

The Plight of Rohingya Refugees in India: Living in Denial

Monika Verma Ph.D., Institute of Social Research and Cultural Studies, National Yang Ming Chiao Tung University

Rohingyas have been fleeing to various countries to seek refuge to escape ethnic discrimination, military impetuosity, persecution, and human rights violations in Myanmar. An official report by the Ministry of Home Affairs of India revealed that roughly 40,000 Rohingyas live there. Under Bharatiya Janata Party (BJP) government, Rohingyas have not only been portrayed as 'illegal' and considered 'a threat to national security' but have also been stripped from the Citizenship (Amendment) Act 2019. Several questions and doubts arise based on this issue, such as why they have been portrayed as 'illegal' and considered a 'danger' or 'threat' to security. Why have they been excluded from the Citizenship (Amendment) Act 2019? Furthermore, what challenges are they facing in their day-to-day life because of this? This paper will address all these questions. This paper demonstrates that the political implications of BJP's policy towards Rohingyas in particular, stating that they are not only victims of Hindutva politics, but they are also being excluded from their rights on legal grounds, which leads to them facing various challenges and difficulties in the country. Finally, the conclusion explains why India needs to improve the current situation for Rohingyas.

Keywords Rohingya refugees, India, exclusion, livelihood challenges

I. Introduction

The immigration of Rohingyas to India was recorded in the 90s after the legal exclusion from Myanmar's 1982 citizenship law, but due to their small numbers, they remained unknown until 2012 (Basavapatna, 2018). There was a steady increase in the number of Rohingyas who migrated to India in the years following 2000, which signified the beginning of a significant immigration trend. Furthermore, it increased in 2012 after 'the 2012 Rakhine State riots', an ethnic violence in western Myanmar (Tan, 2017). Moreover, it became a political problem when one of the major political

parties, Bharatiya Janata Party (BJP), came into power in 2014. After arriving in India, Rohingyas spread to the following regions: Jammu and Kashmir, West Bengal, Delhi, Uttar Pradesh, Maharashtra, and the Andaman and Nicobar Islands. The Government of India's Minister of State for Minority Affairs, Kiren Rijju, a member of BJP, addressed Parliament on August 9, 2014, stating that approximately 40,000 Rohingyas are living illegally, which is a grave "threat to the internal security" of the country (The Asian Age, 2018). He emphasized this by saying that the Rohingyas should be deported from the country as soon as possible (South China Morning Post, 2018). On April 7, 2017, Rakesh Gupta, the President of the Jammu Chamber of Commerce and Industry, addressed in a press conference that Rohingyas are "criminals and drug traffickers who are disowned by their own country" (Scroll, 2017). In 2017, BJP administration in Delhi also requested that States identify and deport Rohingyas residing in the country illegally (Iqbal, 2021). The Rohingyas, denied refugee status and portrayed as 'illegal migrants'¹ by the current BJP government, have been given refugee status by the United Nations agency mandated to protect and support refugees, United Nations High Commissioner for Refugees (UNHCR) (ibid.).

Many questions and doubts arise based on the above-mentioned issues and problems. For instance, why have Rohingyas been portrayed as 'illegal' and considered a danger to security by BJP government? Why have they been excluded from the Citizenship (Amendment) Act 2019 (CAA)? Due to this, what problems and challenges are they facing? This paper will shed light

¹ An illegal immigrant/migrant is a foreigner who enters India illegally, i.e., without a valid travel document like a visa and passport or enters India legally but stays beyond the period permitted in their travel documents. But here, the case of Rohingyas exacerbates not only because of illegal entry to India but also based on security implications that they are posing a security threat. As the notion of 'illegality' directly associated with the security issues gave the impetus (to some extent) to the purpose or intentions to the exclusion of these particular sets of people from the country.

on all the above-mentioned questions.

II. Research Methodology

This research focuses on the primary and secondary sources based on the observation method to collect information in the following ways—first, Government records and policies as a primary source. Second, the content analysis of books and journals, non-governmental organization reports, print and electronic media such as newspapers, and online archives as a secondary source.

