

Refugee Crisis in India: An Inquest on the Rohingya Debacle

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Abstract: Specifically, the purpose of this study is to evaluate the present Indian laws and policies in relation to refugee assistance and rehabilitation, as well as their conformity with globally accepted criteria for such relief and rehabilitation. India is neither a signatory to the 1951 Convention on the Status of Refugees or the 1967 Protocol to that Convention. Due to the fact that it is a thriving democracy, it has yet to pass special legislation for refugees. This study provides light on India's track record when it comes to the treatment of refugees during the course of the country's contemporary history. A third recommendation made by the research is for Indian policymakers to develop rules that would make it clear what position the country is taking in regards to the relief and rehabilitation of refugees and asylum seekers. As a result of the Rohingya refugee crisis, there has been a significant increase in academic and popular dialogue across the country. When it comes to the Rohingya (or Rohingya-speaking people), the situation is highly complicated, largely because of religious and cultural disparities with Indians. The absence of a particular asylum legislation, which specifies who is qualified for asylum, has added to the difficulty of determining the destiny of Rohingya refugees, who have suffered tremendously at the hands of Myanmar's military forces, reducing the situation to a purely political ploy. As a major power in South Asia, India has a responsibility to conduct itself in accordance with internationally recognised norms and regulations. It is the purpose of this study to examine news stories and policy papers in order to gain a better knowledge of the existing ways of addressing refugee crises in India, with particular emphasis on the Rohingya issue.

Keywords: *Rohingya, Refugee Crisis, United Nations, India, Relief, Rehabilitation*

Introduction:

The Rohingyas are a Muslim minority indigenous people from northern Rakhine state in western Myanmar, also known as Arakan state. They are a minority Muslim indigenous people from northern Rakhine state. Despite the fact that they are one of the most disadvantaged populations in South and South-East Asia, the Rohingya receive little or no attention from the international world. Since 1982, Myanmar has been engaged in a long-term programme of ethnic cleansing against the Rohingya minority, who have been denied citizenship

under Myanmar law.

The Arakan Rohingya Salvation Army (ARSA) and other rebel forces have used the prerogative of terrorist attacks against security forces to further their own agenda of ethnic cleansing. As a result, the Burmese army, in accordance with its policy of ethnic cleansing, has actively engaged in widespread human rights violations against the Rohingya population living in the country.

According to a study issued in May 2004 by Amnesty International (AI), the Rohingya

people have been subjected to human rights violations in their native country of Myanmar under the government of a military junta since 1978, and this has continued to this day. Consequently, a whole community has been driven from their homes and nations in search of safety abroad, not because they have done anything wrong, but only due to the fact that they are members of a certain group.

As a result, although the Rohingyas, according to the United Nations, are among the world's most persecuted people, with a situation akin to that of Palestinians, they receive relatively little attention of the problem in Western media. China and Pakistan are both refraining from intervening in the situation for commercial reasons, but India's position is unexpected given its close ties with China.

When it comes to dealing with this specific problem, India's approach has been retrograde, despite the fact that it is the world's second biggest democracy. Although Rajnath Singh, the Indian Home Minister, has said on several occasions that India is not in violation of international law by deporting the Rohingyas because India is not a party to the 1951 Refugee Convention, the validity of this claim has been called into question. He argued that India's claim that it is not a signatory to the 1951 Refugee Convention does not exonerate the country because there are certain customary international laws that every nation is required to abide by. Bill Frelick, the Director of the Refugee Rights Program at Human Rights Watch, agreed.

Essentially, the Rohingya refugee crisis is a case of ethnocentrism gone wrong, which has escalated into violence — one of the

primary reasons for this is the refusal to recognise the Rohingyas as indigenous to the Myanmar population, which is one of the key causes for this. When it comes to the conflict between Buddhist Rakhine and Muslim Rohingya, the problem of religious identity lies at the heart of it. The two groups do not have much in common, either in terms of ethnicity or culture. Despite repeated calls for intervention by regional powers and the international community at large, the issue has deteriorated even more in recent months.

The Buddhist-Muslim divide in Myanmar:

Myanmar is dominated by the Bamar ethnic group, which has few or no cultural ties to the minority Rohingya people in the country's northernmost province, Rakhine. Even before Burma's independence, the Rohingyas created their own army and sought Muhammad Ali Jinnah, "asking him to incorporate Northern Arakan into East Pakistan," which he agreed to, and their demands persisted until the 1950s. The Rohingya were seen as enemies of the state by the Myanmar government, which believed that they owed no allegiance to the country. Over the years, ethnic divisions and widespread mistrust have resulted in a deterioration of relations.

