

## **Dealing with illegal immigrants in Assam Understanding the Jurisprudence in past, present and future**

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Illegal immigration has been a perennial socio-political issue in Assam resulting exceptional jurisprudence comprised of spectrum of legislations, executive policies, judicial orders for detection and deportation of 'irregular immigrants' since partition of subcontinent. Colonial legislations Foreigner's Act, 1946, Passport Act 1020 continues to define 'irregular immigrants' as 'foreigners' exclusively for the state of Assam. No uniformity of legal principles and norms of natural justice were maintained throughout the process. As a consequence state disproportionately discriminated, imprisoned and often deported people compromising fairness. Those who couldn't be deported due to essential mechanisms remained detained for years in inhumane living condition in transit detention camps. Detention camp has become a tale of horror and an instrument of enforcing collective trauma for the religious and linguistic minorities. Quasi-judicial institution like Foreigner's Tribunal was given the primary duty to deal with the irregular migrants. Role of judiciary is important in upholding the natural justice. Instead it became authoritarian as it diluted the constitutional principle of separation of powers and often assumed supervisory role leaving questions of its neutrality. The paper will discuss these aspects with a focus on functioning of the Foreigner's Tribunal, Judiciary and the administration along with field investigation by the researcher.