

## **THE ISSUE OF UNDOCUMENTED IN-MIGRATION TO ASSAM: A PERCEPTION STUDY ANALYSIS**

**Dr. Plabita Saikia**

Assistant Professor (Law), Dispur Law College, Dispur.  
Author E-mail: plabitas30@gmail.com

### **Abstract:**

Undocumented in-migration continues to be an unabated issue in the entire Northeastern state including Assam as it affects the state's politics in a major way. Intellectuals cannot be defined according to the jobs they do, rather it may be done by the manner they act, their viewpoints, and their values towards the society. For the issue of undocumented migrants and their impact on the indigenous society, the present survey has been conducted among a selected group of intellectuals in Assam to understand their perception, awareness, and sensibility on this burning issue and also to justify the scope of studying the topic in the present context. The survey has enormous value to policymakers to develop sound remedial management policy which can play a significant role. The questionnaire used during the survey has 23 semi-structured questions covering 13 themes related to the issue in question in the socio-legal domain. The provision of giving their personal suggestions for remedy is also there. The results of the data collected allowed the interviewer to make an overall assessment of how receptive the participants were to the issue.

**Keywords:** Perception, intellectuals, undocumented in-migration, Assam

### **Introduction:**

Though historically migration in India has various socioeconomic and political constraints (Davis, 1951), from a social aspect, migration is often considered as a potential source of social disorder and crime. In recent times, the increasing trend of migration has raised some serious concerns about its effect on social security and crime. There is a long, embarrassing practice in India of fierceness toward newcomers. But this reality should not undercut concern over the frequent

crimes the in-migrants commit. States like Assam and West Bengal with large such populations, have had to work hard for their criminal justice, and law enforcement budgets to investigating, detaining, and imprisoning immigrants to ensure safety for the law-abiding population. Various pacts, Accord and memorandum of understanding in various point of time failed to stop such 'silent invasion' in Assam and becoming politically strong in different way (Ghosh, 2007; Upadhyay, 2005). The steady flow of undocumented and illegal immigrants from neighbouring countries mainly from Bangladesh and Nepal has significantly altered the region's demographic complexion, particularly in the border districts of West Bengal and Assam (Anonymous, 2008) and raised issue of *Jehad* to establish an Islamic country in the region (Sengupta and Singh, 2004).

Despite a lack of empirical evidence on the whole issue, the public's perception has changed little over time as some section believe that crime is a negative side effect of in-migration, and the blame sometimes aimed only at undocumented and illegal migrants (Saikia, 2018). For the said problem the present survey has been conducted among a selected group of intellectuals in Assam (who are having Post Graduate Law degree and took Law as their profession) to understand their perception on this burning issue, to gauge their awareness and sensibility towards the issue and also to justify the scope of studying the topic in the present context. The survey result will be beneficial for the policymakers to develop sound remedial management policy. The survey has provided useful insight towards the blazing issue which has been conducted with the following aim and objectives.

### **Objectives:**

Through the study we would able to access the level of awareness, perception and sensibility of the selected group of intellectuals towards the issue of 'Illegal migrants and their impact to the indigenous society' that really lays the basis for action in the right direction to formulate executable and effective policy. The study is also aimed to identify major subject areas exaggerated by the problem and to collect opinion of intellectual persons on the subject concern.

### **Methodology:**

#### **Study design**

Survey research involves the collection of data as responses from sample of individuals with the help of questionnaire used as a survey instrument. The context created by the questionnaire has a major impact on how individual questions are interpreted and answered. The questionnaire would be viewed as an integrated whole, in which every question serves a clear purpose related to the study's objective and complements the topic concerned. The questionnaire (having 23 questions of semi-structured nature having 13 themes on the issue in question in the socio-legal domain) used is given in **Annexure-I** which is a Semi-structured one. Provision of giving their personal suggestions for remedy is also there.

