



REFUGEE CRISIS IN INDIA

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Abstract: The refugee crisis in India is a complex issue rooted in regional conflicts, environmental displacement, and political persecution. This study investigates the causes, outcomes, and management of this crisis within India's social and political context. The paper explores the arrival of refugees from neighboring nations like Sri Lanka, Tibet, Myanmar, and Bangladesh, emphasizing the difficulties they encounter in accessing basic rights and services. Additionally, the paper evaluates India's legal framework and policy responses to refugees, gauging their effectiveness in meeting the humanitarian needs of displaced communities. Through a synthesis of existing research and literary sources, this research contributes to a better understanding of the challenges involved in integrating and safeguarding refugees in India. The existing studies lack an in-depth analysis of the refugee crisis in India as well as the plight of the refugees and their struggle for a safe haven. In this research paper I will be focusing on these aspects. Furthermore, in this research paper I will also be discussing the current policies and its effect on the refugees in India which is lacking in most of the studies.

Index Terms - Refugee Law, Refugee Crisis, International Humanitarian Law , Asylum.

INTRODUCTION

In order to protect people who have been forced to leave their home countries because of persecution, conflict, violence, or breaches of human rights, a sophisticated system of legal concepts and tools known as international refugee law has been put in place. The 1951 Refugee Convention and its 1967 Protocol, which specify who is a refugee and lay out the rights and obligations of both refugees and nations, are the cornerstones of this corpus of legislation. A refugee is defined by the Refugee Convention as a person who is outside their country of origin or habitual residence who is either unable or unwilling to return because of a legitimate fear of being persecuted because of their race, religion, nationality, membership in a specific social group, or political beliefs. The foundation for refugee protection worldwide is this well accepted definition.

Two fundamental tenets of international refugee law are the right of refugees to seek and obtain asylum in another nation, and the principle of non-refoulement, which forbids states from sending refugees back to nations where their lives or freedoms would be in danger. Numerous international and regional instruments, such as the Universal Declaration of Human Rights¹ and regional refugee treaties like the Cartagena Declaration in Latin America in 1984 and the Organization of the African Unity and the convention of the African Union in 1969, uphold these concepts.

International refugee law not only offers protection to refugees but also lays out the rights and obligations of states with regard to them. States are typically expected to safeguard the rights of refugees on their territory, including the rights to freedom of movement, labour, education, and access to healthcare. States may, nevertheless, exercise their sovereign authority to police their borders and regulate the influx of refugees in conformity with international law. The United Nations High Commissioner for Refugees (UNHCR), which strives to offer protection and aid to refugees worldwide, is one of the UN organizations that supports the implementation and enforcement of international refugee law. The UNHCR is essential in organising responses to refugee crises, defending the rights of refugees, and assisting in the implementation of long-term solutions like resettlement, voluntary return, and local integration.

Even with international legislation protecting refugees, there are still obstacles in the way of providing adequate safety for these individuals. Legal framework gaps, a lack of funding for refugee protection and support, political opposition to refugee resettlement, and the growing politicization of refugee issues are some of these difficulties. Conflicts, persecution, environmental degradation, and other causes have made the worldwide refugee situation worse recently, making it more difficult for current protective institutions and humanitarian solutions to function. In an attempt to tackle these issues, regional and international agreements on refugees have been created, such as the 2018 UN General Assembly's adoption of the Global Compact on Refugees. These agreements seek to fortify refugee protection and support, foster long-term solutions for refugees, and improve global cooperation and burden-sharing. But carrying on these promises is still a difficult task that need a persistent political will.

¹ The Universal Declaration of Human Rights was adopted by the United Nations in 1948. It guarantees the basic rights for everyone, regardless of nationality, religion.

Backdrop to the Study

India has not signed the 1951 Refugee Convention or its 1967 Protocol, which outlines the responsibilities of host countries towards persecuted individuals. India also does not acknowledge the UNHCR's role within its borders and handles refugee matters independently. Of the 200,000 refugees in India, only around 46,000 have official protection from the UNHCR, while others have varying levels of recognition or are undocumented. Differing documentation systems from both state and international entities, alongside emerging national ID technologies like Aadhar, make it harder for refugees to access essentials, advocate for their needs, and gain consistent recognition from the government.

India's historical reputation as a safe haven for refugees is compromised by the absence of a formal law addressing their rights. The 1946 Foreigners Act, which governs treatment of non-citizens, lacks specific provisions for refugees, treating them similarly to undocumented migrants and tourists. Judicial intervention is limited when constitutional rights are violated, highlighting the need for clear legal definitions. The conflation of refugees with illegal migrants is particularly concerning given growing anti-migrant sentiment under the Modi government.

