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INDIA

SUBMISSION TO THE UNIVERSAL PERIODIC REVIEW, 41st SESSION OF THE
UPR WORKING GROUP, 7-8 NOVEMBER 2022

ISSUES RELATED TO IMMIGRATION-RELATED DETENTION AND ASYLUM

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INDIA

Submission to the Universal Periodic Review, 41st Session of the UPR Working Group, 7-18 November 2022

Issues Related to Immigration-Related Detention and Asylum

1. INTRODUCTION

- 1.1 This submission for the third cycle of the Universal Periodic Review (UPR) of India has been prepared by the **Global Detention Project** (GDP), a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status; the **World Organisation against Torture** (OMCT), a network of more than 200 member organisations that works to end torture and ill-treatment, assist victims, and protect human rights defenders at risk wherever they are; and the **Asia Pacific Refugee Rights Network** (APRRN), a network consisting of more than 450 civil society organisations and individuals from 38 countries committed to advancing the rights of refugees in the Asia Pacific region.
- 1.2 This submission focuses on human rights concerns with respect to migration-related detention in India and the treatment of refugees and asylum seekers.

2. CONTEXT

- 2.1 India has been an important host for asylum seekers and refugees from neighbouring Pakistan, Bangladesh, and Myanmar, as well as from Afghanistan, Somalia, Democratic Republic of Congo, Ethiopia, *et. al.*
- 2.2 The asylum system in India operates on a dual recognition model whereby refugees from neighbouring countries, except Myanmar, fall under the Government's mandate while those from Myanmar and non-neighbouring countries fall under the UNHCR's mandate.
- 2.3 According to UNHCR¹ India hosts over 215,000 refugees. Successive humanitarian crises, including the expulsion of Rohingyas from Myanmar and the Taliban takeover of Afghanistan, have led to a steady rise in numbers of asylum seekers. The suspension of international flights between Afghanistan and India as well as the ad-hoc nature of influx of refugees from Myanmar across India's porous eastern borders, combined with the impact of COVID-19, have helped slow the numbers of new arrivals.
- 2.4 India's refusal to ratify the 1951 Convention relating to the Status of Refugees and its 1967 Optional Protocol has led to a regime of ad-hoc policies operating as stop gap measures to govern the rights of asylum seekers and refugees instead of securing the welfare of the population through the implementation of a national asylum law. Despite the introduction of Asylum Bills in the Parliament, most notably by Member of Parliament, Dr.

Shashi Tharoor in 2015, and most recently in 2022, there is no indication that the legislative body will follow through on this and enact a law.

- 2.5 Contrary to India's traditional humanitarian approach towards forcibly displaced populations as evidenced by its approach towards Tibetan refugees, the Bharatiya Janata Party led Indian government has responded to recent crises by implementing strict border control policies, introducing a comprehensive detention regime, cracking down on the widely persecuted Rohingya Muslim population who are deemed to be a threat to national security, shirking from its commitments under the customary international law principle of *non-refoulement*, amending the citizenship legislation to render minority populations stateless, and undertaking public information campaigns which negatively impact the public perception of refugee populations.
- 2.6 There has been a sharp increase in the detention of refugees, in particular of Rohingyas, recognised under the UNHCR's mandate. This ill treatment of asylum seekers, refugees, and migrants is abetted by the Foreigners Act 1946,² part of a set of archaic laws that regulates immigration in India. The Act, a colonial era law, was enacted to address war-time exigencies and therefore, provides for nearly unchecked executive powers against foreigners and no special provisions or statutory exceptions for vulnerable populations like asylum seekers and refugees.
- 2.7 This has resulted in a situation where despite UNHCR recognition and the temporary protection they offer, recognized refugees are still at risk of administrative detention (Section 3(2)(e)), criminal imprisonment (Section 14, 14ABC), and deportation (Section 3(2)(c)).³
- 2.8 The lack of judicial intervention, and the extent of judicial deference to government powers to order the detention and deportation of certain sections of the refugee population, has further contributed to a weakening refugee protection regime in India.

