

Policy Report

No. 24

**‘Nobody's Children, Owners of Nothing’:
Analysing the Indian State’s Policy Response to
the Rohingya Refugee Crisis**

Mudasir Amin



THE HINDU CENTRE

for

Politics and Public Policy

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**‘Nobody’s Children, Owners of Nothing’:
Analysing the Indian State’s Policy Response to
the Rohingya Refugee Crisis**

Mudasir Amin

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(February – May, 2018)



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ABSTRACT

The political exclusion of Rohingya Muslims in post-colonial Burma and the waves of violence against them in the form of a state-sponsored campaign of massacre, rape and arson is now widely seen as ethnic cleansing and as crimes against humanity. It has resulted in a million Rohingyas fleeing to other countries, mostly Bangladesh. While Bangladesh struggles to deal with the crisis, the South Asian power, India, is not allowing in all those who seek entry, plans to forcibly repatriate those who are already in the country, and is not providing sufficient relief to them. This report analyses India's policy response to the Rohingya crisis, juxtaposing its political and humanitarian aspects; examines different steps taken by the government to project the Rohingyas as a 'threat to India's national security'; and looks at the response, offering an explanation about the underlying politics of humanitarianism. This is an attempt to provide a theoretically grounded explanation using a discursive analysis of the speeches, acts by the governing elite, the parliamentary debates/questions on the issue, circulars and ordinances passed that call for deportation and other strict measures. The Indian state's response with the 'refugee-centric' desired responses and its own response to other refugee groups in the country has also been analysed.

The report lays bare how the Bharatiya Janata Party (BJP)-led National Democratic Alliance (NDA) government's approach

towards refugees is in keeping with its Hindu nationalist agenda, with religion dictating state policy. Feeding into the global Islamophobia industry, religious majoritarianism is gaining momentum in India under the current government; the Indian state is using the Muslim identity of the Rohingyas to project them as ‘terrorists’: it has taken extreme measures through bureaucratic procedures, surveillance and border control, even resorting to violence against the Rohingyas seeking refuge. The report also shows how the Rohingyas — mostly living in ramshackle shacks in semi-urban ghettos in Delhi, Jammu, Haryana, Rajasthan and other places have been denied even basic public goods. This report further explains how India pursues its strategic interests by offering developmental aid in Rakhine and some meagre assistance to the refugees in Bangladesh while finalising plans to forcibly repatriate the few thousand Rohingyas from the country.



Source: International Crisis Group, 2018.

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(The phrase Nobody's children, owners of nothing' used in the title of this report is borrowed from Eduardo Galeano's poem, 'The Nobodies' from The Book of Embraces. 1992.)

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GLOSSARY OF ACRONYMS

AI	: Amnesty International
ARSA	: Arakan Rohingya Salvation Army
BIA	: Burma Independence Army
BJP	: Bharatiya Janata Party
BSF	: Border Security Force
COVA	: Confederation of Voluntary Associations
DAJI	: Development and Justice Initiative
FRRO	: Foreigners Regional Registration Office
HRLN	: Human Rights Law Network
ICC	: International Criminal Court
ICG	: International Crisis Group
ICRG	: International Convention on the Rohingya Genocide
IHL	: International Humanitarian Law
IOM	: International Organisation of Migration
MEA	: Ministry of External Affairs
NGO	: Non-Governmental Organisation
NRC	: National Registry of Citizens
OCHA	: UN Office for the Coordination of Humanitarian Affairs
PDS	: Public Distribution System
PTSD	: Post Traumatic Stress Disorder
ROHRIngya	: Rohingya Human Rights initiative
SLORC	: State Law and Order Protection Council
UIDAI	: Unique Identification Authority of India
UNHCR	: United Nations High Commissioner for Refugees

'NOBODY'S CHILDREN, OWNERS OF NOTHING': INDIA'S POLICY ON ROHINGYA REFUGEES

I. INTRODUCTION

*No one leaves home unless
home is the mouth of a shark.
You only run for the border
when you see the whole city
running as well.*

These evocative lines from Warsan Shire's¹ poem "Home" tell us why people make perilous journeys, through seas in unsafe boats amidst tempestuous waters, leaving behind their homes, unsure of their destinations, with fences and non-porous borders awaiting them. The twenty-first century has witnessed protraction and/or escalation of conflicts across the world resulting in massive humanitarian crises, the issue of mass displacements being one of them. There are more than 66 million forcibly displaced people globally among whom almost 22 million are refugees (UNHCR)²

¹ Poet and activist Warsan Shire was born in Kenya to Somali parents in 1988. The family migrated to United Kingdom when she was one. An award winning poet, she has written extensively on the refugee/migrant issues. She 'conjures up a new language for belonging and displacement', notes the New Yorker.

² Latest **United Nations High Commissioner for Refugees** (UNHCR) figures. "Figures at a Glance". [<http://www.unhcr.org/figures-at-a-glance.html>].

and 10 million are stateless. These numbers did not emerge overnight. These people were forced to leave their homes to avoid violence and persecution, stemming largely from ‘state centric conflicts’ (Farzana, 2017) in an era in which the assertion of group identities has often taken violent forms. Low-income and middle-income countries are bearing the brunt of this huge inflow of refugees, but as Jason Beaubien (2017) points out, ‘most people who are driven from their homes by armed conflict don't end up officially as refugees’. They are neither seen as legitimate rights’ claimants in their own countries, nor are they afforded a dignified living in the countries they flee to. In the process, they are reduced to ‘bare life’ (Agamben, 1998).

This crisis gained huge attention in the aftermath of the tragic incidents in the Mediterranean Sea where boats capsized, resulting in the death of thousands of refugees. In the subsequent months, this was highlighted in the media and also by western governments as a ‘European or Mediterranean refugee crisis’. But it is a global crisis, argues Melina Duarte, stressing that the flow of refugees from the global south has been an ongoing process for decades and it is not Europe but countries with fewer resources that have been accommodating most of the refugees (Duarte 2016). The response of western governments has not been encouraging. Commenting on the

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treatment of refugees in Europe, *The Observer* wrote that “the continent’s ‘out of sight, out of mind’ attitude represents not only a failure of humanity, but of policy” (Observer 2017). Pope Francis, lamenting the inhuman treatment of refugees around the world and the failure of nation-states to tackle the problem, calls it the ‘globalisation of indifference’. An important argument made by modern nation states in defence of closing borders is that there is a need to stop economic migration from developing countries to the greener pastures of developed countries. But in an era of globalisation and neo-liberal policies, the world’s hegemons have benefited ‘at the direct expense of those in many parts of the world who are vulnerable and increasingly exploited’ (Weiwei 2018).

Forced displacement is being used as a war strategy rather than its merely being a side effect (UNHCR 2000). The highly securitised political response by nation states is reflected in their unwillingness to provide asylum to refugees. The post-war period from the 1950s to the mid-1970s saw a substantial number of refugees being settled as a ‘by product of cold war security and propaganda considerations’ (Whitaker 1998). As the securitised response of the governments towards refugee movements continues to be directed towards Third World countries, Anthony Richmond, describing it as ‘global apartheid’ in the post-Cold War era, says:

It now seems that a generous policy towards refugees was a cold war luxury and even that one mainly reserved for Europeans. [(Richmond 1994) cited in Whitaker, 1998]

Conditions have only worsened in the post-9/11 world order: the ongoing conflicts in the Middle East, Africa and other Third World countries have displaced millions of people who have been greeted by closed borders and heavy surveillance by regimes around the world. One important feature of the current refugee movements is that the people fleeing and seeking asylum are mostly Muslim. If the negative response of most western and European countries has many reasons ranging from high politics to regional security, a common thread that runs through is growing Islamophobia. A recent *New Yorker* report on the current U.S. administration's tough refugee policy quotes Attorney General Jeff Sessions:

We are a Christian nation... we should only be accepting Christian refugees.... Bringing in a large, unassimilated flow of migrants from the Muslim world creates the conditions possible for radicalisation and extremism to take hold (Blitzer 2018).

To enjoy the rights and other safeguards granted to other citizens of a sovereign nation-state, being human is not enough. So anyone outside the ambit of citizenship ceases to enjoy basic human rights. Hannah

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Arendt (1951) coined the phrase ‘the right to have rights’, arguing that stateless people suffer in the absence of this ‘right’ i.e. citizenship. She was critical of the modern human rights regime, including the Universal Declaration of Human Rights (UDHR) and other conventions; she believed that all these conventions and rights are subject to adherence by nation-states which do not recognise the rights of people other than their own citizens — in this case, the stateless.

Stephanie De Gooyer, while subscribing to Arendt’s phrase, calls it a ‘post-right’ because it ‘makes itself known only when the possibility of its arrival has already disappeared’ (De Gooyer 2018, p.16). This has been the case with the Rohingya Muslims in Myanmar where the state, over the years, in a systematic campaign has stripped them of their citizenship and, hence, of their rights. After this de-nationalisation campaign, they have been subjected to atrocities so colossal that international rights groups and the United Nations refer to the situation in Myanmar as a ‘textbook example of ethnic cleansing’. They are being subjected both to exclusion from a politico-juridical status, existing outside the margins of a formal state and the safeguards it provides to its citizens, as well as to systematic violence.

According to different UN agencies, more than 1,68,000 Rohingyas have left Myanmar in 2012 alone. According to the data issued by the

International Organisation for Migration, 87,000 fled to Bangladesh from October 2016 to July 2017. After a let-up in the violence in the first half of 2017, the latest purge started in September and the UN Refugee Agency's estimates show the number of people fleeing as high as 2,70,000 in less than a month. Other than Bangladesh, the Rohingyas, over decades of persecution and crackdowns, have also landed in countries like Malaysia, Thailand, Pakistan, the United Arab Emirates (UAE), Saudi Arabia, and India³. In India, as reports suggest, most of them made it after the 2012 wave of violence in Rakhine.

This report seeks to analyse the Indian state's policy response to the Rohingya crisis, juxtaposing its political and humanitarian aspects; it examines the different steps taken by the government to project the Rohingyas as a 'threat to India's national security'; and it looks at the humanitarian aspect of the response offering an explanation about the underlying politics of humanitarianism. The extreme measures of denying entry to the Rohingyas and deporting them have been taken to safeguard the country from them as they 'pose a threat to national security'.

³ Number of Rohingya in different countries: - Bangladesh: 890000, Pakistan: 350000, Saudi Arabia: 200000, Malaysia: 150000, India: 40000, UAE: 10000, Thailand: 5000, Indonesia: 1000. In Myanmar there are approximately one million Rohingyas and 120000 more live as IDPs within Rakhine state (Source: Aljazeera, UNHCR).

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Keeping in view the context of the current study, the focus of the discussion will be on forced displacement brought about by persecution on the basis of race, ethnicity, ideology, religion, and exclusion caused by statelessness. A theoretical understanding of forced displacement contributes to policy level analysis of the root causes of forced displacement, securitisation of refugees, politics, state controls, borders, and responses, both legal and institutional.

Against the backdrop of the current global refugee crisis which has seen refugees being dehumanised, securitised, and denied basic rights by modern nation-states, Section Two tries to understand forced displacement and statelessness in South Asia — particularly, its scale, causes, and consequences for the region and for the wider international order. Section Three traces the making of the Rohingya crisis and looks at major political events during the precolonial, colonial and post-colonial phases in Myanmar. Section Four, using secondary sources, compares the Indian state’s response to different refugee groups/movements, post-independence. The main analysis and findings of the report are presented in Section Five. It starts with a brief overview of the demography, location and numbers of Rohingyas in India. The next part, using a theoretical framework, problematises the Indian state’s labelling the Rohingyas as a ‘security threat’ to the

country. Commenting on the limited and reluctant humanitarian aid, this section reveals the underlying politics and different factors responsible for this. It further discusses the interplay of the state with the UNHCR and other NGOs, and the role they have played during this time period. It finally touches upon the important case of the Rohingyas in Jammu which demonstrates the practical implications of the politics of framing and hate that the refugees have been subjected to. The last section sums up the main findings and concludes with some policy recommendations.

The term ‘forced displacement’ in this report will refer to displacement due to political conflict/persecution as the context demands. The language of migration, says David Turton, considers migrants as passive victims without any agency and is essentially state-centric (Turton 2003). Given all the categories and distinctions between different individuals or groups of migrants, Turton suggests the need to focus on forced migrants as ‘purposive actors and ordinary people’ to serve both ‘practical and moral’ ends. Without going into the discussion of terminology and metaphors of migration, this report does not in any case refer to them as ‘passive victims’, regardless of context and situation.

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1.1 Research Question

As spelled out earlier, India has dealt with the refugee issue on an ad-hoc basis, essentially guided by its relations with the refugee origin country and its own national security concerns. While securitisation of migration is a reality in the Indian context, the refugees – even though they are not recognised as such – have been provided shelter, and some groups have even fared well enough to be referred to as ‘model refugees’. For the groups fleeing conflict, persecution, and war in the neighbouring states of Bangladesh, Tibet, Sri Lanka, and Afghanistan, the borders have been relatively porous. India hosts a considerable number of refugees from Myanmar as well, but this has been mired in ethnic tensions and religious persecution right from the start. These refugees, belonging to different ethnicities, have crossed the borders through different routes since the 1990s.

The way the Rohingya Muslims have been treated by the government under Prime Minister Narendra Modi of the Bharatiya Janata Party (BJP) is very different from the way other groups were treated by earlier dispensations. During and after the purge in Rakhine that started in August 2017, India has blocked their entry and called for the forceful repatriation of those Rohingyas already on its soil, a departure from the manner in which previous Indian governments dealt with

refugees. This study seeks to understand what has led to such a change in policy — or at any rate, a change in practice — if it has taken place. While examining the government’s different securitisation moves, this report will attempt to answer the following questions:

- What has motivated the Indian state to adopt a different policy towards Rohingya refugees?
- How has the response to the Rohingyas been different, compared with that towards other refugee groups/inflows?
- Does the influx/presence of Rohingyas overwhelm the local capacity?
- Do they encourage local conflict?
- Do they pose a threat to the sovereignty and national security of India?

The report investigates the questions through the perspective of a humanitarian crisis and securitisation, since it has been framed as a ‘threat to national security’ in India, as per the framework given below.

1.2 Framework

Refugees who flee persecution, religious or ethnic, fall under the purview of international protection established in the form of various

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conventions like the Refugee Convention 1951, its 1967 protocol, other declarations and intergovernmental institutions like the UNHCR. Under these conventions, they are entitled to receive humanitarian assistance and legal help to secure refugee status. India is not a signatory to the UN refugee convention or its 1967 protocol. It has allowed the UNHCR to function with a limited mandate. However, it has ratified and is a signatory to various international conventions that affirm the ‘principle of non-refoulement’.

To analyse India's response to the Rohingya refugees, this report uses the policy yardstick for countries derived from different UN protocols and recommendations, used by Karen Jacobsen (1996) (See table I). The yardstick ‘represents a policy spectrum: on the positive end are positive refugee policies, “perfectly” compliant with international recommendations; the other end represents perfect noncompliance, manifest in negative or restrictive refugee policies’ (Jacobsen 1996, p 658). Apart from this yardstick, a comparison with India’s treatment of other refugee groups, particularly the Tibetans and the Sri Lankan Tamils, augments the analytical framework of this study.

