

**Benevolence to Refoulment: An Examination of the Access to Legal Rights for Refugee
Populations in India**

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*“O you men with countries, to our own country we have come as refugees
 O you men with homes, to our own home we have come as guests...
 You are countrymen, you are homeowners,
 We are homeless, we are aliens”¹*

- Ahmed Rahi

(1963)

Written by Ahmed Rahi, a poet driven from British India to Pakistan during Partition in 1947, these lines lament the loss and brutality of mass-displacement that accompanied the arrival of independence in both countries. Rahi’s layered questions of identity and belonging have multiplied and persisted in the fabric of the Indian nation since Partition. Most visibly, they are reflected in India’s approach towards asylum-seekers and have shaped its dual-role as a refugee-generating and refugee-hosting country, its dangerous ambiguity towards refugee protection, and its continued struggle over defining citizenship. By examining the varying degree of legal rights accessible to refugees in the country, this paper will explore the enduring conflict over identity and refuge that continues to play a foundational role in an increasingly nationalist contemporary India. Using case-studies on four primary populations residing in the country, Tibetan, Chakma, Sri Lankan Tamil, and Rohingya refugees, the analysis will demonstrate how scant international obligations, absent domestic legislation, and lack of recognition leaves the refugees in India in a state of constant precarity; vulnerable to arbitrary executive decisions and at risk of refoolment.

India, like most South Asian states, is not a signatory of the 1951 Convention Relating to the Status of Refugees or of the 1967 Protocol on the Status of Refugees.² Together, these

¹ Translation by author. Balraj Sahni, *Mera Pakistani Safarnama*, (1979; repr., Delhi: RC Publishers, 1989).

² United Nations High Commissioner of Refugees, States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol, (April 2015), <https://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>, accessed Aug 1, 2020.

conventions form a robust framework that lies at the foundation of the international refugee regime, providing fundamental definitions and protections to the word ‘refugee’ while centering the administration of international refugee protection around the United Nations High Commissioner for Refugees (UNHCR).³ As a signatory of certain international human rights instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), India is expected to demonstrate compassion towards basic human rights regardless of an individual’s status as a non-citizen.⁴ However, in choosing not to be party to the primary framework on asylum seekers, the Indian government remains removed from the widely-accepted international norms and obligations of states directed towards humanitarian refugee protection.

Additionally, there is an absence of any national legislation in India that specifically addresses refugees or provides a definition of the term. This means that asylum-seekers are legally only covered by the term ‘foreigner’ and are subject to the same strict obligations and laws of expulsion that would be applied to tourists and migrants.⁵ Any limited consideration extended to refugees relies on varying and ambiguous interpretations of the Indian Constitution

³ Elizabeth G. Ferris and Katharine M. Donato, *Refugees, Migration and Global Governance : Negotiating the Global Compacts*, (London: Routledge, 2019), 31, <https://doi.org/10.4324/9781351172806>, accessed Aug 1, 2020.

⁴ United Nations General Assembly, Resolution 217(III)A, Universal Declaration of Human Rights, A/RES/217(III) (Dec 10, 1948), [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/217\(III\)](https://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/217(III)), accessed Aug 1, 2020.; United Nations General Assembly, Resolution 2200A (XXI), International Covenant on Civil and Political Rights, A/RES/2200A(XXI) (Dec 16, 1966), <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>, accessed Aug 1, 2020.; UN General Assembly, Resolution 2200A (XXI), International Covenant on Economic, Social and Cultural Rights, A/RES/2200A(XXI) (Dec 16, 1966), <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>, accessed Aug 1, 2020.

⁵ Shuvro Prosun Sarkar, *Refugee Law in India: The Road from Ambiguity to Protection*, (Singapore: Springer, 2017), 16, <https://doi.org/10.1007/978-981-10-4807-4>, accessed Aug 1, 2020.; Act No. 31 of 1946, Foreigners Act, 1946, <https://www.refworld.org/docid/3ae6b4df4.html>, accessed Aug 26, 2020.; Bimal N. Patel, *The State Practice of India and the Development of International Law*, (Leiden, The Netherlands: Brill Nijhoff, 2016), 128, <https://doi-org.myaccess.library.utoronto.ca/10.1163/9789004321335>, accessed Aug 1, 2020.

by different arms of the judiciary, arbitrary administrative tools discriminately employed by the executive, and an extremely limited mandate given to the UNHCR office.⁶ As of December 2019, 210201 refugees are recognized as residing in India.⁷ However, this number only refers to those either officially registered with the Government of India through discriminative administrative mechanisms or identified by the UNHCR office. It does not take into account those who are excluded from accessing either of these recognition mechanisms due to the described gaps in legal regimes.⁸ Actual numbers are nearly impossible to estimate and are likely much higher than indicated by these records.⁹ This combination of limited international and domestic legislation and recognition creates a dangerously ambiguous state for refugees in the country.

Recent developments in legislation and administration reflect the rabidly nationalistic rhetoric of Prime Minister Narendra Modi's National Development Alliance (NDA). These include measures such as the Citizenship Amendment Act (2019) that excludes Muslim migrant communities from its protection, and the proposed National Register for Citizens that could potentially make millions of residents stateless.¹⁰ Accompanied by an administration that is actively exclusionary towards minorities, such legislation only contributes towards the

⁶ Patel, *The State Practice of India*, 118.; Sarkar, *Refugee Law in India*, 15.; Nasreen Chowdhory, *Refugees, Citizenship and Belonging in South Asia* (New York : Springer, 2018), 55, <http://myaccess.library.utoronto.ca/login?url=https://link.springer.com/10.1007/978-981-13-0197-1>, accessed Aug 27, 2020.

⁷ UNHCR, *Factsheet India*, December 31, 2019, <https://reporting.unhcr.org/sites/default/files/UNHCR%20India%20fact%20sheet%20-%20December%202019.pdf>, accessed Aug 1, 2020.

⁸ UNHCR, *Factsheet India*.

⁹ Jessica Field, (Lecturer and Researcher, University College London), interview with author, August 2020.; Jessica Field, Anubhav Dutt Tiwari and Yamini Mookherjee, "Urban refugees in Delhi: identity, entitlements and well-being," IIED Working Paper, IIED, London, 2017, 7, <https://pubs.iied.org/10852IIED/>, accessed Aug 20, 2020.