3. RECOMMENDATIONS DURING THE 3RD CYCLE OF UPR

- 3.1. During the 3rd cycle of the Universal Periodic Review of India (27th session, May 2017), India supported the following relevant recommendations:
 - Ratify, before the next universal periodic review cycle, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Para 161.7) [Czechia]
 - Continue facilitating equal access to justice for all and provide legal aid, in particular to vulnerable groups, minority groups and marginalised people (Para 161.88) [Angola]
 - Improve prison conditions in order to ensure the rights and dignity of all those deprived of their liberty (Para 161.116) [Zambia]
- 3.2. During the 3rd cycle of the UPR of India (27th session, May 2017), India examined and noted the following relevant recommendations:
 - Accede to and implement the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, the 1951 Convention relating to the Status of Refugees and article 7 of the Convention on the Rights of the Child to end statelessness and guarantee nationality for affected children (Para 161.32) [Kenya]

3.3. Submission Recommendations

- **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984;**
- **Ratify the Convention relating to the Status of Stateless Persons, 1954 and the Convention on the Reduction of Statelessness, 1961;**
- **Ratify the Convention relating to the Status of Refugees, 1951 and its 1967 Protocol;**
- **Ratify Article 7 of the Convention on the Rights of the Child Status of Refugees;**
- **Ratify the Convention on Human Rights of Migrant Workers and their Families, 1990**
- **Enact the Asylum Bill, 2021.**
- **Uphold its obligations under General Comment No. 31 of Article 6 of the International Covenant on Civil and Political Rights (ICCPR) to allow all individuals at risk of harm in their home country to access asylum procedures and to not return them in violation of the principle of *non-refoulement***

4. RECOMMENDATIONS FROM OTHER HUMAN RIGHTS BODIES

- 4.1 In 2019, the Committee on the Rights of Persons with Disabilities recommended that India should “ensure respect for and the protection of all human rights of persons with disabilities rendered stateless, including those in detention camps, urgently adopting measures to allow the requisition of nationality, and ratify or accede to the Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).”
- 4.2 In 2014, the Committee on the Rights of Child recommended that India “(c) release asylum-seeking and refugee children held in detention and enable them to access the Office of the United Nations High Commissioner for Refugees (UNHCR); unaccompanied and separated children, refugee and asylum-seeking children are not detained because of illegal entry/stay in the State party; and grant them the right to seek asylum and to stay in the State party until the completion of asylum procedures; (d) Establish a proper referral system under the Ministry of Home Affairs to refer refugee and asylum-seeking children to UNHCR, and develop standard operating procedures to facilitate the prompt identification and referral of such children; (e) Consider acceding to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.”
- 4.3 In 2014, the Special Rapporteur on Violence Against Women recommended India “Take appropriate measures to address the situation of irregular and domestic migrant women, including women refugees and asylum seekers; strengthen temporary special measures, including by ensuring that they are included in governmental and National Commission for Women programmes and projects, to enable them to better access services and improve their participation and representation in public life; strengthen and expand the services of the women protection clinics across the country.”

5. ONGOING CONCERNS WITH DETENTION AND DEPORTATION

Criminalization of Administrative Detention

- 5.1 Section 3(2)(e) of the Foreigners Act prescribes that the central government may order any foreigner or class of foreigners to reside in a particular place and impose any restrictions on his movement. Further Section 4(2) of the Act provides that while such a foreigner is residing in such a place, he may be subject to “conditions as to maintenance, discipline and the punishment of offences and breaches of discipline.” These provisions provide the basis for administrative detention in India.
- 5.2 Generally, administrative detention is considered to be less restrictive and punitive than criminal imprisonment. The Supreme Court, in 2012, ordered the release of 37 Pakistani detainees from prison, who were awaiting deportation after the completion of their sentence. It was held that such individuals must instead be held in detention centres where their movement may be restricted and where their basic human rights and dignity will be protected.⁴ This judgement formed the basis on which India released the 2019 Model Detention Manual that echoed many of the court’s recommendations.
- 5.3 However, in practice, administrative detention continues to be equally if not more restrictive than criminal imprisonment. In 2018, an independent monitoring mission on detention centres in Assam, reported that the State “does not make any distinction, for all practical purposes, between detention centres and jails; and thus between detainees and ordinary inmates.”⁵ Moreover courts have held that confining a foreigner who does not have any “subsisting right to remain in India” within a detention centre that is guarded round by armed officers and restricting their movement to a cell from 6 PM to 6 AM, does not amount to “arrest or detention” of such a person.⁶
- 5.4 In the State of Assam, foreigners in detention centres, while residing in equally restrictive conditions as prisoners, are often worse off as they do not benefit from rights that criminal prisoners have, such as the right to work within prison compounds, right to recreation, and access to parole in the event of sickness or death in the family.⁷ Also, while prisoners benefit from judicial review and procedural safeguards, immigration detainees do not.
- 5.5 The 2019 Model Detention Manual states that “Strict prison regimes applicable to under trial and convicted prisoners” should not apply to foreigners, and provides for recreation facilities, sufficient open space within the compounds, detention with family members, enrolment of children in nearby schools, skill centres, among other things that aims to make detention centres less restrictive than prisons. However, it also provides for a proper boundary wall, strict access control measures, and security personnel for round the clock security. The nature of migration-related detention hasn’t change and it remains to be seen whether detention centres will become less restrictive than criminal imprisonment.

