

The Stateless People – Rohingyas in Hyderabad, India

Priyanca Mathur Velath and Kriti Chopra

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

- *Hannah Arendt, ‘Origins of Totalitarianism’*

Introduction

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

There are two modes to acquire nationality, one is called *jus soli* which means acquiring nationality through birth on the territory of the state and the second is *jus sanguinis* which denoted acquiring of nationality from birth through descent. This is usually done through a parent who is a national. Another very important cause of statelessness is due to state succession. This happens when the territory of the state is acquired by another state or is under the control of another state. A good example of such statelessness is the disintegration of the Soviet Union. Statelessness might also be caused due to individuals who renounce their citizenship. Individuals may voluntarily decide to give up their citizenship due to their beliefs. Lastly, statelessness can be caused due to the presence of non-state territories.¹ The international legal definition of a stateless person, as set out in Article 1 of the 1954

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

Convention relating to the Status of Stateless Persons, defines a stateless person as "a person who is not considered as a national by any State under the operation of its law". A prominent example of this cause of statelessness is the Palestinian territories. Rohingyas are a similar group of people who have been rendered stateless as they are not recognised under any country's legal framework.²

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

Legal Refugee Framework in India

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

Meanwhile, judicial intervention has done some good for refugees. In respect of Articles 21 and 14 of the Constitution, the Supreme Court has declared that these (apart from other

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

constitutional rights) are applicable to everyone residing in India, and not only to citizens of the country.

Rohingyas in India – In Hyderabad -

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

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

Delhi, being the national capital and the seat of the UNHCR office is naturally the place they get pulled to. According to UN estimates around 11,000 Rohingyas have moved to various parts of India in the aftermath of communal violence since June 2012.⁶ Apart from New Delhi many have moved into Jammu in North India, Pune in West India and Hyderabad in South India. According to Malla Reddy, Joint Commissioner of Police, Special Branch, Hyderabad, many Rohingyas end up in Hyderabad while others move to Delhi, Aligarh, Mathura, Kolkata

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

⁴ Ibid. The government of India says that as long as the Rohingyas obtain a valid visa and a refugee card there is no major problem. However the issue is with those who are staying illegally. There is a dedicated refugee camp in Jammu and Kashmir and all formalities need to be completed there. The problem however is that the Rohingya Muslims are found in several other places such as Delhi, Noida, Mewat, Saharanpur, Muzaffarnagar, Aligarh, Hyderabad and Mumbai. These places do not have certified camps and many are living illegally without a valid visa or refugee card.

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

⁶ See Tejaswini Pagadala, ‘Seeking New Homes in Hyderabad’, *India Together*, August 12, 2013 accessed at <http://indiatgether.org/rohingya-human-rights>

and other places.⁷The Rohingya refugees believe that Hyderabad city, on account of its substantial Muslim population, would welcome them with arms wide open. In fact, Hyderabad-based Confederation of Voluntary Organisations (Cova), an NGO at the forefront of Rohingya rehabilitation says 1,200 asylum seekers have registered with them so far and many more are likely to come.⁸

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

We visited the Kiskanabagh area in Hyderabad where we met Rohingya families living in rented houses. The first family we spoke to was of Rahman, his wife, Iffat and son Arfat. They had come to Hyderabad in 2012 fleeing riots in Myanmar; initially there were living in a camp in Myanmar but later due to mishandling by the camp staff they decided to migrate to Hyderabad. They took boats and travelled for days to reach here. Having reached, they confronted the greater problem of shelter, food and water. This family had come to Hyderabad with a group of other refugees, so on having reached here they all decided to go searching for places where they could stay. They happened to come to this area but lack of money forced them to stay on the footpath and streets. Later on having found a job they

⁷ Ibid.

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

⁹ Interview with researcher held on January 9, 2015

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

¹¹ Interview held on January 9, 2015

collected money to rent the room they were staying in. When we asked them that what the problems they faced were, in reply they mentioned that the other people staying in this area had a very cold attitude towards them that often they faced discrimination at the hand of the local vendors and due to lack of money at times the shop owners talk to them in an inappropriate manner. Apart from this surviving each day without proper food was a major challenge for them. At times they do not have the enough money to buy food. This largely stemmed from a greater problem of unemployment.

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

This is the tale that was narrated by Fatima and her son Farzan who are also living in Kiskanabagh. Their reason for their flight to Hyderabad was her husband's death in the riots after which Fatima did not know what to do because the treatment she got in Myanmar was devastating. They were hesitant to tell us much about what they went through and while stating all their troubles tears welled up in Fatima's eyes. She said that her husband was beaten to death and in front of her eyes, the trauma of that horrific incident in her life was still evident. It compounded her feeling of helplessness and evidently, the guilt was still inside her as she was unable to do much. She migrated to Hyderabad because all other families who got on to the ferry did the same. On the other end of that journey was India and having realised that life had brought her here she began to look for jobs. But so cruel was life that a source of income was denied to her. For around one year after she came here she had difficulty in finding a job and also a place to stay. Today she is working as a domestic help nearby to her place of residence so she is able to manage a little bit but even now she is not able to educate her son as she does not have that much money which she can save for her son's education.