Of the many reasons modern liberal states put forward to justify the demonisation and criminalisation of refugees so that they may close

their borders to them, national security is the most prominent (Whitaker 1998). Pertinently, India's initial justification for its tough stance towards the Rohingyas was national security. In order to analyse this response in a proper theoretical framework, this study uses the securitisation theory (ST) propounded in *Security Studies: A New Theoretical Framework* by Buzan, Wæver and de Wilde (1998). This approach, generally referred to as the Copenhagen School, is based on a social constructivist vision of international politics. Moving beyond the traditional territorial worldview of security, this approach presents a wider security agenda that includes environmental change, poverty, and aspects like human rights. The main focus of this framework is the concept of securitisation in which the state frames or declares a particular issue as an 'existential threat' that warrants urgency and high politics by taking emergency measures (Mc Donald 2008). The theory focuses on the 'speech acts' by state representatives who through their statements create a sense of 'urgency' or frame a particular issue, refugees in this case, as a security threat to legitimise the action that they consider necessary to address or block the threat.

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Taking a clue from Lindvall⁴ (2015), the present study makes use of the main concepts of securitisation theory to analyse the response of the Indian state vis-à-vis the Rohingya refugees in terms of: a) *referent object* - the entity which is claimed to be ‘threatened’, the Indian state in this case b) *referent subject* - the ‘threatening’ entity, the Rohingya refugees c) *securitising actor* - the government or government representatives who represent the state. It also involves the media and other organisations.

1.3 Method

The study uses a discourse analysis method. Parliamentary and assembly debates, the speeches, interviews, statements of government representatives, including the Prime Minister, Home Minister, External Affairs Minister and statements or circulars issued by relevant government functionaries on the Rohingya issue have been analysed. This will help in an examination of the official stand of the Indian government. For a more nuanced understanding of the state response,

⁴ Lindvall, A. 2015. *‘Have refugees become a security problem? A Comparative study of Securitization in the United Kingdom and Germany’* uses the concepts of *referent object*, *referent subject* and *securitising actor* of the securitisation theory to compare the response of United Kingdom and Germany focusing on the heads of the states, commissioners and their speeches and statements with respect to the ‘refugee crisis’ that emerged in Europe in 2015 and 2016..
[https://gupea.ub.gu.se/bitstream/2077/42428/1/gupea_2077_42428_1.pdf].

some interviews were conducted with government officials (though most of them declined to talk), politicians, civil society members, lawyers and NGO activists working on/with Rohingya refugees. Also, the discourse on the issue, i.e., how it was framed in the media including reportage, research reports, policy briefs, and press releases by different rights groups was analysed. A limited number of interactions was held with some members of the Rohingya community during field trips to their camps in Delhi and Jammu.

Table I:
U.N. Policy Yardstick: Refugee Policy Decisions And Possible State Responses

Policy Type	Positive Response	Negative Response
1. Legal-Bureaucratic Response		
Accede to International Instruments, Conventions	Yes, or accession equivalent	No accession
Define Asylum seeker as Refugees	Yes	No, define asylum seekers as aliens, etc.
Create separate bureaucratic Authority for Refugees?	Yes	No, refugee affairs handled by army

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Procedures for Determination Of refugee status?	Yes, proper procedures Including legislation, appeal, etc.	No proper procedure
2. International Refugee Organisations (IROs)		
Grant IROs permission to assist refugees?	IROs permitted into country	IROs excluded
Cooperate with or restrict UNHCR IROs?	permitted access to affected areas, cooperation	Restricted or no access poor cooperation
3. Admission and Treatment of Refugees		
Admit asylum seekers appearing at border?	Yes	No
Screen Refugees?	No; or yes, in accordance with UNHCR regulations	Yes, but not in accordance with UNHCR
Location of Refugees?	Refugees allowed to choose camps or self-settlement	Refugees forced to live in camps
Rights of and restrictions refugees?	More rights (including freedom of movement, employment, no discrimination.	More restrictions (on move-on-ment, employment) and discrimination
Refugee Protection?	Emphasise physical safety, Camps at safe distance from Border, civilian nature of camps is maintained	Protection of camps frequently violated, combatants in camps; military recruitment of refugees

Repatriation?	voluntary, according to UNHCR recommendations	Involuntary or forced, violations of recommendations
Treatment of Long-term Refugees	potential for local settlement or permanent residence	No such local potential, refugees in camps.

Table 1: Source : Jacobsen (1996)

II. FORCED DISPLACEMENT IN SOUTH ASIA: AN OVERVIEW

A 2014 UNHCR report, looking at the huge numbers of people displaced in the world, refers to the present times as an ‘age of unprecedented mass displacement’. The report further says that a quarter of the refugees in the world reside in the Asia and Pacific region, as categorised by the UNHCR, with 47 per cent of the UNHCR’s total ‘people of concern’ residing in Asia (UNHCR, World at War 2015). The refugee crisis in Asia has created practical challenges for policy makers and scholars since the international refugee regime — that includes international conventions, protocols and institutions like the UNHCR — is criticised for being Eurocentric. Most countries in this region are not a signatory to many of these agreements and protocols. This report tries to avoid this problematising as it is beyond the scope of this study.

The human displacements in South Asia are, to a major extent, a legacy of colonialism, be it Partition of the sub-continent or the post-colonial nation-building of other countries. The decolonisation of the sub-continent resulted in the formation of the two independent nation-states of India and Pakistan on religious lines with ensuing violence

and the movement of hundreds of thousands of people from both sides. This is considered to be one of the biggest cases of human displacement, post-World War II.

At least one lakh Tibetan refugees who started arriving in 1959 live in India and are considered a well ‘managed’ refugee group in Asia. Later in 1971, during the birth of the new state of Bangladesh (earlier East Pakistan), an estimated 10 million people fled to India most of whom were repatriated with the help of the UNHCR (UNHCR 2000).

Other refugee groups in the region include Indians and Tamils fleeing from Sri Lanka to India, Afghans to Pakistan — which continues to be one of the major refugee groups in the world — the Chakmas fleeing from the Chittagong hill tracts of Bangladesh and Burmese ethnic groups going to neighbouring countries to escape civil wars and state-sponsored violence. This last displacement includes the Rohingya Muslims, rendered stateless in their own country, fleeing to Bangladesh and other countries. Since this group remains the focus of this report, a historical analysis of their statelessness and displacement is presented in the next section.

None of the South Asian countries mentioned above are signatories to the refugee convention or its protocols but most of them have ratified

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other conventions of International Humanitarian Law (IHL), including the ‘International Convention on the Elimination of All Forms of Racial Discrimination, the 1989 Convention on the Rights of the Child, and the 1981 Convention on the Elimination of All Forms of Discrimination Against Women, in addition to the four Geneva Conventions (Banerji 2014). Most refugee movements in South Asia have involved the countries within the region, be it refugees from Afghanistan to Pakistan, Sri Lanka to India, Bangladesh to India, Afghanistan to India, Pakistan to India or India to Pakistan and few displacements from other neighbouring countries like Tibet, Bhutan and Myanmar; refugees from Somalia and some Middle Eastern countries number a few thousands. Pakistan, Bangladesh, and India remain the three major refugee hosting countries. By the end of 2017, Pakistan, with 1.4 million refugees, remains the second after Turkey to host the maximum number of refugees (UNHCR 2018)⁵. A majority of these refugees are from Afghanistan who arrived in the country during the Soviet occupation (December 1979 to February 1989) and later, after the American invasion (2001 onwards). Also, over the decades, a large number of Rohingyas have moved to Pakistan. Bangladesh, too, hosts a significant number of refugees,

⁵ United Nations High Commissioner for Refugees, Statistical Yearbooks. “Figures at a Glance”. [<http://www.unhcr.org/figures-at-a-glance.html>].

largely Rohingya Muslims from Myanmar. The country was already hosting a verified population of 2, 00, 000 Rohingyas from Myanmar when the recent purge in Rakhine Myanmar resulted in a fresh influx of 693,000 who arrived in the Cox's Bazar region by the end of April 2018 (OCHA 2018)⁶.

This recent purge is believed to have been triggered after some police posts were attacked by an insurgent group, Arakan Rohingya Salvation Army (ARSA)⁷, designated as 'terrorists' by Myanmar. The UN and other international rights groups, while criticising and condemning the state-orchestrated violence in Myanmar, have also called upon neighbouring countries to end their hostile attitude towards the Rohingyas. This comes in the wake of these countries sealing their borders, leaving them at the mercy of the sea; many boats have capsized killing hundreds. This has also made the Rohingyas vulnerable to human trafficking and many have ended up in the slave trade. With historical links and geographical borders with Bangladesh, most of them have arrived in that country. It is estimated that in the latest

⁶ **United Nations Office for the Coordination of Humanitarian Affairs.** "Rohingya Refugee Crisis". [<https://www.unocha.org/rohingya-refugee-crisis>].

⁷ ARSA formerly known as the *al-Yaqeen Faith Movement* claim responsibility of attacking police posts and "declare loud and clear that our defensive attacks have only been aimed at the oppressive Burmese regime in accordance with international norms and principles until our demands are fulfilled" (Al-Jazeera, 2017).

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purge, 7,00,000 Rohingyas fled to Bangladesh which was already grappling with earlier waves of refugees already camping there, those who had crossed the border to escape persecution in Rakhine.

Gil Loescher (1993) has argued that these states are constrained ‘from housing large numbers of refugees by domestic economic pressures and, in some cases, the fear of political instability’. While it holds true for Bangladesh, its response has been more humanitarian than political.

III. THE MAKING OF THE ROHINGYA CRISIS: A HISTORICO-POLITICAL ANALYSIS

The persecution of the Rohingya Muslims, often referred to as the ‘world’s most persecuted minority’, is a glaring example of statelessness and state-sponsored forced displacement, resulting in a severe humanitarian crisis. This is not a recent development, rather it is a result of many historical trajectories (Ibrahim 2016). Most observers trace its beginnings to 1824 when Britain colonised Burma, analysing that development as the point of rupture. However, the painful legacy of the community goes back to their pre-colonial past: historians note that the Rohingyas dwelt in the Arakan region, now Rakhine, in the eighth century when it was an independent kingdom and not a part of Burma. Trade links with the Arab world through the seas brought them in close contact with Islam in the centuries to come. Moshe Yagar in his book ‘Muslims of Burma’ notes that the Rohingyas are actually the descendants of the Arabs and Persians who set up their trade colonies in this part of the world (Farzana 2017).

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Arakan was an independent region till 1784, when the Burmese king Bodawpaya invaded it and annexed it along with central Burma. The Muslim influence in the Arakan region was considerable, and it had close ties with the Muslim rulers of Bengal: however, people from different faiths had lived in harmony here (Blackburn 2000) till the Burmese ruler arrived, and subjected the local Arakanese people to ill-treatment: this first wave of persecution⁸ (Harvey 1967) resulted in over 200, 000 Rohingyas fleeing to British Bengal, now Bangladesh, to Chittagong and adjacent areas (Karim 2000) Thousands more were killed in an onslaught that also saw Islamic symbols razed to the ground (Iqbal 2017). Hiram Cox, a British resident diplomat to Burma, was later entrusted with the re-settlement and providing assistance to the people fleeing from the persecution of the Burmese kingdom⁹(Ramachandra 1981). This town in Bangladesh still houses one of the biggest settlements of refugees in the world.

⁸ Forced labour was rampant those who resisted were killed (Harvey 1967).

⁹ The town was named after him as ‘Cox’s bazar’ or Cox’s market. He died of fever in Chittagong during the mission of resettlement of these refugees. Though his diplomacy stint in Burma got praise as well as criticism where his diplomacy was even referred as ‘irrational’ he is known for his contribution towards resettlement of the Arakanese refugees that was cut short by his untimely death.

Ramachandra, G.P. 1981. “Captain Hiram Cox's Mission to Burma, 1796-1798: A Case of Irrational Behaviour in Diplomacy”, *Journal of Southeast Asian Studies*, September, Vol. 12, No. 2, pp. 433-451.

In 1824, during the first Anglo-Burmese War, Burma was made a part of British India. Taking advantage of the hostility created by the brutalities of the Bamar kingdom on the Arakanese and other ethnic groups, the British employed the colonial mantra of divide and rule, pitting the Buddhist Burman majority against the local Muslim and Christian ethnic groups. (Smith 1999; Farzana 2017). Since these ethnic minorities had already been alienated by the Buddhist majority, the British could exploit this division, and support these minority communities which, in turn, helped the British to consolidate its colonial power in the Burman Kingdom¹⁰ (Ibid 2017). This, among many other reasons, paved the way for ethnic conflicts in Burma, whose undercurrents can still be felt today.

Alongside these events, the region also saw considerable economic migration from other parts of British India mostly for infrastructure projects¹¹. Some of the migrants settled permanently in the region which irked the Burman majority. The British were more than eager to allow agriculturalists from the neighbouring areas to settle in the

¹⁰ Taking control of Arakan in 1844 it took British 62 years to take control of all the territories of Burma.

¹¹ Burma was made a self-governing colony only in 1937. Till that point of time it served as a province of the colonial India. This direct control necessitated more 'developmental work' and hence a need for labour which was done by getting people from other parts of British India some of whom settled permanently and did not return even after the colonial rule ended (Farzana 2017, pp 44-45).

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Arakan region which was fertile for paddy cultivation but sparsely populated. Later in 1942, Japan invaded and took control of the country supported by thirty comrades led by General Aung San. The Muslims, seen as beneficiaries and benefactors of the British, were not treated well by the majority Burman community during Japanese rule. Two years later in 1945, it was the Burma Independence Army (BIA) under Aung San and the Muslims, mostly Rohingyas, who fought against Japanese forces to help the British take back control of Burma. This angered the Bamar population further, and the ensuing enmity continued even after Burma attained independence from colonial rule.

Mathew Walton, writing about ethnic conflicts in Burma, puts this in perspective by making a point on ethnicity and nation, stating that when history is altered to favour the ‘national’ imagination at the cost of local histories and identity it creates the possibility of ‘conflict with other aspects of identity, particularly ethnicity’ (Walton 2008 pp. 891-892).

Though collective memory can have an integrating purpose, Walton argues that “[it is] often used as an oppressive tool to legitimise the dominant state power, or at least to legitimise the position of a particular group” (Ibid). This is exactly what happened in post-colonial Burma where the Buddhist Burman majority wanted and continues to

harbour the desire for a ‘pure nation’ which is ethnically Burman and Buddhist in religion.

Even the famous Panglong conference¹² at the dawn of independence that was meant to ensure a joint future of ministerial Burma (i.e. Central Burma which had a Buddhist majority) with the frontiers (the states at the peripheries which had people of other ethnicities) ensuring the minorities all the rights and safety, included only three ethnic groups i.e. Shan, Kachin and Chin. Many other groups including the Mon, Wa, Naga, and Arakanese (Rakhine Buddhists and Rohingya Muslims) were excluded. Even the groups that participated in the conference felt betrayed and rebelled against the Burmese government/military in the years to come. This exclusionary approach through the years manifested itself in violent forms to ensure its position as the most dominant voice in the power hierarchy.

The Rohingyas, being mostly Muslim, wanted to become a part of erstwhile East Pakistan (now Bangladesh); some even claim that though there was lobbying for this cause, it did not eventually materialise (Tinker 1957 cited in Farzana 2017). This was one more

¹² In 1947 General Aung San met leaders of the ethnic minorities at Panglong to discuss their grievances, demands and their status in a free Burma. An agreement was signed which is known as ‘Panglong agreement’.