Lack of Judicial Review and Indefinite Detention

- 5.6 Under the Foreigners Act, a foreigner can be detained without an order of a Judicial Officer and there is no stipulation either to present the detainees in court after they have been apprehended. Only a subset of the detainees has been detained pursuant to an order passed or confirmed by a court. According to the law, powers vested in the central and state government to make orders of detention and deportation have been delegated to law enforcement agencies, foreigners’ regional registration offices, and quasi-judicial tribunals *et al.*⁸

- 5.7 While individual cases have been challenged before courts, the lack of consistency in interpreting the law and adopting a humanitarian approach has more often than not resulted in an unfavourable outcome for the detainees. The unfettered powers of the executive authority to regulate the entry, stay, and exit of foreigners is the predominant argument upheld by courts while adjudicating on detention and deportation proceedings. In rare cases where the courts pass a favourable order, the implementation of it is a long drawn out process during which time the detainee continues to be in detention.
- 5.8 In other cases, a foreigner’s deportation order may be upheld though arranging the deportation may take years, or in the case of contested nationalities, may never arise, resulting in instances of indefinite detention. Courts themselves have confirmed that deportation orders are not a prerequisite for detention.⁹ This lack of judicial oversight and the powers of the executive to endlessly renew detention orders traps the concerned foreigner(s) in a vicious cycle.
- 5.9 The issue of indefinite detention is prevalent.¹⁰ In 2019, while hearing on the issue of indefinite detention in the State of Assam, the court noted instances where foreigners were lodged in detention centres for over nine years. The Court ordered for the release of those who had completed three years of detention subject to sureties, regular police verification, and other stipulations, which in light of the COVID-19 pandemic was reduced to two years and a reduced surety.¹¹ These developments took place only in the context of Assam and no information on its implementation in other states is available.
- 5.10 Through these cases, the Supreme Court further brought up the issue of “alternatives to detention,” asking “*whether there could be an alternative to housing the declared foreigners in a detention centre, in the first instance, and whether such detention in the detention centre should be the last option.*”¹² No further advancements have been made on this issue.

Lack of Legal Aid

- 5.11 The lack of judicial oversight is compounded by the inaccessibility of legal aid for the majority of detainees in India. Right to legal aid is one of the many guarantees under Article 21 of the Indian Constitution, available to all persons on the territory of India, regardless of citizenship or nationality.
- 5.12 However, there are no mechanisms in place to ensure detainees are mandatorily provided with a lawyer when they are apprehended, nor are detainees informed of their right to a lawyer. Consequently, legal aid is rarely available due to practical considerations like access to detainee populations, language barriers, and a lack of understanding of the various facets of refugee protection resulting in poor quality of legal aid. Where clients are able to hire lawyers, they are forced to pay exorbitant fees and often denied private and secure communication with their counsels.

Poor Conditions in Detention Centres and Lack of Monitoring

- 5.13 Reports of poor conditions in detention centres are available across states and among different types of detention centres. Courts themselves have on multiple occasions recorded the “pathetic” and “deplorable” conditions of detention centres. This includes lack

of cleanliness/hygiene, non-functioning toilets, lack of basic provisions like clothes and food prepared in a healthy and safe manner, lack of medical facilities (in particular lack of mental health facilities), and lack of communication with families and counsel.¹³

- 5.14 Poor conditions of detention remain unabated for years as the law does not provide for any mandatory independent monitoring mechanism. Instead, national human rights commissions and other bodies like parliamentary committees or judicial officers visit detention centres on an *ad-hoc* basis which nearly always confirms the poor conditions of detention.
- 5.15 Courts have intervened in individual cases but there is no horizontal application of their orders across detention centres. As discussed above, the Model Detention Manual sets out guidelines that provide that detention centres must have all necessary facilities for the inmates to maintain standards of “living in consonance with human dignity,” and “healthy living” which include amenities like electricity, drinking water, hygiene, beds, sufficient toilets, running water, kitchen provisions, proper drainage and sewage facilities, medical facilities, and recreation facilities.¹⁴ It remains to be seen the extent to which these amenities will be provided and if existing detention centres will be upgraded.

