CHAPTER-IV
THE PROBLEM OF TAMIL REFUGEES IN INDIA

The refugee problem is one of most complex issues, most rife with multiple dimensions, and most contentious, in modern times. It is global in spread and a politically charged issue. It is also intensely connected to basic and vital human emotions and rights, a matter of consideration for all of humanity. Persecution or fear of persecution, creating feelings of trouble and turbulence are at the root of the international problem of massive displacements of population around the world. It involves the flight of a section of people from regions of insecurity and instability to those of safety and stability. In other words, the problem of refugees is the problem of human rights involving a flow of people from places of denial to the regions of guarantee. The issue has attracted the legitimate attention of the global community and has led to the evolution of a new branch of law called “refugee law”.1

SRI LANKAN REFUGEES IN INDIA

During 1983 ethnic conflicts in Sri Lanka became more and more serious and it became quite an unsuitable inland for the Tamil Minorities to live in peacefully. Particularly since 1983, Sri Lanka, has taken a turn for the worse and it strongly exacerbated the insecurity of the Tamils and placed Sri Lanka on the map of forced exodus of ‘Refugees’.

In the post 1983 era, Sri Lankan Tamils started leaving their country seeking refuge in other countries. The elite group had a choice of settling in well-developed nations’ like the UK, USA, Canada and various European nations. However, the majority of them, belonging either to the lower middle class or to the poorer classes ended up landing on the shores of Tamil Nadu by launches, boats, fishing boats and catamarans. These refugees were accommodated in camps in and around the coastal areas of Tamil Nadu by the Government of Tamil Nadu which later relocated them to different camps in various parts of the state.
PHASES OF SRILANKAN REFUGEES EXODUS

The First Phase of the Sri Lankan Exodus to Tamil Nadu: 1983-1987

The first exodus of refugees began on July 1983 and continued till July 1987. During this period, 134,053 Sri Lankan Tamils arrived in India. This was the period when the mass exodus was handled by the State Government of Tamil Nadu. Due to the sentimental ties of the people of Tamil Nadu with this exodus the government had facilitated the refugees with all the basic needs for the initial period.

All the refugees were lodged in the transit Mandapam Camp so as to be easily transported to the transit camp in Trichy. The immediate basic needs of the refugees were taken care of.

| Phase-I: Destitute Refugees Admitted in Camps During July 1983 to January 1987 |
|--------------------------|----------------------------------|--------------------------|--------------------------|--------------------------|
|-------------------|----------------|-------------|----------------|-------------|----------------|-------------|----------------|----------------|
| January           | **615**       | **1,843**   | 142            | **341**     | 16            | 36          | **773**       | **2,220**      |
| February          | 2,545         | 10,911      | 150            | 413         | 4             | 7           | 2,699         | 11,331         |
| March             | 1,461         | 6,386       | 94             | 253         | 9             | 24          | 1,564         | 6,663          |
| April             | 300           | 1,179       | 111            | 285         | 23            | 49          | 434           | 1,513          |
| May               | 251           | 813         | 115            | 291         | 69            | 168         | 435           | 1,272          |
| June              | 331           | 1,130       | 245            | 586         | 1,477         | 3,510       | 2,053         | 5,226          |
| July              | 266           | 747         | 227            | 568         | 603           | 1,712       | 1,096         | 3,027          |
| August            | 395           | 1,391       | 164            | 338         | 8             | 16          | 567           | 1,745          |
| September         | 550           | 2,034       | 108            | 318         | 2             | 2           | 660           | 2,354          |
| October           | 765           | 2,822       | 79             | 236         | 1             | 1           | 845           | 3,059          |
| November          | 236           | 822         | 7              | 18          | 0             | 0           | 243           | 840            |
| December          | 205           | 615         | 27             | 53          | 0             | 0           | 232           | 668            |
| Total             | 7,920         | 30,693      | 1,469          | 3,700       | 2,212         | 5,525       | 11,601        | 39,618         |

** Non-Destitute Refugees Arrived by Air at Chennai and Trichirapally (Students/Businessmen/Tourists) 94,135

** Grand Total 1,34,053

** This figure is from July '83 to January '85.

*** These Refugees checked in with proper documents (Passport) and were treated under the Foreigners Act of 1946.


During the late 1980s, the ethnic problem raged on the Sri Lankan soil to an unprecedented extent. The Tamils in Sri Lanka were faced with practically insurmountable difficulties and troubles from the Sri Lankan Army as well as from their own militant brethren. A large number of refugees crossed the sea and took asylum in Tamil Nadu, of whom, a large number were of the age group between 5-15 and 16-30 years, which amounts to around 25 and 50 percent of the total number of refugees in the various camps. The 16-30 age group was the major target of attack for the security forces of Sri Lanka as they tended to blindly believe that all the Tamils of this particular age group were part of the liberation ‘Tigers’.3

The refugees of this age group who were lodged in various camps said that if they has continued to live in Sri Lanka, they would have been either tortured or killed in military camps, or would have been forced to go underground and join hands with the Tamil Militants. Although most of the refugees of this age group basically did want to join hands with the Tamil Militants to fight for the Eelam, they were prevented from joining any militant group by their parents. They were compelled, instead, to go to India to safeguard their lives and find better opportunities. In addition, while some had left Sri Lanka with their parents, many had been forced to leave their parents behind in Sri Lanka and escaped to India.4

The second Eelam war commenced in June 1990 and resulted in the second wave of refugees to arrive in India. The war was intensified in the course of time and the Government of India became worried about a renewed influx of refugees to Tamil Nadu. After August 1989, 1,22,000 Sri Lankan Tamils arrived in Tamil Nadu. Of these, 1,15,680 were destitute and were accommodated in the various refugee camps.5 The peace keeping effort by India in the Island country was a thorough failure, and the Indian Peace Keeping Forces failed to function efficiently in Sri Lanka due to the existing situation in the nation. Against all
norms of peace keeping, worldwide, the Indian Peace Keeping Force itself became a party to the conflict and this situation further resulted in the influx of refugees to India in much greater numbers, who kept flowing into India till April-May 1991.

The assassination of Former Prime Minister Rajiv Gandhi on 21st May 1991 by a Sri Lankan Tamil suicide bomber occurred in Tamil Nadu. This one event changed the Indian policy regarding the refugees to a greater extent.