Furthermore, India's treatment of its marginalized communities has influenced its policies towards perceived 'outsiders'². For instance, the Citizenship Act of 1955 underwent its first revision in response to the Assam Movement in 1985, allowing the naturalization of migrants who arrived before 1971 but requiring deportation for those who came after. The 2019 amendment, known as the Citizenship Amendment Act (CAA), grants Indian citizenship to non-Muslim refugees from Afghanistan, Pakistan, and Bangladesh, introducing religion as a formal criterion for state protection. Although tailored policies have advantages, the absence of a moral imperative from the state, coupled with prevalent anti-Muslim sentiment, inevitably leads to biases in how different refugee groups are treated.

In the absence of formal laws, India's responses to successive waves of refugees have been influenced by political realism³ and prescriptive ethnonationalism⁴. For instance, despite not intervening militarily in China's takeover of Tibet in 1959, India warmly received Tibetan refugees, leveraging nationalist sentiments against Chinese aggression in 1962 and garnering public support for the Tibetan cause. The government strategically utilized Tibetan refugees for political gains, both in electoral politics and in a tense Sino-Indian relations. Nehru pursued innovative policies like establishing the Central Tibetan Administration in Dharamsala, providing land and education for Tibetan refugees. Similarly, during the 1971 war, India accommodated ten million Bangladeshi refugees to bolster its strategic interests against Pakistan, fostering alliances while maintaining a balance between friendship and rivalry. Regional responses to refugee influxes were also influenced by electoral politics and communal dynamics, with West Bengal offering support based on cultural and linguistic similarities, while Assam displayed hostility due to concerns over resources and differences in religion and language.

In recent years, there has been a shift away from the Nehruvian approach to hospitality in India, originally shaped by the traumatic experiences of the Partition. This shift is exemplified by the government's treatment of Rohingya refugees, who are fleeing violence in Myanmar. Since 2017, India has taken a harsh stance, criminalizing and deporting Rohingya refugees, many of whom live in poor conditions across the country. The government's approach has been criticized for its communal undertones, with the government officials referring to the refugees as 'termites' and 'terrorists'. However, this stance can also be seen as influenced by India's diplomatic priorities, particularly its relationship with Myanmar. Myanmar is strategically important to India, serving as a link between South and Southeast Asia, sharing intelligence on border issues, and providing resources for India's technology industry. As a result, India has refrained from mediating on Rohingya repatriation between Bangladesh and Myanmar, unlike China, which has taken a more active role.

India introduced an electronic visa program for Afghan refugees following the U.S. withdrawal, but it is uncertain how many of the 60,000 asylum requests since August 2021 have been approved. India seems to prioritize applications from Hindus and Sikhs, potentially due to its discriminatory CAA policy. Geopolitically, India's stance on the Taliban might influence its treatment of Afghan refugees. While the Taliban seeks aid from India, New Delhi aims to prevent anti-India terrorism, shifting focus away from humanitarian aid for refugees.

India can learn from how it managed a lot of refugees in the past. Usually, countries deal with refugees by sending them back home, helping them settle in, or moving them to another country. But with Tibetan refugees, living in remote areas of Himachal Pradesh, it did not cause problems with too many people or local issues. India worked with groups like the Central Tibetan Administration to help them keep their culture and organize themselves politically. This example shows how countries, local groups, and global organizations can work together for solutions beyond the usual methods. Even though the current government benefits from unclear laws, India is not keen on making a solid plan for refugees. They seem to focus more on political and religious interests. But to follow international and Indian laws and to handle security concerns about undocumented migrants, India should make a clear refugee law. This law would provide fair ways for refugees to stay and stop unfair actions like the National Registry of Citizens. It would not only help refugees but also people in India who face legal problems because they do not have proper documents, like Muslims, Dalits, and the poorest⁵ people. The UNHCR in India has officially recognized approximately 46,000 refugees and asylum seekers as of January 31, 2022. It is expected that this number would increase as a result of things like natural catastrophes, poverty, instability, a lack of access to basic services, wars, and environmental degradation. In India, the majority of refugees and asylum seekers live in cities and are incorporated into the local community. Of these, girls and women make up 46 per cent of the population, while minors make up 36 per cent.