¹⁰ B.S. Chimni, foreword to *The Global Compact on Refugees: Indian Perspectives and Experiences* by Jessica Field and Srinivas Burra, (New Delhi: Academicians Working Group and UNHCR India, 2020), <https://www.unhcr.org/en-in/publications/books/5e3174c54/global-compact-on-refugees-indian-perspectives-and-experiences.html>, accessed Aug 25th, 2020.

vulnerability of refugee populations in the country. These gaps in the legal regimes and the vulnerability generated by them thus provide a critical imperative for investigating the status of refugee rights in India.

Furthermore, contemporary Indian foreign policy increasingly reflects the behaviour of an emerging power seeking to assume the role of a significant player on the international stage and reaffirm its position as a hegemonic actor among South Asian states.¹¹ The country is willing to employ international law to further its national interests while maintaining a distance from international courts, tribunals, and other accountability measures.¹² Active participation in “international order-building” and increased trade and strategic relations across Asia, Africa, and the Middle East exemplify India’s aspirations to become “rule-makers rather than rule followers.”¹³ Under Modi, India has also attempted to improve diplomatic and trade relations with its immediate neighbours Sri Lanka, Bhutan, Myanmar, Nepal, and even Pakistan, although this latter attempt eventually failed and the country relied on a militaristic assertion of strength instead. India is thus reaffirming its primacy in South Asia, trying to establish better economic integration and stability in the region as a stepping stone towards advancement on the international stage.¹⁴ In light of this amplified relevance in international relations, understanding the state practice of international law in India is critical, and studying the access to legal rights

¹¹ C. Raja Mohan, “Foreign Policy after 1990: Transformation through Incremental Adaptation,” in *The Oxford Handbook of Indian Foreign Policy*, ed. David Malone, C. Raja Mohan and Srinath Raghavan, (Oxford: Oxford University Press, 2016), <https://doi.org/10.1093/oxfordhb/9780198743538.001.0001>, accessed Aug 1, 2020.; Takenori Horimoto, “Explaining India’s Foreign Policy: From Dream to Realization of Major Power,” *International Relations of the Asia-Pacific* 17, no. 3 (September 2017):463–496, <https://doi.org/10.1093/irap/lcx011>, accessed Aug 26, 2020.

¹² Patel, *The State Practice of India*, 29.

¹³ Horimoto, “Explaining India’s Foreign Policy.”

¹⁴ Surupa Gupta, Rani D Mullen, Rajesh Basrur, Ian Hall, Nicolas Blarel, Manjeet S Pardesi and Sumit Ganguly, “Indian Foreign Policy under Modi: A New Brand or Just Repackaging?,” *International Studies Perspectives* 20, no. 1 (February 2019): 1–45, <https://doi-org.myaccess.library.utoronto.ca/10.1093/isp/eky008>, accessed Aug 28, 2020.

available to refugee populations provides an important lens into the state's engagement with international legal and normative regimes.¹⁵

To develop an extensive understanding of the refugee protection regime in the country, the selected case-studies cover a wide chronology of contemporary India: Tibetan refugees arriving since 1959, Chakma refugees arriving since 1964, Sri Lankan Tamil refugees arriving since 1983, and Rohingya refugees arriving since the 1990s.¹⁶ For each of these groups, the legal regime will be assessed at three primary levels: legislation and state policy, the attitude of the judiciary, and engagement with the UNHCR. From the many different groups of asylum-seekers in India, this study focuses particularly on these four because they represent the widest breadth of variation in treatment by the Indian state, ranging from benevolent support to harsh refolement. Additionally, these case studies address significantly diverse religious and ethnic groupings, allowing for a better exploration of the various geopolitical and cultural factors that may influence this variation.

The arrival of Tibetan asylum-seekers in India was the first mass influx of refugees since the displacement caused by Partition, and it took place within a complex matrix of tense relations between China and India, over Tibet.¹⁷ Following the Chinese military's invasion of Tibet in 1950, the Chinese government embarked on a Sinicization policy in the border-region, enacting severe educational, cultural, and land reforms that incited resistance from the local Tibetan population and suspicion from many in India.¹⁸ This tension culminated in an uprising in Lhasa

¹⁵ Patel, *The State Practice of India*, 2.

¹⁶ Patel, *The State Practice of India*, 137.; Rohini Mohan, "Freedom from Fear?: As India decides whether or not to expel its Rohingya community, thousands of lives hang in the balance," *World Policy Journal* 34, no. 4 (2017): 101-110, muse.jhu.edu/article/686282, accessed Aug 2, 2020.

¹⁷ Pia Oberoi, *Exile and Belonging: Refugees and State Policy in South Asia* (New Delhi: Oxford University Press, 2006), 89. "Chinese say Dalai Lama is in India," *The Guardian*, April 3, 1959, <https://www.theguardian.com/world/2019/apr/03/chinese-say-dalai-lama-india-tibet-1959>, accessed Aug 29, 2020.

¹⁸ Oberoi, *Exile and Belonging*, 81.

in March 1959, leading to the Dalai Lama's treacherous flight to India, along with an initial group of 30,000 Tibetan refugees.¹⁹ The Dalai Lama's request for asylum, presented to Prime Minister Jawaharlal Nehru, posed a significant policy challenge for the fledgling nation. A close relationship, resembling a "friendship and something almost approaching union with China," was a significant feature of Nehru's foreign policy goals, and granting asylum to the Tibetans would place this vision in jeopardy.²⁰ However, discontent with Nehru's China-policy was revived among the opposition and in the public. An outcry of support for the Tibetans emerged in demonstrations and protests, partly inspired by the shared cultural relevance of Buddhism and by indignation towards Chinese repression.²¹ Also personally sympathetic with their plight, Nehru then welcomed the Dalai Lama as an 'honored guest' and granted entry and settlement to the first wave of refugees who accompanied him.²² This action played a critical role in the lead-up to the Sino-Indian War in 1962 and exacerbated the paling relations with China that have since shaped India's approach to Tibetan refugees.²³ This migration has continued ever since, and today there are 108,005 Tibetan refugees officially residing in India.²⁴

The access to legal rights and state support available to the Tibetans is higher than afforded to any other refugee group in the country, partly due to this foreign policy relevance and public sympathy for the Dalai Lama. Cases of forcible repatriation are largely unheard of and the

¹⁹ N. Subramanya, *Human Rights and Refugees* (New Delhi: A.P.H. Publishing Corporation, 2004), 42.; Ruth Gamble and Tenzin Ringpapontsang, "Uncertain Success: The Tibetan Refugee Community in South Asia." *Social Alternatives* 32, no. 3 (2013): 35, <http://myaccess.library.utoronto.ca/login?url=https%3A%2F%2Fwww.proquest.com%2Fdocview%2F1509076135%3Faccountid%3D14771>, accessed Aug 20, 2020.

