BOOK REVIEW
REFUGEE LAW IN INDIA: THE ROAD FROM AMBIGUITY TO PROTECTION

SHUVRO PROSUN SARKER, PALGRAVE MACMILLAN; 1ST ED. 2017 EDITION (AUGUST 18, 2017). PAGES - 1-213. PRICE NOT STATED.

The book '*Refugee Law in India, The Road from Ambiguity to Protection*', written by Shuvro Prosun Sarker, published in the year 2017 by the Springer Nature in their Palgrave Macmillan imprint, richly deserves a review. This is even more so in light of the recently amended legislation on citizenship which will impact the lives of refugees living in India. The Citizenship Act, 1955 ('Act') was amended by the Parliament in December 2019. The Citizenship (Amendment) Act, 2019 stipulates that non-Muslim minorities (namely, Hindus, Sikhs, Buddhists, Jains, Parsis and Christians) entering into the territory of India on or before December 31, 2014 from Pakistan, Afghanistan and Bangladesh shall not be considered as illegal migrants.[1] Additionally, it also provides that such exempted illegal migrants shall be eligible to apply for citizenship of India subject to other conditions mentioned therein.[2] In this book, Sarker seeks to address the question on the legal status of refugees which continues to persist in the absence of a concrete law on refugees, who are often wrongfully characterised as illegal migrants. Sarker's work highlights the need for a regulated segregation of the class of refugees from those of infiltrators or illegal migrants.

Shuvro Prosun Sarker is an Assistant Professor at the Maharashtra National Law University, and was formerly a Researcher at the Centre for Regulatory Studies, Governance and Public Policy, West Bengal National University of Juridical Sciences, India. He is a pre-eminent scholar in the field of clinical legal education, and this book is an example of his scholarship in this field as it incorporates a field study done by him. During the course of this field study, he conducted interviews of 114 refugees concerning their origin, religion, the refugee status granted to them by the Government and the United Nations High Commissioner for Refugees (UNHCR), their detention, deportation, repatriation, resettlement and their right to and access to healthcare and education in

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1 The Citizenship Act, 1955, §2(1)(*b*) as amended by §2 of the Citizenship (Amendment) Act, 2019 (Illegal migrants are defined as persons who enter into the country without valid travel documents or stay beyond the permitted time. The Proviso inserted in §2(1)(b) reads as:

"Provided that any person belonging to Hindu, Sikh, Buddhist, Jain, Parsi or Christian community from Afghanistan, Bangladesh or Pakistan, who entered into India on or before the 31st day of December, 2014 and who has been exempted by the Central Government by or under clause (c) of sub-section (2) of section 3 of the Passport (Entry into India) Act, 1920 or from the application of the provisions of the Foreigners Act, 1946 or any rule or order made thereunder, shall not be treated as illegal migrant for the purposes of this Act".

2 The Citizenship Act, 1955, §6A, as amended by §3 of the Citizenship (Amendment) Act, 2019.

India. The book offers suggestions for a model law for refugees on the basis of four draft laws presented in the Lok Sabha which have been unsuccessful in receiving any recognition from the lawmakers of the nation.

The Preface to the book sets the tone of the arguments by the author. It establishes that in the absence of a national legislation on refugees in India, the administrative means of regulation of their status and their protection through intermittent judicial intervention (in cases where the refugees could afford to seek judicial remedies) has been the norm. It is also established that such a framework has been hit by the vices of discretion under the Foreigners Act, 1946 and the Foreigners (Tribunal) Order, 1964. Under this framework, if any question arises about the nationality of a foreigner, the determination of such nationality will depend on the decision of the concerned authority.[3] Furthermore, the decision so taken is absolute and immune from judicial review.[4]

The arguments of the author in the preface are compellingly supported in the subsequent chapters, and celebrated works of several authors and the judgments of the Supreme Court of India have been cited to buttress the same. The author points out that the administrative policies under the Foreigners Act, 1946, relating to foreigners is very skeletal, leaving wide discretion to the Executive. The preface establishes the need to protect the rights of refugees, quoting a paragraph from the Supreme Court decision[5] which held that the right to life under Article 21 of the Indian Constitution is a non-derogable right and therefore refugees are also entitled to it. The author further contends that the administrative tribunals and Lower Courts' prosecution of refugees as illegal migrants has usually been overturned by the Higher Courts, because the latter recognize the UNHCR certification in granting refugee status.

