
PUBLIC OPINION IN INTEGRATION OF REFUGEES: VIOLATION OF REFUGEES' RIGHTS AND ACCESS TO JUSTICE

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1. INTRODUCTION

The modern world is full of armed and political conflicts. Conflicts that affect the daily lives of the general public. In the last few years, we have seen significant refugee migration from the Middle east to eastern Europe.¹ People facing threats on their lives, move to safer places like the western Europe. However, in western Europe also, the refugees have to face tremendous discrimination.² Discrimination due to the different culture they bring into the host society. The refugees have to face additional scrutiny from the host society for their actions as they are the outsiders. The best example of this could be the approach of Germany. In the initial years of the ISIS takeover of Syria and Iraq, various refugees went into Europe.³ These refugees were accepted openly in Europe. In Germany people went to train stations to welcome the refugees. However, things changed in just a few years. A case came where a refugee has been accused of raping a German girl.⁴ The nationwide protest erupted. Those who were earlier in the favour of accepting the refugees are now criticising the government for allowing the refugees to enter their state.⁵ This is not only the case of Germany. Around the world refugees have been facing similar problems. They have to suffer from additional scrutiny and judgment of the host societies. They are not considered as part of host society and their rights are not considered at par with the rights of the members of the host societies.

This phenomenon is not new. The phenomenon is as old as the refugee crisis itself. The question that remains pertinent is how the refugees would be given standing in the global political structure. How would the interest of the refugee groups be protected in the modern legal structure? Are there many mechanisms by which we can ensure that the refugees get their

¹ UNHCR Global Trends, Available at <https://www.unhcr.org/60b638e37.pdf>, (Last visited on 7th April 2026).

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ Ibid.

rights? Does international law answer this question? Or should we look into the municipal legal system?

In this paper the researcher will attempt to answer these questions. In the next part the author will attempt to define the meaning of public opinion and refugee integration. In the next chapter the author will explore the rights of the refugee and consider it in light of legal rights jurisprudence. In the next chapter the author will shift its focus to India and how in India the rights-based jurisprudence is applied in the context of refugees. Finally, the author will conclude this paper and will try to suggest some necessary changes.

2. THE CONCEPT OF PUBLIC OPINION TOWARDS REFUGEES IN LIGHT OF IDEA OF JUSTICE:

Acceptance or rejection of refugee groups in a host society is a pretty common phenomenon. Throughout the world the refugees have been either accepted or declined from the host societies. Therefore, it must be studied why some host societies accept refugee groups and others decline them. To understand these phenomena completely we have to understand the concept of public opinion and their idea of justice.

The term 'public opinion' essentially means how a significant population of the society perceives a scenario.⁶ Whether they perceive it positively or negatively. What is their opinion on a particular situation? It could be asked, how the public opinion affects refugees and their acceptance in the host society? A critique may assert that acceptance or rejection of refugees is a policy issue. An issue that has to be decided by the government or the policy makers of the state. Therefore, how can public opinion on this issue affect the decision of the host society? Refugee literature in recent years do discuss comprehensively on this subject.⁷ Alison Agar has worked significantly on integration of refugees in the host society. They have developed a theory in this regard. They call it a mix theory⁸ as the theory considers the practical aspect of refugee integration as well as the theoretical one. They argue in their work that refugee integration works on many dimensions and in these dimensions the role of the government is as significant as the role of the public opinion. The four dimensions of the refugee integration

⁶ Alastair Ager, Alison Strang, 'Understanding Integration: A Conceptual Framework' 21(2), *Journal of Refugee Studies*, 2008, 166.

⁷ Alison Strang, Alastair Ager, 'Refugee Integration: Emerging Trends and Remaining Agendas', 23(4) *Journal of Refugee Studies*, 2010, 589.

⁸ Supra Note 22.

are as follows- Foundation, Facilitator, Social Connection and Makers and means.⁹ All these dimensions are important for formation of public opinion. I will discuss these dimensions in brief. However, for this paper my area of focus rests on the 1st dimension, i.e., foundation.

