

Foreigners' tribunal

May 6, 2020

Why is it in the news?

- After the publication of the National Register of Citizens (NRC) in Assam, 19lakh people whose names are not in the list could lose their citizenship. These tribunals are **quasi-judicial courts** mandated to hear **appeals of those excluded from the final NRC**. The government has clearly said that those left out of the final NRC are **not to be detained** under any circumstances **till the Foreigners Tribunals come to a decision**.

What is foreigners' tribunal?

- Foreigners' Tribunals are quasi-judicial bodies established as per the **Foreigners' Tribunal Order, 1964 and the Foreigners' Act, 1946**. Under the provisions, only Foreigner Tribunals have the right to declare a person as a foreigner.
- If declared a foreigner or placed under the doubtful category '**the burden of proof lies with the accused**'. A person falling under such a category will have the right to appeal at the Foreigners Tribunal.
- The Tribunal shall have the **powers of a civil court** while trying a suit under the Code of Civil Procedure, 1908.
- The Tribunal can summon and ask for the attendance of any person and examine him/her on oath.
- The Tribunal can ask anyone to produce the required documents.
- The Tribunal can commission examining any witness, as and when required.
- The MHA has amended the Foreigners (Tribunals) Order, 1964, and has empowered district magistrates in all States and Union Territories to set up tribunals to

decide whether a person staying illegally in India is a foreigner or not. Earlier, the powers to constitute tribunals were vested only with the Centre.

- The **time limit for filing of appeals** before the Foreigners Tribunal has been extended from 60 days to **120 days**. After filing the appeal, the tribunal issues notice to the district magistrate to produce NRC records within 30 days. The final order of the tribunal shall contain its opinion on whether appellant is eligible for inclusion in NRC or not. Such an **order shall be passed within 120 days**.