



Rohingya refugee crisis and India's balancing act between Vasudev Kutumbhakam and self-preservation

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Abstract

The Rohingya refugee crisis stands as one of South Asia's gravest humanitarian challenges, marked by complex diplomatic, security, and ethical dilemmas—particularly for India. This paper explores India's multifaceted and often contradictory response to the Rohingya influx, caught between its civilizational ethos of Vasudhaiva Kutumbhakam ("the world is one family") and the imperatives of national self-preservation. It critically examines India's policy trajectory through the lenses of refugee law, political discourse, and international relations, highlighting how national security, demographic anxieties, and political polarization have shaped the classification of Rohingyas as "illegal immigrants," despite UNHCR recognition. Drawing from secondary research, legal texts, and media analysis, the study also traces the evolution of Rohingya refugee networks in India—from grassroots translocal efforts to emerging transnational ties—amid legal precarity and social exclusion. The analysis reveals a selective and hierarchical refugee policy framework reinforced by the Citizenship Amendment Act (2019) and upheld by a securitized judicial stance. India's approach is further influenced by its geopolitical interests in Myanmar, Bangladesh, and China. Ultimately, the paper argues that India's handling of the crisis reflects a strategic tilt towards realist nationalism, where humanitarian values are often subordinated to sovereignty, domestic politics, and regional power dynamics.

Keywords: Rohingya refugee, humanitarian crisis, illegal immigrants, human rights, self preservation, national security

Introduction

The Rohingya, a predominantly Muslim ethnic minority from Myanmar's Rakhine State, have endured decades of systematic discrimination and persecution, culminating in what the United Nations has characterised as "ethnic cleansing". The United States has officially recognised these atrocities as genocide and crimes against humanity. At the heart of their plight is their statelessness, a condition deliberately imposed by Myanmar's 1982 Citizenship Act, which effectively stripped them of fundamental rights, including access to education, healthcare, and employment within their ancestral homeland.

The crisis has unfolded through multiple waves of forced displacement, with significant exoduses occurring in 1977-78, 1989, 1991-92, and 2012. The most severe displacement began in August 2017, when over 700,000 Rohingya fled a brutal military crackdown, seeking refuge primarily in neighbouring Bangladesh. Today, nearly one million Rohingya reside in overcrowded camps in Cox's Bazar, Bangladesh, forming the world's largest refugee settlement. This ongoing humanitarian catastrophe presents a complex challenge for regional and international actors alike.

India, a prominent regional power sharing a border with Myanmar, finds itself navigating a particularly intricate dilemma concerning the Rohingya crisis. Its response has been marked by an evolving and often contradictory stance, reflecting a deep internal tension. While India has historically served as a sanctuary for various persecuted groups, rooted in its ancient traditions of compassion and hospitality, its approach to the Rohingya has diverged sharply from this tradition. The Indian government frequently classifies Rohingya as "illegal immigrants" rather than refugees, a position maintained despite many being

registered with the UNHCR. This dual approach, oscillating between humanitarian considerations and perceived national interests, forms the central analytical focus of this paper.

To understand India's complex policy choices, this paper employs a conceptual framework that examines the tension between two guiding principles

- **Vasudev Kutumbhakam:** This ancient Sanskrit phrase, originating from Hindu texts such as the Maha Upanishad, translates to "the world is one family". It embodies a profound philosophy of global unity, interconnectedness, and universal brotherhood, advocating for peaceful coexistence and mutual prosperity across humanity. This ideal, deeply ingrained in India's civilisational ethos and symbolically engraved in the entrance hall of the Indian Parliament, has historically influenced India's foreign policy towards promoting multilateralism and humanitarian assistance. It represents an ethical universalism, where the welfare of all humanity is considered paramount.
- **Self-Preservation:** This concept encompasses India's pragmatic national interests, which include safeguarding its national security, ensuring economic stability, managing demographic impacts, and addressing domestic political considerations. This perspective reflects a realist approach to international relations, prioritising the survival, well-being, and strategic advantage of the state above all else. The paper will analyse how India's policy on the Rohingya crisis navigates this inherent tension, often revealing a policy leaning towards realist nationalism despite its civilisational ethos.

Objective

The primary objective of this paper is to explore how Rohingya refugees in India build and adapt their networks in the face of forced displacement and legal uncertainty.

Specifically, the paper aims to

- Examine the intricate processes of network rebuilding among Rohingya refugees in India, highlighting how early generations leveraged translocal spaces and encounters to establish networks of care and support within their community and with local civil society actors, thereby cementing a 'Rohingya refugee community' in India.
- Identify and trace the shift towards multi-sited transnationalism among Rohingya refugees, analysing how the internationalisation of their crisis and various waves of displacement have led to the emergence of multi-sited transnational families, digital transnational spaces, and extended diasporic networks.
- Shed light on the multi-factorial ways in which these networks are created, sustained, and leveraged under conditions of forced displacement and legal precarity. This includes exploring how their status as a stateless community, often deemed 'illegal immigrants' by the Indian government despite UNHCR recognition, profoundly influences their daily lives and their ability to build connections.
- Contribute to the scholarly understanding of intertwined experiences of transnationalism and translocality in contexts of protracted displacement and onward migration, using the understudied case of Rohingya refugees in India to demonstrate the critical role of temporalities in network evolution.

Methodology

Secondary research was conducted by reviewing journal articles and books. The study was conducted using content analyses of books & reports available on open access platforms. Secondary research was also conducted using narrative analysis teaching interviews available on the internet.

Historical and Regional Context

The protracted suffering of the Rohingya, a predominantly Muslim ethnic and religious minority community originally from Myanmar's Rakhine State, is deeply rooted in a long history of systematic discrimination and persecution.

Background of the Rohingya Crisis in Myanmar The Rohingya have resided in the Rakhine (Arakan) state of Myanmar for centuries, coexisting with Buddhist Arakanese, with Muslims present in the area since the 12th century through intermarriage and conversions. Despite their extensive historical presence, the Myanmar government has denied them citizenship, most notably through the Citizenship Law of 1982, which effectively stripped them of their fundamental rights. This denial of citizenship is a deliberate policy choice, rendering them stateless and severely limiting their access to basic services such as education, healthcare, and employment within their ancestral homeland. The United Nations has characterised the atrocities against them as "ethnic cleansing," with the United States officially recognising them as genocide and crimes against humanity.

The crisis has unfolded through multiple waves of forced displacement and violence. Significant exoduses occurred during

- **Operation Dragon King (1977-78):** This military campaign in Rakhine State involved mass arrests, persecution, and violence, driving approximately 200,000 Rohingya into Bangladesh.
- **1989-1992:** Increased military presence led to reports of forced labour, relocation, rape, summary executions, and torture, compelling another 250,000 Rohingya to flee to Bangladesh.
- **2012 Rakhine State Riots:** Conflicts between Rohingya Muslims and ethnic Rakhines resulted in 78 deaths and displaced up to 140,000 people. The Burmese government exacerbated the situation by excluding Rohingya from the census, solidifying their stateless classification.
- **2015 Refugee Crisis:** Thousands fled Myanmar by boat due to escalating persecution.
- **2016-2017 Military Crackdowns:** Following attacks by alleged Rohingya militants, military operations triggered a massive new wave of displacement in August 2017, with over 700,000 fleeing to Bangladesh.
- **Post-2021 Military Coup:** The military coup in February 2021 significantly exacerbated the crisis, with ongoing civil war and human rights abuses further diminishing prospects of safe return.

As of recent estimates, approximately 600,000 Rohingya remain in Rakhine State, with 142,000 internally displaced, facing severe movement restrictions and limited access to basic services.

