



India's Path to Protecting Refugees

This editorial is based on "[Blueprints Beyond Borders, for Solace and Shelter](#)" which was published in The Hindu on 20/06/2024. The article emphasises that the problems faced by refugees require international cooperation and that India needs to uphold its image of serving "the still larger cause of humanity".

For Prelims: World Refugee Day, 1951 Refugee Convention, World Refugee Day, India's refugee policy, 1967 Protocol, Foreigners Act of 1946, Citizenship Act, 1955, CAA, Tibetan refugees United Nations High Commissioner for Refugees (UNHCR), Rohingya refugees, eurocentric.

For Mains: Major Issues Related to Refugees in India, Measures to Improve Their Condition.

[World Refugee Day](#), observed on **June 20**, is a poignant reminder of the humanity behind these numbers. The world is home to **over 43.4 million refugees**, a number that continues to climb as conflicts persist globally.

In this scenario, India's approach to refugees has been shaped by its **historical experiences**, [humanitarian considerations](#), and **diplomatic relations** with neighbouring countries. Since gaining independence in 1947, India has witnessed several waves of **forced migration** from its neighbouring nations, prompting the country to adopt a complex and evolving refugee policy.

India's refugee policy has been largely shaped by **ad hoc responses to specific crises**, rather than a comprehensive national legislation or framework. The country has relied on a combination of **administrative policies, judicial pronouncements, and constitutional provisions** to address the needs of various refugee groups.

Addressing this crisis requires a comprehensive review of [India's refugee policy](#) and a renewed focus on a **strategic roadmap** to become an efficient country in managing the refugee crisis.

What is Considered a Refugee Crisis In India?

▪ About:

- Refugees are individuals who have **fled their home countries** due to severe threats to their life, **physical safety, or freedom, requiring international protection**.
- These threats can stem from **persecution, armed conflict, violence**, or significant public unrest in their country of origin.

▪ Causes of India's Refugee Crisis:

- **Not A Signatory to 1951 Refugee Convention:** In India, the term **refugees is not legally defined**, as the country is not a signatory to the [1951 Refugee Convention](#) or its [1967 Protocol](#).
 - Since India has not adopted the international definitions and standards outlined in the Refugee Convention, there is **no specific legal framework or definition** of

refugees under Indian law.

- This absence makes it difficult to distinguish between **economic migrants and genuine refugees** seeking asylum.
- **Political Instability and Conflicts in Neighboring Countries:** India shares borders with several countries that have experienced **political turmoil**, civil wars, and ethnic conflicts, leading to mass displacement of people.
 - For example, **the partition of India in 1947, the Bangladesh liberation war in 1971, the Sri Lankan civil war from 1983 to 2009, and the ongoing Rohingya crisis in Myanmar** have resulted in a significant influx of refugees into India.
- **Ethnic, Religious Persecution and Humanitarian Considerations:** India's commitment to humanitarian principles and its tradition of providing asylum to those fleeing persecution and conflict have also been a factor in accommodating refugees.
 - For instance, **Tibetan Buddhists sought refuge in India after the Chinese occupation of Tibet in 1959.**
- **Natural Disasters and Environmental Factors:** Natural calamities like floods, earthquakes, and cyclones have also contributed to the displacement of people, leading them to seek refuge in India.
 - **In 2015, Nepal** was struck by a devastating earthquake, forcing thousands of Nepalese to flee across the open border into India for safety and assistance. Many sought refuge in Indian states like Bihar and Uttar Pradesh.
- **Porous Borders and Lack of Comprehensive Refugee Policy:** India's long and porous borders with neighbouring countries, coupled with the lack of a comprehensive refugee policy, have made it challenging to effectively manage and regulate the influx of refugees.
 - Over the years, economic migrants and refugees fleeing persecution in Bangladesh have crossed into India's northeastern states like **Assam and West Bengal.**

What is India's History of Granting Asylum to Refugees?