These scenarios in India with respect to the refugees generated interest in studying this particular issue in detail. What are the ways in which the refugee issues can be addressed in a pacific manner so that it will be beneficial for India as well as the refugees? This very thought primarily led to the selection and study of this particular issue.

² Outsiders refer to people who are not accepted as a part of the community or the society.

³ Political realism refers to the belief that nations prioritize their own interest for gaining power in international relations.

⁴ Ethnonationalism refers to a strong connection to one's own ethnic group, often seeking independence and recognition.

⁵ Poorest refers to the people who have no means of support.

Research Gap

Of the Articles that were explored during the preparation of this research paper, the research gaps that were identified and were prominent were that they argue for the necessity of a comprehensive refugee law in India. However, it does not extensively explore the potential challenges or feasibility of implementing such a law within India's legal and political framework, leaving a gap in practical considerations and implementation strategies. They also identify the challenges faced by refugees but overlook an in-depth analysis of the cultural adaptation and identity maintenance among the refugees, which are crucial aspects for understanding their resettlement experiences and community dynamics.

Research Questions:

- 1) Why India needs refugee Law?
- 2) What are the challenges faced by refugees in India?
- 3) Why the refugees must be protected?
- 4) What are the challenges for India in adopting a refugee law?

Research Objectives:

- 1) To understand the nature of refugee crisis in India.
- 2) To examine the refugee law and its applicability in India.

Research Methodology:

In this research paper, we mainly used a detailed review of existing literature and analysis of related scholarly articles. We searched extensively across several academic databases and research repositories, including relevant databases such as Google Scholar, JSTOR, Web of Science among others to find articles relevant to our research topic. To narrow down the results, we used specific keywords like Refugee Law, International Humanitarian Law, Refugee crisis, Asylum, Non-refoulement. We then carefully screened the selected articles to ensure they were relevant, credible, and academically sound. We systematically analyzed the final set of articles, extracting and combining key findings, methods, theories, and perspectives. This thorough review of existing literature helped us understand the research problem, identify knowledge gaps, and develop new insights presented in this paper. The literature review formed the basis for our later analyses, discussions, and conclusions.

Concepts and Definitions

This section deals with the concepts and definitions for a better understanding of the research paper.

Refugee

The origins of today's international refugee laws can be traced back to agreements formed during the League of Nations era. The League defined refugees based on being outside their home country and lacking its protection. For instance, in 1929, a Russian refugee was someone of Russian origin without protection from the Soviet government and without another nationality. Similarly, in 1936, German refugees were those without German nationality and lacking protection from the German government, or stateless individuals leaving German territory without such protection. While the League's focus was humanitarian, the post-World War I period saw the need for centralized control due to political, economic, and social pressures. This underscored the necessity for an international authority to manage refugee issues, coordinate governmental and non-governmental efforts, negotiate between parties, and balance diverse economic and social interests across nations.

After World War II, the International Refugee Organization (IRO) was set up to help the millions who were forced to leave their homes. They defined refugees as people who suffered under Nazi or fascist regimes, like those in Spain, or those persecuted before the war because of their race, religion, nationality, or politics. Later, the United Nations created the UNHCR to protect refugees and find them permanent homes. They defined refugees as people outside their country because they're afraid of being hurt because of who they are or what they believe. This definition was later used in the 1951 Convention, which is widely accepted but still debated. To be considered for refugee status according to the 1951 Convention, individuals must prove they face persecution due to their affiliation with categories like race, religion, nationality, political opinion, or social group, showing a direct link between their membership in these categories and the persecution they endure.

Principle of Non refoulement.

The rule of non-refoulement says refugees cannot be sent back to a place where they might be hurt or persecuted. This rule, based on the French word "refouler" meaning to push back, is different from just kicking someone out. Most countries follow Article 33(1) of the 1951 Convention, which protects refugees from going back if their life or freedom is at risk. Even though it started off narrow, it's now expanded to include those at borders. Not sending people back to danger is written in many international agreements and laws that stop sending people away if they're in danger. And it's seen as a really important rule in international law.

Right to Asylum.

Asylum offers refugees protection in a new country by taking them away from the authority of their original nation, while the non-refoulement principle prohibits their forced return. Although the historical context of asylum is recognized, its current application remains unclear. International human rights agreements guarantee the right to flee any country and seek protection from persecution, but there are variations in their interpretations and obligations. Despite attempts, Congress has not been able to establish clear asylum guidelines. The OAD Convention mandates member nations to accept and resettle refugees who cannot or will not return to their home country, thereby expanding the refugee definition.

