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SUPREME COURT [OF INDIA] TO DECIDE WHETHER ROHINGYAS ARE ENTITLED TO BE DECLARED AS REFUGEES

The Supreme Court will also consider whether the Rohingyas who are not detained but are living in refugee camps, have been provided with basic amenities like sanitation, drinking water, education and other basic amenities in conformity with Article 21 of the Constitution.



Today, the Supreme Court segregated batch of petitions filed on the issue of deportation of Rohingyas and their living conditions in refugee camps and frame various issues regarding the matter, including whether Rohingyas are entitled to be declared as refugees.

A batch of twenty-two petitions were before the Supreme Court on the issue of deportation of illegal Rohingya immigrants, and other issues concerning their living conditions, ranging from health, sanitation, access to

clean water, habitation conditions, access to education etc. The three-judge bench comprising Justice Surya Kant, Justice Dipankar Datta and Justice N. Kottiswar Singh de-tagged the connected petitions and divided the cases into two sets- Batch I and Batch II. While hearing the batch of petitions and Public Interest Litigations, Justice Kant asked, "How many matters are there?"

On being informed that twenty-two matters have been tagged together, Justice

Kant confirmed whether all those twenty-two matters are related to Rohingyas and refugees. Senior Advocate Prashant Bhushan, Amicus Curiae, along with other Advocates appearing for the Petitioners in different petitions informed that thought there are some overlapping issues, the core issue remains the deportation of the Rohingyas and whether Rohingyas are to be treated as refugees or illegal immigrants. After hearing the submissions of the petitioners, Justice Kant said, "First major issue is simple,

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Supreme Court To Decide Whether Rohingyas Are Entitled To Be Declared As

are they (Rohingyas) refugees or illegal entrants...once that is decided, rest is consequential." The Cour decided to segregate the cases for the convenience and recorded the following issues in its order:

- 1. Whether Rohingyas are entitled to be declared as refugees, if so what protection/ rights they are entitled to?
- 2. If Rohingyas are not refugees and are illegal entrants, whether the actions of the Union in deporting them are justified?
- 3. Even if the Rohingyas have been held to be illegal entrants, can they be detained indefinitely or are they entitled to release on bail, subject to such conditions as the Court may deem fit to be imposed?
- 4. Whether the Rohingyas who are not detained but are living in refugee camps, have been provided with basic amenities like sanitation, drinking water, education and other basic amenities in conformity with Article 21 of the Constitution of India?

5. If the Rohingyas are illegal entrants, whether the Government of India and the States are obligated to deport them in accordance with law?

However, the issues that arose in Batch II will be dealt with separately by the Supreme Court. The Bench has left those issues "open as of now".

Case Background

The issues before the Supreme Court in the said batch of petitions are related to the deportation of illegal Rohingya immigrants and their living conditions, ranging from health, sanitation, access to clean water, habitation conditions, access to education, etc.

- In 2021, the Supreme Court refused to grant the interim relief to the petitioners, in a connected matter, who claim to have registered themselves as refugees with the United Nations High Commission For Refugees, and prayed
- (i) the release of the detained Rohingya refugees; and
 - (ii) a direction to the Union of India not to deport the Rohingya refugees who have been detained in the sub-jail in Jammu.

However, the Supreme Court clarified, "it is made clear that the Rohingyas in Jammu, on whose behalf the present application is filed, shall not be deported unless the procedure prescribed for such deportation is followed."

Source: verdictum.in

MOIPUNION MINISTER MEETS UNHCR RESIDENT REPRESENTATIVE



Union Minister for Immigration and Population U Myint Kyaing received UNHCR Resident Representative Ms Noriko Takagi and team at the meeting hall of the Ministry in Nay Pyi Taw yesterday afternoon. During the meeting, they exchanged friendly views on the ongoing efforts and progress of the repatriation process of internally displaced persons from Rakhine State following the signing of a Memorandum of Understanding (MoU) between the Ministry and UNDP-UNHCR...

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