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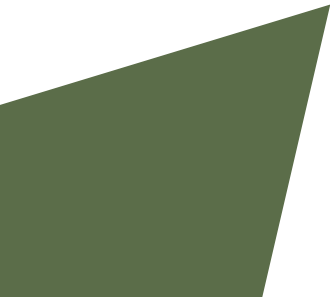
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**What the Future Holds for the Rohingyas?**

**Joggy Mathunni**

## ABSTRACT

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*This paper focuses on the prevalent and pertinent issues that Rohingya refugees face through journey from the abandonment by their own country to fighting for their basic right in a foreign country. The Rohingya are still homeless and are still struggling to find basic needs to survive in the gruesome conditions in which they are living in today and are also vulnerable to starvation and many other dangers like mosquito bound diseases. They have also been victims of rapes and brutal assaults by the Bangladeshi militants. The current situation faced by India is the Rohingya that are illegally living in India. Debates have been going on about the same and arguments has been raised whether as to provide citizenship to these illegal immigrants or to deport them back to Myanmar where they belong. This paper discusses the pros and cons of various solutions put forth by the researcher which might bring changes to the crisis. This paper also compares between situations and results of those solutions and opts the most suitable one.*

*Keywords- Refugees, Citizenship, Deportation, Terrorism, Immigration*

## INTRODUCTION

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*The Guardian Weekly* wrote on 18 June 1978: "This is not, therefore, just another of Asia's large perennial bouts of shifting misery. It is large enough already to bring crisis to a host country which hangs perilously to survival on an international aid life-line of a billion dollars a year. That automatically makes the Burmese influx a world problem"<sup>1</sup>.

The Rohingya refugee crisis has shook the world and left leaders and authorities in a complicated situation where lives of many people are at stake and so is the safety and economic efficiency of the respective countries that might be kind enough to allow the refugees in. from the view point of India then it is much more preferable if the refugees are deported back to Myanmar or any other country that is willing to provide them with citizenship as India is not in a state where it can support so many poor refugees as poor Indians are starving themselves and valuable resources must be used to help them instead of foreign refugees.

## HISTORY OF ROHINGYA REFUGEES

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It was written in *The Economist* of London: "Yet it is Asia which has produced this year's biggest and strangest refugee movements. The biggest single group are the 170,000 Rohingya, the Muslim Bengali people from the Abakan region of Burma, who are still streaming out of it across the Naïf River into Bangladesh at a rate of about 2,000 a day. There seems little doubt that they were harried out of Burma by the Burmese Army and their Buddhist neighbours, although the Burmese insist that only illegal immigrants uncovered through a census check, were 'asked to leave' ". it was further observed: "Any refugee who selects impoverished and authoritarian Bangladesh as a sanctuary to flee to must be desperate indeed. More than 150,000 Muslim Rohingya, who have farmed alongside Buddhists in the Abakan province of Western Burma for generations are apparently that desperate."<sup>2</sup>

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<sup>1</sup> *The Guardian Weekly*, London, Vol. 118, 18 June 1978.

<sup>2</sup> *The Economist*, London, 10-16 June, op. cit., 1978, p. 7



An event of such magnitude has long history behind it. But long story short the following is what happened. Prime Minister U Nu introduced the constitution (third) amendment bill in the chamber of deputies for the dissemination of Buddhism as a state religion.<sup>3</sup>

