Introduction

A naïve mother with a child is dispossessed of her home and ferried away; a man is disowned by his government after toiling in his country for four generations because of his ethnicity; a little girl can no longer pursue her education because her school was bombed; and a young boy behind fences might never see his friends again because he is unsure if they survived the war. These are the ‘population of concern’: refugees and stateless people demanding the immediate attention of international communities and hoping for swift action towards reconciliation. “Refugees in South Asia: Issues and Concerns,” presents the history, origin, and plight of the refugees and stateless people in South Asia, living in camps or dispersed throughout host countries and in their own countries, living in gripping fear and disillusionment. The focus population of concern in this journal include Afghans, Sri Lankan Tamils, Rohingyas, Chin, Hajong, Chakma, Tibetans, and counting. The interventions made by Governments through their policies, UN agencies, international NGOs (INGOs) and other civil society organizations presented in this journal offer affirmative propositions for those who wish to collaborate. Furthermore, suggestions on a positive course of action towards the rehabilitation of refugees and stateless people and proactive participation from host countries are integrated with the best of intentions.

South Asia has all four categories of populations of concern (i.e., Refugees, Stateless Individuals, Internally Displaced Persons (IDPs), and Mixed Migrants) for international humanitarian agencies and many countries worldwide. Countries in the region both receive and produce refugees (India, Bangladesh, Pakistan, and Nepal). Some refugees have lived from more than six to three decades in host countries such as Tibetans (in
India and Nepal), Sri Lankan Tamils (in India), Afghans (in India, Iran and Pakistan), Biharis (in Bangladesh), Rohingyas (Bangladesh and India), and Chin (India and Malaysia). Statelessness is another reality of South Asia. Additionally, the number of IDPs is swelling as the conflicts in South Asia are proliferating. In these situations, people are forced to live like refugees within their own countries because they cannot cross a border to safety. In mixed migration situations, people leave their countries for economic reasons and settle in countries in which they seek work.

This chapter on ‘Refugees in South Asia: Issues and Concerns,’ is designed to present an overview of the Condition of Refugees and Stateless People in South Asia. The discussion on the different refugee groups hosted by South Asian countries intricately deals with the presence of refugees in India from other countries. In addition, it deals with the condition of Stateless people in Asia by highlighting two countries (Bangladesh and Sri Lanka) that systematically worked to reduce statelessness. Apart from the statistics, this presentation will discuss refugee history and the problems they face in their host countries. Their challenges are also listed in the presentation.

Refugees in South Asia

South Asia is comprised of eight countries according to the SAARC (South Asian Association for Regional Cooperation). Previously there were seven countries (India, Pakistan, Bangladesh, Nepal, Bhutan, Maldives and Sri Lanka) when SAARC was founded in 1985. However, Afghanistan was not a founding member then, of SAARC, but joined later in 2007. The experience of South Asian countries is one of hosting substantial refugee populations. India hosted close to 5 million in 1971 when refugees were pouring into India during the Bangladesh liberation war. Pakistan hosted closer to 5 million refugees when Russia invaded Afghanistan in 1979. Nepal has hosted Bhutanese refugees and Tibetans. South Asia (SA) was a sub-continent that produced and received refugees. The refugee population in SA originated mostly from the South Asian region, besides the small number of refugees coming from African and Middle Eastern countries. Except for Afghanistan, none of the countries were signatories of the 1951 Geneva Convention or the 1967 Protocol. Unfortunately, SAARC has never addressed the refugee problem in any of its meetings.
PAKISTAN
Pakistan has been hosting the world’s largest refugee population, especially Afghans, since the invasion of Afghanistan by the Soviet Union in 1979. Strangely enough, unlike Afghanistan, Pakistan is not a signatory to either the refugee convention or protocol. Nevertheless, they serve as host to one of the world’s largest refugee populations (in the early 1980s soon after Soviet invasion of Afghanistan), among whom Afghans comprise the majority; however, many have managed to be repatriated through UNHCR initiatives. A large number of remaining Afghans continue to live in tents or temporary shelters in shantytowns, while some have integrated into the host country and are well suited. In fact, the repatriation process of Afghans returning to their country from Pakistan has been one of the largest in the world. In March 2002, the UNHCR mobilized around 4.1 million registered Afghans from Pakistan, which indirectly implies that there are a large number of unregistered Afghan refugees living in the country. According to the UNHCR (cited in Kheshgi, 2018), there are 0.4 million Afghans still living without legal documents. The northwestern Khyber Pakhtunkhwa province of Pakistan is where Afghan refugees are concentrated. To avoid the plight of ‘statelessness’, the Pakistan government has issued Afghan Citizen Cards to around 0.9 million Afghans. In addition to refugees from other countries, Pakistan has many IDPs since it is prone to war and natural disasters.