After the assassination, the government felt that security for the refugee camps could be provided only if the number of camps will reduced. The Tamil Nadu government consolidated and reduced the existing 237 camps to a more manageable 132 in 1993. The camps along the coastline, such as those in the Thanjavur and Cuddalore districts, were closed down. These camps according to refugee sources had been hiding places for militants and had provided support to the militants in smuggling weapons to Sri Lanka. The public in Tamil Nadu had looked at the refugees with suspicion because of the narrow line that seemingly existed between the refugees and the militants. The assassins of Rajiv Gandhi and his associates were no gun toting warriors; they were like the common men and women in the camps. Six of the accused in the assassination case were registered refugees, and the general refugee population began to fear the public reaction against them. Most confined themselves to the camps in fear of a backlash.

In the political sphere, two major changes took place after the assassination of Rajiv Gandhi. Firstly, P.V. Narsimha Rao became the Prime Minister of India on the 20th June 1991, and Jayalalitha the All India Anna Dravida Munnetra Kazhagam (AIADMK) leader, became the chief minister of Tamil Nadu on the 24th June 1991. The Congress (I) Party, under the leadership of Narsimha Rao aligned itself with the newly elected AIADMK Government of Tamil Nadu. On the other hand, Jayalalitha, who took over as the chief minister,
had already said that the refugee must quit Tamil Nadu particularly after such a catastrophe. As a first step, camps were re-organised and it was decided an organised repatriation would take place over time. The reorganisation was on a regional basis, and the already traumatized refugees were quickly moved to different camps within the state.

The refugees arriving from, or belonging to, Jaffna, for instance, were sent to live with refugees from Kulakamallai; the refugees from Mullaittguai were accommodated alongside the refugees of Kulasekeram; and those from Mannar were divided into two groups – one was merged with the Pakode refugees, and the other with the Manadpam refugees.

These arrangements were made, by the Government officials of Tamil Nadu, to avert any untoward and serious incidents on Tamil soil. Their apprehension was that these Sri Lankan Tamils might indulge in militant activities if they were allowed to live within groups of the same region. They felt that by grouping them with refugees of different regions, they could avoid the development of concerted militant efforts. It seemed likely that these efforts at separating regional groups would stop the refugees from indulging in violent activities. This kind of grouping exercise also had another beneficial result. It actually made the Tamils of one region closely interact with the Tamils of a different region, and this interaction eventually strengthened their inter-regional relationships. In the course of time a greater unity developed among these Sri Lankan Tamil refugees residing on Tamil Nadu soil. For instance, refugees from Mullaithivu developed a closer relationship with the refugees from Kulasekeram and this development was seen in almost all camps.
Phase-II: Destitute Refugees Admitted in Camps Between 1989 to 1991

<table>
<thead>
<tr>
<th>Year</th>
<th>1989</th>
<th>1990</th>
<th>1991</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Families</td>
<td>Persons</td>
<td>Families</td>
<td>Persons</td>
</tr>
<tr>
<td>January</td>
<td>0</td>
<td>0</td>
<td>14</td>
<td>34</td>
</tr>
<tr>
<td>February</td>
<td>0</td>
<td>0</td>
<td>189</td>
<td>362</td>
</tr>
<tr>
<td>March</td>
<td>0</td>
<td>0</td>
<td>180</td>
<td>302</td>
</tr>
<tr>
<td>April</td>
<td>0</td>
<td>0</td>
<td>339</td>
<td>586</td>
</tr>
<tr>
<td>May</td>
<td>0</td>
<td>0</td>
<td>126</td>
<td>194</td>
</tr>
<tr>
<td>June</td>
<td>0</td>
<td>0</td>
<td>94</td>
<td>206</td>
</tr>
<tr>
<td>July</td>
<td>4</td>
<td>18</td>
<td>12,237</td>
<td>46,197</td>
</tr>
<tr>
<td>August</td>
<td>96</td>
<td>204</td>
<td>10,181</td>
<td>41,958</td>
</tr>
<tr>
<td>September</td>
<td>242</td>
<td>647</td>
<td>9,753</td>
<td>25,719</td>
</tr>
<tr>
<td>October</td>
<td>380</td>
<td>633</td>
<td>811</td>
<td>2,078</td>
</tr>
<tr>
<td>November</td>
<td>270</td>
<td>567</td>
<td>413</td>
<td>1,129</td>
</tr>
<tr>
<td>December</td>
<td>411</td>
<td>822</td>
<td>83</td>
<td>183</td>
</tr>
<tr>
<td>Total</td>
<td>1,403</td>
<td>2,891</td>
<td>34,420</td>
<td>1,18,48</td>
</tr>
</tbody>
</table>


The Third Phase of the refugee influx into Tamil Nadu started in 1996 when more than seven thousand Sri Lankan Tamils of Mannar district in Sri Lanka started leaving from their homes to arrive in Tamil Nadu, as conditions worsened in their home districts. This exodus added to the refugee population already in Tamil Nadu, estimated at 2,00,000 Sri Lankan Tamils, who had fled to India since 1983. Since then, some 3000 have been repatriated and about 54,000 had been housed in 122 camps in Tamil Nadu apart from those who lived outside these camps.14
### Phase-III: Destitute Refugees Admitted in Camps
Between August 1996 and January 2000

<table>
<thead>
<tr>
<th>Year</th>
<th>1996</th>
<th>1997</th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Month</td>
<td>Persons</td>
<td>Persons</td>
<td>Persons</td>
<td>Persons</td>
<td>Persons</td>
<td></td>
</tr>
<tr>
<td>January</td>
<td>0</td>
<td>259</td>
<td>308</td>
<td>370</td>
<td>92</td>
<td></td>
</tr>
<tr>
<td>February</td>
<td>0</td>
<td>210</td>
<td>248</td>
<td>408</td>
<td>181</td>
<td></td>
</tr>
<tr>
<td>March</td>
<td>0</td>
<td>174</td>
<td>404</td>
<td>579</td>
<td>257</td>
<td></td>
</tr>
<tr>
<td>April</td>
<td>0</td>
<td>263</td>
<td>379</td>
<td>546</td>
<td>198</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>0</td>
<td>618</td>
<td>463</td>
<td>769</td>
<td>288</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>0</td>
<td>493</td>
<td>175</td>
<td>612</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>0</td>
<td>311</td>
<td>358</td>
<td>448</td>
<td>138</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>959</td>
<td>456</td>
<td>104</td>
<td>416</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>1,655</td>
<td>482</td>
<td>442</td>
<td>258</td>
<td>29</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>2,258</td>
<td>556</td>
<td>401</td>
<td>379</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>1,804</td>
<td>294</td>
<td>318</td>
<td>72</td>
<td>46</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>428</td>
<td>156</td>
<td>239</td>
<td>120</td>
<td>105</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7,108</strong></td>
<td><strong>4,272</strong></td>
<td><strong>3,839</strong></td>
<td><strong>4,977</strong></td>
<td><strong>1,620</strong></td>
<td><strong>21816</strong></td>
</tr>
</tbody>
</table>


