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OPERATION SINDOOR AND THE EVOLUTION OF INDIA'S IMMIGRATION ENFORCEMENT REGIME

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INTRODUCTION

One year after the 22 April 2025 Pahalgam terror attack in Jammu and Kashmir's Baisaran Valley, in which militants linked to Lashkar-e-Taiba through The Resistance Front killed 26 civilians, mostly Hindu tourists, and injured more than 20 others, India's security response continues to shape its approach towards cross-border threats. The attack, carried out in a popular tourist meadow, marked a serious escalation in Pakistan-backed proxy warfare. By targeting civilians on the basis of religious identity and attacking a soft target, the incident sought to disrupt regional stability and weaken Kashmir's recovering tourism economy¹.

On 7 May 2025, India launched Operation Sindoor, a precision military operation involving missile and air strikes on nine terror infrastructure sites in Pakistan and Pakistan-administered Kashmir associated with groups such as Lashkar-e-Taiba and Jaish-e-Mohammed. The operation was accompanied by a broader non-military response that included suspending visas for Pakistani nationals, cancelling existing short-term visas with limited medical exemptions until late April, intensifying deportation and verification drives against undocumented entrants and visa overstayers, suspending certain transport links, tightening border security and pursuing diplomatic isolation measures. Together, these steps reflected a calibrated assertion of sovereignty in response to repeated provocations².

The issue of Pakistani nationals residing in India without valid documentation or in violation of visa conditions soon became a central part of this response. Intelligence inputs pointed to the possible misuse of visa networks, overstays and undocumented presence for reconnaissance, radicalisation and logistical support to terror modules. By May 2026, the government reported considerable progress in identification and repatriation

¹Cherylann Mollan, India Charges Pakistan-Based Militant Groups, Six Others in Kashmir Killings, BBC News (Dec. 16, 2025), <https://www.bbc.com/news/articles/cvgr8r0pwvmo>.

²Anurag Sharma, Pahalgam Terror Attack 2025: Unmasking Pakistan's Proxy Hand in Kashmir, Vivekananda Int'l Found. (Apr. 28, 2025), <https://www.vifindia.org/article/2025/april/28/Pahalgam-Terror-Attack-2025-Unmasking-Pakistan-s-Proxy-Hand-in-Kashmir>.

efforts, although challenges remained because of Pakistan's inconsistent cooperation in accepting its nationals^{3,4}

This article argues that India's security-first approach remains both legitimate and necessary in the aftermath of a mass-casualty terrorist attack with clear external backing. At the same time, one year of implementation has exposed administrative and humanitarian difficulties that highlight the need for legal modernisation. A stronger statutory framework for immigration enforcement, including biometric verification, faster but fair review mechanisms and a structured humanitarian screening process, would strengthen rather than weaken national security governance. Such reforms would allow enforcement measures to remain consistent with constitutional principles while addressing genuine vulnerabilities on a case-by-case basis without compromising core security objectives⁵.

SECURITY CONTEXT AND STRATEGIC RATIONALE

The Pahalgam attack did not take place in isolation. It came against the backdrop of decades of Pakistan-sponsored terrorism that has affected Jammu and Kashmir since the late 1980s. Over the years, India has dealt with a sustained pattern of infiltration, radicalisation and targeted violence aimed at creating instability in the region and beyond. The 2019 Pulwama attack and India's Balakot response had already shaped a framework of calibrated retaliation. Pahalgam once again tested the credibility of India's deterrence policy. Intelligence assessments linked the attackers to networks operating from Pakistani territory, with handlers allegedly using cross-border movement and diaspora links to facilitate operations⁶.

India's deterrence posture is clearly reflected in official government sources. After the Pahalgam attack, the Ministry of External Affairs issued a statement attributing responsibility to Pakistan-backed actors and reaffirming India's commitment to accountability. This position was reinforced during the Lok Sabha debates of May 7–8, 2025, where the Minister of Home Affairs described immigration enforcement measures as part of the broader post-Sindoor security strategy. The Cabinet Committee on Security also issued a press communiqué formally approving these measures. Together, these sources show that the post-Pahalgam immigration actions were not isolated steps but part of a deliberate policy response to state-sponsored terrorism.

