

**THE ROHINGYA CRISIS:
A STUDY OF THE SOCIAL AND POLITICAL STATUS OF
ROHINGYA REFUGEES IN INDIA**

**A Dissertation Submitted in Partial Fulfilment of the
Requirements for the Degree of Master of Philosophy**

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**THE ROHINGYA CRISIS:
A STUDY OF THE SOCIAL AND POLITICAL STATUS OF
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Submitted

**In partial fulfilment of the requirement of the degree of the
Master of Philosophy in Political Science of Mizoram University,
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CERTIFICATE

This is to certify that the thesis entitled “**The Rohingya Crisis: A Study of the Social and Political Status of Rohingya Refugees in India**” submitted by Lalrempuii Rokhum for the award of the Degree of Master of Philosophy in Political Science is carried out under my supervision and incorporates the students bona-fide research and this has not been submitted for award of any degree in this or any other university or institute of learning.

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DECLARATION

I, Lalrempuii Rokhum, hereby declare that the subject matter of this thesis is the record of work done by me, that the contents of this thesis did not form basis of the award of any previous degree to me or to do the best of my knowledge to anybody else, and that the thesis has not been submitted by me for any research degree in any other university/ Institute.

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LIST OF ABBREVIATIONS AND ACRONYMS

AAP	Aam Aadmi Party
ASEAN	Association of Southeast Asian Nations
BJP	Bharatiya Janata Party
COVA	Confederation of Voluntary Organisation
CRC	Citizens Scrutiny Cards
EXCOM	Executive Committee of the High Commissioner's Programme
GOI	Government of India
GOM	Government of Myanmar
ICCO	Interchurch Organisation for Development Cooperation
ICJ	International Court of Justice
IRL	International Law on Refugee
LTV	Long-Term Visas
MHA	Ministry of Home Affairs
NGO	Non-governmental Organisation
NLD	National League for Democracy
ROHRIngya	Rohingya Human Rights Initiative
RLP	Rohingya Liteacy Program
SOP	Standard of Procedure
TIKKA	Turkish Cooperation and Coordination Agency
TRC	Temporary Registration Card
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
US	United States
USDP	Union Solidarity and Development Party

Chapter 1

INTRODUCTION

1.1 Introduction

The Rohingya Crisis is a refugee and global humanitarian crisis and is one of the largest refugee crises in history. The Rohingya people have been suffering a long systematic persecutions and violence and this series of persecutions they have been facing in Myanmar is considered as a “genocide.”¹

The violent acts towards the Rohingyas in Myanmar are not only carry out by the locals but they are initiated by the Myanmar authorities and the Buddhist extremists. Several ethnic cleansing operations have been carried out by the Myanmar authorities towards the minority groups of Myanmar and mainly targeting at the Rohingya community in particular. The national identity of Myanmar was redefined under the rule of the military which serves as a main factor in striking off the Rohingya community from the indigenous people of Myanmar and made them a stateless community. With excluding the Rohingyas from the official ethnic groups of Myanmar, all rights and services are denied for the Rohingyas and that the authorities also started to initiate violent acts towards the Rohingya community and the spread of anti-Muslim sentiments, targeting at the Rohingyas, influenced and brainwashed the locals of Myanmar which resulted in seeing the Rohingyas as an ‘outsider’ which in turn fueled fear and insecurity among the Rohingya people in Myanmar.

Ever since the exclusion of Rohingyas from the official ethnic groups of Myanmar, the word ‘Rohingya’ became associated with hatred and illegal and that the Rohingyas feel scared and insecure of their own identity as they cannot escape the

1. Conor Finnegan. 3 Years later, US pressed to declare Rohingya crisis ‘genocide,’ hold Myanmar accountable. abcNEWS. Dated 25.8.2020.

violent discrimination and persecutions meted out towards the Rohingya community. The systematic and routine persecution forced the Rohingyas to flee Myanmar and seek for protection and safety in other countries, however, not all countries open their door to shelter the Rohingyas and failed to supply humanitarian assistance of this landless, stateless community.

The desperate cries of the Rohingyas echoed all over the world but failed to receive attention at the beginning and it was only recently that the Rohingya crisis has acquired prominence from the world, however tangible effective solution has not been adopted by the international community and international bodies. The Rohingyas crisis have lasted for more than 50 decades, but their sufferings continue till the present day and that their situation does not get better but rather becoming worse each year as discrimination and persecution towards them continues even in their host countries.

1.2 Who are the Rohingyas?

The Rohingyas are an ethnic minority community in Myanmar who trace their origin to Rakhine state (formerly known as Arakan) in Myanmar since the 8th Century. The Rohingya are a minority- Muslim (Sunni) community³ representing around 1 million people among Myanmar's total population of 52 million.⁴ According to the Equal Right Trust 2014, an estimated 1-1.5 million Rohingyas in Rakhine State are concentrated in the few townships of North Rakhine State such as Maungdaw, Buthudaung, Rathedaung, Akyab and Kyauktaw.⁵

2. Yousuf Storai. (2018). Systematic Ethnic Cleansing: The Case Study of Rohingya. *Arts and Social Sciences Journal*, Volume 9. Issue 4, p.2.

3. Rohingya Briefing Report. (2015). *Warzone Initiatives*. Retrieved from <https://www.warzone.cc/rohingya-briefing-report/> accessed on 17.7.2020.

4. Rohingya refugee crisis: Facts, FAQs and how to help. World Vision. Retrieved from <https://www.worldvision.org/refugees-news-stories/rohingya-refugees-bangladesh-facts> accessed on 17.7.2020.

5. Muslims and Rohingya. *Minority Rights org*. Retrieved from <https://minorityrights.org/minorities/muslims-and-rohingya/> accessed on 17.2.2020

Rakhine state is situated in the Western coast of Myanmar bordering Bangladesh and is one of the poorest states in Myanmar. The term “Rohingya” simply means “inhabitants of Rohang”⁶ which is a Muslim name for Arakan (present day Rakhine). The Rohingyas speak in “Rohingya” or “Ruaingga”⁷ which is similar to a Chittagonian language. The Rohingya and the Buddhist people of Rakhine have different language, culture and heritage.

Even though the Rohingya community have traced their root in Myanmar since the 8th Century, they are deprived of certain fundamental rights in Myanmar and they are subjected to systematic persecution in Myanmar. Their story of discrimination can be traced back even before the independence of Burma and they have been facing discrimination and persecution not only from the other ethnic group of Myanmar but also from the state authorities as well. Since the Rohingyas are prone to continuous discrimination, violence and persecution, they can be considered as the most vulnerable community and that the United Nations has also described them as the “most persecuted minorities in the world.”

1.3 The Humanitarian Crisis of the Rohingyas

The Rohingya crisis, at present, is the worst humanitarian crisis in the world which has often been ignored or forgotten by the international agencies and other countries. The United Nations describes the Rohingyas as the ‘most persecuted minorities in the world’ and probably among the most forgotten community.⁸ The Rohingyas have been a subject of systematic persecutions and discrimination for many

6. Dr. Sudershan Kumar. (2017). Rohingyas a ‘Threat’ to National Security. *Indian Defense Review*, Vol.1,p.1.

7. Victoria R.Williams. (2020). Indigenous Peoples: An Encyclopaedia of Culture, History and Threats to Survival. *California: ABC-CLIO*, Vol.2,p.902

8. Antonietta Pagano (2016). The Rohingyas Refugee Crisis: A Regional and International Issue? *Middle East Institute*. Retrieved from <https://www.mei.edu/publications/rohingyas-refugee-crisis-regional-and-international-issue> accessed on 12.8.2020

decades and persecutions are often carried out by the state. They are politically and socially excluded in their home country- Myanmar and the use of violence against them in the form of killing, massacre, rape and arson are now seen as an ethnic cleansing and as against humanity. Despite tracing their origin in Myanmar, the Rohingyas are not recognised by the Myanmar government. They are referred as an 'illegal-Bengali immigrants' by the Myanmar government and the local people of Myanmar also do not accept them as the sons of the soil of Myanmar.

During the British colonial rule in Burma, the Rohingyas were accepted as the indigenous people of Burma and were granted rights and security by the British. The Rohingyas never faced discrimination and persecution during the British colonial era and they showed their loyalty towards the British during the Second World War where the Rohingya community supported and sided with the British while the other communities of Arakan region (present day Rakhine) sided with the Japanese. The early years of Myanmar's Independence also marked its acceptance of the Rohingya as its people as the newly Independent Myanmar placed Rohingya in the same category with the other ethnic group of Myanmar and in 1950s the democratic government of Prime Minister U Nu accepted the Rohingyas as an indigenous ethnic group of Myanmar but they were still excluded from acquiring citizenship as per the 1947 Constitution.⁹ In addition to the 1947 Constitution, the Union Citizenship Act was passed in 1948 which listed certain ethnic groups of Myanmar who can acquire the citizenship of Myanmar and this act excluded the Rohingyas. However, the Rohingyas were able to improve their position as during 1948-1961, a small number of Rohingyas served as a member of the Parliament and a few numbers of Rohingyas were also found holding seats in high offices.¹⁰

9. Azeem Ibrahim (2017). New Delhi: Speaking Tiger Publishing Pvt.Ltd.,p.48

10. Ibid. p.49

Nonetheless, Myanmar's close affiliation with the Theravada Buddhism slowly sparked out intolerance towards the minority Muslim community which further got culminated into a full-fledged oppression and violence during the military junta. The rule of the military in 1962 Myanmar completely changed the situation of the Rohingyas as the military junta carry out extreme discrimination, violence and bloodshed in Rakhine state. The Rohingyas were subjected to all sorts of oppression and violence and their lives in the post-colonial Myanmar were miserable as they were treated inhumanly by the military. The military carried out several anti-Rohingya propaganda and campaigns, denied access to education, no access to basic rights and citizens, and curtailed their citizenship rights which eventually deemed them vulnerable in a country where they have been living for many generations. The violence carried out against the Rohingyas were routine wise, systematic and institutionalised and it was not only violence towards the life of the Rohingyas but also attacked their property and institutions as the violence also led to destruction of mosques and their houses, confiscation of their land and separation from their families. In addition, the extremist Buddhist and the Buddhist monks also played a prominent role in spreading hatred against the Rohingyas in a way that that the extremist Buddhist intensified Islamophobic rhetoric in Myanmar which plant the seeds of portraying the Rohingya Muslim as an internal threat.

The Rohingyas are subjected to dehumanization for many decades by the Myanmar's authorities and their situations and sufferings in Myanmar are horrific and traumatizing. The actions of the Government of Myanmar towards the Rohingya have been at a center of debate till the present day but their situation has not improved and rather keep getting worse each year. The several episodes of violence towards the Rohingyas forced them to flee to their neighbouring states, mostly to the countries with which they share a common religion, in search for safety and protection.

1.4 Responses of the International Community

The systematic oppression and persecution faced by the Rohingya community in Myanmar have forced them to flee to other countries with a hope that they would be free from oppression and violence. The maximum number of them fled to their neighbouring states but over the years, they have managed to set foot in far flung countries such as the United States where they seek asylum and protection. With the fleeing of millions of Rohingyas to the other countries, the need for their repatriation has been looming, however, the international communities have not taken much consideration on the sufferings of the Rohingyas. Though maximum of them have migrated to Myanmar's neighbouring countries in the Southeast Asia region, the Southeast Asian countries still lack legal framework for refuge management and Rohingya refugees continue to face certain social disputes.

Despite lacking a legal framework and policy to deal with the refugee issue, Myanmar's neighbouring countries such as Bangladesh, Thailand, India, Indonesia and Pakistan are highly aware of Myanmar's brutal treatment of the Rohingya community and these countries raise their voice condemning the violence and persecution of the Rohingyas in Myanmar and they have also organised campaign demanding Myanmar to stop their violent actions towards the Rohingya community.

ASEAN- Association for Southeast Asian Nations (ASEAN), a regional organisation, is capable of playing a leading role in handling the ongoing Rohingya crisis but ASEAN has mostly been silent on the Rohingya issue. ASEAN could put pressure on the Myanmar's government to reduce discrimination, oppression and violence towards the Rohingyas but ASEAN failed to address the Rohingya issue with the Myanmar's government. ASEAN founding principle of non-interference can be the reason why ASEAN is not interfering in the Myanmar's Rohingya issue. Under the non-interference policy, the member states of ASEAN have pledged to stay aloof and not interfere in the domestic affairs of its member states. However, with the increasing number of asylum seekers in Southeast Asia, the growing plight of the Rohingya and

ASEAN failing to recognise the Rohingya issue, ASEAN has been facing criticisms from the other international bodies like United Nations and from the other countries.

United Nations – The United Nations, a significant international body, also condemned Myanmar for its treatment of the Rohingya community who have been residing within the territory of Myanmar for many generations. The United Nations Refugee Agency (UNHCR) was established as a global organisation with a mission to protect refugees around the world. The UNCHR takes detail reports of refugees in the host countries and have taken steps to assure safety of the Rohingya refugees around the world and the UNHCR has been providing them relief assistance in their host countries. Under the UNHCR, repatriation of Rohingyas to Myanmar have been implemented but have not been of much success as the Rohingyas have considered it as a forced deportation back to a country where they would face violence and oppression. The International Court of Justice (ICJ), which is an organ of the United Nations, condemned Myanmar and ordered the Government of Myanmar (GOM) to prevent further oppression and violence. The ICJ also urged the GOM to take measures within its power to prevent any killing of the minority Muslim Rohingya by the locals or the military or any armed units.¹¹

The United States- The United States has also strongly condemned the atrocities against the Rohingyas by the Myanmar government and urged the Myanmar authorities to take measures in order to bring back the Rohingyas to their native country-Myanmar. The United States has been the leading and the single largest contributor of the humanitarian assistance to the Rohingya refugees and the host countries, particularly Bangladesh which host more than 900,000 Rohingya refugees. The United States also provides medical and of the violence in August 2017¹². The

11. Top UN court orders Myanmar to protect Rohingya from genocide.(2020). UN News org. Retrieved from <https://news.un.org/en/story/2020/01/1055841> accessed on 20.7.2020.

12. New USG Contribution to Rohingya Crisis. Ambassador Miller (2019).US Embassy in Bangladesh. Retrieved from <https://bd.usembassy.gov/remarks-by-ambassador-miller-new-usg-contribution-to-rohingya-crisis/> accessed on 18.7.2020.

United States also provides medical and humanitarian assistance to the Rohingya refugees such as emergency shelter, blankets, water, food and nutrition, health care aid, education, sanitation and psychological support.¹³

China and India- On the other hand, the two Asian Giants, China and India, adopted different stance towards Myanmar. While the international bodies and international communities condemned Myanmar on its aggressive and brutal treatment of the Rohingyas, China and India supported Myanmar by expressing understanding towards the Myanmar government. Geng Shuang, China's foreign ministry spokesperson, declared that China believes "the international community should support the efforts made by Myanmar to maintain national development and stability and create enabling external conditions for the proper settlement of the issue of Rakhine state."¹⁴ In the wake of 2017 incident of Myanmar, India's Prime Minister, Narendra Modi condemned the violence against the security forces by the Rohingya organisation in Myanmar and urged the international community to respect the unity and territorial integrity of Myanmar in order to instill justice, peace, and democratic values.¹⁵

The inhuman treatment of the Rohingyas and the growing number of Rohingyas fleeing Myanmar, countries such as the United States, Canada, Norway, Asian countries and the European countries have taken initiative to bring an end or lessen the sufferings of the Rohingyas. These countries condemned Myanmar for its treatment of the Rohingya and these countries urged the Myanmar government to end the violence in Rakhine and to provide humanitarian assistance to the Rohingyas. The European Union have had meeting with Aung San Suu Kyi regarding the issue of the

13. *ibid*

14. Charlotte Gao. *On Rohingya Issue. Both China and India back Myanmar government.* The Diplomat. Dated 13.9.2017.

15. Elizabeth Roche. *Narendra Modi says India shares Myanmar's concerns on 'extremist violence.'* Mint. Dated 7.9.2017

Rohingyas where they discuss measures to bring back the migrated Rohingyas back to their native country-Myanmar but in reality, Myanmar government never considered the Rohingyas as their own people and no such steps have been taken from the Myanmar's government. As the flow of Rohingya refugees has been increasing in Bangladesh, countries such as Canada, Norway, South Korea have increased their sanctions towards Bangladesh in order to provide a better humanitarian assistance towards the Rohingya refugees. The United Kingdom and the United Nations have also taken steps in contributing medical assistance and relief funds to the Rohingya refugees. In the ASEAN summit of 2018, US Vice President Mike Pence put a pressure on Suu Kyi by saying that Myanmar's "violence and persecution" towards the Rohingya were inexcusable.¹⁶

However, not much improvement has been made by the regional and international community on the issue of the Rohingyas. The international bodies have not taken unified measure to combat the ongoing crisis of the Rohingyas. Because of the several disputes faced by the Rohingya in Myanmar, millions of Rohingyas have been living in refugee camps in their neighbouring states such as Bangladesh, Thailand, India and Malaysia. But, with the growing number of Rohingyas seeking asylum, these countries have also faced many challenges in managing them and providing suitable humanitarian assistance.

1.5 REVIEW OF LITERATURE

1.5.1 Rohingya Identity

The ethnicity and the identity of the Rohingyas have always been a controversial issue as it questions the Rohingyas being the indigenous to the Rakhine state (formerly known as Arakan). Although the Rohingyas have claimed their origin in Rakhine state, the Myanmar government and the military do not accept this claim

16. John Geddie. *Pence issues sharp rebuke to Myanmar's Suu Kyi over 'persecution' of Rohingya*. Reuters. Dated 14.11.2018

and rather claimed them as the illegal Bengali immigrants. Many scholars have argued that it is the 1982 Citizenship Law which has excluded Rohingyas from their homeland Myanmar.

In an article titled, “A short Historical Background of Arakan” by Mohammad Ashraf Alam (1999) traces the historical background of the Arakan region where he highlights the origin of the Rohingya people in Arakan (present day Rakhine). The author traces the history of Rohingya through the arrival of Islam in Arakan (present day Rakhine) and states that the Rohingyas have been residing in the Arakan region since the 8th Century and that the Muslims have been settled in the coastal regions of Arakan as traders and navigators and he further states that the Rohingyas are the nationals as well as an indigenous ethnic group of Burma who are not new born racial group of Arakan but they are as old as indigenous race of Burma as any other.

In the article entitled, “A brief history of the word ‘*Rohingya*’ at a heart of a humanitarian crisis” by Aamna Mohdin (2017) states that the Rohingyas are a Muslim ethnic minority in Myanmar but the Myanmar government refuse to use the word “Rohingya” and instead call them Bengalis, foreigners or terrorists. The author traces the origin of the Rohingya and states that they have existed in Myanmar- a Buddhist majority country- for centuries even before the arrival of the British colonial rule in Burma. The author highlights the difference of the two terms- Rohingyas and Bengalis- which is very crucial to understand the crisis unfolding in Myanmar. The author proceeds on saying that words really matter as by referring to the Rohingya as “Bengalis,” the government is able to designate this persecuted minority as the “other” and the perception of Rohingya as outsiders and illegal immigrants provides a not-so-subtle justification and that the government’s efforts to root them out of their home. Even though the Myanmar government do not recognise the Rohingyas as their citizens, the authors believes that they are the original inhabitants of Myanmar.

In the paper entitled, “History of Rakhine State and the Origin of Rohingya Muslims” by Haradhan Mohajan (2018) traces the history of the Rohingya and their origin and states that there is a historical evidence that the Rohingyas have lived in the Arakan for several generations since the 8th century and claimed that they are the citizens of the Rakhine state of Myanmar. The author proceeds saying that the Rohingya speaks Indo-Aryan language which is similar with the Chittagonian language (dialect) of Bangladesh and that the Rohingyas have the same physical appearance with the Chittagonian which have made the Myanmar government refuse to accept the Rohingyas as their citizens.

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In the article titled “Systematic Ethnic Cleansing: The Case Study of Rohingya” by Yousuf Storai (2018) states that the origin of the Rohingyas in the Arakan region can be traced back to the 8th Century. The Rohingyas were protected during the British Colonial rule in Myanmar and they had a good connection with the British that the British even promised them to restore the independence status of Arakan state at the time of granting independence to Burma. Because of the persecution such as arson, mob killing, torture, rape of Rohingya, denied of citizenship and other basic needs of life, the Rohingyas are forced to flee from Myanmar and search for shelter in their neighbouring countries such as Bangladesh and India and they assumed the status of refugee. The author refers to this as an ethnic cleansing as denying of their rights are directly compelling them to flee from their own country.

