

# Refugees in India: A Historical Perspective on State Responses, Legal Frameworks, and Humanitarian Practices

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## Abstract

India does not have a formal refugee law and has not signed the 1951 Refugee Convention or its 1967 Protocol. However, it has long been a place for people from South Asia and other parts of the world who have had to leave their homes.

This article employs historical, legal, and sociopolitical analysis to examine the evolution of India's refugee policy from the postcolonial period to the present day.

This analysis investigates India's normative humanitarian framework, shaped by judicial activism, administrative discretion, and constitutional provisions; the postcolonial notion of strategic ambiguity; current debates surrounding the Citizenship Amendment Act (CAA); and ongoing calls for formal refugee legislation. The study employs a historical review methodology to examine significant refugee influxes, including Tibetans, Bangladeshis, Sri Lankan Tamils, ethnic minorities from Myanmar, Chakmas, Hajongs, and Afghans. It demonstrates how India's diverse strategies have been shaped by factors like geopolitics, security, and domestic politics.

The study examines the deficiencies in humanitarian assistance and self-sufficiency programs, as well as the vulnerabilities of urban refugees, particularly in major cities such as Delhi. The findings indicate that India's refugee system is characterized by political instability, adaptability, and selective humanitarianism, leading to varied outcomes for different refugee groups. The article's conclusion stresses the urgent need for a rights-based, legally sound, and regionally coordinated system for protecting refugees that strikes a balance between humanitarian needs and India's constitutional values and international human rights obligations.

**Keywords:** Historical-Perspective, Refugees, Postcolonial, South Asia.

## 1. Introduction

The refugee regime in India has been extensively analyzed by historians, legal experts, political scientists, and sociologists, highlighting its non-signatory status to the 1951 United Nations Refugee Convention and the lack of a national refugee statute. Nevertheless, research indicates that India has upheld a historical

history of accommodating displaced persons based on civilizational principles and humanitarian ideals rather than formal legal structures (Sampathkumar, 2015; Sinha, 2022) This history is frequently elucidated through cultural notions like Vasudhaiva Kutumbakam (the world is one family), which historically influenced India's acceptance of persecuted groups before the advent of contemporary refugee legislation (Sinha, 2022)

## **India's Normative Framework: Humanitarianism Without Legislation**

India's refugee protection system has long been defined by the lack of a specific refugee law and its non-signatory status to the 1951 UN Refugee Convention and the 1967 Protocol. Nonetheless, the country continues to house substantial refugee populations from nearby regions. Researchers defined this system as an informal normative framework, based on constitutional guarantees, judicial interpretation, and human rights principles rather than codified legislation (Sampathkumar, 2015; Sapra, 2022). The Indian Constitution, particularly Articles 14 (equality before the law) and 21 (right to life and personal liberty), has been crucial in securing the protection of refugees by permitting the judiciary to affirm rights applicable to all persons, including non-citizens (Sampathkumar, 2015). Indian courts have used historic decisions to give protections similar to those found in international refugee law, especially the principle of non-refoulement, even though this principle is not specifically included in Indian law. India's involvement in important international human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), makes this de facto protective framework even stronger. These international commitments, together with judicial activism, have helped fill up some of the legal gaps that have come up because there isn't any specific refugee law (Sapra, 2022). Scholars argue that the Indian state's refugee governance has historically relied on administrative discretion, shaped by geopolitical considerations and bilateral relations rather than universal legal standards (Refugee Protection in South Asia, 1997).

Despite this humanitarian orientation, the literature consistently highlights the inconsistencies and arbitrariness that arise from the lack of standardization. Refugee groups receive highly differential treatment, depending on their political utility, ethnic identity, or diplomatic relevance. For example, Tibetans and Sri Lankan Tamils initially received substantial state assistance, whereas groups such as the Rohingya face surveillance, detention, and threats of deportation (Kaveri, 2020; V. K. Sharma, 2022). International organizations, including the United Nations High Commission for Refugees (UNHCR), often face operational restrictions, limiting their ability to support refugees effectively (Refugee Protection in South Asia, 1997)

To summarize, India's normative framework is best viewed as a hybrid humanitarian system that provides significant protections while remaining structurally unstable, politically contingent, and legally divided. Experts generally believe that, while this paradigm has enabled significant refugee accommodation, it lacks consistency, predictability, and institutional accountability.

## **Postcolonial Statecraft and Strategic Ambiguity**

India's refugee governance cannot be understood only via a legal or humanitarian lens; rather, the country's postcolonial identity creation heavily influences it, as does its connection with international conventions and emphasis on sovereignty. Kapoor (2022) offers a thorough global historical examination demonstrating that India's refusal to ratify the 1951 Refugee Convention was a deliberate political decision

rather than a policy void. India, as one of the first countries to emerge after World War II, was wary of universalist frameworks that were based on European experiences of displacement during the war. They thought these frameworks didn't fully reflect the realities of newly decolonized governments.

Kapoor, (2022) says that India took a strategic ambiguity stance, which allowed it to be flexible in how it handled refugee situations based on political priorities instead of strict legal obligations. This approach was shaped by a conflict between two different ways of seeing the world:

1. Anti-colonial ideas of collective self-determination that put sovereignty at the centre of political rights.
2. New universal human rights frameworks that stressed individual rights no matter where they are in the world.

