

liberty in accordance with procedure established by law.”⁵⁴ It is important to priorities this recognized human rights for marching towards third goal of SDG that is ‘good health and wellbeing.’

Article 13 of ICESR elucidates educational right for every human being without any discrimination.⁵⁵ Also Article 21(a) under the Constitution of India provides provision on right to education.⁵⁶ Though currently, India’s female literacy still 22% points behind world average.⁵⁷ Not only basic education but also quality education has to ensure to achieve forth goal of SDG that is quality education. Also, cases of human rights violence against women, transgender, and children rapidly grow across the world hence supreme value to be given to gender equality which is fifth goal of sustainable development goals.

16th goal of the SDGs emphasizes on the peace justice and strong institution to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective accountable and inclusive institution at all level targets include reducing all form of violence ; ending violence against and trafficking against children promoting rule of law and justice for all reducing illicit financial and arms flows , corruption and bribery developing effective institution participation in decision making at all level legal identity of all. Right to life, liberty, security of person, protection of children from all form of violence, abuse or exploitation, right to access to justice and due process, right to legal personality, right to participate in public affairs, right to access to information.⁵⁸

Various goals enumerated such as clean water and sanitation affordable and clean energy decent work and eco growth industry innovation and infra-structure reduce inequality sustainable cities and community’s responsible consumption and production climate action, life below water life on land peace, justice and strong institution and partnership for the goals can be achieve rapidly by establishing human rights courts.

Amongst the calls for more resources, more political will, more tools, technology and faster implementation, it is a reminder that equitable and sustainable development must be achieved with and not for people. Achieving the transformational promise of the SDGs

⁵⁴ *The Constitution of India published by GOVERNMENT OF INDIA MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)* , P. 10 available at- <https://www.iitk.ac.in/wc/data/coi-4March2016.pdf>

⁵⁵ *Website of the United Nations Human Rights Office of the High Commissioner.* available at- <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

⁵⁶ *The Constitution of India published By Government Of India Ministry Of Law And Justice (Legislative Department)* , P. 11, available at- <https://www.iitk.ac.in/wc/data/coi-4March2016.pdf>

⁵⁷ *News published in FIRSTPOST News Portal.* Available at- <https://www.firstpost.com/india/indias-female-literacy-has-gone-up-but-still-22-percentage-points-behind-world-average-education-among-young-women-rising-7197631.html>

⁵⁸ *Website of the United Nations Development Programme.* Available at- <https://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-16-peace-justice-and-strong-institutions.html>

depends on ensuring the empowerment, inclusion and equality of all people, which is so closely Inter connected with human rights.⁵⁹

In the 2030 Agenda for Sustainable Development, it is specifically mentioned in the goal 17 of Sustainable Development Goals (SDGs) that the government around the world must be committed to a blue print for a more just and sustainable path for people, planet and prosperity, and “seek to realize the human rights of all.”⁶⁰

Thus, violations of human rights cases have to decrease for achieving Sustainable Development Goals. But as many numbers of cases are arising in human right violation it become difficult to access justice in lower judiciary. So, Human Rights Courts need to establish to achieve sustainable development goals.

Indian scenario on Human Rights Courts

The Supreme Court bench headed by Chief Justice Ranjan Gogol issued notice to the Central and states on 8th July 2019 in plea to specify and set up Human Rights Court for each district across the country, as required under section 30 and section 31 of the Protection of Human Rights Act, 1993.

Section 2(d) of the Protection of Human Rights Act, 1993 defines human rights as “the rights are relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India.”⁶¹ Therefore it is pertinent to note that any court intended to be a human rights court must take into account the various human rights guaranteed to citizens by virtue of the Constitution and agreed to by the State as a ratifying party in international covenants and treaties.