Even though international agreements recognize the right to seek asylum from persecution and require states to abide by it, there's no solid proof that states have committed to granting asylum as an international duty. While the rule against sending people back to danger has expanded to include encouraging admission, there hasn't been a similar progress in making sure states have to provide a lasting solution for asylum seekers. The main issue with recognizing asylum as a right is that it might limit a country's control over its own affairs and political decisions when individuals can demand asylum as a right.

REVIEW OF LITERATURE

In this study, various authors and their articles are examined to understand the nuances of the topic and to study the situation of the refugees from different parts of the world who are in India and the struggles faced by them.

Problems faced by Refugees in India:

One of the major issues faced by the refugees are health related issues. The population of refugees and asylum seekers is diverse and has different health needs than the native population. Due to their terrible experiences during wartime and their systematic persecution, a notably larger percentage of refugees suffer from mental health issues such as depression, PTSD, and schizophrenia. Women and girls may have trouble getting help for sexual and gender-based abuse, and those with disabilities may experience even more difficulties. Children who are refugees or migrants, especially those who do not have adult guardians, are more vulnerable to being exploited, abused, and exposed to traumatic events. They also frequently face difficulties accessing the healthcare they require. A second complicating factor is that access to healthcare in humanitarian circumstances is sometimes hampered by poor medical facilities and shortages of drugs.

Employment is another challenge for the refugees. As they are non – citizens, refugees and asylum seekers face several obstacles while trying to get government jobs, healthcare, and education. Their limited mobility makes them much more vulnerable in society. Their mental health suffers as a result of this limitation, which causes them to suffer on a physical and psychological level.

Refugees also face issues with respect to education. Lack of proper documentation and genuine records about their residency status make it difficult for children of refugees and asylum seekers to enroll in higher education. Nonetheless, certain members of this group who are protected by the UNHCR are not required to provide any further documentation and are able to pursue further education.

Housing is another hurdle for them. Seeking permanent accommodation is a major obstacle for refugees and asylum seekers, resulting in daily struggles and long-term inability to obtain steady employment. Those who are most impacted by these challenging conditions are women and children.

Language barrier is also adding to their vulnerability. Daily activities such as communicating, finding employment, completing paperwork, or purchasing food all necessitate proficiency in either English or Hindi. For instance, refugees migrating from Myanmar to Bangladesh often do not speak the local language, complicating their daily tasks. While learning a new language is possible, it presents significant challenges. Balancing language acquisition with daily survival and caring for dependents is particularly daunting.

International Humanitarian Law and Refugees

The International Humanitarian Laws focus on protecting the lives and well-being of refugees who flee to other countries for safety. During wars, many civilians are forced to leave their homes and belongings. The Geneva Conventions IV of 1949, Article 45, emphasizes the importance of safeguarding refugees. It says refugees shouldn't be sent to a country not part of the Convention or where they might face persecution for their beliefs. Forced transfers or deportations of refugees from occupied territories are banned, even if it is for military reasons. If evacuations are necessary during war, refugees should return home once it's safe. The law also requires that occupying states provide proper housing, hygiene, and nutrition for refugees and avoid separating families. They shouldn't detain refugees in areas exposed to war dangers unless absolutely necessary for security reasons.

Article 47 ensures that people protected by the Convention won't lose its benefits due to changes made by the occupying power in the territory's government or agreements between local authorities and the occupiers. It also states that protected persons can't be arrested, prosecuted, or convicted by the occupying power for actions or opinions expressed before or during a temporary pause in the occupation, except for war-related crimes. This shows how important it is to protect people during and after a war.

Saurabh Bhattacharjee (2008) highlights India's historical role as a haven for refugees, including Tibetans, Sri Lankans and Bangladeshis. However, Bhattacharjee points out that India's treatment of refugees has been inconsistent without a unified legal framework. This results in refugees living in uncertain conditions and vulnerable to abuse and exploitation. India does not have a refugee statute because of a number of reasons, such as national security concerns, bureaucratic inefficiency, and political apathy. Writing a law of this kind is challenging, as Bhattacharjee acknowledges, particularly in a nation with as much diversity and population as India. He contends, however, that India's adherence to humanitarian ideals and international standards is compromised by the absence of legal protection for refugees. The legal system in India that governs refugees is criticized by the author since it mostly relies on executive orders and administrative judgements. He contends that this strategy fails to address the multifaceted needs of migrants and abandons them to the whims of unstable laws and customs.

