

CHAPTER I

INTRODUCTION:

The thesis concerns the human rights and security issues of Rohingya Muslims of Myanmar (previously Burma) and their status and living standards in India as well as government policies towards them as asylum seekers or refugees. The ongoing plight of Rohingya Muslims in Myanmar became so barbaric that it has drawn the attention of world community and to find a durable solution to stop it, debate on this topic becomes evident. The persecution have been continued as a series of conflicts primarily between ethnic Rakhine (previously Arakan) Buddhists and Rohingya Muslims in northern Rakhine State that led to human rights and security crisis for the later as they are the minority group of Myanmar bereft of government patronage. The Rohingyas are the denied citizens by Myanmar which has left them without state protection. They are not well organized and lack the necessary means to raise their issues to the international community for support.¹ The United Nations has labeled the Rohingya “the world’s most ignored and persecuted minority.”² At the same time, they had been recognized as the ‘Southeast Asia’s New Boat People in 2015’ after the Vietnamese refugees episode in 1979.³ While the Myanmar has persecuted the

¹ Syeda Naushin Parnini, *"The Crisis of the Rohingya as a Muslim Minority in Myanmar and Bilateral Relations with Bangladesh,"* Journal of Muslim Minority Affairs 33, no. 2 (2013): 281 – 2, Academic Search Premier, EBSCOhost accessed on June 21, 2016

²Alexandra Phillips, *"The World's Blind Spot,"* Harvard International Review 35, no. 2 (2013): 31, Academic Search Premier, EBSCOhost. Accessed on June 21, 2016

³ Walden Richard, *"Boat People in Southeast Asia: 1979 and 2015,"* <http://www.huffpost.com//us/entry/7294082> accessed on May 28, 2017.

minority Rohingya since the military took control in 1962; the current humanitarian crisis (chiefly 2012 onwards or till today) has left the whole community in stake. And most importantly, the citizenship right which is a prime factor for international identity has been snatched up by the Myanmar government. There is an estimated population of 1.4 million Rohingya in Rakhine State, much of which is concentrated in North Rakhine State where the Rohingya are majority. The remainder lives as minority scattered throughout Rakhine State. Furthermore, over one million Rohingya live as refugees and migrants (most of them with no legal status) outside Myanmar⁴ and most importantly the ‘Riot of 2012’ and ‘Riot of 2015’ compelled a huge numbers of Rohingya to flee to different South Asian countries including India. As estimated, 40,000⁵ are believed to be living in India in hand made shanties and a few others in rented houses and out of the figure only 14,000 are registered by the United Nations High Commissioner for Refugees (UNHCR)⁶. The rests are living without valid documents. It is worth mentioning that a fraction of their fellow members are also staying in different detention camps or jails in India.

‘Rohingya problem’ originated in Burma from British colonial period forrander. There were strong anti-Indian⁷ (including anti-Muslim) riots in 1930-31 and

⁴ Médecins Sans Frontières, “10 Years for the Rohingya Refugees in Bangladesh: past, present and future”, MSF Holland, March 2002, http://www.doctorswithoutborders.org/publications/reports/2002/rohingya_report.pdf. accessed on 15 December 2017

⁵<http://indianexpress.com/article/india/40000-rohingya-muslims-in-india-being-trained-as-terrorists-bjd-mp-4602439/> accessed on May 21, 2017

⁶ <http://indianexpress.com/article/india/the-most-unwanted-a-gripping-account-of-rohingya-refugees-living-in-india-4464103/> accessed on May, 2017

⁷ At that time Bangladesh was within the British India and the Muslims who had migrated to Myanmar from the British India were known as Indian Muslims.

over again in 1938 in which tens of thousands Indians and Muslims were killed in Myanmar (Burma). Muslim holdings: shops, houses and mosques were looted, destroyed and burned under the movement of 'Burma for Burmese only'. Alike anti-Muslim sentiment grew up in Arakan too. In 1942 in the month of April, armed Rakhine Buddhists in collusion with Burmese nationalists started a pogrom in Akyab district and butchered about 100,000 unarmed Muslims. Most of the Muslims were internally displaced, and about 50,000 of them compelled to take refuge in the British occupied territories of Chittagong and Rangpur. The damages caused by the perpetrators were ginormous causing grave demographic changes in North Arakan of Myanmar. The number of Muslim population in the Kaladan and Lemro deltas were desolated to be populated by Buddhists. The hardheaded hate bargainers in Arakan have gone along the hostility taking the mantra of Rohingya extinction.⁸ "In Arakan itself, there is little evidence of such communal flare-ups but as a result of these experiences, many Burmese nationalists and politicians have never really bothered to distinguish between Indians or Muslims in general and the indigenous Muslims of Arakan. The word commonly used to describe Muslims in Arakan is the pejorative word "Kala" or foreigner, which is exactly the same word commonly used to describe Muslims or Indians anywhere else they live in Burma (anti-Muslim prejudice is not just confined to Arakan today)."⁹ The intensity became more in passing days and it

⁸ Nurul Islam (2012). "*Rohingya tangled in Burma Citizenship Politics*" Kaladan Press network. <https://danyawadi.wordpress.com/2012/05/30/rohingya-tangled-in-burma-citizenship-politics-by-nurul-islam-uk/> accessed on June 21, 2016

⁹ Martin Smith, "*The Muslim "Rohingyas" of Burma,*" Draft for Consultation at Conference of Burma Centrum Nederland, December 1995, p. 5

became violent enough in 2012 and 2015 and till today it is continuing. As a result, they have compelled to seek asylum in nearby countries including India to skip from oppression, rape, loot and murder. Thus, it is earnestly needed to discover the status of their staying in a different country leaving their homeland as refugee (under the banner of UNHCR) or asylum seekers.

India has been receiving refugees for a long time. However, India is neither a party to the 1951 Convention on Refugees nor the 1967 Protocol where it is described refugee as: “Any person who owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country¹⁰.” The lack of proper refugee legislation in India has compelled the government to adopt an unplanned approach to address different refugee influxes. The status and standard of refugees living in India is regulated chiefly by political and administrative determinations rather than any statutory law. The unplanned nature of the GoI’s approach has guided to handle differently to different refugee groups. A few groups have been granted healthy benefits covering legal abode and the ability to be employed legally, while most of other groups are being outlawed and denied access to basic living needs.¹¹ There are a big number of refugees staying in India from different parts of the world. The list includes Tibetan refugees, Afghan refugees, Sri Lankan refugee,

¹⁰ https://www.refugeecouncil.org.au/docs/news&events/RW_Background_Information.pdf accessed on 22 september 2016

¹¹ http://www.hrln.org/admin/issue/subpdf/Refugee_populations_in_India.pdf accessed on 14 August 2016

Palestinian refugees, Bhutanese refugees, Hindu Pakistani refugees, Bangladeshi refugees, Burman refugees and lately the Rohingya refugees from Rakhine state of Myanmar. (It will be worth mentioning that we will discuss the issues of refugees or asylum seekers in India in later chapter elaborately.) Here, in the research we will examine the Rohingya Muslims' issues pertaining to minimum living standard in India along with government policies. However, we will also take into consideration various problems faced by them in their motherland) from humanitarian as well as global perspectives taking Human Rights and (Human) Security as parameters.

The Rohingya is a preponderantly Muslim minority group in Rakhine State of Myanmar. Rakhine State, formerly known as Arakan, is placed on the westernmost coast of Myanmar. It borders Bangladesh to the northwest, the Bay of Bengal bounds it to the west, and a mountain range to the east divides Rakhine from the rest of Myanmar. There is a long-lived history of Muslims in Myanmar. There are a plenty of examples through which we could prove of Muslim beingness in Myanmar and particularly in the Rakhine State from an extending period. History tells that the Muslims in Rakhine had a privileged history and had extremely cordial and amicable relationships with their fellow country members of other faiths. The name Rohang/Roshang/Raham is the ancient name of Arakan. It can be taken as extreme ancientness. It is likely the putridness of Arabic term Raham/ Raham Bori substance 'God Blessed Land'. An Arab geographer Rashiduddin (1310 AD) used as Rahan or Raham in his work.¹² Presently, the Muslims of Arakan call the region 'Rohang' or

¹² Chowdhury Mohahd. A.F. Hazary, "*Burma: An Arab Land of the East.*" Dacca Review, 1978, P.35; H.M. Elliot and J. Dowson, "*History of India as told by its own historian,*" P.73

‘Arakan’ and call themselves ‘Rohingya’ or native of Rohang.¹³ In medieval period various poets of Arakan and Chittagong, like Quazi Daulat, Mardan, Shamsar Ali, Quraishi Magan, Alaol, Ainuddin, Abdul Ghani and others, often referred to Arakan as ‘Roshang’, ‘Roshanga’, ‘Roshango Shar’, and ‘Roshango Des’.¹⁴ “A Comparative Vocabulary of some of the languages spoken in the Burman Empire” it was stated that the native Mugs of Arakan called themselves ‘Yakin’, the name which is also commonly given to them by the Burmese. The natives of Pegu are named ‘Taling’. The Mahammedans who have been settling for long in Arakan, call the region ‘Rovingaw’ and identified themselves ‘Rohinga’ or native of Arakan.¹⁵ The word ‘Rohingya’ is originated from the word Rohai or Rohshangee, a terminology perverted to Rohingya. Rohai and Roshangee are two words refer to the Muslim dwelling in the old Arakan or Rohang or Roshang. The old working capital of Arakan was Mrauk-U. The Rakhine Buddhists named it Maruk-Oo and the Rohingya Muslims and Europeans called it Maruk-U. Following the incorporation of Arakan by the British 1826 A.D., the capital was moved to Akyab, since then Mrauk-U was being largely used by the people of Arakan as Mrohang (old city).¹⁶

13 Amanullah, “*The Etymology of Arakan*”, THE ARAKAN, Vol.10, Issue 2, July 1997, PP.4-5.

14 Nalinikania Bhattasali Commomoration Volume, Dacca Museum, 1966, P.356; Qazi Daulat: Sati Moyna O Lor Chandrani, edited by N. Ghasal, P.45

15 Willem Van Schendel Froncis Buchanam (1992) “*In the South Bengal*,” Dhaka, PP.104,108

16 Abdul Hoque Chowdhury (1994), “*Prachin Arakan Rowainga Hindo Barua Buodda Adhibashi*” Bangla Academy, Dhaka, P.30

Looking back to royal period we could see that the native Muslims were considered as national races and were given prestigious posts by the Burmese (Myanmarese) kings and Rakhine kings in the state administration. The term “Pathi” was used for the Muslims during the rule of Burmese Kings.¹⁷ Similarly, in British period the word “Zerbadee” was used to identify them, interestingly the Muslims were not fond of the term and government renamed it by “Burman Muslims” through a Notification No. 1112 dt. 09/08/1941. “Burman” refers to the ethnic groups of Burma.¹⁸ Following this, in 1946, Genreal Aung San gave assurance to them of experiencing of rights and freedom at par with the other people of Burma as natives of Arakan as well as one of the indigenous communities of Burma. Under Article 3 of the Aung San-Attlee Treaty in 1947 and the Schedule-I to the Burma Independence Act of 1947, the Rohingya (Burman Muslim)¹⁹ are citizens of the Union of Burma. They are also one of the indigenous communities of the country under Section 11 (i) (ii) and (iii) of the 1947 Constitution.²⁰ The parliamentary government (1948-1962) had recognized ‘Rohingya’ as one of the indigenous ethnic nationalities of Burma. Giving stress on the indigenous entity of Rohingya, the first President of Burma Sao Shwe Theik stated, “Muslims of Arakan certainly belong to one of the indigenous races of Burma. If they do not belong to the indigenous races, we also cannot be taken as

¹⁷ Myint Thein (2012) “*The Problem of Muslim National Identity in Myanmar*,” PhD thesis, International Islamic University, Malaysia

¹⁸ Ibid.

¹⁹ Here the author has used the term “Rohingya” instead of “Burman Muslim” as our study is on the basis of “Rohingya” and as both the term bears same meaning or refers same people.

²⁰ Please refer to -The Constitution of the Union of Burma, 24 September 1947, Effective 4 January 1948.

indigenous races.”²¹ But, the misery started for the Rohingya Muslims from the 1962 onwards after installation of new Military rule in Burma and most significantly in the citizenship law of 1982 of Myanmar, expelled the Rohingya Muslim as foreigner. The fact is that (though history tells about their (Rohingyas) long existence in Myanmar) the Rakhine Buddhists refused it by terming them as ‘Bengali Muslims’²² from Bangladesh or India. The impulsive deprivation regarding the nationality and the expulsion of their minimum rights has passed off with the removal of their ethnic identity as well as their historical evidences. This process has started a few decades back.²³ While the downfall of rights of the Rohingya community is a continuous process, there have been some significant events which have fuelled to present day situation in which at least 800,000 Rohingya inside the country have been rendered stateless.²⁴ Operation *Nagamin* was the first of these (events) kinds in 1978. The operation was launched in the state of Rakhine targeting the Rohingyas where it was stated directly as “designate citizens and foreigners in accordance with the law and take actions against foreigners who have filtered into the country illegally.”²⁵ In the name of operation, many official documents of Rohingya people have been taken

21 “*The Rohingyas: Bengali Muslims or Arakan Muslim*”, Euro Burma Office (EBO) Briefing Paper No.2, 2009. In Dr. San Oo Aung [http://sannaung .wordpress.com](http://sannaung.wordpress.com) accessed on June 2016.

22 Muslims who generally speaks Bengali related language or who had migrated from Bangladesh or British India.

23 Equal Rights Trust in Partnership with the Institute of Human Rights and Peace Studies, Mahidol University “*Equal Only in Name The Human Rights of Stateless Rohingya in Malaysia*” London October 2014.

24 UNHCR Myanmar, 2014 UNHCR Country Operations Profile, available at: <http://www.unhcr.org/pages/49e4877d6.html> accessed on November 2016

25 Myanmar Ministry for Home and Religious Affairs, “*Naga Min Operation*”, quoted in Human Rights Watch, “*Burma: Rohingya Muslims: Ending a Cycle of Exodus?*,” 16 November 1977, p. 12.

away from them.²⁶ This type of inhuman activity has compelled about 200,000 Rohingya to flee to nearby Bangladesh and other countries. The atrocities were going on in passing days without any stoppage. As a result again in 1991-92 forced labour, rapes, religious persecution had driven tens of thousands of Rohingyas to nearby Bangladesh. Interestingly, the joint statement of the foreign ministers of Bangladesh and Myanmar acknowledged that the Rohingyas were lawful citizen of Burma but the citizenship rights were never restituted.²⁷ In 2008 through the new constitution of the Union of Myanmar Rohingyas had debarred from access various rights like freedom of movement, healthcare, education, voting right, work right, restricted them to give birth etc. So, eventually the Rohingyas became unwanted community for the Myanmar resultant the Rohingyas had compelled to leave their home state. Understanding the atmosphere, they were continuing their way to different countries to escape from atrocities and the years 2012, 2013 and 2015 were the most crucial ones for them and almost 95% of Rohingya people living in India are basically from these years.

STATEMENT OF THE PROBLEM:

²⁶ Equal Rights Trust in Partnership with the Institute of Human Rights and Peace Studies, Mahidol University. Op. cit.

²⁷ Joint Statement by the Foreign Ministers of Bangladesh and Myanmar , 1992
http://repository.forcedmigration.org/show_metadata.jsp?pid%3Dfmo: accessed on 01 June 2017

The problem of the study starts here- how can a community be denied from their right by a government forcefully by violating basic human rights of individuals? And how does a country treat the people badly who leave their territory to escape from danger?

The issue of Rohingya Muslims is one of the top rated humanitarian crises of South/ South East Asia. The identity and security of about 20 million²⁸ Rohingya Muslims are in stake. Till date oppressions and tortures on Rohingyas are going on in the Rakhine State of Myanmar declaring them as foreigners (that leads them to 'statelessness') which are undoubtedly the questions of Human Rights and Human Security. Rohingyas have been suffered to serious human rights abuses in Myanmar by authorities, security forces, police, and local the Buddhist. These actors have committed violence against Rohingya, killing tens of thousands of their fellow members. A large number of Rohingya have been the victims of torture, rape, arbitrary detention and other forms of serious physical and mental harm. Whether confined to the three townships in northern Rakhine State or to one of dozens of internally displaced persons camps throughout the state, Rohingya have been deprived of freedom of movement and access to food, clean drinking water, sanitation, medical care, work opportunities, and education.²⁹ Their houses have been torched, looted and throwing them out from their own territory. As a result, they had started to seek asylum in offshore countries sailing their boats through dangerous sea routes. Though some

²⁸ David Mathieson (2009). *“Perilous Plight: Burma's Rohingya Take to the Seas.”* Human Rights Watch. p. 3. ISBN 9781564324856.

