

POLICIES AND
PRACTICES

71

Rohingyas in India: Birth of a Stateless Community

September 2015



Policies and Practices 71

September 2015

Published by:
Mahanirban Calcutta Research Group
GC-45, Sector-III, First Floor
Salt Lake City
Kolkata-700106
India
Web: <http://www.mcrg.ac.in>

ISSN 2348 0297

Printed by:
Graphic Image
New Market, New Complex, West Block
2nd Floor, Room No. 115, Kolkata-87

This publication is part of the research and dialogue programme “Interrogating Forced Migration: A Research Workshop”. The support of Maulana Abul kalam Azad Institute of Asian Studies, Indian Council of Social Science Research and Taft Foundation is gratefully acknowledged.

**Rohingyas in India:
Birth of a Stateless Community**

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&
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2015

Content

1. Rohingyas Languishing behind the Bar	1
2. The Stateless People – Rohingyas in Hyderabad, India	25
3. Stateless and Suspect: Rohingyas in Myanmar, Bangladesh and India	40

Rohingyas Languishing behind the Bar

Suchismita Majumder *

The category of ‘non-state persons’ has come into existence with the concept of citizenship, which on the one hand indicates certain rights, and on the other hand encourages the beginning of miseries for those who are deprived of it¹. Being stateless the Rohingyas, a Muslim ethnic group of western Myanmar², are treated with persecution, discrimination and exploitation in their homeland Rakhine³, formerly known as Arakan state for years.

“Myanmar is a country, which was virtually under British colonial rule for more than one hundred years and very briefly came under Japanese occupation during World War II. The postcolonial existence of Myanmar has largely been influenced by military rule and the problems of ethnic nationalities, insurgencies organized by the aggrieved minorities and tough counter-insurgency measures of the military junta. In that sense, Myanmar has a past that would find very few comparable counterparts elsewhere in the world. While Bangladesh and India lie southwest to Myanmar, China is in the north, and Laos and Thailand have borders with Myanmar in the east. A variety of large and small ethnic groups reside in Myanmar.”⁴ The country has been disturbed by ethno-religious tensions and armed conflicts since it became free. Along with the conflicts between the central government and ethnic minorities on the question of autonomy inter and intra tensions also exist within ethnic minorities. One among them is the simmering tension between the ⁵Rakhine Buddhists and Rohingya Muslims in Rakhine state in the western part of the country.⁶

When the international community that warms up to democratic reforms, Myanmar has continued to encourage large scale displacement. Rohingyas, the “world’s most persecuted minorities”⁷, in particular have been subjected to repeated waves of forced displacement in spite of their presence in Arakan since 10th Century. “The first Muslims in the Arakan trace back their descent to the Arab traders who came to trade in the region as far back as the 8th Century. Following the Burmese conquest of Arakan in 1784-85, between 35,000 to 40000 Arakanese fled to the neighbouring Chittagong region to avoid Burmese persecution and seek protection in British-controlled Bengal.”⁸ After the occupation of Arakan State by the British in 1826, there started a reverse flow of migrants—from the Eastern Bengal districts like Chittagong to the Arakan with British encouragement. The immigration continued until the 1930s. From 1936 onwards, mistrust grew between Muslims and Buddhists in British Burma.

⁹The first large scale riot between Muslim –Rohingyas and Buddhist- Rakhines in Arakan state took place on March 1942. In Minbya and Mrohaung townships, Rakhine nationalists slaughtered nearly 5000 Rohingyas. The Mujahid party was formed by some Rohingyas in 1947 to create a separate state for the Muslims in northern Arakan. The seeds of Rohingya separatism had

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Policies and Practices, Issue No. 71, September 2015

been sown in spite of the effort of some Rohingya leaders to bring different nationalities of Myanmar into a Union.

The Muslim rebels who numbered several thousands in 1948, at the time of independence, quickly dwindled to “just a handful by 1950.” In 1962, a coup led by Gen. Ne Win marked the beginning of decades of oppressive military rule. There were several Buddhist- Muslim clashes in Arakan State throughout the military rule in Burma. The Rohingyas continue to become the victim of wide spread discrimination and human rights violations because of the government adopted laws and policies.¹⁰

At the time of constituting Rakhaine State from the former Arakan Division in 1974, the Emergency Immigration Act downgraded the Rohingyas to possessing only foreign registration cards rather than national registration certificates.¹¹ In 1978, the Myanmar military commenced the Nagamin operation with “great severity, focusing on a fresh Census mainly aimed at nullifying Burmese citizenship of as many Rohingya as possible and was marked by extensive torture, rape, forced labour and extra-judicial executions”. Some 200,000 Rohingyas fled to Bangladesh. Operation Nagamin, or King Dragon was unleashed to crash the Mujahid groups in the Rohingya-dominated areas.¹²

In 1982, Rohingyas were excluded from the list of 135 national ethnic groups by the revised Myanmar Citizenship Law that caused Rohingyas to become stateless and more vulnerable to arbitrary denial of rights. The 1982 Law (unlike the preceding 1948 Citizenship Act) is essentially based on the principle of *jus sanguinis* and that identifies three categories of citizens: full, associate and naturalized. Very few Rohingyas could fulfill the requirements that are demanded for being in one of these categories.¹³

“In 1989, colour-coded Citizens Scrutiny Cards (CRCs) were introduced: pink cards for full citizens, blue for associate citizens and green for naturalized citizens. The Rohingyas were not issued with any cards. In 1995, in response to UNHCR’s intensive advocacy efforts to document the Rohingyas, the Burmese authorities started issuing them with a temporary Registration Card (TRC), a white card, pursuant to the 1949 Residents of Burma Registration act. The TRC does not mention the bearer’s place of birth and cannot be used to claim citizenship.”¹⁴

“Then in 1991–1992, after the disputed multi-party elections won by the National League for Democracy, the Myanmar military commenced another campaign called Pyi Thaya (or Prosperous Country), which began with a buildup of military forces and formation of a border task force, called Nay-Sat Kut-kwey Ye (or Na Sa Ka) which consisted of police, military intelligence and immigration/ customs and other officials. The intensified post-election clampdown led to a second exodus. Some 250,000 Rohingya crossed into Bangladesh, while another 15,000 ultimately made their way to Malaysia.”¹⁵ But in accordance with the policy of Bangladesh, the *prima facie* recognition of Rohingyas closed with a registration cut-off date in mid-1992. The Rohingyas arrived or returned after the cut-off date are not able to receive the status of refugees and are not permitted in the camps.¹⁶ So Bangladesh has closed its door to the “least wanted”¹⁷ people of the world, saying they are not Bangladeshis. About 30,000 registered Rohingyas, supported by the U.N. High Commissioner for Refugees, are in Bangladesh. Informally, there are 200,000 unregistered Rohingya in Bangladesh.¹⁸

Violence against Muslims in the state has continued over the years. The June 2012 violence in Arakan State in Myanmar between Muslim Rohingya and Rakhine Buddhists has increased the number of Rohingya refugees in neighbouring Bangladesh. It leded some of the 140,000 internally displaced to take an effort to flee across the border¹⁹. A month after the June violence, on July12, ²⁰President Thein Sein called for “illegal” Rohingya to be sent to “third countries.” Though the

government claimed that it had taken the necessary measures to prevent the recurring violence, conflict broke out again on 21 October.²¹ “The mass exodus of Rohingya from Myanmar after 2012 riots in Arakan state was the most recent episode of decades of persecution and forced evacuation.”²²

Now “caught between Buddhist dominated Myanmar and Muslim-dominated Bangladesh, the Rohingyas are entering India through the north east, say officials.”²³ “Thousands of Rohingya Muslims have taken refuge in India after fleeing deadly religious persecution and massacre in Burma, which has wiped out village after village in these last few years. Though the exact number of these “infiltrators” is not known, it is estimated to be in the range of 20,000-25,000. The Rohingyas have spread into places like Delhi, Jammu, Noida, Mewat (Haryana), Saharanpur, Muzaffarnagar, Aligarh, Hyderabad and Mumbai. In Delhi, they live in the slums of Kalindi Kunj, Khajuri, Nizamuddin and in neighbouring Noida. Their largest settlement is in Jammu, where around 2,300 Rohingyas live in subhuman conditions in makeshift tents.”²⁴

On the other hand a steady influx of Rohingya Muslims into West Bengal via Bangladesh is causing concern. “A senior intelligence official told *The Hindu* that “more than one thousand” Rohingya refugees had been detained and sent to prisons in the State in the last six months. But the West Bengal government has no clear idea of the actual number of the undocumented immigrants who entered the State in the past few years.”²⁵

Section II

Against this backdrop, the present study is conducted among the Rohingya people who are being detained in the Correctional Homes: Behrampore Central Correctional Home, Jalpaiguri Central Correctional Home & Balurghat District Correctional Home of West Bengal (North Zone).

The data used in this study has been gathered in February 2015. The paper is based on 58 interviews with individuals who are Rohingyas. 38 of them are men and 20 are women. The study has also covered 10 dispute cases regarding the identity of the people. There are 10 people (5 Men+5Women) who are claiming themselves as “Bangladeshi” but the Court is treating them as “Rohingya”. Total 68(58+10) cases are covered by the study.

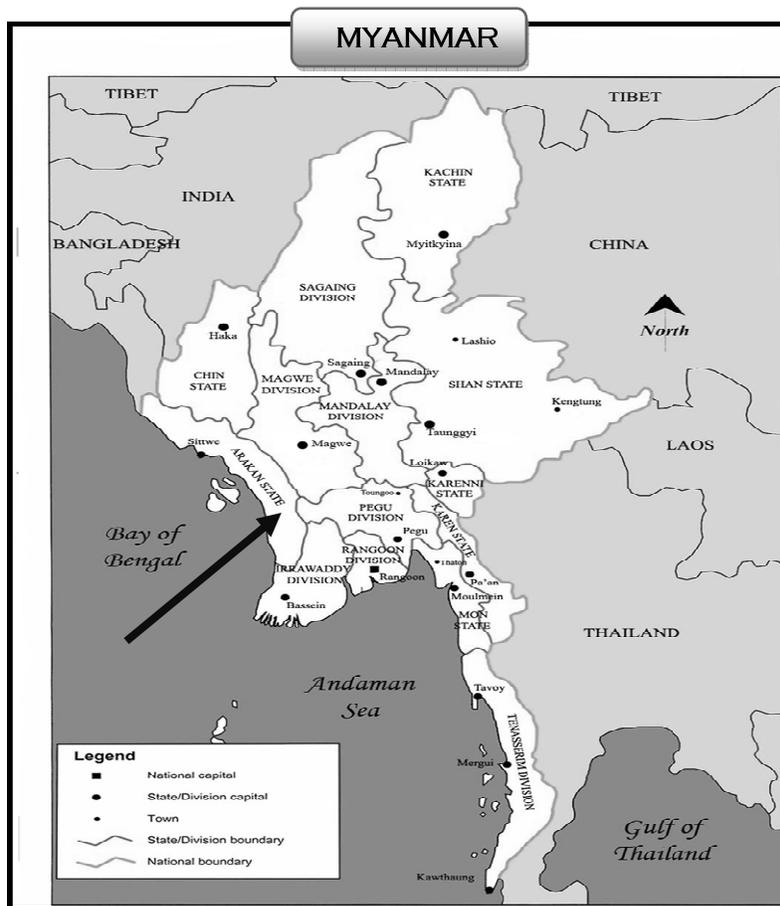
A good deal of discussion with the Officers of Department of Correctional Administration and an interview with the Police Authority are conducted seeking some information about the subject under study.

A meeting with RCFI is also held regarding their awareness and services for Rohingya people in the Correctional Homes. Relief and Charitable Foundation of India (RCFI) signed MOU with Global Rohingya Centre (GRC) mutually to support and rehabilitate to uplift and do all the welfare activities for the Rohangya refugee in India. RCFI will be the only partner of GRC in India.²⁶ The study would analyze the following issues:

- The paper attempts to explore the life of these Rohingyas in Myanmar and causes of leaving the country of their origin.
- The study attempts to understand the factors that lead the Rohingya people to come in India. From when they are coming to West Bengal/ India and their views about India.
- The study tries to show the complicated situation of these Rohingyas at present.
- The paper seeks to understand the problem of those particular 10 cases where complexity arises regarding the identity (Rohingya / Bangladeshi) of individual.
- It aims to reflect on the missing link between the Judiciary, Police Authority, Department of Correctional Administration, UNHCR and the Victims.

Section III

Arakan (Rakhine) State is a crescent-like coastal region of Western Burma covering a total land area of about 20,000 square miles (52,000 square kilometers). It stretches from the Naff River in the North that marks its borders with Bangladesh (193 km) and India (30 km) to Cape Nagris in the South, which touches the Andaman Sea. Arakan State lies directly in the path of the southwest monsoon and is covered with ever-green forests due to the substantial amount of rainfall it receives. Arakan is blessed with an abundance of natural resources. Its economy is mainly agriculture and resource-based. The main agricultural product is rice and paddy. The export of forest and timber products such as teak, hardwood, softwood, ply-wood, bamboo, cane, etc., and sea products like shrimp, turtles, crabs, dried fish, canned fish, and salt also contributes significantly to the economy of Arakan.²⁷ Principal rivers of the region are the Naff, the Mayu, the Kaladan, and the Lemro rivers.²⁸



Source: <http://www.mappery.com/maps/Myanmar-Map.jpg>

The Rohingyas under this study have come from this soil. 57 Rohingyas out of 58 were born in Arakan. They are mainly from Akyab. A few are from Buthiadaung. The name of their villages are Bolibazar, Mongdu, Sahab Bazar, Silhali, Paschimpara, FakirBazar, Fokirabad, Acharvil, Fuimali,

Fanzi, Hasarbil, etc. In Burma they were mainly living on agriculture (26 Rohingyas). A small percentage of them was engaged in fishing and trade & business. Besides there were Rohingyas as daily labourers and 2 were religious persons (“Quran e Hafiz”). Women were mainly involved in household work.

Most Rohingyas belong to the age group of 18 to 30. There are 6 individuals who are above 60. Except a few, all can speak only their mother tongue. They know little Bengali. Some can speak Arabic and Burmese. Their educational background is very poor. Only four women can sign their name. The rest of women are illiterate. Among the men 6 have read in Madrasa up to primary level.

Table No.1: Marital Status of the Rohingyas

Marital Status ↓ Sex →	Male	Female	Total
Unmarried	13	4	17
Married	23	10	33
Widow/ Widower	1	4	5
Other	1	2	3
Total	38	20	58

Source: Data Collected from Field

As by definition, Rohingyas are stateless and they suffer from gross human rights violations. They are forced to perform as unpaid labourers and are not free to practice their religion. The Rohingyas in Rakhine are often denied basic freedoms like the right to marry. They have no freedom of movement. Finally, often they have to hand over all their belongings including their land without any compensation. The future of Rohingyas in Arakan looks grim.

Violence against Rohingyas is mainly committed by the border police (Na Sa Ka) in recent times. The forms of violence as reported by respondents under the study are as follows:

- **Forced Labour:** There is none among the 38 Rohingyas (Men) who do not have the experience of forced labour. The women also inform that their husbands/ brothers are taken by the Na Sa Ka as unpaid labourers. At least a week in a month Rohingyas have to work without wages for the military or the Na Sa Ka. In that time they are beaten indiscriminately. Other types of physical torture are also common. They have to carry dry food from their home as almost no food is offered to them. Digging ponds, carrying loads upon the hill and some other types of work (as dictated) are imposed upon them.

Demand of forced labour from the authorities places a large burden on the Rohingya population as it leaves them with not enough time to do their own work. The frequency of forced labour differs from place to place, from family to family. If anybody tries to protest against it he must have to die.

- **Restriction of Movement:** Rohingyas are virtually confined to their own village tracts. They have to apply for permission to leave their village, even if it is just to go another nearby village. Sometimes they have to pay for this permit also. There is no permission for staying at nights. They have to return home within 10pm. If anyone is found to cross that time period he is immediately arrested by the Na Sa Ka.

“A Rohingya of my village was murdered by the Buddhists as he was travelling at night.”----- says a Respondent. Rohingyas are not allowed to keep mobiles. But secretly some of them keep it to maintain contact with their family who are in the other country.