1.5.2 Persecution of Rohingya

The status of a stateless person has come into existence with the concept of citizenship which on one hand indicates certain rights and on the other hand is the beginning of miseries for those who are deprived of citizenship. In the article titled “Rohingyas Languishing behind the bar” by Suchismita Majumder (2015) stated that Rohingyas have been subjected to repeated waves of persecutions and displacement in spite of their presence in the Arakan region since 10th Century and further stated that since 1936, mistrust grew between the Muslims and Buddhists in Burma which led to the slaughtering of around 5000 Rohingyas by the Rakhine nationalists. In 1989, colour-coded Citizens Scrutiny Cards (CRCs) were introduced- pink cards for full citizens, blue for associate citizens and green for naturalized citizens and the Rohingyas were not issued any cards, It was only in 1995 that the Burmese authorities started issuing them with a temporary registration card (TRC), which is a white coloured card, pursuant to the 1949 Residents of Burma Registration Act. However, the TRC does not mention the bearer’s place of birth and cannot be used to claim citizenship.

In the book titled “The Rohingya Crisis: A People Facing Extinction” by Muhammad Abdul Bari (2018) states that the post-independence Burma accommodated Rohingya reasonably well, but after the military takeover in 1962, the Burmese government started discrimination and violence against the Rohingyas. The Myanmar military banned all the socio-cultural organisations of the Rohingya, they sapped their financial backbone by taking over the private businesses of the Rohingya and even the Rohingya language broadcasts from Rangoon Radio station were ended. According to Bari, Myanmar has always tried to prove that all Rohingyas are Bengali immigrants which led to a phase of violence, arbitrary unrest and detention, extortion, restriction of movement, discrimination in education and employment, confiscation of property, forced labour, organised killing, burning of the people and torching of their houses drive the Rohingyas out of their homes. Bari further talked about the Rohingya women and children saying that women and children face horrific persecutions in Myanmar. Sexual assaults against Rohingya women are common where they are raped

and abducted and children are malnourished with weak immune systems. The Rohingyas are outcast and desperate and are in a squalid condition without proper access to food, water and healthcare. Because of the treatment of the children so cruelly and are exposed to extreme trauma, the Rohingya crisis has been labelled as a ‘children crisis.’

The article titled “How in Myanmar the national races came to surpass citizenship and exclude Rohingya” by Nick Chessman (2017) stated that in Myanmar the concept of *taingyintha*, which means the national races, has acquired a central position in granting citizenship rights to the people residing in Myanmar. *Taingyitha* is ahead of citizenship and it addresses the political community as national races and not as an aggregation of citizens and national races is irreducible to the citizens as it addresses its members as national races and not as its citizens. Chessman argued that the law does not have any reference to the enumerated 135 national race groups and does not have any specific sections to deny Rohingya citizenship. He further stated that membership in terms of national race is a gold standard for citizenship and the basis for determining the rights of an individual is to be a member of the political community that is Myanmar.

The book “First, They Erased Our Name: A Rohingya Speaks” by Habiburrahman with Sophie Ansel (2019) is the first book which is written by a Rohingya where the author mentions the discrimination and sufferings, he faced in Myanmar because of his Rohingya identity. In the book, the author mentions that they are called as ‘kalars’ because of their dark skin tone and they introduce themselves as Muslim and never used the term ‘Rohingya’ as it evokes danger and if they used it as their identity, it would mean that they are signing the family’s death warrant. The author also mentions that their house and shops are often raided by the authorities who seize their properties, foods and animals. The Rohingyas are treated more like an animal than human and the main aim of the authorities are to kill the Muslim kalars (who are the Rohingyas), they are trampled by the authorities, reduced to slavery,

humiliate them and spill their blood. He also talks about the role of the Buddhist extremist in humiliating the Rohingyas. Myanmar being a Buddhist state, the extremist Buddhist monks play an important role in discriminating the Rohingyas. The Buddhist extremist never considered the Rohingyas as people who originated from Myanmar and often treat them as objects. There are instances when a large number of Buddhist monks take to the streets in Myanmar to demonstrate against the Rohingyas right to exist and their freedom of speech. The NaSaKa force in Myanmar worsen the situation for the Rohingyas in Myanmar as they strike terror into the locals and they rape, kill, humiliate, beat, steal and loot the Rohingyas and their properties. He feels that their lives are confined to the soldiers and no doors are open for them since they are deprived of peace and tranquility.

Many Rohingyas in Myanmar have experienced forced labour where they have to work without wages for the military and they are virtually confined in their own village and they have to apply for permission to leave their village. They have also faced restrictions in performing their religious activities as burning of mosques are quite common in the Arakan region. They are often restricted to celebrate Eid as their mosques would be locked in the month of Ramzan.

1.5.3 Rohingyas in India

The continuous atrocities faced by the Rohingyas in Myanmar have made them flee to their neighbouring states such as Bangladesh, India, Thailand and Malaysia. The maximum number of Rohingyas found shelter in Bangladesh where they are living in refugee camps in Cox Bazaar. However, discrimination and persecution of the Rohingyas still exist in Bangladesh. Many Rohingyas have taken refuge in India where they are spread over different places such as Delhi, Hyderabad, Punjab, Jammu & Kashmir.

In the article titled “The Stateless People- Rohingyas in Hyderabad, India” by Priyanca Mathur Velath and Kriti Chopra (2015) traced history of the Rohingya and

how they have become a stateless community and the authors proceeded on stating that Rohingyas have come to Hyderabad when the fight broke out between Rohingya Muslims and the Buddhists in Myanmar in 2013. Not all the Rohingyas, who took shelter in India, landed in the government refugee camps and those who have landed on the refugee camps also still lack basic amenities such as food, clean water, medicine and clothes. They proceed on saying that the Rohingyas in Hyderabad still face persecutions from the police. According to the authors, Delhi- being the national capital of India and being the seat of UNHCR- has accommodated maximum number of Rohingya refugees as compared to the other states of India. The authors believe that criminalisation of the Rohingyas exist in India as they are often questioned and interrogated by the police and are frequently asked to produce their documents. They further say that besides the difference in food habits and culture, the existence of language barrier between the Rohingyas and the mainland people of India have produced a large communication gap. All these leads to problems of assimilation which have made the Rohingyas feel insecure and amounted discrimination towards them. The feeling of alienation continues within them as they do not feel a part of the larger community in India. The authors criticised the Indian government for not dealing with the refugee issues. The Indian government have been focusing only on improving its diplomatic relations with a particular country and have ignored the refugee and the stateless people seeking shelter in India.

In the article titled “Examining India’s Stance on the Rohingya Crisis” by K.Yhome (2018) talks about India’s response to the Rohingya crisis where he divides India’s approach towards the Rohingyas into two different schools of thought. According to the first school of thought, India has always welcomed the Rohingya refugee in India and never makes it an issue in its domestic politics or in its bilateral relations with Myanmar. The author states that India has always been a host country for the refugees. However, with the BJP in power in the central, India has started to look the other way and that in 2017 India announced its plan of deporting the Rohingyas who have settled in different parts of India. The second school of thought

states that the current approach by the BJP led government has undermined India's long traditional heritage as an open and democratic society that has always kept its doors open for refugees. This second school of thought argues that India has started framing the Rohingya crisis through the security lens and argues that this is short-sighted as it could create more security challenges for India. As the Rohingya crisis unfolds, the author believes that there is still a lot that India can do to find the long-term solutions to handle this crisis as it has been viewed as contradicting its traditional position on refugees.

In the article titled, "India's Rohingya Realpolitik" by Niranjan Sahoo (2017) talks about the India's regional reaction towards the Rohingyas in Delhi. Sahoo states that the BJP led government has viewed the Rohingyas as a national security threat and feels that India should play a more balanced role towards the Rohingyas in Delhi as its present stance on Rohingya refugees diminishes its democratic credentials and its proud humanitarian heritage and that India has an admirable record in accommodating refugees from Bangladesh, Sri Lanka, Tibet and even Afghanistan. Sahoo traces the treatment of the Rohingyas refugees in Delhi and states that in 2012 New Delhi sheltered several thousand of Rohingyas and raise a question why has there been such a sudden U-turn towards the Rohingyas refugees in India?

In the article titled, "Fleeing Persecution: The Situation of the Rohingyas in India" by Katiyani (n.d.) traces the situation of the Rohingya refugees in India from the Constitution of India. Article 14, Article 51(c) of the Indian Constitution provides equal rights and liberty to every person in India including the foreigners and refugees. The author states that the proposed deportation of the Rohingyas refugee by the Indian government is contrary to the Constitutional protections which are mentioned above. The author proceeds on saying that the proposed deportation is also in contradiction with the principle of 'Non-refoulement', which has been widely recognised as a principle of the Customary International Law. The principle of non-refoulement states

that refugees should not be returned to a country where they face serious threats to their life or freedom.

In the paper titled, “Nobody’s Children, owners of Nothing: Analysing the Indian State’s Policy Response to the Rohingya Refugee Crisis” by Mudasir Amin (2018) talks about the Rohingya refugee in India where the author states that the Rohingyas being a Muslim, their identity makes it easy to simply describe them as a terrorists as the Indian government can link them with the likes of ISIS. However, this is a part of ‘Islamophobic terrorist threat campaign’ that is gathering momentum in India under the current government.

Apporvanand (2018) states that the aggressive policy towards the Rohingyas comes at a time when Hindu nationalism is ‘smothering’ the minorities are particularly Muslims. Thus, suggesting that the Rohingya Muslims are possible terrorists, presenting them as a ‘threat to national security’, which helps to create public opinion on the need to urgently deport the Rohingyas.

1.6 RESEARCH GAP

The literatures mentioned have highlighted and studied the Rohingya identity, the persecutions they faced in Myanmar, their entry to India and India’s lack of refugee policy despite being a home for many refugees. However, no comprehensive research has been conducted on the condition and the status of these Rohingya refugees in India particularly in the capital of India i.e Delhi where the maximum number of Rohingya refugees settle. Therefore, this research focuses on the status of the Rohingya refugees in Delhi and the measures taken by the Indian government towards them.

1.7 STATEMENT OF THE PROBLEM

The Rohingyas are a Muslim ethnic minority in Myanmar which is at the centre of a humanitarian catastrophe. They trace their origin in Myanmar since 8th Century and they claimed that they have been living in the Rakhine state even before the arrival

of the British colonial rule in Myanmar. There have been controversies over the identity and the ethnicity of the Rohingyas for many decades. The Myanmar government do not claim them as its citizens and rather referred them as an 'illegal immigrants' from Bangladesh and the Myanmar government has refused to use the term 'Rohingya.' In 1982, Myanmar officially declared the 135 official ethnic groups of Myanmar in which the Rohingyas are completely excluded and have denied their citizenship which have effectively rendered them stateless. In June 2012, the first communal riots erupted between the Myanmar's Rohingya Muslim and Rakhine Buddhist and since then there have been continuous persecution of the Rohingyas in Myanmar. State sponsored violence and forced displacement of the Rohingya Muslims have also been launched frequently. The worst type of oppression and persecution of the Rohingya occur in the Rakhine province of Myanmar but nonetheless the Rohingyas who have fled to their neighbouring states are not free from certain kinds of discrimination and persecution. Hence, the Rohingyas are also known as "the world's most persecuted minority" in the world.

The existence of political crisis towards the Rohingyas in Myanmar have had forced them to fled their homeland and move to their neighbouring states. Many Rohingyas have come to India in search of shelter and protection and many have settled in India as a refugee. The International Refugee Law provides safeguard to all the refugees, the right to seek asylum and protects all the refugees from being forcibly returned to a country where one would face persecution (non-refoulement). India does not have a specific refugee law and is not a signatory of the 1951 UN Convention or the 1967 Protocol which are both relating to the status of refugees. However, India has been a host country to millions of refugees since its independence and India has always respected the non-refoulement policy of the International Refugee Law despite lacking its own refugee policy. It is therefore important to study the status of the Rohingyas refugee in India.

1.8 SIGNIFICANCE AND SCOPE OF STUDY

Today millions of people are forced to flee their homes because of conflict, systematic discrimination or many other forms of persecution. The Rohingyas have also faced such kind of persecution in their home country and have migrated to their neighbouring states in search of refuge. Some governments have a formal legal law on refugee while others lack such policies. Many Rohingyas have migrated to India to find shelter and protection and have spread themselves in different parts of India. Rohingyas being the most persecuted community in the world who have come to settle in India, therefore it is very significant to study their current status in India and the stance of the Indian government towards the Rohingyas in India.

The study explores the situation of the Rohingyas in India and the response of the Indian government towards the Rohingyas refugee in India. This research study the in-depth situation of the Rohingya crisis, their status in India and the stance of the Indian government towards the Rohingya refugees in India. The scope of the study is restricted to the Rohingya Refugees living in the refugee camp in Delhi.

1.9 OBJECTIVES OF STUDY

The study is confined to examine the status of Rohingya refugees in New Delhi with the following objectives:

- 1) To study the reason of Rohingyas entry and their settlement in India.
- 2) To explore the social and political status of Rohingya Refugees in India.
- 3) To examine the measures taken by the Indian government towards the Rohingya refugees in India.

1.10 RESEARCH QUESTIONS

Over and above the objectives of the study, the scholar framed the following three research questions:

- 1) What are the main drivers of the Rohingyas coming to India?

- 2) How do the Rohingyas living in the refugee camp in Delhi sustain themselves?
- 3) What are the measures taken by the Indian government towards the Rohingya refugees in India?

1.11 RESEARCH METHODOLOGY

The study is a descriptive study using qualitative research method. It uses facts and information which are already available in open source to draw the result of the study. The study utilised the available literatures on the Rohingya crisis and India's stance towards the Rohingyas in India.

To answer the research questions, research materials and data were collected from the primary and secondary sources. Primary source consists of the ground report of the Rohingya refugees in Delhi which was taken through the Rohingya Human Rights Initiative (also known as ROHRIngya) and a telephonic interview of 10 Rohingyas in Delhi was also conducted. Secondary sources consist of information through documentary and electronic sources, such as books, articles from journals, thesis and dissertations, conference papers, working papers, reports, newspaper clippings, etc. The collected materials were analysed and interpreted to draw result.

1.12 CHAPTERS

The study is elaborated in different approaches and is divided into five chapters with comprehensive study as follows:

Chapter 1- Introduction : The first chapter deals with an introduction of the Rohingyas and their humanitarian crisis in general. This chapter highlights the statement of the problem and international community responses to the Rohingya crisis in general. It also provides the review of literature, identified the research gaps, objectives of the study, research questions and methodology.

Chapter 2-The Rohingya Crisis: An overview: The second chapter deals with the major turmoil faced by the Rohingyas. This chapter focuses on the massacres of 2012, 2013, 2015, 2016-17 faced by the Rohingyas in Myanmar. It also highlights and analyses the conditions of the Rohingya in refugee camps in other countries particularly focusing on Bangladesh and India. In India, the Rohingyas have scattered themselves in different parts such as Punjab, Haryana, Telangana and Jammu & Kashmir.

Chapter 3- Rohingya Crisis: Government of India's response and measures: The third chapter deals with the International Refugee Law, rights of refugees in India and the response and measures taken by the Government of India towards the Rohingya refugees in India. It also highlights and analyses the stance of the Indian government towards the Rohingyas refugees in India.

Chapter 4- Rohingyas in Delhi: Social and Political account: The fourth chapter deals with the social and political status of the Rohingyas who are living in a refugee camp in Delhi. This chapter highlights their actual condition in the refugee camp and a ground report of these Rohingyas refugees was also taken

Chapter 5- Findings, Conclusion and Suggestions: The last chapter deals with the summary and findings of the study. It also gives some recommendations and suggestions to the issue of Rohingya refugees in India.

Chapter 2

THE ROHINGYA CRISIS: AN OVERVIEW

2.1 Introduction

The Rohingyas, a Muslim-minority community of Myanmar, have been exposed to institutionalised systematic discrimination and persecution for many decades now and that they have been forced to flee their native land i.e., Myanmar which left them with no other option rather than to seek asylum in other countries. The Rohingyas feel helpless and ignored as no effective measures have been taken to ease their despair and that they are largely forgotten by the world. In accordance to the tragedy, they have been facing, the United Nations have described them as ‘the most persecuted minorities in the world’.

Rohingyas in Myanmar faced certain kinds of oppression and violence and there are multiple anti-Rohingya acts and sentiments initiated and carried out by the Myanmar military in the name of the state. The Myanmar government institutionalised discrimination and persecution against the Rohingya community by imposing certain restrictions on their social well-being. Furthermore, the Myanmar government has never raised condemnations or disapproved violence taken towards the Rohingyas. Because of the discriminatory nature of the Myanmar government towards the Rohingya community, the Rohingyas never had an opportunity to raise their voice and concerns and all they did was suffer in silence and accept all kinds of humiliation and oppression from the state and the locals as well. Furthermore, Arakan, which is a town of the Rohingya community, was also under the control of the GOM and witnessed suppression and bloodshed violence.

Despite claiming their origin in Myanmar, the Rohingyas hardly experienced living in peace and harmony as they are constantly subjected to systematic persecution and violence. The situation of the Rohingyas got worse after the Independence of

Burma in 1948 but became unbearable when the military junta took over the control of the state in 1962. During the rule of the military junta, the Rohingyas faced certain persecutions such as restriction of movement, denied education, rape, forced labour, arbitrary arrest and detention, confiscation of property, killing and abduction and several other abuses. They were also regarded as aliens and described them as ‘illegal-Bengali immigrants’, the Rohingyas were banned from forming their own socio-cultural organisation and that Myanmar authorities and members of the Buddhist groups demanded the radio station to end the broadcasting of programme and information in Rohingya language¹⁷ as they felt that it was a way of favouring and recognising the Rohingya community.

Due to their desperate situation, the Rohingyas were left with no other choices than to flee their own native country i.e., Myanmar. The exodus of the Rohingyas began on 1978 when millions of them entered Bangladesh fleeing oppression and persecution in Myanmar. Ever since 1978, there has been continuous migration of Rohingyas into their neighbouring states, thus fleeing the offensive acts of the Myanmar authorities towards them. The mass migration of Rohingyas into the neighbouring states of Myanmar have created problems and posed several challenges to the refugee host countries. Therefore, we can say that the Rohingya crisis is not only a problem or issue of Myanmar as it has escalated into a larger refugee problem and need a solution. The international community and the global media had always turned a blind eye to the Rohingya crisis and it was only recently that the Rohingya crisis started to get attention and concern from the world. However, the international community still fails to adopt effective solution and measure to tackle the issue of the Rohingya community.

Although the origin of the Rohingyas is traced to the Arakan state (present day Rakhine) in Myanmar but they are voiceless and considered as illegal Bengali

17. John Zaw. *Hostile reception for Rohingya radio broadcast in Rakhine*. Union of catholic Asian News. John Zaw. Dated 16.2.2017

immigrants in their native land. The Constitution of the Republic of the Union Myanmar clearly states that the state must function on the principles of justice, liberty, equality and uphold racial equality but the Rohingyas have been denied from enjoying these principles since the independence of Myanmar. In fact, the Government of Myanmar (GOM) has always adopted discriminatory acts towards the Rohingyas which made them vulnerable and put them in a peril situation.

2.2 Rohingyas in Myanmar

As stated before, Rohingyas traced their origin to Arakan (present day Rakhine) in Myanmar but they have been facing a systematic discrimination and persecution in their native land and are described as ‘illegal-Bangladeshi immigrants’ in Myanmar and are often called “kalars”¹⁸ by the Myanmar authorities and the locals because of their dark skin tone. The Rohingyas have had an undesirable life in their own country as persecution remains intact with their identity in Myanmar as the state authorities restricted using of the word ‘Rohingya’ and is considered as a word which is associated with hate, violence and extreme danger. When reciting their life experienced as a Rohingya, they describe their inhuman situation in Myanmar as a “nightmarish saga”¹⁹ as their lives were trampled by the state authorities, reduced to slavery, humiliated them and spilled their blood on the land they call their own home.

2.2.1 Nature of Myanmar and Rohingya

The nature and the governmental form of Myanmar have undergone a change over the years and each government in power adopts a separate stance towards Rohingyas in Myanmar.

18. Habiburahman with Sophie Ansel. (2019). *First, They Erased Our Name*. Gurgaon: Penguin Random House India, p.44.

19. *ibid*, p.5.

But ever since 1962, the Rohingya community has been deprived of fundamental rights and remained a stateless community till the present day. During the British Colonial rule, the Rohingyas were in close connection with the British which in turn gave them a proper position in Burma. The British believed that the Rohingyas are the indigenous inhabitants of Burma and they treated the Rohingyas with dignity and respect their fundamental rights. In other words, during the British colonial rule in Burma, citizenship and other rights and freedoms were guaranteed to the Rohingyas.

The Republic of the Union of Myanmar is a country with diverse ethnicity and beliefs and when it gained its independence from the British in 1948, a democratic system of government was adopted. In 1950s, Prime Minister of the democratic government of Myanmar, U Nu accepted the Rohingyas as the indigenous ethnic groups of Myanmar²⁰ but the 1947 Constitution did not include the Rohingyas among the list of the legal ethnic groups of Myanmar. During the democratic period of 1948-62, a few numbers of Rohingyas are seen in a public sphere -holding offices and serve as members of parliament.

Although the Rohingyas were treated like the other ethnic groups in Myanmar, the rule of the military junta turned the tables for the Rohingya community as they started to carry out systematic persecutions and prejudice towards the Rohingyas. The situation started to become critical for the Rohingya as all their rights and citizenship status was removed and was only entitled to the status of ‘foreigners’ in their own land.