³NDTV News Desk, "Punished for Someone Else's Deeds...": Pakistanis Leaving India After Pahalgam, NDTV (Apr. 28, 2025), <https://www.ndtv.com/india-news/pahalgam-terror-attack-news-pakistani-visas-suspended-deported-from-india-punished-for-someone-elses-deeds-8275553>.

⁴OpIndia Staff, 5000 Pakistanis Living in Delhi Identified by IB, Crackdown After Pahalgam Attack; 28 Pakistanis Who Came to Watch a Cricket Match in 2007 Still Untraceable, OpIndia (Apr. 28, 2025), <https://www.opindia.com/2025/04/missing-28-pakistanis-after-pahalgam-attack-5000-identified-in-delhi-maharashtra-south-india>.

⁵PRS Legislative Research, The Immigration and Foreigners Bill, 2025 (Mar. 11, 2025), <https://prsindia.org/billtrack/the-immigration-and-foreigners-bill-2025>.

⁶Sharma, *supra* note 2.

The issue of undocumented Pakistani nationals and visa overstayers has also been viewed through this larger security lens. Past incidents have shown that weak monitoring of cross-border movement can sometimes be exploited not only for economic migration but also for intelligence gathering and logistical support activities. After the Pahalgam attack, authorities focused on identifying individuals who had failed to regularise their stay or had violated visa conditions, especially those located in sensitive areas or linked to suspicious travel histories. The exercise was presented not as an act of indiscriminate hostility but as part of the sovereign authority of the state to regulate the entry and presence of foreign nationals, particularly during a period of heightened security concerns involving a hostile neighbour.

Operation Sindoor marked a significant development in India's deterrence doctrine. It signalled a willingness to combine direct military action against terror infrastructure with non-military measures such as visa restrictions, repatriation efforts and tighter internal monitoring. This layered approach was intended not only to impose costs on those sponsoring terrorism but also to disrupt networks that could facilitate such activities within India. A year later, the government points to reduced infiltration attempts and intelligence gains as evidence supporting the policy, even though practical and humanitarian challenges in implementation have also become increasingly visible⁷.

IMPLEMENTATION OF THE DEPORTATION AND VERIFICATION POLICY: SUCCESSES AND HUMANITARIAN CHALLENGES

After the Pahalgam attack, Indian authorities launched nationwide verification drives involving state police forces, Foreigners Regional Registration Offices (FRROs) and intelligence agencies. Thousands of Pakistani nationals were identified during these operations, and many left India through the Attari border and other exit points after their visas expired or were cancelled. At the same time, the government provided limited exemptions for certain humanitarian categories, including individuals with pending long-term visa applications, especially Pakistani Hindus, as well as people undergoing medical treatment⁸.

The exercise did produce some clear results. Authorities strengthened biometric data collection, improved coordination between agencies and increased scrutiny of routes that could potentially be misused for infiltration or logistical support activities. Security agencies also claimed that the drives disrupted networks that may have supported extremist operations. However, carrying out such a large-scale operation also exposed serious practical difficulties. Families divided across borders faced uncertainty and emotional stress. Elderly people and individuals with health conditions struggled with travel and waiting conditions at border facilities,

⁷Dinakar Peri, Military Lessons from Operation Sindoor, Carnegie Endowment for Int'l Peace (Oct. 6, 2025), <https://carnegieendowment.org/research/2025/10/military-lessons-from-operation-sindoor>.

⁸Pahalgam Terror Attack: Centre Exempts Many More from Repatriation to Pakistan, The Hindu (Nov. 30, 2025), <https://www.thehindu.com/news/national/pahalgam-terror-attack-centre-exempts-many-more-from-repatriation-to-pakistan/article69506385.ece>.

particularly during periods of extreme heat. In many cases, missing or incomplete documentation complicated verification processes, which is common in situations involving irregular migration. There were also isolated allegations of procedural inconsistencies and overly broad enforcement, although the government defended these measures as necessary in the immediate aftermath of a major terror attack and based on intelligence inputs⁹.

