



## Explicating constitutional and statutory regulation of aliens, immigrants and refugees in India

Aditya Kumar

Research Scholar, Department of Law, National University of Study and Research in Law, Ranchi, Jharkhand, India

### Abstract

The Union government has declared that it will implement the Citizenship amendment act, 2019 before the General election 2024 is announced and the growing number of Refugees entering India on account of the ongoing crisis in Myanmar it's imperative that the Union government do something about the issue. The world is also seeing a growing military conflict for political benefits like the Russia-Ukraine and Israel-Palestine conflict which is creating a serious immigrant crisis around the world and India which is situated around the periphery of the conflicts ironically does not have any policy on refugees and CAA, 2019 is one of the very few legislation that comes close to telling us the thinking of the Indian Government on how it sees immigrants and refugees that enter India. The article goes into detail in explaining the rights and duties of foreigners, refugees and immigrants that come to India. The article divided in four parts begins with introducing the statutory framework regulating aliens and foreigners in India, further the article delineates Refugee Protection in India through International regulation namely the Refugee protection 1951, Indian constitutional protection and case-laws. The article also points out the lacuna prevalent in the national and international Statutory Protection for Refugees and immigrants and concludes with a final analysis of the current situation and recommending a viable solution of enacting a Refugee Policy in the country.

**Keywords:** Alien, article 21, foreigner, immigrant, refugee, human rights, non-refoulement, UNHR

### Introduction

The term 'alien' or 'foreigner' is used to describe an individual in reference to a country as not its legal citizen or a citizen of a different state. He may also be a stateless places and it is this disqualification that puts him in an abnormal and an inferior position to a citizen. An alien is subject to the laws of the place of his residence as long as he there legally as he derives his rights and liabilities from municipal law and not international law. But it is important to note that an alien by reason of his allegiance with his homeland keeps outstanding foreign calls that the municipal state is bound to respect as per international norms. Unlike citizens a foreigner remains immune from burdens of military service, citizenship duties etc but this does not mean that the liberty of a foreigner can be interfered without the authority of law.

In India especially a foreigner enjoys with other citizens fundamental rights to equality, protection from conviction for an ex post facto law, double jeopardy etc though a foreigner or alien is liable for civil and criminal offences committed while in the country. A foreigner has no right to stand for parliament, state legislatures, no voting rights and also disqualified from holding any high public offices in the country. Apart from these general disabilities an alien is prohibited to practice accountancy, nursing, dentistry, pharma unless his home state allows Indian citizens to practice these professions there.

The Indian State like other states enjoys discretion in treatment, acceptance and rejection of foreigners in its territory. Once an alien is allowed to enter, there is a formation of legal relationships between the receiving and the home state of the alien. Of all relationship the protection of its national abroad is the most important duty of any civilized state. The importance of this right can be seen from the fact that friendly relations with other are jeopardized if the citizen of that state is harmed in anyway abroad. The Constitution of India recognizing the importance of this has

laid down in its Directive Principles of State Policy that state shall endeavor to promote international peace and security; maintain just and honorable relations between nations and foster respect for international law.

### Statutory Framework Regulating Aliens in India

#### 1. The Foreigners Act, 1946

The name foreigner which loosely means outsiders and in the context of citizenship these outsiders are regulated by this enactment that characterizes as to whom is to be called a foreigner, proposes a system for their interaction with the Indian territory. It unequivocally qualifies the Union of India to formulate instructions for denying, directing or confining the passage, takeoff, nearness or proceeded with matters relating to outsiders. The statute doesn't give recognition or acknowledgment or exceptional arrangements for insurance searchers, recreational voyagers, monetary transients, unpredictable vagrants and coincidental outskirts crosser's as isolated classes of outsiders.

