

**Research Workshop
On
Rohingyas in India: Birth of a Stateless Community**

Venue: Cedar Inn, Darjeeling

**Organized by Calcutta Research Group with Support from the Taft Foundation
August 13-14, 2015**

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Programme Schedule

Day 1: 13.08.2015

5:00-5:30 pm: Tea and Registration

5:30-7:00 pm: Welcome Address by the Chair

Inaugural Session: Roundtable on 'Migrants in the North East'

Speakers: **Amar Rai**, Chairperson, *Darjeeling Municipality*; **Roshan Rai**, Coordinator, *DLR Prerna, Darjeeling*, and **Anup Sekhar Chakraborty**, Assistant Professor, *Department of Political Science, St. Joseph's College, Darjeeling*.

Chair: Sabyasachi Basu Ray Chaudhury, Vice-Chancellor, *Rabindra Bharati University, Kolkata*

Vote of Thanks by Sucharita Sengupta, Assistant Researcher, *Calcutta Research Group* followed by **Reception and Dinner**

Day 2: 14.08.2015

Venue: Cedar Inn, Darjeeling

9.30-11 am: Participants' Research Papers -

Speakers: Madhura Chakraborty, Research Assistant, *Calcutta Research Group, Kolkata* and **Suchismita Majumder**, Honorary Researcher, *Calcutta Research Group, Kolkata*.

Chair: Nitya Ramakrishnan, Advocate, *Supreme Court of India, Delhi*

Discussant: **Paula Banerjee**, President, *Mahanirban Calcutta Research Group*, and Associate Professor, *Calcutta University*

11.00-11.30 am: **Tea**

11.30 am-1 pm: **Participants' Research Papers-**

Speakers: **Sahana Basavapatna**, Lawyer, *New Delhi* and **Priyanca Mathur Velath**, Assistant Professor, *St. Joseph's College, Bangalore*.

Chair: **Gaurav Bansal**, Consul for Political and Economic Affairs, *U.S. Consulate, Kolkata*.

Discussant: **Ravi Hemadri**, Secretary, *Development and Justice Initiative, New Delhi*

1-2 pm: **Lunch**

2-3.30 pm: **Presentations on Boat People-**

Speakers: **Amena Mohsin**, Professor, *Department of International Relations, Dhaka University, Dhaka* and **Sucharita Sengupta**, Research Assistant, *Mahanirban Calcutta Research Group, Kolkata*.

Chair: **Ravi Hemadri**, Secretary, *Development and Justice Initiative, New Delhi*

Discussant: **Sabyasachi Basu Ray Chaudhury**, Vice-Chancellor, *Rabindra Bharati University, Kolkata*

3.30-4 pm: **Tea**

Presentation on Rohingya Children in India with special reference to Bengal

Speaker: **Paromita Chowdhury**, Programme Manager - Child Protection, *Terres des Hommes, Kolkata*.

Chair: **Anup Sekhar Chakraborty**, Assistant Professor, *Department of Political Science, St. Joseph's College, Darjeeling*

5-5.30 pm: **Summing Up**

Speakers: **Sabyasachi Basu Ray Chaudhury**, Vice-Chancellor, *Rabindra Bharati University, Kolkata* and **Nitya Ramakrishnan**, Advocate, *Supreme Court of India, Delhi*

Chair: **Ranabir Samaddar**, Director, *Calcutta Research Group*

Vote of Thanks by Madhura Chakraborty, Research Assistant, *Calcutta Research Group*

List of Participants

Name	Affiliation
Amar Singh Rai	Chairman, Darjeeling Municipal Corporation, Darjeeling
Amena Mohsin	Professor, Dhaka University, Bangladesh
Anup Sekhar Chakraborty	Assistant Professor, St. Joseph's College,

