IM(DT) Act which is opposed to the Foreigners Act, 1946 under which the onus is on the suspected foreigners.
- There is no provision in IM(DT) Act for compelling the suspect to furnish particulars required in Form No.I.of IM(DT) rules and a corresponding penal provision to deal with such suspect in case of their refusal to furnish information as required in Rule 5.
- There is no provision for compelling suspect witness to furnish information or statement to Police Officers making inquiries and as such taking recourse to action under Section 176 IPC is difficult in case of refusal.
- The Enquiry Officer is not empowered to search home/premises of the suspects nor can he compel the suspects to produce documents to give necessary information.
- Prosecution witnesses do not appear before the Tribunal for want of necessary allowances.
- Once the Tribunal declares a person as an illegal migrant, he/she becomes untraceable either before the notice is served or during the grace period of 30 days.
- Notice/ summons issued by the Tribunals can not easily be served due to frequent changes of address by the illegal migrants in unknown destination.
- The expulsion orders can not be served as the illegal migrants, with frequent change of address, merge with the people of similar ethnic origin.
- It is provided in the Act that for filing complaint against a suspected person to determine as to whether he is an illegal migrant, two persons living with the same police station are required to file the complaint with filing of affidavit and an amount of Rs.10.00 which was originally Rs.25.00 is to be deposited with the application. This provisions of the Act puts a sever restriction in filing any complaints against an illegal migrants.
- The Tribunals after observing a long drawn procedure declare a person as illegal migrant who is to be deported from India but such deportation becomes very difficult as the illegal migrants change their residence and shift to some other areas.
- There are instants of strong resistances to the Enquiry Officer conducting inquiries against the illegal migrants in Char areas (riverain areas) and other locations where there is heavy concentration of illegal population.”

The three member bench there stated that, after considering the provisions of the Foreigners Act, Foreigners (Tribunals) Order, 1964 and also the IM(DT) Act and the Rules made thereunder in considerable detail in the earlier part of the judgement. They clearly demonstrate that the procedure under the Foreigners Act and also under the Foreigners (Tribunal) Order, 1964 is far more effective in identification and deportation of foreigners as compared to the procedure under the IM(DT) Act and the Rules thereunder. There being no corresponding provision like Section 9 of the Foreigners Act which places the burden of proof upon the person concerned who claims to be an India citizen, which is absolutely essential in relation to the nature of inquiry being conducted regarding determination of a person’s citizenship (where the

facts on the basis of which an opinion is to be formed and a decision is taken are entirely within the knowledge of the said person) has made the task of the law enforcement agencies of the state not only difficult but virtually impossible. The IM(DT) Act has been so enacted and the rules thereunder have been so made that innumerable and insurmountable difficulties are created in the matter of identification and deportation of illegal migrants. No elaborate discussion on this aspect is required as the figures disclosed in the affidavit filed by the Union of India and the States of Assam speak for themselves. Though inquiries were initiated in 310759 cases under the IM(DT) Act but out of this only 10015 persons were declared as illegal migrants and finally only 1481 illegal migrants were physically expelled up to 30th April, 2000. This comes to less than half percent of the cases initiated. In the State of West Bengal, where the Foreigners Act is applicable, 489046 persons were actually deported between 1983 and November 1998, which is a lesser period and even this result, was termed as unsatisfactory in the counter affidavit filed by the Union of India. Thus there can not be even a slightest doubt that the application of the IM(DT) Act and the Rules made thereunder in the State of Assam has created the biggest hurdle and is the main impediment or barrier in identification and deportation of illegal migrants. On the contrary, it is coming to the advantages of such illegal migrants as any proceeding initiated against them under the said provision which, as demonstrated above, almost entirely ends in their favour, enables them to have a document having official sanctity to the effect that they are not illegal migrants. As already discussed the presence of such a large number of illegal migrants from Bangladesh, which runs into millions, is in fact an "aggression" on the State of Assam and has also contributed significantly in causing serious "internal disturbance" in the shape of insurgency of alarming proportion making the life of the people of Assam wholly insecure and the panic generated thereby has created a fear psychosis. This has resulted in seriously hampering the growth of the state of Assam although it has vast natural resources as people from rest of the country have a general perception that is a disturbed area and this factor has resulted in not generating any employment opportunity which has contributed to a large measure in giving rise to insurgency. The impact is such that it not only affects the State of Assam but it also affects its sister States like Arunachal Pradesh, Meghalaya, Nagaland, etc. as the route to the said place passes through the State of Assam.

Section 2 of this Act lays down that if the Central Government is of opinion that any person or class of persons, having been ordinarily resident in any place outside India, has or have, whether before or after the commencement of this Act, come into Assam and that the stay of such person or class of persons in Assam is detrimental to the interest of the general public of India or of any section thereof or of any scheduled Tribe in Assam, the Central Government may by order direct such person or class of persons to remove himself or themselves from India or Assam and give such further direction in regard to his or their removal from India. Proviso of this section says that it will not apply to any person who on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been displaced from his place of residence in such area and who has been subsequently

residing in Assam. Section 3 confers power on Central Government to delegate the power and duties conferred upon it by Section 2 to any officer subordinate to the Central Government. It may be noted that the reference to the word "East Bengal" in the statement of Objects and Reasons of the aforesaid Act, which came into force on 1st March 1950, meant East Pakistan, which is the present Bangladesh. Realising the serious law and order problem created by migration from East Pakistan and the serious situation arising therefore the said Act was enacted and conferred very wide power upon the Central Government to direct removal of any person outside India. However on account of Section 4 of the IM(DT) Act the Immigrants (Expulsion from Assam) Act, 1950 has been superseded and the provisions of the said Act have ceased to apply to the State of Assam. Thus by enacting the IM(DT) Act the Parliament has divested the Central Government of the power to remove migrants from Bangladesh, whose presence was creating serious law and order problem, which fact had been realized by the Central Government as early as in 1950. The IM(DT) Act instead of maintaining peace has only revived internal disturbance.

Another important enactment, whose provisions have been superseded by Section 4 of the IM(DT) Act, is the Passport (Entry into India) Act, 1920 this Act conferred power upon the central government to make rules requiring that persons entering India shall be possessions of passports and for all matters ancillary of incidental to that purpose. that without prejudice to the generality of the powers conferred, the rules may prohibit the entry into India or any part thereof of any person who has not in his possession a passport issued to him and also prescribed the authorities by whom passports must have been issued or renewed and the conditions which they must comply for the purpose of the Act. The rules made under this section may provide that any contravention thereof or of any order issued under the authority of any such rule shall be punishable with imprisonment for a term which may extend for three months or with fine or with both. Any officer of police not below the rank of sub inspector and any officer of the customs department empowered by a general or special order of the Central Government in this behalf may arrest without warrant any person who has contravened or against whom a reasonable suspicion exists that he has contravened any rule or order made under the act. Section 5 of the act provides that the Central Government may, by general or special order, direct the removal of any person from India who, in contravention of any rule made under Section 3 prohibiting entry into India without passport, has entered therein, and thereupon any officer of the government shall have all reasonable powers necessary to enforce such direction. By virtue of the power conferred by this Act, all such nationals of Bangladesh, who have entered India, without a passport, could be arrested without a warrant by a police officer, not below the rank of Sub Inspector. The central government also had the power to direct removal of any such person who had entered India without a passport. However section 4 of the IM(DT) Act has stripped the Central Government of its power of removal of such person from India and also the power of arrest of such person without warrant possessed by a police officer of the rank of sub inspector or above.

As mentioned earlier, the influx of Bangladeshi nationals who have illegally migrated into Assam pose threat to the integrity and security of north- eastern region. Their presence has changed the demographic character of that region and the local people of Assam have been reduced to a status of minority of certain districts. In such circumstances, if the parliament had enacted a legislation exclusive for the State of Assam which was more strengthened than the Foreigners Act., which is applicable to rest of India, and also in the State of Assam for identification of such persons who migrated from the territory of present Bangladesh between 1st January, 1966 to 24th March, 1971, such a legislation would have passed the test of Article 14 as the differentiation so made would have had national nexus with the avowed policy and objective of the Act. But the mere making of a geographical classification cannot be sustained where the Act instead of achieving the object of the legislation defeats the very purpose for which the legislation has been made. As discussed earlier, the provisions of the Foreigners Act are far more effective in identification and deportation of foreigners who have illegally crossed the international border and have entered India without any authority of law and have no authority to continue to remain in India. If geographical consideration becomes the sole criteria completely overlooking the other aspect of “rational nexus with the policy and object of the Act” it would be open to the legislature to apply enactments made by it to any subdivision or district within the state and leaving others at its sweet will. This is not the underlying spirit of the legal principle on which Article 14 is founded. Since the classification made whereby IM(DT) Act is made applicable only to the State of Assam has no rational nexus with the policy and object of the Act, it is clearly violative of Article 14 of the Constitution and is liable to be struck down on this ground also.

The order of deportation is not a punishment for crime. It is not a banishment, in the sense in which that word is often applied to the expulsion of a citizen from his by a way of punishment. It is but a method of enforcing the return to his own country of an alien who has not complied with the conditions upon the performance of which the government of the nation, acting within its constitutional authority and through the proper departments that his continuing to reside here shall depend. He has not, therefore been deprived of life, liberty or property, without due process of law ; and the provisions of the constitution ,securing the right of trial by jury, and prohibiting unreasonable searches and seizures, and cruel and unusual punishment , have no application.

EVALUATION

The court judgement through which IM(DT) was postponed have been seen by a section of intellectuals and NGOs as an act of judiciary in securitising migration. Eminent persons of India who came together under the banner of Citizens Campaign for Preserving Democracy observed these judgements to be unconstitutional. Justice G.P. Mathur's opinion that the IM(DT) Act violates Art 355 of the Constitution, it encourages infiltration of illegal migrants from Bangladesh,

which amounts to external aggression against India, is vehemently opposed by them.