The act declares them under the mark of foreigner who is characterized as an individual who isn't a citizen of India. Further, the Act doesn't give any apparatus, nor does it set out any method for deciding if an individual is a foreigner or not. So this act applies to people who are already declared a foreigner and therefore the acts basically deals with the after effects of what is gonna happen to the person who is adjudged and foreigner and is still within the territory of India specially with matters like his movement and his process of leaving the country. Under this act the onus is on the person who is accused to establish that he is not a foreigner and the state that is prosecuting him which goes against the basic legal principles of public international law. So what this statute does is that if a person is asked to prove his nationality and there is no prizes for guessing the person would belong to the lowest economic strata of the society, so a poor man who already has very little needs certificates approved by the state to establish his nationality from that

Indian state who is refusing to recognize him as a citizen himself to win the case. Also the question of determination of the nationality of the foreigner when a foreigner is recognized as a national by the law of more than one foreign country or where for any reason it is uncertain what nationality if any is to be ascribed to a foreigner, that foreigner may be treated as the national of the country with which he appears to the prescribed authority to be most closely connected. Also this decision of the central government as to nationality shall be final and shall not be called in question in any Court.

## **2. Admission of Foreigner in India**

The Passport act, 1967 states that no person shall depart from, or attempt to depart from, India unless he holds in his behalf a valid passport or travel document. An entry by water or air is not deemed to be from a place outside India by reason only of the fact that a person has traversed territorial water or land in course of this journey. For a valid passport a number of requirements are there as has been provided for in the Passport act rules which states that an application for the issue of a passport or travel document or for the renewal thereof or for any miscellaneous service shall be made in the appropriate Form. Under the passport act there are some exceptions also available to foreigners for entry into India.

## **3. Departure and expulsion of a Foreigner**

Every alien must leave India through an approved port or a recognized place of departure and must surrender his Certificate of Registration. Leave to depart from India may be refused to an alien if he has failed to comply with the formalities of departure. Further any person who is not domiciled in India or has no intention returning to India, must not leave India unless exempted by land, sea or air without a tax clearance certificate.

## **4. The Registration of Foreigners Act, 1939**

The Registration of Foreigners Act, 1939 is an act to provide for the registration of foreigners entering, being present in, and departing from India. S.3 of the act confers the central governments the power to make rules for better implementation of the act and the same was done in 1939 and promulgated the Registration of Foreigners Rules, 1939. The rules mandates that each and every passenger arriving in India on being required furnish true particulars as to his name and nationality, his age, sex, place of birth and address or intended address in India, the purpose of his visit and the proposed length of his stay in India. The same is applicable for foreigners leaving India as well.

## **5. The Foreigners (Tribunal) Order, 1964**

The ministry of Home affairs dated September 23 1964, made an official request under the Foreigners Act 1946, using its powers under Section 3 of known as the Foreigners (Tribunal) Order with a point to set up semi legal bodies that will decide if an individual is an outsider or not, inside the structure of the Foreigners Act, 1946. These tribunals working under the act perform administrative and semi legal functions entrusted under the statute. Indian constitution under its Article 323(b) states that the council can make courts by suitable law for the mediation of preliminary of any debates, grievances or offenses referenced in the ensuing proviso. Be that as it may, note that assurance of

citizenship isn't one of the issues that the Constitutional fathers believed should be entrusted on a quasi legal body. What these tribunal do is that it allows the Central Government or the State Government or the Union territory administration or the District Collector or the District Magistrate to refer the question as to whether a person is a foreigner or not within the meaning of the Foreigners Act, 1946 to the Tribunal to be constituted for its opinion. The tribunals can also be referred the questions whether a person of Indian Origin, complies with any of the requirements under sub-section (3) of Section 6A of the Citizenship Act, 1955.

