

**GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA  
UNSTARRED QUESTION NO. 1503**

**TO BE ANSWERED ON THE 4<sup>TH</sup> MARCH, 2020/ PHALGUNA 14, 1941 (SAKA)**

**DETENTION CAMP MANUAL**

**1503. PROF. M. V. RAJEEV GOWDA:**

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether detention camps are being built across the country;**
- (b) if so, for what purpose;**
- (c) whether Government has circulated a 'Model Detention Centre/Holding Centre Manual' to all State and Union Territory Governments in January, 2019;**
- (d) whether this manual has been made public;**
- (e) if not, the reasons therefor; and**
- (f) by when the above mentioned manual will be made public?**

**ANSWER**

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

**(a) & (b): Central Government has been vested with powers under Section 3(2)(e) and 3(2)(c) of the Foreigners Act, 1946 to detain and deport foreign nationals staying illegally in the country. Under Section 5 of the Passport (Entry into India) Act, 1920, Central Government may also by an order direct the removal of any foreigner from India who enters India without passport and visa. These powers of the Central Government have also been entrusted under Article 258(1) of the Constitution of India to all the State Governments since 1958. 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. Hon'ble Supreme Court vide their Order Dated 28.02.2012 in W.P.(Cri.) no. 310 of 2005 had directed that foreign nationals who had completed their sentences shall be released from jail immediately and be kept in appropriate place with restricted movement pending their deportation/repatriation.**

**In pursuance of the above mentioned directions of the Hon'ble Court, Ministry of Home Affairs had issued instructions on 07.03.2012 to State Governments and UT Administrations to comply with these directions.**

**Detention Centres are set up by State Governments/Union Territory Administrations as per their local requirements to detain illegal immigrants/foreigners who have completed their sentence and whose deportation to their native country is pending due to lack of verification of nationality.**

**(c) to (f): In pursuance of orders of Hon'ble Supreme Court 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/Camp Manual. It was circulated to all State Governments and UT Administrations on 09.01.2019. It had also been placed before the Hon'ble Supreme Court by filing an affidavit.**