Section 30 of the Protection of Human Rights Act, 1993 states as follows “For the purpose of providing speedy trial of offences arising out of violation of human rights, the State Government may, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district a Court of Session to be a Human Rights Court to try the said offences. Provided that nothing in this section shall apply if (a) a Court of Session is already specified as a special court; or (b) a special court is already constituted, for such offences under any other law for the time being in force.”⁶² It specifically mentioned provision to ensure Human Rights Courts in each district. Unfortunately, law remains on paper and implementation of the said provision is malady. Implementation of this provision

⁵⁹ Available at- <https://sustainabledevelopment.un.org/post2015/transformingourworld>

⁶⁰ Available at- <https://sustainabledevelopment.un.org/post2015/transformingourworld>

⁶¹ The Protection of Human Rights Act, 1993. P.6. Available at- <https://indiacode.nic.in/bitstream/123456789/1970/1/199410.pdf>

⁶² *Ibid.* P.13.

will create positive impact in Human Development. As people will not have to approach directly to apex court for ensuring their human rights and they may approach to District Human Rights Courts established under this enactment.

In *D.K. Basu v. State of West Bengal*, (2015) 8 SCC 744, Honorable Supreme Court emphatically stated regarding the question of human rights courts, thus: “There is no reason why the State Governments should not seriously consider the question of specifying Human Rights Court to try offences arising out of a violation of human rights. There is nothing on record to suggest that the State Governments have at all made any attempt in this direction or taken steps to consult the Chief Justices of the respective High Courts. The least which the State Governments can and ought to do is to take up the matter with the Chief Justices of the High Courts of their respective States and examine the feasibility of specifying Human Rights Court in each district within the contemplation of Section 30 of the Act.”⁶³ Therefore, it is clear that the Supreme Court has interpreted Section 30 of the Protection of Human Rights Act, 1993 constructively and emphatically that State Governments must seriously consider the establishment of human rights courts.

The Constituent Assembly while drafting the Indian Constitution ensured that citizens were guaranteed certain fundamental rights and freedoms such as equal protection of law, freedom of speech and expression, freedom against double jeopardy, right against self-incrimination etc. Part III of the Constitution deals with the fundamental rights and Part IV talks about the Directive Principles of State Policy further emphasize the protection of people against human rights violations.

By virtue of Article 32(3) of the Constitution of India,⁶⁴ it is possible to confer the power of enforcement of human rights or fundamental rights on the District Court or Courts inferior to them. It would then be possible for these courts to function as Human Rights Courts for providing remedies with respect to violations of fundamental rights as well as rights contained in the various international instruments to which India is a party and signatory.

On this background, it is important to note that United Nations General Assembly in its 53rd Session on Agenda Item 110(b) passed a resolution adopted by the General Assembly about Declaration on the Rights and Responsibilities of Individuals, Groups and organs of society to promote and protect universally recognized human rights and Fundamental Freedoms.⁶⁵ With rising human rights violations, it is the statutory duty of the central and state government under the Protection of Protection of Human Rights Act, 1993 to take necessary steps to establish Human Rights Courts for the benefit of the victims and render justice to them.

⁶³*D.K. Basu v. State of West Bengal*, (2015) 8 SCC 744

⁶⁴ Constitution of India. Article 32(3) ., P.18. Available at-
https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf

⁶⁵ United Nations General Assembly in its 53rd Session. Available at-
<https://www.un.org/en/ga/53/resolutions.shtml>

The United Nations have always prioritized human rights in its agenda. However, this 'Rights Agenda' is wrongfully lacking within the judicial system in India. The High Courts and the Supreme Court are for the people can be hopeful of approaching to redress human rights violations. The common man has almost no access to justice at the local level in these cases. The lower courts have restrained themselves from using human rights principles, relying solely on Art.32 and Art 226 of the Indian Constitution. There is a dire need for citizens to be able to access lower courts for human rights violations. It is equally important to see human rights violations in cases that are tried at the District level as the inter connections are important for broader interpretation. For example, a case of domestic violence that woman files are her human right violation even as described in Convention on Elimination of All forms of Discrimination against Women (CEDAW). Presently the trial courts do not look at human rights to be intersecting in cases they are already handling and at the same time they think that human right is a matter that has to be dealt with only under Article 32 and Article 226 of the Indian Constitution.