2.2.2 Role of Buddhism

Myanmar is a multi-religious country without an official state religion. However, the majority of the people of Myanmar follow the teachings of Buddhism and Buddhism is held in high-esteem by the population and the government of

20. Emanuel Stoakes. *Monks, Powerpoint Presentations, and ethnic cleansing*. Foreign Policy. Dated 26,10.2015.

Myanmar. Because of this, Buddhism has always played a complex role in Myanmar and also towards the Rohingyas who are the Muslim minority community in Myanmar. The National League of Democracy (NLD), which is a democratic political party of Myanmar, has a close connection with Buddhism as its principles are concentrated on upholding the teachings of Buddhism. Because of this, the NLD acquired tremendous support from the Buddhist monks which helped them in winning the elections. The close ties between NLD and Buddhist monks could hinder Myanmar's development²¹ in a way that their partnership could bring greater atrocities in their way of carrying out nationalism in Myanmar which could put the non-Buddhist community, particularly the Rohingyas, in a desperate situation.

The extremist Buddhist and the monks have a crucial role in spreading hatred towards the Rohingyas. They feared that, if not controlled, Islam would take over Buddhism as the dominant religion of Myanmar, and this resulted them in portraying Muslims as a threat to Buddhism and the state. The extremist Buddhist and the monks spread hatred towards the Rohingyas and influencing the locals by organising campaigns in the streets of Myanmar and raising anti-Muslim and anti-Rohingya slogans and sentiments. Although Rohingyas are of any harm to the state and the people, they are often viewed as a threat to the state or as a terrorist which further provide more reason for their oppression.

2.2.3 Military Junta Regime

The Military seized control of the state of Myanmar in 1962 and they played an enormous role contributing to Burma's Road to socialism and strongly resist multiple demands to turn over the power to a democratic government. The military of Myanmar

21. Azeem Ibrahim. (2017). *The Rohingyas: Inside Myanmar's Hidden Genocide*. New Delhi: Speaking Tiger Publishing Pvt Ltd, p.63.

are aggressive and brutal and they enjoyed ruling the state of Myanmar with ferocity as their actions were widely associated with violence towards the minorities of Myanmar especially the Rohingya community.

The rise of the military junta to power in 1962 was under the leadership of General Ne Win who was a member of socialist party and was an aggressive, repressive and a nationalist ruler. The military junta instituted the socialist policy as well as the policy of “Myanmarisation”²² in which its main focus was to uphold the religion and teachings of Buddhism and cast out all the other minority ethnic groups, mainly targeting the Rohingyas, from Myanmar. The Rohingyas are always an easy and foremost target in Myanmar because they are a Muslim community and the GOM do not accept them as the indigenous people of Myanmar.

During the rule of the military, an Emergency Immigration Act of 1974 was imposed in Myanmar. Under this Emergency Immigration Act, an ethnicity-based identity cards were introduced where the citizens of Myanmar were given identity cards which proves their citizenship in Myanmar. An Emergency Immigration Act required all the citizens of Myanmar to carry their identity card in order to enter the Union of Burma and no person without citizenship identity card were allowed inside 'Foreigner Registration Card' which gave limited rights to the foreigners in Burma. The Rohingyas were ineligible to acquire the citizenship identity cards and they could only secure a Foreigner Registration Card.

The military rule not only limited the rights of the Rohingyas in Burma but also made them the main target of violence and that the lives of the Rohingya got worse as they were merely treated as slaves by the military. The Rohingyas were subjected to violence, arrest and extortion as the military junta took over the small business of the

22. Akbar Ahmed. *The Rohingya: Myanmar's outcasts*. Al Jazeera. Dated 30.1.2012. Retrieved from <https://www.aljazeera.com/opinions/2012/1/30/the-rohingya-myanmars-outcasts/> accessed on 10.8.2020.

Rohingyas which directly means snapping of their financial source and dependence, leaving them without a source of income and dragged them into a state of poverty. The Rohingyas were forced into labour under desperate condition and many Rohingya women and girls were raped by the military. The military junta of Myanmar not only snatched the basic and fundamental rights of the Rohingyas but also put them in a situation of physical torture which put many of the Rohingyas in a traumatic condition.

2.2.4 Operation Dragon King

Operation Dragon King, also known as Nagamin Operation, was launched in 1978 by the military junta in Myanmar under the leadership of General Ne Win. This operation was basically an ethnic cleansing operation particularly aimed at the Rohingya community. The objective of this operation was to examine each and every individual of Myanmar and categorised them into two groups- citizen of Myanmar and foreigners. Under this operation, the Rohingyas are considered not only as ‘foreigners’ but also as an ‘illegal immigrants’ without any rights to stay within the territory of Myanmar. As being considered as illegal immigrants, the Myanmar military carried out rapes, arbitrary arrest, destruction of mosques and villages and confiscation of lands owned by the Rohingyas which resulted in the fleeing of more than 2,00,000 Rohingyas to Bangladesh.²³ The Operation Dragon King can be considered as the beginning of ethnic cleansing or forced displacement of the Rohingya community and ever since this operation was launched, the Rohingyas feel insecure and unsafe in their home country Myanmar.

2.2.5 Burma Citizenship Law of 1982

In 1982, Burma Citizenship Law was passed which was known as the Union Citizenship Law. This Union Citizenship Law is purely based on race and ethnicity in which the membership or citizenship of Burma is given only to those officially

23. Yousuf Storai. (2018). Systematic Ethnic Cleansing: The Case Study of Rohingya. *Arts and Social Sciences Journal*, Volume 9, Issue 4, p.4.

recognised race and ethnic groups of Burma. Under this law, the Government of Myanmar (GOM) recognised 135 ethnic groups of Myanmar as its official indigenous ethnic groups and these 135 official ethnic groups of Myanmar are given full citizenship by the state. This Union Citizenship Law of 1982 divided the citizens into four categories and each category of citizenship are coded with different colour such as:²⁴

- a) citizens – are those whose race or ethnic group is officially recognised by the state. Those individuals who are the descendants of the resident of Burma according to 1823 or those whose parents are a citizen of Burma at the time of their birth are considered as the citizens of Myanmar. The full citizens of Myanmar are coded with Pink colour by the state.
- b) associate citizens- can be applied by those individuals who are eligible to acquire citizenship through the 1948 Union Citizenship Law. Associate citizens are coded with Blue colour by the state.
- c) naturalised citizens- are those individuals who have entered and resided in the territory of the state before 4th January 1948 and applied for the certificate of citizenship after 1982. Naturalised citizens are coded with Green colour by the state.
- d) foreigners- are those individuals who are ineligible to apply for the above-mentioned citizenship in Myanmar. Foreigners are coded with White colour by the state and they do not enjoy the same rights as the other citizens of Myanmar.

The Burma Citizenship Law of 1982 completely rejected the Rohingyas from acquiring citizenship of Burma and directly made them a stateless community without any identity. The 135 ethnic groups of Myanmar excluded them for the official ethnic

24. Imtiaz Ahmed.(2010).The Rohingyas:From Stateless to Refugee. Network for International Protection of Refugees and Burma Action Group. Retrieve from http://www.netipr.org/policy/downloads/20100101_FromStatelessToRefugees_ImtiazAhmed.pdf accessed on 12.8.2020.

groups and continue to describe them as ‘illegal-Bengali immigrants’ till the present day. Although the Rohingyas traced their origin to Myanmar since the 8th Century and have lived in Myanmar for many generations, they are completely barred from applying for the certificates of full citizenship, associate citizenship and naturalised citizenship by the state. In addition, the military junta excluded the Rohingyas from acquiring a ‘foreigner citizenship’ which means that the Rohingyas are just a mere human being living in the state of Myanmar without any form of identity.

The 1982 Citizenship Law is discriminatory as it is solely based on race and ethnicity which excludes certain ethnic groups of Myanmar from attaining citizenship. Its discriminatory nature has resulted in millions of people without a nationality and made them automatically a stateless person, thus increasing the number of stateless people. The 1982 Citizenship Law made the Rohingyas a stateless community which automatically seized all their rights and reduce them to a state of vulnerability. The Rohingyas are restricted to move freely within the state, they are restricted from accessing education from educational institutions, limited their access to health care and that their marriage, birth control and livelihoods are also managed and controlled by the state.

2.2.6 Operation Clean and Beautiful Nation

In 1991, another operation was launched known as Operation Pyi Thaya or Operation Clean and Beautiful Nation. The purpose of this operation was same as the Operation Dragon King, an ethnic cleansing operation specifically aimed at pushing out the Rohingyas from Myanmar. This operation was enforced under the leadership of Than Shwe who was from the Burma Socialist Programme Party. Than Shwe referred the Rohingyas as unclean and polluted the nation and thus the nation of Myanmar needed to be cleanse from such pollutants.²⁵ In order to make Myanmar a ‘clean and a beautiful nation’ the major target was the Rohingya community. With

25. Haniburahman and Sophie Ansel. *Neither ‘Clean’ Nor ‘Beautiful’: A Rohingya in Myanmar Speaks*. The Wire. Dated 25.8.2019.

order of violence from the head of the Burma, Than Shwe, the soldiers of Burma conducted an unprecedented violence against the Rohingyas resulting in further massive flow of around 2,00,000 Rohingyas into Bangladesh.

2.2.7 969 Movement

The 969 Movement is a movement of the extremist Buddhist in Myanmar which is proclaimed as a movement to protect the Buddhist community of Myanmar, which indirectly means to carry out the anti-Muslims sentiments in Myanmar. The numbers 969 refer to the attributes of Lord Buddha, his teachings and the monkhood. Their prominent leader/chief is a monk named Ashin U Wirathu who is also known as ‘Buddhism’s Bin Laden.’²⁶ Since the people of Myanmar have deep rooted faith to the teachings of Buddhism, the monks are highly respected not only by the population but also by the government as well. As 969 Movement is merely organised by the Buddhist extremist, it received support from the senior government officials, Buddhist monks and some members of the NLD. The 969 Movement pressurised the GOM to adopt illiberal laws and repression of the non-Buddhist population and it tried to prevent the NLD or the USDP from adopting a human policy which will be beneficial for the minority groups of Myanmar. The 969 Movement spreads hatred and violence towards the non-Buddhist group of Myanmar by urging the Buddhist community to boycott Muslim shops and shun inter-faith marriages.

2.2.8 The MaBaTha

MaBaTha or the organisation for the Protection of Race and Religion was formed to protect Buddhism in Myanmar and this organisation focuses on discriminating the other religions in Myanmar. It can also say that MaBaTha is the

26. Alex Preston. *The Rohingya and Myanmar’s ‘Buddhist Bin Laden’*. GQ Magazine. Dated 12.2.2015. Retrieved from <https://www.gq-magazine.co.uk/article/myanmar-rohingya-muslim-burma> accessed on 12.8.2020.

conjunction of 969 Movement as both of them carried out discrimination in the name of religion particularly aiming at the non-Buddhist community in Myanmar. In order to protect Buddhism in Myanmar, the Buddhist extremists not only spread violence towards the other religious communities but extends their power in controlling the educational system of the state. The MaBaTha produced textbooks²⁷ which are used in educational institutions and these school textbooks contain the teachings of Buddhism along with anti-Islamic message which have a huge impact among the students. Just like the 969 Movement, the MaBaTha also takes up ‘buy Buddhist’ campaigns,²⁸ thus promoting the Buddhist owned shops and ensuring that the Muslim owned shops are boycotted by the Myanmar’s population.

2.3 Declaration of Human Rights and Myanmar

The Declaration of Human Rights was proclaimed on 1948 which articulated various rights and freedoms which are entitled to all the human beings in the world. The Human Rights are applicable to all the individuals in the universe and it strongly oppose any kind of discrimination towards any individual in matter of race, ethnicity, gender, sex, etc. The Human Rights recognises all the individuals in the universe as human beings with dignity and respect and also ensures protection to all the individuals and provides economic, political, social, cultural and civic rights. Article 2,5,6 and 13 of Human Rights Declaration stated that:

“Everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” (Article 2)

“No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment.” (Article 5)

27. Azeem Ibrahim. (2017). *The Rohingya: Inside Myanmar’s Hidden Genocide*. New Delhi: Speaking Tiger Publishing Pvt Ltd. p. 69

28. *ibid.*p.69

“Everyone has the right to recognition everywhere as a person before the law.”
(Article 6)

“Everyone has the right to freedom of movement and residence within the borders of each state” [Article 13(1)].

The above mentioned articles from the Universal Declaration of Human Rights clearly shows that all individuals irrespective of birth, gender, race, ethnicity, religion are entitled to certain basic fundamental rights and freedom of movement and also shows that no individual is subjected to any kinds of inhuman torture. However, all these human rights are violated by the Myanmar government in its treatment towards the Rohingyas who are a Muslim minority of Myanmar. The Rohingyas are downgraded to a stateless community by the Myanmar government leaving them in a situation where they are not eligible to access any rights and freedoms and are also not eligible to acquire any legal documents from their native state-Myanmar. In terms of freedom, the Rohingyas are captivated as they do not have any liberty in the state. They are barred from moving across the state as well as to the other countries because of the imposition of travel restrictions towards the Rohingyas in 2001 by the state.²⁹ In order to travel, they need a pass from the state authorities which was extremely difficult to obtain.

Because of the consideration of the Rohingyas as a non-citizen of Myanmar and describing them as a ‘migrant’, the GOM not only denied those basic fundamental rights and freedoms to Rohingyas but also rejected them from accessing education, health care and medicines, and employment in any work place or social services. This discriminatory nature of the state and its violation of Human Rights have resulted in condemning the inhuman actions of Myanmar towards the Rohingya by the International Community.

29. Muslims and Rohingya. (2019) Minority Rights Group International. Retrieved from <https://minorityrights.org/minorities/muslims-and-rohingya/> accessed on 12.8.2020.

2.4. The Exodus of Rohingyas from Myanmar

The Rohingyas have suffered the most among any other ethnic groups of Myanmar. The systematic persecutions such as the derecognition and delisting of Rohingyas from the citizenship list of Myanmar, carrying out various ethnic cleansing operations particularly aiming at the Rohingyas, discrimination on the basis of religion and the inhuman treatment of the Rohingyas by the state have made life difficult for the Rohingyas in Myanmar. The military rule of 1962 made the Rohingyas a stateless community without any rights and legal documents and changed the overall scenario of the status of the Rohingyas in Myanmar. Although Myanmar received condemnation from the International Community and the International Organisations on its inhuman treatment of the Muslim minority Rohingya, Myanmar still turns a blind eye to the Rohingya and still refuses to adopt measure and solution to ease the ongoing Rohingya issue but rather continues to launch more attack towards the Rohingyas.

2.4.1. Massacres of 2012

Over the years, several ethnic tensions occurred in Myanmar particularly on Rakhine state. In 2012, the first ever communal violence broke out in the western Rakhine state, where the majority of the Rohingya population reside, and this violence was seen as an ethnic cleansing operation. The 2012 massacres could be stated as the actual displacement of the Rohingyas as it aimed at driving out the Rohingyas from their homes as well as from the country. Since the rule of the military in 1962, there have been widespread persecution of the Rohingyas and were described as Bengali foreigners by the state. There are also several discriminatory events against the Rohingyas which resulted in the complete exclusion of the Rohingyas from various spheres of life and eventually the social and the political discourse of Rohingyas have escalated into a full-fledged violence and deadly communal clashes in 2012.

In May 2012, there was a report of rape and murder of a Rakhine woman by three Muslims which ignited tension and violence against the Muslim by the Buddhist. In the wake of this incident on June 2102, a group of Rakhine Buddhist attacked a bus

and killed ten Muslim men who were travelling on the bus. The violence escalated into a widespread attack on the Muslim community who were residing in the Rakhine state of Myanmar. There were killings and mob lynching in the name of religion in which the Buddhists were armed with weapons and Muslims played the victim role.

In the 2012 clashes, Rakhine Buddhists, local security forces, the military and even the government officials were involved in attacking the Muslims of the state. There was a widespread attack on the Muslims in which Buddhists and other state officials joined hands in conducting arson, mass killing of Muslims and burning down their houses and their village. The police or the military forces of Myanmar did nothing to protect the violent attack on the Muslims; instead, they sided with the Buddhists in attacking the Muslims. Many Muslims lost their lives, home, property and land in this attack and the dead bodies of Muslims were left unattended in the streets for several days and it was only in the end of June 2012 that the military dumped the corpse of the Muslims near their refugee camps.

Even after this June communal clashes, neither the injured Rohingyas were given medical assistance and the state refused to take actions or investigation on the involvement of the security forces in attacking the Muslim Rohingyas. Instead, the President of Myanmar, Thein Sein, referred them as the 'Bengali foreigners' right after incident took place and the state authorities demanded that they should be deported to the other countries.

The June clash was followed by another wave of attack on the Rohingya Muslims in October 2012 where the Buddhist monks carried out widespread campaign against the Rohingya. The Buddhist monks distributed anti- Muslim and anti-Rohingya pamphlets to the locals where they demanded that Rohingya Muslim should be entirely separated from the Buddhist. In order to isolate the Rohingya from the other ethnic groups, the Buddhist monks planned to cut the social, political and economic ties with Rohingyas and demanded that the other ethnic groups of Myanmar should not sell or

buy products manufactured by the Rohingya and to cut all connections with them. In the pamphlets, the Buddhist monks claimed that the Rohingyas living in Arakan (present day Rakhine) are exploiting and stealing their land, property, water, food and other basic resources and the Buddhist monks demanded that they should be transferred to the other countries of their own religion.³⁰

In the October clashes, the Rohingyas were again the major target of attack in which their houses and mosques were burned down by the Buddhists which forced the Rohingyas to flee the country. For many decades, the army urged to drive out the Rohingya Muslim from the state and organised several violent attacks towards them. Although Rohingyas already lost their identity in Myanmar, the violent attack of 2012 has put them in a feeble situation as thousands of them lost their lives, houses, land and property which further resulted in the major displacement of thousands of Rohingyas fleeing violence and persecution.

2.4.2 Massacres in 2013-2014

Violence towards Rohingyas did not stop or lessen but the underlying tension between the Buddhist and the Muslims sparked another violent outburst in Myanmar. In 2013, another anti-Muslim riot broke out in a Muslim-owned gold shop in Myanmar in which the shop owner assaulted the Buddhist customer. The argument between the Muslim and the Buddhist instilled anger to the people which further led to a destruction of the gold shop by a large mob. Following this, another incident occurred on the same day when Muslim's youth burnt a Buddhist monk alive who was not involved in the gold shop incident. The killing of the monk increased intensity and violence among the two religious groups. There are multiple other incidents following the gold shop incident such as attacking an Islamic Boarding school by a Buddhist where students and teachers were killed, burning of the Muslim houses and mosques by the Buddhist locals and the security force which led to the displacement of many Muslims.

30. Azeem Ibrahim.(2017). The Rohingyas: Inside Myanmar's Hidden Genocide. New Delhi: Speaking Tiger Publishing Pvt.Ltd.,p.82

In April 2013, another riot occurred in an Okkan townships of Myanmar where a large number of armed Buddhists attacked the Muslims of Okkan which resulted in injuring and killing of the Muslims, Muslim homes were severely destroyed. In May 2013, violence broke out in Lashio township of Myanmar in which a Muslim man poured fuel and set fire on a young Buddhist man. This triggered anger among the Buddhist and responded it with torching the mosque, shops and a Muslim orphanage. In August and October 2013, other riot broke out in the townships of Kantbalu and Thandwe which led to burning of houses and deaths of Muslims and Buddhists on both sides.³¹

The riots of 2013 were severe and the tension between the Muslims and the Buddhist was difficult to control. The 2013 violence in Myanmar was recorded and was all over social networking platform which resulted in the declaration of Emergency in Myanmar in March 2013. However, the communal violence between the Muslims and the Buddhist continued to flare up into a widespread unrest in the state. The massacre of 2013 left the Rohingya Muslims without houses to live in and out them in a chaotic condition which forced them to flee to the other countries in search for refuge and shelter.

2.4.3 The refugee crisis of 2015

A communal tension and violence between the Muslims and the Buddhist did not easily drop but continued in the following year. Myanmar built refugee camps within its territory for the Rohingyas and after burning their houses, the Rohingyas either flee the country or shifted to the refugee camps in Myanmar. Being the main target of violence and persecution, described as a 'foreigner' by the state, losing their family, houses and business and their names excluded from the 2014 census of

31. Why is there communal violence in Myanmar? BBC. Dated 3.7.2014.

Myanmar put the Rohingyas in a state of nightmare in their native land. For the first time after the rule of the military junta, a democratic election was held in Myanmar in 2015 and the Rohingyas were again excluded from participating in the election- they were not allowed to stand as a candidate and were not allowed to vote. Thus, all their rights and freedoms were taken away by the state and they became alien in their own native land.