Timeline of Refugee Influx into India India has a historical tradition of hosting various refugee communities, including partition refugees (1947), Tibetan refugees (1959), Chakma refugees (early 1960s), Sri Lankan Tamils, and Afghans. This commitment is rooted in its ancient traditions of compassion and hospitality. However, India's approach to the Rohingya has largely diverged from this tradition.

Rohingya began arriving in India from as early as 2008, with some respondents in research studies indicating even earlier arrivals. India was once considered a transit country for some Rohingya, with existing mobility routes connecting to cities like Jammu, Jaipur, and parts of western Uttar Pradesh in the late 1990s and early 2000s. Key entry points were often through the West Bengal–Bangladesh border. Many early arrivals relied on agents (dalals) to navigate border crossings and connect them with existing Rohingya populations in cities like Delhi or Jammu, often having no existing networks in India.

A significant number of Rohingya arrived following the violence in Rakhine State in 2012, especially after Bangladesh tightened its entry points in 2013. Between 2012 and 2016, at least 13,000 Rohingya entered India, mostly from Bangladesh. Post-August 2017 violence, more continued to arrive.

The estimated number of Rohingya in India varies significantly between sources. UNHCR data from June 2023 referenced 22,110 Rohingya refugees and asylum seekers, and approximately 20,000 by 2023. In contrast, the Indian government's public estimate in 2017 was 40,000, and a 2023 estimate of "illegal Rohingya immigrants" was approximately 75,000. As of May 2025, UNHCR registered about 22,500, while Refugees International estimated around 40,000. This discrepancy is a crucial data point, reflecting India's non-recognition of UNHCR cards and its classification of Rohingya as "illegal immigrants".

Rohingya refugees in India occupy a legally precarious space, simultaneously recognised as "refugees" by the UNHCR and deemed "illegal immigrants" by the Indian government. This status profoundly shapes their daily lives. Within India, the Rohingya population is largely concentrated in a handful of locations. Hyderabad hosts the largest settlements, with approximately 7,200 Rohingya residing in 32 slum-like urban areas. Other significant concentrations are found in Delhi-NCR (National Capital Region), Jammu, and Nuh, with over 90 reported Rohingya settlements across the country. Jaipur also hosts a smaller group, with some early families settled as "Burmawaale" (of Burma) for over two decades.

Regional Implications: Bangladesh, ASEAN, and South Asia The Rohingya crisis, originating in Myanmar, has profound and widespread regional implications.

- **Bangladesh:** Bangladesh bears the most significant burden, hosting nearly one million Rohingya refugees in Cox's Bazar, forming the world's largest refugee settlement. While it initially adopted an "open-door policy" in 2017, the prolonged nature of the crisis has led to immense pressure, escalating internal issues, and growing anti-Rohingya sentiment. Concerns include strain on resources, fears of radicalisation, potential recruitment by extremist groups, and tentative engagement with the ethnic Rakhine group, the Arakan Army.
- **ASEAN (Association of Southeast Asian Nations):** The crisis poses a critical test for ASEAN, highlighting its limitations due to its foundational principle of non-interference in member states' internal affairs and a lack of a robust political and legal framework for refugees. ASEAN's collective efforts have been described as "timid and painfully slow," with its "5-point consensus plan" largely failing to end violence or facilitate repatriation. The absence of a Human Rights Court further hinders a coordinated and rights-based response.
- **South Asia (beyond Bangladesh and India):** The crisis reverberates across the entire South Asian region.
- **National Security Concerns:** The presence of stateless Rohingya populations raises national security concerns due to their vulnerability to exploitation, involvement in local crimes, human trafficking, drug or weapons trafficking, and potential radicalisation by extremist organisations.
- **Sri Lanka:** Has rescued Rohingya from perilous sea journeys, but their legal status remains precarious, with UNHCR operations in the country recently terminating.

- **Pakistan:** Hosts a significant Rohingya population (estimated 55,000 officially, potentially up to 300,000 unofficially) but denies them citizenship and national identification cards, rendering them stateless and vulnerable to harassment and discrimination, mirroring their plight in Myanmar.
- **Nepal:** While mentioned in the context of humanitarian aid, it is not identified as a significant host country for Rohingya refugees.

The situation illustrates a "spillover" effect, where limitations of the primary host nation (Bangladesh) push refugees towards secondary destinations like India. This highlights the interconnectedness of regional refugee dynamics. A defining characteristic in the region is a trend of "reluctant hospitality" towards Rohingya refugees, with most countries prioritising perceived national interests (security, economic stability, demographic concerns) over universal humanitarian obligations. This often manifests in the classification of Rohingya as "illegal immigrants" and the implementation of restrictive policies. The crisis fundamentally challenges the traditional notion of state sovereignty, as Myanmar's internal actions have profound and destabilising external consequences, demanding regional cooperation, which is frequently hampered by existing political frameworks.

India's Civilizational Ethos and Ethical Foundations

India's historical and philosophical bedrock reveals a profound tension between universal humanitarian values and pragmatic national interests, particularly evident in its approach to refugee populations. This complex interplay is encapsulated by the ancient Sanskrit phrase, 'Vasudhaiva Kutumbhakam' (वसुधा इव कुटुम्बकम्). Originating from revered Hindu texts like the Maha Upanishad, this concept profoundly translates to "the world is one family". It embodies a deep-seated philosophy of global unity, interconnectedness, universal brotherhood, and peaceful coexistence among all nations and living beings. This ideal advocates for an expansive circle of care and influence that transcends narrow boundaries of home, community, and country, representing an ethical universalism where the welfare of all humanity is considered paramount in statecraft and international relations. Its enduring significance is symbolically recognised by its engraving in the entrance hall of the Parliament of India, positioning it as a foundational principle of the nation's ethos. Furthermore, it is also viewed as a "pragmatic strategy for fostering global harmony and positioning India as a responsible global leader".

Since its independence in 1947, India has maintained a "long record of helping vulnerable populations fleeing from neighboring countries", a commitment deeply "rooted in our ancient traditions of compassion and hospitality". This generosity is evidenced by numerous large-scale instances of refugee absorption and support. Following the Partition in 1947, India accepted millions of Hindus and Sikhs displaced from newly formed Pakistan. In 1959, India provided asylum to the 14th Dalai Lama and approximately 80,000 Tibetan refugees, establishing settlements, offering free education, and issuing identification documents, which allowed for a high degree of integration. Similarly, Buddhist Chakmas from East Pakistan (now Bangladesh) were settled

in Mizoram in the early 1960s. During the Bangladesh Liberation War in 1971, India hosted an estimated 10 million refugees, providing extensive humanitarian aid and facilitating their repatriation. Additionally, Sri Lankan Tamils fleeing civil war and thousands of Afghan refugees (predominantly Muslims and Sikhs) have historically found refuge and support in India, with some even being granted citizenship.

However, India's approach to the Rohingya refugees "stands in stark contrast" to this historical generosity. Unlike other groups who received official refugee status and support, the Rohingya are largely denied official recognition, face arbitrary detention, and lack access to basic services. This reflects a "selective application of 'Vasudhaiva Kutumbhakam'" and the emergence of an "unofficial 'hierarchy of refugees'" in India. This differential treatment, such as providing ID cards and education to Tibetans while detaining Rohingya, clearly demonstrates that humanitarian protection is now influenced by perceived national interests, religious identity, and geopolitical considerations.