- **Restriction in Religious Activities:** Burning of mosques is very common to Arakan. In the “Ramjan Month” the Buddhists lock the Mosques. Rohingyas cannot celebrate Eid. At the time of Eid, they are not allowed to sacrifice animals. The most brutal act is to lock the door of Mosques and to throw stones to the people inside at the time of “Namaz”. Many Rohingyas are killed in that way.

The brother of Md. Kalu, a respondent, was attacked with a sword on “Jumma Bar”, Friday, when he was returning from Mosque. His head was separated from the body.

“There is no place for the son of a Muslim. It is a curse to be a Muslim in Burma.”-- *A Respondent*

One important thing that I want to mention here is that none of these respondents are forced into religious conversion in their home land.

- **Restriction on Marriage:** Since the creation of Na Sa Ka in 1992, the authorities of Northern Rakhaine State have forcefully introduced a regulation that the Rohingyas are required to ask for permission to get married. In recent years, imposition of restrictions on marriage of Rohingya couple has further intensified. A Rohingya family has to pay 50000 kyat for marriage (as informed by respondents). Parents of both the couples have to deposit the fee. The amount of money is not same for all. It varies from one place to another. Parents of good looking daughters are asked for more money for marriage so that their daughters cannot get married. The marriage age is 18 for girls.
- **Restriction on Children:** It is informed by the respondents that from 2007 couples who are willing to marry have to sign a contract. According to the contract they cannot take more than two children. Non-compliance is resulted in heavy punishment (imprisonment). A Rohingya family has to pay 7000 to 8000 Kyat for birth registration (as informed by respondents). They are forced to pay tax even if their cows give birth to calves.
- Land Confiscation and burning the houses of Rohingyas are very common in Arakan.

“We had our own paddy field, vegetable garden, and a house. Our house was set on fire. Our land was taken away. We have lost everything.”--*A Respondent*

Table No.2: Rohingyas at the Times of Mass Exodus

	Male	Female	Total
2012 Riot	24	11	35
Operation Pyi Thaya	1	1	2
Both	1	2	3
Not applicable	12	6	18
Total	38	20	58

Source: Data Collected from Field

In this study there are 35 Rohingyas who are directly affected by the Riot of 2012. 2 Rohingyas have the experience of Operation Pyi Thaya and 3 Rohingyas have experience of both [Table No.2].

Victims of the riot of 2012 have experienced / seen the following violence:

- Burning of houses and villages.
- Forced eviction and destruction of houses.
- Murder of family members [Parents, Brother, Sister, Wife, Children & other relatives].
- 17 Rohingyas have to escape from their burning houses. Satara Bibi shows that a part of her body was burnt as she was trying to save her belongings.
- Hospitals refuse to provide treatment to those people who are burnt.
- Children are killed, burnt and thrown away from the hills.
- Rohingya men are taken by police and they do not return.
- Arbitrary arrest.
- Rohingyas are called and killed ruthlessly.

19 years old Abdul Kasim, was in Akyab, Arakan at the time of riot in 2012. The Madrasa where he read was burnt. He escaped seeing fire in his neighbour's house. For 7 days he wandered in Hills. Fruits of trees and vegetables of field kept him alive. Then he returned home. But there was nothing. Everything was burnt. He was searching for his parents from one village to another through mountains. While he was roaming in hills he met a group of Rohingya people who were escaping. With them he came to India through Hilly border²⁹. After crossing border he got arrested. He has none in this world at present.

Violence against Women

Women are victims of double discrimination---First for being a Rohingya and second for being a woman. The following forms of violence against women are mentioned by the respondents.

- Rape of Rohingya women has become a natural phenomenon of Arakan.
- Men are often asked by Military/ Na Sa ka to go out of their home and then the women are raped. Rohingya people do not even have the power to protest against it.
- Women are also forcibly taken away from home. After some days they are returned. Sometimes they do not return.
- Even the pregnant women are not spared from rape. Sometimes they are beaten also.
- As pregnant women are murdered in hospitals they cannot go there for delivery.
- Minor girls are also tortured sexually.
- Parents of good looking daughter are asked for more money at the time of marriage so that girls can't get married. Unmarried, beautiful girls are the main target of Na Sa Ka.
- Pregnant women, who are very near to delivery, are attacked by swords. Their baby is taken out from their womb and thrown away. This is the most extreme and brutal form of violence, not only against women but also against humanity. At least 10 respondents (both men & women) tell about this violence. Some are the eye witness of this brutality.

Only 2/3 Rohingya men have disclosed how women of their family are tortured. The rest have said that women of their family are not raped or sexually exploited. The version of women remains the same. It may be understood that out of shame they are not willing to disclose such incidents. It is the most painful event of their life.

Table 3: Cause of Leaving Burma

Sex → / Cause ↓	Male	Female	Total
Fear of death in 91-92	0	1	1
Fear of death in 2012&after	21	19	40
Multiple*	16	0	16
Not applicable	1	0	1
Total	38	20	58

Source: Data Collected from Field

*Multiple = Forced Labour + Confinement in Home+ Fear of Rape of Women

After the riot of 2012, their lives have become very difficult in Arakan. They have become completely confined in their homes by Na Sa Ka. That affects their earning. Many people have to starve. Fear of death and rape along with no earning are the main reasons of their escape. Though 2012 and some other years are marked for extreme human right violation and mass exodus, violence against Rohingyas in the state has continued over the years. Destruction of houses, forced labour, confiscation of land, rape—all these have lead Rohingyas to leave their land every day, before and after 2012.

Being subjected to all sorts of maltreatment in a predominantly Buddhist nation, these Rohingyas had no option other than to leave the country without any belonging.

Almost all of them (57 Rohingyas) entered Bangladesh first. 31 Rohingyas don't know from where they have entered Bangladesh. In their language they have told "Naw Zani Bangladesh, Naw Zani Border" ("We don't know what is border and where is Bangladesh"). 16 people have crossed the Naff River in boats. 10 people have said that they have entered Bangladesh through jungles and mountains. As they have heard that Bangladesh army has forced boats to sink which have come from Burma, they did not take the risk to cross the river.

The 11 Rohingya people who lived in Bangladesh for some days / for years left that country for a variety of reasons.

- They cannot manage any work in Bangladesh. So maintaining livelihood becomes impossible. Aspiring for a better life they have come to India.
- Relatives of these people are in India. Some of them also have refugee cards.
- Police frequently arrest Rohingyas in Bangladesh.
- Fear of push back.

After crossing the border of Burma, Faruk was in Bangladesh for one month. Then he was pushed back to Burma by Bangladesh police from *Chittagong*. After wandering some days in mountains, he again entered Bangladesh with the other 16 Rohingyas who were also forced back to Burma. At that time he took no risk to stay in Bangladesh and came to India.

- Non availability of refugee card in Bangladesh.

Nur Sahatu, a woman of 70 lived in Bangladesh for last 20 years. In 1991 her husband was murdered in Burma. With 5 children she came to Bangladesh. She was in the Nayapara camp. She possessed the refugee card in Bangladesh. But none of her children became able to avail it. One of her daughter lives in Delhi. So the whole family was coming from Bangladesh. They were arrested from English Bazaar, Malda.

Cause of Coming to India: Among these 58 Rohingyas, 9 do not know why they have come to India. 6 are female among them. They are mainly the riot driven people who want nothing but to save their lives. Others have their own cause for seeking refuge in India. It is important to mention that 47 Rohingyas declare that they have no intention to stay in Bangladesh. The causes cited by these people for coming to India are as follow:

- Most of these people have relatives in India. They are mainly in Jammu and Delhi. Moreover they tell that many of their relatives have refugee cards. So there is a prevailing concept among these people that in India it is very easy to have the refugee card.
- Good opportunity of work.
- There is no restriction of movement.
- They heard that India is full of opportunity.
- India is a secure place. It is a peaceful country.
- Indian Government helps foreigners.
- For better living.
- They know that some Rohingya people already live in Delhi.

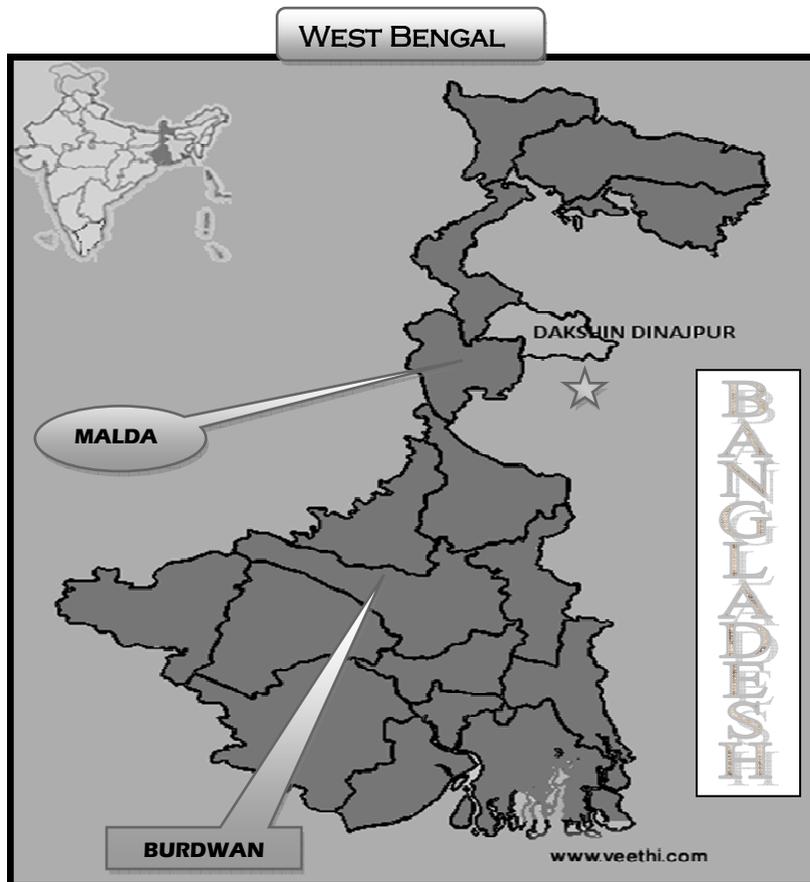
There is a good image of India as a secure country with opportunities to live a peaceful life. All these concepts are developed either by their relatives or by their neighbours / other known people. There is a tendency among Rohingyas to come to India, somehow manage to stay here, and then bring the whole family. One Rohingya man has left his children and wife in Bangladesh. Some have their family members in all these three countries. But their number is few. Mainly family members of these people are divided in two countries ----Burma and India. Many have to leave their aged parents in Burma. Some have lost their family while escaping. Some Rohingyas (6) said that their families are in India for two or three years and they are the remaining who have come last. It is quite clear from their interviews that there is a continuous flow of Rohingyas in India. Favourable image of India and the relatives of these people have become the pull factor where as continuous persecution in Burma and an already developed negative image of Bangladesh serves as the push factor.

Section IV

Losing everything, Rohingyas have entered India in search of a secure life. Most of them (57) have to cross two international borders and make their way to India through Bangladesh. 55 of them have come through Hilly Border, South Dinajpur. South Dinajpur/ Dakshin Dinajpur, a district of West Bengal, is surrounded by Bangladesh to the north, east and south and to the west and south west lies North Dinajpur and Maldha. The district is situated towards the north east of the state and is a smaller district. 2 Rohingyas have crossed the Changra Bandha border of Cooch Behar and only 1 man has made his entrance directly from Burma to India through Manipur.

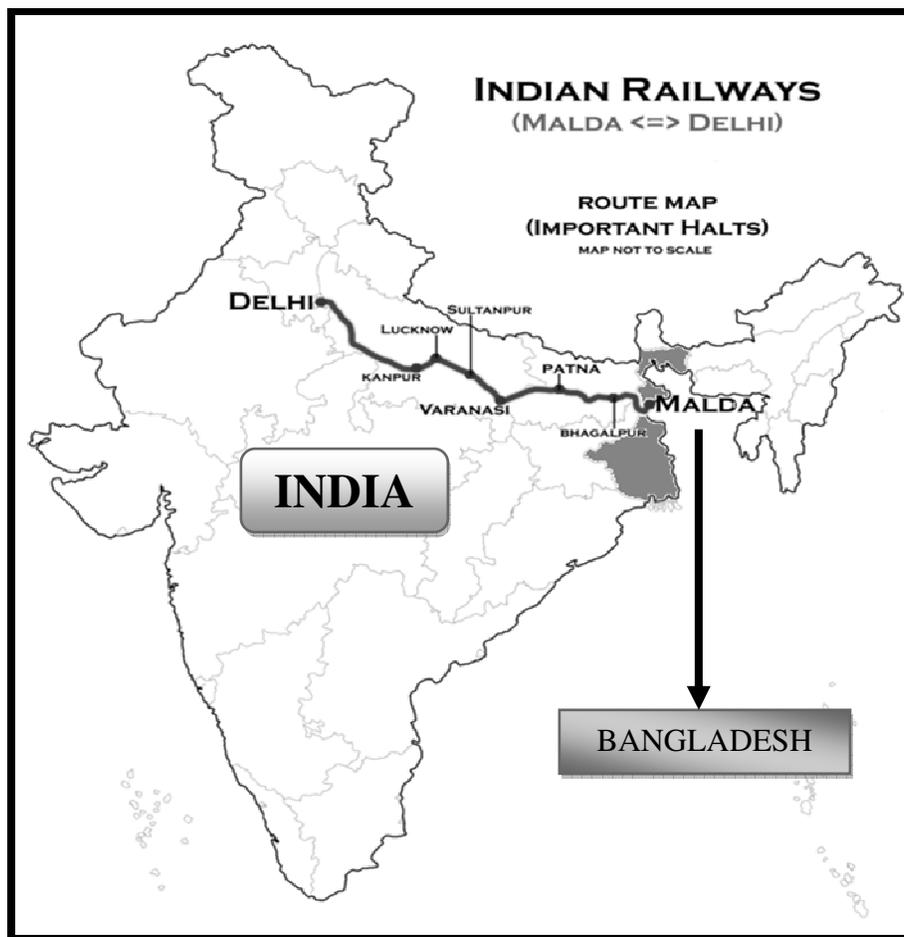
Among these 55 Rohingyas who have come through Hilli Border, South Dinajpur, 7 have become able to reach Delhi first. They have followed the route mentioned below.

Hilly → **Balurghat** → **Malda** → **Delhi**



Source: <http://www.veethi.com>

The rest, 48, though cannot reach Delhi because of their arrest, have planned to follow the same route. Crossing Hilli they come in Balurghat and sometimes they also move to other places of South dinajpur (Kushmumdi, Buniadpur). From the secondary sources it is known that to escape arrest, people often chose to come to Burdwan and from there, pick the train towards Delhi. It is found that Delhi and Jammu are the desired destination of Rohingyas. As it is known to them that Jammu can be reached from Delhi and because of the office of UNHCR in Delhi, their primary target is to reach the capital of India.



Source: https://en.wikipedia.org/wiki/Farakka_Express

The sordid tales of 14 Rohingyas (among 58) who are able to avoid immediate arrest after coming to India vary from one to another. Jahid Hossain, with his wife and 6 children, is among the 4 who made their way to Jammu. The wife (Bangladeshi) and five children of that man were arrested by the police in Hilli while crossing border but Jahid could escape to Jammu. Jallal Ahammad and Satara reached Jammu with their five children leaving behind their one child and other group members who were arrested from Balurghat. Md Alam had become successful to reach his destination with the whole family. All the four persons have refugee cards.

