

1. All States can now constitute Foreigners Tribunals to deport illegal foreigners residing inside India

- What's there in the **AMENDED FOREIGNERS (TRIBUNAL) ORDER, 2019?**
- How do foreigners tribunal work?
- What is the need for such an amendment?

GS paper 2 (Government policies and schemes)

In this video, you can find detailed answers for all the above questions.

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What is the context about?



The Ministry of Home Affairs (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.



With Assam's National Register of Citizens as the backdrop, the Ministry of Home Affairs (MHA) has laid out specific guidelines to detect, detain and deport foreign nationals staying illegally across the country.

What's there in the AMENDED FOREIGNERS (TRIBUNAL)

ORDER, 2019?



Daily News Analysis

Power to constitute tribunals:

- The Government 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.

Referring to the Tribunals:

- The amended order also allows District Magistrates to refer individuals who have not filed claims against their exclusion from NRC to the tribunal to decide if they are foreigners or not.
- The fresh summons will be issued to them to prove their citizenship.

Right to approach the tribunals:

- The amended Foreigners (Tribunal) Order, 2019 also empowers individuals to approach the Tribunals.
- Earlier only the State administration could move the Tribunal against a suspect, but with the final NRC about to be published and to give adequate opportunity to those not included, this has been done.
- If a person doesn't find his or her name in the final list, they could move the Tribunal.

How do foreigners tribunal work?

- The tribunals are quasi-judicial bodies, unique to Assam. Their main function will be to determine if a person staying illegally is a “foreigner” or not.
- In other parts, once a ‘foreigner’ has been apprehended by the police for staying illegally, he/she is produced before a local court under the Passport Act, 1920, or the Foreigners Act, 1946, with the punishment ranging from three months to eight years in jail.
- Once the accused have served the sentence, the court orders their deportation, and they are moved to detention centres till the country of origin accepts them.

What is the need for such an amendment?

- There are around 4 lakh residents who have not filed claims against their exclusion from the final draft of NRC. Recently, the Ministry of Home Affairs sanctioned around 1,000 Tribunals to be set up in Assam in the wake of the publication of the final NRC by July 31.
- As per directions of the Supreme Court, the Registrar General of India (RGI) published the final draft list of NRC on July 30 last year to segregate Indian citizens living in Assam from those who had illegally entered the State from Bangladesh after March 25, 1971
- Nearly 40 lakh people were excluded from Assam's final draft published last year. As many as 36 lakh of those excluded have filed claims against the exclusion, while four lakh residents have not applied.