NEPAL
A country located amidst Tibet, Bhutan, and India, hosts Tibetans, Burmese, and Bhutanese refugees. Only in recent years have the Bhutanese began to move to third-country settlements in the US, Australia, Canada, Denmark, Netherlands, New Zealand, Norway, and the United Kingdom. Furthermore, there are two groups of Tibetan Refugees in Nepal: a) Refugees who sought shelter before 1989 and b) Refugees who came after 1989. In the first case, Nepal officially denied letting refugees stay in the country hence, leaving Tibetans in Nepal without official recognition as refugees. However, Nepal permitted Tibetan refugees who arrived after 1989 to go through its territory to migrate to India. The UNHCR, through an informal agreement, facilitated hassle-free migration to India.

By the end of 2010, the Government of Nepal supported the UNHCR’s proposal towards the consolidation of refugee camps. In collaboration with
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the government, the UN Country Team, Non-Governmental Organisations (NGO), and other stakeholders implemented the Community Based Development Programme (CBDP), an inter-agency strategy to rehabilitate refugees.

**BANGLADESH**

From its inception as a country, Bangladesh has hosted the ‘Urdu Speaking Biharis’ as refugees. There are around 250,000 Biharis in Bangladesh living as urban refugees in camps. Although their origin is from the Indian State of Bihar, a part of the population opted to stay in Pakistan in 1947, which later became part of Bangladesh. Thus, the ‘Urdu Speaking Biharis’ have been living in Bangladesh as ‘stateless persons’ since the country’s independence.

Besides, a little over 671,000 Rohingya refugees have arrived in Bangladesh since August 2017 and continue to arrive. Though the Bangladesh government has denied them the right to be registered as refugees, many continue to live near Cox’s Bazaar, near the southern coast of Bangladesh. In fact, the Kutupalong-Balukhali in Ukhia is identified as a mega camp for refugees, making it the largest and most populated refugee settlement camp in the world. The other locality is Nayapara in Teknaf, located close to the Dhumdhumia village, which is also in Cox’s Bazaar. Refugees International says that approximately 29,000 Rohingyas live in official camps, while another 200,000 are in unofficial camps (Ganguly & Miliate, 2015). Around 80,000 more Rohingyas are expected to arrive in the latter part of 2018.

Pakistan, Nepal, and Bangladesh are not signatories to the 1951 Refugee Convention (Geneva Convention) or the 1967 Protocol. There is no regional mechanism at the South Asian Association for Regional Cooperation (SAARC) level to protect refugees, so the refugees are left with the archaic colonial laws such as the ‘Foreigners Act’. As none of the countries are signatories of the Refugee Convention (1951) and to the Protocol (1967), each country in the region handles refugees according to whatever suits them best. In the absence of a refugee policy at the national level, (that has protection as its core), it would be desirable to have one at the regional level.

**Reduction of statelessness in South Asia**

The problem of statelessness exists in South Asia with the following groups: the Rohingyas in Myanmar, Bangladesh, and India; the Tamils in Sri Lanka
and South India; and the Urdu Speaking Bharis in Bangladesh. None of the South Asian countries is a signatory of the 1954 Convention relating to the Status of Stateless Persons, which is designed to ensure that stateless people enjoy certain fundamental human rights. It establishes the legal definition of a stateless person as someone “not recognized as a national by any state under the operation of its law” (UNHCR, n.d.). In other words, a stateless person is someone who does not have a nationality. The 1961 Convention on the Reduction of Statelessness aims to prevent statelessness and thereby reduce it over time. It establishes an international framework to ensure the right of every person to a nationality. It requires that States establish safeguards in their nationality laws to prevent statelessness at birth and later in life. There were 83 States party to the 1954 Convention in November 2014, and there were 61 States party to the 1961 Convention. Bangladesh and Sri Lanka, have successfully addressed the issue of statelessness and have reduced statelessness to nil.

Refugees in India since independence: A historical perspective

India is a refugee receiving country. It has welcomed the Tibetans, Sri Lankan Tamils, Afghan Sikhs, Pakistan Hindus and Christians, and Chakmas from Bangladesh as refugees; it has also hosted other refugees from Afghanistan, Myanmar, and from African and Middle Eastern countries. The story of refugees in independent India begins with the partition of the country in 1947, which resulted in the displacement of millions of people on both sides of the newly delineated border. The partition-related massacres and migrations represent an unfolding human tragedy of enormous proportions. India’s democratic polity, large size, secularism, federal constitutional structure, porous borders, and better economic opportunities account for the flow of refugees into India. There are approximately 209,234 refugees in India as per 2016 UNHCR figures. They include 44,000 from Myanmar (Chin and Rohingya); 13,381 from Afghanistan; 672 from Somalia; 1,483 from Syria, Iraq, and Sudan; 1,10,095 from Tibet; and 64,689 from Sri Lanka (as of 31 May 2015) approximately (UNHCR, 2016).

India has always been a host to refugees coming from many countries. It has taken centre-stage of South Asian refugee management. In fact, academic circles often raise the question as to why India does not generate refugees itself. This question assumes more significance, particularly
because India has been one of the States most prone to violence in South Asia. India continues to suffer from a variety of violent movements like the Naxalite movement (throughout the Red Corridor of Bihar, Jharkhand, Chhattisgarh, West Bengal, Andhra Pradesh, and Karnataka); communal caste clashes; and separatist movements in Punjab, Kashmir, Assam and several other parts of the country.