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factor that contributed to the hostility of the newly formed government of Independent Burma towards the Rohingya Muslims later.

Shortly after independence from British colonial rule, Myanmar charted its citizenship criteria through the 1948 Union Citizenship Act which did not recognise the Rohingyas as one of the many ‘indigenous races of Burma¹³’. But they were still allowed to have identity cards provided they could prove that they had lived in Myanmar for two generations. Among the many discriminatory measures that it took, the new regime started to remove Rohingyas from government services. In 1950, there was an armed revolt by the Rohingyas, but it was crushed within no time by the regime.

¹³ There are 135 officially recognised ethnicities which do not include the Rohingyas. The dominant Bamar or Burmans ethnicity who are Buddhists constitute almost 60 per cent of the population. **For more, See, Lindblom, A., E. Marsh, T. Motala, and K. Munyan. "Persecution of the Rohingya Muslims: Is genocide occurring in Myanmar’s Rakhine state? A legal analysis."** Lowenstein, A.K. 2015. “Persecution of the Rohingya Muslims: Is genocide occurring in Myanmar’s Rakhine state? A legal analysis”, *International Human Rights Clinic, Yale Law School*, Fortify Rights, October. [http://www.fortifyrights.org/downloads/Yale_Persecution_of_the_Rohingya_October_2015.Pdf].

The actual problems for the Rohingyas started in 1962 when the military (*Tatmadaw*) seized control of the country in a coup d'état that it claimed was 'an attempt to restore order in an increasingly chaotic political scene' (Taylor 2009). From the very outset, they took a tough stance against the Rohingyas and started depriving them of their basic rights on the pretext of their being 'foreigners'. Muslim organisations like the Rohingya Students' Union and the Rohingya Youth League were banned. An insurgent group, Rohingya Independence Force (RIF), came into existence to fight the regime (Alal o Dulal 2017)¹⁴. In 1974, the Constitution was amended in a move known as the 'Burmese Way to Socialism' that further changed the citizenship laws as it made national registration cards mandatory. However, even in this case, the Rohingyas were only given 'foreign registration cards'. These new cards were not entertained by schools and other public institutions depriving a majority of the Rohingya Muslim population of education and employment (Fortify Rights 2015; Farzana 2017). A demand for an independent Muslim state was made by the Rohingya Patriotic

¹⁴ A group of authors, Alal O Dulal Collective, specialises on the issues in Bangladesh, including the Rohingya and precarious workers in garments industry, stranded migrant labour in the Middle East, and the struggles of indigenous Jumma Buddhist people in the Chittagong Hill Tracts. **Collective, A.O.D. 2017.** "Timeline: Being Rohingya in Myanmar, from 1784 to Now", *The Wire*, September 23. [<https://thewire.in/external-affairs/rohingya-myanmar-timeline>].

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Front (RPF), which had its roots in the RIF, but could not make much impact on the political scene of the country vis-à-vis its demands.

In 1977, the military started Operation Nagamin (Dragon King) to ‘identify and screen’ foreigners. As the Rohingyas were not recognised as an indigenous ethnic group, 200, 000 of them fled to Bangladesh, accusing the *Tatmadaw* of widespread abuses which it denied. A year later, most of the Rohingyas returned, due to a UN-brokered repatriation deal between the two countries, but some stayed back.

The ethnic exclusion of Rohingyas was finally codified by the Burma Citizenship law in 1982. The conditions laid down by this law for acquiring any of the three types of citizenship rendered the Rohingyas stateless¹⁵. While independent observers viewed this decision as an attempt by the state to align with the aspirations of the majoritarian Buddhist community, the state justified this as a measure to ensure

¹⁵ This law gives three kinds of citizenship: citizens, associate citizens, and naturalised citizens who are provided with colour coded cards—pink, blue, and green, respectively. The first category of citizens are the ones belonging to one of the recognised ‘indigenous national’ races, or who had settled in the country before 1823. Associate citizens are those who could not provide evidence of their parents being settled in Burma before 1823. Third, the naturalised citizens had to provide ‘conclusive evidence’ about residing in Burma before independence and anyone whose one parent had any of the three cards mentioned above was also eligible given that he/she had crossed 18 years of age (For more details, see Farzana 2017, pp.51-53).

national security (Ibid). This can be gauged by the speech given by General Ne Win on the promulgation of the citizenship law in 1982 where he commented:

.....the leniency on humanitarian ground[s] cannot be such as to endanger ourselves. We can leniently give [ethnic minorities] the right to live in this country and to carry on a livelihood in the legitimate way. But we will have to leave them out in matters involving the affairs of the country and the destiny of the state.

(Fortify Rights 2015)

In the same year, a faction of the RPF formed the Rohingya Solidarity Organisation with further divisions in the years to come. In 1989, the State Law and Order Protection Council (SLORC) of the military junta changed the country's name to Myanmar¹⁶ along with changes in the names of some provinces as well: Rangoon became Yangon and Arakan became Rakhine. This report uses both words for 'arbitrary convenience'.

In the backdrop of the 1988 coup, the political scenario of the country was witnessing a change in which a new movement emerged in the form of National League for Democracy (NLD) with Aung San's

¹⁶ The word Myanmar comes from a written literary form while the word Burma is a spoken form derivative of Bamar, the Burman ethnic language (Dittmer 2008).

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daughter, Aung San Suu Kyi, as one of its key figures. She was awarded the Nobel Peace Prize in 1991. The emergence of NLD forced the junta to hold relatively free and fair elections in 1990. But the NLD’s rise did not change the condition of ethnic minorities in the country, particularly the Rohingyas. The NLD had military links and it was dependent on the monks who had supported it during the uprising and elections. So it focussed on the ethnic Burman majority (Ibrahim, 2016). Yet another major crackdown in Rakhine started in 1991 in which 2,50,000 fled to neighbouring countries, mainly Bangladesh, to escape forced labour, religious persecution, and other human rights violations by the army. One more United Nations High Commissioner for Refugees (UNHCR)-mandated repatriation agreement ensured repatriation of more than 2,00,000 refugees from 1992 to 2004.

In April 2008, the low-lying Irrawaddy River Delta in central Myanmar was hit by Cyclone Nargis, and it resulted in the deaths of around 90,000 people (IFRC 2008)¹⁷ while another 1.5 million were ‘left in severe straits’. In the same month, even as people were struggling to

¹⁷ **IFRC 2008.** “Myanmar: Cyclone Nargis 2008 Facts and Figures”, May 03 2011. [<http://www.ifrc.org/en/news-and-media/news-stories/asia-pacific/myanmar/myanmar-cyclone-nargis-2008-facts-and-figures/>]

come to terms with their losses, the junta held a referendum on the 2008 Constitution. This was criticised internationally, with Human Rights Watch terming it an ‘insult to the people of Burma’ (BBC 2008)¹⁸.

From 2012 to 2014, many incidents of deadly violence left hundreds dead, mostly Rohingyas, while thousands fled the country. The violence started in June 2012 after reports emerged of a 28-year-old Arakanese Buddhist woman being raped by three Muslim men in Ramri Township (BBC 2014)¹⁹. The ensuing violence directed against Muslims spread to four townships forcing them to flee. Similar state-sponsored attacks were carried out against Muslims in October 2012, resulting in many deaths and entire neighbourhoods being razed. Human Rights Watch termed the acts as ‘crimes against humanity’ and a ‘campaign of ethnic cleansing’ (HRW 2013)²⁰. There were more attacks in January and June 2014.

¹⁸ **BBC News. 2008.** “[Burma 'approves new constitution'](http://news.bbc.co.uk/2/hi/asia-pacific/7402105.stm)”, May 15. [<http://news.bbc.co.uk/2/hi/asia-pacific/7402105.stm>].

¹⁹ **BBC News. 2014.** “[Why is there communal violence in Myanmar?](http://www.bbc.com/news/world-asia-18395788)”, July 3. [<http://www.bbc.com/news/world-asia-18395788>].

²⁰ **Human Rights Watch. 2013.** “[All You Can Do is Pray](https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims)”, April 22. [<https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>].

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In November 2015, elections were held, and the NLD won a massive mandate to form the government but the military continued to retain its influence because it has a quarter of the seats in the Parliament. In subsequent months, Aung San Suu Kyi was made state Counsellor as she was barred from becoming the President due to her marriage with a foreigner. During this period, too, the persecution of Rohingyas continued with reports of hundreds dying while trying to cross the Bay of Bengal. The latest wave of violence that started was apparently triggered by an attack on police posts in northern Rakhine in August 2017 by Rohingya insurgents affiliated to the Arakan Rohingya Salvation Army (ARSA). Civilians were killed, women raped and entire villages were burned — all this was confirmed by satellite imagery later.

More than 6,56,000 people fled to Bangladesh and, by January 2018, Bangladesh had become home to almost a million refugees (Reliefweb 2018)²¹. The journey across the sea and rivers is dangerous and boats capsized on many occasions, resulting in deaths. In Bangladesh, struggling to cater to its own huge population, the condition of

²¹ **World Food Programme. 2018.** “New Rohingya Arrivals In Bangladesh At Risk From Poor Diets”, January 5. [<https://reliefweb.int/report/bangladesh/new-rohingya-arrivals-bangladesh-risk-poor-diets>].

Rohingya refugees is even worse than their dangerous journeys. The situation in Cox's Bazar is extremely precarious.

Even as the Rohingyas continue to face persecution in Myanmar and deal with the difficulties of finding shelter in the countries they flee to, it is important to place their stories of violence, survival and struggle in the context of their pre-colonial and colonial past, for that has shaped their present predicament. Any analysis of the Rohingya refugee crisis must take into consideration the long history of systematic persecution the community has faced.

IV. INDIA’S RESPONSE TO REFUGEES: MAPPING DIFFERENT GROUPS

The Partition of India witnessed demographic upheavals causing both the voluntary and involuntary migratory flow of more than 10 million people. India’s post-colonial journey thus started with hosting displaced people who automatically had to be naturalised in the new nation and granted citizenship. Immediately after Partition, a separate ministry of relief and rehabilitation was set up to cater to the millions of displaced people. The rehabilitation and subsequent naturalisation of these ‘Partition refugees’ was one of the significant aspects of post-colonial nation-making. Hence, it has to be seen within this context, and this sets it apart from the other instances of refugees entering India. While delineating the different hierarchies of post-colonial citizenship in India, Ravindar Kaur argues that ‘the refugee, in India’s Partition history, appears as an enigmatic construct – part pitiful, part heroic, though mostly shorn of agency’ (Kaur 2009).

As stated in the earlier sections, South Asia has, since the end of colonial rule, been mired in different intra-state as well as inter-state conflicts where one of the results of the ensuing violence has been the

displacement of people. India has not signed the international convention of refugees because it is sceptical of the ‘Eurocentric’ nature of the international refugee regime, but it has hosted refugees from neighbouring countries, including Sri Lanka, Tibet, Bangladesh, Bhutan, Myanmar, Afghanistan, Pakistan and a few hundred refugees from other parts of the world as well. Some estimates put the number of refugees in India at 3,30,000²². However the latest UNHCR fact sheet (2016) mentions a total of 2,09,234 people of concern in India. The country-wise distribution of these people is given in the table below:

Table II: People of Concern in India as on February 2016.

Country	Number of People Assisted by GoI
Myanmar	18,914
Afghanistan	13,381
Somalia	672
Others	1,483

²² This estimate puts the number of different groups as; ‘143,000 Sri Lankans; 110,000 Tibetans; an estimated 52,000 Chin and other minorities from Myanmar; 15,000 from Bhutan; about 11,400 from Afghanistan; an unspecified but massive number of Hindus from Bangladesh; a number of Nepalese, who fled the Maoist insurgency; and more than 400 from other countries’ (Bhattacharya 2008, p.71 cited in Mohan 2009, p.139).

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Sri Lankan	64,689
Tibetans	1,10,095
Source: UNHCR 2016 ²³	

Source: UNHCR 2016²³ .

In the absence of any national law on refugees, India has mostly dealt with them according to its political convenience. Legally, a refugee in India is treated like any other foreign national given the jurisdiction of the legislations they fall under i.e. the Passport Act (1955) and Foreigners Act (1946) (Banerjee 2014). Although the term refugee is not used officially, some refugee groups in India have been accorded a refugee status at par with what is granted under international law. Among these groups with due refugee status in India are the Sri Lankan Tamils and Tibetans.

In the case of the Tibetans, the Chinese military crackdown on the Tibetan movement for autonomy in the late 1950s resulted in thousands fleeing to neighbouring countries, particularly India and Nepal. The actual movement of Tibetans to India started with the exile of the Dalai Lama on March 31 1959 when he crossed the border after

²³ *United Nations High Commissioner for Refugees*. 2016. “Factsheet India”, February. [<http://www.unhcr.org/protection/operations/50001ec69/india-factsheet.html>].

a fifteen-day journey on foot along with his other colleagues (BBC 1959)²⁴. He was offered asylum along with other Tibetans who followed him. Legally, they are treated as foreigners under the 1946 Foreigners Act and Foreigners Registration Act, but they are given preferential treatment as they are allowed to run a Tibetan government in exile (TGiE) at Dharmashala, Himachal Pradesh. Though it is not recognised as a state by the Indian government or by any other government, they are allowed to manage and run the 58 Tibetan settlements, of which 39 function across India autonomously²⁵. They are ‘an unusual marginalised community’ as they happen to be ‘de facto refugees from the perspective of the Indian state [as well as] Tibetan ‘citizens’ in the eyes of the TGiE, a case of ‘state-that-is-not-a-state’ (McConnell 2011).

Compared with some other refugee groups, the Tibetans have good social indicators, particularly on the educational front with some reports putting their effective literacy level at 82.4 per cent (Coedon 2018). They are mostly engaged in agro-based work, carpet weaving,

²⁴ The news item is available in the BBC archives and its updated version can be seen here;
http://news.bbc.co.uk/onthisday/hi/dates/stories/march/31/newsid_2788000/2788343.stm

²⁵ Of these 58 settlements 12 are based in Nepal and nine more in Bhutan. These are categorized according to the main source of livelihood generation. See, <http://centraltibetanreliefcommittee.org/doh/tibetan-settlements.html>

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and handicrafts (Banerji 2014). Those in the settlements also receive services like food, clothing, and shelter but are not entitled to own land. Some Tibetan refugees have also been rehabilitated by inducting them into the Indo-Tibetan Border Police (ITBP) that patrols the border. Despite being treated well, the community has had its share of difficulties as expected for a people living in perpetual exile outside their homeland. A report by Tibet Justice Centre (2016), titled *‘Tibet’s stateless Nationals III: The Status of Tibetan Refugees in India’*, in its findings, notes some challenges this community faces:

- Tibetans do face host of restrictions affecting property ownership, employment rights, freedom of movement and freedom of speech and assembly
- The majority of Tibetans have identity papers but a small minority do not and are at risk of arrest, detention, fines and deportation
- Thousands of Tibetans who qualify as Indian citizens in law are barred from citizenship in practice.