The book is divided into eight chapters. It discusses the philosophy of refugee protection, the legal condition of refugees in India and the response of the judiciary to the same. The book further discusses the institutional framework and response to the refugee crisis vis-à-vis the field study on refugees, and throws light on international standards of refugee protection. Sarker relies on a comparative study on the refugee law of three other countries (Brazil, South Africa and Canada), along with an analysis of the four draft laws tabled before the Lok Sabha to suggest a model refugee law for India.

In the first chapter, Sarker refers to the philosophy developed by western scholars and appreciates the analogy drawn by Seyla Benhabib to develop a universal normative framework for cases of migratory movement. Benhabib grounds her cross-border justice model heavily in Kant's right to hospitality (stemming from cosmopolitanism), stressing on the fact that the right of refugees to be admitted into the territory of foreign States is at a crossroads because States enjoy

[3] The Foreigners Act, 1946, §8.
[4] The Foreigners Act, 1946, §8(2).
[5] State of Arunachal Pradesh v. Khudiram Chakma, (1994) Supp (1) SCC 615.

the sovereign right to deny such admission. While western scholars view this matter purely from the perspective of the State's sovereign right, Benhabib perceives it from the angle of denial of justice to the refugees seeking asylum in such sovereign States. Accordingly, she argues that a universal normative framework is necessary to regulate the refugees' right to seek asylum. She seeks support for her argument in Kant's theory of hospitality, which is an extension of the limitations which Kant believes to exist on a sovereign's right to refuse any individual entry into its territory. There is also a discussion on Rawls' theory of justice to establish that the meaning of justice extends to global justice. The discussion further indicates that human rights, being a part of the reasonable law of the people, encompasses the idea that cross-border justice should be available to refugees. However, the author criticises this theory on the ground that it is not institutionalised in the modern world. The author also asserts that the stateless and refugees cannot benefit much from these norms without the implementation of corresponding enforcement mechanisms. The author uses Benhabib's advocacy of the rights of refugees as citizens of the world as sound philosophy for developing a framework for refugee protection.

However, the author does not mention the fragmentation of the international refugee law regime, which is an embodiment of the Westphalian principle of state-centric treaties which has led to the erosion of legitimacy of the umbrella convention on refugees, *i.e.*, the 1951 Convention Relating to the Status of Refugees ('the Refugee Convention'). The State practice of diverting refugee status seekers to 'safe third countries' to comply with the principle of non-refoulement under the Refugee Convention,[6] indicates that the treaty is in existence for merely abiding with the principles of non-refoulement on paper and not in spirit.[7] Sarker mentions that even though India is not a party to the Convention, it has followed a cultural philosophy of hospitality. He relates the traditional principle of '*Atithi Devo Bhava*' to the constitutional rights available to non-citizens in Indiain order to illustrate the same.

However, Sarker writes that the practice of this Indian philosophy is marred by the central legal regime concerning foreigners in India. The current legal regime surrounding the Foreigners Act, 1946, applies to asylum seekers, refugees and illegal migrants without making a distinction between them, thereby omitting to provide for refugee status claims separately. Delving into the details of the Passport (Entry into India) Act, 1920, the Registration of Foreigners Act, 1939, and the Foreigners Act, 1946, the author brings to the fore, the Foreigners Order, 1948. The Order of 1948 includes extremely restrictive provisions related to entry,[8] employment[9] and movement,[10] in addition to the existing provisions and

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6 Convention Relating to the Status of Refugees, July 28, 1951, 189 UNTS 150, Art. 33.

7 Michelle Foster, *Responsibility Sharing or Shifting? Safe Third Countries and International Law* 25(2), Refuge, 64, 69 (2008).

8 The Foreigners Order, 1948, §§3(2)(a), 4(a), 5.

9 The Foreigners Order, 1948, §10.

10 The Foreigners Order, 1948, §11.

the prohibition against challenging the order of the concerned authority in a higher court of law.[11]

Sarker mentions that although India is not a signatory to the Refugee Convention, it has entered into various International Human Rights Law agreements which place some constraints on the unequal treatment of non-citizens and refugees.[12] He observes that though the protection of refugees in India is based on compassion and is at times very generous, it is hit by the vices of discrimination based on, *interalia*, the country of origin of the refugee and their dates of admission and entry. However, the several treaties that India has concluded elaborate upon the principle of non-discrimination as a non-derogable norm, and prohibit discrimination on the basis of race, ethnicity, religion, gender, political affiliation, *etc*. As these treaties put a constraint on India in its unequal treatment of non-citizens and refugees, Sarker concludes that India should be under an obligation to observe the customary international law principle of non-refoulement, which is a fundamental principle of international law. This principle forbids a country receiving refugees from returning such persons to a country where they are likely to be in danger of persecution based on race, religion, nationality, or membership of a particular social group. Sarker states that the Indian municipal laws dealing with issues of non-citizens are basically aimed at foreigners in violation of laws, wherein the category of 'foreigners' does not strictly overlap with that of 'refugees.' Furthermore, he argues that non-refoulement has been recognized as customary international law by the International Court of Justice[13] and that India is bound by it as reflected in its State Practice and *opinio juris*.