One of the possible reasons could be the large size of the country with an accommodative federal structure in which the constituent States have more independence and political space. Aside from this, each State has a pluralistic ethnic and communal composition, thereby insulating them from the violence that occurs in the places of origin of the displaced/fleeing person. This enables them not only to accommodate those fleeing but also to remain unaffected by the violence.

**Refugees of Partition: India and Pakistan**

Though those who crossed over the newly formed boundaries (by choice or forcibly) between India and Pakistan did not lose their nationalities, they were still forced to live the lives of refugees. Refugee camps across north India served as homes for those who had withstood the worst of the Partition. Since these refugees were automatically the citizens of a newly independent India, the matter of them being a threat to national security due to their presence was discarded. Later, however, when the fledgling state was trying to stand on its own two feet and struggling to provide these refugees with basic amenities (e.g., food, clothing, and shelter) the 1948 war with Pakistan broke out. The national capital of Delhi, in particular, saw a massive influx of refugees. The numbers were such that an entire city, Faridabad, had to be built to rehabilitate refugees who were living in appalling conditions in various camps.

**Tibetan Refugees**

The next major movement of refugee to India occurred almost a decade after Partition in 1959 when the Dalai Lama, along with more than 100,000 followers, fled Tibet and arrived in India seeking political asylum. The granting of asylum to Tibetans on humanitarian grounds proved challenging to India earning the ire of the Chinese government. As a result, Sino-Indian relations took a significant blow. Border issues between the two countries and Chinese encroachment on Indian Territory began to arise with higher frequency in the wake of New Delhi’s decision to provide a haven to these fleeing Tibetans.
The granting of political asylum to Tibetans was certainly one of the triggers of the 1962 war with China. The Tibetan refugees settled across northern and northeastern Indian States and the seat of the Dalai Lama, the spiritual and the political leader of the Tibetan community, was established in Dharamshala, Himachal Pradesh. The exiled Tibetan government operates from Dharamshala to this day. In places allotted as settlements, the Tibetan refugees relied on both agriculture and industrial activities, which eventually failed due to lack of technical skills, poor management, and insufficient funds. Fortunately, many Tibetans were familiar with traditional Tibetan handicrafts such as weaving carpet, apron making, and incense work, so settlements in northern India were created focusing on said skills.

One of the challenges faced by the Tibetans is the lack of valid travel documents when travelling to India through Nepal, which makes it difficult for them to find a legal residence in India. According to the United States Bureau of Citizenship and Immigration Services (2003), at the onset of arrival, the Tibetans were granted residence permits. However, newcomers endured a ‘time consuming and arduous’ (United States Bureau of Citizenship and Immigration Services, 2003) process to obtain residence permits legally. Due to the complications of obtaining a legal permit, most resort to illegal means through either bribery or providing false details to facilitate the process.

In South Asia alone, there are fifty-two settlements of which thirty-five are in India. Approximately 122,078 Tibetans are living around the world, and 85,000 live in India. However, in the 1990s, many started to migrate, especially to the United States, which resulted in having to support families living in the country of origin financially. On a positive note, the Tibetan refugees living in exile rank as one of the most successful refugee communities in the world, with the aid of the Dalai Lama and the Tibetan Government in exile. In addition, the UNHCR and the Government of India have acknowledged Tibetans in exile as refugees and have facilitated resettling them away from their homeland. The Tibetan refugees continue to live harmoniously, largely with other local Indian groups and are perceived as a ‘peaceful’ community.

**Bangladeshi Refugees**

The next major refugee crisis happened during Bangladesh’s war of independence in 1971, when millions of refugees migrated from their country.
to India, fleeing the conflict between the Pakistani army and Bangladeshi forces. This led to a sudden spike in population in States bordering Bangladesh, and it became increasingly difficult for the government of India to ensure food security. In 1971, more than 10 million refugees escaped from Bangladesh and took shelter in India.

Today, the constant struggle between the local communities and Bangladeshi refugees often sparks violence, resulting all too often in death. The conflict is fiercest in several northeastern states such as Assam, Tripura, and Manipur. The local communities and tribal groups have alleged that refugees from Bangladesh and the continuous flow of illegal immigrants have changed the social demography of that area, thereby making the locals a minority in their own homeland. This was one of the primary reasons behind the Kokrajhar riots in Assam in 2012, which saw the deaths of more than 80 people.

SRI LANKAN TAMIL REFUGEES
Another sizeable group of refugees in India are the Sri Lankan Tamils who abandoned their island nation in the wake of active discriminatory activities and policies by successive Sri Lankan governments, such as the Black July Riots of 1983 and the bloody Sri Lankan civil war. Most of these refugees, more than a million, settled in the state of Tamil Nadu, South India, as it was nearest to Sri Lanka and easier for the Tamils to adjust to life there. More than 134,000 Sri Lankan Tamils crossed the Palk Strait to India between 1983 and 1987 during the first inflow. More refugees entered India in three more phases. A large number of Sri Lankan Tamils still live in what began as makeshift refugee camps decades earlier despite the end of the civil war nearly nine years ago. India’s involvement in the Sri Lankan conflict led to the assassination of former Prime Minister of India, Rajiv Gandhi.