²⁰ Krishna Nehru Hutheesingh, *Nehru's Letters to His Sister* (London: Faber and Faber, 1963), 95, <https://archive.org/details/nehrulettersstoh00nehr/page/n11/mode/2up>, accessed Aug 20, 2020.

²¹ Oberoi, *Exile and Belonging*, 83.; Neville Maxwell, *India's China War*, (London: Cape, 1970; repr. New Delhi: Natraj Publishers, 1997), 104.

²² Maxwell, *India's China War*, 104-6.; Gamble and Ringpapontsang, "Uncertain Success," 35.

²³ Dawa Norbu, "Tibet in Sino-Indian Relations: The Centrality of Marginality," *Asian Survey* 37, no. 11 (1997): 1086, <https://doi.org/10.2307/2645742>, accessed Aug 20, 2020.

²⁴ UNHCR, *Factsheet India*.

state has remained involved with providing welfare and humanitarian aid.²⁵ However, in the absence of a national refugee policy, the contours of this asylum are still complex, varied, and precarious. At the legislative and administrative level, the government issued Registration Certificates (RCs) to the first wave of Tibetan refugees, arriving between 1959 and 1979, officially recognizing them as ‘foreigners’ permitted to temporarily live in India.²⁶ However, as immediate tensions reduced in the 70s, and new geopolitical vulnerabilities emerged with the independence of East Pakistan, India sought to improve relations with Deng Xiaoping’s China.²⁷ Impacted by this shifting policy, the administration officially ceased issuing RCs to arriving Tibetans. Only Tibetans born in India could continue to register for these certificates. In practice, RCs could still be obtained by newly arriving refugees until the 1990s through bribes or unofficial channels, but the process was arduous and expensive.²⁸ While it does not guarantee asylum or recognize Tibetans officially as ‘refugees,’ the value of an RC is immense. It acts as an identity document, allowing Tibetans to work and travel in the country, and can be used to apply for a special Identification Certificate that permits certain forms of international travel.²⁹ The accessibility of these rights, however, is not universally enforced and varies depending on different state administrations and the arbitrary judgment of the officials involved.³⁰ The ease of

²⁵ Anne-Sophie Bentz, “Being a Tibetan Refugee in India,” *Refugee Survey Quarterly* 31, no. 1(March 1, 2012): 89, <https://doi.org/10.1093/rsq/hdr016>, accessed Aug 20, 2020.

²⁶ Tibet Justice Center, Tibet Legal Association and Boston University School of Law’s International Human Rights Clinic, “Registration Certificate,” in *Tibet’s Stateless Nationals III: The Status of Tibetan Refugees in India*, (Tibet Justice Centre, June 2016), 159, <http://www.tibetjustice.org/wp-content/uploads/2016/09/TJCIndiaReport2016.pdf>, accessed Aug 20, 2020.; Bentz, “Being a Tibetan Refugee in India,” 85.

²⁷ Oberoi, *Exile and Belonging*, 98-99.

²⁸ Interview with Tibetan refugee residing in India, Aug 15, 2020. Interview was conducted in confidentiality, and the name of interviewee is withheld by mutual agreement.; Tibet Justice Center, Tibet Legal Association and Boston University School of Law’s International Human Rights Clinic. *Tibet’s Stateless Nationals III: The Status of Tibetan Refugees in India*, Tibet Justice Centre, June 2016, 42, <http://www.tibetjustice.org/wp-content/uploads/2016/09/TJCIndiaReport2016.pdf>, accessed Aug 20, 2020.

²⁹ Claudia Artilles, “Tibetan Refugees’ Rights and Services in India,” *Human Rights and Human Welfare* (2012): 6, www.du.edu/korbel/hrhw/researchdigest/minority/Tibetan.pdf, accessed Aug 20, 2020.

³⁰ Interview with Tibetan refugee residing in India, Aug 12, 2020. Interview was conducted in confidentiality, and the name of interviewee is withheld by mutual agreement.

entry for Tibetans fleeing to the country has also shifted with the changing ebb and flow of Sino-Indian relations.³¹

The most unique feature of India's legislative approach to Tibetan refugees is its relationship with the Central Tibetan Administration (CTA), the autonomous Tibetan government in exile, first established in 1959.³² The CTA is granted unprecedented permission to operate as a "pseudo-state to govern Tibetan refugees" within Indian jurisdiction, on land settlements granted to them by the government.³³ While the Indian state does not officially recognize the CTA, it has worked in cooperation with it, aiding it in the administration of Tibetan settlements and provision of land, welfare and education services to refugees.³⁴ In turn, this autonomous body is known to be "feverishly grateful to India," conducting its affairs in regular consultation with the national government.³⁵ Tibetans residing in India recognize the CTA as their first point of contact and source of legal rights, including citizenship, and the Indian government as their secondary governing body. This creates a realm of autonomy and a dual regime of layered protection that is unique to Tibetan refugees in India.³⁶

Additionally, at the judicial level, in the absence of a defined legal status, courts have often tended towards refugee protection in their interpretation of the Constitution and minimal

³¹ Bentz, "Being a Tibetan Refugee in India," 85.; "Procedure for registration of RC," Tibetan Legal Association, published Dec 9, 2016, <https://tibetanlegalassociation.org/en/procedure-for-registration-of-rc/>, accessed Aug 30, 2020.

³² Tatsuya Yamamoto, "Citizenship In-between: A Case Study of Tibetan Refugees in India" in *Law and Democracy in Contemporary India: Constitution, Contact Zone, and Performing Rights*, eds. Tatsuya Yamamoto and Tomoaki Ueda (Cham: Springer International Publishing: Imprint: Palgrave Macmillan, 2019): 85, https://doi-org.myaccess.library.utoronto.ca/10.1007/978-3-319-95837-8_4, accessed Aug 20, 2020.

