

*Globalectics of the  
Border-Subaltern:  
Postcolonial Justice  
in a Time of Crisis  
Diaspora*

Mursed Alam and Anindya S Purakayastha

The postcolonial state which was endowed with lots of responsibilities to ensure the smooth transition from the repressive regimes of coloniality to the liberated beginning of postcoloniality, has failed in multiple ways in executing its role of empowering the subjugated subjects of the newly independent citizenry. The much despised colonial legacy of repression, authoritarianism, high-

handedness and autocratic brutalities continued in many ways in the postcolonial phase and multiple new regimes of powers got deepened through the power dynamics of electoral battles in postcolonial states. The preexisting power structures of class, caste, gender and religion were never allowed to be completely subverted by the postcolonial state as it thrived on electoral manipulation of these lines of division and hierarchies. This has led to myriad mutinies in independent India and in other South Asian and African postcolonial nations which have witnessed massive use of violence both as a means of resistance and as methods of governmental control, resulting in severe forms of traumas and injuries to the postcolonial citizen. This paper would look into all these issues to evaluate the success and failures of the postcolonial state and in doing that it would map areas of discontents, bruises and agonies so that questions of state and citizenship rights can be reframed in the current context. Its primary focus and frame of reference will be on the current Rohingya refugee crisis and the rise of xenophobia in South Asian countries which were former colonies of British Empire – something that exposes the failures of the postcolonial state in its deliverance of justice to its citizens. This crisis of citizen predicament arising out of border deepening and ethnicization of postcolonial democracies has resulted in, we would argue, a new brand of crisis diaspora, something new – a group of citizens turned non-citizens by the postcolonial state which was supposed to be their protector.

This has erased the distinction between colonial tyranny and postcolonial repression, giving birth to a 'globalec-tic' of subalternity which is a consequence of war, post-colonial ultra-nationalism, minority witch-hunting, etc.

The resurgence of xenophobic nationalism and majoritarian identity politics within postcolonial countries have thrown up many questions about postcolonial state, democratic politics and citizenship rights. The ultra-nationalist proclivities push a regime to flout democratic responsibilities resulting in the otherisation and alienation of a large number of minorities who are being forced to live a life of violent torture, insecurity and statelessness. This paper proposes to investigate how postcolonial countries like Myanmar as well as India are fast becoming ethnic democracies that do not shy away from resorting to genocide to consolidate majoritarian interests. Aung San Suu Kyi, herself a postcolonial leader, looks like a neo-colonial matriarch now through her silence on the Rohingya Muslims question and her inaction or collusion with the Myanmar military junta legitimises indigenous state brutalities by pushing the Rohingya Muslims into a no-where-citizen condition. In India, too, the majoritarian agenda pursued by the current political dispensation has resulted in systematic attack on the minorities and dalits in the forms of lynchings, otherisation and cultural ghettoization etc. This crisis of postcolonial precarity demands a rethinking of the postcolonial theoretical optics. The present

excursus proposes to investigate how the Rohingya mass murder and their exodus and the ethno-nationalistic tendencies in postcolonial countries such as Myanmar, Sri Lanka and India have thrown up new questions on twenty-first century democratic states or on postcolonial nation, and how postcolonialism needs to re-investigate the question of nation state and justice today.

The recent heart wrenching images of the capsizing crescent-shaped boats in the Naf river across the Bangladesh-Myanmar border resulting in many refugee deaths during the perilous journeys of the persecuted Rohingya minorities in Myanmar have thrown up many questions about postcolonial politics and the current positional and definitional categories of the subaltern. In this paper, we propose to map these emerging domains of precarities and subalternities in order to re-theorise the postcolonial subaltern question today. The *Subaltern Studies* project replaced elitist historiography with subaltern historiography but the categorical baggage of the project are looking inadequate in the wake of the recent crisis of the displaced, the migrants, and the nowhere people. Instead of focussing merely on the elite/subaltern divide, can we retheorize the subaltern from the vantage point of the crisis diaspora and the precarious bare life of the contemporary *Homo Sacers* – the immigrants, the minorities, xenophobia victims, the war subalterns, etc? We argue for renewing the category of the subaltern through a critique of ethno-regionalism or identity-centric border

vigilantism so that we can focus on trans-borderal/global solidarities rather than foregrounding the originary category of the postcolonial nation. Borrowing foundational ideas from the *Subaltern Studies Collective* and Hanna Arendt's theorisations on totalitarianism, violence and the human condition, we plan to come up with fresh optics of 'border thinking' that will have cross-borderal ramifications as subalternity in the age of Trump and global refugee exodus has assumed universal contours.

In that way, this paper calls for a new theoretical plexus for postcolonial studies in the wake of emergency/crisis diasporas. The war-torn Middle East and the militarised Myanmar region have generated the recent refugee exodus across Europe and South Asia, resulting in, what we would call, war-subalterns and border weakening and redefining in the process issues of citizenship, insiders/outside, cultural singularities and the political economy of mass slaughter. Drawing on the theoretical interventions of *Subaltern Studies*, this paper seeks to make a case for *Subaltern Cultural Studies* that takes into account the marginalised agonies and voices of the war-subalterns that challenge our conventional notion of identity – both communal and national. The image of the dead body of Ailan Kurdi, the Syrian refugee boy floating on the shore of Europe gained an immediate agency that changed the migrant/refugee debate that led Germany and other European countries to open their borders. This macabre spectacle of death of many refugees, encountered while frantically undertaking a perilous boat journey in

the quest for safer abodes, problematises existing ideas of citizenship, state control, bordering, culture and rootedness. What would be the contour of postcolonial studies in the aftermath of such recent forms of neo-precarity? This desperate trans-borderal outflux of refugees also demands a re-invigoration of the concepts of hospitality, gift and state responsibility. Postcolonial studies, committed to envoicing the peripheral since its inception needs to resuscitate this ethico-political agenda of justice to foreground a trans-borderal globalec-tics of cultural and political ethics that transcend prevalent dialectics of the insider and the afflicted other. In what follows we will make an in depth study of the Rohingya crisis as an emerging new site of postcolonial precarity that throws open issues of state, justice and citizenship rights. In doing that we will initially historicise the Rohingyas, their locatedness in Myanmar, their citizenship crisis and their forceful and brutal eviction leading to their exodus to neighbouring Bangladesh and India. The Rohingya issue, to our mind has foregrounded a scenario of recolonization and terrible postcolonial injustice as the postcolonial state in this case has emerged as the neo-tyrant, calibinizing its own citizens and thereby scripting a bloody narrative of violence and rampant injustice in the name of ethnic nationalism.