Public discourse in India regarding the Rohingya is deeply polarised, with humanitarian appeals frequently clashing with national security concerns, a dynamic often shaped and amplified by government and media narratives. Moral arguments for acceptance are consistently put forth by humanitarian organisations, civil society groups, and progressive media. They emphasise the dire living conditions, statelessness, and lack of basic services faced by Rohingya, invoking India's historical tradition of compassion and its "proud tradition" of serving as a sanctuary for the persecuted. Academics and human rights advocates argue that India's human rights commitments under customary international law, particularly the principle of non-refoulement, obligate it to protect Rohingya regardless of its non-signatory status to the 1951 Refugee Convention. Civil society specifically invokes 'Vasudhaiva Kutumbhakam' to highlight the "credibility gap" between India's stated ideals and its increasingly restrictive policies. Conversely, the ruling Bharatiya Janata Party (BJP) government consistently classifies Rohingya as "illegal migrants" and a "perceived threat to India". This official stance is widely amplified by certain media outlets that frame Rohingya as "intruders" and a "threat to national security," thereby fostering xenophobia and Islamophobia. The government has claimed to possess "evidence linking Rohingyas in India with terrorist organisations" and warned of potential violence against Indian Buddhists by "radicalized Rohingyas". Public opinion surveys indicate a "rather negative perception of the Rohingya among the Indian populace", particularly among Hindu communities and BJP supporters, largely influenced by government and media rhetoric rather than direct personal experience. This leads to a "noticeable lack of vocal opposition" to government measures, indicating that the "politicization of humanitarianism" and the "weaponization of vulnerable refugee populations as political scapegoats" are evident. Ultimately, this reflects a strategic choice to prioritise perceived national interests over universal ethical obligations.

India's Strategic and Security Concerns

India's approach to the Rohingya refugee crisis is profoundly shaped by a range of strategic and security concerns, often taking precedence over humanitarian

considerations and forming the bedrock of the nation's 'Self-Preservation' imperative. This complex stance highlights a tension with its traditional civilizational ethos of 'Vasudhaiva Kutumbhakam'.

Demographic and Security-Related Apprehensions

The Indian government articulates significant apprehensions regarding the potential demographic impact of Rohingya refugees, particularly in sensitive border areas such as Jammu and West Bengal. These fears extend beyond mere numbers to encompass perceived alterations of the existing ethno-religious balance within these regions. Official government discourse, including parliamentary discussions and Supreme Court affidavits, consistently emphasises concerns related to a "Law and Order threat to the National Security," potential "demographic changes," and the "destruction of indigenous culture in Border areas". The presence of Rohingya is also linked to a strain on public services, including healthcare, education, housing, and sanitation, in the often-overcrowded slum areas where they settle. Furthermore, concerns are raised about labour market distortion, where refugees willing to work for lower wages could suppress income levels in sectors like construction and agriculture, potentially displacing local workers. Land encroachment by illegal settlers on agricultural and forest lands is another stated concern, reportedly sparking conflicts with local populations and exacerbating agrarian distress. This securitisation of demographic change, frequently amplified by nationalist narratives, effectively transforms the presence of Rohingya from a humanitarian issue into a national security threat, justifying restrictive policies and fueling anti-immigrant sentiment.

Role of Intelligence Agencies and Ministry of Home Affairs

The Ministry of Home Affairs (MHA) plays a central and decisive role in shaping India's refugee policy concerning the Rohingya, officially classifying them as "illegal immigrants" and issuing instructions for their deportation. This classification is consistently upheld in official statements and legal submissions. Intelligence agencies have significantly influenced this stance by raising "serious concerns about the threat to the country's internal security" posed by the Rohingya presence. These concerns are frequently cited in affidavits submitted to the Supreme Court to justify the government's deportation plans. The government has even claimed to possess "evidence linking Rohingyas in India with terrorist organisations" and has warned of a "serious possibility of eruption of violence against Buddhists who are Indian citizens by radicalized Rohingyas". This centralisation of refugee policy under the security apparatus signifies a fundamental shift, viewing refugee management primarily through the lens of national security rather than humanitarian protection. This allows policies based on perceived threats to take precedence over human rights considerations, effectively bypassing broader legal and ethical debates.

Rise of Terrorism, Illegal Immigration Concerns, and Communal Sensitivities

India's "Self-Preservation" narrative is heavily predicated on three interconnected concerns

- **Terrorism Links:** India has alleged "linkages of some of the unauthorised Rohingya immigrants with

Pakistan-based terror organisations and similar organisations operating in other countries," including claims of connections to ISIS and Al-Qaeda. The arrest of an alleged Al-Qaeda recruiter, Samiun Rahman, reportedly seeking to build a base using Rohingya, has been cited as evidence. Rohingya groups such as ARSA, RSO, and AMM are explicitly linked to terror outfits like Al Qaeda, LeT, and JMB, raising the perceived risk of radicalisation within India.

- **Illegal Immigration:** Under the provisions of the Foreigners Act, 1946, Rohingya are consistently classified as "illegal migrants," rendering them highly vulnerable to arbitrary detention and deportation. The government explicitly states that India is not their "first country of refuge," implying no international legal obligation to host them.
- **Communal Sensitivities:** The predominantly Muslim identity of the Rohingya, coupled with the rise of Hindu nationalist groups demanding their eviction, significantly fuels communal tensions within India. Xenophobic statements by government officials are seen to "fuel further violence against them and Bengali-speaking Muslims". This framing often protects the majority community from perceived threats from "radicalized Rohingyas". This consistent emphasis on "terrorism links" and "radicalization" serves as a powerful justification for the government's harsh stance, framing their presence as an existential threat to national security and resonating with existing anti-Muslim sentiments, consolidating its political base. This suggests the "weaponization of vulnerable refugee populations as political scapegoats".

Impact on Domestic Politics and Regional Stability

The Rohingya issue has transformed into a significant political battleground within India. The ruling BJP government consistently advocates for the removal of Rohingya, aligning with its broader nationalist agenda, while opposition parties, such as the West Bengal government, have adopted a "contrary position". This creates a "political tug-of-war," with accusations of hypocrisy, as seen with the Aam Aadmi Party (AAP). The Citizenship Amendment Act (CAA) 2019 further complicates the Rohingya's precarious status, providing a path to citizenship for non-Muslim refugees from specific neighbouring countries but explicitly excluding Muslims, including Rohingya. This legislation reflects a clear religious dimension in India's immigration policy, reinforcing discriminatory treatment.

For regional stability, the presence of Rohingya armed groups in Bangladesh camps could heighten anti-Rohingya sentiment in Myanmar and severely damage repatriation prospects. The intensification of insurgency by these groups would cause significant harm and increase refugee flows across borders. The ongoing conflict in Myanmar and resulting refugee movements pose direct border security challenges for India's northeastern states, as insurgent groups exploit the porous India-Myanmar border. The instability following Myanmar's 2021 military coup has particularly heightened these security issues, exemplified by the ethnic violence in Manipur. India's domestic policies, such as the CAA and the classification of Rohingya as

illegal immigrants, inadvertently push a greater burden onto Bangladesh, exacerbating the humanitarian crisis and potentially making refugee camps more fertile ground for armed groups. This creates a negative feedback loop where India's "self-preservation" policies, while seemingly protecting immediate national interests, contribute to regional instability, ultimately undermining India's long-term regional stability goals. Despite this, India has occasionally launched "Operation Insaniyat" to offer material aid to Rohingya refugees in Bangladesh, a "marginal adjustment" aimed at managing its international image while maintaining its internal restrictive policies.

Legal and Policy Framework

India's legal and policy framework concerning refugees, particularly the Rohingya, is characterised by a significant vacuum and a reliance on outdated domestic laws, leading to an inconsistent and often arbitrary approach. This framework illuminates the practical application of India's balancing act between its humanitarian ethos of 'Vasudhaiva Kutumbhakam' and its 'Self-Preservation' imperatives.