Prashant Bhushan wrote a piece in newspaper where he termed this interpretation to Article 355 given in this judgment can have extremely far reaching implications on the citizenship and external policy of the country which is supposed to be made by Parliament and the government.

Application of IM(DT) to all over India

One of the reasons the Court ruled that the applicability of the IM(DT) Act only to Assam made it discriminatory and violative of Article 14, since other states did not have to adhere to the more stringent provisions of the IM(DT) Act. Bhushan pointed out that, the court completely overlooked the fact that the IM(DT) Act as such was applicable throughout India. However the government had not notified it for other parts of the country other than Assam. But that was an executive lapse and the other pending petitions sought direction from the court- that the government be directed to notify the IM(DT) Act for other parts of the country. The currently limited application of the Act to Assam alone was therefore not a defect in the Act, but a case of executive inaction for which the court could always issue direction to the government. Similarly, if there was any problem with the screening procedure in the Rules made under the IM(DT) Act or the restrictions placed on the complainants, the court could always strike down those part of the rules or direct the government to correct the procedure. If the Tribunals under the Act were not acting expeditiously (which no court in India ever does), they could have directed the government to take steps required to remedy those.

Curbing unbridled power of police

In a press conference, *Orundhuti Roy* stated “the postponement judgment reflects the authoritarian mindset which feels that the police must have the authority to throw out anyone without conducting of independent judicial scrutiny”. The citizen’s group also felt that the Court had been fully informed about the high handed and inhuman manner in which the authorities had been treating citizens under the Foreigners Act. Therefore, knowingly the court supported the procedure which starting from roundup and arrest, to the supposed ‘hearing’ and deportation, no lawful procedure is being followed by the authorities. The entire process contributes to and manifests the criminalization and communalization of the State and the corruption of its legal and judicial institutions (CCPD 2005).

Imposing of burden of proving innocence on the accused violates rule of law

According to the judgment, serious flaw of IM(DT) Act was that it did not place the burden of proving his/her Indian citizenship on the person accused of being a foreigner, unlike in the Foreigner’s Act. This, according to the judgment was completely unreasonable, since the person accused has the best means of knowing and proving whether he is an Indian or Foreigner. Bhushan argued that this is true

for an accused in a criminal offence as well. “After all, he/she has the best means of knowing whether he has committed the crime or not”. So he/she should be required to prove his innocence. Yet it is well “established in India’s jurisprudence that an accused is presumed to be innocent unless proved guilty”. The question of burden of proof is relevant only in a situation where there is no evidence either way. So for a person accused of a criminal offence, he would be declared innocent. But the court says that if there is no evidence either way about a person alleged to be a foreigner, he/she will be presumed to be a foreigner. Most people in India do not have any document which could ‘prove’ their Indian Citizenship. Therefore this judgment would treat all those Indian’s without document such as passport will be considerable as foreigners.

Most people in the country do not have any of these documents or any ‘official document’ which would establish their Indian Citizenship. They should be then thrown out of India. This would indeed be the import of this judgment. Bhushan further wrote, In all of 30 years that I have observed the Supreme Court, I have yet to come across a judgment that is so illiberal, authoritarian, indeed fascist and communal in its mindset, uses such a fantastic interpretation of the Constitution, betrays such ignorance of basic legal principles and shows such a lack of sensitivity to human rights and basic human values.”⁴¹

The judgment compares the situation of India with UK while justifying the onus of proving status should lie with the accused. However it is important to note in UK birth, death or citizenship is recorded. In case of India majority of the population did not even record child birth.

Conclusion

This section highlights that there are some important legislations to address management of irregular migration. Due to short comings of foreigners act 1943 and 1948, in 1983 IM(DT) was promulgated. This act was applicable to all over India. However, notification of applicability of the act was made only for Assam. Although there was a civil society movement to make it applicable to all over India, in 2005 the parliamentary act was postponed by a court judgment named IM(DT) postponement judgment. Management of irregular migration again being conducted by foreigner’s acts and foreigner tribunal order 1964 and other relevant acts. This report presented most of the important sections of the judgment which can be termed as securitizing act. This include fear of Muslim majority in three district of Assam, use of derogatory term, illegal rather than irregular, while referring to perceived Bangladeshi origin people, quoting from BJP appointed the then Assam governors report, silent invidious demographic invasion of Muslim fundamentalists, loss of lower Assam, threat of demand of merger with Bangladesh, referring Bangladesh as an Islamic state, threat to integrity and security of north eastern region; Uncontestedly putting

⁴¹ The reason this judgment is presented more or less verbatim is because in every section it securitizes irregular migration from Bangladesh.

figures of irregular Bangladeshis received from intelligence bureau, aspersing Bangladesh supporting Pakistan ISI, seeing presence of illegal Bangladeshis as serious law and order problem, perceiving presence of Bengali Muslim population as threat to indigenous people's culture and identity, describing the presence of irregular Bangladeshis as detrimental to the interest of general public of India.

This section ends by presenting the protesting opinion of different civil society organizations on the postponement in judgment. Important points they made is that, the judgment supports harassment of Bengali speaking Muslims citizens of India; it encourages corruption, communal politics and compromises exercise of rule of law in detection, detention and deportation of people of a particular religious community.

Until now the report presented the nature and extent of migration from Bangladesh and India on the basis of secondary information. It also showed the role of securitising actors in this regard on the basis of secondary material. The following three chapters looks into concrete case of migration experience of a particular type of worker, i.e., the domestic workers. These three chapters are based on primary information, collected from the field. One of the major aims behind the field work was to find to what extent they posed threat to the national security of India, how they have managed to migrate, what types of human security they gained through migration and types of threat they face due to migration.

SECTION V

A CASE STUDY OF PERCEIVED BANGLADESHI MIGRANTS IN TWO SITES OF DELHI

Delhi, the capital city of India, has an approximate population of 15 millions. Huge internal migration has taken place due to many reasons. Many families moved or still moves with jobs in central government. At one point of time manufacturing sector also pulled a sizable number of workers. Of course, recent judgments of court have stopped growth of new industries. Besides, informal sector also employ a large group of population, Rickshaw and Auto Rickshaw pulling, taxi driving, vending, low grade service providers in tourism industry, construction, recycling waste materials, wage labour and domestic work provide employment to a large number of people. It is estimated that 13 lac families are providing all kinds of support services to the city dwellers. According to an estimate, 6 lac of them stay in slums and other 7 lac families resides in unauthorised colonies. In Delhi, family structure is mostly nuclear and both partners are working in most of the cases. Therefore, these families depend on services of domestic workers for their day to day maintenance of household.

Recently some important work has been conducted on living and working condition of domestic workers of Delhi, (D'Souza edited: 2005, Scaria edited: 2004, Indian Social Institute: 1993). These studies identified Chattrishgar, Jarkhand, Orrissa, Assam, Chabbish Pargana and West Bengal as some of the major source point from where domestic workers of Delhi originate from. These reports did not mention Bangladesh as one of the source. However, some other sources, research (Rashid, 2003) and newspaper reports highlighted that a large number of irregular Bangladeshi women work as domestic workers in Delhi. Delhi police Action plan drawn up in May 1993 by the Government of the National Capital Territory of Delhi (GNCTD) also reiterated that a section of domestic workers from Delhi are from Bangladesh.

LOCATIONS

This research is a case study of those domestic workers who are perceived to be of Bangladeshi origin. Two areas of Moksedpur near Vasant Kunj, i.e Petrol Pump slum and Harijan Quarter have been selected to conduct the interviews of perceived Bangladeshis. These areas have been identified by the Delhi police authorities as one of the locations where people of Bangladeshi origin reside. People who are residing in these two areas have experience of multiple evictions. A section of the residents have been arrested by the police in suspicion that they could be of Bangladeshi origin. 10 out of 15 case studies conducted on deportees by the "Citizens Campaign for Preserving Democracy", where from Vasant Kunj area.

Petrol Pump is one km away from the main road. It was part of Masudpur village . However, years ago the state government of Delhi acquired the land for creating urban facilities such as accommodation, hotels and shopping centers etc. In some

acquired land, development projects have already started, Petrol Pump Slum is still left barren. A group of people known as Thikadars have constructed shelters in the location and rented them to workers, mostly migrants who take part in their waste recycling business. Migrants, who take part in recycling are known as rag-pickers. Wives of these rag-pickers in almost 99% cases work as domestic workers in nearby Vasant Kunj upper and middle class flats. Petrol Pump slum residents were mostly from Harijan Bosti which was demolished by the authorities around a year ago. As mentioned in methodology section, altogether 29 Petrol Pump slum residents were interviewed, some at their work places and others at their residences. 21 respondents were interviewed from Harijan Quarter which is next to already demolished Harijan Bosti. They are relatively better off residents of the then Harijan slum, who instead of relocating to petrol pump slum or any other slums, moved into these quarters with higher rent and better facilities. Socio-economic characteristics of the 50 interviewees are discussed below:

SOCIO-ECONOMIC CHARACTERISTICS

Place of origin: The interviewees were perceived by local authorities as persons who came from Bangladesh. However, when we conducted our interviews, except a few, all of them claimed that they were from different villages of Dinhata thana of Kuchbihar District. The name of villages they mentioned, are, Dighalkari, Kumarganj, Monshershewra, Khutiamara, Nazirhat, Choto Garaljhara, Shahebganj, Kaloghat, Balkura, Shalmara, Kalakari, Harchick. One was from Paglaghat village of Dhubri Thana of Assam, two others stated that they were from Krishnanagar and Gangarampur of Kolkata. Only four identified themselves as of Bangladeshi origin and their place of origin were Barishal, Faridpur and Comilla. It is important to note that some of the villages that the respondents claimed to be from, were close to bordering areas of Khulna, Jessore and Rajshahi.