- **Jews Refugees:** From ancient times **when Jews found refuge in India** after the destruction of their Herod's Temple (Jerusalem).
 - This temple was destroyed by the **Romans in 70 CE** during the First Jewish-Roman War marking a significant dispersion of Jews from their homeland, leading many to seek refuge in various parts of the world, including India.
- **Tibetan Refugees:** **In 1959**, India opened its doors to [Tibetan refugees](#) fleeing the **Chinese occupation** of Tibet, granting them asylum and establishing settlements for their rehabilitation.
- **Partition Refugees:** Having witnessed one of the **largest refugee crises during the [partition in 1947](#)**, India accommodated millions of refugees from the newly formed state of Pakistan.
- **Chakma and Hajong Refugees:** In the **early 1960s**, India accepted the [Chakma and Hajong communities](#), who had been displaced from their ancestral homes in the Chittagong Hill Tracts region of **present-day Bangladesh**.
- **Refugees from East Pakistan (now Bangladesh):** In the wake of the [Bangladesh Liberation War in 1971](#), India hosted a significant influx of Bangladeshi refugees, providing them with shelter and aid during their time of crisis.
- **Sri Lankan Tamil Refugees:** Since the 1980s, India has served as a refuge for [Sri Lankan Tamils](#), escaping the civil war and ethnic violence in Sri Lanka.
- **Rohingya Refugees:** In recent years, India has faced the challenge of accommodating [Rohingya refugees](#), a persecuted Muslim minority group who have fled widespread violence and human rights abuses in Myanmar's Rakhine State, seeking safety within its borders.

Statistical Data of Refugees

108.4 M (Approx.)

Forcibly displaced people worldwide



Türkiye (Turkey)

Hosts maximum **3.6 M** refugees



Syria

Originates maximum **6.8 M** refugees

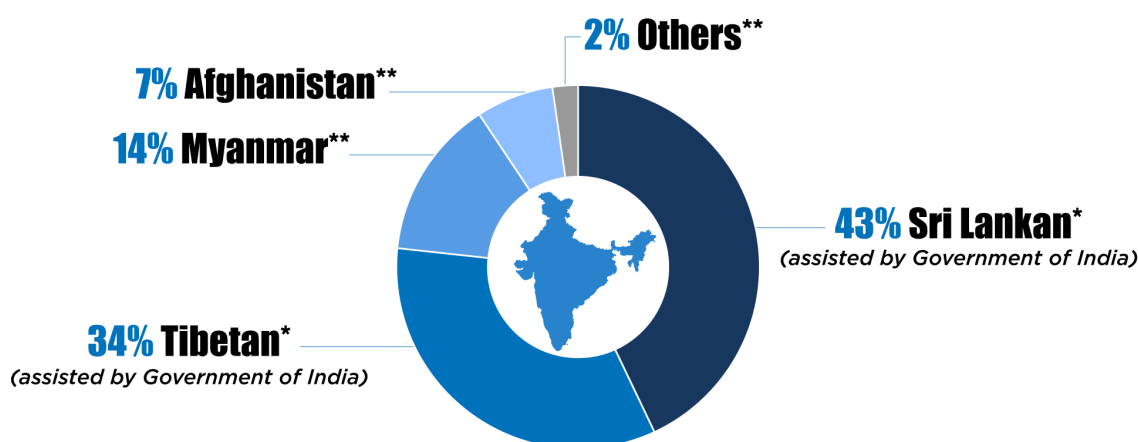


40% (Approx.)

Children below **18** years of age



India hosts approx. **2.5 Lakh** Refugees and Asylum-Seekers



*Refugees registered by the Government of India | Source- <https://www.unhcr.org/in/>

** Refugees and Asylum-Seekers registered with UNHCR India (as of 31 March 2023)

Why has India not Signed the 1951 Refugee Convention?

- **Definition of Refugee is Discriminatory:**
 - **The 1951 Convention** defines refugees as individuals who have been deprived of their civil and political rights, but not their economic rights.
 - India believes that this definition is **too narrow**, as it excludes those who have fled their countries due to **economic deprivation** or lack of livelihood opportunities.
 - Including violation of economic rights in the definition of a refugee could potentially place a significant burden on developed nations, which India may not be prepared to undertake.
- **Eurocentrism:**
 - India perceives the **1951 Refugee Convention** as being largely **Eurocentric** focusing primarily on the concerns and situations prevalent in Europe at the time of its drafting.
 - The convention does not adequately address the specific challenges and contexts faced by south asian countries like India when it comes to refugee influxes and cross-border movements.
- **Sovereignty and National Security Concerns:**
 - By signing the convention, India fears that it **may compromise its sovereignty and ability to regulate the entry and stay** of foreign nationals within its territory.
 - Some concerns acceding to the convention could potentially affect India's **domestic laws and policies** related to national security and border control.
- **Lack of Resources and Infrastructure:**
 - India has cited its **limited resources and inadequate infrastructure** as reasons for not

signing the convention, as it may struggle to provide the required level of assistance and protection to a large influx of refugees.