Refugees, positioned at the intersection of these frameworks, highlighted the incompatibility between universalism and postcolonial sovereignty. India's refugee policy, therefore, evolved through specific crises, the Partition, Tibetan influx, and the 1971 East Pakistani crisis, each reinforcing the state's emphasis on sovereignty and discretion (Biswas, 2023; Kapoor, 2022).

The literature also examines how postcolonial dynamics influenced the creation of Indian citizenship. Refugee rehabilitation efforts following Partition constituted one of the first significant exercises in state-building, affecting modern India's administrative and political frameworks (Ghoshal, 2020; Nakatani, 2000). Refugees were not passive recipients of aid; rather, they were constitutive of postcolonial citizenship, shaping categories of belonging and exclusion (Kapoor, 2022). This postcolonial framing also explains why India remained cautious about external interference and continues to resist binding legal obligations. The desire to maintain autonomy has underpinned refugee decisions for decades, including the decision to treat different refugee groups unevenly. Thus, India's refugee regime reflects not an absence of policy but the assertion of a postcolonial logic, whereby protection is mediated through sovereignty, political pragmatism, and anti-imperial self-definition.

## **Calls for Codified Refugee Legislation**

Despite India's long history of hosting refugees, investigators consistently highlight the lack of a national refugee statute as a fundamental structural flaw that leads to uneven protection, political manipulation, and administrative inconsistencies. Mehrotra & Bhardwaj (2022) argue that India's 75th anniversary of independence presents an important opportunity to establish a legal framework that standardizes refugee rights and procedures. Such legislation would ensure consistency across states and prevent discriminatory or ad hoc responses that are currently based on political shifts and security narratives.

Verma & Asthana, (2025) Likewise, use parliamentary debates, court decisions, and mapping of refugee demographics to show why the law needs to be changed. They say that India's membership in the 1951 Convention, along with a national refugee law, might help India work better with other countries and make India's human rights record more well-known. They do, however, stress that just letting people in isn't enough; it needs to be underpinned by strong institutional capabilities, administrative training, and regional coordinating organizations.

The broader literature emphasizes several reasons for legislative reform:

- Escalating displacement in Afghanistan, Myanmar, Bangladesh, and climate-induced migration (Mehrotra & Bhardwaj, 2022).
- Legal invisibility that leads to arbitrary arrests, lack of access to services, and denial of documentation (Sehrish, 2023).
- Inconsistent treatment across refugee groups due to state-by-state discretion (Sapra, 2022).
- Operational limitations faced by UNHCR and NGOs due to the absence of a statutory framework (Refugee Protection in South Asia, 1997)

Researchers say that a written refugee legislation may set up procedural protections, spell out how to determine refugee status, make sure that refugees can get medical care and education, and include human rights obligations in national policy. India's refugee system is still open to political changes without such laws, which puts some groups, including the Rohingyas, Chakmas, and Afghan minorities, at risk of being left out, detained, or sent back to their home countries.

### **The Citizenship Amendment Act (CAA) and Shifting Paradigms**

The Citizenship Amendment Act (CAA), which was passed in 2019, is one of the biggest changes to India's refugee and citizenship policies since the country became independent. The CAA lets non-Muslim migrants from Pakistan, Afghanistan, and Bangladesh who came to India before December 2014 become citizens. Some scholars say that the Act goes against India's long-standing history of asylum that is religiously neutral but flexible.

Tomar (2024) India has typically been kind and open to refugees, but the CAA makes religion a criterion for citizenship, which has led to a lot of political discussion. People who support the Act see it as a way to protect religious minorities that are being persecuted in nearby Islamic states. However, critics contend that it undermines secular principles, excludes Muslim persecuted groups (e.g., Rohingya, Ahmadiyyas, Shias, Hazaras), and may institutionalize discrimination. Additionally, Sharma, (2022) shows that Afghan Sikh, Hindu, and Christian refugees have welcomed the CAA as a way to get out of decades of being marginalized and vulnerable in their legal status. But for some groups, like Muslim refugees, the Act has made them more legally vulnerable and more likely to be watched by society, especially in locations where security is an issue. At the structural level, the literature stresses that the CAA goes against India's old refugee policy, which did not allow religious discrimination and followed broad humanitarian standards. The Act also intersects with internal politics, contributing to social polarization and raising questions about constitutional equality and the future direction of Indian citizenship (V. K. Sharma, 2022; Tomar, 2024).

### **Self-Reliance, Urban Exclusion, and Humanitarian Gaps**

Urban refugees in India face challenges, largely due to the absence of legal status, limited access to services, and spatial marginalization. Field et al., (2020) illustrate that in Delhi, home to significant refugee populations such as Rohingyas, Afghans, and African asylum seekers, UNHCR-supported market-based livelihood solutions frequently fail due to institutional constraints. These include the inability to get papers, a lack of legal employment authorization, language obstacles, and prejudice.

The study suggests that humanitarian organizations that focus mainly on economic self-sufficiency ignore key non-economic factors that influence refugees' survival choices. Social networking sites, religious

communities, mutual help groups, and informal solidarity agreements provide as critical support systems in the absence of government safeguards. These networks compensate for India's legal vacuum, where refugees are classified as illegal migrants, outsiders, or stateless people, resulting in permanent insecurity (Kaveri, 2020; Sehrish, 2023). Urban refugees also face spatial isolation, living in informal settlements, slums, or separated enclaves due to expensive rents and discriminatory practices. Delhi's urban planning methods, historically characterized by slum clearance, securitization, and gentrification, further limit refugee inclusion (Field et al., 2020). Refugees experience heightened vulnerability to police harassment, eviction, and exploitation, particularly those without UNHCR cards or government-issued documentation.