The research team although having a very extensive research experience in the bordering areas of Bangladesh and India, could not straight away determine their country of origin. The team also felt it to be extremely unethical to question their statement about their country of origin. Rather the team felt that some of the interviewees could be of Indian origin and some of them could be of Bangladeshi origin. According to a local NGO named Bal Vikas Dhara, 90% of those who are identified should be genuine Indian of Kuchbihar origin and only 10% could be of Bangladeshi origin⁴². As many of them are Bangla speaking Muslims from poorer economic background, they are straight away identified as illegal migrants from Bangladesh. Identification tasks are left with local police. They undertake these tasks through a network of local informers. Identification by the informers happens to be the first and final determination technique of nationality. There is no doubt that locating their identity is difficult. What can be said is that, all of them except a few are from rural background.

⁴² Interview of Debendra Kumar Baral, dt. -----September 2005

Religion

Thirty of the interviewees were Muslims and rest twenty belonged to the Hindu community. However, those who are identified as Bangladeshis by Delhi police have Hindu neighbors from their places of origin. If the Muslims migrants were from Bangladesh then their Hindu neighbours from the place of origin should also be of Bangladeshi origin. Available literature on migration from Bangladesh to India explains the migration pattern of two religious communities under two conceptual frameworks: forced and voluntary. Important research (Barkat) highlighted that a section of Hindu community was forced to leave Bangladesh under threat, intimidation and discrimination. All studies on Muslim migration conceptualise their movements as economically driven, in other words they migrated for better livelihood. This research take into account that a section of Hindu population of Bangladeshi origin do migrate because of exploitation and intimidation of the state and the majority community, the current study found that a section of Hindu population may also have migrated to participate in the labour market. Like their Muslim counterparts they did this on the basis of market information and by taking calculated risks. They had full information on the type of job they would perform. The study noted that both Hindus and Muslims were residing in same premises sharing common facilities. It was their place of origin that worked as the common factor in this regard. This study therefore brings in fresh perspectives beyond the traditional views on reasons for Hindu and Muslim migration from Bangladesh.

Marital Status

Out of the 50 interviewees 48 were already married and 2 unmarried. It is interesting to note that 44 of 48 respondents were married before they migrated. Another four got married after migration. Three of them came to Delhi with their parents as dependent migrants. Three got married in Delhi, one went back home to get married. Out of the 3 who got married in Delhi, one eloped with her boyfriend and got married in Delhi as her parents did not agree to her choice of partner. Of the 48 married interviewees one was already divorced one was abandoned by her husband and another left her husband when she came to Delhi. From the marital status of the interviewees it seems that labour market induced migration of married couples.

Age

The average age of the 46 female migrants stood at 27 years. Information on age of four respondents was missing. The oldest of those who provided information was of 45 years of age. The youngest of the respondents was found to be 13 years of age. She came to Delhi with her parents and now works as a full time domestic aide. Her mother is also a domestic worker, who lives in a petrol pump slum. At the time of interview she was visiting her parents on a weekend.

Education

Of the 50 respondents 15 were not literate and four could sign their names. Two had religious education that meant that they could read Quran. Those who had educational experiences were relatively younger. Fifteen studied up to primary school and nine studied up to high school. One can see that the respondents' general level of education was rather low. Yet, it is also important that as many as 24 of them had experience institutional education. Since 1991, the government of Bangladesh provided various incentives to promote education of girl child. If a section of the interviewees were from Bangladesh then this might have some bearing.

Number of children

On average the married respondents had two children. 53 of the 88 children live in **Delhi** mostly with their parents in Delhi. Only in two cases the children got married and lived separately. In one such case, a Hindu respondent noted that her son got married to a Muslim girl and stays separately. The rest of the 33 children were left behind by the migrants in their places of origin. These parents reported education was the principal reason for leaving them behind. In Bangladesh primary education is free. Moreover, it provides certain incentives. If the interviewees were from Bangladesh then free primary education and incentives might have been major reasons for leaving children leaving behind at home.

DETERMINANTS OF MIGRATION

Many issues affect migration decisions. Individual's attitudes, economic and social reality, historical and structural contexts, access to information are some of them. The following section deals with determinants of migration of domestic workers.

Migration Information

Information on migration opportunity through social network has been the most important element in each interviewee's migration experience. In 28 cases immediate family members were already living in the place of destination. They included husband, brother, sister, father, uncle, in laws, nephew and nieces. The respondents learnt from the migration experiences of their relatives. In most cases close relatives actively helped them to migrate.

Seven respondents secured information on migration opportunities through villagers or acquaintances from other villages. There were three ways to receive information. In most of the cases when friends and relatives returned home they described the nature of their work and also about the place of destination. Some of the respondent women, or members of their families showed their interest to migrate and they accompanied the migrant who were returning after finishing their holidays. It is

important to note that recruitment of new migrants by a returnee migrant is not always out of feeling neighbours or friends. In some cases they were asked by their employers to bring more workers from their villages. This means that along with enjoying holidays the returnee migrant had an additional purpose of recruiting workers for his/her employer or the latter's friends and relatives.

Seven respondents reported that a person known as thikadar accompanies the returnee migrant from the locality. They were directly recruited by thikadars who went to their village. Of the seven, four families were recruited so that husbands could work as rag pickers and wives as domestic workers. Three families were recruited to work in the brick field at a distance. Later, through social network they secured employment in Delhi. The thikadar then contacts one or two socially important individuals, earn their confidence about work opportunities and through them recruits potential migrants for work.

A few of the interviewees did not arrive in Delhi as principal migrants. They accompanied their parents and minors. Once they were in their teens they began working.

One can therefore see that kith and kin play the most important role in disseminating migration information and consequently processing migration of others. Whether they make direct economic benefit out of such migration could not be established. Some of them may have gained financially and some other may not. However, two issues came out. Firstly, the returnee holiday makers felt that they were doing better than when they were in the village and therefore they would like to help others to attain such betterment. Secondly, to establish a 'samaj' at the destination point to share social customs and practices with members of same locality. If not anything else they can share the memories of the place of origin together.

Multiple Factors

In discussing reasons behind migration multiple answers were received from each interviewee. 40 of the respondents mentioned that they had information of availability of jobs with better wage than at home. This was an important factor. 45 women mentioned that at home only men can avail wage employment. Work for women was not available that easily. They saw that their relatives both husband and wife were able to earn in Delhi. A section of them told that earning of women could even be higher than man. It is understood that in today's world family is no longer economically viable with earning of one member whatever the status- upper, middle or poor. Some stated that, the idea that they themselves and their Husband pursuing different jobs but can stay together as a family unit was quite attractive. If considered with migration of women to Middle East, this opportunity of husband and wife staying together is a major positive point. In middle east they hardly can stay and work as family. Thirty respondents pointed out that the amount they earned in villages was not enough for subsistence when it was a large joint family. Some stated that they were staying with the parents in law. They felt that with time, families were getting

bigger, while land size would remain the same. Therefore they thought that other siblings could look after the land while they could go and do some other work. Father in law of Rashida heard about work opportunities in Delhi and in order to diversify family income decided to send his son and daughter in law in Delhi. Amina and her husband had information that both of them will get work in Delhi. At home only the husband could work. The opportunity for her to work along with husband made them migrate. Manju Bibi migrated for personal reason. She eloped with her boy friend as her family did not want to marry her off with person of her choice. She heard about work opportunities from a fellow villager, and with that villager both she and her husband migrated. Madina Bibi of Comilla had two sons. She did not have any daughter. All along her husband had a longing for girl child. Her husband heard from a fellow villager if they go to Ajmir and pray together (*manot*) then their wish will come true. Through help of a Dalal they entered into India without a passport and stayed in Ajmir for a few months. They came to like the place and decided to stay back in Ajmir and gradually moved to Delhi. 18 years ago, when Kahinoor first came to Delhi she was only 13 years old. She along with her husband lived at Khilgaon in Dhaka. She had deep friendship with her neighbor. The neighbor talked about all the things, one can see and buy in Delhi. One can watch movie in cinema hall. In one case, brother insisted the respondent and her husband to migrate to Delhi with him. Rojina was frustrated with her life as she felt that her parents had married her off to a poor good for nothing husband. After a couple of years of marriage with the help of her in laws she migrated without informing her husband or parents. After staying for one and a half year on her own, once she found stable job, she contacted her husband and brought him over.

Migration decisions

One can see that almost all the cases were migration experiences of families. Still it is important to know who decided. In thirteen cases the husband unilaterally decided that the family concerned would migrate. He discussed with friends and relatives but the wife did not have much say in it. In ten cases the principal decision makers were women. 8 of them had their husbands, yet they were the ones who wanted to migrate. In seven cases women migrated following their marriage.

In ten cases the decision to migrate was arrived at jointly by the husband and wife. Migration decision was taken by parents in the case of accompanied children.

While conducting an earlier research on trafficking, it was found that some men, who migrated earlier, got married young girls, brought them to Kolkata or Delhi, force them to sex work or sell them to brothels. Because of this previous experience the respondents were asked if they were aware of any such experience. However, no such incidents could be recorded. Almost all of them saw migration as an avenue to create double income families. Another research recorded incidents where a man had more than one wife residing in different slums. It was through marriage their wives had migrated. The persons concerned benefited sexually and financially from the wives who worked mostly as domestic workers. Once the women came to know

about the other wives of their husbands, some continued their relationship with the husbands, others severed all ties with them. Women who kept relationship stated that they did so for meeting emotional and physical needs, not necessarily for financial reasons. Though these were extremely exploitative cases, the author made a distinction between these acts of fraudulence and trafficking. It is understood that marriage migration was extremely complex, yet while conducting current research the team did not come across such incident.

COST OF MIGRATION

DURATION OF MIGRATION

Information on duration of migration was available from 46 migrants. On average these migrants were living in Delhi for 5.5 years. The longest duration was of fifteen years, the shortest was a month and a half. Jaigun who migrated fifteen years ago came with her brother in law. She worked as a domestic worker and a masseuse. Amina came a month and a half ago with her husband.

