# SOCIO-LEGAL ASPECTS OF REFUGEES IN ‘INDIA’



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Abbreviations:

# UNHCR-United Nations Human and Child Rights

# HRLN-Human Rights Law Network

# SCC-Supreme Court Cases

# AIR-All India Reporter

# Key Words:

# Refugee Convention

# Refugee Rights Initiative

# United Nations Human and Child Rights (UNHCR)

# National Human Rights Commission

# United Nation Declaration on Human Rights (UDHR)

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# Introduction

Despite the fact that India is a host to diverse groups of refugees, the country has no specific laws or cohesive policy for refugees[[1]](#footnote-1). India is not a signatory to the 1951 Refugee Convention or to its 1967 Protocol on the Status of Refugees. Therefore, the protection of refugees is confined to ad-hoc measures taken by the Government of India, leaving refugees with little protection for their civil and political rights and virtually no legal provisions for their safety and welfare. Against this backdrop, the Refugee Rights Initiative at HRLN works for the protection of the rights of refugees and to improve their situation in India with a mission to assist asylum seekers, refugees and other displaced populations in realizing their basic human rights and accessing the justice system. 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. A brief look at the refugee scenario in India will help appreciate in the proper perspective, the complexities of law enforcement in a variety of situations impinging upon the refugees. India has been home to refugees for centuries. From the time when almost the entire Zoroastrian community took refuge in India fleeing from the persecution they were then subjected to on religious grounds in Iran, India has, from time to time continued to receive a large number of refugees from different countries, not necessarily from the neighboring countries alone. The most significant thing which deserves to be taken note of is that, there has not been a single occasion of any refugee originating from the Indian soil except the trans-boundary movement of the people during the partition of the country in 1947. On the other hand, it has invariably been a receiving country and in the process, enlarging its multi-cultural and multi-ethnic fabric. In keeping with its secular policies, India has been the home to refugees belonging to all religions and sects. It is relevant to point out that since its independence India has received refugees not only from some of its neighboring countries but distant countries like Afghanistan, Iran, Iraq, Somalia, Sudan and Uganda[[2]](#footnote-2).

Even though India has been the home for a large number and variety of refugees throughout the past, India has dealt with the issues of ‘refugees’ on a bilateral basis. India, as explained in the earlier pages, has been observing a ‘refugee regime’ which generally conforms to the international instruments on the subject without, however, giving a formal shape to the practices adopted by it in the form of a separate statute. Refugees are no doubt ‘foreigners’. Even though there may be a case to distinguish them from the rest of the ‘foreigners’, the current position in India is that they are dealt with under the existing Indian laws, both general and special, which are otherwise applicable to all foreigners. This is because there is no separate law to deal with ‘refugees’. For the same reason, cases for refugee ‘status’ are considered on a case-by-case basis. UNHCR often plays a complementary role to the efforts of the Government, particularly in regard to verification about the individual’s background and the general circumstances prevailing in the country of origin. That agency also plays an important role in the resettlement of refugees etc.

**Issues of Concern for Refugees across India and Worldwide[[3]](#footnote-3)**

* Naturalization
* Renewal of refugee certificates
* Registration of new-arrival refugees
* Residence permits
* Asylum applications
* Deportations
* Mass migrations
* Ethnic/ racial discrimination against refugees

# Steps taken by the Indian Government against Refugees Laws in India

The Indian government had undertaken a brutal deportation process of many poor and illiterate Bengali speaking Indians, whom they presumed were Bangladeshis. Members of one family were forcibly separated, jailed without notices, denied legal aid, handcuffed to train compartments and deported to Bangladesh. In 1999, in one of the first cases of its kind, upon our intervention the Bombay High Court temporarily restrained the deportation of Iraqi nationals and the court allowed the UNHCR to meet with persons claiming asylum until their applications for asylum were decided upon. In 2004, following the arrest of a number Burmese protestors, our lawyers represented them and secured their release. In yet another case where two Burmese students had fled from Myanmar and were at risk of being deported from India, the court recognized and established a non-citizen’s right to life and the right not to be deported when fearing persecution in their country. The petitioners were finally allowed to go to Sweden with the help of the UNHCR[[4]](#footnote-4).