**Recent exodus of Sri Lankan Tamil Refugees to India**

The most recent phase of Sri Lankan refugee influx into Tamil Nadu started in January 2006, after the battles between the LTTE and the Sri Lankan army intensified. More than 19,000 additional refugees have arrived in Tamil Nadu since January. Although the refugee influx started as early as January,
there was a sudden increase in volume was only after May, when the rate of arrival increased manifold, with no end in sight to the confrontation between the Sri Lankan Army and Liberation Tigers of Tamil Eelam, the Rehabilitation Department officials in India issued directions to the officials in charge of the camps to spruce up the 100-odd refugee camps in various districts of the state to accommodate this fresh wave of arrivals.16

One of the refugees from the first batch of refugees to arrive in January 2006, Ganesalingan, 40, was quoted by local reporters as saying that the group had left the Mannar coast late at night, taking a circuitous route to avoid detection by the navies of Sri Lanka and India before reaching Tamil Nadu. He said that there were many more Tamils wanting for boats to get to India, being harassed by Lankan troops who suspected every able-bodied man and woman to be a member of the LTTE. On the other hand, there was a lot of pressure, too, from the LTTE for the Tamils to join its cadres. Not wanting to be caught in the crossfire, most people were readying to flee to India, Ganesalingam said.

After the continuing influx of Sri Lankan refugees to India by the way of water, security along the coast has been stepped up and the Indian coast guard warned to be on the alert for the arrival of refugees.17

Sri Lankan Refugees in Tamil Nadu given ID Cards

Tamil Nadu police authorities, from a security point of view, have been following steps to issue identity cards Sri Lankan refugees living in the various camps in Tamil Nadu for 12 years or longer. The issued ID cards would carry various details, including their date of arrival and place of stay in Tamil Nadu. Reports said that the ID cards would not be issued to those Sri Lankans who were staying outside the refugee camps18
Tamil Nadu: A Preferred Destination

Sri Lankan Tamil Refugees took readily to moving into Tamil Nadu in South India because the language spoken there was quite similar to their own dialect. In addition, like the great majority of Tamils in Tamil Nadu, the greater part of the Sri Lankan Tamil refugees were also Hindus. However, even the smaller section of Christians among the refugees found themselves in not-so-strange surroundings because they found similar Tamil Christians in the state. In effect, linguistic and religious affinities made Tamil Nadu familiar territory for the Tamil refugees ever since they fled their homes, mostly in the north and East of Sri Lanka.

In 1983, when between 27,000 and 30,000 Sri Lankan Tamils found sanctuary in Tamil Nadu, the majority of them had lost their homes and most of their possessions in the communal riots back home. Yet, most of them still managed to retain sufficient resources, or contacts, to enable them to live outside the refugee camps.

The Tamils of Sri Lanka have had a long history of friendly contacts with the Tamils in India, and many of them had relatives in Tamil Nadu. This was another reason that induced them to choose Tamil Nadu as their heaven, particularly cities like Chennai, Tiruchirappalli and Madurai. Indeed, two-thirds of those who arrived between July and December 1983, or approximately 20,000, were upcountry, plantation Tamil people, and only the rest, about 10,000 Tamils, were those described as “Sri Lankan Tamils” and hailed mainly from Colombo. A smaller number came from Jaffna and the other districts in the north and the east. The immediate influx consisted of those who arrived by air or ship. Throughout 1983, regular ferry transport plied across the Palk Straits between Talaimannar in Sri Lanka and the Indian Port of Rameshwaram. However, in later years, the ferry service stopped. People then began to cross the sea in any boats they could find, and began heading for any of the ports on the eastern coast of Tamil Nadu that they were able to reach.19
Classification of Sri Lankan Refugees

The Sri Lankan refugees in residence in India can be sub-divided into three categories. These are:

(a) Camp Refugees
(b) Non Camp Refugees who in turn can be subdivided into two divisions – the first being the Sri Lankan nationals living in Tamil Nadu who registered their presence with the local police when asked, and the second group is the Sri Lankan nationals living in Tamil Nadu illegally, after the expiry of their visas. The former group can be termed non-camp registered Sri Lankan Tamil refugees and the latter would then be appropriately called the non-camp unregistered Sri Lankan Tamil refugees.
(c) Sri Lankan Tamil Refugee militants detained in special camps.

It is essential to keep in mind the differences in both the definitions and the legal status of the three categories of refugees. Unfortunately, the government, political leaders, and the Non-Governmental Organisations use the term refugee as a common and interchangeable term, leading to numerous problems. It has created not only a whole world of semantic confusion, but also added and worsened administrative and legal bottlenecks. For example, in an interview with the City Express, even Chandrachasan, the founder of the organisation for Eelam Refugee Rehabilitations (OFERR), clubbed the three categories together and referred to all of them as refugees.20

Sri Lankan Nationals living in Tamil Nadu

This category defines the Sri Lankan Tamils who belong to the well to do sections of Sri Lankan society. A few of these Sri Lankan Tamils had originally come to India on tourist visas, issued by the Indian High Commission in Colombo. They continued to stay in India even after the expiry of the visa period, however. A few others had made use of Tamil Nadu as a Transit Point for moving
into greener pastures like Canada and other European countries. Following the assassination of erstwhile Indian Prime Minister Rajiv Gandhi, the Government asked the Sri Lankan Tamils to register their presence with the nearest police station. The police began to interrogate those who had not registered which resulted in the detention of 1,800 Sri Lankan Tamils under the foreigners Act of 1946. In 1999, the Government of India asked all the Sri Lankan Tamil nationals in Chennai, who had arrived between January, 1983 and 31st December, 1992 to register their presence with the immigration office before 31st August 1999. According to informed sources only 1,943 Sri Lankans have registered and the number registered was a figure far below the actual number of Sri Lankan Tamils who had been taking shelter in Tamil Nadu. These Sri Lankan Tamil Nationals in Tamil Nadu were estimated to be around 80,000.21