The first dimension is foundation. Foundation¹⁰ essentially means basic rights granted to the refugee groups. These are essentially political and civil rights. It is asserted by the author that a refugee group only feels integrated in the host society when they are considered at par with the members of the host society. They must be considered as equal to citizens in matters of basic human rights. If the state assures such guarantees, then the members of the host society too will accept them as part of their society.¹¹ The second dimension that influences public opinion is facilitator.¹² This in essence means the commonness of the people. How common are the refugees to the host society? Do the refugees have similar cultural and group identity as the host society? If the refugees have a similar identity as the host society, then it would be very easy for the host society to integrate the refugee group within itself. If not, then the host society will probably decline the refugee group. Hence, commonness of the culture is an essential factor in formation of the public opinion towards the refugees.¹³ Nevertheless, in this regard the government of the host society does not play any role in the formation of the public opinion. Third dimension of refugee integration is social connection.¹⁴ As the term may itself suggest it tries to develop a relationship between the host societies and the refugees. The authors in their paper argued that the refugees can feel integrated into the host society when they develop connections with the society. This connection cannot be a formal connection like trade or commerce. It has to be a social connection. The social connection of family ties and marriages.¹⁵ If this happens then there is more possibility that the refugee groups might feel integrated into the host society. It will generate a deeper social connection between the host society and the refugee group. The final dimension of refugee integration is makers and means.¹⁶ This is the final step of refugee integration, and it generally occurs at the end. In this

⁹ Ibid.

¹⁰ Alison B. Strang, Neil Quinn, 'Integration or Isolation? Refugees' Social Connections and Wellbeing', 34(1) *Journal of Refugee Studies*, 2021, 328.

¹¹ Ibid.

¹² Alison Strang, Alastair Ager, 'Refugee Integration: Emerging Trends and Remaining Agendas', 23(4) *Journal of Refugee Studies*, 2010, 589.

¹³ Ibid.

¹⁴ AGER, A. and STRANG, A. 'The Experience of Integration: A Qualitative Study of Refugee Integration in the Local Communities of Pollokshaws and Islington.' Home Office Online Report 55/04. London: Home Office, 2004.

¹⁵ Ibid.

¹⁶ Alastair Ager, Alison Strang, 'Understanding Integration: A Conceptual Framework' 21(2), *Journal of Refugee Studies*, 2008, 166.

dimension the focus rests upon the basic necessities of life and social services provided to the refugee groups. Under this dimension the burden is upon the state as well as the host societies that they must make refugees feel integrated and provide them basic necessities like medical support and education. It is a socio-economic right that originates only when the basic political rights have been provided to the refugee groups.¹⁷

Hence, all these dimensions are quite essential for the enhancement of refugee integration into the host society. However, there are two dimensions, the burden of fulfilment of which rests upon the government and the state. In this chapter we will consider those dimensions in the context of the theory of justice and why the state is bound to fulfil those responsibilities. Nonetheless, prior to delving into discussion on these dimensions we first have to understand what justice actually means. Justice could mean many things to many people. Its interpretation has changed over the years. 2000 years ago, justice could have meant something else. However, it could mean something else today. Therefore, it is appropriate that we cover the meaning of the term justice. Justice has originated from the Latin term *jus*. That simply means to be connected. It means close inter relation between people that ensure wellness for all. However, various thinkers defined justice in different ways.

First came the Greek thinkers. Their idea of justice was pretty complex. For them justice simply meant to return others what is their due.¹⁸ That is not to gain unjust profit on others. However, other Greek thinkers of that time criticised this view. They said that justice could not be this simple.¹⁹ Therefore, there was a need for change. Then came Plato.²⁰ He defined justice in his own term. Plato always believed in the rule of man. That is, there is a superior man who can rule the whole society in a just manner.²¹ Therefore, his idea of justice rested upon the rule of man. He said justice simply means just order. That is no one should act in a manner that would be unjust to others. However, strong men hold the right to regulate the system. However, since these men are internally just, therefore, there is no possibility that the laws made by them would be unjust.²² Therefore, in the words of Plato Justice simply means a just order where no one is

¹⁷ Ibid.

¹⁸ Western Theories of Justice, Internet Encyclopaedia of Philosophy, available at: <https://iep.utm.edu/justwest/> (Last visited on April 24, 2026).

¹⁹ Ibid.

