

---

# **SOCIO-ECONOMIC- CULTURAL- HUMAN RIGHTS PERSPECTIVE AND IMPACT OF REFUGEES IN INDIA: A CASE STUDY**

---

Ranjitkumar Kuna, Research Scholar, Andhra University Dr. Sitamanikyam, Associate  
Professor, Andhra University

## **ABSTRACT**

Human rights are the fundamental rights and liberties that every person in the world has from birth to death. They apply to everyone, regardless of where they come from, what they believe, or how they live their lives. These fundamental rights are founded on common ideals such as dignity, fairness, equality, respect, and autonomy. Liberty of expression, equality before the law, social, cultural, and economic rights, and the freedom to participate in cultural activities, among other things. All of these rights fall under the umbrella of human rights. Human rights are ethical principles that serve as guidelines for some types of human activity and are routinely safeguarded by ethics. Human morals are governed by laws. Human rights are inalienable, universal, indivisible, interdependent, and interconnected. Because everyone is born with and possesses them, they are universal. Regardless of where they live, their gender or ethnicity, or their religious, cultural, or ethnic background, everyone has the same rights. Many legal rights are universal in international law. Human rights techniques and processes that can be used on a regional and national level to improve refugee and asylum seeker safety. The basic purpose of international refugee law is to provide safety, promote, and expand refugee, people like situation refugees and people outside their country of origin, or in the case of displacement and migration, according to this article, UN human rights law and related equipment can play a significant role in refugee safety.

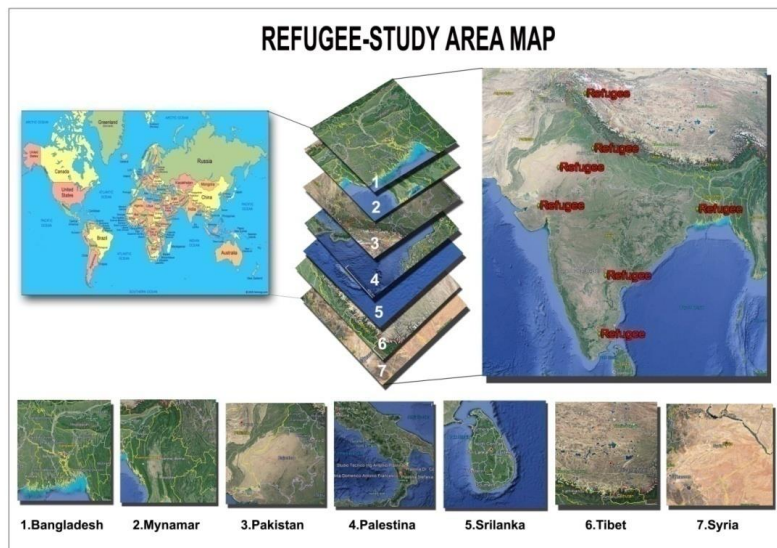
**Keywords:** Refugee, Citizen, Human rights, asylum seekers, cultural traditions, policy. Legal provisions, Conventions & treaties, Institutional Advocacy.

## **Introduction**

Refugees' human rights are one of the world's most pressing issues. According to Article 1 of the United Nations Convention on the Status of Refugees, a refugee is someone who is "outside the country of his nationality, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, and is unable to or unwilling to avail himself of the protection of that country." India has one of the world's largest refugee populations. Despite the fact that India accommodates a wide set of refugees, including Syrians, Afghans, Palestinians, Persians, Bangladeshis, Pakistanis, Tibetans, Sri Lankans, Mynamarians, and others, the country lacks particular domestic policies. For refugees, there are laws and policies. Despite the fact that India is not a signatory to the 1951 Refugee Convention or its 1967 Protocol, and does not have a national refugee protection framework, it continues to accept refugees from its neighbours. If their position is not protected by the Indian government, asylum seekers can apply to UNHCR for refugee status. States have a responsibility to defend the inherent dignity and worth of all human beings, including refugees and asylum seekers, according to the Universal Declaration of Human Rights (UDHR). Non-refoulement also ensures that the lives of asylum seekers are not jeopardised by their deportation. They are persecuted in countries where they are. Because these rights have taken on a customary form, even states that are not signatories to the treaties are not exempt from the need to fulfil basic refugee rights. There has been a growth of refugee jurisprudence in which not just the rights of political refugees under the 1951 Convention are to be safeguarded, but also the rights of refugees forced to flee for other reasons such as economic deprivation. This is owing to the evolution of economic, social, and cultural rights as part of human rights, which began with the 1948 Universal Declaration of Human Rights (UDHR) and was followed by binding conventions under the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (ICESC). ICESC was not intended to be legally binding at the outset. The requirement had to be enforced in accordance with the States' capacity. Human rights interpretation, on the other hand, frequently includes economic, social, and cultural rights in addition to civil and political rights. States nowadays are unable to provide equal rights to all populations due to economic or societal constraints. India maintains a liberal policy of humanitarian protection for refugees and asylum seekers. It is home to a number of different groups of people who have settled here. The absence of particular refugee legislation, on the other hand, can be attributed to India's precarious position in South Asian affairs and the