### **Study sample:**

An intellectual is a person who primarily uses intelligence in either a professional or an individual capacity. The sociologist Frank Furedi, 2004 said that 'Intellectuals are not defined according to the jobs they do, but [by] the manner in which they act, the way they see themselves, and the values that they uphold' (Furedi, 2004). People from an identifiable social class, for instance, are conditioned by that common experience, and they are inclined to share a set of common assumptions.

In order to explore these questions, investigation was done for the perceptions and judgments of contemporary Research Scholars of the department of Law, Gauhati University, Guwahati (Assam) regarding the issue of illegal migration as a burning problem of Assam, in particular, their views on qualitative approaches.

Hence contemporary Research Scholars of the Law department of Gauhati University, Guwahati (Assam) who are citizens with minimum Post Graduate Law degree and having Legal profession in Court of Law as well as in Academics are selected as sample group for the present survey and the Questionnaire are distributed among them and personally interviewed to collect their answer with an objective to get information for the study.

### **Study area:**

Understanding the perception of contemporary Research Scholars of the Law department on the current burning issue is significant because they bear high status in the field of legal research and may have potential impact on decision making capacity. Since the concerned subject is related to past, present and future of Assam, the study group is selected on the merit of their respectable

position both in the Court of Law and in academic Institutions of the state where they are imparting their legal knowledge to the students of Assam.

### **Sampling procedure:**

Semi-structured interviews were conducted among 25 contemporary Research Scholars of the Law department who are also members of different District Bar Association of the respective State. By contemporary Research Scholars of the Law department, it is been referred exclusively to Post Graduate Degree holders of Law (along with other Graduate or Post Graduate Degrees in different subjects) having various professions embodied are enumerated in **Table 1**, thus excluding Research Scholars of the Law department which are enrolled earlier or later of recent time.

Purposeful sampling was done while selecting participants (Creswell, 1998). A sample of contemporary Research Scholars are targeted to include a range of intellectuals who are by profession Academicians, professionals in Advocacy field, Judicial Officers or Law Officers, other Govt. service holders other than Law field etc. within the state of Assam.

### **Data collection:**

Each interview takes around 15 min per respondent and covers 7 days (during the month of June) for all participants with their consent. Direct interview method was adopted. Question were distributed throughout the questionnaire to answer by 'Yes'/'No' in certain questions and to give opinions and provision of abstaining from any answer is also there which are reflected in **Table 1** itself.

### **Data analysis:**

The data analysis was done by thematic content analysis. To get an overview of how receptive Research Scholars were toward the issue in question, results of the analysis was transformed into quantitative data.

## **RESULTS:**

As the sample characteristics is playing a crucial role over the theme under question, **Table 1** enumerates the characteristic features of the sample group where age group, gender group, categories of reservation, academic and professional qualifications etc. are categorized along with present working profession other than their status as Research Scholars of the department of Law are illustrated.

Observation from the responses against all questions in the questionnaire answered by respondents is tabulated in percentage format in **Table 2** where non-responding rate more than 10% is considered as high and in or above 20% is considered as very high. Likewise, positive response more than 95% is considered as absolute positive response; more than 80% is considered as highly positive response and below 60% is considered as not having positive perception towards the issue. Also, suggestions received on the remedial measures of the issue in question received as opinion or belief from the respondents are tabulated in **Table 3** with citation frequency and Remarks showing their priority level.

## **DISCUSSION:**

The sample for the study was the contemporary Research Scholars of the dept. of Law, Gauhati University (Assam) having the following characteristics as depicted in **Table 1**. Age group of the sample was divided into three categories; first 18 to 30 years which covers 32% sample variables, second age group was of 30 to 40 years having 56% of sample variables and third group is of above 40 years having 12% variables. These samples cover 72% female and 28% male respondents. Though 100% respondents are Research Scholars of the law department, they are engaged in different field of profession like 72% are engaged as Assistant Professor in different Law colleges, Institutions and the same department where they are enrolled as Research Scholars, 12% respondents are working as Judicial Officers or as Law Officers under Government establishments and 16% respondents are engaged in other professions including Advocacy in the Court of Law. Though it is not mandatory, but reservation categories of the respondents were also examined and found that 60% of unreserved categories, 28% are of reserved categories and 12% are of Minority groups. Though all the Research Scholars are having minimum Post Graduation in Law, they are having varieties of other Graduation and Post-Graduation degrees in different subjects. 28% are from Science, 60% are from arts and 12% are from other background. All these categories of characteristics are reflections of the varied intellectuals of different sections of the society. Perceptions of these young, matured and adult sample variables play a crucial role over the theme under question.