²⁰ Ibid.

²¹ Peter Herrmann, Féilim Ó hadhmaill, The Historical Development of Concepts of Rights. in Peter Herrmann and Féilim Ó hadhmaill (eds), *International Human Rights, Social Policy and Global Development: Critical Perspectives* (Policy Press/Bristol University Press 2020) 15.

²² Ibid.

getting benefit from unjust enrichment over others. Since, Plato always believed that the rule of man is better than rule of law, he asserted that following the orders of the state will lead to a just society. It will ensure justice for all.²³

After Plato, came his student Aristotle. Although Aristotle was a student of Plato. However, his views on society and his idea of justice were very different from his teacher. Aristotle never believed in the rule of man.²⁴ He observed that rule of man is the worst form of government. Therefore, we must move away from the rule of man and follow the rule of law. His views were similar to that of Plato on the issue of democracy.²⁵ He did not consider democracy as an appropriate form of governance. Therefore, to resolve all this problem he developed his own idea of justice. He asserted that justice does not mean following the order of the society. It means to act in a just manner that would lead to benefit for the whole society.²⁶ Aristotle agreed that it would be impossible to define justice as its meaning could change with time. However, he observed that justice simply means an act that could benefit all of us. It would be of maximum benefit for the whole society. An act that would make people happy from inside.²⁷ Hence, Aristotle's idea of justice was very different from his teacher. Yet it was criticised by many for its dubious understanding of what justice essentially means. This idea of justice continued for many centuries. A bit of shift in this idea was seen in the medieval period. In that period Cristian thinkers connected the idea of justice to the god.²⁸ The idea of the supernatural. However, the change came in the period of renaissance. That time people moved away from churches and try to find the law in society.

Ronald Dworkin's idea of justice was somewhat similar to that of John Rawls. His idea of justice relies upon equality. However, equality, not in opportunity rather than equality in political participation. Dworkin's idea of justice originates from the Rawls idea of equality. However, Dworkin agrees that Rawls opportunity principle is not able to fulfil the goals of the equality undertaken by him. Therefore, Dworkin applies his own principle. He says that to end inequalities the society must rely upon auctions and insurances. To define this, he takes the example of a ship which has lost its control and reached an island. In that ship there would be

²³ Ibid.

²⁴ Western Theories of Justice, Internet Encyclopaedia of Philosophy, *available at: <https://iep.utm.edu/justwest/>* (Last visited on April 24, 2026).

²⁵ Ibid.

²⁶ Ibid.

²⁷ Boucher D and Kelly PJ, *Political thinkers: From Socrates to the present* (Oxford University Press 2017).

²⁸ E Barker, 'Social Contract: essays by Locke, Hume and Rousseau' (London: Oxford University Press, 1960).

people of different economic origins.²⁹ Therefore, if they get resources equally through political participation in the decision-making process, then by way of auction they can distribute resources. It would grant them equal opportunity and equality. Furthermore, equal political participation will ensure that there would be no case of monopoly and no one gains unjustly over others. However, there may still exist the possibility of inequality and some person gaining unjustly over the other persons. To resolve this issue there would be the concept of insurance. By this concept an attempt would be made to bring equality in the society. Thereafter, Dworkin comes to the second dimension of equality.³⁰ He says that if we want that there should be equality in the society then we must keep in mind two concepts. 1. Self-respect. 2. Authenticity. Self-respect means we must act in a manner that others' self-respect is protected. That they feel that their dignity is protected in society. That they are members of the societies' decision-making process with their own qualities. The second concept is authenticity. In this it is ensured that people do not live lives according to the wishes of others. They follow their own ambitions. Hence, equality and dignity in true sense can be achieved when self-respect and authenticity is mixed together. It will ensure equal participation of people in political decision making and equality for the people.³¹ In the theory of Dworkin this is true justice. By this method justice can be achieved in society. Therefore, the idea of justice in the mind of modern thinkers is based upon equality and equal participation in the political decision-making process. Now does our modern society allow this scenario with the refugees is an important question.