**Non Camp Refugees:** It is estimated that approximately 20,667 (as per ‘Q’ branch Report)22 non-camp refugees have been residing in various parts of Tamil Nadu alongside the local Tamil population. This information is obtained from the office of the Department of Rehabilitation, Government of Tamil Nadu. These are the people who had entered India via Rameswaram, seeking refuge in Tamil Nadu. After registering, post clearance, in the Mandapam transit camp, they opted to stay outside the Government maintained refugee camps for personal reasons. For example, many had the option of living with distant relatives or kinsfolk in Tamil Nadu, and others had an aversion to living in a restricted area assigned to the refugees by the Government. In addition, some of the refugees were rich and resourceful, with close connections with rich relatives in Tamil Nadu. They were interested to lead a luxurious life and hence they were not inclined to live in the restricted refugee camps organised by the Government of Tamil Nadu. These people did not receive any relief assistance from Government of Tamil Nadu except the education facilities offered to the refugee children by the Government.
Sri Lankan Militant Tamil Refugees detained in Special Camps

This category defines the people who had been detained in special camps because of their involvement in militant activities. Though the inmates were not technically and legally prisoners, their plight had been worse than those prisoners who were convicted and sentenced to specific terms of imprisonment. In 1992, 1,629 militants were staying in five special camps in Vellore, Pudukkottai, Salem, Chengalpattu and Chennai. By the end of the year 2003 there were 150 Sri Lankan nationals in three special camps namely: (1) Thirty four prisoners in Tipu Mahal, Vellore fort; (2) Ninety eight in Chengalpattu; and (3) Eighteen in Melur under Section 3(2)(e) of the foreigners Act of 1946. They were all being housed in these places with a view to restricting their movements. According to the members of the Peoples Union of Civil Liberties (PUCL) team, which visited the special camp at Tipu Mahal, Vellore, in July 1999, the security arrangements are more stringent than measures in any of the Central Prisons in the state.

The Sri Lankan Tamil Refugees who were lodged in the special camps were those who were thought, or seen, to be involved in criminal cases, including under trials or accused out on bail, and those who were released after the disposal of such cases. There were also those with other, adverse reports such as reports of involvement in smuggling and criminal activities, and the members of the families of these accused or proven criminals. Having restricted their movements, the government had to supply them with all possible facilities. They were provided with cooked food at the rate of Rs. 35 for an adult and Rs. 20 for a child, per day. All other basic amenities were also provided for in the camps. Another set of militants, against whom there were no specific charges, were permitted to leave the country at their own cost and given the right to choose their own destination. According to informed sources in Colombo, many such militants, belonging to non-LTTE groups, have gone back to Sri Lanka.
Camp Refugees

There were 65,940 registered destitute Sri Lankan refugees dwelling in 132 refugee camps situated in different parts of Tamil Nadu as on 30.04.2005. When destitute seekers of solace began to leave the land of their ancestors, they were forced to do so in the dark of the night. In order to survive, to exercise the fundamental right of mere existence, they had to reach the shores of the Indian Coast either by launch, fishing boat, or catamaran. These unfortunate men had to seek the help of the human peddler or the agents who ferried them across the Palk Straits to Indian soil. These agents are known to have extracted a fee of Rs. 500 to Rs. 1,000 per person they transported during 1983\textsuperscript{25} which was later raised in tandem with to the increasing stringency of both the Sri Lankan and Indian forces patrolling their coastal lines. The reason for the high prices was that the work was fraught with danger, and the boats themselves were in the danger of being confiscated if they were captured by the military authorities of the respective countries. It was stated that the price increased to Rs. 10,000 to 15,000 per head to be paid to peddlers for taking refugees safely to Indian soil over the years. It was paid, because refugees wanted desperately to protect their property from confiscation and to save their women from molestation by the unscrupulous men of the Sri Lankan army and liberation tigers of Tamil Eelam. According to a Sri Lankan Tamil journalist, a few mechanised boats from Tamil Nadu smuggled scarce commodities to Sri Lanka and on some occasions would try to bring refugees with them for a good fee. They dropped anchor at nakkiguda, vallaipadu and other spots between Pooneryn and Mannar for this sort of illegal activity.\textsuperscript{26} It was mostly Sri Lankan fisherman who would ferry refugees to India, and often, the peddlers simply left them on a small island in international waters, in the middle of the sea, for the Indian patrollers to take note of them. At other times, they would be left in the lurch, without adequate supplies of food and water, for days on end. As a result, the weak and the young among the refugees often suffered the most. Often they would be dropped into the water 10 or 15 Km from
the shores and told to swim to the shore, so that the peddlers could escape easily, without being caught and arrested by Indian navy officials in short, the journey of the desperate refugees to reach Indian shores was replete with hazardous and dangerous experiences.

Reception and Registration of Refugees in Tamil Nadu

As soon as the refugees reached Indian Territory, they were stopped by Indian security men and interrogated. It was done immediately on arrival, and the local Police inspector conducted an enquiry to ensure whether they were genuinely affected by the ethnic problems and had arrived in India to save their lives. After this enquiry by the local Police Inspector, the police authorities of ‘Q’ branch would screen the refugees in cooperation with the intelligence bureaus to segregate the militants, if any, mingled along with the refugees, and to check the bona fide antecedents of the refugees. After these screenings by the police authorities the revenue officials registered the personal details of the refugees such as the name of the refugee, their occupation, addresses in Sri Lanka, etc., in the admission register. This was done after they had verified the documents, if any, that the individual had brought with them. Normally the individuals had identification cards, family cards, school cards etc but if they did not possess any of these things, police authorities verified other available sources of evidence to confirm the genuineness of the details given by the refugees, after which they were photographed to record the identity of each member and the photo was affixed to the identity card.