Being isolated and alienated from all spheres of life and being subjected to continuous persecution, the Rohingyas were left with no other choice but to flee to their neighbouring countries in search for peace and a better livelihood. In 2015, a large number of Rohingyas fled Myanmar by means of boat through the Andaman Sea. The UNHCR report estimated that around 112,500 Rohingyas fled to their neighbouring states between 2012-2015 and these Rohingya asylum seekers risk their lives and travelled by smuggler's boats in the Andaman Sea and the Bay of Bengal to reach their destination.³² However, fleeing Myanmar does not guarantee them a better future without any discrimination and violence and that many Rohingyas committed suicide in their journey by jumping off the boat and that many Rohingya women and girls got raped in the journey.

2.4.4 The aftermath of the massacre

The Rohingyas have been living in nightmare in Myanmar as their social and political condition in Myanmar is awful and dreadful. The systematic misery they face in Myanmar could not get better but rather it gets worse and horrible every year. The army of Myanmar failed to protect the Rohingyas whenever an attack or violence broke out and in fact the authorities and the security forces are often seen joining or carrying out such violent acts towards the Rohingya. Apart from the shameful actions of the

32. Vivian Tan. Over 168,000 Rohingya likely fled Myanmar since 2012. UNCHR India. Dated 3.5.2017. Retrieved from <https://www.unhcr.org/news/latest/2017/5/590990ff4/168000-rohingya-likely-fled-myanmar-since-2012-unhcr-report.html> accessed%20on%2015.9.2020 accessed on 15.9.2020.

military and the local security forces, the main problem lies in the fact that alienation and the persecution of the Rohingyas has been normalised in Myanmar and this normalisation of violence towards the Rohingyas has made them vulnerable and put them in an intolerable situation.

With several human rights violations, the GOM have been continuously driving out the Rohingyas from their homes, since the military seized power in 1962, by carrying out multiple discriminatory operations. Being the main target and victim of violence, and in order to flee the state-sponsored violence and persecutions, the Rohingyas fled to the neighbouring countries of Myanmar. Since the massacre of 2012, the mass migration of the Rohingyas has been occurring annually with the number of refugees increasing every year. The Human Rights Watch reported that more than 730,000 Rohingyas have fled Myanmar since 2017 and estimated 500,000-600,000 still remain in a dire condition in Rakhine state in Myanmar. The GOM still continues to spread abuse and violence against the remaining Rohingya population till the present day. They are still excluded from the recognised indigenous people of Myanmar, denied fundamental rights and freedom and excluded from accessing education and medical health. They still continue to remain a subject to violence, a Bengali foreigner and are still forced to labour by the state.

In 2016, the UNHCR stated that the abuse of the human rights of the Rohingyas may suggest “the possible commission of crimes against humanity, if established by a court of law”³³ and the International State Crime Initiative also stated that “the Rohingyas face the final stages of genocide.”³⁴ The Rohingya crisis have escalated into

33 *Situation of human rights of Rohingya Muslims and other minorities in Myanmar*. Report of the United Nations High Commissioner for Human Rights, 29 June 2016. Retrieved from http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/32/18 accessed on 15.9.2020.

34. Green P, Macmanus T and de la Cour Venning A (2015) *Countdown to Annihilation: Genocide in Myanmar*, International State Crime Initiative. Retrieved from <http://statecrime.org/data/2015/10/ISCI-Rohingya-Report-PUBLISHED-VERSION.pdf> accessed on 15.9.2020.

a full-fledged humanitarian catastrophe and a refugee crisis which is in dire need of effective measures and solutions. The international community have taken contradictory and mixed stand towards the Rohingya Crisis and although several meetings have been held by the ASEAN member states, no effective and constructive solutions have been adopted to solve this issue. In addition, the ‘non-interference policy’ of the ASEAN has made it difficult for the ASEAN member states to handle the issue.

2.5 Status of the Rohingyas in the neighbouring states of Myanmar

Despite tracing their origin in Myanmar and living in Myanmar for many generations, the desperate conditions of the Rohingyas in Myanmar made them flee their native country and search shelter and refuge in the other countries. Fleeing the persecutions of Myanmar, the Rohingyas entered their neighbouring states such as Bangladesh, India, Malaysia, Thailand and Indonesia in which they seek asylum and are identified as a ‘refugee.’ (Appendix-1). The status of refugee gives them some rights, freedom and security and also guarantees them some kind of recognition or identity and a place to reside. In addition, with the establishment and the functioning of the UNHCR who works for the protection of refugees across the world, all the refugees including the stateless Rohingyas get an opportunity to be registered as a ‘refugee’ and provides them identity card which further enables them for employment in an informal or unorganised sector.

2.5.1 Bangladesh

Bangladesh and Myanmar are immediate neighbours with Bangladesh sharing 168 km of land border with Myanmar. Rakhine state, where the Rohingyas reside, in Myanmar is situated in the borderline which makes it a desirable destination for the Rohingyas. The Rohingyas flee to their neighbouring Southeast Asian countries in which maximum of them seek asylum and settled in Bangladesh. Bangladesh is the first destination of the Rohingyas who are fleeing the persecution of Myanmar considering its territorial geography and their share of the same religion. Since 1978 it

is estimated that around 200,000 Rohingyas fled to Bangladesh including more than 400,000 children, have entered Bangladesh seeking asylum.³⁵ Today, it is estimated that more than 860,000 Rohingya are living in refugee camps in Bangladesh.³⁶

The vast majority of Rohingyas entering Bangladesh are woman and children who were raped in their journey to Bangladesh. When reaching Bangladesh, many of them especially the elderly people are in need of protection and medical assistance as they were in a pathetic condition which also affected them mentally. A large number of these Rohingya refugees seek asylum and shelter in and around the refugee settlement camps in Bangladesh, particularly in the area of Kutupalong and Nayapara in Bangladesh's Cox Bazar district.³⁷ With a large number of Rohingyas seeking asylum in Bangladesh, the refugees in Cox Bazar increased overnight which raised concerns over the inadequate shelter, sanitation and access to basic daily needs. The influx of refugee camps overnight posed a need for better protection and security of women and young girls who are staying in a refugee camps in Cox Bazar.

The Government of Bangladesh provides a place of settlement to the Rohingya refugees and with their registration as a refugee under the UNHCR, they were able to seek for protection and security. The Bangladeshi authorities described the Rohingyas as a “forcibly displaced Myanmar nationals”³⁸ and the Bangladesh Government never chased them out from their country but in fact Bangladesh is still accommodating millions of Rohingya refugees and continues to seek measures for the safety of these refugees who have no place to go.

35. *Rohingya Refugee Crisis*. United Nations Office for the Coordination of Humanitarian Affairs. <https://www.unocha.org/rohingya-refugee-crisis>

36. *Life for the Rohingya in the world's largest refugee camp*. News Trust org. Retrieved from <https://news.trust.org/packages/life-for-the-rohingya-in-the-worlds-largest-refugee-camp/#:~:text=More%20than%20900%2C000%20Rohingya%20are,access%20to%20education%20and%20healthcare> accessed on 15.9.2020.

37. *Rohingya emergency*. UNHCR. Retrieved from <https://www.unhcr.org/rohingya-emergency.html> accessed on 15.9.2020.

38. Sreeparna Banerjee. “ The Rohingya Crisis and its Impact on Bangladesh-Myanmar Relations,” *ORF Issue Brief No. 396*, August 2020, Observer Research Foundation.

Many Rohingyas continue to live in refugee camps in Cox Bazaar and some live in an unregistered refugee camps in Bangladesh. These refugee camps are dense and congested and it host millions of refugees and despite the refusal of Bangladesh to legally recognised them as a refugee, the Rohingyas in Bangladesh are still in a better condition as that of their conditions in Myanmar. The Rohingyas in Bangladesh still do not have an access to education, law and are allowed to work only in the informal service sector, and they often receive aid and other basic needs from certain organisations such as the Turkish Cooperation and Coordination Agency (TIKA), ICCO, etc. However, it does not grant them protection and security in Bangladesh and are still vulnerable group as they merely dependent on aid for their livelihood and survival and their condition gets worse during the monsoon season because of the dense and congested refugee camps.

The enormous number of refugee influx has posed various problem and challenge to the Government of Bangladesh as it has created pressure on the government to provide humanitarian and medical assistance as well as an ample supply of basic resources to the Rohingya refugees. Bangladesh often finds itself in the middle of a refugee crisis which is also straining its financial resources and urgently needs a quick response and help from the international community and agencies. The UNHCR have taken massive measures to meet the needs of the refugees and to ease the problems of Bangladesh regarding the issues of the refugees. The UNHCR and its partners have provided tons of sleeping mats, blankets, plastic sheets, plastic rolls, family tents, kitchen sets, cans and buckets to the refugee camps and also put efforts in building water points, latrines and sanitation facilities in order to mitigate and ensure better health conditions and surroundings for the refugees.



Source: <http://www.indiandefencereview.com/spotlights/rohingyas-a-threat-to-national-security/>

Map 1: Rohingya Migration Route to the neighbouring states of Myanmar

2.5.2 Thailand

Thailand has been a destination for many Rohingyas who fled Myanmar and is also used as a transit point to travel to the third world countries. A hundred of Rohingyas are living in the Kingdom of Thailand but they are not welcomed by the authorities. They are not recognised as 'refugee' by the authorities and are not eligible to seek shelter in the refugee camps, thus they ended up living as an unrecognized urban refugee in Thailand.

Although Thailand has been providing asylum to many refugees for many decades, it has its own policy towards the treatment and accommodation of asylum seekers in Thailand and also granted protection and security to all its refugees. The asylum seekers in Thailand need to provide a proof of their identity in order to have

access on refugee rights, protection and employment opportunities, but the fact that the Rohingyas are not recognised as nationals by any government or country have barred them to access all rights and protection and they continue to remain a vulnerable stateless community. Also, the Thai Provincial Admissions Board, the agency which is responsible for refugee status to all asylum seekers from Myanmar- does not recognise Rohingyas as refugee who needs protection in the camps³⁹ and barred the Rohingyas from receiving protection which are given to all the other refugees by the UNHCR. It also denied them from seeking a lawful employment and they have to work in the informal labour sector where they are prone to abuses and harassment.

Most of the Rohingya travelled by boats to reach Thailand but the Thai navy obstruct their boats near the coast, provide them some fuel and foods and other supplies if the Rohingyas agree to travel to another destination, and any boat that lands on the shores of Thailand are seized by the Thai navy.⁴⁰ There are also instances where the authorities of Thailand arrested the Rohingyas and sent them to a cramped and unhygienic immigration detention centers across Thailand and the Government of Thailand does not permit the UNHCR to conduct determination of refugee status of the Rohingyas which automatically denied refugee status to all the asylum-seeking Rohingya community. Thailand's 'push-back' policy of Rohingyas has been condemned by the Human Rights Watch and demanded the Government of Thailand to grant the UNHCR to conduct refugee status determination to all the Rohingyas who arrived in Thailand.⁴¹

39. The Stateless Rohingya in Thailand. *Centre for Migration Studies*. Retrieved from <https://cmsny.org/the-stateless-rohingya-in-thailand/> accessed on 23.9.2020.

40. Sunai Phasuk. *Thailand Needs to Stop Inhuman Navy 'Push-backs.'* Bangkok Post.. Dated 22.9.2017. Retrieved from <https://www.hrw.org/news/2017/09/22/thailand-needs-stop-inhumane-navy-push-backs> accessed on 23.9.2020.

41. *ibid*

2.5.3 Malaysia

Malaysia has also been a favoured destination for many Rohingya migrants and with Islam as its official state religion, the Government of Malaysia showed acceptance of the Rohingya asylum seekers. Malaysia hosted many Rohingya refugees and presently it is estimated that around 101,000 Rohingyas are registered as a refugee under the UNCHR.⁴² Malaysia has always shown warm feelings to the stateless Rohingyas, as the former Prime Minister of Malaysia, Najib Razak, also stated the need to defend and protect the Rohingyas not just because of their same faith but the fact that they too are humans and their lives matter.⁴³ As the Malaysia PM, Najib Razak, was always condemning the acts to Myanmar, the population of Rohingyas started to increase in Malaysia which resulted in the adoption of a ‘push-back’ policy of the Rohingya migrants by the Malaysian authorities. The government stated that the growing factor of the Rohingya migrants have affected their country’s social, economic and security and proclaimed that they are a threat to their country as they posed a financial burden to the government.⁴⁴ With the ‘push-back’ policy adopted by the Malaysian government, many Rohingya boats have been barred from landing on their shore and are often sent back to the ocean.

Despite showing a hearty support and defence of the Rohingyas in the beginning, the Government of Malaysia never recognised them as ‘refugees’ and rather calls them the ‘immigrants’ from Myanmar. In Malaysia, the Rohingyas are employed in the informal sector where wages are low and exploitation is common. The local

42. *Figures at a glance in Malaysia*. UNHCR. Retrieved from <https://www.unhcr.org/figures-at-a-glance-in-malaysia.html> accessed on 24.9.2020.

43. *Malaysia PM urges world to act against ‘genocide’ of Myanmar’s Rohingya*. The Guardian. Dated 4.12.2016. Retrieved from <https://www.theguardian.com/world/2016/dec/04/malaysia-pm-urges-world-to-act-against-genocide-of-myanmars-rohingya> accessed on 24.9.2020.

44. Piya Sukhani. *The Shifting politics of Rohingya Refugees in Malaysia*. The Diplomat. Dated 10.7.2020.

community of Myanmar are skeptical with the existence of the Rohingyas in their country and the Rohingya taking up jobs in the informal sector resulted in filing a complaint to the authorities stating that the Rohingya migrants are taking up business without securing any form of recognition and licenses.⁴⁵ The government's policy towards the Rohingyas along with the precedence of the locals, hatred towards the Rohingya continues to grow in Malaysia and in 2020, an anti-Rohingya banner was found outside a mosque in Malaysia⁴⁶ which allows only the Malaysian nationals to attend prayer service at mosques. The UNHCR requested the government of Malaysia to permit them an access to the Rohingya migrants in order to provide humanitarian assistance and assess whether they qualify for the refugee status, however the Malaysian authorities have not responded to this request.

2.5.4 India

5.4.1 Punjab

There is a presence of a few numbers of Rohingya refugees in Punjab who reside around the area of Dera Bassi and Lalru in Mohali District of Punjab. It is estimated that there are around 60-70 Rohingya families and their total number of these individuals is estimated to be around 200-250 in the area of Dera Bassi and Lalru districts.⁴⁷ The majority of the Rohingya refugees in Punjab are daily wage labourers with low income. The Rohingyas refugees are able to get identification documents from the UNHCR. However, these Rohingya refugees are still described as 'illegal immigrants' in Punjab and though they are residing in the outskirts of Punjab, all their activities are under scrutiny by the security agencies. This is done so because they are portrayed as a security threat by the Ministry of Home Affairs (MHA) and the Punjab Police Intelligence Wing.

45. Ibid. *The Shifting politics of Rohingya Refugees in Malaysia*.p1

5.4.2 Telangana

The Rohingyas fleeing persecutions in Myanmar also set foot into the Muslim friendly state of Telangana where they are taken care of by the Confederation of Voluntary Organisations (COVA), an NGO which is in partnership with the UNHCR. All the Rohingyas who have fled do not have a refugee identification card registered from the UNHCR or the COVA. In Hyderabad, Rohingyas reside in Hafizbabanagar, Balapur, Babanagar, Sainagar, Chandryaangutta and kishanbagh areas of the Old City. In 2019, around 4000 Rohingyas reside in their refugee camps in Hyderabad.⁴⁸ These Rohingya refugees who are living in refugee camps in Hyderabad are not engaged in any fixed jobs and they struggled to earn their livelihood and they mostly take up domestic and odd jobs like labourers, security guards and petty jobs in small local shops.⁴⁹

Most of the time, these Rohingya refugees in Hyderabad lack basic amenities such as clean drinking water, food, proper clothing, and healthcare facilities. However, Rohingya women who are living in refugee camps in Hyderabad have a free access of C-section in Hyderabad government hospitals but they still lack nutritious food and other health care facilities which often results in physical and mental health related issues to the new born babies and children.⁵⁰ Despite facing serious challenges, they feel much safer in Hyderabad than in their homeland-Myanmar as they are free from violent oppression and persecution in Hyderabad.

46. Piya Sukhani. (2020). *The Shifting Politics of Rohingya Refugees in Malaysia*. The Diplomat. Dated 10.7.2020.

47. *Rohingya refugees in Dera Bassi, Lalru areas come under security scanner*. The Indian express. Dated 20.09.2017.

48. Ishrat Jahan. Rohingya Refugees in Hyderabad: Socio- Economic and Educational Conditions. Café Dissensus. Dated 17.9.2019. Retrieved from <https://cafedissensus.com/2019/09/17/rohingya-refugees-in-hyderabad-socio-economic-and-educational-conditions/> accessed on 18.9.2020.

49. Priyanca Mathur Velath and Kriti Chopra. (2015). The Stateless People-Rohingyas in Hyderabad, India. *Policies and Practices*. Vol no.71.p.2

50. *ibid.p.*

5.4.3 Jammu

A few hundreds of Rohingyas, fleeing the persecution of Myanmar, reached Jammu seeking asylum in the Hindu majority Union Territory. They scattered in 22 locations across the city of Jammu mainly around the areas of Narwal, Bhatindi, Channi Himmat and Bhagwati Nagar.⁵¹ They built refugee camps and temporary makeshifts in these areas for their settlement. In Jammu, the Rohingyas felt welcome as the locals are friendly to them and they are free from such discrimination and oppression they faced in Myanmar and are able to live within the city of Jammu without any fear. Rohingyas in Jammu feel that the employment opportunities and wages are better in Jammu than the other cities and for many years that always think Jammu as a safe haven for them. The Rohingyas in Jammu are working as a daily wage labourer and a few number of them managed to set foot in small business like owning a local small shops, selling groceries or vegetables and running tea stalls and working at a fish market earning little wages.⁵² The opportunity to own their own shop has improved their livelihood and the warm attitude of the locals towards them makes them feel safe and secure in Jammu.

However, Rohingyas in Jammu have also been facing maltreatment. Anti-Rohingya campaigns have been organised by Hindutva groups⁵³ which instilled fear among the Rohingya refugees in Jammu and some of them have started to flee Jammu again in searching for better refuge. Anti-Rohingya campaigns which have been carried out in Jammu further influenced the local residents of Jammu which changed the outlook and perceptions of the locals towards the Rohingya refugee community. In

51. Anuradha Bhasin Jamwal. *Refugees twice over: Why Rohingya who had found shelter in Jammu are fleeing again*. Scroll. Dated 7.2.2019.

52. *ibid.*

53. *ibid.*

Jammu, the Rohingyas are now seen as a ‘threat’ to their internal security by the locals which resulted in the demand of the locals to drive out or deport the Rohingyas back to their native country.

5.4.4 Northeast India

A majority of Rohingyas entered India through Bangladesh or directly to West Bengal from Myanmar. However, there are also a few numbers of them who have entered India through the Northeast region and ended up in states like Tripura, Mizoram and Manipur. These three states are situated in the border of Indo-Myanmar and are very close to Rakhine State. Rohingyas who have entered India through the northeast region do not carry proper documents and they settle in the state illegally. The state authorities often trace them out and send them to detention centers or deport them back to the country they came from.

Among all the other northeast states, Assam and Tripura hold the maximum number of Rohingyas. In 2019, the police force of Assam and Tripura detained 61 Rohingyas, including minors, who are without a proper document and they were detained for 21 nights at the detention centres.⁵⁴ Apart from these, the Border Security Force has also caught many Rohingya who try to enter India illegally and hand them over to the authorities. In Manipur, Rohingya have also entered and settled illegally without any form of authorisation from the government. The police force of Manipur and the Border Security Force are also doing their duty by handling these illegal-Rohingya refugees to the authorities. On June 2019, Nine Rohingya Muslims were arrested in Tengoupal district of Manipur and on Septemeber 2019, another four Rohingya men were arrested and they were all deported back to Myanmar.⁵⁵

54. *61 Rohingya held in Assam, Tripura*, The Hindu: Dated 22.1.2019

55. *Manipur: Four Rohingya men deported to Myanmar*. The Indian Express: Dated 10.0.2019

Like the other northeast states, Rohingyas have also set their foot in Mizoram. In 2019, 12 Rohingyas, who are a victim of trafficking, were rescued by the Mizoram Police and they were taken to shelter homes.⁵⁶ Recently in 2020, three Rohingya women who entered Mizoram from Bangladesh who tried to take shelter in a village along the Assam-Mizoram border were arrested and the Mizoram Police registered a case against them.⁵⁷

The Rohingyas have managed to spread across the different states of India and although they are documented by the UNHCR and are given refugee identity cards by the UNHCR. With the arrest of Rohingyas without any form of refugee identity card, it is clear that there are Rohingyas who reside within the territory of India illegally without getting their registration done with the Indian authorities or the UNHCR. Under these circumstances, the Police Force of each state and the Border Security Force need to stay alert and detect the illegal infiltrators.

56. *12 people, suspected to be Rohingya, held in Mizoram.* The Hindu. Dated 6.5.2019

57. Hemanta Kumar Nath. *3 Rohingya women, who entered Mizoram from Bangladesh, arrested in Assam's Cachar district.* India Today. Dated 8.12.2020.



