ABSTRACT

The present research work is the study of Refugee Protection in India with special reference to the role of the United Nations High Commissioner for Refugees (UNHCR). This study have found that refugee problem today has assumed gigantic proportion and became a world phenomenon including India. The problem is intimately linked to the intricate issues of the world peace and security. In addition, it is multi-layered, multi-dimensional problem evolving humanitarian, socio-economic, political and legal a host of other issues.

The present research work seeks to analyze and probe: the origin, growth and rise of the refugee problem both at the national level and international level and to discuss the refugee problem in India, its geographic spread and role of the government of India, also the role of the international agencies, such as the UNHCR solving this problem.

Critical analysis and suggestions are made for an early just solution, which is the interest of India and her neighbours and other refugee generating friendly countries and above all different refugee groups in India.

The refugee problem is a phenomenon of our age and it is the consequence not only the First World War and Second World War, modern dictatorial regimes and ethnic strife, but also of the innumerable socio-economic inequalities. There were refugees in the beginning of this century, however no refugee problem in the modern sense. Modern refugee movements started in Europe and subsequently it became widespread in the Third World Countries. The refugee movements of modern times have given rise to a new class of people who are homeless and stateless and who live in a condition of constant insecurity. They have caused great political and economic problems for the host countries.
Furthermore, while in its earlier stages the refugee problem was seen as temporary and limited phenomenon, it has now been acknowledged as universal, continuing, and recurring. As a result the international community has developed a complex mechanism of worldwide co-operation involving National Governments, Private Agencies and International Organizations.

While so much has been written and talked about refugees, it will be appropriate to discuss the meaning of refugees just according to the 1951 Convention relating to the Status of Refugees, a refugee is someone who:

◆ Has a well-founded fear of persecution of her/his
  -Race,
  -Religion,
  -Nationality,
  -Membership in a particular social group, or,
  - Political opinion;
◆ Is outside his/her country of origin; and
◆ Is unable or unwilling to avail him/himself of the protection of that Country, or to return there, for fear of persecution.

Later, several regional treaties included language that broadened the 1951 Convention’s definition of a refugee. The OAU [Organization of African Unity] Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted in the 1951 Convention, but also covers any persons compelled to leave their country........

“Owing to external aggression, occupation, foreign domination
Or events seriously disturbing public order in either part or the Whole of his country of origin or nationality.”

That means that persons fleeing civil disturbances, widespread violence
and war entitled to claim the status of refugee in States that are parties to this Convention, whether or not they have a well-founded fear of persecution.

In 1984, a group of government representatives, academics and distinguished lawyers from Latin America met in Cartagena, Columbia, and adopted what become known as the Cartagena Declaration. Among other things, the Declaration recommended that the definition of a refugee used in the region should include, in addition to those fitting the 1951 Convention definition, persons who flee their country....

“Because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.”

This definition is similar to that found in the OAU Convention. Though the Declaration is not legally binding on states, Latin America states apply the definition as a matter of practice and some have incorporated it into their own national legislation.

There are various causes of refugee movement. Along the important ones are war, revolution, political warfare, separatist movements, and suppression of minorities, coups and deteriorating economic conditions. The international community has from time to time sought to draw up a charter of rights of the refugees. The 1951 Convention and 1967 Protocol constitute the most important codification efforts of the rights of refugees yet attempted.

In order to tackle the problem of refugees more effectively and coordinate relief and rehabilitation work in a systematic and organized way, the need was felt to set up a broad based international organisation which would deal with the refugee problem in its totality.
The result was the creation of UNHCR in 1950 by United Nations General Assembly.

The UNHCR is entirely non-political in character. It acts as a coordinating body to intermesh the efforts of national and international agencies and government to deal with the crises caused by outflow of refugee movements and their need for sanctuary.

The office of UNHCR is flexible in nature and geared towards imaginative solution within the framework of the international humanitarian law relating to refugees. It is guided by the principles of international solidarity and burden sharing and pays close attention to the search for durable solution and issues related to refugees aid and development.

The first chapter of the statute of UNHCR sets two main functions for the United Nation High Commissioner. These are (i) providing international protection to refugees and (ii) seeking permanent solution for the problems of refugees. In performing the primary function, UNHCR seeks to provide an international substitute for diplomatic and consular protection of state. The purpose of international protection is to give refugees a recognized legal status and effective implementation of these legal statuses such as employment-education, residence, freedom of movement and safeguard against forcible return to country to the country when refugees may have reason to fear persecution. In performing the second function the UNHCR seek to facilitate the voluntary repartition of refugees and the social and economic integration of refugees that have been offered asylum.

