

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 296**

TO BE ANSWERED ON THE 20TH JULY, 2021/ ASHADHA 29, 1943 (SAKA)

REHABILITATION OF ROHINGYA MUSLIMS

296. SHRI RITESH PANDEY:

Will the Minister of HOME AFFAIRS be pleased to state:

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

(b) if so, the reasons and justifications therefor;

(c) if not, the reasons for delay in granting legal status to Rohingya Muslim immigrants;

(d) whether the Government is a signatory of the UN Convention Against Torture (UNCAT) and whether India has ratified International Covenant on Civil and Political Rights (ICCPR), if so, the details thereof; and

(e) whether the refoulement of Rohingya Muslims from India to Myanmar violates UNCAT and ICCPR, if so, the justifications of refoulement of some Rohingya Muslims?

ANSWER

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

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

India is not a signatory to the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol thereon. All foreign nationals

(including refuge seekers) are governed by the provisions contained in The Foreigners Act, 1946, The Registration of Foreigners Act, 1939, The Passport (Entry into India) Act, 1920 and The Citizenship Act, 1955, and rules and orders made thereunder. Foreign nationals who enter into the country without valid travel documents or whose travel documents expire while staying in India are treated as illegal migrants and are dealt as per the existing legal provisions.

(d) and (e): 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 Convention on Civil and Political Rights (ICCPR) on 10.04.1979.

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. A Writ Petition No. 793/2017 has been filed in the Hon'ble Supreme Court of India, inter-alia, praying not to deport Rohingyas from India. The matter is sub-judice in the Hon'ble Supreme Court. However, no stay has been granted by the Hon'ble Court on the deportation of Rohingyas being done as per procedure established by law.
