

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:277
ANSWERED ON:21.02.2006
LEGISLATION FOR REFUGEES
Masood Shri Rasheed

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the National Human Rights Commission has recommended the Government to enact a legislation in respect of refugees;
- (b) if so, the details in this regard;
- (c) the action so far taken by the Union Government in this regard;
- (d) the time by which it is likely to be enacted;
- (e) whether India has not signed the 1951 convention relating to the status of refugees or its 1976 protocol; and
- (f) if so, the details alongwith the reasons therefor?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SRIPRAKASH JAISWAL)

- (a) to (d): No, Sir. The National Human Rights Commission (NHRC) has not made any recommendation to the Government for enacting a legislation in respect of refugees.
- (e): India is not a Party to the 1951 Convention on the Status of Refugees and its 1967 Protocol.
- (f): The main reasons, inter-alia, why India has not signed the above Convention on the Status of Refugees and its Protocol are as follows:
 - (i) The Protocol is only a partial regime for refugee-protection.
 - (ii) The Convention and Protocol are designed primarily to deal with individual cases and not with situations of mass influx.
 - (iii) They do not address adequately situations faced by the developing countries.
 - (iv) The situations of mixed flows have not been adequately addressed as in many cases, refugees are, in fact, economic migrants.
 - (v) There is no balance between rights and obligations of receiving and source States.
 - (vi) The concept of international burden-sharing has not been developed adequately in the Convention.
 - (vii) The Convention and the Protocol do not address the question of minimum responsibility of States not to create refugee flows.
 - (viii) Cooperation with other States in the resolution of refugee problems has not been addressed in the Convention and its Protocol.