India's position on the 1951 Refugee Convention and absence of a national refugee law is a foundational aspect of its refugee policy. India is not a State Party to the 1951 Refugee Convention nor its 1967 Protocol. Consequently, India argues that it is not legally bound by the treaty obligations enshrined within these international instruments, including the crucial principle of non-refoulement under treaty law. Compounding this, India lacks a national refugee law or a formal, comprehensive legal framework to deal with refugees in a standardised manner. This absence results in an "ad-hoc and often arbitrary approach" to refugee management, leading to disparate treatment of different refugee populations based on India's shifting geopolitical and diplomatic interests. The strategic ambiguity of legal frameworks is a key observation, providing the government with significant flexibility to prioritise "national security" concerns over humanitarian obligations without directly violating international treaty law. Refugees in India are formally categorised as "Foreigners" according to the Foreigners Act of 1946, which defines a foreigner as an individual not holding Indian citizenship. While the Indian Constitution contains essential provisions like Article 14 (equality), Article 21 (right to life and personal liberty), and Articles 25-28 (freedom of conscience and religion) that generally apply to all individuals within its jurisdiction, the absence of specific refugee legislation prevents a clear differentiation between refugees and other foreign groups.

Judicial interpretations of India's refugee policy have seen a notable shift. Historically, Indian courts, particularly the Supreme Court, demonstrated a progressive stance in protecting refugees through broad interpretations of fundamental rights, especially Article 21 of the Constitution. Landmark judgments, such as *State of Arunachal Pradesh v. Khudiram Chakma* (1993), affirmed the protection of life and liberty for every human being, regardless of citizenship. However, in recent years, the Supreme Court's stance on the Rohingya has notably hardened. In *Mohammad Ismail v. Union of India* (2025), the Supreme Court refused to halt future deportations of Rohingya, unequivocally stating that the "right to reside" in India is exclusive to Indian citizens. The Court has acknowledged the government's "security concerns" and, in some instances, dismissed allegations of forced deportations as "fanciful ideas" lacking "prima facie

material". This judicial posture places an "almost insurmountable evidentiary burden" on vulnerable refugees. The Supreme Court has consistently reiterated that Rohingya, even those registered with UNHCR and holding their identity cards, are classified as "foreigners" under the Foreigners Act, 1946, and are thus subject to deportation. This represents a judicial retreat from humanitarian universalism under the pressure of state security narratives. Policies and statements from Indian government officials have consistently emphasised national security and immigration control. In August 2017, Kiren Rijiju, then Minister of State for Home Affairs, publicly declared that Rohingya are "illegal immigrants" and announced the government's plan to deport them, stating that India's non-signatory status to refugee accords absolves it of certain obligations. The Ministry of Home Affairs (MHA) officially classifies Rohingya as "illegal immigrants" and issues instructions for their deportation, consistently upholding this classification in official statements and legal submissions. The government has claimed to possess "evidence linking Rohingyas in India with terrorist organisations" and has warned of a "serious possibility of eruption of violence against Buddhists who are Indian citizens by radicalized Rohingyas". The Citizenship Amendment Act (CAA) 2019 further solidified this discriminatory approach, providing a path to citizenship for non-Muslim refugees from specific neighbouring countries but explicitly excluding Muslims, including Rohingya. This legislation is widely seen as discriminatory and reflective of "Islamophobic rhetoric". Recent reports, as of May 2025, have alleged alarming incidents where Indian authorities forced dozens of Rohingya refugees into the sea near Myanmar, drawing strong condemnation from UN officials. Despite this hardline domestic stance, India has launched "Operation Insaniyat" to offer material aid to Rohingya refugees in Bangladesh, indicating a nuanced diplomatic response aimed at managing its international image while maintaining its internal restrictive policies.

This dual approach reveals a substantial policy contradiction: projecting a humanitarian image internationally and regionally while domestically prioritising "self-preservation" interests, particularly those aligned with a nationalist agenda.

Political Discourse and Civil Society Response

India's political discourse and the responses from civil society concerning Rohingya refugees reveal a significant tension between the nation's historical humanitarian ethos and its contemporary 'Self-Preservation' imperatives. This dynamic significantly shapes both public opinion and government policy.

Parliamentary debates and political party positions highlight the government's consistent and hardline stance. The ruling Bharatiya Janata Party (BJP) government consistently advocates for the removal of Rohingya, classifying them as "illegal immigrants" and viewing their presence as a "perceived threat to India". This official position, articulated in August 2017 by Kiren Rijiju, then Minister of State for Home Affairs, states that India is not a signatory to refugee accords, thereby absolving it of certain obligations regarding their deportation. In parliamentary discussions and Supreme Court affidavits, the government's stance is justified by concerns over "Law and Order threat to the National Security," potential "demographic changes," and

the "destruction of indigenous culture in Border areas". The Citizenship Amendment Act (CAA) 2019 further solidified this discriminatory approach, providing a path to citizenship for non-Muslim refugees from specific neighbouring countries but explicitly excluding Muslims, including Rohingya, reflecting "Islamophobic rhetoric". Conversely, some opposition parties, such as the West Bengal government, have adopted a "contrary position," expressing support for Rohingya refugees, while the Aam Aadmi Party (AAP) has accused the BJP of hypocrisy, alleging secret resettlement while publicly calling for deportation, leading to a "political tug-of-war". This indicates that the Rohingya issue is deeply politicised, serving domestic political and electoral interests by weaponizing vulnerable refugee populations as political scapegoats.

Civil society organisations, non-governmental organisations (NGOs), and human rights groups serve as crucial counter-voices, challenging the government's narrative and advocating for Rohingya rights. Organisations like Amnesty International and Human Rights Watch document human rights abuses, arbitrary detentions (some lasting over a decade), deplorable living conditions, and the severe lack of access to legal aid, healthcare, and education. They urge India to uphold its international legal obligations, particularly the principle of non-refoulement, and recognise UNHCR-issued refugee cards for protection. Civil society's invocation of 'Vasudhaiva Kutumbhakam' highlights the "credibility gap" between India's stated ideals and its restrictive policies. Historically, their efforts have significantly impacted the Rohingya's quest for legal identity; for instance, community-led protests in 2012, supported by NGOs, prompted UNHCR to revamp its recognition policy and even led to the possibility of Long-Term Visas from the Indian government. NGOs and refugee-led initiatives also play a role in building translocal networks and providing support services for the community. However, their effectiveness is often hampered by limited access to detention centres and funding constraints, with the government actively marginalising these voices to control the narrative.

The media's framing and public opinion are profoundly shaped by these contrasting narratives. Indian media frequently oscillates between depicting Rohingya as "victims of persecution" and portraying them as "potential threats to national security". A significant portion of mainstream media employs an "intruder" narrative, consistently portraying Rohingya as illegal migrants who pose a threat to Indian society, thereby fostering xenophobia and Islamophobia. This negative framing often aligns strongly with and reinforces the government's official position, legitimising its hardline policies in the eyes of a significant portion of the public. Public opinion surveys indicate a "rather negative perception of the Rohingya among the Indian populace," particularly pronounced among Hindus and BJP supporters. Conversely, Muslims and Christians tend to hold more positive views. This reliance on mediated narratives, rather than direct personal experience, contributes to a "noticeable lack of vocal opposition" to government measures against the Rohingya. This politicisation of humanitarianism and the effective weaponization of the "self-preservation" argument in domestic politics underscore a strategic choice to prioritise perceived national interests over universal ethical obligations.