III. The Rohingya Refugee Crisis: A Glance at Their Plight in Myanmar

The Rohingya people have been fleeing brutal violence, ethnic persecution, and ill-treatment for several decades. A Buddhist-Muslim divide developed after Myanmar's independence in 1948, resulting in a conflict between Rakhine Buddhist communities and Rohingyas, which intensified to unprecedented levels and culminated in the 'state-sponsored massive violence' of military operations by the Burmese government dubbed 'operation dragon king' (1978) and 'clearance operations' (2012, 2016) (Prasse-Freeman, 2017). These operations were intended to expel so-called 'illegal migrants' (Uddin and Chowdhory, 2019). In 1982, Myanmar's Citizenship Law rendered them stateless, excluding them from citizenship rights and causing them to lose their nationality.

Scholars and researchers have identified several factors regarding the decades of violence and persecution against Rohingyas. According to

studies conducted by a group of scholars, the Rohingya refugee crisis can be split into three main categories: religious nationalism, islamophobia, and delegitimization of citizenship. Imtiyaz Yusuf cites; it has a religious nationalist background. He believed that the Rohingya refugee crisis was neither a religious conflict between Islam and Buddhism nor a case of Buddhist persecution against Muslims. In actuality, it is a conflict between two nationalistic viewpoints concerning Myanmar's citizenship issue (Yusuf, 2018). In addition, Iselin Frydenlund's work *Buddhist Islamophobia: Actors, Tropes, Contexts* argued that a series of violent acts against Muslim minorities has occurred as a result of intense anti-Muslim campaigns/movements, which have been articulated by certain groups of Buddhist monks who have emphasized the dangers of Islam in sermons and public speeches (Frydenlund, 2018: 279). Buddhist Islamophobic movements engage in aggressive — and sometimes militant — anti-Muslim campaigns (Frydenlund, 2018: 280). Ken MacLean's (2018) work furthered Imtiyaz Yusuf and Iselin Frydenlund's work which is more focused on the centrality of identity and citizenship in the Rohingya refugee crisis. He argued that the Rohingya conundrum is fundamentally a question of ethnic identity and citizenship. He contended that the progressive erasure of citizenship not only shapes the progressive erasure of home and vice versa but also results in the most significant cross-border humanitarian crisis in Asian history (Maclean, 2018).

However, the other group of scholars has based their interpretation on the economic aspect, which has been linked as a contributing factor to the forced displacement of minorities within and outside the country. Prasse-Freeman believes that opening up Myanmar's economy, in 2011, to foreign investment was the reason Rakhine has not only confronted large-scale economic development projects from India, China, Singapore, and South Korea but also resulted in the large-scale land acquisition (Prasse-Freeman, 2017). In addition, Giuseppe Forino, Jason von Meding, and Thomas

Johnson's work also highlight that it remains a contentious and widespread phenomenon as Myanmar's history is deeply rooted in the systematic expropriation of smallholder land by the military, the state, and companies since the 1990s, without compensation or consideration of ethnicity or religious affiliation (Forino et al., 2017).

It is evident that 'The Kaladan Multi-Modal Transit Project,' a multi-million-dollar project undertaken by the Indian government as a result of Myanmar's liberalization of its economy, is also an essential strategic artery that constitutes an important aspect of India's 'look east policy.'² This project aims to reach India and Myanmar by sea and land. Several scholars, such as Niranjana Sahu (2017) and K. Yhome (2018), believe that India's Act East policy,³ a successor of India's Look East policy, and the massive investment projects that India is currently engaged in Myanmar are somehow influencing India's asylum policies towards Rohingyas, as is evident by her hardline attitude towards the Rohingyas (Sahoo, 2017; Yhome, 2018a).

These successive waves of displacement since the early 1990s resulted in more than one million Rohingya being displaced from Myanmar due to brutal violence and persecution (UNHCR, 2020). In order to escape, they fled to several countries, such as Bangladesh, Saudi Arabia, Pakistan, Malaysia, the United States Emirates, and India. Since it is abundantly obvious that each of the aforementioned factors played a significant role in the Rohingya refugee crisis.

² In order to strengthen its status as a regional superpower and a counterweight to the strategic influence of the People's Republic of China, India has adopted a Look East policy which is an attempt to cultivate extensive economic and strategic ties with the countries of Southeast Asia.

³ India's Act East policy was announced in 2014 by the Prime minister Narendra Modi's administration which focuses on the more provocative role of India in the East Asian Countries.