The Tribunal shall serve on the person, to whom the question relates, a copy of the main grounds on which he is alleged to be a foreigner and give him a reasonable opportunity of to defend himself and produce evidence in support of his case and after considering such evidence as may produced and after hearing such persons as may desire to be heard, the Tribunal shall submit its opinion to the officer or authority specified in the reference. All states have the right to decide who will be its nationals, a significant inquiry emerges on whether Tribunals set up under an enactment went by Britisher's through a request for the official, are fit to make such a basic assurance that strips individuals of their nationality. The other issue with the enactment is that it just gives a candidate ten days to answer to the indictment made against him by the Tribunal and an additional 10 days to deliver proof on the side of his case. Then the tribunal is given 60 days in order to makes a reference against an individual for dismissing the case. Citizenship amendment Act of 2019 this time span has been expanded for requests against the prohibition conveyed under National Register of Citizen.

Cases before the Tribunals are battled on confirmations as citizenship related reports which should be ensured duplicates and no Photocopies of the archives are acknowledged. Hence confirmation and verification of voter's records and land archives before the office of election commission and Revenue Office by individuals blamed for illicit citizenship is to be done to set up citizenship. Private records, for example, Residence Certificate Marriage Certificate and are to be genuinely demonstrated by the specialists that issue such archives. Since the weight of evidence lies on the blamed, the Tribunal doesn't give summons for the nearness of such experts all alone as it must be uniquely mentioned by the denounced individual. Likewise intermission should just be sparingly practiced and if practiced the reasons ought to be recorded as a hard copy.

Postponement in giving reports or non-appearance in person is held against the blamed in the procedures. There is likewise provision for the detainment of an individual who can't fulfill the severe procedural guidelines under the official request. While the arrangement of bail there the conditions for making sure about bail are strict. This part especially effects workers and poor laborers who relocate from part of the state of Assam to different as they can't accumulate reports in a brief period and organize cash for making sure about bail, they are constrained into care the despicable conditions in correctional facilities which have been very much archived.

Further, the Tribunals are bestowed with the authority to formulate the regulations for their own procedures. While most legal gatherings including courts are controlled by the

CPC 1908 or Crpc, 1973 Tribunals are given finished capacity to make their own strategies. This has brought about the particular utilization of the arrangements of the Indian Evidence Act, 1972. The Order additionally doesn't accommodate a flat out option to offer. It can dismiss the solicitation for bid toward the beginning, in meeting with the District Magistrate, in the event that it doesn't discover merit even without giving any consultation to the appealing party.

It doesn't give any component to the extent that the nature and substance of such 'merits' are concerned, leaving befuddling arrangements that might be mishandled, if not unchecked. Further the Top Court, as of late held that the offspring of people proclaimed outsiders by Tribunals, set apart as Doubtful Voters or against whom cases are pending as of now pending in Foreigners Tribunals, won't be remembered in National Register of Citizens. This has led to a circumstance where the Tribunals are burdened with boundless capacity to choose the citizenship of an individual.

## Refugee Protection in India

### 1. International law protection

India is party to a number of international human rights instruments like the Universal Declaration on Human Rights 1948 which states that everyone has the right enjoy and seek in other countries asylum from persecution. India is also party to the International Convention on Civil and Political Rights (1966) which states that

"An alien lawfully in the territory of a state party to the present Covenant may be expelled there from only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to present or put forward reasons against any expulsion and have his or her case reviewed and also right to legal representation before competent authority".

India is also party to The International Convention on Economic, Social and Cultural Rights (ICESCR-1966) since 1979 and the signatory to the Convention on the Elimination of all forms of Racial Discrimination (CERD-1965) and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Torture Convention-1984) which prevents state from refolement of refugees where there is a substantial ground to believe that doing so will be harmful for that refugee.

### 2. Constitutional protection

Apart from International law protection there is also the Constitutional protection. The Indian Constitution entrust certain fundamental rights of every person present within India. Therefore anyone who have fled his or her country and have subsequently asked for asylum in India has the protection of certain fundamental rights mentioned in the Indian constitution and these fundamental rights are independent from recognition of by the government or parliament or by any other body.

