CHAPTER-VII

CONCLUSIONS AND SUGGESTIONS

Refugee problem is a tragic phenomenon which has always been a matter of concern at international, regional and national level. The tragedy lies with refugees is that they have to cross the borders of their nations and have to look with bare hands towards other states to let them give some space in their land. They in a spur of moment become homeless and stateless people because their own state has failed to protect their rights. Refugees are forced to beg sympathy from other states where they know that life would never be the same for them and they live in insecure conditions. The refugees had to start a fresh bearing on their shoulders the burden of challenges in the country where they have taken asylum. The 2015 European Refugee Crisis have again sparked the debate regarding the refugee issue worldwide which is the worst refugee emergency since World War II. On the other hand the problem of migrants is also on rise. And because of this most of the times migrants and refugee issue is intermingled. During the time of League till date at international level efforts have been made to address the refugee issues in a feasible manner. But the Refugee Crisis of 2015 has proved that in the coming years also the world would not be free from this catastrophe and the haunting images of refugees will trail us.

Though the voice of the procrusteans of positive jurisprudence has become feeble with the end of the cold war, more so with the domination of over power in the world affairs. Things are not likely to remain in this form of world politics too long. But one factor has become clear that international law is going to be relatively important not only in designing the private legal affairs in international dealings but also in its public law discourse. So time is opportune now to revisit those grounds of public international law, the very basis of which has undergone a sea change and to prepare grounds to take a quantum leap from the ‘no longer valid’ basis of that branch of public international law to the ‘real basis’ of the same. The exercise may lead to campaign for a newer convention in place of the older ones, as well. Refugee law is perhaps one such area where reframing of the position may be a worthwhile
exercise rather than attempting to face lift the existing system. Refugee law has an indepth and extremely close nexus with the human rights jurisprudence rather they are the two sides of same coin. Humanitarian jurisprudence acts as a basis for the refugee law. This is the reason why refugees are put on a different footing as compared to the migrants who also cross the borders and take shelter in some alien land. The reasons of leaving their native place are quite contrast in both the cases. Refugees have a fear of persecution, their human rights have been violated and their own state have been failed to protect their basic rights and that’s why human rights philosophy hover around refugee jurisprudence.

Human mobility, movement and migration are embedded in the human nature since pre-socio-political crystallizations but that has become most conspicuous, covetous and cataclysmic in the twenty first century necessitated by the ever-growing paradigmatic shift in its dialectics, dimensions and delineations in terms of understanding, interpretation and resolutions. Deviant to the causes whatsoever of displacement the biggest pain in one’s life is to have been displaced from his or her country of origin in a manner that is fallible, fallacious and fatal. The root cause of the refugee problem is the political instability which in turn leads to human rights violation and the result is that the citizens of a state all together become refugees in other state. The most basic human right of an individual is life and liberty and when these rights are infringed the survival becomes impossible and therefore one has to cross the borders of its nation in search for a safe place at least where there will be no fear of persecution. The Universal Declaration of Human Rights provides that “Everyone has the right to seek and to enjoy in other countries asylum from persecution.” Being a declaration of universal nature the states are directly and indirectly bound to follow the principles enshrined under it. If in true sense and spirit these principles embodied in the UDHR have been followed then the world at present might not have been suffered from the problem of refugee crisis. It can be concluded that a mere declaration or adoption of human rights instrument cannot universally bind all the states. This could be possible only when states have

their political will to work in the direction of protecting human rights. The myth of human rights lies in the context that on one hand the declaration considers all human beings born free and with equality in rights and dignity whereas on the other hand the states who are the parties to various international human rights instruments and treaties themselves violates the equality and dignity of human beings. The refugees who are vulnerable people cannot ask anything as a matter of right from the states where they have taken asylum. Human rights concept becomes too little for them at that time because they are fully aware that from now onwards daily they have to bear challenges and life would now never be so smooth for them.

Despite of all this throughout history efforts have been done at international level to palliate the plight of refugees. The world is becoming small and shrinking and therefore the problems of refugees are catching the attention of international community. Not only at international level but at regional level also endeavours are being made for protecting the rights of the refugees. The issue is not as simple as it appears to be. The need at present is to find out the root cause of refugee movement and to take strong measures to eliminate them. At the same time efforts are to be made to provide maximum help to refugees. A balance has to be drawn between the rights enjoyed by the citizens of a state vis a vis protecting the basic rights of the refugees. Refugee problem has become a global phenomenon but still the heavy burden lies on the developing countries which bear the brunt of influx of refugees. The statement is all together true in the context of South Asian region states. These states have witnessed the massive refugee influx in their regions. Being developed countries these states are handling the refugee influx without acceding to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. Neither the South Asian states have any regional framework for dealing with the issues of the refugees nor do they have any domestic law. Only on the basis of humanity and sympathy these states and especially India have done so much for the refugees. India has a proud history of never producing refugee rather it has accepted refugees from various parts of the world. Be it Tibetans, Sri Lankan refugees, East Pakistani refugees, Somalis, Chin refugees etc and many more. India has a culture of generosity and it has always been the staunch supporter of development of human rights. The moral values which are the basis of Indian society have given the principles of ‘Atithi Devo Bhav’ which India has always in the most of the cases
have fully complied with. India has seen refugees coming into small groups and even in mass influx. India has a proud history of openly accepting refugees especially from its neighbouring countries.

The first chapter of the present research has given a detailed description of the various categories of refugees who have taken asylum and have settled here. Talking about the period after independence in which India has seen huge influx of refugees from Pakistan though instances of accepting refugees even before independence are also nonetheless present. In fact we can say that the birth of Indian state has brought with it the refugee crisis. This was the biggest challenge faced by Government of India at that time when the country itself was under developed and have never ever faced such mass exodus. At that time India has managed this crisis alone and it has installed confidence in India that even without having any international assistance it has handled the situation well. The partition refugees have left their everything in Pakistan and have come to India with the hope of never returning back. This category of refugees is different from the other ones because the partition refugees cannot be repatriated back to Pakistan. It means the Government of India has to allow them to settle here in India and consider them as citizens of India. The study has revealed that Indian Government has done a lot for these refugees but still the refugees are facing the problem of citizenship. Even after so many years of independence the Government has denied citizenship rights to the West Pakistani refugees who at present are living in the Jammu region. Each time a new government came play its political cards, gives certain assurances to these refugees and go away. The result is that these refugees survive with a hope that one day they will get what they are struggling for so many years.