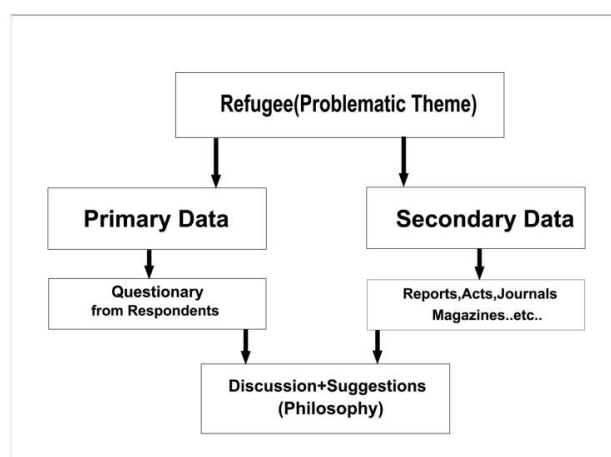
threat of terrorism it faces. Despite the lack of a formal law, India has responded to the needs of refugees. Who have entered its territory after fleeing their home nation.

### **Study Area: India does have a refugee problem from Neighbouring Countries for India**

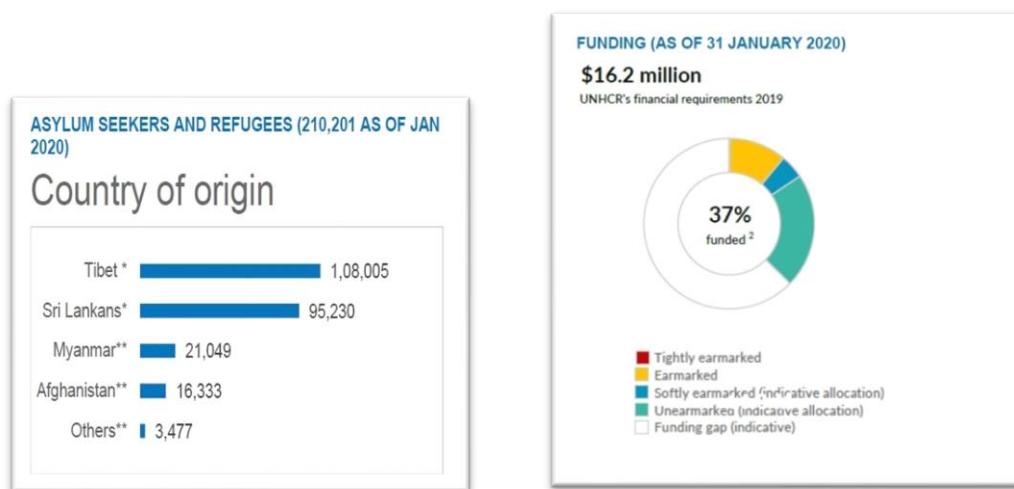


### **Research Methodology:**

The present article is based on doctrinal approach of study in which further the method of focus group has been taken. Secondary sources like reports acts, conventions, protocols, books, journals, proceedings of seminars, magazines, newspapers and websites etc. are referred to. This research study is largely descriptive, keeping in mind the evolutionary aspect of the present topic. The methodology also includes philosophy and practice as relied on in the present work to integrate data and research conclusion.



## Present date country of origin in India



Even though new refugees would not be benefited by the law because the cut-off year of the CAA is 2014 in any case, given the geopolitical, economic, ethnic, and religious contexts of the region, there is an urgent need today to clinically address the issue of refugee protection in India and put in place appropriate legal and institutional frameworks.

## Refugee vs. immigrants

India has adamantly emphasised, particularly recently, that illegal immigration from neighbouring nations to India must halt. Illegal immigration poses a significant challenge to any country's socio-political fabric, including India's, and has the potential to compromise national security. Despite this, the issue of refugees tends to get subsumed under it or, at best, pushed to the back burner in the rising debate about the sources and consequences of illegal immigration into the country, neither of which is fair to the helpless individuals fleeing persecution at home. While the fact is that illegal immigrants, not refugees, are the focus of much of the country's discourse, the two groups are frequently confused. clumped together And, since we've muddled the two challenges over time, our policies and remedies to address them suffer from a lack of clarity and policy utility.

