

Recent Trends In South Asian Politics: Rohingya Crisis To Nrc And Citizenship Bill In India

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Abstract: South Asia is not merely a region in geographical terms but is also a region which reflects the two contrasting ideas of nation – state building and ethnic- identity politics, particularly the politics of ‘majority’ and ‘minority’ religions. Since independence South Asian regions faced the myriad ethnic problems which have undermined national unity and morale, retarded development and destroyed countless lives. The mass level displacement of people is also the result of ethno- religion conflicts. These displaced people either live in refugee camps or migrate (legally or illegally) to other states. By discussing the Rohingya Crisis and the NRC (National Register of Citizens) and Citizenship (Amendment) Bill in Assam (India), this paper focus on the recent ethnic and identity politics in South Asia as well as analyse the issues which are said a hindrance in nation- state building in South Asia.

Keywords: South Asia, Ethnicity, Identity Politics, Citizenship, Rohingya Crisis, Myanmar, Assam NRC, India.

I. INTRODUCTION

For a pluralist society, to be a nation- state, political sovereignty is not enough. The plural societies of our times are multi- ethnic, multilingual, multi- racial, multi- religious and multi- casteistic. Only the diversities must not accepted by a nation- state but the nation-state also has to promote and strengthen them. A nation- state has to be a ‘unity in diversity’. In every society and in every age relationship between religion and politics has existed. Rulers used the religious symbols, ideas and institutions to perpetuate their over the ruled. Positively, religion gathers together people of the same faith; negatively, it constitutes a source of cleavage. Religion is also an important element of ethnicity. Among many other things, ethnicity includes linguistic, nativist and religious affiliations. South Asia, a southern region of Asia is ethnically diverse inhabited by people from more than 2,000 different ethnic groups speaking diverse languages and professing different religions. It is home to well over one- fifth population of the world and accordingly is the most densely populated geographical region in the world. The core countries of South Asia include India, Bangladesh, Pakistan, Nepal, Sri Lanka, and Bhutan covering about ten per cent of the Asian continent, and about forty per cent of Asia’s population. South

Asia as a region has a similarity of having a colonial past and almost all the states of the region were under the British rule. While Burma (now Myanmar) was with the British, Afghanistan acted as a buffer state between the Czarist Russia and the British. Some of the present day South Asian countries had constituted one country under the Britishers – India. Bangladesh and Pakistan were parts of India. One major obstacle in forming regional cooperation among the countries in the region is ethnic conflicts. That faith and religion are central to the lives of ordinary people in South Asia is not something that is challenged. The chaotic history of the societies that composes the South Asian region demonstrates to the fundamental role that religion and particularly the politics of ‘majority’ and ‘minority’ religions has played in shaping ideas of nation, state and citizenship. Politics and policies particularly in relation to minorities in one state tend to have its reverberations across boundaries.

II. WHO ARE THE ROHINGYAS?

In Myanmar (formerly known as Burma) on the grounds of being non-indigenous and non- Buddhist, the Rohingya, an ethnic group that is one of South Asia’s many ‘Orphans of

Empire', have been persecuted and denied the rights of citizenship for several decades. The 1982 Citizenship law of Myanmar defines indigeneity as requiring descent from a group deemed to have been resident in Burma before 1823 – before the British conquest. "Although the Rohingya have had a presence within the borders of present –day Myanmar for longer than that, they were located in the frontier region of Arakan, which had been an independent kingdom." The Rohingyas trace their origin to Arabs, Moors, Turks, Persians, Mugals, Pathans and Bengalese. "There were Moors, Moghuls and Pathans also in Arakan... Thus, the Muslim population of Arakan consisted roughly of four categories, namely, the Bangalese, other Indians, Afro- Asian and native. Among these four categories of Muslims the Bangali Muslims formed the largest part of the total Muslim population of Arakan. From 1430 to 1531, for more than one hundred years, Arakan was ruled by the Muslims". It was later invaded and occupied by Burma in 1784 A.D. Then, in 1824 A.D. the British occupied Arakan, annexing it to former British India. Arakan was made a part of British Burma when Burma was separated from British India in 1937 against the wishes of its people and thus finally Arakan became a province of independent Burma in 1948. Hence, Rohingya is not the people who suddenly appeared in Arakan. During the British rule (1824 – 1948), there was a significant amount of migration of labourers to Burma from today's India and Bangladesh. Such migration was considered internal. After independence the migration that took place during British rule viewed by the government as 'illegal'.