When the civil war in Sri Lanka ended in 2009, a majority of refugees were expected to repatriate to Sri Lanka. However, the political instability in Sri Lanka made it highly improbable and dangerous for Sri Lankan Tamils to return to their country. Today, most of the refugees live in state-run camps, and those suspected of LTTE affiliation are detained in ‘special camps,’ while some live outside the camps. People who live inside the camps receive government aid and a ration of basic supplies and services such as free education, healthcare, electricity, shelter, and sanitation facilities. Those living outside the camps do not receive such subsidies and are often of the middle or upper-middle class. Refugees living inside the camps are
monitored constantly, and their movement is restricted. Due to the curfew imposed on them, job opportunities or chances to integrate with the local community are difficult. Hence, the jobs they find are usually minor and often being paid less in comparison to the local employees.

According to the UNHCR (2019), as of 1 January 2018, the total Sri Lankan refugee ‘population of concern’ was 61,812. The problems faced by the refugees are similar to those in other refugee camps: basic housing, sanitation, and water facilities are scarce. Many camps do not have emergency medical services resulting in tragic deaths in the camps. Education facilities are poor; and while the government makes efforts to improve the situation, the support is insufficient.

Nevertheless, the support extended by several NGOs has empowered Sri Lankan refugees with access to higher education and vocational skills. The Government of India has also reserved seats for refugees in Colleges, although there is no waiver of tuition fees. Currently, the plight of the Sri Lankan Tamil refugees continues to be insecure and unstable, which repeatedly strains the relationship between India and Sri Lanka. Only a marginal percentage of Sri Lankan refugees opt to be repatriated to their homeland while the majority prefer local assimilation or resettlement in a third country.

The prolonged confinement in the camps as well, as the inability to return to their homeland because of the lack of a favourable atmosphere, has left the Sri Lankan Tamil refugees with a feeling of deep frustration. This has resulted in the growing demands among them for a durable solution. In January 2018, a two-member team from India’s Home Ministry visited the 107 camps of Tamil Nadu. During the visit, a specific section of Tamil refugees demanded Indian citizenship (Ramakrishnan, 2018; “Two-member central team visits refugee camp in Mandapam”, 2018).

**AFGHAN REFUGEES**

While not one of the larger refugee groups in the country, some Afghans also took shelter in India after the Soviet invasion of Afghanistan in 1979. Small groups of Afghan refugees were continually arriving in India in the subsequent years following the Mujahideen civil war and the rise of the Taliban in 1994. Now, more than 60,000 Afghan refugees have largely established spaces for themselves, whose population is concentrated close to Delhi. However, since 1999 the Indian Government’s Foreigners Regional Registration Office (FRRO) has refused to renew their residence visas.
This non-renewal policy by the Indian Government has instilled new fear in the Afghan refugees where their permits are no longer valid, marking them as illegal residents in India. The Afghan refugees are scared to travel fearing extortion or deportation by the Indian police. Unfortunately, the media has also contributed to stereotyping Afghans as terrorists in an attempt to ‘Talibanise’ South Asia, often blaming street crimes on them. India has not acknowledged Afghans as refugees, which means finding jobs or owning property is not possible. However, India has permitted the UNHCR to conduct programmes and offer services such as providing emergency aid, vocational training, legal advice, resettlement assistance, job placement, and other basic amenities.

Nevertheless, according to (Bose, 2005), many of the Hindu and Sikh Afghans who came to India after fleeing the violence in their home country in the early 1990s have been granted citizenship over the past decade. The UNHCR report (2019) suggest that currently, India has more than 200,000 Afghan refugees living in its territory.

**ROHINGYA REFUGEES (IN BANGLADESH AND INDIA)**

The Rohingya refugees are a stateless Muslim minority who are subjected to exclusion, persecution, torture, and violence in Myanmar. The Rohingyas belong to the Sunni Muslim group, and they make up one-third of the Rakhine state’s population in Myanmar.

They are deprived of their fundamental rights, and there is no freedom of movement. Basic health care, sanitation, and education are inaccessible. The Myanmar government does not recognise them as citizens. Violence between the community and Myanmar’s military has forced nearly 700,000 people to flee to Bangladesh. After the recent military attack on Rohingyas in 2017, the UN’s top human rights official blamed Myanmar of carrying out “a textbook example of ethnic cleansing” ("Myanmar Rohingya: What you need to know about the crisis", 2020, para. 2) against the Rohingyas.

