

## **5. Deportation Laws in India**

**Prelims Syllabus:** Governance - Policies

**Mains Syllabus:** GS-III Role of external state and non-state actors in creating challenges to Internal Security.

### **Context:**

- British MP, Debbie Abrahams, who is also the Chair of the All-Party Parliamentary Group for Kashmir, was denied entry into India as her e-visa had been "rejected" by India.

### **The Issue:**

- India has denied entry to a UK Labour MP who was critical of the government's controversial decision to revoke Kashmir's special status last year.
- Indian officials have clarified that the British lawmaker Debbie Abrahams, who was denied entry into the country on Monday, did not hold a valid visa.
- This was done after various media organisations claimed that Abrahams was deported.
- The Ministry of External Affairs also responded that, on account of her involvement in activities against India's national interest, her visa had been revoked.
- In this case, the government had claimed that this instance of denial of entry is not same as deportation as the British MP has claimed

### **What does Rejection of Visa Mean?**

- Grant, revocation, or rejection of a visa is sovereign right of a country.
- Any foreign national who remains in any area in India for a period exceeding the period for which the visa was issued to him can be proceeded against under Section 14 of the Foreigners Act, 1946.
- A foreigner who enters into or stays in any area in India without the valid documents required for such entry or for such stay, as the case may be, can also be proceeded against under Section 14A (b) of the Foreigners Act, 1946.

### **What is deportation? And what are its types?**

- Deportation is the expulsion of a person or group of people from a place or country. It can be done by a country, when a foreigner violates the immigration laws of the country.
- It applies equally to nationals and Foreigners.
- **External Deportation:**
  - ✓ All countries reserve the right to deport persons without right of abode even those who are long-time residents or possess permanent residency.

- ✓ In general, foreigners who have committed serious crimes, entered the country illegally, overstayed or broken the conditions of their visa, or otherwise lost their legal status to remain in the country may be administratively removed or deported.
- ✓ In some cases, even citizens can be deported; some of the countries in the Persian Gulf have deported their own citizens. They have paid the Comoros Islands to give them passports and accept them.
- **Internal Deportation:**
  - ✓ Deportation can also happen within a state, when (for example) an individual or a group of people is forcibly resettled to a different part of the country.
  - ✓ If ethnic groups are affected by this, it may also be referred to as population transfer.
  - ✓ The rationale is often that these groups might assist the enemy in war or insurrection.
  - ✓ For example, the American state of Georgia deported 400 female mill workers during the Civil War on the suspicion they were Northern sympathizers.
- **Colonial Deportations:**
  - ✓ Deporting individuals to an overseas colony is a special case that is neither completely internal or external.
  - ✓ For example, from 1717, Britain deported around 40,000 religious objectors and criminals to America before the practice ceased in 1776.
  - ✓ Jailers sold the criminals to shipping contractors, who then sold them to plantation owners. The criminal was forced to work for the plantation owner for the duration of their sentence.
  - ✓ After Britain lost control of America, Australia became the destination for criminals deported to British colonies.
- **Criminal Deportation:**
  - ✓ criminal deportation is where a foreigner is ordered to be deported or physically removed from a country by reason of such person's criminal conduct or activity.

### **What are the regulations applicable to foreigners in India?**

- **The extent Acts dealing with entry, stay and exit of foreign nationals in the country are:**
  - ✓ Passport (Entry into India) Act, 1920
  - ✓ Foreigners Act, 1946
  - ✓ Registration of Foreigners Act, 1939

- The Passport (Entry in India) Act, 1920
  - ✓ It prescribes specific authorization of foreign nationals on their valid travel documents/passports for allowing entry into the country.
  - ✓ Under this Act, foreigners coming to India are required to get a visa from Indian Missions/Posts.
- The Foreigners Act, 1946
  - ✓ It regulates the entry of foreigners into India, their presence and their departure.
- The Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1992
  - ✓ It mandates that certain categories of foreigners whose intended stay in India for more than the specified period, or as provided in their visa authorization, are required to get themselves registered with the Registration officer.

**Power to grant or refuse permission to enter India under Foreigners Act, 1946:**

- Permission to enter shall be refused if the concerned authority (Central Government officer) is satisfied that-
  - ✓ The foreigner is not in possession of a valid passport or visa for India or has not been exempted from the possession of a passport or visa;
  - ✓ He is a person of unsound mind or a mentally defective person;
  - ✓ He is suffering from a infectious disease in consequence of which, in the opinion of the Medical Officer of the port, the entry of the foreigner is likely to prejudice public health;
  - ✓ He has been sentenced in a foreign country for an extradition offence within the meaning of the Indian Extradition Act, 1903 (15 of 1903);
  - ✓ His entry is prohibited either under an order issued by a competent authority or under the specific orders of the Central Government.
  - ✓ The civil authority may attach such conditions as it thinks fit to grant or refuse permission to enter which includes, the interests of public safety.