

The Legacy of Post-Colonial Nation-Building Process and Its Impact on the Protracted Refugee Situation in India

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The cross-border movements of aliens to India are mainly encompassed by ethnic and religious trajectories of the Nation-building processes which have resulted in a Protracted Refugee Situation (PRS). PRS is a situation in which refugees find themselves in a long-lasting state of limbo, followed by their unfulfilled desires. In relation to this, colonial mandates like the 'Divide-and-Rule' policy that was later propagated by post-intendent leaders of the country laid a definite ground to create two independent states namely, Pakistan and Bangladesh. Significantly, the influxes of refugees surged in 1947, 1971, 1983, 2012, and 2021 due to the partition of India (1947-1971), the rise of terrorism in Sri Lanka (1983), the entry of Rohingyas from Bangladesh to India (2012) and resurgence of Taliban in Afghanistan (2021). In this setting, archaic colonial laws such as the 'Foreigners Act' has not yet contributed to offering specific protection for conflict-induced refugees, which anyway explicit the distorted ideals of secularism. Though India is not a signatory to the 1951 Convention Relating to the Status of Refugees or the 1967 protocol relating to the status of refugees, the country has acceded to the United Nations Declaration on Territorial Asylum (1967), The International Covenant on Civil and Political Rights and their membership of the Executive Committee of the United Nations High Commissioner for Refugees which indicates their obligations to foster and respect international law in line with their international obligations which has furthered by Article 51(c) of the Constitution of India. Nevertheless, the Citizenship Amendment Act (CAA) passed by the parliament in 2019 to grant Citizenship to Hindus, Sikhs, Buddhists, Jains, Parsis and Christians who had come from Bangladesh, Afghanistan, and Pakistan except Muslims mainly undermines those universally accepted principles on the refugee protection. Within this context, the qualitative methodology will be used in this study to analyse dependent and independent variables of the study. It means the post-colonial nation-building process of India will be considered as the independent variable and the PRS will be reflected as the dependent variable. The required data will be collected from both primary and secondary sources.

Keywords: *protracted refugee situation, divide-and-rule policy, foreigners act, secularism, citizenship amendment act*