The UNHCR also plays a very vital role in co-ordinating aid to refugees. Except in special circumstances its material activities are conducted through national or local authorities of the country concerned, other organisation or private technical agencies. Material assistance in
voluntary repatriation on local integration, resettlement through migration to other countries as well as counseling, education and legal assistance.

India has a long tradition of giving shelter to people on humanitarian grounds with its principles of *Sambhav*, an approach of tolerance and understanding of the equality of all religious, creeds, races and nationalities. Historically India had been a safe heaven for refugees and displaced persons. The asylum provided to Parsees who came to Gujrat in the eight century fleeing religious persecution is generally cited as an evidence of the Indian sense of justice and hospitality. After independence, Partition precipitated a massive exodus and influx of displaced persons- Hindus and Sikhs from Pakistan to India and Muslims to Pakistan. It is estimated that some 15 million persons travelled across the newly formed borders. As early as 1953 Pt. Nehru informed Parliament that India would abide by international standards governing asylum and would adopt corresponding non-binding domestic policies. The right of asylum was affirmed on humanitarian grounds. Based on this policy, the Tibetans and Sri Lankan Tamil were granted asylum and refugee status. In 1971, though refugees from then East Pakistan were called “evacuees” they were, in effect, treated as refugees requiring temporary asylum.

At present, the number of refugees and asylum seekers in India stands at approximately 435, 900 according to the world refugee survey 2007 conducted by the United States Committee for Refugees and Immigrants (USCRI), and supported by the latest figures from the United Nations High Commissioner for Refugees (UNHCR). According to these sources, new asylum seekers for 2007 numbered about 17, 900 in contrast to the mere 600 recorded departures from the country. India mostly plays host to refugees from its neighbouring countries who are
either forced to leave their countries of origin due to internal or external conflict, political persecution or human rights infringements.

There are various types of migrations to India both in terms of causality as well as their impact on domestic policies. Seven categories of migrations may be considered. They are: (I) Hindu migrations caused by Partitions, (II) Bangladeshi refugees as a result of civil war in Pakistan, (III) Sri Lankan Tamils, Burmese, Indian and Bhutanese Nepali refugees due to inter-ethnic strife, (IV) Nepali, Bangladeshi and Pakistani settlers due to open or virtually open borders, (V) Developmental and environmental refugees from Bangladesh, (VI) Indian Tamil (Sri Lankan) repatriates as per-contractual obligations, and (VII) Tibetan and Afghan refugees as a result of military intervention by extra-regional powers.

S.D. Muni and Baral identified three broad categories of refugee-generating factors in South Asia in general and in India in particular. In the first place, the breakdown of colonial legacies created refugee flows. The first category of migration comes under this. The second category of factors responsible for generating refugees is related to state and nation-building processes which precipitate not only political, ethnic and religious conflicts but also economic and environmental conditions that forced people to migrate within or outside their respective countries. To this belong the second, third, fourth, fifth, sixth type or migrations. The third category of refugee generating factors relate to the developments outside the region and flow of extra-regional refugees. The Burmese refugees (other than Burmese Indians) belong to this category. India has been more of a refugee—receiving than a refugee—generating country due to its easily accessible borders, socio-cultural identities, economic opportunities and secular democratic and generally soft state, in relation to almost all the neighbours. So far as the conditions of refugees in India
is concerned, it depends upon the extent to protection they receive from either the government of India or UNHCR.

Three primary categories of refugees can be identified: (I) Refugee who receive full protection as per standards set by the government of India such as the Sri Lankan Tamils, Chakmas and Tibetans. (II) Refugees whose presence in Indian Territory is acknowledged only by the UNHCR and they are protected under the principle of non-refoulement by Government of India such as Afghan, Iranian, Somali, Sudanese and Burmese refugees (III) Refugees who entered India and have been assimilated into different communities. Their presence is not acknowledged by either the Indian governments or the UNHCR. It includes the refugees from Myanmar, ethnic Chin refugees from Chin States, Nagas and Rakhain refugees from Arakan State and ethnic Nepalese of Bhutanese nationality.