The literature highlights that certain groups, especially Rohingyas and Afghans, face compounded risks due to their religious or ethnic identities (Kaveri, 2020; V. K. Sharma, 2022).

## Refugees in India from Neighbouring Countries

### 1. Tibetan Refugees (Since 1959 - Present)

Tibetans are one of the first and most organized groups of refugees to arrive in India. After China took over Tibet in 1959, the Dalai Lama and some 150,000 Tibetans fled to India to be safe. The Indian government welcomed them and gave them land at Dharamshala, Himachal Pradesh, which later became the home of the Tibetan Government-in-Exile. Over time, They built a structured society with its own schools, cultural centers, and places of worship. India doesn't give them full citizenship, but it does give them residency permits and identity cards that let them live, work, and travel anywhere in the country. The main reasons they left include political repression by the Chinese government, limits on religious practice, and a lack of cultural freedom (Gupta, 2024; Rigzin, 2024).

### 2. Bangladeshi Refugees (1971 - Partially Present)

During Operation Searchlight in 1971, more than 10 million people, mostly Bengali Hindus and Muslims, moved to India to escape persecution, ethnic violence, and military atrocities. India, led by Prime Minister Indira Gandhi, gave a lot of humanitarian aid, even though it was hard to do so due to problems with the economy and safety. Most of the refugees went back home when India fought, and Bangladesh declared independence. But more than 1.5 million people stayed in India, especially in West Bengal, Assam, and Tripura, because Bangladesh was still poor and unstable. Their presence has caused political debates because many of them are undocumented and might be deported. The Citizenship Amendment Act (CAA) of 2019 sped up the process of granting citizenship to non-Muslim immigrants from Bangladesh, Pakistan, and Afghanistan. This sparked a dispute about the exclusion of Muslim migrants. This historic rise still has an impact on India's immigration policies, ties with its neighbors, and security issues (Bangladesh Genocide, 2025; *Bangladesh Liberation War 1971*, n.d.).

### 3. Sri Lankan Tamil Refugees (1983 - Present)

During the Sri Lankan civil war (1983–2009), which was fought between the Sinhalese-led government and the Liberation Tigers of Tamil Eelam (LTTE), more than 300,000 Sri Lankan Tamils went to India for safety. Most of them found sanctuary in Tamil Nadu, where more than 58,000 individuals currently live in government-run camps and have legal and social issues. They had to leave because of violence against people of color, armed war, and serious violations of human rights. One huge problem for them is that they aren't citizens of India and don't have full rights to live there. This makes it tougher for them to get work and get active in politics (Radhakrishnan et al., 2022a, 2022b).

#### 4. Myanmar Refugees (Chin, Kachin, and Others) (1990s - Present)

Myanmar refugees in India, particularly ethnic minorities like the Chin, Kachin, and Rohingya, have experienced significant changes during the 1990s, owing to Myanmar's ongoing political instability and serious human rights violations. An estimated 60,000 to 80,000 Chin refugees currently reside in India, primarily in the state of Mizoram, due to the persecution they face in their home country (Alexander, 2008). Since the beginning of the 2000s, approximately 100,000 individuals from the Chin community have migrated to Mizoram, accounting for around 10% of the state's population.(McConnachie, 2018). They fled to India to avoid continuous military violence and persecution in Myanmar. Currently, around 40,000 Chin and 18,000 Rohingya refugees are living in India. Many Chin refugees have moved in Mizoram and Manipur, where they have cultural and linguistic ties with the local communities. Despite this, they lack formal legal standing and often live in dangerous situations. The 2021 military coup in Myanmar resulted in a further wave of migration, bringing in more refugees, mainly pro-democracy activists and ethnic minorities. Their displacement is primarily caused by ethnic prejudice, political oppression, and military brutality (Burmese Community in India, 2024; *Shadow of Refuge*, n.d.).

#### 5. Chakma and Hajong Refugees (1964 - Present)

The Chakma (Buddhist) and Hajong (Hindu) communities from the Chittagong Hill Tracts (now Bangladesh) came to India in 1964 due to religious persecution and displacement by the Kaptai Dam. The Chakma refugees, totaling around 42,333, moved to Arunachal Pradesh from East Pakistan (currently Bangladesh) during the years 1964 to 1969(Chakma, 2015). They encounter issues related to citizenship, prejudice in society, and land ownership difficulties. Following lengthy legal fights, the Supreme Court of India mandated the Government of India in 2015 to extend citizenship rights to Chakma refugees living in the northeastern states (Debnath, 2020).

Currently, a number of 110,000 Chakma and Hajong refugees live in India, primarily in Arunachal Pradesh. They face persecution from local Indigenous populations, who are concerned that their presence may impact land rights and political representation (Grant Citizenship to Chakma Refugees within 3 Months, 2015; Who Are Chakma and Hajong Refugees in Arunachal Pradesh?, 2017).