The researcher is of the view that during the present reign of BJP Government led by Mr. Narendra Modi the Hindu refugees have a positive hope that the Government would do work in favour of them and this is true to a greater extent also as the researcher in the present work has mentioned that 4300 Hindus and Sikhs refugees from Pakistan have got citizenship. The researcher is the view that it is a positive step by the Government because Hindu and Sikh refugees have their roots here in India. It is a natural home for them and that is the reason why Government is so much sympathetic towards these refugees in particular. The next wave of refugees
who arrived in India is of Tibetans. The researcher in the present work have discussed in detail the treatment meted out to the Tibetan refugees. Government of India has recognized them as refugees which itself is a proof that these refugees have got special treatment as compared to other category of refugees. Various assistance programmes have been provided by the Indian Government for Tibetan refugees so much so that they are allowed to move freely domestically as well as they can go abroad. It is tolerance on the part of India that Tibetans are running their schools here and promoting their culture and maintaining their distinct identity. The researcher has come to the conclusion that Tibetans have been able to intermingle themselves within the spheres of Indian society. It is generosity on the part of India that it has readily given asylum to them to settle here in India alongwith fulfilling their basic necessities. But it is important here to mention that the treatment which was given to the first wave of Tibetan refugees who arrived in India in 1959 was more logistical. The study has shown that due to continuous coming of Tibetan refugees in India the Government has to draw line somewhere as when it declared that those born in India between January 26, 1950 to July 1, 1987 are only to be regarded as Indian citizens. Keeping in consideration the present population challenge faced by India the Government has taken such decision.

The study has revealed that the problem of handling of mass influx of refugees did not end here. After the West Pakistani and Tibetan refugees another group of refugees in a huge number crossed the Indian borders i.e. Sri Lankan Tamil refugees India has again shown its humanitarian consideration and accepted these people. The huge social and economic burden was accepted by India. Being Tamilians these refugees gain sympathy from the local people and also their entry in India have impact on State politics. The Government established various refugee camps for Sri Lankan Tamil refugees alongwith provided various relief assistances which include food, water, electricity, utensils, cash doles, medical facilities and even free education. The Indian Government has spent huge sum of money for these refugees. The Government of India has also allowed UNHCR to establish its field office at Chennai. UNHCR has helped the Government in the process of repatriation and have ensured that repatriation must be voluntary and genuine. Alongwith UNHCR various other NGO’s have played their positive role in assisting these refugees. The study has exhibited that the position not remained the same after the
assassination of the then Prime Minister Rajiv Gandhi. More restrictions were imposed by the Government keeping into consideration the security concerns of India. Even after this incident the Central and the State Government are doing well for these refugees and till date they remain under the category of refugees recognized by the Indian Government.

Dealing successfully with mass influx situations, the Government of India got installed with the confidence that it has enough potential to deal with the refugee issues and this is one of the reason that Government did not consider it necessary to accede to the 1951 Refugee Convention and nor considered it necessary to formulate a refugee specific legislation. The first chapter has also given reference to other refugees which pin points that though India has given them asylum but they are not formally recognized as refugees by Indian Government. And therefore this task has been entrusted to UNHCR. Though the present chapter only deals with the introductory part of the topic and its historical background but it can be well concluded that recognition of some refugees and non recognition of other categories itself shows that Government’s attitude depends upon the bilateral relationship it enjoys with the other nations from where refugees have come to take shelter in India. It means India at present does not have a status determining procedure and because of this there are more chances of ambiguities and threat to Indian security. Legal vagueness has led the researcher to highlight the difference between refugees, migrants and internally displaced persons. The reason is these terms are often intermingled but there is mark difference between them. And the difference becomes more important in the Indian scenario as there is no specific law for refugees here. Neither the term refugee has been defined anywhere in any Indian law. Because of this loophole migrants are often intermingled with refugees and vice versa is also true and the result is that the privileges which refugees have over migrants often gets blurred. Persecution is never the cause of migration, if it is then that person does not remain migrant rather becomes asylum seeker or refugee. Thus the researcher urges from the Government that a proper distinction is to be made between these terminologies keeping into consideration the protection of the rights of these people and also the security of the nation.
The second chapter of the thesis has focused on the international perspective about refugee framework. It has been found out that it is not in 1951 alone that refugees issue got a legal framework with the adoption of the Refugee Convention but even during the period of League of Nations consistent efforts were made in this direction. But the 1951 Refugee Convention is the prime document of the present century that safeguards the rights of refugees. The convention has become necessity of the time when the world has already seen two World Wars. These wars have brought with themselves destruction everywhere and have made thousands of people as refugees. The international community has become aware that in the coming times though every effort would be made to avoid any World War but there is no guarantee that there would be peace everywhere. The refugee crisis can crop up at anytime and therefore at international level there was a necessity of a convention which could address the refugee’s issue. 1951 Convention of Refugees acts as a cornerstone for refugees which had a Additional Protocol of 1967 as well. The Convention as far as possible leans in the favour of providing maximum rights to the refugees. The most important principle of non refoulement is the base of the present convention. This convention has also addressed the rights of the states by stating that the security concern of a nation is its prime duty and therefore if a person has committed war crime or crime against humanity or a serious non political crime then a state can refuse to grant him asylum and the provisions of the convention would not apply to such persons. Even the states have been given the liberty to make reservations at the time of signing, ratifying or accessing to the convention except to Articles 1,3,4,16(1), 33, 36-46 inclusive.

It is true that many states including those with limited resources and competing internal demands have still been able to honour their humanitarian obligations to refugees and stateless persons with a compassion and generosity that exceeds their means. States have expressed their commitment to protecting refugees through accessing to the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol. These manifestations of solidarity and burden sharing at the level of not only of governments but also of civil society send an important message about what the international community is capable of doing. However, these developments cannot, by themselves, offset the fact that systematic violations of human rights, a blatant disregard of humanitarian law in conflict situations, wholesale expulsions of
populations and large scale ethnic cleansing, continue to cause significant
displacement both internally and across borders in many regions of the world. The
civilian character of refugee camps and settlements continues to be compromised,
not least through the unwillingness of some governments to place refugee camps
away from borders or the lack of commitment of others to address resolutely, the
problem of militarization of camps within their territories. In far too many refugee
situations, the vulnerability of women refugees to sexual violence and children to
exploitation and abuse remains unaddressed. The scale and complexity of modern
day conflict are obstacles to the efforts of the international community to address
refugee problems in a proper and principled manner.\(^3\)

