

**GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS**

**RAJYA SABHA
UNSTARRED QUESTION NO. 2744**

TO BE ANSWERED ON THE 18TH MARCH, 2020/PHALGUNA 28, 1941 (SAKA)

FACILITIES AT DETENTION CENTRES

2744. SHRIMATI VANDANA CHAVAN:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) detention centres operational in the country, State-wise;**
- (b) number of persons detained in detention centres in Assam and those detained for over three years;**
- (c) number of individuals who have died in detention centres in Assam in last three years and current year due to medical or other reasons;**
- (d) whether any inspection has been conducted to review standards of living in these centres;**
- (e) time period till which foreigners will be held in detention centres;**
- (f) number of detainees released as per Supreme Court directives issued on 10th May, 2019; and**
- (g) details of detention centres currently being built or proposed in 2020?**

ANSWER

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

(a) to (g): 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. 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.

Hon'ble Supreme Court of India in their order dated 28.02.2012 in W.P. (Crl.) No. 310 of 2005 titled Prof. Bhim Singh Vs. Union of India & other had observed that the foreign nationals who have completed their sentence should be formally released from jail immediately and be kept in appropriate place with restricted movements pending their deportation/repatriation. Hon'ble Court further observed that the places where they are to be kept- detention centre or by whatever name such places are called, must have basic facilities of electricity, water and hygiene. In pursuance of these orders, MHA issued instructions to all State Governments/UT Administration on 07.03.2012 to comply with the directions of the Hon'ble Supreme Court.

Accordingly, Detention centres/camps are set up by the State Governments / UT Administrations concerned as per their local requirements for imposing restriction on the movement of such illegal migrants whose nationality needs to be verified. These restrictions may be imposed till their deportation to their native country. Details about detention centres and

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persons detained therein are not centrally maintained. However, as per information provided by Government of Assam, there are six detention centres operational in Assam located at Goalpara, Kokrajhar, Silchar, Dibrugarh, Jorhat & Tezpur.

As per information provided by Government of Assam, 799 detenues are held in detention centres in Assam as on 27.2.2020. Out of these, 95 detenues have completed three years or more in detention.

26 detenues have died during their detention period due to illness during the past three years and current year. Year-wise break-up is as follows:-

I.	2017 -	06 Nos.
II.	2018 -	09 Nos.
III.	2019 -	10 Nos.
IV.	2020 -	01 No.

	Total -	26 Nos.

A Model Detention Centre/ Holding Centre/ Camp Manual has been developed by MHA and circulated to States/UTs on 09.1.2019 in pursuance of the order of Hon'ble Supreme Court in I.A. 105821/2018 of W.P.(Civil) No.406/2013 laying

down norms and standards for, inter-alia, medical facilities and operations thereof.

In pursuance of the Order dated 10/5/2019 of the Hon'ble Supreme Court of India in W.P. (Civil) No. 1045/2018 - Supreme Court Legal Services Committee Vs. Union of India and another, Government 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. Till date, 224 Nos. of detenués, who have completed 3 or more years in detention in Assam, have been released as per the directives of Hon'ble Supreme Court of India issued on 10th May, 2019.