Article 14 of the Indian Constitution protects right to equality of all persons in India. Besides article 14 Article 21 protects life and liberty. The Supreme Court of India in cases like Louis De Raedt vs Union of India and State of Arunachal Pradesh vs Khudiram Chakma has held that foreigners are also entitled to the protection of article 21 of the Constitution. The scope and ambit of this provision has

been expanded over the years. Also in Maneka Gandhi vs Union of India the Supreme court put a restriction on the enactment to be just, fair and reasonable. Therefore with regard to hearing cases relating to refugee protection the courts earlier used to consider whether the decision was as per the foreigners act, 1946 but now the court has to examine whether deportation process is just, fair and reasonable. The refugees can also claim the protection of right to fair trial under Article 21 and the protection under Article 25 for further enabling there protection of rights.

### 3. Judicial protection to immigrants in India

Indian courts have decided to expand the constitutional protection of life and liberty to refugee protection cases in India. In the case NHRC vs State of Arunachal Pradesh the Supreme Court did not allow forcible expulsion of Chakma refugees. In its interim order it directed the state government to ensure the Chakmas situated in the state are not ousted by any coercive action against the due process of the law. The state was directed to ensure protection of life and liberty of these refugees living in the state. The right to non-refolement has also been recognized by the Indian courts in cases like Zothansangpuri vs State of Manipur Gauhati High Court said refugees cannot be deported if their life are in danger. In Dr Malvika Karlekar vs Union of India, the Supreme Court has to consider granting refugee status first before deportation. In Bogyi vs Union of India, the Court ordered temporary release of a Burmese man and also allowed him to stay in India for two months to approach the UNHCR for refugee status. The case of U Myat Kayew and Nayzan vs State of Manipur is a landmark case where the High Court in Gauhati ruled asylum seekers who enter India illegally have the right to approach the UN high commissioner to seek refugee status under Article 21. Apart from the Judiciary the NHRC has also come to the protection of Refugees in India as was seen in the case where the commission had approached the Supreme Court for getting protection to Chakma refugees in Arunachal Pradesh. However these judicial interventions have not been uniform across the board but have in case specific and if you dig deep you will find cases of indifference and non-interference by the judiciary as well.

The judiciary in India has gone beyond statutory realms in order to uphold constitutional principles and international regimes relating to refugee rights in India. The Supreme Court has given protection to the refugees against deportation, police custody and detention, etc. Contemporaneously, the Court has categorically said that protection under Article 21 is available to non-citizens also. In National Human Rights Commission v. State of Arunachal Pradesh, the court said that,

*"[w]e are a country governed by the rule of law. Our Constitution confers certain rights on every human being and certain other rights on citizens. Every person is entitled to equality before the law and equal protection of the laws and no one can be deprived of his life or personal liberty without due process of law"*.

Similarly, the Supreme Court, whilst laying down that the foreigner's right to life in India includes a right to live with human dignity, "even those who are not citizens of this country and come here merely as tourists or in any other capacity will be entitled to the protection of their lives as per our constitution. Thus, they also have the right to live, with human dignity as long as they are in India. Just as the State

is under an obligation to protect the life of every citizen in this country, so also the “State is under an obligation to protect the life of the persons who are not citizens”. The Indian courts have said that the principles of non-refoulement is within the ambit of rights granted by Article 21 of the Constitution. Gujarat High Court in *Ktaer Abbas Habib Al Qutaifi v. Union of India* ruled that the principle of non-refoulement is encompassed in Article 21 of the Constitution of India. As per the Court, “principle (of non-refoulement) prevents expulsion of a refugee where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion. Its application protects life and liberty of a human being irrespective of his nationality. It is encompassed in Article 21 of the Constitution, so long as the presence of refugee is not prejudicial to the law and order and security of India....”