Source: <https://www.thehindu.com/news/national/bsf-pushes-back-rohingya-from-tripura/article19758132.ece>

Map 2: Route of Rohingya Migration to North East India from Bangladesh

Chapter 3

Rohingya Crisis: Government of India's Response and Measures

3.1 Introduction

A refugee issue, their problems and challenges have been an expounding attribute to the contemporary world. Their history is painful and because of their painful and devastating history, refugee hosting countries are obligated to supply aid and humanitarian assistance to refugees who seek refuge and protection. Refugee issue has been one of the most significant issues in today's national and international politics and it has also been the main factor in determining the foreign policy of every country.

Refugee issue is a debatable topic and has also been pondered by various countries and organisations. All countries and organisations have different perception on refugees and this has posed a huge challenge in adopting a unified framework or policies for the treatment of refugees. There are countries such as Germany, Colombia, Jordan, Turkey and Bangladesh etc. who open their doors for refugees and at the same time there are also certain countries who show reluctance to refugees. The number of refugees is increasing at a high rate and it has posed anxiety and problem to the host country in terms of social, economy and security.

Asia is one of the largest refugee hosting continents in the world as it hosts 41 percent of the total refugee population of the world. In particular, South Asia is the fourth largest concentration of refugees in the world as it hosts 12 percent of the total refugee population of the world.⁵⁸ Among the South Asian countries, India is a major

58. Divya Sharma.(2016). *Protection of Refugees Rights in India. Shodhganga*. Chapter1,p.1.

refugee hosting country for many decades and accommodates refugee from different parts of the world. A large number of Rohingyas have fled to India since 2012 because of the fear of persecutions in their homeland and seek shelter and protection in India.

India has always been generous to displaced people and migrants and India's nature of generosity and hospitality is one of the factors that make India a desirable destination for the displaced people and migrants. Because of this, refugee and migrant population has been growing in India and needs to be regulated in a proper manner, The Indian government has adopted different treatment towards each refugee coming from different country and not all refugees who settle within the territory of India are acknowledge and recognise by the Indian government. The status and the living conditions of all refugees in India also differs depending on the community they belong. For instance, while some refugees who are acknowledged by the Indian government enjoy basic fundamental rights and employment opportunities in the service sector, some of the refugees are completely ignored by the Indian government, denied certain rights and imposed restrictions and they have to struggle for attaining a proper well-being.

3.2 Who are Refugees, asylum seekers and migrants?

The terms 'Refugee', 'Asylum seeker' and 'Migrant' are used to describe people who have left their home country and who have crossed the border in searching for a safer place or country for their settlement. These terms are often used interchangeably but they have legal differences which are often under looked by the majority of the world's population.

The 1951 Refugee Convention which is a legal document for the refugees around the world defined a refugee as- "someone who is unable to or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political

opinion.”⁵⁹ The UN also defines a refugee as- ‘a person who meets the eligibility criteria under the applicable refugee definition, as provided for by international or regional instruments under UNHCR’s mandate, and/or in national legislation.”⁶⁰ The definition of refugee given by the 1951 Refugee Convention serves as a legal definition of refugees by countries and organisations. According to the India Refugee Statistics and UNHCR reports, there are 195,105 refugees as of 2019 in India.

The UNHCR defines an Asylum seeker as- “an individual who is seeking international protection and whose claim has not yet been finally decided on by the country in which the claim is submitted. Not every asylum-seeker will ultimately be recognised as a refugee, but every refugee was initially an asylum-seeker.”⁶¹ According to the UNCHR, there are 12,229 asylum seekers in India as of 2019. Thus, the registered number of asylum seeker is much lesser than the registered number of refugees in India under the UNHCR.

The UN Migration Agency (IOM) defines a Migrant as- an individual who is moving or has moved across an international border or within a state away from his/her habitual place of residence, regardless of (1) the person’s legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is.⁶² The UN further defines an Economic migrant as - “a person who leaves their countries purely for economic reasons unrelated to the refugee definition, or in order to seek material improvements in their livelihood.”⁶³ According to the UN, economic migrants do not fall within the criteria for refugee status and are therefore not entitled to benefit from the international protection.

59. What is a refugee? UNHCR. Retrieved from <https://www.unhcr.org/what-is-a-refugee.html> accessed on 20.9.2020

60. UNHCR glossary.p.444. Retrieved from <https://www.unhcr.org/449267670.pdf> accessed on 20.9.2020/

61. *ibid*.p.441

62. UNHCR. Retrieved from <https://www.un.org/en/global-issues/migration> accessed on 20.0.2020.

63. *ibid*. UNHCR glossary.p.444.

3.3 International Law on Refugees

Migration of people across countries searching for protection and employment is not new to the contemporary world and in fact migration has been existed for many centuries and has been a center of debate and discussion in various formal and informal platform. People migrated for different reasons such as fleeing persecution, discrimination and violence, better employment opportunities, natural disaster, famines, wars, etc. The beginning of mass migration can be traced back to World War I as it created massive waves of migration regionally and internationally. Later, World War II also resulted in creating million of refugees and displaced people across Europe and elsewhere. The growing number of displaced people in the aftermath of the wars sparked up the need for a common and unified international law which will govern and safeguard the human rights as well as the basic fundamental rights of the refugees and the displaced people.

After the end of the World War II in 1945, the United Nations was founded which is an international organisation specifically aimed at maintaining peace and security among nations, friendly relation among nations and promoting social progress and human rights. In 1948, the Universal Declaration on Human Rights was established which entitled various rights to the refugees.

A duty of a state is to protect its citizens but many states have failed to protect its own people and instead carry out violence towards their people in the name of religion, ethnicity mainly targeting the minority groups of a state and deprived them of basic fundamental rights and human rights. State-sponsored violence and persecution are the main reason behind people leaving their home country in search for a safer place to live by crossing international borders, leaving all their properties, identity and belonging, lose their self-identity and embrace the status of refugee. Refugee issue has accelerated drastically and it cannot be confined only to a domestic arena as it also posed problems and challenges at the international level as well. As refugee issue has been growing at a fast rate with the existence of continuous discrimination and

persecution, it is difficult for countries to take up this issue only at a national basis as there is a lack of unity, policy and funds. So, this issue needs the involvement of the regional and international communities in order to keep it under control for a better, durable and efficient solution. Refugees are the ones who are most in-need of protection and human rights yet their condition gets worse every year.

The International Law on refugee (IRL) is a set of rules and procedures which are specifically framed for the refugees for safeguarding their rights in their asylum countries. In other words, it is the main source of legal rules, rights and freedoms of refugees in their asylum counties as it secures their fundamental rights and human rights. It highlights the role of refugee hosting counties and also contains certain rules which are to be followed by its signatory countries in managing their refugees. The International Law on refugee consists of two law or treaties such as the 1951 Convention on Refugees and its Protocol of 1967.

3.3.1 1951 Convention on Refugees

The 1951 Convention was adopted on 28 July 1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons convened under General Assembly resolution 429 (V) of 14 December 1950. Since it was drafted and adopted in the wake of World War II, it focuses mainly on people who were forced to flee their country because of World War II and it also focuses on the conception of European refugees to suit the situation and circumstances of the post-World War II Europe.

Today, the 1951 Geneva Convention on the Status of Refugees is “one of the most widely accepted international norms and remains the sole legally binding international instrument that provides specific protection to refugees.”⁶⁴ It provides a specific definition of a refugee which stands as a legal definition of refugee and it also

64. Laura Barnett.(2002). Global Governance and the Evolution of the International Refugee Regime. *International Journal of Refugee Law*, 14 (2/3);p.246

consists of a Preamble and 48 Articles which are to be followed by all the signatory countries of the law. This law set out rules for all the refugee contracting states in their treatment of refugees and it safeguard refugees from persecution, violence and ignorance. This law entitled all the refugees human rights and basic fundamental rights such as equal treatment with the national citizens of a host country, freedom of movement, rights to property and association, freedom to profess their own religion, rights to freely access the courts of law, right to engage in wage-earning employment, right to elementary education, the right to seek asylum in a foreign country and so on. It also sets out responsibility and obligation of the contracting states.

This convention is built on Article 14 of the 1948 Universal Declaration of human rights which recognised the right of persons to seek asylum in other countries and the UNHCR acts as the guardian of the 1951 Convention on refugees. Among all the articles sets out by the 1951 Convention, Article 33 which describes the principle of non-refoulement needs a closure attention.

Article 33(1): No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

Article 33(2): The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particular serious crime constitutes a danger to the community of that country.

Article 33 is the most important among all the articles as it serves as the cornerstone of the 1951 Convention of Refugees. All the articles are binding to the

signatories of the 1951 Convention but Article 33 is the customary international law which means it is binding to all the states across the world including those states who are not a signatory to the 1951 Refugee Convention. The Principle of non-refoulement prohibits any state from forcibly deportation of refugees back to the country where they are liable to subjected to violence and persecutions.

3.3.2 1967 Protocol

The 1967 Protocol is an international treaty which also serves as another cornerstone of refugees. The 1951 Refugee Convention was adopted after World War II in order to safeguard refugees, nonetheless the number of refugees continued to grow and these new refugees could not fit in into the 1951 refugee convention. The lives of the new refugees were at risk and they were subjected to persecution and violence and needed a law to protect them. Since the 1951 Refugee convention could not protect them, there was a protection gap which led to the creation of the 1967 Protocol.

The 1951 Refugee Convention and the 1967 Protocol both focus on and are adopted for safeguarding refugees regionally and internationally and both the documents consist of laws which are to be followed by the refugees and the contracting states and they both describe refugee's responsibility and obligation to their host countries. The definition of refugee given by the 1951 Refugee Convention was exclusive as it particularly accepts those people who have become refugees in the aftermath of World War II. In other words, the 1951 Refugee Convention was framed only for the European refugees and many refugees did not fall into this category,⁶⁵ and thus the 1967 Protocol was formed which has a wider scope and more inclusive than that if 1951 Convention relating to the status of refugees. The 1967 Protocol expanded its scope and turned the 1951 Convention of refugees into a universal instrument which

65. The 1967 Protocol. Andrew & Renata Calder Centre for International Refugee Law. UNSW Law. Dated 31.3.2020. Retrieved from <https://kaldorcentre.unsw.edu.au/publication/1967-protocol> accessed on 10.10.2020

safeguards all the displaced people across the world irrespective of race, gender, nationality and religion.

There are many states who are parties to both 1951 Convention of refugees and 1967 Protocol such as the United States, France, Russia, Iran, Turkey, Nigeria, etc. When a state signed and agreed to the 1951 Convention and 1967 Protocol it means they accept all its rules and laws and they have to act in accordance to these laws towards their refugees. The rules and laws provided by 1951 Convention and 1967 Protocol are not meant to tackle the problems and violations of rights but they are meant to provide protections to all the displaced people and assure they are entitled to basic fundamental rights in the country they seek asylum.

3.4. India Legal Framework for Refugees

Millions of people across the world were displaced in the aftermath of World War I and World War II and since then the number of refugees has been growing considerably. Till today, millions of individuals have been forcibly displaced and are left with only one option that is to seek asylum in other countries. According to the UNHCR report of 2019, the number of international migrants has reached 272 million and is increasing every year. Although the displaced people or refugees are the ones who are in dire need of protection but not all countries welcome them and deport them back to the country where they come from.

India has been receiving refugees for many generations and has also been a main destination for thousands of economic migrants. It has opened its doors and borders for refugees and asylum seekers coming from different parts of the world such as Tibet, Sri Lanka, Afghanistan, Bangladesh, Myanmar and many other countries. India has been associated with sheltering refugees since time immemorial and even the Zoroastrians who were fleeing persecutions in Iran were granted asylum in India. When India gained its independence in 1947, the leaders of the newly independent India continued to open its doors to refugees who are fleeing persecution and violence of

their homeland. Also, with its secular and democratic nature, India has always been tolerant with refugees irrespective of their religion and ethnicity and has always taken a neutral stand towards refugees and do not discriminate on the basis of religion, race and culture and grants freedom to profess their own religion to all the individuals who are residing within the territory of India.

At present, India is one of the biggest refugee hosting countries in the world with more than 244,094 refugees as per the UNHCR report. Despite India being a home to many refugees, India is not a party to the 1951 Convention of refugees and 1967 Protocol which aimed at safeguarding the refugees and India does not have any separate legal policy or law to govern its refugees. Nonetheless, India is a member of several organisations which are a part and parcel of refugee management and human rights. India is one of the founding members of the United Nations, a non-permanent member of United Nations Security Council and also a member of the Executive Committee of the High Commissioner's Programme (EXCOM) and has adopted the Universal Declaration of Human Rights which are both associated with refugee matters. Although India lacks a domestic refugee law, its membership to other certain organisations, who are dealing with refugees and the dignity of individuals, obligated India to provide humanitarian assistance and human rights to all the individuals including its refugees within its territory.

3.4.1 Indian Constitution

The nature of India's granting asylum to many refugees despite lacking a proper refugee law is because the Indian Constitution guarantees certain fundamental rights to all the individuals who are residing within the territory of India. The Indian Constitution which was adopted in 1949 contains basic fundamental rights and does not limit certain fundamental rights only to the citizens of India but make it accessible to all the individuals residing within its territory including refugees. Hence, the fundamental rights enshrined in the Indian Constitution are attainable to all the individuals who flee their country and seek asylum in India.

Article 14- The Article 14 of the Indian Constitution provides Right to equality before the law which reads as under:

“The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.”

This article prohibits the state from denying any person’s equality before the law and it also guarantees equal protection of law to every individual residing within the territory of India. This article is non-discriminatory in nature as it provides equal protection to all the individuals of India and not only its citizens. It also upholds the concept of “equality” which means that all persons residing within the Indian Territory should be treated equally as every individual are under the same law.

Article 21- The Article 21 of the Indian Constitution provides Protection of life and liberty which reads as under:

“No person shall be deprived of his life or personal liberty except according to procedure established by law.”

This article secures two rights such as Right to life and Right to personal liberty which are the most fundamental of all other rights. It is also significantly extended to every person residing within the territory of India which means that these rights are made available to a citizen or a foreigner in India. It guarantees all the individuals to live a dignified life which further assures right to livelihood. Like Article 14 of the Indian Constitution, this article is also non-discriminatory in nature.

Article 25- The Article 25 of the Indian Constitution provides Freedom of conscience and free profession, practice and propagation of religion. As India is a secular state without official state religion, it consists of people who follow different

faith and every person, citizen or foreigner, has a freedom to profess his/her own faith within the territory of India.

Executive Committee of the High Commissioner's Programme (EXCOM) – India is one of the founding members of the United Nations and it became a member of EXCOM in 1995. EXCOM is a branch of UN and it was established by the UN Economic and Social Council (ECOSOC) in 1958 and it came into effect on 1959. The member states of EXCOM meet annually to discuss about the plight of the refugees and a detail record of conflicts and displaced people are given in order to come up with a feasible solution. Being a member state of EXCOM, India has also participated in the annual meetings and the decision making of EXCOM which subsequently means India has also pledged to provide assistance and relief to the displaced people or the refugees and to protect the dignity of every individual.

3.4.2 The Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was adopted in 1948 in which India is also a signatory country. UDHR is characterised as 'one of the world's greatest documents,' 'common language of humanity' and 'the conscience of the world.'⁶⁶ All human beings are born with equal and inalienable rights and fundamental freedoms but the discriminatory nature of a government often prohibits an individual from availing these rights. In order to make these rights accessible to all individuals, the UDHR was established which safeguards the dignity and well-being of every individual and ensures equality and mutual respect to every individual irrespective of a person's gender, nationality and beliefs. As being a signatory of the Human Rights Declaration, India has also upheld the mandate and principles of human rights which is also clearly visible in its nature of secularism and being a benevolent for many displaced people or the refugees.

66. Miloon Kothari. Remembering India's Contributions to the Universal Declaration of Human Rights. The Wire. Dated 20.12.2018.

3.4.3 The Foreigners Act of 1946 and Long-Term Visas

The Foreigners Act of 1946 acts as a law for regulating all the foreigners within the territory of India as it lays down certain rules and procedures for regulating the foreigners and empowers the Indian government to regulate the entry and exit of foreigners into India. According to this act, all foreigners entering the Indian territory are required to possess a valid document such as passport and visa which gives them a legal right to temporarily stay in India. Foreigners who fail to hold valid documents are regarded as an ‘illegal immigrant’ under the Foreigners Act of 1946.

But for refugees, it is not possible to possess such valid documents as they are the ones fleeing perceptions and violence of their country and they often land up in refugee host countries without any documents and material possessions. As this is a case of refugees, the Indian authorities issue Long-Term Visas (LTV) to its refugees which is renewable when expire. The LTV gives refugees a permit for temporary resident in India and also accord them with certain rights, employment and educational opportunities. The Ministry of Home Affairs (MHA) in India laid down certain Standard of Procedure (SOP) for refugee management and states that no refugee should be barred from granting LTV based on their nationality⁶⁷ and that the Indian government is responsible in dictating refugee groups who are eligible for refugee status.

Nonetheless the Foreigners Act of 1946 has its own shortcomings as it only provides a definition of a ‘foreigner’ in India and does not give a proper definition of a ‘refugee’ in India. In this case, the term ‘foreigner’ is vast as it includes all the foreign people who are residing within the territory of India such as tourists, students, economic migrants, asylum seekers, etc. and some rules and procedures of this act

67. Ministry of Home Affairs (Foreigners Division), ‘Long Term Visas’. Retrieved from <https://www.mha.gov.in/sites/default/files/AnnexVIIlongTermvisas20082020.pdf> accessed on 24.9.2020

not be applied to refugees as they do not own any passport or visa which all foreigners need to provide to the government at their time of arrival in India. As the case of refugee is a complex one, the Indian government needs a separate framework to address and govern its refugees. Furthermore, as the foreigners act does not provide a proper definition of a 'refugee,' it authorise the Indian government to claim or dictate 'who is a refugee in India' which is completely erroneous as it creates an opportunity for the government in carrying out unequal and discriminatory actions towards the refugee groups. For instance, while Tibetan refugees in India are recognised by the Indian government; the Rohingyas, despite holding the UNHCR refugee status, are failed to get recognition from the Indian government,

3.5. India and its Implementation of laws on its refugees

India has always shown kindness, generosity and hospitality to asylum seekers within its territory as its leaders believe it as a part and parcel of its tradition and heritage. Its nature of generosity has a huge impact to the displaced people as they have portrayed India as one of the most desirable destination for their resettlement and livelihood. Knowing that the Indian government has been generous and welcoming to asylum seekers, the displaced people across the world cross international border putting their life at risk to reach India seeking for better livelihood and employment opportunities.

Despite receiving refugees from different countries with diverse background and status, India does not take a firm stand in its treatment of its refugees. India has carried out alternate responses towards its refugees. For instance, Refugees from Tibet and Sri Lanka enjoy certain fundamental rights and freedoms, whereas Rohingya refugees in India are still fighting to get acknowledgement and recognition from the Indian government and are denied welfare benefitse fundamental rights and freedoms.

Despite lacking a legal domestic framework for refuges and not being a party to 1951 Convention on refugees and its 1967 Protocol, India still continues to grant

asylum to refugees from its neighbouring and non-neighbouring countries. With the growing number of refugees, India's lack of a refugee law is one of its biggest flaws as certain problems and challenges arise in its refugee management. The more the number of refugees concentrated in a particular state, greater is the possibility of hindering the national security of that particular state or the host state. Thus, a formal law to govern the refugees is of utmost importance for every country.

The International Laws such as the 1951 Convention on refugees and its 1967 Protocol serve as a mandate for all its signatory countries, nonetheless the foundation of the International Refugee Law i.e the Principle of Non-Refoulement is a customary law and is binding to all countries including the non-signatory countries of the international refugee law. In this manner, India is also obligated to follow the non-refoulement policy which makes the non-refoulement policy the only international refugee law which is applicable to India. Over the years, India adheres to the non-refoulement policy as no records were made with India regarding the forced deportation of refugees. Refugees who had set foot within the territory of India were always welcomed with open arms.

However, as India adopts alternate measures towards its refugees, the non-refoulement policy has also been carried out in an inconsistent manner. For instance, the Tibetan and Sri Lankan refugees live peacefully in India without any constraints and fear of deportation while the Indian government has planned to deport Rohingya refugees back to Myanmar and that many Rohingyas have also been locked up in detention centers. Since 2016, the Hindu extremist group started targeting the Rohingya refugees in India and started threatening them with deportation. On October 2018, the Indian government deported 7 Rohingya Muslim men to Myanmar⁶⁸ as they are

68. *India: 7 Rohingya Deported to Myanmar*. Human Rights Watch. Dated 4.10.2018.

charged of illegal entry to India and the Human Rights Watch condemned this action of the Indian government stating that India violates the international legal obligation of non-refoulement. Second deportation of Rohingya Muslim to Myanmar took place on January 3, 2019 when the Indian government deported 5 Rohingya Muslim families who had been staying at Tezpur Detention Centre in Assam for six years.⁶⁹ With such actions taken by the Indian government towards the Rohingya Muslim in India, Human Rights activists and the United Nations have expressed condemnations towards the Indian government and at the same time the UN also accused Myanmar government in committing genocidal acts towards the Rohingya community.