India is neither a party to the 1951 Convention nor to the 1967 Protocol which is related to the status of refugee. The lack of specific refugee legislation in India has led the government to adopt an ad hoc approach to different refugee influxes. The status of refugees in India is governed mainly by political and administrative decisions rather than any codified model of conduct. The ad hoc nature of the Government’s approach has led to varying treatment of different refugee groups. Some groups are granted a full range of benefits including legal residence and the ability to be legally employed, while others are criminalized and denied to basic social resources.

The legal status of refugees in India is governed mainly by the Foreigners Act 1946 and the Citizenship Act 1955. These Acts do not distinguish refugees fleeing persecution from other foreigners; they apply to all non-citizens equally. Under the Acts it is a criminal offence
to be without valid travel or residence documents. These provisions render refugees liable to deportation and detention.

The International obligations to protect refugees including non-refoulment, non-expulsion or non-extradition and the minimum standard of treatment are traced in customary international law as well as in international treaty law in the form of United Nations’ Convention relating to the status of Refugees, 1951 along with the protocol of 1967. India has neither signed that 1951 Convention nor the 1967 protocol.

Though India has not ratified the 1951 Refugee Convention and its 1967 protocol, it has fulfilled its international obligation by extending its humanitarian assistance providing all kinds of protection to the refugees who entered into its territory. The right of refugees to non-refoulement has been recognized, even if with some reservations, as a part of customary international law. Thus, respect for this right is incumbent on the Indian government as the Constitution of India mentions, as one of the directive principles of state policy that, the State (India) shall endeavor to foster respect for international law and treaty obligations in the dealings of recognized peoples with one another (Article 51). It is pertinent to note that it is now well established that the phrase “International law” represents customary international law (Article-51).

The long tradition of humanitarian assistance in the country is extended further by the international obligations chosen by the country. India is a signatory to the Universal Declaration of Human Rights (UDHR), Article 14 of which is the fountainhead for subsuming refugee protection in human rights. India also voted to adopt the UN Declaration of Territorial Asylum in 1967.

In addition, India has signed numerous human rights instruments that articulate a commitment to protection of refugees. India is party to
the Universal Declaration on Human Rights (UDHR) 1948 and has joined the International Convention on civil and political Rights (ICCPR-1966) and International Convention on Economic, Social and cultural Rights (ICESCR-1966) since 1979. It is also a signatory to the Convention on the Elimination of all forms of Racial Discrimination (CERD-1965) and the Convention against torture and other cruel, Inhuman and Degrading Treatment or punishment (Torture Convention-1984).

Apart from the Executive Committee of the UN High Commissioner’s programme (EXCOM), India also participates in the deliberations of the Asian-African Legal Consultative Committee (AALCC), the 1966 principles concerning the treatment of Refugees, popularly known as Bangkok Principles, and the Informal Consultation on Refugee and Migratory Movement in South Asia (also known as the eminent persons Group or EPG) and the Asia/Pacific consultations. None of these have any binding force but the creation of convergent expectations through repeated participation in such process of consultation over time would tent, eventually to influence state behaviour. The fact that governments’ joining in these deliberations signifies the compelling influence of such platforms.

After the Second World War and shared European experience of massive displacement, the Refugees Convention was adopted with restricted geographical and temporal conditions to apply to post-ward Europe. In 1967, in an effort to give the convention universal application, a protocol relating to the Status of Refugees [“1967 Protocol”] that removed the restrictions of the Convention was added. Together, these two key legal documents provide the basic framework for refugee protection across the world.

India has repeatedly declined to join either the refugee
Convention or 1967 protocol. In addition, India has resisted demands for a national legislation to govern the protection of refugees. In doing so, India met many refugee influxes into its territory through an ad hoc system of executive action which is determined by the government’s policy towards the country of origin. The relative success that India has had with this approach, which is guided by political instinct free from legal obligation, has led to an institutional complacency of attitudes about foreigners in recent years in light of heightened security concerns. This has resulted in genuine refugees paying an unfortunate price in a country that otherwise has an imperative history of protecting refugees.

In the absence of a specialized statutory framework, India relies on the Foreigners Act, 1946 to govern the entry, stay and exit of foreigners in India. However, the foreigners Act is an archaic legislation that was enacted by a colonial government in response to the needs of the Second World War. Its continued application in independent India for more than sixty years after the end of the war can only be seen as an indication of the government’s desire to retain almost absolute powers to deal with foreigners. Section 2(a) of the Act defines a “‘foreigner’ as” a person who is not a citizen of India.” Thus covering all refugees within its ambit as well. Without a specialized governance regime for refugees they are usually treated on par with foreigners and illegal migrants. Without any special protection being accorded to them. However, it is necessary to draw a distinction between foreigners as a general class and refugees as a special subset of that class.