²⁹ Lowenstein K Allard, *PERSECUTION OF THE ROHINGYA MUSLIMS: IS GENOCIDE OCCURRING IN MYANMAR'S RAKHINE STATE?* A Legal Analysis, October 2015. International Human Rights Clinic, Yale Law School.

countries opt to offer them asylum but refused to give them refugee status and India is one of them. However, India is giving UNHCR a free space in saving the lives of the 'stateless community' The Rohingya Muslims living in India by taking refugee cards from UNHCR. New Delhi's stance on the Rohingyas is firm; they are welcome as long as the Rohingyas obtain a valid visa and have a refugee card. Without a refugee card, the Rohingyas can't claim land, health benefits or education for their kids. According to report, only 14,000 of the 40,000 Rohingyas who live in India are registered. Thus, a large numbers of Rohingyas are living in India without valid documents. It is reported that many of their fellow members have been detained by Indian state administrations and are living in various detention camps. Many of them are living in shanties of different places of India like Uttar Pradesh, West Bengal, Andhra Pradesh, Kerala, Jammu and Kashmir and Delhi. Thus, the problem of the research is to understand their living status, problems and avenues as well as attitude of Indian government towards them.

CONCEPTUAL FRAMEWORK:

The issues of the research have examined on the Human Rights and Human Security base points. The author has taken the generalist view of Human Rights while security questions will be addressed taking Human Security paradigm as developed for United Nations Development Programme (Human Development Report 1994). In this research the Human Rights questions are guided by Universal Declaration on Human Rights (UDHR). The UDHR is a common standard of achievements for all human

beings and all nations where every people enjoys freedom of speech and belief as well as freedom from want and fear.³⁰ Along with this, to understand the issues of Children and Women in particular the researcher reviews the basic elements of Convention on the Rights of Child (CRC) and the Convention on the Elimination all Forms of Discrimination against Women (CEDAW). Theoretical constructions will basically focus on the basic rights as well as amenities for a standard living in a civil society.

In this thesis, the author would like to introduce an idea which is related to basic human needs and it will be called as 'Basic Minimum Needs for Human Survival' abbreviated as BMNHS in the line of 'Basic Needs'. The approach 'Basic Needs' came up to quantify the human minimal needs and the credit of the approach goes to the International Labour Organization's World Employment Conference in 1976. The approach has both traditional and modern orientations. The traditional notion includes food including water, shelter and clothing.³¹ Likewise, many modern lists added sanitation, education and healthcare to the former to assess the basic necessity of human. However, progressive characteristics of society demand more dynamics in the process of transformation. In this connection, the author would like to add a few more aspects to address the social dynamism in respects to needs. The BMNHS classifies the needs into two categories i.e. primary and secondary. The primary BMNHS includes Food (including Water and Air), Shelter which is taken here

³⁰ Pais, Marta Santos. (1999). A Human Rights Conceptual Framework for UNICEF, Unicef International Child Development Centre, Florence, Italy.

³¹ Denton, John A. (1990). Society and the Official World: A Reintroduction to Sociology; Dix Hills, New York: General hall. P. 17 ISBN 0-930390-94-6

in a broader sense; means it is not only taken as a place of resting or living within the four walls rather it exclusively meant for 'Identity within Society' in a dignified manner i.e. nationality/refugee status etc, Clothing, and a safe social atmosphere (free from atrocities or extinction). The secondary BMNHS focuses on Education, Healthcare, and Sanitation and at least a minimum source of Earning (right to work).

REVIEW OF LITERATURE:

Needless to say, the study has a great importance in present time. Only few researches have been come out till date, however, no widespread study has been done yet about the Rohingyas who are living in India as asylum seekers or refugees (under UNHCR) or without any documents. As laws are different from states to states, it is important to study India's policy framework of protecting refugees and asylum seekers from liberal standpoint. In what situation they are living or what will happen in near future to them? What is Government of India is doing for their protection? What policies need to be change? Will they again find their desired citizenship rights in Myanmar? These are some of the questions which will definitely strike on brain. Going through these questions, it is found that some important aspects have been left out in previous researches (as the numbers of such research are very limited) and here comes the research gap. Previous researches have also taken up Human Rights and Security issues; however, they didn't address the states' attitudes as international community. What would be the role of destination states (where refugees are staying as asylum seekers or refugees) in safeguarding the rights of refugees and particularly

about the Rohingyas have not yet been addressed categorically? An extensive literature review list has been prepared by the author to find out and guide the gap of the research.

Chang Muy³² (1992) in his piece, *International Refugee Law in Asia*, Chang-Muy proposes for the creation and development of the United Nations High Commissioner for Refugees and international refugee law. He identifies the complex nature of refugee protection and appraises solutions to the problem. In discussing the responsibilities of “producing” and “receiving” countries, he highlights the difficulty of getting Asian “receiving” countries to establish appropriate refugee procedures. According to him, the difficulty is rooted in the absence of refugee law within many Asian countries and compounded by the fact that many of these countries are not part of international refugee conventions and protocols. He concludes that the root cause of refugee flows, rather than just the effects, ought to be addressed, and HUMAN RIGHTS & HUMAN WELFARE criticizes previous efforts for being too nearsighted and fragmentary. Although over a decade old, this article is helpful in examining the development of refugee law and illustrates previous mistakes made by Asian countries in addressing their refugee influxes. Lastly, it serves as an excellent comparative piece when evaluating current refugee law and responses across Asia.

³² Chang-Muy, Fernando. (1992). "International Refugee Law in Asia." *New York University Journal of International Law and Politics* 24 (3): 9.

Feller³³ (2006) in this well-written and insightful article, Feller manages to address the development, challenges, and future of asylum, migration, and refugee protection. Feller argues that instead of preventing migration, states should focus their efforts on better managing it. She discusses the issue of asylum and the challenges associated with upholding it. Feller addresses the legality of asylum, while trying to mediate the legal rights of the individual with the concerns of the states. More importantly, Feller emphasizes the danger of mis-categorization: refugees are not migrants and categorizing them as such puts their rights in jeopardy. She goes on to define a refugee and outline the rights associated with the status. Although acknowledging that not all states have refugee law or are part of international efforts to protect refugees, Feller points out that the right to seek and enjoy asylum is outlined in Article 14 of the Universal Declaration of Human Rights.

UNHCHR³⁴ Annual Report (2016) observes that the human rights situation of the Rohingya and other minorities in Myanmar is of the utmost concern. The scope and patterns of violations and abuses reported cannot be ignored: systematic and systemic discrimination and policies of exclusion and marginalization are too often the roots of future conflicts. In 2013, the Special Adviser of the Secretary-General on the Prevention of Genocide warned that failing to address the immediate consequences and root causes of violence between Rakhine Buddhists and Rohingya Muslim could

³³ Feller, Erika. (2006). "Asylum, Migration and Refugee Protection: Realities, Myths and the Promise of Things to Come." *International Journal of Refugee Law* 18 (3): 509-536.

³⁴ Human Rights Council's Thirty-second session Agenda: item 2 ;Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General "Situation of human rights of Rohingya Muslims and other minorities in Myanmar"

have “serious consequences which the international community has solemnly promised to prevent”³⁵

A Report of Mahidol University³⁶ (2014) states that the human rights challenges that the Rohingya face originate in Myanmar, but are also prevalent in other countries. Discrimination and unequal treatment are central to the human rights violations suffered by the Rohingya. The treatment, the Rohingyas are getting is no way human in nature.

Fraser and Honneth³⁷ (2003) offer a theoretical framework to understand relations of conflict that threaten and further marginalize subordinated identities and ethnicities. She points out that social justice in the age of identity politics requires both retribution and recognition. In these respect Myanmar government has failed to maintain all these.

Khin’s³⁸(2014) view on this is that Myanmar government has perpetrated many key elements that threaten the key elements that threaten the existence of the Rohingya: denial of their rights to citizenship; far reaching state discrimination against them;

³⁵ Statement of the Special Adviser of the Secretary-General on the Prevention of Genocide, on the situation in Myanmar, 25 March 2013.

³⁶ Equal Rights Trust in Partnership with the Institute of Human Rights and Peace Studies, Mahidol University “*Equal Only in Name The Human Rights of Stateless Rohingya in Malaysia*” London October 2014, op. cit.

³⁷Fraser Nancy & Honneth Axel (2003) “*Redistribution or Recognition? A Political Philosophical Exchange*” Verso Books.

³⁸Khin, Tun. “*Is Rohingya Genocide in Burma Being Ignored?*” The Huffington Post, May 5, 2014,http://www.huffingtonpost.co.uk/tun-khin/rohingya-genocideburma-being-ignored_b_5254141.html (Retrieved June 17, 2016).

facilitation of public hatred and violence against the Rohingya; and restriction from access to food, medicine, and other basic necessities of life.

Human Rights Watch³⁹ (2012) in its report embarks on the serious issues of Human Rights and security crisis of Rohingyas. The acts of violence that followed by both Arakan and Rohingya, and the role of state security forces in both failing to intervene to stop sectarian violence and directly participating in abuses. It examines the discriminatory forced relocations of Rohingya by the Burmese government from an Arakan population that feels long ignored. Mistreatment of the Rohingya has not been limited to Burma, evident in the inhumane and illegal response of neighboring Bangladesh to the crisis. Rohingyas have sought safety in Bangladesh by journeying by sea in barely seaworthy wooden boats, or crossing the border at the Naf River or alternative routes. Yet when sectarian violence broke out in June, the Bangladeshi government, in violation of its international legal obligations towards asylum seekers, ordered its border guards and naval services to prevent anyone from crossing the border. Rohingya men, women, and children arrived onshore and pleaded for mercy from Bangladesh authorities, only to be pushed back to sea in their frail boats during rough monsoon rains, putting them at grave risk of drowning or persecution in Burma. It is unknown how many died in these pushbacks.

³⁹*"The Government Could Have Stopped This"* Sectarian Violence and Ensuing Abuses in Burma's Arakan State. https://www.hrw.org/sites/default/files/reports/burma0812webwcover_0.pdf accessed on 15 October 2016

Crossman⁴⁰ (2014) relates Myanmar government policies with Human Security. She claimed that Myanmar's tenuous transition to democracy will not fully succeed without protecting the Human Rights and addressing the security questions of Muslim minorities.

Kipgen⁴¹ (2013) talked about basic questions of Rohingyas. While the other ethnic groups in conflict seek autonomy under the Myanmar government, the Rohingya struggle for basic security as citizens of the country.

Oberoi⁴² (2006) Oberoi uses this section to elaborate on India's stance on the United Nation's 1951 Convention relating to the Status of Refugees and its 1967 Protocol – two of the most widespread international documents regarding refugee rights. According to Oberoi, India argues that the Convention and the Protocol are “historically Eurocentric and not responsive to the needs of developing countries.” Oberoi goes on to highlight India's involvement in international debate on refugee issues and the rights afforded to refugees in India's constitution, as a means by which to credit India for its commitment to refugees. He concludes that India's refusal to sign the 1951 Convention is based largely on artificial definitions of what a refugee is, and on the UN's perceived Western bias, rather than on the malicious behalf of India. Oberoi explains that India has not yet acceded to the Convention because the country's abstention is the main reason it has no international legal obligation to provide refugee

40 Crossman Linda (2014) “*Myanmar's Rohingya Muslims: the Search for Human Security*,” Master's Thesis, Georgetown University, Washington, D.C

41 Kipgen, N “*Conflict in Rakhine State in Myanmar: Rohingya Muslims*” Conundrum. <http://www.tandfonline.com/doi/abs/10.1080/13602004.2013.810117> accessed on 22 september 2016

42 Oberoi, Pia. 2006. “*India and the 1951 Convention.*” In *Exile and Belonging: Refugees and State Policy in South Asia*”. New Delhi: Oxford University Press.

protection. This makes enforcement of refugee protection and services in the country difficult. The impact this abstention has on Indian refugee policy is so substantial that Oberoi would benefit from dedicating a couple more pages to the issue.

Bahar⁴³ (2010) said the military preached a form of fascism called ‘disciplined democracy’ which taught that the ethnic minorities and the foreigners would take over the country if it were not for the protection of by the military. From the beginning of the Myanmar independence, the military used xenophobia as its ideology to intentionally create communal violence.

Majumdar & others⁴⁴ (2015) examines the issue of Rohingya Muslims living in India. They wanted government to take from humanitarian ground. They opined that this community is facing adverse situations even in India. Police detention and basic needs are the primary issues facing the community are explored their research.

Chakraborty⁴⁵ (2015) in his study on Rohingya Muslims in Bangladesh and India links Rohingyas treatment in different countries particularly in Bangladesh and India. He defines well how political government of Bangladesh have been putting pressure on them for leaving the country and how they think them as a threat of their nation state without trying to find out a solution on the basis of humanitarianism.

43 Bahar, Abid “*CHRONOLOGY:THE TIMELINE OF BURMA'S ROHINGYA HISTORY IN ARAKAN*”http://www.netipr.org/policy/downloads/20100101_timeline-of-rohingya-history.pdf accessed on 12 October 2016

44 Suchismita Majumder, Priyanca Mathur Velath and Kriti Chopra & Madhura Chakraborty “*Rohingyas in India: Birth of a Stateless Community*” Mahanirban Calcutta Research Group, 2015 ISSN: 2348-0297

45 Ibid.

Sharma⁴⁶ (2009) while examining the status of refugees in Delhi says though there are many refugees who have fled from their places of origin, only few have found some form of protection in India. Refuge in Delhi is hard to find. Therefore, these refugees in Delhi face considerable hardships and difficulties.

RESEARCH OBJECTIVES:

The research is guided by some objectives. These are as follows:

- To understand the plight of Rohingya Muslims in Myanmar on the basis of Human Rights and Human Security paradigm.
- To examine closely the refugee/asylum questions of Rohingyas in India
- To explore the hidden problems associated with persecution relating to Rohingya Muslim.
- To unearth the status of living of Rohingyas staying in India.
- To understand the stand of Government of India on Rohingya.
- To find a way of peaceful durable solution to this issue.

RESEARCH QUESTIONS:

The research is based on the following research questions:

- What type of ill treatment the Rohingyas experienced in Myanmar?
- Why has India not have any uniformity in treating refugees? Why do India not taking any modus operandi in case of Rohingyas like any other refugees staying in her soil?
- What is living the conditions of Rohingya Muslims in India? Are they getting desired treatment from the UNHCR?

⁴⁶Sharma, Maina “ *Refugees in Delhi*”http://www.ccs.in/internship_papers/2009/refugees-in-delhi-229.pdf accessed on 02 November 2016

- Why is plight of Rohingya Muslims still continuing even after prevalence of a bunch of international instruments, UNO and powerful states?

METHODOLOGY:

The research is based on qualitative method. The researcher has used interpretative methods to analyze the various aspects of the problem based on theoretical construct. However, there is an empirical part for primary data which has been addressed through field study through unstructured as well as semi-structured interviews and through focus group discussions. The author made contact with UNHCR, FRRO in Delhi and Hyderabad and a few NGOs which are working with the community directly. All total 320 numbers of people belonging to Rohingya community have been interviewed from different places of India. Due to the constraint of time and materials, the author has taken 80 numbers of community members as samples per 10,000 populations in 8:100 ratios.

For primary data the author has selected three places where the Rohingyas have been concentrating. The author has interviewed 117 in Hyderabad in Telangana; 94 numbers in Delhi; 109 in the state of Jammu and Kashmir where a huge numbers of Rohingyas have been living.

The author made the field study in a two way process where through the first, the author only wanted to know the brutal experience of the Rohingya community

members in their host country Myanmar and how did they cross their borderland to enter another country. In the second, the author wanted to know their living conditions India as well as their various experiences in a foreign country as asylum seekers and refugees.

For secondary materials will be taken from different journals, books, policy papers, census reports, online libraries, reputed NGOs reports, government reports etc.

IMPORTANT CONCEPTS AND TERMS:

HUMAN RIGHTS: Human Rights are those conditions of life or rights for every human being (of the globe) which they get inherently only because of their human nature. All human beings are born free of equal dignity and rights and for the welfare of the human community everybody should work in the spirit of brotherhood.⁴⁷ Thus, Human Rights is for every human being irrespective of race, sex, language, color, religion, political or other opinion, national or social origin, birth, property or other status.⁴⁸ Under the aegis of United Nations various international instruments like UDHR, Covenants and Conventions have been developed in a mind to secure rights of the people worldwide. Some of the primary instruments are Universal Declaration of Human Rights, 1948; Convention on the Prevention and Punishment of the Crime of Genocide, 1948; Convention Relating to the Status of

⁴⁷ Universal Declaration of Human Rights (1948), published by United Nations in 2015, p. 4.

⁴⁸ Ibid. p.6

Refugees, 1951; Slavery Convention of 1926, Amended by Protocol, 1953; International Covenant on Civil and Political Rights, 1966; International Covenant on Economic, Social, and Cultural Rights, 1966; Convention on the Rights of the Child, 1989; International Convention on the Elimination of all forms of Racial Discrimination, 1966; Convention on the Elimination of all Forms of Discrimination against Women, 1979; Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, 1968; Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, 1984; Convention on the Rights of Migrant Workers and the Members of their Families, 1990. So, there are numerous instruments are there to address Human Rights abuses. However, in the research the author takes up a few which are simply basic in nature to address the issues of Human Rights on Rohingyas.