In the beginning of this chapter, we pointed out that the government has two responsibilities towards refugees that would help in their integration and formation of public opinion. 1. Basic political rights. 2. Social benefits. Now consider these things in light of our discussion on justice. From the Greek era to modern times justice is somehow considered as justness and inner wellness towards others. From Kant to Rawls and Dworkin too wrote about the inherent dignity of the individual. Hobbes talk about the internal reason of a human being that demands goodness in the life of a human being. All of these arguments suggest that justice simply did not mean equality. It is more than that. It means protection of the dignity of an individual. The jurists do not assert that dignity belongs to only those who are part of the society. It extends to those as well who are outside of society. This is why Kant believes his theory applies equally

²⁹ Ibid.

³⁰ Ibid.

³¹ Ibid.

to international law. Furthermore, Rawls too developed the theory of law of peoples. All of it focuses upon the rights and dignity of those who are not part of the group. Therefore, these theories can be extended even to the refugees. Although they do not belong to the host society, yet the host society has responsibilities towards them as they themselves have their dignity. Therefore, the state is responsible towards them on both counts of basic political rights as well as the social and economic rights. These rights help in the protection of the dignity of the individual. Individuals that may include refugees. Therefore, by relying upon the modern ideas of justice we can conclude that the state is responsible towards refugee and must ensure their integration in the society. After considering the rights jurisprudence in the context of refugees we must look upon its practical implications. How in India rights of refugees are being protected.

The author's analysis astutely recognizes that public opinion is shaped by a multiplicity of factors, with cultural dimensions playing a pivotal role. However, it is crucial to acknowledge that cultural influences do not exist in isolation. The divergence from the just ideals elucidated in the Shree Mad Bhagwat Gita stems not solely from cultural dissonance but also from other significant factors, including political and economic dynamics.

In essence, while cultural influences undeniably impact public sentiment, the intricate fabric of public opinion is woven from various threads. The disparity between the ideals enshrined in the Bhagwat Gita and the present stance on refugees' rights underscores the multifaceted nature of this issue. This complexity arises not solely due to cultural factors, but also due to the interplay of political, economic, and other dynamics that shape our collective perspective.

3. REFUGEE LAW REGIME IN INDIA: A VIOLATION OF PRINCIPLES OF JUSTICE

India has seen a significant refugee influx over the years. It began from the era of partition itself. During partition around 14 to 18 million people moved from India to Pakistan and vice versa. This kind of refugee movement was never seen before at the global level. It destroyed any preparation of India and Pakistan towards the refugees. Due to this and western states non-recognition of this crisis as refugee crisis the states in south Asia, especially India and Pakistan have to develop their own refugee regimes.³² These were essentially laws developed at the

³² Cabeiri Debergh Robinson. "Too Much Nationality: Kashmiri Refugees, the South Asian Refugee Regime, and a Refugee State, 1947–1974" Vol. 25, No. 3 Journal of Refugee Studies 344 (2012).

national level to protect the interests of people moving both sides of the border. There were some economic considerations as well in the development of these laws. However, over all these laws were beneficial for the settlement of the refugees. It gave them home in a new territory. However, it was not the only refugee movement in India. After few decades in 1970s and some year prior to that a significant population of Bengali Pakistani population moved to India due to threat upon their lives in the east Pakistan.³³ It put immense burden upon the resources of Bengal and Assam. It threatened the culture of these place. This led to students movement in Assam and the policy of putting refugee out of India.³⁴ In the next decade another refugee problem was awaiting India. The Tamil and Sihali crisis in Sri Lanka led to significant infiltration of Tamil refugees in India. It again forced India to change its policies. The government has to frame policies in such a manner that would allow settlement of Tamil refugees in India. The reason behind a positive attitude towards the Tamil refugees was their close connection with the Tamil population of Tamil Nadu.³⁵ Years later too the Tamil refugee problem continues. The government intends to send them back to Sri Lanka yet relying on the principle of non-refoulement it does not force them to go back to their home state.³⁶ Even today the Indian state faces a refugee crisis on many fronts. The Rohingya crisis and the refugee crisis from Bangladesh are to just name a few.³⁷ These events and tremendous movement of refugees has impacted the social, political and economic policies of the Indian state. These movements have shown a complex attitude of the Indian state towards various refugee groups. The state has accepted some refugees and in the case of other refugees have rejected them. Therefore, the question that may arise is how the Indian state formed its policies in relation to the refugee groups. Is there some mechanism that the government follows or is it just wins and fancies of the government. Furthermore, doesn't the whole system violate the principle of justice we discussed in the last chapter? To understand all this point, we need first understand the development of refugee law in India and how it helped the government information of the polices.