Conditions of Detention for Vulnerable Populations

- 5.16 Over the years, there have been documented cases of mistreatment of vulnerable populations and those with special needs, in detention centres across the country. The Model Detention Manual 2019 requires that the detention centres provide special assistance to vulnerable populations, specifically, “women, nursing mothers, transgender detainees and children.” The following are some specific instances of mistreatment that have been reported in the public domain.

Women

- 5.17 There have been documented cases of sexual assault in detention centres that housed foreigners, including asylum seekers and victims of trafficking, on grounds of overstaying their visa. In 2017, the Delhi Commission of Women, a government agency, investigated reports of sexual violence against women lodged in Nirmal Chhaya Detention Centre by Foreigners Regional Registration Officers, on whose orders the women were detained. The DCW reportedly found “gross violation of human rights of the detainees”, including denial of medical care to pregnant women, unhygienic living conditions, and cases of racism against women from African countries.¹⁵ There is no information about redress taken against the concerned authorities, if any.

Children

- 5.18 There have been multiple reports of long-term detention of refugee children in juvenile detention centres. In particular, Rohingya children¹⁶ are detained in childcare institutions, long after their parents are released from prisons through judicial orders. In such cases, there is limited to no contact with their families, lack of access to legal aid, lack of access to education, and blatant disregard of best interest principles. In our experience, refugee children who are detained in such centres are also denied access to the UNHCR and are therefore not legally recognized as refugees.

Lack of Clarity on Process of Deportation

- 5.19 There is very little clarity on what the deportation process is currently despite there being a Standard Operating Procedure (“SOP”) for deporting a foreigner. In their query responses in the Rajya Sabha, MHA officials have, over the years, acknowledged the existence of an SOP for deportation and that this is followed while deporting foreigners.¹⁷ However, this process only exists for “illegal immigrants” from Bangladesh, while others accused of violating immigration laws are held in correctional homes after the completion of their sentence till their nationality is verified by the Ministry of External Affairs (MEA) Branch Secretariat in Kolkata, in coordination with the relevant embassy. Subject to a confirmation, the foreigner is then released from the correctional home and repatriated/deported as per the SOP, through local state authorities including Superintendent of Police, Director of the Intelligence Bureau, and Border Security Force in the State.¹⁸
- 5.20 It is pertinent to note that there is no public information available on whether this process is followed and the lack of transparency surrounding it makes it difficult to monitor the exit of those against whom a deportation order has been issued.

COVID-19

- 5.21 With the onset of COVID-19, asylum seekers and refugees, who were already restricted in their access to healthcare, were further excluded from healthcare services which made it impossible for them to seek treatment in a timely manner. In May 2021, the Ministry of Health and Family Welfare, Government of India released the “SOPs on COVID-19 Vaccination of Persons without prescribed Identity Cards through CoWIN”¹⁹ to facilitate the vaccination of those who didn’t have one of the seven prescribed identity cards in their possession, including undocumented migrants. With the support of UNHCR, 49,291 asylum seekers and refugees had been vaccinated as of January 2022.²⁰

5.3 SUBMISSION RECOMMENDATIONS

- **Develop a protocol to make administrative detention less restrictive and explore viable Alternatives to Detention (ATDs) in consonance with UNHCR’s Detention Guidelines which advise that before detention measures are imposed less coercive non-custodial alternative measures must first be assessed to ensure the necessity and proportionality of each detention decision.**
- **Make the Model Detention Centre Manual, 2019 publicly available and ensure that the standards set therein are met by detention centres currently operational;**
- **End arbitrary and indefinite detention: To guard against arbitrariness, maximum periods of detention should be set in national legislation. Without maximum periods, detention can become prolonged, and in some cases indefinite;**
- **Allow for mandatory judicial review: Introduce a requirement of a judicial decision to confirm all cases of administrative immigration detention after apprehension;**
- **Develop protocols for ensuring free legal aid to all detainees and explore the viability of collaborating with district legal services centres to ensure sustained engagement;**
- **Engage with national and independent human rights monitoring mechanisms to ensure transparency in the immigration detention system and keep check on conditions of detention;**

