



**THE  
REFUGEES AND ASYLUM SEEKERS  
(PROTECTION) BILL, 2006**

**A REVISED PROPOSAL FOR THE  
MODEL NATIONAL LAW ON REFUGEE PROTECTION**

**THE PUBLIC INTEREST LEGAL SUPPORT AND RESEARCH CENTRE**

# THE REFUGEES AND ASYLUM SEEKERS (PROTECTION) BILL, 2006

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**THE  
REFUGEES AND ASYLUM SEEKERS (PROTECTION) BILL, 2006**

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A

BILL

*to provide for the establishment of an effective system to protect refugees and asylum seekers through the appointment of the Commissioner of Refugees and the constitution of the Refugee Appellate Board to independently determine claims for asylum and, by providing necessary social and economic protection both before and after the grant of asylum.*

WHEREAS, the Constitution requires treating all persons in a fair and just manner consistent with the guarantees of equality, fairness and due process of law;

AND WHEREAS, India has a long tradition and experience of dealing with refugees in a responsible and humane way;

AND WHEREAS, India has acceded to all major international human rights instruments and respects international law and human rights norms including the principle of non refoulement;

AND WHEREAS, there is a need to work together with national and international organisations engaged in refugee related work;

AND WHEREAS, India recognises the rights of refugees and asylum seekers to live a dignified life free from persecution;

AND WHEREAS, there is a need for an appropriate legal framework to consolidate the varied practices and norms applicable to refugees and asylum seekers in India;

BE IT ENACTED by Parliament in the fifty-sixth year of the Republic of India as follows –

## CHAPTER I PRELIMINARY

**1. Short title, extent and commencement.** – (1) This Act may be called the Refugees and Asylum Seekers (Protection) Act, 2006.

- (2) It extends to the whole of India.
- (3) It shall come into force at once.

**2. Definitions.** – In this Act and in any rules made thereunder, unless the context otherwise requires,

- (a) “Applicant” means an asylum seeker who has filed an application for asylum in India under this Act;
- (b) “Application for asylum” means an application for the grant of asylum in India made under section 8 of this Act;
- (c) “Asylum” means the right of a refugee to remain in India following the acceptance of his application for asylum by the Commissioner or Refugee Appellate Board;
- (d) “Asylum seeker” means a person who seeks a grant of asylum to be recognised and protected as a refugee in India;
- (e) “Authorised person” means the person authorised to receive an application for asylum;
- (f) “Commissioner” means the Commissioner of Refugees appointed under section 12 of this Act, and includes any Deputy Commissioner;
- (g) “Country of origin” means the refugee’s or asylum seeker’s country of nationality, or, if he has no nationality, the country of his former habitual residence;
- (h) “Mass influx” means a situation where considerably large numbers of people from a specific country or geographical area, fleeing the conditions described in section 4 of this Act arrive at, or cross, an international border of India, within a short period of time;
- (i) “Member” means a member of the Refugee Appellate Board and includes the Chairperson thereof;
- (j) “Minister” means the Minister of the Central Government for the time being responsible for refugees;
- (k) “Refugee” means a person whose application for asylum has been accepted or who has been declared to be a refugee by the Central Government under section 25 of this Act and includes dependants of persons determined or declared to be refugees;
- (l) “Serious non-political offence” means any offence listed in the Schedule of this Act;
- (m) “UNHCR” means the organisation created pursuant to the resolution of the United Nations General Assembly numbered 319 (IV) and dated 3 December 1949.