For 37 out of 50 this was their first migration experience. By first migration it is meant that the respondent did not migrate to any other place before migrating to Delhi, or they might have returned home on holiday but did not go back home permanently, abandoning the whole dream of migration. Thirteen of them migrated for more than once. For example, Soheli was a resident of a petrol pump slum. She migrated first four years ago; stayed in Delhi for a year and then returned home as she was not enjoying her stay. A year ago she migrated for the second time along with her husband and one son. She left behind two of her daughters at home for studying. One can see that this family was living in both places simultaneously and they were able to maximize their social and economic well being by taking benefit from both the places. Ayesha came to Delhi for the first time eight years ago. She stayed for a month and left for home as she could not cope with Delhi life. Two years later, she re-migrated and for the last six years she is residing in Delhi. The study team found a case who stayed in Delhi for three and a half years, then went back home to take a long break for a year. This she did as she wanted to enjoy the life at both ends.

EXPERIENCE OF SETTLING DOWN

The experience of new migrants helped the research team to understand how the migrants settle in a new place. Migration experience of five interviewees ranged from one and a half months to seven months. All five cases were from petrol pump slum. They informed they were recruited by immediate or extended families for work. Their immediate or extended families recruited them with information on availability of work for both husband and wife. They were told that, just after arrival the husbands would get rag picking jobs while wives would be placed as domestic workers. They would be provided with places to stay and husband would receive a cycle to perform a job. They will be protected from harassment by local hoodlums or police. In two cases the migrants were even provided with the cost to migrate as loan. The loans

were repaid once they began working. These cases highlight the demand side of labour market. In other words, there are some services for which providers are needed. Informal mechanisms exist to match the gap in the labour market. Therefore, only supply side is not enough to analyse migration of rag pickers and domestic workers in Delhi.

CONCLUSION

This section shows that all the interviewees were from rural background. Generally, they do not admit that they were from Bangladeshi origin. Most of them were married before migration. They were very young when they first migrated. On an average, they represent 5.5 years of migration experience. 70 percent of them were Muslims and 30 percent, Hindus. All types of factors contributed to their migration decision. Lack of access to work for both partners in the place of origin, the prospects of better earnings and desire for independence are some of the reasons operational at the supply side. Visit of *thikadars* to place of origin for recruitment purpose, recruitment through return migrants by the employers and the need for service providers for rag picking and domestic work sector can be identified as some of the factors operational at the demand side. Operation of social network, i.e., prior migration experience of kith and kin, access to information regarding available jobs with relatively better wage than home or information on opportunity of double income are important meso-level factors. All these cumulatively resulted in migration decision of the interviewee households.

CHAPTER VI

WORK AND LIVING CONDITIONS OF PERCEIVED BANGLADESHI DOMESTICS

This section discusses the nature of work of domestic workers. It highlights the types of job and the number of work they perform, the hour of work, the wage they earn. The section also presents their husband's profession and joint income of the families. Remittance patterns are also discussed.

NUMBER OF WORK

The aggregated no. of jobs performed by 50 interviewees was 166. This brings average number of jobs into 3.32 per interviewee. Among them the highest no. of jobs was performed by Sharifun. She works in 7 houses. In 2 houses she works as domestic helper. In 5 houses she works as masseuses. She earns Rs.4500/- per month. Few of the interviewees work only in one place. They join for work in the morning and come back in the evening. Modina Bibi is one such person. She earns Rs.2000/- per month from one employer. Amina came two and a half months ago. She has been working in one house. Now that she has become acquainted with Delhi domestic work requirements, she has started looking for other jobs.

WORK HOURS

Among 50 interviewees, information on hours of work is missing in case of 2 respondents. Out of the rest 48, one was unemployed and two worked in single house on full time basis. They start at 7 o'clock in the morning and finish at around 8-9 o'clock in the evening. The rest 45, on an average work for 6.5 hours. Out of these 45 the highest no. of work hours experienced by Sharothi Barman. She works for 10 hours a day in four houses and earns Rs.3000/- per month. Shapna Barman works in one house for one and a half hours and earns Rs.700/- per month. They all live in close by areas.

Most of the domestic workers get out of the house by 6 O clock. On an average the travel time to work place is half an hour. Most finish their morning shift by 1130 am and go back to their shanties or quarters. After sending their children to school and/or finishing the chores at home they go back to their respective work places by 4-4:30 pm. Depending on the tasks they perform they finish between 6:30 to 8:30 pm.

TYPE OF WORK

Those who work full time in a single house they perform all types of jobs. For example, Madina Bibi starts from home at 6:30 in the morning, reaches to work by 7:00 o'clock. She prepares breakfast, cleans the house, washes cloths, prepares main meal and cleans kitchen utensils. She also does small grocery shopping if

need be. After finishing all her chores she returns to her home by 8:30-9:30 in the evening. As seen earlier, majority of the workers works in more than one house. Their works are more structured. The types of work that non-resident workers perform are as follows: dusting, sweeping, mopping, washing clothes, ironing cloths, cleaning cookeries and kitchen utensils and cooking. Outside these there are a few non traditional type of work as well, such as food supply in hotel, taking care of elderly, making tiffin, occasional grocery shopping and masseuses etc. Not all the jobs are performed by the domestic workers in one house. Rather on the basis of the demand of the household employer they peruse three or four types from the above mentioned list. Those who are living in Delhi for a longer period of time are involved in cooking. Cooking requires some specialisation and remuneration is higher compare to those who are involved in dusting and cleaning households. Domestic workers are paid by number of household chores they perform. It is interesting to note that the amount of work to be performed is specified. Therefore if the work is more than the negotiated amount, then the employer has to make extra payment. For example, instead of preparing 8 chapattis if the employer needs 16 for some period then she/he has to pay more. Similarly, instead of washing 8 pieces of clothes if the worker needs to wash more, she will be paid extra for that. Sharifan works as domestic worker in two houses and she provides masseuse services in five others. Masseuse work is normally available in household that has elderly members and new borns. She secures masseuse work through word of mouth from one client to the other.

HOLIDAYS

The interviewees did not enjoy any routine weekly holidays. 20 of them enjoyed holidays once every fortnight, and another 21 once every month. 13 year old worker stays fulltime with a family. She also did not have routine holidays. Information is not available on other eight. If they remain absent for any reason, those days wage is deducted. Of course, some were not subjected to such penalty. When they go home on long holidays, which are not frequent, they need to provide alternative workers. The salary for the period is received by the alternative worker.

RIGHT TO DISCONTINUE JOB

Domestic workers join their work on their own volition. Technically they are also free to leave job, if they did not want to continue for any reason. Forty four interviewee did not see any serious problem in leaving a job after giving prior notice. Respondent reported that if they wanted to quite their employer usually asked them to provide an alternative person. The new comers of course did not have experience in this regard. There fore this issue was not applicable in their case.

JOB DESCRIPTION OF MALE MEMBERS

As mentioned earlier, in most of the cases both partners work. In some cases even children work. Two families were interviewed in which 4 family members were

working. In most cases husbands' started their work-life as rag-pickers. Many of them still continue to do so. A good number of them also clean cars. A few works as cycle mechanic, day labourer, bus contractor, hotel boy. Few also performed household work.

Husbands or sons of 33 interviewees were rag pickers. A brief description of their work is necessary here. The rag pickers start their work early in the morning in areas allocated by the thikadars. After the ragpickers collect waste, then they sort them in which other members of the family join. The wastes are categorized as paper, polythene bags, rubber slippers, boxes and glass items including bottles. Once sorted, these items are sold to the thikadars based on weight, at rates that are slightly lower than prevailing market rate.

HOUSING

Interviewees of petrol pump slum live in shanties. The walls of the houses are made of packing boxes in bamboo frame. Polythene is used to cover roof and sides. These houses are attached with one another. They come in two sizes; some are 8' X 10', the rest are 10' X 10'. Cooking arrangement is managed in the same room. They use open space as toilets. Access to water is covered by the rent they pay. However, the amount of water is much lower than their need. One water source is shared by all. There are occasions when water is not available. The shanty dwellers then purchase water by collectively raising money. The thikadars generally arrange such water purchase. On some occasion, they are organised from government source through bribe. On other occasions they are brought from other source. The house rent range from Rs. 500 to 700, depending on the size.

The condition of Harijan quarters are much better than the petrol pump shanties. It seems that the Harijan quarter residents had relatively longer migration experience. During the early days of migration, almost all of them lived in nearby Harijan slums. A few moved into quarters when their economic condition improved. However, the Harijan slum was demolished by local authority a few months before the field visit took place. Then some of the slum dwellers moved into the Harijan quarters. The houses of harijan quarter are made of brick, multistoried or single stories with tin roofs, floors are cemented. Six to twelve families live in each quarter. One room is rented by one family. They share common toilets. These quarters mostly have access to water. One common source of water is shared by all quarter dwellers. In a few quarters there are tubewells. Some quarters have a small courtyard. The courtyard is used by all tenants. The average room sizes are 10'X 10'. Some of them have a slim cooking corner. Rent for the rooms without cooking corner ranges from Rps10000 to 1200. Rooms with cooking corner are Rps 1500 and above.

INCOME

Various studies have shown that there is no fixed minimum wage for domestic workers. Wages are negotiated by the employers and employees or in some cases

by the agencies. Besides, wages also vary according to location. In the Vasant Kunj area wages varied from Rs. 200-300 per type of work depending on the skill of the workers. Out of these 50 interviewees, information on income is not clear of 6 interviewees. Total monthly income of 44 workers was Rs. 92320/-. In other words, on an average, each interviewee earns Rs.2100/-. Renu Roy's personal income was the highest. She earns Rs.5000/- per month. She works at three houses and also supply foods in local hotel. Second highest income is earned by Shafiran. She works both as domestic worker and masseuses. Lowest income is drawn by Amina. She earns Rs.500/- as she is new and works only in one place.

