

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;

(b) if so, the details of the case and the circumstances that led to his detention as a foreign national and subsequent arrest; and

(c) the action taken by Government to prevent misuse of the exercise of detection of foreigners and prevent recurrence of such instances of violation of Constitutional and Fundamental Rights of the citizens?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI G. KISHAN REDDY): (a) to (c) A reference under Foreigners Act, 1946 about the nationality of Md. Sanaullah of Vill-Kalahikash, P.S.-Boko district –Kamrup (R), Assam, a retired army personnel, was made by the local police. On receipt of the reference, a Foreigners Tribunal in District, Kamrup (R), Assam issued a notice to Md. Sanaullah and examined the documents and witnesses produced by him as per procedure.

The Foreigners Tribunal (FT) observed that none of the documents and their contents produced by Md. Sanaullah was proved by the authority concerned to establish the linkage about his citizenship. The FT found that Md. Sanaullah failed to furnish the required evidence under Section 9 of the Foreigners Act, 1946 to establish his linkage to his parentage on Indian soil prior to 25th March, 1971 and to submit any proof to establish the fact that he was an Indian citizen by birth.

Pursuant to the decision of the FT, Md. Sanaullah was kept in a detention camp. Hon' ble Gauhati High Court *vide* its Order dated 07.6.2019 has granted interim bail to Md. Sanaullah.

Renaming of West Bengal

1331. SHRI RITABRATA BANERJEE: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that the Union Government has cleared the name ' Bangla' for the State of West Bengal as proposed by the West Bengal Government;

(b) if so, the details thereof; and

(c) if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NITYANAND RAI): (a) No, Sir.

(b) Does not arise.

(c) Change in the name of a State requires constitutional amendment, after taking into consideration all relevant factors.