HUMAN SECURITY: Human Security is a people-centred approach which primarily stress upon individuals differentiating it from the tradition outlook which was based on state or national security. It stresses on human dignity and life. Primarily, the security must be of human living in the planet. Political security, Economic security, Food security, Personal security, Health security, Community security etc needs to be top most agenda of state policies in the present century. The world is first for the living beings including the humans and states need

to act upon on this notion. The United Nations Development 1994, while initiating a new concept of Human Security argues-

*"For too long, the concept of security has been shaped by the potential for conflict between states. For too long, security has been equated with the threats to a country's borders. For too long, nations have sought arms to protect their security.....For most people today, a feeling of insecurity arises more from worries about daily life than from the dread of a cataclysmic world event. Job security, income security, health security, environmental security, and security from crime-these are the emerging concerns of human security all over the world."*⁴⁹

Thus, the notion of human Security is somewhat a different notion from the traditional outlook to understand global vulnerabilities taking human as prime factor. To insure 'freedom from want and fear' for all the people across the globe is the only way to take on global insecurity⁵⁰ and the paradigm (Human Security) is specifically meant for that. Fuentes and Franciso rightly observes that UNDPs notion of new dimension of security (termed as Human Security) is right as it is people-oriented "*.....because it concerns how people live and breathe*

49 Human Development Report, 1994, UNDP, OUP: New York, p.3

50 Khagram and Ali, "*Environment and Security*." Annual review of environment and resources www.annualreviews.org/doi/abs/10.1146/ accessed on June 12,2017

in a society, how safely and freely they can exercise their many choices, how much access they have to market and social opportunities, whether they live in conflict or peace, how confident they can feel that the opportunities they enjoy one day will not be totally lost the next.”⁵¹

STATELESSNESS: Among us (human beings) who are citizens can enjoy the facilities offer by a state solely being the member of a state. A citizen can take the benefits of education system; healthcare system, can apply for government jobs, can take part in government formation (as most of the states are democracy right now etc.⁵² furthermore, being a citizen of a state, one can make a round in the world without the fear of detention. But, what is for him who is unfortunate enough to enlist his name (circumstances may be different like war, foreign aggression, willful denial of citizenship by the government etc) in the citizen register of a particular country? Undoubtedly, they suffer a lot. The sufferings become more intense when they try to take shelter in another state and the state refuses to give them refugee status.⁵³ In such cases, they have to struggle a lot for survival without getting opportunities of education, healthcare, employment etc. Thus, the term ‘Statelessness’

51 Claudia F. Fuentes and Franciso Rojas Aravena, 2005, “*Promoting Human Security: Ethical, Normative and Educational Frameworks in Latin America and the Caribbean*”, Paris, UNESCO

52 “*Nationality and Statelessness: A Handbook for Parliamentarians.*” Inter-Parliamentary Union, 2005 Published by the Inter-Parliamentary Union with the United Nations High Commissioner for Refugees, ISBN 92-9142-262-2 (IPU), p.6

53 Ibid.

implies lack of any state (membership of a person) means a person who does not have any nationality right or citizenship of any state of the world. The convention regarding the status of stateless person defines “Stateless Person” as “*a person who is not considered as a national by any state under the operation of its law.*”⁵⁴

Statelessness is a global menace as well as a challenge for the civilized international communities. Though citizenship is a state jurisdictional subject, international organizations and communities have to reassess it firmly under international laws.

REFUGEE/ ASYLUM SEEKERS: Ostensibly, there is always confusion between the two terms. However, in many a times both the word is used interchangeably or wrongly.⁵⁵ The 1951 Convention Relating to the Status of Refugees defines a ‘refugee’ as any person who: “... *owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the*

⁵⁴ Convention relating to the Status of Stateless Persons, Adopted on 28 September 1954 by a Conference of Plenipotentiaries convened by Economic and Social Council resolution 526 A (XVII) of 26 April 1954. Article 1, p.1

⁵⁵ Phillips, Janet. 2011. Asylum seekers and refugees: what are the facts? Parliamentary Library, Parliament of Australia, p. 2.

country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it ...”⁵⁶ However, UNHCR explained that the term ‘refugee’ cannot be used for him/her who leaves his/her country as an economic migrants or who willfully leaves his/her home country for a better life in another country. He/she is not taken as refugee as he/she gets the protection of his/her respective government.⁵⁷ Alternatively, an asylum seeker is a person who seeks help of international community for protection but whose claim has yet to be entertained.⁵⁸

ILLEGAL IMMIGRANTS: In common parlance ‘illegal immigrants’ is used to identify those persons who crosses international border and step in a foreign country without any legal documents. However, Article14 of UDHR says that each and every individual has right to seek asylum and the Refugee Convention, 1951 proscribed international states from punishing or taking action on those who is not entering on legal background or simply illegally from a territory where their life and freedom is in stake.⁵⁹

56 UNHCR, Convention relating to the status of refugees, UNHCR, Geneva, 2007, p. 16, accessed 5 May 2017, <http://www.unhcr.org/3b66c2aa10.pdf>

57 UNHCR, “Who are refugees?”, UNHCR website, accessed 12 Feb 2017, http://unhcr.org.ua/main.php?article_id=5&view=full

58 Phillips, Janet. 2011. “Asylum seekers and refugees: what are the facts?” Parliamentary Library, Parliament of Australia, p. 2.

59 UN, The universal declaration of human rights, 1948, UN website, accessed 8 May 2017, <http://www.un.org/en/documents/udhr/>; and UNHCR, Convention relating to the status of refugees, op. cit.

CHAPTER II

CONDITIONS OF ROHINGYAS IN MYANMAR: CITIZENSHIP ISSUES AND QUESTION OF RIGHTS AND SECURITY

This chapter tries to address a few questions relating to Rohingyas conditions in Myanmar. It is a guileful segregation of Rohingyas from the mainstream nationalism devising them as a stateless community. It is a 'mission'; a 'systematic plan' to throw out the Islamic Rohingya community from the land of Buddhists dominated Myanmar. From a very long period, anti-Muslim attitude has been playing a pivotal role in the politics of Rakhine state. However, up to 1962, the intensity was not so high. As soon as the military juntas took over the power of state administration, the misery of Muslims became innumerable. The juntas which was in power for a long time, came under strong nationalism and in this case minorities like the Rohingya along with a few like Kokang and Panthay (Chinese) had to suffer a lot. Successive Burmese governments are accused of provoking the violence against the ethnic minority groups like the Rohingya and Chinese. Rohingya people are considered as one of the world's most suppressed and deprived minorities. They have been lost their citizenship in 1982 and they cannot travel without official permission. Their property, marriage and reproductive rights are strictly restricted. According to Amnesty International Report 2004, the Muslim Rohingya people have continued to suffer from human rights violations under the Burmese junta since

1978 and many have fled to neighboring Bangladesh as a result., the Rohingyas' freedom of movement is severely restricted and the vast majority of them have effectively been denied Burma citizenship. They are oppressed in various forms such as extortion, different taxation, land grabbing, eviction, and marriage restriction. Rohingyas compelled to work as forced labourers in road construction work in military bases and various other inhuman activities. Taking the advantage of power thousands of Rohingya women were looted, raped and murdered. They even not spare tin aged girls. Approximately 200,000 Rohingya people had to flee Bangladesh in 1978 after Dragon King Operation (nagamin) by Myanmar army. This operation was for identification of foreigners. The campaign had brought large scale sorrow to tens of thousands of people and mostly the Rohingyas in Rakhine state. Another anti-Rohingya wave in 1991-92 compelled millions of Rohingya people to live Myanmar. Likewise various Anti- Rohingya movements are on track and lately in the years 2012 and 2015 forced thousands of Rohingya to exit their homeland. They travelled to various offshore countries like Thailand, Bangladesh and India etc. for safe shelter. Now why they have compelled to live their own native land is a big question. Have they no right to stay their own land? Are Rohingyas really foreigner? Haven't they any logic on citizenry issues? These are some basic questions we must have to address while studying conditions, rights and security issues of Rohingya people in Myanmar. Though all the issues related to citizenry, we wanted to know the realities from the Rohingyas (staying in India) surrounded in Rakhine state of Myanmar. There are various human rights and security issues the Rohingyas have experienced which are

basics for each and every human and most of the violence is created by the Na SA Ka⁶⁰ or Myanmar border police or local Buddhists. What we have known from them has been illustrated below:

- Restriction on marriage is a thinkable human rights abuse. With the inception of Na Sa Ka in 1992, Rohingyas had to suffered a lot in the marriage matters. The Rohingyas need permission for marriage. We have come to know from the Rohingyas during the field study that in marriage matters both the sides (bride and groom) have to deposit a huge amount to conduct marriages. Persons who do not have money to deposit have no right to marry. This is undoubtedly inhuman. If anyone violates this rule he has to be ready for punishment.
- Likewise, there is also restriction in giving birth. The couples who got married have to sign a bond declaring not to get more than two children. Violation of such rule is a severe and punishable offence. The Rohingyas have to pay huge amount roughly 5000-10000 kyat for birth registration.
- One major problem they let us know is forced labour. Most of the Rohingyas have to work forcefully without getting a penny. All types of hard labour have to be done by the Rohingyas. They have to construct road, building, military bases without questioning. They said that during the time of work they have

⁶⁰ On July 12, 2013 the Na Sa Ka has been abolished through notification no 59/2013 by President Thein Sein of Myanmar. Na Sa Ka was border police force in Rakhine state of Myanmar introduced in 1992.

even face to physical torture. Nobody dares to protest and if anybody does this he has to die. They hardly get time to maintain their family as they have to go here and there on the command of military.

- Rohingyas cannot practice religion freely in Rakhine. They cannot celebrate Eid⁶¹. The military and local Buddhists set fire on mosques at regular intervals. Local Buddhists hurl stone at the Rohingyas during prayer time and it is a regular phenomenon in Rakhine as informed us by the respondents. So, Rohingya has no right of religion there.
- Rohingya cannot move freely in Myanmar. There is travel restriction for the Rohingyas. Their movement is only confined to a definite territory or frankly the boundary is generally their respective villages. They have to take permission for travel and many a time they have to pay for permission. They cannot stay even a night in other places and within 10 pm they must have to reach their place or else they must have to face arrest by the Na Sa Ka. Not only had the military, the local Buddhists also looted them on road.
- The lands of the Rohingyas often confiscated without assigning any reason and give these lands to Buddhist people. Rohingyas in Rakhine have to lead a dreadful life as often they see arson in their own houses.

⁶¹ Islamic religious festival celebrated worldwide.

- The women of the community often face rape and torture. Na Sa Ka came to villages and asked the males to get out from home and they raped their wife, sister, mother brutally. In few occasions they take away beautiful girls and keep them for a few days and send back them with a broken physical. Many a times these girls or women remained untraced. The military even don't spare minor girls, pregnant women; they sometimes cut to pieces little children, take out babies from womb and killed. Disfigured genitals with sharp knives, raped as a group.

So, these are the serious atrocities we heard from them during interview. During interview when they were talking to us, their narratives remind us Burmese invasion into Assam.⁶² How Burmese had created atrocities on Assamese people is almost the similar kind on the Rohingyas. To understand the different forms of torture we have organized three sessions of group discussions in Delhi, Hyderabad and Jammu where our target population are being concentrated. Through the discussion we have found following forms of torture experienced by the Rohingyas in the Rakhine state of Myanmar.

Table 1.1

⁶² Barpujari H. K (1980). *Assam in the days of the Company, 1826-1858*. Spectrum publications, p. 11 where it was stated how Maniram Dewan illustrated the atrocities in *Buranji vivek ratna*.

REPORT OF FOCUS GROUP DISCUSSION RAISED IN DIFFERENT PLACES OF INDIA TO UNDERSTAND THE FORMS OF TORTURE PERPETRATED IN RAKHINE STATE OF MYANMAR AGAINST ROHINGYA COMMUNITY.

Places where group discussion were conducted.		Forms of Torture											
		DISFIGUREMENT	LEG CRUSHING	FIRING AT ANY	BEATING BONE	KNEE CAPPING	MUTILATION	BEATING	HIPPING FOOT	BLINDNESS	STRANGLING(U)	DENAILING	RAPE/SEXUAL ASSAULT/ABORTION THROUGH BLOW
JAMMU & KASHMIR	MAL E	3	6	1	5	1	-	10	2	-	2	-	-
	FEMALE	2	1	-	3	-	1	7	-	-	1	-	7
HYDERABAD	MAL E	5	3	3	6	3	3	12	4	1	4	-	-
	FEMALE	1	-	1	-	-	2	6	-	-	-	-	16
DELHI	MAL E	3	2	-	2	6	1	12	4	2	1	1	-
	FEMALE	-	-	-	1	3	5	9	-	-	2	-	5

THESE ARE THE RESULT OF SIX SESSIONS OF FOCUS GROUP DISCUSSIONS IN RESPECTIVE AREAS. YEAR 2017

The above table shows the forms of torture that the Rohingya people have to bear. The above report is shocking as during group discussion we have with us only 15- 30 people. Most of them experienced multiple forms of torture. It highlights that almost all the Rohingyas had to suffer and everywhere we found rape victim. They answered us without any hesitation. We found 16 numbers of rape victims are highest in tally in Hyderabad. We have not added up here killing as torture. Thousands of Rohingyas have been brutally killed through guns, swords, burning etc. Many of Rohingyas informed us that their family members were killed before their eyes. One female said that her only son and husband were shot dead before her eyes and after

that military raped her until unconsciousness. One Rohingya who is staying in Jammu informed that 4 militaries and 2 local Buddhists abused physically his elder daughter who was then 15. He regretted his helplessness. Thus, it can be said that the atrocities on the Rohingyas were on the sky high from beating to murder and to skip such a violent atmosphere they had to flee to other countries.

What have we understand from the attitude of the Buddhist dominated Myanmar towards Rohingyas is that Myanmar systematically wants to oust the Rohingyas from Rakhine by taking them as foreigner or in other words the Buddhist dominated Myanmar wants to depopulate the Islamic affinity. Precisely, the whole question of rights and security is related to citizenry of the Rohingyas. The primary weakness of the Rohingyas is that they do not have any citizenship right in Myanmar. As a result, they have been treated as foreigner and the government has lifted all the rights from social to political from them. Thus, we will discuss the issue of citizenship issue of Rohingyas in details. How far Rohingyas claim for citizenship is valid or should they be given the right of citizenship and if yes, how?

The Myanmar Citizenship Law of 1982 was world's most inhibitory law introduced by Dictator Ne Win under the banner of BSPP (Burma Socialist Programme Party). The Citizenship Act of 1982 had repealed the Union Citizenship Act (Election), 1948, and the Union Citizenship Act, 1948 and established the principle of *jus sanguinis*. Ne Win classified citizenship into three categories viz. full, associate and naturalized on the basis of how ones forefather acquired citizenship. Full

citizens mean the 135 'national races', who are prior to 1823 or were born to them who were citizen at the time of birth. Associate citizenship were given to them whose applications were pending under 1948 Act at the time of new Act came into force. Naturalized citizenship was granted to them who had strong evidence of entry and residence before the independence of Burma i. e. the 4th of January 1948. They must know any one national language of Burma and their children must be born in Burma. Persons or foreigner could not acquire citizenship until or unless they prove their strong affinity with Burma.⁶³ Before Win dictatorship, the parliamentary government of Burma recognized 144 ethnic groups as national of Burma but Win kept only 135 as original races of Burma under BSPP regime constitution (1974). The deletion groups include three Muslim groups viz. Rohingya (also known as Arakanese Muslim), Bashu (also known as Malay Muslims), Panthay (also known as Chinese Muslims) along with other six. It is undoubtedly gross violation of human rights of the non Barman small groups and huge group like Rohingya as well.⁶⁴ It results critical issues for the Rohingyas. Rohingyas were taken as resident foreigner and not as citizen and here big crux is legality comes up. As a result in due course of time Rohingyas has lost almost all the basic rights in Myanmar. Similarly, Rohingyas are not getting refugee status due to their lost citizenship.⁶⁵ It became crystal clear from the timing of promulgation after 1979 refugee repatriation (from Bangladesh) that Myanmar had designed its

⁶³ Nurul Islam (2012). *Rohingya tangled in Burma Citizenship Politics*.

<https://danyawadi.wordpress.com/2012/05/30/rohingya-tangled-in-burma-citizenship-politics-by-nurul-islam-uk/>

⁶⁴ Ibid.

⁶⁵ Discrimination in Arakan, Human Rights Watch. <https://www.hrw.org/reports/2000/burma/burm005-02.htm>

citizenship bill by targeting only the Rohingyas.⁶⁶ Most importantly Myanmar wanted to oust a group which was previously a national one. In this regard, Ne Win proclaimed that only pure-blooded nationals racially would be called citizens.⁶⁷ The situation of the Rohingyas remained oblivion as Myanmar neither takes them as citizens nor foreigners. Unfortunately, Rohingyas are termed as non national or immigrants from Bangladesh. It ended up identifying them as stateless people⁶⁸ Yesteryear Prime Minister General Khin Nyunt while wrote a letter to UNHCR in the year 1998 said that Rohingyas are not originally from Myanmar. They had been migrated to Myanmar.⁶⁹ In 1996 Professor Yozu Yokota quoted Lt. Gen. Mya Thinn, at an U.N. Special Rapporteur on Burma that Muslims of Rakhine state were not citizens under existing law and they were also not registered as foreign nationals. They have no right to travel, cannot serve government and no rights of education⁷⁰. Myanmar government proved that there is no race by Rohingya.⁷¹ The term ‘Rohingya’ has been deleted and their language is also taken as non-national. Those who fulfill the requirement of citizenship however given citizenship but numbers are a too tiny. Interestingly, court cannot give judgment on who is citizen or foreigner. It is the

66 Chris Lewa, “*North Arakan: An open prison for the Rohingya in Burma*”, April, 15, 2009.

67 Speech by General Ne Win on 8 October 1982, provided in the Working People’s Daily, 9 October 1982.

68 Abdur Razzaq Mahfuzul Haque, “*A Tale of Refugees: Rohingyas in Bangladesh*”, published by Centre for Human Rights, 1995.