▪ **Concerns Over Potential Misuse:**

- There are apprehensions that the provisions of the convention could be misused by economic migrants or **individuals with ulterior motives**, posing potential security risks.
- There have been allegations of some **Rohingya individuals** having links to extremist organisations, during the Sri Lankan civil war, there were concerns that **some LTTE (Liberation Tigers of Tamil Eelam)** members might have entered India posing as refugees.

What is the Legal Framework Related to Refugees In India?

- **Citizenship Act, 1955:** This act provides provisions for [renunciation, termination, and deprivation](#) of Indian citizenship. And Citizenship Amendment Act, 2019 (CAA) is considered a controversial amendment to the Citizenship Act.
 - The [CAA](#) seeks to provide a pathway to citizenship for persecuted Hindu, Christian, Jain, Parsi, Sikh, and Buddhist immigrants from Bangladesh, Pakistan, and Afghanistan. However, Muslim immigrants from these two countries have been excluded.
- **Registration of Foreigners Act of 1939:** This act mandates that **all foreign nationals** (excluding Overseas Citizens of India) visiting India on a **long-term visa** (more than 180 days) must register themselves with a Registration Officer within **14 days** of arriving in the country.
- **Foreigners Act of 1946:** This act empowers the Central government, under [Section 3, to detect, detain, and deport](#) illegal foreign nationals present in the country.
- **Passport (Entry into India) Act, 1920: Section 5** of this act allows authorities to forcibly remove illegal foreigners from India, in accordance with **Article 258(1)** of the Constitution of India.
 - **Article 258(1) states that** notwithstanding anything in this Constitution, the president may, with the consent of the Governor of a State, entrust either conditionally or unconditionally to that Government or its officers function in relation to any matter to which the executive power of the Union extends.

What Should be the Future Strategy to Tackle the Refugee Crisis In India?

- **Upholding Non-refoulement:**
 - Non-refoulement is a **fundamental principle** of international refugee law that **prohibits states from returning asylum seekers** to a country where they would face persecution and torture.
 - While India is not a signatory to the UN Refugee Convention, it has historically **respected the principle of non-refoulement**. This principle needs to be upheld beyond borders.
- **Enhanced Diplomatic Engagement and International Cooperation:**
 - **India's Operation Insaniyat**, providing aid to improve conditions for Rohingya in Bangladesh's **Cox's Bazar**, exemplifies this approach.
 - India has announced a development **assistance of \$25 million for Myanmar's Rakhine State**, from where thousands of Rohingya Muslims fled following incidents of violence against the community.
 - For example, India could expand its cooperation with the [UN High Commissioner for Refugees \(UNHCR\)](#), similar to how it worked with them during the Tibetan refugee crisis in the 1960s.
- **Balancing Security and Humanitarian Concerns:**
 - In line with **Supreme Court guidance**, India must strike a delicate balance between national security interests and humanitarian obligations.
 - For example, considering the cultural ties between **India and Myanmar**, India could implement a temporary identification system for refugees.
 - This involves providing essential services like [healthcare](#), **food, and temporary shelter** to Rohingya refugees while addressing security concerns.
- **Women and Child Protection:**

- Implement specific programs for vulnerable groups. The UNHCR's "**Safe from the Start**" **program in Ethiopia**, focusing on preventing sexual and gender-based violence in refugee camps, is an example India could consider.
- **Long-term Regional Strategy:**
 - Work towards a regional strategy. The **Comprehensive Plan of Action for Indochinese Refugees in the 1980s**, involving multiple Southeast Asian countries, could serve as a template for a permanent solution to the refugee crisis.

The aforementioned strategies have reshaped the legal and social landscape for refugees in India, highlighting the complex interplay between humanitarian concerns, national security, and demographic considerations. Balancing its traditions of hospitality with evolving geopolitical realities remains a critical task for policymakers and society at large.

Drishti Mains Question:

How has the refugee situation in India become deeply intertwined with broader issues of human rights and international humanitarian principles? Examine the connections and implications.

UPSC Civil Services Examination, Previous Year Question:

Q. Consider the following pairs: (2016)

Community sometimes In the affairs of mentioned in the news

1. Kurd — Bangladesh
2. Madhesi — Nepal
3. Rohingya — Myanmar

Which of the pairs given above is/are correctly matched?

- (a) 1 and 2
- (b) 2 only
- (c) 2 and 3
- (d) 3 only

Ans- (c)