



## INDIA'S PERCEPTION ON ACCEDING INTERNATIONAL CONVENTIONS ON REFUGEES\*

### ABSTRACT

The expanse of Southern Asia has recurrently witnessed refugees of all religions and cults from adjacent countries crossing over to India. India possesses one of the largest refugee inhabitants in the world. It supports various groups of refugees such as Syrians, Afghans, Persians and Somalians, etc. Notwithstanding the fact that the Government of India generally meets its international obligations towards refugees and asylum seekers, the current legal framework of India applicable to foreign nationals makes no extraordinary provision for those seeking asylum on humanitarian grounds and continues to criminalize those who fall outside its ambit, qualifying them as aliens. The reality of South Asia is that millions of 'illegal aliens' reside in most countries without due validation. This presents a threat to the social and political stability of the region. It also seriously undermines the fundamental principles of democracy, transparency, rule of law and respect for human rights. Hence the present article targets to enlighten India's attempt to foster respect and progress their state in India, with a vision to promote asylum seekers in accessing the Judiciary.

**Keywords:** Refugee, Migration, Security, Asylum, Signatory, Conventions, Human Rights.

### INTRODUCTION

Every nation has been witness to a number of major refugee crises in history and still continues to face them, India being no exception. The birth of the country itself occurred in the midst of one of such biggest crises the world has seen. India has one of the world's most diverse and complex migration history.

In the Indian tradition, a stranger who comes as a guest is referred to as *Athithi* and the host is expected to treat him as God next only to the mother, father and preceptor. It can be noted in the *Yudhakanda* of *Valmiki Ramayana*, when *Vibhishana* approached *Rama* for asylum, *Rama* told *Sugriva*: "O *Sugriva*, Chief of the Monkeys, please bring him here; I have granted him fearlessness, whether he is *Vibhishana* or even *Ravana*.<sup>1</sup>

There is no sole definition of "refugee" that is suitable for all purposes. When contextualized with humanitarian intention, the connotation of the term contrasts from that used in global

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<sup>1</sup>Suryanarayan. V, *Need for National Refugee Law* (Oct. 27,2016, 11.12 p.m.), <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/15.html>

covenants, since the human aspects of the refugee problems are clearly distinct from the question of a refugee's status in any given situation.

However, all refugees have in common these characteristics: they are uprooted, they are homeless, and they lack national protection and status.<sup>2</sup>

The refugee is an involuntary migrant, a victim of politics, war, or natural catastrophe. Every refugee is naturally a migrant, but not every migrant is a refugee. A migrant is one who leaves his residence (usually for economic reasons) in order to settle elsewhere, either in his own or in another country.<sup>3</sup> A refugee movement results when the tensions leading to migration are so acute that what at first seemed to be a voluntary movement becomes virtually compulsory.

An asylum seeker is a person who has sought protection as a refugee, but whose claim for refugee status has not yet been assessed. Every refugee has at some point been an asylum seeker.

The evacuated folks become either internal refugees, that is, "national refugees" (persons who have been displaced in their own country, i.e. internally displaced persons), or "international refugees" (persons outside their country of origin). The latter are designated refugees in legal terminology when they lack the diplomatic protection granted to nationals abroad.

There are no largely acknowledged criteria to determine when a refugee ceases to be a refugee. Suggested standards include – when the refugee is earning a living and has found a permanent place to live; when he has acquired a new nationality and has obtained equal rights with the inhabitants of the country of asylum or resettlement; and both criteria together.

Statistical Data on refugees are affected by numerous causes – the difficulty of obtaining accurate data; the purpose for which the statistics are compiled; and the fact that refugees are always on the move.

Article 1 of The United Nations 1951 Convention, as amended by the 1967 Protocol concerning to the Status of Refugees (Refugee Convention) defines a refugee as a person who, "owing to a 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, is unwilling to avail himself of the protection of that country or who, not having a nationality and 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."<sup>4</sup> However, it is to be unerringly noted that the term "refugee" finds no reference under the native law.

## VISION THROUGH THE LENS

The postulate of this research can be divided into two parts. Firstly, dealing with refugees through ad hoc mechanisms in India is creating arbitrariness in their legal status and entitlements which deny humane and right-based treatment as per international refugee standard. Secondly, enactment of national refugee law can solve these problems by creating a balance between refugee protection and security concerns, economic constraints etc.

