



**KAMARAJ IAS ACADEMY**  
Only IAS Academy by Grandson of "Perunthalsivam Kamarajar"

# Rohingyas

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**Why is in news?** India's Rohingya refugee children are not criminals

A five-month-old infant born to a Rohingya refugee died in a detention or holding centre in Jammu in July. A viral video shows the police tear gassing a small congested area in the holding centre.

Refugee women and children are also seen in the same space. As the explosion occurs, one can hear the shrieks of women and see children running in panic.

What is important to note is that these people are not prisoners or criminals who are kept in jail-like conditions. The Rohingya of Myanmar are among the most persecuted people in the world.

## About Rohingyas:

The Rohingyas are an **ethnic Muslim group in the majority Buddhist country**. They reside predominantly in Rakhine state and speak a Bengali dialect.

They are **not recognised by the Myanmar government** as an official ethnic group and are therefore denied citizenship, access to basic services, freedom of movement and other fundamental rights.

They have also been **subjected to repeated outbreaks of violence by the Myanmar security forces and Buddhist extremists**, who view them as illegal immigrants from Bangladesh.

While it is claimed that there were no Rohingyas in Myanmar before the British brought 'Bengalis' to Burma, there is sufficient evidence to show for the Rohingyas' pre-existence.

They are often said to be the **world's most persecuted minority** by the UN.

They have faced decades of discrimination and marginalization by the Myanmar authorities.

The **August 25 marked six years since the Myanmar military launched a campaign** of mass atrocities against the Rohingyas in Rakhine State.

These genocidal attacks, which began in August 2017, caused more than 7,70,000 Rohingyas to flee. At least 20,000 of them are in India.

The Rohingyas flee their homes and **seek refuge in neighbouring countries**, mainly Bangladesh and also in India.

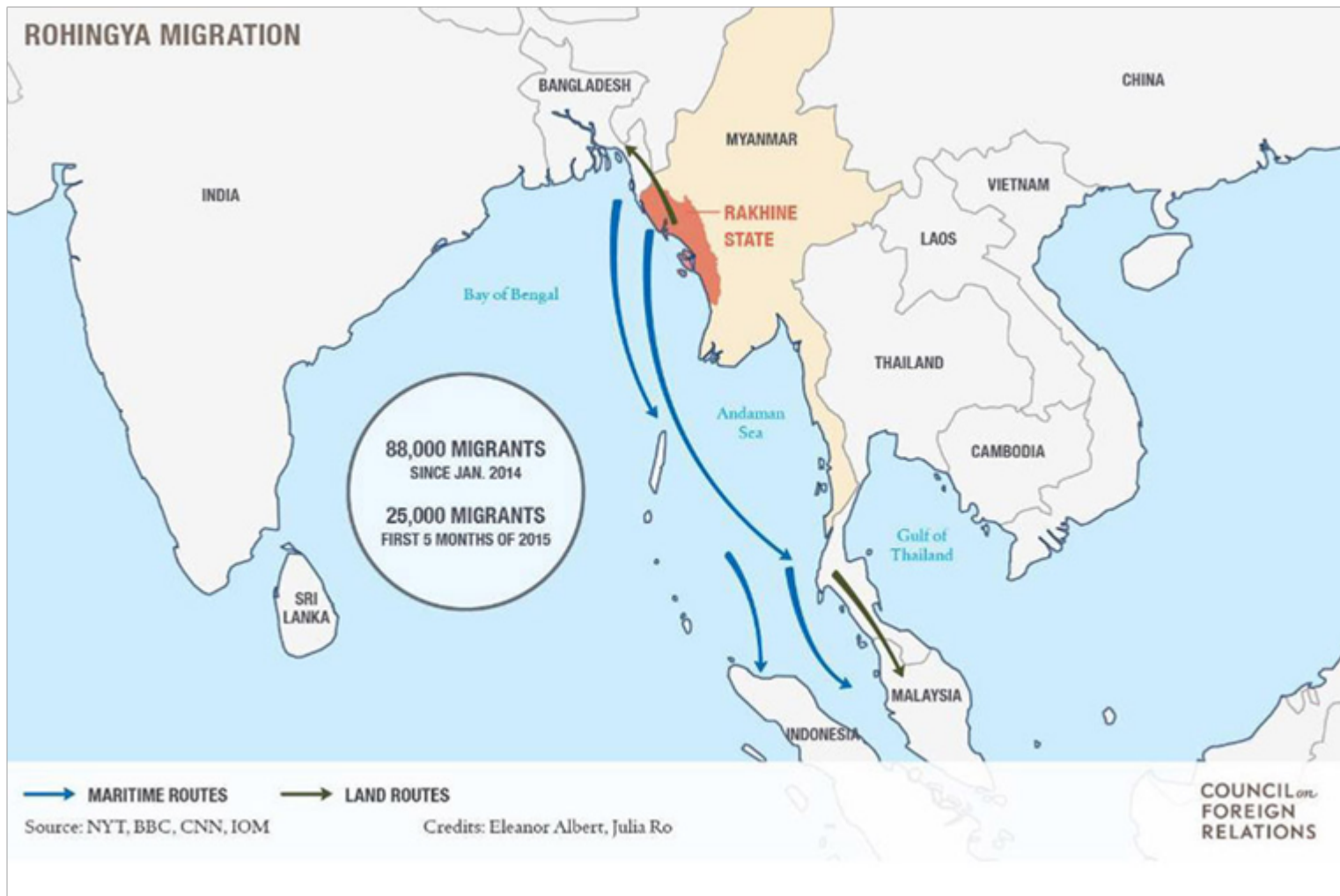
The Rohingyas refugees in Bangladesh live in **overcrowded and unsanitary camps**, where they face many challenges such as lack of food, water, health care, education and protection.

