



ROHINGYA REFUGEES IN INDIA: NO PLACE TO CALL HOME

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The sad saga of Rohingya people apparently has no end in sight. On the contrary, with each passing day, their life is becoming more miserable and uncertain. This is especially true about the Rohingya refugees who have been taking shelter in India, particularly in Indian illegally occupied Jammu region. There are approximately 40,000 Rohingya refugees in India which is the highest number after Bangladesh.¹ Of these 40,000, at least 16,500 have been recognized by the UN refugee agency.²

In recent years, there has been growing animosity towards these settlers. They are being accused for all sorts of crimes – from joining Kashmiri freedom fighters to facilitating alleged infiltration and from sale of narcotics to theft, Rohingya refugees have been labelled as threat to national security. As India under BJP took strides towards becoming a Hindu Rashtra, the noise against the Rohingya refugees also grew. Interestingly, the BJP supporters have been implicated in attacks on the community on number of occasions.

The issue of Rohingya refugees became a major election plank during the 17th Lok Sabha elections in 2019. Addressing a rally, the Bharatiya Janata Party President Amit Shah had said “Infiltrators are like termites in the soil... a Bharatiya Janata Party government will pick up infiltrators one by one and

¹ “No country for Rohingyas : Killed at home, despised as refugees,” *TRT World*, March 17, 2021, <https://www.trtworld.com/magazine/no-country-for-rohingyas-killed-at-home-despised-as-refugees-45091>

² Meenakshi Ganguly, “Rohingya Refugees Caught Between India and a Hard Place,” *Human Rights Watch*, February 2, 2019, <https://www.hrw.org/news/2019/02/02/rohingya-refugees-caught-between-india-and-hard-place>

throw them into the Bay of Bengal".³ Later, in November 2020, an ultra right social group that went political by the name Ikkjutt also vowed to weed out all illegal Rohingya and Bengali encroachments from Jammu.⁴

With the introduction of Citizenship Amendment Law, which seeks to grant Indian nationality to anyone who is not Muslim from Pakistan, Bangladesh and Afghanistan has also put the Muslim Rohingya Refugees at a greater risk of detention for the rest of their lives or forced deportation to Myanmar.

With the approaching state elections in West Bengal and Assam, the issue of Rohingya seemed to once again flare up as on March 6, 2021, the authorities in Indian illegally occupied Jammu and Kashmir arrested 170 Rohingya refugees with the intention of deporting them. The move has obviously invited criticism from rights groups and civil society who have been demanding that Indian government must halt any plans of deportation and uphold its international law obligations and ensure the protection of life of Rohingyas. India however is adamant in complying with these demands. Recently Indian Home Minister Anil Vij had also remarked that "we are gathering information about them ...our country is not a *Dharamshala* that anyone will get up and start living here if he so feels like".⁵

India insists that it is taking steps according to its "Foreigners Act" and therefore, anyone not having valid travel documents will be deported. It also argues that it is not signatory to 1951 UN Refugee Convention or its 1967 Protocol and therefore not bound to entertain Rohingya refugees. On the other hand, the human rights groups argue that the principle of non-refoulement that prohibits countries from returning anyone to a country where they may face persecution or harassment is recognized as customary international law and is binding on all countries.⁶ Since 2018, India has deported 12 Rohingyas saying that they voluntarily wanted to return.⁷

The plight of Rohingya is not a secret as the International Court of Justice too had acknowledged Rohingya genocide in Myanmar. It is indeed heartbreaking to see a community being persecuted in its own country as well country where they escape to save their lives. India's argument that since it

³ "No country for Rohingyas : Killed at home, despised as refugees," *TRT World*, op.cit

⁴ "Social Outfit 'Ikkjutt Jammu' goes Political," *The Tribune*, November 13, 2020, <https://www.tribuneindia.com/news/j-k/social-outfit-ikkjutt-jammu-goes-political-170476>

⁵ "India not dharamshala; info about Rohingya being gathered: Haryana minister", *Business Standard*, March 20, 2021, https://www.business-standard.com/article/current-affairs/india-not-dharamshala-info-about-rohingya-being-gathered-haryana-minister-121031901427_1.html

⁶ "India:Halt All Forced Returns to Myanmar", *Human Rights Watch*, March 10, 2021, <https://www.hrw.org/news/2021/03/10/india-halt-all-forced-returns-myanmar>

⁷ Ibid

is not a signatory to Refugee convention, it therefore, is not bound to entertain the refugees from other countries does not hold merit. In this regard, it is interesting to note here that in 1971, while conspiring to dismember Pakistan, India encouraged and armed rebels in former east Pakistan and later, making an excuse of influx of refugees in India directly intervened and launched a military attack against Pakistan. India has also in the past hosted refugees from Tibet, Tamil refugees and refugees from Afghanistan. Though India is not signatory to Refugee Convention, but in the past, it has upheld the policy of non-refoulement. However, under Prime Minister Modi, the situation is different as Rohingyas are being denied shelter mainly due to their religion. This situation has rightly been described in one of the report by an NGO Foundation London Story which clearly stated “The response of the Indian State under BJP to Rohingya refugees is in line with its wider discriminatory and derogatory approach towards Indian Muslims.”⁸

The Modi’s Hindu Rashtra has no place for people who have escaped genocide solely because they profess Islam.

⁸ Snehal Dote & Dr. Ritumbra Manuvie, “Rohingyas in India- State of Rohingya Muslims in India in Absence of Refugee Law,” Foundation London Story, The Office of the High Commissioner for Human Rights <https://www.ohchr.org/Documents/Issues/Religion/Islamophobia-AntiMuslim/Civil%20Society%20or%20Individuals/RitumbraM1.pdf>