India has grown and developed under the British Raj. The Raj had a significant impact upon the policies of the Indian state. All the legal policies were formed in consideration with the British government. In light of those in India there was and is a foreigners Act.³⁸ This Act

³³ Shuvro Prosun Sarker, *Refugee Law in India: Road from Ambiguity to Protection*. (Palgrave Macmillan, 2017).

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

essentially regulates the entry and exit of foreigners in India. The British government formed this law during the second world war to check the entry and exit of foreigners in India. According to this policy the government has the right to deport any foreigner to their home state.³⁹ Furthermore, there was the passport Act and Rules. This Act and Rules regulated the grant of passports to the foreigners and their entry into India.⁴⁰ Therefore, all these laws and regulations created a legal structure that regulates the entry and exit of foreigners in India. Yet these laws do not mention anything about the refugees and how the government works to protect refugees. Furthermore, the Indian state is not party to the refugee convention of 1951. Due to this the Indian state does not have any obligation towards the refugee groups. However, there is a reason why the Indian state is not part of the refugee convention. When the refugee convention was drafted. The focus of the convention was on problems originating from the second world war. Due to this the south Asian partition was never considered as the refugee crisis.⁴¹ According to the negotiating members it was just a regional problem. Having no interrelation with the refugees as there was no characteristic of the refugee crisis. Therefore, the fund collected for the settlement of refugees won't be given to either India or Pakistan. Yet, these states who are suffering from the refugee crisis of their own have to contribute to these funds.⁴² Due to this both India and Pakistan did not sign the refugee convention. By not signing the convention the country is not responsible to adopt a refugee law. Due to this many refugees are not able to get their rights. Since the state is not legally responsible, they cannot take matters before the judiciary. Also due to this the government forms policies in a discriminatory manner. The policies may support one refugee group and may discriminate against the other group.

This discrimination can be found in government policies towards various refugee groups. When Tibetan and Sri Lankan refugees came to India, the government ensured that these refugee groups are given appropriate resources to live in India. The Indian government till date do not provide any identity card or registration certificate to any refugee groups yet in case of both Tibetan and Sri Lanka refugees the government provided them support. The registration certificate as well as established camps for them so that these people live in camps. Since these people have been provided with support by the government in recent years, claims of Indian citizenship have been raised by these people. Even on occasions our courts have agreed with their contention and suggested to the state institutions to look into their matter and take positive

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid,

⁴² Ibid.

steps so that these people can be granted citizenship in India.⁴³ In contrast the other refugee groups do not get similar opportunities. On occasions these refugee groups are not given even the opportunity to talk to the authorities. They could raise their dismal condition before the authorities. Consider this for example. The Indian government does not register any refugee group. They do not provide any certificate of registration to the refugee groups. Due to this the refugees who have come to India had to live without an appropriate identity certificate. It is only the United Nations High commission of refugees that registers refugees in India and provides them identity cards. However, the UNHCR has its office in Delhi. Due to this if a refugee intends to register himself, he has to come to Delhi. Without that he will not be registered and without registration there would be a possibility that his case will be treated under the foreigners act.⁴⁴ Under the foreigners act it is possible that he will be deported to the state from where he came. Where there is sufficient threat on his life.⁴⁵ This shows a clear discrimination with regards to the refugees from different countries of origin. One refugee group gets the benefit of a pseudo citizenship in contrast the other refugee group are treated as an outsider. They do not get even the basic necessities of life. This argument could be made much stronger with the example of refugees from Bangladesh who are settled in Assam. Initially after the partition these people came to India. However, these people were considered a threat to the culture of Assam. Therefore, a significant movement originated in Assam. The goal of this movement was to push these people outside Assam. Even the state government supported these movements and did not protect the rights of the refugees. Due to this many people were killed in Assam. Furthermore, to ensure that no refugee stays in Assam, a foreigners tribunal was created. The goal of this tribunal was to determine whether a person is an Indian citizen or an outsider.⁴⁶ The problem with this whole system rests on two fronts. First, it violates the basic principles of dignity. People were treated as an object. They were not considered for their individual being rather for their identity as a refugee. Secondly, due to this affair some of the Indian citizens who are not well off and do not have sufficient resources to manage their paperwork or the government records are not able to prove their citizenship and are sent to detention camps. This shows how the government discriminates between two different refugee groups and treats one better in contrast to the other refugee groups. Similar is the case with Chakma refugees. They are the refugee group that came from Bangladesh. These

