

Foreigners (Tribunals) Order, 1964

July 4, 2019

Amendment to the Foreigners (Tribunals) Order, 1964

Recently the Ministry of Home Affairs issued amendments to the Foreigners (Tribunal) Order, 1964. The Order provides for the creation of Tribunals to adjudicate on whether an individual is a foreigner. A foreigner is anyone who is not a citizen of India.

The key amendments are:

- **Reference of matters to Tribunals:** Under the 1964 Order, the central government could refer the question of whether an individual is a foreigner, to the Tribunal. The amendment states that in addition to the central government, a (a) state government, (b) union territory administration, or (c) district magistrate may also refer such matters to the Tribunal.
- **The appeal process for National Register of Citizens:** Any person whose name has been excluded or incorrectly included in the National Register of Citizens (NRC) in Assam can register a complaint with the Local Registrar of Citizen Registration. Appeals against decisions of the Registrar can be made to the Tribunals constituted under the Order, within sixty days. The amendments provide the process for dealing with such appeals.
- The amendments state that an individual who files an appeal must provide a copy of the rejection order received from the NRC authorities. Following this, the Tribunal must issue a notice to the District Magistrate to produce NRC records within thirty days of the notice. The final order of the Tribunal, which will determine whether the individual is eligible for

inclusion in the NRC, must be given within 120 days of the production of records.

- In case the individual does not appeal within 60 days, the central/state government, union territory administration, or district magistrate, may refer the question of whether the individual is a foreigner, to the Tribunal