IV. The Legal Refugee Framework in India

In particular reference to refugees, India does not have any legislation or national law to deal with it which can control the refugees' stay, entry, and status. Consequently, the refugee issue has been resolved on an ad-hoc basis under administrative and political matters for decades. Currently, the issue of refugees is governed by the Foreigners Act 1946 law, which applies to aliens, and foreigners, except for a specific provision for foreigners from Uganda.⁴ As a result, aliens, foreigners, and refugees can be seen in the same category, meaning that refugees will be treated the same way as foreigners⁵ or aliens.⁶ The Constitution of India protects the human rights of citizens as well as non-citizens in India. The Constitution of India grants citizens and non-citizens the right to equality (Article 14) and the right to life and liberty (Article 21), which incorporates the universalistic approach of the principle of non-refoulement that declares a person not to be deprived of their life and liberty, whether citizen or non-citizen.

⁴ Foreigners from Uganda became the subject in India under the Foreigners from Uganda Order, 1972. The provisions of this Order shall have effect notwithstanding anything contained in the Foreigners (Exemption) Order, 1957. The Foreigners from Uganda Order, 1972, dealt with Ugandan refugees (of Indian origin) in India. For more information, please see Richard Plender's (2010) article on "the expulsion of Asians from Uganda: Legal aspects" (p. 420-427) and for the Foreigners from Uganda Order, 1972, please see the Gazette of India, Extraordinary, Part II, Section 3, Subsection I, No. 268, October 20, 1972.

⁵ According to the Foreigner Act, 1946, "a foreigner means a person who is not a citizen of India". Retrieved from: <https://www.mha.gov.in/sites/default/files/TheForeignersAct1946.pdf>

⁶ The term 'alien' appears in several legal statutes in India such as the Constitution of India (Part III, Article 22 (3) (a)), the Indian Citizenship Act, 1955 (Article 3 (2)(b)), and the Indian Civil Procedure Code (Article 38). The term 'alien' is very ambiguous in these legislations because it is not explicitly defined who is an 'alien' in India. The term 'alien' in these legislations constituted as "enemy alien". According to the Institute of International Law in 1892, "aliens as all those who do not have a current right of nationality in the State without distinguishing as to whether they are simply visitors, or are resident domiciled in it or whether they are refugees or have entered the country voluntarily" (Wojnowska-Radzińska, 2015: 1).

India is not yet a party to the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol on the Status of Refugees. The problem of dealing with refugees is complicated by the fact that India does not have a clear national law relating to refugees. The lack of domestic law on the refugee problem sometimes makes administrative actions remarkably suspicious and questionable. Presumably, refugee-related administrative decisions can be discriminatory based on domestic politics and the securitization of migration. Consequently, India must look fresh at its refugee and asylum seekers policy.

V. The Plight of Rohingyas in India: The Hindutva Politics

Even though most of Rohingyas began to migrate to India in the 2000s, they remained unidentified until the early 2010s. The Rohingya issue came to the forefront of the national debate in 2012 during a protest in New Delhi in front of the UNHCR office by hundreds of Rohingya asylum seekers demanding legal status as refugees. As a result, they have been granted refugee status by the UNHCR, and at the same time, they have been granted a long-term visa (LTV) yearly by the Foreigners Regional Registration Office (FRRO) in order to continue being able to reside in the country. However, after BJP took power, the Rohingyas started to be painted as 'illegal' by the government, halting the renewal of their LTVs. It is, therefore, essential to ask why Rohingyas have been targeted and portrayed as 'illegal' and what disadvantages they suffer from. The research finds the answer to the question in Hindutva politics and their practices of exclusion, such as the portrayal of illegality, the securitization of migration, the exclusion of Rohingyas from CAA, and others.

