GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

RAJYA SABHA
UNSTARRED QUESTION NO. 1004

TO BE ANSWERED ON THE 28TH JULY, 2021/ SRAVANA 6, 1943 (SAKA)

ISSUES RELATED TO ROHINGYA MUSLIMS

1004. PROF. MANOJ KUMAR JHA:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government finds the rehabilitation of Rohingya Muslims in the country to be a threat to National security;

(b) if so, the reasons therefor;

(c) whether India is a signatory to the UN Convention Against Torture (UNCAT) and whether India has ratified International Covenant on Civil and Political Rights (ICCPR);

(d) whether the refoulement of Rohingya Muslims from India to Myanmar violates UNCAT and ICCPR; and

(e) if so, the justifications for refoulement of some Rohingya Muslims?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI NITYANAND RAI)

(a) and (b): Illegal migrants (including Rohingyas) pose a threat to national security. There are reports about some rohingya migrants indulging in illegal activities.

(c): India signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 14 October 1997. However, India has not ratified the Convention. India acceded to the International Covenant on Civil and Political Rights (ICCPR) on 10.04.1979.

(d) and (e): India has not ratified the UNCAT and therefore, the question of refoulement of Rohingya Muslims does not arise. As per provisions of Article 13 of ICCPR and the Declarations made by India at the time of its accession, even a lawful alien may be expelled in accordance with the applicable laws.

Detention and deportation of illegal migrants after nationality verification is a continuous process. The powers of the Central Government under Section 3 of The Foreigners Act, 1946 to deport illegal foreign nationals and powers under Section 5 of The Passport (Entry into India) Act, 1920 to remove an illegal foreigner by force have also been entrusted under Article 258(1) of the Constitution of India to all the State Governments. Further, under Article 239(1) of the Constitution of India, Administrators of all Union Territories have also been directed to discharge the functions of the Central Government relating to the aforesaid powers.

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