

Belonging and Access to Protection Mechanisms for Refugees and Stateless Persons in South Asia

The partition of Indian subcontinent forced millions of people to flee to the other side of the borders, freshly demarcated by the British colonial rulers just on the eve of their departure from South Asia. In spite of the overall absence of any codified mechanism of protection for refugees at that juncture, these displaced persons were mostly resettled and rehabilitated on the other side of the border as the concerned host societies mostly accepted them. After the decolonization of the region, the postcolonial rulers retained most of the draconian laws of late colonial period, like the Foreigners' Act in India, and laced them with new laws and regulations, thus leading to greater dispossession of people of their homes, generating widespread situation of un-freedom, and creating countless refugees and stateless persons, mostly forced to survive in sites of precarious life, without any right to have rights. As a consequence, the situation was not conducive at all for the Tamils in Sri Lanka, Lhotsampas in Bhutan or Rohingyas in Myanmar as they remained outside the accepted or amended framework of citizenship in the concerned countries. Lhotsampas and Rohingyas were practically thrown out of Bhutan and Myanmar respectively.

Similarly, the subsequent implementation of National Register of Citizens (NRC) and the enactment of the Citizenship Amendment Act (CAA) in India have led to the generation of a spectre of fresh exclusion of many people from their non-negotiable rudimentary rights when some of them have already been sent to newly-created detention centres in the country.

Over and above, in view of the global spread of COVID-19, the footing on the ladder of the refugees and stateless people have become absolutely precarious. In these difficult times of an unprecedented pandemic sweeping the planet, when a thoughtful gesture of global governance was very much required, the refugees are still absolutely at the mercy of the host states, and the stateless are in a more perilous situation of being denied any basic right whatsoever by being nobody's people. In this age of mixed and massive flows of population, the situation of migrants was in no way better than the refugees, stateless people or asylum-seekers. COVID-19 pandemic has exposed their extreme vulnerability even when they are within their own countries. In India, for example, in the context of heart-wrenching stories of mass migration of labour and their inhuman plight, the question naturally arises that, if the government could arrange flights from those countries, already highly infected by COVID-19, why no thought or consideration was given to the poor migrant labour from Uttar Pradesh, Bihar, West Bengal, Jharkhand and Odisha, working in Delhi, Mumbai, Surat or in other parts of the country when their employers had closed shop in view of the announcement of total 'lockdown' of the country. When these people hardly any more farthing to survive even for the next few days and they were at the crossroads of starvation and disease, they did not have any more choice but to trek back to their villages when the government had already closed down all modes of transport at a very short notice. When there were no assurances given from the host states of India, how these 'citizens' of the nation were expected to survive? In our proposed research, we intend to examine this politics of dispossession in South Asia, and its relation with existing citizenship laws of the region.

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