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<sup>2</sup>Louise W. Holborn, *World Problems* (Nov. 2, 2016, 4.35 p.m.), <http://www.encyclopedia.com/social-sciences-and-law/sociology-and-social-reform/sociology-general-terms-and-concepts/refugee>

<sup>3</sup>*Id.*

<sup>4</sup>Knox H. Thames, *India's Failure to Adequately Protect Refugees* (Oct. 7, 2016, 10.27 p.m.), <https://www.wcl.american.edu/hrbrief/v7i1/india.htm>

## REFUGEE REGIME IN INDIA

Refugees are simply aftermaths of conflicts and the ensuing spirits of insecurity. In a philosophical sense, one becomes a refugee even before fleeing the society in which one lives and remains to be a refugee even after one accepts asylum in a fresh habitation.

India has been a spectator to abundant migratory population, which has consequently been absorbed as one of her own. In this regard, India's stance dates back to the 16th/17th centuries when it welcomed the Parsis. Since then, she has sustained this ritual of being a broadminded host, absorbing Tibetan refugees in 1959, the Bangladeshi refugees in 1971, the Chakma refugees in 1963, the Tamil efflux from Sri Lanka in 1983, 1989, and 1995. This trend has resumed with a stable inflow of Myanmar refugees and Bangladeshi migrants over the years. The geographic position of India in the centre of South Asia has also had its inevitable influence on the migrant condition.

India's freedom in 1947 starts from accommodating refugees which means even before the adoption of 1951 UN Convention India has been managing refugees in huge numbers on its own.

The partition between India and Pakistan led to the first occurrence of refugee inflow in to India in millions and India had to pass three important legislations namely Administration of Evacuee Property Act 1950, the Evacuee Property (Separation) Act 1951, and the Displaced Persons (Compensation and Rehabilitation) Act 1954 by which justice was established to the refugees from both sides.<sup>5</sup>

After China suppressed Tibetan Rebellion in 1959, India had to house the Tibetan religious leader, Dalai Lama and his followers in thousands and gave them a separate territory namely Dharamsala to govern themselves. Since then, there is unceasing rift between India and China over boundary disputes and India is constrained to concentrate on its security.

Then tailed the civil war between East and West Pakistan that persisted over two decades as a consequence of which India had to accommodate a colossal amount of Bangladeshi refugees. Subsequently Bangladesh was born and sequent to it. India is currently facing continuous terrorist attacks from Pakistan borders.

Srilankan problem is yet another key dispute wherein India had to intrude to end the 30 year long civil war between Sri Lankan Government and its militant nationalist force Liberation Tigers of Tamil Eelam (LTTE). During the combat, over 1.2 million Srilankan Tamils absconded from their country and sought refuge in India. Most of them were sheltered in Tamil Nadu, a southern state in India.

However, running parallel to this history is a paradoxical legal discourse by various critics, disputing that, upon arrival, refugees in India still face a legal vacuum where the nature and degree of their rights remain ambiguous. Nonetheless, law and order is a State subject under the Indian Constitution, but international relations and international boundaries are under the elite purview of the Union government.

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<sup>5</sup> Thavamani Johnson Sampathkumar, *The Pattern of Refugee Management for Ensuring Their Rights: The Indian Approach*, 3 IRD 6, 433-438 (2015)

This has resulted in a diversity of interventions, both of the Central as well as the State governments, having to deal with refugee matters associated with law enforcement.<sup>6</sup>

Globally, refugee protection has chiefly been provided under the umbrella of the 1951 Refugee Convention and 1967 Protocol, translated by nation-states into national laws. The rights and obligations enshrined in the Convention have thus been adopted into an array of political and geographical contexts by those nations who have ratified the Convention.

Further, the Statute of the UNHCR (United Nations High Commissions on Refugees) – agreed to in a General Assembly Resolution of December 14, 1950, emphasized UNHCR's responsibilities to promote legal protection of refugees and measures to reduce the number of refugees requiring protection. It referenced voluntary repatriation, assimilation and naturalization of refugees into countries of asylum and resettlement as the durable solutions which UNHCR should be promoting.

