

India's Response Towards Illegal Migration of Rohinyangas and its Crisis

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Abstract

The United Nations has identified the Rohingyas as one of the most persecuted ethnic minorities globally. This group, consisting of Burmese Muslims from Rakhine State, resides on Myanmar's western coast, near the Bay of Bengal in the Indian Ocean. In Myanmar, the predominantly Buddhist population and other communities view the Rohingyas as "illegal immigrants." Over the years, the Rohingyas have endured relentless persecution, discrimination, mistreatment, massacres, and statelessness. Facing ethnic cleansing in Myanmar, many have sought refuge in various countries worldwide. This article delves into the Rohingyas' struggle for survival and examines their situation from both humanitarian and legal perspectives. This article also aims to assess the living conditions of Rohingyas in India and the responses of the Indian government towards them.

Keywords

Rohingyas, India, government, illegal, migrants, Myanmar

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Introduction

Myanmar, known historically as Burma, hosts a rich tapestry of 135 recognised ethnic groups, including the Rohingya. Regardless of their long-standing presence, the Rohingya have faced severe persecution from their own government. Myanmar does not recognise the community as its citizens and considers them “illegal immigrants” from Bangladesh.¹The Rohingya are a predominantly Muslim ethnic community. The Rohingya Muslims, originally inhabitants of the Rakhine State in Myanmar have been targets of the State for a long time.²Within Rakhine, 59.7 per cent of the population identified as Buddhist, while Rohingya Muslims comprised 35.6 per cent. The Buddhist-majority State has committed grave atrocities such as mass killings, persecutions and sexual assaults of the Rohingya Muslims. The violence first surfaced in 2012 and later intensified in 2017-18.³Since then, millions of Rohingya Muslims have sought shelter in adjacent countries of Bangladesh, India, Malaysia, Thailand and Indonesia.⁴The United Nations has referred them as the “world’s most persecuted minority.”⁵ The United Nations (UN) has described the violence against the Rohingya community as a “textbook example of ethnic cleansing.”⁶Since the 1970s, millions of Rohingya have fled Myanmar looking for asylum in countries nearby. The most important waves of migration occurred in 2016 and 2017, as a result of violent crackdowns by Myanmar’s security forces, forcing around 723,000 Rohingya to migrate to the adjacent nations. Though, the bulk of the Rohingya who ran away Myanmar have settled in Bangladesh, around 18,000 Rohingya refugees are documented with United Nations High Commissioner for Refugees (UNHCR) in India.⁷

Statement of the Problem

The Rohingya, an ethnic minority group in Myanmar with have been systematically denied basic rights and subjected to severe persecution. This persistent oppression includes widespread discrimination, mistreatment, massacres, and the plight of statelessness. In the face of ethnic cleansing in Myanmar, many Rohingyas have sought refuge in countries around the world. According to estimates from the Indian Home Ministry and Reuters, approximately 40,000 Rohingyas have sought asylum in India. Although India has traditionally served as a haven for various refugee groups, the influx of Rohingya refugees since 2012 has presented significant challenges. While India has provided shelter, it has stopped short of granting legal recognition to the Rohingyas, thereby limiting their access to employment and essential services. Furthermore, increasing anti-Muslim rhetoric and security concerns have further complicated India’s position on the Rohingya issue.

Objectives of the Study

This paper primarily focuses on examining the responses of the government of India to the Rohingya crisis and India's policy towards refugee issues.

Methodology

This paper adopted historical, descriptive, analytical, and interpretative method. The data has been collected from secondary sources which include reference books, articles, journals, newspapers, periodicals, magazines and thesis, dissertations submitted to universities, and various websites.