#### 6. Afghan Refugees (1973s - Present)

It is estimated that nearly 5 million Afghans fled to other countries seeking refuge between the mid-1980s and the mid-1990s (Cronin, 1989; Dunbar, 1987). The persistent conflict in Afghanistan, beginning with Mohammad Dawod's 1973 coup, followed by the 1978 Saur Revolution, the Soviet occupation from 1979 to 1989, a series of transitional governments between 1989 and 1996, the Taliban regime from 1996 to 2001, the U.S. intervention in 2002, and the Taliban's return in August 2021, has pushed Afghans to flee their country. Large numbers sought refuge in Pakistan, Iran, India, and other nations, including former Soviet republics, Australia, Germany, Italy, and the United Kingdom.

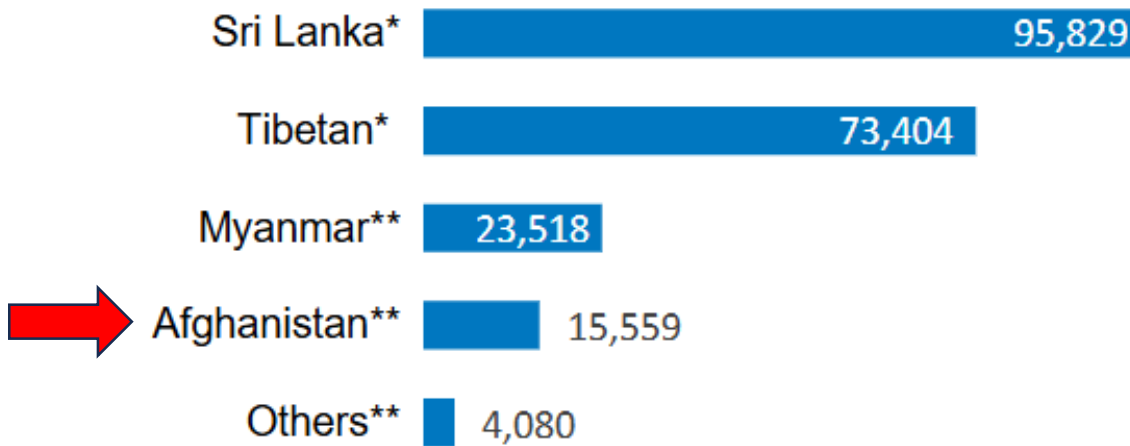
Afghan refugees have been coming to India since the 1980s because of civil wars and economic problems that made them look for asylum there. The problem of displacement has gotten worse because of ongoing instability, violence in the country, and the rise of the Taliban. Although India is not the primary destination for the majority of Afghans, it has proven to be a safe refuge for many,

notably Sikhs, Hindus, and Christians, who face unique obstacles in both Afghanistan and India (Dashti, 2022; R. Sharma, 2022).

India has hosted multiple waves of Afghan refugees over the decades, beginning with the Soviet invasion of Afghanistan in 1979, continuing through the Mujahidin conflicts, the Taliban's initial rule from 1996 to 2001, and most recently, the Taliban return to power in August 2021. According to recent estimation (*Where Do Most Refugees Come from 2024*, n.d.) Afghanistan is the third-largest source of refugees worldwide, after Syria, followed by Ukraine, with a total of 6,052,567 Afghan refugees. In addition to this, more than 2 million undocumented Afghan refugees are currently residing in Pakistan and Iran. These refugees are facing a highly critical situation due to increasing restrictions imposed by the Pakistani and Iranian governments, which are forcibly repatriating many Afghans back to Afghanistan.

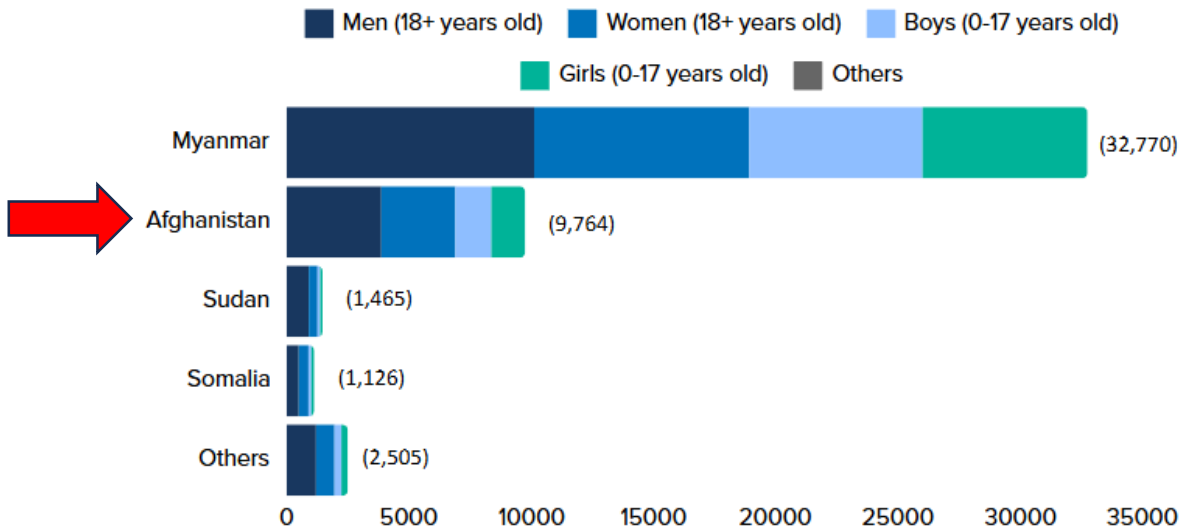
Afghan refugees in India are from a variety of ethnic groups, including Hazaras, Tajiks, and Pashtuns, as well as Sikhs and Hindus. Many of them fled due to ethnic persecution, religious intolerance, and military conflict. The majority reside in Delhi, where they face difficulties in acquiring official identification and finding employment. Unlike Tibetan refugees, they receive no formal government assistance and instead rely on UNHCR funding for resettlement and subsistence.