The Constitution of India is envisaged with the Fundamental Rights of all people in India. The Supreme Court has prolonged the application of Article 14 (Right to Equality) and Article 21 (Right to Life and Dignity) to everyone, including migrants and refugees residing within the territory of India, and also basic human rights have been conferred upon the refugees. In 2006, the Supreme Court ruled that the right to life and personal liberty as enshrined in Indian constitution safeguards refugees from mandatory expulsion.

The prime Indian laws pertinent to refugees include The Foreigners Act, 1946 (Section 3, 3A, 7, 14); The Registration of Foreigners Act, 1939 (Section 3, 6); The Passport (Entry into India) Act, 1920; The Passport Act, 1967; and The Extradition Act, 1962. Jurisdiction over issues of citizenship, naturalisation and aliens rest with the Union Legislature.

However, influxes of refugees have been handled by administrative decisions, rather than through legislative obligation. This administrative discretion is exercised within the skeleton of the 1946 Foreigners Act; refugee policy in the country has essentially evolved from a sequence of administrative orders passed under the authority of Section 3 of the said Act.

India presently hosts 32,000 refugees fleeing war, violence and severe persecution in countries such as Afghanistan, Myanmar, Somalia, Iraq, etc. This is in addition to the 175,000 long-staying refugees from Tibet and Sri Lanka who have been given asylum over decades.<sup>7</sup>

Even though India is not a signatory to the 1951 Convention on refugees and the 1967 Protocol, India is a signatory to a number of United Nations and World Conventions on Human Rights.

India is a signatory to the 1966 International Covenant on Civil and Political Rights (ICCPR), where it has made a reservation on Article 13 regarding the expulsion of a person lawfully present in the territory of the State. Furthermore, India ratified the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), the 1963 Convention on the Elimination of All forms of Racial Discrimination (CEARD) and the 1979 Convention on the Elimination of All forms of Discrimination against Women (CEDAW).

## NECESSITY OF REFUGEE LAW IN INDIA

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<sup>6</sup> Ananthachari. T, *Refugees In India: Legal Framework, Law Enforcement And Security* (Oct. 8, 2016, 10.12 p.m.), <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/7.html>

<sup>7</sup> Hamsa Vijayaraghavan, Roshni Shanker and Vasudha Reddy, *It's Time India Had a Refugee Law* (Oct. 9, 2016, 11.38 a.m.), <http://thewire.in/17582/its-time-india-had-a-refugee-law/>

A peculiar situation is prevailing in India with regard to formulation of a law for refugees. While the Executive limb of the India does not recognize refugee law, the judicial wing does recognize refugee law to a positive degree. This desires a convincing elucidation.

The Indian government has not signed the 1951 Refugee Convention or the 1967 Protocol, and the excuse is perhaps due to the country's economic constraints. India has an enormous populace, half of whom are illiterate and living below the poverty line in almost sub-human environment, without right food, education, employment, medical care, shelter, etc. Thus half of India's own people are like refugees. In such a case, expectations to meet the needs and look after other refugees are simply hypothetical.

Nevertheless, signing the Refugee Convention obliges a country giving assent to provide employment, food, housing, medical care, education etc. to refugees. It is very well known that India is a poor country with limited resources, and thus the world community must comprehend the practical difficulties in this connection.

It is to be appreciated that the Indian Judiciary does recognize refugees, acting independently and often censuring the government. In precision, the Indian judiciary has introduced refugee law into our legal system through the back door, as it were, since the front door has been shut by the executive.<sup>8</sup>

The technique adopted by the judiciary is by expanding the ambit and artistically introspecting Article 21 of the Indian Constitution which guarantees the right to life and liberty to all persons and not merely to citizens. Refugees may not be citizens but they are certainly persons, and hence they are entitled to the provisions of Article 21. The word 'life' in Article 21 to mean not merely an animal life but a dignified life, and hence refugees being persons, are also entitled to the same.

No one contends that non-refoulement exists as a stand-alone concept under Indian law. Instead, some claim that non-refoulement is granted as part of a broader constitutional and statutory structure. Three main arguments emerge in support of non-refoulement under Indian law. First, some claim that current legal institutions like UNHCR and the NHRC prevent the return of valid refugees to their home countries.<sup>9</sup>

There are several decisions of the Supreme Court of India and the High Courts where refugees have been given protection by evoking Article 21 of the Constitution. The leading case is of the Chakma Refugees, *National Human Rights Commission versus State of Arunachal Pradesh*<sup>10</sup>. In this decision the Supreme Court held that Chakma Refugees who had come from Bangladesh due to persecution (when Bangladesh was under Pakistani Rule) cannot be forcibly sent back to Bangladesh as they may be killed there and thus they would be deprived of their right under Article 21 of the Constitution. There are various other decisions of our courts also in this connection. Despite the fact that the Indian government has not signed the Refugee Convention, the Indian Judiciary is giving protection to refugees in the above manner.