Section 3 of the Foreigners Act vests the central Government with the power to issue orders to control foreigners in India. There are a number of such orders in force that restrict the movement, activity and residence of foreigners and require their proof of identity and regular appearance before the police. In addition, Section 5 of this Act prevent
foreigners from changing their name while in India. Section 6 requires masters of ships and pilots of aircraft to maintain records of travelling foreigners. Section 7 obliges hotel-keepers to maintain records of the stay of foreigners, Section 12 provides for the delegation of these powers and Section 14, 14A and 14B penalize foreigners and abettors found in contravention of the Act or any order made the reunder. The Foreigners Act gives the executive wide powers to remove foreigners from India that have generally been exercised free from judicial review. This power is given to the Central Government by Section 3(2) (C) of the Foreigners Act, 1946. This is in addition to the power to refuse entry for non-fulfilment or entry conditions that invites instant deportation. The unrestricted power of the executive to remove foreigners was first confirmed by the Supreme Court in 1955 where it hold that:

“The Foreigners Act confers the power to expel foreigners from India. It vests the Central Government with absolute and unfettered discretion and as there is no provision fettering this discretion in the Constitution, an unrestricted right to expel remains.”

The untrammeled right of the executive to remove foreigners from India has been upheld by the Supreme Court in a number of subsequent decisions. Furthermore, while exercising this vast executive discretion, any foreigner may be deported without the executive being burdened to give a reason for the deportation. Thus, there is no need for the executive to comply with any form of extended due process or for giving a hearing to the person to be reported.

It should be appreciated that a person becomes a refugee because of circumstances which are beyond that person’s control, often, poignant. He/she is left with no other option but to flee from human rights violations, socio-economic and political insecurity, generalized violence and civil war or ethnic strife all these leading to fear of persecution. The
import of this observation would be evident when one looks at the definition of ‘Refugee’. The terms ‘Refugee’ has a particular meaning in international law and its legal definition is laid down in the United Nations 1951 Convention relating to the Status of Refugees and its 1967 protocol. Therefore, the need to give due importance to humanitarian and human rights aspects in dealing with Refugees cannot be over-stressed. Thus, it may be noted that there are well-defined and specific grounds, which have to be satisfied before a person can qualify to be a ‘refugee’. These grounds are well-founded on fear of persecution and consideration of a number of factors which may operate individually or collectively.

Even though Indian law does not treat refugees as a special class distinct from foreigners, there have been a number of special legislative measures to deal with refugee influxes. Special laws to deal with refugees have been used primarily by the various State Governments. Though a series of executive and administrative orders, both the Central and State Governments have distinguished refugees from foreigners while responding to various refugee related crises. This approach, however, is an ad hoc one and recognizes refugees as special class only when faced with mass influxes of people into India.

The practice of the Indian Government has been to deal with refugees in three main ways;

(a) Refugees in mass influx situations are received in camps and accorded temporary protection by Indian Government including, sometimes, a certain measure of socio-economic protection.

(b) Asylum seekers from South Asian countries, or any other country with which the government has a sensitive relationship, apply to government for political asylum which is usually granted without an extensive refugee status determination subject, of course, to political exigencies and
Citizens of other countries apply to the office to the United Nations High Commissioner for Refugees (UNHCR) for individual refugee status determination in accordance with the terms of the UNHCR Statue and the Refugee Convention.

Indian refugee policy is often guided by political compulsions, not rights-enabling legal obligations. The first mass influx following the partition of the country in 1947 was met with a number of legal, executive and administrative mechanisms designed to assist and eventually integrate the incoming Hindus and Sikhs into the national mainstream. The first ‘foreign’ influx of refugees occurred in 1959 from Tibet when the government, politically uncomfortable with China, set up transit camps, provided food and medical supplies, issued identity documents and even transferred land for exclusive Tibetan enclaves across the country for cultivation and occupation along with government provided housing, healthcare and educational facilities. The Lankan Tamil refugees, having arrived in India in three waves beginning in 1983, have also been relatively well received in the geographically and ethnically contiguous state of Tamil Nadu where a large degree of local integration has occurred. In comparison, the Chakma influxes of 1964 and 1968 saw a subdued and reluctant government response.

