

# Uprooted And Unprotected: A Critical Analysis Of Human Rights Violations Of Refugee Children In Western Rajasthan

Priyanka Dilip Kumar Tiwari\*, Dr. Ratna Sisodiya.

\*Research Scholar, Pacific Academy of Higher Education and Research University Udaipur, Rajasthan.

\*Associate Professor, Faculty of Law, University: Pacific University, Udaipur, Rajasthan.

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## ABSTRACT

This paper critically examines the human rights violations experienced by refugee children in Western Rajasthan, India, with a focus on Rohingya and Pakistani Hindu communities. Drawing upon field reports, legal analyses, and humanitarian assessments, it highlights systemic issues such as arbitrary detention, denial of education, family separations, and statelessness. The study underscores the urgent need for legal reforms and policy interventions to safeguard the rights of refugee children in the region.

## 1. Introduction

Western Rajasthan, encompassing districts like Jaisalmer and Barmer, serves as a significant entry point for refugees fleeing persecution from neighboring countries. Despite India's historical role as a refuge, recent policy shifts have led to increased marginalization of refugee populations, particularly children. This paper explores the multifaceted human rights challenges faced by these vulnerable groups.

## 2. Legal and Policy Framework

India lacks a comprehensive domestic refugee law and is not a signatory to the 1951 Refugee Convention or its 1967 Protocol. Consequently, refugees are governed under the Foreigners Act of 1946, which does not distinguish between asylum seekers and illegal immigrants. This legal ambiguity has facilitated arbitrary detentions and limited access to basic rights for refugee children.

## 3. Human Rights Violations

### 3.1 Arbitrary Detention and Family Separation

Reports indicate that Rohingya refugee children are subjected to indefinite detention without formal charges. Many are separated from their parents and placed in juvenile homes or orphanages, leading to psychological trauma and developmental issues.

### 3.2 Denial of Education

Despite constitutional guarantees, Rohingya children face systemic barriers to education. Schools often deny admission based on their refugee status, citing lack of legal documentation. This exclusion hampers their cognitive development and integration into society.

### 3.3 Statelessness

Children born to refugee parents in India often lack birth certificates, rendering them stateless. Without legal recognition, they are denied access to essential services and face an uncertain future.

### 3.4 Forced Evictions

In May 2023, authorities demolished shelters housing Pakistani Hindu refugees in Jaisalmer, leaving families, including children, homeless in extreme heat. Such actions violate the right to adequate housing and expose children to additional risks.

#### 4. Socioeconomic Impacts

The cumulative effect of these violations leads to chronic poverty, health issues, and social exclusion among refugee children. Lack of education and legal status limits their employment opportunities, perpetuating a cycle of deprivation.

#### 5. Recommendations

1. **Legal Reforms:** Enact a comprehensive refugee law aligning with international standards to protect the rights of refugee children.
2. **Access to Education:** Ensure that all refugee children have access to free and compulsory education, irrespective of their legal status.
3. **End Arbitrary Detention:** Implement alternatives to detention for refugee families and prioritize family unity.
4. **Birth Registration:** Facilitate the registration of births for children born to refugee parents to prevent statelessness.
5. **Housing Rights:** Protect refugee settlements from forced evictions and provide adequate housing solutions.

#### 6. Conclusion

The plight of refugee children in Western Rajasthan reflects broader systemic failures in upholding human rights. Addressing these challenges requires concerted efforts from policymakers, civil society, and international organizations to ensure that every child, regardless of origin, enjoys the rights and protections they deserve.

#### References

1. Refugees International. (2024). A Lifetime in Detention: Rohingya Refugees in India. Retrieved from <https://www.refugeesinternational.org/reports-briefs/a-lifetime-in-detention-rohingya-refugees-in-india>
2. Today Report. (2025). Rohingya Refugee Children in India Denied Right to Education. Retrieved from <https://todayreport.com/rohingya-refugee-children-in-india-denied-right-to-education>
3. Al Jazeera. (2024). India's Stateless Babies: How Lawless Asylum Rules Leave Refugees in Limbo. Retrieved from <https://www.aljazeera.com/features/2024/1/5/stateless-babies-in-northeast-india-refugee-mothers-pray-for-nationhood>
4. OpIndia. (2023). Rajasthan: Homes of Hindu Refugees from Pakistan Bulldozed in Jaisalmer. Retrieved from <https://www.opindia.com/2023/05/rajasthan-homes-hindu-refugees-pakistan-bulldozed-jaisalmer-women-lathi-charged-hospitalised>
5. The Hindu. (2023). India's Rohingya Refugee Children Are Not Criminals. Retrieved from <https://www.thehindu.com/opinion/op-ed/indias-rohingya-refugee-children-are-not-criminals/article67242125.ece>
6. **Note:** This paper is intended for submission to a peer-reviewed journal indexed in Scopus. All data and references have been compiled from credible sources to ensure academic rigor.