Although India does not have a domestic framework for its refugee management, the Constitution of India and Human Rights Law have guaranteed certain rights and protection to its refugees but not all refugees enjoy these rights as the Indian government has adopted a different and intolerance approach towards the Rohingya refugees. Despite holding UNHCR refugee identity card, all the Rohingyas are put under the umbrella of illegal immigrants not acknowledging their refugee status given by the UNHCR. In other words, the national laws of India which are extended to refugees are not equally enjoyed by all the refugees in India. For instance, while Refugees from Tibet and Sri Lanka enjoy the national rights such as freedom of movement, right to education, etc., the Rohingya Muslim community are denied from accessing such rights and freedoms in India and they live in their refugee camps with fear of violence and deportation.

Nonetheless, India continues to shelter all displaced people and migrants who set their foot in India and not all people who came to India seeking shelter are properly documented by the Indian authorities or the non-governmental organisations (NGOs).

69. Lokesh Mewara.(2019). *Deportation of Rohingyas Violates International Law, Legal Precedents in India*. The Wire. Dated 18.3.2019

Although India recognised certain refugee groups, there are many other displaced people and migrants who settle in India without any form of identity and documentation and the Indian authorities need to look into this matter and take necessary action towards the non-documented migrants. Furthermore, the growing number of refugees in India without a proper documentation can put the national security at risk and that the Indian authorities needs to adopt proper rules for its refugee management and instead of continuously balancing its humanitarian obligations and national security, India needs to frame its own refugee law in order to deal with them in a consistent and uniform manner.

3.6 Government of India and Rohingya Refugees: Responses and Measures

The approach taken by the Indian Government towards the Rohingya refugees is not static as it has been adopting different and alternate measures towards them. The Government of India (GOI) response to the Rohingya refugees can be identified into two different phases. The first phase is the Congress regime in India. The mass migration of the Rohingyas began in 2012 when the Congress was in power at the centre and the leaders of the Congress Party maintained a strict adherence to the foundation of India i.e. the Constitution which guarantees certain fundamental rights such as right to equality, right to life and personal liberty not only to its citizens but also extends it to all the individuals within the Indian territory. During this phase, India showed sympathy towards the displaced Rohingya community and provided them shelter at their arrival in India. However, apart from asylum, the Congress government did not provide them much assistance and aid to the Rohingya refugees but no form of violence and deportation were carried out towards them. They settled in their refugee camps earning their livelihood by taking up unskilled and unorganised jobs. During the Congress rule in India, all refugees in India were able to live a life without any persecution from the government and hence, the government truly abide to the principle of non-refoulement as no deportation of refugees, Rohingya refugees in particular, was carried out.

The situation of the Rohingyas refugees has taken a turn with the BJP in power at the centre. While refugees from other countries live peacefully enjoying certain rights, freedoms and re-establishing themselves, the problems and challenges faced by the Rohingyas started to increase as the Indian authorities started adopting discriminative and intolerable stance which worsen the Rohingya's situation in India. Firstly, although Rohingyas are the holders of UNHCR refugee identity cards, the Indian government have described all of them as an 'illegal immigrants' and they are also seen as a 'security threat' as they are a Muslim community. Secondly, in 2017 the Indian government came up with a plan to deport the Rohingyas claiming that they are 'illegal immigrants' hailing from Myanmar and in 2021, the Supreme Court issued an order allowing the deportation of all Rohingya in India.⁷⁰ The plan of the Indian government to deport over 40,000 Rohingya refugees not only aim at the Rohingyas who are residing in India without a refugee identity card but also includes all those who are registered as refugee under the UNHCR.⁷¹

Although Rohingyas stay in settlement camps for almost a decade, they are not recognised by the Indian government ever since their arrival in India. Providing shelter or asylum is a fundamental humanitarian act however it is handicap without safeguarding their rights and availability of daily essential needs such as clean water and food. Although the Congress and the BJP adopted a different approach with the Congress showing more tolerance towards Rohingya refugees and the BJP government awarding them with 'illegal immigrant' tag and adopting a deportation plan, there also exists a similarity in their approach towards the Rohingya refugees i.e., both the parties do not give recognition to the Rohingya refugees in India and they do not show

70. Nizamuddin Ahmad Siddiqui and Abu Zar Ali. Supreme Court order allowing deportation of Rohingyas shows that India hasn't shed Partition baggage. Scroll. Dates 18.4.2021.

71. Rutvi Ajmera. *The Rohingya find no refuge in Prime Minister Modi's India*. The Mantle. Retrieved from <https://www.themantle.com/international-affairs/rohingya-find-no-refuge-prime-minister-modis-india> accessed on 12.10.2020.

much inclination towards them. Both the parties do not provide any humanitarian aid apart from shelter and the Rohingya refugees are struggling for recognition, rights and better job opportunities till the present day.

The Rohingyas are recognised by the UNHCR and they possess UNHCR refugee identity cards which gives them some security in their host countries and abled them to take up odd jobs at the informal sector. The UNHCR refugee identity card is the only identity card the Rohingya are entitled to as Myanmar excluded them from its official ethnic groups which rendered them stateless. When Rohingyas enter the territory of India, they directly approach the UNHCR for registration for issuance of a refugee identity card. Also, in the previous years, roughly between 2012-2015, Rohingya refugees were granted LTVs by the Indian government which was based on their UNHCR refugee cards.⁷² The LTVs gave them more security and rights as it is issued by the India government and entailed them more secure protection apart from just granting them a temporary residence permit in India. However, since 2016-2017, the Rohingyas have been unable to renew their LTVs without any official statement by the Indian authorities.⁷³ This has left the Rohingyas in India a refugee community possessing only the UNHCR refugee identity card and leave them scared and insecure in India.

As India and Myanmar have always maintained a friendly bilateral relation, when Prime Minister Modi visited Myanmar on 2017, he stated that India shared Myanmar's concern over "extremist violence" in its Rakhine state.⁷⁴ But did not

72. Amitoj Singh. *In the Heart of Delhi, 'Illegal' Rohingyas Have Long-Term Indian Visas*. NDTV. Dated 17.9.2017.

73. Anubhav Dutt Tiwari and Jessica Field. (2020). Bureaucratic Gaps and Exclusion: The limits of documentary 'protection' for Rohingyas in India. *Kaldor Centre for International Refugee Law*.

74. *Modi says India shares Myanmar's concern about 'extremist violence.'* Reuters:Dated 6.9.2017

mention anything regarding the prevailing persecution of the Rohingya community in Myanmar. In other words, both the countries stay aloof from the Rohingya crisis and do not express much concern about the Rohingyas apart from vowing for deportation. The NLD government of Myanmar also remained silent on the Rohingya issue with their leader Aung San Suu Kyi defending Myanmar against the Rohingya genocide and stated at the United Nations that there had been no orchestrated campaign of persecution of Rohingyas in Myanmar. Now with the military junta taking over the government in Myanmar, the situation is much more complicated. There is no clear-cut position on Rohingyas as well.

Although the Rohingya refugees are not recognised by the Indian government, it has also taken certain measures over the Rohingya issue which mostly aim at strengthening its bilateral relations with the other countries who are affected by this crisis. For instance, Bangladesh holds the maximum number of Rohingya refugees and hence, India extended its full support to Bangladesh in solving the Rohingya refugee crisis which includes repatriation of the Rohingyas. Following its pledge to support Bangladesh, India had sent relief materials to the Rohingyas in Bangladesh in 2017⁷⁵ as a means of humanitarian assistance and India assured to support and cooperate with Bangladesh in repatriating Rohingyas and in return Bangladesh has also urged India to pressure or intercede with Myanmar on Rohingya issue.

3.7 India stance on the Rohingya issue

As mentioned above, India has hosted millions of refugees however its refugee management is ad hoc because of its lack of a refugee policy. In case of Rohingya refugees, the Indian government has recently taken a distinct approach as it started to

75. *India sends relief materials for Rohingya refugees in Bangladesh.* The Hindu. Dated 14.9.2017

categorise all the Rohingya refugees as ‘illegal immigrants’ and want to deport them back to the country they came from i.e. Myanmar. Furthermore, over the years, no refugee groups in India are considered as a ‘security threat’ by the Indian government but the Rohingyas in India are seen as a threat to the nation’s security and unity. The concern of the nation’s security only came into being in the case of the Rohingyas refugee group and till the present day, the Indian government has carried out deportation of the Rohingyas twice and with the recent Supreme court order of allowing deportation of the Rohingyas, there is a possibility that more Rohingyas will be deported to Myanmar where persecution and violence still exist.

India is a secular country where people of different religious groups reside without any form of religious discrimination and persecutions and different religious groups established their places of worship and perform their religious duty freely without any fear. However, the recent and sudden portrayal of the Rohingya community as a security threat and their deportation plan can be linked with the present Indian government’s policy of “Hindutva” and spreading of Islamic rhetoric in India. With thousands of refugees in India, the notion that only the Rohingyas are seen as a threat to the national’s security is misleading in a manner that India has started to adopt religion as a criterion for determining a threat and grating accommodation to the displaced people rather than focusing on their actions and actual status of refugees in India.

Analysing India’s stance on the Rohingya refugees is a complex one as India lacks a refugee policy and is not a party to the International Refugee Law. However, in case of its refugees, India has to balance between its national security and its long tradition of providing humanitarian assistance to the refugees (as India is a party to various organisation and law dealing with human rights). India has mostly been inclined to its humanitarian nature, by welcoming all the displaced people and migrants, undermining its national security as not all people who set foot within the territory of India are registered or documented formally by the Indian government or

the NGOs. For upholding and safeguarding its national security, India should take steps in checking its refugee's documents and registration and maintain a proper record of people entering India. Being welcoming and generous to all the people who wished to reside in India without legal cause, document and proper registration at the time of their arrival in India can hinder the country's sovereignty and security. Thus, a proper check on refugees needs to be taken strictly and at regular intervals.

Every country has a right to protect its environment and security and India also has a sovereign right to do the same. According to Newspaper reports, the few Rohingyas who have been deported by the Indian government are the ones who are staying in India illegally without any form of documents and legal registration at the UNHCR and this action by the Indian government has been condemned by many countries, the international communities and human right activists, however there is no way for any countries, including India, to accept migrants or refugees who settle in its territory without any proper registration, valid documents or recognition either by the Indian government or UNHCR. Hence, India has a legal right and responsibility to send back those illegal immigrants back to their country and such actions by India or any other country should not be considered inhuman, unsympathetic or cruel action however, the ones who are residing with proper registration and legal documents cannot be deported unless it is safe for them to return to their home country.

As the Rohingya issue keeps sparking up with horrifying conditions for both the Rohingyas and their host countries every year, finding a solution to this crisis is of utmost importance not only for the affected countries but also for the regional and international communities. India, which has always maintained friendly diplomatic ties with Myanmar and Bangladesh, can also play a major role in combating the Rohingya crisis. However, India should be alert and make sure that its actions towards the Rohingya crisis are not solely driven by its political interest and relations with its neighbouring countries. India should be in fact driven by its pure aim to secure its nation from unwanted illegal encroachments, terrorism, etc. and must ensure that its

actions abide to the human rights and that no legal refugees, including Rohingya in particular, should not be send back to their homeland where persecutions and violence still exist.

Chapter 4

Rohingyas in Delhi: Social and Political Account

4.1 Introduction

The unbearable situation of Myanmar for the Rohingyas resulted in the fleeing of Rohingyas to the neighbouring countries of Myanmar and being a Muslim community, they usually flee to a country who are tolerant towards displaced people and migrants and a country with a dominant Muslim population for security purposes however their statelessness has barred them from escaping discrimination even in their re-settlement country. A large number of Rohingyas entered India searching for shelter and humanitarian assistance and even in India, the Rohingyas concentrated themselves in a state where Muslims are majority in numbers. The majority of the Rohingya population in India reside in Jammu (38%) and Telangana (34%), followed by Haryana (9%) and Delhi (7%).⁷⁶ These Rohingya refugees registered themselves as a refugee under the UNHCR which provides them a refugee identity card and gives them some form of security for their social well-being in India. According to Reuters and Ministry of Home Affairs, there are approximately 40,000 Rohingya refugees in India and according to UNHCR report of 2019, only 18,000 Rohingya have been registered as refugee under the UNHCR. Rohingyas in India spread themselves across the country however, they are mainly concentrated in a state or area with majority Muslim population or a state where UHNCR office is located or UNCHR partner organisations are established such as Hyderabad, Delhi and Jammu.

76. Rohingya Human Rights Initiative (ROHRIngya). Annual Report 2019.p.5

A large number of Rohingyas have settled in the capital of India i.e., Delhi and registered themselves. The Rohingyas refugees in Delhi are trying to live a normal life but poverty, insecurity and looming of uncertainty of their future still crippled them from moving forward to a better livelihood. Despite fleeing the persecutions and violence of Myanmar, the Rohingyas are still caught up with discrimination and inhuman situations in their daily lives in India and in Delhi in particular and the conditions of their refugee camps are unhygienic and unsanitary. Certain non-governmental organisations such as Bosco, Access (who are the partners of UNHCR) and the Rohingya Human Rights Initiative (ROHRIngya) are providing aid and humanitarian assistance to the Rohingya refugees in Delhi and the UNHCR refugee identity card has also provided them some sorts of security and employment opportunities at the informal sector.

4.2 Rohingya Refugee Camps in Delhi

The Rohingya refugees have spread themselves across the city of Delhi in which maximum of them are living in refugee camps or a temporary makeshift camp. Their refugee camps are mostly located in the outskirts of Delhi, far away from the heart of the city and they earn their own livelihood in any possible way mainly engaging with rag picking. There are few Rohingyas who managed to rent a place in Delhi but their rented houses are not of big spaces. Rohingya refugees spread across the city of Delhi in various locations such as Shaheen Bagh, Kalindi Kunj, Uttam Nagar, VIKASPURI, Khajuri, Faridbad and Purana Goan. The Rohingya refugees, residing in both the refugee camps and rented place, in Delhi are still subjected to discrimination and are struggling and battling for their daily survival.

4.2.1 Kalindi Kunj

Kalindi Kunj is within a region of Oakla which is an area of South Delhi and is close to the border of Noida. The Rohingya settlement camp in Kalindi Kunj has been one of the oldest camps of Rohingyas in Delhi. A large number of refugees from different states set up a makeshift camp or slum clusters in Kalindi Kunj and these slum

clusters comprise of refugees from different states like UP, Myanmar, etc. Refugees from one particular state concentrate in one small area forming their own community with each community having their own camp heads.

Rohingya refugee camp in Kalindi Kunj is also known as a Burma Muhajreen Camp which comprises of approximately 50 Rohingya refugee families with a total population of approximately 250-300 individuals and they have been living in Delhi for 7-8 years. According to them, this land in Kalindi Kunj has been given to them in 2012 when they entered India seeking for shelter and protection. Their settlement camp in Kalindi Kunj is compact with a very little space where each family has their own separate tent with only one room.

The camp residents lack clean and proper drinking water, gas stove and electricity. There are few hand pumps which are fixed by the camp residents, which serve as a multipurpose hand pump as it is used for cooking, washing clothes and utensils and for bathing and cleaning purposes. The hand pumps are shared by all the Rohingya refugee camp residents and does not provide adequate amount of water and the quality of the water is poor. The camp residents do not have another source of water supply and they solely rely on hand pump which gives out unhygienic water which further caused sickness to the camp residents. As the hand pumps are being shared by all the Rohingya camp residents, they are installed in an open ground for easy accessibility however there is no privacy for anyone when it comes to bathing.

As this Rohingya refugee camp in Kalindi Kunj is one of the earliest and oldest refugee camps for Rohingyas in Delhi, there were no toilets in the early years and the camp residents used to defecate outside or in an open drain near their settlement camp. Presently, this camp has 6 toilets which are built by the camp residents from the money they contributed and these 6 toilets are being shared by the entire Rohingya camp residents. The camp residents also lack gas facility and are using clay stove, which require woods, for cooking. The smoke coming out from the stove fills up their small

room which is dangerous for their health as there are no proper ventilation in their cluster and the possibility of fire is quite high.

The Rohingyas in this camp hold the UNHCR refugee cards which guarantee them employment opportunity at the informal sector such as construction sites and factories but they face discrimination in their work place and some of the employers do not accept their UNHCR refugee cards which posed a huge problem in finding a job to earn their living. Because of the low employment opportunities, many Rohingyas are engaged in rag picking, vegetable vendor, few of them are working as a daily wage labourer with low pay and some of them are also engaged as a bonded labourers where they are paid in kind in other states across India.

Rohingyas living in this camp do not feel secure at an utmost level. Because of the unsanitary condition of their refugee camps, snakes are often found inside their homes and in their camp area and there are instances where they, especially the children, are bitten by snakes. Apart from this, the camp residents face problems from the local community who are residing nearby their refugee camp. They face discrimination and attacks from the local community because of their refugee status and mainly because of their religion. There are instances where the locals attack their camp at night by throwing stones and bricks at their tent which make the camp residents terrified and insecure.

4.2.2 Shaheen Bagh

Shaheen Bagh is located to the southernmost part of the Okhla area in Delhi along the border of Uttar Pradesh. In this refugee camp, 95 Rohingya families and 250-350 individuals are estimated to live in a small cluster ghetto slum. Most of the Rohingya refugees living in this refugee camp fled Myanmar in 2012 and have been living in Delhi ever since they fled Myanmar. Just like the Rohingya settlement camp in Kalindi Kunj, this refugee camp is also compact with very limited space for all the families where each family live in one small cluster plots.

This refugee camp lacks proper public toilets, clean drinking water and is surrounded by waste particles, rubbish and sewage stream with swarming flies which are unsanitary and unhygienic for the residents. The refugees living in this camp built toilets without proper piping system in which their wastes stream down to the open drain which surrounds their settlement camp. In case of availability of water, hand pump is their only source of water which is used for drinking, cooking, bathing and washing clothes and utensils and they often faced problems with the quality of water. The poor quality of water often created health problems to the Rohingyas especially to the children as it makes them prone to diarrhea, fever and other water borne diseases. Also, because of their unsanitary surroundings and absence of hygienic facilities, rats and snakes are often found inside their settlement camps and there are instances where they got bitten by rats and snakes.

Rohingyas living in refugee camps rely on woods for cooking. They have to collect branches of tress and burn them in order to cook. Living in a closed, compact space without proper ventilation and burning woods for cooking is unsafe as the possibility of fire is high. The smoke coming out from the burnt wood filled up their small room or clusters which is also hazardous to their health.

4.3 Status of Rohingya Refugees in Delhi

The status of the Rohingya refugees in Delhi can be classified into three categories such as their social status, economic status and their political status.

4.3.1 Social and Economic Status

- a) **Shelter-** The major concern of the Rohingya refugees is finding a shelter in India where they could live peacefully with their family. The Rohingya refugees managed to live in refugee or makeshift camps in Delhi and there are a small number of Rohingya families who managed to live in rented houses in Delhi. The structures of their refugee camps are non-cemented and are built of

mud and straw and some of the clusters are covered with plastic or damped cloth. The location of their refugee camps and their rented houses are in the area where Muslims are concentrated and their refugee camps are mainly located in the outskirts of Delhi. Rohingya refugees have been living in Delhi for 7-8 years and although they still face discrimination from the local people, they feel safer and secure living in India rather than in their homeland i.e., Myanmar.

- b) **Living Conditions**- Their refugee camps in Delhi are cramped, compact, unsanitary and unhygienic. One family gets to live together in one cluster which is small and suffocating without proper ventilation. Gas facility is not available for the camp residents and they use clay stove for cooking which means that they have to gather woods from a forest or cut trees nearby their camps for cooking. The smoke coming out from the clay stove fills up their small cluster room where they eat and sleep. Their refugee camps are surrounded by waste particles or garbage and a drain or stream of unwanted particles with swarming flies which gives out an unpleasant smell. They have toilets without proper availability of water supply and proper drainage system and their human waste slides to the open drain which surrounds their camp.
- c) **Health care**- Health is the most important asset for humans in order to live a proper life. But when it comes to healthcare, the Rohingyas are completely deprived of it. The healthcare facility which all individuals are entitled to is not available for the Rohingyas. Being poverty stricken, Rohingya refugees do not get the required amount of nutritious food and they do not have cash to buy supplements for their body. Their unsanitary surroundings affect their health in various ways like they are prone to fever, food poisoning, and other water borne diseases, but they do not have any other choice of place to live in. Their children do not get sufficient amount of nutritious food which resulted in malnourishment and low immune system. Because of all these, the Rohingya

refugees often fall sick because of their low immunity and poor health conditions.

In particular, Rohingya women in refugee camps completely lack reproductive rights. When it comes to pregnancy, they do not afford to visit hospital at regular intervals and consult doctors which often resulted in giving birth in refugee camp without proper medical assistance and medical aids. Rohingya refugees do not usually visit hospitals when they are sick and they just treated themselves with whatever medical aids they have and their sickness are often left untreated as they do not have enough cash to visit hospitals or proper medicines.