Perhaps the largest mass influx in post-Partition history occurred in 1971 when approximately 16 million refugees from erstwhile East Pakistan sought safety in India. Enormous amounts of socio-economic and other resources were expended by the both the Central Government and the governments of the neighboring states to deal with crisis. Although most of the refugees returned within a year, the experience left the Indian Government both bitter at the non-responsiveness of international organizations and complacent in the confidence of being able to deal with future mass influxes.
Refugees who are not extended direct assistance by the Indian Government are free to apply to the UNHCR for recognition of their asylum claims and other assistance. To this end, the UNHCR is mandated by its parent statute to conduct individual refugee status determination tests and issue certificates of refugee status to those who fulfill the criteria of the refugee convention. The refugee certificates issued by the UNHCR are not formally recognized by the Indian Government, making them legally unenforceable in India. However, the authorities have, in general practice, taken cognizance of the UNHCR’s Refugee certificates to allow most refugees an extended stay in India in the absence of political opposition. Therefore, while a de jure system of refugee protection in India does not exist, there is a system of procedures and practices that serve to create a de facto refugee protection regime in India.

The ambivalence of India’s refugee policy is sharply brought out in relation to its treatment of the UNHCR. While no formal arrangement exists between the Indian Government and the UNHCR, India continues to sit on the UNHCR’s Executive Committee in Geneva. Furthermore, India has not signed or ratified the Refugee Convention. This creates a paradoxical and rather baffling situation regarding the UNHCR where India sits on its Executive Committee and allows the UNHCR to operate on its territory, but refuses to sign the legal instrument that brought the organization into existence.

The UNHCR has no formal accreditation and operates under the Umbrella of United Nations Development Programme (UNDP). UNHCR has established the office of the Chief Mission in New Delhi. In carrying out its mandate of protection, this office interviews individual asylum-seekers for refugee status and promotes durable solutions. Those asylum-seekers who are not offered direct protection by the Indian
Government can apply for refugee status with the UNHCR. The Statute of the Office of the UNHCR empowers the UNHCR to issue refugee certificates to those who fulfill the criteria under the 1951 Convention after having conducted interviews with such asylum-seekers for refugee status determination. The refugee certificates issued by the UNHCR are, in practice, recognized by the Indian Government, creating a de facto system of refugee protection in India. In the absence of a National legal and administrative framework, UNHCR, based in New Delhi, conducts refugee status determination (RSD) for asylum-seekers from non-neighbouring countries and Myanmar. UNHCR also has a presence in Chennai, Tamil Nadu in the South to support the voluntary repatriation of Sri Lankan refugees.

While the Government continued to respect protection and humanitarian principles in general, the lack of a national refugee protection framework remains one of the major challenges in India as ad hoc approaches are adopted to refugee protection. Poverty emerges as the greatest concern for refugees and asylum-seekers in India. Addressing this issue, in a context where almost 40 percent of the population is below the poverty line, remains a major challenge. Moreover, there is limited knowledge of refugee issues and while the protection environment remains generally favorable, it is affected by xenophobia in some quarters of the local population against refugee and asylum-seekers. Despite increased prevention and response efforts, women remained vulnerable to sexual and gender-based violence. Improving their livelihoods remains one of the key challenges for refugees and asylum-seekers living in India. UNHCR’s efforts are geared towards assisting refugees and asylum-seekers develop coping mechanism and to become self-reliant. However, due to financial constraints, UNHCR was able to assist only half of the targeted persons with specific needs and
had to restrict its income-generating activities to a very small group of refugees.

Indian law does not define the term ‘refugee’ but interestingly, the World Refugee Survey 2009, conducted by the U.S. Committee for Refugees and Immigrants, revealed that there are nearly 411,000 refugees in India. Most of these refugees fled from their own countries due to the fear of persecution. The largest number of asylum seekers in India, are from Tibet. They constitute over 100,000 of total number of refugees in India. The second largest group comprises of Sri Lankan Tamils. Further, there are refugees from Myanmar, China, Bhutan, Nepal, Afghanistan, Iran, Iraq and Bangladesh.