³³ Yamamoto, "Citizenship In-between," 89.

³⁴ Gamble and Ringpapontsang, "Uncertain Success," 35-36

³⁵ Jessica Falcone and Tsering Wangchuk, "'We're Not Home': Tibetan Refugees in India in the Twenty-First Century," *India Review* 7, no. 3 (September 4, 2008): 182, <https://doi.org/10.1080/14736480802261459>, accessed Aug 20, 2020.

³⁶ Interview with Tibetan refugee residing in India, Aug 12, 2020. Interview was conducted in confidentiality, and the name of interviewee is withheld by mutual agreement.

existing legislation.³⁷ The most important example of this is the Delhi High Court's landmark 2010 decision to grant citizenship to Namgyal Dolkar, based on the Citizenship Act 1955 that recognizes everyone born in India between January 25, 1950 and July 1, 1987 as an Indian citizen.³⁸ Dolkar, a Tibetan refugee woman born in India, successfully moved the court after the Ministry of External Affairs denied her application for an Indian passport.³⁹ This was the first time a route to Indian citizenship for Tibetan refugees was recognized.⁴⁰ Following this, multiple other applicants with similarly rejected requests moved High Courts across the country until finally, in response to a similar petition, the Delhi High Court ordered the government to treat all Tibetans who met these requirements in accordance with this judgement, removing the necessity and cost of going through court to obtain citizenship.⁴¹ Therefore, while many are hesitant to adopt it, Tibetan refugees have received access to the highest legal right in the country via this interpretation by the Indian judiciary.

The UNHCR in India was only involved with Tibetan refugees between 1969 and 1975 through a branch office that aided with the process of obtaining RCs, legal aid and humanitarian aid.⁴² This was the first time the international body was permitted a presence in India. However, it quickly withdrew in 1975, arguably due to pressures and tensions arising from China's entry into the United Nations and consequent queries into UNHCR's work with Tibetans.⁴³ In its present mandate, the organization is not engaged with Tibetan refugees.

³⁷ Sarkar, *Refugee Law in India*, 31.

³⁸ Namgyal Dolkar vs. Government of India, Ministry of External Affairs, MANU/DE/3504/2010.

³⁹ Yamamoto, "Citizenship In Between," 93.

⁴⁰ Yamamoto, "Citizenship In Between," 93.

⁴¹ Phuntsok Wangyal and Ors. v. Ministry of External Affairs & Ors., MANU/DE/2650/2016.

⁴² Oberoi, *Exile and Belonging*, 94-5.

⁴³ Oberoi, *Exile and Belonging*, 97.

While the circumstances of Tibetan refugees in India are precarious, the status of Chakma refugees residing in the Northeastern states of the country is much bleaker. The Chakma community are a primarily Buddhist, non-Bengali speaking, ethnic group indigenous to the Chittagong Hill Tracts of present-day Bangladesh (CHT).⁴⁴ Despite being primarily Hindu or Buddhist, the CHT region was identified as belonging to Pakistan during the Partition of 1947, leading to decades of persecution and exclusion of its inhabitants by the Islamic governments of East Pakistan and Bangladesh.⁴⁵ Following displacement caused by the incursive construction of the Katpai dam in the CHT, the first group of Chakma refugees made their way to India in 1964, beginning a migration that was amplified during the Bengali-focused Islamic nationalization of the newly-formed Bangladesh and has since continued.⁴⁶ The Indian state granted entry to the first families arriving between 1964 and 1969, settling them in uninhabited regions of the North-East Frontier Agency (NEFA), today known as the state of Arunachal Pradesh.⁴⁷ Estimated numbers of those resettled in the 1960s range from 14,000 individuals to 35,000 individuals, and narratives of how much financial support and welfare aid was provided by the state in those early years also vary dramatically.⁴⁸ Furthermore, an estimate of 200,000 Chakmas are said to be

⁴⁴ Chunnun Prasad "Migrations and the Question of Citizenship: People of Chittagong Hill Tract in Arunachal Pradesh," *The Indian Journal of Political Science* 67, no. 3 (2006): 479, <http://www.jstor.org/stable/41856235>, accessed Aug 21, 2020.

⁴⁵ Prasad, "Migrations and the Question of Citizenship," 479.; Chowdhury, "Refugees, Citizenship and Belonging in South Asia," 111.

⁴⁶ Bindu Rajan Chakma, "Between Agony and Hope: The Chakma Refugees of Arunachal Pradesh of India," *International Journal of Advance Research* 3, no. 9 (September 2015): 3, <http://www.ijoar.org/journals/IJOARHS/papers/BETWEEN-AGONY-AND-HOPE-THE-CHAKMAS-REFUGEES-OF-ARUNACHAL-PRADESH-OF-INDIA.pdf>, accessed Aug 21, 2020.

⁴⁷ Prasad, "Migrations and the Question of Citizenship," 479.; Manan Mehra, "Human Consequences of Forced Migration: The Case of the Chakmas," *Citizens for Justice and Peace*, published Feb 15, 2020, <https://cjp.org.in/human-consequences-of-forced-migration-the-case-of-the-chakmas/>, accessed Aug 31, 2020.

⁴⁸ Interview with a Chakma refugee residing in India Aug 12, 2020. Interview was conducted in confidentiality, and the name of interviewee is withheld by mutual agreement.; Chakma, "Between Agony and Hope," 4.; Chowdhury, "Refugees, Citizenship and Belonging," 120.; Chunnun Prasad, "Students' Movements in Arunachal Pradesh and the Chakma-Hajong Refugee Problem," *Economic and Political Weekly* 42, no. 15 (2007): 1376, <http://www.jstor.org/stable/4419473>, accessed Aug 21, 2020.

residing in India today, but the proportion of refugees in this population is unknown.⁴⁹

Regardless of this ambiguity, it is evident that in contrast to the approach to Tibetan refugees, the central government's recognition and engagement with Chakma refugees was and continues to be far-removed and extremely minimal.⁵⁰ While both groups are Buddhist, the Chakma refugees lack immediate geopolitical relevance, or any influential spokespersons such as the Dalai Lama.⁵¹ This dangerous lack of interest by the Indian government has severely impacted the legal status afforded to Chakmas residing in India.