Income of other family members: Out of the 50 information of husbands' or other family members wages are not available in 9 cases. 41 persons total monthly income is Rs.103785/-. In other words, on an average each earns Rs.2035/- per months. Afroza Bibi's husband earns the most. He works as sheaf in a household and receive Rs.5000/- as remuneration. Lowest income is experienced by Rashida's husband. He works as rag-picker and earns Rs.1000/-. In four cases, husband do not work, two of them have addiction problem. In two cases, they are currently unemployed. They live on wives income. In 13 cases, children also work. Young girls were found to be involved in domestic services and young boys were working as rag pickers, hotel boy, and helper of bus contractor. For example, total income of Ronju's family who has four earning members is Rs. 9900 (two sons Rs. 5200 + Husband Rs. 2200 + Ronju Rs. 2500).

The average family income of these interviewees were Rs.4135/-. Double income not always mean income of husband and wife. In few cases it means mother and son or mother and daughter.

REMITTANCE

11 of the 50 interviewees do not remit; rest 39 remit occasionally. However, the amount they send is not very high. 30 of them send money through relatives, friends and neighbours or they hand carry money when they go home. Only one mentioned that he remitted through money order. All the respondents mentioned that they hardly incurred cost to remit.

Causes for remitting

11 mentioned that there children stay with their in-laws. They send money for their children's education, private tuition and clothing. 8 send money for their old father and mother-in-laws. They also send money if there is any social occasions such as marriage. One respondent sent money for purchase of land and another one for mortgage out their land.

CONCLUSION

This section shows that domestic workers on an average work for 6.5 hours and in 3.32 houses. Their works include dusting, sweeping, mopping, washing and ironing clothes, washing crockery and utensils and cooking. Their husbands mostly work as ragpickers. Some, of course, also work in other professions such as guards and cleaners. Domestic workers do not enjoy weekly holidays. Some get one day off a fortnight, others one day per month. Housing condition in petrol pump slum is very poor. Situation in harijan quarter is relatively better. House rent varies according to the size of the room. The average earning of domestic workers was Rs. 2100 and that of their husband and other male members were Rs. 2030. One fifth of the interviewees did not remit to their home. The rest also remitted very limited amount. The majority of those who remitted did so for their children's education and clothing.

Chapter VII

LEVEL OF HUMAN SECURITY AND INSECURITY

In this section an analysis is made on the type of human security that the domestic workers achieved through migration. It also highlights the human insecurities that the migrant families encountered. An attempt has also been made to highlight the agency that migrants have developed to protect themselves from different forms of insecurities.

SECURITIES

Economic Securities

It was seen in the previous section that the average household income of the interviewees stood at Rs.4135. This is cash income. Besides this they also received tips and goods occasionally. Forty-one of the interviewees stated that the income was not enough for maintaining an urban life. Nonetheless, the income was more than what they had been earning at home. 43 of them stated with this income they can manage to maintain their own sustenance. A section of them keep their children in their rural homes and they pay for their books, clothes, etc. but their subsistence is covered by their extended families. Out of 88 number of children 33 are staying with their parents and grand parents. Some of the migrants reported that they remit small amount. An interesting observation is that this group of interviewees are maintaining their families with their earning from place of destination and support from their extended families at home. The migrants reported that educational opportunities are better and cheaper in the place of origin. It was also easier for the interviewees to maintain a smaller household unit in Delhi as they were working full time. More over when the children are with grand parents, they were not afraid that their children would mix in wrong crowd in their absence. Most observed that the grandparents of the children could better protect them, particularly in their adolescence. Therefore, one can say that the interviewees have created the best possible life by integrating benefits from the place of origin and the place of residence. This is an important example of Skeldon's observation of rural economy subsidising life of urban migrants. It also shows that the migrants are maximizing economic and social benefits by maintaining transnational families.

Living status of the participants is also reflected in appliances they use. In their rural life, they did not have access to electronic gadgets and different types of kitchen appliances. The migrants who were staying for a longer period possessed utensils such as water cooler and fan. A few owned music systems and T.V.

Another important area in the context of economic security is regularity in payment of their wage. Not a single interviewee reported non-payment of wage. They received their wages after the end of every month. The exploitation by placement agency which was a common recurrence in the life of homebound domestic workers

was not common in case of our interviewees. They themselves received their wages. There were no intermediaries. Along with wages they also experienced receipt of other forms of values both in cash or kind. During the “Dewali” festival some received sarees, some received tea sets, dinner plates and other cosmetics.

Freedom of Movement

It may be noted that before coming to Delhi these women did not work outside home. In that context they enjoy increased freedom of movement centering their work. In this regard they were also better off than the resident domestic workers. The latter could not go out of their home without the permission of their employers. Studies have shown that the employers put strict restrictions on movement of homebound workers for different reasons. In order to ensure the security of the household many employers do not allow their domestic employees to venture out. The fear of development of emotional ties with outsiders, particularly of younger age group, was another reason for imposing such restriction. Some employers fear access to information regarding wage may lead them to demand more or hop jobs. This also contributed to putting restrictions. Therefore, one may argue that non-resident domestic workers enjoy better freedom of movement vis-à-vis the resident domestic workers in Delhi as well as those working in the Gulf and Southeast Asian countries.

Access to Market

There were a number of markets in the vicinity of Muksedpur. Women did their own grocery shopping. Compared to their rural home access to market was a completely new experience. Some respondents expressed their satisfaction that they on their own could buy things like clothes, books earrings, Banglas, ribbon, clips and hair clips. Some of them felt that prices of these goods were lower here in comparison to their places of origin.

Recreation

Three distinct forms of leisure activities were identified during the field work. Adda (chatting with neighbours and friends) is the most common form of leisure activities. This normally took place in the evenings. The common source of origin of many allowed some of them to share and reminisce their past. Watching movies in the cinema halls was also another form of leisure for these workers. Some of them also had access to television. 32 of the interviewees reported that they went on bus tours organised by an NGO and has seen important landmarks of Delhi. One of the interviewee collected news paper clippings of Indian film stars. One side of her room was pasted with pictures of Indian film stars.

Work place securities

Three different books (maids in hell 2004, labouring domestics and the domestic labour 2004, and the tribal domestic women 1993) have described the work

condition of domestics who resides in the houses of the owners. These books pointed out that the homebound domestic workers on an overage worked 14-16 hours a day. Along with long working hours, verbal abuse, sexual abuse, and allegation of stealing were common experiences of these workers. It is interesting to note that those of whom we interviewed works for certain hours which they have pre-negotiated with the employers. Most of them went to work in the morning came home at around midday attended to their household chores and looked after children and then went back to work at around 4:30 p.m. again depending on the number of works they came back home by 8:30 to 9:00 p.m. It was observed that the houses where the domestic workers worked were relatively affluent. Besides, in 70% cases both partners of the households in which they were employed, were working. There were very little time for intense supervision or intimate interaction among the employers and employees. Therefore, cases of physical, sexual and verbal abuses were not found to be a common experience. Some mentioned that if they felt that the employers were ill-tempered or aggressive in any other way or if employers temperament did not match with their, they left that job. It was not difficult to find another job. Some of them mentioned that they developed their own way of protection, i. e, they seek information from neighbours or previous employees about the employer. Their work experiences do suggest an extent of free labour market

Health Security.

When domestic workers or their family members fell sick they themselves purchase medicine. However, if any accident happens while working the employers did take some responsibilities. For example: Monju Bibi met an accident while she was cleaning the fridge. She was bleeding and had to be stitched. The employer took her to the doctor and paid the whole cost including purchase of medicine.

Mental satisfaction

The living condition of the shanty and quarter dwellers cannot be described as healthy. Despite such tough living environment a large number of interviewees derived satisfaction from the fact that they were living together with their husbands and children. The retention of their family unit increased their mental security. If one compares the experience of domestic workers in the Middle East and South East Asia then one would appreciate this more. This is because the domestic workers to those regions cannot take their family. This poses a source of psychological insecurity to those who migrate to Middle East. Of course, some of the domestic workers of Delhi left behind their children at home. Nonetheless those who have left behind their children did so by choice for continuity of their education.

INSECURITIES

Economic insecurity

Migration caused economic insecurity as well. Altogether 9 interviewees were yet to gain significantly from migration. Of the 9 who could not attain better income, 7 were newcomers. Another two were working in Delhi for a longtime. They stated that compared to their pre-migration state economic condition had deteriorated significantly. In one of the two cases the husband of the interviewee was a heroin addict who did not have any income and seized all of hers. In India or in any other Asian countries domestic works is not treated as wage labour. Therefore, labour laws are not applicable to domestic workers. This implies that specific rights at job are not legally recognised.

Work Place Insecurity

It is important to mention here that they were not entitled to weekly holiday. Lack of weekly holiday can be seen as major insecurity. Half of them enjoyed a holiday in every forth-nightly and the rest enjoyed once a month. It is observed that in emergency situations, it was hard to get unscheduled break. This means that work is monotonous. Health wise also it can take tole on the interviewees. There were some insecurities relating to wage. If they were absent from the work the employers deducted their wages on daily basis. Domestic worker were not considered as wage labourer. Therefore they do not fall under any labour law. Their rights as workers are not legally recognised. They did not enjoy some basic rights which other types of labourers enjoyed. There job agreements were verbal; practice of written contract was unheard off. This is, of course, true for all South Asian countries. There hardly existed any mechanism for seeking legal redress. There existed no minimum wage standard for domestic workers.

When the interviewees were asked about their insecurities regarding their employers, a section of them mentioned that employers did not trust them. Some form of suspicion was always prevalent. This became overt if anything was lost from the household. When anything was missed at home they pointed their fingers to the domestic workers. One interviewee was taken to custody as the employer lodged complaints against her. She later managed to come out of custody with the help of her association. The interviewees mentioned that their husbands faced more insecurity. Their husbands move from one place to another for collecting waste. They were perceived by some of the community leaders as informers of robbers or criminal gangs. According to such people the rag-pickers in the name of collecting waste gathered information about individual houses. These groups over an over again had taken decision not to allow their husband to pick rags in those localities. A section of the interviewees who earlier used to live in Horizan Bosti experienced police raid. Few of their neighbor's were picked up for being perceived as "Illegal Bangladeshis". In petrol pump slum they were yet to experience such raid, Thikadars and local leaders ensured their security.

