

SC TURNS DOWN RELEASE OF ROHINGYA IN JAMMU

Relevant for: Indian Polity | Topic: Indian Constitution - Features & Significant Provisions related to Fundamental Rights, Directive Principles and Fundamental Duties

“The rights guaranteed under Articles 14 (equality) and 21 (due process of law) are available to all persons who may or may not be citizens.” But the right not to be deported is ancillary to the right to reside or settle in any part of India under Article 19(1)(e),” the court said.

But the right not to be deported, is ancillary or concomitant to the right to reside or settle in any part of the territory of India guaranteed under Article 19(1)(e),” the court observed. Article 19 (1) (e) of the Constitution guarantees to every citizen of India, the right “to reside and settle in any part of the territory of India”.

In its six-page order, the court said it was “not possible” to agree with the plea of Mohammad Salimullah, a member of the Rohingya community represented by advocates Prashant Bhushan and Cheryl d’Souza, to “release the detained Rohingya refugees immediately and direct the Union Territory government and the Ministry of Home Affairs to expeditiously grant refugee identification cards through the FRRO for the Rohingya in the informal camps”.

However, the CJI, who pronounced the order, made it clear to the authorities that the “Rohingya in Jammu shall not be deported until the procedure is followed”.

The direction is in response to a request by Mr. Salimullah for an order to the Centre to refrain from implementing any orders on deporting the Rohingya refugees who have been detained in the sub-jail in Jammu.

“They are illegal immigrants. We are in touch with Myanmar. Once Myanmar confirms their nationality, they will be deported... India is not the capital of the immigrants of the world,” Solicitor General Tushar Mehta, for the government, had argued.

“But will the word of a military government that has seized power through a coup be enough for the Indian government? Is this country not obliged to maintain the guarantee of right to life,” Mr. Bhushan had asked.

But the Supreme Court order refrained from passing any remarks about the “present state of affairs in Myanmar”. “We cannot comment upon something happening in another country,” the court said.

END

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