The term 'Hindutva,' which also refers to 'Hindu-ness' or 'political

Hinduism,' was coined by renowned Indian politician and activist Swatantryaveer Vinayak Damodar Savarkar in one of the most influential books "*Essentials of Hindutva*" published in 1923 (Savarkar, 2021). According to Savarkar, Hindutva cannot be equated with Hinduism as it is a "system of religions" followed by Hindus. However, Hindutva is more comprehensive as it "refers not only the religious aspect of Hindu people ... but comprehends even their cultural, linguistic, social and political aspects" (Savarkar, 1998: 115). Hindutva, for him, is 'not a word but a history' that started from the arrival of Aryans to the Indian subcontinent (Savarkar, 2021). Its goal/project is to make a Hindu Rastra (state). The Hindus, for him, are an ethnic community bounded by a common 'territory' (Rastra) and sharing the common 'racial' (Jati) and 'cultural' (Sanskriti) characteristics (Savarkar, 1998: 115). This definition of Hindus includes a particular group of people such as Aryas, Anaryas, Sanatanist, Satnamis, Sikhs, Marathas, Madrasis, Panchamas, and Brahmins and excludes minorities such as Muslims and Christians. Savarkar's ideology of Hindutva marks the notion of 'insider' and 'outsider.' Muslims, as he argued, are "more inclined to identify themselves and their interests with Muslims outside of India than Hindus who live next door, like the Jews in Germany" (Savarkar, 1998: 117), and hence they, for him, were 'traitors' or 'outsiders' or 'others' to their nation. Hindutva remains a significant force in the Indian political landscape that works through various cultural and political organizations⁷ (these organizations come under the umbrella of the Sangh Parivar (the Sangh family)). The Sangh family, especially RSS,

⁷ Hindutva embodies various political and cultural organizations such as Rashtriya Swayamsevak Sangh (RSS), Bharatiya Janata Party (BJP), Vishwa Hindu Parisad (VHP), Swadeshi Jagran Manch (SJM), and others (such as Bajrang Dal Rashtra Sevika Samiti, Durga Vahini) where RSS represents the main organizational structure, BJP represents the political wing, VHP represents its world council, and SJM represents its economic forum Hindutva institutions.

and its political front, BJP, not only uses the Muslim identity to disseminate hatred against Muslims but also as a strategy to gain electoral votes or a vote bank. The issue of Bangladeshi immigration is an excellent example of it.

BJP's hostility toward Rohingyas should be understood as anti-Muslim and a strategy of mobilizing its vote banks. It has been further exacerbated by growing Islamophobia worldwide.⁸ As such, BJP's Rohingya refugee policies are "ideologically drive-by anti-Muslim approach supported by the Hindu far-right" (Chaudet, 2018: 5), and Muslim refugees like Rohingyas have been therefore treated not just as 'hated others,' 'illegal migrants,' but also 'internal enemies,' 'infiltrators' (Leidig, 2020: 231). In addition, Nasreen Chowdhory and Biswaji Mohanty (2020) have contended, "Hindu nationalist agenda dictating the current State policy has further fed into the global Islamophobia industry by using the 'Islamic' identity of the stateless Rohingyas refugees as 'terrorist'" (Chowdhory and Mohanty, 2020).

The instrumental effects of Hindutva politics in the case of Rohingyas have also been observed in mobilizing political support. Anthony Smith, for instance, has argued that anti-Muslim Hindutva politics in India is used to create solidarity of a 'self' and exclusion of 'others' and to mobilize popular participation in politics (Smith, 1996: 445). Following this, many have related it directly to electoral politics arguing that the 'metaphorical spaces' of 'our' and 'their' have become very prominent and productive as appeasement politics for political articulations and getting vote banks (Shaban, 2018) and "a vote-catching device" in India (Chakrabarty and Jha, 2020).

The effects of Hindutva in BJP's refugee policies not only been seen in the politicization and mobilization of 'illegal migrants' but also has been seen in the laws that were anti-Muslim and enacted during BJP

⁸ Prejudice against Muslims, especially as a political force.

government, such as the Citizenship Amendment Act 2019 (CAA),⁹ the implementation of National Register of Citizens (NRC)¹⁰ in Assam. These enactments lead to several protests, agitation, and violence in India.¹¹

The Rohingyas were not only labelled ‘illegal migrants’ and ‘threat to internal security’ but were also legally excluded from citizenship rights in India. In 2019, an Act was constituted to amend the Citizenship Act 1955. The Citizenship (Amendment) Bill to amend the Citizenship Act 1955 was first introduced in the lower house of Parliament (Lok Sabha) in July 2016 by the currently ruling party, the Bharatiya Janata Party (BJP). The Citizenship (Amendment) Bill, 2016 was enacted by Parliament in the sixty-seventh year of the Republic of India. The proviso intended to provide the citizenship of persons belonging to minority communities, namely, Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians from Afghanistan, Bangladesh, and Pakistan, whom the Central Government has exempted by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any order made thereunder. This mentioned category of refugees or migrants shall not be treated as illegal migrants.

