

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

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**The contours of “traditional hospitality”: A study of Rohingyas in India**

This essay seeks to locate the rights of Rohingyas – recognized as de jure stateless but refugees in India – in the context of slums, where a large part of those living in Delhi and Mewat are known to live. Forced migration studies focusing for instance on the city of Delhi has documented in considerable detail the abysmal living condition of refugees.<sup>2</sup> In themselves, they make for a compelling account of the state of refugees but remain largely descriptive, without explaining why the quality of protection of refugees remains arguably in a limbo. While it may be argued that the absence of a national law, with institutions that would define a refugee from a mere foreigner is evidence enough for their precariousness, there is little analysis of what I call the second tier of barriers that impact the exercise of their rights. Thus, reporting on the quality of life of refugee communities in the city has failed to account for the material conditions that are marked by acute poverty, discrimination, and absence of opportunities within the broader legal institutional framework, even while generously employing the language of rights. Relying on existing scholarship that has analysed various actors, institutions and programmes of slum “improvement” and “resettlement”, in the context of Delhi, this essay attempts to comprehend the legal and institutional frame that governs slums, urban spaces that a significant population of Rohingyas occupy in Delhi, Mewat and Jammu. One of the objectives of this essay then is to attempt to answer the following questions: In what ways does shelter of this nature stop Rohingyas from fulfilling their basic needs? What success stories, if any, do experiences of people reveal? In what ways do the refugees' access to these unauthorized/slum areas in the city speak to the body of rights, both under international law as well as its domestic variety? Grounding this research within an understanding of the slum in an urban setting is irrelevant for yet another reason. In the last decade, UNHCR has emphasized urban spaces as the site of care where it also seeks to make “selfreliance” achievable. It must be stated though that this shift in thinking from the “camp” to the “urban areas” is alive not only to the rapid urbanization of cities across the globe but also to the host country conditions, which in India's case is in the nature of a “generous host” and “humanitarian”, in specific reference to India's policy towards Rohingyas.<sup>3</sup> But, to repeat, neither characterizing Indian refugee policy as “generous” nor the aspirations of the international refugee agency for the care of refugees as “humanitarian” can or should be seen in a vacuum. The material conditions of refugees has both, a direct bearing on and reflective of the politics of care and limits of humanitarianism.

This research attempts to cover 4 cities (Jaipur in Rajasthan, Hyderabad in Telangana, Jammu in Jammu & Kashmir, Mewat in Haryana and Delhi) over a period of 5 months. In the first leg of the study, which this paper currently reflects, primary data covers Delhi and Mewat. In the second leg, the study intends to analyse data from Jaipur (Rajasthan), Jammu (Jammu and Kashmir) and Hyderabad (Telangana). However, since the author has been in touch with the Rohingyas in Jammu for the last few years, information from either visits or available documentation has also been used where appropriate. The UNHCR, the Foreigners Regional Registration Office, Delhi (FRRO) and UNHCR's implementing partner, the Socio Legal Information Centre was also contacted on specific queries with respect to their mandate vis-à-vis Rohingyas. Secondary data includes research carried out by UNHCR and its implementing partners, cases decided or pending in courts as well as RTI information sought from various ministries and departments on the applicable law. At the time of submitting this draft of the essay, replies to the RTI application was not received. The primary data gathered for the purposes of this study is based on unstructured interviews with Rohingyas in Delhi and

Mewat. Institutions who have helped provide relief materials to Rohingyas, such as the Social Welfare Trust (affiliated to JamaatiIslami Hind) were contacted.