As per instructions issued by the Government of India, a quantitative camp had been opened with in the complex of the Mandapam camp, where the refugees arrived in larger numbers. This camp had been functioning at ‘Door No. 226, Old Block’, from August 2000 onwards. Fresh refugees arriving in India were kept in quarantine for a limited period, not exceeding 30 days, and only after completion of the process of verification of their antecedents were they shifted to the normal
camps around the state. During the verification process, if a member of LTTE or its splinter groups or smugglers and such came to their notice, action was taken to lodge them in the special camp to restrict their movement and safeguard the security of the state under Section 3(2)(e) of foreigners Act of 1946.

**Repatriation of Sri Lankan Refugees**

Tamil Nadu was initially considered a safe heaven for these refugees because of its geographical and ethnic affinity with the Tamil Majority regions of Northern and Eastern Sri Lanka; and for several years, the Indian government accepted the influx of refugees. But due to pressure on the centre from the State Government, a programme of Registration and Repatriation commenced in 1992.

According to the UNHCR, 54,188 refugees were voluntarily repatriated to Sri Lanka by chartered ships and flights between 20 January 1992 and 20 March 1995. However, during the same period of time, there were certainly many forced repatriations as well, and even the voluntary ones were often a result of the increasingly harsh treatment meted out to the refugees in the various camps. This is a blemish on India’s social record of internal non-harassment. After negotiations, the UNHCR managed to get the government to grant it access to the refugees at the point of departure in the transit centres, although its officials were not permitted to visit the refugee camps per se.

The recent progress made in the peace process in Sri Lanka has, however, prompted some of the refugees to return voluntarily – the official estimate is that about 1,000 refugees returned from India to Sri Lanka between January and December, 2003 assisted by U.N.H.C.R. It is also estimated that some 4000 refugees also returned to Sri Lanka in the same year. Ironically, the Government takes pains to prevent ‘illegal crossings’ which are often hazardous; and permits are required before a refugee can legally go back.
Refugee Definition

Under the earlier, League of Nations Treaty series 1922-26, a group approach was adopted to define who classified as refugees. To declare a person a refugee, it was sufficient that he was outside the country of his origin and without the protection of the government of the state. Today, the primary international legal standard of refugee status is derived from the 1951 convention relating to the status of refugees. According to Act I of the convention, a refugee is an individual who, owing to well founded fear of being persecuted for reasons of race, religion, nationality membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country; or who, not having a nationality or being outside the country of his former habitual residence as a result of such events is unable or owing to such fear is unwilling to return to it.

Initially, the convention was exclusively designed to deal with European Refugees in the wake of World War II. This restriction was removed by a protocol added to the convention in 1967 and signed by the most of the 1951 signatories. However, the definition given by the 1951 Refugee Convention along with its 1967 protocol is very narrow as it only covers persons who have a well founded fear of persecution. But again one should remember that the 1951 Refugee Convention was drafted during the emergence of the cold war, consequently, it has been described as only granting recognition to those refugees who fear persecution on the basis of their “civil and political rights”. Later, international refugee instruments such as the Organization of American States (OAS) and 1969 Organisation of African Unity (OAU) convention have broadened the scope of the term refugee and have made explicit reference to human rights standards.

This expanding of the definition of the term refugee has also had a direct impact on UNHCR’s role and activities, with the encouragement of the UN General Assembly and the international community. UNHCR had expanded its
mandate to include such people who would not strictly fall within the definition but find themselves without the protection of their own Government and in refugee like situations.

**SRI LANKAN REFUGEE STATUS IN INDIA**

India is not a party to the 1951 convention or the 1967 protocol. Nor has it passed any kind of domestic legislation on the subject of refugees. Instead, India has chosen to deal with refugees at a political and administrative level. It has therefore only an ad hoc mechanism in place to deal with their status and problems. The legal status of refugees is therefore, to begin with, no different from those of ordinary aliens whose presence is regulated essentially by the Foreigners Act of 1946. The absence of a special legal regime on the status of refugee does not however mean that no protection or assistance is offered to refugees. But its absence has certainly meant that executive action and/or acts of discrimination are not easily remedied (albeit the courts have been sympathetic to the existential concern of refugees). For example, the Madras High Court responded to the Sri Lankan situation with sympathy even while recognizing the ground realities in Tamil Nadu, especially after the assassination of Rajiv Gandhi.

In the Sri Lankan context, the Madras High Court has allowed for status determination and the right not to be repatriated without consent. Questions arose in 1992 in the Madras High Court about the voluntary nature of the deportation of refugees for Sri Lanka. In P. Nedumaran v. Union of India WP 12298 and 12343 of 1992 and Gurmathan v. Union of India, WP 6708 and 7916 of 1992, the court emphasized the need for voluntary repatriation and allowed for such repatriation only when it was found to be voluntary by the U.N.H.C.R. Through the intervention of the Madras High Court on 21 November 2003 in a public interest petition filed by Dr. Subramanian Swamy v. Union of India, the Central Government was allowed to reserve seats in educational institutions for refugees.
In India the distinction between the terms ‘refugees’ and migrants often tends to get blurred. This has something to do with the breakup of the entire region along religious, ethnic and linguistic lines. As a result, there is always a possibility that there might be an element of persecution in otherwise normal migration cases, where the migrating persons and groups happen to be distinct and possibly persecuted minorities in their home country.

**Migration**

Migration is generally defined as ‘a permanent change in place of residence by the crossing of specified administrative or political boundaries. The person who fulfill either of these two criteria are regarded as migrants.’\textsuperscript{35} Clearly, this definition has its limits, for it does not take into account the nomadic or wandering people, the seasonal migrants, and movements back and forth of the people having more than one residence. Moreover, it does not address questions such as what should be the length of one’s stay in his second abode to qualify him as a migrant. The United Nations’ Multilingual Demographic Dictionary suggests that the expressions ‘move’ and ‘migrations’ on the one hand and ‘internal migration’ and ‘international migrants’ on the other, should be distinguished. ‘A move is a change of residence with in the same political or administrative boundary.’ Migration is a change of residence and also a crossing of the political or administrative boundary while internal migration is a change in the place of residence from one administrative boundary to another within the same country, international migration is a move over a national boundary.\textsuperscript{36}