	Darjeeling
Gaurav Bansal	US Consulate, Kolkata
Madhura Chakraborty	Research Assistant, MCRG, Kolkata
Navashree Chhetri	Lecturer, Darjeeling Government College
Nilanjan Basu	Senior Assistant Editor, Ei Samay, Kolkata
Nitya Ramakrishnan	Supreme Court Lawyer, New Delhi
Paromita Chowdhury	Child Protection Programme Officer, TDH Foundation, Kolkata
. Paula Banerjee	President, MCRG, Kolkata
. Priyanca Mathur Velath	Assistant Professor, St. Joseph's College, Bangalore
. Ranabir Samaddar	Director, MCRG, Kolkata
. Ravi Hemadri	Director, DAJI, New Delhi
. Roshan P. Rai	Programme Officer, DLR Prerna, Darjeeling
. Sabyasachi Basu Ray Chaudhuri	Vice Chancellor, Rabindra Bharati University, Kolkata
. Sahana Basavapatna	Lawyer, New Delhi
. Samaresh Guhachhait	Administration and Accounts Assistant, MCRG, Kolkata
. Sourav Sen	US Consulate, Kolkata
. Sucharita Sengupta	Research Assistant, MCRG, Kolkata
. Suchismita Majumder	Honorary Researcher, MCRG, Kolkata

Proceedings of the Workshop

Inaugural Session: Roundtable on 'Migrants in the North East'

The opening session of the day had speakers from Darjeeling speaking about the migrant identity both within and without Darjeeling. The chair of the Session was **Sabyasachi Basu Ray Chaudhuri**, *Vice – Chancellor, Rabindra Bharati University*, who introduced the purpose of the workshop briefly to the audience before introducing the panelists to the floor.

Amar Singh Rai, *Chairperson, Darjeeling municipality*, was the first speaker of the day and he started by the question: who should be blamed for the plight of the Rohingyas? He also pointed how it often

becomes a problem to distinguish between a refugee and son of the soil in context of Darjeeling. For instance, people who have been raised for generations there are also considered as immigrants. Gorkha identity was thus threatened because of migration into the hill towns. The manifold conflict created by migrants and migration for the city and the people often leading to unjustifiable violence.

Roshan Rai, *DLR Prerna, Darjeeling*, said that north eastern people in India were treated as outsiders. Through his own personal accounts, he argued that migration should not be a problem even in the north eastern states when migrants were coming from Mainland India. However, the inherent racism of the Indian nation-state meant that people from the north eastern state were repeatedly questioned about their identity which led to a feeling of great insecurity among those living outside the north east.

Anup Sekhar Chakraborty, *Assistant Professor, Department of Political Science, St. Joseph's College, Darjeeling*, reflected on the meaning of location within the north east and who is treated as a local and who is treated as an outsider. He spoke about the trend of domestic outsourcing in Darjeeling, especially in context of men, which he termed as a process of 'male outsourcing'. He also noted the trend among north eastern students to go outside to pursue higher education.

A lively debate and discussion followed where many aspects of migration and labour migration were brought up and discussed. Ranabir Samaddar, *Director, CRG*, reflected upon the fact that while empiricism is needed, it is not sufficient to analyze humane conditions.

Participants' Research Papers - 1

Speakers: **Madhura Chakraborty**, *Research Assistant, Calcutta Research Group, Kolkata* and **Suchismita Majumdar**, *Honorary Researcher, Calcutta Research Group, Kolkata*. The chair of the session was **Nitya Ramakrishnan**, *Advocate, Supreme Court of India, Delhi* and the Discussant, **Paula Banerjee**, *President, Mahanirban Calcutta Research Group, and Associate Professor, Calcutta University*.

Chakraborty was the first speaker of the panel and her research focused on forced migration of Rohingya Refugees in India and Bangladesh. Her research was based on secondary materials and primary interviews to assess the situation of Rohingyas in India and Bangladesh vis-à-vis the discourse of securitization in the post 9/11 regime. Her presentation focused on media analysis of Indian newspapers as well as primary ethnography conducted with Rohingya children in a safe home in Kolkata.

Majumdar's research was based on over 100 interviews conducted among Rohingyas who are incarcerated under the Foreigners Act (1946) in several correctional homes of West Bengal. Her presentation detailed the plight of the inmates and their past history of persecution in Myanmar as well as detailing the routes of migration. Banerjee, while discussing the papers, asked Chakraborty to focus on more media analysis and deepening it as her paper in its present state was scattered and lacked focus. She congratulated Majumdar on her thorough ethnographic research work and for the data she had amassed but urged her to consult secondary resources to deepen her understanding of the problem. In the question and answers session more suggestions came up for both the researchers as well as some clarifications were sought. There was a suggestion that Majumdar might use cross tabulation to quantify her research and Chakraborty can take into account news coverage of more newspapers as well.