The Burmese Rohingya Organisation UK (2014) classified citizens by different categories: citizens, associate citizens, and naturalised citizens. In its census, Myanmar excluded Rohingyas from the list of the country’s 135 official ethnic groups. The argument in favour of exclusion of citizenship states that those who can provide evidence that they or their parents entered and resided in Burma before independence in 1948 were eligible for citizenship (Rohingya Briefing Report, 2015).
Furthermore, under military rule, different laws were enacted aimed at excluding Rohingyas from citizenship rights. Two major laws were enacted which took away the constitutional rights of the Rohingya people: the 1974 Emergency Immigration Act and the 1982 Burmese Citizenship Law. The 1974 Emergency Immigration Act required every citizen to carry an identity card, called the National Registration Certificate, which the Rohingyas were ineligible to receive. They were treated under the Foreigners Act that provided limited rights and restricted opportunities (Warzone Initiatives, 2015). In 2014, the government conducted a census for the first time in 30 years. In the census, there was no provision for Rohingyas, and instead, they were labelled as ‘Bengali,’ thus granting the government authorisation to treat them as immigrants from another country. However, under international pressure, the government issued a white card, which permitted them to access some provisions, but the government has stripped them of their voting rights.

The government has sown the seeds of hatred in the hearts of Burmese citizens towards Rohingya Muslims. Frequent ethnic conflict and widespread attacks on Rohingyas have occurred and have been successful due to the cooperation of the locals. Making things worse, the government has ingrained disdain in its people towards Muslims. Since the violence in 2012, nearly 87,000 Rohingya have fled to different countries in unsafe and overcrowded boats, falling prey to human traffickers. Over 800,000 remain in the horrible and dangerous situation in Myanmar, while over 300,000 have fled to neighbouring Bangladesh (Warzone Initiatives, 2015). Nearly 40,000 Rohingya Muslims and a small group of Christians are in India. Currently, India considers them illegal settlers and not refugees. In the absence of a legal framework for dealing with refugees, India planned to deport them to Myanmar, but because of Supreme Court intervention, after two Rohingya refugees, Mohammad Salimullah and Mohammad Shaqir, petitioned the apex court in 2017, the Indian government was temporarily obliged to keep them. However, on the insistence of the Central Government of India, citing that the Rohingyas in India pose a ‘threat’ to national security, the Supreme Court rejected the petitions, forcing seven Rohingyas to return to Myanmar in 2018. The refugees reside in different parts of the country without valid documents making them more vulnerable to potential threats, violence, and poor living conditions. Systematically, the Myanmar government continues to take away civil and political rights.
The office of the UNHCR has issued identity cards to about 16,500 Rohingya in India, which says helps “prevent harassment, arbitrary arrests, detention, and deportation” of refugees (Das & Miglani, 2017, para. 2). However, India has categorised the Rohingya as illegal immigrants and a security threat siding with the Burmese government. The Indian government has stated that the principle of non-refoulement, or of not forcing refugees to return to their country of origin, does not apply to India principally as it is not a signatory of the 1951 Refugees Convention. The Indian government, in fact, has appealed to Myanmar to take back the Rohingya refugees. However, a report published on 24 September 2017, in The Indian Express notes the following:

India's claim to send the Rohingyas back to Myanmar rests on the notion that the refugees are of Burmese stock. However, the issue at hand is that the Burmese do not consider the Rohingyas as their citizens and consider them instead as immigrants who were brought from Bangladesh during the British colonial rule. Further, Bangladesh, which remains the favourite destination for the Rohingyas facing atrocities in Myanmar, is of the opinion that they are natives of the Burmese state and should be protected there. (Roychowdhury, 2017, para. 2)

CHAKMA AND HAJONG REFUGEES

Despite their desire to be part of India, which was evident when the Indian flag was hoisted on 15 August 1947 in Rangamati, the Hill Tracts of Chittagong, the land was instead granted to East Pakistan. Three days later, the Pakistan army marched into the territory replacing the Indian flag with the Pakistani flag. Since that fateful day, the Chakma, a minority community, has suffered. Bengali settlers from the highly populated Bangladeshi mainland eventually began occupying their land, and the community spread out among Tripura, Mizoram, and Arunachal Pradesh. The Chakma, also known as Changma, form part of the Tibeto-Burman language family. A population of 300,000 Chakma live in the Rangamati and Khagrachhari districts of Chittagong Division in Myanmar.

The word ‘Hajong’ is speculated to mean, ‘people of the high hills’. In a news article titled, Chakma and Hajong Refugees – India’s New Citizens published on 18 September 2017, in the Times of India, explained that the Hajongs, like the Chakmas, were residents of Chittagong Hill Tracts.
However, when the Kaptai dam project flooded their land in the 1960s, a religious persecution ensued forcing them to flee. The Chakmas adhere to Buddhism and the Hajongs to Hinduism. In addition, the Chakmas speak Bengali-Assamese, and the Hajongs speak Tibeto-Burman scripted in Assamese. When the Chakma and Hajong entered India in 1964, there were only 15,000 Chakma and around 2,000 Hajongs, but the population has increased over the years (“Chakma and Hajong refugees - India’s new citizens”, 2017).