It is also important to distinguish between different categories of people affected by the policy. Many were visa overstayers or undocumented entrants rather than recognised refugees under international law. At the same time, some cases involved long-term residents with close family ties in India or individuals facing serious medical concerns. Such cases often required a more sensitive approach and, in several instances, authorities coordinated temporary relief measures with local organisations and humanitarian groups. Delays by Pakistan in accepting certain nationals further complicated the process and created bottlenecks at border points. Similar situations have been seen elsewhere, including Pakistan's own handling of Afghan refugees, where large-scale repatriation efforts were also accompanied by criticism over humanitarian difficulties and administrative pressure¹⁰.

Pakistani Hindus form a legally distinct sub-category within the larger group of Pakistani nationals in India. Many are either long-term visa holders or applicants under the Citizenship Amendment Act, 2019 (CAA), which creates a faster route to citizenship for six persecuted religious minorities, namely Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan. The government's decision to exempt Pakistani Hindu long-term visa holders from general repatriation measures aligns with both the purpose of the CAA and the Article 14 guarantee against arbitrary discrimination. The November 2025 notification granting exemptions to this group was an important step, but a clearer statutory framework under the CAA or the Immigration and Foreigners Act, 2025 would provide greater legal certainty and reduce reliance on executive discretion¹¹.

LEGAL AND CONSTITUTIONAL FRAMEWORK

India's response is grounded in a strong domestic legal framework. The Foreigners Act, 1946, now largely consolidated under the Immigration and Foreigners Act, 2025, gives the Central Government broad powers to

⁹U.N. Off. of the High Comm'r for Hum. Rts. (OHCHR), UN Experts Alarmed by Indian Counter-Terrorism Operations Violating Human Rights in Jammu and Kashmir (Nov. 30, 2025), <https://www.ohchr.org/en/press-releases/2025/11/un-experts-alarmed-indian-counter-terrorism-operations-violating-human>.

¹⁰Fed Up With the Taliban, Pakistan Expels Masses of Afghans, N.Y. Times (Nov. 30, 2025), <https://www.nytimes.com/2025/11/30/world/asia/pakistan-afghans-mass-expulsions.html>.

¹¹Citizenship Amendment Act, No. 47 of 2019, Acts of Parliament, 2019 (India); see also Pahalgam Terror Attack: Centre Exempts Many More from Repatriation to Pakistan, *supra* note 8.

regulate, restrict and, where necessary, expel foreign nationals. Section 3 in particular grants wide executive discretion, especially when decisions are linked to national security concerns¹².

From a constitutional perspective, foreign nationals in India are protected, but only to a limited extent. They are entitled to safeguards under Article 14 of the Constitution of India and Article 21 of the Constitution of India, which guarantee equality before the law and protection of life and personal liberty. However, they do not enjoy rights reserved exclusively for citizens, such as the freedom to reside and settle anywhere in India under Article 19(1)(e) of the Constitution of India. The Supreme Court of India has repeatedly affirmed this distinction. In *Louis De Raedt v. Union of India*, the Court made it clear that while foreigners are protected under Article 21, they cannot claim a right to remain in India. Earlier, in *Hans Muller of Nuremburg v. Superintendent, Presidency Jail*, it upheld the government's authority to expel foreign nationals. In *National Human Rights Commission v. State of Arunachal Pradesh*, the Court protected the right to life of Chakma refugees under Article 21 while still recognising the state's authority to control entry and expulsion¹³.

A more recent and closely related precedent is the Rohingya deportation case, *Mohammad Salimullah v. Union of India* (Writ Petition (Civil) No. 793 of 2017). The Supreme Court examined a challenge to the government's policy of deporting Rohingya refugees to Myanmar despite documented risks of persecution. The Court refused interim relief, reflecting the present constitutional position that while foreign nationals are protected under Article 21, this protection does not create an absolute bar against deportation when the state raises national security concerns supported by individual justification. Unlike earlier cases, Salimullah directly addresses the conflict between Article 21 rights and executive deportation powers in a security context. Indian courts have also stopped short of recognising non-refoulement as a constitutional principle, though the issue remains legally contested¹⁴.