(Tibet Justice Center 2016. pp. 6-8)

Lately, following some court judgments and the Indian government’s Tibetan Rehabilitation Policy 2014, they have been allowed to acquire Indian passports (Reuters 2017)²⁶ and citizenship if they fulfil certain

²⁶ **Rodionov, M and Devitt, P. 2018.** “[Syria’s Assad flies to Russia for talks with Putin – Kremlin](https://in.reuters.com/article/mideast-crisis-syria-russia-putin/syrias-assad-flies-to-russia-for-talks-with-putin-kremlin-idINKCN1II2UV1)”, Reuters, May 18. [https://in.reuters.com/article/mideast-crisis-syria-russia-putin/syrias-assad-flies-to-russia-for-talks-with-putin-kremlin-idINKCN1II2UV1].

conditions. The preservation of their heritage and culture in these settlements have made some observers call them ‘model refugees’. In the case of Tamil refugees, they first arrived in India in 1983 after existing ethnic tensions in Sri Lanka took the shape of a civil war: subsequently, thousands of minority Tamils were killed, forcing others to flee to other countries, particularly India. The next escalation in the Eelam civil war from 1990 to 1994 pushed more refugees to India, mostly to Tamil Nadu where they live in camps getting assistance from the government; some live outside the camps as well. Following repatriation agreements between Sri Lanka and India — with the help of the UNHCR — some of them have returned but a considerable number²⁷ continues to stay in India even though the civil war in Sri Lanka is formally over.

These Tamil refugees are entitled to benefits like subsidised food and free healthcare; they also get employment opportunities elsewhere outside the camps (Valatheeswaran and Rajan 2011). After the assassination of the then Prime Minister Rajiv Gandhi in 1991, the Indian government tightened the borders for the Tamils; they were

²⁷ The latest number of these refugees in 107 camps across Tamil Nadu is around 62000 and further 36800 live in non-camp locations. **Ramakrishnan, T. 2017.** “The forgotten people: on Sri Lankan refugees”, *The Hindu*, November 14. [<http://www.thehindu.com/opinion/op-ed/the-forgotten-people/article20394214.ece>].

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also subjected to heavy security clearances, even as many camps were closed, and the rest reorganised (Ibid). The camp refugees do face some problems vis-à-vis their travel, livelihood opportunities, but given the absence of opportunities, land rights and security back home in Sri Lanka, only a small number have voluntarily repatriated in recent years²⁸.

In 1971, Pakistan was divided, and East Pakistan emerged as a new nation state, Bangladesh, with support from India owing to its geo-strategic interests. Some 10 million Hindus who arrived in India were given protection, mainly in camps while some stayed with their relatives. These Bengali Hindus after fleeing repression in the erstwhile East Pakistan were accepted by India not just on humanitarian grounds but also to gain some political mileage over Pakistan (Zolberg et.al 1989 cited in Mohan 2009). Again, the UNHCR mediated this crisis and these people were repatriated to Bangladesh, starting from December 1971.

The Chakmas, another group of refugees from the Chittagong Hill tracts, fled to India in 1964-’65 after they lost their land to dam

²⁸ In The UNHCR assisted repatriation scheme only 10% of them have returned to Srilanka in almost one decade. **Ibid.**

projects, and also because of religious persecution. They received assistance from the Indian government and most of them are settled in Arunachal Pradesh. They don't have land rights but the Supreme Court of India recently ruled in their favour and directed the government to grant them citizenship. The local population has, however, opposed their permanent settlement that in the past has resulted in hostility between the two communities.

In addition, there are a few thousand Afghan refugees in India. While most of them fled to Pakistan, some arrived in India during the Soviet invasion and later during and after the Taliban rule. They are mainly found in some pockets of Delhi, like Lajpat Nagar, with more than 11,000 registered with the UNHCR office.

This depiction of the various refugee groups in India, as noted above, highlights the Indian state's inconsistent and ad-hoc policy vis-à-vis refugees. The people seeking refuge in India often become pawns of local geo-politics, depending on the relations between India and their country of origin (Chaudhury 2003 cited in Mohan 2009). At a humanitarian level, however, the above mentioned groups are in a better condition than many refugees in other parts of the world.

The Rohingyas remained largely unnoticed until recently when the Government of India issued notices for their deportation, calling them

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illegal immigrants and a threat to national security. There were also reports of Rohingyas being denied entry into India at the border during the latest wave of persecution in 2017. The Indian government has said that the number of Rohingyas in the country is 40,000, while the UNHCR says it has issued registration cards to 16,000. Compared to other neighbouring countries, particularly Bangladesh, despite their small numbers in India, their presence resulted in a ‘legal, diplomatic and political slugfest’ (Economic Times).²⁹

²⁹ **Khandekar, O.** 2017. “How the Indian government is keeping Rohingya out”, *The Economic Times*, October 15.
[\[https://economictimes.indiatimes.com/news/politics-and-nation/how-the-indian-government-is-keeping-rohingya-out/articleshow/61082752.cms\]](https://economictimes.indiatimes.com/news/politics-and-nation/how-the-indian-government-is-keeping-rohingya-out/articleshow/61082752.cms).

V. ANALYSIS AND FINDINGS

5.1. The Rohingyas in India: Demographic Profile, Locational ‘Choices’, and Statistical Assessment

As is true of all refugee movements, demography, location, and statistics are crucial for an understanding of the extent of the problem and formulating a proper response, humanitarian as well as political. The number of Rohingyas in India is very low³⁰, when compared with Bangladesh, whose government opened its borders ‘out of humanity’ but now says that this huge number is a strain on its environment and community resources.³¹ In India, neither the government nor non-governmental organisations have any authentic statistics on Rohingyas

³⁰ In the recent wave of violence, different sources (UNHCR, WHO) maintain the number of new Rohingya arrivals in Bangladesh as 670000 from August 2017 till January 2018.

³¹ To tackle the situation, there are, according to the UN, some 127 NGOs working with the Bangladesh Government that includes at least 13 local, 45 national and 69 international NGOs. The UNHCR inter sector coordination group (ISCG) in Bangladesh estimate \$950.8 million to maintain the priority response efforts for the year 2018. Bangladesh has urged international community to pressurise Myanmar as the country is struggling to handle the huge number of refugees. For more details, see, **United Nations Office for the Coordination of Humanitarian Affairs. 2018.** “JRP for Rohingya Humanitarian Crisis, March - December 2018”.

[<http://www.unocha.org/sites/unocha/files/JRP%20for%20Rohingya%20Humanitarian%20Crisis%202018.PDF>].

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living in India. Though this study does not focus on the number of Rohingya refugees in India, the dispute over it helps to contextualise state response.

In an affidavit to the Supreme Court, the Indian government stated that there are approximately 43,000 Rohingyas in the country, but did not provide any demographic details or source for this number. There are 17,500 Rohingya refugees and asylum-seekers registered with the UNHCR in India³², which has registered them through their partner NGOs in different states of India. The Rohingya refugees themselves have formed some organisations and groups to tackle the different issues the community is facing in India. One such organisation is the Rohingya Human Rights initiative (ROHRIngya). The data available with them puts the figure at 18,000 to 20,000, a claim made by one of the founding members of this group (through a personal communication with this researcher).

The figures in table III for which details were provided by this group, however, do not match the actual number this organisation claims. The Rohingya activist cites the lack of resources and communication as the reasons for not being able to produce accurate and detailed

³² This figure was communicated to the researcher through an ‘email interview’ by the media representative of United Nations High Commissioner for Refugees (UNHCR) Delhi office.

disaggregated data about his community. The US State Department World Refugee Report 1991 says that ‘given the fluidity of most refugee situations, counting refugees is at best an approximate science’. But given the relatively small number of Rohingyas in India, it should not have been a difficult task for the state to arrive at the right numbers. The figures provided by the UNHCR and the ROHRIngya are similar while the numbers provided by the government are far higher. There could be many reasons why the government figures are higher: one, it is possible that all refugees from Myanmar — which includes some members from other ethnic minorities like Chin and Karen who fled the country when they were being persecuted during the ethnic conflicts with the state and that have now mostly died down — are being counted as Rohingyas. The second and more plausible reason under the current circumstances could be a deliberate attempt to portray this number as a strain on local resources and ‘threat to security’.

One more important aspect to explore is the locations they are living at. The data collected with the help of ROHRIngya shows that Rohingyas are spread across eight states, including Delhi (See Table III). Most of them are based in the conflict-ridden state of Jammu and Kashmir, followed by Hyderabad. In addition to the states mentioned in the table, media reports have suggested the presence of

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Rohingyas in Rajasthan. The selection of these places is more a matter of chance and less about preferences. The initial choice of place depends on the agent or, in other cases, relatives who have arrived before.

**Table III: State-wise Distribution and
Number of Rohingyas in India**

State	Location	Number of Families	Total population
Delhi	Shaheen Bagh	95	387
	Kalindi Kunj	50	225
	Khajuri	51	192
	Uttam Nagar / Vikaspuri	40	200
	Faridabad	37	150
	Purana Goan	17	61
Uttar Pradesh	Mirzapur/Aligarh	110	430

Table III: State-wise Distribution and Number of Rohingyas in India (Continued)			
State	Location	Number of Families	Total population
Haryana	Punana	35	145
	Chandni-1	44	162
	Chandni-2	44	158
	Nangali-1	51	156
	Nangali-2	109	384
	Jagipur Ward-7	74	280
	West Bengal	Kolkata	40
Tamil Nadu		21	95
Punjab		10	50
Telangana	Hyderabad 26 locations	1050	3705
Jammu Kashmir	Jammu 22 locations	1350	5600
	Kashmir (Khimber)	18	85

There is no proper timeline of their arrival and stay in India but most of them began arriving in this country via Bangladesh during the 2012

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wave of violence in Myanmar (Dixit 2018)³³. That is when the camps in Delhi and other places like Jammu and Hyderabad began to come up³⁴. At most of these locations, they have set up ‘self-settled camps’; some others live in individual private rented accommodation and, at a few places, they are being put up in semi-planned/managed camps with the help of some NGOs.

‘Access to the protection, provision, and systems of the state is fundamental to the health of populations’ (Ager 2014), irrespective of whether they are citizens or refugees in a country. The Rohingya population in India, however, struggles to get these basic services. The living conditions in the camps are squalid, with little or poor access to services like electricity, water and sanitation, and healthcare, and accommodation provided in canvas tents or asbestos huts: this is something that was not only revealed during field visits to Jammu and Delhi by this researcher, but also reported by the media. A report in *Malnutrition Deeply* on the basic nutrition of the Rohingyas in India says that even pregnant mothers and new-borns are denied basic maternity

³³ **Dixit, N. 2018.** “Rohingya in India Seeking Basic Nutrition Services”, *News Deeply*, February 2.
[<https://www.newsdeeply.com/malnutrition/articles/2018/02/02/india-blocking-rohingya-refugees-from-basic-nutrition-services>].

³⁴ According to ROHRIngya, most of the camps at the places mentioned in Table 2 were set up in and after 2012.

benefits provided by the Pradhan Mantri Maternity Scheme (PMMS) (Dixit 2018). Further, the few children who have been able to join government schools have not been included in the midday meal programme.

Most adult men at these camps are engaged in casual labour. Their means of livelihood is primarily defined by the locations they live at. For instance in Delhi, most of the locations mentioned in Table 2 are semi-urban, ghettoised colonies where they co-exist with camps of people from Nepal or internal migrants from states like Bihar. Some of them run small make-shift shops; a few others have hired e-rickshaws and some are rag pickers. A more detailed overview of their socio-economic conditions, particularly in Jammu, is discussed in a separate section.

5.2. ‘Manufacturing Terrorists’: Labelling Rohingyas as a Security Threat

‘India shall remain a natural home for *persecuted Hindus* and they shall be welcome to seek refuge here’, reads the BJP election manifesto 2014 under the sub-heading *Foreign relations, nation first, universal brotherhood*³⁵.

³⁵ **Bharatiya Janata Party. 2014.** “Bharatiya Janata Party Election Manifesto 2014”. [https://www.bjp.org/images/pdf_2014/full_manifesto_english_07.04.2014.pdf].

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This apparently humanitarian vision of universal brotherhood by the BJP was one of its many attempts to homogenise society through a convergence of Hinduism with the idea of Indian nationalism before it came to power at the Centre in 2014. This has manifested itself in favouring the majority community, adding to the sense of being disadvantaged among the country’s Muslims, shredding what remained of India’s secular fabric (Ganguly 2015). Later, in July 2016, the Citizenship (Amendment) Bill was introduced in Parliament: this seeks to provide citizenship to all non-Muslim refugees living in India. The other side of this ‘vision’ was displayed in August 2017 when the Indian government issued a circular to state governments asking them to deport all Rohingya Muslims from the country. This policy of excluding people belonging to one particular community while deciding who is worthy of shelter or not lays bare the BJP-led NDA government’s approach towards refugees and its Hindu nationalist agenda, in which religion becomes the deciding factor.

At a time when the Rohingyas were facing one of the most brutal crackdowns by the *Tatmadaw* in Myanmar, this circular regarding their deportation put thousands of them at risk in ‘secular democratic’ India that has taken pride in its’ humanitarian tradition of hosting displaced people. With the help of some lawyers and activists, the Rohingyas challenged this move in the Supreme Court of India. Many hearings

later, the court has still not struck down this circular; however, it has been able to halt the actual deportations and pass an interim order about ensuring basic services to these people. During this period, the government has tried hard to label the Rohingyas as an ‘enemy other’ to justify its move. This section of the report analyses the state response through different ‘speech acts’ and other measures that have portrayed the persecuted community as a ‘security threat’.

While answering a question in Parliament in 2015, the Ministry of External Affairs (MEA) avoided using the word Rohingya despite the fact that the question asked was specifically about the problems of Rohingya Muslims. The question reads:

Will the Minister of External Affairs be pleased to state

- a) Whether Ministry has raised the problem faced by Rohingya Muslims to the Government of Myanmar, if so, the details thereof, and if not, the reasons therefor; and
- b) Whether the Ministry believes that the situation would have any effects on India, if so, the details thereof?

(Rajya Sabha Q.No. 2094 dated December 18 2015).

The answer talks about the ‘*developmental projects and humanitarian assistance in the Rakhine state*’ but nowhere mentions the word Rohingya or their plight either in Myanmar or in India (See Rajya Sabha Q.NO 2094 December 18 2015). This obfuscation set the tone for the official position of the present Indian government on the Rohingyas,

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upholding the official line of Nay Pyi Taw that the government does not recognise them as an indigenous ethnic race. They are, instead, termed as illegal immigrants of Bengali origin. For the Myanmar authorities and the Buddhist nationalists there, the phrase ‘Rohingya people’ is a ‘fabrication’ (Ayed 2017)³⁶ despite the fact that they have lived in the country for generations (Smith 1990; Harvey 2002; Ibrahim 2016; Farzana 2017).

Subsequently, during his visit to Myanmar in September 2017, at a joint press conference, Indian Prime Minister Narendra Modi avoided using the word Rohingya while assuring support to the Myanmar government. At a time when the Myanmar military’s actions against the Rohingyas was being universally condemned, and there was international outrage at Aung San Suu Kyi’s deafening silence on the issue, Mr Modi chose to absolve the government and the military by blaming the ‘extremist violence’ for the crisis:

‘We are partners in your concerns over the loss of lives of security forces and innocent people due to the extremist violence in Rakhine state³⁷.