Insecurity in the living place Hygiene

In the section on security, the natures of slums and quarters have been described. They were living in tiny spaces. There were no facilities of sanitation in the Petrol Pump slum. The women of petrol pump slum had to get up very early to respond to call of nature. It was seen that no planned services were available in these areas. Water supply was poor. They sort waste in front of their houses for recycling. These materials are collected from extremely unhygienic places. So in general basic hygiene condition was low in the area where they resided. Compare to their village they fall sick more. It is also important to note that these families did not rely on social services. They managed their treatment through consultation with fee paying doctors or local healers. Therefore the complain that they create burden to social services provided by the government was not true.

Eviction

Domestic workers identified frequent eviction from slums as one of the major areas of insecurity some residents of Petrol Pump slums and also of Horizon quarters where previously residing in Horizon slum. Interviewees stated that police deliberately allowed petty theft in the close-by suburb of the slum after that they put the blame on the slum dwellers. Consequently organised raid in the slums and also demolish some of them. Eviction took place two times in Horizon Bosti. Participants of one of the focus group meeting stated that police themselves deliberately ignited fire in their slum and later said the fire had destroyed the slum.

Raid

A few of the Horizon quarter dwellers and Petrol Pump dwellers mentioned that while they were staying in Horizon slum they faced police raid many times police picked few of them with suspicions that they were of Bangladeshi origin. Two of had ration card and work place ID card; one even had paper that he studied in a school in KuchBihar. Later they were released by the police. The interviewees were asked if their neighbours created problems by reporting against them to authority. Only one respondent faced trouble from the neighbours. Her neighbour reported to police that her husband was of Bangladeshi origin. Police came and interrogated her husband. Due to intervention of the local leaders, police did not arrest. However in general when police came and raid, the male members stayed out of the scene.

For Bangla speaking Muslim migrant's language was a major problem. When they claimed to police that they were Bangla speaking Indian Muslims, the police do not believe. It is interesting to note majority women who were interviewed could speak good Hindi.

AGENCY OF THE MIGRANTS

Perceived Bangladeshi migrants developed some mechanism of protection as well. The role of Thikadars was important in this respect

Protection by Thikadars

It is claimed by a NGO leader⁴³ that one-third of waste of Delhi city is cleaned by rag-pickers. It is the Thikadars who organise this massive task. In monetary term the rag-picking industry is huge. It would have cost the municipal corporation of Delhi extra six lac everyday if they had employed personnel to cover the cleaning of this one-third area. In order to run their works the Thikadars need constant supply of labour and migrant's labours filled this need. In order to ensure steady flow of workers it was seen in section V that the Thikadar induced migration of workers to Delhi. On arrival they provide the migrants low cost housing. They also provide the migrants vehicle to conduct rag-picking service. They ensured placement service to the wives of the rag-pickers through network of previous migrants. They even provided financial help or credit to rag-pickers in unforeseen situation. In focus group meeting the participants claimed that the Thikadars even provided protection to the slum dwellers from local hoodlums and from police. Some hinted that the Thikadars had connection with local political leaders. In exchange of all these support the rag-pickers sold the waste product in one and a half to two taka lowers than the market price. It was also heard that there were other forces that who had reasons to support the stay of the dwellers in the slum. Petrol pump slum dwellers resided in a land which was already acquired by Delhi land authority. Locally influential groups still have indirect control over these lands. In order to ensure possession, they have provided access to some Thikadars to use some of these acquired lands which are not currently used by the authority. This provided Thikadars opportunity to run waste collection business smoothly.

Membership to different NGOs

There were some important NGOs who worked with the slum dwellers. Bal Vikas Dhara and Hazards Center are important ones. The interviewees and the participants of the focus group meetings perceived these NGOs as a source of strengths for them. These NGOs organised them into association. Through their association they have been successful in sending some of their children to school. A good number of children who stayed with the domestic workers gradually got involved jobs like stone breaking or rag picking. NGOs organised informal education for them. Those who have done well have been transferred to local formal schools. The NGOs could ensure free educations for those who went to local schools. The leaders of Bal Vikas Dhara told that Delhi government provided land to the schools in a very low price with the commitment that these schools will ensure some free education for poor children. Bal Vikas Dhara took advantage of this commitment and ensured enrollment of these children. According to the participants of a female focus group meeting forming association had helped them in other ways as well. One of their association members was arrested by police on the basis of complain by her employer. Other members of the association jointly went to police station. However they were ill-treated by the Officer-in-Charge and one of them were even slapped. They were not allowed to sit on the chair. Then they informed the police that they are

⁴³ Interview of Debendra Kumar Baral ,Head of Bal Vikas Dhara

member of an association organised by Bal Vikas Dhara and the police had no right to arrest the woman without the warrant. Mention of the name of their association changed the police behaviour they was later requested to sit on the chair and subsequently the female member were also released. The respondent noted that their power vis-à-vis the police harassment was going to increase more. This is because they were in a process of opening bank account.

Conclusion:

This section gives us an idea about different aspects of security that the domestic workers insured through migration. A substantial majority could attain better economic security and better freedom of movements compared to homebound workers. Recreational opportunities were also more. Eviction, police raid and arrests constitute major insecurities.

Chapter VIII

SUMMARY CONCLUSIONS

This report is on migration experience of perceived Bangladeshi domestic workers employed in Delhi. It attempted to understand if their work or their families pose threat to national security of the receiving country. It also looks into effect of securitisation of migration on the life and livelihood of the domestic workers.

In chapter 1 it identified the key research questions of the study. Then it attempted to develop a conceptual frame work needed for this work. The theoretical framework of the study has been developed by combining theories related to migration and nontraditional security. Migration theories explained that in the 21st century due to many reason international migration worlds continue to increase. Structural condition of receiving and sending countries at the backdrop of current restructuring of global economy, personal experiences of individuals and their families, massive development in communication technology, access to information on labour market of receiving countries development of fee taking intermediaries and existence of strong social networks among the migrants will contribute to such increase of Migration. Theories on consequences of migration showed while migration has a huge impact on development it also has some negative impact. Security analyst probing into migration as a security threat can be placed under the broad analytical framework of negative consequence of migration research. Non traditional security discourse identified migrants as threat to receiving states or their societies. In case of some countries migration has been securitised. However human security discourse suggests securitisation of migration will contribute to the weakening of the seven elements of the human security of individual migrants and their families.

After discussing the theoretical framework, the report explained in detail the methodology of the research. It is an empirical research involving both secondary and primary data generation. The section ends by presenting the structure of the report.

Section two highlights the nature and extent of migration between India and Bangladesh. It showed that, for hundreds of years various types of movements of people took place between India and Bangladesh. Since 1947 gradually stricter control has been imposed on voluntary labor movements. Even then movements of people could not be stopped. The report then concentrated on migration from Bangladesh to India. The report amply demonstrates that no authentic figure was available on the number of voluntary labor migration from Bangladesh to India. Huge figures were quoted by central and state government which varied significantly from one another. More importantly these figures were not based on systematic calculation. They were mostly based on guest mates. Some of the calculations included movements that took place during British colonial rule. Migration during British period should be seen as internal migration within British India. Though there were confusion regarding these figures, it is understood that a good number of people did migrate for short or long term to India from Bangladesh.

From Indian news paper reports, some idea about destination of Bangladeshi voluntary labour migrants can be gathered. According to these reports highest numbers of Bangladeshis were living in West Bengal followed by Assam. The other destinations were Behar, Panjab, Haryana, Delhi Rajasthan, Uttaranchal, Gujarat, Maharashtra, Madhya Pradesh, Tripura, Meghalaya, Nagaland and Orunachal Pradesh.

Among Bangladeshi migrants both sex were represented. Men were employed as construction workers, rag pickers, hotel boys, electrician's salesmen. Hawkers, car cleaners, bus helpers and agro labours. Most women were employed as domestic workers, factory workers in small manufacturing units such as glass factory and Biri factories.

Section three deals with who how and why voluntary labor migration to India has been securitised. It is seen that although successive government of India had been identifying "Bangladeshi Migrants" as a problem for India, however since 1998. When BJP and its allies came into power, it constantly through speech act identified them as threatening to national security of India. Without proper calculation they came up with huge figure of Bangladeshi migrants. They had successfully made this assertion a common belief, in the public discourse of India. They linked the Bangladeshi migrants with "subversive" work of ISI of Pakistan; Bangladeshi migrants were seen causing Muslim demographic invasion in some parts of India. Underlying thought process was that in India, Muslim majority itself is a security alert as it may end up influencing electoral outcome. Along with BJP, RSS, the media, defence establishment played a role in securitisation. Bangladeshi migrants were named as working behind robberies, stabbing, and many other crimes particularly in capital city. They were also linked with drug padding. More over they were seen to be putting pressure on civic facilities. The media, without questioning this, informations passed on by police and defence, continuously published them in a sensational manner.

With regard to migration to North East India the All Assam Students Union, had been the most articulate securitising actor. For a long time successive West Bengal government and civil society saw Bangladeshis as economic migrants. However during the last central government parliamentary election congress won from some constituencies of West Bengal, the left government analysed this as a result of Bangladeshi and Indian Muslim voting for congress instead of left front. Since then the government of West Bangla also started securitising migration. State parliamentary leaders and other members of left started using BJP language and referred the Bangladeshi migrants as infiltrators.

This section also highlighted actions that followed speech act. It showed that on the basis of a high court ruling many Bangla speaking Muslims were detected as Bangladeshi. Without following due process they were arrested and some of them were deported to Bangladesh. This is popularly known as operation push back. It

may have started as early as 1993 and it reached its peak during BJP rule in centre. Border fencing, national register of citizen in Assam are some other forms of actions. The report then probes into “why” issue. A section of Indian scholar and civil society activities felt that securitising migration is part of BJP's communal political agenda. It served BJP with a tool to appeal to a section of Indian electorate's anti Muslim psyche. It is believed that migrants are safe vote bank of secular political parties like congress and left front of West Bangla. Therefore securitising migration allowed conservative parties to erode the vote bank of opponents.