III. ROHINGYA CRISIS 'ORPHANS OF EMPIRE'

Burmese hatred and fear of 'foreigners' in their midst turned against the Rohingya whom they considered an 'illegal immigrants' or classified as being Bangladeshi because of their similar cultural and physical characteristics that they share with Bangladeshi. Rohingyas were targeted not only because they were perceived as 'foreigners' but also due to the fact that they were Muslims in an overwhelmingly Buddhist country.

Rakhine state (also known as Arakan state) is located in western Myanmar, east of the Bay of Bengal and on the border with Bangladesh. The largest ethnic group in Rakhine state is the Buddhist Rakhine, a predominantly Theravada Buddhist community. The next largest ethnic group is Muslim Rohingyas, a predominantly Sunni Muslim community. According to Rohingyas, since at least the 9th century their ancestors have lived in what is now northern Rakhine state. Prior to the military junta of 1962, the Rohingya were Myanmar citizens, and were elected to Myanmar's parliament, served in the government and were officers in the military. After the coup, Myanmar's military leaders began a systematic policy of discrimination against the Rohingya and carried out military campaigns to drive the Rohingya out of Myanmar. For example, in 1978, the Myanmar military under General Ne Win swept across northern Rakhine state as part of Operation Dragon King, pushing an estimated 200,000- 250,000 Rohingya into Bangladesh. In 1982, Myanmar's military junta promulgated the Citizenship Law that effectively stripped the

Rohingya of their citizenship. Under the 1982 citizenship law the ethnic Rohingya Muslims, classified as stateless citizens, have been treated as illegal immigrants in Myanmar and denied the group recognition as one of the country's 135 ethnic groups. Apart from the recent crisis, the Rohingyas have faced military crackdowns in 1978, 1991- 1992, 2012, 2015 and 2016- 2017. The International Community and HRW have described Myanmar's persecution of the Rohingya as ethnic cleansing. In addition to this, the United Nations also described the Rohingya community as one of the most oppressed people in the world.

Recent violence in Myanmar's northern Rakhine state has displaced around 700,000 Rohingyas to neighbouring Bangladesh and several hundred thousand within Myanmar. On August 25, 2017, (Arakan Rohingya Salvation Army) ARSA members and local Rohingya supporters reportedly attacked thirty security facilities, including border outposts and one military base, killing over a dozen Burmese Security Personnel. Almost immediately a 'Clearance Operation' began by the Burmese military, deploying more than seventy battalion, or an estimated 30,000- 35000 soldiers into Rakhine state. The Myanmar security forces while flushing out insurgency by a Rohingya outfit launched a brutal crackdown on the stateless minority, killing thousands, raping the women, burning houses and indulging in looting. The new displaced people joined an estimated 400,000 others who had fled to Bangladesh previously waves of violence after 1978. They have been accommodated in makeshift camps in Cox's Bazar, Bangladesh.

IV. BANGLADESH RESPONSE

Myanmar and Bangladesh in November 2017 signed an agreement on repatriation of the refugees. Bangladesh expressed the fear that Myanmar government did not expect to take Rohingya back despite an agreement signed with Bangladesh. Bangladesh has begun a campaign seeking a stronger role for the UN in ensuring that the refugees return to Myanmar as quickly as possible. Prime Minister Shiekh Hasina urged United Nation's Seceretary –General Antonio Guterres to extend the United Nation's assistance to implement the bilateral agreement. Most of Rohingyas, however, do not trust the Myanmar government, especially the military. They want their citizenship back and say that they will return only if their safety is assured, their homes are rebuilt and they are no longer subjected to official discrimination. Myanmar has been violating the rights of Rohingya for long but the international community has done little to remedy their sufferings. Myanmar is not a signatory to the Rome Statute and as such, a self- referral to the ICC (International Criminal Court) would not be possible in this instance. The Bangladesh government has taken initiatives to relocate at least 100,000 Rohingya to Bhashan Char Island before the monsoon. Apart from this, the crisis has put immense pressure on Bangladesh's scarce resources and it is also a potential threat to internal security and stability of Bangladesh.