The Origin of Rohingyas

The Rohingyas are an ethnic minority in Myanmar with deep historical origins in Rakhine State (once known as Arakan), dating back to the 8th century. Rakhine State, spanning 14,200 square miles located on Myanmar's western coast and adjacent to Bangladesh, ranks among the country's poorest regions. The term 'Rohingya' translates to 'inhabitants of Rohang,'⁸ the Muslim name for the area historically known as Arakan, now Rakhine. The Rohingyas communicate in 'Rohingya' or 'Ruaingga,' a dialect akin to the Chittagonian language. Distinct in their language, culture, and heritage, the Rohingya and the Buddhist residents of Rakhine maintain unique identities. This Sunni Muslim community, numbering around 1 million, constitutes a percentage of Myanmar's diverse population of 52 million.⁹ As stated in the Equal Rights Trust's 2014 report, approximately 1 to 1.5 million Rohingyas reside in northern Rakhine State, predominantly in the townships of Maungdaw, Buthidaung, Rathedaung, Akyab, and Kyauktaw.¹⁰

Despite having roots in Myanmar dating back to the 8th century, the Rohingya community is denied basic rights and endures systematic persecution. Their history of discrimination predates Burma's independence, facing hostility from both other ethnic groups and state authorities. Even with their profound historical roots in Myanmar, the Rohingyas endure a harsh reality: the Myanmar government refuses to recognise them, labelling them as "illegal Bengali immigrants."¹¹ This denial extends beyond official channels; the local population also rejects them as indigenous to Myanmar's soil. The persistent violence and prejudice make the Rohingyas one of the most vulnerable communities worldwide, a sentiment echoed by the United Nations, which has labeled them as the 'most persecuted minority in the world.'¹² In 1948, Myanmar emerged from the shadows of British rule, which had cast its influence over the region since 1824. This Southeast Asian nation is best known for its astounding mix of ethnicities and religions. However, the remnants of colonial rule, compounded by decades of harsh military dominance, the lack of democratic institutions, fragile civil liberties, and international isolation, have brewed

a complex set of challenges. Ethno-religious tensions further exacerbate these difficulties, impacting ethnic minorities more severely. The Rohingya crisis is intricately linked to these historical legacies, as this paper explores. A critical aspect is how Myanmar has treated its ethnic and religious minorities since gaining independence in 1948, a point highlighted by Alam.¹³ This article delves into a comprehensive analysis, aiming to unravel the factors that have driven the Rohingya to search for asylum in nearby countries, leaving those who are still confined to camps in Myanmar, monitored under military watch. The history of Rohingya persecution in Myanmar is detailed in the following heads:

Religion

Myanmar, a multi-religious nation without an official state religion, holds Buddhism in high esteem, both among the general population and within the government. This reverence for Buddhism has led to its significant influence on the country's dynamics, particularly affecting the Rohingya, a Muslim minority community. The National League for Democracy (NLD), Myanmar's democratic political party, is deeply intertwined with Buddhist principles, focusing on upholding and promoting these teachings. Radical Buddhist extremists and monks have played a pivotal role in fueling animosity toward the Rohingyas.¹⁴ Driven by the fear that Islam might overshadow Buddhism as Myanmar's predominant religion, they have cast Muslims as a threat to both Buddhism and the nation. Through organized street campaigns and inflammatory anti-Muslim rhetoric, these extremists have stirred local sentiment against the Rohingyas. Despite the fact that the Rohingyas pose no real danger to the state or its people, they are frequently branded as threats or terrorists, a portrayal that further justifies their ongoing oppression.¹⁵

Military Junta of Myanmar

In 1962, the military seized control of Myanmar, profoundly shaping the nation's trajectory with its aggressive push towards socialism and staunch resistance to democratic reforms. The junta, under the command of General Ne Win, a fervent nationalist and socialist, fiercely resisted calls for democratic reform, channelling their efforts into the pursuit of Burma's Road to Socialism. Their rule was marked by aggressive and brutal tactics, particularly against the Rohingya community and other minorities. The regime implemented policies like 'Myanmarisation,'¹⁶ designed to promote Buddhism while marginalising ethnic minorities. An important development during this period was the Emergency Immigration Act of 1974. This legislation introduced ethnicity-based identity cards, requiring all citizens to carry proof of citizenship to enter Myanmar. The Rohingyas, however, were excluded from obtaining these citizenship cards and were relegated to holding a Foreigner

Registration Card, which restricted their rights and marked them as perpetual outsiders. Under military rule, the Rohingyas not only faced severe limitations on their rights but also became the victims of systemic violence and exploitation, enduring conditions akin to modern-day slavery.