69 Chris Lewa, op. Cit.

70 Nurul Islam (2012). *Rohingya tangled in Burma Citizenship Politics*. op.cit.

71 *ibid.*

council of state which decides who is citizen and who is not⁷² No identity card had been issued to Rohingya in 70s. Colour-coded Citizens Scrutiny Cards (CRC) were initiated in 1989. Pink for full citizen, blue for associate citizen and green for naturalized citizens were introduced.⁷³ Unfortunately, Rohingyas were not given any of these cards. Myanmar government under the advocacy of UNHCR started issuing them a white card known as Temporary Registration Card (TRC). It was none but a deception as this card does not mention bearer's birth place or one cannot apply for citizenship using it. It is worth mention that place of birth is important for citizenship but Rohingyas are not given such power.⁷⁴ The principle of citizenship is *jus sanguinis* and white card is nothing but a show up for international commitment⁷⁵

Now, as the whole citizenship issue is primary for protection of rights and security of the Rohingyas; we need to search those grounds which could prove the validity of Rohingyas nationality.

- The Foreigner Act of 1864 and its amended version of 1940 named as Foreigner registration Act (which came as Foreigner Registration Rule in 1948) did not register Rohingya as Foreigner.

72 Ibid.

73 Ibid.

74 Chris Lewa, "North Arakan: An open prison for the Rohingya in Burma"op.cit.

75 Nurul Islam (2012). *Rohingya tangled in Burma Citizenship Politics*.op.cit.

- In 91 departmental administrations in colonial period, there was a provision for representation of Indians. Rohingyas were permitted to represent as Burmese not as Indians from north Rakhine (Arakan). Rohingyas like U Pho Khaing and U Gani Marakan had contested as Burman and not as Indian.
- Furthermore, in the Constituent Assembly Sultan Ahmed (Maungdaw), Abdul Gaffar (Buthidaung) and Nasir Uddin (Akyab) got elected as Burmese citizen representatives.⁷⁶
- Burma Immigration (Emergency Provision) Act, 1947 did not allow any foreigner to enter Burma without valid immigration permit then how Rohingyas could be foreigners who have been living in Myanmar for generations.
- The Immigration (Detention) Rules of 1951 stated that anyone from a foreign country found entered in Burma, the person would be deported. Under this rule any foreigner found entered the country illegally can be deported. Rohingyas were not taken as a foreigner.
- Rohingyas bears a long history and they were important part of the Mrauk U Empire until Burman occupied it in 1784. They dominance in Arakan prevailed for long being the kingmakers

⁷⁶ Our Bogyoke by Takatho Ne Win.

https://www.burmalibrary.org%2Fdocs14%2FARAKAN-%2520Question_of_Rohingyas_Nationality-red.pdf&usg=AFQjCNEHAZj6E0Af-FpgKomyE3OVXI1Yw. Retrieved on 24 March 2016

- Section 11 of the union constitution of 1947 declared Arakanese (Rohingya) as indigenous race along with Chin, Karen, Kachin, Burmese, Mon or Shan who had settled in Myanmar prior to 1823 A. D.
- The Union citizenship Act, 1948 in Section 3 (1) of the Act says and again Section 11 of the Constitutional Section 4 (2) says that any person whose ancestors were in Burma, whose two generations as made Burma as home and whose parents and the person himself/ herself born in Burma's territory shall be treated as citizen of Union of Burma. Rohingyas without any question fulfil all these and as a result they were taken as citizens of Burma in 1948.
- National Registration certificate which was an important documents for citizen were issued to Rohingyas. All people who were staying in Burma must be either National Registration Cards for citizens or Foreigner Registration cards for foreigners. Rohingyas have the first one which established their Burmese citizenry.⁷⁷

⁷⁷ Here Burma Residents Registration Rules of 1951, Section 33(b), stipulates what so ever this Rule cannot be applied to foreigners except the case in Section 29 and 31.

Section 33 Article (a) says Foreigners who were registered under 1940, Foreigners Registration Act should be accepted as registered under this rule, and their FRCs should be regarded as if issued under this rule.

Note: section 29, stipulates to carry the registration cards in case of traveling outside residing town.

Section 31, stipulates, in case of failure to abide by this rule, one is subject to face Legal action under Section 6 Article 2 of Burma Resident Registration Act.

In practice, too, the NRC holders had the right to possess immovable properties, the right to public jobs, insurance, social security and professional educations. Rohingyas have been enjoying all these rights since independence up to 1990.

The most noteworthy thing is that the first town in the Union to issue this NRC in 1954 was Maungdaw. People in that area did not approach to immigration and Registration offices, individually or in groups to obtain the documents in illegal way. But the official under special project got to the grass root villages and issued the Cards to the villagers. Then how can we say, people obtained NRCs by bribing the local officials. So the notion that Rohingyas in Arakan acquired NRCs by fraud is not reasonable at all.

All NRC issued in earlier years bear no additional remarks. A remark stating, "holding this certificate shall not be considered as a conclusive proof of as to citizenship" was sealed later on NRCs. The reason behind this extra remark sealed later was the best known to the authorities. Perhaps one of the objectives of 1978, Dragon King Operation was to stamp the above remark on all NRCs.

- Since independence of Burma, the Rohingyas were given to passports to travel by the Burmese Authority. Rohingyas were allowed to visit abroad or visit Mecca.
- Under Burmese constitution Law and Election law Rohingyas were allowed to take part in the elections process of the state. They were allowed to contest in election too after independence⁷⁸
- In November 1961, a notification issued by Frontier Administration Department, declared May Yu Frontier Area as Rohingya dominated region and stressed on the socio-economic development of the region.
- Burma Broadcasting Service aired Rohingya language for 10 minutes two times in a week under indigenous races' broadcasting programmes, from May 15, 1961 to October 30, 1965. The newscaster was Mr. Kalim Ullah (a) U Ba Tun (B.A., B.L.)⁷⁹
- In Myanmar Encyclopaedia 1964 (Vol. 9 and on page number 89) one could find the information on Rohingyas as Burmese National. It was published by government controlled publishing house "SARPAY BEIKMAN"⁸⁰
- Most important speech for the Rohingyas was the speech of Brigadier Aung Gyi during the surrender ceremony of Mujahids. Being the chairman of the

⁷⁸Pyi Thu Hluttaw Election Law 1991, Section 6(a) and Section 10(f).

⁷⁹ U Kyaw Min (2012) *An Assessment of the Question of Rohingya's Nationality: Legal nexus between Rohingya and the State.*

⁸⁰ *ibid*

ceremony Gyi delivered his speech by saying Rohingyas as minority ‘National Brother’ of Burma who were living in May Yu districts of Burma. ⁸¹

Burmese citizenship laws were neither *jus sanguine* nor *jus soli*; to be precise it can be said that it is mixture of both. We cannot hold the view that to be Burmese national one need to be Buddhist or belong to a particular ethnic group. Burma is a multi racial and multi lingual country and every sect has its own culture, tradition and language. So, different people unitedly created the Burman Nationalism. Rohingya was also among them which group had been recognised as a national race. Rohingyas were given full citizenship rights and they enjoyed all the rights like any other national groups or citizens. But soon after military regime took power, bad days of Rohingyas started and the Citizenship law of 1982 made the Rohingyas stateless. They started to call Rohingyas as foreigner, illegal immigrants or doubtful citizens..⁸²

Thus, through the above points we can come to the conclusion that Rohingya Muslims are the forcefully denied citizens of Myanmar. An UNHCR official who has been studying political, Social and historical background of Arakanese (Rakhine) peoples writes:

"In official rhetoric and publications Rakhine Muslims (Rohingya) are said to speak Bengali. This, however, reveals inaccurate, as the Bengali language spoken in Decca, does not belong to the same stock of language in Arakan (Rakhine) and has a very few in common with the language spoken in Northern Rakhine State. More

81 Ibid

82 ibid

correctly the local language spoken by Rakhine Muslim is a Chittagonian dialect, an idiom spoken in Bangladesh region, bordering Rakhine State. Whilst being very close to the Chittagonian dialect, it is by no means identical. For example, the Rakhine Muslims dialect is indicative of historical residency in Myanmar, as it approximately includes as much as 10% - 15% of Rakhine words and expression."⁸³ Furthermore, the answer of our research question, in this regard is positive and it is also proved that the Citizenship Law, 1982 of Myanmar is a faux pas one.

We have found from the above discussion that the Rohingyas are forcefully seceded from the mainstream nationalism of Burma. The Rohingyas have enough proof that they can establish their citizenship rights but the Myanmar Government is not going to give ear on that. Even Aung San Su Kyi, the democratic leader and Nobel laureate rejects the claim of Rohingyas indirectly. In this regard we would like to go through some international provisions which are universal in nature and which supports the citizenship claims of Rohingyas.

- Article 15 of the UDHR says that everybody has the right to nationality. This clause has been formulated in a mind to safeguarding nationality as well as reducing statelessness by a host of leaders of international community.⁸⁴ The Declaration highlights that “everyone has the right to a nationality” and that “no one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality”. This is contradictory for the

⁸³ A. Joseph; "A nation within a nation" (An UNHCR study record, 1998).

⁸⁴ UNGA, Universal Declaration of Human Rights, 10 December 1948, G.A 217 A (III), U.N. Doc. A/810 at 71 (1948).

Rohingyas who have been declared as non national and this has made them stateless.⁸⁵

- Article 7(1) of the United Nations Convention on the Rights of the Child (1989) says that every child born after immediately registered and he/she has the right to name and to acquire a nationality.⁸⁶ Shockingly Myanmar government has ratified this Convention in 1991 by declaring that they would abide by the rules but they are still not doing anything for the Rohingyas.
- UN International Covenant on Civil and Political Rights 1966 in Article 24(3) tells, “Every child has the right to acquire a nationality.” Unfortunately, children of Rohingyas are constantly denied registration and a huge number of Rohingya offspring compelled to withdraw rights as their parents are not legally married as per Burmese law. “Under Myanmar’s 1982 citizenship law, Rohingya children – both registered and unregistered – are stateless and hence, face limited access to food and healthcare, leaving them susceptible to preventable diseases and malnutrition. Many are prevented from attending school and used for forced labour, contributing to a Rohingya illiteracy rate of 80 percent. More than 60

⁸⁵The Times of India, “ *Delhi plays reluctant host to Myanmar’s nowhere people*”, Nandita Sengupta, May 26, 2012

⁸⁶<https://www.unicef.org/2Frc%2F&usg=AFQjCNECycRqS3loVYXcbhrkDXVM78OsQ> retrieved on June 24, 2016

percent of children aged between five and 17 have never enrolled in school”⁸⁷

- United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEADAW) of 1979 in Article 9 states: (a) States Parties shall grant women equal rights with men to acquire, change or retain their nationality... (b) States Parties shall grant women equal rights with men with respect to the nationality of their children. Myanmar has ratified this convention in July 22, 1997. But in practice Rohingya women are denied all the rights and alternatively they had to experience harsh torture and murder and highlighted them as illegal migrants. There is no place for Rohingyas women in Myanmar and this has led them as stateless.⁸⁸
- United Nations Convention on the Elimination of All Forms of Racial Discrimination 1965 (Article 5(d) (iii) says that States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law...[and to] the enjoyment of ...the right to nationality. But the Rohingya Muslims are discriminated and then persecuted them from their own homeland where

⁸⁷ IRIN news, “*In Brief: 40,000 Rohingya Children in Myanmar Unregistered*”, Bangkok, 19 January 2012

⁸⁸ Nurul Islam (2012). *Rohingya tangled in Burma Citizenship Politics*.op.cit

they have living for generations. They have been discriminated on the grounds on ethnicity and religion⁸⁹

- The universality of law promotes nationality as a basic right. But Myanmar has arbitrarily denied this universal structure of law. Such deprivation is not only violation of basic human rights but also a serious international crime. Myanmar is systematically disrespecting ones birth right.⁹⁰

In his writing report to the UN Prof. Yozu Yokota declares: “The 1982 Citizenship Law should be revised or amended to abolish its over burdensome requirements for citizens in a manner which has discriminatory effects on racial or ethnic minorities particularly the Rakhine (Arakan) Muslims. It should be brought in line with the principles embodied in the Convention on the Reduction of Statelessness of 30 august 1961.”⁹¹

From the above analysis, we can assume that the right of citizenship and other amenities for the Rohingyas are a valid right at par with the other groups of citizens. But, Myanmar is trying to depopulate the Rohingya community and want to make Myanmar a Buddhist dominated society. The seed of persecution was germinated in military regime continuously it has been nurtured as time passed on. Present democratic government is also not interested on the Rohingya issue and they also want to say that the Rohingyas are not a national group of Myanmar. Precisely, Myanmar is

89 Ibid.

90 Ibid

91 Ibid.

taking a Mongoloid affinity approach and they trying to exclude other groups who don't belong to this affinity and importantly Rohingyas are not from this affinity.

CHAPTER III

INDIA, REFUGEE AND THE WORLD: PERSECTIVES OF INDIA AND THE WORLD REGARDING REFUGEE

In this chapter we will discuss attitudes of India and the world towards the refugees and the asylum seekers and how the issue of Rohingya Muslims are being taken by India and the world community as a whole. As per UNHCR data there are nearly 22.5 million⁹² people are refugees and asylum seekers and among this India is hosting 3 lakh from more than 30 countries.⁹³ In March 2016, Kiren Rijiju, the Minister of State for Home Affairs presented that a total of 2, 89,394 refugees from 28 different countries (as on 31/12/2014) presently living in India these also included many stateless people. This is the figure of legal refugees and those Rohingyas and Bangladeshis were not included who are living in India illegally.⁹⁴ It is worth mentioning that India has not any refugee law or it is not a party of any international refugee instrument. India is responding the refugee issues being the responsible democratic country and its commitment towards the international community. However, India is not taking any uniform measure for all the refugees. While a few groups of refugees and asylum seekers are getting government patronage, others are suffering a lot. Among such Myanmarese Rohingya is one. Instead of giving shelter to this stateless group, India is planning to deport them without and pact concluded with

92 <http://www.unhcr.org/figures-at-a-glance.html> accessed on 02/06/2017

93 <http://www.indiatimes.com/news/despise-mulling-to-deport-rohingya-india-s-home-to-over-3-lakh-refugees-from-30-odd-countries-including-us-and-uk-274882.html> accessed on 02/06//22017

According to the latest available data which was presented by Minister Of State for Home Affairs Kiren Rijiju in March 2016, a total of 2,89,394 refugees living in India (as on 31/12/2014) from 28 different countries which also included stateless people. This number of refugees living in India legally and doesn't include the numbers of Rohingyas and Bangladeshi migrants are living illegally in India.

94 Ibid.

the Myanmar government. So, question of India's stand on refugee treatment is a matter of debate.

First, we would discuss here about different groups of refugees and what is the stand of Indian government towards them. Secondly, we would discuss how the world with a host of powerful states and international organisations is taking the issue of Rohingya refugee and asylum seekers as well as other groups of refugees. Coming to the first, we will now discuss it elaborately.

India is hosting refugees from different countries. India is facing this challenge of adopting, accommodating and providing shelter to the vulnerable groups. In general, children and women are most vulnerable in such situation. The Article 14 (1) of Universal Declaration of Human Rights states: "everyone has the right to seek and to enjoy in other countries asylum from persecution."⁹⁵ In South Asia, India is maintaining a democratic and secular government in situation of unstable neighbourhood. India has welcomed population influxes throughout its history from different corner of the world; India has shared boundary with many countries and due to unstable situation for some groups there, these people enters India through its loosely knitted maritime and land borders.⁹⁶ However, India is not a party of Refugee Convention of 1951 as well as protocol of 1967. But India has some ad hoc protocol of its own under which India is safeguarding those people who sought asylum in its soil. India does not have any central body to deal with the situation of refugees other than Foreigner Regional Registration Office (FRRO) which is operating under Bureau of

⁹⁵ <http://www.un.org/en/universal-declaration-human-rights/> accessed on 15/06/2017

⁹⁶ Acharya Bhairav, *THE LAW, POLICY AND PRACTICE OF REFUGEE PROTECTION IN INDIA*, <http://notacoda.files.wordpress.com> accessed on 23 November 2016.

Immigration India. FRRO however does not distinguish asylum seekers and refugees. Along with this the government of India has given permission to UNHCR to register refugees and extend their de facto support to them.⁹⁷ On the Indian part, people to seek refugee in India largely depend on the attitude of government of India or how government takes a particular group of people. For example, Tibetan and Lankan refugees are enjoying soft corner, while the recent Rohingyas are being constantly denied. Due to the lack of a national framework, India's position on refugee protection is largely depends on its government priorities. If we look at the present government we saw that Narendra Modi led NDA government is keen to patronage the Hindu refugees. His government is trying to welcome people from other states who, as per Modi government, are getting problems there present locations being Hindu. On the other hand, this government is planning to push back the Rohingya people who entered into Indian soil to skip persecution in Myanmar. Such act of government has shown its Anti-Muslim as well as Pro-Hindu stance.

