

India cannot be a refugee capital: govt.

"The conditions are inhuman. There is no access to either schools or hospitals," Mr. Bhushan submitted.

Justice D.Y. Chandrachud observed that the court did acknowledge the humanitarian aspects in Mr. Bhushan's submissions, but asked whether judicial standards of India, which applied to refugees already living on Indian soil, would apply to those attempting to enter the country.

Senior advocate Rajeev Dhavan, an intervenor, said: "Somebody comes to your border and says I am a refugee. It has to be determined whether he is a refugee. He cannot be blindly pushed back... then what is the commitment of India to refugee determination? Several high courts have upheld the right to refugee determination. Let the government deal with it diplomatically, but this court should also decide on its own."

Senior advocate Ashwini Kumar, also for the refugees, said "minimum humanitarian morality" should be shown to the Rohingya refugees at the border.

"We cannot push them back to the jaws of death. You cannot deny a man his right to life. The Supreme Court has to intervene as the ultimate protector of life," Mr. Kumar submitted.

Senior advocate Gopal Subramaniam, for NHRC, submitted that the issue of how to deal with refugees trying to enter the border should be diplomatically resolved.

Mr. Subramaniam argued that the Rohingya refugees in India were "benefited by the non-refoulement (practice of not returning refugees to a country where they would be persecuted).

"So are you saying people who come should be allowed to come? What are you saying? Should they be allowed or not," Chief Justice Misra asked the NHRC counsel. Mr. Subramaniam replied that he did not have any instructions on that point.

The Supreme Court has said it would want to balance national interests with humanitarian concern about the refugees.

The court is hearing a bunch of petitions, one filed by persons within the Rohingya community, against a proposed move to deport over 40,000 Rohingya refugees.

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