India became an affiliate of the Executive Committee of the High Commissioner's Programme (EXCOM) in 1995. The EXCOM is the organisation of the UN, which esteems and oversees the material assistance programme of UNHCR. Membership of the EXCOM designates precise concern and better assurance to refugee substances.

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<sup>8</sup> Markandey Katju, *India's Perception Of Refugee Law* (Nov. 3, 2016, 7.42 p.m.), <http://www.worldlii.org/int/journals/ISILYBIHRL/2001/14.html>

<sup>9</sup> Veerabhadran Vijayakumar, *Judicial Responses to Refugee Protection in India*, 12 IJRL 238 (2000).

<sup>10</sup> *National Human Rights Commission v. State of Arunachal Pradesh*, A.I.R.1996 SC 1234.

India also accepted the principle of non-refoulement which was formulated for the regulation of fellow states in respect of matters regarding the status and management of refugees. The justifications for India's negation to accede to the Convention or the Protocol are chiefly security-related:

- Meanwhile, the boundaries in South Asia are extremely permeable; any encounter or war-like instance would end in a mass influx of refugees, placing pressure on indigenous infrastructure and resources.
- The likelihood of economic migrants benefitting from the Convention principles.
- Further, it dismays the demographic balance in the country.
- The apprehension of legislators that the aftermath of signing the Convention might entail obligations that the country may not be able or prepared to meet in terms of resource mobilisation.
- An additional purpose for India's repudiation to sign the Convention is that the rights that are assimilated within the Convention for refugees are utterly unrealistic for Third World countries like India, which can scarcely meet the necessities and requisites of its own citizens.

It is one thing to say that India's practice conforms to international norms, but it is quite another to say the same for India's laws. While refugee-friendly practices may constitute an ultimate goal of reformers, laws remain important as safeguards against rash decision-making in the future. Some have argued that India's laws uphold fundamental refugee law concepts. Specifically, some Indian legal scholars contend that the right of non-refoulement is alive and well in India even without having signed any related international agreements.<sup>11</sup>

Second, some scholars insist that Article 21 of the Constitution promises non-refoulement as a fundamental, substantive right. Third, some argue that the Constitution's Article 51 automatically incorporates the international rule of non-refoulement into India's domestic laws. Each of these arguments is addressed in turn.<sup>12</sup>

The lack of a national refugee protection framework is an obstacle to providing effective refugee protection. In addition, limited understanding of refugee and statelessness issues among local populations can result in hostile attitudes toward persons of concern.

In this contextual, it is heartening that an Asylum Bill has been introduced in the Parliament. This Bill seeks to amalgamate several guidelines that accrue to refugees in India, while also harmonising them and giving India credit for its long-standing obligation towards refugee safeguard.<sup>13</sup>

This law will reflect the leading role India has played in sheltering that fleeing persecution. Additionally, the Bill collates the privileges and obligations of refugees in India and recommends the creation of a sovereign National Commission by the government, which will evaluate and regulate rights for asylum in India. It is significant to note here that the Bill has been outlined in a mode that is appropriate to India's past, capability and safekeeping concerns.

This Bill, on transforming into law, will not only have an extensive influence on refugee safeguard but will also give the government a stable construction for refugee administration, which is vital in the diverse migration as it prevails today. Putting in position a structure where all refugees are given an opportunity for a fair hearing, will boost them to present themselves

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<sup>11</sup>Veerabhadran Vijayakumar, *Judicial Responses to Refugee Protection in India*, 12 IJRL 238 (2000).

<sup>12</sup>*Id.*

<sup>13</sup>Hamsa Vijayaraghavan, Roshni Shanker and Vasudha Reddy, *It's Time India Had a Refugee Law* (Nov. 1, 2016, 7.28 p.m.), <http://thewire.in/17582/its-time-india-had-a-refugee-law/>

for the determination of their prerogatives rather than coercing them to go underground where they are susceptible to exploitation. It will also give flawless regulation to law enforcement authorities, with the outcome that fewer refugees will be unlawfully detained for “illegal entry” even though the entry in question was to escape persecution in their home country. Utmost prominently, the Bill spaces systems such that State officials and assemblies are equipped to respond to any imminent refugee crisis at India’s doorstep. As the perturbing descriptions emerging from Europe indicate, it is the lack of vigilance that can lead to detrimental consequences both for the host country and refugees.