As indicated by official gauges there are around three million Muslims in Burma, who constitute around ten per cent of the Burmese populace and frame the biggest religious minority groups. The first Constitution of independent Burma had perceived Islam and Christianity as religions other than concurring an exceptional status to Buddhism. Burmese Muslims can be generally separated into two groups: (1) those of South Asian inception, especially in the Abakan area, who hold a few connections with South Asian nations; and (2) the individuals who are Burman or have progressed toward becoming Burman zed, whose language is Burmese. There is additionally few Chinese Muslims in the area as well.<sup>4</sup> The biggest convergence of Muslims is in the Abakan area (around' two million), which outskirts the Chittagong Hill Tracts of Bangladesh. The old name of Abakan is Rohang, Roshang or Oranshin, which is a term ascribed to the seaside area along the Bay of Bengal. The 150 or 170-mile-long Naif boundaries shapes the wilderness amongst Bangladesh and Burma. The Abakan is completely cut off from whatever remains of Burma and lies between the Abakan Yoma and the Bay of Bengal.<sup>5</sup> The language of Muslims was plainly known as Rohingya, written in the Arabic or Bengali content, containing words from Arabic, Bengali and Persian. As a spoken language Rohingya was affected by the Chittagonian Bengali.<sup>6</sup> During 1974 and 1975, there was an irregular flood of Burmese Muslims along the Abakan border. During this period, Burma confronted a most major issue of law and order, for there were revolts by laborers and students e.g., in June and December 1974. It was accounted for around then that many Burmese Muslims were coming as refugees to Bangladesh. The Government of Bangladesh drew the consideration of the Burmese Government to the issue, and the Bangladesh press made an appeal to the United Nations to take care of this extraordinary issue. The year 1975 was additionally critical, for the Government of General Ne Win embraced another Constitution, purportedly made by the general population for protecting

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<sup>3</sup> Asian Recorder , New Delhi, Vol. VII, 1-7 October 1961, p. 4187.

<sup>4</sup> See Dawn , Karachi, 1 December 1978.

<sup>5</sup> Mujtaba Razvi, *THE PROBLEM OF THE BURMESE MUSLIMS*, Pakistan Horizon, Vol. 31, No. 4 (Fourth Quarter, 1978), pp. 82-93

<sup>6</sup> *Ibid.*

their interests.<sup>7</sup> Ironically, this brought more hardship for the Muslims of Burma and, for a period, around 500 Muslims went over the border day by day as refugees to Bangladesh. They asserted that they had been pushed into Bangladesh by the Burmese authorities and the Maghs. In 1975, President Ziaur Rahman of Bangladesh conveyed these facts to the notice of Burmese leaders when he went to Rangoon.

In March 1978, the Burmese Government strategy of "operation Dragon King" (Project Naga Muri) was put into task, which was viewed in specific spheres as the genocidal killing of Muslim citizens of Burma living in the Abakan province.<sup>8</sup> The Burmese Department of Immigration and Manpower, in any case, asserted that this approach was basically to analyse the illicit passage of Bengali workers to Burma. On 30 April 1978, the Ne Win Government issued an extensive yet inadmissible proclamation regarding the mass migration of Arakanese Muslims into Bangladesh, and portrayed the strategy as a normal movement check in the border areas. Notwithstanding, to numerous spectators the Burmese Government's activity appeared to be the aftereffect of the discretionary utilization of the Foreigners Act to oust the Rohingya, who were nationals of Burma by birth.<sup>9</sup> In this unique circumstance, the instance of *Hassan Ali vs Immigration Department* and *Mehar Ali vs Movement Department (Cri. Misc. applications Nos. 155 and 156 of 1959)* may particularly be alluded to in which their lordships of the Supreme Court of Rangoon noted: "Thus mere race, appearance of a person, or whether he has a knowledge of any language of the Union, is not the fact as to whether he is a citizen of the Union."<sup>10</sup> As such, it is not comprehensible as to why the Union Government, contrary to the explicit rule of law, was demonstrating a policy of mass expulsion of the Rohingya from the country.

The number of Arakanese Muslims who fled to Bangladesh from March to May 1978 appeared to be more than one hundred thousand. The Bangkok Post, specifically, and the world press all in all, conveyed point by point reports of the exiles and distributed various photos indicating surges of expelled men and women carrying kids on their shoulders in the mud of the River Naif. The refugees were casualties of torment, plundering, fire related

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<sup>7</sup> Raja Segaram Arunugam, "Burma : A Political and Economic Background", Southeast Asian Affairs , 1975, pp. 41-42.

<sup>8</sup> "Operation Dragon King", Impact International , London, 26 May-8 June 1978, p. 6.

