



Research Inspiration

An International Multidisciplinary-Journal

ISSN: 2455-443X Journal home page: www.researchinspiration.com

Vol. 07, Issue-I, Dec. 2021



Citizenship To Refugees In India: Not A Solution To Refugee Problem

Shivli Shrivastava^{a,*},

Dr. Anjali Sharma^{b,**},

^a Ph.D. Scholar (Law), Jiwaji University, Gwalior, Madhya Pradesh (India).

^b Associate Professor, Head of the Department, Govt. M.L.B. College of Excellence, Gwalior, Jiwaji University, Gwalior, Madhya Pradesh (India).

KEYWORDS

Refugee, Citizenship, CAA.,
Citizenship Laws in India,

ABSTRACT

Refugees are such people who need special attention from the world. In India, refugees have been living for a very long time and are still coming towards India for a safe refuge. Recently, the Citizenship (Amendment) Act, 2019, has opened the way for giving citizenship of India to refugees which are giving hope to refugees for a stable future but it may create a complex future for India.

1. Introduction

Every person loves his home, his land and never chooses to leave his home. The circumstances are responsible for it which compels a person to migrate from one place to another. It is when the people are subjected to oppression, violence, discrimination, etc. they migrate to other places. The culture of India is very rich and grand from ancient times. It is in the roots of India culture that it gives its helping hand to those in need of help. India is a country where people live with peace and brotherhood even after having diverse culture, language, religion, caste, etc. This makes the soul of the country unique. This feature works towards protection of human rights as it is the protection of human rights which bring balance in society and play a major role in establishment of peace. Even the ancient Vedas of Hindu mythology insist on human rights.¹ Rigveda refers that all human beings should help and protect each other. As it says-

“Puman pumansam paripatu vishvat”²

The relation of India with refugees has not emerged today but has a relation of decades and brought a major and sudden change in the social, economic, cultural and political scenario of the territory. In India refugees from countries like Pakistan, Afghanistan, Nepal, Sri Lanka, Tibet, Myanmar, Bangladesh, etc. are living and coming to India due to fear of persecution, threat to lives, violence, oppression, etc. Refugees are living in India legally as well as illegally as illegal migrants. As India has no law to govern refugees it is not possible to determine the exact population of refugees living in the country. UNHCR is an agency which provides assistance to refugees and register them in their records as refugees. As per UNHCR report, published in April 2021, there are 2,08,065 refugees are living in India.³

But India has no specific law to govern refugees. The laws applicable to foreigners like the Registration of Foreigners Act, 1939, Foreigners Act, 1945, Passports (Entry into India) Act, 1920, etc. are used to regulate refugees. Recently, with Citizenship (Amendment) Act, 2019, (popularly known as CAA) India has opened doors of citizenship to refugees from countries of Afghanistan, Pakistan and Bangladesh, which seems to be a good step from humanitarian perspective but giving citizenship at such large scale will have some negative consequences for the country. This will be studied in this research paper.

Citizenship and its importance for refugees

Citizenship is the relation of a person to his country. It is a status that the person belongs to that country and is governed by law of that country. Charles Handy defines citizenship as-

“Citizenship is a chance to make a difference to the place where you belong”.⁴

Citizenship is necessary in the modern era. If a person has citizenship of country, it provides him various rights and also provides him protection of the country when he is in the and even he is in a foreign country. It provides an identity to a person in the world. The another definition of citizenship is-

“Citizenship, relationship between an individual and a state to which the individual owes allegiance and in turn is entitled to its protection”.⁵

So, it is the connection of an individual to his country which guarantees some privileges to individual and also give some responsibilities towards the country, citizens and society. Citizenship is very important status for every person whether men, women or children. Citizenship is a precondition to enjoy human rights as it provides easy access to enjoy human rights. Citizenship ensures three main rights i.e. social, political and civil rights. It makes an individual a part of the social structure of the country.

Every state formulates its own laws and regulations for granting of citizenship. It is the way by which a state recognizes a person as its citizen or subject. Every state by its own laws make rules of giving citizenship to a person. Such as some state allow citizenship by birth, by descent, by marriage or by naturalization. It the absolute power of a sovereign country to make standards that who can become citizen of the country. How much relaxation must be given under laws can be decided by a country by its own and no other country can interfere in it.

In India, the Citizenship Act, 1955, regulates citizenship in India. The CAA has done major changes to it. As it provides citizenship of India to Hindu, Sikh, Jain, Parsi, Christian and Jew refugees from countries of Afghanistan, Pakistan and Bangladesh who came to India on or before 31 December 2014. This amendment also specifies some relaxations in conditions to be fulfilled by them to get Indian citizenship.