**3. Principles applicable to refugee protection.** – In exercising the powers conferred by this Act, regard shall be had to the following considerations, namely –

- (a) that all genuine refugees and asylum seekers who enter India, whether directly from their country of origin or indirectly, are entitled to asylum;
- (b) that the decision to grant asylum is a humanitarian act that should be made without political considerations;
- (c) that the determination of applications for asylum must be by a fair and transparent system that must abide at all times with the norms of due process;
- (d) that asylum seekers are entitled to interim legal protection before a final decision on asylum is reached;
- (e) that refugees are extremely vulnerable communities deserving of social and economic protection, both during the period during which their status as a refugee is being determined and after such status is accorded to them;
- (f) that care has to be ensured that no person is expelled, extradited, deported or returned to any place in respect of which they have a well founded fear of persecution;
- (g) that following the recognition of a refugee's status, appropriate solutions for the dignified rehabilitation of such refugee and his family or those dependant upon such refugee should be made as expeditiously as possible;
- (h) that the safe and dignified repatriation of a refugee to his country of origin is conducted only after ensuring that the decision to repatriate is voluntary and informed.

## **CHAPTER II**

### **PRINCIPLES OF REFUGEE STATUS**

**4. Persons who are refugees.** – Subject to the provisions of this Act, a refugee is a person who,

- (a) is outside his country of origin and is unable or unwilling to return to, or is unable or unwilling to avail himself of the protection of, that country because of a well-founded fear of persecution on account of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion; or
- (b) owing to external aggression, occupation, foreign domination, serious violations of human rights or other events seriously disrupting public order in either a part or whole of his country of origin, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin:

Provided that in the case of a person who has more than one nationality, the term "country of origin" shall mean each of the countries of which he is a national.

*Explanation.* – In the determination of an application for asylum, it is not necessary that the well-founded fear of persecution referred to in sub-section (a) of this section or the compulsion to leave referred to sub-section (b) of this section should be caused solely by the government, or its instrumentalities, of the country of origin.

**5. Persons who shall not be refugees.** – (1) A person shall not be a refugee for the purposes of this Act if,

(a) he has been convicted of a crime against peace, a war crime or a crime against humanity, in accordance with the applicable principles and rules of international law, or

(b) he has committed a serious non-political crime as specified in the Schedule, outside India prior to his or her admission into India as a refugee.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other serious non-political crime or omitting therefrom any serious non-political crime already specified therein and on the publication of such notification, such serious non-political crime shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

**6. Persons who shall cease to be refugees.** – A person shall cease to be a refugee for the purposes of this Act if,

(a) he can no longer refuse to avail himself of the protection of the country of his nationality because the circumstances in respect to which he was recognised as a refugee have ceased to exist; or

(b) he voluntarily re-avails himself of the protection of the country of his origin; or

(c) he has become a citizen of India; or

(d) he has acquired the nationality of some other country and enjoys the protection of that country; or

(e) he has voluntarily re-established himself in the country which he left, or outside which he remained owing to fear of persecution.

**7. General prohibition against refusal of entry, expulsion, extradition, deportation, return etc. and provisions for removal from India.** – (1) Notwithstanding anything contained in this Act or any other law for the time being in force, no person may be refused entry into India, expelled, extradited, deported

or returned to any other country or be subject to any similar measure if, as a result of such refusal, expulsion, extradition, deportation, return or other measure, such person is compelled to return to or remain in a country where –

- (a) he may be subjected to persecution on account of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion, or,
- (b) his life, physical safety or freedom would be threatened on account of external aggression, occupation, foreign domination, serious violations of human rights or other events seriously disrupting public order in either part or whole of that country.

(2) Subject to sub-section (1) of this section, a refugee or asylum seeker may be removed from India only if,

- (a) he has been convicted by a final judgement of a crime against peace, a war crime or a crime against humanity and constitutes a danger to the community; or
- (b) the Minister has certified, after providing the refugee or asylum seeker adequate opportunity to be heard, that there are reasonable grounds to believe that such refugee or asylum seeker is a threat to the sovereignty and integrity of India; or
- (c) his application for asylum has been finally denied; or
- (d) he has been granted asylum erroneously on an application or appeal which contains any materially incorrect or false information, or was so recognised due to fraud, forgery, a false or misleading representation of a material or substantial nature in relation to the application; or
- (e) he is excluded from being a refugee in terms of section 5 of this Act; or
- (f) he has ceased to be a refugee in terms of section 6 of this Act:

Provided that the removal of a person on the grounds specified in clauses (d), (e) or (f) of this sub-section shall be effected only after the person has been duly informed of the intention of the Central Government to remove him and such person has been given the opportunity, within such time and in such manner as may be prescribed, to make a written submission with regard thereto.

