

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3792

ANSWERED ON:04.09.2012

ILLEGAL BANGLADESHI MIGRANTS

Bhagora Shri Tarachand;Bwiswmuthiary Shri Sansuma Khunggur;Lal Shri Kirodi

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government has estimated the number of Bangladeshis illegally staying in the North Eastern States including Assam;
- (b) if so, the details thereof;
- (c) whether there are reports that due to illegal immigration and stay of Bangladeshis, the North Eastern States particular by Assam is facing many internal problems;
- (d) if so, the details thereof and the reaction of the Government thereto;
- (e) whether the Supreme Court has issued any directives regarding illegal migration problem in the North Eastern India;
- (f) if so, the details thereof and the status of implementation of the said directives; and
- (g) the status of Illegal Migrants (Detention by Tribunal) Act as on date?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a) to (d): There are reports of illegal infiltration/immigration of Bangladeshi nationals who manage to infiltrate into the country in spite of checks and control at the international border, particularly through few patches where fencing is not feasible due to difficult terrain and riverine areas. As this activity takes place clandestinely, no specific details are available about the magnitude of this illegal migrants staying in India including North Eastern States as well as in Assam. The people of the North Eastern States perceive their ethnic/cultural identity being threatened by illegal infiltrators.

The powers of identification and deportation of illegally staying foreign nationals including Bangladeshi nationals have been delegated to the State Governments and Union Territories Administrations under Section 3(2)(c) of the Foreigners Act, 1946. Thirty Six (36) Foreigners Tribunals including additional four (4) Foreigners Tribunals sanctioned in August, 2009 are set up for detection of foreigners/illegal migrants in the State of Assam.

Government has taken steps for strengthening of the Border Security Force and equipping them with modern equipments, reduction of gaps between the border posts and intensified patrolling along Indo-Bangladesh border. The border fence along the Bangladesh border is being strengthened and a scheme for flood lighting along the border is being implemented. The issue of illegal migrants from Bangladesh is regularly taken up at various fora and steps have been taken for coordinated patrolling, identification of vulnerable gaps, strengthening of riverine patrolling etc. Government of Bangladesh has also been urged to take effective steps to check the illegal movement of their nationals into India, especially through vulnerable and riverine areas. The strengthening of security and erection of fencing along Indo-Bangladesh border has helped in curbing illegal migration from Bangladesh to India effectively.

(e) to (g): The Supreme Court of India vide its judgment dated 12.7.2005 in Writ Petition No. 131/2000 in the matter of Sarbanand Sonowal Vs Union of India, held that the Illegal Migrants (Determination by Tribunals) Act 1983 and the Rules made thereunder, are ultra vires and struck it down. The Hon`ble Supreme Court, interalia, directed that all cases shall be decided in the manner provided in the Foreigners Act, the Rules made thereunder and the procedure prescribed under the Foreigners (Tribunals) Order, 1964. The Government was also directed to constitute sufficient number of Tribunals under the Foreigners (Tribunals) Order, 1964, to effectively deal with cases of foreigners, who have illegally come from Bangladesh or are illegally residing in Assam. Pursuant to the directions passed by the Supreme Court of India, 25 additional Foreigners Tribunals in addition to existing 11 Foreigners Tribunals are set up in Assam for detection of illegal migrants.