- UNHCR Refugee Status – Identity Crisis -

The reality is that getting refugee cards from the UNHCR Office in New Delhi is a long and tedious process, it can go on for as long as 2 to 3 years. According to COVA data, despite the presence of 1400 Rohingyas Muslims, hardly 100-150 of them have gotten refugee cards. Recognition, Malik says, is the most important thing. "Our cries are heard but not acted

upon. We were born to see bloodletting. Now, we have resigned ourselves to torture and persecution," he says as his eyes well up.¹²

This inability to get refugee cards compounds the hindrances in their daily activities. Also, obtaining a refugee card is not simple, it is a long and a tedious process which may take somewhere between two to three years. Most of the organisations who work for the welfare of the Rohingyas ethnic community state that the general opinion amongst the Rohingyas is that their cries are heard but not adequately answered. The United Nation High Commission for Refugees is responsible to gather information about the asylum seekers. This process requires the asylum seeker to travel to Delhi with all details and after the UNHCR accepts their refugee status they are given a refugee card. This again is a long drawn process and is cumbersome for the refugee himself to prove his identity.¹³

It is the United Nations High Commission of Refugees that gathers details of each asylum-seeker and registers the individual based on the area he has come from. The refugee thus has to travel to Delhi where he has to undergo gruelling sessions of interviews to prove his identity and the purpose of migration. If the UNHCR is convinced, it would take another 3-6 months to process the application and give the asylum-seeker a temporary card. A Rohingya can only get a refugee card once he passes the temporary card stage. That again takes another two years, and the refugee card has to be renewed every five years. However, there are instances where the UNHCR can reject an asylum-seeker's card or not permit a refugee shelter in India. For instance, if the refugee is from the eastern part of Myanmar where there is no disturbance, the UNHCR will reject his request for asylum and send him back to his country. But, the refugee is also given a chance for second appeal. If the UNHCR isn't convinced even then, the refugees have no choice but to return to Myanmar.¹⁴

- **Community and International Support**

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

¹² Ibid Pagadala, 2013.

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

¹⁴ Ibid Pagadala, 2013.

Scores of people made donations to help them survive," informs Kiran, adding that donations have gone down this year. Lateef Mohammad Khan, the convenor of the Civil Liberties Monitoring Committee, India, an NGO in Hyderabad, stated that some locals have decided to help them as a goodwill gesture.¹⁵

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

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

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

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

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



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

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

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

- **Police Persecution**

The Rohingyas in Hyderabad particularly have been vary of needless police questioning and interrogation every time a Hindu or Buddhist structure comes under attack as the finger of

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

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

suspicion invariably falls on them. Although hundreds of Rohingya refugees have made the city their own, they still are apprehensive about policemen knocking on their doors once again in the wake of serial blasts that had occurred in Bodh Gaya in Bihar in July 2013, says Abdullah, a Rohingya refugee who came to Hyderabad in 2012, "The locals told us about the blasts. The police frequently ask us to produce documents and such harassment has become part of our lives".²⁰

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

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

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

- **Language and Cultural Barriers**

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

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

LOST IN THE CROWD

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

Places where most refugees live

Hafeezbabanagar,
Pahadshareef,
Balapur, Mir Momim
Pahadi, Kishanbagh

NGOs
have come
forward to
rehabilitate the
families



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

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

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

- **Search for Livelihood**

With suspicious eyes nearly always on them, the Rohingyas' search for livelihood becomes even more difficult. To make a living, they work as daily-wage labourers, seek out odd jobs (like that of security guards) and in fact many do petty jobs in small shops describes Lateef Mohammed Khan of Civil Liberties Monitoring Committee, an NGO that is trying to mobilise the local community to help these refugees make a living in the city. AsDuduMiyar, another refugee, pointed out that around 150 men went to the local 'labourer adda' in Babanagar, but only 50 found work as labourers. The trend is the same everyday. "A man who is busy looking for work everyday has no time to even think about causing trouble," he said, pointing to allegations of Rohingya Muslim role in any incident related to the violence in Myanmar.²²

At the Balapur Camp, during our interviews we asked the Rohingyas living there a number of questions like from how long are you here? What kind of work do you do? How much do you earn? What was the reason that you came to Hyderabad? How do you find living here? What are the problems you face? Do you want to go back to Myanmar? Does staying in Hyderabad satisfy your needs? Abu Hussain, who has been living the camp from the past two years said that he came to the camp in 2012. He said that there is no fixed work that he does; that they go to a nearby place where they are given daily jobs, if there is no requirement on a certain day for a job, they come back home not earning anything. On days when they get work they earn around 400 rupees a day. The reason why he came to Hyderabad was that he thought that if he stayed in Myanmar for any more time his family will gradually be eliminated by the people in Myanmar.