In the absence of international obligation, national policies or political urgency, the central Indian government has largely left the administration of Chakma refugees up to the discriminate decision making of the state governments of Tripura, Mizoram, and Arunachal Pradesh, where a majority of the Chakma community resides.⁵² For example, the government of Tripura has supported both voluntary repatriation and local integration efforts for the Chakma community, allowing their representation on the Autonomous District Council and on electoral rolls in the region.⁵³ On the other hand, the Mizoram government has been actively persecutorial. Reportedly, the state's government purposefully traced and deleted any Chakma names from electoral rolls and state records in Mizoram, seeking to bar Chakma engagement in

⁴⁹ "The Chakma People," Chakma Autonomous District Council, <https://www.cadc.gov.in/the-chakma-people/#:~:text=The%20present%20population%20of%20the,about%2030%20thousands%20in%20Assam>, accessed Aug 31, 2020.

⁵⁰ Deepak K Singh, "Interrogating India's Refugee Policy," in *Stateless in South Asia: The Chakmas between Bangladesh and India* (New Delhi: SAGE Publications India Pvt Ltd, 2010), <https://doi.org/10.4135/9788132104940.n9>, accessed Aug 21, 2020.

⁵¹ Interview with a Chakma refugee residing in India Aug 12, 2020. Interview was conducted in confidentiality, and the name of interviewee is withheld by mutual agreement.

⁵² Deepak K Singh, "Chakma Diaspora in Northeast India: Excluded Communities, Fragmented Identities," in *Stateless in South Asia: The Chakmas between Bangladesh and India* (New Delhi: SAGE Publications India Pvt Ltd, 2010), <https://doi.org/10.4135/9788132104940.n9>, accessed Aug 21, 2020.

⁵³ "People," Tripura Tribal Areas Autonomous District Council, <http://ttaadc.gov.in/people>, accessed Aug 21, 2020.; Singh, "Chakma Diaspora.;" Partha S. Ghosh, *Migrants, Refugees and the Stateless in South Asia*, (New Delhi: Thousand Oaks, California: SAGE Publications India Pvt Ltd, 2016), 199-200.

the local community.⁵⁴ Accusations of illegal detention and deportation of these refugees are rampant and regularly resurgent.⁵⁵ Similarly, the Arunachal Pradesh state government, in coordination with the All Arunachal Pradesh Students' Union (AAPSU), passed resolutions that demanded the immediate and indiscriminate deportation of all Chakma refugees in the region, enacting policies of securitization and economic blockades against the community.⁵⁶ While these orders were halted by the judiciary, informal detention and deportation have been well-documented in the region.⁵⁷ Demonstrated by these arbitrary policies, the central government's disinterest, along with the lack of national legislation, has created room for the discriminate exclusion of Chakma refugees by state governments. Most dangerously, this includes denying the most basic legal right of asylum that is the cornerstone of the international legal and normative regime around refugees.

At the judicial level, the tendency of Courts' to lean towards refugee protection persists in the case of the Chakma community. While in early court cases the right to access citizenship was denied, the importance of ensuring asylum and protecting the community from persecution was regularly reinforced.⁵⁸ Most significantly, in 1996, the Supreme Court responded to a writ petition by the National Human Rights Commission of India (NHRC) with a stern condemnation of the actions of the Arunachal Pradesh government, declaring that, constitutionally, the "state is bound to protect the life and personal liberty of every human being, be he a citizen or

⁵⁴ Singh, "Chakma Diaspora."

⁵⁵ Shyamlal Bikash Chakma, "No state for Chakmas: In Mizoram, a minority battles for rights against a former minority," Scroll.in, published Aug 29, 2017, <https://scroll.in/article/848260/no-state-for-chakmas-in-mizoram-a-minority-battles-for-rights-against-a-former-minority>, accessed Aug 21, 2020.

⁵⁶ Singh, "Chakma Diaspora."

⁵⁷ Singh, "Chakma Diaspora.;" Chakma, "Beyond Agony and Hope.;" Mehra, "Human Consequences of Forced Migration."

⁵⁸ State Of Arunachal Pradesh vs Khudiram Chakma, MANU/SC/0336/1994.; Vijaykumar Veerabhadran, "Judicial Responses to Refugee Protection in India," *International Journal of Refugee Law* 12, no. 2 (April 1, 2000): 237, <https://doi.org/10.1093/ijrl/12.2.235>, accessed Aug 20, 2020.

otherwise.”⁵⁹ The Court even acknowledged that the route to citizenship must be open to Chakma refugees in accordance with the Citizenship Act 1955.⁶⁰ Unfortunately, unlike the Tibetan situation, this decision has not translated to action on the ground with the Arunachal Pradesh government continuing to delay full compliance and regularly rejecting or delaying applications for passports and various identity documents.⁶¹ Lacking international recognition or political leverage, the status of Chakma refugees is often left unaddressed regionally and internationally. Accordingly, they are not considered under the mandate of the UNHCR and are also not included in the official count of 210,201 mentioned previously.⁶² The Chakma community is therefore left with nearly no protection at all levels of the refugee legal regime in India, except the judiciary.

The third case study of this analysis looks at Sri Lankan Tamil refugees. The crisis that drove this group to seek asylum in India is rooted in ethnic tensions between the Tamils and the Sinhalese that rose sharply in 1956, after Sinhala was proclaimed as the sole official language of Sri Lanka.⁶³ Rising Tamil dissatisfaction led to the emergence of militant groups such as the Liberation Tigers of Tamil Eelam (LTTE) in 1972, and the eventual eruption of civil war in 1983.⁶⁴ A large influx of Tamil refugees made their way from Sri Lanka to the state of Tamil Nadu in India, initiating a migration that would continue through the duration of the Sri Lankan Civil War, until its end in 2009.⁶⁵ Sympathy for the Tamil cause was evident in both the Tamil

⁵⁹ National Human Rights Commission v. State of Arunachal Pradesh and Ors., MANU/SC/1047/1996.

⁶⁰ National Human Rights Commission v. State of Arunachal Pradesh and Ors.

⁶¹ Prasad, “Students’ Movements in Arunachal Pradesh,” 1376-78.

⁶² UNHCR India, *A Pocket Guide to Refugees* (New Delhi, May 2008), <https://www.unhcr.org/48737cbe2.pdf>, accessed Aug 21, 2020.