Bhattacharjee (2008) further talks about the constitutional rights with respect to fundamental rights as per the Indian constitution and that

it applies to people who are not Indian citizens too. The author proceeds to put forward his argument by mentioning the Article 14 of the constitution; Right To equality before law. According to the Constitution, the government cannot refuse anyone in India equal protection under the law or equality before the law. It implies that everyone is subject to the laws in the same way, regardless of their situation. We refer to this as the rule of law. The author also mentions the Article 21 of the constitution i.e., Protection of life and liberty. It states that No person shall be deprived of his life or personal liberty except according to procedure established by law. The author criticizes India's current refugee legal system, which mostly consists of executive orders and administrative decisions. He argues that this strategy leaves migrants in the hands of the right laws and practices and fails to address their complex demands. Bhattacharjee calls for a comprehensive refugee law that follows standards and guidelines from around the world. He argues that such a law should give refugees protection from deportation, legal recognition, access to basic services such as health and education, and a path to long-term solutions such as integration and resettlement.

There is a need for a law-based approach to refugee protection that prioritizes the dignity and well-being of refugees. Respecting the basic rights of refugees living in India, including the right to work, free movement and legal protection are imperative. In addition to legal reforms, public awareness and political will to support the rights of refugees in India are required. NGOs, human rights activists and concerned citizens can give support for the passage of the Refugee Law and hold the government accountable for its refugee responsibilities. It is important for India to create a strong legal framework for refugee protection, both morally and legally. Enacting such a law will help refugees as well as enhance India's reputation as a responsible global citizen (Bhattacharjee, 2008).

Chaudhary (2004) explores the idea of non-refoulement in Indian law. The idea of "non-refoulement" is the practice of avoiding sending refugees or asylum seekers back to a nation where they might be persecuted or harmed. In his opening remarks, Chaudhary highlights India's humanitarian values and its past hostility to refugees, particularly the Tibetans. But he points out that there isn't a complete legal structure that deals with refugee protection specifically, thus customary international law concepts are used instead. The article looks at how non-refoulement principles are applied in India in a number of situations, including how it handles refugees from Bangladesh, Sri Lanka, and Tibet. Although India has typically upheld the principle of non-refoulement, Chaudhary contends that there have been occasions in which it has not given refugees sufficient protection. The absence of a formal process in India for determining refugees' status is one of the main issues brought up. People in need of protection run the risk of having their requests for asylum denied or being sent back to countries where they are persecuted if there is no clearly defined process in place for evaluating refugee claims. Chaudhary also talks about India's stance on repatriation agreements with its neighbors, such the one pertaining to illegal migrants with Bangladesh. He criticizes these agreements for not having enough protections to guarantee that anyone repatriated under them won't face danger or persecution. The paper also looks at the judiciary's function in maintaining India's non-refoulement laws. Chaudhary highlights a number of court cases that demonstrate India's commitment to refugee protection, in which the judiciary intervened to stop the deportation of people who were in danger.

Nonetheless, Chaudhary (2004) concedes that there are obstacles to non-refoulement principles' implementation in India, such as resource limitations and political reasons. In addition to official refugee determination procedures and systems for overseeing repatriation agreements, he asks for the creation of a comprehensive legal framework for refugee protection. "Turning Back: An Assessment of Non-Refoulement under Indian Law" concludes by critically evaluating India's compliance with the principles of non-refoulement and advocating for more institutional and legislative measures to guarantee the safety of refugees inside its borders.

Sri Lankan Refugees in India

The condition of Sri Lankan Tamil refugees in India is the subject of a literature study and critique. Hans (1993) explores Sri Lanka's complicated political and historical background, focusing in particular on the ethnic conflicts between the minority Tamils and the majority Sinhalese that resulted in a civil war and mass displacement. The difficulties that Tamil refugees in India encounter are highlighted in the article, including problems with their legal status, getting access to essential services, and assimilating into Indian society. In order to highlight these migrants' precarious situation and the need for international attention and assistance, the author looks at a number of academic publications and studies. Hans assesses the effectiveness of international humanitarian initiatives and Indian government policies in meeting the needs of Sri Lankan Tamil refugees by applying a critical perspective. The author also talks about the experiences of Tamil refugees in other parts of India, pointing out differences in terms of reception, aid offered, and degrees of integration. The article also looks at how refugee inflows affect regional communities and India's larger sociopolitical dynamics. Hans asks politicians to give the protection and welfare of displaced Tamil populations top priority and demands for a more thorough knowledge of the refugee situation. Overall, drawing from a variety of scholarly sources, Asha Hans' article provides a thorough overview of the difficulties experienced by Tamil refugees from Sri Lanka in India, offering important insights into the complexities of both their situation and the larger refugee crisis in the area.