Using these definitions, it is clear that the Sri Lankan Refugees cannot be categorised as migrants. As a legal matter, the actual status of the Sri Lankan Tamil asylum seekers in India is ambiguous. India is not a party to the 1951 convention or the 1967 protocol and has no formal refugee determination procedures, nor did India provide any ad hoc determination procedure for the Tamil Refugees as a group. Nonetheless, the Tamils from Sri Lanka were
commonly referred to as ‘refugee’ both in the media and in communications from the central government of India and the State Government of Tamil Nadu. More importantly, India recognised the Tamil’s need for asylum, and admitted them with a good deal of sympathy. In fact in many respects, the government treated the Tamils as if they were conventional refugees, and in general did not subject them to arbitrary detention or restriction of movement. The Sri Lankan Tamils received the same elementary education in Tamil Nadu schools as Indian nationals, and in the universities, the state government made special allocations for the Sri Lankan Tamil students. The students were also issued a certificate of refugee status describing them as person affected by the ethnic violence in Sri Lanka; however, this certificate was only valid for application to the university, colleges or institutes of higher education specified in the document.37

Thus, although the Indian government had no official refugee determination process, it in fact recognised the Tamil asylum seekers as refugees in various documents. In addition, the government also recognised that the Tamil could not be sent back until conditions in Sri Lanka improved. Hence the Indian Government regarded the Tamil asylum seekers as de facto refugees, giving them temporary asylum and protection from forcible deportation to Sri Lanka.

The temporary refuge given to the Tamil refugees in India is in accordance with the general practice of Asian and African states over the last few decades. This practice of reviewing mass influxes and granting temporary refugee or asylum may have evolved into a rule of customary international law, binding on non-parties to the 1951 Convention. India’s response to the influx of Sri Lankan Tamils could thus represent an application of the broad principle of non-refoulement and observance of a legal norm. Of course, India’s action also could have been motivated by humanitarian concerns or political and ethnic considerations. However, while ethnic affinities within the foreign policy may act as incentives to conform to a legal norm, they do not necessarily imply the
absence of such a norm. Moreover, in the case of India, overall national considerations, regional relations and India’s role as a mediator in the ethnic conflict in Sri Lanka may well have acted as disincentives. A desire to conform to a legal norm may thus have tipped the balance toward accepting the refugees.

In addition, acknowledging the role of humanitarian considerations does not make them a substitute for legal obligations. Refugee law itself is grounded in humanitarian principles; the two are interrelated, not exclusive. Conformity with a legal norm does not necessarily require public statement of legal obligation but can be expressed by non-action, such as non-refoulement or non-repatriation, thus, India’s response can be understood as having a legal basis in the norm of non-refoulement.38

**The Principle of Non-Refoulement**

The principle of non-refoulement prescribes that ‘no refugees should be returned to any country where he or she is likely to face persecution or torture.’39

While India is not a party to the 1951 Convention, it is still obliged to observe the principle of non-refoulement as this is a part of customary international law.40 In other words, it is binding on all states, irrespective of whether a state is or is not a party to the 1951 Convention or the 1967 Protocol. The obligation to observe the customary international law principle of non-refoulement is strengthened by the fact that India is a signatory to the 1984 convention against torture (CAT), although it is yet to ratify that convention. The CAT articulates a wider legal basis for respecting the principle of non-refoulement.

Article 3 of the CAT states:

1. No state party shall expel, return (‘refouler’) or extradite a person to another state where there are substantial grounds for believing that he would be in a danger of being subjected to torture.
2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the state concerned of consistent patterns of gross, flagrant, or mass violations of human rights.

Of course, it is a well-established rule in India that the courts cannot enforce principles of customary international law if they are in conflict with statutes.\textsuperscript{41} Indian courts have accepted and applied the doctrine of incorporation according to which customary international law rules are to be considered a party the law of the land and enforced as such, provided that they are not inconsistent with Acts of Parliament.\textsuperscript{42}

In India the foremost reason for refusing to concretise a refugee protection policy is the threat of terrorism, even though there seems to be no reason for sustaining such a fear. Justice P.N. Bhagwati’s model law, which the National Human Rights Commission is examining, and the SAARC Anti-Terrorism Protocol of 2004, both ensure that suspected ‘terrorists’ are not treated as refugees. Under the proposed model law, India may exclude even other undesirable persons provided they are not sent back.\textsuperscript{43}

**Repatriation of Sri Lankan Tamil Refugees**

On 29 July 1987, India and Sri Lanka signed an agreement to establish peace and normality in Sri Lanka. Article 2.16(D) of the Accord, stated that the Government of India would expedite repatriation from Sri Lanka of Indians who are resident there concurrently with the repatriation of Sri Lankan refugees from Tamil Nadu. In an annexure to the agreement the Prime Minister of India also agreed to deport all Sri Lankans citizens who were engaging in terrorist activities or advocating separatism. The Sri Lankan Government and UNHCR signed a memorandum of understanding on 31 August 1987 under which UNHCR agreed to provide rehabilitation assistance to refugees and the displaced in Sri Lanka.\textsuperscript{44}
By 31 January 1987, 128564 refugees had come into India. Of these 34,429 persons who were destitute were admitted into refugee camps. 171 temporary camps were setup in Tamil Nadu for the accommodation of these refugees. Of these, 9,350 voluntarily left the camp after admission. The population of refugees in various refugee camps in Tamil Nadu at the time of the beginning of the repatriation process was about 25,000. They were ready to return to their homeland soon after the announcement of the July 1987 ‘Accord’ between India and Sri Lanka. As per the agreement, all Sri Lankan Tamils in India were asked to register for repatriation. This was the first time an organised repatriation drive was attempted for the Sri Lankan Refugees residing in Tamil Nadu. In this first attempt at repatriation though, the UNHCR was not involved from the Indian side there were thus no forcible departures.

In 1990, as the fighting back in Sri Lanka increased, for the first time the Government of India tried to find a new solution to stop the refugee inflows. Refoulement, however, was not attempted. The concept of ‘safe havens’ provided the alternative. The UNHCR agreed to set up a ‘safe haven’ on Mannar Island with its financial assistance. The project was not implemented. In its place the UNHCR started a programme of Immediate Relief Assistance to returnees and displaced persons in Sri Lanka. This was an ambitious programme which was to meet not only the immediate needs but would also restore communication links (roads, etc.), housing and agriculture in the affected areas. It was not surprising that these plans failed to materialise. Sri Lanka was in the grip of ethnic conflict and UNHCR could not do more than provide immediate assistance programmes.

