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REFUGEE LAW AND THE PROTECTION OF DISPLACED PERSON

INTRODUCTION :

The millions of people are forced to flee their homes and flee in search of safer and better places where they can rebuild their lives every year. There are many reasons why people leave their lives behind and move to strange places, including armed conflict, human rights violations, persecution, and various other forms of exploitation.

The need for International protection of refugee rights arose in the immediate aftermath of World War II, when people around the world were forced to flee their homes. This led to the establishment of the Office of the United Nations High Commissioner for Refugees, an international organization dedicated to protecting refugees and developing lasting solutions to the refugee problem. Due to various misconceptions about what a refugee is, it is easy to believe that ‘refugee’, ‘immigrant’ and ‘asylum seeker’ are synonymous and are used interchangeably. However, refugees are a special group of people who are different from immigrants and asylum seekers.

The Geneva Refugee Convention is the main basis of legal protection for refugees. The IRL provides a specific definition of the term “refugee” and guarantees the right to asylum and protection from forced return to a country where there is a risk of persecution. The Office of the United Nations High Commissioner for Refugees (UNHCR) is mandated by the United Nations General Assembly to provide international protection to refugees and find durable solutions to their plight.

REFUGEE LAWS IN INDIA :

The right to deal with issues of nationality, naturalization, and aliens rests only with the federal legislature, or congress. India has not adopted refugee-specific legislation regulating refugee

admission and status. Treated refugees at the political and administrative level. As a result, refugees will be treated according to the laws applicable to foreigners in India, as was the case for Ugandan refugees (of Indian origin) when the Uganda Foreigners ordinance 1972 was passed, unless special provisions are made. These are become laws regulating foreigners in India include the Foreigners Act, 1946; Under this act, the central government has the power to regulate the entry, stay and exit of foreigners into India. The Act defines a “foreigner” as a “person” who is not a citizen of India. Registration Act, 1939 deals with the registration of foreign nationals entering, staying in and leaving India. The Passport Act, 1920 and the Passport Act, 1967 also determine the passport conditions for entry into India and regulate the power of the government to issue passports and travel documents to regulate the exit of Indian nationals from India. These laws do not distinguish between genuine refugees and other categories of foreigners, so refugees risk arrest and prosecution by immigration authorities if they enter India without a valid passport or travel document.

REFUGEES PROTECTION UNDER CONSTITUTIONAL LAW IN INDIA :

The Indian Constitution guarantees certain fundamental rights to refugees. The right to equality (Article 14); the right to life and personal liberty (Article 21); the right to be protected in case of arbitrary arrest (Article 22); and the right to be protected in the event of a conviction. Rights (Article 20). , freedom of religion (the right to bring suit to the Supreme Court for enforcement of fundamental rights (Article 25) is granted not only to citizens but also to non-citizens, including refugees.

INDIA TAKEN STAND ON REFUGEES :

India is home to a large number of refugee groups, even though it is not a signatory to the 1951 Refugee Convention and has not introduced any domestic legislation to regulate refugees. India has witnessed large-scale immigration coming to the country from foreign countries and then being accepted and absorbed as a separate country. India currently hosts more than 205,000 refugees, including Myanmar, Sri Lankans, Somalis and Afghans. Despite the limitations of international humanitarian assistance to refugees and asylum seekers, India is a good host country for refugees and asylum seekers.

DISPLACED PERSONS :

Internally displaced persons (IDPs) can be defined as people who are forced to leave their homes to escape armed conflict, general violence, human rights violations, or natural or man-made disasters. They differ from refugees in that they remain within the borders of their home country. The number of internally displaced persons is at least twice the number of refugees worldwide and is estimated to be at least 25 million people³. Living within the borders of a potentially hostile homeland, they lack the services and protection available to refugees.

PROTECTION OF DISPLACED PERSONS :

As a key element of sovereignty, governments of countries hosting internally displaced persons have the primary responsibility for their assistance and protection. The role of the international community is complementary. At the international level, no single institution or organization is recognized as a world leader in protecting and assisting internally displaced persons. Rather, everyone is encouraged to work together through a “collaborative approach” to meet these needs.

RIGHTS OF THE DISPLACED PERSONS :

Internally displaced persons enjoy human rights enshrined in international human rights instruments and customary law. Furthermore, in situations of armed conflict, they enjoy the same rights as other civilians to various protections of international humanitarian law. International human rights and humanitarian law applies to internally displaced persons and seeks to clarify gray areas and gaps in various instruments with respect to situations of particular concern to internally displaced persons. Once displaced, people enjoy a wide range of economic, social, cultural, civil and political rights, including the right to basic humanitarian assistance (food, health care, shelter, etc.) and the right to protection from physical violence. Hold. Political rights, such as freedom of education, movement and residence, and the right to participate in public affairs and economic activity. Displaced persons also have the right to assistance from relevant authorities for voluntary, dignified and safe return, resettlement or regional integration, including assistance in recovering lost property and possessions. Where recourse is not possible, the Guiding Principles call for compensation, or simply compensation.

CONCLUSION:

Finally, I conclude that among these refugees and internally displaced persons, children and women are the most affected. Children and young refugees/internally displaced persons are at risk of physical and psychological trauma are often excluded from basic needs. Women face unique challenges, including the need for well-being, health care, education, and economic opportunities. Pregnant women are especially at risk. The international community must take full responsibility for the overall protection of these vulnerable people and make every effort to meet their needs and alleviate their suffering.