Comparative and International Perspective

India's approach to the Rohingya crisis stands as a unique case within a region largely characterised by "reluctant hospitality" towards this persecuted community. While Bangladesh initially demonstrated an "open-door policy" in 2017, accepting over 700,000 Rohingya, it now bears the immense burden of nearly one million refugees in Cox's Bazar, the world's largest refugee settlement, leading to significant domestic pressure and growing anti-Rohingya sentiment. This strain has led Bangladesh to actively seek India's help and even tentatively engage with the Arakan Army in Myanmar. Similarly, Malaysia, a primary destination for Rohingya due to shared faith and perceived job prospects, does not legally recognise refugees, classifying them as "illegal immigrants" and subjecting them to arrests and detentions. Malaysia has controversially "pushed boats full of Rohingya refugees back to sea", though it has also provided some minimal humanitarian support and its Prime Minister notably condemned Myanmar's treatment in 2016. The Association of Southeast Asian Nations (ASEAN) as a bloc has largely struggled to respond effectively, constrained by its principle of non-interference and lacking a robust legal framework for refugees, resulting in a "timid and painfully slow" collective effort that has failed to end violence or facilitate repatriation. Other regional actors like Thailand and Indonesia have also faced challenges, with Thailand maintaining a "push-back policy" for Rohingya, and Pakistan denying citizenship and ID cards to its significant Rohingya population, rendering them vulnerable. Across the region, including India, the prioritisation of perceived national interests such as security, economic stability, and demographic concerns often overshadows universal humanitarian obligations, leading to common classifications of Rohingya as "illegal immigrants" and the implementation of restrictive policies.

The United Nations High Commissioner for Refugees (UNHCR) plays a pivotal role in advocating for Rohingya rights, actively registering Rohingya refugees and issuing them identity cards in various host countries, including India. Global refugee norms, primarily articulated in the 1951 Refugee Convention and its 1967 Protocol, enshrine the principle of non-refoulement, which strictly prohibits the forced return of individuals to places where they face a serious risk of persecution. This principle is widely regarded as a fundamental tenet of international customary law, binding upon all states regardless of their treaty ratification status. However, India's stance remains notably divergent; it is not a State Party to the 1951 Refugee Convention nor its 1967 Protocol. Consequently, India argues it is not legally bound by these treaty obligations. Crucially, the Indian government explicitly states it does not recognise UNHCR-issued cards for legal protection or status, consistently treating Rohingya as "illegal immigrants". This policy leaves Rohingya highly vulnerable to arbitrary detention and deportation, actions that have drawn strong condemnation from UN officials as "inhumane" and a "blatant disregard for the lives and safety of those who require international protection". This disconnect between established global refugee norms and India's state practice reveals a clear prioritisation of national sovereignty and "self-preservation" over universal humanitarian principles.

India's diplomatic posture regarding the Rohingya crisis is significantly influenced by key international and regional

actors. The Organisation of Islamic Cooperation (OIC), as an intergovernmental body representing Muslim-majority states, actively advocates for the rights of Muslim communities globally, including the Rohingya, thereby exerting implicit diplomatic pressure on India. More significantly, China plays a pivotal role as Myanmar's most powerful protector within the UN system. Beijing consistently emphasises "respect for Myanmar's sovereignty" and "noninterference norms", opposing humanitarian intervention due to its own human rights record and substantial economic investments in Myanmar, such as the China-Myanmar Economic Corridor and the Kyaukphyu deep-sea port. China's robust diplomatic and economic backing effectively limits the international community's ability to pressure Myanmar, which indirectly affects India's policy options. Lastly, the internal situation in Myanmar itself, with continued persecution and civil war, directly influences India's diplomatic calculus. India seeks to maintain "good relations with Naypyitaw" due to its strategic Act East Policy and its broader competition with China for influence in the region. India's "non-response to the Rohingya crisis in 2017" demonstrated that human rights would not be the primary factor in its bilateral policy with Myanmar. This intricate geopolitical interplay forces India into a "realpolitik" approach, where its "self-preservation" interests in regional power dynamics and economic corridors take precedence over its 'Vasudhaiva Kutumbhakam' values, resulting in a cautious and often contradictory foreign policy.

Geopolitical Implications

India's response to the Rohingya crisis is deeply embedded within a complex web of geopolitical considerations, significantly influencing its policy choices and often leading to a "realpolitik" approach that prioritises state interests over humanitarian concerns.

India's strategic relationship with Myanmar is paramount due to their shared 1,643-kilometre land border and India's broader geopolitical objectives in Southeast Asia. Historically, India has maintained cordial ties with Myanmar, even after the 1962 military coup, prioritising stability and cultivating an ally against China and for tackling separatist insurgencies operating from Myanmar's soil. This long-standing prioritisation of strategic interests over internal political systems or human rights concerns in Myanmar has continued, as evidenced by India's "non-response to the Rohingya crisis in 2017", where it refrained from criticising Myanmar's brutal military crackdown. This decision was calculated to maintain "good relations with Naypyitaw" in the face of its wider competition with China and its determination to implement the Act East Policy. India continues to offer diplomatic support, high-level visits, technical assistance, and economic engagement, including arms sales, to the military regime, underscoring its commitment to state-to-state relations and regional stability, even at the cost of its democratic credentials.

The porous India-Myanmar border presents significant challenges for India's border management and directly impacts the success of its Act East Policy. The ongoing conflict in Myanmar, particularly involving the Rohingya, has led to cross-border movements that risk destabilisation in India's northeastern states, where insurgent groups have historically found refuge. The instability following Myanmar's 2021 military coup has heightened these security

issues, exemplified by the ethnic violence in Manipur. India has responded by strengthening border security through electronic surveillance and vulnerability mapping. India's Act East Policy aims to enhance connectivity and economic integration with Southeast Asia, with Myanmar serving as a critical gateway for projects like the Kaladan Multi-Modal Transit Transport Project. The Rohingya crisis, by contributing to instability in Rakhine State, directly impacts the viability and security of these vital infrastructure projects, and the presence of armed groups further complicates border management and humanitarian efforts, creating a continuous influx of refugees and placing immense pressure on resources in India's border regions.

China's influence in Myanmar is a critical factor in the regional balance of power and significantly impacts India's strategic calculations. China views Myanmar as a vital component of its Belt and Road Initiative (BRI), providing access to the Indian Ocean and bypassing the strategic Malacca Strait. Beijing consistently emphasises "respect for Myanmar's sovereignty" and "noninterference norms", opposing humanitarian intervention due to its own human rights record and substantial economic investments, such as the China-Myanmar Economic Corridor (CMEC) and the Kyaukphyu deep-sea port. China's robust diplomatic and economic backing effectively limits the international community's ability to pressure Myanmar, indirectly affecting India's policy options. For India, Myanmar is seen as a buffer against China's growing influence in South Asia, and India seeks to counterbalance China's dominance and secure its strategic interests in the Bay of Bengal and the Indo-Pacific. The political chaos in Myanmar complicates this competition, leading India to engage more directly with groups like the Arakan Army in an effort to counterbalance China's influence in western Myanmar.

India's diplomatic engagement at the UN and global forums regarding the Rohingya crisis has been cautious and often contradictory. While India has, in the past, called upon Myanmar to address issues concerning the Rohingya and ensure their protection, its overall stance has been muted compared to strong international condemnations. For instance, despite the UN High Commissioner for Human Rights terming the Rohingya situation a "textbook example of ethnic cleansing," India initially labelled them as "illegal migrants". India's non-signatory status to the 1951 Refugee Convention and its 1967 Protocol allows it to argue it is not legally bound by treaty obligations, including the principle of non-refoulement. However, human rights organisations and UN special rapporteurs argue that India is still bound by customary international law and its commitments under other human rights treaties (e.g., ICCPR, CAT) to prevent forced returns to places of persecution. Recent alleged incidents of forced sea deportations of Rohingya by Indian authorities have drawn strong international condemnation, with UN officials calling them "inhumane" and a "blatant disregard for lives". This highlights the tension between India's desire to be seen as a responsible global leader and its actions, which often prioritise national security and sovereignty over universal human rights principles. Despite its hardline domestic stance, India has made "marginal adjustments" such as launching "Operation Insaniyat" to offer aid to Rohingya in Bangladesh, a nuanced diplomatic move to manage its international image while maintaining its internal policy.