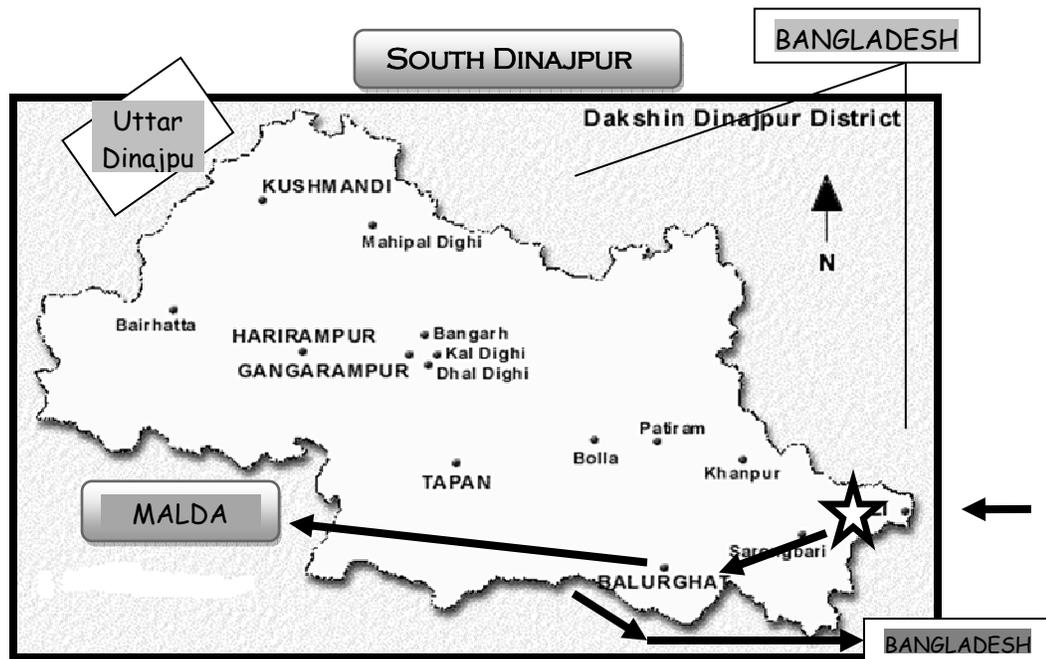
Md. Karim and his family reached Delhi safely. But Noor Islam, 26 years old young man lost his brother who became mentally disturbed at the time of riot, 2012. Their eldest brother was murdered by Na Sa Ka in front of them. Their cousin went to Burma to take them to India. They came through Hilly border. Any way after reaching Delhi, Noor applied for refugee card and then began to wander in Aligarh, Jammu, Merut, Kanpur in search of his brother. At last he again came to Bengal thinking that his brother might be in the border area from where they entered. He was arrested from “Hilly More”, Hilly.

Jahid was in the Balapur camp of Hyderabad for some days. After coming to India he was wandering in different places --- Delhi, Jammu, Rajasthan, and Hyderabad. However he was ultimately arrested from Balurghat, the place from where he started his journey.

A 70 years old woman was hiding with her family members in a village near Hilly border. They intended to go to Delhi for refugee card. But after 15 days they were arrested on the way to Malda station (Malda, West Bengal).

Md. Islam, Md. Amin and Jallal took shelter in Buniadpur (South Dinajpur) of West Bengal. They were with the family and were engaged with jute cultivation mainly as daily labourers. After 4-5 month while going to Malda station (to pick up train for Delhi) they were noticed by the police. All the people of the car were arrested.

Harun Rasid was also involved in the work of jute cultivation in Buniadpur. Police arrested him from there. He is under trial for 21 month. His wife and children live in Jammu in a rented house. All of them came to India in 2008 and they have refugee cards. In this study he is the only man who made his entrance in India through Manipur. He repeatedly said that he was waiting near the border of Hilli for something. From other Rohingyas of the Correctional Home, it came to be known that the man now helps people reach Jammu and Delhi after they cross the border.



Source: http://www.ddinajpur.nic.in/Tourist_Interest/touristmap.gif

There are 2 men who had entered West Bengal through the Changra Bandha border of Cooch Behar. But they do not stay in India. One is 48 years old Nur Alam, and the other one named Md. Faruk is a teenager (18/ 19). Somehow they are relatives. They left Myanmar in 2011 in search of work and better living that was not possible in Burma. Nur Alam sold his land in Rakhine and paid the money to an agent on an agreement that the agent would help both of them to come to India and make an arrangement of work for them. First they entered Bangladesh and stayed there

for 10-15 days. Then through the open border of Changra Bandha in Cooch Behar District they came to West Bengal, India. Instead of giving work in India, the agent brought them to Jaigaon and then Phuentsholing in Bhutan. Here they worked for 3 months with almost no wages. They were offered food only once in a day. So finding no other option they had to leave the job. With an intention to return Myanmar they came to the same border and approached the BSF to allow them to go to Bangladesh. From there they were handed over to police.



Source: http://www.nvo.com/ghosh_research/nss-folder/pictures/West%20Bengal%20Map.gif

The other 44 Rohingyas were noticed by the BSF or Police as soon as they crossed the border (Hilli). Because of their language it is very easy to identify them as aliens. They were arrested from places near the border area, either on the day of their coming or within 2/3 days of their arrival. The 12 people, who enjoyed a free life in India for a maximum period of 1 and 1/2 year, ultimately came behind the bars. Places from where all these people were arrested are “Hilly-More” Hilly, Balurghat bus stand, Buniadpur, Kushmundi in South Dinajpur, Malda Station and Malda English Bazar in Malda. From a reliable secondary source it is known, that whenever people from Bangladesh come in the villages of border area in search of work they are always paid half the normal wages. After a few days of their living they understand the fact or acquire a voice to protest this discrimination and demand more. At that time their employers inform the police about them having illegally crossed the borders living and facilitate their arrest.

Table No.4: Places of Arrest of the Respondent

Place of arrest ↓ Sex →	Male	Female	Total
Border Area	23	7	30
Balurghat Bus Stand	2	2	4
Kushmundi	2	0	2
Buniadpur	2	0	2
Malda Station	5	0	5
Malda English Bazar	0	1	1
Near correctional Home	4	1	5
Don't know	0	9	9
Total	38	20	58

Source: Data Collected from Field

Five Rohingyas were arrested near the Berhampore Correctional Home [Table No: 4] when they came to meet their family (wife/ children/ others). In spite of having refugee cards they were detained by the West Bengal Police near the Correctional Homes. They had shown the card but to no avail. Police told them that the card was valid in Delhi only and not in Bengal.

Table No: 5: Possession of Refugee Card at the Time of Arrest

Sex →	Male	Female	Total
With the Card	5	1	6
Without the Card	33	19	52
Total	38	20	58

Source: Data Collected from Field

Jallal Ahammad and his wife Satara along with their 6 children had left Burma at the time of 2012 Riot. They entered India through Hilly Border with a group of people. Among the 6 children one was with another woman of that group. After crossing border that woman was arrested with the child of Satara. Jallal and Satara escaped to Jammu with the remaining 5 children. In fear of arrest they did not come to meet the child for last 2 years. They managed to acquire refugee cards while there. 19/20days before I interviewed them, they came to Correctional Home to meet their lost child as they were told that this card is the permit of free movement in India. While returning they were arrested and their cards were seized. Now they are in the Correctional Home while their five children remain in Jammu. They don't know what is happening to their children.

There are some cases where families got separated after coming to India. The cause is simple: while crossing border some are able to escape while others cannot. Moreover, all members of a family do not come at the same time. They come in groups one after another. There are 8 Rohingya

people, among those interviewed, who have their spouse in some other place of India [Table No:6]. On the other hand, sometimes they are arrested together. It is found in the study that there is total set of 9 Rohingya couples in the Correctional Homes with / without children.

Table No.6: Separated Rohingya Couple

	Location of Husband	Location of wife	Total
Delhi	0	2	2
Jammu	1	4	5
Hyderabad	0	1	1
Total	1	7	8

Source: Data Collected from Field

The matter is the worst for those who have to leave their children in some other places. Children above six years are not allowed to stay with their mothers in the Correctional Homes. They are sent to children's homes by the authority following some procedures. There are families where husband is in one place wife in another and their children are with none of them. Moreover those who are in the correctional home can meet once in a week.

One remarkable problem of the under trial people is that most of them are already in the correctional homes for more than 20/21 month and soon they will complete 2 years of their life as under trial[U.T] . Once they are sentenced, they will be known as convicted. All the Rohingyas are detained under Section 14 of the Foreigners' Act (1946). Their period of punishment (after being convicted) was found here to be 2-3 years. At last they will be Jaan – Khalash³⁰ like those 11 who are seen here and among whom 7 people are waiting for more than 4 years to become free. So it seems an endless wait with no future.

Table No.7: Detention Pattern & Period of the Rohingya

Category → ↓ Period	U.T		convicted		Jaan Khalash		Total
	M	F	M	F	M	F	
Up to 12 Month	15	5	0	0	0	0	20
13- to 24 Month	8	10	3	0	0	0	21
25- to 36 Month	2	3	1	0	3	1	10
Above 3 yr to 5 yr	0	0	0	0	6	1	7
Above 5yr	0	0	0	0	0	0	0
Total	25	18	4	0	9	2	58
	43		4		11		

Source: Data Collected from Field

The visible Rohingya population in the correctional homes (North Zone) of West Bengal in February 2015 is altogether 58. They are distributed in three correctional homes. One is Balurghat District Correctional Home (BDCH) and the other two are Berhampore Central Correctional Home (BCCH) and Jalpaiguri Central Correctional Home (JCCH) [Table No:8]. The present study has covered all the Rohingyas enlisted in these correctional homes at the time of the research undertaken.

Table No: 8: Distribution of Rohingyas in the Correctional Homes

Category	Correctional Homes						Total
	BDCH		BCCH		JCCH		
	Male	Female	Male	Female	Male	Female	
Undertrial	21	17	4	1	0	0	43
Convicted	0	0	4	0	0	0	4
Jaan-Khalash	0	0	7	2	2	0	11
Total	21	17	15	3	2	0	58
	38		18		2		

Source: Information provided by Correctional Home Authority & Data Collected from Field

In addition to that there are also 10 people who are known as Rohingya in their court order. But they are not in the table because in reality they are Bangladeshi. All the Jaan Khalash Rohingyas are detained in the Central Correctional Homes that is either in Jalpaiguri or in Berhampore whereas maximum under trials (38) are in Balurghat.

People without refugee cards are now expecting nothing but this card. They think that this card is the only solution to their problems. Being ‘no body’s people in no man’s land’³¹ they want to secure the life of themselves as well as of their children as ‘refugees’. It reminds us the words of Hannah Arendt, the political theorist, that Stateless others are those who ‘unprotected by any specific law or political convention, are nothing but human beings.’³²

Identity Problem

In this study there are 10 controversial cases where the identity given by the subjects differs from the identity given by the Court. 5 Men & 5 Women are introducing themselves as Bangladeshi but they are identified as people from Myanmar according to the verdict of the Court.

After crossing the border, when some Bangladeshis of Cox’s Bazar are arrested, they say that they are Rohingya. Later some of them change their statement and say that they are Bangladeshi. But ultimately Court treats them as residents of Myanmar and they are lodged in CHs (Correctional Homes) as “Jaan Khalash” at present. In their warrant some people are referred to as ‘Bangladeshi’ but in the Court order they are designated as ‘Rohingyas’. However, the situation is critical. They are saying that the agents (dalal) who helped them to cross the border advised them to give their identity as Rohingya. The logic is that the Rohingyas are relieved from jails sooner. But the reality is different.

Though they do not disclose it, but it can be assumed that many of these Bangladeshi people want refugee cards and that is why they are introducing themselves as Rohingyas. Some are also the

case partners of Rohingya people. There may be another factor behind this problem. Repeated change of statement by these people is creating confusion and making the situation really very critical. The solution to their problem is not known at present.

Problem of Women

Marriage of Bangladeshi women with Rohingya men is another cause of this problem. After crossing the border when they are arrested with their Rohingya husbands and in laws they are labelled as Rohingya. Two case studies are given here to clear the situation:

Margina Begum, 35, is from the Cox’s Bazar, Bangladesh. She is married to Jahid Hossain who is a Rohingya. She has been married for 22 years. Her husband has no refugee card in Bangladesh. Jahid has an idea that ‘poor people can live a peaceful life in India.’ They made their way towards India in the middle of 2012. While crossing the border Margina was arrested from Hilly border with their five children. She is in jail for the last 2 years. Among her five children 2 sons are in Berhampore Home, 2 daughters are in Malda Home and the youngest one is with her. After the completion of the detention period what will happen to the woman is not known. She may remain as a Jaan Khalash like Nur Sahatu.

Nur Sahatu is another woman from Cox’s Bazar, Bangladesh who has passed a period of 4 years behind the bars. Her detention period was for 2 years and now for two years she is “Jaan Khalash”. Her husband and in laws are Rohingya. They are also in the same condition. She got married in the Nayapara camp of Bangladesh. She was arrested from English Bazar of Malda. A 22 years old woman with her 70 years old mother-in-law is living a prison life without any definite future.

The main problem with these people is that as they are not Bangladeshi and therefore, they can’t be deported to Bangladesh. They are living as “Jaan Khalash”.

Table No.9: Category wise Distribution of the Deputed Cases

Sex → Category	Male	Female	Total
U.T	0	0	0
Convicted	1	1	2
Jaan Khalash	4	4	8
Total	5	5	10

Source: Data Collected from Field

Discussion with Department of Correctional Administration

A discussion was conducted with the Officials of Correctional Services. The information gathered from this discussion is as follows:

- The Rohingya people are coming to the Correctional Homes for the last 3 /4years.
- These people are detained under the Section 14 of the Foreigners’ Act (1946).

- None of these people, who are Myanmarese Nationals according to the Court orders, have yet been released.
- Generally, post cards are given to inmates in Correctional Homes so that they can contact their family. Many Bangladeshis send letters. But none from Myanmar are seen taking advantage of this opportunity.
- Mainly they are coming with family.
- Acute depression is common to all of them. Suicidal tendencies are also found among some Rohingyas. In such cases medication and proper treatment is provided.
- Language problem is not very acute in communicating because there are some Bangladeshis who understand the language of Rohingya people. Rohingyas also learn little Bengali from the teachers in Correctional Homes.
- To facilitate the process of acquiring refugee cards for these people, the Authority forwarded the cases to the Inspector General of Correctional Services, West Bengal. These cases can be forwarded to UNHCR from the office of IG. As per the knowledge of the officials near about 10 cases were forwarded to the IG. But what has happened in the next step is unknown to them. A Human Rights Commission (Gour Bangla Human Rights Awareness Centre) has also approached UNHCR for some Rohingyas who seek refugee card. But no response is received till now.
- The Authority also informs that even after having refugee cards people are coming there. They find that some have cards with them.
- Rohingyas do not report any torture in their police custody.
- There has developed a racket of agents based on the Rohingya issue. These agents convince some Bangladeshis to introduce themselves as Myanmarese. But once they confess that “We are from Myanmar” the situation becomes quite difficult.
They lament every day before the officials and request them to do something so that they can get relief from this situation. They are young. Some have family in Bangladesh. But when they can get relief is not known to anybody.
- Officials don’t have any idea what the Government is thinking with regard to the Rohingya population who are in Correctional Homes.

Discussion with Police Authority

1. In response to the question regarding the arrest of Rohingyas with refugee cards the Police replied that Refugee Card is not a permit to move throughout India. It is a permission to stay in a particular place in India. “Why people even after having card from Delhi again come to West Bengal?”, they ask.
2. Some Rohingyas are allowed to keep the card with them but others are not. Two Rohingyas showed their cards during the interview. But Police completely deny this fact. They plainly say that nobody is allowed to keep anything with them after arrest. Police seized everything. “Why should we let them go with the card?”, they respond.
3. Language of Rohingya is another problem to them: “We become irritated with their language”.

Ignorance of Police about the fact that, Rohingyas refugees sometimes come to meet with their relatives in the Correctional Homes of West Bengal, looms large on the lives of these poor people.

Problem of Longer Trial

The problem of some Rohingyas who are under trial in the Balurghat District Correctional Home for 20-24 month and above two years is created by a group of people. Centering the problem of these helpless Rohingyas an opportunistic group, made of some lawyers and agents, has emerged in some places of South Dinajpur. They have printed pads under the name of some vague organizations pretending that they are working for the welfare of these foreigners. They inform the Court that these people are refugees as they hold the refugee card. But in reality except 2/3 none of them possesses the card. The Hon'ble Magistrate asked the Authority of Correctional Services to verify the statement. But as the department does not have the authority of verification they inform the Court about their inability to do the work. Now the Court is investigating the matter in its own way. The interest of these opportunistic people most probably is to snatch money from the relatives of this poor people³³. In the total process the losers are only those who are habituated with losing everything.

Involvement of NGO

Though RCFI has provided some help to the Rohingyas in Delhi they are completely unaware about the problem of Rohingyas who are in the Correctional Homes of West Bengal. They don't have any information about this problem.

Information provided by the Officials that some Human Rights Organization (Gour Bangla Human Rights Awareness Centre) comes occasionally regarding the issue of Rohingyas but no regular intervention by any NGO is happening there. Moreover the involvement of some opportunistic middle men is making the situation worst.