### **The Rohingya as the Postcolonial Precariat**

In South Asian countries violence has different trajectories and ontological enumerations taking divergent

forms ranging from ethno-political, structural, religio-cultural, caste, gender to epistemic templates. The rise of ethno-democracy and majoritarianism coupled with post-9/11 securitization and Islamophobia have led to violence on the *otherised* marginalities and 'foreign bodies' and new border-regimes with changing calculus of techno-political control have taken shape. In this paper we attempt to understand the violence perpetrated on the Rohingyas in Myanmar and their travails in Bangladesh and India where they seek refuge. The Rohingya are the most persecuted ethnic minority in the world and according to the UN the recent persecution of the Rohingya by the Buddhist Myanmar military amounts to ethnic cleansing and genocide. The development of Myanmar as an 'ethnocratic state' has unleashed a cycle of state violence on the Rohingya by often manipulating legal instruments and in cahoots with non-state religious actors. Characterised as 'Asia's New Boat People', the Rohingyas have become 'stateless in a world of nation-states'. We take stock of their postcolonial predicament and their consequent precarious and uncertain life in order to analyse its implications for postcolonial theory today. This paper, thus, would first analyse the becoming of the Rohingya as stateless *Homo Sacer* in Myanmar and the subsequent state-military violence on them. After doing that the paper would engage with their negotiation on refuge in Bangladesh and India only to highlight that their attempt to escape violence and statelessness is never fulfilled. Finally the paper, after engag-

ing with the recent debates on postcolonial subalternisation, would make a theoretical claim that a ‘new project’ on subalternity in South Asia can emerge from the vantage point of the forced refugees and stateless people. Although there is a lack of consensus among scholars, as *The Oxford Handbook of Refugees and Forced Migration* (2016) shows, about the definition of who is a refugee and how to define and understand forced migration, the United Nations High Commissioner for Refugees (UNHCR) in 2017 estimated the number of forcibly displaced population worldwide to be around 65.3 million among whom 21.3 million are living as refugees in the developing countries (Farzana 2017, 1). Thus, forced displacement and statelessness has become critical issue in the current historical conjuncture. Statelessness is a legal condition in which a person is denied nationality or citizenship of any country. The Article 1 of the 1954 UN Convention Relating to the Status of Stateless Persons defines a stateless person as someone ‘who is not considered as a national by any State under the operation of its law’. Although this legal definition of statelessness called *de jure* stateless covers those who are not given citizenship automatically at their birth or fails to get it through the legal provisions of a state, there is the category of *de facto* stateless or stateless persons in practice – those who are not formally denied or deprived nationality, but because of lack of proper document, or despite documents, are denied access to various human rights that a citizen normally enjoys. (qtd. in Basu Ray



Chaudhury and Samaddar ed. 2018, 109) The Rohingya Muslim community fleeing the ethnic and religious persecution in Myanmar and their travails in the countries of refuge make them the nowhere-nation precariat.

India, Bangladesh and Myanmar have a shared colonial history and before the borders of modern nations-states separated them they shared the border under the colonial rule. These three countries along with the South-East Asian countries like Malaysia and Thailand together comprise a geography of violence in terms of the Rohingya Muslims. Dubbed as 'Asia's New Boat People', reminiscing the Vietnamese Boat People, their stateless precarious condition is often compared with that of the Palestinians under occupied territory. Following C Ryan's categorization of the Palestinians in the occupied territory, the stateless non-citizens, as Madhura Chakrabarty points out, can be termed as 'subjected non-subjects'- without rights, but not without the state's disciplinary interventions and discrimination. (Basu Ray Chaudhury and Samaddar ed. 2018, 109) For an analysis of the precarious condition of the Rohingya in South Asia we have to understand the context and the history of the production of statelessness of the Rohingyas in Myanmar which amounted to virtual displacement of all rights of the Rohingyas in their place of origin and in subsequent countries of refuge. Let us first discuss the history of the Rohingya in post-colonial Myanmar and their legal dismemberment that led to the cycle of violence and persecution of them.

## **Postcolonial Ethno-nationalism, Identity Violence and the Rohingya as Outsider**

The Rohingyas are the ethnic, religious and linguistic minority in the Buddhist-majority Myanmar as well as in their province Rakhine (formerly known as Arakan). And the statelessness of the Rohingya in Myanmar has a historical trajectory. At the heart of the persecution and discrimination of the Rohingyas, as Azeez Ibrahim points out, is 'the shifting legal definition of the Burmese citizenship'. After the independence of Myanmar from the British colonial rule, the Rohingyas in the newly established nation-state of Myanmar were placed in a special category compared with other ethnicities. Although the democratic government of Prime Minister U Nu in the 1950s accepted that the Rohingyas were an indigenous ethnic group, the 1947 Constitution did not grant them full citizenship. Why were the Rohingyas singled out? The 1947 revolt of the Rohingyas for independence and the supposed 1948 petition by the Rohingya representatives to the government of Myanmar for inclusion of Rakhine/ Arakan to East Pakistan might have created suspicion about the loyalty of the Rohingyas to the state of Myanmar. However, their revolt compared to the Shan and Karen ethnic groups were minor. There was anti-Muslim sentiment arising from the British having sometimes preferred the Muslims and facilitating immigration from India which deprived the Burmese of employment during colonial rule.

But other Muslim minorities, both in Rakhine and other parts of Myanmar, were given full citizenship (Ibrahim 2016, n.p.). Perhaps the issue of migration from India was a vexed one. However, the Rohingyas were more or less viewed as one of the ethnic groups of the multi-ethnic fabric of Myanmar and it was expected that their legal citizenship status would be solved in near future. As per the Article 11 (iv) of the Constitution, the Rohingyas were given National Registration Certificate (NRC) with full legal and voting rights. They were told that they need not to apply for citizenship certificate as they were 'one of the indigenous races of the union of Burma'. During the period of 1948-1961, some (between four and six) Rohingyas served as members of the parliament and even after the military coup they remained in the parliament as supporters of the Burma Socialist Programme Party. The main target of discrimination at this period were those who were viewed as Indian migrants and were treated as foreigners. However, as Azeez Ibrahim writes, 'this distinction between the labour migrants and the Rohingyas was slowly eroded after the military took over in 1962' (Ibrahim 2016, n.p.).