Operation Dragon King (1978)

Operation Dragon King, also known as the Nagamin Operation, was initiated by Myanmar's military junta in 1978 under General Ne Win's command. This operation was essentially a campaign of ethnic cleansing, specifically targeting the Rohingya community. The goal was to scrutinize every individual in Myanmar and classify them as either citizens or foreigners. In this scheme, the Rohingyas were deemed not just as 'foreigners' but as 'illegal immigrants,' stripping them of any rights to remain in the country. As a result of being branded as illegal immigrants, the Rohingyas faced brutal repression, including sexual violence, arbitrary arrests, the destruction of their mosques and villages, and the confiscation of their lands. This violence drove over 200,000 Rohingyas to flee to Bangladesh.¹⁷ Operation Dragon King marked the onset of a sustained campaign of ethnic cleansing and forced displacement for the Rohingya community, leaving them increasingly vulnerable and insecure in their own homeland.

Burma Citizenship Law (1982)

In 1982, Myanmar enacted the Burma Citizenship Law, also known as the Union Citizenship Law, which fundamentally redefined citizenship based on race and ethnicity. This law granted citizenship exclusively to those belonging to officially recognized ethnic groups. The government identified 135 ethnic groups as indigenous, extending full citizenship to their members. The Union Citizenship Law of 1982 classified citizens into four distinct categories, each marked by a different colour code¹⁸:

Full Citizens: These individuals are descendants of residents from as early as 1823 or have parents who were Burmese citizens at their birth. They are classified with a pink colour code.

Associate Citizens: Those eligible under the 1948 Union Citizenship Law could apply for this status. They are designated with a blue colour code.

Naturalised Citizens: Individuals who entered Myanmar before January 4, 1948, and applied for citizenship after 1982 fall into this category, marked by a green colour code.

Foreigners: Those who do not qualify for the above categories are labelled with a white colour code and lack the rights afforded to citizens.

The 1982 law effectively marginalised the Rohingyas, excluding them from all categories of citizenship and rendering them stateless. Despite their presence in Myanmar since at least the 8th century and their long history in the region, the Rohingyas were denied any form of citizenship. The law categorised them as 'illegal Bengali immigrants,' perpetuating their disenfranchisement and denying them a formal identity within the state.¹⁹The 1982 Citizenship Law's discriminatory policies have left millions of individuals without nationality, rendering them stateless. This legislation specifically targeted the Rohingya community, stripping them of their citizenship and rights, and plunging them into a state of profound vulnerability.

Operation Clean and Beautiful Nation (1991)

In 1991, Operation PyiThaya, also known as Operation Clean and Beautiful Nation, was initiated. Mirroring the objectives of the earlier Operation Dragon King, this campaign sought to ethnically cleanse Myanmar by expelling the Rohingya population. Led by Than Shwe of the Burma Socialist Programme Party, the operation was driven by his view that the Rohingyas were contaminants, polluting the nation.²⁰To transform Myanmar into a 'clean and beautiful nation,' the Rohingya community became the primary target. Under Than Shwe's orders, Burmese soldiers unleashed unprecedented violence on the Rohingyas, causing around 200,000 individuals to flee to Bangladesh in a massive exodus.

Movement of 969

The 969 Movement is a movement of extremist Buddhists in Myanmar which claims to protect the Buddhist community but in reality, promotes anti-Muslim sentiments. The three digits of 969 symbolize the virtues of the Buddha.²¹The movement is led by Ashin U Wirathu, infamously dubbed "Buddhism's Bin Laden."²²Given the profound reverence the Myanmar people have for Buddhist teachings, monks enjoy high respect from both the populace and the government. Consequently, the 969 Movement, driven by Buddhist extremists, has gained backing from top government officials Buddhist monks, and some affiliates of the National League for Democracy (NLD). The movement has pressured the government to implement oppressive laws against non-Buddhists and has resisted efforts by the NLD or (Union Solidarity and Development Party) USDP to adopt inclusive policies beneficial to Myanmar's minority groups. By advocating boycotts of Muslim-owned shops and opposing interfaith marriages, the 969 Movement perpetuates hatred and violence against non-Buddhists in Myanmar.

The Ma Ba Tha

The Association for the Protection of Race and Religion, known as MaBaTha, was established with the aim of safeguarding Buddhism in Myanmar.