Landmark Judgment: *“****BA Aung v. Union of India[[5]](#footnote-5)****”*

*The court decided that where refugees have been granted resettlement by UNHCR then this will takes precedence. In this case refugees were detained and were due to be deported under the Foreigners Act 1946, even though they had been granted resettlement in Sweden.*

*The court took the view that the continuing detention of the asylum seekers was unlawful and an affront to their personal liberty. It stated that since the State Government had not provided good reason for their continued detention, the State Government should release them. The State authorities were therefore ordered to release the petitioners from detention. As a result, the petitioners were released from custody, and were allowed to travel to Sweden.*

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In cases where the Government of India recognizes the claim of refugee status of a particular group of refugees, there is minimal interference if any, caused to the refugees. This is the case even though there may be no official declaration of any policy of grant of refugee status to that group. However, there are instances where refugees recognised by the Government of India and issued with valid refugee identity documents by the government, are later prosecuted for illegal entry/over stay. The National Human Rights Commission had taken up successfully the cause of a number of Sri Lankan Tamil refugees who had been likewise prosecuted.

# Initiative on Rohingya Refugees

Rohingya community is called the most persecuted minority in the world today for a reason.  They are Muslim minority group from Rakhine state in Burma. Human rights abuses in Rakhine state remained a severely troubling counterpoint to the broader trend of progress since 2011, including the 2012 release of political prisoners, efforts to improve prison conditions, and continuing negotiations to pursue a durable ceasefire. The Burmese Government has refused and denied to recognize and provide protection to Rohingyas. The discriminatory citizenship law of 1982 has declared them officially as “non-national” or “foreign residents”. Due to discrimination, the Rohingyas have become landless and homeless. Today the Rohingyas are living in sub-human condition with uncertain future. As a result of political, socio-economic and cultural discriminations, ethnic cleansing operations and large scale persecution unprecedented refugee influxes have occurred into Bangladesh or to any land that would spare their lives and in the neighboring countries including India to beg for protection and humanitarian support.    
  
For those who have intruded India, many of them may have escaped the ultimate clutches of death but their living conditions have touched the new lows. In many parts of India in Jammu, Hyderabad, Delhi, Western Uttar Pradesh, Haryana and other locations, they have settled in small clutters in makeshift set up that freezes in winters, melts in summer and sinks at slightest shower of monsoon. They have no or little access to basic need for a living, healthcare and not to mention of hygiene and sanitation. Their children have either never attended or have lesser access to schools. The local population remains oblivious to their background, situation, fears and needs[[6]](#footnote-6).

# Refugees and Indian Legal Framework

Refugees encounter the Indian legal system on two counts. There are laws which regulate their entry into and stay in India along with a host of related issues. Once they are within the Indian Territory, they are then liable to be subjected to the provisions of the Indian penal laws for various commissions and omissions under a variety of circumstances, whether it is as a complainant or as an accused. These are various constitutional and legal provisions with which refugees may be concerned under varying circumstances;

* **Constitutional Provisions**

There are a few Articles of the Indian Constitution which are equally applicable to refugees on the Indian soil in the same way as they are applicable to the Indian Citizens[[7]](#footnote-7). The Supreme Court of India has consistently held that the Fundamental Right enshrined under Article 21 of the Indian Constitution regarding the Right to life and personal liberty, applies to all irrespective of the fact whether they are citizens of India or aliens. The various High Courts in India have liberally adopted the rules of natural justice to refugee issues, along with recognition of the United Nations High Commissioner for Refugees (UNHCR) as playing an important role in the protection of refugees. The Hon’ble High Court of Guwahati has in various judgements,recognised the refugee issue and permitted refugees to approach the UNHCR for determination of their refugee status, while staying the deportation orders issued by the district court or the administration.

In the matter of *Gurunathan and others vs. Government of India[[8]](#footnote-8)*and others and in the matter of *A.C.Mohd.Siddique vs. Government of India and others[[9]](#footnote-9)*, the High Court of Madras expressed its unwillingness to let any Sri Lankan refugees to be forced to return to Sri Lanka against their will. In the case of *P.Nedumaran vs. Union Of India[[10]](#footnote-10)* before the Madras High Court,Sri Lankan refugees had prayed for a *writ* of mandamus directing the Union of India and the State of Tamil Nadu to permit UNHCR officials to check the voluntariness of the refugees in going back to Sri Lanka, and to permit those refugees who did not want to return to continue to stay in the camps in India.The Hon’ble Court was pleased to hold that ”since the UNHCR was involved in ascertaining the voluntariness of the refugees’ return to Sri Lanka, hence being a World Agency, it is not for the Court to consider whether the consent is voluntary or not.”Further, the Court acknowledged the competence and impartiality of the representatives of UNHCR.