India in true sense is a pluralistic polity. The report then highlighted the protest organised by another group of Indian civil society as well as politicians. Persons like Orundhuti Roy, Praful Bidwai, Justice R Sachdev, Anil chowdhury called press conferences wrote news paper articles stating that, in the name of push back the party in power, its police administration was harassing Bangla speaking Muslim population and they should immediately stop such action.

In section IV, this report evaluated all laws related to determination of status of irregular migrants and citizenship of individuals. It was seen that across Assam all over India, Foreigners Act was used to detect irregular migrants. However the IM(DT) act of 1983 was found to be the most appropriate law that respect due process. Although this law was applicable to all over India, it was only practiced in Assam. Instead of ensuring applicability of the law all over India, it was postponed through a judicial judgment. Every single para of the judgment can be seen as securitising speech act. On the basis of the language used in the judgment this report identified judiciary as an important securitising actor in case of migration.

A section of the Indian intellectual and grassroots level civil society organisations did not agree with the postponement judgment. They organised protest against the judgement. Through empirical research some of them demonstrated that in case of Delhi through the application of the Foreigners Act the police routinely oppressed and harassed Bangla speaking slum dwelling Indian Muslims.

An important finding of the research is that while securitising migration the actors mixed three issues. These are labour migration, movement of criminals and militant groups across borders. Even in the absence of labour migrants, criminals would move from one state to another. Therefore to reduce criminal operation, they should be targeted, not the migrants in general. Attempts to address the problem of criminal activities by deporting migrants are likely to result in futility. Similarly the South Asian states in general failed to provide adequate space to its small indigenous groups. Cracking down on labour migrant would not necessarily reduce the militancy of various ethnic groups of north-east India. Their deep rooted demand of greater share in political decision making has to be ensured.

The difference among these three groups becomes obvious when a detailed study on migrants is conducted. The challenges that migrant community throw are

completely different from the ones thrown by criminal and militant groups. A case study of perceived Bangladeshi domestic workers establishes that more clearly.

Section V, VI and VII presents the experiences of domestic workers who were perceived by the law enforcing agencies as Bangladeshi. These groups of workers residing in two slums of Delhi did not acknowledge that they were from Bangladesh rather they claimed that they were from Coochbihar district. All, except a few were from rural background. More interestingly, around 70 percent of the interviewees were Muslims and 30 percent were Hindus. The study contradicts findings of earlier research initiatives that says Muslims migrate for economic reasons and Hindus migrate because of persecution by the majority and the state. It demonstrates that a section of Hindus also migrate for better economic opportunities.

The study of domestic workers also revealed that their migration was induced by several factors. Information of availability of work in the destination, prior migration experiences of kith and kin and the role of intermediaries like thikadars, in inducing rural people to migrate and join the urban work force are of extreme importance. The simplistic argument that absolute poverty is the prime push factor for people's movement from Bangladesh to India should be revisited. Another important finding is that labour market demand is not only for men or women. In reality it was for young married couples.

Section VI gives a detailed account of the work conditions of female domestic workers and their husbands. On an average they were working for 6.5 hours in 3.32 households. Their husbands and in some cases sons, mostly worked as rag pickers. The domestic workers earned on an average Rs. 2100 per month. Their average family income was Rs. 4135. Interestingly, the women earned more both in cash and kind than their husbands and sons. Their house rent varied according to the size of the room. Nonetheless, in general one fourth of their income went into payment of house rent. Remittance was not a big issue in case of these migrants. One fifth of them did not remit at all and the rest remitted negligible amounts.

Section VII provides an analysis of type of securities and insecurities that domestic workers and their families faced at the destination, particularly due to securitisation of migration. It was found that 41 of the interviewee had ensured better earning compared to their home. The domestic workers were paid regularly. They enjoyed the option to discontinue the job if they did not feel comfortable. There was no intermediary and they themselves received the wage. The nature of their job had ensured certain freedom of movement and they also enjoyed access to market which they did not in the place of origin. *Adda* (chatting), watching movies in halls and watching television were some recreational activities that they enjoyed in leisure time. As they worked part time, they considered themselves less vulnerable to physical and sexual abuse compared to the home bound domestic workers. The most important source of security they felt was the mental satisfaction of living with husband and children under the same roof. Home bound domestic workers are deprived from such family cushion. A section of the domestic workers left behind

their children at home in care of their parents or siblings by choice. This demonstrates that domestic workers were living a kind of transnational life. Moreover, they were maximizing economic and social gains by maintaining transnational families.

Section VII also presents the insecurities of the domestic workers. 7 new comers were working only in one house. Their income were not sufficient and it would take sometime to be acquainted with the type of work required and getting used to doing more than one job. Two other domestic workers who had come earlier were passing days in extremely poor economic condition.

The domestic workers did not enjoy weekly holidays. This did take toll on their ability to work for a prolonged period. They did not enjoy any minimum wage standard. The market determined their wage. Many of the interviewees also felt bad about the fact that their employers did not trust them. If anything went missing from their workplace they were accused of stealing. They lived in unhygienic conditions; in tiny shanties, some with children and surrounded areas were covered with waste. Some experienced eviction from slums. The Muslim workers and their husbands were under continuous fear that the police may arrest them anytime. Before the Harijan slum was destroyed a section of the domestic workers who stayed there experienced police raid. Husband of a few of them were arrested by the police.

An interesting finding of the study is that the perceived Bangladeshi domestic workers also developed some mechanism of protection. As a family unit the petrol pump slum dwelling domestic workers received protection from the thikadars. The thikadars needed the service of these families for their waste recycling business. In exchange of a little bit lower price the thikadars saved them from local hoodlums and to some extent from the police.

Interviewee domestic workers also formed their own association. With the help of that association some of them ensured better educational opportunities for their children. More importantly the association helped them in dealing with the police. If one juxtaposes these domestic workers against the speech act of securitisation presented in Section III, it may be stated that these workers did not come on their own; labour market information brought them to Delhi. They were not infiltrators as portrayed, they were just workers. They were not trained by dubious agencies. As both Hindus and Muslims migrated they are not cause of demographic invasion of a particular type. They were unfairly blamed to be engaged in criminal activities. The claim that migrants were exerting pressure on public utilities was also untenuous as they hardly enjoyed in such facilities. They were not usurping precious jobs of the locals. In fact, the demands of domestic workers have not been fully catered.

Migration does put new challenges for the policy makers in India. Nonetheless, migration challenges cannot be addressed through securitising the issue. Securitisation of migration did not ensure increased level of state security. Rather, it brought in new threats to human security of the migrants. Challenges that migration

throw should be addressed in the political and administrative arena. On top of all migration should be desecuritized and opportunities for regular migration should be explored. All South Asian countries should look deeply into migration management within South Asia. In that respect ratification of the 1990 Convention on the Rights of all Migrant Workers and members of their Families can be the first step.

Reference

- Acharya, A 2001 'Human security: East vs. West' *International Journal*, Summer
- Acharya J M, M Gurung and R Samaddar, 2003 'Chronicles of a No-Where People on the Indo-Bangladesh Border' SAFHR Paper 14, June
- Berry, R A and R Soligo 1969 'Some Welfare Aspects on International Migration', *Journal of Political Economy*, Issue 77, 778-794.
- Bhushan, P 2005 'An Unconscionable Judgement' <http://www.amanpanchayat.org/test/home_prashantbhushan.htm>
- Bourdieu, P and L Wacquant 1992 *An Invitation to Reflexive Sociology*, Chicago, University of Chicago Press
- Buzan, B, Ole Waever and Japp De Wilde (eds) 1998 *Security: A New Framework for Analysis*, Boulder, Lynne Reinner Publishers
- Citizen's Campaign for Preserving Democracy 2005 *Democracy, Citizens and Migrants: Nationalism in the era of Globalisation*, New Delhi.
- Cronin, A K 2002-03 'Behind the Curve: Globalization and International Terrorism', *International Security*, 27 (3), Winter.
- De Souza, F (edited) 2005 *Labouring Domestic and Domesticating Labour*, Justice and Peace Commission, Delhi.
- Harris, J R and M P Todaro 1970 'Migration, Unemployment and Development: a two-sector analysis', *American Economic Review*, 60.
- Hazarika, S 2000 *Rites to Passage: Border Crossings, Imagined Homelands and India's East and Bangladesh*, New Delhi, Penguin.
- Indian Social Institute 1993 *The Tribal Domestic Workers at the Cross Roads: A Search for Alternatives*, New Delhi.
- Krebs, R R and Jack S Levy 2001 'Demographic Change and Sources of International Conflict' in Myron Weiner and Sharon Stanton Russell edited *Demography and National Security*, New York, Berghan Books.
- Joseph, J 2004 'Bangladeshi Illegal Migrants in India'
- LeClere, F B and D K McLaughlin 1992 'Family Migration and Changes in Women's Earnings: A Decomposition Analysis', *Population Institute Research Working Paper*, Pennsylvania State University, University Park, Pennsylvania, No. 1992-20, October.
- Massey, D 1990 'Social Structure, Household Strategies and the Cumulative Causation of Migration', *Population Index*, New Jersey Princeton, Vol. 56, No. 1
- Massey SD S, G Hugo, J Arango, S Kouaouci, A Pellegrino and J Taylor 1998 *World in Motion: Understanding International Migration at the End of Millennium*, Oxford, Clarendon Press.
- Nayyar, D 1994 *Migration, Remittances and Capital Flows: The Indian Experience*, Oxford: Oxford University Press.
- Scaria, M (edited) 2004 *Maid in Hell*, Media House, Delhi.