Considering the important qualities and aspects of this mentioned Act, many scholars and experts see it as “a discriminatory Act.” The Act faced intense dissatisfaction and resistance from education, social, and political

⁹ CAA paves way to grant Indian citizenship to some particular groups of illegal migrants such as Hindus, Sikhs, Buddhists, Jains, Parsis, and Christians based on religious persecution from Pakistan, Afghanistan, and Bangladesh while excluding others such as Rohingyas from Myanmar. It will be briefly explained in the following Citizenship section.

¹⁰ Assam has long been a disputed state over the issue of illegal migration, mostly Muslims, from Bangladesh.

¹¹ Refer to: <https://www.thehindu.com/news/cities/Delhi/students-protest-amendment-to-article-370/article61587389.ece> <https://www.aljazeera.com/news/2020/2/24/fresh-violence-erupts-in-indian-capital-during-anti-caa-protests> <https://frontline.thehindu.com/cover-story/secular-unity/article30431601.ece>

organizations since first proposed in Parliament in July 2016. Despite facing intense discontent and resistance due to being a majority government, this legislation passed in the Lower House of the Parliament of India (Lok Sabha) in January 2019. By the end of the year, the mentioned Act was passed by the Upper House of Parliament (Rajya Sabha).

The following provisions shall be inserted in section 2, in sub-section (1), in clause (b) of the Citizenship Act, 1955:

Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as an illegal migrant for the purposes of this Act (Government of India, 2019).

The following provisions shall be inserted in section 6, in clause (d) of the Citizenship Act, 1955:

Provided that for the person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community in Afghanistan, Bangladesh or Pakistan, the aggregate period of residence or service of Government in India as required under this clause shall be read as “not less than five years” in place of “not less than eleven years (Government of India, 2019).

The “discriminatory nature of the Act” is found in the descriptive and critical articles of several academic intellectuals and writers, such as “law on religion-based discrimination” (Poddar, 2018) and “controversial Citizenship bill that excludes Muslims” (Regan et al., 2019) and “legal complexities” (Shitole,

2020). On the one hand, the Act serves as a pathway for citizenship in India for undocumented migrants such as Hindus, Buddhists, Sikhs, Jain, Christians, and Parsi, who were subjected to religious persecution or facing the fear of religious persecution in Bangladesh, Pakistan, and Afghanistan before December 2014. And, on the other hand, this act completely evicts some communities (Rohingyas, Jews, Muslim Ahmadiyya and Hazaras) and countries (Myanmar, Sri Lanka, Bhutan) from the Act by taking particular communities and countries which completely disrespects the laws of the Constitution of India. This Act is not only “manifestly arbitrary and unjustified” (Bhat, 2019) and “discriminatory in its nature” (Poddar, 2018) but also breaches the laws given by the Constitution of India. The Constitution of India ensures several articles such as Articles 5 to 11 — “Right to Citizenship,” Article 15 — “Equal Protection of Law,” and Article 14 — “Right to Equality,” which makes the right to citizenship, equality of rights, protection under law legally clear for citizens and non-citizens. The above-mentioned Citizenship Amendment Act, 2019, directly or indirectly, violates all these rights enshrined in India's Constitution. It not only breaches the constitution of India but also reflects “India’s discriminatory moral obligation.”

India’s home minister Amit Shah recently stressed in a public speech pointing out Rohingyas:

Rohingya Muslims would never be granted Indian citizenship. They will not be accepted and deported back to their country soon.

It is apparent that Hindutva politics and their practices of exclusion not only aggravate their lives and deprive them of their rights but also make their day-to-day lives more challenging, making it increasingly difficult for them to fulfill their basic needs.

VI. The Challenges Faced by Rohingyas in India

This paper will explain the significant daily difficulties and challenges Rohingyas face as a result of the above-mentioned political implications, some of which are discussed below.