Although military rule initially did not directly attack the Rohingyas and some Rohingyas continued to sit in the parliament supporting the military's *Burmese Road to Socialism* project up to 1965, the situation changed steadily after that and the 1974 Emergency Immigration Act imposed ethnicity based identity cards or the National

Registration Cards with the Rohingyas only given Foreign Registration Certificates (non-national cards). This move of the military regime is viewed as a diversionary tactics from the failure of the Burmese Road to Socialism project and the economic crisis. Thus, the Rohingyas became a soft target for diverting people from pressing economic hardships- a pattern later repeated frequently. The Article 145 of the 1974 Constitution of the Socialist Republic of the Union of Burma defined citizenship as- 'All persons born of parents both of whom are nationals of the Socialist Republic of the Union of Burma are citizens of the Union' (quoted in Ibrahim 2016, n.p.). As Rohingyas were not treated as formal citizens in 1947, they could not now be citizens of the state. Their NRC of 1947 was also replaced with Foreign Registration Certificate.

The next crucial legal step was the 1982 Burmese Citizenship Law in which different categories of citizenship were assigned to ethnic groups on the basis of their residence in Burma since 1823 prior to the British takeover. This is a crucial step in producing the Rohingyas as strangers in their own country as citizenship was granted to those ethnic groups who were thought to have lived in Burma before the British annexation and a lot of justification of the denial of citizenship rights to the Rohingyas are derived from the perception that the Rohingyas are actually the Bengalis who are brought by the British as labourers and the ethnic identity of the Rohingyas are actually made up by the Rohingyas to get citizenship. Although the Muslims in Arakan lived since

beginning of the MraukU dynasty (1430-1785), if not before, it is also alleged that the so called the Rohingyas did not live the Arakan prior to British rule. Thus, under the 1982 legislation the Rohingyas were denied citizenship based on the ethnic classification of 1947 as the Rohingyas were not designated as belonging to the core ethnic group of the new state. This was aggravated by regular passing of Martial Law legislation. However, the ambiguity surrounding the whole process allowed the Rohingyas to participate in the 1990 election. The denial of citizenship meant restriction on movement, lack of access to education, loss of land and increase of violence which led to rise of refugees fleeing to Bangladesh. The 1977 Nagamin Movement saw a sudden rise of violence against the Rohingyas by the Buddhist community and the army which led to over 200000 refugees fleeing to Bangladesh in 1978.

In the aftermath of the 1988 political revolt in which the Buddhist monks supported the agitating students and played active role, the electoral defeat of the military in the 1990 election and the annulment of the election result by the military, there is an increase in the persecution and violence against the Rohingyas. The 1991-92 witnessed 2,50000 Rohingyas fleeing to Bangladesh against the backdrop of forced labour, beating, rape, land confiscation and creation of non-Rohingya settlement on the land taken from Rohingyas and often built by forced labour of the Rohingyas. Bangladesh, too, forcibly returned the Rohingyas in violation of the UN declara-

tions on universal human rights and the rights of the refugees. Those who returned found their land taken by the military for building army camps or settlement of non-Rohingyas which renewed tension and subsequent repression and migration to Bangladesh. Those who fled to Malaysia remained stateless refugees as Malaysia would not return them or give them proper refugee status. The refugees are often sold in slavery in the lucrative fishing industry of Thailand by the human traffickers which meant more harassment or extortion of the Rohingyas fleeing persecution, and frequent death in camps run by the human traffickers. Thus, there is a 'racial aspect to the overall pattern of legal discrimination against the Rohingyas' (Ibrahim 2016, n.p.).

The return to democracy (2008-2015) has, instead of solving the problem, worsened the crisis for the Rohingyas. After the Saffron Revolution in which the Buddhist monks participated, there was a close alliance between the National League for Democracy (henceforth NLD) and the Buddhist organisations. As NLD is too much focussed on the personality of Suu Kyi, for mass base it has to depend on the Buddhist monks. Thus, well organised Buddhist groups many of whom demand expulsion of the Rohingyas exert considerable influence over NLD's practical politics. Thus, the NLD-Buddhist alliance has been problematic for the minorities like the Rohingyas as the ideological leaders of persecution of the Rohingyas came from the Buddhist monks who demanded the

tying up of citizenship with Buddhism. Thus, attack on the Rohingyas, whether by the military or the Buddhist groups became a public way of showing their commitment to Buddhism. And the most depressing thing about the attacks on the Rohingyas is the indecipherable silence of the leader of NLD. The Buddhist groups like the 969 Movement which wants a religiously pure state provides ideological diatribe against the Rohingya Muslims and are intent to prevent Union Solidarity and Development Party (USDP) or NLD to turn towards more humane policies. Under this extremist group and pressure from their leaders, especially by U Wirathu, Rohingya Muslim shops are boycotted, inter-faith marriage banned, forced child control measures are implemented and Rohingyas in the name of cow protection are targeted.

The 2012 massacre of Rohingyas which started with the rape and murder of a Rakhine woman by three Muslims quickly took on a widespread campaign against the Rohingyas community which can be termed as ethnic cleansing. NLD is in alliance with the regional ethnic Rakhine parties like Rakhine Nationalities Development Party (RNDP) and Arakan National Party (ANP) in Rakhine which want to expel the Rohingyas. The campaign was widespread, often organised by social media, which projected the Rohingyas as a moral threat and there was widespread violence against the Rohingyas in which often the security forces took part and as a result the Rohingyas were relocated in internal refugee camps. This

isolated the Rohingyas economically and socially which in turn leads to breakdown of empathy and increase in ignorance about one another fuelling a cycle of distrust. Many Rakhine political leaders aimed at making refugee camps as permanent which denies the Rohingyas the means of earning a living except through precarious work. There is also attack on the locals if they help or associate with the Rohingyas. The 2014 Census did not allow the Rohingyas to be enrolled if they did not identify themselves as 'Bengalese' resulting in the loss of any identity cards which again is used for justification of throwing the Rohingyas in camps. Thus, persecution and exclusion of the Rohingyas have been normalised which led to their desperate journeys in search of shelter or means of living either in Bangladesh or other countries. Many have fallen prey to the human traffickers and work as slaves in Thailand. Some estimates suggest that about 500000 slaves work in Thailand. These modern day slaves are so cheap that they are almost expendable. The recent uncovering of mass graves point out their captivity in camps in Thailand –Malaysia borders. The boat people are thus emerging as the no-where-nation precariat. The conditions in the internal refugee camps in Myanmar which is forcing the Rohingyas to migrate for livelihood thus remind us of concentration camps and a genocide by attrition is taking place. In the next segment I would be focussing on the precarious life of the Rohingya in Bangladesh caught in between hospitality and control, between invitation and violent rejection.