## Legal, moral complexities;

For the most part, India has a remarkable reputation when it comes to refugee protection, a moral legacy that has recently been put to the test. Despite not being a party to the 1951 Refugee

Convention or its 1967 Protocol, New Delhi has been one of the world's largest recipients of refugees. The question of whether or not India should be a party to these international legal instruments has sparked some controversy in India. Given its track record of refugee protection as well as a vulnerable geopolitical and socioeconomic situation, a proper interpretation of the 1951 Convention and the less-than-ideal western practise of refugee protection could lead one to conclude that a country like India, given its track record of refugee protection as well as a less-than-ideal western practise of refugee protection, requires assistance. not unconditionally accept the convention and protocol as they currently exist.

For one thing, as is frequently disputed in India, the 1951 convention's concept of refugees only applies to violations of persons' civil and political rights, not their economic rights. To put it another way, a person could be considered under the convention's definition if he or she is deprived of political rights but not of economic rights. If economic rights violations were to be included in the definition of a refugee, the developed countries would face a significant burden. On the other hand, if employed in the context of South Asia, this reasoning could be problematic. India's proposed solution Nonetheless, this imbalance has long been cited by New Delhi as a rationale for its refusal to join the pact, and rightfully so. The West's unbalanced focus on civil and political rights at the expense of economic rights is a handy justification with little moral support. "At a time when the North is breaking the 1951 treaty in both language and spirit, India should not subscribe to it... India should argue that admission is contingent on the Western States reversing the non-entrée (no-entry) regime they have imposed over the last two decades. Visa restrictions, carrier sanctions, interdictions, the third safe-country rule, restrictive interpretations of the definition of "refugee," withdrawal of social welfare benefits to asylum seekers, and widespread detention practises are among the legal and administrative measures that make up the non-entrée regime." To put it another way, India must leverage its excellent, if not faultless, history of refugee protection to start a worldwide discussion on the subject.

Returning to India, let's look at the situation. So, if we have a refugee problem, as we do, and joining the refugee convention in its current form is neither desirable nor practical, what other options do we have to address the refugee crisis we face, which is increasingly becoming entwined with the raging political debate over illegal immigration into the country?

### **New domestic law needed**

A new domestic law focused at refugees could provide the answer. The CAA, on the other hand, is not the solution to this problem, owing to its fundamentally discriminatory nature: it is morally unsustainable to have a discriminatory statute to address the concerns of refugees fleeing their home country because of prejudice in the first place. Perhaps the CAA is more basically an act of refugee avoidance rather than refugee protection. What's more, such a domestic refugee statute should allow for temporary refugee housing and employment permits. This is critical because, in the lack of adequate legal safeguards, refugee documentation, and work permits, refugees may be forced to become illegal immigrants through criminal ways. To put it another way, the lack of a refugee statute encourages people to enter the nation illegally. New Delhi must also distinguish between temporary migrant workers, illegal immigrants, and refugees, and deal with each of them separately using appropriate legal and institutional channels. Our usual approach of ambiguity and political expediency in dealing with these issues has shown to be highly ineffective: it neither protects refugees nor aids in the prevention of illegal immigration into the country.

### **Occupation and livelihood**

The provisions of the Foreigners Act 1946 govern all foreign nationals in India, including refugees, asylum seekers, and stateless people. The majority of refugees who arrived in India were seeking asylum. Some worked part-time or had their own enterprises. They are given a subsistence allowance upon arrival in India, but they are not allowed to work legally. Furthermore, the camps are situated distant from coastal areas and agricultural terrain. In the new refugee colony, neither fishing nor agriculture were feasible. They were unable to seek alternate employment due to the severe camp laws that limited their movement. This was a brief occurrence. They were able to persuade the local authorities and construct a structure once they were able to persuade the local authorities.

They were able to leave the camps in pursuit of new occupations after forming a connection and winning their compassion. The Foreigners Act of 1939, the Passport Act of 1920, and the Citizenship Act of 1955 are all examples of legislation relating to foreigners.

Human capital, social capital, financial capital, political capital, natural capital, and physical capital all contribute to one's ability to live a comfortable life. As a result, a few key points of concern emerge as follows:

A result of one's way of life Some of the issues worth considering are self-esteem, decision-making with others, familial relations, suicide, social skills, education, income generation opportunities, right to work, right to freedom of movement, government assistance, changed gender roles, motivation, and livelihood coping strategies (both positive and negative).