From the observation received from the responses against all questions in the questionnaire answered by respondents are tabulated in **Table 2** in percentage (%) format where non-responding rate more than 10% is considered as high and in or above 20% is considered as very high. Likewise, positive response more than 95% is considered as absolute positive response; more than 80% is considered as highly positive response and below 60% is considered as not having positive perception towards the issue.

Responses received from 1<sup>st</sup> and 2<sup>nd</sup> question proves the scope of the Research problem of the present study while positive answer in 3<sup>rd</sup> question is of 80% and more than 10% respondents are not sure, the notion can be regarded as significant. Answer to next two questions (4, 5) shows the thinking of the society towards the vulnerability of nature due to illegal migration problem which is ever increasing day by day in Forest areas of the State. Answer to q. 6 shows the significance of the notion and its role as a factor of the problem. Responses towards four different aspects of question 7 shows the perception level of respondents very clearly but their willingness level to forward any new idea to the policy maker is very poor.

After these, the respondents were asked three serious questions of very critical nature in q. 8 and 9. Only 56% respondents felt that only Government with political will can solve this issue permanently and 44% felt not. Only 32% respondents felt that landmass of Assam will be within Bangladesh in near/distant future and 68% felt not. When they were asked about their comments on the statement “one day Bangladeshi may become Kingmaker of Assam” stated in the report of Former Governor of Assam, Lt. Gen. (Retd.) S. K. Sinha (1998) to Law Commission of India, only 44% felt it can be possible and 56% felt it cannot be. These results showed society’s level of faith towards political will to solve the issue, high confidence of the society towards the future boundary of Assam and towards the Kingmaker of Assam, i.e., sensitivity of voters in particular. Interestingly, no one abstained from answering these three questions. Once again, respondents were asked some critical questions in serial 12 and 13 respectively where their responses can be critically viewed.

Finally, when the respondents were asked to advise some remedy for the problem of Illegal migration 80% of respondents had only suggested some valuable opinions which are listed and citation frequency was also done and reflected in **Table 3** along with Remarks showing their priority level. As per priority level, 30% respondents put emphasis on security along border and

finalization of border fencing, 25% put emphasis on implementation of legal frameworks through Tribunals, 20% respondents put emphasis on finalization of works related to NRC and its proper implementation, 15% believed that Govt./ Political will can resolve the issue in the State's interest and put emphasis on awareness generation among citizens of Assam. There are another seven recommendations with varied citation frequency.

## CONCLUSION:

The study assumed that Research Scholars' (of the department of Law, GU) perceptions and judgments are a key expression of their fellow members and the society, but they are not clear about substantive content of the studied theme and have common knowledge only. Participants suggested some recommendations on issues related to remedial measures of the issue in question throughout the interview. By considering the framework of the interview, the reviewer could interpret the respondents' perception. The survey has provided useful insight towards the blazing issue of illegal migration to Assam.

## REFERENCES:

- Anonymous (2008): (Source: [www.whatisindia.com/issues/povillim/index.html](http://www.whatisindia.com/issues/povillim/index.html))
- Creswell, J. W. (1998): Qualitative inquiry and research design. Thousand Oaks: Sage.
- Davis, Kingsley (1951): The Population of India and Pakistan. Princeton University Press, New Jersey.
- Furedi, Frank (2004): Where Have All the Intellectuals Gone?, The Guardian, Friday 10 December 2004.
- Ghosh, D. (2007): 22 years later, Assam Accord remains in paper (Source: [www.in.rediff.com/news/2007/aug/14assam.htm](http://www.in.rediff.com/news/2007/aug/14assam.htm))
- Governor of Assam (1998): Report on Illegal Migration into Assam.
- Rezia Begum Vs. Union of India and others (2005): WP (C) 328 – 2005.
- Saikia, P. (2018). *Anatomy of Migration in Assam: A Partial View*, AkiNik Publications: New Delhi.
- Sengupta, D. and Singh, S. K. (2004): Insurgency in North-East India: The Role of Bangladesh - Authorspress, Delhi, Page 74.

