

Refugee Crisis and Human Rights: India on the Path to Empathy and Solutions

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Abstract

Human rights have been an important issue since the beginning of human civilization. Since the Second World War, indiscipline and displacement have taken a continuous form in Europe. According to international law and regulations, when war or major riots occur, people from one country are forced to move to another country for security reasons and the host country, being aware of the matter, sets up camps for their temporary residence, they are called refugees. Refugees can also take refuge in countries weaker than their own countries to save their lives, and refugee problems also arise due to natural disasters. Currently, there are about 43 million refugees in the whole world.

India is home to a large number of refugees. Refugees face insecurity, tension, identity crisis and most importantly, the pressure to be recognized as citizens by the state. Once a person is recognized as a refugee by the host state, they have certain legal rights. The refugee problem is considered from a humanitarian perspective and since it remains an international responsibility, it is the duty of the state to provide minimum protection and assistance for survival. The financial capacity, political obligations, and social structure of the host state - everything depends on how the host country deals with the refugees. Refugees can create cultural conflicts, political unrest among the local population. Sometimes refugees are likely to be involved in terrorist activities. If one or more safe zones are created within the country and protection or assistance can be provided to the oppressed population there, then this influx of refugees can be reduced to some extent. At present, efforts are being made to get to the source of the problem through preventive protection so that refugee-creating situations do not arise.

Keywords: human rights, refugee problem, host country, protection

INTRODUCTION

Human Rights are an essential part of human life. Human Rights are Universal, inalienable and inviolable rights for all members of the human family, Human Rights are the birthright of all human beings, which all people have acquired by birth, regardless of their state, race, religion, color, gender, language. Although Human Rights are an integral part of people's lives, at different times people have subjected to violating these rights due to various reasons. The slavery system or the cruelty of landlords on slaves during the feudal period can be called the first example of human rights violations. The end of the Dark Ages in Europe, the Renaissance and the Reformation movement made people much more self conscious and aware of their rights.

Soon after, under the influence of movements or revolutions such as the Industrial Revolution in England, the American War of Independence and the French Revolution, people gradually became more active, vigilant and aware in their search for human rights as a means of redressing their own existence,

their own rights, their own exploitation and oppression. Later, the First World War, the failure of the League of Nations to prevent war, the extermination of Jews in Germany and the dropping of atomic bombs on Hiroshima and Nagasaki in Japan - all these events caused a revolutionary change in people's consciousness about human Rights.

The global corona virus pandemic, the economic recession, unemployment and poverty that it has caused are examples of human Rights violations. In addition, recently the rise and establishment of Taliban, political conflicts in many west Asian countries, the continuous accumulation of refugees in refugee camps - Human Rights are being particularly violated through all of this.

Objective of the Study

The objective of the study is to draw the attention about the current situation, circumstances Problems and difficulties encountered by refugees in India with regards to human rights. It also analyses the regulation and implementation of policies by the Government and adherence to UNHCR and the other international actors. The study is to investigate loopholes and provide suitable recommendations to determine the way forward.

Data Source and Research Methodology

The chapter is furnished with the help of secondary data obtained from various journals, books and Internet sources. The study is descriptive in nature. Various NGOS and United Nations are providing the research grounds and websites which helped me in many ways during the course of writing.

Definition of Refugee

In 1951, the United Nation General Assembly adopted the first International Agreement to address the plight of refugees. Article 1 of the United Nation Convention Relating to the status of Refugees defines the term 'refugee'. According to the above article:

A refugee is a person who has fled his/her country 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/her nationality, and is unable or, owing to such fear is unwilling to avail himself/herself of the protection of that country.

Therefore, the first attempt to identify refugees in the international community was made through the 1951 UN Convention on the status of Refugees. The 1951 Convention defines who a refugee is and what kind of legal protection and other benefits they can receive. States which have accepted the above convention must treat all refugee people with dignity within their geographical borders. The 1951 convention was complemented by the 1967 Protocol relating to the status of refugees, which eliminated these temporal and geographical Limitations of the Refugees Convention, making it applicable to refugees all over the world.

Refugees are a special group of people who are not like the natural citizens of a country that receive them. They are driven out from the country of their origin- the country of their fore fathers for no apparent fault of theirs and also for reasons which are normally beyond their control.

The definition of a refugee has differed according to time and place, but enhanced international concern for the plight of refugees has lead the way to a general Consensus. India has a traditional culture of generosity to strangers, including refugees which produce a very positive climate for accepting and hosting refugees. India is the land that protected probably the largest numbers of refugees through

different times. A lot of refugee problem is present in India which directly or indirectly impact over the political, economic, and social-cultural stability and also violated Human Rights of the people.

Reasons behind the Crisis

There are different factors as being the root causes of refugee generation in India.

- For reasons of fear - where a person's right to life and freedom has been or is likely to be violated. Such as armed conflicts including civil wars, destructive wars, etc.
- People are forced to seek refuge in another country because of race, religion, ethnicity, membership of a particular social group.
- People are forced to migrate due to climate change-related events such as droughts, floods. Natural disasters such as earthquakes, tsunamis also displace large numbers of people.
- People are forced to leave their country in situations where extreme poverty, conflict or persecutions are the cause.
- People may be displaced when there is widespread hunger and food insecurity, which often occurs as a result of conflict or natural disasters.
- Human rights violations such as torture, arbitrary arrest and deprivation of basic rights force people to flee their homes.
- Gender discrimination and gender-based violence make it impossible for individuals to live safely in their own countries.