For many people, asylum in another country is the only viable option for
them and UNHCR insists that the gate of asylum remains open for those who need
it. However, we cannot ignore the costs, perceived or real that asylum imposes on
states and their communities. States assert with increasing regularity that their
options are limited by the economic burden of offering asylum as well as by
competing national priorities for limited resources. Security concerns, inter-state
tensions, backdoor migration, social and political unrest, ecological damage are all
part of the cost in the asylum equation. In many developed countries of the so called
North, national asylum procedures are being misused by economic or other migrants
trying to establish new lines for genuine but not refugee related reasons. In an effort
to stem or deflect the numbers of people seeking access to these national asylum
procedures, states are resorting to increasingly restrictive asylum policies and
practices. This is most graphically illustrated by the range of devices that are being
used to prevent asylum seekers from gaining a legal and physical foot hold in
asylum countries. Measures gaining popularity include rigid time limits for filling
asylum applications and the use of detention, to deter asylum applications. There is
also a trend towards an inappropriate use of otherwise useful asylum related nations
such as safe country, internal flight alternative or manifestly unfounded claims.
Interdiction or interception of persons attempting to enter a territory is gaining
acceptability but is often exercised in an arbitrary or self serving manner.\(^4\)

\(^3\) Erika Feller, “Keynote Address”, Report on Judicial Symposium on Refugee Protection (13-14,
\(^4\) Ibid.
The 1951 Convention and the statue of UNHCR are the two important documents at international level that are fully dedicated towards refugees. But it is also true that certain provisions of the convention have shortcomings. The Eurocentric nature of the refugee definition has been removed with the adoption of 1967 Protocol. The concept of fear of persecution needs elaboration especially in the mass influx situations of the refugees. The definition of refugee is sometimes restrictively interpreted as it does not mention about violation of human rights or in the situation of war and armed conflict. And sometimes the term persecution is interpreted in limited context i.e. only by the state and not by non state agents. Moreover the convention does not focus on the causes of the refugees inflow and what steps are to be taken by the international community to stop refugee crisis. Various rights of refugees have been provided in the convention but it cannot become a reality for refugees especially when they take asylum in developing countries.

The positive aspect of the convention is that on a broader aspect it acts as a backbone for refugees. Protecting the rights of the refugees is the prime concern of the convention alongwith the security concern of the host nation. The drafters of the convention were aware that if the security concerns of the nations are being compromised then no state would be ready to be part of the present convention. No state would be ready to give shelter to such persons who would in coming time be a threat to their national security. The convention mentions that a person who has committed a crime against peace, a war crime or a crime against humanity, a serious non political crime outside the country of refuge or if guilty of acts contrary to the purposes and principles of the United Nations cannot take privilege of this convention. The researcher is of the view that there is a need to widen these categories due to the increase in the terrorist activities in the past few years. Since the convention could not address the regional issues and moreover some states consider that the definition in 1951 Convention is restricted in approach therefore the OAU Convention and Cartagena Declaration were adopted in Africa and America regions respectively. The researcher has come to the conclusion that adoption of the regional convention is the foremost way of addressing the refugee issues. 1951 Convention acts as a basis of all regional conventions and national law for refugees where as the latter fills the vacuum where the former fails in certain aspects. The study has highlighted that none of the South Asian states have acceded
to 1951 Convention. Moreover these South Asian states have not made any sincere efforts to formulate regional convention on refugees. The hope lies with SAARC where the researcher is of the view that India could lead in it as our country is facing with refugees since its independence.

As the study has revealed that South Asian states lack regional convention on refugees, it is important here to mention that may of Asian states have been member of Bangkok principles. Since these principles are non obligatory in nature therefore they act as guiding principles for the states in the treatment of refugees. The definition of refugee adopted under Bangkok Principles is much wider as compared to the 1951 Convention. These principles have accepted the customary rule of international law i.e. Non Refoulement. The Bangkok Principles have stressed on to respect the human rights of the refugees. The best part is that these principles under Article IV have specially mentioned that "the states shall adopt effective measures for improving the protection of refugee women and as appropriate ensure that the needs and resources of refugee women are fully understood and integrated to the extent possible into their activities and programmes." Similarly special provisions for children and elderly refugees have been included in these principles. The 1951 Convention has not stressed upon these issues. In contrast to the Refugee Convention of 1951 the researcher is of the view that Bangkok Principles are much broader in perspective and have some innovative proposals in it like the concept of burden sharing, principle of international solidarity, refugee right to return, strengthening of the standards of treatment of refugees, right to seek compensation etc. The researcher comes to the conclusion that the Bangkok Principles are much more advanced in nature as compared to the 1951 Convention. These principles have stressed on the need of international co-operation for finding comprehensive solutions for the refugees. The burden should not be borne by developing nations alone. Rather the developed nations, various inter governmental and non governments organizations have to play an active role for finding solutions in order to deal effectively with refugee crisis.

The study has brought forward the regional initiatives taken for protecting refugee rights in Africa, Central America and Asia. European Union has also introduced Minimum Standards for Refugees in 2004. The reference here becomes
all together more important due to the 2015 refugee crisis in European Union. At the European level, member states are already struggling to implement a common European Asylum System to harmonize the asylum procedures throughout the Union. For the time being the qualification directive has proved efficient in defining the access to refugee or subsidiary protection states. It is unlikely that Europe will produce refugees in the future but it will undoubtedly continue to receive refugees. In a highly globalized world migration and refugees will continue to be an issue for countries in the coming years.  

European Union pioneers are confronting a European refugee emergency and must address it as a typical European test, steady with their group and individual part state obligations to refugees. There has never been a period when the requirement for a typical European reaction to evacuee landings has been more critical. That reaction is expected to meet the European Union's (EU) aggregate commitments in global law as reaffirmed in the European Union lawful request, in the EU sanction of major rights, the EU bargains and enactment. An organized philanthropic reaction is vital with safe entry to part states where asylum cases can be inspected and assurance gave in line with international and European law. Elective method for guaranteeing sheltered and legitimate access to the EU are critically expected to keep those looking for asylum from biting the dust on their approach to Europe whether via sea or via land. Giving protected and legal access is essential by consistence with principal rights commitments as set up in the EU Charter and related international instruments. The EU needs a crucial reconsider prefaced on the moral and pragmatic significance of keeping away from exorbitant pressure of asylum seekers and refugees. Any changes ought to mirror the significance of keeping away from intimidation with a specific end goal to cultivate trust between asylum seekers and refugees and the powers and to guarantee that major rights are regarded, secured and fulfilled. 