<sup>9</sup> *Supra* note 8

<sup>10</sup> History of Arakan (Burma) compiled by the World Muslim Congress, Karachi, October 1978, p. 37.

crime, assault, and were even ousted by the Burmese troops at gunpoint.<sup>11</sup> By the long stretch of May, the quantity of Muslim Burmese in different border refugee camps in Bangladesh, had crossed six figures. A representative of the Bangladesh Foreign Office observed: "*If this stream proceeds with, it will be ridiculous to believe that our relations with Burma are still well disposed and ordinary.*"<sup>12</sup>

## UN AND ITS DECISIONS AND VIEWS

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Dacca had been consulting with Rangoon unobtrusively since the entry of the refugees in Bangladesh. Be that as it may, the extent of the issue was presently widening. Reports about exchange of firing between the Security Forces of Bangladesh and Burma constituted a risk to the peace of the area. The Bangladesh Advisor on Foreign Affairs needed to inform the United Nations and other peace agencies about the dangerous results of the expulsion policy of the Burmese Government. The Islamic Council expressed concern over the killing of Burmese Muslims and asked the UN to mediate. The Government of Bangladesh spoke to the United Nations to give necessary help to the expelled people, the majority of whom were held up in camps in Chittagong and the Hill Tracts of Bangladesh flanking Burma. The World Muslim Congress (Pakistan Branch) sent a message to the UN Secretary-General, Kurt Waldheim, pointing out this appalling issue. Also, Bangladesh got help from the UN, the UNICEF and the International Red Cross.<sup>13</sup>

Bangladesh and Myanmar came into an agreement on 9 July 1978, that Myanmar will accept refugees to the country if they could prove that they used to stay in parts of Myanmar at one point of time. The agreement specifically demanded documents that proved that these refugees were once inhabitants of Myanmar. This agreement was quite diplomatic and had very less possibility of absolute execution.<sup>14</sup>

But now after so many years things have turned much worse as more refugees have escaped to Bangladesh and expects to be saved from the gruesome conditions that they are living in. The UN has urged Myanmar to accept back the refugees and provide them with citizenship

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<sup>11</sup> Dawn , Karachi, 4 May 1978; The Pakistan Times , Lahore, 8 May 1978.

<sup>12</sup> The Bangkok Post , Bangkok, 6 May 1978. See also issues of 28 April and 1 May 1978.

<sup>13</sup> *Supra* note 8

<sup>14</sup> *ibid*

and other necessary supplies required for survival. The UN has also requested the countries in which Rohingya illegally live at, right now, to provide them with citizenship if they don't wish to return back to the country where they are not safe.

## **RESPONSE BY ASIAN COUNTRIES**

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After the mass movement of Rohingya refugees out of Myanmar, they sought refuge in the neighbouring countries. Bangladesh was their first option but little did they know that it was not the right way to go. Now they are trapped in Bangladesh, stateless. China, Russia, Cambodia, Laos, the Philippines and Vietnam supported Myanmar in voting against the views of the UN towards acceptance of Rohingya back to Myanmar, as did Belarus, Syria and Zimbabwe. Countries like Singapore, Malaysia, Thailand and Australia has accepted some very few refugees into them. While other countries remain neutral as it only supports the refugees financially and by providing them with life supplies.

## **RESPONSE BY INDIA**

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India's response to the Rohingya crisis has evolved swiftly. Three phases are identifiable. In the first phase that began with the eruption of violent conflicts between Rakhine Buddhists and Rohingya Muslims in Rakhine State in 2012,<sup>15</sup> Delhi considered it an 'internal affair' but was sympathetic to Myanmar. The then External Affairs Minister Salman Khurshid visited Rakhine State and announced a US\$ 1-million package of relief assistance to Myanmar.<sup>16</sup> Wittingly or not, India also allowed Rohingya refugees to enter the country and did not make it an issue in its domestic politics or in its bilateral relations with Myanmar. A few days after Minister Khurshid's Rakhine visit, then UN High Commissioner for Refugees (and currently UN Secretary General) Antonio Guterres visited India and expressed "high appreciation for India's age-old tradition of tolerance and understanding which manifested itself in its current policy of protecting and assisting refugees" and its "strict adherence to the principle of non-refoulement and voluntary repatriation."<sup>17</sup> When the BJP-led NDA government came to power in May 2014, it tacitly endorsed the position of the UPA government. In