However, this organization also engages in the marginalization of other religions within the country. MaBaTha has published textbooks that are incorporated into the curriculum of educational institutions. These books combine Buddhist teachings with anti-Islamic sentiments, significantly influencing students' perspectives. Similar to the 969 Movement, MaBaTha conducts 'buy Buddhist' campaigns, encouraging support for Buddhist-owned businesses while advocating for a boycott of Muslim-owned shops by the Myanmar populace.

Communal Tensions

On May 28, 2012, the peaceful life of Thida Htwea, a 27-year-old Buddhist woman, was tragically upended after she was reportedly raped and killed by three Muslim men in Ramri Township, located in southern Arakan State. This brutal incident ignited renewed strife in the region, resulting in the deaths of approximately 100 Rohingya individuals, including 10 Muslim pilgrims who were on a bus in Toungop. The violence also led to the displacement of around 120,000 people.²³

The violence against the Rohingyas persisted unabated, and underlying tensions between Buddhists and Muslims erupted into fresh violence in Myanmar. In April 2013, Okkan Township witnessed a disturbing surge of aggression as armed Buddhists launched a brutal attack on the local Muslim community. The assault left numerous Muslims injured and dead and resulted in widespread destruction of Muslim homes. The unrest spread in May 2013 to Lashio Township, where a Muslim man set fire to a young Buddhist, inciting a wave of Buddhist outrage. This anger manifested in the form of arson attacks on a mosque, several shops, and a Muslim orphanage. The violence continued into August and October 2013, with riots erupting in Kantbalu and Thandwe townships.²⁴ These disturbances resulted in the burning of homes and loss of lives on both sides, further escalating the cycle of hatred and destruction.

On October 9, 2016, about 400 Rohingya militants armed with knives and slingshots launched a coordinated assault on three Border Guard Police (BGP) posts in Maungdaw and Rathedaung. This attack left nine police officers dead and resulted in the theft of 10,000 rounds of ammunition and 62 firearms. The militants also clashed with Myanmar soldiers from October 10-12, killing four soldiers in the process.²⁵

In retaliation, on October 10, 2016, the Myanmar government (GoM) cut off all emergency supplies to the Rohingya community. The situation worsened on November 12th when 60 armed Rohingya militants ambushed and killed a lieutenant colonel, injuring several others. In the wake of this, security forces demolished 1,500 Rohingya shelters and unleashed helicopter fire on Rohingya villages. Over a hundred Rohingyas were killed, and more than ninety thousand were forced to flee Myanmar.

The Rohingya crisis escalated further on August 25, 2017, when the Arakan Rohingya Salvation Army (ARSA) launched a significant assault on 30 security outposts near the Bangladesh border, resulting in the deaths of over a dozen Burmese security personnel and one Tatmadaw soldier. This attack led to ARSA being officially branded as a terrorist organisation, representing the first instance of Myanmar applying this classification to an insurgent faction. The Tatmadaw responded by deploying over 70 battalions, totalling around 30,000-35,000 soldiers, into Rakhine State.²⁶ Since then, over 620,000 Rohingya have sought safety in Bangladesh, settling in refugee camps in Cox's Bazar.²⁷ The violence of 2017 resulted in the deaths of around 1,000 Rohingyas, including kids and infants, with many drowning in overcrowded and poorly equipped boats amid turbulent waters.²⁸

Why are the Rohingya Fleeing Myanmar?

