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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