The second chapter starts with the discussion of some unreported cases decided by the Indian Trial Courts in matters relating to refugees and the violation of rules and orders under relevant laws, especially the Foreigner's Act, 1946. The practice followed by the Courts is harrowing, as a case-by-case analysis reveals inconsistencies in determining the existence of violations under the Foreigners Act, 1946 with an inclination towards awarding imprisonment to the accused foreigners, where there was in fact no violation. Several cases have been mentioned where the Courts have ignored the presentation of valid documents proving the accused foreigner's refugee status during the trial, such as the refugee

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[11] The Foreigners Act, 1946, §8(2).

[12] Shuvro Prosun Sarker, Refugee Law In India: The Road From Ambiguity To Protection, 22 (2017) [with respect to refugee rights and their treatment:

"India's accession to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of the Child (CRC), and its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), has excelled the quantum of protection from the idea of compassion to right"].

[13] *See*, North Sea Continental Shelf Cases, judgment (Federal Republic of Germany/Denmark v. Federal Republic of Germany/Netherlands), 1969 ICJ Reports 3, ¶74; *See also*, Case concerning Military and Paramilitary Activities in and against Nicaragua, Nicaragua v. United States of America, Jurisdiction and Admissibility, 1984 ICJ Reports 392, ¶77.

certificate granted by the UNHCR and the residence certificate issued by the government, and have awarded them imprisonment and fine. In some cases, the refugees were not given the chance to even present the certificate. In others, when the accused presented the valid documents by the UNHCR, the Court did not appreciate it. This chapter also engages in an analysis of judgments by the High Courts and the Supreme Court to illustrate the ambit of protection laid down and developed under Article 21 of the Constitution of India. These cases have paved the way for ensuring that refugees are not deprived of their right to life, and that they are protected against preventive detention under Article 22(4) of The Constitution in the absence of any safeguards to the same under the Foreigners Act, 1946. The book studies cases decided by the High Courts on matters pertaining to the opportunity to seek asylum, service matters and livelihood wherein the Courts have granted bail in order to allow the detainee foreigner to seek the UNHCR's aid in applying as a refugee and in pleas against deportation, detention, and the acquisition of Indian citizenship.

The two cases of the Chakma refugees – *State of Arunachal Pradesh* v. *Khudiram Chakma* ('Khudiram Chakma'),[14] and *NHRC* v. *State of Arunachal Pradesh* ('NHRC Case')[15] along with the judicial trend set by the Supreme Court have been discussed at length by the author. The aforementioned cases reveal the ambivalent character of judicial recognition of the rights of the refugees and the mixed federal tussle in showing compassion towards refugees with respect to the grant of citizenship rights. In the NHRC Case, while the Centre welcomed the applications for citizenship, the State of Arunachal Pradesh did not forward the same to the Ministry of Home Affairs (MHA). It was contended by the Union Government in the NHRC Case that the MHA had not received any applications by the State of Arunachal Pradesh for citizenship rights of the Chakmas in question. While the Union Government submitted to review fresh applications for citizenship by the Chakma refugees subject to certain conditions, the State of Arunachal Pradesh maintained its stance of reserving the right to ask the Chakmas to leave the State.[16] Distinguishing the Court's stance on §6(A) of the Act in Khudiram Chakma from the petition at hand which dealt with the protection of life and liberty of the Chakmas, the author summarised the Supreme Court directives and declared it to be a 'pro-refugee stand'. While the book does some justice to the issue of Chakma refugees, the judgments delivered by the Supreme Court of India in *Sarbananda Sonowal* v. *Union of India (1)*[17] and *(2)*[18] is not delved into by the author, which would be relevant with respect to the citizenship rights of the refugee seekers who inadvertently fall under the category of illegal migrants in India.