- d) **Water Supply**- Water is one the most important basic resource of living and intake of unclean water can cause various implications to human health. The Rohingya refugee camps in Delhi faced certain difficulties and one of their main problems is the scarcity of water in their daily lives. The refugee camps roughly consist of 300 Rohingya and their only source of water is hand pump which is installed by them in their camps. The hand pumps serve as a multipurpose hand pump as it is used by the camp residents for cooking, bathing, cleaning, washing utensils and drinking. Apart from hand pumps, there is no other source of water supply and the camp residents do not get enough amount of water required in their daily lives. Also, hand pumps in the refugee camps are pumping out dirty water, contaminated with sewage and odour and the colour of the water are often yellow or brown in colour. However, since there is no other source of water supply apart from hand pumps, the camp residents do not have choices when it comes to water. They are compelled to use the unclean and contaminated water for their survival. Intake of contaminated water can further create problems in their health as many of the camp residents especially the children suffer from certain water borne diseases which deteriorated their health.

- e) **Education** – Education plays a very important role in the overall development of a person and education is another problem faced by the Rohingyas in Myanmar as well as in their asylum countries. The literacy rate of the Rohingyas is very low as most of them are illiterate, unable to read and write and are able to speak only their native language. The Rohingya children in Delhi are not completely denied education as few of them are able to enroll themselves schools with the help of an NGO like the Zakat Foundation. Most of the Rohingya children study up to Class VII and not beyond as higher education is still out of reach with poverty. However, there are few Rohingyas who are able to enroll in university and these fortunate highly educated Rohingyas are working for the betterment and empowerment of the Rohingya community.
- f) **Employment opportunities** – Employment is another problem faced by Rohingya refugees as illiteracy and lack of identity cards barred them from getting tertiary jobs. Finding a job to earn wages is a real struggle for the Rohingyas refugees and they mainly take up informal jobs to earn their living. They are engaged with jobs such a rag-picking, vegetable vendors, labourers in factories and construction sites, e-rickshaw drivers, and few of them also own small local shops. There are few Rohingyas who are well versed in English and they are working as a translator under the United Nations. The Rohingyas who are engaged with informal jobs faced another problem when it comes to wages as, for instance, for those working in factories and construction sites they do not get paid on time and their wages are low and not enough to support their family. Thus, they faced financial burden and are poverty stricken.

4.3.2. Political Status of Rohingyas in Delhi

Rohingya refugees in Delhi are not only facing problems and difficulties in the areas of social and economic but they also faced legal and political issues since their

arrival in India. The Rohingyas are able to acquire only UNHCR refugee identity cards and 'refugee' is the only identity they are associated with as they are a stateless community and cannot acquire any other identity. Their refugee status automatically makes them vulnerable and are denied from accessing welfare benefits by the Indian government. Hence, their inability to possess an identity, except refugee status, restricted them from attaining social, economic, cultural and political opportunities and privileges and their refugee identity or status does not guarantee them a dignified life.

The Rohingya refugees have been residing in Delhi for almost a decade now but they are still fighting for recognition from the Indian Government and they are still struggling to live a life without fear and persecution. The Rohingya refugees have unitedly urged the Indian Government for support and protection but the Indian Government has never given them acknowledgement and consideration to their status and problems they faced in India. Apart from their dream for a normal life, the Rohingya refugees desire to get empathetic view of their misery by the Indian Government.

In 2017, the Rohingya Muslims in Delhi, supported by the Islamic organisations, gathered in large number at Jantar Mantar in Delhi and appealed to the Indian government to keep providing them with food and other basic daily supplies. They also appealed the Indian government not to deport them back to Myanmar where they are subject to continuous violence and discrimination. Also, on September 2017, 'Solidarity with Rohingya' protest was organised by civil society groups in Teen Murti Marg in New Delhi where they urged the Indian government not to deport the Rohingyas refugees in India and demanded to support them with humanitarian assistance instead. They also urged the United Nations to take stronger action to help resolve their crisis.

Rohingyas in Delhi have taken certain initiatives in order to get the attention and sympathy of the public as well as the Indian government as they are the ones

residing in the capital of India and they have a strong belief that all their protests and demonstrations will pressure the international communities and the Indian government to take actions for the betterment of their community. However, since their arrival in India, the Indian government has not taken much steps for their welfare as they never acknowledged or recognised the Rohingya refugees. Although Rohingyas are not welcomed in India, the Indian government have never carried out violent acts towards them except their plan for deportation of all the Rohingyas including the ones who hold the UNHCR refugee card.

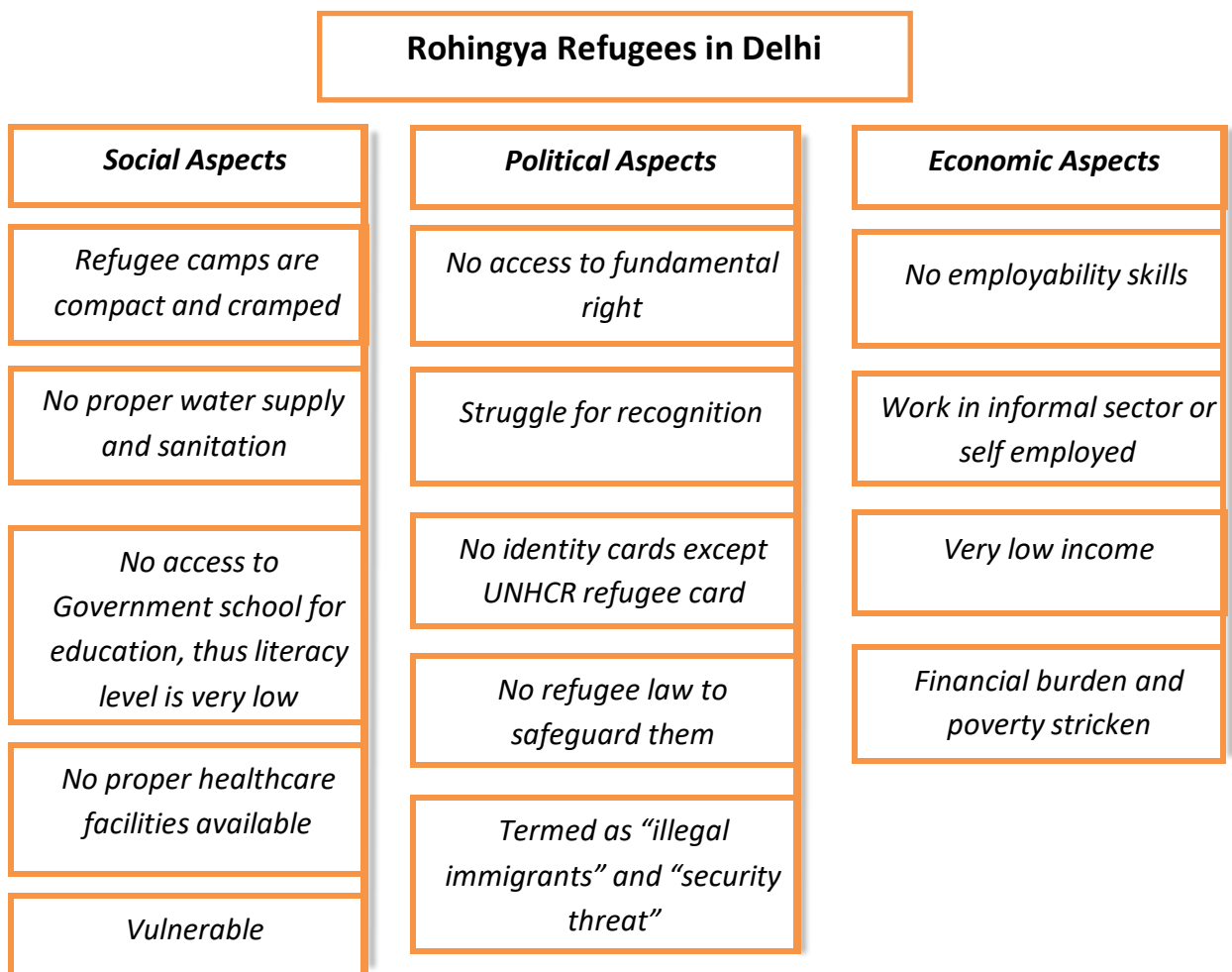


Fig. 1: A flow chart of the status of Rohingya Refugees in Delhi

As they are not accepted by the Indian government, the Rohingyas do not have any legal and political rights in India and they are just a mere human being without any access to welfare benefits and fundamental rights in India. Although Rohingyas in Delhi have organised protest and demonstration to pressure the Indian government, such protest and demonstration have been in vain since they still fail to get recognition from the Indian government. The Indian government, in return, claimed them as an ‘illegal immigrants’ who have entered the territory of India illegally and stay in India without any form of legal registration and document and they are also perceived as ‘security threat’ by the Indian authorities and all these have barred them from attaining legal and political rights as well as constitutional respect in India.

4.4 Communal divide between Rohingya Muslims and Rohingya Christians

The Rohingya community largely follow the teachings and practice of Islam as they are a Muslim community. The persecution and violence the Rohingyas face in Myanmar is dominantly in terms of their ethnicity and that the driving out of Rohingyas from Myanmar can be considered as an ethnic cleansing.

When Rohingya community fled to their neighbouring countries, they were one ethnic community suffering the same discrimination and persecution and seeking shelter in other countries. They were one ethnic community of the same faith i.e., Islam, collectively struggling to find a way for their survival. When Rohingyas reached Delhi, they all settled together in a refugee camp in Kalindi Kunj and being the same community with same ethnicity and culture sharing the same history, persecutions and suffering, they were always united and live together peacefully in a small area with a hope for a better life for themselves and their community as a whole.

However, the pleasant situation among the Rohingya refugees in refugee camps started to change with time when a few Rohingya started to embrace other faith i.e., Christianity. The religious difference among the Rohingyas resulted in spreading hate and divide within their community inside their compact settlement camps and that the

Rohingya Muslims, being the larger and dominant one, started to exert power and control over the Rohingya Christians. The Rohingya Muslims also started to discriminate the Rohingya Christians in their daily lives by treating them cruelly without any respect and dignity making their lives more difficult and miserable in their small settlement camp. The cruel and uncanny actions of the Rohingya Muslims made the Rohingya Christians lives miserable and unbearable and pushed the Rohingya Christians out from their refugee camp.

4.5 Settlement and living condition of the Rohingya Christians in Delhi

Apart from the cramped and terrible condition of their refugee camps, the maltreatment faced by the Rohingya Christians made the refugee camp an unsafe place to live in as the actions of the Rohingya Muslims started to become unbearable and they left their refugee camp, where they once lived together peacefully. The Rohingya Christians did not separate themselves yet chose to stay together even after leaving the refugee camp because staying together give them some sorts of security as they are refugees in other's country which make them vulnerable and are exposed to prejudice and discrimination.

The Rohingya community are seen as a united community by the world but the hidden truth is that there exist disparity and clashes between them in the name of religion. In their community, the Muslims outnumbered the Christians and hence the Rohingya Christians are the vulnerable ones and the Rohingya Muslims also perceived them as a threat to their community and turns a blind eye to the Rohingya Christians when they are in trouble during their difficult times.

When the Rohingya Christians left their refugee camp in Kalindi Kunj they seek shelter within the boundaries of Delhi only where they could feel secure. Leaving a refugee camp caught them up with various challenges such as finding shelter, food, employment and finance. With great difficulty and aid from the NGOs, the Rohingya Christians managed to stay in rented houses in Delhi. Though their lives are filled with

fear and challenges, they are trying their best to make a living in Delhi as their survival is in their hands and cannot solely depend on aid and NGOs.

The majority of the Rohingya Christians, who left the refugee camp, are currently residing in a rented place in Vikaspuri which is located in the Southwest district of Delhi. Presently, there are 25 Rohingya Christian families residing in Vikaspuri and each family live in a separate rented house managing their own family. These Rohingya Christians earn their daily bread by working as labourers, owning local shops in their locality, and some fortunate ones own an e-rickshaw and carry out an e-rickshaw services. Their income is not high but they manage to support their family and pay for their monthly rent.

These Rohingya Christians who are living in rented houses live a normal life and the place they rent for their living are much better than the refugee camps in terms of its structure and sanitation. They stay in a proper house which is cemented in structure with proper toilet, kitchen and rooms. They no longer have to squeezed themselves into one room like they did in the refugee camp as they have managed to rent a house with separate bedroom, living room, kitchen and proper toilet. In terms of education, these Rohingya Christians managed to send their children to schools with the help of Bosco but higher education is still difficult to attain for them because of insufficient finance. Their children are able to read and write and have knowledge of English language. They are more fluent in Hindi than English as Hindi is the official language of India and they use more of Hindi when it comes to communicating with the locals.

The Rohingya Christians live a better life as compared to the other Rohingyas living in refugee camps. Their capability to rent a house in Delhi with regular monthly income shows their development in the past years or since their arrival in India. However, this does not mean that the lives of the Rohingya Christians are stable and secure. They still face challenges in their daily life ranging from discrimination from

the locals to having no access to national services. The locals do not exert violent force towards them but the stigma of being outsider or refugee has made them insecure and vulnerable and it has also barred them from living a free and unrestrained life as the locals.

As their daily income solely depends on their daily sales, there are times when they would not earn enough money for their essentials. In such times, the Rohingya Christians would seek grants from Bosco in Delhi. Bosco has been giving out aid to the Rohingyas and they also helped them in educating their children and other social activities.

4.6 The Rohingya Human Rights Initiative (ROHRIngya)

The Rohingya Human Rights Initiative is a local non-governmental organisation located in Delhi which was formed by the Rohingya activists in Delhi. It is registered under Government of India as a Public Charitable Trust since 2017⁷⁷ and works for the welfare of the Rohingya Refugee communities in India and Bangladesh. The Rohingya Human Rights Initiative claimed that their mission is to promote human rights of human beings, especially to the Rohingya community and other disadvantaged minorities residing in Myanmar. ROHRIngya is the only organisation for the Rohingyas in India and they focus on the welfare of the Rohingya refugees and work for the betterment of the Rohingya community. Currently, ROHRIngya consists of 9 Board Members and 11 Volunteers and they function on the basis of funding from the other organisations and individual sponsorships. Being the only organisation available for the Rohingyas in India, ROHRIngya has to spread out themselves and monitor the situation of all the Rohingya refugees residing in different states in India. As the Rohingya refugees are struggling with their lives, they often face problems when it

77. Ibid. ROHRIngya Annual Report 2019 p.2.

comes food, health and security and hence, the ROHRIngya appoints individuals and volunteers as an in-charge of each field in order to cater to the needs of the Rohingya refugees and to carry out their functions faster and in an organised manner.

ROHRIngya claims to focus on areas such as Human Rights, Child Protection, Education, Health Care, Emergency Relief, Leadership and Networking, Women and Youth Empowerment, Sports and Culture, Advocacy and Media Coverage. Therefore, the social well-being of the Rohingya refugees in India and the empowerment of their community tend to depend solely on the hands of the ROHRIngya.

According to their Annual Reports, ROHRIngya provides shelter, food, water, clothes, blankets, health care, sanitation and financial aids to the Rohingya refugees in Delhi, Faridabad, Mathura, Haryana, Jammu, West Bengal and Hyderabad and responded to their needs when they are faced with difficulty and problems. They also claimed that they help the Rohingya refugees in finding shelter and jobs and provide transportation to Rohingya refugees for their resettlement to other states within India.

Their reports also show that they are working towards women empowerment through their Women Empowerment Project which enables Rohingya girls to learn skills which will help them to earn living and provide for themselves and their families. Since most of the Rohingyas are illiterate, ROHRIngya believes that development of basic skills would help them not only in women empowerment but also in the empowerment and upliftment of their community as a whole. For Youth Empowerment, their reports states that 'Rohingya Football Club India' was established to promote their community belonging, social and mental health and states that it aims to empower their youth through sports. ROHRIngya is responsible for this project and also receives funds and donations from the local contributors. In the area of education, ROHRIngya stated that they are in partnership with Rohingya Literacy Program (RLP) and they undertake several education projects such as Khajuri Khas Education Project and Faridabad Education Project. These projects aim at educating the Rohingya

children which would in-turn increase their literacy level. It also aims at providing and strengthening their language skills especially English which will further open up doors for their further career and widen their job opportunities. They also claimed that they give financial assistance or education sponsorship for the enrolment of children into schools and colleges.

However, in reality, the function and coordination of the ROHRIngya is different from what they claimed in their reports. In actual reality, ROHRIngya does receive funding and sponsors from the other organisations and from the generous individuals but they take very less steps towards the welfare, empowerment and the betterment of the Rohingya community. Although ROHRIngya provides food and stationary essentials, they do not always respond to the needs and problems of the Rohingya refugees and are often neglected and ignored by this organisation during their crucial times. Thus, these Rohingya refugees are often struggling on their own for their well-being and survival.

The condition of their refugee camps in Delhi are filthy with no proper sanitation and this could not justify the claim made by the ROHRIngya that they look after the sanitation of the refugee camps. In case of healthcare, education and job, the Rohingya refugees struggle on their own without much help and assistance from the ROHRIngya. The refugee camps, which lack sanitation, are hardly visited by medical team or other medical persons in order to keep track of their health condition and medical aids are also hardly distributed to the camp residents. When the camp residents fall sick, they consult doctor with their limited money and they do not ask or receive any medical assistance from the ROHRIngya.

Although the ROHRIngya could not meet all the requirements and do not take much steps in the upliftment of the Rohingya community, they sometimes cater to the needs of the Rohingya refugees in India and Bangladesh, however, they are not always alert to the conditions and the problems faced by the Rohingya refugees. As stated before, Rohingya are a Muslim community and hence the coordinators, the leaders and

the volunteers of ROHRingya follow Islam. They show their religious inclinations in their treatment towards the Rohingya as they are more focus and open towards the Rohingya Muslims than the Rohingya Christians. As there is a separation between the Rohingya Muslims and the Rohingya Christians, ROHRingya is also biased towards the Rohingya Muslims because of their same faith and they extend their hands only to the Rohingya Muslims. They distribute food and rations only to the Rohingya Muslims while the Rohingya Christians are completely ignored. Although ROHRingya does not provide much assistance to the Rohingya refugees regularly and even when they provide it, they help only the Muslim Rohingyas.

On the other hand, ROHRingya is very active in reaching out to the media both at the national and international level. They have organised various conferences relating to the Rohingya crisis and they have, in turn, also participated in various conferences and seminars both at the national and international level. They take steps in addressing their crisis to the world and voice their struggles and grievances to the world which have caught the attention of the global media as well as the international community. Besides the media coverage, ROHRingya is also communicating with journalists and social and human rights activists and they have also published numerous research papers and articles in several sites to make the world aware of their situation and urge the international organisations and activists to stand with them in fighting for their rights, status and dignity.

4.7 The condition of the Rohingya refugee in Delhi amidst Coronavirus Pandemic

The Coronavirus Pandemic has brought many problems and difficulty in our daily lives and it not only effect our society but also demobilize the global economy as well. In order to prevent the further transmission of virus, countries all over the world undergo complete lockdown which further affected our society, the lives and livelihood of the people, economy and left many employees without a regular monthly pay. This

has led to a financial burden to many individuals and household as they could not earn money to sustain themselves and has reduced them to the status of poverty.

The ongoing Coronavirus Pandemic has also affected the lives of many refugees including the Rohingya refugees in India in particular as they cannot continue with their daily jobs. As stated before, the Rohingya refugees are working as daily wage labourers, street vendors and e-rickshaw drivers, and as they could not continue to carry on with their jobs, they are left with nothing. Since all their income sources are closed because of lockdown, they do not have money to buy food for themselves and for their family. Those who stay in rented house also faced trouble with their income and their inability to pay their monthly rent has added more burden to them.

Since the Rohingyas are living in a small space all together without any awareness of preventive measures, if a single person is infected it would further infected their whole community which makes their whole community prone to the outbreak. They are worried and scared as they are left with no jobs and no money and the absence of health care facilities and their vulnerability because of their refugee status have made their situation worse during the pandemic. Knowing their desperate situation, the Aam Aadmi Party (AAP) government provided an immediate relief to some of the Rohingyas who are residing in refugee camps in Delhi and NGOs are also extending their hands in distributing rations and other daily necessities.

With the second wave of coronavirus, Rohingya Refugees in India are also facing more severe problems as many of the Rohingyas in refugee camps have started to display the symptoms of coronavirus. However, with poverty, no access to healthcare and no proper identity card issued by the Indian government, Rohingyas in India are left to battle the virus on their own without any medical assistance and aids. They also faced problem in getting test done and getting vaccine as their status barred them from all forms of welfare services and furthermore, they do not approach or consult the medical team regarding tests and vaccine because they fear that they would

be detained or deported⁷⁸ as their UNHCR refugee identity card is not accepted by the Indian government.

