

Refugee issue with Myanmar

March 22, 2021

In News: Mizoram Chief Minister Zoramthanga Thursday urged Prime Minister Narendra Modi to intervene and allow political asylum to refugees from neighbouring Myanmar with “a human catastrophe of gigantic proportions happening in Myanmar right in front of our eyes”.

About the recent Refugee issue with Myanmar

- After the coup in Myanmar, widespread civil disobedience movements(CDM) are taking place all over Myanmar.
- The Military ruled Myanmar is following stringent methods to curb the protests like shooting the public, night raid on protesters home, etc. Myanmar shares a 1,643-km-long border with Arunachal Pradesh, Nagaland, Manipur and Mizoram.
- The majority of these people entered India through the international borders in Mizoram and Manipur. Earlier Myanmar also wrote letters to Mizoram and asked the Indian government to return the 8 Cops who fled the country for various reasons.
- The Mizo people of Mizoram and the Kuki-Zomi communities in Manipur maintain close kinship with the people of Myanmar.
- MHA has issued few directives to the State Governments and UTs. In that, the MHA mentioned that the state governments have no powers to grant ‘refugee’ status to any foreigner.
- MHA also pointed out that India is not a signatory to the UN Refugee Convention of 1951 and its 1967 Protocol.

United Nations Refugee Convention 1951

- Defines who is a refugee, and sets out the rights of individuals who are granted asylum and the

responsibilities of nations that grant asylum. It also set out which people do not qualify as refugees, such as war criminals.

- Grants certain rights to people fleeing persecution because of race, religion, nationality, affiliation to a particular social group, or political opinion.
- Provides for some visa-free travel for holders of travel documents issued under the convention.
- The Convention builds on Article 14 of the Universal Declaration of Human Rights 1948, which recognizes the right of persons to seek asylum from persecution in other countries.
- A refugee may enjoy rights and benefits in a state in addition to those provided for in the Convention
- The 1967 Protocol included refugees from all countries as opposed to the 1951 Convention that only included refugees from Europe.

- **India is not a member of this convention.**

Legal Framework for Refugees in India

- **Article 51 of the Indian constitution:** This provision states that the state shall endeavour to foster respect for international law and treaty obligations in the dealings of organized people with one another.
- **Citizenship Act of 1955:** An illegal immigrant can be of two types.
 - Foreign national enters into India with valid travel documents but stays beyond their validity, or
 - Foreign nationals entered India without any valid travel documents.
- **Foreigners Act, 1946:** The central government has the right to deport any foreign national.

- **The Citizenship (Amendment) Act, 2019** : Aims to provide citizenship to those who sheltered in India for religious persecution or fear of persecution in their home countries. But the Act only covers the Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan.
- **So, India at present, does not have any separate law to govern refugees. The refugee matters at present dealt with on a case by case basis.**