The judgment in *Sonowal (1)* mainly elaborates on the issues pertaining to the incoming illegal migrants in India through Assam and the validity of the

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[14] State of Arunachal Pradesh v. Khudiram Chakma, 1994 Supp (1) SCC.
[15] NHRC v. State of Arunachal Pradesh, (1996) 1 SCC 742.
[16] *Id*.
[17] Sarbananda Sonowal v. Union of India (1), (2005) 5 SCC 665.
[18] Sarbananda Sonowal v. Union of India (2), (2007) 1 SCC 174.

Illegal Migrant (Determination by Tribunals) Act, 1983 ('IMDT Act, 1983'), which placed the burden of poof on the Government if it doubted the citizenship of any person. This requirement was in contradiction to the existing norm of burden of proof under the Foreigners Act, 1946 and its subsequent orders in that State among other relevant laws. Hence, the IMDT Act, 1983 was struck down by the Court and directions were issued with respect to the implementation of the Foreigners Act, 1946 by the Foreigners Tribunal. However, the judgment did not delve into the question of refugees and the underlying issue of refugees *vis-à-vis* the citizenship rights of the migrants remained crucial with respect to the Foreigners Tribunal working in Assam for more than half a century. The large-scale illegal migration and political turmoil continued. In *Sonowal (2)*, the Foreigners (Tribunals for Assam) Order, 2006 was struck down by the Supreme Court as it was a set of rules (different from the one under the Foreigners Act, 1946 and Order of 1948), where the complainant and not the 'suspected citizen' had to prove the Indian citizenship of the foreigner/suspect as was the case with IMDT Act, 1983. In this case also, the Court equated migration with external aggression, thus showing little understanding of the circumstances in which migration occurs, thereby, treating the refugees at par with illegal migrants. Both these cases showed the judiciary's inclination to come down heavily on lenient migration policy towards the incoming refugees who were automatically treated as illegal migrants under the Foreigners Act, 1946 and the Passport Act, 1920. There was no scope for claiming refugee status by the incoming population to Assam and other regions. The cases had an underlying impact on the incoming refugees from the neighbouring countries to Assam and therefore the author could have made a comprehensive and pyramidal argument concerning the administrative exercise by incorporating the *Sonowal* cases.

The third chapter provides insight into the response of the Parliament to the various cases of influx of refugees. This includes the migrants, *viz.*, the Chakmas from Bangladesh and the migrants of Sri Lankan and Tibetan origin. It is pertinent to note here that India has been receiving these migrants since its independence. A constructive criticism to questions put forth in the 14th and 15th Lok Sabha relating to the Government's stance on enacting a legislation for the protection of efugees has been made and summarised. The critical points of discussion extending from the justification on why India is not a signatory to the Refugee Convention to the problems created on the arrival of refugees and the policies adopted by the Government have been briefly mapped out. Segmenting the discussions under various heads, Sarker has covered the stance taken by the Lok Sabha on citizenship, the provisions on assistance for relief and rehabilitation, the standard operating procedure and the exemption. The answers to questions asked in the Parliament pertaining to additional issues of financial burden, safeguards on possible security issues, refugee camps, steps taken for repatriation and additional coastal security have also been mentioned in this chapter. The difference in treatment of refugees from Bangladesh as migrants and those from Tibet and Sri Lanka as refugees has been pointed out by Sarker, who attempts to apprise the reader of the inconsistency and discrepancy in the policies adopted by the Parliament. He

terms these policies as "discriminatory" given the discretionary vices existing in the current plan and policies without any definitive terms of protection.

The segment pertaining to the National Human Rights Commission (NHRC) in this chapter puts forth Sarker's evaluation of the role of the NHRC given its limited and recommendatory nature. He elaborates on the role of the NHRC in filing the case before the Supreme Court on behalf of the Chakma Refugees, and the shift in its focus towards initiating a dialogue with the Indian government to sign the Refugee Convention. The author mentions that after a few failed attempts by the NHRC to convince India to sign the Refugee Convention, 1951, its *suo moto* cognizance of refugee cases has indicated that it is inclined towards convincing the government for the creation of a new law for protection of the rights of refugees. The segment concludes with the issue of the heavy case-load faced by the Government and the UNHCR. It also apprises the reader of the pressure faced by the MHA, the State Governments and other central and administrative agencies, thus calling for a standardised policy on the subject matter of refugee protection.

