



# **NUJS LEGAL AID SOCIETY**

## **5<sup>TH</sup> ANNUAL NATIONAL CONFERENCE ON**

### **PROTECTION OF REFUGEES IN INDIA: AN END TO LAWLESS PERSECUTION**

# CONCEPT NOTE

## INTRODUCTION

The West Bengal National University of Juridical Sciences (NUJS) is one of the premiere national law schools of India, and in its short existence has contributed immensely to the legal fraternity. As a centre for legal research and dissemination of legal knowledge, the University has always aimed to promote amongst its students a justice oriented model of legal education, respect for fellow citizens and an involvement in activities and research to make law and the legal process an efficient instrument of social development. To fulfil this objective effectively, the University has established various vibrant and dynamic specialized centres to undertake dedicated research and campaign for promoting and developing a specific sphere of law.

The Legal Aid Society (LAS) is one such functionary which is responsible for the administration of programs and activities for promotion of universal access to justice and legal aid. This society has been a frontrunner in engaging the student body to use their knowledge of law and the legal practice to provide free legal aid to the poor and underprivileged.

The LAS undertakes various activities such as organizing Awareness Camps, in rural and tribal areas, providing free legal service to inmates of correctional homes and victims of natural disaster, filing public interest litigations on burning social issues and undertaking action research projects to increase access to justice for common citizens. In addition to this, the LAS also has tie ups with various NGOs and International Organizations, such as Apne Aap Women's Worldwide, Human Rights Law Network (HRLN), International Justice Mission (IJM) and Commonwealth Human Rights Initiative (CHRI). The LAS aids these organizations by conducting research for their cases or projects as well as joining them on field visits.

This year, the LAS has focused its attention of the problems and troubles faced by a extremely marginalized section of society, in India: Refugees. **The Legal Aid Society of National University of Juridical Sciences, Kolkata, hereby invites you to participate on its 5<sup>th</sup> Annual National Conference on "Protection of Refugee Rights in India: An End to Lawless Persecution."**

## THE IDEA

India is home to nearly 190,000 refugees originating from various countries around the world. Yet, refugee protection in India is regulated solely at policy level by national administrative authorities. India is neither a party to the 1967 Protocol of the 1951 Refugee Convention nor has it adopted a national refugee legislation. Due to the absence of a codified protection strategy or a specific national law on aliens; refugee rights in our country are highly ambiguous. As of now, there is no law that distinguishes between refugees and foreigners, in our country. Thus, there is a clear lacuna within the law which requires immediate action and attention. In this conference the NUJS Legal Aid Society propose to debunk three separate advances of our government towards refugee protection.

- a) National initiatives of our central and state governments.
- b) Implementation of UNHCR's guidelines on the issue.
- c) The role of the judiciary in creating stop gap measures for the same.

Through this exercise, we wish to emphasize our stance on the matter; that India must develop its own Refugee Protection Laws.

## THROUGH THE LOOKING GLASS

The agenda of this conference shall be divided into two parts. The first issue which we will deal with will be the arbitrariness in the legal status and entitlements of refugees in India due to inadequate ad hoc mechanisms. This is in clear contradiction of the international standard set for humane and right-based treatment of refugees. Secondly, we shall look into whether the enactment of national refugee law could solve the problems faced by refugees in our nation by striking a balance between refugee protection, security concerns, economic constraints and so on.

The layout of the Conference will be in the form of a three-day event divided into a number of sessions focusing on specific issues related to the overall theme.

We shall extensively deal with The UNHCR Refugee Convention and Protocol relating to the Status of Refugees. This will be in the form of an academic exercise in order to scrutinize India's stance in light of its obligations *viz-a-viz* the international conventions and covenants it is a signatory to.

On the policy end, we shall tackle the reasons put forth by the government for its inactivity in this regard and examine their validity.

Further, we shall also consider the Indian government's Constitutional obligations and whether these have been adequately adhered to. Various local laws which deal with aliens in India shall be analyzed to depict the inherent vulnerability of this section of people within our country.

We shall also rightly acknowledge the role played by Non-governmental Organizations and other International Aid Organizations in helping refugees and creating forums of redressed. These organizations have been pressurizing the government to take the necessary action to create a substantive law with regard to refugee protection. Their knowledge and experience will be instrumental in our deliberations.

As a legal aid initiative, it is imperative to discuss at length the role of the higher judiciary in this matter. The Apex Court in a number of cases has enforced a right-based regime in order to rehabilitate refugees within our country. However, the Courts have not challenged or even interfered with the insubstantial policies of the executive. One of the main aim of this conference is to gauge whether the judgments of the Supreme Court and various High Courts across the country have had any real impact on the Indian socio-political scenario.

### CALL FOR PAPERS

Pursuant to our goal of sparking off an academic quest for a Nation Refugee Protection Law; the LAS is inviting papers for presentation at the conference. The following is an indicative list of themes for presenting papers:

- Refugees and Stateless Persons
- Legal Aid for Refugees: Institutional Infrastructure
- Possibility of Partnerships in Protection of Refugee rights -
- Migration Trends - International Best Practices -
- Role of Non-state entities in Refugee Protection
- Operational Challenges in Refugee Protection: Administrative and Policy Perspective
- Risk relating to resettlement and rehabilitation of refugees
- Forced Returns Policy and its viability in the Indian context.

- Climactic migration
- India's passive refusal to grant refugee status to Rohingya and Afghan immigrants.

The guidelines for the paper presentation are as follows:

1. Co-authorship is allowed for up-to 2 authors per submission.
2. The papers sent should be original and unpublished.
3. Any uniform style of footnoting can be adhered to.
4. The prescribed upper word limit is 3000 (exclusive of footnotes).
5. The submission must contain a cover page, including the names of the author, the name of the institution and the title of the paper.
6. A separate abstract of approximately 300 words must be provided for the article.
7. All submissions should be made to [legalaiddconference5@gmail.com](mailto:legalaiddconference5@gmail.com).

Accommodation and local hospitality will be provided to authors whose papers are selected for presentation at the conference.

### **DETAILS & DEADLINES**

Venue:

The West Bengal National University of Juridical Sciences,

Dr. B.R. Ambedkar Bhawan,

12, LB Block, Sector III, Salt Lake City,

Kolkata- 700098.

Deadline for submission of Articles: 16 January 2015

Date of publication of list of Selected Candidates: 23<sup>rd</sup> January 2015

Date of Conference: 27<sup>th</sup> February to 1<sup>st</sup> March 2015

## LAS CONTACTS

For further details or clarifications, please feel free to contact us.

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