



## MHA Order on Detention Centres

### Why in news?

The Centre has asked all states and UTs to set up at least one detention centre each with modern amenities for illegal migrants/foreigners.

### What is the order?

- The Ministry of Home Affairs (MHA) came up with the '2019 Model Detention Manual'.
- It has called for setting up of "one detention camp in the city or district where major immigration check post is located".
- It also said that all members of a family should be housed in the same detention centre.
- The states do not need specific approvals from the Union home ministry for setting up a detention or holding centre.
- Every detention centre shall have a cell which will provide help to the detainee foreigners.
- These may include contacting the concerned mission/embassy/consulate or their family through proper procedure.
- A "skill centre" and "creche facilities for children" may be provided within the detention camp.
- The home ministry has directed that detention centres or camps be set up outside jail premises.
- This comes after the observation that detention centres in most states were being run from prison.
- Nonetheless, the ministry has called for proper security measures so that illegal immigrants do not escape from the detention centres.
- A proper boundary wall with dense barbed wire fencing above it should be erected.
- The boundary wall should be minimum 10 feet high with main gate, wicket gate and strict access control measures.
- The naming of these centres can be decided by the state government concerned.

## What are the objectives?

- The development comes amid the exercise to finalize the [National Register of Citizens \(NRC\) in Assam](#).
- The move comes as an effort to address the concerns over the lack of basic amenities at existing centres.
- The detention centres are meant to house the illegal migrants/foreigners for longer periods.
- It restricts the movement of foreigners staying back illegally.
- It thereby ensures that they are physically available at all times for expeditious repatriation or deportation when legally ordered.
- [The powers to deport illegally staying foreign nationals have been entrusted under Article 258 (1) of the Constitution to state governments.]

## What are the concerns?

- The move raises some discomfiting questions about the government's broader social agenda centred on citizenship.
- The move has some dangers that may come with any selective detention policy.
- Millions of Indians born before the mid-eighties do not have birth certificates.
- They may have other documents such as a passport or an Aadhaar card or voter ID.
- But none of these can be considered incontrovertible proof of citizenship.
- This leaves considerable discretion in the hands of the state police to harass people, and the detention centres would amplify that menace.
- The already rampant human rights violations at such centres in Assam remain a cause for concern.
- It places in the hands of the state security apparatus unwarranted powers over the citizenry.
- It is also uncertain if the recommendations for humane conditions specified in the order would be followed in letter or spirit.

**Source: Economic Times, Business Standard**



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