## **Postcolonial Ouster and Injustice: Rohingya in the Margin**

For the overwhelming majority of the Rohingyas fleeing religious persecution and ethnic violence in Myanmar, Bangladesh is their first destination. Located across the River Naf, Bangladesh seems to be preferred for easy accessibility and the cultural, linguistic and religious affinities between the Rohingyas and the Chittagonian Muslim Bengalis. The latest exodus of the stateless Rohingya to Bangladesh started on 25 August 2017 when the Myanmar military launched a brutal crackdown on the Rohingya following an attack by a group of armed Rohingyas called Arakan Rohingya Salvation Army (ARSA) on the police and military posts killing 12 officers. The Myanmar Government declared ARSA as a terrorist group and in the crackdown that followed at least seven thousand Rohingyas were killed between August 25 and September 24, 2017. (Council of Foreign Relations, 2018) According to UNHCR this has resulted in more than 723,000 Rohingyas fleeing to Bangladesh most of whom arrived in Bangladesh in the first quarter of the crisis. An estimated 12,000 reached Bangladesh during the first half of 2018. (UNHCR) With the existing 300,000 Rohingyas who fled to Bangladesh because of ethnic violence in the last three decades the total number of Rohingyas in Bangladesh is now more than 1 million. (The Washington Post, 2017) The vast majority of the

Rohingya seeking refuge in Bangladesh during the influx are children with more than 40 percent under the age of 12. The Rohingya in Bangladesh sought shelter in the two refugee camps of Kutupalong and Nayapara in the Cox's Bazar district. With the new spontaneous settlements Kutupalong has become the largest refugee settlement in the world with more than 600,000 people living in an area of just 13 square kilometres with consequences for infrastructural and other basic services.

Bangladesh has not acceded to the 1954 United Nations Convention Relating to the Status of Stateless Persons or its 1967 Protocol and in the absence of a legal and administrative framework for refugees the fate of the Rohingya in Bangladesh depends on the changing ideology and electoral calculus of the political regimes. They are not recognised as refugees but rather as 'Forcibly Displaced Myanmar Nationals' (FDMN) denying them the legal status of a refugee and the concomitant rights. And thus despite the mentioned cultural, linguistic and religious similarities between the Rohingyas and the Chittagongian Bangladeshis and despite the historical fact that Arakan and Chittagong region were once under one administrative unit, the Bangladesh Government views them not as Bengalis but as temporary asylum-seekers from Myanmar who must return to Myanmar. The Bangladesh Government's views, as Farzana points out, can be summarised in three points—first, the Rohingyas flee the repressive policies of the

Myanmar authorities in Arakan, second, that they are economic migrants and third, that there is a tendency in the Rohingyas to go abroad using Bangladesh as their transit route (Farzana 2017, 64-65). Thus, the Bangladesh Government views the Rohingya issue as external and hold that the refugees must be repatriated.

After the first refugee exodus in 1977 Bangladesh Government treated the Rohingyas sympathetically and set up camps along the border of River Naf to the side of Cox's Bazar-Teknaf highway. As the Bangladeshis were treated hospitably by its neighbours during its independence struggle (1971), the newly established state of Bangladesh took the opportunity to show its hospitality to the Rohingya refugees who were fleeing persecution like the Bangladeshis few years back. However, the Bangladesh Government viewed it as a temporary measure as the refugees have to return to Myanmar soon. The Bangladesh Government started diplomatic attempts with Myanmar and consequently an agreement was signed in July, 1978. The bi-lateral agreement hold that Myanmar would repatriate the 'lawful residents of Burma' having NRC and family group photo. This, however, was indicative of the Myanmar Government's reluctance to repatriate as due to strict citizenship laws the Rohingyas were denied NRCs. It was agreed that after the repatriation, both the countries would work together to prevent the 'illegal crossing of the border by the persons from either side'. When the repatriation process

began there were very few to return voluntarily. However, with the simplification of the repatriation process later there was a sudden rise in the number of those who returned. The second measure exodus of refugees happened in 1992 and UNHCR took part in providing relief and helped in the repatriation of the Rohingyas. Once again, the Myanmar Government agreed to the repatriation proposal but did not take the Rohingyas back as citizens but as 'temporary residents of Arakan'. Even in this phase, there was criticism of the repatriation process and many humanitarian reports pointed out the non-voluntary nature of repatriation. However, the Bangladesh Government denied the use of force. Why did Bangladesh accept the proposal when the Rohingyas were not repatriated as citizens? Perhaps the Bangladesh Government thought that such an agreement would at least resolve the issue temporally, if not permanently.