Tibetan Refugees in India

Saklani (1978) uses sociological methods to study various aspects like education, jobs, families, and friendships among Tibetan refugees. The article shows how Tibetans stay strong despite difficulties and work to hold onto their culture while fitting into Indian society. The article has some weaknesses. It does not look deeply into the issues faced by Tibetan refugees, only discussing them on the surface level. Also, it relies on old data, which might not be useful for today's discussions on Tibetan refugees in India. It might not give enough attention to the opinions and experiences of the refugees themselves. Additionally, it might miss out on discussing the political side of the Tibetan refugee problem, like the ongoing tension between Tibet and China. Overall, while the article provides some good insights into the challenges faced by Tibetan refugees, it could be criticized for not covering enough ground, using outdated information, and ignoring political aspects. Overall, while Saklani provides valuable insights into Tibetan refugees' challenges and resilience in the face of adversity, it may be criticized for its narrow scope, outdated data, and potential neglect of political dimensions.

Jolden (2015) examines various facets of their experience, including socio-economic status, cultural adaptation, and interactions with the local community. The article thoroughly explores the challenges Tibetan refugees encounter in balancing integration with preserving their cultural identity. One notable aspect is the in-depth exploration of socio-economic dynamics, including education, employment, and income levels, as well as the emergence of supportive networks and institutions within the refugee community to address their needs. The author discusses how Tibetans living in Ladakh adapt to local customs while holding onto their own traditions. They look into how these Tibetans handle their identity and blending of cultures. Some critics say the study only focuses on one area of Ladakh, so it might not show what all Tibetan refugees in different places experience. Also, the article doesn't thoroughly discuss the bigger political and historical reasons behind Tibetan refugees moving. Understanding more about why Tibetans are leaving their homeland and what it means for them to be refugees would make the analysis better. Plus, it would be good to hear more from Tibetan refugees themselves. While Jolden's analysis is useful, including stories and views from actual refugees would make the study more interesting and meaningful.

Michael (1985) examines the challenges faced by Tibetan refugees in India and their efforts to preserve their culture. The Tibetan community in India has had great difficulty fleeing their homeland since the Chinese occupation in 1959. Despite many obstacles such as limited resources and discrimination, Tibetan refugees have worked diligently to preserve their cultural identity and heritage. One of the main challenges faced by Tibetan refugees in India is their legal status. Many Tibetans entered India without proper documentation, making it difficult for them to access government services and job opportunities. In addition, the Indian government's policy of confining Tibetan refugees in designated settlements limits their mobility and economic prospects. Despite these challenges, Tibetan refugees have established living communities in India with thriving religious and cultural institutions. In order to maintain Tibetan culture in exile, religious institutions are essential. In addition to acting as hubs for spiritual practice and education, Tibetan Buddhist monasteries and nunneries give exiles a feeling of belonging and a connection to their cultural history. In the Tibetan community, traditional education in Buddhist philosophy and Tibetan language is highly esteemed, leading many parents to send their kids to monasteries for this kind of education. In an effort to preserve their language and traditions, Tibetan exiles have founded cultural associations and educational programs in addition to churches. To ensure that the younger generation speaks their own tongue well, Tibetan language schools have been established in refugee communities. For the Tibetan population of refugees to feel a sense of belonging and to preserve their identity, these initiatives are essential. Despite these initiatives, Tibetan refugees in India continue to face socio-economic challenges. Limited access to education and employment opportunities hinders their socio-economic mobility and perpetuates the cycle of poverty in the community. Discrimination and xenophobia among the Indian population further worsens these challenges, making it difficult for Tibetan refugees to integrate into customs. Despite these obstacles, Tibetan refugees have nevertheless shown remarkable resilience and determination in the face of adversity. Through grassroots initiatives and international support, they have been able to preserve their cultural traditions and maintain a strong sense of solidarity as a community. The Tibetan diaspora has also become increasingly active in advocating for the rights of Tibetans both in exile and at home, drawing attention to ongoing human rights abuses and cultural oppression in Tibet. Finally, Michael (1985) sheds light on the struggles and triumphs of the Tibetan refugee community in India. Despite many challenges such as legal barriers, socio-economic difficulties and cultural discrimination, Tibetan refugees have consistently maintained their cultural heritage and identity. Through religious and cultural institutions, as well as grassroots initiatives and international lobbying, they have built a sense of resilience and solidarity that sustains them even in exile.