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

people were discriminated against tremendously in Bangladesh. Therefore, they moved to India. However, in India they are not supported by the government. The policies of the government were against these people. First, they were moved out of Assam and thereafter no state was ready to provide them any kind of settlement. Due to this they were not able to get the basic necessity of life.⁴⁷ They were not provided with medical care. Neither of their children can go to school. In contrast the Tamil and Tibetan refugees were granted with basic needs of life. They were given support by either the state government or the national government for ensuring that they may be settled for time being in India.⁴⁸ Furthermore, it is not only the government, but the supreme court also as well as Constitutional courts too on occasions acted differently in case of different refugee groups. Take the example of Rohingya refugees. In recent years when the matter came before the supreme court that whether to allow the Rohingya refugees to stay in India or Deport them, the court agreed for their deportation. The Apex court held that the principle of non-refoulement was not part of the Indian judicial system. Therefore, the government is not bound to fulfil that responsibility.⁴⁹ Similarly, in case of refugees who are settled in Assam the approach of the Apex court was quite odd. The Court did not care about basic principles of justice and dignity. It allowed the government authorities to act in a manner which would not give the accused person an opportunity of being heard. Furthermore, in one of its amusing judgments the court held that refugees are like infiltrators. These people destroy the culture of Assam and bring their own culture to that place. Hence, it is important that the government must take up some steps and restrict these refugee groups from entering India.⁵⁰ All these examples show that the refugee regime in India is quite complex. There is no fixed structure or method to ensure that refugees get appropriate representation before the authorities. Since, there is no law per se, it all depends upon the whims of the government, whether they want to support the refugee group or not.

This complexity in refugee laws of India I will argue violates the principle of justice both substantially as well as procedurally. The concept of substantial justice simply means that the law is not violative of any essential principle of law. That is liberty or equality.⁵¹ However, in the present scenario the law is violative of the principle of equality. The Indian law does not treat refugees from different groups equally. It discriminates between them on the basis of some

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

special characteristic. That the policies of the government are different for the different refugee groups. The government itself chose which refugee group they want to protect and which refugee group they want to leave from protection. However, there is no method which can suggest to us what policy the government follows in applying these methods or rules. Hence, on these grounds the government policies are flawed and violate the principle of equality. However, it may be argued by some that the idea of equality is for the citizens. The government is only responsible towards their citizens and not the outsiders. Therefore, whatever policy the government follows should not be criticized as the policies are only restricted to mere outsiders. Furthermore, since the Indian government has not yet signed the refugee convention. Therefore, the government could not be held responsible to take care of the refugees. Through my argument I will refute both these claims.

For the first claim we have already argued in this paper that justice is a universal term. It applies to every scenario. No one can assert that it applies in particular territory or on a particular group of Individuals. The idea of justice developed by both Rawls and Dworkin asserts this view. They are of the view that equality should prevail in society. However, nowhere have they asserted that the society has a specific ambit. Rawls in his idea of justice talks about the veil of ignorance. That is, nobody knows which form or in which group they will be born on earth. Therefore, the laws must be made in such a manner that everybody gets the opportunity to be treated equally similarly. Dworkin too in his work developed a similar but more comprehensive idea of equality. In this idea he asserts that everybody should be made part of the political decision-making process. That is everyone would have the chance to assert their claims. It is not necessary whether such a person is a citizen or not. This argument could be extended to the current debate on refugees. Refugees are human beings. They are no different than the members of the host society. Therefore, they must be protected by the state. The principle of equality asserts that no one should be treated unfairly. Similarly, if one refugee group is treated one way then the other refugee group must not be treated the other way round. Hence, the view that the refugees must be treated differently based on whether they have similar identity or not is a wrong view and violation of the principle of equality. Hence, should be set aside.