The special courts being established in districts will be able to cater to the people who often cannot approach the higher courts either due to distance, financial constraints or more often lack of knowledge. Thus, these special courts should be established with the aim of percolating justice to the masses. Moreover, it will also help resolve the lack of equity within civil society, and the disparity between civil society organizations based in the metropolitan areas versus those based in the rural areas in their ability to successfully litigate issues of human rights violations.

If we consider police as protectors of fundamental rights of the citizens then it is also required that they should work on issues related to human rights. Only conducting inquiries as and when directed by NHRC/SHRC is the limited aspect of work which police are doing at present. Police personnel are also need to be trained.

The Protection of Human Rights Act came to force in the year 1993. There are provisions related to establishment of National Human Rights Commission and State Human Rights Commission at the National and State levels across the country. Apart from this the Human Rights Courts were supposed to be constituted in districts designating a Sessions Judge.

There is also a need to formulate 'Rules of Practice' for human rights courts, regarding procedures for taking up complaints from individuals, how the police shall report the same, how the Magistrate will take cognizance thereof, penalties, rights of victims and the duties of court.

Maharashtra with estimated 7.47 lakh persons infected with HIV stands second in the country with respect to the number of HIV patients. As per the latest sentinel surveillance report, the State has HIV prevalence of 18.4% amongst STD patients and 1.8% in ANC.⁶⁶ There is no comprehensive law to deal with the menace of HIV/AIDS and protect the people infected from discrimination and social stigma. The infected people are susceptible

⁶⁶ Available at- <https://hetu.org/india/mh/healthstatus/aids-control.htm>

to various discriminations for example isolation and boycott of HIV positive patients, no standard procedure for maintaining confidentiality, pre-employment HIV testing, etc. The persons living with HIV/AIDS are many times not getting medicines and ART and second line drugs Treatment which amounts to violation of right to life and health. Thus, issues related to the persons living with such diseases, Issues of journalists such as they faced increasing pressure to self-censor due to threat of legal action and even threats of physical attacks, Issues of mob violence, etc. These issues can be addressed by a Human Rights Court.

Conclusion

The Agenda 2030 promise of ‘leaving no one behind’ is a reaffirmation that human rights and sustainable development are mutually reinforcing. Development is a powerful tool, but it can also be a tool of the powerful unless human rights for all, without discrimination, are part of its design. With limited time and resources, it is crucial to focus on securing rights for all, as not only the right way, but the smart way to achieve more sustainable development.⁶⁷

Human Rights protection and implementation is about empowering people to stand up for themselves and for each other, for ensuring right to equality and to move towards no discrimination among humans. Effective implementation of Human Rights can transform and accelerate development agenda. When we think of struggles for empowerment, inclusion and equality we think of heroes who have fought for their rights: luminary individuals like Mahatma Gandhi, Rosa Parks, Malala Yousufzai or Marielle Franco. They stood up for the rights of marginalized peoples, for the rights of the excluded voices who suffered in silence and whose dignity was not respected. Out of these movements the message for justice and human rights continues to spread across the world: ‘Yes, every human being matters, everyone is born equal in dignity and rights. Human rights matter because they embody the power of people standing up to change the world. Above all this is what the 2030 Agenda needs to accelerate its course.’⁶⁸

Provisions given under Human Rights Protection Act, 1993 must be strictly enforced and Cases of Human Rights Violations increases in the contemporary world and debate on human rights has emerged as a potential discourse of analysis and development as UN elucidates Sustainable Development Goals to realize human rights for all. Thus, setting up Human Rights Courts will bring judiciary into action to play an auxiliary role in transforming human rights into reality.