It is important to note that as India has no such National law or statutes to protect the rights of refugee and asylum seekers, the court cannot bind government in this ground. In this regard, the Foreigner Act 1946 is become as hindrance. There is no provision in this act for refugees and asylum seekers. Without a valid visa or passport all people are taken as foreigner under this act. So, it is becoming a big problem to act for the refugees under this act as it never distinguishes one from different perspectives. It is worth mentioning that in 2006⁹⁸ a bill was prepared for the

⁹⁷ HRLN report 2007 www.hrln.org

⁹⁸ Indian Model Law on Refugees, draft by Justice P.N. Bhagwati.

protection of refugees and asylum seekers but it had not touched its momentum. Thus, the policies on refugee protection in India are exclusively said to be executive oriented. However, in *National Human Rights Commission v. State of Arunachal Pradesh and another (1996)*⁹⁹, the Supreme Court of India was on the view that the refugees must enjoy the article 21 (right to life and liberty) that stays in Indian Territory. Furthermore, various Judiciary narratives at different level vowed that all refugees and asylum seekers should get the basic treatments under article 14 (right to equality) and article 21 (right to life and liberty) under Indian constitution.

As a responsible country India has some global responsibilities. Though India has not signed the Refugee Convention 1951 or the Protocol of 1967, India is a member of Executive Committee, the highest decision making body of UNHCR.¹⁰⁰ India is hosting refugees since long by abiding its international obligations. India has signed a numbers of global pacts, agreements, conventions like 1966 International Covenant on Civil and Political Rights (ICCPR) 1966 International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All forms of Racial Discrimination 1963 and the Convention on the Elimination of All forms of Discrimination against Women 1979 (CEDAW)¹⁰¹ India has ratified the Convention on the Rights of the Child 1989 and signed the Convention against Torture 1984 (CAT).¹⁰² Most importantly India has adopted the 1948 Universal Human Rights Declaration

⁹⁹ National Human Rights Commission v. State of Arunachal Pradesh and another in www.refworld.com accessed on 06/06/2017

¹⁰⁰ Mohan, S., 2003. India, UNHCR and refugees: an analytical study, *Journal of Peace Studies*, 10(3)
Sharma, N., 1996. Refugees of South Asia: need for a regional mechanism, *Kathmandu Law Review*, 1(1), 103-122

¹⁰¹ Ibid.

¹⁰² Gochhayat, S.A., 2011. Protection of refugees in India, <http://ssrn.com/abstract=1957146>, accessed 16 May 2016.

(UDHR) where in Article 14(1) said, “Everyone has the right to seek and to enjoy in other countries asylum from persecution”¹⁰³ India is also a signatory of Bangkok principles on the status and treatment of refugees being the member of Asian-African Legal Consultative Organisation (AALCO).¹⁰⁴ International legal frameworks have been shown in the table no 2.1 and their accessed date.

Table 2.1

ONVENTION	DATE OF ACCESSION
1951 Refugee Convention	-
1967 Protocol	-
1954 Statelessness	-
1961 Statelessness	-
ICCPR	10 April 1979
ICESCR	10 April 1979
CAT	-
CRC	11 December 1992
CEDAW	9 July 1993
Who does refugee status determination (RSD)?	UNHCR

Source: UNHCR, India

All these above mentioned international instruments are related to human rights and security and everywhere there are various clauses for basic rights for the entire world population. As a result, India is responsible in safeguarding the rights of

¹⁰³ UDHR, in www.un.org

¹⁰⁴ www.who.int/hac/events/2016/ accessed on 4th July 2017

the people of the world who face persecution for different reasons. However it is true that though India is not a signatory of the Refugee Convention, one cannot deny the stance on refugee treatment. India is adopting refugees on humanity ground. However, lacks of uniform procedure, all refugees are not getting same treatment. Some are getting more and some others are facing adversities. Indeed, the National Human Rights Commission (NHRC) has submitted numerous reports¹⁰⁵ urging the promulgation of a national law, or at least, making changes or amendments to the outdated Foreigners Act (1946). In this connection, let's have a look on the refugee's status and their categories that are living in India.

India has offered refugee status to asylum seekers from countries like:

1. China: Refugees and asylum seekers from Tibet.
2. Nepal: persons who seek refuge other than migrant workers.
3. Sri Lanka: conflict induced refugees of Tamil.
4. Myanmar: Currently 50,000 refugees (chin) and asylum seekers and lately the Rohingyas of about 40000.
5. Bangladesh: The mass exodus following the 1971 war.
6. Afghanistan: refugees and asylum seekers comprised mainly of Hindus and Sikhs.

¹⁰⁵ Rajeev Dhavan, "On the Model Law for Refugees: A Response to the National Human Rights Commission (NHRC)," NHRC Annual Reports 1997-1998, 1999-2000 (New Delhi: PILSARC, 2003)

7. Bhutan: The ethnic Nepalese population settled in India amounts to 10,000 refugees and asylum seekers.¹⁰⁶

Among the refugees and asylum seekers some are recognised and some are not. For example Tibetan and Tamil refugees are recognised by the Government of India and they are enjoying amenities and rations from the government.¹⁰⁷ On the other hand, a few groups are recognised by UNHCR that do not get any facilities from the government. However, they cannot be detained under Foreigner Act. Somalis, Palestinians, Burmese Chin and lately Rohingyas are a few who are recognised by UNHCR.¹⁰⁸ There is another category of refugees that are neither recognised by state or by UNHCR. Among this Nepalese Bhutanese are there. They have right to study, live in India but not registered. Hindu Pakistanis, Hazaras and Shia Afghans are those groups who are living in India on humanitarian grounds and do not get any facilities from state or UNHCR. The following tables will show the country wise break up of refugee and asylum seekers in India in the year 2011.

Table 2.2

Registered Numbers of Refugee as on December 2014 by UNHCR	
Afghanistan	10,395
Myanmar	14,300

¹⁰⁶ ibid

¹⁰⁷ Mohan, S., 2003. Op.cit.

¹⁰⁸ HRLN report. Op.cit.

Somalia	654
Others *	516
Total	25,865
Registered Numbers of Asylum Seekers as on December 2014 by UNHCR	
Afghanistan	1305
Myanmar	2970
Others *	799
Total	5,074

Table 2.3

	Origin	January 2011		Dec 2011	
		Total country wise	UNHCR assistance	Total country wise	UNHCR assistance
Refugees	Afghanistan	9,000	9,000	10,000	10,000
	Myanmar	5,000	5,000	7,500	7,500
	Various	1,200	1,200	1,300	1,300
Asylum-seekers	Afghanistan	2,400	2,400	3,200	3,200
	Myanmar	6,500	6,500	8,800	8,800
	Various	600	600	800	800
Others of	China	100,000	0	100,000	0

concern	Sri Lanka	74,000	0	73,000	0
		198,700	24,700	204,600	31,600

Source: Above Tables UNHCR Global Appeal 2011 Update: N.B. Here Rohingya (registered recently 14000) (as it was prepared in 2011) have not been included as well as Bangladeshi immigrants also have not been included.

N.B. 1. Some 51% of refugees and asylum-seekers are men, while 49% are women. There are some 11,000 children below the age of 18. * Other nationalities including refugees from Democratic Republic of Congo, Eritrea, Iran, Iraq, Somalia, Sudan.

2. Numbers of 14000 newly registered Rohingya Muslims have not been included here.

Source: UNHCR, India

Thus, it can be said that UNHCR is doing their best in mitigating problems of the refugees and asylum seekers in India but it is not up to the mark. UNHCR is not capable of addressing all the refugees and asylum seekers. Many times UNHCR is criticized for its work on in Delhi region only. So, must have to give ear on that. In this regard India must have to take active role in curbing the problems of refugee and asylum seekers. Why India needs a refugee law? The following argument finds its importance.

- It is a duty of a democratic state to keep its doors open for people in utmost problems irrespective of class, colour, and religion.
- India is a signatory of International Covenant on Civil and Political Rights (ICCPR). India accepts the Convention on the Elimination of All forms of

Racial Discrimination (CEAFRD) and Convention on the Elimination of All forms of Discrimination against Women (CEDAW).

- India adopted the 1948 Universal Human Rights Declaration (UDHR) as a responsible party and thus should do accordingly.
- These treaties impose responsibility in states like India to secure people who have been persecuted anywhere.
- It will allow refugees and asylum seekers to forget their past trauma, will show them a right path and on humanitarian ground country like India must take up these issues by heart.
- It will preserve India's long standing heritage 'Aithi Devo Bhava' means 'The Guest is Equivalent to God'.

Furthermore, why is it becoming a concern for India? is another question before us. To keep the dignity high being the largest democracy in the world, it is high to go for universal consensus on refugees. The following points are important in this regard.

- Refugees and asylum seekers are living in India with suspicion.
- There are restrictions on basic rights who are living in India as refugees and asylum seekers.
- Most refugee camps in India have not any basic facilities like water, electricity, health, education etc.
- India is among the few liberal nations who are not showing its broadened attitude towards refugees overtly.

We set some objectives in a mind to understand our problem and to fulfil our goal we had designed some research questions. In the second part of the chapter we will assess these from global perspectives. Our objectives were mainly based on human rights and security issues. What types of treatment they had experienced in Myanmar and what is getting in India. But, our central question revolves around the world, UN and powerful states. In the presence of all these actors why is Rohingya be said 'world's most persecuted', 'least wanted' 'stateless people' 'people of nowhere' community? Are we really living in the 21st century where still brutality prevails? Is UN doing its duty or are states helping UN to do its work in right direction? What the powerful states are doing wearing 'the white shirt of humanitarianism' are some of the brainstorming question comes in mind. The fact is that, most of the states found reluctant in this regard. Going to root out the issue, we found many things.

The first and foremost point is Myanmar Anti- Rohingya attitude. High birth rate of the Rohingyas has made the Buddhist more furious as statistics generally shows a steep high birth rate of Rohingyas. The Buddhists dominated country never accepted the Rohingya Muslims as their nation's fellow members. Since long there have been clashes between Arakanese Rohingya and the Buddhists. But, it became more sharp and aggressive under '1962

Burmese coup d'état' led by General Ne Win. And unfortunately in 1982 through Citizenship Act, Rohingya lost their citizenship status too and they have now been taken as foreigner or immigrants from neighbouring Bangladesh. Ultra- nationalist attitude has been blown up among the Buddhist and they wanted to throw out the unwanted Rohingyas at any cost. Most importantly, the National League for Democracy under the de facto leadership of Aung San Suu Kyi, which is presently ruling Myanmar, is not doing anything 'democratic' for the Rohingya people. Nobel Peace Prize winner Suu Kyi also most of the time remains silent whenever she is asked about the Rohingya issue. From her activities, it can be well assumed that she is with the majority of her country. Indirectly, she is working as morale booster of the Buddhist against the Rohingyas.

In such a situation, neighbouring countries do not want to accept Rohingyas who have been persecuted from Myanmar because those countries at a time think many things like these countries do not want to take the burden of influxes or do not want to delink relation with Myanmar by accepting their unwanted people or giving them shelter. These countries listen to Myanmar narratives that the Rohingyas are from Bangladesh and thus Bangladesh should accept those people. Thailand, Malaysia, Bangladesh, Indonesia, India are among the nearby countries who don't want to accept the Rohingyas wholeheartedly. If we take the example of India, the Rohingya people are not said to be in comfort zone. India's attitude towards the Rohingyas is

unfavourable and trying to deport them without any extradition pact with Myanmar. Frankly, India has a good relation with Myanmar and India does not want to discuss the issue with Myanmar as if India pressurise Myanmar then it could go more closer to China which would be a thinkable thing for India.

Now, taking of world perspectives on refugees and Rohingyas, it can be said that Rohingyas are not getting equal treatment from the world community. It is open truth world community is not showing much interest on the Rohingyas. Due to the restrictive nature in Myanmar United Nations also could not do well for the support of Rohingyas. As per UNHCR data that over 168,000 Rohingyas had fled Myanmar since 2012.¹⁰⁹ Though UN is doing enough from its part, but is not showing any result. It is a good sign that all the powerful states are engaging in humanitarian activities protecting lives of refugees and asylum seekers. But, those states are helping only Middle East and African countries most. In 2009 a UN spokeswoman described the Rohingya as "probably the most friendless people in the world."¹¹⁰ South Asian as well as Southeast Asian countries are also not paying any attention on this subject. "We will try to prevent them from entering our territory, otherwise it will create social issues," Indonesia's military chief Gen. Moeldoko as telling reporters. "If we open up access, there will be an exodus here."¹¹¹ Every state

109 <http://www.unhcr.org/news/latest/2017/5/590990ff4/168000-rohingya-likely-fled-myanmar-since-2012-unhcr-report.html>

110 <http://www.bbc.com/news/world-asia-38168917> accessed on 14/01/2017

111 <http://www.npr.org/sections/thetwo-way/2015/05/15/407048785/why-no-one-wants-the-rohingyas> accessed on 02/04/2017

whether it is Malaysia, Thailand or Indonesia are denying Rohingyas. Lately, Indian government is also planning to deport the Rohingyas without any extradition pact with Myanmar.¹¹²

Seeing this reluctance Dina Madani from the Organisation of Islamic Cooperation (OIC) appeals:

"[We] have urged all member states as part of the Islamic *ummah* to reach out to our Muslim brothers who are persecuted and to use the international fora to collectively put pressure on Myanmar to stop the violence."¹¹³

It is matter of concern that why the big states of the world is not pressuring Myanmar to treat Rohingyas well. It could be the fear of Myanmar's polarization to China and other aggressive countries or may be anti Muslim attitude of big countries like US under Donald Trump administration or India under Narendra Modi regime. Whatever may be the reason, it is high time to take up the issue by heart as if they fail to snatch attention of the world community, and a day will come when they will stand against the world. Probability of mass joining in global outfits like ISIS cannot be excluded.

112 http://www.huffingtonpost.in/2017/04/04/government-plans-to-deport-illegal-rohingya-muslim-refugees-from_a_22023852/ accessed on 02/07/2017

113 <http://www.aljazeera.com/programmes/insidestory/2012/07/201272383656931979.html> accessed on 04/07/2017

CHAPTER IV

**ROHINGYAS IN INDIA: A MULTI DIMENSIONAL
ANALYSIS**

Following the persecution in the year 2012, a large numbers of Rohingya Muslims had left Rakhine state of Myanmar and landed different offshore countries. India is one of those countries that faced huge flow of Rohingya population through two different routes. One is costal (who travelled through boats) and other is the porous borders via Bangladesh. A few of them could not escape from the eyes of security personals and have to face detention. However, a great chunk of them has able to escape themselves and temporarily settled in different parts of India. Almost 14000 of their fellow members have able to get the refugee cards from the UNHCR, while many others are still living without any proper legal document. They are staying mainly in Delhi, Jammu and Kashmir, Hyderabad, Utttar Pradesh, and Haryana in slums or in slums like situations. In these places their concentration in maximum. However, as per report a few others are also staying in Kolkata, Tripura, Assam; but one cannot witness their concentration in a particular area as they are residing there in fear of detention without disclosing their identity. It is worth mentioning that though 2012 riot had compelled many Rohingya to come to India, before that one cannot ignore Rohingya's flow to India. However, such flow was too small.¹¹⁴ In a mind to

¹¹⁴ During field study interview, few respondents had informed their prolonged stay in India basically before 2012.

understand the living standard, amenities, government policies towards the Rohingya people, we went to three places of India viz. Delhi (the Capital city of India), Hyderabad (in Telangana), and in Narwal Area (Jammu & Kashmir). The study has been conducted in the month of December in 2016, January and February in 2017. What have been found in the field study has been discussed here categorically state wise. The report has two parts. In the first part, we want to analyze the problems on regional basis and the second part will convey the message of common problems.