The researcher in the third chapter of the present study has discussed about the international obligations India has in the matter of protecting refugee rights and

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also the domestic laws in this regard. Since India has not signed the 1951 Convention and also it has not been signatory to 1967 Protocol and therefore at one pretext it appears India has no international obligation regarding refugees. Various reasons have been cited by the researcher depicting why India has evaded till date to become party to 1951 Convention. The most important reason is that India does not want itself to bound by the obligations imposed by the Convention on the states. Moreover India has faced at different intervals mass influx of refugees and since it has dealt with the these issues successfully without any major response from the international community, the Government of India did not consider it necessary to become signatory of 1951 Convention of Refugees. Before perceiving a negative notion towards India that it does not adhere to any international policy or does not follow any international norm in regard to refugee and their rights, the researcher has pinpointed towards various human rights instruments of which India is a signatory. Since refugee law has close nexus with the human rights covenants, convention and declarations India has made its stand crystal clear that it accepts its obligations at international level also for safeguarding the rights of the refugees. The researcher is of the view that to be signatory of 1951 Convention is herby not so important for India rather accepting and viewing the problems of refugees from a human rights perspective is all together more important. The ambit of human rights jurisprudence is very widen and refugee law becomes part of it. And when a state accepts it humanitarian obligation to protect the rights of refugees then indirectly it obliges the basic provisions of the 1951 Convention.

The researcher comes to the conclusion that by not acceding to the 1951 Convention and its Protocol, India has not evaded its responsibility. India has taken a lead role in this aspect by upholding the principles of human rights law. India has shown its sincerity towards refugee protection norms when it accepts the principle of non refoulement. This principle has become part of customary international law and it is expected that no state shall force any refugee to repatriate in that place where there is a threat to his life or where there shall be abuse of his human rights. The researcher is of the opinion that to a greatest extent this customary norm of international law i.e. non refoulement has been adhered by the Indian authorities though chances cannot be all together ruled out where this principle has been violated. The primary component of refugee convention is the principle of non
refoulement and voluntary repatriation. It is the duty of host state to sincerely abide these principles because their violation means something inherently dangerous for refugees. Lack of any formal obligation has led many to think that India could never have accepted these principles. But India has accepted its prime duty that norms of customary international law are adhered to. By signing various human rights conventions India has accepted its legal responsibility towards women and child refugees especially. Thus it would be safe to conclude here that India has not shirked from its international responsibility by just not acceding to 1951 Convention Relating to the Status of Refugees. Rather by acceding to various human rights conventions India has accepted its obligations towards refugees and at international forum India is known as a generous country which has hosted refugees from different cultures and background.

The study has further revealed that in India there is not even a single legislation which defines the term refugee. Starting from independence till date India has give asylum to thousands of refugees but the irony is that who is a refugee has no where been defined. The refugees are equated with foreigners and since there is no special legislation in India that deals with refugees therefore, the provisions of Foreigners Act are applicable to the refugees. The researcher is of the view that equating refugees with foreigners and dealing them under the same laws of foreigners is not a sound policy adopted by the Indian Government. In the absence of domestic law the authorities have a free hand how to handle refugees. Though India has been tolerant in accepting refugees but there is a need of national law on refugees so that a due procedure is formulated and rights of refugees are well protected. With the adoption of national legislation the security concerns of India shall be well addressed. The authorities would then have clarity on how to deal with refugees. At present the refugees’ rights are being protected via Constitution of India. The ambit of Article 21 has been widened to this much extent that even refugees are covered under it. In the absence of national law, the Constitution of India has acted as a backbone for refugees. The human rights jurisprudence has well developed and preserved under Part III of the Indian Constitution. The Constitutional provisions have been interpreted in such a way that right to life and personal liberty is extended to aliens also which includes refugees. The principles enshrined under UDHR have been turned into reality when they were embodied via
liberal interpretation of Article of 21 of Constitution of India. But the researcher is of the view that every perspective of the refugee issue cannot be withhold and covered by the Constitution. For this the separate piece of legislation for refugees has become the need of the hour. The issue of adhocism and incohatism prevalent at the present time can be dealt up only when there would be a separate law for refugees. The authorities need a clarification so as to distinguish between migrants and refugees.

The need at present is to adopt national law specially keeping into consideration the security concerns when the terrorist activities are already at peak. A harmonized system needs to be adopted in every country keeping the international principles in mind. In order to have certainty and transparency in the system the national law has to be adopted. To deal refugees under the category of foreigners is quite unfair to them because it has resulted in arbitrariness in the system. Coming to the question of adoption of national law on which the hypothesis of the study is based the researcher concludes that humanitarian approach towards refugees need to be turned into codification of law which also considers the security concern of nation that cannot be compromised at any cost. The domestic law would depict a refugee status determination process which would ultimately help the authorities to distinguish between genuine and non genuine cases. Moreover the customary rule of international law i.e. non refoulement shall get a legal recognition if India formulates a specific law for refugees.

The legal vaccum that has been created in the absence of having any regional instrument pertaining to refugees in South Asia can be filled if the states adopt national legislations keeping into considerations the specific needs of their country. A national law having the traits of principles of international human rights law can be a good piece of legislation for refugees. At present the Foreigners Act and the Passport Act deals at par the foreigners and refugees. Therefore it would be better if Indian Government seriously ponder over this issue. Moreover the obligation which has been imposed on the state via Article 51 (c) of the Indian Constitution could be turned into reality if the Indian Government would adopt a law for refugees which would also fulfills its obligation which it has accepted by acceding to various international human rights conventions. There must be municipal law which respects
the rules of international law in matter of refugees. The refugees represent the doctrine of necessity as they have to forcibly leave their country as their lives are in danger and thus in such conditions it becomes imperative that there must be a separate specific legislation for them.