# ****Protection granted to the asylum people in India****

Treatment given to the asylum people were divided into three heads:

**(a) National treatment**

**(b) Treatment that is accorded to foreigners**

**(c) Special treatment.**

* **National Treatment:** The national treatment to the asylum people is same as the citizens of India. There are certain Articles in the Constitution of India, which takes care of the Fundamental Rights of all people in India. The rights such as equal protection to law under article 14, religious freedom under article 25, the right to life and personal liberty under article 21, right to social security and educational rights are guaranteed in Part III of the Indian Constitution.
* **Treatment that is accorded to foreigners:** – Under this head, there are rights which are related to the housing problems, movements, etc. the rights which are provided under this treatment are: right to employment or profession under article 17, freedom of residence and movement under article 26, right to housing under article 21, right to form association under article 15 and right to property under article 13 of the 1951 Refugee Convention.
* **Special treatment: –**This treatment includes the identity and travel document under article 28, exemption from penalties under article 3(1) of the 1951 Refugee Convention.

# Laws relating to Refugees in India

India does not have specific legislation that is applicable to all the refugees in the country. Due to the lack of such a statute, the judicial system is constrained, when dealing with refugees, to invoke laws that are applicable to foreigners in general, such as the Foreigners Act, 1946. The exception to this rule is the legislation that has been passed regarding specific groups of refugees, like the Tibetans. Laws have also been enacted relating to large scale refugee movements during the partition of India in 1947 and the partition of Pakistan in 1971. These acts regulate the movement of refugees and address issues relating to their rehabilitation and the award of compensation. The concept of “refugee law” in the Indian judicial system has evolved over a period of time.

“*There were certain legislation that was enacted following the partition of India and before the Indian Constitution came into effects which are given below[[11]](#footnote-11):”*

* East Punjab Evacuees (Administration of Property) Act, 1947
* UP Land Acquisition (Rehabilitation of Refugees) Act, 1948
* East Punjab Refugees (Registration of Land Claims) Act, 1948
* Mysore Administration of Evacuee Property (Emergency) Act, 1949
* Mysore Administration of Evacuee Property (Second Emergency) Act, 1949

Once the Constitution of India came into operation, the following acts were passed relating to refugees, evacuees and displaced persons:

* Immigrants (Expulsion from Assam) Act, 1950
* Administration of Evacuee Property Act, 1950
* Evacuee Interest (Separation) Act, 1951
* Displaced Persons (Debts Adjustment) Act, 1951
* Influx from Pakistan (Control) Repelling Act, 1952
* Displaced Persons (Claims) Supplementary Act, 1954
* Displaced Persons (Compensation & Rehabilitation) Act, 1954
* Transfer of Evacuee Deposits Act, 1954
* Foreigners Law (Application & Amendment) Act, 1962
* Goa, Daman & Diu Administration of Evacuee Property Act, 1969
* Refugee Relief Taxes (Abolition) Act, 1973[[12]](#footnote-12)

“*Article 51 states that the state shall endeavour to foster respect for international law and treaty obligations in the dealings of organized people with one another[[13]](#footnote-13).”* “Article 51 of the Constitution is the Directive Principles of State Policy demonstrating the spirit in which India approaches her international relations and obligations.”

Article 253 of the Indian Constitution states that *“Parliament has the power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement, or convention with any country or countries or any decision made at any international conference, association or other body.”* Further Entry 14 of the Union List of the seventh schedule states that *“Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.*Article 253 read with Entry 14 makes it clear that the power conferred by Parliament to enter into treaties carries the right to encroach on the state list to enable the union to implement a treaty with it[[14]](#footnote-14). Therefore, any law made in accordance with this Article that gives effect to an international convention shall not be invalidated on the ground that it contains provisions relating to the state subjects[[15]](#footnote-15).

# Case Laws

* **Gramophone Company of India Limited v. Birendra Pandey (1984 (SC) AIR 677), the Supreme Court held;**

There can be no question that nations must march with the international community and the municipal law must respect rules of international law just as nations respect international conventions. The comity of nations requires that the rules of international law may be accommodated in the municipal law even without express legislative sanction provided they do not run into conflicts with Acts of Parliament.

* **Apparel Export Promotion Council Vs. A.K.Chopra (1999 (1) (SC) 756);**

The Supreme Court also reiterated the same principle and held that in cases involving violations of human rights, the Courts must forever remain alive to the international instruments and conventions and apply the same to a given case when there is no inconsistency between the international norms and the domestic law occupying the field.