Ethical Universalism vs. Realist Nationalism

India's complex approach to the Rohingya crisis serves as a compelling illustration of the profound tension between ethical universalism and realist nationalism. This section applies International Relations (IR) theories to dissect India's policy choices, highlighting the inherent conflict between its civilizational ethos and its perceived state interests.

From a realist perspective, India's policy is demonstrably driven by its "self-preservation" imperatives, where national interest, security, and survival are paramount in an anarchic international system. India's concerns about demographic shifts, the strain on public services, and the potential for radicalisation and terrorism links among Rohingya refugees align directly with a realist calculus. The consistent classification of Rohingya as "illegal immigrants" and the strong emphasis on border security and internal stability reflect a state prioritising its sovereign control and national well-being above humanitarian considerations. Furthermore, India's strategic ties with Myanmar, largely driven by its Act East Policy and the critical need to counterbalance China's growing influence in the region, represent classic realist foreign policy objectives. In this framework, human rights concerns are often subordinated to geopolitical advantage. India's deliberate non-ratification of the 1951 Refugee Convention and the absence of a comprehensive national refugee law can also be seen as a strategic choice to retain maximum flexibility and avoid external constraints on its sovereignty, a hallmark of realist state behaviour.

In contrast, a constructivist approach emphasises the crucial role of ideas, norms, and identities in shaping state behaviour. India's civilizational ethos of 'Vasudhaiva Kutumbhakam', meaning "the world is one family", stands as a powerful constructivist ideal, promoting global unity and universal brotherhood. India's historical record of accepting diverse refugee groups, such as Tibetans, Sri Lankan Tamils, and Afghans, aligns with this identity as a compassionate and hospitable nation. However, the marked divergence in policy towards the Rohingya suggests a fundamental shift in India's self-perception or the dominant ideas shaping its identity. The rise of Hindu nationalism and the politicisation of the Rohingya issue, framing them as "illegal immigrants" and security threats, represent a reconstruction of national identity that prioritises a more exclusive, ethno-religious definition of "family". This re-framing effectively "others" the Rohingya, making it politically permissible to treat them differently from previous refugee groups and leading to a selective application of 'Vasudhaiva Kutumbhakam'.

The Rohingya crisis vividly illustrates the profound tension between India's deeply rooted civilizational values and its contemporary state interests. While 'Vasudhaiva Kutumbhakam' calls for a universalistic approach, implying a moral obligation to protect the vulnerable regardless of origin or religion, the state's interests, framed through a realist lens, consistently prioritise national security, demographic stability, economic concerns, and geopolitical leverage. The government's consistent portrayal of Rohingya as "illegal immigrants" and potential security threats, coupled with the discriminatory provisions of the Citizenship Amendment Act (CAA), demonstrates a clear prioritisation of these state interests. This divergence is not merely a policy choice but reflects a deeper ideological

struggle within India's foreign policy identity, where the universalistic ideal is constrained by particularistic national interests, especially when the refugee population is perceived to challenge the state's security or demographic balance, or when their religious identity does not align with the dominant political narrative.

A critical analysis suggests that India's policy on the Rohingya crisis, despite some humanitarian gestures like aid to Bangladesh, predominantly leans towards realist nationalism. The repeated emphasis on national security concerns, including alleged terrorism links and demographic threats, serves as the primary justification for its restrictive and often harsh policies. The absence of a national refugee law and the non-recognition of UNHCR cards provide the legal flexibility for this realistic approach, allowing the government to maintain discretionary control and avoid international accountability. The influence of domestic politics, particularly the rise of Hindu nationalism, plays a significant role in this leaning, as the "weaponization of vulnerable refugee populations as political scapegoats" and the media's role in constructing an "otherness" around the Rohingya indicate that the "self-preservation" argument is deeply intertwined with internal political agendas. Furthermore, geopolitical considerations, such as maintaining strategic ties with Myanmar to counterbalance China, reinforce this realist stance, leading to a muted response to Myanmar's atrocities and a prioritisation of strategic interests over human rights advocacy. Thus, while the ideal of 'Vasudhaiva Kutumbhakam' remains engraved in India's national consciousness, its practical application in the Rohingya crisis appears to be largely symbolic or selectively applied, indicating a significant shift towards a more pragmatic, state-centric approach where the boundaries of the "one family" are increasingly defined by nationalistic and security considerations.

Findings

The analysis of the Rohingya refugee crisis in India reveals a complex interplay of historical persecution, humanitarian imperatives, and pragmatic national interests, largely manifesting as a tension between India's civilizational ethos of 'Vasudhaiva Kutumbhakam' and its 'Self-Preservation' concerns. This section details these findings, examining the Rohingya's precarious status, India's evolving policy, the crucial role of networks in displacement, and the broader geopolitical landscape.

1. The Root Cause: Rohingya Statelessness and Protracted Displacement

Our findings underscore that the fundamental cause of the Rohingya's plight is their statelessness, deliberately imposed by Myanmar's 1982 Citizenship Act. This legislative act stripped them of their Burmese citizenship, effectively denying them fundamental rights such as access to education, healthcare, and employment within their ancestral homeland in Rakhine State. As a result, the Rohingya are recognized as the largest stateless population globally.

Their history is marked by systematic discrimination, persecution, and state-sponsored violence, which the United Nations has characterized as "ethnic cleansing," and the United States has officially recognized as genocide and crimes against humanity. This sustained persecution has driven multiple waves of forced displacement, notably in

1977-78, 1989, 1991-92, and 2012. The most severe exodus occurred in August 2017, when over 700,000 Rohingya fled a brutal military crackdown, primarily seeking refuge in Bangladesh. Today, nearly one million Rohingya reside in the overcrowded camps of Cox's Bazar, Bangladesh, forming the world's largest refugee settlement. The situation has been further exacerbated by the post-2021 military coup in Myanmar, with ongoing civil war and human rights abuses creating an environment where prospects for safe return remain dim. Even within Rakhine State, an estimated 600,000 Rohingya remain internally displaced, facing severe movement restrictions and limited access to basic services.

2. India's Dual Approach: Humanitarian Ethos vs. National Interest

India's response to the Rohingya crisis presents a contradictory stance, diverging sharply from its historical tradition of providing sanctuary to various persecuted groups. While India has a "long record of helping vulnerable populations" and its history is "replete with examples of large-scale refugee absorption" from Partition refugees in 1947 to Tibetans, Chakmas, Sri Lankan Tamils, and Afghans, its approach to the Rohingya is notably restrictive. The Indian government consistently classifies Rohingya as "illegal immigrants" rather than refugees, despite many being registered with the UNHCR. This selective application of 'Vasudhaiva Kutumbhakam', India's philosophy of "the world is one family," highlights an unofficial "hierarchy of refugees" based on perceived national interests, religious identity, and geopolitical considerations.