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<sup>15</sup> Max Beauchamp, "Beyond bigotry: Unravelling ethnic violence in Rakhine", *New Mandala* (December 19, 2013)

<sup>16</sup> See Ministry of External Affairs: Annual Report 2012-2013, Government of India, p. 8

<sup>17</sup> "Visit of UN High Commissioner for Refugees to India", Press Releases, Ministry of External Affairs, Government of India (December 19, 2012)

2015, the Rohingya crisis assumed a regional dimension when Thailand, Malaysia and Indonesia all turned away overcrowded boats carrying Rohingyas attempting to land on their shores, leaving hundreds in the high seas.<sup>18</sup> There were calls for Delhi to help rescue the Rohingyas,<sup>19</sup> but India decided to look the other way. This happened soon after the devastating earthquake in Nepal where India was quick to extend assistance.

A combination of issues seemed to have shaped India's approach in the first phase. Delhi took the side of the Myanmar government because it was concerned that raising the issue publicly might push Myanmar towards China as it was building relations with the then newly formed quasi-democratic government. India also has economic interests with its companies holding stakes in Shwe Gas field off the coast of Rakhine State. Along with energy interests and plans to build cross-border pipelines,<sup>20</sup> India also has a connectivity interest to link its landlocked northeastern region with the Bay of Bengal through Rakhine State under a joint project with Myanmar that includes development of port at Sittwe, inland-waterway in the Kaladan River, and road construction to connect it with India's Northeast. Delhi was wary that instability in the Rakhine State would have adverse effects on these interests. With growing security cooperation between the two countries, particularly in tackling cross-border ethnic insurgency in their shared border regions, India was careful not to upset the Myanmar regime. India's offer of relief assistance was a token of support to the Myanmar government as much as it was about its humanitarian concerns in a neighbouring country. So, geopolitics, security and economic interests and humanitarian concerns were key in moulding India's Rohingya response during this phase.

The second phase of India's Rohingya approach began sometime in mid-2017 with the announcement of the government's plans to deport the Rohingyas who have settled in different parts of India. While answering a question in Parliament on 9 August 2017, India's Minister of State for Home Affairs, Kiren Rijiju said the government was planning to deport Rohingyas from India because they are "illegal immigrants."<sup>21</sup> The minister later clarified that the deportation plan was "not yet firmed up."<sup>22</sup> According to

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<sup>18</sup> "Malaysia and Thailand turn away hundreds on migrant boats", *The Guardian* (May 14, 2015)

<sup>19</sup> K. Yhome, "Rohingyas Adrift, Far From the Shores of Asia's Conscience", *The Wire* (May 21, 2015)

<sup>20</sup> "Tri-nation pipeline envisaged", *The Telegraph* (March 6, 2017)

<sup>21</sup> "Who are Rohingya Muslims and why govt wants to deport 40,000 of them?" *India Today* (August 10, 2017)

<sup>22</sup> "No plan yet to deport Rohingya, says Kiren Rijiju", *The Hindu* (September 11, 2017)

media reports citing government estimates, the number of Rohingyas in India was 10,500 in 2015 and increased four times to 40,000 in the following two years.<sup>23</sup> A month after the announcement of the deportation plan and soon after the Arakan Rohingya Salvation Army (ARSA)—a Rohingya insurgent group formed in 2013—staged attacks on police and army outposts in northern Rakhine State, Prime Minister Narendra Modi visited Myanmar. The joint statement issued during the visit “condemned the recent terrorist attacks” in Rakhine but was silent about the Rohingya refugee crisis.<sup>24</sup> The one-sided position of the Indian government had to be nuanced when Bangladesh, the country that bore the brunt of the refugee outflow, sought India’s help.<sup>25</sup> On 14 September 2017, India launched “Operation *Insaniyat*” to provide relief assistance for the refugee camps in Bangladesh.<sup>26</sup> Delhi’s decision to extend help fits into its desire to de-incentivise Rohingya refugees entering into India. As Delhi recalibrated its approach, the West Bengal government adopted a contrary position to the central government by expressing its support for the Rohingya refugees.<sup>27</sup> Though the West Bengal government’s position did not change the central government’s Rohingya approach, it sent a message to Delhi that it needed to take into account voices of state governments on the issue. External Affairs Minister Sushma Swaraj visited Dhaka on 9 October 2017 and reassured the Bangladeshi government of Delhi’s support.<sup>28</sup>