(India Myanmar Joint statement³⁸ September 06, 2017)

³⁶ Ayed, N. 2017. “A war over words is central to Rohingya Crisis”, *CBC News*, September 23. [<http://www.cbc.ca/news/world/rohingya-myanmar-muslim-buddhist-1.4302858>].

³⁷ The direct quotes from the securitising actors i.e. government sources/representatives mentioned in the text are italicised

³⁸ [http://mea.gov.in/press-releases.htm?dtl/28944/Operation_Insaniyat__Humanitarian_assistance_to_Bangladesh_on_account_of_influx_of_refugees].

The deliberate attempt to ignore a humanitarian crisis, termed as a ‘textbook example of ethnic cleansing’, was done to appease the Myanmar government, keeping in view geopolitical concerns like countering Chinese dominance and access to ASEAN markets. But it failed to serve these interests as it isolated India internationally in its attempts to create a leadership role for itself in this region vis-à-vis this crisis³⁹. As argued by Arun Sukumar, ‘it is more difficult for a government today to claim that realpolitik requires it to dismiss human rights violations abroad with a wink and a nudge’ (Sukumar 2017)⁴⁰.

During this visit, India committed assistance to the Rakhine development programme and claimed that the ‘medium-term way of addressing problems in the Rakhine area is really to look at development aspects’⁴¹. But developmental projects cannot address

³⁹ Suhasini Haider, personal communication.

⁴⁰ **Sukumar, A.M. 2017.** “In Myanmar, India Has Got the Diplomatic Plot All Wrong”, *The Wire*, September 19. [<https://thewire.in/diplomacy/india-diplomacy-myanmar-rohingya>].

⁴¹ These comments were made by Jaishankar S., the Indian foreign secretary, during the press briefing after PM Modi’s visit to Myanmar. ***Hindustan Times*. 2017.** “PM Modi tells Suu Kyi India is with Myanmar, but skips mention of Rohingya issue”, September 6.

[<https://www.hindustantimes.com/india-news/modi-in-myanmar-pm-praises-suu-kyi-s-leadership-vows-to-fight-terror-in-joint-statement/story-vC4Pi9WL594NnRt8Oe430J.html>].

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the Rohingya crisis as it is a case of ethnic cleansing. It is also a flawed argument: as Arjun Appadurai points out, the ‘Rohingyas occupy rich agricultural lands on the Western coast, which are now ripe for building ports and infrastructure across the Bay of Bengal’ and the indiscriminate violence is ultimately aimed to push a whole community out for which the Muslim identity of the Rohingya serves as an ‘ideological fuel’ for the majoritarian Buddhist state (Appadurai 2018)⁴².

When Bangladesh expressed its dissatisfaction with India’s political posturing towards the Myanmar government, the MEA issued a press release in which it acknowledged, for the first time, an ‘outflow of refugees’ (Ministry of External Affairs or MEA, September 09 2017)⁴³ from the Rakhine region but stopped short of criticising the Myanmar government or military for the persecution of Rohingya Muslims. The statement, while reiterating the earlier stance of condemning the ‘terrorist violence’, called for ‘restraint and maturity’ and ‘welfare of civilian population alongside those of the security forces’. Even in this

⁴² **Appadurai, A. 2018.** “Across the world, genocidal states are attacking Muslims. Is Islam really their target?”, *Scroll.in*, August 21. [https://scroll.in/article/879591/from-israel-to-myanmar-genocidal-projects-are-less-about-religion-and-more-about-predatory-states].

⁴³ **Government of India, Ministry of External Affairs. 2017.** “Situation in Rakhine state of Myanmar”, September 9. [http://mea.gov.in/press-releases.htm?dtl/28931/Situation+in+Rakhine+state+of+Myanmar].

slight change of stance, India was careful not to criticise Nay Pyi Taw, thus auguring no real change on the ground as thousands more were forced to flee in the months to come.

This government's aggressive position on the issue came into the public domain in August 2017 when Kiren Rijiju, Minister of State in the Union Home Ministry, answering a question in Parliament, confirmed reports that the Rohingyas were being deported. Invoking section 3(2) (c) of the Foreigners Act, 1946, the minister stated that the 'powers to identify, detain, and deport illegally staying foreign nationals, including Rohingyas, have also been delegated to the state G governments/UT administrations' (Question No 2615 Rajya Sabha August 09 2017). The government faced a great deal of criticism from different rights' groups with the UNHCR deploring the Indian plan to deport the Rohingyas at a time when they were facing violence in their own country⁴⁴.

⁴⁴ Zeid Ra'ad Al Hussein, the UN High Commissioner for refugees, while criticising the Indian government, asserted that by 'virtue of customary law, its ratification of the International Covenant on Civil and Political Rights, the obligations of due process and the universal principle of non-refoulement, India cannot carry out collective expulsions, or return people to a place where they risk torture or other serious violation'. *The Wire*. 2017. "Under Fire for Rohingya Deportation Policy, India Criticises UNHRC Chief", September 12. [<https://thewire.in/external-affairs/india-hits-back-unhrc-chief-criticism-rohingya-deportation-religious-intolerance>].

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In the meantime, the Supreme Court agreed to hear a petition filed by two Rohingya residents challenging the Indian government’s plan to deport them. The petition cited⁴⁵ Article 14 and Article 21, along with Article 51(c) of the Directive Principles of State Policy as enshrined in the Constitution of India. The affidavit filed by the union government in response to this writ petition used a highly securitised language that not only reiterated that the Rohingyas were illegal immigrants but also termed them as a ‘*national security threat*’. This labelling of refugees as a threat and dangerous, as argued by Jef Huysmans, is ‘characterised by a circular logic of defining and modulating hostile factors for the purpose of countering them politically and administratively’ (Huysmans 2006, p. 61). The intention is to create an atmosphere of unease by projecting the refugees as ‘both an index of fear and a vehicle for inscribing fear’ (Ibid), which, in this case is, clear from the affidavit:

It is also found by the central government that many of the Rohingyas figure in the suspected sinister designs of ISI/ISIS and other extremist groups who want to achieve their ulterior motives in India, including that

⁴⁵ The petition argued that right to equality under Article 14 and the right to life and personal liberty under Article 21 extends not only to citizens but any person living in India. Moreover, it held that India must extend protection to Rohingya refugees as per article 51 (c), a Directive Principle of State Policy, that requires India to foster respect for international law and treaty obligations in the dealings of organised peoples with one another.

of flaring up communal and sectarian violence in sensitive areas of the country

(Affidavit on behalf of the Respondent-Union of India, September 18 2017, Para 30)

Using the Muslim identity of the Rohingyas to describe them as terrorists is easy: the government can — and, in fact, has gone on to — link them with the likes of ISIS. This, according to Ravi Nair⁴⁶, is a part of the ‘Islamophobic terrorist threat campaign’ that is gathering momentum in India under the current government. The indifference towards refugees in India is a case of ‘benign neglect’, no matter who is in power in Delhi, but anti-Muslim policies have been the hallmark of the present dispensation, argues Nair. The aggressive policy towards the Rohingyas comes at a time when Hindu nationalism is ‘smothering’ the minorities (Apoorvanad 2018)⁴⁷, particularly Muslims. Thus, suggesting that the Rohingya Muslims are possible terrorists, presenting them as a ‘threat to national security’, helps create public opinion on the need to urgently deport the Rohingyas.

⁴⁶ Ravi Nair is executive director of South Asian Human Rights Documentation Centre (SAHRDC). The researcher had an interaction with him at his office on March 14 2018.

⁴⁷ **Apoorvanand. 2018.** “How India's institutions are failing Muslims”, *Aljazeera*, May 3. [<https://www.aljazeera.com/indepth/opinion/india-institutions-failing-muslims-180502100321517.html>].

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Labelling Rohingyas as criminals ‘indulging in illegal/anti-national activities i.e. mobilisation of funds through hundi/hawala channels, [...] and also indulging in human trafficking’ (Affidavit September 18, 2017) enables the state to take extraordinary measures against them. These include detention without trial and making use of the very law to justify otherwise extra-legal measures. Most refugees fleeing persecution do not possess valid documents when they enter a country; this is particularly true for stateless people like the Rohingyas. Hence, denying them entry and terming them illegal on this basis is not justified under the law. Moreover, PAN cards and mobile numbers can be issued to non-citizens as per the given law.

5.3. Exerting Control through Extreme Measures

After describing the Rohingyas as a threat to national security, India adopted a militarised approach to control them by blocking borders, forcing them to return by using force, and increasing surveillance of those already in the country. After portraying the Rohingyas as dangerous for its citizens and the country’s interests at large, the government came down with a heavy hand against them. As the Rohingyas fled the violence in Rakhine, India’s Border Security Force (BSF) used ‘chilli sprays and stun grenades’ to block their entry (Reuters 2017). This Reuters report quoted a BSF official saying ‘his

troops were told to use both chilli grenades and stun grenades to push back the Rohingya⁴⁸. These extreme measures involving an exhibition of power and control on their (refugee) bodies is explained by the Foucauldian view of securitisation — that it is not just about speech acts but ‘more about controlling populations through bureaucratic procedures, surveillance, and risk management — techniques of government’ (Huysmans 2006 cited in Hammerstadt 2014). The same Reuters report cites an official from India’s central investigation agency claiming that it was even ‘seeking help’ from Muslim religious leaders to deepen its surveillance and control of the Rohingyas in India. The Foreigners’ Division of the Ministry of Home Affairs which is manned mainly by personnel of the Intelligence Bureau (IB) keeps a close watch on the Rohingyas: their policing goes beyond the executive wing of the administration⁴⁹. ‘This department has already started various

⁴⁸ **Jain, R. 2017.** “India using chilli sprays, stun grenades to dissuade Rohingya influx”, *Reuters*, September 22. [<https://www.reuters.com/article/us-myanmar-rohingya-india/india-using-chilli-sprays-stun-grenades-to-dissuade-rohingya-influx-idUSKCN1BX1BG>].

⁴⁹ In a two-day international convention on Rohingya genocide organised by a Hyderabad-based NGO, Salamah Educational Trust, this researcher was questioned by two people from the Foreigners’ Department and suggested that these people (Rohingya) are not entitled to basic services in India and those who advocate their cause are doing a disservice to their own people and country. Three more persons from the same department were present on the second day in a closed meeting that was meant for NGOs working with Rohingyas and were later made to leave the venue when a lawyer objected to their unauthorised presence at the meeting.

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ways to force people to leave India’ (Ravi Nair 14 March 2017 personal communication).

In similar border control moves across the Bangladesh-India border in Tripura and Mizoram, security was intensified with the Assam Rifles — also trained in counter insurgency — brought in to push back Rohingyas. Likewise, in November 2017, the BSF announced its plan to deploy five more battalions consisting of 6,000 personnel along the Bangladesh border to stop the ‘influx’ of Rohingya Muslims (Sputnik International 2017)⁵⁰. Announcing this move, the Director General of the BSF echoed the Indian state’s militaristic mindset:

The Rohingya issue is a complicated one. Our policy is to push them back and not arrest them. If we arrest anyone trying to infiltrate into India, then they become a liability and then there has to be a process of identifying them. So we just push them back.

(K.K Sharma, Director General BSF November 29, 2017)

This insensitive approach of dealing with people who are trying to escape a murderous military back home is symptomatic of a secular-democratic system’s failure to uphold certain universal values that it otherwise claims to hold dear.

⁵⁰ *Sputnik*. 2017. “India to Deploy Additional 6000 Border Guards to Stop Influx of Rohingyas”, November 29. [\[https://sputniknews.com/asia/201711291059545278-india-border-guard-migrants-influx/\]](https://sputniknews.com/asia/201711291059545278-india-border-guard-migrants-influx/).

Continuing the crackdown on these people, the border forces, as per their statements, arrested 87 Rohingyas in October, 2017, among whom 76 were sent back; the rest continue to remain in detention (Ibid). Later in December 2017, the Indian Home Minister called in the chief ministers of the five states⁵¹ sharing a border with Bangladesh and proposed a Border Protection Grid (BPG) to stop ‘illegal Rohingya immigrants’ from entering the country. ‘The grid will comprise various elements, namely physical barriers, non-physical barriers, surveillance system, intelligence agencies, state police, BSF, and other state and central agencies (MEA , December 2017)⁵². In 2018, there have been various cases of Rohingyas, including children and women, being arrested in Manipur and other places as well⁵³.

⁵¹ The five states are West Bengal, Assam, Mizoram, Meghalaya, and Tripura. The meeting was held in Kolkata.

⁵² Find the detailed press release from the home ministry here, **Government of India, Press Information Bureau. 2017.** “Border Protection Grid to be set up in Border states, says Union Home Minister Shri Rajnath Singh”, December 7. [<http://pib.nic.in/PressReleaseDetail.aspx?PRID=1512045>].

⁵³ On April 18, police arrested 18 Rohingya people in Manipur who, according to police officials, were traveling towards Delhi. For more, see here, **Hindustan Times. 2018.** “18 Delhi-bound Rohingyas arrested in Tripura”, April 19. [<https://www.hindustantimes.com/india-news/18-delhi-bound-rohingyas-arrested-in-tripura/story-P4SBIRhLc7pOTvVinG4MRL.html>]. Earlier in April, Manipur Police arrested two more Rohingya men allegedly being involved in trafficking. See here, **Samom, S and Naqvi, S. 2018.** “Two Rohingya Muslim men arrested in Manipur on trafficking charges”, *Hindustan Times*, April 8. [<https://www.hindustantimes.com/india-news/two-rohingya-muslim-men->

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Apart from the extreme border control push back measures, they have also had to bear the brunt of the union government’s circular asking state governments to identify and deport them. In Jaipur, Rajasthan, the local police gave a fifteen-day ultimatum to more than 120 families living in rented accommodations in Hasanpura, Hathroi and Rajeev Nagar, to leave the country. Some families, according to media reports, went into hiding while others started looking for other places (*The Wire*)⁵⁴. Some of these families had been living cordially with local communities in Jaipur for more than ten years and had not faced any problems, but as the state-propagated narrative of safeguarding the nation from the ‘existential threat’ of Rohingyas gained momentum, extreme measures like these pushed aside human considerations altogether.

A media report quotes a Rohingya community member from Jaipur who, along with others, went to the local police station to make sense of the diktat:

arrested-in-manipur-on-trafficking-charges/story-AHorgaVCDk6WsyAgjxLKhI.html].

⁵⁴ **Jain, S. 2018.** “In Jaipur, Rohingya Refugees Forced Into Hiding as Police Begins Crackdown”, *The Wire*, September 6. [<https://thewire.in/government/rohingya-refugees-jaipur>].

Media ko bula lo, human rights walo ko bula lo, kuch bhi kar lo par hum tumhe border par chod ke hi aayenge (Call the media, call human rights activists, do whatever you want, but we will deport you in any case).

(Syed Alam, a Rohingya quoted in *The Wire* 2017)

This happens because any attempt to thwart or fight the draconian and extreme measures of state power ‘can be swept aside in the name of security’, argues Anne Hammerstadt (2014). For instance, the group of eminent lawyers⁵⁵ who are challenging the government’s decision to deport the Rohingyas in the Supreme Court have been labelled as people with vested interests and malicious intent. Media representation in India, particularly on TV news channels, have added fuel to the framing of Rohingyas as a threat to national security and the need to safeguard ‘us’ from ‘them’, with some even going to the extent of making a case for the Rohingyas to be ‘*gently thrown out*’ and be left ‘*floating around the Indian ocean*’⁵⁶. This permissive propaganda plays into the rising anti-Muslim majoritarian sentiment that has seen Indian

⁵⁵ The writ petition was filed in the Supreme Court by Public interest lawyer Prashant Bhushan and Collin Gozalvis-the founder Chairman of HRLN.