On October 30, 2018 Bangladesh and Myanmar signed an agreement in Dhaka to start the repatriation of the Rohingya refugees to Myanmar which was scheduled to begin in November 15. Despite concerns expressed by the various rights groups about the continuing adverse and hostile situation for the Rohingyas in Myanmar, the Bangladesh Government decided to go ahead with the plan and started the registration of the Rohingyas which generated fear among the Rohingyas residing in the camps that they might be sent back. The human rights group, Fortify Rights reported that Bangladesh security

forces threatened and physically assaulted the Rohingya leaders to collect 'Smart Cards' containing biometric data. (Fortify Rights, 2018) The 'Smart Cards' were being issued from June 2018 by the UNHCR and the Bangladesh government for proper documentation of the refugees and to ensure better access to services and assistance. The cards affirm in writing that the Bangladesh government will not force returns to Myanmar. However, this had already generated fear among the Rohingyas that they might be repatriated based on the verification mechanism of the cards. The issue of repatriation created panic and according to Fortify Rights one man on 3 November tried to commit suicide after hearing that his family is on the list of the 2000 Rohingyas to be sent back. They fear that they might be killed or would return to an uncertain and threatening life in Myanmar with their land confiscated, houses burnt down and without the assurance of a citizenship. The Myanmar officials hold that those who would return would be placed in temporary 'transit camps' and would be sent to their respective villages after a verification of their address. However, many of the villages from where the Rohingyas fled were now in use for military camps and other infrastructural project. The scheduled repatriation on November 15 failed because those who were supposed to be sent back hid in the different camps and nearby jungles to escape repatriation. This has further put the process of repatriation initiated by Bangladesh and Myanmar under question. As of now Bangladesh is continuing with the diplomatic efforts with Myanmar to ensure a

‘voluntary, safe and dignified’ return of the Rohingyas to Myanmar. This is the third repatriation process since the Rohingya influx began in 1970s and in all likelihood it would not be resolved soon. (Dhaka Tribune, 2018)

The Rohingya in Bangladesh live a tenuous life in the overcrowded camps without proper sanitation, health facilities, freedom of movement and livelihood. The situation of the women are more precarious. Often they get help from the locals, for example in enrolling their children in regular schools and colleges using the status of the Bangladeshis. However, their presence also creates tension with the local community who have divided opinion about the Rohingya. Some think that the daily commodities and services became costlier because of the excess of demand and short supply generated by the huge number of the Rohingyas. The locals also complain that many Rohingyas are rich compared to them as they have very good mobile phones and often blame the Rohingya for their situation as their boys attacked the military in Myanmar first. An Xchange survey on the Bangladeshi perspective, which shows how the two communities try to get on with each other, also points out the security concerns and complaints of the locals such as increase of robbery and drug trafficking after the arrival of the Rohingyas. The Survey concludes-

The government’s focus on a policy of repatriation rather than integration, has made it difficult for both communities to mix in healthy and

meaningful ways and move forwards; both communities have been left to their own devices to survive and co-exist, which can be seen in the concerns expressed by the local Bangladeshi communities in the survey results. (Xchange, 2018)

The Rohingya also provide cheap labour. Although they are not allowed to work, the Rohingya often participate in informal market which further alienate them from the local community. The view that the Rohingya steal the job of the locals can also be found in the way Bangladesh views the issue of the boat people in Malaysia. The younger Rohingya who are frustrated with the constricting life in the camps without jobs become desperate to escape and try to migrate to Malaysia or India. Madhura Chakrabarty's study of the Rohingya in Bangladesh camps shows that the parents of the community often find their teenage boys missing and only later they come to know that their sons tried to migrate to Malaysia. As Bangladesh is one of the highest migrant labour exporting countries in the world, the Rohingya illegally migrating to the South-East Asian countries for job caused consternation about foreign remittances. The repeated reference to the push and pull factor by the Bangladesh officials, that the Rohingyas use Bangladesh as a launching pad for migrating to another country, undermines the pressing issue of the Rohingya as political asylum-seeker and try to project them as economic migrant. Madhura Chakrabarty further points out that

much of the writing of the Bangladeshi scholars and the mainstream media look at the Rohingya from internal security perspective. Thus, the Rohingya camps in Bangladesh are viewed as recruiting grounds for the Islamist militants and the Rohingya are characterised as ‘threatening the moral and economic fibre of Bangladeshi society’. The arrival of Rohingya is thus viewed as destabilising the border region and damaging the strategic bilateral relation with Myanmar. Thus, the Rohingya, whether in camp or outside, whether documented or unregistered has to straddle a life of insecurity and precarity, and has to deal with harassment or constant fear of being sent back to Myanmar. Farzana writes-

Within Myanmar they are stateless, and beyond the border, in Bangladesh, they are refugees. Rohingya refugees, documented or undocumented, in Bangladesh suffer doubly, from statelessness and refugee-hood. For those in refugee camps have no idea when their refugee-hood will end. For Rohingyas who live outside the camps as illegal migrants, their plight and risk is even greater. Although staying in one place, their movements are highly restricted, and their life is put in stringent confinement. (Farzana 2017, 81)

Thus, to escape such a confinement the Rohingya try to migrate to South-eastern countries like Malaysia or Thailand. More often than not they seek refuge in India and the subsequent section is devoted to their experience in India.



## **Postcolonial State Branding Rohingya as Persona Non-grata and Terror Suspects**

The stateless Rohingya come to India mainly via Bangladesh after staying there for some time, often few years in search of security and livelihood. The precarious condition in the camps in Bangladesh and lack of employment opportunities as well as increasing hostility towards them by the Awami League Government make them desperate to cross the border of North-Eastern part of India often through the help of the human traffickers. They come to India as refugees, as asylum seekers and for livelihood. But their desperate journeys end up in slums and unauthorised colonies with no access to proper sanitation, food, drink and shelter. Although there is the difficulty of enumerating the exact number of Rohingya in India because of the huge number of undocumented refugees and asylum-seekers in India, available figures put the number between 40,000 and 50,000. However, various unofficial reports put the number estimating over 100,000. The Rohingya in India are distributed in various parts across India. The highest number of the Rohingya in India is concentrated in Jammu. Apart from Jammu, the Rohingya in India are spread out in settlements across Telengana, Delhi, Haryana, Uttar Pradesh, Rajasthan and in some rural areas in North India as well as in the jails of West Bengal.