Rohingyas are "illegal"³⁴ in their native land. Bangladesh has closed its door to them saying that they are not Bangladeshi. Now they have become the cause of irritation for their language. So what should they do and where should they go? The law of their own country, where they have been living for centuries, has made them "illegal"³⁵. They are punished and exploited for their illegal entry in foreign countries. It seems that their existence has become illegal. For years they have been the victims of genocide and ethnic cleansing³⁶. Is it legal? The distinction between legality and illegality becomes blurred at this point and a question haunts the mind that isn't legality a game of power?

Section V

"We will never go to Burma. They will kill us". This is the reaction of the Rohingyas when they are asked whether they wish to return Burma. They are quite sure that Burma can never be peaceful.

Moreover Rohingyas are systematically denied the right to return to their country, if they once come outside Burma. Twice in a year their photographs are taken by the local authority in Myanmar. Their family books contain the names and pictures of all the members of family. If one is absent at the time of taking picture a cross "x" is given upon his picture and name. It means his name is deleted from the family book and he is prevented from returning to his village. If the man is found by Na Sa Ka or other local authority he would be killed on spot. (Information provided by the Respondents).

Even people who have their wife/husband, parents, and children in Rakhine do not want to go back. They think none of them can be alive. In this situation they want to live in India. They do not have any plan to shift to some other country from here. Somehow they are sure that they can live

in India. Mainly they want to go to Jammu or Delhi where they have some relative or the people of their own community. Obviously it is not the hope of a greatly improved standard of living. What must be underlined is the fact that these people are certain that their lives will not be in danger in India.

"If we die here we can be buried peacefully following our "JANAJA" (burial rituals) but in Burma we are just put in ditches like animals."---A Respondent.

The experiences of Rohingyas are a traumatic illustration of social change. They are uprooted from one social setting and thrown into another. In that process they undergo untold suffering and irreparable tragedies. They spend years in refugee camps where births, marriages and deaths take place within the confines of this unnatural setting. Their family life is destroyed. Their houses are burnt, their women are raped, their children are murdered, and their parents are lost. Many Rohingyas don't have the information of whether their near and dear ones are in this world or not. Most of them experience a void in their lives. These people are traumatized. The Clinical Psychologist of the Correctional Home has mentioned that counseling is going on. But it is of no use.

The USA sees the "real solution" to the Rohingya refugee issue as lying in their going back to Myanmar when the situation changes in the Rakhine state. Assistant Secretary of the State of the Department of Population, Refugees and Migration, Anne Richard has said: International pressure could play a part in changing that situation...The real solution for most Rohingyas is that we should strive for this that they go home.³⁷

To verify the citizenship status of Muslim minorities in western Rakhine State a national pilot project has been halted by Myanmar. *"The Rakhine situation is too complicated. The verification process is difficult since applicants are applying with an identity which does not exist in the country,"*³⁸ said Maung Maung, Rakhine Chief Minister in February 2015. Most Muslims in the state refer to themselves as Rohingya, a rejected term by the government, which sees the Rohingyas as illegal migrants from Bangladesh and refers to them as "Bengalis." Officials have said the verification process was being conducted under a 1982 law that bars citizenship registration using the term Rohingya and instead use the term Bengali. Shwe Maung, a Muslim member of parliament from the western part of Rakhine, said there may be a way around the problem:

*I want to point out we should look at the generation of those who hold temporary citizenship cards...The problem will be solved in short term if those who hold [temporary] citizenship cards and whose parents hold [temporary] citizenship cards are allowed to apply for citizenship [using] normal procedures, instead of a specific project.*³⁹

Whether Myanmar changes its policy towards Rohingyas, whether it would be possible for all the Rohingyas who are displaced at present to return to Rakhine/Arakan --these are the questions which have no answer at present. Irrespective of the root cause of their problem and their future position in Myanmar it is of utmost important to reduce the vulnerability of Rohingyas and stop their victimization.

At present there is no policy on the part of the Government of India regarding the Rohingyas who are presently lodged at the Correctional Homes for days, months and years. They are detained under the Section 14 of the Foreigners' Act (1946) for illegal entry into the country. "Despite its prolonged history of receiving refugees, India does not have any particular legislation that protects or assists refugees. In case of the Tibetans and the Tamils from Sri Lanka, the Government of India has accepted their presence and designated them as refugees in need of immediate assistance."⁴⁰ Not only the Tamils but also thousands of refugees from neighboring

countries have been accommodated by India ever since it became free. Following the long tradition of hospitality and given the plight of Rohingyas, it is urgent to frame a policy for these unfortunate people.

- Some decisions on part of the Government is needed so that people who are living as 'jaan khalash' and who are already with refugee card can be released. Otherwise the number of 'jaan khalash' will be going on to increase. Because the same thing is waiting for those convicts who are nearin the completion of their detention term.
In a Court order regarding the cases of some Rohingyas it was said that because of the unwillingness of the persons to go back to Myanmar and because of humanitarian reasons, the Court refrains from passing any order for their immediate release and deportation to the country. These petitioners have already approached the United Nations Commission for their refugee cards through the Gour Bangla Human Rights Awareness Centre.
- Coordination between Judiciary, Police Authority, Department of Correctional Administration, UNHCR and the Victims is needed most. The longer legal process along with the interference of some opportunistic groups results in long term trial of these helpless people. The absence of a protection regime contributes increasing vulnerability of a group of people who are already the victims of several discrimination and exploitation.
- The Rohingyas cannot tell more about their cases. Either they do not understand the process or they are advised for not sharing these matters. In the Courts there is no interpreter who can understand their language. So it is quite difficult for them to prove their reason of coming in a foreign land. Communication gap, which is not a barrier of interaction in Correctional Homes, is a problem for Rohingyas themselves as well as for others involved with them in the legal proceedings. The frequent and intense involvement of some NGO / Human rights Commission, who can really understand the plight of Rohingyas, along with Government support, may bring some desirable result. What is important is an intermediate person/organization between the Rohingya and the legal process who can advocate for these people.
- The process of availability and verification of refugee cards needs to be fast.
- Lack of sensitization among the police about the problem of Rohingyas is making the situation more difficult. At present the family members/ relatives of these people come to meet once in a blue moon. If people are arrested even after having refugee card they will not take the risk to come and meet relatives in near future.
- Some welfare activity is also needed in case of separated families particularly where the children are far away from parents. Rohingya children are brought up without the love and care of their parents.
- It is important to have a total picture of the Rohingya families in India and West Bengal especially of the broken families and their conditions. At present the picture is very unclear. They have already lost a lot and what is remaining with them is about to go because of this complicated legal procedure.

North Arakan was an open prison⁴¹ for the Rohingyas from their birth. They left Bangladesh / did not intend to stay there but did not escape imprisonment that was waiting for them in India. It seems that they are forced into confinement for their entire lives. They are waiting for days, months and years looking forward to have a life with freedom. And in course of waiting they

have become old, their children are now young men and women and they are the parents to some children. These Rohingyas are at a loss in their present condition.

After completing the work when I was coming out from Balurghat District Correctional Home, a group of 10 to 15 Rohingyas came to me. They asked me when they were getting their refugee cards. I looked at them. Their question made me blank as I had no answer. A group of drowning young people is trying to catch at a straw so that they can live as a refugee at least!

Notes

1. Samaddar Ranabir, (1999), *The Marginal Nation*, New Delhi, Sage. pp 35.
2. Myanmar was formerly known as Burma. It was renamed by the then State Law and Order Restoration Council (SLORC) military government in 1989. In this paper both the names are used.
3. In 1989 the SLORC military government changed the state name from Arakan to Rakhine. In this paper both the names are used.
4. Basu Ray Chaudhuri, S. ,(2005), 'Burma: Escape to Ordeal' in Banerjee P, Basu Ray Chaudhuri S and Das S.K. (ed) *Internal Displacement in South Asia* , New Delhi, Sage. pp 213-214.
5. Rakhine is one of the eight major ethnic groups of Myanmar recognized by the government and constitutes the majority of Rakhine state population.
6. See, Kipgen Nehnginpa, 2013, "Addressing the Rohingya Problem", *Journal of Asian and African Studies*, Sage. pp1.
7. See <http://www.amnesty.org.au/refugees/comments/35290/>
8. See, Bhaumik Subir, 2013,"The East Bengali Muslims in Assam and Rohingyas of Myanmar: Comparative Perspectives of Migration, Exclusion, Statelessness", *Refugee Watch*, Issue No 41, June 2013
9. Ibid
10. See,<http://www.hrw.org/sites/default/files/reports/burma0413webwcover0.pdf>
11. See, Cheung Samuel, 2011, 'Migration Control and the Solutions Impasse in south and Southeast Asia: Implications from the Rohingya Experience', *Journal of Refugee Studies*
12. See, Bhaumik Subir, 2013,"The East Bengali Muslims in Assam and Rohingyas of Myanmar: Comparative Perspectives of Migration, Exclusion, Statelessness", *Refugee Watch*, Issue No 41, June 2013
13. See,<http://www.kaladanpress.org/feature-mainmenu-28/45-kaladan-news/3669-rohingya-tangled-in-burma-citizenship-politics>
14. See, <http://www.fmreview.org/en/FMRpdfs/FMR32/11-13.pdf>
15. See,http://www.academia.edu/6306108/Migration_Control_and_the_Solutions_Impasse_in_South_and_Southeast_Asia_Implications_from_the_Rohingya_Experience
16. Ibid
17. See,http://www.jewishjournal.com/cover_story/article/myanmars_rohingya_muslims_the_worlds_least_wanted_people
18. See,<http://www.aljazeera.com/indepth/features/2014/01/no-respite-rohingya-bangladesh-201411675944519957.html>
19. Ibid
20. See, <http://www.theguardian.com/commentisfree/2013/apr/23/burma-eu-too-quick-lift-sanctions>
21. See, <http://jas.sagepub.com/content/early/2013/10/17/0021909613505269>
22. See,http://unhcr.org.in/index.php?option=com_news&view=detail&id=16&Itemid=117
23. See, <http://refugeewatchonline.blogspot.in/2014/04/the-rohingya-scenario-role-of.html>
24. See,<http://www.sunday-guardian.com/news/burmese-muslim-refugees-in-delhi-search-for-haven-in-jak>
25. See,<http://www.thehindu.com/news/national/other-states/rohingya-influx-a-brewing-crisis/article5797314.ece>
26. <http://rcfi.in/events/event/rcfi-sign-mou-grc/>

27. <http://www.aasyc.org/arakan/geography-and-location-of-arakan>
28. <http://www.britannica.com/EBchecked/topic/31957/Arakan>
29. Hilly Border, between India and Bangladesh, is in South Dinajpur, West Bengal.
30. Jail/Correctional Home has some special words of their own. The word “Jaan Khalash” is like that. The term is used in the jails of West Bengal, Bangladesh and Assam. Literally this word means to those prisoners whose jail term is over and his ration is taken on but he/she still has to live inside the prison depending on the charity of others. It mainly happens under Foreigners’ Act. The word is applied to Bangladeshi as well as to other prisoners in the same condition.
31. See, <http://www.aljazeera.com/indepth/features/2012/08/201281684646546896.html>
32. See, <http://himalmag.com/art-statelessness/>
33. Information provided by the Officials, Government of West Bengal.
34. On July 12, 2012, President of Myanmar, Thein Sein, designated Rohingyas as illegal”. [See, <https://www.hrw.org/report/2013/04/22/all-you-can-do-pray/crimes-against-humanity-and-ethnic-cleansing-rohingya-muslims>]
35. Ibid
36. See : <http://www.hrw.org/reports/2013/04/22/all-you-can-do-pray-0>
37. See: <http://www.rohingyablogger.com/2015/01/us-pitches-for-myanmar-citizenship-for.html#sthash.WfWW9cQt.dpuf>.
38. See: <http://www.rohingyablogger.com/2015/02/myanmar-halts-citizenship-verification.html#sthash.pf5R8fjs.dpuf>.
39. Ibid
40. Chowdhory Nasreen, 2013, ‘Marginalization and Exclusion: Politics of Non-citizen Rights in Postcolonial South Asia’, “Refugee Watch”, Issue No 42.
41. Lewa, C. (2009) ‘North Arakan: An open prison for the Rohingya in Burma’. See <http://sayedarakani48.webs.com/rohingyaarticles.htm>

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<http://refugeewatchonline.blogspot.in/2014/06/persecuted-and-unwanted-plight-of.html>
9. Chowdhory Nasreen, 2013, ‘Marginalization and Exclusion: Politics of Non-citizen Rights in Postcolonial South Asia’, “Refugee Watch”, Issue No 42.

10. Datta P. S. Sadhu and Bhattacharya B.N, 2004, 'Impact of Undocumented Migration from Bangladesh to West Bengal', "Refugee Watch", Issue No. 23.
11. Falise T, 2001, 'On the Trail of Burma's Internal Refugees', "Refugee Watch", Issue No- 15.
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The Stateless People – Rohingyas in Hyderabad, India

Priyanca Mathur Velath and Kriti Chopra *

“In the light of recent events it is possible to say that even slaves still belonged to some sort of human community; their labour was needed, used, and exploited, and this kept them within the pale of humanity. To be a slave was after all to have a distinctive character, a place in society more than the abstract nakedness of being human and nothing but human. Not the loss of specific rights, then, but the loss of a community willing and able to guarantee any rights whatsoever, has been the calamity which has befallen ever-increasing numbers of people. Man, it turns out, can lose all so-called Rights of Man without losing his essential quality as man, his human dignity. Only the loss of a polity itself expels him from humanity”

- Hannah Arendt, ‘Origins of Totalitarianism’

Introduction

Statelessness refers to a phenomenon whereby a person becomes deprived of nationality or citizenship of any country under the operation of its law. While numerous causes lie behind this phenomenon of statelessness, one of the primary reasons is the conflict which exists in the laws determining nationality in a nation-state.

There are two modes to acquire nationality, one is called *jus soli* which means acquiring nationality through birth on the territory of the state and the second is *jus sanguinis* which denoted acquiring of nationality from birth through descent. This is usually done through a parent who is a national. Another very important cause of statelessness is due to state succession. This happens when the territory of the state is acquired by another state or is under the control of another state. A good example of such statelessness is the disintegration of the Soviet Union. Statelessness might also be caused due to individuals who renounce their citizenship. Individuals may voluntarily decide to give up their citizenship due to their beliefs. Lastly, statelessness can be caused due to the presence of non-state territories.¹ The international legal definition of a stateless person, as set out in Article 1 of the 1954 Convention relating to the Status of Stateless Persons, defines a stateless person as "a person who is not considered as a national by any State under the operation of its law". A prominent example of this cause of statelessness is the Palestinian territories. Rohingyas are a similar group of people who have been rendered stateless as they are not recognised under any country's legal framework.²

The nomenclature of the term Rohingya has been a matter of debate for a long time now. To some Rohingyas are a group of people who originally belonged to Bengal and subsequently

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Policies and Practices, Issue No. 71, September 2015

migrated to Burma during colonial times whereas another viewpoint states that Rohingyas are those who hail from Arakan in Myanmar. There are various tales that revolve around the origin of the Rohingyas and their original place of residence. According to a popular belief the term Rohingya has been derived from Islam meaning 'Rahma', which basically means mercy. It is believed that after a shipwreck near Ramree Island, the Arakanese king commanded the Arab Traders to be executed. These people pleaded to the King shouting 'Rahma' meaning Mercy. Later these people were referred to as Rohang and then Rohingyas. Many historians are of the belief that there were no people called the Rohingyas before the 1950's; it is only after the 1950's we hear about a group of Bengali Muslims migrating to Burma who called themselves the Rohingyas. Whatever their origin might be the Rohingya due to their statelessness have been facing a number of challenges not only in Myanmar but also to the countries they have been migrating to. This paper specifically aims to look into the kind of challenges the Rohingyas face in India, particularly in south India, in Hyderabad.

Legal Refugee Framework in India

India's laxity in framing proper refugee laws only seems to have escalated the refugee quandary. Despite being asked to sign the Refugee Convention 1951 and Protocol 1967, and promulgate a legal framework for refugees, the Indian government has been lackadaisical. Interestingly, the UNHCR hails India for its record in supporting refugees. In a report, it says, "Overall, India offers safe asylum to refugees and asylum seekers. Even in the absence of a national legal framework for refugees, India has traditionally been hospitable towards refugees."(Pagadala, 2013)

Meanwhile, judicial intervention has done some good for refugees. In respect of Articles 21 and 14 of the Constitution, the Supreme Court has declared that these (apart from other constitutional rights) are applicable to everyone residing in India, and not only to citizens of the country.