Citizenship is important for refugees because their situation is similar to stateless persons. Refugees are citizens of their country of origin but do not get protection of that country and the situations and circumstances do not allow them to go back to their own countryland. They are unable to enjoy rights on their own homeland and being non-citizens of the country of refuge they cannot have access to rights enjoyed by a citizen in the country. Refugees are considered as outsiders, face discrimination, they are considered as threat to culture of the host country, and many times they become victims of hate crimes. Citizenship provides them legal status in the country of refuge. It gives them access to fundamental

Corresponding author

*E-mail: shishrivastava06@gmail.com (Shivli Shrivastava).

**E-mail: dr.anjulisharma@gmail.com (Dr. Anjali Sharma).

DOI: <https://doi.org/10.53724/inspiration/v7n1.07>

Received 19th Dec. 2021; Accepted 26th Dec. 2021

Available online 30th Dec. 2021

2455-443X / © 2021 The Authors. Published by Research Inspiration (Publisher: Welfare Universe). This work is licensed under a [Creative Commons Attribution-NonCommercial 4.0 International License](https://creativecommons.org/licenses/by-nc/4.0/)

<https://orcid.org/0000-0003-2008-2907>

<https://orcid.org/0000-0002-3333-1987>



rights which are necessary for human survival and it also gives them an identity of their own. It gives them social and political identity in the country.

Providing citizenship to refugees is not a solution

By giving citizenship to refugees many problems come into existence. If citizenship is given to refugees under CAA following issues may arise-

1. Population increase

As per 2011 census report the population of India was 1210.2 million in 2011.⁶ The census of 2011 shows that the population of India is increasing at a very fast rate as India has the second highest population in the world and in coming years India will have the highest population in the world. As per census based on UN data the current population of India is 1,210,193,442⁷ and the population of India is 17.7% of the total world population.⁸ So in this situation if refugees are given citizenship of India it will give an immediate boost to current population of the country and their future generations will also make the population of country to increase at a very fast rate as their generations will settle in India permanently in a legal manner.

2. Unemployment

Unemployment is already a major problem of Indian youth. If refugees are given citizenship of India they will also become eligible for government services of the country which will give a rise in competition in the government services examinations. Refugees will also become a tough competitor in getting employments.

3. Political impact

The refugees will become a voter in the elections of the country. It will bring a huge change in the political scenario of the country which is not good. As a person who has no proper knowledge of the country will have power to choose country's leader.

4. Security

Former Prime Minister Indira Gandhi had stated about Bangladeshi refugees that-

"we feel it is a kind of aggression which is increasing financial burden, political and social tensions and endangering security of the country".⁹

It means that refugees are not natives of the country, they can live here for some time but they must not be allowed to settle here forever. As they possess no documents and proof of identity which may be dangerous to country's security.

5. Increase in crime-

In 2020, around 7686 foreigners were found to be involved in activities like theft, robbery, murder, etc. They also do kidnappings, abductions and also do smuggling of drugs and illegal weapons.

Thus giving citizenship to refugees is a very risky step for the future of the country.

Conclusion

Citizenship is not a thing which should be distributed in such way. Regarding refugees, special law must be enforced in the country to regulate and govern the entry, stay and departure of refugees. Making refugees a part of the political elections of the country doesn't seem good. Specific law must be enforced so that separate arrangements could be done to solve their problems of unemployment, medical aid, education but refugees must not be made a part of the actual citizens of the country. The world community must make efforts to make peaceful and stable country and protect country from such circumstances that constrain people to become refugees.

References

¹ Shastry, TSN, Judicial Process and Human Rights in India, Indian Law Review, 2013, Vol. 5, P-56-69

² Rigveda 6/75/14

³ UNHCR Fact Sheet, 2020 January 31, Retrieved From: <https://reporting.unhcr.org> (visited on 2 November 2021)

⁴ Citizenship Quotes, Great Expectations, Retrieved From: <https://www.greatexpectations.org/resources/life-principles/citizenship/citizenship-quotes/> (visited on 26 September 2021)

⁵ Citizenship, Encyclopedia of Britannica, Retrieved From: <https://www.britannica.com/topic/citizenship> (visited on 26 September 2021)

⁶ Census of India, Provisional Population Totals, 2011, Paper 2 Vol 1, Published by

Office of Registrar General & Census Commissioner, India, P-5.

⁷ Ibid, P-9

⁸ Retrieved from: <https://worldometers.info/world-population/India-population/> (visited on 13 December 2021)

⁹ Retrieved From: <https://www.youtube.com/watch?v=IG3dftx27LM> (visited on 10 December 2021)