According UNHCR Factsheet, August 2021, there were at least 15,559 Afghans temporarily residing in India under the special protection and care of the United Nations High Commissioner for Refugees(*India*, 2021).



Source: (UNHCR, India, Factsheet, August 2021)

While the latest UNHCR Factsheet, as of December 31, 2024, show India is hosting 9,764 Afghan refugees and asylum-seekers, which includes an estimated 3,500 to 4,000 men (aged 18 and older), 2,500 to 3,000 women (aged 18 and older), 1,500 to 2,000 boys (aged 0–17), 1,000 to 1,500 girls (aged 0–17), and a smaller group categorized as others (approximately 500 to 800 individuals)(*India*, 2024).



Source: (India, UNHCR, Factsheet, December 2024).

### Refugee Status Determination in India

India does not have a specific statute for determining refugee status, making it difficult for asylum seekers such as Sri Lankan Tamils and Rohingya to obtain legal recognition and protection. Refugees are subject to the Foreigners Act of 1946, which classifies all non-citizens as foreigners and requires them to obtain appropriate government-issued documentation. If they don't have these, they may incur consequences such as fines or jail time, making it difficult to determine their legal status. The Citizenship Amendment Act (CAA) of 2019 adds to the complexity by providing a citizenship pathway for certain religious minorities from neighboring countries, but it excludes groups such as Sri Lankan and Rohingya refugees, leaving considerable gaps in their legal rights and safeguards (Tiwari, 2024).

The UNHCR decides refugee status in India because the government does not review individuals individually. While UNHCR recognition might result in temporary residence permits, particularly for Afghan and Myanmar refugees, it does not provide deportation protection because the government maintains ultimate control. The procedure is selective and confidential. Although India is not a member to the 1951 Refugee Convention, the UNHCR maintains global protection principles that are consistent with international refugee standards. India's involvement in the UNHCR and its Executive Committee began in 1995. This activity demonstrates collaboration with international organizations that do not have treaty commitments. This involvement varies according to the political context and refugee situation (Burra, 2022). UNHCR's refugee status determination (RSD) process in Delhi adheres to its global mandate, the principles of the 1951 Convention and 1967 Protocol, and the Executive Committee's internationally applicable standards. If the Indian government applied criteria that differed from those used by the UNHCR, it would generate contradiction and risk undermining the constitutional rights of equality and fair process.

According to (*Determination of Refugee Status*, n.d.) The fundamental criteria or suggestions from the Executive Committee that provide essential protections to a refugee are outlined as follows:

- I. Those who handle refugee applications at border crossings or within a country's borders must follow clear rules that are in line with international norms. They must uphold the principle of refusal to return and refer relevant situations to a superior authority.
- II. The applicant must be given adequate instructions regarding the process to be undertaken.
- III. A single central authority ought to evaluate refugee applications and make first decisions.
- IV. The applicant must be provided with the appropriate facilities, including access to a qualified interpreter, to present their case to the relevant authorities. Additionally, applicants should be made aware of their opportunity to reach out to a representative of UNHCR.
- V. If the individual is acknowledged as a refugee, they should be notified appropriately and provided with documentation that confirms their refugee status.
- VI. If an applicant is not acknowledged, they shall have a reasonable time period to request a formal review of the decision. This can be done with the same or a different body, administrative or judicial, as per the applicable framework.
- VII. The applicant should be allowed to stay in the nation while awaiting a decision on their initial request from the competent body indicated in paragraph (iii), unless it is clearly an abuse. He should also be permitted to remain in the country while an appeal is being heard by a higher administrative authority or the courts.

In India, there is no assurance that an individual will not be deported while their informal asylum application is being evaluated. There is also no appeal process in place. However, for a specific group of individuals, the UNHCR does conduct determinations.

Within the UNHCR framework, there is the option to appeal a rejection of recognition within thirty days of the decision. The UNHCR is relatively lenient regarding this time frame and is known to accept appeals submitted after the thirty-day limit. A legal officer screens the appeal applications, rejecting those where there is a clear absence of well-founded fear of persecution. Different legal officers conduct interviews with appellants from the one who made the rejection decision. Review of an appeal decision is allowed, but only in very limited circumstances (*Refugee Status Determination*, 2021).

## **Implementing Partners/NGOs of UNHCR in India**

The United Nations High Commissioner for Refugees (UNHCR) works together with numerous implementing partners and non-governmental organizations (NGOs) in India to deliver crucial assistance and protection to refugees. These agreements are critical for displaced groups, particularly Afghan refugees, to have access to healthcare, education, legal assistance, and job possibilities. The involvement of implementing partners offers a more comprehensive and community-based approach to serving the needs of refugees. These groups work on a local level to provide humanitarian relief while also encouraging long-term integration and self-sufficiency alternatives. Their collaboration with UNHCR ensures that refugees receive appropriate support tailored to their circumstances, including legal assistance and advocacy, vocational training, and psychosocial services.