Second Phase of Repatriation

Refugees continued to trickle into India till May 1991. The repatriation of Sri Lankan refugees from Tamil Nadu started again in June 1991. The Indian Government issued a notification that all Sri Lankan Tamils living in Tamil Nadu as of 29th June 1991 should register their presence at relevant places near their
camps for the task of repatriation. These registration centers were opened exclusively for the purpose of facilitating the process of repatriation. The Government of India and the Tamil Nadu Government did not give much importance to the rage and violence that continued in Sri Lanka, making the nation unsafe for the refugee to return to. Nor was any attempt made by them to study the situation on the ground in Sri Lanka.

The refugees on their part continued to express their willingness to go back to Sri Lanka only if the Indian Government could give them full assurance of the safety of their lives and property. But the government, obviously, could not give them any assurance on these issues. Thus, at this point in time, the Indian policy which was based on protectionism was undergoing a change, and their request for repatriation and assurance could not be implemented practically as it involved the compliance of the Sri Lankan Government, which was unavailable.48

The second wave of repatriation was not as simple or as easy a process as the first wave. It became hugely complicated by the change in India’s political environment, in which the Sri Lankan Tamils had played a major role. The assassination of Rajiv Gandhi by Tamil militants completely changed the situation and the sympathies in India. The Sri Lankan Tamils, to a large extent, had lost the sympathy and support of the majority of the local people of Tamil Nadu in particular and India in general. It was at this juncture that the United Nations High Commission for Refugees made its presence felt on the Indian side of the matter. The issue was extremely complicated and solutions were not likely to be easy to find. The resulting repatriation drive was composed of both a spontaneous and an organised repatriation process.

Repatriation under any circumstances is not an easy solution for the refugee issue anywhere. Criticism of India’s attempts at the repatriation of Sri Lankans in 1991-1993 and the classification of methods used was easy. But the reasons for these actions were mixed. Growing local impatience with militancy,
social changes, as well as economic hardships due to the presence of rich Sri Lankan refugees who stayed outside the camps were just some of the more obvious reasons.

**REFUGEE PROTECTION UNDER THE CONSTITUTION OF INDIA**

The Constitution of India was adopted by the Constituent Assembly within a year after the Universal Declaration of Human Rights was adopted by the U.N. General Assembly on December 10, 1948. These two historic documents have much in common. Part III and IV of the Indian Constitution, the sections containing the Fundamental Rights and the Directive Principles of State Policy, embody most of the principles of Human Rights.

(a) **Fundamental Rights**

There are two fundamental rights under the Indian Constitution which have acquired the status of non-derogable human rights – Act 20 and 21. The constitutional right under Article 20 prohibits ex-post factor operation of criminal law and confers immunity against double jeopardy and protection against self-incrimination. Article 21, which has sprung to life with the decision of the Supreme Court in Maneka Gandhi vs. Union of India, provides that no person shall be deprived of his life and personal liberty except according to procedure established by law.

(b) **Directive Principles of State Policy**

The Constitution of India clearly lays down the basis on which foreign policy should be framed. Article 51 of the Constitution highlights this principle.

Article 51 stipulates at the state shall endeavour to:

(a) promote international peace and security;
(b) maintain just and honourable relations with nations;
(c) foster respect for international law and treaty obligations dealing with organized people with one another; and
(d) encourage settlement of international disputes by arbitration.
Thus, it is possible for any international legal principle to be incorporated or adopted in Indian legislation. Further, the legislative power of the parliament includes the power to validate treaties and agreements with foreign countries and to implement the provisions of such treaties, agreements and conventions with foreign countries. ⁴⁹

(c) Role of the Judiciary

The Indian judiciary has consistently recognised the importance of human rights and has been giving effect to the provisions of the Universal Declaration of Human Rights, 1948, the International Covenant on Civil and Political Rights, 1966, the International Covenant on Economic Social and Cultural Rights, 1966, and the Convention on the Elimination of all forms of Discrimination Against Women, 1981. In Maneka Gandhi v. Union of India, the court relied on Article 13(2) of the Universal Declaration of Human Rights.

One of the most notable cases, in this context, in Madras (now Chennai) High Court was related to the Principle of Voluntary repatriation of Sri Lankan Refugees to Sri Lanka. In this case, the view of the Madras High Court was given in an unreported decision (P. Nedu Maran and Dr. J. Ramadoss v. the Union of India and the State of Tamil Nadu 1992). ⁵⁰ In this case the Madras High Court considered the question of whether Sri Lankan Tamil Refugees were being forcibly repatriated by the Indian Government or, to put it differently, being refouled. The significance of the decision – even though it was confined to considering a specific factual situation – lies in its stress on the voluntary character of repatriation.

The court did not, however, consider the question of the unfettered and unlimited right of the Indian Government to deport people under the 1946 foreigners Act. It was only because of the plea of the Government that refugees were not being repatriated against their will. Furthermore, the UNHR had been formally allowed by the Government of India to ascertain the voluntary nature
of the repatriation of Sri Lankan Tamil Refugees at the point of departure. This made it extremely awkward for the Government to place reliance on the absolute and unfettered right to deport. To put it differently, both the Government and the court in effect accepted that certain standards had to be met before refugees could be repatriated to their country of origin. Above all, where repatriation was undertaken, it had to meet the test of the voluntary nature of the act. Consequently, it would not be wrong to conclude that the Madras High Court accepted the principle of voluntary repatriation as the basic standard that had to be met with respect to refugees, despite the overall right of the state to deport.51

The basic principle underlying New Delhi’s refugee policy is to view the problem strictly in a bilateral perspective. The refugees should return to their homeland once the situation improves there.

Dealing specifically with the Tibetan refugees, Jawaharlal Nehru, the former Prime Minister of India, declared that India’s policy on the subject was governed by three factors:

(a) India’s desire to maintain friendly relations with the Peoples Republic of China.
(b) Protection of the Security and Territorial integrity of India; and
(c) India’s deep sympathy for the people of Tibet.52

The same principles govern India’s overall policy towards Sri Lanka.