⁵⁶ News channels like Republic TV, ZEE news, News 18 India, India TV ran a slanted coverage on the Rohingya issue in India demonising and criminalising the refugees. Arnab Goswami of Republic TV ran various shows supporting the government’s position against the Rohingyas making arguments like ‘India is not a refugee capital’, ‘UN should just shut up’ and calling each and every Rohingya Muslim a terrorist. See, **Paul, L. 2018**. “Media’s Barbed Missiles”, *Indialegallive*, January 14. [<http://www.indialegallive.com/cover-story-articles/focus/medias-barbed-missiles-42333>].

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Muslim citizens being attacked for cow slaughter, ‘love jihad’ and other issues.

The Rohingyas have, so far, not faced any direct, aggressive onslaught from the local population except in Jammu (explained in detail in the last section of this analysis). However, for the last two years, there have been many cases of mysterious fires in Rohingya camps that have destroyed everything, forcing the residents to restart their lives again from scratch⁵⁷. In one such case, a person affiliated to the ruling BJP claimed responsibility for the fire⁵⁸. In another case, a young Rohingya

⁵⁷ **Dey, A. 2018.** “We have lost everything’: Pre-dawn blaze destroys Delhi’s only camp for Rohingya refugees”, *Scroll.in*, April 15.

[<https://scroll.in/article/875759/we-have-lost-everything-pre-dawn-blaze-destroys-delhis-only-camp-for-rohingya-refugees>]. and **Kandhari, M. 2017.**

“Shelters of Rohingyas Guttled in Mysterious Fire”, *The Pioneer*, April 15.

[<https://www.dailypioneer.com/nation/shelters-of-rohingyas-guttled-in-mysterious-fire.html>]. and

FirstPost. 2018. “Fire breaks out in Rohingya refugee camp in Haryana’s Nuh district; 55 families rendered homeless”, May 28.

[<https://www.firstpost.com/india/fire-breaks-out-in-rohingya-refugee-camp-in-haryanas-nuh-district-55-families-rendered-homeless-4484891.html>].

⁵⁸ **The Times of India. 2018.** “BJYM leader ‘admits’ to burning Rohingya refugee camp in Delhi, complaint filed”, April 20.

[<https://timesofindia.indiatimes.com/india/bjym-leader-admits-to-burning-rohingya-refugee-camp-in-delhi-complaint-filed/articleshow/63840127.cms>].

This incident of fire in Delhi’s Kalindi Kunj burned down 47 huts in the *Darul-Hijrat* camp on April 14 this year. A BJP youth leader accepted responsibility for it. Two separate complaints were filed by All India Muslim Majlis-e-Mushawarat (AIMMM) and Prashant Bhushan, counsel representing Rohingyas in Supreme Court.

activist⁵⁹ was to give a speech at Aligarh Muslim University: the event was disrupted and eventually cancelled after the local Akhil Bharatiya Vidyarthi Parishad (ABVP), the students' wing of the BJP, called him a "terrorist"⁶⁰.

As the government continues to press for the upholding its deportation policy in the Supreme Court, sealed borders and an extensive surveillance permeates people's daily lives. These 'nobody's children' live every moment in fear of losing a 'home' that is not actually home, away from the home that has already been lost. Even as they attempt to reconstruct their lives, the question of belonging still remains. At home, they are foreigners. In a foreign land, they are a security threat. On the high seas, they face death. Seen as outcasts, they are not allowed to have homes of their own. So where do these nobodies go?

⁵⁹ Ali Johar, originally hailing from Buthidaung town in Rakhine state, is the first Rohingya in India who would be graduating this year. He is one of the founder members of the Rohingya Human Right's Initiative where he runs a Rohingya literacy program. An award winning activist, he has represented his people at many fora and continues to work for the betterment of his community in India.

⁶⁰ **Jaiswal, A. 2012.** "Rohingya youth leader's AMU talk disrupted, called 'terroris'", *The Times of India*, September 12.
[<https://timesofindia.indiatimes.com/city/agra/rohingya-youth-leaders-amu-talk-disrupted-called-terrorist/articleshow/60483404.cms>]

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5.4. The Politics of Aid: India’s Humanitarian Response to the Rohingya Crisis

There are three ways in which a host country can respond to displaced people – ‘it can do nothing, it can respond negatively towards the refugees, or it can respond positively’ (Jacobsen 1996). The radical notion that all human beings have equal worth, irrespective of the race, class, caste, ethnicity, or nationality they belong to, and deserve a life of respect and dignity, is ‘far more of an aspiration than a reality’ (de Torrente 2013). In most such cases, the assistance provided is not sufficient, timely, or equitable. This is because strategic and political interests determine the working of the humanitarian assistance system. The states’ response as discussed in the previous sections is, therefore, determined by a myriad of factors like national security, international relations, and local acceptance among many others. The previous section analysed how India’s highly securitised response led to a host of extreme measures in dealing with Rohingya refugees. Although the actual numbers are disputed, yet a considerable number continue to stay in the country. This section examines whether the government has provided any humanitarian assistance to them as has been done for other groups in the country.

These ‘most disenfranchised refugees’ (Lancet 2018) have experienced a ‘health care bias’ in different Asian countries, including India (Ives 2016)⁶¹. An outbreak of diseases like measles, cholera, and diphtheria has been reported among the Rohingya refugees in Bangladesh with high levels of Post-Traumatic Stress Disorder (Lancet 2018). A report by Calcutta Research Group suggests that the Rohingyas in India are seen as ‘unenviable – foreigner, Muslim, stateless, suspected Bangladeshi national, [they are] illiterate, impoverished and dispersed across the length and breadth of the country’ (Basavapatna 2015). As delineated in section 5.1 they mostly live in ramshackle shacks in semi-urban ghettos in Delhi, Jammu, Haryana and Rajasthan, that have become ‘reservoirs of despair and disease’, devoid of any basic services.

In the Supreme Court, therefore, one of the pleas of the Rohingyas has been for the provision of basic services. Their Counsel has asked the court to provide them with facilities at par with other refugee groups, particularly the Tamil refugees in Tamil Nadu. On May 10, 2018, during one of the hearings, the court appointed Sub-Divisional Magistrates (SDMs) as nodal officers to look into the grievances

⁶¹ Ives, M. 2016. “Rohingya Face Health Care Bias in Parts of Asia, Study Finds”, *The New York Times*, December 5. [<https://www.nytimes.com/2016/12/05/world/asia/rohingya-myanmar-health-care.html>].

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(healthcare, water, sanitation and education) of the Rohingyas living at Kalindi Kunj in Delhi and Mewat in Haryana. This was done after the government filed a report on the basic amenities available to this community in the places they live in. The government, in its report, maintains that the Rohingyas are provided with basic necessities at par with other citizens on a humanitarian consideration. But in fact, news reports and surveys on the subject have painted a very different picture — one of Rohingyas living in ‘sub-human’ conditions. (Mukherjee 2012⁶²; Ives 2016⁶³; Mohan 2017⁶⁴; Menon 2018⁶⁵; Chandran 2018⁶⁶).

⁶² **Mukherji, A. 2012.** “Myanmar’s nowhere people live in penury in the slums of Delhi”, *The Times of India*, June 26.

[<https://timesofindia.indiatimes.com/city/delhi/Myanmars-nowhere-people-live-in-penury-in-the-slums-of-Delhi/articleshow/14411060.cms>].

⁶³ **Ives, M. 2016.** “Rohingya Face Health Care Bias in Parts of Asia, Study Finds”, *The New York Times*, December 5.

[<https://www.nytimes.com/2016/12/05/world/asia/rohingya-myanmar-health-care.html>].

⁶⁴ **Mohan, R. 2018.** “Imagine No Country Claims You, and Your Own Country Wants to Throw You Into the Sea”, *The Wire*, February 17.

[<https://thewire.in/external-affairs/rohingya-refugees-india-delhi-jammu-myanmar>].

⁶⁵ **Menon, V. 2018.** “Gutted Delhi camp puts spotlight on sub-human living conditions of Rohingyas in India”, *The Print*, April 17.

[<https://theprint.in/theprint-essential/gutted-delhi-camp-puts-spotlight-on-sub-human-living-conditions-rohingyas-face-in-india/50410/>].

⁶⁶ **Chandran, R. 2018.** “Poverty and politics trip up urban refugees in India”,

Reuters, May 11. [<https://www.reuters.com/article/us-india-refugees-rights/poverty-and-politics-trip-up-urban-refugees-in-india-idUSKBN1IC001>].

When compared with other refugee groups in India, the Rohingyas have faced discrimination and neglect at the hands of the government, with no initiatives undertaken to address even their basic survival needs as depicted in the table below. This table compares the Indian government’s policy responses towards three refugee groups based on different indicators as mentioned in Table I of this report.

Policy Type	Indian Policy Response		
	Tamils (Sri Lanka)	Tibetans (Tibet)	Rohingya (Myanmar)
01	Negative	Negative	Negative
02	Positive	Positive	Negative
03	Positive	Positive	Negative
04	Positive	Positive	Negative
07	Positive	Positive	Negative
08	Positive	Positive	Negative
09	Positive	Positive	Negative
10	Positive	Positive	Negative
11	Positive	Positive	Negative
12	Positive	Positive	Negative
13	Positive	Positive	Negative

Note: This table uses the number codes for the policy type indicators that are actually mentioned in Table I

The indicators in the framework used here for comparing the treatment of three different refugee groups are based on the United Nations’ refugee conventions. Despite not being a signatory to the refugee convention, India’s policy response and decisions vis-à-vis

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Tamil and Sri Lankan refugees have been positive, unlike in the case of the Rohingyas.

5.4a. ‘Operation *Insaniyat*’: Pursuing strategic Interests in the name of Humanitarianism

Despite commitments to global and national programmes to alleviate human suffering, and the need to build its image as a rising power taking a lead in solving a regional crisis, India’s ‘humanitarian space’ has mostly been constricted by its own strategic and political interests. The government is hostile; international aid agencies are given little or no access even as state-sponsored violence against the Rohingyas in Myanmar has continued unabated.

As other countries sealed their borders to prevent the Rohingyas, fleeing xenophobic violence by the Myanmar military, from entering their territory, more than half a million (6, 71, 000) fled to Bangladesh that was already hosting close to three lakh of them, who had arrived there in the past, to escape previous crackdowns. International aid agencies and foreign governments dispatched aid to Cox’s Bazar. In September 2017, India handed over a humanitarian aid consignment of 53 metric tons of ‘family bags’, consisting of basic essentials like rice, pulses, sugar, salt, cooking oil, tea, ready-to-eat noodles, biscuits

and mosquito nets for the Rohingya refugees in Bangladesh. This was termed as ‘Operation *Insaniyat*’ – humanitarianism – even though the refugees who were already in India were receiving neither support nor the required assistance. Interestingly, the MEA’s first press release on ‘Operation *Insaniyat*’ mentioned the word refugees in Bangladesh, but again avoided the use of the word ‘Rohingya’:

In response to the humanitarian crisis being faced on account of the large influx of refugees into Bangladesh, Government of India has decided to extend assistance to Bangladesh

(MEA September 14, 2017)⁶⁷

After the Indian Prime Minister’s visit to Myanmar, ‘very strong’ public opinion against India in Bangladesh cast a shadow on the bilateral relations between the two countries (Mitra 2017)⁶⁸. ‘Operation *Insaniyat*’ was planned, therefore, against the backdrop of this displeasure, as India could not afford to cede more ground to China that had already taken a role during this humanitarian crisis as a regional leader and even mediated a repatriation agreement between

⁶⁷Government of India, Minister of External Affairs, Press Release September 14, 2017. [[http://mea.gov.in/press-releases.htm?dtl/28944/Operation *Insaniyat* Humanitarian assistance to Bangladesh on account of influx of refugees](http://mea.gov.in/press-releases.htm?dtl/28944/Operation%20Insaniyat%20Humanitarian%20assistance%20to%20Bangladesh%20on%20account%20of%20influx%20of%20refugees)]

⁶⁸ Mitra, D. 2017. “Exclusive: Public Anger Brews in Bangladesh Over India's Stance on Rohingya Crisis”, *The Wire*, September 10. [<https://thewire.in/diplomacy/bangladesh-rohingya-crisis-myanmar-india>].

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Dhaka and Nay Pyi Taw later. Preceding this first tranche of aid under Operation *Insaniyat*, Minister for External Affairs Sushma Swaraj, during her three-day Bangladesh visit, chose not to visit the refugee camps in Cox’s Bazar which ‘stands out not just in stark contrast to other nations, but to India’s own record’ (Haider 2017)⁶⁹.

In May 2018, India sent a second 373-tonne consignment under ‘Operation *Insaniyat*’ containing 104 tonnes of milk powder, 102 tonnes of dried fish, 61 tonnes of baby food, 50,000 raincoats and 50,000 pairs of gum boots (PTI). But the decision to send aid to the Rohingyas in Bangladesh was seen as being prompted by India’s own geopolitical interests, rather than being a sincere humanitarian effort. Had it been the latter, the few thousand Rohingyas who are in India would have been the first and natural choice for relief and rehabilitation. But India floundered when it came to providing humanitarian assistance to the Rohingyas in India, lacking the empathy it was expected to show (Sahoo 2017). This paradox between reaching out to the Rohingyas in Cox’s Bazaar to mend relations with Bangladesh while ignoring the plight of the refugees from the same community living in India

⁶⁹ **Haider, S. 2017.** “Such a strange silence: India’s stand on the Rohingya Crisis”, *The Hindu*, November 30. [http://www.thehindu.com/opinion/lead/such-a-strange-silence-indias-stand-on-the-rohingya-crisis/article21235760.ece].

highlights how cold strategic interests and realpolitik, not humanitarian concerns, guide the country's stand on this stateless community. While various NGOs and the UNHCR have reached out to the Rohingyas in India, their interventions have stopped short of castigating the government for its response to the crisis.

5.4 b. The Role of the UNHCR and NGOs

Though India is represented on the UNHCR executive committee, it has not granted it a formal autonomous recognition in the country. The UNHCR established its office in New Delhi in 1969 after the Indian government's request to it to intervene in dealing with Tibetan refugees. It has a subsidiary office in Chennai. 'In the absence of a national legal framework for refugees, UNHCR conducts refugee status determination under its mandate for asylum seekers who approach the Office. The two largest groups of refugees recognised by UNHCR are Afghans and Myanmar nationals, but people from countries as diverse as Somalia and Iraq have also sought help from the Office,' reads the official website⁷⁰ outlining its role in India. It

⁷⁰ **United Nations High Commissioner for Refugees.** "[UNHCR in India](https://www.unhcr.org.in/index.php?option=com_content&view=article&id=18&Itemid=103)". [https://www.unhcr.org.in/index.php?option=com_content&view=article&id=18&Itemid=103].

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considers the Rohingyas as Myanmar nationals and, in its fact-sheets, also uses the word ‘Rohingya’.

