

The Mahanirban Calcutta Research Group (CRG), in collaboration with Maulana Abul Kalam Azad Institute of Asian Studies (MAKAIAS), ICSSR and TAFT Foundation, organized a research workshop on Interrogating Forced Migration between 16th and 21st March, 2015.

Priyanca Mathur Velath and Kriti Chopra

The Stateless People – Rohingyas in Hyderabad, India

Statelessness refers to a phenomenon whereby a person does not have a nationality or citizenship of any country under the operation of its law. There are a number of causes for this phenomenon of statelessness to occur, however one of the reasons maybe the conflict which exists in the laws of Nationality. The term Rohingya has been a matter of debate for a long time now. To some Rohingyas are a group of people who originally belong to Bengal and migrated to Burma during the colonial times whereas the other school of thought states that Rohingyas are a part of Arakan in Myanmar. 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.

Rohingya refugees have been crossing the international border and coming into India for a long time now. 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 2012.¹After sustained efforts and coordination with the UN High Commissioner for Refugees (UNHCR), 80 Rohingyas have been given refugee status, another 200 are now refugee certificate holders and 700 are yet to receive a letter of appointment from UNHCR. (TOI, 2013) 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.²

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. 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). Now the question arises that India needs a refugee law 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. The paper will try to document Rohingya testimonies through primary interviews and establish the situation of refugees/.stateless persons in India.

¹ See Tejaswini Pagadala, 'Seeking New Homes in Hyderabad', *IndiaTogether*, August 12, 2013 accessed at <http://indiatgether.org/rohingya-human-rights>

² Ibid.