⁶⁷ *Empowerment, Inclusion, Equality: Accelerating sustainable development with human rights. P.1, Available at- <https://www.ohchr.org/Documents/Issues/MDGs/Post2015/EIEPamphlet.pdf>*

⁶⁸ *Ibid. P.1.*

Chapter 7

The Preferential Justice: Ignorance of Refugee's Rights

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Abstract

"It is the obligation of every person born in a safer room to open the door when someone in danger knocks."

— Dina Nayer

A person who cannot return to her/his country because s/he are at real risk of persecution or other serious human rights violations or abuses, due to who or what they believe in, since their own government cannot or will not protect them, refugees are forced to flee their country and seek protection elsewhere. The protection of Refugees should be an obligation to the nation rather than seeing it as a hurdle to the governing bodies. The Rohingya refugees are those who were denied by the Myanmar government in terms of recognition of groups and identified them as illegal Bengali immigrants. In the year of 1982 citizenship law, Rohingyas were declared as "Non-National" or "Foreign residents". According to UNHRC, Rohingyas are on the most persecuted ethnic group in the world. As of the data per 2012 the government was lenient and much reserved in the recognition of the rights of refugees. The denial of admitting a secured economic and social life in terms of national security is a paradox to the justice system and a challenge to the human rights. The question comes in the frontline is whether the governing body is negligent about this grave deprivation of right to life. And why UNHRC needed to act as a controlling body in limiting the violation of refugees. Our aim of this study also was to get a better understanding of cause, scale, composition, process, trends and impact of Bangladeshi migrants to India particularly to the state of Assam.

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An Overview

Over the past millennium people had been moved due to earthquakes, persecution to war or a flood to famine. Instead of protecting the people, doors are closed and tagging them as illegal migrants or invaders which totally dehumanize people in need or international protection, the authorities fails by ducking their responsibilities to protect people. International refugee laws and human rights law provide a sophisticated and balanced system to allow to escape from war and persecution and to have access to live in the third country. It is important to note down that no human can be treated as illegal. Staying in a third country in an irregular fashion should not be considered as a criminal activity. There exist around 2.9 million refugees all over the world.⁷⁰To confront this the best example that can be taken down to picture is about Rohingya Refugees one of the most persecuted Muslim group in world, where the Myanmar government denied the recognition of groups and identified as illegal Bengali immigrants. They are the primitive people who all are stateless, at the end of the day they will go wherever they told to be. And Migration is a phenomenon which is constant but dynamic. There are lot of factors which drive to migration like socio-economic imbalance, political dynamics at regional and local levels, disparities in demography, and changes in environment like climate change, natural disasters and advanced social networking. It is predicted that migrants around the world will increase from 214 million in 2010 to almost 405 million by 2050, mainly due to “change in environment, revolution of technologies, new economic and political dynamics, demographic disparity” (World migration report, 2010, p.3). The definition that is given by UNPD (United Nations Population Division) for migrants is “Persons who move to a country other than that of their usual residence for a period of at least one year, so that the country of destination effectively becomes their new country of usual residence”⁷¹.

People move from one place to another for many purposes mainly increase in poverty, discrimination, economic gain, for having better standard of living, better education for off springs, environmental and political changes. These movements maybe forced and voluntarily. In India illegal migrant is a person residing in India without official permission as per Indian law. From the year 1971, during the time of war of Independence which resulted in the creation of Bangladesh as a state, millions of Bangladeshis migrated to India out (most of them were illegal migrants).

It is not an easy task to assess how many illegal migrants are residing in India as of now. During 1971 civil war at least 10-million Bangladeshis would have poured into West Bengal which is situated on eastern part of India. Majority of those migrants were Hindus

⁷⁰HumanRightsLawNetwork, *Report of Refugee Populations in India*,(Nov.2007),p.3,www.hrln.org/admin/issue/subpdf/Refugee_populations_in_India.pdf.