⁶³ C. Valatheeswaran and S. Irudaya Rajan, “Sri Lankan Tamil Refugees in India: Rehabilitation Mechanisms, Livelihood Strategies, and Lasting Solutions.” *Refugee Survey Quarterly* 30, no. 2 (June 1, 2011): 29, <https://doi.org/10.1093/rsq/hdr005>, accessed Aug 22, 2020.

⁶⁴ Neil DeVotta, “The Liberation Tigers of Tamil Eelam and the Lost Quest for Separatism in Sri Lanka,” *Asian Survey* 49, no. 6 (2009): 1027, <https://doi.org/10.1525/as.2009.49.6.1021>, accessed August 31, 2020.

⁶⁵ Valatheeswaran and Rajan, “Sri Lankan Tamil Refugees in India,” 32.

Nadu state government and the Government of India, demonstrated by covert support offered to the LTTE and other Tamil militant groups.⁶⁶ In addition to this sympathy, the close familial, ancestral, and social networks of Indian and Sri Lankan Tamils meant that the first waves of Sri Lankan refugees were warmly welcomed in India.⁶⁷ This affiliation with the Tamil cause has been a primary factor in shaping India's policy towards legal rights for Sri Lankan refugees.

The legislative and administrative responsibilities of tackling this group of asylum-seekers were left primarily to the Tamil Nadu government, not unlike the case of Chakma refugees. However, in stark contrast to the governments of Mizoram and Arunachal Pradesh, the Tamil Nadu government, driven by shared cultural affinity, was quickly able to establish an efficient framework to welcome and provide legal recognition to fleeing Sri Lankan refugees. This included a registration checkpoint that provided individual identity documents, camps to redirect arriving refugees, and mechanisms for supplies and aid.⁶⁸ Along with the Tibetans, the Sri Lankan refugees are the only other group that have received special identification documents from the Government of India that recognize their status of temporary asylum, affording to them a higher degree of legal stability than most other refugees in India.⁶⁹

Changes in this welcoming attitude occurred when in 1991, Indian Prime Minister Rajiv Gandhi was assassinated by an LTTE member.⁷⁰ The government's entanglement with Tamil interests and desire to maintain peace in its neighborhood had led to the ordering of the Indian

⁶⁶ P. Venkateshwar Rao, "Ethnic Conflict in Sri Lanka: India's Role and Perception," *Asian Survey* 28, no. 4 (1988): 419-36, <https://doi.org/10.2307/2644736>, accessed Aug 22, 2020.; Oberoi, "Exile and Belonging," 219.

⁶⁷ Oberoi, "Exile and Belonging," 216.

⁶⁸ Valatheeswaran and Rajan, "Sri Lankan Tamil Refugees in India," 32.; Oberoi, "Exile and Belonging," 216-217.

⁶⁹ Sarkar, "Refugee Law in India," 59.; T. Ananthachari, "Refugees in India: Legal Framework, Law Enforcement and Security," *ISIL Year Book of International Humanitarian and Refugee Law* 1 (2001): 125.

⁷⁰ Barbara Crossette, "Assassination in India; Rajiv Gandhi is Assassinated in Bombing at Campaign Stop; India Puts Off Rest of Voting, ," *New York Times*, May 22, 1991, <https://www.nytimes.com/1991/05/22/world/assassination-india-rajiv-gandhi-assassinated-bombing-campaign-stop-india-puts.html>, accessed Aug 22, 2020.

Peace Keeping Force (IPKF) to Sri Lanka, an act of military intervention that eventually created resentment among the LTTE, and arguably incited this assassination in retaliation.⁷¹ Almost instantaneously, the open-arms attitude transformed into one of anger and securitization. Short-lived attempts were made, both at state and central level, to conduct an immediate and total repatriation of all Sri Lankan refugees, retracting the legal recognition of temporary asylum that had been afforded to them.⁷² This anger was eventually mediated but the government soon began a process of gradual voluntary repatriation, even as more Sri Lankan refugees continued to enter the country and seek Indian identification documents.⁷³ Reflecting the ambiguity of refugee policy in India, this created an unstable and unique two-directional pathway of asylum and legal recognition that is specific to the Sri Lankan refugees in the country.

In accordance with its observed tendency, the judiciary has frequently demonstrated benevolence towards Sri Lankan refugees, except with regard to security concerns that arose in the aftermath of Gandhi's assassination. In cases that challenged detention orders based on suspected LTTE activity, the courts have tended to side with the state, permitting arbitrary suspension of legal rights and free movement.⁷⁴ Significantly, however, as some reports emerged claiming that the voluntary repatriation processes of the state were actually forcing repatriation without consent on certain refugees, the Tamil Nadu High Court sent notices to both the Tamil Nadu government and the central government to ensure that the process remained voluntary.⁷⁵

⁷¹ S. Kalyanaraman, "Major Lessons from Operation Pawan for Future Regional Stability Operations," *Journal of Defence Studies* 6, no. 3 (2012): 36, https://idsa.in/system/files/jds_6_3_SKalyanaraman_0.pdf, accessed Aug 31, 2020.; Oberoi, "Exile and Belonging," 220.

⁷² Oberoi, "Exile and Belonging," 225.

⁷³ Valatheeswaran and Rajan, "Sri Lankan Tamil Refugees in India," 31.

⁷⁴ *Kalavathy v. State of Tamil Nadu*, MANU/TN/0510/1992.; *Maheswaran v. State of Tamil Nadu and Ors.*, MANU/TN/0940/2006.

⁷⁵ Veerabhadran, "Judicial Responses to Refugee Protection in India," 240.

The judiciary's actions thus sought to protect both the basic humanitarian right to security of life and the right to temporary asylum awarded to Sri Lankan refugees.

In a novel act, as part of the discourse generated by these judicial notices, the UNHCR was permitted to engage with the repatriation process of Sri Lankan refugees in order to keep an oversight on whether the process of giving up legally recognized asylum in India was truly voluntary.⁷⁶ The organization eventually established an office in Chennai and took over the entire legal process of identifying, registering and processing Tamil refugees wishing to return to Sri Lanka.⁷⁷ This represented the opening of an important window of engagement between the Indian state and the international refugee legal regime. The repatriation process remained the primary function of the UNHCR in India for many years, and restrained involvement with other groups of concern has only been a recent development.⁷⁸ As yet, this official repatriation process and legal recognition from the state and the UNHCR remains inaccessible to most other refugee groups in the country.