### **1. BOSCO (Bosco Organisation for Social Concern and Operation)**

BOSCO (Bosco Organization for Social Concern and Operation) is a non-profit organization dedicated to supporting refugees in India, particularly in Delhi. On December 19, 2001, it

incorporated as a charity society under the Societies Registration Act of 1860. It has been approved under Section 80G(5) (vi) of the Income Tax Act of 1961, and its National Office is located in the Jamia Nagar- Okhla region of New Delhi, India. In its early years, BOSCO concentrated on assisting existing centers with project development and implementation of vocational training programs. Furthermore, the office monitored and coordinated the child sponsorship program throughout this time (*BOSCO Delhi*, n.d.). BOSCO started collaborating with the United Nations High Commissioner for Refugees (UNHCR) in 2002, acting as an implementing partner to offer vital services to refugee communities.

## 2. Development and Justice Initiative (DAJI)

The Development and Justice Initiative (DAJI) advocates for justice and equality by advancing human rights, environmental protection, gender equality, and good governance. It addresses the growing disparities caused by development policies that have disproportionately impacted minorities, Dalits, Adivasis, women, children, and small farmers. Conflict, hatred, environmental disasters, and unequal development continue to drive people to flee their homes, often across borders, where they face displacement, violence, and xenophobia. Since 2014, DAJI has partnered with UNHCR to serve refugees in Jammu, Mewat, and Jaipur, while campaigning for the dignity and rights of marginalized and displaced populations as promised by international frameworks and India's constitution (*Useful Numbers*, n.d.; *Welcome to Development And Justice Initiative (DAJI) | Daji*, n.d.).

## 3. Socio-Legal Information Centre (SLIC)

The Socio-Legal Information Centre (SLIC) is a humanitarian organization in India that provides legal aid and education. It is a partner of the United Nations High Commissioner for Refugees. SLIC was established in compliance with the Registration of Societies Act of 1860 and the Indian Public Trust Act of 1950. The charity is committed to providing free legal support to marginalized and vulnerable groups, including as refugees and asylum seekers (*SLIC*, n.d.).

## 4. Jesuit Refugee Service (JRS)

The Jesuit Refugee Service (JRS) is a global Catholic organization created in 1980 to support, serve, and advocate for refugees and other forcibly displaced people. JRS operates in around 50 countries, with coordination from its Rome office, and provides education, healthcare, emergency response, vocational training, and social assistance to refugees, internally displaced individuals, and detainees in camps and urban settings.

In recent decades, refugees from Myanmar and Sri Lanka have sought asylum in India, frequently experiencing long-term misery. JRS aids urban refugees in New Delhi, particularly Chin refugees, by providing vocational training as well as English and computer classes. In Tamil Nadu, where many Sri Lankan refugees still reside in camps, JRS has worked since the mid-1990s to promote children's education through learning centers, empower women with housing and skill training, create youth leadership, and aid families with their everyday needs (*India*, n.d.).

## Conclusion

India's approach to refugees has been shaped by a complex blend of its postcolonial identity, constitutional values, geopolitical interests, and a long-standing tradition of humanitarian care. Over the years, India has opened its doors to many different groups forced to leave their homes, including Tibetans, Bangladeshis,

Tamils, Afghans, and minority communities from Myanmar. However, the system meant to protect these people has become fragmented and inconsistent, relying more on administrative decisions than clear, written laws.

Many refugees face the constant fear of being arrested, deported, or pushed to the edges of society because there are no clear laws protecting them. The government's response is often selective, leaving many vulnerable and uncertain about their future. Recent changes like the Citizenship Amendment Act (CAA) show that India's stance on humanitarian issues is shifting and no longer neutral. These changes make it harder to understand how religion, citizenship, and refugee protection are connected. The growing challenges refugees face in cities highlight just how important it is to address their struggles by considering not only their immediate needs but also the social, spatial, and political factors that shape their lives.

This historical evaluation demonstrates that, although India's normative framework has facilitated substantial refugee accommodation, it lacks consistency, accountability, and a rights-based structure essential for enduring protection. Moving forward, the creation of a national refugee law, enhancement of coordination among institutions, and increased cooperation between regions are crucial steps toward establishing a fair and predictable refugee system. These measures will enable India to fulfill its constitutional responsibilities and its long-standing commitment to assisting those in need, particularly in light of the evolving circumstances faced by individuals forced to leave their homes in South Asia.

## Suggestions

India needs a stronger and more effective system to protect refugees. This means creating a national refugee law that covers everyone seeking refuge, aligns with international standards, and improves teamwork between government bodies, the UN, and NGOs. Policies should pay special attention to the unique challenges faced by refugees living in cities and those who are most vulnerable, making sure they have legal recognition, access to basic needs, and protection from exploitation. It's also important to have better data sharing and closer cooperation among South Asian countries, especially for people fleeing places like Afghanistan and Myanmar or those displaced by climate change. All of this is essential to build a fair, compassionate, and rights-focused approach to managing refugees.

