

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO. 3836**

TO BE ANSWERED ON THE 17TH MARCH, 2020/PHALGUNA 27, 1941 (SAKA)

DETENTION OF PERSONS EXCLUDED FROM NRC

3836. MS. S. JOTHIMANI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the details of the Government's policy with regard to those excluded from the National Register of Indian Citizens in the State of Assam who will be detained after exhausting all their legal remedies;

(b) whether the Government has any plan/policy/scheme for the nationality verification of such persons;

(c) if so, the details thereof and if not, the reasons therefor;

(d) whether the Government has any plan/policy/scheme for ensuring that such persons are not detained for longer periods in the detention centres;

(e) if so, the details thereof and if not, the reasons therefor; and

(f) whether the Government will protect the fundamental human rights of the refugees?

ANSWER

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

(a) In terms of the Foreigners (Tribunals) Order, 1964 and para 8 of the Schedule appended to the Citizenship (Registration of Citizens and issue of National Identity Cards), Rules, 2003, any person, not satisfied with the outcome of the decisions of the claims and objections during the process of preparation of final National Register of Indian Citizen (NRIC) in Assam, may prefer appeal before the designated tribunal constituted under The Foreigners (Tribunals) Order, 1964,

within a period of one hundred and twenty days from the date of such order; and on the disposal of appeal by the Tribunal, the names shall be included or deleted, as the case may be, in the NRIC in the State of Assam.

The persons excluded from the final list of NRIC in Assam, will be given fair opportunity to prove their case.

(b) & (c) Nationality verification of an illegal immigrant who does not possess a valid travel document is done by the State Government/ Union Territory Administration concerned in coordination with the Ministry of External Affairs before deportation to his/her native country. This is a continuous process under the provisions of The Foreigners Act, 1946 and The Passport (Entry Into India) Act, 1920.

(d) & (e):In pursuance of the order dated 10.5.2019 of the Hon'ble Supreme Court of India in WP(Civil) No.1045/2018 - Supreme Court Legal Services Committee vs Union of India and Another, Govt. of Assam has issued a notification on 29.07.2019 providing for conditional release of declared foreigners who have completed more than 3 years in detention centres.

(f) India is not a signatory to the 1951 UN Convention relating to the Status of Refugees and the 1967 Protocol thereof. At present, the illegal migrants (including those who claim to be refugees) are dealt under - (i) The Foreigners Act, 1946, (ii) The Passport (Entry into India) Act, 1920, (iii) The Registration of Foreigners Act,1939 and (iv) The Citizenship Act,1955.

LS.US.Q.NO.3836 FOR 17.03.2020

State Governments/UT Administrations have been advised to provide all the necessary facilities for the detenues to maintain standard of living and basic amenities in consonance with human dignity.