Being the unrecognised refugee group, the Rohingya refugees in India and Delhi in particular face severe problem in their day-to-day life and the coronavirus pandemic and the recent Supreme Court order of allowing their deportation have increased their burden and misery. Many migrant workers in Delhi have returned to their hometown because of the pandemic as they face problem in their employment and income. However, the situation is different for the Rohingya refugees as they cannot go back to Myanmar where they are oppressed by the authority and the locals and with the Myanmar's military seizing power again in 2021, the future of the Rohingya community is also gloomy and uncertain.

78. Tarushi Aswani. Without Access to Vaccines or Medicines, COVID adds to Rohingya Refugees's Woes. The Wire. Dated 17.5.2021.

CHAPTER 5

FINDINGS, CONCLUSION AND SUGGESTIONS

5.1 FINDINGS

- 1) The mass exodus of Rohingyas to India started since 2012 and their migration continues till today. They enter India taking different routes such as Indo-Bangladesh border, some entered India (through West Bengal) directly from Rakhine state crossing the Bay of Bengal and some entered through the Northeast region of India from Bangladesh and Rakhine. These Rohingya refugees do not have much option for securing their lives from the constant persecution they face from the Myanmar authorities and the locals. They desperately risked their lives crossing the border in order to find refuge and better livelihood in their neighbouring states.

- 2) Rohingyas have come to India seeking shelter and protection and there are several factors which drive them to seek shelter in India. Firstly, since the Rohingyas are a community hailing from Myanmar and India being an immediate neighbour of Myanmar, India appears to be an easy escape for them in terms of its geographical area. Secondly, India's tradition of hosting refugee and its democratic and secular nature makes it a desirable destination for the Rohingya Muslim. They came with a hope that they would be free from persecution and violence in the name of religion and ethnicity in India. Lastly, as India has been a home of refugees for many generations and has always been integrated and socially inclusive towards its refugees. Its social inclusiveness of the displaced and persecuted people have made the Rohingyas believed that they would be able to acquire certain fundamental rights, freedoms and societal and welfare benefits like the other refugee groups in India such as proper shelter with adequate resources, education for their children and opportunity to re-establish themselves with a better livelihood in India and they are filled with

a hope of better job opportunities and also an opportunity to start their own new venture in the market.

- 3) Rohingyas managed to get shelter in India and are living in refugee camps across India. They have spread themselves in different states and UTs such as Jammu, Punjab, Telangana, and Delhi and they mostly settle in areas where Muslim concentration is high as they feel more secure around the people of their own faith. As this study focuses on Rohingya refugees who are particularly residing in Delhi, it found out that the Rohingya refugees in Delhi are divided into two groups based on their religion i.e., Rohingya Muslim and Rohingya Christian. There exists a deep divide between these two groups in all aspects of life and the Rohingya Muslim, who are greater in number, carry out discriminative acts towards the Rohingya Christians inside the refugee camp. The actions of the Rohingya Muslims forced the Rohingya Christians to move out from the refugee camp and they are currently living in rented houses in Delhi.
- 4) The living condition of Rohingya in refugee camps in Delhi is poor as 4-7 individuals are packed in one small room without proper ventilation and air circulation, without sufficient availability of daily resources like clean water and food and their refugee camps are surrounded by waste particles. The cramped conditions of their refugee camps are really challenging for the Rohingya refugees as their camps are not an ideal place for settlement and to raise children. Their poor living conditions could endanger their well-being and could affect their mental health which can further lead to a lifelong effect or impact on their long-term health. On the other hand, the Rohingya Christians are living a better life as compared to the Rohingya Muslims. While the Rohingya Muslims are concentrated in a cramped refugee camps without a proper space, the Rohingya Christians are able to live in a proper rented houses with regular water supply.

- 5) In case of employment opportunity, Rohingya refugees in India do not hold any identity card apart from the UNCHR refugee card which is not accepted at the formal job sector. In addition, their low rate of literacy has also created a challenge for them in getting a job. With all these factors, Rohingya refugees in India are restricted to the informal job sector but there are also few highly-educated Rohingyas who are working under the UNHCR as translators.
- 6) As Rohingyas have been residing in India since 2012, there have been changes in the stance of the Indian government towards them. Between 2012-2015, the Indian government stood firm on its Constitutional rights and was more open and generous to sheltering the persecuted people coming from its neighbouring countries and that Rohingyas also managed to get shelter in India. However, the stance of the Indian government has changed since 2016, in such a way that the Indian government have become more hostile towards the Rohingya refugees as described them as a ‘threat to national security’ and ‘illegal immigrants.’ However, there is no proof that Rohingya refugees are a threat to the nation’s security as they are a poor community seeking shelter and protection and there is no way for them to engage in a violent or terrorist act. In order to be engaged in violent acts, one needs to have connection with the outside world and access to technology and Rohingyas do not possess all these advancement as they are living in poverty. Also, no such record of Rohingya engaging in violent and terrorist activities is available as they are still fighting for their survival and recognition. Therefore, this sudden action of the Indian government towards the Rohingya is likely driven by its religious intolerance of the Muslim community in India and thus making religion as an instrument to determine refugees who can reside within the territory of India.
- 7) Despite holding UNHCR refugee identity card, Rohingya refugees in India are not legally recognised by the Indian government till today and no humanitarian assistance apart from shelter has been provided to them. Though they are given shelter, they are restricted to confine in informal job sector taking up odd,

unskilled and unorganised jobs in which rag-picking is the most common job among the Rohingya refugees in Delhi. They often faced challenges while searching for jobs as there are instances where their refugee identity card is not accepted by the employer and the stigma of being an ‘outsider’ also restricted their employment and often lead them to take up jobs which do not require any form of identity. Although the Rohingyas are trapped into poverty, the fact that they are considered as ‘illegal immigrants’ has denied from accessing all the national services such as ration, education, freedom of movement and employment, etc., and that they do not receive any kind of assistance and protection from the Indian government and they solely rely on the UNHCR and the other NGOs.

- 8) The India government still lacks a formal refugee law and is not a party to the Refugee Convention of 1951 and its Protocol of 1967 which has kept India in a very complex and crucial situation when it comes to refugee problem. India’s lack of formal law for refugee management is the major drawback in its system as India has been caught up between safeguarding its national security and accommodating the displaced people who are seeking asylum in India. Under this circumstance, India needs to adopt a proper law for refugee management and needs to draw a clear line and strict policy in dealing with asylum seekers, migrants and illegal encroachments in India. India being a safe haven to thousands of refugees cannot continue to deal its refugee in an ad-hoc basis and should adopt a proper policy to deal with them in a consistent and uniform manner.

5.2 Conclusion

The Rohingya Crisis is a tragic catastrophe which needs an effective solution at a national and international level. The ignorance of this crisis by certain countries and the international communities has created greater opportunity for Myanmar as well as refugee hosting countries to continue violent and aggressive acts towards the Rohingya community. The Rohingyas have lived under constant threat for many

decades now and it is not likely to end in the near future as no countries and international communities have taken tangible and effective measures to end the crisis. Although few countries and international communities have raised their concerns and condemnations on this crisis, however, no actual steps have been taken to tackle or stop the ongoing Rohingya Crisis.

The situation of the Rohingyas in Myanmar is undeniably inhuman and also violates human rights in all aspects. It is because of the 1982 Citizenship Law of Burma that the Rohingya became alien in their home country as well as a stateless community overnight. They are left without any choice rather than to cross the International border and bare-handedly seek asylum in the other countries. The Rohingya issue is not only concentrated within the realm or territory of Myanmar, but it has evolved into an international issue as the Rohingyas have desperately crossed international borders and spread themselves in different parts of the world. Their migration across countries has created various challenges to the refugee hosting countries in terms of economy, security and their refugee policies and foreign policy. Hosting refugees is not an easy task and can be a burden for the host states if they are not properly managed as they have to balance between its nation's security and the socio-economic well-being of the refugees.

The growing number of Rohingya refugees has already posed a challenge to the host countries as some of the them have been residing in India without registration and proper valid document and those who have registered themselves as a refugee under the UNHCR are still seeking for greater protection from the Indian authorities for better employment opportunities and security. As the majority host countries of Rohingya refugees are the neighbouring countries of Myanmar who are still among the third world country, if they are not properly managed their growing number will soon challenge the internal security of the host country.

The democratic and secular nature of India make it a desirable destination for the Rohingya and they have come to India seeking shelter and protection since 2012. Although the Rohingya refugees are granted shelter in India, they are still pressurising the Indian government for legal recognition which would directly render them with better job opportunities, better livelihood and other social and welfare benefits. Although they possessed UNHCR refugee identity card, certain fundamental rights which are extended to all the individuals in India are not accessible for them as the Indian government does not recognise them refugees and overlook or ignore their struggles and disparity not only inside their refugee camps in India but also the Rohingya crisis in general.

India has its long tradition of sheltering refugees from different parts of the world such as the Tibetan Refugees in 1959, Bangladeshi refugees after Bangladesh war in 1971, the Sri Lankan refugees, the Afghan refugees, the Chin refugees from Burma, the Rohingya refugees and many other refugees from different countries. The Indian government has always shown its kindness and hospitality towards its refugees and that its refugees are also able to live a normal life which is without persecution and are given opportunity to earn their own livelihood by working at the informal sector and private firms and also have freedom to be engaged in commercial business and open their own local shops. Despite opening its doors to persecuted people and migrants, the Indian government has recently adopted a discriminatory measure towards the Rohingya refugees and that the Centre has stated to deport all the Rohingya Muslim refugees to Myanmar claiming that they are a threat to the nation's sovereignty and security and recently the Supreme Court of India has issued an order, allowing deportation of Rohingya refugees from India.

India, a home of many refugees for over many generations, has never claimed its refugees as a threat to its national security and while India claims its Rohingya refugees as a threat, it continues to acknowledge and accommodate other refugees from Tibet, Sri Lanka, Bangladesh, and Afghanistan etc. India's sudden alteration of

its stance towards its Rohingya refugees needs a holistic understanding. Firstly, the recent change in the government's attitude towards the Rohingya refugees can be linked to the ongoing spreading of an anti-Muslim rhetoric in India and that the Rohingyas being a Muslim community became the victim of deportation. Furthermore, the recent tagging of the Rohingyas as 'illegal immigrants' and 'Islamic terrorist' is also a result of the religious discrimination carried out by India. Secondly, all Rohingyas who seek shelter in India are categorised as 'illegal immigrants' by the Indian authorities. As Rohingyas are excluded from the official ethnic groups of Myanmar and are deemed stateless, however, they are not statusless as they have received 'refugee' status from the most prominent organisation for refugees i.e., the UNHCR. Despite holding UNHCR refugee identity card, the Indian government still fails to recognise them as refugees but rather instill fears on the minds of the Rohingya through their deportation plan and deeming them as 'illegal.' India's unequal treatment of its refugees and the power of the government to dictate on the refugee groups in India clearly show that India needs a domestic refugee law for its refugee management. Despite having a well-written constitution and being a party to Human Rights, its lack of a legal refugee law has posed certain challenge and uncertainty towards its refugee management.

5.3 SUGGESTIONS

Rohingya issue is not an issue of one country, rather it is a global issue. The Rohingya crisis is one of the most critical issues in today's world and needs to be solved effectively. Since many Rohingyas have fled their country and settled in different countries as refugees, and if not properly managed, there is a possibility of creating a greater refugee problem including inefficient resources and threaten the security in the immediate future and hence, every state and international communities or agencies have a huge role to play in solving the Rohingya crisis.

- 1) As Rohingya crisis has erupted from Myanmar, the government of Myanmar is highly responsible on this issue and should take initiative in solving this issue. Despite the persecutions of Rohingyas in Myanmar, making them a stateless

community by not including them to the 135 ethnic groups of Myanmar and Rohingyas fleeing Myanmar putting their lives at risks, the Myanmar government has remained silent, reject and ignore condemnations of their brutal actions towards the Rohingya community in Myanmar. The actions of the Myanmar government towards the Rohingya community are entirely inhuman in all aspects as it clearly violates the human rights. Thus, Myanmar should be responsible for its cruel and brutal treatment of the Rohingya community and should end all the persecutions which are meted out towards the minorities especially the Rohingya Muslims-who have suffered the most among the minorities of Myanmar and make Myanmar a peaceful and desirable place for Rohingyas to go back and settle.

- 2) Being a party to the Human Rights Law, India is obligated to provide humanitarian assistance to the persecuted and displaced people and also abide to its constitutional provisions. With the increasing number of persecuted minorities all over the world, no state can close its doors to people who are seeking protection and accommodation and that all states, particularly those state who are party to the Human Rights and International Refugee Law, are expected to provide humanitarian assistance to the persecuted people by the international communities. Under these circumstances, it is important for all the states to provide humanitarian assistance to the persecuted and displaced people on legal grounds however, illegal encroachments should not be tolerated. Therefore, it is necessary for India to maintain a proper record of foreigners including refugees and migrants and maintain regular checks on them. Ensuring a tight security at the borders, monitoring entrance of people in the territory of India and maintaining proper documentation of the displaced and persecuted people who are residing in India would help India in protecting its security to a great extent.

- 3) As this study focuses on the Rohingya refugees in India, the Indian government being a host of thousands of Rohingya refugees also has a responsibility in solving the Rohingya crisis. There is a dissimilarity on the figures of Rohingya population in India as the data of the MHA and the UNHCR is different. While the UNHCR records 18,000 Rohingyas in India, the MHA records around 40,000 Rohingyas and the fact that the Indian government has deported few Rohingyas who are residing in India without registration card and documents raises a question whether all the Rohingyas who reside in India have a proper registration under the UNHCR or are they staying in India illegally without any registration and document from the Indian government or UNHCR. All these clearly show that refugee management in India is poor and need a proper plan or strategy and need clearly lay down rules and procedures for its refugee management.
- 4) Despite opening its doors to refugees, India's recent bias action towards the non-Muslims refugee groups needs remuneration. Recently, the secular India has started to use religion as an instrument for dictating its laws and governance, which is clearly visible in its treatment of its Rohingya Muslim refugees and its other non-Muslim refugee groups in India, and stray away from its constitutional provisions as it has started to describe all the Muslim community as a 'threat' or 'terrorist,' thus spreading an anti-Muslim sentiment in the state. India should always abide to its constitutional laws and its foundational principles of democracy and secularism and should not discriminate any individual based on their religion.
- 5) The greatest flaw in Indian Political System is that it lacks a legal refugee law and manage its refugee in an ad hoc manner. India not being a signatory to the Refugee Convention of 1951 and its Protocol of 1967 and the absence of its own refugee law creates a huge problem for India towards governing its refugees. With the absence of domestic refugee law, there is no proper domestic

law to define who are refugees and illegal immigrants in India and the fact that the Indian government has a power to dictate on these terms which creates unequal situation for the asylum seekers as the authorities has started to carry out religious discrimination among refugee groups. Furthermore, discrimination, persecution and violence against minorities have existed all over the world since time immemorial and India, being the most developed states among its close neighbouring countries, has been playing a mother role in accommodating those persecuted people. Under these circumstances, India needs to frame a proper refugee law for better administration and regulation of its refugees and for its internal security in the future.

- 6) The Supreme Court of India recently issued an order allowing the deportation of Rohingyas from India arguing that they are illegal migrants and have no rights to stay in India's territory. The lack of formal domestic refugee law and no proper definition of refugee and illegal migrants by the Indian government has created a gap between the refugee groups and migrants and could also lead to improper tagging of refugees as illegal migrants. Also, deporting the Rohingyas when the situation in Myanmar is still boiling is against non-refoulment policy and that India should respect it and should not deport the Rohingyas back to Myanmar where they would be persecuted or killed by the authorities. Deportation should take place only when the violent matter subsides in Myanmar.
- 7) As the number of refugees has been growing considerably every year, international communities and bodies should take a better and more practical steps in tackling the refugee issue. In the case the Rohingya crisis, the international bodies or agencies have not taken efficient and tangible steps to solve the issue. Apart from condemning Myanmar's actions, international agencies should give more concern to the ground realities of the refugees in their refugee settlement camp such as their environment, sanitation, health care

and availability of resources and daily essentials and should also go for a site visits at regular intervals to know the actual condition or situation of refugees in their refugee camps. Also, it is necessary to organize a diplomatic talk between Myanmar and the contracting states of Rohingya refugee crisis including the International organization like the United Nations in order to arrive at effective solution to ease and end the despair and sufferings of the Rohingya.

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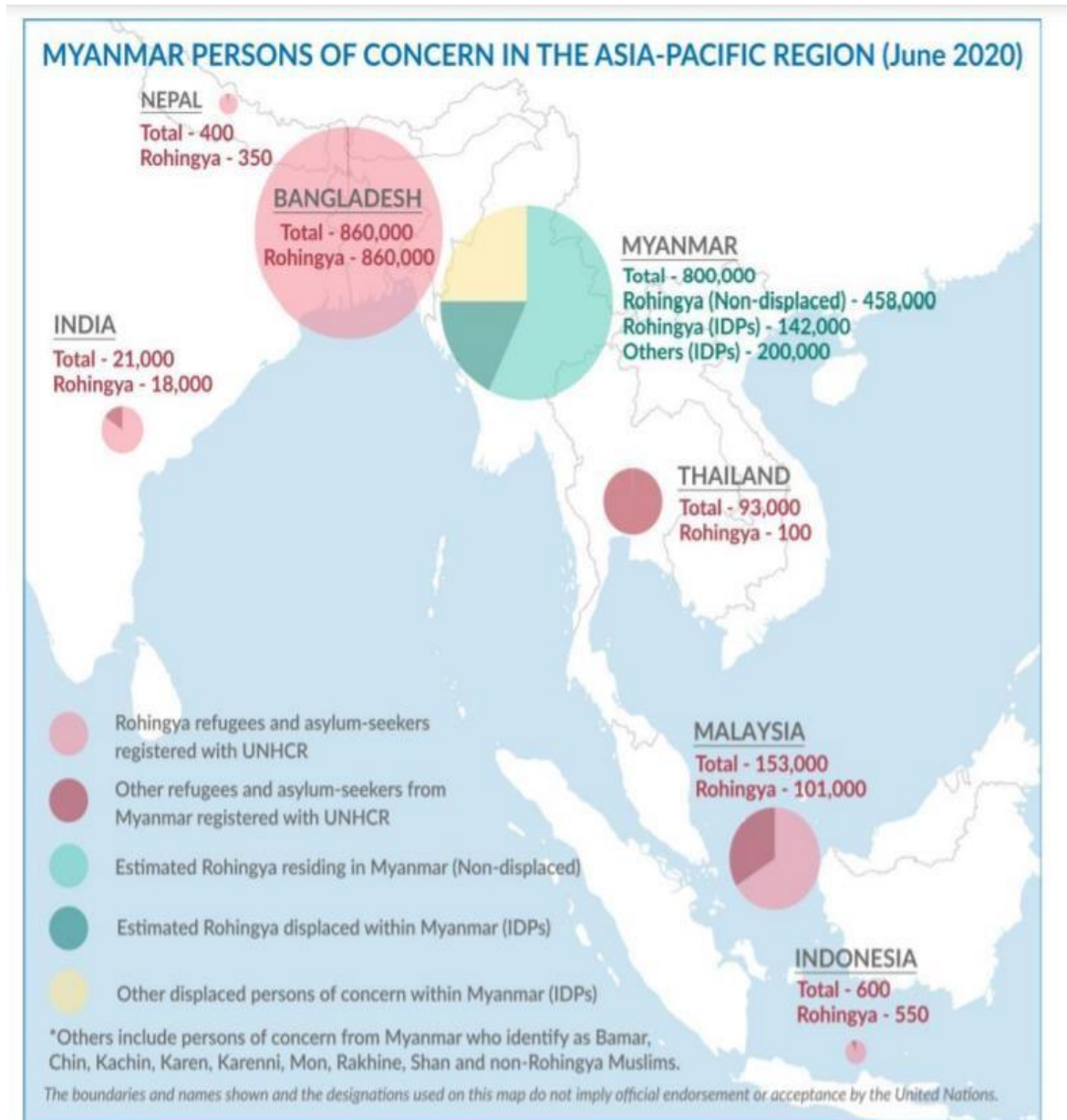
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Appendix – 1



Source: UNHCR.Fact.Sheet.

<https://reporting.unhcr.org/sites/default/files/The%20Displaced%20and%20Stateless%20of%20Myanmar%20in%20the%20Asia-Pacific%20Region%20-%20January%202021.pdf>

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2	All India Senior School Certificate Examination	2014	Central Board of School Education
3	Bachelor of Arts	2017	University of Delhi
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(LALREMPUII ROKHUM)

PARTICULARS OF THE CANDIDATE

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DEGREE : Master of Philosophy (M.Phil)
DAPARTMENT : Political Science
TITLE OF DISSERTATION : The Rohingya Crisis: A Study of the Social and
Political Status of Rohingya Refugees in India
DATE OF ADMISSION
(Commencement of First Sem) : 26.07.2019
COMMENCEMMENT OF
SECOND SEM/DISSERTATION : January 2020
APPROVAL OF RESEARCH PROPOSAL
DRC : 20.05.2020
BOS : 28.05.2020
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