The High Court of Delhi in *Dongh Lian Kham v. Union of India*, observed,

“[t]he principle of “non-refoulement”, which prohibits expulsion of a refugee, who apprehends threat in his native country on account of his race, religion and political opinion, is required to be taken as part of the guarantee available in Article 21 as “non-refoulement” protects the life and liberty of the person, irrespective of his nationality”.

This protection is available to a refugee but it must not be at the expense of national security.

The Manipur High Court in *Nandita Haskar v. State of Manipur* also agreed that the far-reaching and myriad protection afforded by Article 21 of Constitution encompasses the right of non-refoulement, “albeit subject to the condition that the presence of such asylum seeker or refugee is not prejudicial or adverse to the security of this country.” In fact, in this particular case while granting interim protection to the Rohingya refugees to approach the office of UNHCR at Delhi, the Court said that even though India is not a signatory to the 1951 Refugee Convention but that does not mean it absolves India from its obligations under different international declarations which can be read with Article 21 of the Indian Constitution which enjoins it to respect the right of an asylum seeker from persecution elsewhere.

Also its important to point out that a court in New Delhi in the case of *State v. Chandra Kumar*, wherein the District Courts held that the principle of non-refoulement is a part of customary international law, which binds India, irrespective of its recognition of the refugees convention or not inasmuch as India is a party to other Conventions which also contain the principle of non-refoulment. The recognition of the importance of the non-refoulement principle across the board including the Indian judiciary in the recent times and reading that into the provisions of Article 21 of the Constitution gives it official feasibility in India. However the Supreme Court in *Mohd. Salimullah v. Union of India* has expressed an opposite perspective, with regard to this principle that can puncture the excitement of many dealing with refugee issues.

In fact while deciding on a prayer for interim relief by Rohingya migrants/refugees in India, the Supreme Court, remarked,

*“Regarding the contention raised on about the state of affairs in Myanmar, we have to state that we cannot comment upon something happening in another country.”*

Though the Court re-affirmed the protections of Articles 14 and 21 to all persons whether citizens or not, however the court accorded supremacy to Article 19(1)(e) of the Constitution over 14 and 21 because the court believed foreigners cannot claim residence in India as a matter of right. The judgment of the court in the particular case by the Supreme Court can be seen to have failed to observe its responsibility of the protector of rights, rather, outwardly refusal to acknowledge the plight these legitimate peoples. Concomitantly, while reaching its conclusions the Supreme Court further did not even discuss several earlier decisions of various courts wherein non-refoulement was affirmed to be inherent under Article 21 and at the same time the courts had expressed their inclination to apply international law principles in appropriate cases.

The decision of Supreme Court in *Mohd Salimullah* case has come under a lot of criticism and disapproval from those within and outside the legal fraternity, inter alia, on a rationale that despite India’s impressive past record of welcoming refugees, the Court’s reticence to exercise its jurisdiction in favor of Rohingyas has virtually determined the fate of these individuals for the worst. Simultaneously, it can be pointed out that despite the enthusiasm of the Indian courts to adopt a liberal interpretation of the principles of International law like non-refoulment the Supreme Court’s decision in this instance will puncture all or any judicial headway achieved till date in that regard.

On the other hand the judgment would give major headway to the beliefs of people who feel deportation is an exclusive domain of government which cannot and should not be fettered on foreigners’ trifling fear of persecution abroad. The exponents further believe that repatriation of foreigners from India does not amount to any kind of violation of individuals right to life and liberty, which is based and protected only and up to the extent of such immigrants’ legal permissible presence within India. Obviously, akin to the Supreme Court, these averments are sought to be further fortified by taking recourse to the provisions under Article 19(1)(e) of the Constitution, asserting that residence in India cannot be claimed as a matter of right by anyone except Indian citizens. However, considering the all-embracing and recurrent past proclamations by the various courts, including the Supreme Court, these rationalisations seem to fall flat as antagonistic to not only the provisions of Indian Constitution but also to India’s obligations under various other international conventions and treaties.

