Refugees in India

1) Refugee crises
   - Refugee crises may be caused by any number of reasons but the most common are war (Bangladesh), domestic conflicts (Tibet, Sri Lanka), natural disasters (famine), environmental displacement, human trafficking and climate change.
   - Borders in South Asia are extremely porous and any conflict can result in a mass movement of people.

2) Why India Needs a Comprehensive Refugee Law
   - With the government highlighting human rights abuses in Balochistan, conversations about India’s asylum policy have arisen.
   - It remains the duty of a state, especially one with a democratic ethos like India’s, to keep its doors open for people in distress.
   - India is a party to the 1966 International Covenant on Civil and Political Rights (ICCPR). India ratified the 1963 Convention on the Elimination of All forms of Racial Discrimination and the 1979 Convention on the Elimination of All forms of Discrimination against Women (CEDAW).
   - India has also adopted the 1948 Universal Human Rights Declaration (UDHR)
   - These treaties impose a positive duty on India to provide protection to refugees as long as they fear persecution at the hands of their government.
   - Putting in place a system where all refugees are given an opportunity for a fair hearing, will encourage them to present themselves at the earliest for the determination of their claims rather than forcing them to go underground where they are vulnerable to exploitation.
   - It will allow refugees to overcome their past trauma, put them on the path to recovery, enable them to move forward with their lives and become contributing members of society during their time in India.
   - It would bring India’s asylum practices in line with its own democratic, constitutional and cultural values.

3) Present status in India
   - India still remains a non-signatory to 1951 United Nations Refugee Convention and the 1967 Protocol, which help define the legal obligation of states to protect refugees.
   - India does not have a national asylum policy.
   - Refugees have been accorded constitutional protection by the judiciary (National Human Rights Commission vs. State of Arunachal Pradesh, 1996)
   - The Supreme Court has held that the right to equality (Article 14) and right to life and personal liberty (Article 21) extend to refugees.
   - Our data on refugees remain significantly deficient, preventing analysis on refugee flow and their parlous existence.

4) India’s Refugee Communities
   - Afghan refugees from the 1980s, Myanmar refugees for a similar period; migration and refugee movements from Bangladesh over the years.
   - UNHCR estimates there are 5,500 registered Rohingya refugees spread across India living in makeshift camps in precarious conditions without proper sanitation, food and education.
Refugees come to India from all over the world including Afghanistan, Myanmar, Somalia, Congo, Eritrea, Iran, Iraq, Sudan and Syria.

5) **The Legal Framework for Refugees in India:**
   - India plays host to thousands of refugees, it has no specific legislation dedicated to the refugees’ protection and rights.
   - In the absence of a specific law addressing refugees, individual refugees are essentially protected only under the Constitution of India.
   - The Government determines the legal status of refugees by political and administrative decisions, rather than according to a codified model of conduct that governs the status of Refugees in India.
   - Colonial laws still cast a long shadow on India’s policies regarding refugees and asylum seekers.
   - The Foreigners Act (1946) and the Registration of Foreigners Act (1939) currently govern the entry and exit of all refugees, treating them as foreigners.
   - The Government grants permission to UNHCR to conduct registration and refugee status determination as well as provide assistance to refugees who are not extended direct assistance by the government.

6) **Concerns**
   - Refugees in India endure constant suspicion.
   - There are restrictions placed on their freedom of movement.
   - Most refugee camps in India run on low rations and lack basic health care facilities.
   - At the end of 2015, according to the United Nations, there were 2,07,861 persons of concern in India, of whom 2,01,281 were refugees and 6,480 asylum seekers.
   - India remains one of the few liberal democracies to not have signed, supported or ratified the international conventions that govern how nations should treat distressed people.

7) **Need of the Hour**
   - A well-defined asylum law would establish a formal refuge granting process with suitable exclusions (war criminals, serious offenders, etc.)
   - Social sensitisation remains key — institutions, private and public, should be encouraged to recognise UNHCR-issued refugee cards.
   - Local municipal corporations should be asked to sensitise neighbourhood associations to accept refugees who can pay.
   - Conducting integration workshops for youth and women empowerment initiatives.
   - Outreach should be conducted through government welfare programmes and biometric initiatives like Aadhaar, in addition to a simpler registration process.
   - The issue of the legal status of refugees needs to be discussed and given greater importance.

8) **Conclusion**
   - We need a system that enables the management of refugees with greater transparency and accountability.
   - While the security interests of India must remain paramount, taking care of refugees in India is a moral duty for the state.
   - Having a comprehensive refugee law predicated on universal principles of dignity, fraternity and safety, could be one such pathway to global leadership.