V. INDIA'S STANCE

India's response to the Rohingya crisis has evolved in three phases. First, in 2012, Delhi considered the eruption of violent conflicts between Rakhine Buddhists and Rohingya Muslims in Rakhine State an 'internal affairs' but was sympathetic to Myanmar. Salman Khurshid the then External Affairs Minister visited Rakhine state and announced a US Dollar 1 million package of relief assistance to Myanmar. Intentionally or not, India also allowed Rohingya refugees to enter the country and did not make it an issue in its bilateral relations with Myanmar or an issue in its domestic politics. When the BJP-led NDA government came to power in May 2014 it implicitly endorsed the position of the UPA government. In 2015 when Thailand, Malaysia, and Indonesia all turned away overcrowded boats carrying Rohingyas attempting to land on their shores, leaving hundreds in the high seas, the Rohingya crisis assumed a regional dimension. There were calls for Delhi to help rescue the Rohingyas, but India decided to look the other way. Sometime in mid-2017 with the announcement of the government's plans to deport the Rohingyas who have settled in different parts of India, the second phase of India's Rohingya approach began. On 9 August 2017, Kiren Rijiju, India's Minister of State for Home Affairs, said the government was planning to deport Rohingyas from India because they are 'illegal immigrants'. Later the minister clarified that the plan was not yet firmed up. "According to media reports citing government estimates, the number of Rohingyas in India was 10,500 in 2015 and increased four times to 40,000 in the following two years". Soon after the recent violence in northern Rakhine State, on 14 September 2017, India launched 'Operation Insaniyat' to provide relief assistance for the refugee camps in Bangladesh. "Officially, Delhi continues to refer to the Rohingya refugees in Bangladesh as 'displaced persons', but those in India are seen as 'illegal immigrants'". Third phase commence after the signing of the repatriation agreement between Myanmar and Bangladesh on 23 November 2017. Foreign Secretary S. Jaishankar, on 20 December 2017, visited Myanmar and signed an MoU on Rakhine state Development Programme with Myanmar's Ministry of Social Welfare, Relief and Resettlement. Ministers in Modi's cabinets on the spurious ground that India is not a signatory to the 1951 United Nations Refugee Convention have called for the repatriation of 40,000 Rohingya who took refuge in India after fleeing from Myanmar.

VI. NRC (NATIONAL REGISTER OF CITIZENS)

Citizenship is the relationship of an individual with a political community and signifies full and equal membership of individual of such a community. In opposition a citizen is defined to an 'alien' and the exclusion of aliens is central to the concept of modern citizenship. The Constitution gives some fundamental rights to non-citizens. For example, the right to equality before the law (Article 14); protection of life and personal liberty (Article 21); freedom to manage religious affairs (Article 25). There are two well-known principles for the grant of citizenship 'jus solis' and 'jus sanguinis'. 'jus

solis' confers citizenship on the basis of place of birth, 'jus sanguinis' gives prominence to blood ties. Under the 'momentum' principle citizenship is individualistic and signifies universality and equality and eliminates ethnic, religious and caste identities. At the centre of citizenship is shared identity. However, 'differentiated citizenship' recognises and accommodates group identities typical of multicultural societies that may at times require differential treatment. The various categories of persons who are entitled to citizenship are described in articles 5-11 of the Constitution. On November 26, 1949, these were enforced, before the commencement of the Constitution on January 26, 1950. "Article 11 empowers Parliament to regulate citizenship by law; the Citizenship Act was, therefore, passed in 1955. It has since been amended 1986, 2003, 2005, and 2015".

VII. NRC IN ASSAM, INDIA

Citizenship is a complicated idea with exclusion at its core and in Assam, which shares a border with Bangladesh and has faced illegal migration for decades; citizenship is a particularly sensitive issue. Parliament enacted The Immigrants (Expulsion from Assam) Act in 1950, to protect the social and cultural interests of the Assamese people. Under such Act the central government could order the removal of any person who had come into Assam from outside India, and whose "stay...in Assam is detrimental to the interests of the general public of India or of any section thereof or of any Scheduled Tribe in Assam". However, the reverberation of the Partition of India, including the failure of the Two-Nation theory that was manifested in the birth of Bangladesh, and the nature of the topography and artificial (porous) border in the east, saw continued large scale infiltration into Assam- which triggered an agitation in Assam that ultimately led to the signing of the Assam Accord of August 15, 1985. Section 6A in the Citizenship Act, 1955, inserted through the 1986 amendment to the Citizenship Act, 1955. The Section 6A says that "all persons of Indian origin who had entered Assam before January 1, 1966 and been its ordinary residents were deemed to be Indian citizens; those who came after January 1, 1966, but before March 25, 1971 were to get citizenship upon registration at the expiry of 10 years after their detection as foreigner; and those who entered after March 25, 1971, upon identification under the Illegal Migrant (Determination by Tribunal) (IMDT) Act, 1983, were to be deported".