1. The Portrayal of 'Illegal' and the Aadhaar Dilemma

One of the primary challenges they face is the characterization of their identity as 'illegal.' It has been quite evident in the national arena over the last few years, especially since BJP-led NDA government came into power; the Rohingya issue has become more prominent in BJP's political agendas. The resentment, such as "Rohingyas will never be accepted in India" or "they are illegal migrants," is often seen in the official speeches of eminent BJP members and officials. In 2019, Union Home Minister Amit Shah, the President of the Bharatiya Janata Party (BJP), discussed in the Lower house of the Parliament of India (Lok Sabha):

Rohingyas come through Bangladesh. Rohingyas will never be accepted. I am saying that again (Times Now Digital, 2019).

Responding to Amnesty International's comments, Kiren Rijiju, a member of BJP, reiterated the Centre's stance:

I want to tell the international organizations whether the Rohingyas are registered under the United Nations Human Rights Commission or not. They are illegal immigrants in India (Dutta, 2017).

It is important to note that being labelled as illegal not only makes them

vulnerable to criticism on many issues but also deprives them of many of their fundamental rights (Kaveri, 2017).

Although they are considered illegal by the current government, they are still considered refugees by the United Nations Refugee Agency (UNHCR). They have a UN refugee card as identity proof given by UNHCR for their livelihood survival. They were also allowed to obtain Aadhaar cards¹² based on their LTVs and UN refugee cards to gain access to basic social services such as education, health, and other essential services, as UNHCR refugee cards are not accepted for these purposes. For instance — the UN refugee card is not valid for basic social services such as opening bank accounts, buying SIM cards, registering their children in schools, or doing any authorized business as all these things require at least a national identity proof before a person is able to do any of the aforementioned activities.

The Union Ministry of Home Affairs (MHA), while changing the policy in 2017-2018, did not include the UN refugee card as a valid document for obtaining Aadhaar cards, especially for illegal migrants (Kumar, 2018). For Rohingyas, the denial of Aadhaar cards means deprivation of basic social services. As a prerequisite to accessing basic social services, individuals must have valid identity proof, but the right to have an Aadhaar card has been taken away from them.

2. Securitization and the Police Persecution

In India, the demonstration and portrayal of illegal have created

¹² Aadhaar is a 12-digit individual identification number issued by the UIDAI (Unique Identification Authority of India) to the citizens and non-citizens of India on behalf of the Government of India. The number serves as a proof of identity and address, anywhere in India.

a perception of the refugee issue in such a way that it is no longer considered a humanitarian disaster but rather a potential threat requiring additional security measures and border controls to be instituted. Security concerns have always been a significant argument of India's policy in dealing with refugees. Still, no refugees (except refugees from Myanmar and Bangladesh, basically 'Muslim refugees') were seen as a 'threat to internal security or national security.' 'Illegal immigration' and 'illegal migrants' have always been somehow associated with the issue of 'security' in India, whether it is 'internal security' or 'national security.'

With the tag of 'illegal migrant,' 'threat to internal security,' and 'no national policy to deal with refugees,' these circumstances have left the Rohingyas' lives in limbo or "in-between position" (Chowdhory, 2018: 1) and "thousands of lives hang in the balance" (Mohan, 2017: 101). Of course, they live under the host country's mercy, but they live in constant fear and suspicion that someday they will be caught by the police and then deported from the country. The only identity card provided to them by the UNHCR is the 'Refugee Identity Card,' which allows them to stay in India for a longer period of time and somehow relieves them of the fear of being deported (refer to figure 1-2).

The portrayals of these individuals, which are dehumanizing, reinforce the politics of fear of detention and deportation on the ground. Through an advisory No. 24013/29/Misc./2017-CSR.III(i), the Home Ministry delegated authority to state governments to identify and deport foreign nationals staying illegally, including Rohingyas (Foundation London Story, 2021).

Furthermore, it also stated that 'infiltration' from Myanmar aggravated security challenges. Therefore, soon after, India started to detain and deport Rohingya refugees (CNN, 2021). Haryana home minister Anil Vij had said in a public speech:



Figure 1 The front view of UNHCR refugee card for Rohingya in India.

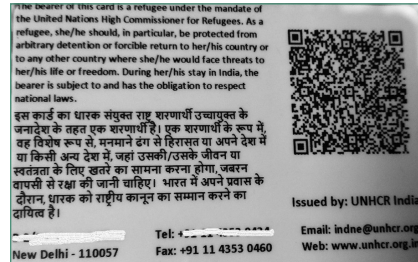


Figure 2 The back view of UNHCR refugee card for Rohingya in India.