The study has further discussed about the Model Law suggested for India. Justice P.N. Bhagwati acted as the Chairperson of the Drafting Committee of the Model Law specially enacted for India. It has already been pinpointed that lack of refugee specific legislation has led the authorities to deal refugees in adhocism manner. There is little hope at present that South Asian countries would adopt any Regional Convention for Refugees. Therefore the need was felt that Model Law should be developed for the South Asian states. The concern of the study is Model Law suggested for India and that’s why the researcher has discussed in detail the provisions of this law. The researcher is of the view that preamble of the Model Law has enshrined in itself the gist of whole law and is itself satisfactory in nature as it states that in India there must be a procedure to determine refugee status and they must be treated fairly. It means the discrimination done by Indian Government by recognizing few categories of refugees and providing them maximum facilities in comparison to mandate refugees has been highlighted in the preamble as the act wants to harmonize the norms and standards applicable to refugees and asylum seekers in India. The definition of refugee suggested in the Model Law is much more widen as compared to the 1951 Convention. The security concerns of India have also been taken well into consideration when this law put restrictions on people who won’t be given refugee status. The best part is that those involved in terrorist activities shall be excluded from refugee status. The word terrorism finds no place in the Refugee Convention of 1951 but it is worth appreciation that keeping into consideration the security of India such persons have all together been excluded as they cannot take shelter under refugee law to save themselves. The researcher is of the view that inclusion of provision of rights of refugees like fair treatment, non discrimination, special protection to refugee women and children, right of access to education, health etc. itself proves that law has tried to protect the basic rights of refugees.
Keeping in view that India is a developed country with huge population and limited resources, the basic rights of refugees have been protected and such rights have not been included which would appear to be only decorative pieces and won't be practiced in reality. The principle of non-refoulement has also been included in the Model Law, which reflects India's respect towards international law. Model law has reflection of various provisions enshrined under international or regional conventions. The drafting of Model Law for India was a progressive step. Time to time, the need is always felt that India must have a law for refugees but the reality is that to date the Government has not enacted any law for refugees. The Government always gives assurance that it is planning to bring law over this issue but till date that day has not come. It's high time now when government must seriously consider this issue, taking into consideration that at present, civil war is going in various parts of the world, there is so much political unrest and thus, the problem of refugees is not going to be end soon. Terrorist activities which are also on high peak, the need at present is therefore to enact a refugee legislation so that security of India is not compromised. The researcher applauds the drafting of model law but the purpose for which it was formulated has not been fulfilled yet. It is not mandatory that the Indian Government has to accept all the provisions of model law. A serious discussion needs to be taken place over this issue so that a best piece of legislation comes into framework which makes a balance between the rights of refugees on one hand and security of India on other hand which cannot be compromised at any cost. It is accepted that India has given preference to deal with refugees bilaterally and sometimes even unilaterally. The Government has also many times established guidelines and has issued instructions in how to handle refugees. But since there is no law that defines this procedure and thus, automatically adhocism and discrepancy prevails in the system and this is against the concept of rule of law. In the absence of any legislative framework for refugees, most of the time the ill-informed bureaucrats who are not sensitized towards refugees took decision in regard to refugees without understanding the intensity and sensitivity of the situation especially in the cases of individual asylum seekers. Refugees in India feel themselves entangled under the maze of strict rules of Foreigners Act because the act does not define the term refugee. All these reasons have led the researcher to conclude that there is a need of a national law and Government of India must take steps in this direction.
The next chapter of the thesis is about the role of Indian judiciary and National Human Rights Commission in protecting refugee’s rights. The question here arises that when India does not have legislation for refugees then how could judiciary play its part in matters of refugees. The researcher has mentioned various judgments of honourable High Courts and the Supreme Court of India where it is proved that courts felt that despite of giving wide interpretation to Article 21 of the Indian Constitution their roles get limited and they have to bound themselves within certain sphere because India does not have a law for refugees. Indian courts are bound to pronounce their verdict under the parameters of Foreigners Act because it has already been stated that refugees and aliens are covered under the above mentioned act. Despite of its limits the Indian judiciary has played a commendable role for safeguarding the rights of refugees. The researcher appreciates and agrees with the decision of High Courts and the Supreme Court of India when it has widen the ambit of Article 21 of the Constitution of India to this much that even refugees are covered under it. This shows that courts in India are staunch supporters and have firm faith in human rights jurisprudence. The Indian judiciary has proved that it cannot let the authorities to violate the rights of refugees taking shelter of this aspect that India has no law for refugees neither there is any regional convention nor India has acceded to the 1951 Convention. The courts are well aware that human rights have close nexus with natural law philosophy. There are few rights which nature bestow on human beings and which cannot be taken away even with the force of law. The Indian judiciary has considered its prime duty to widen the ambit of human rights so that the dignity of human beings is not compromised. The courts have put obligations on the state to protect the life and liberty of the refugees because these rights are available to them under part III of the Indian Constitution.

The Judiciary in India has put great emphasis on Article 51 (c) of the Constitution. Though this article is covered under Part IV of the Indian Constitution i.e. Directive Principles of the State Policy which is not enforceable as such but the courts have not let it to be dead letter rather has infused life in it when it has stated that there is nothing wrong to interpret the Indian statutes in the light of international treaties and conventions and principles of international law can be adopted in municipal law when in India there is no law on that particular subject. Now it has become accepted rule that international conventions can be looked up to when there
is voidness in the domestic law. The researcher comes to this conclusion that whenever there is violation of human rights, the judiciary in India shall always play a positive role and would come forward to uphold the human rights of be it of citizens, aliens, foreigners or refugees. The courts in India have played a leading role in protecting the rights of the refugees keeping in mind the principles enshrined in the international convention. The courts under the shield of the Indian Constitution are evolving a mechanism that could best protect the interest of refugees in India. In number of cases the courts have ordered to stop the deportation of refugees where it feels that the government authorities are working arbitrarily. The Chakma case cannot be forgotten as it is a historic decision where Chakmas were prevented from being deported. But one thing needs serious consideration which is that when one person knocks the door of judiciary which is the ultimate authority to decide, it means the wings of the government have failed at their levels that's why judicial intervention is asked. The refugees have to look towards judiciary because the government is working in an adhoc manner. But the researcher is also of the view that lack of legislation is the biggest hurdle in the way of judiciary.

The judiciary has its own limits and it cannot legislate and step into shoes of the legislature. Despite of its limitation the courts have adopted a positive approach towards refugees which is clear from the fact when citizenship rights were given to Tibetans by the judicial decision. It means the hospitality jurisprudence has been upheld by the Indian judiciary. It would not be wrong her to state that the courts in India have integrated the principles of international refugee law vi-a-vis Article 21 of the Indian Constitution. The vaccum created by the Indian Government by not formulating a law for refugees is filled by the judiciary by adhering to the basic norms of refugee jurisprudence.

The importance of the national legislation is quite obvious. By national legislation is meant statute or written law enacted by a sovereign state with the purpose of directing the actions of the government, the administration and individuals of and within the state. For the provisions of national law having a bearing on international law to function, the universal principles and international law must have a firm footing in them. It is very important to bear in mind that the greater value of the Convention Relating to the Status of Refugees of 1951 and of
the 1967 Protocol lies in the guidance for legislators while drafting rules for their countries and not in the immediate applicability of these instruments. Any convention settles the principles and gives the general direction. It also contains some concrete prohibition on what shall not. But the convention has little to say on how it is going to come into effect in real life. If therefore, a government after having adopted a convention sincerely intends the full implementation of that treaty it will have to take some steps and measures and the best is a national legislation. Through this medium it can direct the officers and agencies for the administration of the provisions agreed upon and make known the rules involved to those who are going to administer them. The transplantation of the provisions of the convention into the national law necessitates observations of the special conditions and traditions of the state concerned. All this can be done only by national legislation perhaps more easily and more systematically than in any other form. Without any kind of national law there can hardly be an effective mechanism and without a mechanism no regular effect and certainly no sure knowledge of what is really happening is possible. The national law provides procedures ensuring that decisions be based on as much relevant information as possible. The ultimate purpose of legal procedures is to guarantee a correct decision. The national law specifies criteria for the exercise of discretion thus restricting excesses of power. Law is becoming increasingly important setting forth for bureaucrats how public power is to be used. The researcher is of the opinion that role played by the Indian judiciary in protecting the rights of refugees is highly appreciable but to effectively implement the provisions of Refugee Convention it is necessary that there must be a national law which would be in the interest of refugees as well as favourable for our country.