Many from the Chakma and Hajong communities who once lived in the Chittagong Hill Tracts (CHT), most of which are located in Bangladesh, have been living as refugees in India for more than five decades, mostly in Northeast, and West Bengal. According to the 2011 census (cited in The Hindu Net Desk, 2017) 47,471 Chakmas live in Arunachal Pradesh alone. In 2015, the Supreme Court of India directed the central government to confer citizenship on both Chakma and Hajong refugees. In September 2017, the Home Ministry of India announced citizenship for these groups despite opposition from many groups in Arunachal Pradesh, where these refugees are concentrated.

**CHIN REFUGEES**

Increasing militarisation and Burmanisation after the 1988 declaration of martial law has led to decades of arbitrary arrests and repression throughout Myanmar. The Chin consider their religion and ethnicity to be inextricable, and Christianity permeates every facet of Chin life, including their political beliefs. It is both their ethnicity and religion that has resulted in severe persecution from the military-ruled government in Myanmar (CHRO, 2012).

According to the Physicians for Human Rights (2011), around 91% of the surveyed Chin performed forced labour. Burmese government soldiers accounted for all rape cases—one out of seven surveyed households reported torture and inhumane treatment by government soldiers. Another crime against ethnic Chin Christians is that over one-third of forcible conscriptions are children under 15. The spread of famine in their homeland forced the Chin community into exile. Some fled to Malaysia; however, over 100,000 reportedly crossed into the neighbouring north-eastern Indian State of Mizoram, where they suffered discrimination, detentions, and massive deportations.

The military junta controlled Burma until 2012 when a semi-civilian government was elected to power and a ceasefire was declared in
some ethnic areas, including the Chin State. However, the influence and power of the military are still felt in Burmese politics, and the militarisation of the Chin State continues today. Many Chin continue to distrust the government and this, along with on-going trauma and fear, keeps them in India. The figures on the current number of Chin refugees in India are questionable. According to the UNHCR office in New Delhi (as cited in Martinez Cantera, 2017):

There are 21,000 registered refugees and asylum seekers from Myanmar, but only about 3,300 of them belong to the Chin community. However, the Delhi-based Chin Human Rights Organisation (CHRO) counts 20,000 Chin living in Indian soil, of which 4,500 are settled in the capital. (paras. 13-14)

The majority of Chins reside in West Delhi in the urban colonies of Vikaspuri and Janakpuri. They live in crowded, unhygienic accommodations comprised one-room apartments shared among an average of four people (The Other Media, 2010). “The Chin in Delhi face insecurity due to their refugee status, diminished opportunities for third-country resettlement, lack of sustainable livelihoods, deplorable living conditions, discrimination, and chronic poverty” (Bartolomei, 2015; Jops, 2017; Xavier & Moraes, 2013). Sexual and Gender-based Violence (SGBV) against Chin refugee women has been reported continuously over the past ten years. The situation, however, shows little sign of abating and SGBV remains a real threat for many Chin women residing in Delhi (Jops, Lenette, & Breckenridge, 2019).

**Condition of refugees in India**

Since its independence, India has protected and assisted millions of refugees. India has been an important source of refugees and asylum seekers for over several years. During the partition in 1947, 14 million persons were displaced, and there remains a group of refugees known as ‘partition refugees.’ In 1959, the Tibetans began arriving in India, resulting in the Indo-Chinese War. India, as an independent country, started its journey with the partition refugees. Its greatest challenge was when Bangladesh (East Pakistan) refugees poured into India in 1971. However, this was a temporary phenomenon as they returned when the new country Bangladesh was born.
India also received refugees due to the Soviet Invasion of Afghanistan (1979). Apart from those, two of the largest refugee groups currently in India are the Sri Lankan Tamils and the Tibetans. The Sri Lankan Tamils had sought asylum since 1983 when the first ethnic conflict broke out in Sri Lanka between them and the Sinhala.

The other refugee groups include Myanmarese, Palestinians, Bhutanese, and Afghans. The previously mentioned groups are treated as ‘foreigners temporarily residing in India’ and as such, they are not eligible for any assistance and protection. The differential treatment raises the question of how India views refugees and their protection. India’s refugee policy is also discriminatory as Tibetans are provided with a full rehabilitation package; the Sri Lankan Tamils are given asylum and some permission to stay outside the camp. The rations (camp allowance and provisions) that are given to Sri Lankan refugees and Chakmas differ significantly.