⁷¹World Bank *Migration and Remittances Fact Book (2011)*,p. 264

who fleeing due to ill treatment (murder, rape, forced conversion etc..) they received from Muslims. But if we see recent trends, most of the illegal migrants fleeing from Bangladesh are Muslims seeking to escape poverty. Some lawmakers in India allege that many of these illegal migrants are dire threat to our country as a whole through terrorism and increased criminal activities.

A Glimpse On

Rohingya Refugee's:

The state of Myanmar had a rate of population about 54 million people in 2019 after a long conflict for colonial heritage from the year of 1824 to 1948 where a very strong and hard times of military power stepped up in the state resulted in division of population into 135 recognized ethnic group. The state experienced an everlasting conflict between these ethnic groups and geographical boundaries. One of the main issues of the political and ethnic revolved around Muslim minorities and particularly Rohingya community.

Tibetan Refugee's:

As of 1914, peace convention Tibet and China is considered as independent country. In the year Of 1949 China occupied Tibet and killed, arrested and detained thousands of Tibetan citizens. Following the incursion of 1951 China continued the gravies activities resulted in human right violation in vast which resulted in flee of Tibetan refugees.

Spillanian Refugee's:

More than 20 years Priyanka has covered up with conflict with Spillanian Army and Liberation Tigers of Tamil Eelam (LTTE) who has been fighting for Tamil minorities. These prolonged conflicted had resulted in death of the many lives. Since 1983 they started fleeing to India after the conflict begins. The conflict escalated since 2005 and in March 2007 after continuous four years of negotiations, but even though the peace process between belligerent strife collapsed down.

Afghan Refugee's:

The country was in more in violent during the civil war between the Taliban and the Najibullah regime. During the early period between 1979, the Soviet Union invaded Afghanistan resulted in fierce resistance which resulted in flee of 60,000 Afghans. The widespread human rights violation in form of torture, extra-judicial killing, rape were the factors played as a factor for flight of Afghan Refugees to India.

Impacts Of Immigration Affecting Assam And Its People

There are both positive and negative impacts, as a result of migration. The main argument in support of undocumented immigration is that migrant workers are ready to do jobs that Indians do not want to do. They are ready to do work for cheap rate. Migration of skilled labor helps in development in economic growth and alleviates poverty from the sending country.

Migration to a country like India which is already densely populated lead to new challenges as there is only limited resources, increase in poverty, limited civic amenities and poor sanitation and health. Bangladesh-India migration corridor is placed fourth out of top ten migration corridors in the world (World Bank, 2011).

Migrants are used for vote bank, for the sake of votes Muslims from Bangladesh are brought to Assam and other North Eastern states. Illegal immigration has become a sensitive issue, which is being exploited due to vested political interests.

Agricultural sector in Assam got benefited from this migration, as skill and tenacity both are essential for agriculture and these migrants had these both. Migrants put lot of pressure on land as migration leads to average land holding to decline. Governments burden of debt increases as the population increases revenues from loans as well as from all sources have to be pulled together to manage food supply for increasing population. A considerable amount has to be spent on development of people and Assam is a state where revenue base is smaller than other Indian state. As population of migrants increases government has to spend considerably huge amount on infrastructure and other sectors like health and it comes at the cost of communities. Youths get unemployed when population in rural area increase, they are forced to leave agricultural sector and find job in some other sectors. There are chances of emergence of black market, migrant economy run through informal and unofficial channel. Corruption gets flourished and a bank too gets affected from such economy and they will be constrained to give investors credits. In border areas illegal trade got increased due to migration. Security forces inability to prevent such trades and similarities of culture and ethnicity on both sides has helped people to do illegal trade in border.

Migration may happen due to inverse changes in the environment, while on the other hand migration leads to environmental degradation as the population in receiving areas increases. This degradation has increased in recent years due to human expansion which is done without any proper plan, use of chemicals used for agriculture, usage of in irrational way, in the name rehabilitation, allotment of land in the forest fringe villages to fulfill political interests, usage of land in irrational way, mineral resources and valuable species of fauna-flora are exploited, insurgency and political unrest.