But before this Bill concedes into law, security contemplations rank high on India’s list of priorities, given its geopolitical influence in the region and its vulnerability to cross-border infiltration due to the permeable nature of its boundaries.<sup>14</sup> Minority politics is an imperative element that explains the reluctance of Indian lawmakers to proceed resolving the dispute. It is a fact that illegal immigrants have been used by vote-seeking parties to secure a majority in the central and the state legislatures.<sup>15</sup>

Taking this element into the description, legislators debate that the proposed law would support additional refugees to enter India, with guarantees of intensified validity, extra privileges and government amenities, which will upsurge the danger of social, economic and political insecurity.

According to the Indian policymakers, these three dimensions of danger heighten the risk of additional inward refugee movements and anticipate a barricade to the construction of any law. What is dreaded more among the indigenous populace is the risk they pose to economic and social security. Insufficient relief to refugees can lead to civil turmoil, as in the case of the Sri Lankan Tamil refugees.

Another jeopardy allied with the engaging of more refugees would be the problem of migrant labourers in pursuit of labour presenting. The status of such people residing in the boundary ranges of India - Bangladesh will have to be either gathered into a distinct class or have to be exposed to any other alternative resolution.

Since the drafting of the Constitution of India synchronised with the flow of the refugee from Pakistan, the Constitution of India has some express provisions for immigrants especially from Pakistan (Art 5, 6, 7), this might further complicate situation while formulating laws.<sup>16</sup>

It is not that the Indian government is handcuffed by any unassailable International covenant or custom. Even if the Union creates any law regarding refugee, there have to be commands to be tailed by the states which might interrogate the legality of the law as the state does not explicitly possess any rights on this subject.

Besides it has to be borne in mind that India has interior glitches being a developing country, being incapable to overcome all its uncertainties. In this scenario, it is destined to face further restoration problem, chronic unemployment, economic crisis, depreciated currencies and political disorder. There are probabilities that situations might ascend when there is a conflict of rights with other permanent citizens.

From a refugee perspective, by legitimizing their stay the Bill will allow refugees to overcome their past distress, put them on the trail to retrieval, facilitate them to move frontward with their lives and become contributing members of society during their time in India. Most essentially,

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<sup>14</sup>Arjun Nair, *National Refugee Law for India: Benefits and Roadblocks*, IPCS 4 (2007)

<sup>15</sup>*Id.*

<sup>16</sup>Ankita Roy, *Laws and Flaws of Refugee Legislation – A Critical Analysis*, 2 IJELLH 96 (2014)

if the Bill is converted into law, it would carry India's asylum practices in line with its own democratic, constitutional and cultural values.

Hence, it is immensely essential to determine, comprehend and appreciate the background of the substantial circumstances of each case so that the indigenous law may be applied. It is in this perspective that the legal provisions and guidelines issued by proficient courts come in handy.

## **AMENDMENTS TO EXISTING LEGISLATIONS INDIA**

No doubt, India has genuinely attempted to regulate the status and protection of refugees by executive measures, but an iota of hesitation remains with regard to the efficacy of such measures. In the absence of a stringent legislative skeleton, the likelihood of bias and prejudiced management by the government to refugees cannot be disqualified.

On July 19, 2016, the government initiated a Bill to amend certain provisions of the Citizenship Act, 1955. The Bill has now been referred to the joint select committee of Parliament. The purpose of the proposed Bill is to facilitate Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who have fled to India from Pakistan, Afghanistan and Bangladesh devoid of legitimate travel credentials, or those whose legal documents have expired in recent years, to acquire Indian citizenship by the process of naturalisation.<sup>17</sup>

The Bill rules that such persons shall not be deemed as illegal immigrants for the rationale of the Citizenship Act. In another amendment, the cumulative period of residential qualification for the process of citizenship by naturalisation of such persons is proposed to be reduced from 11 years to six years. A large number of people who would otherwise be illegal immigrants can now heave a sigh of relief if the Bill goes through as they would be qualified to become citizens of the country.