As per legal and administrative framework for dealing with the stateless persons, India does not have a for-

mal refugee policy in place. India did not ratify the 1954 UN Convention Relating to the Status of Stateless Persons or the 1961 UN Convention on the Reduction of Statelessness. However, India ratified such international bodies as International Convention on Civil and Political Rights, 1966 (ICCPR) in 1979, Convention on the Elimination of Racial Discrimination, 1965 (CERD) in 1968, Universal Declaration of Human Rights (UDHR) which India participated in drafting and also acceded in 1979 to The International Covenant on Economic, Social and Cultural Rights, 1966 (ICESCR) which seeks to ensure certain social, economic and cultural rights to the refugees. India has also allowed to function and works with the UNHCR which provides the Refugee Status Determination (RSD) cards to the refugees which can ensure various protections and rights to the refugees in India. In 2011 the Government of India announced Long Term Visas (LTV) for Rohingyas and Afghan refugees and by December 2015 India issued over 98 LTVs to Rohingya refugees. (UNHCR, 2016). However, although India has often been praised by the UNHCR for its tolerant approach towards refugee, the lack of a formal policy framework makes the refugees vulnerable to the changing political climate of the country. Thus, refugees often receive what Ranabir Samaddar calls 'calculated hospitality' - a game of care and power. (Quoted in Basu Ray Chaudhury and Samaddar, ed. 2018, 120). The 1955 Citizenship Act of India that followed the *jus soli* mode of citizenship according citizenship to everyone 'born in India on or after the 26th January, 1950, regardless of

their descent, ethnicity, or national identity' (quoted in Basu Ray Chaudhury and Samaddar, 2018, 136). However, this inclusive citizenship laws were changed with the Citizenship (Amendment) Act, 1987 and citizenship was based on *jus sanguinis* mode. The citizenship claims were further restricted with the New Amendment of 2004 that forbid the 'illegal migrants' from acquiring citizenship through citizenship registration and naturalization. Thus, India following the 1946 Foreigner's Act and Indian Passport Act 1929 categorises anybody who enters the territory of India without valid documents as 'illegal immigrant'. On 8 January 2019 Lok Sabha passed the Citizenship Amendment Bill 2016 that seeks to provide citizenship to non-Muslims from Bangladesh, Pakistan and Afghanistan and the current BJP regime in Assam seeks to give citizenship to the Hindus out of the 40 lakh odd people who were not included in the National Register of Citizens (NRC). These changes, if finally approved, will have huge ramifications for the refugees and asylum seekers in India, particularly for the Rohingyas, who are Muslims, supposed Bangladeshi nationals and infiltrators, illiterate, suspected potential threat and viewed as veritable polluter of the moral fabric of the nation.

The Rohingya in India live in miserable conditions in slums and unauthorised colonies without proper health, sanitary and educational facilities and restriction of movement. After coming to India the Rohingyas depend on informal family networks to get a place to stay in. They often try to go Hyderabad thinking that the majority Muslim city would welcome them openly. Their

other destinations include the camp in Jammu or New Delhi because of the UNHCR office there. Their journey though often meets with frustration. However, not all Rohingya directly approach the UNHCR after coming to India. Lack of knowledge of the presence of the UNHCR, poverty and continuous migration, as Sahana Basavapatna points out, can be the problem. (Basu Ray Chaudhury and Samaddar ed. 2018, 53). The UNHCR takes long time before issuing the Refugee Status Determination (RSD) leaving many with 'under consideration certificate' which leaves many illegally staying with their relatives who might have UNHCR cards. This puts them under the threat of getting picked by the police or hampers their bargaining power in the job market. Getting job is difficult and often language and cultural barriers get in the way. And the Rohingya often depend on the middlemen, landlords and humanitarian agencies and sometimes secures odd jobs like domestic help or security guard, rag pickers etc. Although they sometimes get material help from the Muslim organisations and international aid agencies, this does not facilitate their acceptance among the local community in the charged atmosphere of suspicion. Sometimes even the mandate refugees are spoken of in the single breath as Bangladeshis. Suchismita Majumdar's study of the jailed Rohingyas in West Bengal point out that sometimes the Rohingyas with refugee cards are arrested while they move out of Delhi to meet their relatives in jails in West Bengal. (Basu Ray Chaudhury and Samaddar ed. 2018, 102). Thus, even the refugee card cannot guarantee a safe and hospitable environment.

The Rohingya in India are viewed as a security threat, often alleged with links with terrorist organisations in Pakistan. Although there has been no proof of any link of the Rohingya in India with any terrorist organisation, they are always suspected as a potential target of radicalisation. Apart from viewing the Rohingya as a security threat, they are also viewed as drug peddlers and as connected with human trafficking. Thus, whenever any bomb blast happen at any religious site, especially at Buddhist or Hindu sites, the media promptly pronounces the judgement and there is witch-hunt of the Rohingya living in the various slums. After the Bodh Gaya blasts in July 2013, there were raids in the Rohingya camps in Hyderabad, Telengana. The situation became worse when in November 2014, Khalid Mohammed, a Rohingya Muslim from Myanmar, was arrested by the National Investigation Agency (NIA) for links with the blast in Kahrgagar of Burdwan district in West Bengal. This put the entire community under suspicion. On 10 February 2018, there was a suicide attack on the Indian Army base camp in Sunjwan in Jammu. BJP MLA and Speaker of the Jammu and Kashmir Legislative Assembly Kavinder Gupta in the assembly directly blamed the Rohingya in Jammu for this, “Had these Rohingya refugees not been around the camp, the attack would not have taken place”. And the media started a campaign against the Rohingya as security threat. Following this there was also an attack by the crowd on the refugee settlement

area. (The Wire, 2018) The politics between Jammu and Kashmir comes into play as the Rohingya are viewed as threatening the demographic profile of Hindu-majority Jammu. At a press conference on 7 April 2017 Rakesh Gupta, the president of Jammu Chamber of Commerce and Industry declared the Rohingya as ‘criminals’ and threatened to launch an “identify and kill movement’ if the government did not deport the refugees. (The Citizen, 2018) Such criminalisation of the Rohingya and the media portrayal of them as the potential threats and not infrequent portrayal of them in one breathe with Bangladeshi migrants hardly helps the Rohingya in Myanmar.