The role of National Human Rights Commission (NHRC) has also been discussed by the researcher. It has already been discussed that refugees issue has close relationship with human rights concept as both are two sides of the same coin. India has shown its deep commitment towards human rights philosophy by establishing NHRC. The best part of NHRC is that it can take suo moto action in case of human rights violation. The role played by NHRC for Chakma refugees is commendable. Not only for Chakmas but NHRC has also intervened in other cases.

like for Sri Lankan Tamil refugees, Jumma refugees etc. The Commission has received various complaints from refugees where its intervention is being sought out. The NHRC has in various case intervened in the court proceeding, has also visited special camps, detention centres and jails where refugees are being kept. Since India is not a party to 1951 Convention but has otherwise accepted its obligations by becoming party to various human instruments, in that context the role of NHRC becomes all together more important. There is common link between working of NHRC and the Indian judiciary in the absence of refugee law in India. Both have to proceed in the direction of protecting the rights of refugees because India is a party to various human rights treaties and declarations. To uphold the dignity of human rights of individuals is the prime duty of National Human Rights Commission. And responsibility of NHRC becomes much more in case of refugees in India because there is no legal framework for them in India. NHRC has no doubt played role in protecting the rights not only of its citizens but also of aliens. The researcher agrees with the view of NHRC that government must seriously think over providing a legislative framework for refugees. The NHRC has repeatedly asked Indian government to draft a law for refugees. The Model law suggested by P.N. Bhagwati J. has also found support of NHRC. But till date the refugee legislation has not seen the light of the day. The study has revealed that the time is ripen enough now and the government must make a law for refugees. The problem of refugee is never ending. There is no guarantee that the world would observe a complete peace and there would be no wars. It is next to impossible to have complete harmony in the world and therefore in coming times also the problem of refugee influx will be on rise. We could never give assurance to ourselves that India in coming future would not face mass influx. Though at present the situation is not so grim in India but it is not good to wait for worst to happen. The judiciary and NHRC have opened their avenues for refugees and have intervened as much they could for protecting the rights of refugees. The study has revealed that NHRC has taken suo moto action in various cases of refugees but it is no necessary that every case of human rights violation comes under the eye of NHRC. Moreover refugees have least knowledge that there is an institution like NHRC which withstood for their rights. Therefore there is a need to bring some changes in the working of
NHRC. To conclude it can be stated that Constitution of India, Judiciary and NHRC are interlinked and interwoven with each other and are providing support and becoming strength of one another in filling the legal vacuum in absence of a specific law for refugees in India.

The next chapter of the thesis is about the role of UNHCR in India along with the role of various NGO's in protecting the rights of refugees in India. The study has pinpointed that role of UNHCR becomes more prominent in India because the government here recognizes only few categories of refugees and therefore the burden of other refugees are left on the shoulders of UNHCR. Since the government does not have a refugee specific determination process this is being carried out by UNHCR. But the ambit of UNHCR is quite limited in India. Due to this the researcher is of the view that it becomes difficult for the asylum seekers to contact UNHCR because its office is in New Delhi and Chennai only. Moreover UNHCR has no access to border areas and such restrictions put hurdle in its effecting working. In other words we can say that rights of refugees are at risk at such places because UNHCR access has been prohibited. The incidents of human rights abuse of refugees are frequently reported to UNHCR along with the daily challenges faced by them. The biggest challenge faced by UNHCR is in respect of these refugees who are not recognised by the Indian Government. Because of all these UNHCR plays a positive role with the help of its various implementing partners. The study has highlighted the various programmes and initiation being taken up by the implementing partners of UNHCR be it in the matter of education, health or legal help etc. But the point which needs to be pondered over here is that these activities of UNHCR and its NGO's are limited to New Delhi and therefore it means refugees who are living in Delhi are being benefitted alone. But the refugees who are living outside Delhi could not avail the benefits of programmes being run by UNHCR. This issue needs serious consideration and therefore the researcher is of the opinion that UNHCR working must be expanded in India and it must be allowed to work at other place in India also.

The study has also discussed about the membership of India of the Executive Committee (EXCOM) of the UNHCR but on the other hand the working of UNHCR is quite limited. India has in its meetings of EXCOM has always shown its
commitment and assurance for working in the direction of protecting the rights of the refugees. Not only this India has also assured that it would cooperate with UNHCR for protecting refugees. The researcher is of the opinion that it would be best in the interest of the refugees if the Government would allow UNHCR to establish its offices elsewhere in India which would show that India truly wants to work in cooperation with UNHCR. In the present situation it can be stated that the Government of India has adopted a positive approach towards UNHCR but still the paradox lies because the office of UNHCR has no formal status in India.

With the passage of time UNHCR has expanded its working ambit and have undertaken various programmes and activities for the betterment of refugees in India. UNHCR has also been involved in various promotional activities so that it could generate awareness about the refugee issues. With the help of its implementing partners, NGO's, other organizations and even with universities it has played a role in highlighting and building a positive approach towards refugees in India. It is also working in the direction of sensitizing Indian Government towards adopting a refugee specific legislation. The main aim of UNHCR is to create awareness about the refugees and for this it has engaged a number of public lectures and seminars. UNHCR in collaboration with its implementing partners have been able to achieve a lot for refugees.

But despite of all this it can be concluded that the UNHCR operations in India are conducted under the mandate granted by its statute and though drafts of memorandum of understanding and a draft Branch Office agreement have been shared with the India Government along with a note on the implications of grant of formal status, the UNHCR still provides only de facto protection to its mandate refugees on Indian territory and relies on the tolerance and good will of the Indian Government. The UNHCR mandate is only partially recognised by the Government and mandate refugees have no formal recognition and are subject to the same municipal laws as foreigners. The lack of a formal status weakens its role in advocacy and intervention for refugee rights.  