The Citizenship (Amendment) Bill, 2016, owes its genesis to the declaration given by the Prime Minister that Hindus from these three countries who have sought asylum in India would be conferred Indian citizenship. However, since secluding Hindus alone could be inequitable, the Bill has made absolute the right to obtain citizenship to other religious minorities residing in the three countries.

Though India has not enacted a national refugee law, the three principles underlying India's treatment of refugees was spelled out in Parliament by Jawaharlal Nehru in 1959 with reference to Tibetan refugees. They include: refugees will be accorded a humane welcome; The refugee issue is a bilateral issue; And the refugees should return to their homeland once normalcy returns there.<sup>18</sup>

The recommended Bill recognises the rights of refugees and represents a welcome change in India's refugee policy. But it would have been appropriate if the Bill had used the term "persecuted minorities" instead of listing out non-Muslim minorities in three countries. Such a gesture would also have been in conformity with the spirit of religious and linguistic rights of minorities guaranteed under our Constitution.

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<sup>17</sup> Suryanarayan. V, Geeta Ramaseshan, *Citizenship without bias*, THE HINDU (Aug. 25, 2016), <file:///H:/Refugee%20Law/Citizenship%20without%20bias%20-%20The%20Hindu.pdf>

<sup>18</sup> *Id.*

Unfortunately the Bill does not take note of the refugees in India from among the Muslim community who have fled due to persecution and singles them out on the basis of religion, thereby being discriminatory.

However, the model law incorporates 'ethnic identity' in its categorisation of people who would qualify to gain refugee status and in a note establishes that membership of a particular social group will also include gender-based persecution. In that respect, the model law provides a comprehensive definition suiting the needs of the region.<sup>19</sup>

## CONCLUSION

Refugees are victims of gross human rights violations. The linkage between human rights and refugees is clear in the sense that while gross violation of human rights makes it possible for refugees to return home safely. So the problems of refugees are of international character because of the involvement of two or more states in the sense that they flee from one state to another state which means their problem cannot be sorted without international co-operation.<sup>20</sup>

India being a cultural, racial and religious melting pot and many without the smallest shred of identification paper on them is a different story all together. India can be hugely arbitrary when it comes to some it is hospitable to say the least and to some others it is discriminatory and racial. Unfortunately for India the fairy points it has gained by the efforts it has put in to provide a safe haven for many refugees, is disquieted by the fact that it has still not acceded to the Convention and the protocol.

Further if India wants to cast a role in global affairs and make SAARC a success; it must act as a global participant entitled to its just seat in the Security Council of the United Nations. But it cannot do so as long it pursues narrow policies. The South Asia region as such deserves an enhanced management. There are now ample reasons for India to accede to the Convention and the protocol on political as well as humanitarian basis.

India is a country governed by a rule of law. The Indian Constitution confers certain rights on every human being and certain other rights on citizens. Every person is entitled to equality before law and equal protection of law. So also, no person can be deprived of his life and personal liberty except according to procedure established by law. Thus, the state is bound to protect life and liberty of every human being be it a citizen or Refugee.

It is evident that India notwithstanding its own security apprehensions, predominantly in the last couple of eras, the pressure of population and the associated economic factors, remains to take a humanitarian view of the problem of refugees. Although it has not enacted a distinct law to administer 'refugees', it has not proved to be a severe handicap in coping adequately with the massive refugee complications besetting the country.

The essence and substances of the UN and International Conventions on the subject have been, by and large, honoured through executive as well as judicial intervention. By this approach, the country has evolved a practical balance between human and humanitarian obligations on the one hand and safety and national interest on the other. It is in harmonizing these welfares, which may at times seem to be competing with each other, that the safety and law implementation agencies face day – to – day challenges.

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<sup>19</sup>Chowdhury R. Abrar, *Legal protection of refugees in South Asia*, 10 FMR 21, 21-23 (2010)

<sup>20</sup>Prafulla Kumar Nayak, *Protection of Refugees: A Humanitarian Crisis in India*, 3 VR 95 (2013)

On a departing note it should be distinguished that the Indian outlook towards refugees over the past years has undeniably been remarkable but there is a necessity to articulate it into an open, liberal humanitarian policy that can be equally applied to all the existent refugees and the refugees that might require us in the near future.



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