- **Conduct independent evaluations of conditions of detentions across detention centres and ensure that where they are not in consonance with international standards, appropriate action is taken to ensure the right to dignity of all detainees;**
- **Ensure that vulnerable populations including women, children, and refugees are not detained and are afforded necessary protections and access to healthcare including mental health counselling for survivors of trauma;**
- **According to the Committee on the Rights of the Child (CRC), the detention of any child because of their parents' migration status constitutes a child rights violation and contravenes the principle of the best interest of the child, thus authorities must identify non-custodial solutions for the whole family, as per the CRC's recommendations in its Joint General Comment No, 4 (2017) [para 11];**
- **Allow relevant NGO's and lawyers to regularly visit detention centres;**
- **Allow UNHCR access to the north-eastern region of India which acts as the first point of contact for refugee from Myanmar;**
- **Make it mandatory for asylum seekers to be given access to asylum procedures and expedite the asylum determination process;**
- **Remove the requirement of sureties for asylum seekers seeking bail given the vulnerability of their profiles;**
- **Ensure access to COVID-19 prevention, treatment, and vaccination measures to those in detention centres.**

6. TRENDS OF DETENTION AND DEPORTATION IN INDIA

6.1 Following the 2017 mass exodus of Rohingya refugees, the Ministry of Home Affairs, on August 08, 2017, circulated a notification²¹ directing States to identify and arrest "illegal immigrants" from Rakhine State on grounds that their presence was a threat to the nation's security. The same was challenged in a Writ Petition filed at the Supreme Court, in *Mohd Salimullah & Anr v. Union of India & Ors* wherein it was requested that the said notification be retracted as it was in violation of various constitutional guarantees available to all persons within the territory of India. However, the court has repeatedly refused to intervene in matters that are blatantly in violation of India's various international law commitments, as the decisions are of a solely executive nature. In fact, during the hearing on the case, in October 2018, the Supreme Court failed to stay the deportation order passed against the 7 Rohingya men who had been detained in Silchar Central Jail since 2012, stating that matters governing the entry, stay, and exit of foreigners were a solely executive function. Despite being made aware of the risks they faced upon return, and despite the international community's pleas to refer them to the protection of the UNHCR in Delhi, the individuals were deported.

6.2 In 2019, India's immigration detention regime was expanded in response to the perceived threat of illegal migration in the country. As part of this, the Government released the Model Detention Manual with a view to operationalize detention under Section 3(2)(e) of the Foreigners Act and deportation under Section 3(2)(c) of the Foreigners Act. The manual recommends that the State Governments and UT Administrations "may consider setting up one detention centre in the city/district where major immigration check-posts in the State are located. Under this manual, various states built or attempted to build Detention Centres such as Matia Detention Centre in Assam, Bengaluru Detention Centre in Karnataka. States like

Uttar Pradesh, Maharashtra, West Bengal, and Goa also attempted to build new detention centres with varying levels of success.²² This push can be understood as the last of various attempts by successive governments to build detention centres, as was done earlier in 2008 and mid 2000's.

6.3 The exact number of detention centres which includes separate cells in central and district prisons, shelter homes meant for indigent or differently abled men and women, hostels run by social welfare departments, night shelters run by municipal corporations, child-care institutions, and police premises is unavailable. However, unofficial sources place the number of detention centres at over two hundred and sixty-four such institutions, with the majority existing in West Bengal, Assam, and Mizoram.

6.4 More recently, in March 2021, over 170 Rohingyas, recognised under the UNHCR's mandate were detained under the 1967 Passports Act and sent to a "holding centre" while they awaited deportation. In April 2021, the Supreme Court decided to not intervene in the matter of detention even when it acknowledged the International Court of Justice's interim order that highlighted the grave risk of harm that the Rohingyas face in Myanmar. The application was dismissed with the court merely stating that deportation must be done in accordance with the procedure for deportation.²³

6.5 The implications of the Supreme Court order were felt across the country as a number of State High Courts cited precedent to not provide the necessary relief to detained foreigners, deemed "illegal immigrants". For instance, the Karnataka High Court in June 2020 held that foreigners against whom a deportation order is passed must be lodged in Foreigners Detention Centres (FDCs) even after the completion of their sentences and even if they have been acquitted of their criminal charges.²⁴