We are collecting information about Rohingya staying in Nuh. Action will be taken accordingly. After all, India is not a dharamshala (an inn or small hotel) where anybody can stay where they like. We will look into the deportation of Rohingya back to their country (Kajal, 2022).

In addition, casual interrogations by police and the Criminal Investigation Department (CID) are very usual as they are titled ‘illegal migrants,’ which often results in an arrest, abuse, suspicion, and repeated interrogations (Barman and Naqvi, 2019; Singh, 2019).

In India, the Rohingya issue has been characterized as political in nature, as stated by scholars and lawyers. Colin Gonsalves, who has filed a PIL (public interest litigation) in the Supreme Court of India on behalf of the Rohingyas in Jammu, challenging the deportation order, thinks the government has ‘an ulterior motive.’ He said, ‘the Rohingya issue is not at all about security, it is about politics.’ Rohini Mohan cites India’s desire to expel the oppressed Rohingya as motivated by several other reasons: an insidious combination of security paranoia and steadily increasing Islamophobia, the present breakthrough of Hindu supremacism, and nationalist pride (Mohan, 2017: 110).

3. Education

Among the many serious challenges Rohingyas face, one of the significant challenges is the lack of access to education. Due to the lack of Aadhaar cards and the fact that refugee cards are not accepted as eligible documents, many Rohingya parents face immense difficulties in getting their children admitted into government schools, as all schools always require an identity card for admission. Rohingya activist Ali Johar told Newslandry that the lack of documentation is one of the most significant issues they face:

Since India doesn't have a proper refugee law, the UNHCR issued refugee cards. But this is not recognized as legal ID in government institutions ... furthermore, the Aadhaar card is mandatory in the online forms for school admission. So the children cannot take admission in government schools using these ID cards (Deep, 2022).

Responding to the above-mentioned question, an elementary officer in Nuh, Haryana, stressed that:

The Rohingyas in the country are still subjected to displacement. The Indian courts and the government have voted against them for staying in India. We can't give admission without any proper notification from the government advocating their education (Kajal, 2022).

Rohingyas are becoming increasingly concerned about their children's education after seeing the above-mentioned conditions. The majority of Rohingyas face severe difficulties in educating their children. In the absence of government-recognized identification, such as birth certificates or any other identification from the Indian government, the children are

ineligible for their education. Without proper documentation, no hope is left for their children to develop a successful life for themselves and their families.

4. Lack of Basic Livelihood facilities

In July 2018, a report was issued by the Human Rights Law Network on the Rohingyas' living conditions and human rights violations in which the basic livelihood facilities, such as basic living conditions and sanitation, access to subsidized food, education, health, and access clean water, have been investigated in detail at the 16 Rohingya Refugee Settlements¹³ in Hyderabad (Human Rights Law Network, 2017). Based on the findings of this report, the following points emerge:

1) The Absence of Basic Hygiene Standards

The lack of sanitation facilities and clean water is a significant cause of their extremely unsafe living conditions. Their settlements are made from bamboo and tarpaulin, located in a very crowded space, with unhealthy sanitation, such as unhygienic toilets without proper running water and a lack of washrooms. Most settlements are experiencing difficulty accessing clean drinking water, as they use polluted borewells and public supply water that cannot be used for drinking and cooking due to contamination. Thus, they are forced to purchase drinking water for their households, which is a significant expenditure and creates a severe financial burden on

¹³ 13 Royal Colony, Balapur; 21 Royal Colony, Balapur; 20 Royal Colony, Balapur; 6 Royal Colony, Balapur; 3 Baba Nagar; 1 baba Nagar; 3 Baba Nagar; 5 Royal Colony, Baba Nagar; Lamba Colony, Balapur; Hamza Colony, Balapur; Fatima Masjid, Balapur; New 8, Royal Colony, Balapur; 12 Royal Colony, Balapur; 14 Royal Colony, Balapur; 15 Rooyal Colony, balapur; 8 Royal Colony, Balapur.

their households.

