



## Foreigners Tribunals in Assam

[Source: TH](#)

### Why in News?

Recently, the Assam government has asked the Border wing of the State's police **not to forward cases of non-Muslims who entered India illegally** before 2014 to the [Foreigners Tribunals \(FTs\)](#).

- This was in keeping with the [Citizenship \(Amendment\) Act of 2019](#) which provides a **citizenship application window for** Hindus, Sikhs, Christians, Parsis, Jains, and Buddhists who allegedly fled persecution in Afghanistan, Bangladesh, and Pakistan.

### What are Key Facts About the Foreigners Tribunals (FTs)?

- **About:**
  - The **FTs are quasi-judicial bodies** formed by the central government through the [Foreigners \(Tribunals\) Order of 1964](#) under **Section 3 of the Foreigners' Act of 1946**, to let local authorities in a State refer a person suspected to be a foreigner to tribunals.
- **Foreigners (Tribunals) Order (Amendment 2019):** The [2019 amendment to the Order](#), only **lays down the modalities for the Tribunals** to decide on appeals made by persons not satisfied with the outcome of claims and objections filed against the NRC.
  - The **Ministry of Home Affairs (MHA)** has also **empowered district magistrates** in all States and Union Territories to set up tribunals.
  - All these orders **apply to the whole country** and are not specific to any state.
    - However, the Foreigners Tribunals under this order have been **established only in Assam and in no other state of the country**, this amendment in effect is going to be relevant only to Assam at present.
    - Moreover, **cases of "illegal immigrants" are dealt with according to the Foreigners' Act** in other states.
- **Types of Cases:** The FTs get **two kinds of cases:**
  - Those against whom a "reference" has been made by border police.
  - Those whose names are in the electoral rolls have a D (Doubtful) against them.
    - **Cases of 'D' or doubtful voters** can also be **referred to an FT by the Election Commission of India**.
- **Composition:**
  - Each FT is **headed by a member drawn from judges**, advocates, and civil servants with judicial experience.
  - Judges/Advocates have been **appointed as members of FT under the Foreigners Tribunal Act, 1941**, and Foreigners Tribunal Order 1964 as per the guidelines issued by the government from time to time.
- **Function:**
  - According to the 1964 order, an FT has the **powers of a civil court** in certain matters such as **summoning and enforcing the attendance of any person**, examining him or her on oath, and requiring the production of any document.
  - A **tribunal is required to serve a notice in English** or the official language of the State to a person alleged to be a foreigner **within 10 days of receiving the reference** from the authority concerned.

- An FT has to **dispose of a case within 60 days of reference.**
  - **Section 9 of the Foreigners Act** says that the onus of proving that such person is not a foreigner shall, notwithstanding anything mentioned in the **Indian Evidence Act, 1872, lie upon such person.**
  - If the person fails to provide any proof of citizenship, the **FT can send him or her to a detention centre**, now called a transit camp, for deportation later.
- **Appeal Against Order of FT:**
  - The **review application can be filed within 30 days of the date of the order** and the FT will decide the case on merits.
  - In case of an adverse order by the FT it can be **appealed against in the High Court** and subsequent appeal can be filed in **Supreme Court.**

## Constitutional Provisions Related to Tribunals

- It was incorporated by the **42<sup>nd</sup> Amendment Act, 1976.**
  - [Article 323-A](#) deals with Administrative Tribunals
  - [Article 323-B](#) deals with tribunals for other matters

## What is the Role of the Border Police of Assam?

- The [Assam Police Border Organisation](#) was established as a **part of the State Police's Special Branch in 1962** under the **Prevention of Infiltration of Pakistani (PIP) scheme.**
- The organisation was made an **independent wing in 1974.**
- The members of this wing are **tasked with detecting and deporting illegal foreigners and patrolling the India-Bangladesh border** with the [Border Security Force.](#)

## UPSC Civil Services Examination, Previous Year Question (PYQ)

### Prelims:

#### Q. Consider the following statements: (2009)

1. Central Administrative Tribunal (CAT) was set up during the Prime Ministership of Lal Bahadur Shastri.
2. The Members for CAT are drawn from both judicial and administrative streams.

#### Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2

**Ans: (b)**

### Mains:

Q. "The Central Administrative Tribunal which was established for redressal of grievances and complaints by or against central government employees, nowadays is exercising its powers as an independent judicial authority." Explain. (2019)

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