STATUS ROHINGYAS IN HYDERABAD:

We visited the Rohingyas in Hyderabad in December, 2016. We conducted the study in three places of Hyderabad viz. Balapur, Kishan Bagh and Hafizbab Nagar in the state of Telangana. There are few other places there in the Hyderabad city like Fatima Masjid, Shaheen Nagar, Shastripuram, Royal Colony, Hamza Colony, Jalpally where Rohingyas are staying. However, our focus was on the above mentioned areas. The camps in those areas are both rented and rent-free. We have found two rent-free camps in Balapur. Rests are paid slum like areas. For every shed in rented areas one has to pay 1000-1500 rupees per month. The sheds are handmade makeshift made of tarpaulin and a kind of thick cloth. The areas are not at all hygienic. No sewage management has seen in those areas. In a nutshell, they are living in a very subhuman condition. An approximate population profile study shows that there are 1,726 numbers of populations covering both genders of all age group. Table 3.1 clarifies population profile of study area:

Table 3.1**TOTAL NUMBERS OF PEOPLE IN THE STUDY AREA (APPROX)**

AGE GROUP (IN YEARS) AND PLACES OF STUDY		MALE		FEMALE		TOTAL	
AGE PLACES		IN NOS	PERCEN TAGE IN RELATION TO MALE TOTAL NOS (UPTO TWO DECIMAL)	IN NOS	PERCEN TAGE IN RELA TION TO FEMA LE TOTA L NOS	IN NOS	PERCEN TAGE
0-6	BALAPUR	51	9.60	36	12.16	87	5.04
	KISHAN BAGH	26	10.20	18	12.59	44	2.55
	HAFIZBABANAG AR	21	6.38	16	9.30	37	2.14
7--14	BALAPUR	70	13.18	35	11.83	105	6.08
	KISHAN BAGH	60	23.53	27	18.89	87	5.04
	HAFIZBABANAG AR	85	25.84	43	25.00	128	7.42
15-30	BALAPUR	190	35.78	120	40.54	310	17.96
	KISHAN BAGH	95	37.25	70	48.95	165	9.56
	HAFIZBABANAG AR	110	33.43	68	39.54	178	10.31
31 AND ABOV E	BALAPUR	220	41.43	105	35.47	325	18.83
	KISHAN BAGH	74	29.02	28	19.58	102	5.91
	HAFIZBABANAG AR	113	34.35	45	26.16	158	9.15
TOTAL	BALAPUR	531		296			
	KISHAN BAGH	255		143			
	HAFIZBABANAG AR	329		172			
	GRAND TOTAL	1,115		611		1,726	

Source: Data taken from field.¹¹⁵ Year 2017

¹¹⁵ This is not a house to house census. We have visited the whole area of study and asked the respondents about their family members along with about their close neighbours.

In the above table (Table 3.1) we have categorized the whole population into four groups viz. 0-6 years, 7-14 years, 15-30 years and 31 and above. The table shows that the maximum numbers of population living in the study area are from 15-30 and 31+ age groups means almost quarter of the total population are 15+. Male are greater in numbers contributing 1,115 while female are 611 numbers. Balapur has the highest numbers of Rohingya population while Kishan Bagh has lowest among three different areas.

At least 230 married couples are there where a sizable numbers of them are remarried.¹¹⁶ However, still there are a few who are living widow or widower life due to personal reason or due to old age. We saw a huge numbers of children are from the age group of 0-6 means a high birth rate and almost all of them took birth in India. We have interviewed 117 people of Rohingya community in Hyderabad. Age group, gender division and marital status of the respondents are given below in Table 3.2:

AGE GROUP	MALE WITH MARITAL STATUS			FEMALE WITH MARITAL STATUS			TOTAL (BOTH) WITH MARITAL STATUS	
15-30	3 5	Married	28	14	Married	12	49	Married
		Un Married	7		Un Married	2		Un Married
		Widower * out of 28	4		Widow * Out of 14	3		Widow /Widower * out of 40
		others**Out of 28	6		others**Out of 14	3		others**Out of 40
31-59	3 8	Married	37	12	Married	12	50	Married
		Un Married	1		Un Married	-		Un Married
		Widower * out of 38	5		Widow* Out of 12	4		Widow /Widower* out of 49

¹¹⁶ Due to separation, widow, widower, untraceable for long years etc (disclosed during interview.)

		others**Out of 38	3		others**Out of 12	2		others**Out of 49
60 AND ABOVE	13	Married	13	5	Married	4	18	Married
		Un Married	-		Un Married	1		Un Married
		Widower* out of 13	3		Widow* Out of 5	2		Widow /Widower* out of 17
		others**Out of 13	2		others**Out of 5	1		others**Out of 17
TOTAL	86	Married	78	31	Married	28	117	Married
		Un Married	8		Un Married	3		Un Married
		Widower * out of 78	12		Widow* Out of 28	9		Widow Widower * out of 106
		others**Out of 78	11		others**Out of 28	6		others**Out of 106

Table 3.2

Source: Data taken from field, year 2017

**Widow/Widower has been taken as married. Their numbers included in married total numbers.*

***residing in other camp or places or different country/ unknown whereabouts/separated. We take them as married.*

The study conducted with 86 males and 31 females of different age groups. Most of them are married as they have the tendency to marry earlier. However, in Myanmar they were being restricted in marriage matters but after coming to India they are not getting any problem in marriage matters. They married their fellow community members. A few of them engaged in remarriage as either their partners were murdered in Myanmar or they are remained untraceable for long. They have a high birth rate as

most of the eligible couples of above 30 years have had three to four children. However, they informed that a large numbers of their offspring get killed either in clashes in Myanmar or during dangerous voyage through sea routes or many of them deceased due to diseases. Interestingly, the literacy of the Rohingya community members is very poor. They informed us that there is restriction in education for the Rohingyas. Surprisingly, almost 85% of the community members are illiterate. Even all the 10% have not proper modern education. 4 % of them have only Islamic education. The Table 3.3 shows the literacy level of the respondents.

Table 3.3

	Literate				Illiterate	
Male	12				74	
	2 can only write name	6 has formal education				4 has Islamic education*
		Primary	Secondary	Higher		
	4	2	-			
Female	4				28	
	2 can only	1 has formal education		1 has		

	write name	Primary	Secondary	Higher	Islamic	
		1	-	-	education*	

Source: Data taken from field, Year 2017

**Islamic education means learning religious scriptures along with Arabic language at home.*

To know the refugee status we have asked them about their documents. We found that though many of them had obtained UNHCR refugee card, still there a number of people who don't have any cards. They showed us their cards and we saw that the cards are valid for two years. Confederation of Voluntary Organization (COVA), an NGO which is working for the Rohingyas in Hyderabad monitors in getting refugee cards. Due to the non availability of cards (who don't have) people are getting more trouble in every aspect from earning to irrelevant police questioning. Of the 117 respondents 91 has refugee cards. The rests have no legal documents. However, 16 of them (12 male and 4 female) informed that they have fulfilled the formalities for cards but still they are not getting these. Table 3.4 shows the number of people with and without cards.

Table 3.4

Status of UNHCR card	Male	Female
Card Holder	71	20
Without Card	15	11
Total	86	31

Source: Data taken from field, Year 2017

As the study is intent to know the living status of the Rohingyas in India and it is related mostly with the earnings of the family. Let's look into the economic activities of the Rohingyas staying in Hyderabad city area. We found during our study that as they are staying here without any nationality, they always get problems in finding jobs. Though most of the workers have refugee cards, people don't want to get them jobs taking them as foreigner. Though a few managed to get job, they have to take lesser amount. In spite of these hurdles, they have to earn their daily breads. They generally perform low level economic activities. They work as construction labour, rag- pickers, factory workers, rickshaw puller, small grocery shop, daily wage labourers at *adda* (labour pick up station), drain cleaner etc. A few women used to work in the houses of local residents like washing cloth, wiping, or cleaning household boundaries. A male through his activity ears an average sum of Rs 200 to 400 daily. However, he does not get work every day. He finds work 16 to 18 days in a month. Contrary to this, a woman earns only 70 to 300 a day. Most of them are widow who compels to work to feed her children. However, a few females also work as rag pickers as well as packaging worker. Table 3.5 depicts the earning source of the Rohingyas in Hyderabad city:

Table 3.5

Economic Activities/ Source of Earning	Male		Female	
	Nos	Earing per day per people	No s	Earing per day per people
Daily Wage Labour at <i>adda</i> (labour pickup	23	250-350	-	-

station)				
Construction Labour	15	300	-	-
Rag- Pickers	12	150-200	7	150-200
Factory Workers	5	250-350	-	-
Packaging worker	5	300	3	300
Rickshaw Puller	9	300-400	-	-
Grocery Shop (within camp area)	3	200-350	-	-
Drain cleaner	2	350	-	-
Washing cloth and wiping flour in other's houses	-	-	5	70-200
Total	74		15	

Source: Data taken from field , Year 2017

By studying economic activities of Rohingyas in Hyderabad we found that it is not easy to run a family with just 200-400 rupees in present day by buying everything from market. Furthermore, they have to pay rent for their staying every month. Importantly, almost all of them have 4 to 5 family members and the earning is only for 16 to 18 days only in a month means earning varies in a month like 3200 (taking 200 per day for 16 days), 6400 (taking 400 per day for 16 days), 3600 (taking 200 per day for 18 days) and 7200 (taking 400 per day for 18 days).

They are in extreme poverty as internationally it is assumed that less than \$ 1.90 income¹¹⁷ per day per head of purchasing power parity is defined as extreme poverty. If we take that a family has 4 members and the family earns 400 a day, is the family in extreme poverty? We can find the answer by converting the dollar into Indian currency. Today, on 24th June/2017, 1 dollar equal to 64.50 Indian rupees means 1.90 dollar is equal to (1.90*64.50) 122.55 Indian rupees. That means a person needs

¹¹⁷ As per the World Bank norms.

122.55 today to escape from extreme poverty. In this way a family comprising of four members will need (122.55×4) a minimum 490.20 a day to be free from poverty means below of this figure a family is in extreme poverty. If we see the Rohingyas from the perspectives of extreme poverty, the answer will always be affirmative.

The condition of living in all three camp areas of Balapur, Kishan Bagh and Hafizbab Nagar is not at all hygienic. In all the camps we have seen a slum like situation. Near many camps we saw sewage dumping places. In few places of Balapur we have seen drainage water which is turning black and people are residing nearby. In most of the time we have wear mask for bad odor. Flies are flying everywhere. No safe and clean water facility is there. In rented slums water supply is provided only for 15 to 20 minutes. Open defecation is a big concern there. A few temporary toilets have been made but there is no sanitation at all. No health facility is there. During rainy season they have to suffer a lot. Puddles of water always create problems. Stormy weather even breaks their loosely built sheds easily. Fears of serpent like creatures are always there. Due to their low income, they cannot buy proper food for them. They informed that in the month of Ramadan (Islamic Holy month) they receive fitra¹¹⁸ from the local residents as well as Zakat Foundation also helps them as per their norms. But, these are just short time benefits.

Rohingyas are not getting proper healthcare facilities. During interview they informed that many a times hospital administration asked for Aadhaar cards for

¹¹⁸ An amount which needs to given by every Muslim to the poor in the month of Ramadan. It is calculated with the equal amount of 1.6 kg wheat price or 3.2 kg Barley

registration. As they do not have such card they have to move back. Many hospitals do not accept refugee card as valid documents. They cannot even go for specialists or private practitioners due to hefty fees. In such case, some quacks take the opportunities. They charge more for low priced medicines. They are even unable to consume proper food because of their low income.

In these makeshift camps child and women health is in stake. Children are easily prone to diseases due to lack of proper sanitation. Children remain moving to and fro barefoot or with food with hand and for this they often get contacted with the flies. There is no vaccination drive for the children to get rid of deadliest diseases. We have not seen any health card for a single child. Healths of the children are too poor. With a very tender age many children have to help their family by earning a few pennies. They generally work as rag pickers. As their immunity is not strong in tender age, they often fall sick.

During interview with the women, we came to know that they are too not getting any health facilities. Pregnant women suffer a lot as there is no anti natal or post natal checkups. Most of the deliveries happen in sheds with untrained women. Due to low calorie intake mother/ child health is very poor. Women cook in hand made oven with fire woods or coal that effects their eye sights. But due to their low income or questionable identity, they have to remain untreated. Women do not use any sanitary napkins; do not use any birth control approach. Due to this, women get pregnant with a short period of time with a child on arm. Table 3.6 is an illustration of that.

Table 3.6

Women Reproductive Health Indicators	Interviewed 28 Women out of 31 Who are Associated with Reproduction System	
	Yes	No
Sanitary Napkin Uses	-	28
Contraceptives/ Condoms	2	23
Anti Natal/ Post Natal*	-	24
Checkups		
Institutional Delivery**	1	20
Delivery at Home	20	1
Healthy diet during Pregnancy***	-	21
2/3 years Gap of Child Birth	-	21

Source: Data taken from field, Year 2017

**We found that 24 have had recent experience of child birth. Out of this 6 are still pregnant and 4 have recently given birth with newborn baby on arm. We found two cases of miscarriage. We only take the data from the year of their staying in India.*

***Institutional delivery means delivery in hospitals, sub centres etc. at the time of interview we found 21 delivery related cases of total 31 respondents. 1 was complex case and that had been done in hospital.*

**** As only rice, bread and lentil do not cover the required calorie of pregnant mother, we cannot term it as healthy diet. We saw that most of the women have broken*

health and all are suffering from anemia. Not a single woman is taking iron or folic acid tablets.

Almost 85% of the Rohingyas are illiterate. Due to the restriction on Rohingyas education in Rakhine state of Myanmar, they could not properly educate themselves. Coming to India, they are almost getting same problem. Alternatively, in India (Hyderabad) there is no restriction on education but to get enroll in the schools one needs AADHAAR cards and as it is only for India national they cannot enroll their children in state run schools. So educating the children become a great problem for the Rohingyas. However, few NGOs are working on the education sector for the Rohingyas. One such kind of institute is ‘Salamah Educational Centre’ where children of Rohingyas can learn with a nominal fee of 300 rupees per month. Again in June 2016, a school for the Rohingya children has been opened through a joint effort of UNHCR and Sarva Shiksha Abhiyan, Telangana. Many respondents said that the school is in a distant place of almost 1.2 kms and due to its distance many children don’t wish to attend school. We visited the schools (that day it was closed) and from the community members we have come to know that children who go there get food, cloth and books. One respondent informed us that there are about 110 children reading in that school. We have come to know that refugee card is mandatory to get enroll in the school.

The Rohingyas are getting problem with the language in Hyderabad. As Urdu and Telugu are the predominant language of the city area, Rohingyas find it difficult to

cope up with this. They generally speak language which is related to Bengali or a few of them speak only Burmese. Language barrier become a major concern as they are not finding job due to their lack of language adaptability. Though a few can managed to speak broken local language, people always see them in disvalued way.

STATUS OF ROHINGYAS IN DELHI:

A huge chunk of Rohingya population is living in Delhi. They are living in small shanties in various places of North and South East Delhi. We visited Shaheen Bagh, Kalindi Kunj, Madanpur Kader situated in South East Delhi near Yamuna River and one Khajuri Khas in the North Delhi in the month of February 2017. There are a few others in nearby Mewat in Haryana towards south Delhi. However, our focus was on the NCR Delhi. The areas where Rohingyas are staying are very densely populated inhabitable places. In Kalindi Kunj there are about 50 Rohingya families are living. The camp which is known as “Darul Hijrat” is set up by Zakat Foundation, a charity organization for the unprivileged. The camps of Shaheen Bagh (about 40 families) and Khajuri Khas (about 40 families) are in government lands. A Delhi Metro Rail project is undergoing there in Shaheen Bagh on that plot where Rohingyas are living. Another camp Madanpur Kader is nearby Shaheen Bagh camp in Okhla region of south Delhi. The camp is situated on Zakat Foundtion’s land. About 75 numbers of families are living there.

The atmospheres of all the camps are very dirty. All the sheds of the camps are made of cheap materials and easily breakable. A few houses are made of loosely raised

bricks. Most families have to live under the same roof without any partition with all family members counterbalancing shame. There is no sanitation and no cleanliness. In every camp there is only one hand pump, one or two unsanitary toilets, no proper electricity service etc. Delhi Jal Board supplies water in the camp areas but it is not adequate and regular. Due to their high birth rate, community members are increasing heavily. Huge numbers of children in the study area is the proof of that. A population profile of all the four camps have been given here in Table 4.1

Table 4.1

AGE GROUP (IN YEARS) AND PLACES OF STUDY		MALE		FEMALE		TOTAL	
		IN NOS	PERCENTAGE IN RELATION TO MALE TOTAL NOS (UPTO TWO DECIMAL)	IN NOS	PERCENTAGE IN RELATION TO FEMALE TOTAL NOS	IN NOS	PERCENTAGE
0-6	Shaheen Bagh	21	3.52	16	4.37	37	3.85
	Kalindi Kunj	11	1.85	14	3.83	25	2.60
	Khajuri Khas	17	2.85	12	3.28	29	3.01
	Madanpur Kader	20	3.36	17	4.64	37	3.85
7--14	Shaheen Bagh	24	4.03	10	2.73	34	3.53
	Kalindi Kunj	15	2.52	19	5.19	34	3.53
	Khajuri Khas	27	4.53	16	4.37	43	4.57
	Madanpur Kader	18	3.02	9	2.46	27	2.81
15-30	Shaheen Bagh	52	8.72	23	6.28	75	7.79
	Kalindi Kunj	71	11.91	34	9.29	105	10.91
	Khajuri Khas	43	7.21	28	7.65	71	7.38
	Madanpur Kader	65	10.91	40	10.93	105	10.91
31+ AND	Shaheen Bagh	67	11.24	26	7.10	93	9.67
	Kalindi Kunj	34	5.70	21	5.74	55	5.72

ABOVE	Khajuri Khas	43	7.21	34	9.29	77	8.00
	Madanpur Kader	68	11.41	47	12.84	115	11.95
TOTAL	Shaheen Bagh	164		75			
	Kalindi Kunj	131		88			
	Khajuri Khas	130		90			
	Madanpur Kader	171		113			
		596		366		962	

Source: Data taken from field, Year 2017

The above table shows that in Delhi region, a huge portion of Rohingya population is from the age group of 15-30 and 31+. Number of female is less in comparison to male counterpart. Almost 10-12% of the total population falls in the 0-6 year age. Interestingly, this age group has more numbers of female. Other age groups do not show much variation. A total of 596 are male and 366 are female and taking both it is 962.