#### 4. India and the 1951 Refugee Convention

India is not party to the Refugee Convention, 1951 or its 1967 Protocol and neither does it have a national refugee protection policy. However, it continues to grant asylum to a large number of refugees from neighboring States and respects UNHCR’s mandate for other nationals, mainly from Afghanistan and Myanmar. While the Government of India deals differently with different refugee groups it respects the principle for holders of UNHCR documentation. India’s concerns over its security have led to a much more restrictive impact its asylum policy in the country. Mixed migration further complicates identification and protection of refugees and UNHCR has modified and increased its registration activities to deal with this issue and provide support to the Government. Without a national legal and administrative framework, UNHCR, New Delhi, conducts refugee status determination for asylum-seekers

from non-neighboring countries and Myanmar. UNHCR also has a presence in Chennai, Tamil Nadu to support the voluntary repatriation of Sri Lankan refugees.

India historically has been a reliable partner of the world as it has guaranteed place and safety to people who need help. In support of the efforts by the Government UNHCR works with the Ministry of Home Affairs, Foreign Ministry, NITI Aayog, United Nations Country Team, and its NGO partners which are based in eleven different states of India. UNHCR India in recent years has seen a rise in the number of asylum seekers for registration and assistance due to tensions in the neighborhood and Covid-19 has further impacted this socio-economic conditions of the refugees and asylum-seekers. The number of refugees and asylum-seekers requesting basic assistance has increased, including food, rent, and medicines. As of 31 March 2022, 47,832 refugee's and asylum-seekers are registered with UNHCR in India. 727 individuals were registered in March 2022, mainly from Afghanistan and Myanmar Through UNHCR's 24/7 tele-call hotline 2014 people have reached UNHCR-India requesting for information on social assistance, registration, resettlement, and vaccination.

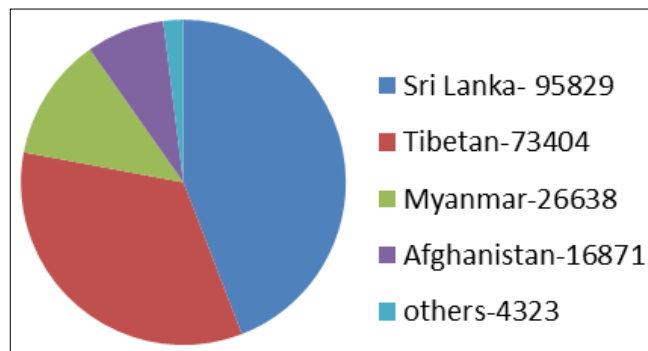


Fig 1: India Refugee numbers March 2022

## Conclusion

In spite of the emergent notion of refugee rights in India, legal protection has remained an illusion for most of the refugee communities residing in India with their very survival being at stake. Due to a lack of a well defined and catered refugee policy in the country there is no defined standards for implementing judicial and constitutional directives on refugee protection. India has chosen to deal with refugees at political and administrative levels which means there are only ad hoc mechanisms in place to deal status of refugees and their problems and no separate law defining refugees rights and their entitlements. The legal status essentially presently is identical to the status of ordinary aliens regulated under the Foreigners Act of 1946. Foreigners are a classified category which can be further sub-divided as per the Foreigners Act regime, but no such sub-classification has been made currently for refugees. As per the present law, every foreigner should be in possession of a valid passport or visa to enter India and if refugees contravene any of these provisions they are liable to prosecution and thereby to the deportation proceedings just like any other foreigner or illegal and as such, refugees, like other foreigners, are generally subject to deportation with no or very little due process and this is the reason the status of refugees is presently decided by the amount of protection they receive from the government which is influenced through political equations than any humanitarian or legal