- **Living conditions**

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

²² Ibid Mohammed, 2013.

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

faced water problems in the past, but thanks to the efforts of the Salamah Centre a bore well has been instituted to tackle with the issue.

- **Women and Children**

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

A focussed group discussion was conducted by us at the Balapur Camp. We spoke to around 11 women in a group, namely Kaushala, Zoharhati, Mariam, Alwar, Umahato, Arafa, Jamila Behen, Sanam, Swamina, Anawar Begum and Noor Fatima. Mostly all of them have been staying in the camp from the past 2 years, except Jamila Behen and Zoharhati. During this discussion it was revealed that these two women have been living here from the past 10 years. Till now the general opinion was that Rohingya refugees have been migrating to Hyderabad quite recently but then we realised that it can be traced to far back. Their answers were similar to those of the recent refugees, which showed that their issues have remained largely unaddressed for so many years. Most of them believe that unemployment and healthcare are the biggest challenges they face; due to lack of money they go hungry for days, or sometimes they eat one day and the other days they don't; the children in the camp live in unhealthy condition with no proper sanitation and nutrition. Language is a major problem for them, if they do not know the language they are not able to negotiate for jobs. Nonetheless, the women feel that they are much safer in Hyderabad as compared to Myanmar where many women have been raped and abused frequently. The education of the children is also an issue faced by them, the money they earn is not sufficient for the education so they chose not to send the children to school.

- **Education**

Another major problem for the Rohingyas is that of education. Children are unable to get education due to lack of money and so this is another cause of concern for the Rohingyas living not only in India but also to other places they have migrated to. In Hyderabad the

²⁴ Ibid Fareed 2014.

‘Salamah Centre’ which is administered by Mr. Mansoor Ahmed takes in refugees like the Rohingyas and give the children accommodation along with educational facilities. Field visits to Rohingya camps in Hyderabad have revealed that education can make so much of a difference, evident visibly when we met the children at the centre who were well-read, well-spoken and more motivated to do something in life unlike the children we met in the Balapur camp. It is thus very clear that education can make a crucial difference in improving the conditions of the Rohingyas.

First Person Account of Researcher –

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

- **Health Facilities and Issues**

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

only proves one thing that is when a community is vulnerable most people will only use them to further their individual interests and not really care about their conditions.

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

Humanitarian perspective

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

The facilities given to the displaced Rohingyas in the camps set up in Myanmar are inadequate and of very low quality. The medical help is very poor, where most of the doctors treating the Rohingyas are Buddhists and this makes the minority group insecure and helpless

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

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

as the doctors are not good intentioned. They would rather have these Rohingyas killed than to treat them. The deplorable conditions of the Rohingya camps inside Myanmar highlight their terrible condition and their current situation is analogised as a 'crime against humanity'.²⁷

Legal Perspective

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

Under Section 3(2) of the Act, the Indian government has wide discretionary powers to regulate the entry and movement of foreigners within India. The Foreigners Order 1948 also restricts the entry of foreigners into Indian Territory at given entry points without proper authorisation. Every foreigner should be in possession of a valid passport and visa at the time of entry into India, unless exempted. Most often, refugees are not in possession of these documents and thus are refused entry into India (Acharaya, 2004).

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

Article 51 (c) of the Indian Constitution provides that India "shall endeavour to foster respect for international law and treaty obligations in the dealings of organised peoples with one another". Article 253 of the Constitution gives the Indian Parliament the "power to make any

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

law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body". India is in favour of formulation of an international and domestic law consistent with its fundamental rights (SAHRDC, 2003).

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

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

Political Dimension

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

Bangladesh and Thailand in turning back genuine refugees, and criticising the country's overall approach towards the accommodation of vulnerable individuals. (Shaunik, 2012)

The government of President Thein Sein has been much appreciated for the successful political and economic reforms in the country but at the same time has been largely criticised for the discrimination meted out against the Rohingyas by the government. The Rohingyas were given voting rights in Myanmar's 2010 elections, with the promise of citizenship if they voted for the military regime's representatives. However, citizenship since then has only been a dream and nothing else.

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

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

The recent international humanitarian crisis that emerged of thousands of Rohingya Muslims being trapped in the waters on boats, fleeing persecution back at home, and nations like Malaysia, Thailand and Indonesia initially refusing to take them in, has once again turned the

world's eyes towards 'the most persecuted people'.²⁸ Thus, tragically so, the 'Nowhere People', the 'Boat People, the Rohingyas remain stateless and unwanted. Their fate reminds of what Arendt had foretold decades ago,

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

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

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