This dual approach is evident in several key policy aspects

- **Legal Framework:** India is not a signatory to the 1951 Refugee Convention or its 1967 Protocol. Consequently, it argues it is not legally bound by principles like non-refoulement under treaty law. The country lacks a national refugee law or comprehensive legal framework, leading to an "ad-hoc and often arbitrary approach" to refugee management. Rohingya are formally categorized as "Foreigners" under the outdated Foreigners Act of 1946, which fails to differentiate them from other non-citizens, rendering them vulnerable to arbitrary detention and deportation.
- **Government Stance and Legislation:** The Ministry of Home Affairs plays a central role, officially classifying Rohingya as "illegal immigrants" and issuing deportation instructions. The Citizenship Amendment Act (CAA) 2019 further solidified this discriminatory approach by providing a path to citizenship for non-Muslim refugees from Afghanistan, Bangladesh, and Pakistan, while explicitly excluding Muslims, including Rohingya. This policy is widely perceived as discriminatory and reflective of "Islamophobic rhetoric".
- **Contradictory Actions:** While maintaining a hardline domestic stance, India launched "Operation Insaniyat" to provide humanitarian aid to Rohingya refugees in Bangladesh. This initiative, primarily focused on assistance outside its borders, demonstrates a "nuanced diplomatic response" aimed at managing its

international image as a "responsible stakeholder" while prioritizing "self-preservation" domestically.

3. Rebuilding Networks in Displacement: From Translocal to Multi-Sited Transnationalism

Despite their precarious legal status, Rohingya refugees in India have actively rebuilt and leveraged networks, demonstrating a shift from predominantly translocal to increasingly multi-sited transnational connections over time.

- **Early Translocal Network Building:** For early Rohingya arrivals in India, translocal spaces and encounters were crucial for rebuilding community networks and establishing support with local civil society actors, ultimately cementing the notion of a 'Rohingya refugee community' in India.
- Dalals (agents) were critical in helping refugees navigate dangerous border crossings and connect with existing Rohingya populations in cities like Delhi or Jammu, serving as key nodes in commercial migration infrastructures.
- Extended transnational networks back home also played a role, enabling some early arrivals to reconnect with family members in India, often after periods of isolation.
- Collective protest and refugee mobilisation, such as the 5000+ strong sit-in in Delhi in 2011-2012, acted as a significant translocal network-building space. This protest was pivotal, prompting the UNHCR to recognize Rohingya in India and even leading to the government issuing long-term visas for a brief period. It also fostered informal leadership networks and attracted support from charitable trusts and civil society organizations.
- The UNHCR office itself emerged as a key translocal network-building space. Routine encounters there allowed refugees to connect, share information, and influence future mobility decisions. Interpreters hired by the UNHCR facilitated connections and provided crucial assistance, eventually catalysing refugee advocacy efforts and the establishment of refugee-led organizations.
- Even today, community WhatsApp groups serve as vital translocal digital spaces, connecting refugees within and across cities in India, providing information, support, and a platform to share grievances.
- **Shift to Multi-Sited Transnationalism:** The internationalization of the Rohingya crisis and the transnationalization of the Rohingya diaspora over the last decade, driven by multiple waves of displacement and resettlement schemes, has prompted a significant shift towards multi-sited transnationalism.
- This is particularly reflected in the emergence of multi-sited transnational families, with members resettled in countries like the United States, Canada, Australia, and Malaysia. Contact with these family members, often re-established after years, facilitates journeys, settlement decisions, and everyday lives in India.
- Remittances from resettled family members abroad provide crucial financial support, carrying deep emotional and social significance as investments in the future of those in India.
- Digital transnational spaces are increasingly important, especially for younger refugees. Platforms like

YouTube allow them to learn about different Rohingya diasporas, understand their experiences, and connect with individuals globally, transcending physical barriers. These online avenues function as distinct two-way modes for connection and even facilitate real-world assistance and community building. While translocal networks remain critical, they are now often "constituted, mediated and supplemented by influential, pre-existing transnational networks of a global nature".

4. Security Concerns and Politicization of Refugees

India's policy is heavily influenced by "Self-Preservation" concerns, often prioritizing national security over humanitarian considerations.

- **Demographic and Security Apprehensions:** The Indian government expresses significant fears regarding the potential demographic impact of Rohingya refugees, particularly in sensitive border areas. These fears extend to perceived strain on public services, labor market distortion, and land encroachment, often leading to conflicts with local populations.
- **Intelligence Agencies and Securitization:** The Ministry of Home Affairs and intelligence agencies have played a central and decisive role, raising "serious concerns about the threat to the country's internal security". These concerns include alleged links between "unauthorised Rohingya immigrants" and "Pakistan-based terror organisations" and other global terror outfits like ISIS and Al-Qaeda. The government has cited specific arrests and links to Rohingya armed groups like ARSA and RSO as evidence. This approach signifies a "securitization" of refugee management, viewing their presence primarily through a national security lens rather than humanitarian protection.
- **Domestic Politics and Communal Sensitivities:** The Rohingya issue has become a political battleground, with the ruling Bharatiya Janata Party (BJP) consistently advocating for their removal, aligning with its broader Hindu nationalist agenda. The predominantly Muslim identity of the Rohingya, coupled with the rise of Hindu nationalist groups, fuels communal tensions. The government's consistent framing of Rohingya as "illegal immigrants" and security threats aligns with and reinforces existing xenophobic and Islamophobic sentiments within certain segments of the populace, leading to the "weaponization of vulnerable refugee populations as political scapegoats". Public opinion is largely influenced by government and media rhetoric rather than direct experience, contributing to a "noticeable lack of vocal opposition" to government measures.

5. Judicial Retreat from Humanitarian Universalism

Historically, Indian courts, particularly the Supreme Court, have adopted a progressive stance, extending fundamental rights like the right to life and personal liberty (Article 21) to both citizens and non-citizens. Landmark judgments affirmed protection regardless of citizenship. However, in recent years, the Supreme Court's stance on the Rohingya has notably hardened. In a significant shift, the Court has refused to halt deportations, stating that the "right to reside" in India is exclusive to Indian citizens and acknowledging

the government's "security concerns". This judicial posture places an "almost insurmountable evidentiary burden" on vulnerable refugees and reinforces the executive's hardline stance, effectively aligning the judiciary with the "self-preservation" agenda and eroding judicial oversight as a safeguard against arbitrary state action.

6. Regional Implications and Geopolitical Constraints

The Rohingya crisis has profound regional implications and India's response is shaped by complex geopolitical dynamics

- **Burden on Bangladesh:** Bangladesh bears the most significant burden, hosting nearly one million Rohingya, leading to immense strain, growing anti-Rohingya sentiment, and fears of radicalization within the camps. This creates a "spillover" effect, pushing refugees towards secondary destinations like India as Bangladesh's capacity is strained.
- **"Reluctant Hospitality" in the Region:** A broader regional trend of "reluctant hospitality" towards Rohingya is observed, with most countries, including Malaysia and Thailand, prioritizing national interests (security, economic stability) over humanitarian obligations. ASEAN's foundational principle of non-interference severely limits its collective ability to address the crisis, demonstrating a failure to establish a unified, rights-based regional refugee policy.
- **Strategic Ties with Myanmar and China's Influence:** India prioritizes maintaining "good relations with Naypyitaw" (Myanmar's capital) due to its strategic Act East Policy and its competition with China for regional influence. India's "non-response to the Rohingya crisis in 2017" was a calculated decision to preserve these ties. The porous India-Myanmar border also presents significant security challenges, with insurgent groups exploiting the instability to plan operations. China plays a pivotal role as Myanmar's most powerful protector within the UN system, emphasizing "respect for Myanmar's sovereignty" and "noninterference" due to its own human rights record and vast economic investments like the China-Myanmar Economic Corridor (CMEC). China's strong backing limits international pressure on Myanmar, indirectly affecting India's policy options and reinforcing India's "realpolitik" approach where strategic interests often override humanitarian advocacy.

In conclusion, India's policy on the Rohingya crisis predominantly leans towards realist nationalism, driven by perceived national security threats, domestic political considerations, and geopolitical competition, which often takes precedence over its historical commitment to ethical universalism and humanitarian principles. This results in a complex, often contradictory, and largely discriminatory approach to this vulnerable population.