India's position under international law also shapes this debate. India is not a party to the 1951 Refugee Convention or its 1967 Refugee Protocol, which means it has not formally accepted a general legal obligation of non-refoulement in domestic law. Although arguments are sometimes made using broader international instruments such as the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights, Indian courts have generally balanced those principles against national security concerns and the absence of binding treaty obligations. Instead of adopting a rigid refugee law framework, courts have usually preferred a practical case-by-case humanitarian approach. The 2025 legislation reflects this same

¹²Foreigners Act, 1946, No. 31 of 1946, Acts of Parliament, 1946 (India); Immigration and Foreigners Act, 2025 (India), <https://thc.nic.in/Central%20Governmental%20Acts/Foreigners%20Act,%201946..pdf>.

¹³*Louis De Raedt v. Union of India*, (1991) 3 S.C.C. 554 (India); *Hans Muller of Nuremburg v. Superintendent, Presidency Jail*, A.I.R. 1955 S.C. 367 (India); *Nat'l Hum. Rts. Comm'n v. State of Arunachal Pradesh*, (1996) 1 S.C.C. 742 (India).

¹⁴*Mohammad Salimullah v. Union of India*, W.P. (C) No. 793 of 2017 (India); see also Sanya Samtani, *Deporting Rohingya Refugees: Indian Supreme Court Violates Principle of Non-Refoulement*, Oxford Hum. Rts. Hub Blog (Oct. 18, 2018), <https://ohrh.law.ox.ac.uk/deporting-rohingya-refugees-indian-supreme-court-violates-principle-of-non-refoulement>.

balance by modernising older laws, strengthening monitoring systems and increasing penalties for violations, although it still does not create a dedicated refugee status determination mechanism¹⁵.

India's ratification of the International Covenant on Civil and Political Rights (ICCPR) on April 10, 1979 introduced important procedural safeguards relevant to deportation. Article 13 of the ICCPR prohibits arbitrary expulsion of foreign nationals who are lawfully present in a country and requires that they be given an opportunity to present reasons against expulsion and seek review before a competent authority. Human Rights Committee General Comment No. 15 further explains that safeguards such as notice, a hearing and access to review apply to all lawfully admitted foreign nationals and cannot be denied on vague national security grounds without individual justification. Although Indian courts have not directly enforced Article 13 as an independent constitutional guarantee, the principle laid down in *Maneka Gandhi* that procedures under Article 21 must be fair, just and reasonable creates similar due process protections within Indian constitutional law¹⁶.

Taken together, this legal framework provides strong support for the government's post-Pahalgam actions. At the same time, it also shows why clearer procedural safeguards are important. Stronger due process protections would not weaken enforcement. Instead, they would make such measures more resilient to judicial scrutiny and improve their overall legitimacy.

ONE YEAR LATER: CURRENT SITUATION IN MAY 2026 AND COMPARATIVE ANALYSIS

By May 2026, India's deportation and verification drives had led to the repatriation of a significant number of undocumented Pakistani nationals and visa overstayers. The remaining cases largely involved pending reviews, disputed documentation and humanitarian considerations. At the same time, tensions between India and Pakistan continued to remain high, with little real diplomatic improvement. Security agencies also continued to express concerns about possible residual networks operating within the country, even as requests related to family reunification and urgent medical cases kept emerging. Public debate within India reflected this divide, with some emphasising the security benefits of the policy while others raised concerns about the way certain measures were implemented¹⁷.

¹⁵Fragomen, Del Rey, Bernsen & Loewy LLP, India: New Law Simplifies Immigration Law and Creates Stricter Registration and Reporting Rules, Fragomen (2024), <https://www.fragomen.com/insights/india-new-law-simplifies-immigration-law-and-creates-stricter-registration-and-reporting-rules.html>.

¹⁶Hum. Rts. Comm., General Comment No. 15: The Position of Aliens Under the Covenant, ¶¶ 9–10, U.N. Doc. HRI/GEN/1/Rev.9 (Vol. I) (1986); International Covenant on Civil and Political Rights art. 13, Dec. 16, 1966, 999 U.N.T.S. 171. India ratified the ICCPR on Apr. 10, 1979.

¹⁷One Year After Operation Sindoor: How India's 2025 Cross-Border Strikes Redefined India-Pakistan Military and Diplomatic Dynamics, Open Mag. (2025), <https://openthemagazine.com/india/one-year-after-operation-sindoor-the-strike-that-changed-india-pakistan-dynamics>.

