

BOOK REVIEW

HUMAN RIGHTS AND REFUGEES : PROBLEMS, LAWS AND PRACTICES. By Manik Chakrabarty. New Delhi : Deep & Deep Publications Pvt. Ltd., 1998. Rs. 500/-, ISBN 81-7100-987-5.

The flight of people in quest of refuge is as old as history and so are the inevitable sufferings of the up-rooted and homeless. Forced by man's inhumanity to man, to flee the ravaged lands of their birth, they are in search of a dignified existence, following only one law—the law of survival. Refugees are human beings undergoing traumatic experiences. Wars and many other military and political conflicts have brought in their wake a countless number of uprooted, including millions of refugees in search of new homes. The international legal regime for the protection of refugees evolved and developed after the end of the second world war and the establishment of the United Nations, in order to cater primarily to the situation of refugees displaced from their home countries by the war.

The book under review is an authoritative work on refugee. It contains seven chapters including introduction and conclusion. In the first chapter 'Introduction' the author gives an introductory remark on the problems of refugees by giving some historical backgrounds, referring to international conventions on refugees, discussing the role of United Nations High Commissioner for Refugees (UNHCR) and raising certain controversial questions which have been answered by him in the following chapters.

Chapter II of the book deals with international human rights laws. In this chapter, the author refers *inter alia* to rights proclaimed in the Universal Declaration of Human Rights, two international covenants of December 1966—International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, Convention relating to the Status of Refugees 1951 and Protocol 1967, Convention relating to the Status of Stateless Persons of 1954. The author also refers to the Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa of 1969 and African Charter on Human and Peoples Rights, 1981 etc.

These conventions and many others have been referred to in the context of refugees. However, the author has failed to discuss the rights mentioned in these conventions in an elaborate manner. Only a birds eye view has been given to these significant Conventions in this chapter.

In third chapter entitled "Determination of Refugee Status : Analysis and Applications", the author deals with brief historical outline of the evolution of the refugee definition. The author examines "refugee" as defined by the various international instruments. The author further discusses the problems concerning the determination of the refugee status and how this status is terminated. The author in this chapter, does not discuss the problems of internal refugees who have moved from one part of the State to another. The discussion is confined only to the international political refugees, who move from one State to another.

According to author, the 1951 United Nations Refugee Convention, an important instrument in the development of refuge law does not suit the present situations. On the issue of who exactly merits protection under international refuge law, the author suggests a two-fold approach. First, more specific criteria must be developed, in order to eliminate the ambiguities of the 1951 Convention definition as far as possible and second, the Convention definition must be applied uniformly. According to author though the Convention, may not provide an answer to many of today's problems, but it should not be a reason for questioning its basic value in the sphere for which it was intended.

In chapter four, the author gives a survey of international humanitarian assistance for refugees. According to author, the number of people of concern to UNHCR has increased in recent years: 17 million in 1991, 23 million in 1993 and more than 27 million at the beginning of 1995. The author writes further that the total voluntary funds expenditure related to 1992 activities amounted to \$ 1701. 9 million and in terms of volume of activities and related expenditure 1992 therefore represented a record year in UNHCR's history. The author also discusses the regional assistance programmes of UNHCR. Once again the author has failed to update data.

In fifth chapter, the author discusses Indian position on legal status of refugees. According to author, as of 31st August 1996, there were some 2,38,000 refugees in India comprising 1,08,000 Tibetans; 56,830 Sri Lankans; 53,465 Chakmas from Bangladesh; 18,662 Afghans; and 1043 refugees of other nationalities. In addition, there were also considerable number of Bhutanese of Nepali origin and Burmese.

The author points out that India is neither a party to the 1951 UN Convention on Refugees, nor its 1967 Protocol. Further, there is no Indian law establishing asylum or refugees status. The Government of India handles refugee matters administratively, according to internal domestic and bilateral political and humanitarian considerations. UNHCR has no formal status in India and it is usually permitted to deal only with nationals

from countries not bordering India. According to author, India does not offer permanent resettlement to refugees. Law dealing with refugee problems in India consists of the Rehabilitation Finance Administration Act, 1948, the Constitution of India, the Foreigners Act, 1946, the Registration of Foreigners Act, 1939, the Extradition Act, 1962, the Passport Act, 1967 and a few decisions of the Supreme Court and various High Courts.

In the sixth chapter entitled "Humanitarian Assistance for Refugees in India", the author discuss in detail the humanitarian assistance given to refugees from Tibet, East Pakistan, Sri Lanka, Chakma refugees from Bangladesh, Afghan refugees, Iranian refugees and Burmese refugees who came to India from time to time.

According to author, Indian philosophy is a universal philosophy of love, compassion and brotherhood, and it is therefore, despite its failure to ratify the 1951 Refugees Convention and the Protocol of 1967, India fulfilled its international obligation by providing all kinds of protection to the refugees who entered into its territory.

The author concludes his study by suggesting that Indian Government should now seriously consider to establish a permanent mechanism and procedure for handling the refugee issues in India based on a solid legal framework. It should ratify the 1951 Refugee Convention to play a rightful role in the shaping of enduring global policy towards refugees.

The book under review is a good effort by the author on an important subject which has gained tremendous significance throughout the world in the recent past. However, the author has failed to update his data at some places. It is expected therefore, that the author will go in many future editions of the book by updating his data and covering the latest developments.

Needless to say that the book is useful for law professors, judges, advocates, researchers, law students and others. It is worth keeping in all the libraries. The book has been priced at a very reasonable price of Rs. 500/-. It is highly praiseworthy on the part of the publishers Deep & Deep Publications Pvt. Ltd. who have beautifully published the book on a topical issues.

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