6.6 However, in May 2021, the Manipur High Court while hearing on a matter of seven refugees from Myanmar at risk of deportation, observed that "*India's policy on 'refugees' remains rather opaque, if not obscure, and asylum seekers are straightaway branded as 'foreigners', if not worse, certain protections are guaranteed under Articles 14 and 21 of our Constitution even to those who are not Indian citizens.*" The Court, on an expansive reading of the principle of *non-refoulement* and Article 21 of the Indian Constitution observed that the former can be read as part of the latter and granted access to the seven individuals to seek asylum at UNHCR's office in New Delhi.²⁵

7. EXERCISE IN STATELESSNESS

7.1 In December 2019, the Citizenship Amendment Act²⁶ (CAA) received the Presidential assent and came into force on January 10, 2020, amid widespread criticism. The Act, for which the groundwork was laid in the 2015 Passport (Entry into India) Amendment Rules and the 2015 Foreigners (Amendment) Order, recognized a special class of foreigners, including religious minorities from Afghanistan, Bangladesh, and Pakistan who were exempted from the definition of "illegal migrant" under the 1946 Foreigners Act. However, the list was criticized for being exclusionary as it was exhaustive in nature and did not include Muslim religious minorities from the specified countries, nor minority populations from neighbouring non-Muslim countries.

7.2 India also compiled a National Register of Citizens (NRC) in the state of Assam to identify so-called “illegal Bangladeshi immigrants.” The process includes Border police or the Election Commission referring a suspected foreigner’s case to the Foreigner’s Tribunal, a quasi-judicial body, which then summons the individual and asks him/her to prove their citizenship. The exercise has excluded approximately 1.9 million individuals who are at risk of being rendered stateless. A nexus has also been made between the NRC and the 2019 CAA, stating that persons of non-Islamic faith excluded from the register could still claim benefits under the CAA, but those of Islamic faith risk detention and subsequent deportation. Questions have also been raised about how suspected foreigners are identified as the process often targets low-income families who do not have access to proper documentation or the resources to seek legal aid. Further, the manner in which the proceedings are conducted have also cast doubt on the legitimacy of the process with reports suggesting that those summoned are often not given a copy of the main grounds on which s/he are alleged to have been a foreigner.²⁷

7.3 SUBMISSION RECOMMENDATIONS

- **Recognise the interim order of the ICJ in *Gambia v. Myanmar* which recognised the act of persecuting Rohingyas as genocide under the Convention on the Prevention and Punishment of the Crime of Genocide;**
- **Recognise India’s commitments under the customary international law principle of *non-refoulement* and retract the notification calling for the identification and deportation of “illegal immigrants from Rakhine State”, i.e., Rohingyas;**
- **Adopt a more inclusive border control policy and recognise asylum seekers and refugees as special classes of foreigners (as in the case of “survivors of trafficking”) exempting them from the purview of the 1946 Foreigners Act;**
- **Use the Manipur High Court decision recognising and upholding India’s international commitments as a model for future decisions in similar cases of detention and deportation of asylum seekers and refugees.**

ENDNOTES

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- ⁸ Model Detention Manual 2019, excerpted in Innocent Amaeme Maduabuchukwi v. State of Goa and Ors., LD-VC-CRI-7-2020.
- ⁹ Innocent Amaeme Maduabuchukwi v. State of Goa and Ors., LD-VC-CRI-7-2020.
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- ¹¹ In Re: Contagion of COVID 19 Virus in Prisons, Suo Moto Wp (C) No. 1 of 2020.
- ¹² Harsh Mander v. Union of India, Writ Petition (Civil) No. 1045/2018, order dated February 19, 2019.
- ¹³ Rumi Bibi v. State and Ors. W.P. (Crl.) 902 of 2020, order dated 4 February 2021; Re-Inhuman Conditions in 1382 Prisons, IA 105821/2018 in Writ Petition(s)(Civil) No(s). 406/2013, order dated September 12, 2018.
- ¹⁴ Model Detention Manual 2019 excerpted in Suo Moto WP No. 1 of 2019.
- ¹⁵ The Pioneer, *Beggar Home's horrific conditions pain women panel; Govt gets notice*, January 06, 2017, available at: <https://www.dailypioneer.com/2017/delhi/beggar-homes-horrific-conditions-pain-women-panel-govt-gets-notice.html> [accessed: March 30, 2022]
- ¹⁶ Dr. Suchismita Majumder, *Difficulty and Uncertainty: A Focus on Young Rohingyas in Children's Homes in West Bengal (Draft Paper)*, 2019, available at: http://www.mcrg.ac.in/RLS_Migration_2019/FULL_PAPERS_2019/MODULE_E_Suchismita.pdf [accessed: March 30, 2022]
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