Table 4.2

AGE GROUP	MALE WITH MARITAL STATUS		FEMALE WITH MARITAL STATUS		TOTAL (BOTH) WITH MARITAL STATUS				
15-30	23	Married	19	10	Married	9	33	Married	28
		Un Married	4		Un Married	1		Un Married	5
		Widower * out of 19	1		Widow * Out of 9	-		Widow /Widower * out of 28	1
		others**Out of 19	3		others**Out of 9	1		others**Out of 28	4
31-59	31	Married	29	11	Married	11	42	Married	40
		Un Married	2		Un Married	-		Un Married	2
		Widower * out of 29	7		Widow* Out of 11	-		Widow /Widower* out of 40	7
		others**Out of 29	5		others**Out of 11	4		others**Out of 40	9

60 AND ABOVE	10	Married	10	9	Married	9	19	Married	19
		Un Married	-		Un Married	-		Un Married	-
		Widower* out of 10	1		Widow* Out of 9	2		Widow /Widower* out of 19	3
		others**Out of 10	3		others**Out of 9	-		others**Out of 19	3
TOTAL	64	Married	58	30	Married	29	94	Married	87
		Un Married	6		Un Married	1		Un Married	7
		Widower * out of 58	9		Widow* Out of 29	2		Widow Widower * out of 87	11
		others**Out of 58	11		others**Out of 29	5		others**Out of 87	16

Source: Data taken form, year 2017

**Widow/Widower has been taken as married. Their numbers included in married total numbers. **residing in other camp or places or different country/ unknown whereabouts/separated. We take them as married.*

We approached to 94 respondents in entire Delhi area (covering the four camps only) of different age groups from 15 years onwards. Of the 94 respondents 64 are male and 30 are females. Due to the tendency of early marriage 87 of them found to be married. The remaining 7 are below 17 of which 6 are male and 1 is female. Total numbers of widower is 9 of which 5 were killed by Buddhist arm forces in Rakhine by raping and torturing. A total of 16 respondents informed that their partners are missing or living in unknown places. Out of 64 males 11 have informed of remarriage due to being separated for various reason. Table 4.2 indicates age group and marital status of Rohingya Muslims in Delhi. Table 4.2

The Rohingya refugees living in Delhi region is too poor in education. Their literacy rate is between 20- 25%. However, we met two students who are pursuing

higher education through distance mode from Delhi University. Female literacy is below 10%. But, their children literacy rate is increasing after coming to India as many children are accessing education through the help of NGOs like Don Bosco, Zakat Foundation etc. Table 4.3 will show the literacy rate of the respondents.

Table 4.3

	Literate				Illiterate	
Male	16				44	
	5 can only write name	8 has formal education				3 has Islamic education*
		Primary	Secondary	Higher		
		3	2	3		
Female	5				25	
	1 can only write name	2 has formal education				2 has Islamic education
		Primary	Secondary	Higher		
		2	-	-		
			*			

Source: Data taken from field, Year 2017

Thus, the literacy rate of the respondents reveals that how poor they are in education. As we have interviewed 94 Rohingya people of whom the minimum age is above 15 (they came India only 4 years back means almost all of them had not started their primary education in Myanmar) reveals the astonishing poor picture of education regarding Rohingya Muslims in Rakhine state of Myanmar. However, their new generation has been getting the opportunity of education in Delhi. But, due to a lot of problems, the journey of education is not going smoothly. Problems like low income,

engagement of children in economic activities for meeting family needs, illiterate parents, understanding a different education atmosphere, school distance, not getting proper treatment in schools from teachers being Rohingya etc.

Table 4.4

Economic Activities/ Source of Earning	Male		Female	
	Nos	Earning per day per people	No s	Earning per day per people
Daily Wage Labourers	35	200-350	3	150-200
Rag- Pickers	8	150-250	5	150-250
Construction Labourers	5	250-300	2	200-250
Factory Workers	6	200-300	2	200-300
Grocery Shop (within camp area)	2	120-250	-	-
Stone breaking labourers	4	250-350	3	150-200
Tailoring worker (in others establishment)	-	-	1	200-250
Total	60		16	

Source: Data taken from field, Year 2017

The economic activities of the Rohingyas living in Delhi show that all the males of above 15 years (or even below) have to compulsorily work for earning bread for the family. They don't get job throughout the month because most of the native do not believe in them by taking them as foreigner. In Delhi, the mean value of working day of the workers is 13 ranging from 10 to 16 days. Their earning is also less in comparison to native workers. They cannot bargain, they have nothing to say. They do not have proper education which is also a hurdle for them in getting job. Due to the less income the community members have to face calorie deficiency. They cannot help their children in imparting quality education. Food intake of the pregnant mothers

becomes poor. On the other hand, female workers are paid less. Due to their vulnerability, they cannot even engage in all types of economic activities. Though a few knows some tertiary activities, they don't find any job due to their questionable identity. Those female who work are actually the sole bread earner of the family because of their ailing or no male family member. In a nut shell, they are living a very immiseration life.

Table 4.5

Women Reproductive Health Indicators	Interviewed 25 Women out of 30 Who are Associated with Reproduction System	
	Yes	No
Sanitary Napkin Uses	3	22
Contraceptives/ Condoms	4	21
Anti Natal/ Post Natal* Checkups	-	21
Institutional Delivery**	3	12
Delivery at Home	12	3
Healthy diet during Pregnancy***	-	21
2/3 years Gap of Child Birth	-	15

Source: Data taken from field, Year 2017

**We found that 21 have had recent experience of child birth. Out of this 2 are still pregnant and 3 have recently given birth with newborn baby on arm. We found two cases of miscarriage. We only take the data from the year of their staying in India.*

***Institutional delivery means delivery in hospitals, sub centres etc. at the time of interview we found 15 delivery related cases of total respondents. 3 was complex case and that had been done in hospital.*

**** As only rice, bread and lentil do not cover the required calorie of pregnant mother, we cannot term it as healthy diet. We saw that most of the women have broken health and all are suffering from anemia. Not a single woman is taking iron or folic acid tablets.*

We saw that in Delhi the health of women of Rohingya community are in stake. They are not getting any facilities in relation to reproduction health. No medical facilities they are getting. They only informed us that doctor visits them hardly their places but they do not paid much attention to their health. Doctors just do their duty of visiting camps. Rohingyas never get any medicines from them. The health of elderly women is also in bad conditions. We met three elderly women of above 60 years of age. All three have been suffering from ailments. Except one, two are too skinny. One is suffering from excessive cough, one is getting eye problem and the other is experiencing abdominal pain. They said that no one is paying attention to them. As we went there at the end of winter season, we saw that they have not enough warm cloth

to fight with cold. Some NGOs had helped them in getting rags but these were not adequate to them.

Children health becomes a cause of concerns. Due to dirty atmosphere, children often become ill. We found 3 children who had suffered from dengue last year. The places where they are living are also the home of flies, mosquitoes, deadly viruses and the community members become an easy prey to these insects or viruses. We have not seen a children having been vaccinated with BCG or DPT. Only 2 respondents had informed of vaccinating their children (mere polio and not others). Many children of 10-12 years of age work as rag pickers in sewage dumping stations where they get infected with various viruses. They often visit the sewage dumping stations with bare foot and get injury. Above all, they do not get required calorie intake for physical developments.

Children are not getting education in proper way. The respondents informed that they are not sending their children to school¹¹⁹ due to various reasons. We have already mentioned the reasons above. Though a few NGOs are trying their level best to educate the Rohingya Children, it is not benefiting all the children. However, the children who are going to school are learning in a well manner specially the local languages to communicate with other people. One important problem we have seen during field study is that a few schools are not accepting Rohingya students due to

¹¹⁹ Not all but majority. Out of 94 respondents 73 have children of school going age. But we found only 18 respondents are sending their children to school.

their failure in producing AADHAAR¹²⁰ cards which have made compulsory for school enrolment. However, few schools are giving the opportunity of getting school education at free of cost taking the note of RTE Act of 2009.¹²¹ But surprisingly, a major chunk of the Rohingya children are still in need of quality education as their golden days are running out.

Drawing a complete picture of the Rohingyas living in Delhi, we can say that they are living a subnormal life. Their living standard is too poor and too dirty. There is no future for the upcoming generations living in such a place where the basic needs of human is still a distant dream.

STATUS ROHINGYAS IN JAMMU:

A huge chunk of Rohingya people have been living in Jammu and Kashmir for last six years. As per statement given by the J&K Chief Minister Mehbooba Mufti in the last budget session, there are 5,743 Rohingyas are staying in J&K and all of them have Refugee cards issued by UNHCR as on January 6, 2017. She said that they have been living peacefully in Jammu and Samba districts. She further stated that no Rohingya have been found in involving militancy related activities. However, anti-Rohingya campaign has been erupted in J & K following this statement in February, 2017. Billboards showing “quit Jammu” “wake up Jammu” have been raised in different places by Jammu and Kashmir National Panthers Party. Members of political

120 A 12-digit identification number issued by the India government to every Indian resident in a form of a card.

121 Where it is made mandatory to give free and compulsory education to all children up to the age of 14.

parties like Congress, Bajrang Dal, Hindustan Shiv Sena, Shiv sena and others raised their voices against Rohingyas. Political party members even complained that a huge numbers of Rohingyas are possessing AADHAAR cards. Home Ministry is also taking the issue seriously and they are trying to deport them as early as possible. Shockingly, Jammu Chamber of Commerce and Industry started a stir by declaring that if government failed to identify and deport the Rohingyas, they will plunge a “identify and kill” campaign against the Rohingyas. However, the Asia Pacific Refugee Rights Network urged the Government of India to save the stateless Rohingyas and not to take any action against them.

We went to Jammu district during such protest against Rohingyas in February. When we approached them in Narwal area, they hesitated to answer but after staying about one week there they started us to cooperate. In Narwal area there are 85-odd Rohingya families (in which area we have conducted our study) are living in slum like conditions in makeshifts. They are staying there in private land and they have to pay a monthly fee for the usage which ranges from 500-800 rupees. Few houses are made of wood or tin and they residents of these rooms have to pay more. We have not found anywhere that there is any safe drinking water facility available. Their living condition is undoubtedly subnormal. After touring two other places to study the conditions of the Rohingyas, it seems that J &K has become presently the most vulnerable place for the Rohingyas.

Still they are living there as they have no other choice to accept. They are getting deprived of every single amenities of life. They are not able to send their children to school, not getting proper place of work, not able to collect required food, not getting medical facilities etc; they are just living as an organism. The population profile of our study area in Jammu has been illustrated here:

Table 5.1

AGE GROUP (IN YEARS) AND PLACE OF STUDY		MALE		FEMALE		TOTAL	
		IN NOS	PERCENTAGE IN RELATION TO MALE TOTAL NOS (UPTO TWO DECIMAL)	IN NOS	PERCENTAGE IN RELATION TO FEMALE TOTAL NOS(UPTO TWO DECIMAL)	IN NOS	PERCENTAGE
0-6	Narwal Area*	262	16.00	234	16.41	496	16.19
7-14	Narwal Area*	478	29.19	410	28.75	888	28.99
15-30	Narwal Area*	567	34.64	493	34.57	1060	34.61
30 AND ABOVE	Narwal Area*	330	20.16	289	20.27	619	20.21
TOTAL	Narwal Area*	1637		1426		3063	

Source: Data taken from field, Year 2017

**The area where study has been conducted. We have not included the families who are on the outskirts of Narwal area. We visited Quasim Nagar, Rajiv Nagar, Channi Himmat, Bathindi and Narwal. All the places are near to University of Jammu and easily accessible by NH44. As these places are very close to each other, we have taken them as Narwal Area.*

Table 5.2

Source: Data taken from field, year 2017

**Widow/Widower has been taken as married. Their numbers included in married total numbers. **residing in other camp or places or different country/ unknown whereabouts/separated. We take them as married.*

AGE GROUP	MALE WITH MARITAL STATUS			FEMALE WITH MARITAL STATUS			TOTAL (BOTH) WITH MARITAL STATUS		
15-30	24	Married	17	17	Married	15	41	Married	32
		Un Married	7		Un Married	2		Un Married	9
		Widower * out of 17	-		Widow * Out of 15	2		Widow /Widower * out of 32	2
		others**Out of 17	3		others**Out of 15	-		others**Out of 32	3
31-59	18	Married	17	19	Married	18	37	Married	35
		Un Married	1		Un Married	1		Un Married	2
		Widower * out of 17	1		Widow* Out of 18	3		Widow /Widower* out of 35	4
		others**Out of 17	1		others**Out of 18	2		others**Out of 35	3
60 AND ABOVE	20	Married	20	11	Married	11	31	Married	31
		Un Married	-		Un Married	-		Un Married	-
		Widower* out of 20	3		Widow* Out of 11	2		Widow /Widower* out of 31	5
		others**Out of 20	2		others**Out of 11	4		others**Out of 31	6
TOTAL	62	Married	54	47	Married	44	109	Married	98
		Un Married	8		Un Married	3		Un Married	11
		Widower* out of 54	4		Widow* Out of 44	7		Widow /Widower* out of 98	11
		others** out of 54	6		others** out of 44	6		others** out of 98	12

From the above table we found that in the centre of the Narwal area there are approximately 3063 numbers of Rohingya people are staying. Out of this figure 1637 (53.45) are male and 1426 (46.56%) are female of different age groups. The table

shows that 34.61% of the total population is between 15 to 30 years of age and this is almost equal in both the sexes.

Examining the marital status of the Rohingyas, it is found that most of the respondents are married. 54 out of 62 male are married while female marriage rate is higher (means females engaged in marriage too early. For example if a male marries at 17 then a female must be of around 13) as out of 47, 44 females are married. Numbers of unmarried male are from the age group of 15 to 30. Numbers of widow are 7 and most of their partners have been killed in the clashes in Myanmar. Numbers of widower are four of which 1 has died in pregnancy related cases and others remained the prey of the local Buddhist and military forces in Myanmar. Total 12 numbers of respondents do not know where their family partners are. A large number of respondents informed that they concluded the marriage bonding after coming to India and a few of them found to be remarried.

Table 5.3

Status of UNHCR card	Male	Female
Card Holder	60	44
Without Card	02	03
Total	62	47

Source: Data taken from field, Year 2017

Though from the government it was stated that the Rohingyas who have been living in Jammu region have UNHCR cards but during interview we found 2 male and 3 female residing in Jammu without any cards. Shockingly, 9 have informed that they have ration cards and 3 have Aadhaar cards. out of 9, 2 have both AADHAAR and ration cards.

Table 5.4

	Literate			Illiterate	
Male	13			49	
	8 has formal education		5 has Islamic education*		
	Primary	Secondary			Higher
	5	3			-
Female	6			41	
	3 has formal education		3 has Islamic education*		
	Primary	Secondary			Higher
	3	-			-

Source: Data taken from field, Year 2017

The literacy rate of the Rohingyas staying in Jammu is too poor. Only 13 out of 62 males are literate of which 5 have completed primary education, 3 have completed secondary education and 5 are from Islamic education. Likewise, only 6 out of 41 females are literate of which 3 have primary education and another 3 have Islamic education.

While studying the economic activities, we found that the wages are higher in Jammu in comparison to other parts of India where their fellow members are living. Most of them are daily wage laborers, factory workers, construction workers, scrap dealers, sweeper etc. They all have to work daily for maintaining their family; however, it is not easy to get job daily. Most of the workers depend on daily earnings. A profile will show the category of workers:

Table 5.5

Source: Data taken from field, Year 2017

Economic Activities/ Source of Earning	Male		Female	
	Nos	Earning per day per people	No s	Earning per day per people
Daily Wage Labourers	27	300-400	8	250-300
Scrap dealers	5	350-500	-	-
Construction Labourers	11	300-400	4	250-300
Workers in Mills (Flour)	3	200-400	-	-
Factory Workers	5	350-400	-	-
Grocery Shop (within camp area)	4	200-350	-	-
Brick Kiln	5	250-350	7	250-300
Tailoring worker, hotel workers (in others establishment)	2	150-250	5	150-250
Total	62		24	

The job market is good in relation to other parts in Jammu. However, female workers get problems in finding jobs. Though male workers earn roughly 300-400, it is not enough to maintain the family. Most women do not work and a portion has to work under compulsion for not being any bread earner in the family. It seems that in almost every aspect females are paid less than the males.