Rohingyas in India – In Hyderabad

Rohingya refugees have been crossing the international border and coming into India for a long time now. In recent years, in 2013 when the fight between the Rohingya Muslims and the Buddhists in Myanmar intensified, several thousand Rohingya Muslims fled Myanmar and took shelter in India. It has been estimated that there are around 25,000 Rohingya Muslims who have taken shelter in India and not all of them have landed in the government certified refugee camps.³ "More than 1,500 Rohingyas who were displaced from Myanmar have been camping in the city of Hyderabad for more than a year, but basic amenities such as food, clean water, medicine and clothes still eludes them" writes Nanjappa.⁴

They arrived in India after being attacked by the ethnic Rakhine Buddhists, while Myanmar's government forces did little to stop the violent assaults. Like Mohammed Shaker, a Rohingya refugee, who reached the Muslim friendly city of Hyderabad, "Through a circuitous route travelling the first three days on foot through rough mountain terrain in the dead of the night to reach the Myanmar border. Then he boarded a boat run by smugglers to reach the Bangladesh border. Hours later, he was stowed in a truck to be finally dropped near the West Bengal border. All in all, it took him nine days to finally land in Hyderabad."⁵

Delhi, being the national capital and the seat of the UNHCR office is naturally the place they get pulled to. According to UN estimates around 11,000 Rohingyas have moved to various parts of India in the aftermath of communal violence since June 2012.⁶ Apart from New Delhi many have

moved into Jammu in North India, Pune in West India and Hyderabad in South India. According to Malla Reddy, Joint Commissioner of Police, Special Branch, Hyderabad, many Rohingyas end up in Hyderabad while others move to Delhi, Aligarh, Mathura, Kolkata and other places.⁷The Rohingya refugees believe that Hyderabad city, on account of its substantial Muslim population, would welcome them with arms wide open. In fact, Hyderabad-based Confederation of Voluntary Organisations (COVA), an NGO at the forefront of Rohingya rehabilitation says 1,200 asylum seekers have registered with them so far and many more are likely to come.⁸

The influx of Rohingya Muslims into Hyderabad has been taking place over the past five to six years, explains Mazher Hussain, executive director of Confederation of Voluntary Associations (COVA), implementation partner of the United Nations High Commission of Refugees (UNHCR) in Hyderabad. According to Mr. Hussain, Hyderabad received around 100 refugees in 2010.⁹ According to COVA data, from about 150 settlers in early 2011, the number of Rohingya Muslims currently residing in the city stands at a rough estimate that ranges between 1400-2000. As of 1 June 2015, there are 8,836 Rohingya refugees and 2,434 Rohingya asylum-seekers registered with UNHCR in India. Among them, around 1400 persons are residing in Hyderabad.¹⁰Of the approximately 2000 who came in, some have been sent back to Myanmar by the UNHCR for being unable to prove that their life is under threat. Those who remain have settled in Hafizbabanagar, Balapur, Babanagar, Sainagar, Chandrayaangutta and Kishanbagh areas of the Old City. "Most of the refugees live in groups, with the highest number of them concentrated in Balapur," says Kiran Kumar, program officer at COVA, who looks after the welfare of these asylum seekers.¹¹

We visited the Kiskanabagh area in Hyderabad where we met Rohingya families living in rented houses. The first family we spoke to was of Rahman, his wife, Iffat and son Arfat. They had come to Hyderabad in 2012 fleeing riots in Myanmar; initially there were living in a camp in Myanmar but later due to mishandling by the camp staff they decided to migrate to Hyderabad. They took boats and travelled for days to reach here. Having reached, they confronted the greater problem of shelter, food and water. This family had come to Hyderabad with a group of other refugees, so on having reached here they all decided to go searching for places where they could stay. They happened to come to this area but lack of money forced them to stay on the footpath and streets. Later on having found a job they collected money to rent the room they were staying in. When we asked them that what the problems they faced were, in reply they mentioned that the other people staying in this area had a very cold attitude towards them that often they faced discrimination at the hand of the local vendors and due to lack of money at times the shop owners talk to them in an inappropriate manner. Apart from this surviving each day without proper food was a major challenge for them. At times they do not have the enough money to buy food. This largely stemmed from a greater problem of unemployment.

Thus the most critical issue which the Rohingyas face is that of survival. To be able to live people do anything they can and if they feel that their survival is under threat they are compelled to leave. Factors like fear of losing life and family is the main reason behind why people migrate. Proper healthcare, food, shelter, employment are reasons for communities to migrate but the biggest reason is that of survival.

This is the tale that was narrated by Fatima and her son Farzan who are also living in Kiskanabagh. Their reason for their flight to Hyderabad was her husband's death in the riots after which Fatima did not know what to do because the treatment she got in Myanmar was devastating. They were hesitant to tell us much about what they went through and while stating all their troubles tears welled up in Fatima's eyes. She said that her husband was beaten to death and in front of her eyes, the trauma of that horrific incident in her life was still evident. It compounded her feeling of

helplessness and evidently, the guilt was still inside her as she was unable to do much. She migrated to Hyderabad because all other families who got on to the ferry did the same. On the other end of that journey was India and having realised that life had brought her here she began to look for jobs. But so cruel was life that a source of income was denied to her. For around one year after she came here she had difficulty in finding a job and also a place to stay. Today she is working as a domestic help nearby to her place of residence so she is able to manage a little bit but even now she is not able to educate her son as she does not have that much money which she can save for her son's education.

UNHCR Refugee Status – Identity Crisis

The reality is that getting refugee cards from the UNHCR Office in New Delhi is a long and tedious process, it can go on for as long as 2 to 3 years. According to COVA data, despite the presence of 1400 Rohingya Muslims, hardly 100-150 of them have gotten refugee cards. Recognition, Malik says, is the most important thing. "Our cries are heard but not acted upon. We were born to see bloodletting. Now, we have resigned ourselves to torture and persecution," he says as his eyes well up.¹²

This inability to get refugee cards compounds the hindrances in their daily activities. Also, obtaining a refugee card is not simple, it is a long and a tedious process which may take somewhere between two to three years. Most of the organisations who work for the welfare of the Rohingya ethnic community state that the general opinion amongst the Rohingyas is that their cries are heard but not adequately answered. The United Nation High Commission for Refugees is responsible to gather information about the asylum seekers. This process requires the asylum seeker to travel to Delhi with all details and after the UNHCR accepts their refugee status they are given a refugee card. This again is a long drawn process and is cumbersome for the refugee himself to prove his identity.¹³ It is the United Nations High Commission of Refugees that gathers details of each asylum-seeker and registers the individual based on the area he has come from. The refugee thus has to travel to Delhi where he has to undergo gruelling sessions of interviews to prove his identity and the purpose of migration. If the UNHCR is convinced, it would take another 3-6 months to process the application and give the asylum-seeker a temporary card. A Rohingya can only get a refugee card once he passes the temporary card stage. That again takes another two years, and the refugee card has to be renewed every five years. However, there are instances where the UNHCR can reject an asylum-seeker's card or not permit a refugee shelter in India. For instance, if the refugee is from the eastern part of Myanmar where there is no disturbance, the UNHCR will reject his request for asylum and send him back to his country. But, the refugee is also given a chance for second appeal. If the UNHCR isn't convinced even then, the refugees have no choice but to return to Myanmar.¹⁴

Community and International Support

Rohingya refugees thrive on community support and the networks that they have created amongst themselves as with little money and no aid from the government most of them are struggling to meet day-to-day expenses. COVA and Civil Liberties Monitoring Committee seeks donations from local people that supports their travel to and from Delhi as well as their stay here. "Last year, during Ramadan, donations poured in. It was more like a Ramzan fad. Scores of people made donations to help them survive," informs Kiran, adding that donations have gone down this year. Lateef

Mohammad Khan, the convenor of the Civil Liberties Monitoring Committee, India, an NGO in Hyderabad, stated that some locals have decided to help them as a goodwill gesture.¹⁵

Nazimuddin Farooqui, Chairman, Salamah Trust, said his organisation planned to help Rohingyas by providing necessary basic education to their children by enrolling them in schools and providing them hostel facilities, besides taking up issues including refugee status.¹⁶

Even Iran had, offered cash assistance to a group of Rohingya refugees in Hyderabad who had fled the ethnic violence in Rakhine state. The Iran Consul General in Hyderabad, Mahmoud Safari, handed over a cheque of Rs.65,000 to COVA, trying to help them get official status for the Rohingyas from the UN body's office in New Delhi in 2012. Qaderi, Trustee of the Dargah, thanked Iranian consulate for extending the assistance and stating that Iran was the first country which came forward to help the Myanmar refugees in Hyderabad, he added that, "Iran's spiritual and material support has enlightened a ray of hope among the victims of the ethnic clashes in Myanmar".¹⁷



Source: <http://www.siasat.com/english/news/rohingya-muslims-struggling-rehabilitation-hyderabad>

A delegation from Siasat Daily had visited the refugee camp at Shaheen Nagar led by Mr. Zaheeruddin Ali Khan and the editors of Siasat along with Mr. Iftekhhar interacted with all 42 families. "A programme of distribution of food grains among the refugees will be conducted on Tuesday, July 2, 2013. In the meantime, efforts are also on to donate rickshaws, bandi for vegetables to the male members of the refugees to earn their livelihood."¹⁸ Ahmed Al Saadi, a businessman, was among those who donated his land for the refugees. "What I am doing is a kind of charity but they need a lot more help and support from individuals and organisations. They left everything back home," he said.¹⁹

But resident locals sometimes fear differences cropping up in the larger community due to the presence of these refugees. Thus the Rohingyas live in constant distress and fear of being attacked.

Police Persecution

The Rohingyas in Hyderabad particularly have been vary of needless police questioning and interrogation every time a Hindu or Buddhist structure comes under attack as the finger of suspicion invariably falls on them. Although hundreds of Rohingya refugees have made the city their own, they still are apprehensive about policemen knocking on their doors once again in the wake of serial blasts that had occurred in Bodh Gaya in Bihar in July 2013, says Abdullah, a Rohingya refugee who came to Hyderabad in 2012, "The locals told us about the blasts. The police frequently ask us to produce documents and such harassment has become part of our lives".²⁰

Then in November 2014 Khalid Mohammed, arrested by the NIA from Hyderabad in connection with the Burdwan blast, turned out to be a Rohingya Muslim from Myanmar, who had spent considerable time in Myanmar training batches of militants along with members of the Lashkar-e-Toiba (LeT), before slipping into India in 2013. According to intelligence officials Khalid mentioned receiving large funds from Rohingyas based out of Karachi, Pakistan and Saudi Arabia. After slipping into India in November last year Khalid confessed having travelled extensively to meet with other Rohingya refugees in Delhi, Lucknow and Jammu before setting up a base in Hyderabad.²¹ This event irreversibly cast the entire Rohingya community under a shadow of suspicion. It confirmed the suspicions of the Intelligence Bureau of India that unfortunately, terror groups like Jamaat-ul-Mujahideen Bangladesh (JMB) and the Al-Qaeda have been managing to infiltrate their men into the camps of Rohingya refugees in India.

The criminalisation of the Rohingyas is thus a reality in India. As Arendt had foretold years ago:

The stateless person, without right to residence and without the right to work, had of course constantly to transgress the law. He was liable to jail sentences without ever committing a crime. More than that, the entire hierarchy of values which pertain in civilized countries was reversed in his case. Since he was the anomaly for whom the general law did not provide, it was better for him to become an anomaly for which it did provide, that of the criminal.... (Arendt, 1958)

Language and Cultural Barriers

LOST IN THE CROWD



- Rohingya Muslims escaped violence in Myanmar and came to Hyderabad for livelihood
- Their failure to learn Urdu and Telugu languages makes it difficult for them to land jobs
- Nearly 1,500 Rohingyas have settled down in the city

Places where most refugees live
Hafeezbabanagar,
Pahadeshareef,
Balapur, Mir Momim
Pahadi, Kishanbagh

NGOs have come forward to rehabilitate the families

Source: <http://www.thehindu.com/news/cities/Hyderabad/hyderabad-rohingya-refugees-fight-language-barriers/article4866622.ece>

Language is another barrier for the community in India especially in Hyderabad where Rohingyas face a major language problem as they are not aware of the local language. This restricts their employment opportunities and their livelihood suffers. Thus job opportunities elude them as they do not know either Urdu or Telugu. Rohingya Muslims speak a mix of Bengali and Mongoloid. Since some of them speak Urdu, they help out others who do not know the local language.

Besides often their food habits and culture completely differ. They do not eat the rice or *roti* and cannot even converse with the local Muslims. All this leads to problems in assimilation leading to the Rohingyas feeling insecure and discriminated against. The feeling of alienation continues within them as they do not feel a part of the larger community. This feeling of alienation is the major reason behind all conflicts. These conflicts cause a lot of disharmony between communities leading to a situation of turmoil everywhere.

Search for Livelihood

With suspicious eyes nearly always on them, the Rohingyas' search for livelihood becomes even more difficult. To make a living, they work as daily-wage labourers, seek out odd jobs (like that of security guards) and in fact many do petty jobs in small shops describes Lateef Mohammed Khan of Civil Liberties Monitoring Committee, an NGO that is trying to mobilise the local community to help these refugees make a living in the city. As Dudu Miyan, another refugee, pointed out that around 150 men went to the local 'labourer adda' in Babanagar, but only 50 found work as labourers. The trend is the same every day. "A man who is busy looking for work every day has no time to even

think about causing trouble," he said, pointing to allegations of Rohingya Muslim role in any incident related to the violence in Myanmar.²²

At the Balapur Camp, during our interviews we asked the Rohingyas living there a number of questions such as:

- How long they are here?
- What kind of work do you do?
- How much do you earn?
- What was the reason that you came to Hyderabad?
- How do you find living here?
- What are the problems you face?
- Do you want to go back to Myanmar?
- Does staying in Hyderabad satisfy your needs?

Abu Hussain, who has been living the camp from the past two years said that he came to the camp in 2012. He said that there is no fixed work that he does; that they go to a nearby place where they are given daily jobs, if there is no requirement on a certain day for a job, they come back home not earning anything. On days when they get work they earn around 400 rupees a day. The reason why he came to Hyderabad was that he thought that if he stayed in Myanmar for any more time his family will gradually be eliminated by the people in Myanmar.

Living Conditions

The hundreds of Rohingyas that are settled in makeshift camps in the city of Hyderabad fight a daily struggle for survival. The conditions in which the Rohingyas live in camps are pathetic as in these camps most of the time they have no water to drink and no cleanliness at all. Many have been camping in the city for more than a year, but basic amenities such as food, clean water, medicine and clothes still eludes them.²³ Instead tarpaulin sheets and open sewage greet visitors. Although at the Balapur Camp the Rohingyas claimed that they had faced water problems in the past, but thanks to the efforts of the Salamah Centre a bore well has been instituted to tackle with the issue.

Women and Children

A number of widows and pregnant women are living in precarious conditions in the Rohingya camps, but children are the worst affected, with many falling sick due to the lack of proper food and medicine.²⁴ The UNHCR, has said many children were working to support their families instead of attending school. "Sanitation and health issues are of concern, especially in the makeshift settlements, including maternal and child health," a spokesperson of the agency said. (Fareed, 2014)

A focussed group discussion was conducted by us at the Balapur Camp. We spoke to around 11 women in a group, namely Kaushala, Zoharhati, Mariam, Alwar, Umahato, Arafa, Jamila Behen, Sanam, Swamina, Anawar Begum and Noor Fatima. Mostly all of them have been staying in the camp from the past 2 years, except Jamila Behen and Zoharhati. During this discussion it was revealed that these two women have been living here from the past 10 years. Till now the general opinion was that Rohingya refugees have been migrating to Hyderabad quite recently but then we realised that it can be traced to far back. Their answers were similar to those of the recent refugees, which showed that their issues have remained largely unaddressed for so many years. Most of them believe that unemployment and healthcare are the biggest challenges they face; due to lack of money

they go hungry for days, or sometimes they eat one day and the other days they don't; the children in the camp live in unhealthy condition with no proper sanitation and nutrition. Language is a major problem for them, if they do not know the language they are not able to negotiate for jobs. Nonetheless, the women feel that they are much safer in Hyderabad as compared to Myanmar where many women have been raped and abused frequently. The education of the children is also an issue faced by them, the money they earn is not sufficient for the education so they chose not to send the children to school.