Bentz (2012) explores the real-life experiences of Tibetan refugees living in India, shedding light on their social and economic situations, cultural adjustments, and the obstacles they encounter in establishing their livelihoods and identities. The research is based on thorough fieldwork and interviews conducted with Tibetan refugees residing in various settlements across India. The article begins by giving background information on the Tibetan refugee community in India, tracing their migration to the country after the Chinese occupation of Tibet in the 1950s. The escape of the Dalai Lama to India in 1959 led many Tibetans to seek refuge there, where they were welcomed by the Indian government and settled primarily in the Himalayan regions. He examines the social and economic dynamics within Tibetan refugee communities, highlighting the difficulties they face in accessing education, employment, and healthcare. Despite support from the Indian government and efforts by Tibetan exile institutions like the Central Tibetan Administration (CTA), many Tibetan refugees struggle to integrate and improve their social and economic status. Education is shown to be crucial in the lives of Tibetan refugees, but they often have limited access to quality education beyond primary school. While the CTA operates schools in Tibetan settlements, the quality varies, and opportunities for higher education or vocational training are scarce. Consequently, Tibetan youth are uncertain about their future prospects and financial independence. Employment is another major challenge for Tibetan refugees, as they face limited job opportunities and competition from the local Indian population. Many Tibetans rely on traditional crafts for their livelihoods, but economic sustainability and market demand remain ongoing concerns. Additionally, language barriers and the lack of recognition for qualifications hinder their access to mainstream employment. The article also explores the cultural adaptations and identity struggles experienced by Tibetan refugees in India. Despite efforts to preserve Tibetan language, religion, and culture, Tibetan youth are influenced by Indian culture and globalization. The tension between maintaining their Tibetan identity and integrating into Indian society shapes their experiences, especially for the younger generation born and raised in India. Bentz highlights the resilience and determination shown by Tibetan refugees in facing socio-economic challenges and preserving their cultural heritage. Grassroots initiatives and community networks are crucial in supporting Tibetan refugees and fostering a sense of belonging within their communities. In conclusion, the article emphasizes the complex nature of Tibetan refugee experiences in India and the need for comprehensive support systems to address their social, economic, educational, and cultural needs.

Bentz (2012) calls for greater collaboration between the Indian government, international organizations, and Tibetan exile institutions to empower Tibetan refugees and uphold their rights and dignity. Overall, he provides a detailed exploration of the realities and challenges faced by Tibetan refugees in India, highlighting their resilience, cultural adaptation, and aspirations for a better future despite socio-economic development.

Rohingyas and the CAA Amendment Act

The Rohingya are a population originated from Rakhine State in Myanmar. They have been denied citizenship and identity due to decades of persecution. Ethnic violence resulting from this oppression was the cause of the 2017 genocide, which in turn caused a large flight of 700,000–800,000 Rohingya into neighbouring countries, mostly Bangladesh. There were about a million Rohingya refugees who sought safety there; the remaining hundreds of thousands went to Malaysia, India, and other countries in Southeast Asia. As illegal migrants in India, the Citizenship Amendment Act of 2019 has made it more difficult for Rohingya to seek asylum.

The Citizenship Amendment Act, 2019 in Section 2 states that "Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act". Categorizing religious groups to define appropriate categories under Indian law (such as Hindus, Sikhs, Buddhists, Jains, Parsis and Christians) to the exclusion of others such as Muslims and atheists is considered discriminatory and a violation of Article 14 of the Indian Act. the constitution. This article guarantees equality before the law and equal protection of the law. The argument against such categorization is based on the principle that each community can be persecuted for different reasons, such as sectarian conflicts between Shiites and Sunnis in the Middle East and discrimination against atheists in countries such as Ireland and Georgia. The Rohingya people, who have been persecuted in Myanmar for years, also highlight the challenges facing the stateless population seeking asylum. Despite being recognized by the UNHCR, Rohingya migrants who have lived in India since 2012 have not been granted official refugee status by the Indian government. The denial of the Rohingya people's identity and citizenship has made it impossible for them to exercise their legal rights and access basic rights, which in turn has prevented their children and youth from obtaining formal education or training. This has further escalated the situation by forcing men and women into precarious employment in the unofficial sector, where their lack of a legal status or rights has resulted in abuse for labour without access to social safety nets. The socio-ethnic situation in Rakhine has reportedly gotten worse recently due to a major conflict between the Arakan Army, a Rakhine ethnic armed organisation, and the Myanmar military, making it unsafe and unfavourable for the Rohingya people to return.