2) The lack of Employment Opportunities

It is very common for Rohingyas to not have adequate employment opportunities in the formal sector due to a lack of legal documentation, which explains why many of them choose to work in the informal sector as an informal workforce instead. For example, picking up garbage, rickshaw pulling, working in factories, working as a construction worker, household helper, setting up small moving shops, or pulling rickshaws are among the tasks they choose to do in the informal sector. In most cases, the income of these people drawn from informal employment does not even cover the most basic livelihood requirements, which causes them to have employment-related difficulties, and these difficulties in their employment cause them to suffer further economic hardships. Undoubtedly, this financial burden negatively impacts their daily lives and their children's school lives.

3) The Lack of a Ration Card

The lack of a 'Ration card'¹⁴ or other documents for subsidized food fuels these problems. In other words, they have no access to subsidized food from the government.

4) Access to Health Services

The lack of health-related services is also exacerbating the situation of Rohingyas in India. In most cases, they cannot access hospital services

¹⁴ According to the National Food Security Act, ration cards are official documents that are issued by state governments in India to households who qualify for subsidies to buy food grains from the Public Distribution System under the food grain subsidy scheme.

because they do not have any national identity, which prevents them from receiving treatment, on the one hand. For Instance- In the G.G. Khanna Hospital, a Rohingya woman was denied antenatal checkups for lacking an Aadhaar card, thus denying her access to essential services (ibid.). On the other hand, there are some instances where even if they find healthcare access, they may still encounter discrimination in some hospitals. They also have the problem of the non-availability of Anganwadi centers,¹⁵ non-availability of an Accredited Social Health Activist (ASHA¹⁶) workers, etcetera in the settlements.

5. Devoid of Opportunities and Language Barrier

Since Rohingyas are unable to obtain government support and have been labeled as illegal, they are not able to access proper education, jobs, or health care, rendering the Rohingya situation in India very difficult and miserable. As a result of the lack of legal status and insufficient help, they are forced to live in complex, challenging conditions. However, even among them, Rohingya women are less fortunate. Various barriers make it less likely that Rohingya women can work in India because of a lack of adequate education, a preference for living under the veil, a difference in their ability to adapt to the vernacular, etcetera. The language barrier further reduces their minimum opportunities, compounding their problems and making them even more vulnerable to poverty. Kaveri, in her paper “Being Stateless and the Plight of Rohingyas,” has referred to several testimonies which showed that the stateless Rohingyas living are very stiff

¹⁵ A type of rural child care centre.

¹⁶ It is a community health worker employed by the Ministry of Health and Family Welfare (MoHFW).

and challenging due to the “language barrier” (Kaveri, 2017). According to her, when language becomes a hindrance, it also directly hinders their daily functioning. This barrier may also be “their rights to seek employment opportunities, to avail themselves of basic needs, or to access any legal assistance” (Kaveri, 2017).

VII. Conclusion

On the one hand, it is imperative that the issue of refugee protection should be separated from domestic politics and anti-immigrant sentiments to secure the protection of genuine refugees and asylum-seekers. All these above-mentioned circumstances make Rohingyas’ lives unsafe, vulnerable, miserable in India, as there are no standard legal and administrative mechanisms for recognizing refugee status and determining it. In order to maintain its reputation as a leading actor in South Asia and its soft power reputation in the international arena, India needs a clear and transparent refugee policy to prevent the ill-treatment of refugees. Looking at the politically motivated ad-hoc treatment of refugees in India, there seems to be an urgent need for legislation on this important subject of refugees.

On the other hand, pushing back the humanitarian aspect by prioritizing political and security aspects, as seen in the case of the Rohingyas, neither beautifies Indian culture nor does it reflect Indian culture. As such, K. Yhome wrote about the present Indian government’s stern attitude towards Rohingyas:

“However, there seems to be a big difference between the BJP-led Government’s Rohingyas approach and older ways of managing refugees. In the case of the Rohingyas, the government shut the doors to them, whereas

India had always welcomed refugees in other cases” (Yhome, 2018b).

Academic scholars also see this transformation as “a departure from the past” (Yhome, 2018b). As Kaveri (2017) mentioned, “... ad-hoc and ambivalent approach between India and UNHCR has resulted in differential treatment among different refugee groups” it shows “calculated hospitality” in its protection towards the stateless, refugees ... and become the reason for “neglecting any genuine asylum-seeker in the name of national security and public order” (Kaveri, 2017).

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