* **West Rand Central Gold Mining Company v. The King (1905 (2) KB 391);**

It is quite true that whatever has received the common consent of civilised nations must have received the assent of our country, and to which we have assented along with other nations in general may properly be called international law, and as such will be acknowledged and compiled by our municipal tribunals when legitimate occasions arises for those tribunals to decide questions to which doctrines of international law may be relevant.

* **National Human Rights Commission v. State of Arunachal Pradesh (1996 (1) SCC 742);**

Foreigners would be entitled to the protection of Article 21 of the Constitution; and the state government would be required to act impartially and carry out its legal obligations to safeguard the life, health and well-being of foreigners. The Supreme Court held that since the constitutional rights under Article 14 and 21 are available even to non-citizens, “the state is bound to protect the life and liberty of every human being be he a citizen or otherwise and it cannot permit anybody or group or persons.

* **Khudiram Chakma v. State of Arunachal Pradeh (1994 Supp (1) SCC 615);**

The Supreme Court approvingly referred to the Universal Declaration of Human Rights in the context of the refugees:

Article 14 of the UDHR, which speaks of the right to enjoy asylum, has to be interpreted in the light of the instrument as a whole, and must be taken to mean something. It implies that although an asylum seeker has no right to be granted admission to a foreign state, equally as State, which has granted him asylum must not later return him to the country whence, he came. Moreover, the Article carries considerable moral authority and embodies the legal prerequisite of regional declarations and instruments.

# Refugee Policy of the Indian Government

Various countries protect refugees in their territory by enacting refugee legislation based on internationally recognised principles. They often have a procedure for identifying refugees and addressing subsequent protection issues, such as durable solutions. Having enacted legislations, population movements across national boundaries, are better controlled and concerns of national security are better addressed. Although the 1951 Convention provides a definition of refugees (i.e., the criteria used to determine the refugee status), each contracting state can establish the procedure that it considers most appropriate with regard to its particular constitutional and administrative structure[[16]](#footnote-16).

Nevertheless, there are certain minimum standards that the contracting states need to observe while deciding, whether or not asylum-seekers should be granted refugee status. The UNHCR’s Executive Committee Conclusion No.8 suggested the following minimum standards;

* Competent officials who deal with the matters pertaining to immigration and border control should have clear instructions for dealing with asylum-seekers. They should respect the principle of *non-refoulement*, and should refer the asylum-seekers to a higher authority with the jurisdiction to determine refugee status.
* Asylum-seekers should receive guidance as to the procedure to be followed.
* Asylum-seekers should be examined by a single central authority.
* Asylum-seekers should be given the necessary facilities, including the services of a competent interpreter, for submitting their case and be informed of, as also given, the opportunity to contact UNHCR.
* Those whose cases are rejected should be allowed a reasonable period of time during which an appeal for a reconsideration of their applications can be made.
* Asylum-seekers should be permitted to remain in the country while their cases are being considered.

# Lack of a Unified and Consistent Refugee Policy

The administration dealing with refugees includes the ministry of home affairs, the ministry of external affairs and other related departments of the central and state governments. Under Section 3 of the Foreigners Act, 1946, the administration formulates different policies for various groups of refugees. Since there is no central agency dealing with refugees in India, it is also possible that different administrative bodies deal with the same problem in various ways. However, in routine matters, the centre communicates its policies to the home ministry in the states, which in turn communicate the same to the concerned departments. At times, this system may not be effective. There could be a lack of communication between the departments, resulting in delayed decisions, with refugees languishing in detention all the while. Various countries protect their refugees by enacting refugee legislation based on international recognized principle. The countries that have signed the convention have a procedure for identifying the refugees and addressing them protection issue. Although India has not signed the convention but are providing protection to the refugees. “*However, consistency in the procedure for determining refugees is still lacking.”* Since India has no uniform code for determining refugee status, there is no central body that deals with the refugees. After so many years also, there are various gaps that exist in the mechanism for dealing with refugee’s policy. This is because the government has not enacted a law for refugees. Due to the several problems faced by the refugees and no proper legislation has not been passed the legal status of the refugees is miserable.

# Authorities That A Refugee May Encounter In India[[17]](#footnote-17)

The entry, stay and exit of refugees to and from Indian Territory may be fraught with legalities, particularly in the case of those who are not officially recognized as refugees by the Indian government.[[18]](#footnote-18) They may encounter different administrative authorities depending on the place from which they enter India, where they are detained and which law may they have violated.

