

Amendments in Foreigners (Tribunals) Order, 1964

1329. PROF. M.V. RAJEEV GOWDA: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the reasons for amending the Foreigners (Tribunals) Order, 1964 to authorise State Government and District Magistrates to set up tribunals under the Order;
- (b) whether appellant can appeal the orders of the newly constituted tribunals; and
- (c) if so, the details of the appellate authority?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NITYANAND RAI): (a) The Foreigners (Tribunals) Order, 1964 is applicable to the entire country. It provides that one or more Foreigners Tribunals can be established in a state as per its requirement. However, Foreigners Tribunals have been set up only in the State of Assam at present. Paragraph 8 of the Schedule appended to The Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 provides that any person not satisfied with the outcome of the decisions of the claims and objections under the NRC process in Assam may prefer an appeal before the designated Tribunal. However, no procedure for making of such an appeal and its disposal has been prescribed in the aforesaid Schedule. The Foreigners (Tribunals) Amendment Order, 2019 provides a specific procedure for disposal of an appeal mentioned above. It further provides a procedure for disposal of cases when a person referred to in paragraph 8 of the aforesaid Schedule does not prefer an appeal before the designated Tribunal. It further provides that the concerned State Government or the UT Administration or the District Collector may refer to the Tribunal for its opinion the question whether the said person is a foreigner or not within the meaning of the Foreigners Act, 1946.

(b) and (c) Judicial remedies as per law are available to the appellant against the orders of the Foreigners Tribunal.

Retired army officer declared foreigner in Assam

1330. SHRI ANAND SHARMA: Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether it is a fact that a retired army officer and a war veteran in Assam has been declared a foreigner by the Foreigners' Tribunal and placed under detention in Assam;