There are 17,500 Rohingya refugees and asylum-seekers registered with the UNHCR in India. For registering Rohingya refugees in Jammu, it partners with a Delhi-based NGO, Development and Justice Initiative, and Save the Children. In Hyderabad, the Confederation of Voluntary Associations (COVA) works as its implementing partner for its work with the Rohingyas. Organisations like the HRLN and the ARA Trust also partner with it on several projects. Though limited, it provides some assistance to the Rohingya refugees in Hyderabad and Jammu through the programmes implemented by its partner NGOs.

Though the UNHCR has reached millions of refugees to provide aid and an ‘identity’ that supposedly brings with it certain rights, it has faced criticism from many quarters for not being able to hold governments responsible for their actions. ‘It has failed to develop new, more creative ways of unlocking political solutions’⁷¹. On the

⁷¹ Alexander Betts, professor in Refugee and Forced Migration Studies at Oxford University in an interview to tells Tom Miles of Reuters. See here, **Miles, T. 2015**. “As refugee crisis grows, U.N. agency faces questions”, *Reuters*, September 16. [<https://www.reuters.com/article/us-europe-migrants-unhcr-insight/as-refugee-crisis-grows-u-n-agency-faces-questions-idUSKCN0RG13E20150916>].

government's move to deport the Rohingyas from India, the UNHCR office has maintained silence so far. It has not put pressure on the Indian government to open its borders for these refugees fleeing persecution nor has it denounced its move to deport them. 'It appreciates that the Government of India has repeated its commitment to the non-refoulement principle at various international human rights fora', reads a reply from the UNHCR India office, in response to a question about India's plans to deport the Rohingyas, in an email conversation⁷².

The UNHCR's non-confrontational approach in India perhaps stems from the fact that it operates with a limited mandate. The second factor can be the present dispensation's aggressive and tough stand vis-à-vis international organisations, 'The UNHCR fears that it would be asked to wind up its operations if it takes a stand or criticises the government for its policy towards Rohingya' (Ravi Nair, March 2018, Personal communication).

In the case of the NGOs, a significant number have been working with the displaced populations, intervening at all stages of an emergency i.e.

⁷² After several requests for an interview, the UNHCR Delhi office agreed to reply to a questionnaire by the researcher through email.

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rescue, relief and rehabilitation, and helping in the establishment of camps for refugees. However, in the case of the Rohingyas in India, the NGOs have found it hard to work with them as they are scattered in different states. International humanitarian NGOs in India have little access to the Rohingyas. So it is the small local service delivery NGOs who work with them in places like Jammu, Hyderabad, Delhi, and Rajasthan. A detailed discussion about the role of the NGOs vis-à-vis the Rohingyas is beyond the scope of this study but a brief overview based on the limited engagement of the researcher with Rohingyas in India is presented below.

This researcher participated in the International Convention on the Rohingya Genocide (ICRG) organised by Salamah Educational, Health and Welfare Trust, a Hyderabad-based NGO, on April 14 and 15, 2018 in New Delhi. This convention brought together many NGOs and relief organisations working with the Rohingyas in different states. Some parliamentarians, former and current ambassadors, eminent lawyers, academics and people from international and national NGOs discussed different dimensions like a legal and institutional framework, the significance of inter-religious dialogue, protection of refugees and prevention of abuse and the efforts at coordinating international and local aid for effective relief

and rehabilitation⁷³. The NGOs that came together included Zakat Foundation of India, MEEM Foundation, and Rohingya Human Rights Initiative (ROHRIngya). Representatives of Muslim organisations who have provided relief to the Rohingyas, such as the All India Majlis Tameer-e-Millat, Students Islamic Organisation, MEEM foundation, and the Kerala Muslim Cultural Centre (KMCC) also attended the convention. This convention, in its declaration, condemned the Myanmar government and maintained that there is undisputed evidence of a genocide by the Myanmar military. While the declaration included a set of recommendations for the international community and the Myanmar government, it surprisingly did not comment on the Indian policy on the Rohingyas. Further, the declaration played into the securitised language generally used by states with a refugee situation. The convention declared that

International organisations should reinforce their initiatives to alert all governments about the disastrous regional consequences and dangers to political stability caused by one of the largest forced migrations in the world as well as *risk of fostering terrorist movements* if rapid and equitable solutions are not found to end the Rohingya crisis.

(Emphasis added in italics).

⁷³ Speakers at the convention included Wajahat Habibullah (Chairman CHRI), Farooq Abdullah (MP and former Union Minister), Prashant Bhushan (Public Interest lawyer, activist and counsel Rohingya petition in Supreme Court), K.P. Fabian (former ambassador IFS), E.T. Mohammed Basheer (MP from Kerala), Mehmood Paracha (Supreme Court lawyer), Suhas Bolkar (Chair. Alternative Strategies Initiative), Sukriti Ranjan Das (Civil rights activist), Swami Agnivesh (Activist and scholar), Zafar Mehmood (Zakat Foundation Chairman), Amnesty International India representatives and others.

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On its part, the Zakat Foundation of India has helped the community to acquire land and financed huts for them at many places. Organisations like DAJI, Save the Children, and COVA work as implementation partners of the UNHCR for registration and other relief projects in Delhi, Jammu, and Hyderabad, respectively. In Jammu, Sakhawat Centre⁷⁴, a Muslim NGO working with the Rohingyas from 2012 on early childhood education, acts as a feeding centre for the government schools — they facilitate admission after few years of education at the four educational centres they run. They also train women in certain trades. Besides, medical camps are organised and a monthly ration is provided to some families. “Government could have provided rations to these people. They are in need and they deserve it. We tried to negotiate with the government but it was refused”, says Dr. Abdur Rasheed who heads the Jammu office of Sakhawat Centre.

Back in 2016, 170 Rohingya families shifted from Jammu to Hyderabad with the help of DAJI working as an implementation

⁷⁴ Sakhawat Centre Jammu & Kashmir, functioning under the auspices of the Iqbal Memorial Trust Srinagar, has operations in most of the districts of the State. It focuses on educational upliftment of orphan, destitute, and poor people, besides livelihood assistance. Through its Jammu office, it started an intervention with the Rohingya people in 2012. See here, <http://www.sakhawatcentre.org/>

partner for the UNHCR in Jammu. The families were provided a travel allowance and a one-time rehabilitation assistance by the organisation. This move, however, is regarded with suspicion by some local NGOs. It was the first of the attempts to evict the Rohingyas from Jammu by the local BJP, said one NGO activist.

“The local BJP, with the help of this NGO, first tried to evict the Rohingyas without creating any hue and cry or inviting media attention, so they made this plan of luring them with the travel grant and rehabilitation. They were successful in convincing some families but later on it stopped as it required huge money and also because some families came back.

(Personal communication NGO Activist)⁷⁵

DAJI however maintains that the funding for the project under which the families were shifted has been stopped by the UNHCR. “Amid shortage of funds, we, however, continue to work with them in Jammu with a focus on their education,” says Rena Senyal, senior project coordinator, DAJI, in Jammu.

The Human Rights Law Network (HRLN) has provided legal aid to the Rohingyas who are detained or face other problems; the South Asian Human Rights Documentation Centre (SAHRDC) has fought for their rights in India, along with lawyers and other organisations; Amnesty International India has called on the Indian government not

⁷⁵ Name not used on request.

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to deport Rohingyas to an ‘apartheid regime’ in Myanmar — its petition to the Indian government was signed by over 6,60,000 people across India, saying ‘I welcome Rohingya’⁷⁶.

Despite campaigns like these, over time, voices have been raised demanding the eviction of the Rohingyas from certain areas, such as from Jammu in the conflict-ridden State of Jammu and Kashmir. The following section draws primarily from this researcher’s fieldwork in Jammu, and speeches given by members of certain political parties and interest groups. It highlights the issue in the region, as well as the historical context within which the experiences of the Rohingyas and the response to them from various quarters can be placed and understood.

5.5. The Fallout: The Anti-Rohingya Campaign in Jammu

The original State of Jammu and Kashmir divided between India and Pakistan has been at the heart of rivalry between the two nation-states right from 1947, both claiming it in its entirety. The part which is in India is divided into Kashmir, Jammu and Ladakh divisions: it has seen

⁷⁶ See the details of the petition here; **Amnesty International India. 2017.** “Over 660,000 People Across India Say ‘I WELCOME ROHINGYA’”, November 20. [<https://amnesty.org.in/news-update/660000-people-across-india-say-welcome-rohingya/>].

a movement for the right to self-determination centred mainly in the Muslim majority valley of Kashmir. This movement culminated in an armed battle in the late 1980s that was largely crushed by the Indian military which is around 7,00,000 in number. From 2008, several waves of civilian protests against rule by Delhi have been met with violence in which hundreds of youth have been killed. This has led to a resurgence in militancy and an increase in the number of killings, including that of civilians, members of the armed forces and militants.

The Hindu majority Jammu division has a more turbulent past that dates back to the time of Partition. The forces of Maharaja Hari Singh, with the active support of right-wing Hindu forces, carried out a massacre of Muslims turning them into a minority (Naqvi 2016)⁷⁷. Different estimates put the number of Muslims killed in Jammu at the time as more than 2,00,000, while an equal number fled to Pakistan (Chaudhary 2008). Currently, Muslims constitute 31 per cent of the population of Jammu while Rajouri, Poonch, Doda etc. are Muslim-dominated areas. (Ibid).

⁷⁷ Naqvi, S. 2016. “The killing fields of Jammu: How Muslims become a minority in the region”, *Scroll.in*, July 10. [<https://scroll.in/article/811468/the-killing-fields-of-jammu-when-it-was-muslims-who-were-eliminated>].

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In recent years, a significant number (highest as compared to other places) of Rohingyas have settled in the suburbs of Jammu, mostly close to Muslim-dominated areas. (A detailed population distribution of Rohingyas in Jammu is given in Table IV.) Most of the Rohingyas here came to Jammu in 2012 from different parts of India or directly after crossing over from Bangladesh. The Rohingyas say that as Jammu and Kashmir is a Muslim majority region, it was a deliberate and natural choice for them. After spending some years in Jammu, these people have now realised the ground situation in the state and the internal dynamics at play in the region.

‘While coming we were not aware about the divisions like Kashmir and Jammu. *Jammu is not safe now* but then Kashmir is too cold for us. We went to Kashmir to see the feasibility of living there but it is difficult to survive there in winters.’

(Maazin Ali, March 05 2018, Personal communication;
emphasis added)⁷⁸

This feeling of insecurity comes in the backdrop of the anti-Rohingya eviction campaign in Jammu led by Jammu-based political parties, right-wing groups and other stakeholders.

⁷⁸ A Rohingya community member in Jammu whose name has been changed on request.

Name of the Camp	Total Families	Total population
Jamat Ali Plot	55	230
Kalagate	93	306
Kalu Plot	31	144
Kargil Colony -1	119	478
Kargil Colony-2	20	113
Malik Market	220	958
Panama Chowk	24	115
Papu Plot	105	465
Rahim Nagar	65	281
Rajiv Nagar	54	210
Sunjuwan	65	250
Trikuta Nagar	31	144
Babay (Peer baba)	57	238
Channi Police Line	41	198
Bhagwati Nagar	95	413
Bari Brahmna	67	209
Bathindi-1	94	402
Beru Plot-1	35	145
Beru Plot-2	99	409
Channi Himmat	27	100
Narwal	37	154
Golpoli	85	312
	Grand Total	6733

A vicious campaign gained momentum in the wake of the Indian government's plan to deport the Rohingyas and the statements made by the BJP's central ministers. The Muslim identity of Rohingyas

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makes them an easy target in the highly polarised society of Jammu. This has added fear and unease to the already uncertain lives of the Rohingyas in Jammu. “Nobody wants to leave their native place, but do we have any other option? Where do we go from here?” they ask.

In early 2017, the Jammu-based National Panthers Party (NPP) sponsored billboards at different places, asking the ‘Rohingyas and Bangladeshis’ to quit Jammu. Followed by protests and press releases, this turned out to be a systematic campaign against the Rohingyas who were labelled as a ‘ticking time bomb’ and a ‘threat to communal harmony’ in Jammu. The Panthers Party that spearheaded the campaign invoke Article 370⁷⁹ of the Constitution as the justification for their ‘protect Jammu Campaign’⁸⁰. The same views were echoed by Rakesh Gupta, President, Chambers of Commerce, Jammu:

We work in close collaboration with the Kashmir chapter on various issues, but they don’t support our cause when it is about safeguarding Jammu. Article 370 makes it clear that the Rohingyas cannot live in Jammu. The Kashmir

⁷⁹ Article 370 of the XXI schedule of the Indian Constitution grants special status to the State of Jammu and Kashmir allowing it a constitution of its own within the Indian Union and restricts Indian Parliament’s legislative powers for the State.

⁸⁰ In an interview, Bhim Singh, the party supremo, asserted that allowing the Rohingyas to reside in Jammu was a violation of the article.

Chambers oppose the West Pakistan refugees on the same ground. So they cannot be selective

(Rakesh Gupta, March 06, 2018; Personal communication)

However, to equate the West Pakistan refugee⁸¹ issue with that of the Rohingyas is to conflate two different issues. Political parties like the BJP have been asking for the granting of permanent residence to refugees from West Pakistan which the National Conference (NC) and the People's Democratic Party (PDP) consider illegal due to Article 35-A⁸². The pro-freedom parties in the Valley and the Chambers of Commerce, Kashmir, consider it a deliberate attempt to change the demography of Jammu and Kashmir. However, they have never sought the eviction of West Pakistan refugees from Jammu. But in the case of the Rohingyas, the Jammu-based parties have demanded forced repatriation, amid continuous persecution in Myanmar, illegal under international law.

⁸¹ These are the people, mostly Hindu, who migrated to Jammu during Partition. The government of India intends to settle them as permanent residents in the State of Jammu and Kashmir but is opposed by all the political stakeholders of the State due to Article 35 A.

⁸² Article 35A of the Indian Constitution empowers the Jammu and Kashmir State's legislature to define "permanent residents" of the state and provide special rights and privileges to those permanent residents. It disallows non-residents of the State from buying or owning immovable property, settling permanently, or from holding a government job in the State.

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During the 2017 eviction campaign, the Chambers of Commerce, Jammu, issued a one-month ultimatum to deport all Rohingyas from Jammu, failing which, they threatened, they would ‘catch and kill’ every Rohingya in Jammu. This was followed by targeted violence. In the first week of April 2017, a group of Rohingya women and children collecting scrap in Jammu’s Patta Bohri area were thrashed by some masked men. Later, those who owned the plots of land on which the camps had been built were asked to evict them or face consequences. That month, some 78 families living in Jammu’s Bhagwati Nagar area had to shift to other places after a mysterious fire gutted their shelters.⁸³

Indeed, in Jammu, the BJP has been pursuing a relentless campaign to criminalise the Rohingyas, describing them as ‘terrorists’. When the Sunjuwan Army camp came under attack in Jammu in February 2018, the then Speaker of the Jammu and Kashmir assembly, Kavinder Gupta, was quick to blame the Rohingyas for it⁸⁴. A BJP politician, Gupta later retracted his statement after the opposition and his party’s

⁸³ **Kandhari, M. 2017.** “Shelters of Rohingyas gutted in mysterious fire”, *The Pioneer*, April 15. [<http://www.dailypioneer.com/nation/shelters-of-rohingyas-gutted-in-mysterious-fire.html>].