Teitelbaum, M S 2002 'The Role of the State in International Migration', *Brown Journal of World Affairs*, 8 (2), Winter

Todaro, M P 1969 'A Model for Labour Migration and Urban Unemployment in Less-developed Countries', *American Economic Review*, Vol 59

Upadhyaya, P 2004 'Securitization Matrix in South Asia: Bangladesh Migrants as Enemy Alien' <PDF/Priyankar%20Upadhyaya.pdf>

Upadhyaya, P 2004 'Transborder Migration and Regional Security Discourse: Illegal Bangladeshi Migrants in India' <PDF/Priyankar%20Upadhyaya.pdf>

Waever, O 1995 'Securitization and desecuritization' in R D Lipschultz edited *On Security*, New York, Columbia University Press

Waever, O, Barry Buzan, Morten Kelstrup and Pierre Lamaitre 1993 *Identity, Migration and the New Security Agenda in Europe*, London, Pinter

Weiner, M 1990 'Security Stability and International Migration', *Defense and Arms Control Studies Program Working Paper*, Center for International Studies, Massachusetts Institute of Technology, Cambridge, Massachusetts, December.

Weiner, M 1978 *Sons of the Soil: Migration and Ethnic Conflict in India*, New Jersey, Princeton University Press.

Leaflet:

Hazard Centre 2004 Pull to Push to Shore: The Changing face of Delhi, Delhi.

Annex I

Dr. Bishnu Mohapatra and Ms. Savita Sinha, The Ford Foundation

Ms. Hinani Sethi and Mr. Ashutosh, South Asia Research and Development Initiative (SARDI)

Ms. Javita Narang, South Asia Regional Initiative for Equity (SARI/Q)

Dr. Sushila Zaitlyn, Department for International Development (DFID) India

Dr. Mahendra P. Lama, Jawaharlal Nehru University (JNU)

Dr. Binod Khadria, Jawaharlal Nehru University (JNU)

Dr. Nandita Khadria, Jawaharlal Nehru University (JNU)

Dr. Ravi S. Srivastava, Jawaharlal Nehru University (JNU)

Annex II

Domestic Worker (work more with internal migrants from Bihar, UP, Jharkhand)

Nirman

South Asia Study Centre (SASC)

Institute of Defence Studies and Analyses

Ms. Sangita Bhattacharya

Mr. Asis Bose

Dr. Partha Ghosh

Ms. Kallyani M. Sen

Jagori

STOP

Institute of Peace and Conflict Studies

Bal Vikas Dhara

Hazards Centre

Mr. Jamal Kidwaee

Aman Charitable Trust

Chetnalaya

Mr. Sunil Mukharjee, (IC GEB) Mukharjee Nagar, Dwarka

Mr. Niranjan Chakrabartee, NCPGR

Annex III

Name of the Websites

<http://www.youanaids.org>
<http://www.ipsnews.net>
<http://www.centralchronicle.com>
<http://www.safhr.org>
<http://www.outlookindia.com>
<http://www.delhipolicygroup.org>
<http://www.dailytimes.com>
<http://www.atimes.com>
<http://www.stratmag.com>
<http://www.milligazette.com>
<http://www.mail-archive.com>
<http://migration.ucdavis.edu>
<http://www.media-watch.org>
<http://www.dailyexcelsior.com>
<http://www.bdpressinform.org>
<http://www.satribune.com>
<http://www.thesouthasian.org>
<http://www.rnw.nl>
<http://www.greatestcities.com>
<http://www.geocities.com>
<http://www.forumhub.com>
<http://www.satyacircle.com>
<http://www.ammesty.org.uk>
<http://www.swordoftruth.com>
<http://www.flonnet.com>
<http://www.huk.org>
<http://www.dailynews.lk>
<http://www.ipsnews.net>
<http://www.weeklyholiday.net>
<http://www.bharatvani.org>
<http://www.123bharath.com>
<http://www.blonnet.com>

<http://www.socialistworld.net>

Annex IV

List of Newspapers surveyed through internet

News Digest (Monthly Newsletter from the APMM)
The Pioneer
The Hindu
Daily Times
Asia Times
The Telegraph
The Milli Gazette
Daily Excelsior
The Asian Age
The Statesman
The Hindustan Times
The Times of India
South Asia Tribune
Asian Studies Review
Population, Space and Place
Daily News
Holiday
Voice of India
Maharash
Business Line
Dhaka Courier

Annex V

Name of newspapers scanned in JNU

The Statesman
The Assam Tribune
The Hindu
The Times of India
Indian Express
The Asian Age
The Pioneer
The Hindustan Times
Outlook
Sambad Protidin
Bartaman
Ananda Bazar
Economic and Political Weekly

**List of organizations and persons interviewed Migrant Domestic worker study
01-15 September 2005**

Itinerary

Name of the Organisations	Date	comments
1. Dr. Bishnu Mohapatra/ Ms. Savita Sinha Programme Officer The Ford Foundation 55 Lodi Estate New Delhi 110 003 India Tel: 24619441/24648401 E-mail: b.mohapatra@fordfound.org <or> s.sinha@fordfound.org	2:30 8 September 2005	
2. Domestic Workers Forum: C/o Chetnalaya, 9-10. Bhaiveer Singh Marg New Delhi – 110 001 Mob : 9811694342 Tel – 55254388 Email : dwfdelhi@bol.net.in Contact Person: Sister Pratithi		
3. Nirman (Focus: Internal Migrants) Contact Person: Mr. Subhash Bhatnagar Phone: 9810810365		
4. South Asia Study Centre (Focus more on Nepali migrant workers) 11/368, Lalita Park, Laxmi Nagar, Delhi 92 INDIA Tel: 22013748 Mobile: 9818311695 E-mail: sasc_02@yahoo.com / sasc_sardi@yahoo.com Contact Person: Mr. Raju Bhattarai, Program Coordinator	2:30 Saturday 10/9/05	
5. Political Counsellor US Embassy		

6. ASHUTOSH/ HIMANI SETHI SOUTH ASIAN RESEARCH & DEVELOPMENT INITIATIVE (SARDI) CA-1-D, MUNIRKA, PHASE-2, NEW DELHI 110 067. INDIA. MOBILE: +91+9811940800. FASCIMILE: +91+11+26181578. TELEPHONE: +91+11+26180038. E-MAIL; < ashutosh@sardi.org > or < sardi@del6.vsnl.net.in > or himani@sardi.org REGIONAL MIGRATION RESOURCE BASE; http://www.mobilityandhiv.org <0r> ; http://www.sardi.org		Meeting conducted by Dr Abrar. To contact for appointment with placement agent
8. Ms. Vidhya Lakshmi South Asia Regional Initiative Equity (SARI/Q) Support Program C-6/2 Vasant Vihar New Delhi – 110057 India E-mail: vlakshmi@sariq.org		
10. Mr . Shashi Kumar South Asia Research and Development Initiative (SARDI) CA/1D, Munirka New Delhi 110067 India E-mail: sardi@del6.vsnl.net.in		
11. Professor Ravi S. Srivastava Department of Economics Centre for the Study of Regional Development Jawaharlal Nehru University New Delhi 110067 India E-mail: ravi@mail.jnu.ac.in	9:30 Saturday 10-05-05	
12. Dept. of Slums and Juggi Jhopdi Municipal Corporation of Delhi (MCD)		

15. Mr. D. S. Sawkat Raja Economic Counselor High Commission for the Peoples' Republic of Bangladesh EP-39, Dr. S. Radhakrishnan Marg Chanakypuri New Delhi 110 020		
16. Ms. Mashfee Binte Shams Counselor High Commission for the Peoples' Republic of Bangladesh EP-39, Dr. S. Radhakrishnan Marg Chanakypuri New Delhi 110 020		
17. Dr. Sushila Zeitlyn DFID India British High Commission B-28, Tara Crescent Qutub Institutional Area New Delhi-110016 India Tel: +91 11 2562 9123 (off:) +91 11 5279 3437 (direct) +91 11 2649 5693 (res:) s-zeitlyn@dfid.gov.uk		
19. Sangita Vattacharia Vasant Kunj 9810442668		
20 . Mr. Asis Bose Demographer Chittya Ranjan Park New Delhi India	11-09-05	
21. Mr. Partha B-10, house-7334 Vasant Kuni 26899063		
22. Ms. Kalayni M. Sen Coordinator JAGORI		

C-54 (Top Floor) South Extension-II New Delhi 110049 India		
.23. Ms. Sreeradha Datta Associate Fellow Institute of Defence Studies and Analyses Block # 3 Old JNU Campus New Delhi 110067 India		
.25. Ms. Roma Devabrata STOP 63 Greater Kailash New Delhi India		
26.Mr. M.Anwar ul Haq Minister (Press) High Commission for the Peoples' Republic of Bangladesh EP-39, Dr. S. RadhaKrishnan Marg Chanakypuri New Delhi 110 020		
27. Mr. P R Chari Director Institute of Peace and Conflict Studies B-7/3, Safdarjung Enclave New Delhi 110 029 India		
28. Mr. Debendra Kumar Baral Bal Vikas Dhara B-118, Nanhey Park, Uttam Nagar New Delhi 110059		
.29. Mr. Sadre Alam Programmer Hazards Centre 92 H, III Floor, Pratap Market Munirka New Delhi 110 067	10:00 Sunday 11-09-05	
30. Mr. Jamal Kidwae Bal Vikas Dhara B-118, Nanhey Park, Uttam Nagar		

New Delhi 110059		
31. Ms. Javita Narang South Asia Regional Initiative Equity (SARI/Q) Support Program C-6/2 Vasant Vihar New Delhi – 110057 India		
32.Mr. Sumit Baudh 35.Aman Charitable Trust C-651 (1 st Floor) New Friends Colony New Delhi 110 065 India		
33 .Dr. Mahendra P. Lama Head of the Department South Asian Economies 1327 Poorvanchal Jawaharlal Nehru University and Country Researcher, NTS Project New Delhi 110 067, India		
34. Mr. Arun Joshi President South Asia Study Centre (Focus more on Nepali migrant workers) 11/368, Lalita Park, Laxmi Nagar, Delhi 92 INDIA M-9811627837		
35.Mr. Hiranya Joshi Programme Officer South Asia Study Centre (Focus more on Nepali migrant workers) 11/368, Lalita Park, Laxmi Nagar, Delhi 92 INDIA		