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The Sixth chapter of the study has discussed about the challenges faced by various groups of refugees in India. When a comparison is made between the mandate and non mandate refugees it is found out that the refugees who are recognized by the Indian Government i.e. non mandate are in much better conditions as compared to the non recognized one. The reason is but obvious that the former category of refugees have more facilities and support of the Indian Government. To take one example of the Tibetan refugees where in India they have been allowed to have their schools, monasteries and even citizenship rights have been granted to them and moreover they are allowed to visit even foreign countries which itself is a proof that how India has treated them. But that does not mean that their lives are all together smooth and they do not face any kind of challenge in India. The study has discussed the viewpoint of various refugees where they have depicted what type of problems they have to face here in India. The personal experience narrated by refugees depicts the ground realities of the refugees in India. India always boasts about its humanistic approach towards refugees which no doubt it has as it has accepted wide range of refugees from various nations. But to give them shelter is one thing and to cater their needs is the another one. The study has disclosed that Delhi alone bears the burden of thousands of refugees. Most of them are living in miserable conditions facing too many challenges daily. The study has not mentioned the experiences of every refugee but has chosen to write down the few which generalized the situation to a larger extent. The study has highlighted the plight of refugees in India and it is the urge of the researcher that Government of India brings its kind notice towards it and should seriously consider the problems of refugees who do not have a legal identity here in India. It is not that the Indian Government is deaf towards refugees or is not concerned with their problems. But much more need to be done in this direction. The refugee tag attached with them throws these people in the pool of challenges in a foreign land. The hypothesis of the study has been well proved that lack of legal framework is the biggest obstacle behind the sufferings of refugees in India. Since there is no word like refugee in the Indian laws that's why these people do not have legal identity. Local people confuse the refugees with foreigners and migrants and look them with a suspicious eye and most of the time
adopt an attitude of intolerance towards them. Lack of cooperation from the local population is also one of the impediments for refugees to settle down in India.

The discrimination done by the Indian Government is clearly highlighted in the study when the researcher has mentioned that the Government has formulated the Tibetan Rehabilitation Policy, 2014 which provides various benefits to the Tibetan refugees only. Moreover the decision of the present government to recognise Hindu and Sikh minorities of Pakistan, Bangladesh and Afghanistan refugees as citizens of India clearly depicts that Indian Government adopts pick and choose policy and favours only few categories of refugees and because of this it creates dissatisfaction among other refugees and they feel themselves being discriminated when government favours some refugees. Again it is proved that lack of legislation gives absolute power to the Government to adopt any policy for refugees.

The researcher appreciates the effort of Mr. Shashi Tharoor when he introduced the Asylum Bill, 2015 in Rajya Sabha. The researcher is of the view that taking into consideration the international treaties, regional conventions, Model Law and the Asylum Bill a comprehensive law must be made for refugees. The case studies discussed in the study has shown that the major problems being faced by refugees is of employment, discrimination, harassment and the sexual exploitation of the women. Most of the refugees have disclosed their deplorable condition in which they are surviving. The problem of sexual harassment and exploitation of women at their workplace and even at their homes by the local residents is a very serious issue which needs immediate attention. Refugee women are vulnerable to such incidents and the negative part is that they feel themselves helpless because neither police nor UNHCR comes forward to help them. The study has also revealed that refugees have biggest challenge of housing security and they are forced to pay hefty rents. Thus in short life of refugee is equal to challenges and opens to struggle and obstacles. To conclude it can be stated that Government must try to bring at par all refugees rather than providing facilities to some, recognizing some and ignoring others. A significant role is to be played by Government in the absence of refugee law and it must develop effective and strong measures so that a refugee could atleast have a basic dignified life with positive hope and aspirations in his life.
Suggestions

The researcher hereforth has given a blue print of proposals keeping into consideration the national interests and measures needed to protect the rights of refugees in India.

Need for a Specific Legislation

- India must enact a national legislation for refugees. In order to make a good piece of legislation it is important if international law have a bearing on it. The provisions of the 1951 Convention Relating to the Status of Refugees and 1967 Protocol acts as guiding principles and the provisions of the above must be kept in mind by the legislators before drafting a law for refugees. National Legislation is the best way to implement the various provisions of a convention. Ultimately it is the state which has to blend the basis of the refugee convention while formulating the national law as per the specific requirements of its own country i.e. Indo Centric approach. A proper procedure is to be specified by the national law which would curb arbitrariness on the part of the authorities. The national law would distinguish between refugees, economic migrants, internally displaced and stateless persons and also crave appropriate responses for different categories of people. The time has been ripe that the recommendations of NHRC on formulating refugee law in India, the Model Law on Refugees Suggested for India, the Asylum Bill, 2015 as introduced by Shashi Tharoor, Member Parliament needs thorough consideration by the Indian Government now. The security concerns of India should be well redressed in the national law.

Amendments in Certain Provisions of 1951 Convention

- The definition given under the present 1951 Convention Relating to the Status of Refugees needs to be amended keeping into consideration the current scenario going on in various parts of the world. The definition given under the current convention is quite restricted as compared to the definition given under OAU Convention, Cartagena Declaration or Bangkok Principles. It is suggested that horizon of the definition under 1951 Convention must be expanded with the inclusion of the words like massive violation of human
rights, violence, internal conflicts, external aggression, persecution on the basis of colour, gender and ethnic origin. The 1951 Convention Relating to the Status of Refugees must include the provision of ‘State Responsibility’. This concept means that the state of origin which is responsible for creating refugees must bear its responsibility towards its citizens who are repatriating to their own country. The state must ensure that those who are coming back must get a conducive environment and develop a positive right duty relationship with the government of that state. The provisions of accommodation, employment and compensation by the government of the respective state shall play a vital role in creating the conditions for just return.

**Efforts at Regional Level to be Strengthened**

- India must take a lead in initiating the process for framing Regional Convention for Refugees in South Asia consistent with the region’s need. That regional convention must include the provision of burden sharing and also drew a provision of liability on the country which generates refugees. Bangkok Principles have envisaged the concept of right to seek compensation from the country which produces refugees. This concept should be made legally enforceable in the regional convention. A concerted effort must be made in the direction to find out the reasons that generate refugees in the region and also steps need to be taken to curb these reasons. A wholesome approach has become the need of hour in regard to refugee generating country and refugee receiving one. The provision of Regional Tribunal must also be developed so that violators of human rights can be punished and those who are responsible for creating refugees their liability is to be fixed. India must also conduct bilateral negotiations with those countries from where the refugees originate and urge them to create a conducive environment so that refugees could return back to their homeland.

- In the absence of Regional Convention in South Asia and also absence of national laws in countries of this region there is a need that refugee rights groups from South Asian Region must join hands and raise their voice on a regional platform. Such an initiative shall put pressure on the respective
governments to include the agenda of refugees in SAARC and have serious
discussion over it. The result will be that such an initiative would strengthen
and expand the refugee protection regime at national level.