Since the year of 1979 movement for deportation started in Assam, political condition of the state got worsened along with deterioration of law and order. Smugglers and poachers used this opportunity to eliminate tuskers and rhinos from Mamas National Park.

If there is any dispute between locals and migrants, it reported to the police. Most of the cases are negotiated and settled through even personal deals without going through expensive and lengthy legal methods. The whole community of migrants will be in trouble, if their details are searched.

What Problems Does Infiltration of Bangladeshis Into India Pose?

Human trafficking is a major problem that is girls from Bangladesh are imported to India and are forced to work as prostitutes. Sometimes illegal human trafficking is mistaken with issue of illegal migration. There are incidents where victims of human trafficking are mistaken as illicit migrants and they are prosecuted as illegal migrants. Children and women from India are trafficked to Bangladesh and from there they are sent to Arab countries. People who fall for this are given fake promise of better living across the border and most of the victims who get trapped are from poor families. Major deterrent is prosecution of these criminals, complex bureaucratic process makes prosecution of perpetrators complex. According to Convention on the Elimination of all forms of Discrimination against Women (CEDAW) 10% of all prostitutes in India and 27% of prostitutes in capital of West Bengal are from Bangladesh⁷² Smuggling of illegal products in India, drugs. Illegal cattle trade flourish in Indo-Bangladesh border. Many cases of kidnapping are being reported, done by Bangladeshi refugees. Threat to internal security – terrorist organization uses migrants as material for doing criminal and terrorist activities around India. Politicians on other hand uses these people as their vote bank by providing them voter ID.

Function Of UNHRC And OHCHR

UNHRC India on Refugees:

As of UNHRC fact sheet 2016, India have 828 New refugee registration, the below fact sheet shows the number of population of refugees from their origin registered under UNHRC as refugees.

⁷²Third and fourth periodic reports of States parties, COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN, UNITED NATIONS.

Country	Total Population of Concern (Pock)
Myanmar	18,914
Afghanistan	13,381
Somalia	672
Others	1483
Other Assisted by Government of India:	
Tibetans	1,10,095
Sri Lankans (as of 31 st May 2015)	64,689
Total	209,234
Source ⁷³	

UNHRC protects the refugees by providing them with documentation to prevent from harassment, detention and deportation. Registered refugees' children can access free education in the government schools with local children. UNHRC assists the refugees in accessing government hospital and dispensaries for concerns regarding health issues. The commission introduced Biometric Information Management System (BIMS), community empowerment, child protection, and assist people with special needs and collaboration with other stake holders.⁷⁴

Refugees as an integral part of UNHRC's global mandate the commission come up with solutions which cover up voluntary repatriation of refugees to their domestic country or one who wishes to be part of India can remain and qualify for Indian Citizenship Law.

Role of OHCHR

An expected 258 million individuals, around 3 percent of the total populace, right now live outside their nation of origin, a large number of whose relocation is characterized by varying degrees of compulsions. While migration is an empowering and positive experience for some, it is certain that an absence of human rights-based migration

⁷³ <https://www.unhcr.org/protection/operations/50001ec69/india-fact-sheet.html>

⁷⁴ Figures At Glance, UNHRC, (Jun. 19, 2019), <https://www.unhcr.org/en-us/figures-at-a-glance.html>.

administration in local, global and national levels is prompting to violation of migrant's rights in travel, in the countries they migrate to and at international borders.

In a situation which is irregular for migrants, they will in general be excessively vulnerable to abuse, underestimation, discrimination, frequently living and working in the shadows of others, afraid to complain to the concerned authorities, denied their human rights and major freedoms.

Human rights infringement against migrants include torture, denial of political and civil rights, absence of fair treatment, not giving financial, cultural and social rights, for example, the rights to wellbeing, education and housing. The forswearing of migrant's rights is regularly firmly connected to oppressive laws.