### **Livelihood Strategies:**

During the course of the study's analysis, the following livelihood strategies emerged.

1. Getting Aid from Humanitarian Organizations
2. Learning new job abilities and adjusting to a new setting
3. Working collaboratively
4. Participating in occupations and trades
5. Reliance on social media
6. Occupations that need monogamy
7. Investing in education and skills training is number seven.
8. Negative Coping Techniques
9. Changing gender roles
10. Marriage as a source of income
11. Taking Chances

### **Livelihood and quality of life:**

There is a link between respondents' social capital and their quality of life. Physical capital and quality of life were discovered to have a substantial relationship. The outcome of the square test revealed a significant link between livelihood and quality of life. The respondents' livelihood and human capital have a good relationship.

### **UNHCR and NHRC in India:**

The UNHCR is quite active in India, as the number of cases involving refugees is increasing every day. If a refugee returns to his home country after being a refugee in India, UNHCR

monitors whether the return is voluntary. It is responsible for determining whether or not a refugee is eligible for assistance as well as offering resources to them. Since the problem of Tibetan refugees and the Bangladesh crisis in 1971, the UNHCR has been active. The UNHCR's Delhi office seeks to assist refugees in becoming self-sufficient. with the assistance of non-governmental organisations (NGOs) and income-generating activities The UNHCR's major function in India is to ensure that refugees are not compelled to return to the country from which they fled until the problem is resolved in that nation.

In 1994, the National Human Rights Commission handed the Tamil Nadu government instructions to offer medical assistance to Sri Lankan refugees. In 1995, it filed a PIL against the Arunachal Pradesh government for failing to support the Chakmas, and the court ruled in its favour, ordering the government to assist the group. It gets involved in all of India's refugee issues and offers whatever assistance is needed.

**Conclusion:**

It can be inferred that Indian law and state practise provide refugees with a distorted and incomplete level of protection. Indeed, efforts like the CAA and the NRC, which blatantly discriminate against a specific community, have caused a slew of issues among its own citizens. Due to a lack of refugee rules and clarity, there have been various difficulties in gaining access to institutions for the protection of the refugee community in India. The Indian state's dividing approach to managing different immigrant communities has resulted in a fear of persecution and helplessness among them, casting doubt on the latter's secular nature. The lack of a national law on refugee protection, rights, and entitlements has resulted in the denial of fundamental services.

They are now even more vulnerable as a result of their lack of protection. As a result, the refugees have become reliant on the state and have little redress against the state's systematic breaches. The law in India is insufficient to address the issue of statelessness. The Indian state does not provide safety or pathways to legal residency in the country for stateless people like the Rohingyas, as a result of which they continue to be detained and arrested.



**References:**

- 1 “World Refugee Survey 2007” United States Committee and Refugees and immigrants <http://www.refugee.org/wrs-archives/2007/48-69> Accessed on 12th July, 2007.
- 2 “Treaty for friendship and alliance between the Govt. of India and the Government of Nepal,” Ministry of external Affairs, Government of India, [http://meaindia.nic.in/search\\_home.htm](http://meaindia.nic.in/search_home.htm) Accessed on 17 July 2007.
- 3 “World Refugee Survey 2007” U.S. Committee for Refugees & Migrants, <http://www.refugees.org/article.aspx?ref=1941>, Accessed on July 2007.
4. Chimni, B.S. (1994), “The Legal Condition of Refugees in India”,
5. Journal of Refugee Studies 7, No.4, OUP.
6. Chimni, B.S. (1998a), The Law and Politics of Regional Solutions of the
7. Refugee problem: The case study of South Asia, RCSS Policy Studies 4, and Sri Lanka: Regional Centre for strategic studies.
8. Cohen, Roberta (2000c), Background Memorandum for the Regional, Conference on Internal displacement in Asia, Refugee Survey Quarterly, Vol. 19, No.2, Bangkok: UNHCR.
9. Dalai Lama, ‘Tibet’s case for Self-Determination; Strategic Digest, (New Delhi), Vol. XXI, No.5, May 1991.
10. Devoe, Dorsh Marie, ‘The Refugee problem and Tibetan Refugees’ The Tibet Journal, 6(3), autumn, 1981.
11. Dowty, Alan and Loescher, Gil (1996), Refugee Flows as grounds for International Action. International Security, Vol. 21, No. 1, the MIT Press.
12. Druke, Luise (2011), Mobilizing for refugee protection: reflections on the 60th anniversary of UNHCR and the 1951 Refugee Convention, Research Paper No. 227, UNHCR.
13. Elmer, Balough, “World peace and Refugee problems”