

## India's Policy on Refugees

### Why in News?

India has allowed former Bangladesh Prime Minister Sheikh Hasina to stay in India since her forced departure from Bangladesh, despite India having no official refugee policy.

### Who are refugees?

- **Refugees** - They are people *forced to flee their own country* and seek *safety in another country* and are unable to return to their own country because of feared persecution.
- **Key international convention** - **1951 Refugee Convention** and its **1967 Protocol** to protect refugees.
- They provide the universal definition of who is a refugee and outline the minimum standards for their treatment.
- **Principle of Non-Refoulement** - It states that refugees have a *right not to be sent back to their country of origin* if their life or freedom would be at risk.
- Countries that have signed the Convention are obliged to treat refugees according to the standards outlined.
- **Role of UNHCR** - United Nations High Commissioner for Refugees is the official UN Refugee Agency.
- It promotes States' accession to the Convention and helps governments translate it into national laws.

*A refugee is a legal term that carries with it certain protections that refugees are entitled to. The term 'migrant' does not have an international legal definition.*

### How India deals with refugees?

- **Constitutional provisions** - Refugees are protected under
  - **Article 21** (right to life)
  - **Article 14** (protection against arbitrary actions)
- **Judiciary** - The Supreme Court has ruled that non-return of refugees is part of the right to life.
- **Foreigners Act & Indian Passport Act** - Refugees entering *without a visa are treated as illegal immigrants* under these laws.
- **Citizenship Amendment Act (CAA)** - It provides a pathway to *citizenship for non-Muslim illegal immigrants* from neighboring countries, which has faced criticism for being discriminatory.
- **Lack of national policy**- India does not have a formal national policy or law specifically dealing with refugees.

- **Non-signatory to UN convention** - India is ***not a signatory*** to the 1951 UN Convention or the 1967 Protocol.
- **UNHCR in New Delhi** - It handles refugee status determination (RSD) for asylum-seekers from non-neighboring countries and Myanmar.

### Instance of Refugee situation in India

- **Partition of India (1947)** - It led to massive movement of people from Pakistan to India seeking refugee status.
- **Tibetan refugees (1959 onwards)** - Following the failed uprising against Chinese rule in Tibet, the *14th Dalai Lama, along with thousands of Tibetans, fled to India.*
- **Chakma and Hajong refugees (1964-1969)** - The Chakma and Hajong communities from the *Chittagong Hill Tracts of East Pakistan* migrated to India due to religious persecution and displacement caused by the construction of the Kaptai Dam.
- **Bangladeshi refugees (1971)** - During the Bangladesh Liberation War, millions fled East Pakistan (now Bangladesh) due to military atrocities and genocide.
- **Afghan refugees (1980s onwards)** - Due to prolonged conflict in Afghanistan, including the Soviet invasion, Taliban rule, and subsequent unrest, many Afghans sought refuge in India.
- **Sri Lankan Tamil refugees (1983 onwards)** - The civil war in Sri Lanka led to anti-Tamil pogroms and widespread violence which led to thousands of Sri Lankan Tamils sought refuge in India, primarily in the state of Tamil Nadu.
- **Rohingya refugees (2012 onwards)** - Facing persecution in Myanmar's Rakhine State, many Rohingya Muslims fled to neighboring countries, including India.

### What are the problems faced by refugees in India?

*India is very reluctant to sign 1951 Refugee Convention as refugees are defined as people who have been deprived of their civil and political Rights but not their economic rights.*

- **Temporary measures** - Policy that India has adopted for protecting refugees is an adhoc administrative policy on refugees.
- **Discriminatory laws** - Citizenship Amendment Act 2019( CAA), provides citizenship *only to Hindu, Christian, Jain, Parsi, sikh and Buddhist immigrants* persecuted in Bangladesh, Pakistan and Afghanistan.
- **Inconsistent laws** - Since refugee law does not exist in India there is no uniformity in the treatment of refugees in the country.
  - After the end of the Sri Lanka civil war in 2009, India has encouraged return through the method of voluntary repatriation.
  - *Termining Rohingya in India as "illegal"* (in contrast to calling them refugees in Bangladesh) and pledging to send them back to Myanmar.
- **Social exclusions** - There is physical and emotional exploitation by the local residents since they are not citizens of India.
- **Deprivation of basis rights** - Basic necessities of life such as food, shelter and employment are not provided to them and privileges are also not conferred.

## What are the steps needed to have a fair refugee policy in India?

- **Ratifying international conventions** - India should consider ratifying the 1951 Refugee Convention and its 1967 Protocol, which set out the rights of refugees and the obligations of states to protect them.
- **Formulating national refugee law** - India should enact a comprehensive national refugee law to provide a legal framework for the protection and management of refugees, distinguishing them from other migrants and ensuring their rights.
- **Ensuring access to basic human rights** - It includes healthcare, education, and legal protection.
- Providing refugees with the right to work and earn a livelihood, which helps in their integration and reduces dependency on state resources.
- **Seeking international assistance** - It includes seeking financial aid, technical support, and resettlement opportunities for better management of refugees.
- **Involving civil society** - Engage civil society organizations, NGOs, and refugee communities in the policy-making process to ensure that refugee voices are heard, and their needs are addressed.

To know more about World Refugee Day, click [here](#)

## References

1. [The Indian Express | India's Policy on Refugees](#)
2. [Indian National Bar Association | India's Refugee Policy](#)