It can be easily seen that India notwithstanding its own security concerns, particularly in the last couple of decades, and pressure of population and the attendant economic factors, continues to take a humanitarian view of the problem of refugees. Even though the country has not enacted a special law to govern ‘refugees’, it has not to be serious handicap in coping satisfactorily with the enormous refugee problems besetting the country. The spirit and contents of the UN and International Convention on the subject have been, by and large, honored through executive as well as judicial intervention. By this means, the country has evolved a practical between human and humanitarian obligations on the one hand and security and national interest on the other. It is in balancing these interests, which may sometimes appear to be competing with each other, than the security and law enforcement agencies face day- to- day challenges. If and when a separate ‘Refugee Law’ for the country is enacted, it is important that this aspect is given due consideration. It is important that security and enforcement officials do not overlook both the legal as well as the underlying humane angles inherent in the ‘refugee’ situation, especially the latter. Though two
proposed bills were drafted in 1997 and 2006, respectively, the government of India rejected Bills on the ground of security threats such as external militancy. In the coming years, more attention shall draw the country’s legislators to the growing number of problems faced refugees in India, and surely, there is every possibility that a beneficial legislation will passed that defines the scope of their rights and ensures the country’s safety and sovereignty from external and internal threats.

However, Indian laws for refugees are actually nonexistent. As mentioned earlier, the term ‘refugee’ is not even defined under any Indian law. Till date, India has not yet signed the Refugee Convention. There is considerable dispute about the legal status of refugees in India and they are treated like foreigners with no legal rights. Although the U.N. Refugee Agency (UNHCR), an international body which supports the refugees is an active agency, its role in India is highly restricted.

The absence of national law on the status of refugees has also meant that refugees are dependent on the benevolence of the state rather than on a rights regime to reconstruct their lives with dignity. Thus, the refugees are left to the mercy of the state and have no recourse against systematic violations of its legal obligations by the state. Therefore, a just, fair and humane response to the question of refugees in India, in conformity with India’s international and constitutional obligations requires, as an immediate imperative and adoption of a definite statutory regime that will clearly define refugees as a distinct class of persons which will spell out a fair procedure for determination or the status of refugees and outline a due process for refugee protection in consonance with the right to non-refoulement and right to a dignified life.

**Chapter Scheme:**

The main body of arguments in the Thesis are presented in nine chapters.

The First chapter is introduction. This chapter will be
introductory part. It will provide an overall view of the purpose, context and scope of study.

The Second chapter grapples with the socio-political and economic causes that explain the refugee phenomenon and legal/normative framework governing refugees’ problem. The chapter also traces the major landmarks in the historical evolution of the international co-operative effort to organize beginning of the twentieth century up to the establishment of UNHCR.

The third chapter discusses the conceptual and definable aspect and the status of refugees on the basis of Regional and International Conventions, Declarations, Covenants, and Statutes. This study contains 1951 Conventions and 1967 protocol. Besides this, discussion and an analysis on the International expansion of refugee concepts on the basis of the Regional Organizations like a OAU, OAS, Cartagena Declaration 1984 and the Council of Europe.

The fourth chapter attempts to study the phenomenon of arrival of people from all over the region either as refugees, temporary workers, unauthorized migrants and permanent settlers and then relate it to the politics of the country. The essential thrust here would be to see the question from a humane angle and argue that the limitation of regional disparities in the national context together with regional co-operation in the south Asian context can alone address it, holistically.

The fifth chapter attempts to study the refugee policy of the Government of India, constitutional laws and other rule, regulations and programmes for refugees. To make the analysis effective a survey has also been made of the steps taken by Border Control Authorities, Custom Authorities, Police, FRRO and role of the Judiciary for the protection of refugees.

The sixth chapter explore the problems of Categories I refugees (Tibetans, Chakmas, Sri Lankan Tamils) receive full protection from the Indian Government and analyze role of the Government of India in the
protection of refugees. This chapter examines these refugee groups, according to the nature and importance of the refugee groups as well as security implications, obligations and compulsions of Government of India.

The seventh chapter examines the conceptual institutional developments associated with the historical process up to the establishment of the office of UNHCR, the present chapter is devoted to a full-length discussion of the objectives, role, responsibilities, resources and the organizational structure of the UNHCR.

The eighth chapter explore the problems of Category II refugees in India, in light of the office of the UNHCR’s discharge of its protection, function, through an analysis of the UNHCR’s refugee status determination process and refugee’s assistance/support programmes and services provided to recognized refugees.

The ninth and final chapter offers some concluding remarks to the study as a whole and particularly necessity of the protection of the refugees. This chapter will be about the problem faced by the refugees in India due to lack of legislation as well as the impact of the absence of a special law on protection and rights of refugees which is resulted in the denial of basic protection to the large number of refugees. Mainly this chapter will focus on how India deals with the refugee at both political and administrative level. The role of the Government as well as the UNHCR, NHCR, Judicial approach in India for the protection of refugees and solutions will also be discussed.

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