The majority Bamar, who make up the bulk of the government, have methodically crafted regulations and legislation to keep the Rohingya out of the mainstream society and economy.

To make matters worse, the rape and murder of a young Buddhist woman by a group of Muslim men in 2012 sparked one of the deadliest outbreaks of widespread rioting and clashes between the communities, resulting in the deaths of over 200 people and

the displacement of over a thousand people, the majority of whom were Rohingya Muslims.

The Rohingya people are being targeted for hatred by “The Burmese Bin Laden,” as Ashin Wirathu refers to himself. Ashin Wirathu is well-known for spreading anti-Rohingya sentiment. In support of this claim, the following lines are included:

His visage as calm and peaceful as that of a statue, the Buddhist monk who has been dubbed "the Burmese bin Laden" begins his speech with the title "the Burmese bin Laden." He is surrounded by hundreds of devotees, all of whom have their hands squeezed together and perspiration pouring down their sticky backsides. Exactly on time, the audience joins with the guy dressed in burgundy robes in an ecstatic chorus of mantras that waft through the humid air of a temple in Mandalay, Burma's second-largest city after Rangoon. Although it appears to be a calm landscape, Wirathu's message is filled with hatred. When the monk begins to describe the numerous ways in which he despises the minority Muslims in this Buddhist-majority country, he declares, "Now is not the time for quiet." "It is time to stand up, to make your blood boil," says the speaker.

It would be incorrect to assert that the current genocide, as it is being referred to, is only the product of Buddhist fanaticism without considering both sides of the coin.

Regional power dynamics and the Rohingya:

According to the positions taken by nations in the South Asian and South East Asian regions on the Rohingya problem, it will not be incorrect to consider the Rohingyas to be a race doomed from the start. None of the

countries in the region are interested in interfering in the current international situation.

Despite the fact that China has extremely excellent commercial connections with Myanmar's government and has been able to sell its JF 17 Thunder fighter aircraft to Myanmar's Air Force, the country does not wish to give up its military presence in the country.

Position of superiority Non-interference with Myanmar's policy toward Rohingyas becomes a highly mutually advantageous option, and as a result, a very likely outcome for all parties involved. In spite of the fact that Pakistan is the sole defender of Muslim minorities in the area, the country's need-based alliance with China appears to be preventing it from fulfilling its historic role.

India, which considers itself to be a responsible superpower, is likewise hesitant to interfere in Myanmar because of the pressure to offset Chinese influence in the country. India simply does not want to face the financial and logistical burden of hosting and providing for a population of refugees who do not appear to have a foreseeable future – and there is also the issue of religion to consider. As long as there is a perceived threat of terrorism looming in the background, it is highly improbable that Muslim minority refugees would be accommodated or naturalised into Indian citizenship under a right-wing administration at the Centre. More specifically, because India is a non-signatory to the 1951 United Nations Refugee Convention and the 1967 Protocol, it is under no duty to provide sanctuary to refugees, making matters much more difficult for the Rohingyas.

According to reports, Bangladesh, a nation that has been directly affected by the crisis, appears to have been left alone in its efforts to ameliorate the situation. Due to the fact that the Rohingyas are Muslims, Bangladesh has a duty to give sanctuary to their persecuted Muslim brothers and sisters in order to retain its good name in the Muslim world. While it is true that Bangladesh has been abandoned by its neighbours, it remains to be seen how long a nation like Bangladesh, which suffers from political instability, will be able to maintain control over such a large-scale issue. In most cases, forced migrations occur at an unprecedented rate and scale, and the exploitation of scarce resources by displaced individuals tends to exacerbate tensions between the indigenous communities and the newcomers. Consequently, it is maintained that the presence of Rohingyas in Bangladesh without international or regional aid would further exacerbate the already dire humanitarian situation.

1951 United Nations Refugee Convention and the 1967 protocol:

The United Nations General Assembly enacted the Statute of the Office of the United Nations High Commissioner for Refugees (UNHCR) on December 14, 1950, and the Office itself was established in January 1951, marking the 50th anniversary of the adoption of the Statute. One of the UNHCR's early accomplishments was the establishment of the Ratification of the 1951 Refugee Convention by 145 States Parties, which continues to serve as the cornerstone for the work of the United Nations High Commissioner for Refugees (UNHCR).

