

## PROBLEMS FACED BY REFUGEES IN INDIA

Asst. Prof. Samruddhi Chetan Mhadgut  
B.G.L.L.B.(HONS) LL.M.  
Victor Dantas Law College, Kudal

A refugee is a person who is compelled to leave their country due to violence, conflict or persecution. A refugee fears that they will be persecuted because of their ethnicity, religion, nationality, political views or participation in a particular social group. They are not able to return their home or are afraid to return home. Refugee influx in India started during partition of India in 1947.

There are many Pakistani refugees in India since 1947. In 1959 many refugees from Tibet came to India when Dalai Lama and his 100,000 followers were being persecuted by Chinese authorities. India also gave shelter to Chakma and Hajong in 1960. They were relocated in Arunachal Pradesh between 1964 and 1969. Many Bangladeshi Refugees have settled in Kolkata. In 1980 many Tamil Refugees from Sri Lanka settled in Tamil Nadu. In 2022 Rohingya refugees from Myanmar settled in India. India has been providing shelter to many refugees although without having any strategy for Refugees. India is not a signatory to the 1951 Refugee Convention nor its 1967 Protocol on the Status of Refugees. Since refugee law does not exist in India there is no uniformity in the treatment of refugees in the country. Then how do we handle refugees in India under legislative framework? All foreigners, illegal immigrants, refugees/ asylum seekers or those who overstay with visa permits are treated under Foreigners Act of 1946. Under section 3, the central government can detect, detain and deport illegal foreign Nationals. Under section 5 of Passport (Entry into India) Act 1920, authorities can remove an illegal foreigner by force under Article 258(1) of Constitution of India. There is also Registration of Foreigners Act of 1939, under this there is mandatory requirement under which all foreign nationals (excluding overseas citizens of India) visiting India on a long term visa (more than 180 days) is required to register themselves with a Registration officer within 14 days of arriving in India. Citizenship Act 1955, provides for renunciation, termination and deprivation of citizenship.

Citizenship Amendment Act 2019 (CAA), provides citizenship only to Hindu, Christian, Jain, Parsi, Sikh and Buddhist immigrants persecuted in Bangladesh, Pakistan and Afghanistan. India has also issued a Standard Operating Procedure to be followed by all concerned agencies while dealing with foreign nationals who claim to be refugees. The Constitution of India also respects the life, liberty, and dignity of human beings. 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. Many countries feel that if economic rights are given to refugee's government of country will be burdened economically.

India also feels that 1951 convention is mostly Eurocentric and does not bother about South Asian Countries. Also it will affect India's safety and home laws. The constitution of India also confers on them Right to life, liberty, Dignity of human beings. Most of the times various nations try to protect their own citizens and much importance is not given to refugees. Local residents refuse to treat them well and they are afraid and feel insecure. There is physical and emotional exploitation by the local residents since they are not citizens of India. Basic necessities of life such as food, shelter and employment are not provided to them and privileges are also not conferred. Policy that India has adopted for protecting refugees is an ad-hoc administrative policy on refugees. Many times refugees are not aware about their rights. Since there are better economic opportunities in India, many people from neighbouring countries have immigrated to India illegally.

Refugees also face lots of difficulties while obtaining refugee card . Refugee card is issued to refugees by United Nations High Commissioner for refugees . Process involved in this is that of refugee status determination process. This process takes at least 20 months for evaluation .During this period refugee is arrested , detained and deported without access to UNHCR.

What then are the solutions to the problems faced by refugees in India. We should include refugees as a part of our community and provide them emotional support. We must understand that they are refugees because they are victims of Human Rights violations. Political, Economic, social rights are not conferred to them. If any women or child refugee faces violence and harassment by authorities or local residents, they should be protected by the courts of our country under the provisions of Fundamental Duties enshrined in our constitution. Temporary livelihood and shelter should be provided to them. Orders should be given to the authorities that they should not be shot at sight. Health facilities should be provided to them. Education should be provided to them. Refugees with special needs also need to be looked after. Procedures for determining status of Refugees should be made easy and equitable and effective. We also need to enact special legislation meant to protect specifically refugees.

### **References and bibliography.**

- 1)World Refugee Day: All you need to know about India's Refugee crisis
- 2)Refugees in India, wikipedia
- 3)Refugee crisis in India.geeksforgeeks.org.