Issues related to refugee emergency in International Politics

Refugee crisis present a complex web of Challenges related to national security. States face challenges in managing their borders while upholding their humanitarian obligations. A large number of refugees can lead to restrictive border policies of states and increased scrutiny of asylum seekers. Integrating refugees into new societies can be complex, involving issues of Language acquisition, access to employment, education, healthcare and social services. The presence of a large number of foreign populations not only puts pressure on the country's limited financial Resources, but can also cause cultural conflicts with local population. Refugee flows can enhance existing political tensions and instability in both the countries of origin and host countries. The vast changes in the mix of populations, as well as the homogeneity of the country, can also lead to changes in politics, creating the potential for sectarian conflict. There is also the possibility that the members of particular refugee groups may be involved in international terrorism and also human trafficking.

UNHCR

The United Nations High Commissioner for Refugees is currently the world's largest humanitarian organization and most of its people are employed as field workers in various refugee camps. The organization is currently working in 136 countries and is providing assistance and protection to many refugees and internally displaced people every moment.

The office of the High Commissioner for Refugees was established by the UN General Assembly in 1951. The purpose of the office was to provide protection to about 1.5 million European refugees after Second World War. The activities of the office of the High Commissioner for Refugees can be characterized as humanitarian, social and apolitical. The main responsibility of the office is to provide shelter and protection to all refugees in the world. One of the responsibilities of the above office is to

ensure that Refugees can live harmoniously with their new national society. UNHCR in India supports the efforts of the government and its people in assisting refugees across 11 states, working closely with varied Stakeholders, community groups and NGOs.

Table: 1

Year	Registered refugees
2020	40,010
2021	42,492
2022	48,154
2023	46,569
2024	49,059

Last five years UNHCR India registered refugees

Right to Refugees

All refugees around the World are entitled to certain human rights under the 1951 Refugee convention and its 1967 Protocol. It is noteworthy that even in states that have not ratified the 1951 convention and the 1967 protocol, all refugee rights are observed and dignity and respect is imposed. According to the convention, refugees have the following rights:

- Right to non-refoulement
- Right to freedom of religion
- Right to access courts and Judicial systems.
- Right to be free from unlawful fines
- Right to work
- Right to housing
- Right to Public education
- Right to Public relief, social welfare and assistance
- Right to move freely within the territory
- Right to be issued with identity cards and travel documents

The most fundamental human rights of a refugee are the Right to Asylum. According to the 1951 Geneva Convention, refugees enjoy various benefits such as medical care, education and economic assistance. But most of these are denied to encamped refugees. Sadly these rights are denied to citizens as well, which becomes the excuse and justification for the continued neglect of refugee communities.

India thinking about the refugees

Human Rights are a major factor in causing the flight of refugees as well as an obstacle to their safety and voluntary return home. India has neither acceded to the 1951 Refugee Convention nor enacted any legislation for the protection of refugees, although it has always been willing to host the forcibly displaced persons from other countries without adopting legalistic approaches to the refugees issues.

The Constitution of India contains various guidelines for the governance of India, and Human Rights are also mentioned in various parts of the Constitution. Although the Constitution of India does not explicitly define what Human Rights mean, the rights enshrined in the Constitution are based on the Universal Declaration of Human Rights. The preamble, Fundamental Rights, Directive Principle of State

Policy and other articles of the Constitution enshrine various Human Rights. The Indian Supreme Court has provided constitutional protection to refugees. Art 14 (Right to equality) & Art 21 (Right to life and personal Liberty) are applicable to refugees.

India was one of the signatories to the UDHR which was adopted by the UN in 1948. Various parts of the Indian Constitution provide for the protection of various human rights in accordance with the UN Declaration. Later, in 1993, the Human Rights Protection Act was enacted in the Indian Parliament to protect Human rights at all levels. This Act came into effect on 28 September, 1993. Under this Act, Human rights Commissions were formed in India at the national and state levels. The National Human rights Commission was formed with the dual objective of strengthening the institutional framework for instilling human rights values and spreading awareness about Human Rights among various sections of society.

Table: 2

Year	Total no of refugees	Increase from previous year
2020	195,373	0.14%
2021	212,413	8.72%
2022	242,835	14.32%
2023	252,867	4.13%
2024	268,522	6.19%

Last five years Refugee statistics in India

Conclusion

Due to the general reluctance of states to host refugees, UNHCR has made some strategic changes in its working methods. It has become important to provide protection within the country. If one or more safe zones are created within the country and protection or assistance can be provided to the oppressed population there, then this influx of refugees can be reduced to some extent. At present, efforts are being made to get to the source of the problem through preventive protection so that refugee-creating situations do not arise.

I would like to say that the various aspects of the refugee problem have come before us in different ways even after the partition of the country. It is true that after all these years; the humanitarian catastrophe surrounding the refugee problem still moves us. In recent times, the inhumane form of electoral politics centered on the issue of citizenship has clearly revealed itself before us. There needs to be a law for refugees based on the universal principles of dignity, fraternity and security, which will play an important role in resolving the refugee problem of our states.

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