## Bibliography:

1. Alexander, A. (2008). Without refuge: Chin refugees in India and Malaysia. *Forced Migration Review*, (30), 36–37.
2. Bangladesh genocide. (2025). In *Wikipedia*.  
[https://en.wikipedia.org/w/index.php?title=Bangladesh\\_genocide&oldid=1279688684](https://en.wikipedia.org/w/index.php?title=Bangladesh_genocide&oldid=1279688684)
3. *Bangladesh Liberation War 1971*. (n.d.). Drishti IAS. Retrieved March 12, 2025, from <https://www.drishtiiias.com/daily-news-editorials/bangladesh-liberation-war-1971>
4. Biswas, B. (2023). “You Can’t Go to War Over Refugees”: The Bangladesh War of 1971 and the International Refugee Regime. *Refugee Survey Quarterly*, 42(1), 103–121.  
<https://doi.org/10.1093/rsq/hdac026>
5. *BOSCO Delhi*. (n.d.). Retrieved March 16, 2025, from [https://boscodelhi.org/about.php?utm\\_source=chatgpt.com](https://boscodelhi.org/about.php?utm_source=chatgpt.com)

6. Burmese community in India. (2024). In *Wikipedia*.  
[https://en.wikipedia.org/w/index.php?title=Burmese\\_community\\_in\\_India&oldid=1245861721](https://en.wikipedia.org/w/index.php?title=Burmese_community_in_India&oldid=1245861721)
7. Burra, S. (2022, January 26). *India's refugee protection obligations beyond the 1951 Refugee Convention and the 1967 Protocol*. SciSpace - Paper. <https://doi.org/10.4324/9781003246800-14>
8. Chakma, B. R. (2015). *(Open Access) Between agony and hope: The Chakma refugees of Arunachal Pradesh of India (2015) | Bindu Ranjan Chakma | 1 Citations*.  
<https://scispace.com/papers/between-agony-and-hope-the-chakma-refugees-of-arunachal-5557ws6w7z>
9. Cronin, R. P. (1989). Afghanistan in 1988: Year of Decision. *Asian Survey*, 29(2), 207–215.  
<https://doi.org/10.2307/2644581>
10. Dashti, Z. (2022). *(PDF) Afghan external migration movements in the historical process (2022) | Zabihullah Dashti | 4 Citations*. <https://scispace.com/papers/afghan-external-migration-movements-in-the-historical-kfqy4prq>
11. Debnath, K. (2020, June 18). *Chakma Refugees in Arunachal Pradesh: Their Inclusion and Setback*. Emerald Publishing Limited. SciSpace - Paper. <https://doi.org/10.1108/978-1-83982-190-520201015>
12. *Determination of Refugee Status*. (n.d.). UNHCR India. Retrieved March 14, 2025, from <https://www.unhcr.org/in/publications/determination-refugee-status>
13. Dunbar, C. (1987). Afghanistan in 1986: The Balance Endures. *Asian Survey*, 27(2), 127–142.  
<https://doi.org/10.2307/2644608>
14. Field, J., Tiwari, A. D., & Mookherjee, Y. (2020). Self-reliance as a Concept and a Spatial Practice for Urban Refugees: Reflections from Delhi, India. *Journal of Refugee Studies*, 33(1), 167–188. <https://doi.org/10.1093/jrs/fez050>
15. Ghoshal, A. (2020). *Refugees, Borders and Identities: Rights and Habitat in East and Northeast India* (1st ed.). Routledge India. <https://doi.org/10.4324/9780429317620>
16. Grant citizenship to Chakma refugees within 3 months: Supreme Court. (2015, September 18). *The Times of India*. [https://timesofindia.indiatimes.com/india/grant-citizenship-to-chakma-refugees-within-3-months-supreme-court/articleshow/49015645.cms?utm\\_source=chatgpt.com](https://timesofindia.indiatimes.com/india/grant-citizenship-to-chakma-refugees-within-3-months-supreme-court/articleshow/49015645.cms?utm_source=chatgpt.com)
17. Gupta, S. (2024). Tibetan Exiles in India. *Oxford Research Encyclopedia of Asian History*.  
<https://doi.org/10.1093/acrefore/9780190277727.013.828>
18. *India*. (n.d.). JRS. Retrieved March 17, 2025, from <https://jrs.net/en/country/india/>
19. Kapoor, R. (2022). *Making Refugees in India* (1st ed.). Oxford University Press Oxford.  
<https://doi.org/10.1093/oso/9780192855459.001.0001>
20. Kaveri. (2020). The Politics of Marginalization and Statelessness of the Rohingyas in India. In N. Chowdhory & B. Mohanty (Eds.), *Citizenship, Nationalism and Refugeehood of Rohingyas in Southern Asia* (pp. 71–95). Springer Singapore. [https://doi.org/10.1007/978-981-15-2168-3\\_4](https://doi.org/10.1007/978-981-15-2168-3_4)
21. McConnachie, K. (2018). Boundaries and Belonging in the Indo-Myanmar Borderlands: Chin Refugees in Mizoram. *Journal of Refugee Studies*, 31(3), 314–333.  
<https://doi.org/10.1093/JRS/FEY012>
22. Mehrotra, A., & Bhardwaj, C. (2022). Need for a National Legislation on Refugees in India at 75. *India Quarterly: A Journal of International Affairs*, 78(2), 297–317.  
<https://doi.org/10.1177/09749284221089531>