Education

Another major problem for the Rohingyas is that of education. Children are unable to get education due to lack of money and so this is another cause of concern for the Rohingyas living not only in India but also to other places they have migrated to. In Hyderabad the 'Salamah Centre' which is administered by Mr. Mansoor Ahmed takes in refugees like the Rohingyas and give the children accommodation along with educational facilities. Field visits to Rohingya camps in Hyderabad have revealed that education can make so much of a difference, evident visibly when we met the children at the centre who were well-read, well-spoken and more motivated to do something in life unlike the children we met in the Balapur camp. It is thus very clear that education can make a crucial difference in improving the conditions of the Rohingyas.

First Person Account of the Researcher:

On January 7, 2015 I visited the Salamah Centre, the head office was in Char Minar. It is basically a relief and rehabilitation committee in India run by Mr. Mansoor Ahmed. I spoke with children namely, Sheikh Alkama, Farhana, Asama, Nazima, Farzan and Sheikh. All these students love staying in the hostel and coming to school every day. When I asked them do they miss home, they said a little but they enjoy being here. I asked them their favourite subjects; it ranged from Maths to English to Social sciences. Another feature of this school is that it's not just an Islamic institution; it gives weightage to all subjects. I went to see the school and the hostel the girls were living in, it's neat and clean, the kitchen is hygienic and the space is adequate. As students they are happy and do not see the difficulties their parents face, they are happy in the little space they have got. Talking to Mr. Mansoor Ahmed I gathered that this Salamah Educational Centre was a place for children from disadvantaged and backward sections of the society at it was a way in which Mr. Ahmed could do something for the society. The fees of the school are very nominal, 300 rupees per month; there is a hostel accommodation for students as well, and most importantly it's an all girl's school having classes from LKG to class 10. I had the opportunity to interact with the Rohingya children studying there, my first impression of the children was that they were so different from the children in the camp, they were well spoken and more polished.

Health Facilities and Issues

Rohingyas face healthcare problems not only in their country of origin but also in India. In India proper healthcare facilities can only be secured by those people who are affluent or who have a decent medical insurance in their name. In such a scenario to expect a large number of poor refugees who do not belong to India to get adequate healthcare facilities seems like an impossibility. Rohingyas in the Balapur camp suffer from cough, cold, fever due to their bad living conditions and their inability to afford a doctor who can treat them. There have been instances where the Rohingyas have collected money for months just so that they are able to afford medical tests and buy the prescribed medicines. Field interviews have shown also that, there are some clinics and doctors who

take undue advantage of their vulnerability and ask them to come again and again for check-up so that they earn easy money. Many doctors ask them to take tests which are not even necessary. Such a scenario only proves one thing that is when a community is vulnerable most people will only use them to further their individual interests and not really care about their conditions.

Abu Hussein at the Balapur Camp, during an interview with us reiterated that the major issue is healthcare. He particularly narrated an incident where he took his son Zia to a local hospital called St. Martha's where the doctor asked him to do number of blood tests and to pay a large amount of money for all the tests. Not having enough money, he could not get all the tests done so he started saving money for his son's blood tests. When he went to the doctor again the second time, after the tests were done, he gave him a list of other tests to be carried out. Abu Hussain stated that healthcare for the Rohingyas seem to be a money making business in Hyderabad. This behaviour of the doctors towards the Rohingya refugees is a matter of deep concern for them.²⁵

Humanitarian Perspective

The challenges that Rohingyas continue to face are grim reminders of their humanitarian crisis. Their daily struggle for existence persists not just in Myanmar, but as this article has illustrated, even in countries they have been migrating to. In Myanmar the Rohingyas faced continuous discrimination as was evidently visible recently in the 2014 census which took place in Myanmar and from which the Rohingyas were conveniently kept away from.²⁶ Actions like these merely illustrate the unequal and unfair treatment of the Buddhist Rakhines and their hostility towards the existence of the Rohingyas in the state of Myanmar. They believe that the state belongs to them and not to the Rohingyas. Ethnic violence has become an everyday part of the lives of the people living in Myanmar. The intolerance of the majority communities towards the Rohingyas has led to a sense of fear within the minority group.

The facilities given to the displaced Rohingyas in the camps set up in Myanmar are inadequate and of very low quality. The medical help is very poor, where most of the doctors treating the Rohingyas are Buddhists and this makes the minority group insecure and helpless as the doctors are not good intentioned. They would rather have these Rohingyas killed than to treat them. The deplorable conditions of the Rohingya camps inside Myanmar highlight their terrible condition and their current situation is analogised as a 'crime against humanity'.²⁷

Legal Perspective

The process of addressing any refugee issues has been hindered by the lack of an effective legal framework in India. If issues have been dealt in the past they have often been politically motivated or actions have been taken mainly to improve diplomatic relations with a particular country. The existing laws in India like the Foreigner's Act of 1946 are completely outdated in the 21st century. This law simply defines any person as a foreigner who is not a citizen of India; this includes refugees and stateless people. A similar provision was also introduced through an amendment to the Indian Citizenship Act in 2003 which fails to make any distinction between refugees and their special circumstances and other foreigners and illegal immigrants (Acharaya, 2004).

Under Section 3(2) of the Act, the Indian government has wide discretionary powers to regulate the entry and movement of foreigners within India. The Foreigners Order 1948 also restricts the entry of foreigners into Indian Territory at given entry points without proper authorisation. Every foreigner should be in possession of a valid passport and visa at the time of entry into India,

unless exempted. Most often, refugees are not in possession of these documents and thus are refused entry into India (Acharaya, 2004).

India is not a party to the 1951 Convention, but it is bound by the international customary law principle of *non-refoulement* (this principle prevents a country from expelling refugees to countries where their life and liberty are under serious threat). The Foreigners Act lays down the fact that the Indian government can *refoule* foreigners, including asylum-seekers, through deportation, and is therefore in violation of international customary law. Here again we see a conflict arising between the existing laws.

Article 51 (c) of the Indian Constitution provides that India "shall endeavour to foster respect for international law and treaty obligations in the dealings of organised peoples with one another". Article 253 of the Constitution gives the Indian Parliament the "power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body". India is in favour of formulation of an international and domestic law consistent with its fundamental rights (SAHRDC, 2003).

A national model refugee law for granting statutory protection to refugees has long been considered in India but is yet to be implemented. The model law aims to harmonise norms and standards on refugee law, establish a procedure for granting refugee status and guarantee them their rights and fair treatment.

In India, refugees are placed under three broad categories. Category I refugees receive full protection from the Indian government (for example, Tamil refugees from Sri Lanka) Category II refugees are those who are granted refugee status by the UNHCR and are protected under the principle of *non-refoulement* (for example, Burmese and Afghan refugees); and Category III refugees who are neither recognised by the Indian government nor the UNHCR but have entered India and assimilated into the local community (for example, Chin refugees from Burma living in the state of Mizoram) (SAHRDC, 1997). Now the question which arises is that India needs a refugee law and what are the advantages of framing this law. Till there is further clarity on the legal framework within which refugees and stateless persons stay on Indian soil, people like the Rohingyas will always be living in a state of limbo.

Political Dimension

The challenge for the Rohingyas is not just to deal with the ethnic conflict but also to deal with the government in Myanmar which opposes the community due to perceived threats. One of the major reasons for the government of Myanmar to not recognise the Rohingya community is the fear of the other ethnic communities in Myanmar who are and can be in conflict with them in the future. Thus the Rohingyas live in the fear of the government eventually propagating a human genocide against them, thus, wiping off their existence in the near future. Therefore, there is a great need for international and community support to promote awareness about their plight. Although, the international media in 2012, played a crucial role in garnering attention to the grave plight of the Rohingyas, it is seen to be generally skewed towards emphasizing the perceived unsympathetic role played by Bangladesh and Thailand in turning back genuine refugees, and criticising the country's overall approach towards the accommodation of vulnerable individuals. (Shaunik, 2012)

The government of President Thein Sein has been much appreciated for the successful political and economic reforms in the country but at the same time has been largely criticised for the discrimination meted out against the Rohingyas by the government. The Rohingyas were given

voting rights in Myanmar's 2010 elections, with the promise of citizenship if they voted for the military regime's representatives. However, citizenship since then has only been a dream and nothing else.

More disturbing is the fact that even some pro-democracy dissidents from Myanmar's ethnic majority, refuse to acknowledge the Rohingya as compatriots. Pro-democracy organisations are of the view that the Rohingya are not a Burmese ethnic group, and that the root cause of the violence largely comes from across the border and foreign countries. Their nationalist stance further adds that countries that criticise Myanmar for its refusal to recognise the Rohingya should respect the country's sovereignty. They are not alone in this position.

When it comes to the Rohingyas and the kind of atrocities they live under, one need to question the political willingness of the government of Myanmar and also of the other countries who are involved in it. The major countries where the Rohingyas have migrated are Bangladesh, Thailand, Malaysia and India. In all these countries the government has not responded in a positive manner about their existence except India. Bangladesh has been receiving Rohingya refugees for a long time now and this trend is not likely to stop in the near future. Bangladesh has been one country where these Rohingyas have been living so that they are able to escape the atrocities in Myanmar as they are believed to belong to Bangladesh and not Myanmar. However, Bangladesh has been trying to accommodate the Rohingyas but at the same time they are not able to help them with their basic necessities. There have been efforts made by the Bangladesh government to resettle the Rohingyas but these efforts have been a major failure. This failure is partially due to political unwillingness and also because resettlement is not a viable option all with regard to the Rohingyas who are stateless people.

The recent international humanitarian crisis that emerged of thousands of Rohingya Muslims being trapped in the waters on boats, fleeing persecution back at home, and nations like Malaysia, Thailand and Indonesia initially refusing to take them in, has once again turned the world's eyes towards 'the most persecuted people'.²⁸ Thus, tragically so, the 'Nowhere People', the 'Boat People', the Rohingyas remain stateless and unwanted. Their fate reminds of what Arendt had foretold decades ago,

Once they had left their homeland they remained homeless, once they had left their state they became stateless; once they had been deprived of their human rights they were rightless, the scum of the earth. Nothing which was being done, no matter how stupid, no matter how many people knew and foretold the consequences, could be undone or prevented. (1958)

Notes

¹ The 198 political enclaves along the northern section of the border between India and Bangladesh are an example of this kind of statelessness. The enclaves are a remnant of the partition of British India in 1947 and are effectively stateless spaces because most are small and located several kilometres within their host country, which has prevented any administrative contact with their home country. Recently India and Bangladesh settled their 4,096-km long prickly land boundary dispute as Prime Minister Narendra Modi and Sheikh Hasina exchanged instruments of ratification of the land boundary agreement, which opened the door for over 50,000 virtually stateless people to finally get a national identity.

² See <http://www.unhcr.org/pages/49c3646c155.html>

³ See <http://www.oneindia.com/feature/rohingya-muslims-worry-ahead-for-india-1767313.html>

⁴ Ibid. The government of India says that as long as the Rohingyas obtain a valid visa and a refugee card there is no major problem. However the issue is with those who are staying illegally. There is a dedicated refugee camp in Jammu and Kashmir and all formalities need to be completed there. The problem however is that the

Rohingya Muslims are found in several other places such as Delhi, Noida, Mewat, Saharanpur, Muzaffarnagar, Aligarh, Hyderabad and Mumbai. These places do not have certified camps and many are living illegally without a valid visa or refugee card.

⁵ See <http://mattersindia.com/rohingya-muslim-refugees-in-hyderabad/>

⁶ See Tejaswini Pagadala, 'Seeking New Homes in Hyderabad', *IndiaTogether*, August 12, 2013 accessed at <http://indiatogether.org/rohingya-human-rights>

⁷ Ibid.

⁸ See Syed Mohammed, 'Rohingyas in Hyderabad Live in Fear', *The Times of India*, July 09, 2013 accessed at <http://timesofindia.indiatimes.com/city/hyderabad/Rohingyas-in-Hyderabad-live-in-fear/articleshow/20980972.cms>

⁹ Interview with researcher held on January 9, 2015

¹⁰ Figures received from UNHCR Office, New Delhi through email on June 11, 2015.

¹¹ Interview held on January 9, 2015

¹² Ibid Pagadala, 2013.

¹³ "Seeking New Homes in Hyderabad", *India Together*, Hyderabad, January 1, 2015 <http://indiatogether.org/rohingya-human-rights>, Accessed on January 1, 2015

¹⁴ Ibid Pagadala, 2013.

¹⁵ See <http://www.rediff.com/news/report/around-1500-rohingya-muslims-take-refuge-in-hyderabad/20130711.htm>

¹⁶ See <http://www.thehindu.com/news/cities/Hyderabad/hyderabad-rohingya-refugees-fight-language-barriers/article4866622.ece>

¹⁷ See <http://reliefweb.int/report/india/iran-offers-cash-assistance-rohingya-muslim-refugees-hyderabad>

¹⁸ See <http://www.siasat.com/english/news/rohingya-muslims-struggling-rehabilitation-hyderabad>

¹⁹ M.A.R. Fareed, 'Rohingya Exiles Struggle to Survive in India', January 6, 2014 *AlJazeera.com* accessed at <http://www.aljazeera.com/indepth/features/2014/01/rohingya-exiles-struggle-survive-india-201416143243337187.html>.

²⁰ See <http://www.thehindu.com/news/national/other-states/serial-blasts-rock-bodh-gaya-temple/article4891094.ece>

²¹ Saikat Datta, 'Arrested Rohingya trained Militants in Myanmar', *The Hindustan Times*, November 23, 2014, accessed at <http://www.hindustantimes.com/india-news/arrested-rohingya-trained-militants-in-myanmar/article1-1289131.aspx>

²² Ibid Mohammed, 2013.

²³ M.A.R. Fareed, 'Rohingya Exiles Struggle to Survive in India', January 6, 2014 *AlJazeera.com* accessed at <http://www.aljazeera.com/indepth/features/2014/01/rohingya-exiles-struggle-survive-india-201416143243337187.html>

²⁴ Ibid Fareed 2014.

²⁵ After interviews with the refugees as the researcher was leaving the camp, a man called Rehman came by, desperately asking for help, asking for money to be given to him as the doctor had prescribed him a few medicines and a number of tests for which he did not have money. The researcher herself took the prescription and went along with him to St. Martha's hospital to look into the matter. On reaching there around late evening she found out that the doctors had left and the hospital was going to be closed soon. She tried to talk to the authorities but they refused to talk to me about anything and they were rude in all their replies.

²⁶ See <http://www.theguardian.com/world/2014/apr/02/burma-census-rohingya-muslims-un-agency>

²⁷ See <http://time.com/2888864/rohingya-myanmar-burma-camps-sittwe/>

²⁸ See <http://theinternationalpostmagazine.com/10/06/2015/world/plight-rohingya-muslims-world-turns-blind-eye/>

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Stateless and Suspect: Rohingyas in Myanmar, Bangladesh and India

Madhura Chakraborty *

Introduction

[T]he state-centred system of territories and boundaries largely defines how we understand and represent the world and how knowledge of the geography of the world is produced, organised and used in the reproduction of the nation-state system. The logic of this maintains that all individuals should belong to a nation and have a national identity and state citizenship and that the bordered state sovereignties are the fulfillment of a historical destiny. This view has become pivotal in defining not only our world-views but also human identities...National identity is only one of many, often coexisting and overlapping identities (religious, tribal, linguistic, class, gender, etc.) but it is perhaps the most fundamental in the modern world.

~Anssi Passi (1998)

The stateless people numbering 'at least upto 10 million' (UNHCR¹) represent a rupture in the very fabric of our imagined geography of a world neatly divided into bordered nation-states. Non-citizens, nowhere people yet in most cases, the stateless populations are 'subjected non-subjects' (Ryan, 2013): without rights, but not without the state's disciplinary interventions and discrimination. This paper tries to examine how nation-states treat the stateless population with particular reference to the Rohingyas in Myanmar, Bangladesh and India.

