

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 2691**

**TO BE ANSWERED ON THE 19TH DECEMBER, 2023/ AGRAHAYANA 28, 1945
(SAKA)**

Detention of Women and Children

2691. SHRI RAVIKUMAR D.:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the refugee women and children have been put in long-term detention in bordering States of the country;

(b) if so, the reasons behind retaining such refugee women and children;

(c) whether the Government has taken measures to ensure that refugee women and children are provided with basic health and educational facilities in holding centers;

(d) if so, the details thereof; and

(e) if not, whether the Government is undertaking steps to release these detained women and children?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI NITYANAND RAI)**

(a) to (e) India is not a signatory to the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol thereon. All foreign nationals (including refuge seekers) are governed by the provisions contained in The Foreigners Act, 1946, The Registration of Foreigners Act, 1939, The Passport (Entry into India) Act, 1920 and The Citizenship Act, 1955, and rules and orders made thereunder.

Central Government has been vested with powers under Section 3(2)(e) and 3(2)(c) of the Foreigners Act, 1946 to restrict movements of and deport foreign nationals staying illegally in the country. These powers of the Central Government have also been entrusted to all the State Governments since 1958 under Article 258(1) of the Constitution of India. Further, under Article 239(1) of the Constitution of India, the Administrators of the Union Territories have also been directed to discharge the functions of the Central Government relating to the aforesaid powers since 1958.

Detection of illegally staying foreigners and deportation to their native country is a continuous and on-going statutory process under the foreigners Act, 1946 and the Passport (Entry into India) Act, 1920. Such illegal foreigners can be deported only after verification of their nationality from their native country. Till such time their nationality is verified and travel documents are issued, movements of such foreigners may have to be restricted in a holding centre/ detention centre.

In pursuance of the orders of the Hon'ble Supreme Court of India dated 12.09.2018 and 20.09.2018 in I.A. No. 105821/2018 in W.P. (Civil) No. 406/ 2013 filed by Collaborative Network for Research and Capacity

Building, Guwahati, Ministry of Home Affairs had prepared a Model Detention Centre/Holding Centre Manual in consultation with various stakeholders and this was circulated to all State Governments/ UT Administrations on 09.01.2019 for implementation. The Detention Centre Manual provides that such holding centres/ detention centres should have adequate provision for medical attendance for the detainees. It also provides that the children lodged in the detention centre may be provided educational facilities by admitting them in local schools nearby.