Authorities can be of different types;

* **Border Control Authorities**

Border authorities in the country consist of the Border Security Force, the Indo-Tibetan Border Police, the Indo-Nepal Border Police and the Assam Rifles. They are usually the first representatives of the Indian system that refugees encounter when they enter or exit the country by land routes. Vast tracts of terrain in the Border States are treacherous, making it difficult to physically guard the entire international border of India. These gaps in border are used by refugees to illegally enter and exit Indian Territory.

* **Immigration/ Custom Authorities**

In cases of illegal entry, the immigration authorities often seek to immediately deport the refugee to the country where she last came from. This is in violation of the principle of *non-refoulement*. Pending deportation, the refugee is kept in a detention cell in the immigration section of the airport or seaport where the basic conditions of living are usually unsatisfactory. She has to buy her own meals. When deported, the cost of the transport ticket is borne by the refugee, often rendering her completely destitute.

* **The Police**

The refugees may be arrested on expiry of the documents or when the said discrepancy is detected. Often, refugees fail to renew their visas or residential permits with the local FRRO. Consequently, random checks are routinely conducted by the local police at place commonly frequented by foreigners and refugees, such as hotels, restaurants, religious places and markets. Those refugees who are taken care of by the government are normally not required to hold a valid passports and related documents. However, the government has become strict with some mandate refugees, like ethnic *Afghans, Somalians and Sudanese*, requiring them to maintain a valid passport and residential permit.

# Recognized and Un-Recognized Refugees:

# Recognized Refugee by the Government, UNHCR;

To certain selected groups of refugees, India’s executive policy grants certain rights and privileges, leaving the question of equality and uniformity unanswered[[19]](#footnote-19). Both Sri Lankan Tamil and Tibetan refugees are issued refugee identity documents[[20]](#footnote-20) and are entitled to government assistance. But while Tibetans live in settlements with almost unrestricted freedom, the Sri Lankan refugees are largely kept in camps under close watch and restricted movement. Geopolitical considerations thus play out in the treatment of refugees by the Indian government. During the 1959 influx of Tibetans into India, the government, not politically comfortable at that time with China, set up transit camps, offered medical facilities and food supplies as well as their refugee identity documents, travel permits, which privileges were not granted to any other group of refugees. They were also granted land to set up educational institutions and other socially useful programmes, apart from the permission to set up a government-in-exile.

Basing on the August 2013 order by the Karnataka High Court, which cleared the way for granting Indian citizenship to Tibetan refugees, the Election Commission in its order dated 7 February 2014 said that children of Tibetan refugees born in India between the cut-off date of 1950 and 1987, as mentioned in the Citizenship Act 1955, can no longer be denied enrolment in voters’ lists.

On the other hand, the Sri Lankan refugees, although granted acknowledgement by the State, have no freedom of movement, no right to work and are forced to sustain themselves on limited government allowance. Moreover, only those living in the State’s camps are recognized as refugees and receive cash doles and other essential items like rice, sugar and kerosene at highly subsidized rates[[21]](#footnote-21). Basically, the lot of the Sri Lankan Tamil refugees depends upon which party is in power in Tamil Nadu[[22]](#footnote-22). Their case underscores the crucial need for the Indian government to start exercising uniformity regarding the treatment of refugees and to stop offering privileges to them according to political, economical or administrative influences.

The Somali refugee community in India is also not recognised as refugees by the government. It does not also enjoy the little privileges, such as the right to apply for residence permit that the Myanmar community has been granted by the Indian State. In consequence, they are unable to work legally.[[23]](#footnote-23) They receive a subsistence allowance from UNHCR. However, they seem to face greater challenges than other refugee groups in finding housing, gaining access to education and medical treatment and seeking employment not only because of the language barrier but also because of their skin color, bringing them greater attention of the police

# Un-Recognized Refugees by the Government, UNHCR;

The Nepalese Bhutanese refugees are neither recognized by the Indian State nor by UNCHR and do not receive any financial/humanitarian assistance from either entity. This case demonstrates another differential treatment of refugees by the Indian government, under political influences. A mutual arrangement has been agreed between India and Bhutan under the Treaty of Friendship, signed in 1949 and updated in 2007 giving the Nepalese Bhutanese refugees permission to move freely across the border between India and Nepal and India and Bhutan, granting them the right to equal treatment and privileges as Indian citizens[[24]](#footnote-24).

