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 lawbecause 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 stateis 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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