

## Supreme Court on Rohingya issue

### Why in News?

The Supreme Court has decided to examine whether illegal immigrants are entitled to refugee status in the context of the Rohingya Muslims of Myanmar.

### What is the debate?

- There is an opinion that they breach the law because they are **undocumented**.
- Obviously, those escaping persecution in their home country are invariably undocumented.
- There is another opinion that those fleeing conditions of war or conflict should be **treated as refugees first** before their cases can be examined in detail, and deemed fit for deportation as illegal entrants.

### What is the definition?

- The **Government of India** defines **illegal immigrant** as any foreigner,
  1. Entering India without valid travel documents, or
  2. Overstays a permitted period of stay.

### What do the court's decision mean?

- The court's decision to go into the issue, offers an opportunity to clarify India's approach to the refugee question.
- It will be strange if any court holds that no illegal immigrant is entitled to refugee status, as it would amount to a denial of the very existence of refugees as a class.

### Why a positive ruling is needed?

- The Centre is taking a stand against treating the Rohingya as refugees.
- So, a positive ruling is needed from the apex court to prevent their forcible deportation.

### What is India's position?

- India is not a signatory to the UN Convention on the Status of Refugees, 1951.

- It has also not signed a Protocol adopted in 1967 on the subject.
- However, since Independence it has by and large adhered to the larger humanitarian principles underlying these instruments.
- India's approach has generally been favourable to vulnerable entrants, but is stridently hostile to the Rohingya.

### What is the concern?

- The present regime is determined to deport the Rohingya,
  1. In utter disregard of the danger to their lives in Myanmar, and
  2. In violation of the principle of non-refoulement.
- It will be amoral and unjust if this most vulnerable group from Myanmar's Rakhine states is denied refugee status.

### Why is the government keen to deport?

- Its keenness is rooted in the technicalities of its **citizenship law**.
- It rules out giving citizenship by registration to such illegal immigrants.
- The amendments it proposes to the Citizenship **Act do not cover Muslim immigrants** and are limited to persecuted Afghan, Bangladeshi and Pakistani minorities.

### Why the government shouldn't deport?

- India should not besmirch its fine record of humane treatment of refugees by pursuing the deportation option without relent.
- India should work with the world community on the voluntary repatriation of the Rohingya.

**Source: The Hindu**

### Quick facts

#### Principle of non-refoulement

- Non-refoulement is a fundamental principle of international law.
- It **prohibits states from forcibly returning refugees** to conditions that caused them to flee their homes in the first place, where they would be likely in **danger of persecution** based on race, religion, nationality, membership of a particular social group or political opinion.



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