23. Nakatani, T. (2000). *Away from Home: The Movement and Settlement of Refugees from East Pakistan in West Bengal, India* (No. 12). JAPANESE ASSOCIATION FOR SOUTH ASIAN STUDIES. <https://doi.org/10.11384/jjasas1989.2000.73>
24. Radhakrishnan, R. K., Wit, E. E. de, Gopikumar, V., & Bunders, J. G. F. (2022a). Rohingyas and Sri Lankan Tamil refugees in Tamil Nadu: A replicable model of semi-permanent resettlement in low-resource settings. *Equality, Diversity and Inclusion: An International Journal*, 41(5), 778–792. (world). <https://doi.org/10.1108/EDI-07-2021-0180>
25. Radhakrishnan, R. K., Wit, E. E. de, Gopikumar, V., & Bunders, J. G. F. (2022b). Rohingyas and Sri Lankan Tamil refugees in Tamil Nadu: A replicable model of semi-permanent resettlement in low-resource settings. *Equality, Diversity and Inclusion: An International Journal*, 41(5), 778–792. (world). <https://doi.org/10.1108/EDI-07-2021-0180>
26. Refugee Protection in South Asia. (1997). *Journal of International Affairs*, 51(1), 201.
27. *Refugee Status Determination*. (2021, August 21). UNHCR India. <https://help.unhcr.org/india/2021/08/21/refugee-status-determination/>
28. Rigzin, T. D. and T. (2024, February 6). *South Asia's Tibetan Refugee Community Is Shrinking, Imperiling Its Long-Term Future*. Migrationpolicy.Org. <https://www.migrationpolicy.org/article/tibetan-refugees-india>
29. Sampathkumar, T. J. (2015, January 1). *The Pattern of Refugee Management for Ensuring Their Rights: The Indian Approach*. SciSpace - Paper. <https://scispace.com/papers/the-pattern-of-refugee-management-for-ensuring-their-rights-3svw1b3iqh>
30. Sapra, I. (2022). Stateless in India. In S. Irudaya Rajan, *The Routledge Handbook of Refugees in India* (1st ed., pp. 230–239). Routledge India. <https://doi.org/10.4324/9781003246800-19>
31. Sehrish, R. (2023). REFUGEE PROTECTION AND ASSOCIATED CHALLENGES IN INDIA: A QUANTITATIVE ANALYSIS. *ShodhKosh: Journal of Visual and Performing Arts*, 4(2). <https://doi.org/10.29121/shodhkosh.v4.i2.2023.5992>
32. *Shadow of Refuge: Rohingya Refugees in India*. (n.d.). Refugees International. Retrieved March 12, 2025, from <https://www.refugeesinternational.org/reports-briefs/shadow-of-refuge-rohingya-refugees-in-india/>
33. Sharma, R. (2022, January 26). *Cast away*. SciSpace - Paper. <https://doi.org/10.4324/9781003246800-68>
34. Sharma, V. K. (2022). The Global Refugee Crisis: International Situations and Measures. *The Social Ion*, 11(1), 54–64. <https://doi.org/10.5958/2456-7523.2022.00004.0>
35. Sinha, M. K. (2022). Historicising Refugee Protection in India: Legal Framework and Future Possibilities. *International Journal on Minority and Group Rights*, 29(4), 747–776. <https://doi.org/10.1163/15718115-bja10071>
36. *SLIC*. (n.d.). Retrieved March 17, 2025, from [https://slic.org.in/?utm\\_source=chatgpt.com](https://slic.org.in/?utm_source=chatgpt.com)
37. Tiwari, G. (2024). Promoting Effective Refugee Protection in India: Balancing National Interests and International Obligations. *Athens Journal of Law*, 10(2), 221–232. <https://doi.org/10.30958/ajl.10-2-3>
38. Tomar, D. (2024). Refugees, Citizenship and the Laws: An Indian Perspective. *Contemporary Social Sciences*, 33(3), 41–51. <https://doi.org/10.62047/CSS.2024.09.30.41>
39. *UNHCR Factsheet*. (2021). Global Focus. <https://reporting.unhcr.org/india-factsheet-403>

40. *UNHCR Factsheet*. (2024, December). Global Focus. <https://reporting.unhcr.org/india-factsheet-10315>
41. *Useful numbers*. (n.d.). UNHCR India. Retrieved March 16, 2025, from <https://help.unhcr.org/india/contact-details-of-unhcr-and-partner-organizations-in-india/>
42. Verma, C. S., & Asthana, K. B. (2025). *An Analytical Study of India Signing the United Nations Convention on Refugees: Legal, Political, and Humanitarian Dimensions*. In Review. <https://doi.org/10.21203/rs.3.rs-7499396/v1>
43. *Welcome to Development And Justice Initiative (DAJI) | Daji*. (n.d.). Retrieved March 17, 2025, from <https://www.daji.org.in/>
44. *Where do most refugees come from 2024*. (n.d.). Statista. Retrieved February 11, 2025, from <https://www.statista.com/statistics/272999/refugees-by-source-country/>
45. Who are Chakma and Hajong refugees in Arunachal Pradesh? (2017, September 13). *The Indian Express*. <https://indianexpress.com/article/who-is/who-are-chakma-and-hajong-refugees-in-arunachal-pradesh-4841615/>