The second claim that the government of India is not responsible towards refugees as India is not a party to the refugee convention is a wrong claim. Although the Indian state is not party to the refugee convention yet there are international treaties of which India is part, which influence the policies of the Indian government. We have already discussed the reasons why

the Indian state is not party to the refugee convention. However, when the United Nations was formed, within a few years the need for an international human rights regime was felt. This was covered through the 1948 Universal Declaration of Human Rights⁵². This was the first document that talked about protection of Human Rights and dignity. However, it was not a binding document. It did not apply to states. Therefore, in 1966 International Covenant on Civil and Political Rights were passed and adopted.⁵³ This covenant was binding upon the states. Under one of the articles of this covenant asylum was made a basic human right. When we look upon the definition of refugees that we have discussed earlier in this paper, we can see that only those people are considered as refugees who fear threat to their life. Although asylum has different meaning from refugee, yet it could be extended and applied to the current scenario. If it is extended and applied to the current scenario, then the Indian state would be bound to protect refugees as it would be governed under 1966 International Covenant on Civil and Political Rights.⁵⁴ Furthermore, in recent years the principle of non-refoulement has been extended to the status jus-cogens norms. That means it has become such an essential norm of international law that even though a state is not party to the refugee convention then too he is bound to apply this norm. In no circumstance he can derogate from this norm. Therefore, if this norm is applied in its true sense, then the government of India is bound to protect the refugee groups entering into India.

4. CONCLUSION

In modern times refugees and their integration have become a significant problem. According to the latest data there are more than 2 million refugees in the world.⁵⁵ They exist in each and every part of the world. India too is not an exception of all this. The Indian state has seen a significant refugee movement over the years. It has seen refugees from different parts of South Asia. Yet as we have already discussed in this paper, there is no law or mechanism to protect the interests of refugees. I have argued that it takes away the equality of the refugees. It violates the basic principles of justice. Therefore, a change is necessary. It is not that no attempts have been made to change the refugee law regime in India. Governments on many occasions felt the

⁵² UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III).

⁵³ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

⁵⁴ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

⁵⁵ UNHCR India, Available at: <https://www.unhcr.org/what-is-a-refugee.html>, (Last visited on 24th March 2026).

need for such change. The first attempt was made in the year 1998. That time model laws for refugees were prepared. It was developed for the whole south Asia. However, no country in the whole south Asia adopted these laws. These laws were quite comprehensive and dealt with the refugee crisis in South Asia in a true sense. Similar attempts have been made in the Indian parliament. Two private members bill have been presented before the parliament. However, none of those bills got passed and laws relating to refugees remained in a limbo. Therefore, if we attempt to bring a new law, we should first need to develop a nationwide consensus. Without a consensus no law can be passed. If passed it won't be of any use. Second and an important aspect of this law would be equality. We have discussed comprehensively in this paper, how laws and policies of the Indian government are not equal for all. On occasion the policies of the government have supported one refugee group over another. The policies of the government are based upon cultural identity of the refugee groups. The government supports those refugee groups who they believe will be supported by the regional population at the ground level. If the government feels that a particular refugee group will be supported by the host society then they will make policies favouring that group. However, if the government comes to know that the refugee group won't be supported then the government will not make positive policies in relation to that group. Hence, when we are considering a new policy, we must keep in mind that our policy must treat everyone equally. It is not necessary that we grant refuge to everyone. Yet what is important is that we give everyone equal opportunity to bring out their story and why they need refuge in our society. Hence, an important aspect of the new refugee law is how that refugee law follows the principle of justice. Without true application of the principle of justice a true refugee regime is not possible. Our central question in this paper was how public opinion impact refugee policies. We can conclude that the opinion of society plays an important role in the formation of policies of the government. While forming policies the governments keep in mind what the people believe about integration of refugees in the host society. This as we have concluded do take away the right to justice from the refugees. They are not given appropriate and sufficient opportunity to bring out their case. Hence, the refugee policies must be formed in such a manner that they are objective and not subjective to the public perception and opinions.