Finally, one of the most significant examples of the immense vulnerability faced by refugees in India is the case of the Rohingya refugees, arriving in India and Bangladesh since the early 1990s. The Rohingya are a severely persecuted linguistic and ethnic Muslim minority fleeing from Myanmar, where they have been denied citizenship since 1982 on the basis of their identity.⁷⁹ This exodus has amplified over the last decade, most dramatically since 2016, when

⁷⁶ Veerabhadran, "Judicial Responses to Refugee Protection in India," 240.; United Nations General Assembly, Report of the United Nations High Commissioner for Refugees, A/47/12 (Aug 28, 1992), <https://www.unhcr.org/3ae68c860.html>, accessed Aug 22, 2020.

⁷⁷ "Voluntary Repatriation to Sri Lanka," Help UNHCR India, <https://help.unhcr.org/india/voluntary-repatriation-to-sri-lanka/>, accessed Aug 31, 2020.; Interview with Nayantara Raja, human rights lawyer with extensive experience in asylum-seeking cases.

⁷⁸ Nayantara Raja, (Human Rights Lawyer, Amnesty International, India), interview with author, Aug 10, 2020.

⁷⁹ Field, Tiwari and Mookherjee, "Urban Refugees in Delhi," 7.; Mahbubur Rahman and Haradhan Kumar Mohajan, "Rohingya-The Stateless Community Becoming the Lost Generation," *Journal of Economic Development*,

nearly half a million Rohingya attempted to escape from “a textbook example of ethnic cleansing” and gross human rights violations in the country.⁸⁰ Estimates of Rohingya refugees in India range between 18,000 and 40,000 individuals but actual numbers are nearly impossible to estimate due to their scattered presence and fear of registration.⁸¹ India’s treatment of these refugees, particularly in recent years, has been shaped by exclusionary nationalist policies and a desire to establish strong Indo-Myanmar relations.⁸² The pro-Hindutva regime of the BJP has perpetrated a wave of Islamophobia across the country, and anti-Rohingya rhetoric, labelling these refugees as “terrorists” and “criminals,” is a frequently employed tool in this narrative.⁸³ Furthermore, under Modi’s ‘Act East Policy,’ India is eager to make major investments in emerging economic zones being established in the Rakhine region of Myanmar and is therefore careful to avoid jeopardizing its relations with the country.⁸⁴ Additionally, India seeks to counterbalance the well-established China-Myanmar relations, fearing China’s ability to gain greater regional influence and access to the Bay of Bengal.⁸⁵ Where once India had sacrificed its immediate foreign policy vision to grant asylum to the Tibetans, this complex combination of

Environment and People 8, no. 2 (14 May 2019): 27-28,

<http://ojs.spiruharet.ro/index.php/jedep/article/view/1924/pdf>, accessed Aug 31, 2020.

⁸⁰ Zeid Ra'ad Al Hussein, “Darker and More Dangerous: High Commissioner Updates the Human Rights Council on Human Rights Issues in 40 Countries” (opening statement, Human Rights Council 36th Session, Sept 11, 2017), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E>, accessed Aug 22, 2020.

⁸¹ Jessica Field, (Lecturer and Researcher, University College London), interview with author, August 2020.; Kristy Siegfried, “The Refugee Brief – 4 January 2019,” UNHCR, published Jan 4, 2019, <https://www.unhcr.org/refugeebrief/the-refugee-brief-4-january-2019/>, accessed Aug 22, 2020.

⁸² Mohan, “Freedom from Fear?,” 103.; Mihir Bhonsale, “Crisis in the Rakhine State of Myanmar: Bilateral Relations with India in Perspective,” in *India and Myanmar Borderlands: Ethnicity, Security and Connectivity*, eds. Pahi Saikia and Anasua Basu Ray Chaudhary (London: Routledge, 2019), <https://doi.org/10.4324/9780429346361>, accessed Aug 22, 2020.

⁸³ Niranjan Sahoo, “India’s Rohingya Realpolitik,” Carnegie Rising Democracies Network, Carnegie Endowment Network, published Oct 31, 2017, <https://carnegieendowment.org/2017/10/31/india-s-rohingya-realpolitik-pub-74590>, accessed Aug 22, 2020.; Mohan, “Freedom from Fear?,” 103-4.

⁸⁴ Kaveri, “The Politics of Marginalization and Statelessness of the Rohingyas in India” in *Citizenship, Nationalism and Refugeehood of Rohingyas in Southern Asia*, eds. Nasreen Chowdhory and Biswajit Mohanty (Singapore: Springer, 2020), https://doi-org.myaccess.library.utoronto.ca/10.1007/978-981-15-2168-3_4, accessed Aug 20, 2020.

⁸⁵ Rajiv Bhatia, *India-Myanmar Relations: Changing Contours* (London: Routledge, 2015), <https://doi-org.myaccess.library.utoronto.ca/10.4324/9781315681108>, accessed Aug 22, 2020.

motivations has shaped an approach of persecution towards the Rohingya that stands in stark contrast to the recognition awarded to the Tibetans.

Until recent years, while the Indian state did not award the Rohingya any recognition of asylum as it does with the Tibetans or Sri Lankans, it had been largely indifferent to their residence in the country, occasionally allowing them long term visas and permitting the UNHCR to engage and issue UNHCR refugee identification cards.⁸⁶ However, following the amplified exodus starting in 2016 and the election of the Modi government in 2014, this narrative changed dramatically. In 2017, the Ministry of Home Affairs was reported stating in Parliament that the Rohingya were critical security threats with “Pak-based connections,” and that they would be deported to Myanmar at the earliest possible junction.⁸⁷ The statement stood in stark contravention of the basic international legal norm of non-refoulment that India had largely abided by until this moment. This anti-Rohingya narrative was frequently reiterated by the government in the media, spotlighted and shaped by Prime Minister Modi’s state-visit to Myanmar offering aid in the development of the Rakhine economic zones.⁸⁸ A process of legal recognition was indeed initiated by the government. However, this required all states to identify and obtain biometric data from all residing Rohingya in order to enable the government to document and deport the refugees to Myanmar, a country where they continued to face horrific ethnic cleansing.⁸⁹ Thus, legal recognition by the Indian government, in practice, turned into a

⁸⁶ Ghosh, *Migrants, Refugees and the Stateless in South Asia*, 27-28.