UNICEF and other humanitarian agencies are working to provide them with basic services and support, but they also need a durable solution that would allow them to return to their homeland with dignity and rights.

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### Issues & Concerns to India's Security:

The continuance of the illegal immigration of Rohingyas into India and their continued stay in India is found to be **having serious national security ramifications and poses serious security threats.**

It **impacts the interests of local populations** in the areas seeing large-scale influxes of illegal immigrants.

It also **increases the political instability** when leaders start mobilising the perception of the citizens of the country against the migrants by the elites to grab political power.

The persistent attacks against the Muslims perceived as illegal migrants have given way to radicalisation.

In recent decades, **trafficking of women and human smuggling** has become quite rampant across the borders.

The **rule of law and integrity** of the country are undermined by the illegal migrants who are engaged in illegal and anti-national activities.

### India's stand on refugees:

India is **not a signatory** to the **1951 UN Convention** relating to the **Status of Refugees and the 1967 Protocol.**

**Despite being a non-signatory** to the Refugee Convention 1951 or its 1967 protocol, **India is bound** by the **principle of non-refoulement** Principle of Non-Refoulement is binding on all UN member states.

Under article 14 of the **Universal Declaration of Human Rights**, anyone can seek asylum in another country from persecution.

**Illegal Migrants:** Foreign nationals **who enter the country without valid travel documents** are treated as illegal migrants.

**Refugee:** Under the 1951 UN Convention on the Status of Refugees and the subsequent 1967 Protocol, a refugee is any person who is outside their country of origin and **unable or unwilling to return owing to a well-founded fear of persecution** for reasons of race, religion, nationality, membership of a particular social group or political opinion.

### **Current Legislative Framework in India to Handle Refugees:**

India treats all foreigners whether illegal immigrants, refugees/asylum seekers or those overstaying visa permits under

**Foreigners Act of 1946:** Under Section 3, the central government is empowered to detect, detain and deport illegal foreign nationals.

**Passport (Entry into India) Act, 1920:** Under Section 5, authorities can remove an illegal foreigner by force under Article 258(1) of the Constitution of India.

**Registration of Foreigners Act of 1939:** Under this, there is a mandatory requirement under which all foreign nationals (excluding overseas citizens of India) visiting India on a long-term visa (more than 180 days) are required to register themselves with a Registration Officer within 14 days of arriving in India.

**Citizenship Act, 1955:** It provided provisions for renunciation, termination, and deprivation of citizenship.

Further, **Citizenship Amendment Act, 2019 (CAA)** seeks to provide citizenship to Hindu, Christian, Jain, Parsi, Sikh, and Buddhist immigrants persecuted in Bangladesh, Pakistan, and Afghanistan.

India issued a **Standard Operating Procedure (SOP)** to be followed by all concerned agencies while dealing with foreign nationals who claim to be refugees.

The Rohingya refugees are **seen as illegal immigrants and lumped with other foreigners** under the **Foreigners Act, 1946**.

The Act provides for **unchecked executive powers against foreigners** and contains no exceptions for vulnerable populations such as asylum seekers and refugees.

Article 6 of the **UN Convention on the Rights of the Child (CRC)** states that every child has an inherent right to life, survival and development.

India **ratified the CRC in December 1992**; hence, holding children in detention facilities, denying them the freedom to access education or any other liberty is an absolute violation of this. The right to life and personal liberty is enshrined in the Constitution of India and is for all persons, whether citizens or foreigners.

### **India's Response to the Rohingya Crisis:**

On one hand, India has **provided humanitarian assistance to Bangladesh** and has **urged Myanmar to end the violence and restore normalcy** in the Rakhine state.

On the other hand, India has also declared its intention to deport over 40,000 Rohingya refugees who are living in different parts of the country, citing security concerns and legal grounds.

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India does not have a specific law or policy on refugees and is not a signatory to the 1951 UN Refugee Convention or its 1967 Protocol.

India **deals with refugees on a case-by-case basis**, depending on their origin, religion and political affiliation.

India has granted legal status and rights to some refugees, such as Tibetans and Sri Lankans, while denying them to others, such as Afghans and Rohingyas.

### **Way Forward:**

The Rohingya crisis is a significant issue that deserves more attention and action from all stakeholders. The Rohingya people have suffered enough and deserve a dignified and peaceful future.

The region needs a durable solution that addresses the root causes of the conflict and ensures the safe, voluntary and dignified return of the refugees to their homes in Myanmar with full citizenship rights and protection.

The world needs to show solidarity and responsibility in supporting the humanitarian response and pursuing justice for the victims of this crisis.