Participants' Research Papers – 2

Speakers: Sahana Basavapatna, *Lawyer, Supreme Court of India* and **Priyanca Mathur Velath**, *Assistant Professor, St. Joseph's College, Bangalore*. The Discussant of the session was Mr. **Ravi Hemadri**, *Secretary, Development and Justice Initiative, New Delhi*. The Chair, **Gaurav Bansal**, *Consul for Political and Economic Affairs, U.S. Consulate, Kolkata*, initiated the panel by introducing the panelists. Both the papers were weaved around the general notion of statelessness and the legal aspects that it entails.

Velath's paper while introducing the broader concept of Statelessness primarily dealt with the Rohingyas who have been living in Hyderabad in makeshift camps like the Balapur camp, for a long time now, after being forced to flee Myanmar. Based on interviews, the paper highlighted the plight and the struggle of the Rohingyas in Hyderabad, legal hassles, the process by which they can receive refugee cards from UNHCR and the daily persecution that they face in Hyderabad.

Basavapatna, on the other hand knitted her paper on the legal analysis of statelessness along with analyzing the experiences and rights of the Rohingyas through interviews primarily in North India- Delhi, Jaipur, Jammu and Mewat. She spoke at length about the legal basis on which they can receive long term visas. She highlighted the fact that several Rohingyas were given these visas in India in 2012. The UNHCR had facilitated the process by rendering 'asylum seeker' cards to the Rohingyas basing on which they could get the long term visas.

Ravi Himadri urged Velath to deepen her analysis beyond the apparent victimization of the Rohingyas in the camps of Hyderabad. Basavapatna was also asked to broaden the legal horizon of her paper especially in context of the legal definition of Statelessness. It was advised to delve into how refugee laws could be applicable to stateless persons, especially since a Refugee has the Right to Return, whereas this right becomes problematic in the context of Stateless persons. The session was followed by a round of discussions wherein, Nitya Radhakrishnana, Advocate, Supreme Court of India, Delhi, and Ranabir Samaddar, echoed the same concerns as to which refugee laws could be applicable to Stateless persons like the Rohingyas. Radhakrishnan also flagged the need to look into the Citizenship Act and the 1948 Mandate on the Foreigner's Act for a deeper legal analysis.

Participants' Research Papers – 3

Speakers: Amena Mohsin, *Professor, Department of International Relations, Dhaka University, Dhaka* and **Sucharita Sengupta**, *Research Assistant, Mahanirban Calcutta Research Group, Kolkata*. The Chair, **Ravi Hemadri**, *Secretary, Development and Justice Initiative, New Delhi*, introduced the panelists and the Discussant, **Sabyasachi Basu Ray Chaudhury**, *Vice-Chancellor, Rabindra Bharati University, Kolkata*, to the floor.

Sengupta was first to present her paper. Her research focused on Rohingyas as part of the perilous irregular maritime migrations to the shores of South East Asian states like Thailand and Malaysia. Tracing the history of 'boat people' and the specificity of the Rohingyas as Asia's new boat people, her paper highlighted the mixed flow of Rohingyas and Bangladeshis from Bangladesh in precarious maritime voyages evoking plausible reasons of such drives. Despite risks, the accessibility of sea compared to land has ushered them into being trafficked to the Southeast Asian countries, Middle East, and countries like Australia. She argued the mixed flow has led to further precarity of the Rohingyas in high seas problematising their migration as 'asylum seekers'.

Mohsin started by explaining how the overall scenario unveiled since May 2015 has come as a rude shock to Bangladesh, especially when Bangladesh was in a stage of self appreciation for graduating to a

middle income country. In her presentation, she also raised the need to problematise the term 'boat people', meaning that the term encapsulates, and whether it is adequate enough to capture Bangladeshis as 'boat people'. Human smuggling in South and Southeast Asia is not new and historically the region is known for human smuggling. The kidnapping of youths of Bangladesh for ransom, she explained, should be also taken into account and the fact that South and Southeast Asia have been historically witnesses to human smuggling and trafficking. Her reflections also highlighted the fact that seas or oceans were never carved out as areas before although they were the main means of navigation, but the crisis surrounding the notion of 'boat people' does point out the need of situating them as geographical areas and not just as waters.