Native to Arakan or the Rakhine State of today's Myanmar, even the nomenclature 'Rohingya' denoting this minority Muslim community is currently the subject of controversy in the country. The Burman and Buddhist dominated leadership of the country has long treated them as illegal Bangladeshi infiltrators. Since the late 1970s, the Rohingyas have been present in large numbers in Bangladesh, particularly in the Cox's Bazar area across the Naff river separating the Rakhine State from Bangladesh, in refugee camps and elsewhere. Increasing hostility towards the Rohingya under the Awami League Government in Bangladesh and continuing discrimination and violence against them in Myanmar has meant that large numbers of Rohingya are now seeking shelter in India. A large number of the community are also taking to the seas in precarious journeys to reach countries of South East Asia particularly Malaysia. However, the treatment of the Rohingya in SE Asian countries like Thailand and Malaysia lies outside the scope of the present paper.

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Policies and Practices, Issue No. 71, September 2015

Methodology

I have relied mostly on secondary ethnographies, newspaper reports and theoretical writings for this paper. I have also conducted group interviews with seven Rohingya girls at a shelter for minors in Kolkata, India and an interview with a member of the Calicut based Relief and Charitable Foundation of India which is a Muslim charitable organisation working with Rohingyas.

In the following sections I argue that the history of this region, coupled with the post 9/11 regime of securitisation and the increasing currency of the discourse of terrorism and the concurrent rise of Islamophobia, have combined to make the plight of the Rohingyas precarious in ways that are difficult to redress.

Background

Myanmar, Bangladesh and India have a shared colonial past that has shaped their present borders and histories to a great extent. Looking at the colonial and post-colonial history of this region, starting with the Treaty of Peace between the British and the King of Ava in 1826 through the partition of 1947 and the post partition boundary making through acts such as the North East Reorganisation Act of 1971 (India), Ranabir Samaddar writes:

[W]hat is remarkable in this nearly two hundred years' history is that, with repeated boundary fixing in this huge region both as internal boundaries between different units of the country and as borders with outside regions/countries, and creation of different administrative-political units, we have in this region the incipient nations and nationalisms, territorialities and ethnicities, peoples and peoplehood(s), which cannot live without the links of the past ages, yet cannot digest these links in light of their own emerging claims. They are in many ways therefore the "divided peoples" – divided across international and the various internal political-administrative borders that cut what they consider now to be their nation. In as much as they must now find out who they are in order to claim national status, they must to an equal degree demarcate who they are not in order to reinforce the claim.

In the following sections I will examine how the Rohingyas' claims upon citizenship and humanitarian assistance are repeatedly repudiated through the discourses of (il)legitimacy and security that reinforce the tenuous and often arbitrary borders between these three nation-states.

The Rohingyas in Myanmar: Erasure of History and History of Oppression

The statelessness of the Rohingyas came about with the introduction of the Citizenship Law of 1982 in Myanmar. The three categories of citizenship under this law are entitled to people who are full citizens, associate citizens and naturalised citizens. As Chris Lewa points out in her article in the Forced Migration Review in 2009, this law was specifically designed to deprive citizenship to those of South Asian or Chinese origins (Lewa, 2009). The Rohingyas are not considered among the 135 legally recognised ethnic groups who lived in Myanmar prior to British colonisation in 1823. As researchers and activists have pointed out time and again, the first written reference about the Rohingyas and their language as native Muslim inhabitants of the Arakan appears as early as 1799 in Francis Buchanan's *A Comparative Vocabulary of Some of the Languages Spoken in the Burma Empire*. Penny Green in a 2013 article also mentions research from Australian National University that has dated stone monuments of the Rohingya community in Arakan back to the 8th century.

The rationale for denying the Rohingyas citizenship has been the official stance that they are illegal Bangladeshis. It must be remembered that the beginning of the conflict between the Buddhist

Rakhine population and Muslim Rohingyas of Arakan is only as recent as the colonial period. Arakan was an independent kingdom till 1784 (Balazo, 2015) when it was conquered by Buddhist Burmans and most of the population fled to the nearby Chittagong. With the establishment of British rule, many of the Muslims who had fled Arakan to take shelter in the neighbouring Chittagong, came back--actively encouraged by the British to cultivate the land. The beginning of the Rakhine-Rohingya conflict can be traced to the colonial past to the period of World War II. The Rakhines were one of the few minorities to support the Burman led Burma Independence Army which sided with the Japanese against the British while the Rohingya remained loyal to the British (Gill, 2014). It is interesting to note that in the newly independent state of Myanmar, in 1948, the Rohingya were recognised as citizens of the country under prime minister U Nu (Balazo, 2015) and the Constitution guaranteed them full rights (Green, 2013).

Shortly after independence the Rohingyas started an armed insurgency movement and demanded an independent Muslim state (Gill and Ku, 2014). In this they were supported by the military regime in the neighbouring Bangladesh². General Ne Win's coup d'etat in 1962 was a game changer for all ethnic minorities fighting for their rights. The 1974 Emergency Immigration Act deprived the Rohingyas of their citizenship and was followed by the Operation Naga Min (Dragon King) in 1978 which unleashed a reign of terror on the Rohingyas. 200,000 fled to the neighbouring Bangladesh where 12,000 starved to death because the Bangladesh government refused food aid in a bid to force them back to Arakan (Human Rights Watch, 2013). Most of the Rohingyas were repatriated in 1979 through a treaty between the two countries and Chris Lewa (2009) posits that the 1982 Citizenship Act was a direct result of this to disempower the Rohingya population who had returned. In 1990 Operation Pyi Thaya (prosperous country) was launched and the persecution of Rohingyas led to a second wave of out-migration to Bangladesh. Chris Lewa writes (ibid):

Deprivation of citizenship has served as a key strategy to justify arbitrary treatment and discriminatory policies against the Rohingya. Severe restrictions on their movements are increasingly applied. They are banned from employment in the civil service, including in the education and health sectors. In 1994, the authorities stopped issuing Rohingya children with birth certificates. By the late 1990s, official marriage authorisations were made mandatory. Infringement of these stringent rules can result in long prison sentences. Other coercive measures such as forced labour, arbitrary taxation and confiscation of land, also practised elsewhere in Burma, are imposed on the Rohingya population in a disproportionate manner

Further, Lewa (2009) points out, that the Rohingyas were not issued the colour coded citizenship cards (pink for full citizens, blue for associate citizens and green for naturalised citizens) introduced in 1989. Due to aggressive campaigning from UNHCR, in 1995 the Burmese government issued them the white Temporary Registration Cards which do not mention place of birth and cannot be used to claim citizenship.

The latest incidents of persecution, following the allegation of a few Rohingya men raping a Buddhist Rakhine girl resulted in another mass exodus following violent attacks on them. As Penny Green (2013) points out, these attacks are increasingly fuelled by Islamophobia that is not even sparing non-Rohingya Muslims of Myanmar. Kaman Muslims, for example, who are part of a recognised ethnic group with citizenship rights as well as Muslims in other regions such as Meiktila, Yamethin, Lashio, Zigon and Nattalin have been attacked (ibid). The 969 campaign which proposes to defeat Islamic expansionism in Buddhist Myanmar is a virulent, Islamophobic campaign led by extremist Buddhist monks. Bhikshu Wirathu, a 45 years old monk at the forefront of this movement has said:

We just targeted Bengalis who are terrorising ethnic Rakhine (Buddhists)...We are just preaching to prevent Bengalis entering the country and to stop them insulting our nationalities, language and religion³

Buddhism was made the state religion in 1960 and since the beginning of the military rule in 1962 Muslims have been associated with the colonial past and the country's exploitation at the hands of 'foreigners'. In fact Muslims have not been allowed to run for public offices or be civil servants. And over the years some Muslim cemeteries were destroyed, the number of mosques restricted and many madrassas closed (Green 2013). Green also points out from personal interviews how ingrained Buddhist nationalism is even among pro-democracy human rights activists who had until recently been imprisoned by the Junta.

Faced with the prospect of living their lives in crowded camps, having lost their properties, livelihoods and loved ones, increasingly the Rohingya are now taking to boats to escape Myanmar trying to reach South East Asian countries like Malaysia.. A Reuters report⁴ from February 2015 documents how precarious their journeys out of Myanmar are. In Thae Chaung the camp for Rohingyas driven out of Sittwe, the capital of Rakhine State, a bamboo hut with internet connection is the place where the community gathers to talk and negotiate with the traffickers and those relatives who have managed to escape to Malaysia. As the report points out, many Rohingyas are ferried to Thailand by the traffickers and then held for exorbitant ransoms ranging from USD 1200-1800 in remote border camps near the Thai-Malaysia border.

The Rohingyas are forced to take to the seas because of increasing hostilities towards them in Bangladesh. In fact, many take to the boats from Bangladesh itself. As Chris Lewa points out neither Myanmar nor Bangladesh have tried to prevent the smuggling of Rohingya people. In fact the Burmese government gave seven year jail sentences for trying to re-enter the country illegally to boats that landed up on the Burmese coast in 2008. She writes:

These maritime movements present a serious challenge in a region where protection mechanisms for asylum seekers are already weak and where there is an ever shrinking space for UNHCR to exercise its mandate. None of the concerned countries has ratified the Refugee Convention nor have they enacted any domestic legislation for the protection of refugees. They identify these movements as the smuggling of economic migrants and are not prepared to view the Rohingya boat people as asylum seekers and to allow UNHCR's involvement. There is no doubt that Rohingya boat people embark on these perilous journeys in order to escape systematic oppression, discrimination and human rights violations, and not only for economic reasons (Lewa 2008)

The borders of Rohingya lives are constantly shrinking in Myanmar--marked as outsiders, aliens, illegal, they have been constructed as the essence of 'Otherness' to Buddhist Myanmar. The Rakhines, an ethnic minority themselves, have now been absorbed into the narrative of the Buddhist and Burman nation state and mobilised against the Rohingyas. As Passi notes:

[N]arratives connected with the institutions of nation, state and territory...are of vital importance. These are typically linked with ontological narratives - stories that actors use to make sense of their lives as members of social collectives and to define who 'we' are. Boundaries between 'us' and 'others' are critical elements in establishing 'us' and excluding 'others'

The narrative of Muslim 'Others', out to destroy the Buddhist country has meant that mobility, reproduction and marriage of the Rohingyas and indeed every aspect of their lives have come to be regulated by the state. In a personal group interview with Rohingya children in a shelter home in Kolkata, I was informed by the girls that the use of mobile phones by the Rohingya in Arakan has to be extremely clandestine because if they are caught communing with the world outside they are immediately jailed and as the girls grimly informed me nobody comes out of the jails in their

lifetime. It is as if in trying to define the legitimacy of the rightful citizen, the 'Others' need to be physically and territorially separated. In the words of Bhikshu Wirathu:

They will take girls...They will force them to convert religion. All children born to them will be a danger to the country. They will destroy the language as well as the religion

By physically separating and displacing the Rohingya, robbing them of all rights and promoting the Rakhines as the only legitimate citizens of Arakan, the state is mobilising the idea of religious sameness and deploying it to defeat the 'centrifugal otherness' (Passi) of the ethnic differences that has in the past threatened to create a separate Arakan nation.

Manchanda (2010) writing in context of minorities within the nation states of South Asia says that minorities in each nation are treated as proxy-citizens of a neighbouring country and therefore their legitimacy upon claims of citizenship are suspect. The Burman military leadership of Myanmar has successfully established the myth of Rohingyas as illegal Bangladeshi infiltrators thereby robbing them of all entitlements upon the state.

Rohingyas in Bangladesh⁵: Insecure and a Threat to National Security

About 28,000 Rohingyas live in the two UNHCR camps at Kutupalong and Nayapara in Cox's Bazar. An estimated 300,000 live outside the camps in villages or makeshift camps and are unregistered by the Government of Bangladesh or UNHCR. Both the UNHCR and the Government of Bangladesh have stopped registering Rohingyas since 1992. There is increased insecurity and vulnerability of the unregistered Rohingyas following the voters registration verification process in 2007-08 where many unregistered Rohingyas, living in the villages in the Cox's Bazar district had their names struck off the voters list.

In an interview with Barnaby Phillips of Al Jazeera on 27th July 2012, Bangladeshi Prime Minister Sheikh Hasina repeatedly asserts that it is not the country's problem to deal with the Rohingyas and she cannot intervene because it is unwise to meddle in the internal affairs of another country. She also says that the international community should insist on Myanmar taking back the Rohingyas and not point an accusing finger at Bangladesh. Responding to accusations that the fleeing Rohingyas are forced back by the Bangladeshi border guards she responds that the guards have responded in a humanitarian way and offered money, medicine and food the Rohingyas and the 'persuaded' them to go back. As journalist Subir Bhaumik⁶ points out:

Today, Bangladesh's Awami League government sees them as Islamist extremists closer to their arch-rivals, the Jamaat-e-Islami. The United Nations High Commissioner for Refugees has been asked to shut down Rohingya refugee camps in southern Bangladesh.

Bangladesh is becoming increasingly inhospitable to the Rohingyas living there. In July 2014 the Law Minister Syed Anisul Haque announced that Rohingya marriages could no longer be solemnised in the country. This applied to marriage within the community as well as marriage between a Rohingya and a Bangladeshi national--the latter being used by Rohingyas to escape camp life and gain some legitimacy as citizens.

In November 2014 Nigel O Connor of Al Jazeera⁷ reported about the plans of the Government of Bangladesh to intern and repatriate 270,000 undocumented Rohingyas. Al Jazeera also included the 5 pages long Foreign Ministry document dated March 31, 2014, which says 'It has been suggested that a survey/listing of undocumented Myanmar nationals in Bangladesh would be carried out in order to identify them and determine their actual number and location...The listed individuals would be housed in temporary shelters in different suitable locations pending their

repatriation to Myanmar through regular diplomatic/consular channels'. As the report points out, there is no indication in the document about what rights the interned Rohingyas would have.

At the same time the Rohingyas form a cheap labour source in the region. According to a comprehensive report by the Danish Immigration Services (2011), the Rohingyas in the camps (as well as the unregistered Rohingyas outside the camps) are not allowed to work but they do participate in the informal labour market. In 2009-2010 a number of Rohingyas were arrested and ultimately they were released through the intervention of their employers. In fact, as Al Jazeera reports, this has further alienated the Rohingyas from the local population because the Rohingyas sell their labour for cheaper.

The Danish Immigration Services (2011) document Government officials constantly harping on 'push' and 'pull' factors that attract Rohingyas to Bangladesh. The District Commissioner of Cox's Bazar is quoted as having said that the opportunity to travel to other countries from Bangladesh is a major factor in drawing the Rohingyas to Bangladesh. Inherent in this statement is a denial that the Rohingyas are political asylum seekers and not migrating only due to economic impoverishment. In fact, their political disempowerment in Myanmar is directly linked to their economic impoverishment. The report further quotes various officials of international non governmental organisations who posit that the Government of Bangladesh suspended the policy of resettling the Rohingyas to countries abroad through the UNHCR because they regarded it as a major reason 'attracting' Rohingyas to the country. The Al Jazeera report (2014) also points out that by neglecting the Rohingyas in Bangladesh in order to discourage more refugee influx from Myanmar the government themselves have created a population without access to healthcare, education, employment and basic means of survival.

Many academic articles by Bangladeshi scholars on the Rohingya 'problem' looks at the situation from an internal security perspective. Utpala Rahman (2010) mentions the proximity of the Rohingyas to various Islamist organisations and indicates that the group is prone to radicalisation:

The Rohingya camps in Cox's Bazar District are fertile ground for recruitment by Islamic militants.

Further, the Rohingyas are involved in drugs and arms smuggling from Myanmar. Rohingyas are characterised as threatening the moral and economic fibre of Bangladeshi society:

[A]ntisocial activities are increasing among the unregistered Rohingya refugee community. The social vices in the Rohingya community: commercial sexual exploitation, fake marriages, fake proposal of work, and the prevalence of sexually transmitted infections (STI) threaten the local social life and damage the stability of the Bangladesh-Myanmar border region...Undocumented Rohingya refugees use Bangladesh passport to travel abroad...Because Bangladesh depends on overseas remittance for its foreign currency reserve, the decline of the labor market could damage the country's economic stability.