(3) If an order is made for the removal of a refugee or asylum seeker from India, any dependant of such refugee or asylum seeker who has not been granted asylum may be included in such an order and removed from India if such dependant has been afforded a reasonable opportunity to make an application for asylum but has failed to do so or if his application for asylum has been denied.

(4) The Central Government may, by an order in writing, cause any refugee or asylum seeker ordered to be removed from India to be detained pending his removal from India.



(5) An order of removal can be made only by the Minister in writing and must afford reasonable time to the refugee or asylum seeker concerned to obtain approval from any country of his own choice, for his removal to that country.

### **CHAPTER III**

#### **PROCEDURE TO APPLY FOR ASYLUM**

**8. Application for asylum.** – (1) An asylum seeker shall be entitled to make an application for asylum addressed to the Commissioner in such manner as may be prescribed.

(2) A police officer or any other person exercising powers under the Foreigners Act, 1946, shall, upon intercepting an asylum seeker seeking entry into India at any port of entry or international border, assist the asylum seeker to make an application for asylum in the prescribed manner to an authorised person.

(3) An application for asylum must be made within fifteen days following the asylum seeker's entry into India.

Provided that the Commissioner may extend the period for making an application if he is satisfied that the asylum seeker was prevented for sufficient reasons from filing the application.

(4) No asylum seeker shall be subject to any penalty on account of his unauthorised entry into, or presence in, India until his application for asylum has been finally disposed off.

**9. Commissioner to determine application for asylum.** – (1) The Commissioner shall examine every application for asylum and, after giving an opportunity to the applicant to be heard, and after making such further inquiry as it thinks fit, determine whether the applicant is entitled to be recognised as a refugee under this Act.

(2) During the hearing under sub-section (1) of this section, the applicant shall be informed of and provided with, if he so desires, the services of a competent interpreter, adequate opportunity to present evidence in support of his case, the opportunity to contact a representative of the UNHCR and the assistance of a legal practitioner of his choice.

(3) The Commissioner must, at the conclusion of the hearing, either grant or deny asylum to the applicant.

**10. Appeal to lie to the Refugee Appellate Board.** – (1) Any person aggrieved by a decision of the Commissioner made under this Act may, within such period and in such manner and form as may be prescribed, prefer an appeal to the Refugee Appellate Board.

(2) On receipt of an appeal under sub-section (1) of this section, the Refugee Appellate Board may, after giving an opportunity to the appellant to be heard, and

after making such further inquiry as it thinks fit, confirm, modify or set aside the decision of the Commissioner.

(3) During the hearing specified in sub-section (2) of this section, the appellant shall be entitled to all the rights set out in sub-section (2) of section 9 of this Act.

(4) The decision of the Refugee Appellate Board shall be final.

**11. Decision to be reasoned.** – (1) All decisions of the Commissioner and Refugee Appellate Board, whether on an application or petition or otherwise, shall contain the reasons in writing for arriving at the decision, and a copy of the same shall be furnished to the applicant.

(2) The decisions, judgements, decrees or orders of the Commissioner and Refugee Appellate Board shall be published.

#### **CHAPTER IV CONSTITUTION, FUNCTIONS AND POWERS OF AUTHORITIES**

**12. Appointment of the Commissioner of Refugees and Deputy Commissioners of Refugees.** – (1) With effect from such date as the Central Government may, by notification, appoint, there shall be appointed by the President, by warrant under his hand and seal, a Commissioner of Refugees and as many Deputy Commissioners of Refugees as may be necessary to exercise the jurisdiction and powers and discharge the functions and duties conferred or imposed upon them by or under this Act.