Acting on a petition by Sarbananda Sonowal, (the current Assam Chief Minister), in 2005, a three- judge Bench led by Chief Justice of India RC Lahoti struck down the IMDT Act. In 2007, the court quashed the Foreigners Tribunal (for Assam) Order, 2006, which put the responsibility of proving a person a foreigner on the complainant (Sonowal II, December 5, 2006). The apex court, in the Assam Sanmilita Mahasangha case (2014) where the constitutionality of the 1986 amendment was challenged, referred the matter to the constitution bench.

On the other hand, to the Chakmas who were Buddhist residents of Chittagong Hill Tracts and Mymensingh districts of former East Pakistan and today's Bangladesh the apex court was more sympathetic. In the Khudiram Chakma case, the

apex court held that Chakmas have been in Arunachal Pradesh for almost three decades and thus through registration on the basis of domicile are entitled to citizenship. The court ordered that no Chakma is to be forcibly expelled and held quit notices issued against them who go against the right to life and personal liberty. One hopes the apex court will also protect the rights of those not included in the second draft of Assam's National Register of Citizens (NRC).

The Assam NRC (National Register of Citizens) issue has become such a widely debated topic in India that even international media has taken note of the fact that there are over forty lakh people who are now at risk of losing Indian citizenship. While the opposition has accused the BJP-led central government of playing vote-bank politics over the Assam NRC issue, the BJP government has responded by saying that the demand for the NRC being updated is a very old one. The National Register of Citizens (NRC) is a list of all the legal citizens of a state. In 1951 the first NRC was prepared and included all those who were mentioned in the 1951 Census of India. The second draft of Assam's NRC has been published with forty lakh people not finding their names in it and they are on the edge of becoming stateless. There are concerns of ethnic cleansing or exclusion now due to the rising majoritarian politics, though the government said it is a mere draft and no one will be deported for now. A large number of excluded people are from the Bengali-dominated districts of Hailakandi, Cachar and Karimganj.

The Assam Accord does talk about the deletion of foreigners' names from the electoral rolls; it does not mandate updation of the NRC. In 1999, a formal decision to update the NRC was first taken by the Centre, but the work did not begin. On 5 May, 2005, in a tripartite meeting among the central government, the Assam government and AASU (All Assam Students' Union), it was decided to update the NRC but nothing much progressed beyond talks. In July 2009, an NGO-Assam Public Works- filed a case in the Supreme Court, demanding updation of the NRC. The government in 2010 decided to hold pilot projects of NRC updation in two blocks in the state. But violence in Barpeta district hindered the work yet again. In 2014 only after the Supreme Court ordered the government to update the NRC that work on updating the list began in full swing.

VIII. THE CITIZENSHIP (AMENDMENT) BILL 2016

The Citizenship (Amendment) Bill, 2016, seeks to amend the Citizenship Act 1955 to permit members of six communities- Hindu, Buddhist, Sikh, Jain, Parsi and Christian- from Bangladesh, Pakistan and Afghanistan eligible for citizenship if they had entered the country before 14 December, 2014. Under the original Act, an applicant seeking citizenship by naturalisation must have resided in India during the last twelve months, and for eleven of the previous fourteen years. The proposed Bill relaxes the eleven- year requirement to six years for applicants belonging to these three countries and six religious communities. Against the proposed Bill many organisations in Assam are up in arms. As illegal Bangladeshi Hindu migrants, according to the proposed Bill, are granted citizenship which they fear may trigger

demographic change in Assam. As the Bill discriminates against Muslims only on the grounds of religion, which is prohibited by Article 15(1) of the Constitution, the Bill is unlikely to withstand scrutiny in court.

IX. CONCLUSION

South Asia is a pluralist society and nation-state building in South Asian region is a very complex idea. The plural societies of times are multilingual, multi-ethnic, multi-racial, multi-religious and multi-casteistic and in every society and in every age it becomes a source of cleavage. As we know that a nation-state has to be a 'unity in diversity', the politics of 'majority' and 'minority' religions and ethnic-identity politics becomes a major hindrance in the formation of a nation-state building in South Asia. In both Rohingya crisis and Assam NRC, Citizenship is the common issue behind which millions of people displaced from their home and millions are on the edge of becoming stateless respectively.

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