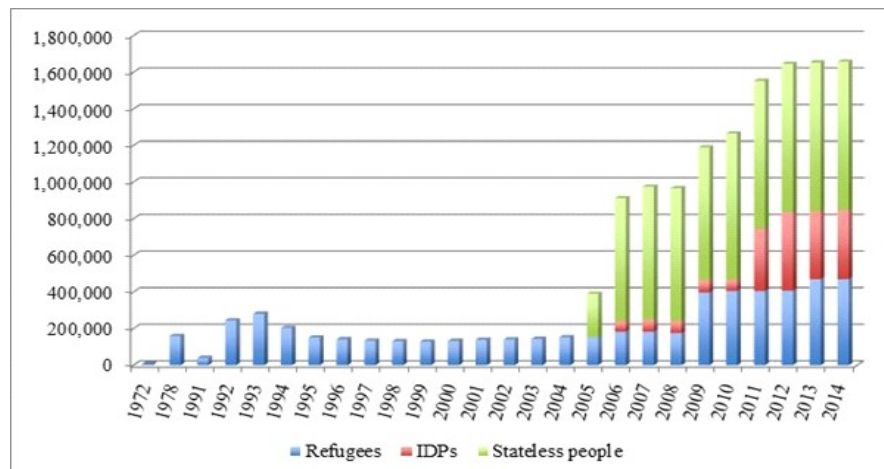
Despite their deep-rooted heritage in Myanmar, the Rohingya have been compelled to escape their homeland due to unbearable oppression. The Myanmar government has entrenched systemic discrimination against them, placing severe limits on their marriages, family size, job opportunities, education, religious freedoms, and mobility. For example, since 2005, Myanmar has enforced a stringent two-child policy for Rohingya residents in the Maungdaw and Buthidaung townships of northern Rakhine State, contravening human rights laws. "Regional Order 1/2005" seems to serve as the basis for the two-child policy, mandating that Rohingya with marriage permits limit their number of children to ensure adequate food and shelter and to manage the birth rate. This directive also bans Rohingya from having children outside of marriage. Due to the two-child policy, many women have resorted to illegal and unsafe abortions, resulting in severe health complications and even fatalities.²⁹ Moreover, they must seek official authorisation to marry, often needing to bribe authorities and submit photos that breach their religious traditions—brides without headscarves and grooms clean-shaven. Official directives from Rakhine State authorities, spanning from 1993 to 2008, reveal a persistent policy of imposing marriage restrictions on the Rohingya in Rakhine State. A document titled "Requirements for Bengalis (Rohingya) who apply for Permission to Marry" outlines ten criteria that Rohingya must meet to obtain marriage approval from authorities. This process is frequently demeaning and financially burdensome for the Rohingya, infringing on their right to marry as defined by Article 23 of the International Covenant on Civil and Political Rights and Article 16 of the Universal Declaration of Human Rights. Unlike other ethnic groups in Myanmar, the Rohingya are uniquely subjected to these discriminatory marriage requirements.³⁰ Relocating to a new home or travelling outside their townships necessitates government approval. Rakhine

State, the primary region for Rohingya residents, is the poorest in Myanmar, with a shocking 78 per cent poverty rate compared to the national average of 37.5 per cent, as reported by the World Bank. To escape relentless persecution, the Rohingya have migrated to nearby countries such as Bangladesh, Malaysia, India, Thailand, and Indonesia. As refugees, they receive certain rights, freedoms, security, and recognition, and a place to call home.

Where are the Rohingya Seeking Refuge?

According to the UNHCR since the 1990s, over one million Rohingya have escaped violence in Myanmar. At present, over 960,000 Rohingya refugees reside in Bangladesh, predominantly densely populated Kutupalong and Nayapara camps in Cox’s Bazar—some of the largest refugee settlements in the world.³¹ This refugee group constitutes roughly one-third of the Cox’s Bazar region’s total population, underscoring the importance of supporting local communities to maintain harmony. To address overcrowding in the 33 camps of Cox’s Bazar, the Bangladeshi government has transferred almost 30,000 migrants to Bhasan Char Island since 2021. Furthermore, a considerable number of Rohingya refugees have sought asylum in neighbouring countries such as India (21,000) and Thailand (92,000), with a lesser number also settling in Nepal, Indonesia, and other nearby regions.³² Ongoing conflicts in Myanmar persistently drive displacement, leading to over 1.8 million internally displaced people (IDPs) within the country, with 1.5 million of them displaced since February 2021.

Figure 1
Refugees from Myanmar (1978-2014)



Source: United Nations High Commissioner for Refugees (U.N.H.C.R.)

Rohingyas in India

Amidst ongoing persecution, countless Rohingya have sought refuge in neighboring lands like Bangladesh and India. Estimates from the Indian Home Ministry and Reuters suggest that approximately 40,000 Rohingya have taken shelter in India. By January 2019, UNHCR India had registered 18,000 of these refugees. In an affidavit to the Supreme Court, the Indian government updated this figure to approximately 43,000 Rohingyas,¹ though it did not provide details on the sources or demographic breakdown. Presently, the UNHCR has officially registered 17,500 Rohingya refugees and asylum-seekers in India, coordinating through various partner NGOs across different states to facilitate their registration. The majority, around two-thirds, have found refuge in Hyderabad and Jammu, cities with substantial Muslim communities. The rest are scattered across various cities, including New Delhi, the nation's capital.