(2) The appointment of the Commissioner of Refugees and the Deputy Commissioner shall be made only after consultation with the Chief Justice of India.

(3) The Commissioner shall be a person who has been a Judge of a High Court.

(4) The Deputy Commissioner shall be qualified to be a Judge of a High Court.

**13. Constitution of Refugee Appellate Board.** – (1) The Central Government shall, by notification, constitute, with effect from such date as may be specified therein, an appellate authority to be called the Refugee Appellate Board consisting of a Chairperson and not more than two other Members, to be appointed by the President, by warrant under his hand and seal, to exercise the jurisdiction and powers and discharge the functions and duties conferred or imposed upon them by or under this Act.

(2) The Chairperson shall be a person who has been a Judge of the Supreme Court:

Provided that the appointment of the Chairperson shall be made only after consultation with the Chief Justice of India.

(3) One Member of the Refugee Appellate Board shall be a person who is or has been a Judge of a High Court:

Provided that no sitting Judge of a High Court shall be appointed except after consultation with the Chief Justice of India.

(4) One Member of the Refugee Appellate Board shall be a person of ability, integrity and standing who has a special knowledge of, and professional experience of not less than ten years in refugee law and policy.

**14. Term of office, conditions of service, etc. of Commissioner, Chairperson and other Members.** – (1) Before appointing any person as the Commissioner, Chairperson or other Member, the President shall satisfy himself that the person does not and will not, have any such financial or other interest as is likely to affect prejudicially his functions as such Commissioner, Chairperson or Member.

(2) The Commissioner and every Member shall hold office for such period, not exceeding five years, as may be specified by the President in the order of his appointment, but shall be eligible for reappointment:

Provided that no person shall hold office as the Commissioner or Member after he has attained the age of sixty-seven years.

(3) Notwithstanding anything contained in sub-section (2) of this section, the Commissioner or any Member may –

- (a) by writing under his hand and addressed to the President resign his office at any time;
- (b) be removed from office in accordance with the provisions of section 15 of this Act.

(4) A vacancy caused by the resignation or removal of the Commissioner or Member under sub-section (3) of this section shall be filled by fresh appointment.

(5) In the event of the occurrence of a vacancy in the office of the Commissioner or Chairperson, such one of the Deputy Commissioners or, as the case may be, other Members, as the President may, by notification, authorise in this behalf, shall act as the Commissioner or Chairperson, till the date on which a new Commissioner or Chairperson, appointed in accordance with the provisions of this Act, to fill such vacancy, enters upon his office.

(6) When the Commissioner or Chairperson is unable to discharge his functions owing to absence, illness or any other cause, such one of the Deputy Commissioners or, as the case may be, Members, as the Commissioner or Chairperson may authorise in writing in this behalf shall discharge the functions of

the Commissioner or Chairperson, till the date on which the Commissioner or Chairperson resumes his duties.

(7) The salaries and allowances payable to and the other terms and conditions of service of the Commissioner and Members shall be such as may be prescribed:

Provided that neither the salary and allowances nor the other terms and conditions of service of the Commissioner and any Member shall be varied to his disadvantage after his appointment.

(8) The Commissioner and Members ceasing to hold office as such shall not hold any appointment under the Government of India or under the Government of any State for a period of five years from the date on which he ceases to hold such office.

**15. Removal of Commissioner and Members from office in certain circumstances.** – (1) The President may remove from office the Commissioner or any Member, who –

- (a) is adjudged an insolvent; or
- (b) engages during his term of office in any paid employment outside the duties of his office; or
- (c) is unfit to continue in office by reason of infirmity of mind or body; or
- (d) is of unsound mind and stands so declared by a competent court; or
- (e) is convicted for an offence which in the opinion of the President involves moral turpitude; or
- (f) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member, or
- (g) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) Notwithstanding anything contained in sub-section (1) of this section, neither the Commissioner nor any Member shall be removed from his office on the ground specified in clause (f) or clause (g) of that sub-section unless the Supreme Court on a reference being made to it in this behalf by the President, has on an inquiry held by it in accordance with such procedure as it may specify in this behalf, reported that the Commissioner or Member ought, on such grounds, to be removed.