Sri Lankan Tamil refugees have been in Tamil Nadu since 1984 when there were over 73,572 refugees in 115 camps; apart from close to 30,000 refugees living on their own. The government of Tamil Nadu unveiled a package of Rs.1 billion in November 2009 to ameliorate the situation of Sri Lankan Tamil refugees in Tamil Nadu. Rs. 546 million was to be utilised to construct new houses for Sri Lankan Tamil refugees and Rs. 454 million to be spent in the first phase to create additional facilities in the camps. It included a free colour TV and other welfare measures like the Chief Minister’s insurance scheme and marriage assistance. The details of the package were based on an article about refugee camp conditions in Tamil Nadu in the *India Today* magazine. The government has also lifted the ban on the movement of refugees and asked the Union government to consider the Sri Lankan Tamils as permanent residents. The camps in Tamil Nadu are under the jurisdiction of the Department of Rehabilitation, which denies the entry of any non-governmental organisation or civil society groups to work in the camps. Exceptions are the Jesuit Refugee Service (JRS), which provides education in all the camps to the children and The Organisation for Eelam Refugees Rehabilitation (OfFERR). OfFERR was founded in 1984 by refugees fleeing the Sri Lankan civil war, with the intent of empowering refugees who hoped to rebuild their home country upon return. They work in the camps catering to the social, economic, mental health, educational, and infrastructural needs of the refugees.
The International Convention of Refugees and refugee policy

India is a signatory neither of the 1951 Geneva Convention (Refugee Convention) nor to the 1967 Protocol (it made the Convention Universal by abolishing the dateline). The UNHCR determines the status of individual asylum seekers and exercises its mandate over 12,746 refugees who are currently under its protection. As there is no national refugee law, current legislation applicable to foreigners is also applicable to asylum seekers and refugees.

One of the reasons India cited for not signing the 1951 Refugee Convention was the Euro-centric definition of the term ‘refugee’ arguing that the Convention only addressed cold-war refugees fleeing from communist countries to western democratic countries. The 1951 Convention focused on the political and civil rights, not on economic, social, and cultural rights of the refugees. Today, the countries that signed the 1951 Convention are now adopting strict immigration policies that virtually send asylum seekers to detention centres. The best way to protect refugees is to adopt national refugee legislation. Such legislation could be devised to address India’s security and other social concerns. The official justification given by India for not signing the 1951 Refugee convention or 1967 Protocol is that the Convention defines refugees on an individual level, while India prefers to deal with them as a group. Over the years, regional politics and international relations have come to shape India’s ad hoc refugee policy more than anything else. Hence, Sri Lankan Tamils and Tibetans are recognised and supported as refugees by the Indian government, while other groups like the Afghans and the Myanmarese are not.

The UNHCR itself was re-established in Delhi in 1981 with a limited mandate: to deal with the influx of Afghan refugees following the Soviet invasion since India did not wish to upset the Soviet Union by dealing with the refugees directly. Considering the sensitivities of national and regional politics in the sub-continent, the problem of refugees’ crossing over to India cannot be totally disassociated from the overall security issues relevant locally. In order to end the discrimination and establish a refugee regime within India and the South-Asian region, the signing of the Refugee Convention of 1951 and the ratification of the 1967 Protocol is necessary. The signing will also give refugees in India (those recognised by the government as well as those groups that are not) protection. The signing will also end the discriminatory policy of the government towards various groups and bring them all under a one-refugee regime.
What India needs is a refugee policy at the national level. Asylum seekers and refugees should not be turned away. A national refugee determination system and government recognised refugee status must be granted; government-issued travel and identity documents, as well as greater freedom of movement within and outside India, are basic rights that a State should ensure refugees. As no country in the South Asian region is a signatory of the International Convention on Refugees, India by signing will set an example of suitable protection for refugees for other countries in the region.

The Citizenship (Amendment) Bill, 2016, introduced in Parliament on 19 July 2016, and awaiting passage, states that asylum/refuge-seeking Hindus, Sikhs, Buddhists, Jains, Parsis and Christians (the alleged persecuted religious minorities) from Pakistan, Afghanistan and Bangladesh would no longer be considered *illegal migrants* and proposes to ease the process of naturalisation (Das, 2019). The same Bill conveniently excludes from its purview refuge-seeking Muslims from Pakistan, Afghanistan, Bangladesh; and the refuge-seeking Hindus, Muslims, and Christians (the persecuted religious minorities) from such neighbouring countries as Sri Lanka and Myanmar.

**Refugees in the context of conflict and terrorism**

Some refugees in India are treated under the category ‘illegal entrants,’ and many are imprisoned until their official status is determined. In the absence of regular procedure, there is often a long delay before such entrants can be officially declared ‘refugees’ after which they may be offered shelter, food, and protection by the Indian government or by the UNHCR office in New Delhi. Refugee protection has become difficult in the context of terrorism and conflict. The ones who wish to leave are forced to live in the same country as IDPs (Internally Displaced Persons), and if they leave, the receiving country treats them as potential terrorists, where many are detained and sent to detention centres. Asylum seekers are to be respected and are not to be considered as terrorists. Within South Asia, the borders have been tightened so much that no national due to ‘well-founded fear of persecution’ would be in a position to cross the international border to seek asylum in a neighbouring country. The reason is that they are defined as terrorists or from terrorist-producing or harbouring countries. Some of them are treated as a security risk by the receiving countries and are either deported or sent to the detention centres.
Statelessness

A stateless person is one who does not have an identity, a nationality, or whose existence is not acknowledged by the government. The implications of ‘statelessness’ include exclusion from access to basic amenities, such as lodging, which requires proof of existence, right to education which entails parents’ identity, lack of job opportunities owing to parameters that only education can meet. According to the Brown (2016), the plight is described as,

often they are excluded from cradle to grave—being denied a legal identity when they are born, access to education, health care, marriage, and job opportunities during their lifetime and even the dignity of an official burial and a death certificate. (p. 61)

