

Targeting refugees — Centre's position on Rohingya

The Union government's position that it considers [Rohingya refugees from Myanmar's Rakhine state as a potential security threat](#) is a disturbing attempt to paint the persecuted community in a poor light so that it could justify their deportation in future. While some degree of caution is necessary in dealing with any unusual flow of refugees from a conflict-hit region, the imputation of collective motivation to the Rohingya refugees in the country, estimated to number about 40,000, is heartless. The Centre's affidavit in the Supreme Court contains self-serving arguments: that providing for refugees from out of the country's limited resources would have an adverse impact on its citizens, as they would be deprived of their legitimate share in employment, housing, educational and medical facilities; that there is growing stridency in [Rohingya militancy](#); and that Buddhist citizens face threat of violence from the refugees. Whether or not these assertions are based on facts, they disregard the wider context. Myanmar refuses to accept most Rohingya as its citizens, rendering them stateless, and hundreds of thousands have fled to Bangladesh in just the past few weeks. The intention to deport them by itself constitutes an unusual abandonment of humanitarian principles, as India has an exemplary record in taking care of refugees from many countries since Independence. India is not a signatory to the UN Convention on Refugees, 1951, but it has so far adhered to its normative standards. It has played host to refugees of all hues, and stood by the principle of non-refoulement, under which refugees cannot be forced to return to conditions of danger.

Non-refoulement has now evolved into a peremptory norm that every country is expected to follow. The existing law on the subject as well as some judicial decisions do support the norm that deportation of illegal immigrants is a matter of executive policy. It is also true that the fundamental rights relating to movement and settlement within the country are available only to citizens, but it cannot be forgotten that the right to life and liberty under Article 21 is not confined to citizens, but anyone who has to face the rigours of law on Indian soil. As the Centre asserts, it does have a procedure to pass deportation orders, one that it believes is fair and reasonable. But when an entire class of people is identified for deportation and accused of plotting against the host country, it is unlikely that fairness can be assured in every case. India may have strategic and diplomatic reasons for backing the Myanmar position with regard to terrorism in the Rakhine region. However, that does not necessarily mean that it should cite vague fears about militants infiltrating the country under the guise of refugees, who happen to be Muslim, to deny safe haven to a largely stateless community.

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