⁸⁴ Kavinder Gupta was later appointed as the deputy chief Minister of Jammu and Kashmir. **Outlook. 2018.** “Speaker Of J&K Assembly Says Rohingyas Facilitated Sunjuwan Army Attack, Blame Govt For Security Lapse, Opposition Responds”, February 10. [<https://www.outlookindia.com/website/story/speaker-of-jk-assembly-says-rohingyas-facilitated-sunjuwan-army-attack-blame-govt/308119>].

coalition partner, the PDP, protested against the remarks. This, however, led to another wave of protests against the Rohingyas with newspapers publishing advertisements, under the banner of the Sri Ram Sena and the Jammu Chambers of Commerce, demanding that they be deported. In the ensuing protests led by the NPP, slogans like ‘Chodho Hamara Jammu Pradesh, Rohingya jao Bangladesh’ (Leave our Jammu, Rohingyas, go to Bangladesh) were raised. During the campaign, Harsh Dev Singh⁸⁵, President NPP, Jammu, accused the Rohingyas of being involved in the smuggling of narcotics, human trafficking, child abductions, beggary, and flaring up communal tensions in Jammu.

These accusations, along with that of having ‘terrorist links’, however, are not supported by Jammu and Kashmir police records. On the floor of the assembly, the then State Chief Minister, Mehbooba Mufti, had refuted the claim that the Rohingyas were a threat to Jammu and Kashmir. Divulging details, she had informed the assembly that so far, only 17 FIRs had been lodged against 38 people involved in ‘illegal

⁸⁵ The researcher attended a press conference called by Harsh Dev Sing at his Jammu residence and later had a brief interaction as well.

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crossing’ and some petty crimes and that there were no adverse intelligence inputs on the Rohingyas⁸⁶.

Despite the Chief Minister’s statement, the anti-Rohingya propaganda has continued in various forms. On March 13 this year, three Jammu-based TV reporters⁸⁷ alleged that they were beaten by a ‘mob of 100-150 Rohingya Muslims from Narwal camp’ during a reporting assignment in the area. A video was circulated, blaming the Rohingyas for the attack and calling them the ‘biggest threat to people’. The Jammu and Kashmir police, however, arrested two local youth from the area and clarified that no Rohingya was involved. The next day, camp residents told this researcher that the scuffle between the local youth and the reporters happened over some parking issue and had nothing to do with them. This was later corroborated by an investigative report by *News click*⁸⁸.

⁸⁶ **Wani, F. 2017.** “No adverse intel against Rohingyas: PDP”, *The New Indian Express*, September 20.

[<http://www.newindianexpress.com/nation/2017/sep/20/no-adverse-intel-against-rohingyas-pdp-1660288--1.html>].

⁸⁷ Two of the reporters are affiliated to Republic TV that has continuously carried out a vicious campaign for the deportation of Rohingyas from India.

⁸⁸ **Kissu, S. 2018.** “Busted: Republic Reporter Wrong in Blaming Rohingyas for Assaulting Him”, *NEWS click*, March 15. [<https://newsclick.in/busted-republic-reporter-wrong-blaming-rohingyas-assaulting-him>].

Following the rape and murder of an eight year old Muslim girl from Kathua, Jammu-based right wing groups blamed the Rohingyas for the crime, even though the Jammu and Kashmir police had established that it was done by Hindu extremists with an intention to drive away a whole Muslim community — the Gujjars — from the region. The canards were further propagated by people like Madhu Kishwar, an Indian ‘academic and writer’. In a tweet, Kishwar wrote:

Very likely that family accused of rape have been scapegoated. Murder of #Asifa suspected to be handiwork of jehadi #Rohingyas settled by PDP in Jammu region. Since Jammu people angry at settling criminal Rohingya in Hindu areas, Mehbooba used this murder as counterblast strategy

(Madhu Kishwar, April 14, 2018)

Targeting the Rohingyas in this manner has made them even more vulnerable than they already are as refugees facing deportation. Labelling them as criminals and a threat to the people has helped to create public opinion against them and plays into the hands of communally driven groups. ‘This hate against Rohingyas actually stems from the anti-Muslim discourse that is prevalent here and, at the same time, it is feeding into that’ (Anuradha Bhasin ⁸⁹, personal communication). Thus, there is a circular logic at work — hatred for them stemming from Islamophobia and Islamophobia feeding into the

⁸⁹ Anuradha Bhasin is a Jammu based author, activist, and executive editor of ‘Kashmir Times’.

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hatred against them. Given the fact that most Rohingyas are living in the Muslim pockets of Jammu, Bhasin fears that the situation would turn dangerous if anything happens to them.

One of the reasons given by anti-Rohingya groups to justify the demand for their eviction is their claim that the Rohingyas are being given Aadhar and ration cards, on the basis of which they are acquiring SIM cards. But these claims were later found to be untrue by the police. Moreover, there is nothing illegal about Rohingyas being given Aadhar cards as the AADHAR (targeted delivery of financial and other subsidies, benefits and services) Act, 2016 entitles every ‘resident’ of India to receive this unique identification number. The Act says that an Aadhar card can be given to , ‘an individual who has resided in India for a period or periods amounting in all to one hundred and eighty-two days or more in the twelve months immediately preceding the date of application for enrolment’⁹⁰.

Like in other places, the Rohingyas are not entitled to services like free health or rations under the Public Distribution System (PDS). They

⁹⁰ See the section (v) of the preliminary chapter of the Aadhar Act 2016. **The Gazette of India, Ministry of Law and Justice. 2016.** “The Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016”, March 26. [https://www.uidai.gov.in/images/the_aadhaar_act_2016.pdf].

have, however, managed to find some work, largely menial, to feed their families, such as in railway construction work, at malls, factories, industries, and other working sites in Jammu. They can be seen collecting scrap from different neighbourhoods and some of them also work as domestic help.

“Back home when I was young, we used to have maids at our home and now we serve as maids at far-off places from our homes,” lamented Shareefa Begum, a Rohingya woman recollecting her life in Myanmar. Her story is similar to other women who have left their homes for safety, and of the horror and pain they go through. She left her village almost 20 years ago to protect her ‘honour and faith’.

They stripped us from our lands, levied taxes even on getting married and we had to seek permission for moving from one place to another. We would still negotiate our lives amid this suppression and didn’t move, but then started the attacks on our honour and faith. This is where we lost all hope of any secure future there. We called it a day and left for Bangladesh. It was too crowded and difficult to find a living there. We made it to Rajasthan and then to Jammu from there. Here we can at least make ends meet. Nothing beyond that! We face difficulties here but as long as our ‘*izzat* and *eeman*’ are safe other things really don’t matter.

(Shareefa Begum, personal communication)⁹¹

⁹¹ Name changed.

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They are aware about the propaganda and consequent mobilisation to deport them from Jammu. ‘We have no place to go to now. We thought of shifting to Kashmir but it is too cold for us. In Jammu, we have not faced any attack so far but some people are protesting here and asking the government to deport us. This is worrying us all,’ Shareefa Begum told this researcher.

Naushad Ahmad, another refugee at the Bathindi plot has, over the years, developed a fair idea about the intricacies of identity politics in Jammu. For him, Jammu is becoming unsafe with each passing day. With little or no hope, he asks a question that most of them have on their minds, “Where are we supposed to go?”

When asked about the services being provided to these people by the district administration, a senior bureaucrat of the district pleaded ignorance about the fact. “The district administration has no orders regarding their deportation and I don’t think we can deport people in possession of UNHCR cards,” the administrator added. But Ravi Nair believes that such actions are often taken at the intelligence level with the help of police without taking the civil administration into confidence.

The Union government continues with its extreme measures, especially in Jammu. In a recent development, they have asked the states to capture the biometric details of the Rohingyas and directed the Foreigners Regional Registration Office (FRRO) and the UIDAI to ensure that they are not issued Aadhar cards. This is not only illegal but dehumanising, too. On one hand, they are denied Aadhar cards to deprive them of government services; on the other hand, to ensure effective control and surveillance, they are forced to provide biometric details which does not have the backing of any law.

VI. CONCLUSIONS AND RECOMMENDATIONS

Modern nation-states invoke national security concerns to justify their harsh treatment of refugees which comes at a huge humanitarian cost. These refugees after making dangerous journeys end up in the detention centres of the countries whose borders they want to cross. In some cases, they are turned back, left at the mercy of the seas, making them more vulnerable to exploitation, slavery, and human trafficking. The Rohingyas have suffered for decades while the international community has been a mute spectator. They have been killed, tortured, forced to flee; they have starved to death. Yet the world has stood by to witness this dehumanisation, substantiating DeGooyer’s claim of post-right, as the international community began to express its concern about the plight of the Rohingyas when they had already lost almost everything. Many observers go a step further in categorising it as a genocide. Recently, some Nobel laureates said that this recent campaign has ‘all the

hallmarks of recent past tragedies: Rwanda, Darfur, Bosnia and Kosovo⁹² (Winn 2017) that have been actual cases of genocide.

On July 18, 2018, when the final draft of the historic and controversial National Register of Citizens (NRC) was published by the Government of Assam, it had 2.9 crore names who were found eligible to claim an ‘Assamese identity’, out of the 3.29 crore applicants. The BJP government is facing a great deal of criticism as four million residents have failed to make it to the document after failing to prove that they or their ancestors entered India before the midnight of March 24, 1971. After the hue and cry raised by international rights groups, Indian human rights activists and opposition parties, the BJP has said that people who have not found their names in the register will be given a second chance to prove their claims. This does not change much as it seems unlikely that the people, who have not been able to dig up old records so far, will be able to provide the necessary proof in a month’s time. The immediate repercussion of this move, however, seem to be directed towards the Rohingyas as the government has reiterated its plans to deport them even before the NRC list in Assam

⁹² **Winn, P. 2017.** “Myanmar’s gruesome purge of Rohingya Muslims appears unstoppable”, *Public Radio International*, September 7. [<https://www.pri.org/stories/2017-09-07/myanmar-s-gruesome-purge-rohingya-muslims-appears-unstoppable>].

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is implemented. BJP general secretary Ram Madhav made the government’s intentions clear, reiterating its position: “Rohingya infiltrators in all the states will be deported. But you don’t need an NRC exercise for it. Law and order machinery of the country, the Home Ministry, will identify them and deport them”⁹³.

In another instance after the release of the NRC list, a BJP lawmaker asked the government to ‘Shoot Bangladeshis and Rohingyas if they refuse to leave’⁹⁴. The continuation of such speech acts to label Rohingya as a ‘threat to national security’, when there is no evidence, can prompt violence against them. This comes at a time when parliamentary elections in India are around the corner: the ruling BJP is hoping to make electoral gains from its claim that it has worked to protect a ‘Hindu’ nation from the threat emanating from ‘radical Muslim Rohingyas’. While the fears of Rohingyas outnumbering the

⁹³ **Mathew, L. 2018.** “Ram Madhav: NRC limited to Assam, but all Rohingya will be deported”, *The Indian Express*, August 2. [<https://indianexpress.com/article/india/ram-madhav-nrc-limited-to-assam-but-all-rohingya-will-be-deported-5287307/>].

⁹⁴ Raja Singh, a Bharatiya Janta Party (BJP) member of the Telangana Legislative Assembly, made these remarks after the NRC was released in Assam subsequently starting a national debate. See more, **Cockburn, H. 2018.** “Shoot Bangladeshi and Rohingya immigrants who won't leave', says Indian politician”, *Independent*, July 31. [<https://www.independent.co.uk/news/world/asia/bangladesh-rohingya-immigrants-india-shot-dead-killed-bjp-raja-singh-a8472036.html>].

locals in some districts of Bangladesh — and thus taking a toll on the resources, particularly health and environment — might be genuine as pointed out by the UNHCR, International Organisation of Migration (IOM), ICG and other organisations, there is no such possibility in India where a few thousand are living scattered at different places under the constant gaze and surveillance of the state.

In a recent report on the Rohingyas, the International Crisis Group (ICG) while maintaining that a risk of transnational jihadist groups is legitimate, clarifies that ‘there is no evidence that such exploitation is happening, nor that a counterterrorism lens is useful for understanding the evolving situation in the camps’ (ICG 2018: 10; emphasis added). As pointed out by Suhasini Haider, if the Indian state claims that a few thousand Rohingyas are a threat to national security — owing to their possible links to global jihadist groups — then it is a comment on the efficiency of India’s security apparatus. The presence of a few thousand Rohingyas who actually contribute to the workforce in the localities neither endanger local resources nor do they pose a challenge to the demography of that place, as has been argued by many.

The Indian state’s insistence on treating the Rohingya issue as one of development is problematic as it ignores the basic fact that this is a problem of political exclusion. It has offered development aid in

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Myanmar in the form of the Rakhine Development Programme but has never taken up the issue of Rohingya citizenship with the Myanmar government. Although the Myanmar and Bangladesh governments agreed upon a repatriation agreement, there has been no action on the ground in this regard. The people are unwilling to return as the government of Myanmar has done little to address the issue of the deprivation of rights of the Rohingyas. In such a scenario, the Indian government’s plans for a forced repatriation of Rohingyas speaks of its disregard for humanitarian values.

Instead of forced repatriation, the Indian government must use its good offices to bring the Myanmar government to first acknowledge the wrongs that have been done to this community and then mediate a solution that addresses the root problems of political exclusion and citizenship. This can pave the way for a voluntary and dignified repatriation, primarily from Bangladesh and India as well. Politicisation and political insinuations lead to violence and hostility towards this community. People who make hate speeches against the Rohingyas should be brought to book.

To ensure the accountability of the Myanmar military, the Indian government should support any resolution that is brought for starting proceedings in the International Criminal Court against it. As a first

step, India should follow the European Union, Canada, and the United States which recently imposed sanctions on Army units and their commanders found involved in violent campaigns against the Rohingyas.

There should also be a concerted effort on India's part to extend its 'Operation *Insaniyat*' inside Bangladesh for the development of affected areas such as Cox's Bazar, in addition to providing basic services that have been sent in a couple of tranches.

In May 2018, the Supreme Court of India designated nodal officers to provide the Rohingyas food, health, and education so that their basic human dignity is restored. The government should ensure that essential services are made available in the first place, and then assign nodal officers at every camp to honour the court's ruling. The use of force at the borders to stop the Rohingya from entering the country should stop. Extensive surveillance and control is a violation of human dignity, so the government's plans to take their biometric details just for this purpose should stop, if at all they are taken, they should be provided Aadhar cards which, in turn, can help them avail of many other services.

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The NGOs working with the Rohingyas should make a joint and concerted effort to provide humanitarian assistance and also work within a rights-based framework advocating the rights of refugees.

As discussed earlier, the Indian state’s plan of mass expulsion of the Rohingyas to an ‘apartheid regime’ that has till now shown no signs of restoring their citizenship and other rights, is in violation of both international as well as our own laws; it, therefore, needs to be halted. Impoverished and traumatised from the loss of home and violence by an entire state structure, the Rohingya crisis calls for responsible state action from India. As the Rohingya strive to find a life of dignity, the Indian state can play its part as a regional ‘big power’ to ensure that the democratic credentials it claims to represent translate into its responsibilities towards the vulnerable ‘other’ too.

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