Upadhyay, R. (2005): Politics of Infiltration – A Threat to Socio-cultural Identity of Assam?  
Southeast Asian Analysis (Paper No. 1557) (Source: [www.southeastasiananalysis.org](http://www.southeastasiananalysis.org))

## TABLE OF RESULTS:

<u><b>Table 1: Summarizing the main characteristics of the sample group (in %)</b></u>									
<u><b>Age group</b></u>			<u><b>Gender</b></u>		<u><b>Academic &amp; professional position</b></u>				
<u>18-30</u>	<u>30-40</u>	<u>40+</u>	<u>Female</u>	<u>Male</u>	<u>RS</u>	<u>AP</u>	<u>JO/LO</u>	<u>AD/OT</u>	
32	56	12	72	28	100	72	12	16	
					N.B.: RS: Research Scholar (Law) AP: Assistant Professor (Law) JO/LO: Judicial/Law Officer AD/OT: Advocate/ Other Service				
<u><b>Category of Reservation</b></u>				<u><b>Qualifications other than P.G. in Law</b></u>					
<u>UR</u>	<u>RC</u>	<u>MN</u>		<u>AG</u>	<u>SG</u>	<u>OG</u>	<u>AP</u>	<u>SP</u>	<u>OP</u>
60	28	12		40	24	08	20	04	04
N.B.: UR: Unreserved RC: reserved categories MN: Minority			N.B.	AG: Arts Graduate; SG: Science Graduate; OG: Other Graduate AP: PG in Arts sub.; SP: PG in Sc. Sub.; OP: PG in Other sub.					

<b><u>Table 2: Showing % of responses against all questions answered by respondents</u></b>				
<b><u>Sl. No.</u></b>	<b><u>Respond as Yes (in %)</u></b>	<b><u>Respond as No (in %)</u></b>	<b><u>Abstained (in %)</u></b>	<b><u>Remarks on responses received</u></b>
1.	96.00	04.00	0.00	All responded
2.	100.00	0.00	0.00	All responded positively
3.	80.00	12.00	8.00	Non responding rate is 8%
4.	88.00	08.00	4.00	Positive response is high
5.	88.00	08.00	4.00	Positive response is high
6.	80.00	12.00	8.00	Non responding rate is 8%
7. i)	92.00	8.00	0.00	All responded



	ii)	96.00	00.00	4.00	Positive response is very high
	iii)	84.00	12.00	4.00	Positive response is high
	iv)	68.00	28.00	4.00	Mixed response
8.		56.00	44.00	0.00	All responded
9.		32.00	68.00	0.00	All responded
10.		44.00	56.00	0.00	All responded
11.	i)	72.00	16.00	12.00	Non responding rate is 12%
	ii)	84.00	4.00	12.00	Non responding rate is 12%
	iii)	96.00	4.00	0.00	All responded
	iv)	84.00	12.00	4.00	Positive response is high
12.	i)	84.00	12.00	4.00	Positive response is high
	ii)	44.00	44.00	12.00	Non responding rate is 12%
	iii)	64.00	28.00	8.00	Non responding rate is 8%
13.	i)	60.00	24.00	16.00	Non responding rate is high
	ii)	60.00	24.00	16.00	Non responding rate is high
	iii)	44.00	36.00	20.00	Non responding rate is very high

(N.B.: Refer Annexure- I for the Questions used in the questionnaire)

**Table 3: Results of opinion received from the respondents**

<u>Sl.</u>	<u>Suggestions received on the remedial measure</u>	<u>Citation frequency</u>	<u>Remarks</u>
1.	Put emphasis on awareness generation among citizens of Assam	15 %	High priority
2.	Put emphasis on implementation of Assam Accord in proper way	5 %	--
3.	Put emphasis on implementation of legal frameworks through Tribunals	25 %	High priority