The fourth chapter of the book contains a report compiled by the author based on a field study conducted by him on the condition of the Refugees in India by interviewing one-hundred and fourteen refugees from the pool of refugees who were recognised by the UNHCR as refugees in India between the years 2000 to 2014. The subjects of the study, who were selected by way of convenience sampling, serve as a representation of the true status of the population of refugees to a large extent. Although there is a lack of anecdotal illustrations, a general overview of the conditions of these refugees is claimed to have been deduced from their interviews through the interpretivism method.

Results of queries with respect to the number of refugees arriving, their country of origin, gender, religion, status of companionship (alone or with families), and their travel documents reveals pendency of approval of citizenship in some legitimate cases. Sarker reports that some of the refugees do not have the requisite documents from the UNHCR and the Foreigners Registration Office ('FRO'), thus rendering them as illegal migrants under the current regime. The existence of refugees dwelling in Government camps and the role of the former along with the NGOs assisting the refugees of certain regions to form self-help groups have also been reported. Although a few reports on the restriction of their movement have been mentioned, a detailed study of their actual dwelling conditions has not been mentioned by the author. The discrimination faced by the interviewees in the exercise of their right to access education and health care have been mentioned briefly by Sarker. He has concluded that the refugees are discriminated against based on their country of origin, without going into the details of the said discriminatory practices and how such practices differ for refugees from different countries.

The fifth chapter of this book provides comments on the International Law regime on refugee protection, as is done in most books on refugee law. The

Refugee Convention and its intersection with the extension of human rights in refugee protection has been addressed along with a detailed discussion on the Common European Asylum System ('CEAS'). The chapter deals with the rights of the refugees under various heads, *viz*., access to legal remedies, employment, rationing, housing and education, *etc*. Sarker concludes the CEAS to have the most developed and detailed standards of protection for refugees.

The sixth chapter is dedicated to a comparative study on national refugee laws of South Africa, Brazil and Canada. It details the history, development and the contemporary stance on the rights, procedures and obligations of the refugees in the respective States which are in consonance with regional treaties and covenants. While the State's issues of national interest and security[19] are the exceptions to the provision of the principle of non-refoulement under the customary international law and the Refugee Convention, 1951, this book has not delved into the other circumstances leading to refusal of grant of refugee status. These exceptions have nevertheless found their way into the immigration departments of various jurisdictions, which mostly include the restrictive interpretation of the exclusion clauses[20] under the Refugee Convention, 1951 that renders the person ineligible for seeking refugee status under certain circumstances. Other drawbacks include the incomplete definition of refugees under the Convention itself, the restrictive interpretation of which defeats the objectives of protection of the refugees. This chapter is a commendable addition to the existing literature on refugee laws in the Indian context. This is because the author has used the takeaways of the best practices from this comparative study and incorporated them in the subsequent chapters where he suggests the path for a model Indian refugee law.

In the seventh chapter, Sarker delves into the question of what could constitute a feasible refugee law for India after having established an imperative need for the same. In this respect, he has attempted to analyse the four draft laws in the Lok Sabha, namely the Model National Law for the Refugees drafted by the Eminent Persons Group;[21] the Asylum Bill, 2015 by Dr. Shashi Tharoor ('Asylum Bill');[22] the National Asylum Bill, 2015 by Feroze Varun Gandhi[23] and the Protection of Refugees and Asylum Seekers Bill, 2015 by Rabindra Kumar Jena.[24] Sarker has written a brief on the provisions of each draft, dealing with the

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19 Convention Relating to the Status of Refugees, July 28, 1951, 189 UNTS 150, Art. 33.

20 Convention Relating to the Status of Refugees, July 28, 1951, 189 UNTS 150, Art. 1F [Art. 1F reads as:

"The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that: (a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; (b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee; (c) He has been guilty of acts contrary to the purposes and principles of the United Nations"].

21 Model National Law on Refugees, 1 ISIL Y.B. Int'l Human. & Refugee L. 19 (2001).

22 The Asylum Bill, 2015, 334 of 2015, Lok Sabha.

23 The National Asylum Bill, 2015, 342 of 2015, Lok Sabha.

24 The Protection of Refugees and Asylum Seekers Bill, 2015, 290 of 2015, Lok Sabha.

definition of Refugees, objectives, exclusions, status determination, procedures, determining authorities, the principle of protection of rights of the refugees *etc*.

