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Title of Ph. D. Thesis: Refugee's Problems in India; A Comparative Study of Afghan and Sri Lankan Tamil Refugees

This study focuses on Afghan and Sri Lankan Tamil Refugees Problems in India. However, with the lack of a national refugee law and or not a clear refugee policy, and without India's acceding the 1951 Geneva Convention or its 1967 Protocol, refugees are being treated indifferently. Moreover, they do not have any specific rights. However, there are some constitutional provisions which protect foreigners' rights, and these also protect refugees. In some places, the Indian judiciary has played a very important role in protecting refugee rights. In some instances, human rights organizations and civil society have also played a very crucial role in protecting refugees.

If we look at the similarities between two groups, we will find that both refugee groups do not have any specific rights as refugee, such as, they do not have work permit. In the area of medical access, to some extent both groups have problems. In the area of education, both refugee groups' children have equal access of education up to the 12th standards, free of cost in government schools. In the area of women refugee problem, both refugee groups' women had problems, but Sri Lankan women had little bit bigger problems than Afghan women. In the area of security problem by the local, both refugee groups do not have any specific problems. Besides, both refugee groups are Indian origin (except ethnic Afghans), both sought refuge in 1980s, and both groups do not have any immediate solutions or final solutions for their problems.

If we seek differences between two groups, then we find that there are differences also between two groups. There are big differences especially in refugee settlement, whereas most of the Afghan refugees were settled in urban areas with in Indian localities. But most of the Sri Lankan were settled in rural areas in refugee camps. Both refugee groups culturally and linguist are different to each other. More importantly, Sri Lankan Tamil number is several times greater than that of Afghans. Other significant differences is that, in the area of facilities, Sri Lankan Tamils are getting facilities from the government, but Afghans are getting most of the facilities from the UNHCR. In the area of Indian citizenship, Afghan refugees (Hindus/Sikhs) were allowed for Indian citizenship, but Sri Lankan Tamils did not had right.

This study uses primary and secondary sources of information. In the study of Afghan refugees, it mainly relies on primary sources of information. Sources of information were collected through a random sample survey conducted with the help of a structured questionnaire on the basis of qualitative and quantative data. Due to constraints of budget, the Sri Lankan Tamil refugee study uses secondary sources of information to analyse the problems of refugees and their facilities in India.

Study also offered number of recommendations for solving the refugees' problem in India, some of them as:

India must create its own national refugee law protecting refugee rights and guaranteeing fair and equal treatment of refugees during their stay in India. India still has not signed the 1951 Geneva Convention or its 1967 Protocol on the status of refugees. However, it became a member of the UNHCR Executive Committee in 1995. Without acceding to the 1951 Geneva Convention and its 1967 Protocol and without creating a national refugee law, India cannot play a vital role in the UN or in South Asia as most of the world powers either have created their own refugee laws or have acceded to the Geneva 1951 Convention and/ or its 1951 Protocol.