State wise Distribution and number of Rohingyas in India

State	Location	Number of Families	Total Population
Delhi	Shaheen Bagh	95	387
	Kalindi Kunj	50	225
	Khajuri	51	192
	Uttam Nagar/Vikaspuri	40	200
	Faridabad	37	150
	Purana Goan	17	61
Uttar Pradesh	Mirzapur/Aligarh	110	430
Haryana	Punana	35	145
	Chandni-1	44	162
	Chandni-2	44	158
	Nangali-1	51	156
	Nangali-2	109	384
	Jagirpur Ward7	74	280
West Bengal	Kolkata	40	120
Tamil Nadu		21	95
Punjab		10	50
Telangana	Hyderabad 26 locations	1050	3705
Jammu Kashmir	Jammu 22 Locations	1350	5600
	Kashmir (Khimber)	18	

Source: Mudasir Amin, "Policy Report 24: *Nobody's Children, Owners of Nothing*': *Analysing the Indian State's Policy Response to the Rohingya Refugee Crisis*", , The Hindu Centre for Politics and Public Policy (February – May, 2018), p. 47-48

Rohingya migration to India primarily follows two routes: westward from Bangladesh into West Bengal, and northeast into the Indian states of Mizoram and Meghalaya.² Along these paths, Rohingya migrants face significant risks of exploitation, as they lack official identification, cannot speak the local languages, and have limited financial resources. This highlights that many Rohingya in India remain in protracted refugee situations, living without citizenship or legal recognition. The Rohingya community in India endures harsh living conditions and struggles to access basic services. Camp conditions are abysmal, lacking reliable electricity, clean water, sanitation, and healthcare. The makeshift shelters, often made of canvas or asbestos, provide little comfort. A report in *Malnutrition Deeply* highlights that pregnant women and newborns are denied essential maternity benefits offered by the Pradhan Mantri Maternity Scheme (PMMS).³ Many adult men in these camps rely on casual labour for their livelihoods, shaped by their immediate surroundings. Some run small, temporary shops, while others drive e-rickshaws or scavenge as rag pickers.

India's Refugee Policy

India lacks national legislation on refugees, often addressing refugee matters based on political considerations. Legally, refugees in India are treated the same as any other foreign nationals, governed by the Passport Act of 1955 and the Foreigners Act of 1946. (Policy report Mudasir p.37) Individuals granted refugee status in India can be regulated, sanctioned, and deported under various laws, including the Indian Penal Code (1860), Passport (Entry into India) Act (1920), Registration of Foreigners Act (1939), Foreigners Act (1946), and Passport Act (1967).

India's approach to refugee law is primarily shaped by executive decisions and judicial rulings. The central government assesses refugee status on a case-by-case basis, with assistance from the UNHCR's Indian office in identifying refugees and ensuring their basic rights are protected. The Bureau of Immigration and Foreigners Regional Registration Offices, operating under the Ministry of Home Affairs (MHA), are responsible for evaluating asylum applications. They carefully review the evidence presented by claimants before making decisions on granting refugee status. The MHA has established standard operating procedures to outline the rights and amenities available to different refugee groups in India.

Refugees in India are entitled to basic protections, such as the right to life and personal liberty under Article 21 of the Constitution. While India has formally accepted the principle of non-refoulement, its implementation in practice has been inconsistent. The Indian judiciary has affirmed several rights for individuals seeking refugee status: (i) the right to be recognized as a persecuted refugee, (ii) the right not to be deported while their case is under consideration, (iii) the right to asylum if

their case is proven, (iv) the right to relocate to another country willing to accept them, and (v) the right to fair treatment throughout the process.

Additionally, the Citizenship Act (1955) addresses certain refugee categories, and the Citizenship Amendment Act of 2019 facilitates expedited naturalisation for Hindus, Buddhists, Parsis, Sikhs, Jains, and Christians from Pakistan, Afghanistan, and Bangladesh.⁴ Despite not being a signatory to the 1951 Refugee Convention or the 1967 Protocol, India is dedicated to numerous international human rights agreements and conventions addressing refugee issues. India's responsibilities towards refugees stem from these commitments. Since 1995, India has been part of the Executive Committee of the High Commissioner's Programme (EXCOM), a UN body overseeing the UNHCR's material assistance programs. India's participation in EXCOM reflects its dedication to refugee matters.