**16. Functions of the Commissioner.** – (1) The Commissioner may inquire, *suo moto* or on a petition presented to him either by an asylum seeker or by someone acting on his behalf, in respect of any matter connected with the grant of asylum, or the conditions under which such an asylum may be determined, or the detention of an asylum seeker, or any conditions or consequent orders to be passed

following the determination of asylum or any other order passed under this Act; and give such directions or pass such orders as are necessary for reasons to be recorded in writing.

(2) The Commissioner may authorise any Deputy Commissioner to carry out his functions under this Act.

**17. Functions of the Refugee Appellate Board.** – (1) The Refugee Appellate Board may, *suo moto* or on the presentation of an appeal, examine and review any decision, judgement, decree or order of the Commissioner.

(2) Subject to the provisions of any rules prescribed in this behalf by the Central Government, the Refugee Appellate Board shall have the power to review any decision, judgement, decree or order made by it.

(3) In the exercise of its functions under this Act, the Refugee Appellate Board shall give such directions or pass such orders as are necessary for reasons to be recorded in writing.

**18. Secretary, officers and other employees of Commissioner or Refugee Appellate Board.** – (1) The Central Government shall appoint a Secretary to the Commissioner and a Secretary (by whatever name called) to the Refugee Appellate Board to exercise and perform, under the control of the Commissioner or, as the case may be, Chairperson, such powers and duties as may be prescribed or as may be specified by the Commissioner or Chairperson.

(2) The Central Government may provide the Commissioner and the Refugee Appellate Board with such other officers and employees as may be necessary for the efficient performance of the functions of the Commissioner and the Refugee Appellate Board.

(3) The salaries and allowances payable to and the conditions of service of the Secretary and other officers and employees of the Commissioner and the Refugee Appellate Board shall be such as may be prescribed.

**19. Salaries, etc. be defrayed out of the Consolidated Fund of India.** – The salaries and allowances payable to the Commissioner and Members and the administrative expenses, including salaries, allowances and pension, payable to or in respect of the officers and other employees of the Commissioner and the Refugee Appellate Board shall be defrayed out of the Consolidated Fund of India.

**20. Vacancies, etc. not to invalidate proceedings of Commissioner and the Refugee Appellate Board.** – No act or proceeding of the Commissioner, or, as the case may be, the Refugee Appellate Board shall be questioned on the ground merely of the existence of any vacancy or defect in the appointment of the Commissioner and the constitution of the Refugee Appellate Board or any defect in the appointment of a person acting as the Commissioner or Member of the Refugee Appellate Board.

**21. Members and staff of Commissioner and Refugee Appellate Board to be public servants.** – The Commissioner and Members and other employees of the Commissioner and the Refugee Appellate Board shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

**22. Location of the office of the Commissioner and Refugee Appellate Board.** – The offices of the Commissioner and the Refugee Appellate Board shall be in New Delhi or any other location as directed by the Commissioner, or, as the case may be, Chairperson, in consultation with the Central Government.

**23. Procedure to be followed by the Commissioner and Refugee Appellate Board.** – (1) Subject to the provisions of this Act, the Commissioner, or, as the case may be, Chairperson of the Refugee Appellate Board shall have powers to regulate –

- (a) the procedure and conduct of business;
- (b) the delegation to one or more Deputy Commissioners or Members of such powers or functions as the Commissioner or, as the case may be, Refugee Appellate Board, may specify.

(2) In particular and without prejudice to the generality of the foregoing provisions, the powers of the Commissioner or, as the case may be, the Refugee Appellate Board, shall include the power to determine the extent to which persons interested or claiming to be interested in the subject-matter of any proceeding before it may be allowed to be present or to be heard, either by themselves or by their representatives or to cross-examine witnesses or otherwise take part in the proceedings.