The eighth and final chapter deals with the call for a new law in India pertaining to refugee rights. The model law provided in this chapter by Sarker can be used as a reference for any new refugee or asylum seekers regulation that is promulgated. Sarker sums up the concepts of the aforementioned model law and bills in the last chapter. The segment of suggestions made by Sarker here comprise the basic tenets which ought tobe incorporated in the refugee protection regime in India, which includes a definition of refugees, the procedure with respect to rejection or admission of applications, the procedure to be followed for status determination, cooperation with the UNHCR, *etc*. Apart from a few broad principles that have been appreciated by the author as the minimum standards contained in the regional international instruments of the European Union[25] and the Organisation of African Unity,[26] *viz*. the refugees' right to temporary protection in the event of mass influx, additional principles have also been laid down by him as procedural safeguards against the various forms of discrimination of refugees considering the practical situation in India. This includes an expanded definition of the term 'refugee' by incorporating 'subsidiary protection'[27] thereby extending protection to those who are the victims of human rights and humanitarian law violations. Sarker also relies upon a bottom-to-top authority centralisation approach in developing an elaborate procedure for refugee status determination. Other provisions that he has suggested as a necessary part of the model law include the formation of new authorities for the purpose of refugee status determination and the establishment of a proper appeal process. These suggestions have been borrowed from the provisions of the former bills. However, he suggests a more centralised control by this authority working simultaneously with a possible local committee under the District Magistrate in each district. He suggests that the provisions pertaining to the Central Government's power to declare a certain group as refugees and the power of the district level refugee committee to act as the implementing body for protecting them, must find their way into the new law. However, for this to come to fruition, there would have to be impeccable federal cooperation.

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[25] European Union, *Standards for the Qualification of Third-country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted*, Council Directive 2011/95/EU (Issued on December 20, 2011); European Union, *Common Procedures for Granting and Withdrawing International Protection*, Council Directive 2013/32/EU (Issued on June 29, 2013); European Union, *Laying Down Standards for the Reception of Applicants for International Protection*, Council Directive 2013/33/EU (Issued on June 29, 2013); European Union, *Minimum Standards for Giving Temporary Protection in the Event of a Mass Influx of Displaced Persons and on Measures Promoting a Balance of Efforts between Member States in Receiving such Persons and Bearing the Consequences Thereof*, Council Directive 2001/55/EC (Issued on August 7, 2001).

[26] OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, September 10, 1969, UNTS No. 14961.

[27] European Union, *The Right to Family Reunification*, Council Directive 2003/86/EC, Art. 2(*a*)(*e*) (Issued on October 3, 2003).

The last segment of the concluding chapter attempts to address the issue of the citizenship rights of refugees. Sarker mentions that the recent cases in these High Courts concerning the refugees' right to citizenship in India by birth have been upheld, but continue to be limited by the 1987 Amendment to the Citizenship Act, 1955, as this amendment restricted the Indian citizenship to those born in India prior to 1987 to either a mother or a father who was an Indian citizen. His field study also indicated that some Tibetans hold a registration certificate from the FRO as well as an Indian voting card or passport, which makes the situation much more complex. However, in the segment titled "Naturalization and Citizenship Process", Sarker suggests that specific provisions need to be introduced allowing refugees to obtain Indian citizenship on the grounds of naturalisation under the Act. This can be done by means of renunciation of their original nationality and recognition of documents indicating refugee status.

Amidst the issues created by the recent Citizenship Amendment Act, 2019 which has reminded the legal fraternity that refugees are long due for a law governing their status, the book, '*Refugee Law in India, The Roadmap from Ambiguity to Protection*' by Shuvro Prosun Sarker is an admirable piece of literature on the legal struggle and the void that the country has faced on the issue of refugees. With the Citizenship (Amendment) Act, 2019, being enforced from January 10, 2020, the issue of differentiating amongst refugees, foreigners, infiltrators and rightful citizens has been on the rise. The emergence and announcement of subsequent rules and practices for the preparation of the National Population Register and the National Register of Citizens has further evoked interest in legal scholarship focusing on this area of law. Sarker's work highlights the need for a regulated segregation of the class of refugees from those of infiltrators or illegal migrants. It also highlights that such regulation must have a retrospective operation in order to aid undocumented residents in applying for Indian citizenship. This book improves the understanding of the Indian State Practice on the treatment of myriad of refugees once they enter Indian territory. It provides the reader with a comprehensive understanding of the current situation of refugees in India and the incapability of the existing legal regime to resolve the issues surrounding the same. The call for a new law by Sarker can serve as an aid towards enhancing the robustness of the law on refugees as well as the citizenship regime in India.

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