Basu Ray Chaudhury while discussing both the presentations pointed out several points. He argued that there are different categories of boat people but often they are clubbed together. This difference however needs to be invoked in research in this arena and therefore, as Mohsin also argued, that there is a need to problematise the very term 'boat people'. Maritime voyages are also more vulnerable than land migration which also needs to be explored more and the escalation of boat people crisis has also led to a re-territorialisation of maritime routes and resources. He urged Sengupta to go deep in the analysis of the Rohingya maritime crisis, including the notion of 'interception' that she had briefly dealt with in her paper. The fact that 'interception' is normally used as an instrument of border control by States in national interest leading to more precarity of the boat people in high seas. She could also analyse the recent maritime policies, number of deaths in high seas and responses of States. He also flagged the fact that precarity of Rohingyas as 'boat people' is also an extension of the policy of 'inclusive exclusion' that the Rohingyas have received from the concerned states. In context of the Rohingyas, this precarity is further increased since the boats carried mixed groups of migrants from Bangladesh.

Paula Banerjee initiated the discussion by offering an interesting observation. Historically, she said, boats were used to carry slaves. The most hapless were carried in ships, an example of which is the *Komagatamaru* incident. So, what is it about boats that make it most dreaded? She also hinted at the question of race and urged the researchers to explore this as well.

Ranabir Samaddar inquired into the legal basis of interceptions that states have followed, because if it is done beyond territorial waters then it is hostility. Rescue operations need to be also questioned since more deaths have occurred in the whole process of search and rescue. While the present time is characterized by mixed flows of refugees, laws have increasingly become inadequate to address this.

Session 5: Presentation on Rohingya Children in India with special reference to Bengal

Speaker: Paromita Chowdhury, *Programme Manager - Child Protection, Terres des Hommes, Kolkata.*

The chair of the session was **Anup Sekhar Chakraborty**, *Assistant Professor, Department of Political Science, St. Joseph's College, Darjeeling.*

Chowdhury's presentation was insightful and provoked lively discussions. She pointed out the inhumane policy of the jail authorities in Bengal to separate families which caused severe trauma among children. She also spoke about the structure of the Child Protection Agency and how in spite of being well meaning the authorities ended up enacting policies that were not contributing to the well being of the children in anyway. For Rohingya children, initial linguistic difficulties, makes life even harder in shelter

homes and the absence of regular and adequate counseling made it hard for them to cope with past trauma as well as the trauma of not being with their families.

In the discussion following the presentation, legal experts like Nitya Ramakrishnan spoke about how this practice of separating the families violated basic tenets of rights and the constitution and needs to be challenged. Paula Banerjee pointed out that on a research on correctional homes by Calcutta Research Group, the researchers had encountered the same practice among Bangladeshi women in correctional facilities and this separation of the family was often a permanent one as the child is not released from shelter homes till they reach the age of 18. Ranabir Samaddar argued the legal basis of this separation of families is unconstitutional and illegal.

The concluding session of the day summed up the basic postulates of the Workshop and evoked critical thinking in the complex issue of the Rohingyas as stateless persons. There were two panelists in the session chaired by **Ranabir Samaddar**. **Nitya Ramakrishnan** spoke of the need of a proper theoretical and legal framework on the history of the Rohingyas. Forcing people into the condition of statelessness or in a state of protracted refugeehood is worth exploring. The purpose of having a convention on statelessness is to address the conditions that push a subject to statelessness. Therefore there is hardly any point in trying to distinguish or explore whether the Rohingyas are refugees or stateless. **Sabyasachi Basu Ray Chaudhury** concluded the session by suggesting the law of exclusion of Myanmar in context of the Rohingyas needs a deeper exploration than what has been already addressed in the various sessions of the workshop. He also briefly addressed the history of statelessness of the Rohingyas, referring to the Burmese Citizenship Act of 1982. Lack of documents on the source origin of the Rohingyas has also contributed to the policy of exclusion. A closer look at the Burmese laws, and also Bangladesh's policy towards the Rohingyas is important to contextualize their plight not only in Myanmar or Bangladesh but also in India and other Southeast Asian countries where they have also sought refuge.

Decisions:

- **All revised papers will have to be submitted by 31 August 2015;**
- **A comprehensive report on the basis of the final versions of the study papers will be finalized out by end-September 2015;**
- **Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar will co-edit the report;**
- **The report will be released and circulated widely;**
- **Longer versions of the papers will be published in a journal such as REFUGEE WATCH;**
- **The CRG archive will be enriched with the primary material collected during the research.**