Stateless Sri Lanka Tamils in the Camps

It was also found that there are about 25,000 to 30,000 Sri Lankan Tamil refugees who are stateless. The reason they were rendered stateless (Hill Tamils) in Sri Lanka was due to the pacts signed by the governments of Sri Lanka and India. However, before they could be repatriated from Sri Lanka to India, the civil war started in 1983. Some of the hill people who became stateless joined the Tamils of northern and eastern provinces in Sri Lanka, some reaching India as refugees. Consequently, the Sri Lankan Tamil refugee camps contain people who are stateless and cannot return to Sri Lanka.

National Register of Citizens (NRC)

30 July 2018 was a nightmare for millions of Bengali-speaking Muslim immigrants. The names of 4,007,707 individuals in the State of Assam, with a population of 33 million, were left out in the second and complete draft of the National Register of Citizens (NRC) (PTI, 2018). People went to different districts, towns, and villages attempting to trace their ancestry that would suffice for the NRC’s application. While the All Assam Students’ Union (AASU) was in jubilation and celebration over the NRC report, many minorities belonging to Muslims and Hindus were worried about the immediate consequences. Individuals who could not prove that
they or their ancestors entered the country before midnight of 24 March 1971—decided as per the Assam Accord of 1985—were deemed as illegal immigrants (PTI, 2018).

Protection of the State, sovereignty, and providing security to its citizens are the paramount duties of government. There is no doubt about that. However, rendering hundreds of people stateless overnight and making them feel like illegal intruders is untenable and inappropriate. Papers and documents justified the identity and citizenship of persons rather than their language, cultural roots, ethnicity, land, property, and economic contribution to national growth over the years. For cultural, social, and historical reasons, people had crossed borders when the concept of the nation-state was absent, and the sense of border was fluid and porous. Partition and the Bangladesh war contributed to a mass displacement of people from across the border. People had to flee in different directions for no fault of their own, and the huge displacement led to the human malaise. However, corrective measures could have been adopted to patrol border areas with a sophisticated surveillance system to avoid intruders. Illegal entries could have been contained instead of tormenting and torturing the settlers who have considered themselves at home for decades.

**DANGEROUS AND DIVISIVE EXERCISE**

Some fair-minded critics reviewed the NRC and accused it of taking a Muslim-Hindu colour, an idea being proven by the provocative statement made by BJP leaders. Kailash Vijayvargiya -The General Secretary of the BJP in West Bengal said that the NRC would be undertaken in West Bengal and all metro cities in the country if the BJP comes to power (Staff Reporter, 2018). One of the right-wing groups in India, the Vishwa Hindu Parishad (VHP), also expressed similar views. The organisation spells out clearly and categorically that similar NRC exercises will be adopted in West Bengal and other States in India (Staff Reporter, 2018). The Assam model of ascertaining, demanding, and establishing citizenship creates an atmosphere of fear, apprehension, and division between Bengal and Assam. Such dangerous exercises facilitate parochialism and a ghetto mentality. Amit Shah, the President of the ruling political party BJP, determinedly and firmly said that its party is committed to expelling illegal immigrants from India.
Conclusions

We have provided an overview of the different refugees found in South Asia, along with analyses on how and why some people become refugees comparing the triggering factors that lead to exclusion and the ‘conditional’ acceptance by the host countries. Moreover, it has provided evidence for proactive measures to be taken by various organisations to reduce violence and curb the distress of the vulnerable. After this careful analysis, one must admit that some disturbing facts begin to surface. Firstly, at any point, any community can be pushed to becoming refugees and often for reasons beyond their control (i.e., ethnicity, language, ancestral holdings, tradition, sex, custom, or religion by birth). Secondly, the extent to which one group of people can inflict pain on another and even worse, when the institutions that should protect people turn out to be the aggressors, is chilling. While social scientists trace the preceding phenomenon that gradually produces hate and infuses prejudice before violence against a ‘target’ community breaks, it is always the defenceless that become vulnerable targets. However, this study also provides evidence of international communities stepping forward to stand by those in need. In addition to the on-going efforts, the lives of these refugees would be less challenging if organisations such as SAARC assumed greater responsibility in working towards peace, security, and stability, especially when the consequences are regional.

In order to find solutions, States must advance on effective regional cooperation. This would include addressing the root causes in the countries of origin, providing more opportunities for local integration, and the strategic use of resettlement. States must be in partnership with civil society in South Asia to achieve this. Addressing displacement is not only a humanitarian issue. Also, humanitarian aid is only a temporary remedy. Humanitarian aid must be delivered while other, more sustainable solutions are explored that allows communities to be self-reliant and promote resilience. Responses to displacement should involve not only humanitarian actors but also consider development approaches that are rights-based and that enhance equality rather than entrenching or playing into the fault lines of existing ethnic, religious, social, and gender inequalities.
References


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