Rohingya saga: India on trial

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The Rohingya enjoy the fundamental right of life that is guaranteed qua human and is no-derogable. Persecution back home means deportation will mean that this right is violated.

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Driving through the national capital offers a glimpse of the rich, diverse India. This India has, as its core, displayed an exceptional culture of welcoming. Areas like the Tibetean Market, Chitaranjan Park and Punjabi Bagh, among others, stand testimony to India's embracing past. These parts have certainly become an integral part of the fabric of modern Delhi. Similarly, figures like the Dalai Lama, Taslima Nasrin and many others have been welcomed to India, sometimes even at the cost of hostile relations with our neighbours.

The Rohingya crisis has brought India at crossroads- whether to provide protection to those who have crossed the border to enter India or to deny them rights to stay within the country and deport them. The matter is pending before the Supreme Court. The government has said that it plans to deport these immigrants. However, the court is yet to give its decision. The situation requires the country to dovetail between national interests, international commitments and constitutional obligations. It has been said that the Rohingya pose a threat to national security. This is, of course, a serious matter and one that needs to be substantiated with robust evidence.

Interpretations of the Constitution of India say that it, in some ways, divides the population into two. The first category is that of 'citizens'. These, by virtue of being citizens are guaranteed all the rights guaranteed under the Constitution. Their rights are mostly non-derogable, except in some circumstance, like in an emergency. The other category is that of inhabitants who are non-citizens. They enjoy limited rights, as compared to citizens. However, the rights they enjoy are guaranteed qua human. The fundamental right of the right of life is one such right. Whilst the Rohingya populations are not citizens of the country, by virtue of being present within the country, they enjoy these rights. As a state then, we are obligated to provide for this right. Persecution back home means deportation will mean that this right is violated.

Perhaps more importantly, as a country, India has been welcoming. Being a comparatively new country, we have, time and again, shown that we
value the core principles of our Constitution, and that of humanity. Even in face of acute criticism, values of fair trials, fair opportunities and equality have been upheld. This, along with strong foundations has kept our democratic structure alive. The world order is fast changing. India has made a mark on the world stage in all spheres. The recent elections of the International Court of Justice showed our commitment to moulding and advancing international jurisprudence at the highest level. As one of the fastest growing economies and a leading player in the Commonwealth, our responsibility has become even more onerous - both to our citizens and non-citizens. Our responsibility cannot be confined by bounds, simply of nationality. The rights of all in India have to protected as a matter of principle. The protection of these rights reflects on our rich heritage.