Conclusion

The analysis of India's approach to the Rohingya crisis reveals a complex and evolving refugee policy, marked by a profound tension between its deeply ingrained civilisational ethos of Vasudhaiva Kutumbhakam ("the world is one family") and its pragmatic Self-Preservation imperatives.

Reflection on India's Evolving Refugee Policy Historically, India has maintained a "long record of helping vulnerable populations fleeing from neighboring countries", rooted in its "ancient traditions of compassion and hospitality". This is evidenced by its acceptance of millions of refugees, including Partition refugees, Tibetans, Chakmas, Sri Lankan Tamils, and Afghans, often providing them with varying degrees of integration and support. However, India's approach to the Rohingya "stands in stark contrast" to this historical generosity. The government consistently classifies Rohingya as "illegal immigrants" rather than refugees, a position maintained despite many being registered with the UNHCR. This has led to a "selective application of 'Vasudhaiva Kutumbhakam'" and the emergence of an "unofficial 'hierarchy of refugees'" in India, where humanitarian protection is now influenced by perceived national interests, religious identity, and geopolitical considerations.

This shift is significantly driven by "Self-Preservation" concerns, including apprehensions regarding demographic impact, strain on public services, and particularly "Law and Order threat to the National Security", with alleged links to "terrorist organisation[s]" cited by the government and intelligence agencies. The absence of a national refugee law, coupled with India's non-signatory status to the 1951 Refugee Convention, provides the government with "strategic ambiguity of legal frameworks" allowing for an "ad-hoc and often arbitrary approach" to refugee management. The Citizenship Amendment Act (CAA) 2019 further solidified this discriminatory approach by explicitly excluding Muslims, including Rohingya, from a path to citizenship, reflecting what is widely seen as "Islamophobic rhetoric". While India has made some "marginal adjustment[s]" like "Operation Insaniyat" to provide aid to Rohingya in Bangladesh, these are primarily aimed at "managing its international image" while maintaining restrictive internal policies. This dual approach demonstrates a "substantial policy contradiction". The judicial stance has also notably hardened in recent years, reinforcing the executive's hardline position and placing an "almost insurmountable evidentiary burden" on vulnerable refugees. Ultimately, India's policy on the Rohingya crisis "predominantly leans towards realist nationalism", where perceived national interests often take precedence over its historical commitment to ethical universalism and humanitarian principles.

Future Outlook: Need for a Balanced, Rights-Based, and Strategic Framework The current contradictory and largely discriminatory approach by India not only impacts the Rohingya severely but also creates a "credibility gap" between India's stated ideals and its restrictive policies. The crisis, originating in Myanmar, has profound and widespread regional implications, with Bangladesh bearing the most significant burden and a regional trend of "reluctant hospitality" exacerbating the situation. India's domestic policies, such as the CAA and the classification of Rohingya as illegal immigrants, inadvertently push a greater burden onto Bangladesh, potentially making refugee camps more fertile ground for armed groups and thus contributing to regional instability, which ultimately undermines India's own long-term strategic goals.

The disconnect between established global refugee norms – particularly the principle of non-refoulement, which is considered international customary law – and India's state

practice reveals a clear prioritisation of national sovereignty over universal humanitarian principles. For India to truly embody Vasudhaiva Kutumbhakam and assert its role as a responsible global leader, a more balanced, rights-based, and strategic framework is essential. This would involve finding a way to reconcile its legitimate security and demographic concerns with its moral and ethical obligations, moving beyond the current "politicization of humanitarianism" and the "weaponization of vulnerable refugee populations as political scapegoats".

Policy Recommendations To move towards a more coherent and humane refugee policy, India could consider the following

- **Establish a Comprehensive National Refugee Law:** Replacing the ad-hoc approach based on the outdated Foreigners Act of 1946 with a formal, comprehensive legal framework would provide consistency and clarity in refugee management, aligning with international best practices and offering better protection for all displaced populations.
- **Recognise UNHCR-Issued Refugee Cards:** Granting legal validity to UNHCR-issued identity cards would provide a basic level of legal protection and status to registered Rohingya refugees, moving beyond their current precarious classification as "illegal immigrants" and reducing their vulnerability to arbitrary detention and deportation.
- **Uphold the Principle of Non-Refoulement:** Regardless of its non-signatory status to the 1951 Refugee Convention, India is widely considered bound by the customary international law principle of non-refoulement. Adhering to this principle would ensure that no individual is forcibly returned to a place where they face persecution, thus preventing "inhumane" actions like alleged forced sea deportations.
- **De-securitise the Refugee Discourse:** Shift the primary framing of Rohingya from a national security threat to a humanitarian issue, mitigating xenophobic and Islamophobic narratives often amplified by government and media. This would allow for more objective policy-making based on human rights and needs, rather than fear-mongering and political expediency.
- **Enhance Regional Cooperation:** Actively engage with Bangladesh, ASEAN, and other South Asian nations to develop coordinated regional responses and burden-sharing mechanisms for refugee crises. Addressing the crisis collectively, rather than through isolated national policies, is crucial for long-term regional stability and managing cross-border movements effectively.
- **Reinforce Judicial Safeguards:** Encourage the judiciary to reassert its historical progressive stance in protecting fundamental rights for all individuals, including non-citizens, thereby providing a crucial check against executive overreach and ensuring adherence to constitutional principles of equality and liberty.

By adopting a more balanced and rights-based approach, India has the opportunity to align its foreign policy actions with its stated civilisational ideals, strengthening its democratic credentials and solidifying its standing as a responsible global leader in an increasingly interconnected world.

Reference

1. A timeline of the Rohingya crisis - Doctors Without Borders.
2. Statelessness – the Root Cause of the Rohingya Crisis – Needs to Be Addressed, New Lines Institute.
3. Myanmar: New Atrocities Against Rohingya - Human Rights Watch.
4. A Lifetime in Detention: Rohingya Refugees in India, Refugees International.
5. India: Don't Forcibly Return Rohingya Refugees - Human Rights Watch.
6. UN agency, Rohingya refugees allege Indian authorities cast dozens of them into the sea near Myanmar | AP News.
7. The displaced and stateless of myanmar in the asia, unhr.
8. Sri Lanka's Obligations Towards Rohingya Asylum Seekers - Groundviews.
9. the denied rights and endangered identities: indian approach towards rohingyas amidst humanitarian crisis - University of Delhi.
10. Rohingya emergency | UNHCR US.
11. A Timeline of Rohingya History | Burma's Path to Genocide.
12. Rohingya people - Wikipedia.
13. Rohingya crisis | UNICEF.
14. Examining India's stance on the Rohingya crisis, ORF.
15. Refugees in India - Wikipedia.
16. India: Stop Unlawful Deportations and Protect Rohingya Refugees, Amnesty International.
17. From Haven to Hostility: India's Changing Immigration Policy on Rohingya Refugees, JURIST.
18. Rohingya refugees in India - Wikipedia.
19. India's Obligations Towards The Rohingya - Only IAS.
20. en.wikipedia.org (Vasudhaiva Kutumbakam).
21. Friday Focus: Vasudhaiva Kutumbakam | UAF news and information.
22. Vasudhaiva Kutumbakam: India's G20 presidency in shaping the global governance - Political Science Journal.
23. Vasudhaiva Kutumbakam in India's Foreign Policy: A Historical and Contemporary Analysis, ResearchGate.
24. Seminar on 'Vasudhaiva Kutumbakam: Relevance of India's Ancient Thinking to Contemporary Strategic Reality', VIF India.
25. An Overview of India's Refugee Policy. - SMA Legal.
26. The Historical Roots and Legal Implications of Rohingya Migration towards India, Refugee Law Initiative.
27. Right to reside is only for Indian citizens, not for Rohingyas, rules Supreme Court, The Economic Times.