Thus, Rohingyas become characterised as a 'problem', a figurative and metaphorical disease carrier that literally infects Bangladesh (with sexually transmitted disease, for instance) and metaphorically infects the country by strengthening the cause of Islamist fundamentalism. Meghna Guhathakurta (2007) writes:

A new security era has emerged in the world after 9/11 and one in which the southern states [such as Bangladesh] have been caught up as pawns in the war against terrorism. Much of the dominant security concerns of these states centre around following policies of counter-terrorism, which entail adopting strong vigilante technologies and techniques that bolster and reinvent dominant cartographic anxieties of the state. Needless to mention these technologies, sometimes derived directly for western economies fail to combat actual acts of terrorism and only manages to strengthen a xenophobia that

ushers in a new security regime. Thus in a period of fluid population movements, states are compelled to engage with reinvented phobias of the cold-war instead of taking up creative policies of engagement.

Bangladeshi scholars like Rahman (2010), Azad and Jasmin (2013) and Parnini (2013) focus on how the Rohingyas are a threat to security and national interest of Bangladesh and also how the influx of Rohingyas is damaging strategic bi-lateral relations with Myanmar. In fact, Rahman recommends ensuring better educational and socio-economic opportunities for the Rohingyas--not because they are political asylum seekers or facing a humanitarian crisis, but precisely because their impoverishment is seen as the destabilising factor in the border region:

If the situation of Rohingya Muslims is not addressed quickly, with an emphasis on justice and rights, the refugee camps can easily become a thriving breeding ground for terrorism and bring trouble for Bangladesh and the region.

There does not seem to be a will to improve the lot of the Rohingyas in any way from the Government of Bangladesh, however. As a Guardian report from 2012⁸ points out, the NGO Affairs Bureau in Dhaka has a policy of not approving plans for educational and health facility in the Cox's Bazar district, even when it benefits local, non-refugee population. In fact, in 2011 the government rejected a \$33 million joint initiative with UN to develop the region with special focus on health and education.

Ethnographic researches conducted with the Rohingyas, open up a new way of looking at their problems beyond 'security' and 'protracted refugee problem' which have seemingly become buzzwords while referring to the Rohingya in Bangladesh. Kazi Fehmida Farzana's 2011 article describes and analyses the 'cultural artifacts' namely songs and paintings used by the Rohingyas residing in Teknaf. Farzana argues that these both help create a sense of community, and maintaining a collective memory of 'home' and are also a way of resisting dominant codes rewriting the Rohingyas as disempowered, impoverished nowhere people. Following Scott's 1985 work *Weapons of the Weak: Everyday Forms of Peasant Resistance*, Farzana argues that these songs and paintings are a way of registering protest against the mistreatment and oppression that they have faced in both Myanmar and Bangladesh and in a context where other means of resisting is impossible.

Rohingyas in India: Victims or Terrorists?

"We cannot dream of living. Survival is our only tool and we will cling to it - even if we have to cross borders,"⁹

Subir Bhaumik¹⁰ points out that the spotlight on Rohingyas and their plight came to into sharp focus for the India when the coast guards rescued a boatload of 109 Rohingyas in Northern Andaman in March 2013. Following the new wave of persecution on Rohingyas from 2012 in Arakan, more and more of them tried to take the boat out to the open seas in search of a better future in South East Asia. The Thai authorities are particularly hostile towards these boat people going as far as taking out the engines of intercepted boats and pushing them out to the open seas without food or water supplies.

In March 2014, *Anandabazar Patrika*--a widely circulated Bengali daily--published a report on the increasing numbers of Rohingyas in jails in West Bengal. The report quotes sources in the Home Ministry who have expressed concern at the large numbers of 'illegal infiltrators' from the Rohingya community. A similar report from the same month from *The Hindu* claims that there are over 1000 Rohingya prisoners in the jails of West Bengal. Both the reports express concern that these numbers are an indication of the numbers of Rohingyas who are managing to cross border without getting caught and that this has serious implications for the internal security of the country. The *Anandabazar*

report ends by reminding the readers of the Bodh Gaya blasts and the ‘Rohingya connection’ to the blasts.

In fact since 2014, apart from three editorials criticising the violence unleashed upon the Rohingya by the Buddhists¹¹, the promise of granting citizenship to the Rohingyas¹² and the unlikelihood of the situation being favourable for the Rohingyas under the present President Thein Sein¹³, the reports from *Anandabazar* that mention Rohingyas have only highlighted the Rohingya issue being a cause of the blasts as Bodh Gaya, their large scale infiltration across the border and since November 2014, have exclusively centred around the Khagragarh blast in Bardhaman and Rohingya mastermind allegedly behind it.

The discourse on Rohingyas in India, following the Burdwan blast in November 2014, has followed the predictable course of ‘Muslim infiltrators’ destroying Hindu nation in the steps of the earlier discourse of Bangladeshi infiltrators destroying national integrity. At the same time there has been many articles in both Indian media and the international press on Rohingyas living in settlements in Delhi, Jammu and Hyderabad, mostly sympathetically portraying these beleaguered people. In Hyderabad Islamic charitable organisations and philanthropic individuals, including a local MLA have come forward to help the Rohingyas. A report from *Indiatogether* states that in 2012 during Ramzan a lot of donations had poured in. A hefty amount of money had also come from Iranian government. In Delhi, as in Hyderabad, the land where the Rohingya have been allowed to settle belong to Muslim charitable organisations--Zakat Foundation near Madanpur Khadar (Sanlaap)--or Muslim individuals¹⁴ as in the case of Hyderabad. This can further fuel the paranoia about Muslim ‘others’ out to destroy the Hindu nationhood.

Following the Burdwan blast, Hyderabad Rohingya encampments have experienced increased surveillance from the police and harassment as report in *DNA*¹⁵ and *Times of India*¹⁶ reveal. Passi (1998) points out that ‘the state-centred naturalization of space is produced and reproduced, and how the exclusions and inclusions between “We” and “Them” that it implies are historically constructed and shaped in relation to power, various events, episodes and struggles’. The partition of 1947 and the logic of minorities being proxy citizens of neighbouring countries have constructed economic migrants as well as political asylum seekers crossing the eastern borders of India-Bangladesh as suspect and a threat to security. Their insecurity is subsumed within the overarching framework of national security. A *Reuters*¹⁷ report from September 2014 states:

New Delhi has twice blocked draft laws on refugee recognition. Because of its porous borders, often hostile neighbors and external militancy, it wants a free hand to regulate the entry of foreigners without being tied down by any legal obligation, analysts said.

India’s porous border with Nepal and the need for strict policing across the Bangladesh also reveals that the subject of state scrutiny are Muslim aliens. With the discourse of securitisation the threat of illegal Muslim infiltrator increasingly looms large on the nation’s psyche. *The Hindu*¹⁸ reports that on 17 December, 2014 the Supreme Court of India expressed concern over the insecure border with Bangladesh:

‘We are at a loss to understand why 67 years after independence the eastern border is left porous. We have been reliably informed that the entire western border with Pakistan, 3300 km long, is not only properly fenced, but properly manned as well, and is not porous at any point,’ a Bench of Justices Ranjan Gogoi and Rohinton F. Nariman said in a 70-page judgment.

Expressing concern at the large influx of illegal migrants from Bangladesh, Justice Nariman noted that the ‘porous border,’ with not even a proper fencing, risks the lives of citizens of the border States, including Assam.

Sanlaap, an NGO working with trafficked women and children, reports that Rohingya children started coming into their shelter homes in large numbers since 2012 and at one point they were providing shelter to over 40 children, most of them girls. The girls come to Sanlaap through the state Child Welfare Committee. Usually large groups of Rohingya, being smuggled across the borders are captured and sent to Correctional Homes under the Foreigners Act of India. Men, women and children are separated and the children end up in shelter homes. Sanlaap conducted a study in the Rohingya settlements in Jammu and Delhi as more and more relatives came to the shelter from settlements in these two states, claiming the children as their wards. Their reports from the settlements talk about a different kind of insecurity for the Rohingya, particularly the children going back from the shelter to be reunited with their families--the unsanitary condition of the camps, along with the lack of access to basic health care, sanitation, clean water besides education and means of employment, means that the children face malnourishment, all kinds of physical unsafety and, especially the girls are prone to early marriage and in some cases trafficking.

In an interview with seven minor girls residing in the Sanlaap Shelter Home in Kolkata, the ideas of security and insecurity are thrown in sharp contrast. On the one hand, in their imagination their native villages in Arakan are the idyllic places where they had freedom to roam, swam in lakes, took the buffaloes to the field and where the food is without compare to the stuff that gets dished up here. On the other hand the idea of Jammu--this mythical place where everything will become alright--has also taken a hold of them. In her 1943 essay 'We Refugees' Hannah Arendt writes about the ubiquitous Mr Cohn, the prototype of a stateless German Jew in Europe who tries to adapt to every new country by becoming the model, patriotic citizen but is suspect everywhere and denied citizenship because of his Jewishness which he tries so much to hide. The Rohingya girls, with their slightly accented Bangla and refusal, at least initially to talk in their mother tongue and constantly trying to fit in with what they imagined to be my narrative as an Indian reminded me strongly of Mr. Cohn. They refuse to criticise their Indian shelter mates instead choosing to focus on the Bangladeshi girls who make their lives miserable and treat them as outcasts. When I ask about the choice of their destination as they fled with their families and neighbours from Arakan and ask them if their families ever considered going to Pakistan, one of the girls responds uncertainly: 'But isn't Pakistan an enemy of Hindustan?' In course of the three hours long interview the girls begin to open up to me, teaching me words in the Rohingya language and then singing songs for me. I was recording their conversation in a voice recorder and eager to listen to themselves they started by first displaying their knowledge of English and Bangla nursery rhymes that they have learnt in course of their classes at the shelter and eventually a Rohingya love song followed by a song which called for Rohingya brothers to come together across nations. As they exhausted their repertoires they turned towards reciting Koranic verses learnt at madrasas that they attended in Arakan. After reciting a verse from the Koran--whose meaning they could not recall--one of the girls asked me whether I was Muslim. She looks crestfallen when I said that I was not. Perhaps having the relative freedom of being able to express themselves freely without being ridiculed about their strange language and customs, they had tried to find in me a kindred soul and the closest approximation that they could imagine would be a sympathetic Muslim. In a world where they have only faced rejection as Rohingyas, as girls brought up in conservative social environments where boys are allowed to venture out and watch Bollywood films but not girls, as illegal trespassers in a country, as alien by the girls in their shelter homes, it must be difficult for them to imagine kindness outside the family. Living in a shelter forcibly separated from their families in jails, they only dreamt of Jammu where they would be reunited with their families. The better health, education, clothing and shelter that the staff at Sanlaap rued were conspicuously absent in the Rohingya settlements did not at the moment hold any attraction for

them. I asked them about their leisure and they all named their favourite television serials, their favourite actors and so on. This conversation followed closely on the heels of the revelation that it was 'gunah' for girls to wear make-up, or watch Bollywood films back in Arakan. I asked them if they will not miss this when they went to Jammu. They uniformly replied that they would not and they knew it was gunah but it was okay to watch television at the shelter because they are suffering so much right now. They will never miss any such worldly entertainments once back with their families in Jammu. While these assertions were partly performed for my benefit to show their loyalty to their families, it is also true that these girls viewed their families as their only refuge and shelter. Being together as a family in a world which only displayed hatred and indifference towards them seemed important beyond anything. It remains to be seen how they cope with the harsh realities of life in the settlement camps of Jammu.

Conclusion

Among the most well known writings on statelessness are Hannah Arendt's works written in context of the statelessness and displacement of the German Jews. In her 1943 essay 'We Refugees' she writes:

We lost our home, which means the familiarity of daily life. We lost our occupation, which means the confidence that we are of some use in this world. We lost our language, which means the naturalness of reactions, the simplicity of gestures, the unaffected expression of feelings. We left our relatives in Polish ghettos and our best friends have been killed in concentration camps, and that means the rupture of our private lives.

The words still ring true, applicable to persecuted, stateless people across the world. Efforts to curb statelessness in the post World War II period by international covenants have failed as the population of stateless and insecure continue to grow. Arendt writes that ultimately the life of a stateless non-citizen is reduced to the 'abstract nakedness of being human' (Arendt 1951) or what Agamben (1998) calls the 'bare life'. The thesis behind the reduction to just biological bare life is that the political voice and opinion of the people are taken away. Interpreting Arendt's work in context of asylum seekers to Netherlands, Borren (2008) writes that citizenship is the basis on which we are granted human rights and it is almost impossible for a sovereign nation-state to grant the human rights to a non-citizen. Civil and political rights in today's world of nation states are premised on citizenship, nationality and nativity (ibid). Butler

[E]veryone is precarious, and this follows from our social existence as bodily beings who depend upon one another for shelter and sustenance and who, therefore, are at risk of statelessness, homelessness, and destitution under unjust and unequal political conditions...Whether explicitly stated or not, every political effort to manage populations involves a tactical distribution of precarity, more often than not articulated through an unequal distribution of precarity, one that depends on dominant norms regarding whose life is grievable and worth protecting and whose life is ungrievable, or marginally or episodically grievable...and thus less worthy of protection and sustenance.

Interpreting Arendt's work, particularly in *Eichmann in Jerusalem*, Butler expounds that our precarity as humans leads to interdependency and the only way to avoid genocide is to not choose who we cohabit in this world with:

We might think that interdependency is a happy or promising notion, but it is often the condition for territorial wars and forms of state violence...[U]nwilled proximity and unchosen cohabitation are preconditions of our political existence, the basis of [Arendt's] critique of nationalism...[F]rom unchosen cohabitation, Arendt derives notions of universality and equality that commit us to institutions that seek to sustain human lives without regarding some part of the population as socially dead, as redundant, or as intrinsically unworthy of life and therefore ungrievable.

To translate such a philosophy into a viable policy to reverse genocidal violence in Arakan, and the rest of the world, is a challenge facing us all.

Notes

- ¹ <http://www.unhcr.org/pages/49c3646c26.html>
- ² <http://indiatoday.intoday.in/story/rohingya-muslims-rakhine-myanmar-bordering-bangladesh/1/259014.html>
- ³ <http://www.globalpost.com/dispatch/news/afp/130331/religious-radicals-driving-myanmar-unrest-experts>
- ⁴ <http://in.reuters.com/article/2015/02/25/myanmar-rohingya-idINKBN0LT2EV20150225>
- ⁵ <http://www.theguardian.com/global-development/2012/jun/29/burma-rohingya-refugees-bangladesh>
- ⁶ <http://indiatoday.intoday.in/story/rohingya-muslims-rakhine-myanmar-bordering-bangladesh/1/259014.html>
- ⁷ <http://america.aljazeera.com/articles/2014/11/26/bangladesh-proposesinterningrepatriatingupto270krohingyatomyanma.html>
- ⁸ <http://www.theguardian.com/global-development/2012/jun/29/burma-rohingya-refugees-bangladesh>
- ⁹ <http://indiatogether.org/rohingya-human-rights>
- ¹⁰ <http://indiatoday.intoday.in/story/rohingya-muslims-rakhine-myanmar-bordering-bangladesh/1/259014.html>
- ¹¹ <http://www.anandabazar.com/editorial/%E0%A6%B8-%E0%A6%96-%E0%A6%AF-%E0%A6%97-%E0%A6%B0-%E0%A6%B0-%E0%A6%A6-%E0%A6%AA%E0%A6%9F-1.43751>
- ¹² <http://www.anandabazar.com/editorial/%E0%A6%B8-%E0%A6%9A%E0%A6%A8-1.71907>
- ¹³ <http://www.anandabazar.com/editorial/%E0%A6%B8-%E0%A6%AC-%E0%A6%B0%E0%A6%A4%E0%A6%A8-%E0%A6%A4-%E0%A6%B0-%E0%A6%AB-%E0%A6%B0-%E0%A6%AC-%E0%A6%95-1.48508>
- ¹⁴ <http://www.aljazeera.com/indepth/features/2014/01/rohingya-exiles-struggle-survive-india-201416143243337187.html>
- ¹⁵ <http://www.dnaindia.com/india/report-rohingya-muslim-refugees-in-hyderabad-are-under-surveillance-say-police-2047456>
- ¹⁶ <http://timesofindia.indiatimes.com/india/Khalids-arrest-sparks-off-debate-on-Rohingyas-in-India/articleshow/45220794.cms>
- ¹⁷ <http://www.reuters.com/article/2014/09/15/us-foundation-stateless-india-rohingya-idUSKBN0HA07F20140915>
- ¹⁸ <http://www.thehindu.com/todays-paper/tp-national/sc-why-is-eastern-border-still-porous/article6702655.ece>

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ISSN 2348-0297