India deported seven Rohingya Muslims to Myanmar in October, 2018. They were without UNHCR cards and were viewed as illegal immigrants. Such a move has generated fear among the Rohingyas living in camps that they might be deported to Myanmar. The officials hold that India does not recognise the UNHCR card and has rejected the UN’s stand that deporting the Rohingya violates the principle of *refoulement* – sending back refugees to a place where they face danger. The state authorities have been asked to prepare biometrics of the Rohingya living in India so that they could be repatriated. (Voa News, 2018). “Anyone who has entered”, The Reuters quoted A. Bharat Bhushan Babu, a spokesman for the Ministry of Home Affairs “the country without a valid legal permit is considered illegal. As per the law, anyone illegal will have to be sent back. As per law they will

be repatriated”. (Reuters, 2018) The majoritarian agenda pursued by the current regime of Narendra Modi and Amit Shah duo places the issue of repatriation of the Rohingya along with the migrants from Bangladesh as a populist measure for garnering electoral dividend for the upcoming General Elections in May 2019. Addressing an election rally in the central state of Madhya Pradesh on 6 October 2018, BJP chief Amit Shah said that all illegal immigrants were “like termites eating into the nation’s security”. Shah further added, without specifically mentioning any group of migrants, “Elect us back next year and the BJP will not allow a single one of them to stay in this country,” (Reuters, 2018). No wonder, the future of the Rohingya in India remains uncertain and tenuous.

## **Postcolonial Crisis-Subaltern and the Refugee Crisis**

In this paper our attempt has been to narrate the seemingly un-narrated, or under-narrated and in that way we are trying to question the inadequacy of existing post-colonial theoretical coordinates that subtend dominant academic positions on postcolonial studies. Even the very category of the subaltern which figures as an axiomatic category in any configuration of postcolonial or decolonial theory, we argue needs to be reconfigured in view of the terrible reality of refugee exodus that we witnessed in the last couple of years. We reen-

gage here the views of Hannah Arendt in her seminal work, *The Origins of Totalitarianism*, where she writes of the production of 'homelessness on an unprecedented scale, rootlessness to an unprecedented depth' in the first half of twentieth century because of the totalitarian and destructive ideologies and movements such as anti-Semitism, Stalinism, imperialism etc. Arendt calls these new groups of people in German the 'heimatlosen', the stateless. Borrowing Arendt we have narrated here the story of the contemporary "heimatlosen" the Rohingyas and think that the Rohingya tragedy has thrown open new theoretic and ethical responsibilities today. Time has come for us to reconceptualise existing theoretic categories from the lived border experiences of the refugees and we argue that the category of the subaltern should be re-conceptualised from the precarious and unwanted figure of the stateless Rohingya.

*Subaltern Studies* project was launched in the 1980s with the specific aim of rectifying the 'elitist bias' in Indian historiography. It sought to brought in the voices of the hitherto unrecognised 'subaltern social groups and classes', such as the peasants, the adivasis, etc., as the 'makers of their own history', autonomous of elite intervention. The project continued for three decades with twelve volumes published from Oxford University Press and Permanent Black, gaining world-wide recognition. However, in his 2012 article "After Subaltern Studies", published in *Economic and Political Weekly*, Partha Chat-



terjee declared that the project is over. He thinks that although the questions raised by Subaltern Studies are still relevant, but the methodological and conceptual framework offered by the collective is insufficient to answer the questions in the contemporary. He talks about 'new projects' in 'new times'. In his article, "Subaltern Studies in Retrospect and Reminiscence" published in 2013 and which can be viewed as his response to Partha Chatterjee, Dipesh Chakrabarty importantly distinguishes between *Subaltern Studies* as the series of publications initiated by Ranajit Guha which is over and Subaltern Studies as the field of studies which he thinks is 'not dead or extinct by any means'. He writes- The field is a much larger and more enduring phenomenon than the series that originated from very particular times and authorial intentions. The general interest in the lives and politics of the subaltern classes that Subaltern Studies stoked is here to stay, whether or not we agree with particular authors and their contributions in the field.(Chakrabarty 2013, 23)

Recently there have been also publications of two important special issues. In 2014, *South Asia: Journal of South Asian Studies* published the special issue titled 'The "Subaltern after Subaltern Studies"', and in July, 2015 *Contemporary South Asia* published the special issue on "Rethinking Subaltern Resistance". Joining the debate we argue that the resurgence of xenophobic nationalism and majoritarian identity politics within postcolo-

nial countries has otherised and alienated a large number of the minorities who are being forced to live a life of violent torture, insecurity and statelessness. As we said earlier, Aung San Suu Kyi, herself a postcolonial leader, looks like a neo-colonial matriarch now through her silence on the Rohingya Muslims question and her inaction or collusion with the Myanmar military junta legitimises indigenous state brutalities by pushing the Rohingya Muslims into a no-where-citizen condition. This new crisis of postcolonial precarity demands a rethinking of the postcolonial theoretical optics. Our attempt in this paper has been to map these emerging domains of precarities and subalternities in order to re-theorise the subaltern question today. The Subaltern Studies project replaced elitist historiography with subaltern historiography but we argue for renewing/ re-conceptualising the category of the subaltern through a critique of ethno-regionalism or identity-centric border vigilantism so that we can focus on trans-borderal/global solidarities rather than foregrounding the originary category of the postcolonial nation. This retheorisation of the subaltern question in our view would deepen the question of postcolonial justice and citizenship rights.

## WORKS CITED

- Agamben, G. 1998. *Homo Sacer*. Stanford: Stanford University Press.
- Albert, Eleanor and Andrew Chatjky. 2018. "The Rohingya Crisis". *Council on Foreign Relations*, December 5. <https://www.cfr.org/backgrounder/rohingya-crisis> (last accessed on 11-01-2019)
- Arendt, Hannah. 1958. *The Origins of Totalitarianism*. Cleveland and New York: Meridian Books, World Publishing Company.
- ..... 1970. *On Violence*. USA: A Harvest Book Harcourt, inc.
- Basu Ray Chaudhury, Sabyasachi and Ranabir Samaddar, ed. 2018. *The Rohingya in South Asia: People Without State*. New York: Routledge.
- Bearak, Max. 2017. "How Bangladeshis Are Coping with Half a Million New Rohingya Refugees". *The Washington Post*, Sep 29. [https://www.washingtonpost.com/world/asia\\_pacific/how-bangladeshis-are-coping-with-half-a-million-new-rohingya-refugees/2017/09/29/4a6624ca-a1ee-11e7-b573-8ec86cdfed\\_story.html?utm\\_term=.85956ca2e499](https://www.washingtonpost.com/world/asia_pacific/how-bangladeshis-are-coping-with-half-a-million-new-rohingya-refugees/2017/09/29/4a6624ca-a1ee-11e7-b573-8ec86cdfed_story.html?utm_term=.85956ca2e499) (last accessed on 10-01-2019)