In the second phase, apart from geopolitics, humanitarian concerns and non-interference in internal affairs, two other factors appeared to have driven the Indian approach—the growing security concerns and the need for diplomatic balancing between Bangladesh and Myanmar. In the latter part of the second phase, Delhi’s assessment allowed it to formulate three points that became the basis to drive its Rohingya approach<sup>29</sup>: the first is the assessment that restoring “normalcy” can happen “only with the return of the displaced persons to Rakhine state.” This position implied

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<sup>23</sup> *Supra* note 21

<sup>24</sup> “India-Myanmar Joint Statement issued on the occasion of the State Visit of Prime Minister of India to Myanmar (September 5-7, 2017)”, Ministry of External Affairs, Government of India (September 6, 2017)

<sup>25</sup> “Bangladesh wants India’s support over Rohingya crisis”, *The New Indian Express* (September 10, 2017)

<sup>26</sup> “Operation Insaniyat - Humanitarian assistance to Bangladesh on account of influx of refugees”, Press Releases, Ministry of External Affairs, Government of India (September 14, 2017)

<sup>27</sup> “Mamata supports Rohingya refugees, sides with UN instead of PM: Bengal chief minister says all refugees not terrorists”, *The Hindustan Times* (September 15, 2017)

<sup>28</sup> “Sushma Swaraj in Dhaka: Only long-term solution to Rohingya crisis is rapid socio-economic, infra development”, *The Indian Express* (October 22, 2017)

<sup>29</sup> *ibid*

that the return of Rohingyas to Myanmar from Bangladesh and elsewhere would also mean the return of Rohingyas from India. Officially, Delhi continues to refer to the Rohingya refugees in Bangladesh as “displaced persons”, but those in India are seen as “illegal immigrants.” The second point relates to Delhi’s assessment of the situation that socio-economic development in Rakhine State is “the only long-term solution.” Therefore, the need for supporting and mobilising resources for development on its own as well as urging the international community to assist development efforts in Rakhine has been prioritised. The third point relates to Delhi’s stand that it would maintain constructive engagement with both Myanmar and Bangladesh, and that the international community needs “to handle the situation with restraint, keeping in mind the welfare of the population.” There is an impression that the initial lukewarm response of the BJP-led government towards the Rohingya refugee crisis in Bangladesh was perhaps a signal to Dhaka on the long-standing issue of “illegal immigrants” in India. The BJP has long championed the issue of deporting Bangladeshi “illegal immigrants” in India’s Northeast. In its 2014 election manifesto, the party promised to “address the issue of infiltration and illegal immigrants in the Northeast region on a priority basis.”<sup>30</sup>

Delhi’s approach in the third phase was probably driven by the need to find a role for itself in finding a resolution to the crisis by strengthening its quiet diplomacy. The phase began soon after China stepped in with its “three-step solution” to the Rohingya crisis<sup>31</sup> and the subsequent signing of the repatriation agreement between Bangladesh and Myanmar on 23 November 2017. Delhi’s assessment perhaps was shaped by its calculation that any delay in stepping up its role might allow other players to leverage the situation for geopolitical gains, at the cost of its own interests. On 20 December 2017, Foreign Secretary S. Jaishankhar visited Myanmar and signed an MoU on Rakhine State Development Programme with Myanmar’s Ministry of Social Welfare, Relief and Resettlement aimed at “socio-economic development and livelihood initiatives in Rakhine State” that included “a project to build prefabricated housing in Rakhine State to meet the immediate needs of returning people.”<sup>32</sup> Under the MoU,