The Hindu Pakistani refugee group that has arrived since 1965 and settled in Rajasthan and Gujarat areas is also not recognized by either UNHCR or the Indian State. The Citizenship Amendment Rules 200 specifically provide for Pakistanis to apply for citizenship in Gujarat and Rajasthan[[25]](#footnote-25). The conditions for citizenship are that the individual must have been continuously resident in India for five years, rather than for 12 years as is the case with other foreigners applying for citizenship, and intend to settle permanently in India.

# Political intent in granting Refugee Rights

Moreover, in adhering to its own claim of treating all refugees on equal footing without discrimination, the Government of India ought to have extended the same privilege to the Sri Lankan refugees living in India for long. A large number of the Sri Lankan refugees are of Hindu origin and only a minority is from Christianity and Islam. Why has the Government of India not considered Sri Lankan refugees for granting of citizenship? Granting citizenship to people from Pakistan and Bangladesh seems to be more of a political agenda than refugee protection.

# Conclusion

It can be easily seen from the foregoing paragraphs 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 proved to be a serious handicap in coping satisfactorily with the enormous refugee problems besetting the country. The spirit and contents of the UN and International Conventions 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 balance 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, that 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 human angles inherent in the ‘refugee’ situation, especially the latter.

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2. *(Pet therapy, n.d.) Retrieved from* [*http://www.hrln.org/hrln/refugee-rights/reports.html#ixzz4ZsG8og*](http://www.hrln.org/hrln/refugee-rights/reports.html#ixzz4ZsG8og) [↑](#footnote-ref-2)
3. *(Pet therapy, n.d.) Retrieved from* [*http://www.hrln.org/hrln/refugee-rights.html#ixzz4ZsCspOT9*](http://www.hrln.org/hrln/refugee-rights.html#ixzz4ZsCspOT9) [↑](#footnote-ref-3)
4. *(Pet Therapy, n.d.) Retrieved from* [*http://www.hrln.org/hrln/refugee-rights.html#ixzz4ZsDRFZBw*](http://www.hrln.org/hrln/refugee-rights.html#ixzz4ZsDRFZBw) [↑](#footnote-ref-4)
5. *(Pet Therapy, n.d.) Retrieved from http://hrln.org/hrln/refugee-rights/pils-a-cases/262-ba-aung-and-another-vs-union-of-india-and-others-.html* [↑](#footnote-ref-5)
6. *(Pet Therapy, n.d.) Retrieved from* [*http://www.hrln.org/hrln/refugee-rights/rohingya-refugee.html#ixzz4ZsFMIvOd*](http://www.hrln.org/hrln/refugee-rights/rohingya-refugee.html#ixzz4ZsFMIvOd) [↑](#footnote-ref-6)
7. The Constitution of India- Articles,14,20 and 21 [↑](#footnote-ref-7)
8. Writ Petition (WP) No.S 6708 and 7916 of 1992 [↑](#footnote-ref-8)
9. 1998(47)DRJ(DB)p.74. [↑](#footnote-ref-9)
10. The case is pending before the National Human Rights Commission of India, 13 August 1997. [↑](#footnote-ref-10)
11. (Pet Therapy, n.d.) Retrieved from http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2129225 [↑](#footnote-ref-11)
12. Ibid [↑](#footnote-ref-12)
13. Ibid [↑](#footnote-ref-13)
14. *Supra 7* [↑](#footnote-ref-14)
15. *Supra 7* [↑](#footnote-ref-15)
16. *UNHCR, 1979: PARA 189* [↑](#footnote-ref-16)
17. *Refugees and the Law by Ragini Trakroo, Aparna Bhat & Samhita Nandi (1983,2000) published by Human Rights Law Network (HRLN)* [↑](#footnote-ref-17)
18. *Tibetan refugees, Sri Lankan Tamil refugees and Chakma refugees are recognized as refugees by the Government of India and special arrangements have been made for them.* [↑](#footnote-ref-18)
19. *NAIR, Arjun: National refugee law in India: Benefits and road blockers. (Institute of Peace and Conflict Studies, New Delhi, 2007)* [↑](#footnote-ref-19)
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21. *B.S. CHIMNI (Ed.), International Refugee Law: A Reader. New Delhi, Sage Publications, 2000, pp. 613* [↑](#footnote-ref-21)
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23. *(hrln.org 2007: 15-16).*  [↑](#footnote-ref-23)
24. *mea.gov.in 2007* [↑](#footnote-ref-24)
25. *Ibid* [↑](#footnote-ref-25)