Table 5.6

Women Reproductive Health Indicators	Interviewed 32 Women out of 40 Who are Associated with Reproduction System	
	Yes	No
Sanitary Napkin Uses	-	40
Contraceptives/ Condoms	-	32
Anti Natal/ Post Natal*	-	32
Checkups		
Institutional Delivery**	2	28
Delivery at Home	28	2
Healthy diet during	-	32

Pregnancy***		
2/3 years Gap of Child Birth	-	23

Source: Data taken from field, Year 2017

**We found that 21 have had recent experience of child birth. Out of this 2 are still pregnant and 3 have recently given birth with newborn baby on arm. We found two cases of miscarriage. We only take the data from the year of their staying in India.*

***Institutional delivery means delivery in hospitals, sub centres etc. at the time of interview we found 15 delivery related cases of total respondents. 3 was complex case and that had been done in hospital.*

**** As only rice, bread and lentil do not cover the required calorie of pregnant mother, we cannot term it as healthy diet. We saw that most of the women have broken health and all are suffering from anemia. Not a single woman is taking iron or folic acid tablets.*

If we look at the health perspective of women, we saw that there is no health awareness among the Rohingya community. We found that they do not about sanitary napkins, anti natal checkups etc. Except complications almost all delivery has been conducted at home. We heard that no health official has visited their camps till that. Private practitioners hear them but charge a lot for their services. No healthy diet is available for the pregnant mothers. Most of the women seemed to be anemic. Their birth gap between the two children is less than 2 years. After all, the women healths of Rohingyas are utterly unsafe in Jammu Narwal area. The old aged women are also

suffering from various ailments. One women respondent of around 60 informed that she has been suffering from chest pain for several weeks. She went to Gandhinagar government hospital where she did not get much attention. She said that situation has changed from this year. Earlier, they used to get help from the local people but now nobody wants to help. It is also found that the old people are not getting attention even from their family members.

Health of the children is in very miserable condition. We have seen many naked and half naked children moving out there with bare foot in a dirty atmosphere. Seeing those children one can easily understand that they are malnourished. We asked their parents a few questions to understand their health status. But surprisingly all the answers were beyond imagination. They have not been vaccinated any day. They even lift food particles from the roadside thrown out by others. They easily get sick but parents informed that they cannot do anything because if they spend all money on medicine they have to remain starved.

Children of Rohingya are not getting education in Jammu. Out of the 109 respondent, only 12 have informed that their children are learning at school. So, a large numbers of children are not getting education. Due to the lack of awareness or costly education system is barring the Rohingyas in sending their children to school. However, some community members who know about Islamic education are giving Quran and Arabic lessons to the children at free of cost.

Thus, in Jammu the Rohingya community is getting nothing but two pennies much than the other places of India. Lately, situation of Jammu has been changed drastically. Anti- Rohingya movement has been coming up and it seems that Rohingyas are presently becoming the most vulnerable in Jammu region.

From the above discussion and analysis we have come to a point that Rohingyas in India are living a subnormal life bereft of minimum amenities. We have developed a model to understand the minimum needs for survival and will be known as Basic Minimum Needs for Human Survival (BMNHS). The model has been illustrated as under:

Table 6.1

BMN	Attributes	Camp in Hyderabad	Camp in Delhi	Camp in Jammu
HS	<p>Food in Calorie</p> <p>Male: Min 2500 Kcal</p> <p>Female: Min 2000 kcal</p> <p>Children: Min 1800 Kcal</p>	Not sufficient	Not sufficient	Not sufficient
Prima	<p>Fresh Air and Safe Water</p> <p>Pollution free air and Arsenic and other harmful chemical</p>	<p>No fresh air.</p> <p>Smokes from the industries are</p>	<p>Smokes of industry railway</p>	<p>Not much smokes but drinking</p>

ry Needs	filtered water	main cause. Nowhere safe drinking water.	pollute the air. Water is not safe	water is not pure.
	Identity (Nationality/ Refugee Status (by state)	No state identity. Refugees under UNHCR. States can deny UNHCR status	No state identity. Refugees under UNHCR. States can deny UNHCR status	No state identity. Refugees under UNHCR. States can deny UNHCR status
	Cloth Not only covering body but needs to have minimum cloth to fight with cold	To fight with cold, the cloths are not sufficient.	To fight with cold, the cloths are not sufficient.	To fight with cold, the cloths are not sufficient
	A safe social Atmosphere absence of social, ethnic, communal strife. Furthermore, there should not be the fear of living	Party safe. They always live in fear as police often harassed them.	Party safe. They always live in fear as police often harassed	Previously it was safe. But presently unsafe.

			them.	
Secondary Needs	Education Up to the age of 14	Only 15-20% are getting primary education	25-30% are getting school education. Two/three is pursuing higher education	Only a tiny portion is accessing school education
	Healthcare For normal as well as critical illness	Almost inaccessible	Almost inaccessible	Almost inaccessible
	Sanitation Awareness, planned sewage disposing.	Too much dirty	Too much dirty	Dirty
	A minimum source of earning for at least 25 days (per head) An income source and the minimum wage	Not all are getting work. Working days are below 18	Not all are getting work. Working days are below 18	Under 25 days of work.

Source: data taken from field, Year 2017

The BMNHS shows a dismal picture of living condition of Rohingya People. This model indentifies that in every aspect Rohingyas are falling behind. Not a single

attribute of BMNHS is fulfilled in any camp. We can term it as BMNHS not fulfilled means extreme poverty.¹²² No basic facilities available for them. Most importantly, their refugee status is given by UNHCR and not by Government of India or there is no special legal arrangement for Rohingyas unlike other Refugees or Asylum Seekers staying in India. They have not sufficient food to take. No safe drinking water facilities, not enough cloth to fight with cold, no safe social atmosphere, not sufficient facility for basic education and healthcare, no sanitation and to earn a few pennies; there is not sufficient space for work. As a whole, they are just leading their life somehow without basic human facilities.

From the above analysis of living standard of Rohingya Muslims staying in India, we found that they are deprived of basic human facilities in India. In every aspect of life they are getting tremendous problem. They are living in India without state protection. They are just here with a card issued by UNHCR but India can deny these at any time because India is not a signatory of International refugee instruments. Ostensibly, their status is like slum dwellers. Government of India is taking no measure for their protection rather thinking of deportation. The state governments of different states in India are not taking any action for their survival. Pregnant women and children are becoming the victim of such situation to a large extent. Healthcare facilities are almost nil for them. Though some NGOs are taking pain in bringing facilities for them particularly education (except Jammu which has almost no facilities

122 BMNHS results 1. 'Fulfilled' if Attributes cover 100% 2. 'Partly fulfilled' if a few attributes fulfilled (but there must be 100% fulfillment of calorie intake, safe drinking water. Others attributes may cover slightly less) 3. 'Under fulfillment' if primary attributes are fulfilled wholly but secondary is in less. 4. 'Below under fulfillment' if attributes covers 50% of both primary and secondary. 5. 'Not fulfilled' if attributes covers less than 50%.

for these people) but still such hope is in many a miles behind. Police often questions them in their places and those who do not have refugee cards have to live in great fear as they know well that if police comes to them they have to go to jail. Taking refugee card is also a tough work for them as most of them are illiterate. However, NGOs are helping them in these connections. But, what have we seen in their staying places made us understandable that UNHCR is not working at that pace what it ought to be. In a nut shell, the status of Rohingyas is too poor and too problematic, too frightening.

CHAPTER V

CONCLUSION

To conclude, we need to go through all the chapters to assess what our research has found. The objectives and questions which were designed to address will be relooked here in the chapter. We had taken up the Rohingya on rights and security perspectives. What kind of ill treatment they experienced in Myanmar and in what conditions they are staying in India as refugee as well as asylum seekers, are our basic concerns. After going to the whole story of Rohingyas, one can easily say that 'Rohingyas are world's most unwanted persecuted people. They have no nation, no identity, no rights. Myanmar has denounced their citizenship: their rights and made them 'stateless' to roam the world without definite destination and safety. Rape, torture, murder, burning of houses is some common abuses on Rohingyas in Myanmar. There is no level of atrocities on the community. Likewise, other states too are not in a mood to take responsibilities of this persecuted people. As a result, the community is becoming helpless and their identity is in stake. Human rights and security crises hold them tight and the matter becomes bigger and bigger as days passed on. No Asian country wants them wholeheartedly. We studied them in India and what we have understood from the Indian perspective is not at all humanitarian. The conditions of their staying in India are not of humane and the treatment they are experiencing is unthinkable. In this regard, one needs to understand India's attitude towards refugees as a whole. After going through the problem of refugees in India, it can be said that the

nature of refuge is more than political than humanitarian. Many a time political parties are playing their cards on the very subject. For example the present BJP government is supporting Hindu hardliner covertly. As a result, they are welcoming Hindu people from Bangladesh and Pakistan but at the same time they are making arrangements to send back the Rohingyas, the Muslim minority from Myanmar.^{123&124} But to make the refuge issue a political is obnoxious. Rather, India should make a uniform law for all who have taken shelter in India following persecution in their states. Refugee protection is an international problem and states must have to care it. But, in regards to the Rohingyas it is not happening. States are seemed to be reluctant on this issue. Though UN and its specialised organs like UNHCR is trying their best in curbing the problem, it is not showing any fruits only because of lacking interest of the world's major power on this issue. The world is seemed to be neglecting the issue and that is why Rohingyas are also said the 'least wanted' people of the world.' After going through the whole story of Rohingya Muslims (depending on our research objectives) the following major findings can be drawn:

123 *Hindus from Pakistan, Bangladesh will get to claim Indian citizenship,*

<http://timesofindia.indiatimes.com/india/Hindus-from-Pakistan-Bangladesh-will-get-to-claim-Indian-citizenship/articleshow/52563675.cms> accessed on 04/02/2017

124 *Fate of 40,000 Rohingyas from Myanmar to be sealed soon,* <http://indiatoday.intoday.in/story/rohingya-myanmar-refugees-bangladesh-deportation/1/925828.html> accessed on 04/02/2017

MAJOR FINDINGS OF THE RESEARCH:

1. It is right to say that the Rohingyas are ‘world most persecuted’ people. They are stateless either. After denouncement their citizenship by Myanmar, no country wants to take responsibility of them. Though a few countries are giving shelter to them, it is not for long.
2. Major political power of the world is found silent most of the time. The reason, South Asian countries do not want to these people as they think that it would create chaotic situation in their state. In this regard, India’s present stand under BJP-led government is driven by pro-Hindu and Anti-Islamic operatives.
3. The research found that the atrocities of Rohingyas in Myanmar are on high. Torture, murder, rape, application of force for work, arbitrary arrest, religious intolerance, incendiaries of houses and mosques are common in Rakhine. Local Buddhists and the militaries are the perpetrators.
4. International organization like United Nations is constantly pressuring Myanmar to take up the issue seriously but Myanmar is doing nothing. In 2014, the highest decision making body of 193 countries, the General Assembly sent a strong message to give ‘full citizenship’ to the Rohingyas. But, nothing has happened till date. The research explores that without strong sanction imposed on Myanmar by UN along with other international community, nothing is going to be happen.
5. Many countries are not showing interest on the issue due to its close relation with Myanmar as well as few countries are desisting themselves for Myanmar’s closeness to rival China. India is one among them.

6. Many countries are not showing respect to the international instruments most of which are concluded under the aegis of UN. All these instruments speak about human rights and security.
7. The present status of the Rohingyas is very critical. UNHCR is issuing refugee cards to them. But still there are many who have not getting any cards. Out of 40,000 (Approx.) of the total Rohingya population in India, only 14,000 have accesses cards. What is more that only Delhi based Rohingyas are getting comparatively well treatment than that of others from UNHCR.
8. There are many Rohingyas are in detention camps and jails in India who have been detained under Foreigner act, 1946.
9. The condition of the Rohingyas in India is subhuman. They are staying in slum like areas under tarpaulin roofs. The makeshifts are very ordinary and the surroundings of their staying are too dirty. One will definitely get bad odor there. The places they are living is very congested and too narrow.
10. The Rohingya have the tendency to marriage early. They give more births.
11. Sanitation is nil in the slums where Rohingyas are living in India. We visited three places and nowhere had we found any sanitary latrines. Open defecation can be seen easily. Everywhere one can see flies and mosquitoes. Many camps are nearby garbage dumping stations.
12. Not in a single camp we have seen safe drinking water facilities. No filtered water is there. People are using water which may have harmful particles like arsenic and iron.
13. There are no regular electric facilities. However, most of the camps do not have electricity connections. Those who remain in rented houses get electricity by paying bills.

14. Rohingyas are being constantly neglected in India. No one is taking care of their health. Many government health institutions do not want to treat them because they lack required documents. Women and children are very much vulnerable to that. Pregnant women and children are getting the facility of immunization and that has sharply disrespect the UN tag line of “Health for all.” Most of the women found to be anemic and both male and female are of broken body. They even cannot go for private hospitals as they charge high. As a result they often choose some quacks who are taking benefits of government negligence.
15. Education of Rohingyas is also pathetic in India. Literacy rate of Rohingyas are too poor. It stands only on 20% (Approx). In India too their education is not improving. UNHCR is not giving any importance on their education. Only 20-25% children are accessing primary education. Government of India is not taking any measure. However, RTE, 2009 says about free and compulsory education for all (under 14 years of age). We have known that in India only school for Rohingya has been established in Hyderabad.
16. Economic conditions of the Rohingyas living in India are miserable. They do not get work throughout the week and wages are comparatively less. Rohingyas are not first preference workers for many Indians and thus they find it tough to get job. They do generally the low level economic activities like rag picking, construction workers, rickshaw puller etc.

17. Neither central nor state government is taking any measure for this persecuted people. Alternatively, India is planning to deport them without any pact of repatriation with Myanmar.
18. The Rohingyas always face torture from the police. Police often visit their places and ask irrelevant questions. A few local residents also misbehaved them. In Jammu under the Panthers Party Anti- Rohingya sentiment is on rise and it is a matter of great concern.
19. A few Islamic NGOs are working for the betterment of the Rohingyas. But without government help, most of the time, they do not get successes.

Thus, the findings show a dismal picture for the entire Rohingya community. Nowhere in the world, they are said to be safe now. Until or unless their citizenship question is not addressed in a well manner, the problem will be continued. However, the research has showed some suggestions through which the problem could be answered in a positive manner.

SUGGESTIONS:

1. It is an international obligation of Myanmar that they should take back the Rohingyas. Rohingyas are absolutely Myanmar citizens. They were citizens of Myanmar under the constitution of 1947. But dictator Ne win had deleted their names from the Citizenship Act, 1982. Thus, Rohingyas are forcefully alienated from Myanmar. Now, it is the duty of Aung San Suu Kyi to review this Citizenship Act and do necessary amendment for

Rohingyas inclusion. If Suu Kyi is a real devotee of democracy, she will definitely do it as she presently is the de facto leader of Myanmar.

2. All powerful states of the world, especially the Asian nations must pressurize Myanmar so that Myanmar changes its attitude towards Rohingya. All foreign relation must be cut; economic sanction should be imposed on Myanmar until or unless it approves Rohingyas citizenship. Myanmar should be asked sternly to stop atrocities on the minority Rohingyas.
3. UN should take necessary measure to end the atrocities and to make necessary arrangements so that Rohingyas gets citizenship. However, in 2014, the General Assembly made a resolution by asking Myanmar to grant 'full citizenship' to Rohingyas. But, such resolution has still been remaining on paper. UN must have taken pro-active role on a war footing attitude. UN must convince the major South Asian and South East Asian nations to take harsh action if Myanmar rules out Rohingyas status.
4. The countries where Rohingyas are staying must protect them from further atrocities. All offshore countries should give shelter to the Rohingyas and make a road for its durable solutions by concluding agreement with Myanmar.
5. A huge numbers of Rohingya have been living in India and Government of India must give importance on the matter. India is known for its values and it must be retain by India. Being the largest democracy in the world, India should think about the Rohingyas and India should design a uniform act to deal with the refugee problems. It is high time to sign the Refugee

Convention and Protocol to preserve human dignity as a responsible member of world community.

6. India is planning to send back the Rohingyas. It is unethical. There must be a proper procedure. If at this moment India send back the Rohingyas to Myanmar, almost all will die and history will not pardon India. Rather, India should register all the Rohingyas and should talk to Myanmar. India at any cost should conclude a repatriation pact with Myanmar and then Rohingyas could be deported.
7. As long as the Rohingyas are living in India, the Government must take care of the basic needs of the persecuted people. The minimum amenities like food, health, education, safe water should be made available to them. There must be routine immunization for the pregnant mothers and children in the camps.
8. UNHCR should take care of the refugees well. We have seen that UNHCR is not performing its work satisfactorily. It must expedite the work of refugee registration. It should take care of education and health. It must work throughout India and not in Delhi only.
9. Associations like SAARC and ASEAN should come forward and take up the issue very seriously. They should send strong message to Myanmar so that they stop plight on Rohingyas and help in regaining their citizenship.
10. Some country may take the responsibility by giving Rohingya citizenship rights of those countries.
11. States must respect human rights and security and the international instruments concluded in an aim to preserve rights and securities of human like UDHR, CEDAW, ICCPR, ICESCR, and CRC etc.

12. The issue must be addressed as early as possible because the vulnerable groups could be a soft target for the world terrorists. If the community as a whole moves towards the dark world than there would be catastrophes. It could pose a global challenge. So, responsible states must take care of this.

Among the 10 million stateless people, as per UNHCR data, 1.3 million are Rohingyas. It is the duty of the world community to take care of them and reinstate their rights. If it is not solved in a proper way as early as possible, it will definitely be a big global problem one day. The fate of the Rohingyas is in the hands of the world. If the International community put collective pressure on Myanmar, problem will easily be sorted out.

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