Role of UNHCR and NGO’s needs Expansion

➢ Since India does not have a refugee determination process, the UNHCR
issues refugee certificates to those whom it recognizes as refugees. Most of
the time there is complaint that the process of UNHCR is not fair rather
arbitrary one. There is a need that more transparency needs to be adopted by
UNHCR in its process taking into consideration the hope people have on it in
the absence of India having any determination process for refugees. The
process of appeal in UNHCR lies with the same authorities rather it is
suggested here that the appellate board should consist of members appointed
by Central Government alongwith the UNHCR officials. This would
improve the working of UNHCR and shall repose refugee’s faith in the
system of status determination. UNHCR alongwith its implementing partners
and various NGO’s must jointly make efforts to make local people aware
about the problems of refugees. They need to organize various seminars with
the help of students from various universities which have centre for refugee
studies and ignite a feeling of humanity for refugees among local people. The
discrimination faced by the refugees at the hands of locals needs serious
consideration. People have adopted a conservative attitude towards refugees
which at most times creates more obstacles in the lives of refugees. The need
at present is to make people aware that circumstances have forced refugees
to leave their hometowns and because of this they have to take asylum in
India. Therefore they need their help and sympathy and not discrimination
and hate from their part.

➢ It is suggested that UNHCR in collaboration with Indian Government has to
establish legal cells especially for refugees. The areas have to be carefully
demarcated as per the number of refugees living in that region. The reason is
that many a times the refugees cannot pursue with their case due to lack of
legal help. It is true that there are certain institutes working in this direction
and providing legal help to refugees but more need to be done in this context.
The problem of sexual harassment faced by refugee women and even the incidents of rape needs serious consideration. An effective system needs to be developed where refugee women can have their redressal. UNHCR and its implementing partners have to play a proactive role in this regard and should cooperate with the victims in every possible manner alongwith asking the police officials to handle such sensitive issues in a best feasible way. The refugee women need special protection due to their gender. Special and concerted efforts are needed on part of Government and UNHCR to resolve the problems faced by refugee women. A special helpline for refugee women can be started by UNHCR where they could easily contact and share their grievances. All should be done as India has accepted its obligation under CEDAW.

The problem of unemployment which is usually found in refugees can be tackled by offering refugees to have training in vocational courses and to encourage them to opt out for small jobs also. The implementing partners of UNHCR should play an active role in this regard. The partners need to create employment opportunities for refugees by interacting with the entrepreneurs and taking them in confidence that refugees need employment as they are uprooted people who need cooperation from the local people also. Moreover UNHCR must ensure that refugees work in conducive environment so that they do not get exploited. And this could be possible by this way if the people are made aware who are refugees and what challenges they have faced in their country and now here in India. Too much distrust among people of India regarding refugees is one of the major causes behind their challenges and this distrust has to be broken by Government, UNHCR and its implementing partners.

Innovative Policies to be adopted by Indian Government- Need of Hour

Till the time there is no initiative taken by the Indian Government to frame a refugee law there must be some amendments in the Foreigners Act, 1946. Section 2(a) defines foreigner which only states that a foreigner is a person who is not a citizen of India. It is suggested that the definition must include the term refugee as a special category of foreigners who could not be
deported to their country violating the norm of non refoulement. The principle of non refoulement must be defined so that the authorities know that the refugees are a special class of persons who need different treatment as compared to illegal migrants or other foreigners. The Government must make efforts to make such provisions that if refugees have entered illegally or without having proper documents then at least they must not be penalized in terms of money.

- A coordinated effort should be made on the part of Central Government of India, UNHCR and various other non governmental organizations for protecting the rights of refugees. Indian government must allow UNHCR to work and establish its offices in other parts of India so that refugees which are not recognized by Indian Government or those who are in need of immediate help can approach UNHCR authorities easily. The situation at present is that India does not grant independent recognition to UNHCR which has restricted its operation to New Delhi and Chennai.

- The Border Security Forces, administrative authorities and the police especially needs a meticulous guidance on handling the refugees. Since the word refugee is no where defined in the Indian law the above mentioned authorities is sometimes not sensitized towards refugees and deal with them in a way which violates the basic principles of human rights. Therefore it is suggested that Central Government should take immediate steps in this direction for guiding and training these authorities so that they do not equate refugee with a foreigner. The government must make the authorities ensure that they have to adopt a humanistic approach towards refugees though not to compromise with the security concerns.

- Since the refugees face problem in getting admission in higher studies due to lack of requisite certificates or for not having money to pay the fee therefore the Government of India must make efforts in this regard that special provisions of tie up with some of the educational institutions must be done so that refugees could pursue their higher studies and lack of money does not act as a hindrance in the way of refugees. Special scholarship can be initiated
for the refugees who are willing to continue their studies. For this the government can also make arrangements for sponsorship.

- Housing which is one of the basic necessities of everyone becomes altogether more important for refugees as they are in an alien land. Provisions must be made that problem of housing accommodation and unfair demand of high rent from refugees could be solved. Central Government in collaboration with the state governments where refugees reside should develop policies in this regard so that refugees do not get exploited and they are not forced to pay high rents as already majority of them earn meager wages or are unemployed.

- It is suggested that Government must do efforts to provide equal protection to various categories of refugees keeping in mind the principles enshrined under Article 14 of the Indian Constitution. Pick and choose policy in matter of providing citizenship to some refugees like Hindus, Sikhs, Jains etc. i.e. on pretext of religion must be avoided by the Government as it creates a sense of discrimination among refugees. Favouring certain communities of refugees on the basis of religious persecution by formalizing law will set a bad precedent in law and therefore Government must not do discrimination on the basis of religion while dealing with refugees. Rather humanitarian principles must hold the top position keeping other criterias at bay.

- Government can also think to establish a separate department that will deal with the issue of refugees in India. The procedural requirements can be simplified in context of providing them long terms visas etc. It is suggested that those persons should be appointed to work in this department who would have specialized knowledge to deal in such humanitarian matters. Further such department must work in close scrutiny with UNHCR.

Thus, it is always to be remembered that no one becomes a refugee of his own free will rather when his own homeland becomes mouth of shark then one leaves his home and opts to become a refugee. It is the greatest tragedy of the current century that we are still witnessing the refugee crisis. Refugees are hungry for normalcy in their country so that they can go back and start their life afresh there.
At present we need to develop a culture of peace so that the present and upcoming generation becomes symbol of peacemakers. Nations must join together to uphold the rule of law and must respect the basic rights of the individuals. The “Karuna Philosophy” propounded by Justice Krishna Iyer must always be kept in mind while dealing with refugees. Thus the time at present is to join hands together to carve a new world where there shall be peace and where people are not forced to flee from their motherlands and become refugees.

In the end it can be concluded with these words:

“While every refugee’s story is different and their anguish personal, they all share a common thread of uncommon courage – the courage not only to survive, but to persevere and rebuild their shattered lives.”

(Antonio Guterres, U.N. High Commissioner for Refugees)