4.	Put emphasis on institution of International talk between two Governments	5 %	--
5.	Put emphasis on implementation of proper immigration system for detection of status	5 %	--
6.	Put emphasis on security along border and finalization of border fencing	30 %	High priority
7.	Put emphasis on finalization of works related to NRC and its proper implementation	20 %	High priority
8.	Believed to be lack of Govt./ Political will to resolve the issue in the State's interest	15 %	High priority
9.	Put emphasis on imparting punitive action against illegal entry	10 %	Moderate priority
10.	Put emphasis on need to control the push and pull factors for the migrants	5 %	--
11.	Put emphasis on economic disengagement to illegal migrants by the society	5 %	--
12.	Put emphasis on developing Comprehensive mechanism involving Political class, Political mechanism and Local people	5 %	--

(Refer discussion part for detail opinion received by the respondents and discussion thereof)

#### Annexure I: Questionnaire used for collection of information on opinion of respondents

Sl. No. ....

##### A. Personal information (not to be disclosed; only indicative of status of respondent)

Name of the respondent:			
Designation / Profession and Address with District & PIN:			
Contact details:	Ph:	(M)	e-mail:
Qualifications:			

##### B. Information pertains to the Survey (kindly respond with ✓ mark or state precisely where required)

1.	Do you feel Illegal and undocumented migration to Assam affect Demographic patterns?		
Answer:	Yes	No	

2.	Is Illegal & undocumented migration to Assam affect Socio-economic status of indigenes?		
	Answer:	Yes	No
3.	Do you agree with “illegal migration contribute/influence increased crime rate of an area”		
	Answer:	Yes	No
4.	“Illegal settlement in forest/nearby forest area has increased human-wildlife conflict”		
	Do you believe it is true:	Yes	No
5.	“Illegal migration and settlement affects badly wildlife conservation in Protected areas”		
	Do you believe it is true:	Yes	No
6.	Do you think “Riverine areas near border are more prone for illegal migration to Assam”		
	Answer:	Yes	No
7.	While reading or watching media reports related to illegal influx in different media		
i)	Whether you feel the matter is of great concern as a citizen	Yes	No
ii)	Whether you want to know more about it	Yes	No
iii)	Whether you want to give some solution	Yes	No
iv)	Whether you want to forward any new idea to the policy maker	Yes	No
8.	Do you feel ‘Only Government with political will can solve this issue permanently’		
	Answer:	Yes	No
9.	Do you feel ‘Landmass of Assam will be within Bangladesh in near/distant future’		
	Answer:	Yes	No
10.	Former Governor of Assam, Lt. Gen. (Retd.) S. K. Sinha once reported in his report to Law Commission of India that one day Bangladeshi may become Kingmaker of Assam.		
	Do you feel, it will become true:	Yes	No
11.	Do you think or believe:		
i)	There is a direct relation between Increased crime rate and Illegal migration in an area where influx is more	Yes	No
ii)	If we can tackle issue of illegal migrants and further influx, we can lower crime rate in that area to some extent	Yes	No
iii)	If NRC will be correctly updated along with executable policy of deportation the problem of D-voters can be solved	Yes	No
iv)	If problem of D-voters solved, we are able to develop our political rights, socio-economic status as well as Human value.	Yes	No
12.	Give your Opinion, why Illegal migrants commit crime:		
i)	Due to economic problem	Yes	No
ii)	Due to discrimination in the host/new society	Yes	No
iii)	Due to ethnic conflict in the settlement area	Yes	No
13.	According to you, whether crime records are higher in:		
i)	Economic zones where market is large with competition:	Yes	No
ii)	Border districts where population is dense:	Yes	No
iii)	Independent areas where no such factors play any role:	Yes	No
14.	If you want to advise some remedy for the problem of Illegal migration you may put here:		

Date:  
Place:

Signature  
of the respondent

Signature  
of the Surveyor