The 1951 United Nations Refugee Convention defines the word "Refugee," explains the rights of those who have been displaced,

and establishes the legal duties of governments to safeguard refugees and their belongings in their countries. The concept of "non-refoulement," which refers to the belief that refugees should not be forcibly returned to countries where they may face persecution, posing a significant threat to their lives and freedom, is at the heart of the United Nations High Commissioner for Refugees' 15th Convention. In modern times, this is referred to as international customary law.

The United Nations High Commissioner for Refugees (UNHCR) is the custodian of the 1951 Convention and 1967 Protocol. Due to the fact that it is international customary law, all states, whether or not they have signed the protocol, are expected to follow the standards set down in the convention. While a thriving democracy and a respected and expected responsible force in the area, India has never ratified or adhered to the 1951 Convention on Refugees or the 1967 Protocol on Refugee Reception.

Refugee Relief and Rehabilitation in India:

1947, the year of India's independence, was also marked by significant power transitions, policy adjustments, and extensive sectarian violence, among other things. In their haste to depart India, the British left the massive task of partitioning this vast nation to Sir Cyril Radcliffe, who had never stepped foot in the country and was unfamiliar with the political and demographic complexities of merely drawing a line on a map prior to being assigned the task. But, despite this, both India and Pakistan permitted large-scale movement of citizens from either side of their respective borders. This exodus is regarded as one of the biggest migrations in human history, according to

some estimates.

The Chittagong Hill Tracts in Bangladesh's eastern region, which is also the core of the Rohingya refugee issue, was granted to Pakistan as a result of this haste, despite the fact that it is home to a predominantly Buddhist population (97 percent at the time). The Chakmas were a tribe that lived in the Chitagon Hill Tracts and had been ignored for a long time. When the Pakistani government built the Kaptai dam in 1962, it forced at least 40,000 Chakma tribals to flee to India, where they settled as refugees for the rest of their lives.

As part of its conflict with China at the time, India regarded this movement as a chance to relocate the Chakmas in Arunachal Pradesh, allowing it to exert more authority over the region. Approximately 3000 refugee families have been accommodated in this border state. Anti-immigrant demonstrations in neighbouring Assam resulted in the burning of Chakma homes in the 1980s; between 1983 and 1995, a total of 130 Chakma homes were destroyed in the Papum Pare area of Arunachal Pradesh.

The Chakmas were just recently granted full citizenship by the Indian government, after the Supreme Court's directive in 2015. The Chakmas had chosen India as their country of residence at the time of independence, but they were frequently disregarded at the time and continue to be ignored now.

Foreigners Act (1946) and the Registration of Foreigners Act (1939) now control the entrance and exit of all refugees from the United Kingdom. There is no attention given to the fact that they may be in extraordinary circumstances. In the 1996 landmark

case of National Human Rights Commission vs State of Arunachal Pradesh, the Supreme Court, via its judgements, extended to refugees the rights guaranteed under Article 14 (Right to equality) and Article 21 (Right to life and personal liberty).

When it comes to the rescue and rehabilitation of refugees, India has a patchy track record to speak of. With the level of variety that India possesses, it is exceedingly difficult to strike a balance between the many stakeholders. Some say that this is the reason why an all-inclusive and complete constitutional framework for the relief and rehabilitation of refugees does not exist, but that this is also a requirement of the present time.

Conclusion:

The absence of a comprehensive refugee assistance and rehabilitation statute in India has resulted in an unclear attitude on the part of the government of India in relation to the Rohingya issue, which has been widely reported. It is said that by refusing to act in this severe humanitarian issue, India has ceded the moral high ground to the United States of America.

India should express concerns about human rights violations for situations of a comparable kind – such as the Baloch separatist movement, which is strategically significant for India – in order to bring attention to these issues. Indian democracy, as the world's second-largest democracy, has a moral duty to respond to crises, particularly in South Asia, if it wishes to establish itself as a world leader in the future. Indian treatment of this specific issue demonstrates that the country is a careless player in the area, which is never a smart notion for a young

nation that sees itself as a prospective superpower — it is a soft power political catastrophe. Internationally, India's participation in the Rohingya issue becomes increasingly crucial in order to demonstrate regional leadership and soft power, and this can only be accomplished if India passes an effective law addressing the problem.

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