obligation. This lack of policy has also resulted in discriminatory application of policy among refugees like there are certain refugees from Sri Lanka, Tibet, Chakma Refugees also who receive full protection of the Government of India and these refugees have no requirement of security screening or status determination etc and prima facie recognition is granted to them and their stay is accorded indefinitely through executive discretion under Foreigners act. Burmese, Afghan, Iranian, Somalian, Sudanese and Iraqi refugee though recognized by UNHCR receive no protection from Government of India except Non-refoulement. Hence, the condition of such communities is precarious. They do not have any work permit and are not able to make out any kind of subsistence for themselves. Few refugees who have been employed in the informal sector face continuous and persistent harassment from their employers and the police and the subsistence allowance provided by the UNHCR is no way sufficient. Refugees like the Chin refugees in Mizoram who have entered India and have assimilated into local communities are not recognized by the UNHCR or the Indian government. The government of India has refused access to seven Indian states to the UNHCR in the north-east including Mizoram where the vast majority of Burmese refugees are sheltered, hence these refugees receive no official acknowledgement.

The examples above establish that Indian law and practice provide a very vague and incomplete protection of refugees. Indian law also fails to recognize refugees as a distinct category of persons and treats them at par with all other foreigners which is a serious issue in itself as it suggests a situation where the government is refusing to understand the special circumstances in which a person becomes a refugee and absence of any special law dealing with refugees or any policy denies these people who are in most vulnerable condition a denial of the most basic right that is survival. This denial is against the spirit of India's human rights commitment in international law and its own Constitution. Inconsistent interventions have been made by the judiciary but they are limited to specific cases and these judicial pronouncements have not been implemented across a wide spectrum which has meant arbitrary executive action and acts of discrimination. This further means that the decision to treat a person or a group of persons as refugees or not is taken on the merits and circumstances of the cases coming before it as they are overshadowed by political considerations. The lack of statutory protection or policy also takes away the dignity of the refugees as they are forced to be dependent on the handouts of the government with have no recourse against systemic violations of its legal obligations including by the state. Therefore it's imperative that India in conformity with its international and constitutional obligations adopt a definite statutory regime that clearly defines refugees as a distinct class of persons, lays out a just and fair procedure for determination of their status and outlines a due process for their protection in consonance with the right to non-refoulement and dignified life.

## References

1. Thames H Knox. India's Failure to Adequately Protect Refugee, Human Rights Brief, 1999, 7(1).
2. Bhattacharjee Saurabh. India Needs a Refugee Law, Economic and Political Weekly, 2008:43(9):71-75.
3. Louis De Raedt vs Union of India, 1991:3:SCC554.

4. State of Arunachal Pradesh vs Khudiram Chakma, 1994:Supp(1):SCC615.
5. Zothansangpuri vs State of Manipur, Civil Rule No 981 of, 1989.
6. Bogyi vs Union of India, Civil Rule No 981 of, 1989.
7. Hansmuller vs. Supdt. of Presidency Jail, Calcutta, 1955:1 S.C.R:1284.
8. State v. Chandra Kumar. SCC OnLine Dis Crt (Del), 2011, 1.
9. Maneka Gandhi vs Union of India, AIR SC, 1978, 597.
10. U Myat Kayew. and Nayzan vs State of Manipur, Civil Rule No 516 of, 1991.
11. Constitution of India, 1950
12. Foreigners Act, 1946
13. Passport Act, 1920
14. The Registration of Foreigners Act, 1939
15. The Foreigners (Tribunal) Order, 1964
16. The Universal Declaration of Human Rights, 1948
17. International Covenant on Civil and Political Rights, 1966
18. Refugee Convention, 1951
19. International Convention on Economic, Social and Cultural Rights (ICESCR-1966)
20. The Convention on the Elimination of all forms of Racial Discrimination (CERD-1965)
21. The Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Torture Convention-1984)
22. National Human Rights Commission v. State of Arunachal Pradesh, (1996) 1 SCC 742, 751
23. Mohd. Salimullah v. Union of India, 2021 SCC OnLine SC 296.