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World Refugee Day 2026: India's Refugee Policy and the Missing Domestic Law

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WHY IN NEWS

The world observes World Refugee Day on June 20, 2026, which falls in the 75th anniversary year of the 1951 Refugee Convention. The 2026 theme, “Until Everyone Is Safe”, arrives even as global forced displacement remains near record levels, renewing debate over India’s long-standing absence of a domestic refugee law.

BACKGROUND: THE GLOBAL REFUGEE FRAMEWORK

World Refugee Day was designated by United Nations General Assembly Resolution 55/76 in the year 2000 and first observed on June 20, 2001, coinciding with the 50th anniversary of the 1951 Convention. The day honours the **resilience** (<https://ujyari.com/vocab/resilience/>) of people forced to flee persecution, conflict and violence.

The institutional anchor of refugee protection is the Office of the United Nations High Commissioner for Refugees (UNHCR), established in 1950 and headquartered in Geneva. UNHCR is one of only a handful of organisations to win the Nobel Peace Prize twice, in 1954 and again in 1981.

Who Is a Refugee?

The 1951 Convention Relating to the Status of Refugees defines a refugee as a person who, owing to a well-founded fear of persecution on grounds of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of nationality and unable or unwilling to return. The 1967 Protocol removed the original geographic and temporal limits, making the regime universal.

The cornerstone principle of the entire framework is **non-refoulement**: a state must not return a refugee to a territory where life or freedom would be threatened. This principle is widely regarded as a norm of customary international law, binding even on states that have not ratified the Convention.

Scale of Displacement

INDICATOR	FIGURE
Global forced displacement (mid-2024 peak)	About 120 million
Children among the displaced	Nearly 45 million
World Refugee Day designated	UNGA Resolution 55/76 (2000)
First observed	June 20, 2001
UNHCR established	1950, Geneva
Nobel Peace Prizes won by UNHCR	Two (1954, 1981)

INDIA'S POSITION: GENEROUS PRACTICE, NO LAW

India is **not a signatory** to either the 1951 Convention or the 1967 Protocol. Despite this, India has historically hosted large refugee populations, reflecting a tradition of de facto asylum even without a treaty obligation.

Communities Hosted by India

- **Tibetans**, present since 1959 following the flight of the Dalai Lama.
- **Sri Lankan Tamils**, who arrived in waves during the civil conflict.
- **Rohingya** from Myanmar.
- **Afghans**, many registered with UNHCR in India.

The Legal Vacuum

In the absence of a refugee statute, asylum seekers and refugees are treated under laws written for foreigners generally:

LAW	FUNCTION
Foreigners Act, 1946	Governs entry, stay and removal of all foreigners
Passport (Entry into India) Act, 1920 / Passport Act, 1967	Regulate travel documents and entry
Registration of Foreigners Act, 1939	Registration requirements
Citizenship Act, 1955	Acquisition and termination of citizenship

These laws make no distinction between a refugee fleeing persecution and an ordinary migrant or an illegal entrant. Protection therefore depends on executive discretion, administrative practice and case-by-case judicial intervention rather than on a codified right.

The Constitutional and Judicial Bridge

The Indian judiciary has partly filled this gap. In **NHRC v State of Arunachal Pradesh (1996)**, concerning Chakma refugees, the Supreme Court held that the right to life and personal liberty under **Article 21** extends to non-citizens, effectively reading the principle of non-refoulement into the constitutional guarantee. Articles 14 (equality before law) and 21 thus apply to all persons on Indian soil, not only citizens.

Even so, the Supreme Court in later orders has clarified that the right under Article 19 (including the right to reside) is reserved for citizens, and that deportation of those found to be illegal foreigners remains within executive power, illustrating the tension at the heart of India's approach.

ANALYSIS: WHY INDIA RESISTS A REFUGEE LAW

India's reluctance stems from a mix of strategic and political considerations:

- **Security concerns** over open-ended commitments in a region prone to mass displacement.
- **Demographic** (<https://ujiyari.com/vocab/demographic/>) **and border anxieties**, given porous frontiers with several neighbours.
- A preference for **bilateral** (<https://ujiyari.com/vocab/bilateral/>), **case-specific handling** that preserves diplomatic flexibility.
- Reluctance to accept the **binding obligations** of the 1951 Convention, including non-refoulement as a treaty duty.

The cost of this approach is unpredictability. Different communities receive sharply different treatment, long-term refugees lack secure legal status, and protection hinges on shifting administrative policy.

WAY FORWARD

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- Enact a **dedicated domestic refugee law** that defines a refugee, lays down a fair status-determination procedure, and codifies non-refoulement while protecting national security through reasonable safeguards.
- Distinguish clearly in statute between **refugees, asylum seekers, migrants and illegal entrants**.
- Build a **transparent, time-bound determination mechanism**, possibly in partnership with UNHCR, to reduce arbitrariness.
- Pursue a **regional cooperation framework** in South Asia, where no major state is a party to the 1951 Convention, to share responsibility.

A clear law would not reduce India's sovereign control; it would replace ad hoc discretion with predictable, rights-respecting rules, strengthening both humanitarian standing and administrative certainty.

UPSC RELEVANCE

Prelims: World Refugee Day date and designating resolution; UNHCR (year, headquarters, Nobel Prizes); 1951 Convention and 1967 Protocol; principle of non-refoulement; Indian laws governing foreigners.

Mains (GS2): "India follows a humane refugee practice but lacks a humane refugee law. Examine." Evaluate the case for a domestic refugee statute against security and **sovereignty** (<https://ujivari.com/vocab/sovereignty/>) concerns. Discuss the judicial reading of Article 21 in protecting refugees.

Ethics / GS4 angle: The moral duty of asylum, balancing compassion with the state's responsibility to its citizens, and the ethics of differential treatment of refugee communities.

FACTS CORNER

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World Refugee Day: June 20; designated by UNGA Resolution 55/76 (2000); first observed June 20, 2001.

1951 Convention + 1967 Protocol: Define refugees; 1967 Protocol removed time and geographic limits; India is not a party to either.

Non-refoulement: Core principle barring return of a refugee to a place of threat; treated as customary international law.

UNHCR: Established 1950, headquartered in Geneva; Nobel Peace Prize 1954 and 1981.

Indian framework: Foreigners Act 1946 and Passport Act 1967; no dedicated refugee law.

Key case: NHRC v State of Arunachal Pradesh (1996) read non-refoulement into Article 21.

Displacement: Global forced displacement peaked near 120 million in mid-2024; about 45 million were children.

Communities in India: Tibetans (since 1959), Sri Lankan Tamils, Rohingya, Afghans.

Sources: UNHCR (<https://www.unhcr.org>), The Hindu (<https://www.thehindu.com>), Indian Express (<https://indianexpress.com>)

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