The Indian Constitution does not directly accord recognition to international treaties to which India is a party, and they would not automatically be part of the law of the land. Therefore the obligations arising from treaties will not be enforceable in India unless they are backed by legislation.53 Further, India is neither a party to the refugee convention or protocol, nor does it have national legislation to govern refugees in its territory.
Acts Applicable to Refugees

In the absence of specific provisions of law with regard to refugees the pertinent question that arises is what other provisions of law are applicable to the refugee situation in India.

In general, the following Acts govern the refugees living in India:

**Foreigners Act, 1946**

The object of the Act is to regulate the movement of foreigners in India. Through this Act, the parliament has granted the Central Government rights to pass relevant orders with respect to:

- Entry of foreigners;
- Departures of foreigners;
- Restrict foreigners by requiring them to reside in a particular place or restrict their movements;
- Examination of foreigners;
- Prohibition of foreigners from association with particular groups;
- Prohibition of foreigners from engaging in certain activities;
- Prohibition of foreigners from possessing certain articles;
- Regulating their conduct in a manner as may be prescribed or specified.

(1) **The Passport (Entry into India) Act 1920**

The Central Government is empowered by this Act to impose the condition of possession of a passport for entry of any foreigner into India.

(2) **The Registration of Foreigners Act 1939**

Section 3 of this act empowers the Central Government to make rules with regard to registration of foreigners in India. The Central Government can make rules for any or all of the following purposes:
• To register the presence of a foreigner;
• To note the movement of a foreigner within India;
• To report the departure of a foreigner;
• To ensure the identity of a foreigner;
• To provide such other incidental or supplementary matters as may appear to the Central Government necessary or expedient for giving effect to this Act.

Penalty is also imposed by Section 14 of this act. It reads as follows:

“If any person contravenes the provision of this act or any order made thereunder, or any direction given in pursuance of this Act or such order, he shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine.”

(3) The Passport Act, 1967

This Act deals with many aspects of the Passport and Travel documents to regulate the departure of citizens of India to some other country. This Act is applicable to non-citizens also in some aspects.

The Central Government utilizes these powers in regulating the affairs relating to refugees. Foreigners Order, 1948, Citizenship Act, 1954 and extradition Act 1962 are the other legislations which have applicability in the case of refugees.

Constitutional Rights Applicable to Refugees

In India, every individual is guaranteed equal protection of law under Article 14 of the Constitution. Article 20 provides that no person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act, which is charged as an offence. Neither can a person be
subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence.

Right to life, which is a most essential right, is provided under Article 21 of the Constitution. It guarantees life and liberty which can be taken away only by procedure established by law. The Indian judiciary has expanded the ambit of this provision, which now guarantees also the right to live with human dignity, right to health and right to medical assistance. In National Human Rights Commission verses state of Arunachal Pradesh, the Supreme Court has held that this article is applicable to non-citizens also.

Article 22 protects a person from illegal arrest and detention. It also specifies the procedure to be adopted during arrest or detention. All persons are guaranteed the...

- right to be informed ‘as soon as may be’ of the grounds of arrest.
- right to consult and to be represented by a lawyer of his own choice.
- right to be produced before a magistrate within 24 hours.
- right to have the freedom from detention beyond the said period save by the order of magistrate.

Article 25 of the Indian Constitution provides that any person can profess, and practice any religion subject to the limitation of public order, morality, health, and other fundamental rights. Though there is no instance of an alien claiming this right, under this provision the guarantee to freedom of religion is extended to aliens also. In fact, the refugees enjoy many rights in India which are advocated in international conventions and the Government at the centre and states consider them as their bounden duty to implement these rights to the refugees for their well-being in the host society.
Conclusion

With the ethnic strife in Sri Lanka, the one major effect that most concerns India has been the consecutive waves of refugees that have arrived on Indian shores seeking refuge from the killing fields back home. With the first wave arriving, beginning 1983, the initial attitude of the Indian Government, and the Tamil Nadu Government, was one of benevolence and welcome. They were received as kin, and accommodated in camps around the southern Indian state.

With the second wave of refugees, beginning 1989, things began to get more complicated. The Sri Lankan Tamils began to play a more and more important role in state and national level politics, both directly – as pressure groups, and indirectly – as a lucrative vote bank for politicians. The assassination of the former Prime Minister, Rajiv Gandhi, by a Sri Lankan Tamil suicide bomber, further complicated matters, and drove the government to take active steps towards the repatriation of the refugees. Existing camps were consolidated, the refugees reshuffled and housed on a cross local basis to prevent clique formation, and security tightened.

The third wave began arriving from 1996, as conditions continued to worsen on the island nation, and a further fresh wave began to arrive in 2006. They were all registered, and given IDs, if they lived in camps, and details such as home address, identity etc were collected. Classified as camp, non-camp, and militant refugees, the Sri Lankan Tamils were housed and accommodated accordingly, with the highest security being reserved for those seen as militant.

First wave repatriation, between 1992 and 1995 went smoothly, but the second wave began to show problems because of unabated strife in Sri Lanka and doubts about the voluntary nature of the repatriation being raised in India and internationally. However, under the Constitution of India, the refugees
enjoy a number of protections as foreigners on Indian soil including the right to life, dignity, religion and so on. Various court orders and government policies also place great emphasis on the necessity of the repatriation process being voluntary.
REFERENCES


3. Ibid.

4. Ibid.


10. All India Anna Dravida Munetra Karazham’ henceforth will be called as AIADMK.


13. Ibid.
17. The Asian Age, 14th January 2006.
24. V. Suryanarayan and U. Sudersan, op. cit., pp. 75-76.
26. Ibid.
27. Notes on Refugees and Repatriates, Department of Rehabilitation, Government of Tamil Nadu, 1985, p. 3.
28. Ibid.
29. Ibid.
32. The UN General Assembly decided to establish High Commissioner’s office for refugees (UNHCR) on 3 December 1949, The statue of the office was adopted on 14 December 1950 and the office took its birth on 1 January 1951. The statute declares its work as humanitarian social and entirely non-political in charter.

33. There are 140 states which are today members of the 1951 Convention or the 1967 protocol.


52. N.L. Narsimha Rao, Indian Practice of International Refugee Law Unpublished M.Phil. Dissertation, School of International Studies, Jawaharlal Nehru University, New Delhi.