⁸⁷ Bhonsale, “Crisis in the Rakhine State of Myanmar,” 74.

⁸⁸ “India-Myanmar Joint Statement issued on the occasion of the State Visit of Prime Minister of India to Myanmar (September 5-7, 2017),” Ministry of External Affairs Government of India, published Sept 6, 2017, <https://www.mea.gov.in/bilateral-documents.htm?dtl/28924/IndiaMyanmar+Joint+Statement+issued+on+the+occasion+of+the+State+Visit+of+Prime+Minister+of+India+to+Myanmar+September+5+2017>, accessed Aug 31, 2020.

⁸⁹ “Govt tells states to collect biometrics of Rohingyas,” *Hindustan Times*, Oct 2, 2018, <https://www.hindustantimes.com/india-news/govt-tells-states-to-collect-biometrics-of-rohingyas/story-PyRqA1jw9JbPfQivAMo4rJ.html>, accessed Aug 22, 2020.

nightmare for Rohingya refugees.⁹⁰ Amplifying this building narrative of persecution, India deported seven Rohingya refugees in October 2018. In 2019, it did so again, this time with families and more individuals, stating its intention to eventually deport all 40,000 Rohingya to Myanmar.⁹¹ Not only is this move an explicit rejection of asylum and a direct contravention of the international legal norm of non-refoulement, it also stands against the fundamental human right of protection of life, guaranteed to all within the borders of India by Article 21 of the Indian constitution and by numerous international human rights instruments.⁹²

Unlike every other case study of this paper, the judiciary has not demonstrated benevolence towards the Rohingya refugees. While in early cases in the 1990s, the Supreme Court gave some leeway, permitting detained Rohingya refugees without documentation the time to access the UNHCR for aid, this attitude has been transformed in recent years.⁹³ In the process of a pending case responding to a petition to prevent the government from attempting to deport all Rohingya refugees in the country, the Supreme Court “declined to interfere” with the government’s decision to deport the first group of seven refugees to Myanmar in 2018 and denied the UNHCR access to the detained individuals.⁹⁴ With this precedent, the state was able to continue its practice of deportation in 2019, unhindered.⁹⁵ This landmark decision, taken in the context of the nationalistic politics of contemporary India, directly rejects the possibility of any

⁹⁰ Kaveri, “The Politics of Marginalization,” 82.

⁹¹ “India: 7 Rohingya Deported to Myanmar: Forced Returns Threaten Life, Liberty; Violate International Law,” Human Rights Watch, published Oct 4, 2018, <https://www.hrw.org/news/2018/10/04/india-7-rohingya-deported-myanmar>, accessed Aug 31, 2020.

⁹² Article 21, the Constitution of India, <https://www.india.gov.in/my-government/constitution-india/constitution-india-full-text>, accessed Aug 31, 2020.

⁹³ Dr. Malavika Karlekar v. Union of India and Ors., WP (CRL) No 583 of 1992, September 25, 1992, https://www.refworld.org/cases,IND_SC,3f4b8d334.html, accessed Aug 31, 2020.; Sarkar, *Refugee Law in India*, 53.

⁹⁴ “Rohingya Deportation: Mohammad Salimulah v. Union of India: Day 8 Arguments,” Supreme Court Observer, published Oct 4, 2018, <https://www.scobserver.in/court-case/rohingya-deportation-case/rohingya-deportation-arguments-on-day-8>, accessed Aug 22, 2020.

⁹⁵ “India: 7 Rohingya Deported to Myanmar,” Human Rights Watch.

legal rights for Rohingya in India, and places in jeopardy the access afforded to all other groups in the country.

The UNHCR in India remained removed from the status of the Rohingya until, in 2012, a protest was staged by Rohingya refugees outside its office, demanding recognition and aid.⁹⁶ Today, the UNHCR's mandate in India, defined as Sri Lankan repatriation, recognition of Afghan and Myanmar refugees and individual refugees from other non-neighboring countries, includes the process of awarding a refugee card to the Rohingya asylum-seekers.⁹⁷ This card provides refugees a basic identification document and access to some UNHCR welfare services.⁹⁸ However, with the new UNHCR policy to also collect biometric data and issue smart IDs with this registration, Rohingya fear the sharing or misuse of this data with the Indian or Myanmar governments. Consequently, they are forced to avoid even this form of minimal official recognition.⁹⁹ Furthermore in light of India's decision to deport, this legal process has been unable to provide any degree of protection to the human rights of persecuted Rohingya refugees, thus rendering it nearly ineffective.

These four case studies have collectively revealed an astonishing degree of variation in the access to legal rights available to refugee populations in India. At the legislative level this has ranged from permitting the right to autonomous government and temporary asylum, to active persecution and forced deportation. At the judicial level, while the courts have tended towards benevolence, they have also adopted an exceptionally harsh approach to certain refugee groups, denying them basic human rights. The UNHCR in India operates on a very limited mandate, with

⁹⁶ Nayantara Raja, (Human Rights Lawyer, Amnesty International, India), interview with author, Aug 10, 2020.

⁹⁷ UNHCR India, *A Pocket Guide to Refugees*.

⁹⁸ Field, Tiwari and Mookherjee, "Urban Refugees in Delhi," 13.; Mohan, "Freedom from Fear?," 107.

⁹⁹ "Rohingya refugees protest, strike against smart ID cards issued in Bangladesh camps," Radio Free Asia, published Nov 26, 2018, <https://www.refworld.org/docid/5c2cc3b011.html>, accessed Aug 31, 2020.

access only to certain groups. Even this engagement has ranged from aiding in voluntary and benevolent repatriation to a weakened form of recognition that fails in the face of state persecution. Evidently, the absent international obligations and lack of national policy have made refugee populations in India dangerously vulnerable to ever-changing foreign policy, arbitrary regional decision-making, varying degrees of cultural affinity, changing governments and economic interests. Understanding the variation these influences have caused within the legal refugee regime has also provided a window into the country's legislative and judicial interaction with international law, and into the complex foreign policy matrix of the aspiring great power.

There is no question that India must review its refugee policy and stabilize its approach to international law. The precarity faced by refugees is immense, particularly in the face of rising nationalist sentiment and exclusionary legislation. The need for stability and extended protection in its definition of legal rights for asylum-seekers is significant and urgent.

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