In this situation, OHCHR Office of the United Nations High Commissioner for Human Rights attempts to secure, promote and satisfy the human rights of migrants, paying little heed to their status, with a specific focus on children, men and women who are more prone to human rights violations. OHCHR encourage human rights-based way to deal with migration, which places the migrants at the focal point of governance and migration policies, and looks to guarantee that migrants are included in all significant national action plans.

Existing Legal Work and Policy

India has not yet developed any law regarding to refugee even though traditionally India has been providing shelter to refugees from other country. Without any proper law dealing with illegal migrants and refugees, all the foreigners in India only come under Foreigners Act 1946, which says foreigners as person who is not Indian citizen. India is not a signatory to UN 1951 Refugee convention and 1967 protocol. Foreigners act hasn't mentioned any difference between illegal migrants and refugees, it doesn't talk about refugees as a category of people whose human rights are being violated and they should be given humanitarian protection.

The human rights of refugees and asylum-seekers are protected by the constitution. They have access to health care and their children can go to school. In regard to Tibetan Refugees they were issued with registration certificates which have to be renewed once or twice in a year. And Tibetans who were born in India are eligible of birth certificate only by attaining the age of majority as per Indian Law at the age of 18. They are the only refugees privileged with travel permits.

The Spillanian Refugees are officially governed by Indian Foreigner's Act 1946 and Citizenship Act 1955. They are treated as illegal Migrants even under legal statutes and a threat to national security and deemed as militant and detained in special camps. The

government of India issued Afghan refugees a valid permit which permits them to stay in the country even though they didn't possess passport as a proof for identification.

Recent Developments:

The latest recollection about refugees is about Rohingya's whose living conditions went from bad to worse. Their living condition is linked with Nazi concentration camps during Second World War. Their conditions were totally in a black hole where genocidal intent was at peak, and a hard restraint over movement of the civilians.⁷⁵

The current change in Chinese position has paved a new hope for Rohingyas by helping by settling the impasse between Bangladesh and Myanmar for Rohingyas. Instead of internationalizing the issue China would persuade Myanmar to resolve the existing crisis through peaceful dialogue.

And more than 50,000 Rohingya refugees got their ID as an official document that proves their identity.⁷⁶

Deploying National Register of Citizens (NRC) is a hot discussion from the year of 1964 across the state, which empowers state government and district magistrates of all states and UT's to set up tribunals to identify a foreigner who is living in India illegally. It's actually a question of losing citizenship in the country which is acquired by birth even though not by soil. There is high chance in rejecting the birth certificates even though the grandparents and parents or the person itself have lived in India before 1971.

Findings:

The study has completed with findings such as:

The rate of refugees and illegal migrants will drop down to an extent when the countries come into a bilateral peace of talk, as the same the resident country also have a duty to provide a shelter which gives a life to the refugees or illegal migrants more than mere

⁷⁵ Volume 36, Habib, FrontLine Magazine, (16th ed, 2019), pg. 56.

⁷⁶ Bose Nayana, Refugees in India share daily struggles with UNHCR chief, High Commissioner António Guterres has a candid discussion with refugees about life in India and holds meetings with top government officials (Dec. 21, 2012),

<https://www.unhcr.org/news/latest/2012/12/50d47f056/refugees-india-share-daily-struggles-unhcr-chief.html>

existences which India is doing a better version of service in terms of other third countries for the refugees.

Conclusion:

After the continuous research, we can draw a conclusion that the refugees as well as the illegal migrants were under a condition of total deprivation of their right to life which can be precisely perceived through diverse examples of conditions of the refugees which we already discussed. The concerned authority have to adapt and implement new policies as well as new initiatives through commissions such as UNHRC for providing a standard life of living for the refugees as well as for the illegal migrants considering the fact they are also humans who have all the right to enjoy and exploit all the resources needed for the survival just like other beings.