Provided that any such procedure as may be prescribed or followed shall be guided by the principles of natural justice.

(3) The Commissioner and Refugee Appellate Board shall, for the purposes of any inquiry or for any other purpose under this Act, have the same powers as vested in a civil court under the Code of Civil Procedure, 1908, while trying suits in respect of the following matters, namely –

- (a) the summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) the discovery and production of any document or other material object producible as evidence;
- (c) the reception of evidence on affidavit;
- (d) the requisitioning of any public record from any court or office;
- (e) the issuing of any commission for the examination of witnesses; and,
- (f) any other matter which may be prescribed.

**24. Proceedings before Commissioner or Refugee Appellate Board to be judicial proceedings.** – The Commissioner and the Refugee Appellate Board shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 and every proceeding before the Commissioner or the Refugee Appellate Board shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code.

## **CHAPTER V PROVISIONS RELATED TO MASS INFLUX**

**25. Powers of the Central Government with respect to mass influx situations.** – (1) The Central Government may, by notification in the Official Gazette, declare such group or category of persons in a mass influx to be refugees.

(2) Those persons who have crossed an international border as part of a mass influx but are not declared to be refugees by the notification of the Central Government under sub-section (1) of this section shall be allowed to make an application for asylum under section 8 of this Act.

**26. Registration of mass influx refugees.** – (1) The Central Government may cause all mass influx refugees notified under section 25 of this Act to register their names in such form and manner as may be prescribed.

(2) A refugee who has registered his name in accordance with sub-section (1) of this section shall be issued an identity card in the form and manner as may be prescribed which shall entitle him to all of the rights set out in section 31 of this Act.

**27. Special provisions with regard to movement etc.** – (1) The Central Government may, by order, impose reasonable restrictions on the movement or location of mass influx refugees.

(2) The Central Government may, by an order in writing, cause any refugee found violating the restrictions imposed under sub-section (1) of this section to be detained:

Provided that nothing in this section shall impair the right of a refugee to seek and enter employment outside the designated area in such manner as may be prescribed:

Provided further that nothing in this section shall apply to any refugee who has been granted asylum in India following an application for asylum made under section 8 of this Act.

**28. Revocation of a mass influx situation.** – (1) The Central Government may, by notification in the Official Gazette, extend, alter, substitute or revoke a notification concerning mass influx refugees made under section 25 of this Act:

Provided that any action revoking or altering the refugee status of mass influx refugees shall be reviewed by the Refugee Appellate Board.

## **CHAPTER VI PROVISIONS RELATED TO VOLUNTARY REPATRIATION**

**29. Provisions for voluntary repatriation.** – (1) Subject to the provisions of this Act, the Central Government may repatriate refugees to their country of origin.

(2) A refugee who wishes to be voluntarily repatriated to his country of origin shall make a written application to the Commissioner in such form and manner as may be prescribed.

(3) No refugee may be repatriated unless the Commissioner is satisfied, after conducting an inquiry, that the written application for repatriation is voluntary and genuine and that a repatriation to the country of origin is possible in a safe and dignified manner.

(4) Any order of repatriation by the Central Government shall be placed before the Commissioner for his information and for such further orders or directions as he may deem necessary.

(5) No order of repatriation of the Central Government shall be implemented unless it has received the approval of the Commissioner.

## **CHAPTER VII RIGHTS AND DUTIES OF REFUGEES AND ASYLUM SEEKERS**

**30. Protection and general rights of refugees.** – (1) A refugee whose grant of asylum was made in pursuance of an application for asylum under section 8 of this Act is entitled to, –

- (a) a formal written recognition of asylum in the form and manner as may be prescribed that constitutes an enforceable basis for his continued residence in India;
- (b) an identity document of the nature described in section 32 of this Act;
- (c) a travel document of the nature described in section 32 of this Act;
- (d) apply for a residence permit on the strength of the document specified in clause (a) of this sub-section;
- (e) fair and just treatment in accordance with due process and procedure established by law without discrimination;
- (f) choose his or her place of residence and move freely within the territory of India, subject to any reasonable restrictions that may be imposed in the public interest;
- (g) adequate housing facilities;
- (h) seek and enter employment in accordance with prevailing standards;
- (i) the same healthcare rights and services that apply to Indian citizens;
- (j) free and compulsory primary education;



(k) the right to move relevant courts of law by appropriate proceedings for enforcement of the rights conferred by Part III of the Constitution.