The above literary sources lack an in-depth analysis of the refugees from different parts of the world. The research done by the authors is a surface-level research and does not incorporate all the nuances of the study.

ANALYSIS AND CONCLUSION

A specific refugee law must be passed in India since the country is at a critical turning point and doing so is both legally and morally required. Both the communities hosting refugees and the refugees themselves have faced serious difficulties as a result of the lack of such legislation. Humanitarian, legal, security, socioeconomic, and diplomatic concerns are only a few of the strong arguments for which India urgently needs a comprehensive refugee law. A refugee law would offer crucial legal certainty and safeguards for people escaping persecution, conflict, and violence. Presently, refugees in India often live uncertain lives without clear legal standing, making them susceptible to exploitation, imprisonment, and expulsion. Introducing clear asylum procedures and methods for determining refugee status would guarantee that those legitimately requiring international refuge receive it fairly and impartially, bringing India's actions in line with its global human rights responsibilities.

India's current approach to refugees primarily relies on executive orders and administrative directives rather than a cohesive legal framework. Introducing a refugee law would bridge this gap by establishing clear guidelines on the rights and duties of refugees and the government. This would formalize India's commitment to international humanitarian standards, enhancing its global standing and ensuring consistent and fair treatment of refugees across different regions. From a security perspective, a refugee law would bolster national security by setting up regulated processes for refugee entry and residency. This would allow authorities to conduct security checks and monitor refugee movements, reducing risks associated with irregular migration and potential infiltration. By distinguishing between genuine refugees and economic migrants, India can protect its borders while upholding humanitarian principles.

Socially and economically, integrating refugees into society through a refugee law would unlock their potential to contribute significantly to India's development. Refugees often bring resilience and skills that can enrich local economies and cultural diversity. Ensuring their access to education, healthcare, jobs, and legal safeguards would empower them to rebuild their lives with dignity and become self-sufficient members of their host communities. On the international stage, enacting a refugee law would demonstrate India's adherence to global human rights standards and its commitment to protecting vulnerable populations. It would enhance India's reputation as a responsible global actor dedicated to addressing refugee crises and fostering international solidarity. As each year passes by, India experiences a significant rise in the number of refugees arriving from neighbouring countries like Myanmar, Afghanistan, Sri Lanka, Bangladesh, Nepal, and Tibet. Presently, there are over one million refugees residing in India, a number that continues to grow annually. This population increase poses various challenges to the states, including safeguarding women and children from exploitation, providing healthcare, housing, education, employment opportunities, managing crime rates, and ensuring fair asylum processes. India's constitution guarantees protection to all individuals residing within its territory, regardless of nationality, under Articles 14, 20, and 21. However, addressing the mentioned challenges requires structured policies specifically tailored for refugees and asylum seekers in India. Refugee policies are legal frameworks that reflect a country's approach towards non-citizens fleeing persecution based on race, religion, nationality,

social group membership, or political beliefs. Establishing such policies helps eliminate arbitrary decision-making processes and ensures systematic provision of resources, safety, and security to refugees. Despite India's adherence to the United Nations' human rights framework concerning refugees, the country has not yet developed comprehensive legislation to recognize and address refugee concerns. While India has valid reasons for not ratifying the 1951 Refugee Convention or its 1967 Protocol, it has occasionally granted refuge to individuals through judicial decisions that uphold the principle of non-refoulement, preventing the forced return of refugees to their home countries. Currently, India operates under a discretionary system where the Ministry of Home Affairs holds the authority to decide refugee status on a case-by-case basis. The absence of formal refugee legislation means refugees rely on discretionary governmental decisions rather than a rights-based framework to rebuild their lives in dignity. While Indian laws provide the government with tools to manage foreigners, there remains a critical need for comprehensive refugee legislation in India to effectively address these issues from a strategic standpoint.

In conclusion; adopting a comprehensive refugee law in India is not just a legal necessity but a moral imperative based on principles of justice, compassion, and human rights. It would fill existing gaps in India's refugee protection system, ensuring refugees receive the legal recognition and support they need while also safeguarding national security interests. By taking this legislative step, India can reaffirm its dedication to humanitarian values, strengthen its legal frameworks, and contribute effectively to global efforts to alleviate refugee suffering worldwide.

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