Bearak, Max. 2017. "Bangladesh is Now Home to Almost 1 Million Rohingya Refugees". *The Washington Post*, October 25. [https://www.washingtonpost.com/news/worldviews/wp/2017/10/25/bangladesh-is-now-home-to-almost-1-million-rohingya-refugees/?noredirect=on&utm\\_term=.afd4b9a2f508](https://www.washingtonpost.com/news/worldviews/wp/2017/10/25/bangladesh-is-now-home-to-almost-1-million-rohingya-refugees/?noredirect=on&utm_term=.afd4b9a2f508) (last accessed on 11-01-2019)

Bhuiyan, Humayun Kabir. 2018. "Rohingya Repatriation: 'Do the Write Thing', Bangladesh Writes to Myanmar". *Dhaka Tribune*, December 3. <https://www.dhakatribune.com/bangladesh/rohingya-crisis/2018/12/03/rohingya-repatriation-do-the-right-thing-bangladesh-writes-to-myanmar> (last accessed on 11-01-2019)

Chakrabarty, Dipesh. 2013. "Subaltern Studies in Retrospect and Reminiscence". *Economic and Political Weekly* 48(12): 23-27

Chandra, Uday., ed. 2015. Rethinking Subaltern Resistance: Subaltern Politics and the State in Contemporary India. *Journal of Contemporary Asia*. (45)4: Routledge.

Chatterjee, Partha. 2012. "After Subaltern Studies". *Economic and Political Weekly* 47(35): 44-49.

Crabapple, Molly. 2018. "Where Else Can They Go?" *New York Review of Books* (65)19: 14-16.

Das, Krishna N. 2018. India's Rohingya Refugees Struggle with Hatred, Fear as First Group is Expelled. *Reuters*, October 7. <https://www.reuters.com/article/us-myanmar-rohingya-india-insight/indias-rohingya-refugees-struggle-with-hatred-fear-as-first-group-is-expelled-idUSKCN1MH04P> (last accessed on 10-01-2019)

Singh, Deepak K. 2010. *Stateless in South Asia: The Chakmas between Bangladesh and India*. New Delhi: Sage.

Express News Service, 2018. "The Most Unwanted: A Gripping Account of Rohingya Refugees Living in India". *The Indian Express*, June 26. <https://indian-express.com/article/india/the-most-unwanted-a-gripping-account-of-rohingya-refugees-living-in-india-4464103/> (last accessed on 10-01-2019)

Farzana, Kazi Fahmida. 2017. *Memories of Burmese Rohingya Refugees: Contested Identity and Belonging*. New York: Palgrave Macmillan.

Fiddian-Qasmiyeh, Elena, Loescher Gil, Long Katy and Nando Sigona, ed. 2016. *The Oxford Handbook of Refugee and Forced Migration Studies*. United Kingdom: Oxford University Press.

- Fortify Right. 2018. Bangladesh: *Protect Rohingya Refugees, End Threats and Intimidation*. November 12. <https://www.fortifyrights.org/publication-20181112.html> (last accessed on 11-01-2019)
- Ganguly, Debjani., ed. 2015. 'The Subaltern After Subaltern Studies (Special Issue). *South Asia: Journal of South Asian Studies*. (38)1: Routledge.
- Ghosh, Partha S.2016. *Migrants, Refugees and the Stateless in South Asia*. New Delhi: Sage.
- Knowles, Caroline. 2017. "Strangers at Our Door". *Ethnic and Religious Studies Review* 41(8): 1512-1513.
- Hirsch, Asher and Nathan Bell. 2017. "What Can Hannah Arendt Teach Us About Today's Refugee Crisis?". October 10. <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2017/10/what-can-hannah> (last accessed on 15-01-2019)
- Ibrahim, Azeem. 2016. *The Rohingyas; Inside Myanmar's Hidden Genocide*. London: C. Hurst & Co.
- Javeed, Auqib. 2018. "Pall of Fear Engulfs Rohingya in Jammu: 'Where Will We Go, What Can We Do'". *The Citizen*, March4. <https://www.thecitizen.in/index.php/en/NewsDetail/index/3/13183/Pall-of-Fear->

Engulfs-Rohingya-Camps-in-Jammu-Where-Will-We-Go-What-Can-We-Do (last accessed on 14-01-2019)

Kannabiran, Kalpana.,ed. 2016. *Violence Studies*. New Delhi: Oxford University Press.

Pasricha, Anjana. 2018. “Rohingya Refugees in India Rattled After First –Ever Deportations”. *Voa News*, October 14. <https://www.voanews.com/a/rohingya-refugees-in-india-rattled-after-first-ever-deportations/4612749.html> (last accessed on 10-01-2019)

Regan, Helen and Salman Saeed. 2018. “If We Go, They Will Kill Us’, Rohingya Refugees Fear Repatriation to Myanmar”. *CNN*, November 15.<https://edition.cnn.com/2018/11/15/asia/rohingya-repatriation-myanmar-intl/index.html> (last accessed on 11-01-2019)

Samshad, Rizwana. 2017. *Bangladeshi Migrants in India: Foreigners, Refugees, or Infiltrators*. New Delhi: Oxford University Press India.

Sofi, Umar. 2018. “Amid Rumours and Violence, Rohingya Refugees Dream of Safety in Jammu”. *The Wire*, November 27. <https://thewire.in/rights/jammu-rohingya-refugees> (last accessed on 14-01-2019)

UNHCR. “Bangladesh Rohingya Emergency”. <https://www.unhcr.org/ph/campaigns/rohingya-emergency> (last accessed on 11-01-2019)

UNHCR. 2016. “LTV Procedure for Refugees Expedited in India”. *UNHC*, January 16. [https://www.unhcr.org.in/index.php?option=com\\_news&view=spotlightd&id=14&Itemid=1](https://www.unhcr.org.in/index.php?option=com_news&view=spotlightd&id=14&Itemid=1) (last accessed on 15-01-2019)

Xchange Foundation. 2018 “The Rohingya Amongst Us: Bangladeshi Perspectives on the Rohingya Crisis Survey”. *Xchange*, August 28. <http://xchange.org/bangladeshi-perspectives-on-the-rohingya-crisis-survey/> (last accessed on 11-01-2019)