(2) Every refugee and asylum seeker shall be bound by the laws of India.

**31. Rights of asylum seekers and mass influx refugees.** – An asylum seeker whose application for asylum under section 8 of this Act, is pending, and a mass influx refugee notified under section 25 of this Act, is entitled to, –

(a) a temporary identity document that constitutes an enforceable basis for his continued presence in India;

(b) adequate housing facilities;

(c) seek and enter employment in accordance with prevailing standards;

(d) the same healthcare rights and services that apply to Indian citizens;

(e) free and compulsory primary education;

(f) freedom from discrimination on the basis of religion, race, caste, sex, place of birth or any of them;

(g) the right to move relevant courts of law by appropriate proceedings for enforcement of the rights conferred by this Act and Part III of the Constitution.

**32. Identity and travel documents.** – (1) All refugees and asylum seekers are entitled to a legally enforceable document of identity which must contain, –

(a) an identity number of the holder compiled in such manner as may be prescribed by the Refugee Appellate Board;

(b) the holder's surname, full forenames, gender, date of birth and place or country where he or she was born;

(c) the country of which the is a citizen, if any;

(d) a recent photograph of the holder;

(2) A document of identity referred to in sub-section (1) of this section shall bear the seal of the Minister and the issuing authority.

(3) A refugee whose grant of asylum was made in pursuance of an application for asylum under section 8 of this Act is entitled to a legally enforceable document authorising his travel from and to India subject to such restrictions as may be prescribed in this regard by the Minister.

## **CHAPTER VIII MISCELLANEOUS**

**33. Power to make rules.** – (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for –

- (a) the procedure for removing a refugee or asylum seeker from India under sub-section (2) of section 7 of this Act;
- (b) the detention of refugees or asylum seekers;
- (c) the procedure regarding an application for asylum;
- (d) the appointment of necessary staff for the Commissioner and Refugee Appellate Board;
- (e) the reception and registration of mass influx refugees and all other matters connected to the administration of such refugees;
- (f) the procedure for voluntarily repatriation of refugees;
- (g) the enforcement of the rights and duties of refugees and asylum seekers;
- (h) the effective implementation of this Act.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a period of thirty days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**34. Bar of jurisdiction.** – (1) On and from the appointed day, no court or authority shall have, or be entitled to exercise, any jurisdiction, powers or authority (except the Supreme Court and a High Court exercising powers under Articles 32, 226 and 227 of the Constitution) in relation to matters specified in this Act.

(2) No order passed under this Act shall be appealable except as provided therein and no civil court shall have jurisdiction in respect of any matter which the Commissioner or the Refugee Appellate Board is empowered by, or under, this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

**35. Protection of action taken in good faith.** – No suit or other legal proceeding shall lie against the Central Government, State Government, Commissioner, Refugee Appellate Board, Member, Settlement Officer or any person acting under the direction either of the Central Government, State Government, Commissioner, Refugee Appellate Board, Member or Settlement Officer in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or any order made thereunder.

**36. Act to have overriding effect.** – The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

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**PUBLIC INTEREST LEGAL SUPPORT AND RESEARCH CENTRE  
A-131, New Friends Colony  
New Delhi 110 065**

**CONTACT US  
Telephone – (+91-11) 2684 1079, Telefax – (+91-11) 2682 2525  
Email – [pilsarc@touchteindia.net](mailto:pilsarc@touchteindia.net)**

**[www.pilsarc.org](http://www.pilsarc.org)**