A major gap in India's repatriation framework is the absence of a formal readmission agreement with Pakistan. Unlike the European system, where bilateral readmission treaties create binding obligations for states to accept their nationals within fixed procedures and timelines, no similar arrangement exists between India and Pakistan. This creates both practical and legal difficulties. Pakistan's cooperation in accepting deported nationals cannot be enforced through any treaty mechanism, and international law offers limited options when a receiving state refuses cooperation. While Indian law allows the government to order deportation, implementing those orders against a non-cooperative state becomes largely a diplomatic challenge rather than a purely legal one. For this reason, negotiating a formal readmission framework with Pakistan should form part of India's longer-term diplomatic strategy¹⁸.

A comparison with developments in neighbouring countries also provides perspective. Since 2023, Pakistan itself has overseen the large-scale repatriation of more than a million Afghan nationals, citing security threats linked to Taliban-affiliated groups. Those operations were often criticised for being far harsher and offering fewer humanitarian exemptions. Similarly, many Western countries tightened deportation, screening and vetting measures after major terror attacks. In that context, India's response after Pahalgam has generally remained more targeted, focusing specifically on nationals of a hostile neighbouring state rather than adopting broad or indiscriminate restrictions¹⁹.

One of the clearest lessons from the past year has been the importance of better administrative systems. Digital verification tools and biometric monitoring improved coordination and identification efforts, but the experience also exposed the limitations of ad hoc enforcement measures. Going forward, immigration enforcement is likely to rely more heavily on technology, centralised databases and structured bilateral repatriation agreements to avoid the confusion and humanitarian strain seen during the immediate post-attack period.

POLICY RECOMMENDATIONS AND WAY FORWARD

Short-Term Measures: India can strengthen enforcement through biometric verification systems independent of Aadhaar, faster humanitarian review mechanisms and better-equipped holding facilities for those awaiting repatriation. Greater coordination with organisations such as the United Nations High Commissioner for Refugees, the International Committee of the Red Cross and domestic NGOs would improve humanitarian

¹⁸Agreement Between the European Community and the Russian Federation on Readmission, 2007 O.J. (L 129) 40 (EC); Council Regulation (EC) No. 810/2009, Establishing a Community Code on Visas, 2009 O.J. (L 243) 1, recital 26 (EC).

¹⁹ Fed Up With the Taliban, *supra* note 10.

support, while clear rules on exemptions and appeals would make the process more transparent and consistent.²⁰

Long-Term Reforms: India would benefit from a stronger immigration framework under the Immigration and Foreigners Act, 2025. A clear refugee screening system, better repatriation arrangements, improved border technology and stronger FRRO capacity would make enforcement more effective. Policies should also distinguish between security threats, illegal migrants, visa overstayers and genuine humanitarian cases to ensure targeted and proportionate action. These reforms would improve efficiency, reduce litigation and strengthen both national security and procedural fairness.

CONCLUSION

The Pahalgam attack and Operation Sindoor highlighted a difficult reality that large-scale terrorist attacks often push states toward firm security responses. India's tighter immigration enforcement and increased scrutiny of nationals from a state accused of sponsoring terrorism flowed from its responsibility to protect national security. While the policy was seen as producing security gains, its implementation also revealed administrative and humanitarian gaps.

The past year has shown that enforcement alone is not enough. India now needs a more modern immigration framework with clearer procedures, better technology and stronger humanitarian safeguards. In a time shaped by cross-border terrorism and irregular migration, India's long-term success will depend on balancing strong security measures with procedural fairness and constitutional accountability²¹.

²⁰Citizens for Justice and Peace, How the Rajubala Case in the Supreme Court, Its Genesis and Context Has Now Become the Ground for "State Expulsion" (June 20, 2025), <https://cjp.org.in/how-the-rajubala-case-in-the-supreme-court-its-genesis-and-context-has-now-become-the-ground-for-state-expulsion>.

²¹Kalyani Yeola, Fixing the "Foreigner": What India's New Immigration Law Gets Wrong About Refugees, Refugee L. Initiative Blog (Feb. 2, 2026), <https://rli.blogs.sas.ac.uk/2026/02/02/fixing-the-foreigner-what-indias-new-immigration-law-gets-wrong-about-refugees>.