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<sup>30</sup> BJP Election Manifesto 2014

<sup>31</sup> “China says 3-step approach to tackle Rohingya crisis approved by Myanmar and Bangladesh”, *The Hindustan Times* (November 20, 2017)

<sup>32</sup> “Visit of Foreign Secretary of India to Myanmar (December 20, 2017)”, Press Releases, Ministry of External Affairs, Government of India (December 20, 2017)

India pledged US\$25 million for a five-year development project in Rakhine State.<sup>33</sup> At the invitation of the Myanmar government, India joined the UNSC delegation that visited Myanmar in early May 2018 along with three other neighbours—China, Laos, and Thailand.<sup>34</sup> During Minister Swaraj’s visit to Myanmar on 10-11 May 2018, she stressed the importance of “safe, speedy and sustainable return of displaced persons to Rakhine State.”<sup>35</sup> This indicates a step forward from the previous position when it called for “restraint” in handling the situation in Rakhine.<sup>36</sup>

There is a view that with the Western world embroiled in its own challenges, there is a lack of global leadership. Under these circumstances, perhaps Delhi has framed an approach towards the Rohingya crisis without the need to concern itself about the reactions of the Western powers, who otherwise tend to preach to other countries from their self-appointed high-moral ground. China tried to fill in the leadership gap. However, the Chinese three-step formula turned out to be of little consequence so far.

## **CITIZENSHIP (AMENDMENT) ACT, 2019 AND ITS EFFECT ON ROHINGYAS**

The Citizenship (Amendment) Act, 2019<sup>37</sup> does not provide fast track citizenship to the Rohingyas. So they will be put in detention centres and then they will be deported. But where will they be deported is still a question as their home country Myanmar is not ready to accept them. Rohingya Muslims have also constituted a few terrorist organisations, including the Rohingya Solidarity Organisation, the Harkat-al Yaqin, the Arakan Rohingya and Salvation Army (ARSA) to wage war and establish an independent Muslim state. Unfortunately, a few Muslim terrorist organisations, especially in Pakistan, started assisting these terrorist outfits. Besides Pakistan, few Muslim organisations in the Middle East also pumped petro dollars into the coffers of Rohingya terrorist outfits.<sup>38</sup> So, they cannot be allowed to stay in India.

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<sup>33</sup> “India commits \$25 million to develop Myanmar’s Rakhine state”, *The Hindustan Times* (December 21, 2017)

<sup>34</sup> “UNSC, neighbours off to Rakhine next week”, *The Myanmar Times* (April 26, 2018)

<sup>35</sup> “Visit of External Affairs Minister to Myanmar (May 10-11, 2018)”, Press Releases, Ministry of External Affairs, Government of India (May 11, 2018)

<sup>36</sup> “Situation in Rakhine State of Myanmar”, Press Releases, Ministry of External Affairs, Government of India (September 9, 2017)

<sup>37</sup> The Citizenship (Amendment) Act, 2019 (No. 47 Of 2019 dated 12<sup>th</sup> December 2019)

<sup>38</sup> “Rohingyas: A security threat”, *The Pioneer* (May 01, 2018)



## CONCLUSION

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All possible solutions have some kind of setbacks. But comparing the results of each possible solution, it is preferable that India does deport all of the Rohingya back to Myanmar as safety of Indian citizens should be given more priority. The fact that the lives of the Rohingya is at stake, but looking at the situation through a utilitarian lens, it is much less than the 1.3 billion people here in India whose very safety might be on the line. Another possible solution is that countries who are willing to take in these refugees for example countries like Canada and Australia who are really supportive to the refugees and are much safer towards terrorist attacks if any but that too is a controversial idea as no one can never predict the real ideals these Rohingya militants follow and seek to achieve. In the current world with such an enormous population, the happiness of everyone is a utopian concept and if anything has to be gained something has to be sacrificed and from India's point of view the safety of the Indian citizens should be given more priority.