India supported the adoption of the Universal Declaration of Human Rights, which guarantees rights to all individuals, regardless of citizenship. In 1967, India endorsed the UN Declaration of Territorial Asylum. Moreover, India ratified key international treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) in 1976, the UN Convention on the Rights of the Child in 1989, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1974. Article 1 of CEDAW imposes legally binding obligations on signatories.⁵

Furthermore, India embraced the principle of non-refoulement, as outlined in the Bangkok Principles of 1966. These principles guide member states on refugee status and treatment, including provisions for repatriation, right to compensation, asylum granting, and ensuring minimum standards of treatment for refugees in asylum states.

India's Response towards Rohingyas

The Government of India's (GOI) approach to the Rohingya crisis can be divided into two distinct periods. The initial phase corresponds to the Congress regime. The large-scale influx of Rohingyas commenced in 2012 under the Congress-led central government, which upheld the principles enshrined in the Indian Constitution, including the rights to equality, life, and personal liberty, not just for citizens but for all individuals within its borders. During this time, India extended compassion towards the displaced Rohingya population, offering them refuge. However, the Congress government did little beyond providing asylum, offering minimal aid and support to the refugees. Despite this, there were no acts of violence or deportation against the Rohingyas. They were able to establish themselves in refugee camps, sustaining themselves through unskilled and informal employment. Throughout the Congress administration, all refugees in India lived without

government persecution, reflecting a genuine adherence to the principle of non-refoulement, as no Rohingya refugees were expelled.

The situation for Rohingya refugees has shifted significantly with the BJP assuming power at the center. “The response of the Indian State under BJP to Rohingya refugees is in line with its wider discriminatory and derogatory approach towards Indian Muslims.”⁶India’s historical approach to refugees highlights a stark contrast in its treatment of Rohingya Muslim asylum seekers compared to Buddhist refugees from Tibet and Byllakuppe. In 1951, India warmly welcomed Tibetan Buddhists, offering them asylum and providing Refugee Certificates. These certificates afford Tibetan refugees nearly all the rights enjoyed by Indian citizens, with the notable exceptions of voting rights and eligibility for government employment. During the 1980s, the Afghan-Soviet conflict led to the arrival of approximately 60,000 Afghan refugees, predominantly Sikhs and Hindus, in India. Despite not being granted Indian citizenship, these refugees have consistently received essential assistance from the Indian government, in collaboration with the UNHCR and the National Human Rights Commission. The Sri Lankan civil war of the 1980s resulted in an influx of Tamil Hindu refugees to India. Presently residing in camps in Tamil Nadu, the Indian Finance Minister has pledged that approximately 95,000 Sri Lankan refugees will be granted Indian citizenship under the Citizenship Amendment Act (CAA). In each of these cases, the Indian government’s response stands in sharp contrast to its approach towards the Rohingya, who, despite being predominantly Muslim and facing similar persecution, have not received the same level of support.⁷While migrants from other states have found peace, rights, and opportunities to rebuild their lives in India, the Rohingyas have faced mounting challenges due to an increasingly discriminatory and intolerant approach by Indian authorities. Despite possessing UNHCR refugee identity cards, the Indian government has branded all Rohingyas as ‘illegal immigrants’ and perceived them as a ‘security threat’ because of their Muslim identity. In 2017, the government announced plans to deport the Rohingyas, asserting they were ‘illegal immigrants’ from Myanmar. This led to a 2021 Supreme Court ruling that authorized the deportation of all Rohingyas in India.⁸Labelling the Rohingyas as a national security threat, India has adopted a militarized strategy to manage their presence. This includes fortifying borders, forcibly repatriating refugees, and intensifying surveillance on those already within the country. In November 2017, the Border Security Force (BSF) revealed plans to deploy an additional five battalions, comprising 6,000 personnel, along the Bangladesh border to curb the ‘influx’ of Rohingya Muslims.⁹In announcing this initiative, the Director General of the BSF reflected the Indian state’s militaristic approach:

“The Rohingya issue is a complicated one. Our policy is to push them back and not arrest them. If we arrest anyone trying to infiltrate into India, then they become a liability and then there has to be a process of identifying them. So we just push them back.” (K.K Sharma, Director General BSF November 29, 2017).¹⁰

Despite not officially recognising the Rohingya refugees, the Indian government has taken steps regarding the Rohingya situation, primarily to bolster its diplomatic ties with other countries affected by the crisis. For example, given that Bangladesh hosts the largest number of Rohingya refugees, India has offered substantial support to Bangladesh in addressing the refugee crisis, including efforts toward repatriation. In September 2017, India provided a humanitarian aid shipment of 53 metric tons of essential supplies—such as rice, pulses, sugar, salt, cooking oil, tea, ready-to-eat noodles, biscuits, and mosquito nets—to support Rohingya refugees in Bangladesh. This initiative, termed ‘Operation Insaniyat,’ was framed as an act of humanitarianism, despite the lack of support and assistance for Rohingyas already residing in India. Notably, the Ministry of External Affairs’ initial press release on ‘Operation Insaniyat’ referenced refugees in Bangladesh but notably refrained from using the term ‘Rohingya.’ Recognizing the humanitarian crisis caused by the massive influx of refugees into Bangladesh, the Government of India has chosen to offer support to Bangladesh.¹¹ After the Indian Prime Minister’s visit to Myanmar, ‘very strong’ public opinion against India in Bangladesh cast a shadow on the bilateral relations between the two countries.¹² India’s launch of ‘Operation Insaniyat’ was influenced by its need to maintain regional influence and not lose ground to China, which had already positioned itself as a regional leader during this humanitarian crisis and even brokered a repatriation agreement between Bangladesh and Myanmar. In May 2018, India dispatched a second shipment under ‘Operation Insaniyat,’ consisting of 373 tonnes of aid that included 104 tonnes of milk powder, 102 tonnes of dried fish, 61 tonnes of baby food, 50,000 raincoats, and 50,000 pairs of gum boots.¹³ However, this decision to send aid to Rohingyas in Bangladesh was perceived as driven by India’s geopolitical interests rather than a genuine humanitarian initiative.

Conclusion

For decades, the Rohingyas have endured relentless threats, with no resolution in sight owing to the absence of concrete actions by international bodies. The 1982 Citizenship Law of Burma rendered the Rohingya stateless overnight, forcing them to seek asylum across borders, thus transforming their plight into a global issue. Their migration has posed significant economic and security challenges for host countries, particularly those who are grappling with their own socio-economic difficulties. Countries like India, despite their historical hospitality

towards refugees, have faced growing pressures with the increasing number of Rohingya refugees seeking better opportunities and legal recognition. Despite providing shelter, India has refrained from granting legal recognition to the Rohingyas, restricting their access to employment and essential services. Rising anti-Muslim rhetoric and security concerns have further complicated India's stance. India's recent stance on deporting Rohingya refugees marks a stark departure from its tradition of providing refuge, influenced by rising anti-Muslim sentiments and security concerns. This discriminatory approach underscores the urgent need for a comprehensive domestic refugee law to manage the diverse refugee population more effectively and humanely. The precarious situation of the Rohingyas, both in terms of humanitarian concerns and security perspectives, necessitates a thorough review by India's state and central governments. The lack of a unified legal framework has resulted in inconsistent treatment of different refugee groups within India. For example, Sri Lankan refugees receive less assistance and fewer opportunities compared to Tibetan refugees. This disparity in treatment has created significant inequalities among refugee communities, with the Rohingyas emerging as the most vulnerable group.

In conclusion, the persistent neglect by certain countries and the global community has emboldened Myanmar and refugee-hosting nations to perpetuate violence and oppression against the Rohingya. Therefore, addressing the Rohingya crisis demands coordinated global efforts and adherence to human rights principles. The international community must take tangible steps to ensure the protection and integration of the Rohingya, alleviating their suffering and fostering stability in both their host and home countries. Only through collective action at both national and international levels can we hope to bring an end to this ongoing humanitarian tragedy and restore dignity to the lives of the Rohingya people.

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