

The Foreigners (Tribunals) Order, 1964

UNION OF INDIA

India

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Rule THE-FOREIGNERS-TRIBUNALS-ORDER-1964 of 1964

- Published on 23 September 1964
- Commenced on 23 September 1964
- [This is the version of this document from 23 September 1964.]
- [Note: The original publication document is not available and this content could not be verified.]

The Foreigners (Tribunals) Order, 1964Published vide Notification No. G.S.R. 1401, dated 23rd September, 1964Last Updated 5th October, 2019Government of IndiaMinistry of Home AffairsG.S.R. 1401. - In exercise of the powers conferred by Section 3 of the Foreigners Act, 1946 (31 of 1946), the Central Government hereby makes the following order, namely:-{|-| AMENDMENT HISTORY6|}

1. Short title.

- This order may be called the Foreigners (Tribunals) Order, 1964.

2. Constitution of Tribunals.

(1)[the Central Government or the State Government or the Union territory administration or the District Collector or the District Magistrate may,] [Substituted 'the Central Government may,' by Notification No. G.S.R. 409(E), dated 30.5.2019.] by order, refer the question as to whether a person is not a foreigner within the meaning of the Foreigners Act, 1946 (31 of 1946) to a Tribunal to be constituted for the purpose, for its opinion.(1A)The registering authority appointed under sub-rule (1) of [rule 19 of the Citizenship Rules, 2009] [Substituted 'rule 16F of the Citizenship Rules, 1956' by Notification No. G.S.R. 409(E), dated 30.5.2019.] may also refer to the Tribunal the question whether a person of Indian Origin, complies with any of the requirements under sub-section (3) of Section 6A of the Citizenship Act, 1955 (57 of 1955).(1B)[Any person referred to in paragraph 8 of the Schedule to the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 may prefer an appeal, on the terms and conditions specified therein, before the designated Tribunal constituted under this Order.] [Inserted by Notification No. G.S.R. 409(E), dated 30.5.2019.](2)The Tribunal shall consist of such number of persons having judicial experience as the Central Government may think fit to appoint.(3)Where the Tribunal consists of two or more members, one of them shall be appointed as the Chairman thereof.

3. Procedure for disposal of questions.

(1)The Tribunal shall serve on the person, to whom the question relates, a copy of the main grounds on which he is alleged to be a foreigner and give him a reasonable opportunity of making a representation and producing evidence in support of his case and after considering such evidence as may produced and after hearing such persons as may desire to be heard, the Tribunal shall submit its opinion to the officer or authority specified in this behalf in the order of reference.(1A)The Tribunal shall, before giving its opinion on the question referred to in sub-paragraph (1A) of paragraph 2, give the person in respect of whom the opinion is sought, a reasonable opportunity to represent his case.(2)Subject to the provisions of this Order, the Tribunal shall have power to regulate its own procedure.

3A. [Procedure for disposal of appeal referred to in sub-para (1B) of paragraph 2. [Inserted by Notification No. G.S.R. 409(E), dated 30.5.2019.]

(1)While preferring an appeal [within the period of one hundred twenty days as specified under paragraph 8 of the Schedule appended to the Citizenship (Registration of Citizens and issue of National Identity Cards) Rules, 2003], the applicant shall provide a certified copy of the rejection order received from the National Register of Indian Citizens hereinafter referred to as NRC authorities along with the grounds for appeal.(2)The Appellant may appear either in person or through a legal practitioner or a relation authorised by the Appellant in writing subject to the acceptance of such representation by the Tribunal.(3)The State Government may appoint a pleader to represent the District Magistrate.(4)The Tribunal shall issue a notice to the District Magistrate to produce NRC Records within thirty days from date of receipt of the notice and a copy of the said notice shall also be sent to the pleader appearing for the Government and to the Appellant.(5)The District Magistrate shall provide the NRC records in original including the Application Form and documents submitted by the Appellant and orders passed by the NRC authorities to the pleader appearing for the Government against the claims or objections filed by the Appellant.(6)[In case no appeal is preferred under paragraph (8) of the Schedule appended to the Citizenship (Registration of Citizens and issue of National Identity Cards) Rules, 2003, the District Magistrate may refer to the Tribunal for its opinion the question as to whether the person is a foreigner or not within the meaning of The Foreigners Act, 1946 (31 of 1946) in terms of sub-paragraph (1) of paragraph 2.] [Substituted by Notification No. G.S.R. 760(E), dated 30.8.2019 (w.e.f. 23.9.1964).](7)Persons against whom a reference has already been made by the competent authority to any Foreigners Tribunal shall not be eligible to file the appeal before the Tribunal.(8)If any Foreigners Tribunal has already given opinion about a person earlier as a foreigner, such person shall not be eligible to file an appeal to any Tribunal.(9)On behalf of the District Magistrate, the pleader shall produce the NRC records before the Tribunal [***] [Omitted 'and also the reference mentioned in sub-para (6)' by Notification No. G.S.R. 760(E), dated 30.8.2019 (w.e.f. 23.9.1964).](10)Upon production of the records, if the Tribunal finds merit in the Appeal, it shall issue notice to the Appellant and the District Magistrate for hearing specifying the date of hearing and such date shall be within thirty days from the date of production of the records.(11)The District Magistrate may depute an officer as authorised representative to act on his behalf in any proceeding before the Tribunal.(12)During the hearing, the Tribunal shall give the Appellant, the pleader appearing for the Government and the

authorised representative of the District Magistrate, if any, a reasonable opportunity to present their case including the filing of any representation or producing documents or evidence in support of their case.(13)While disposing the appeal or reference mentioned in sub-para (6), the Tribunal shall be guided by sub-paras (9), (11) and (12) of paragraph 3 of this Order.(14)[After hearing the Appellant, the pleader appearing for the Government and the authorised representative of the District Magistrate, if any, the Tribunal shall dispose of the appeal:Provided that the Tribunal shall also, if the Appeal is rejected, give a clear finding as to whether the Appellant is a foreigner or not within the meaning of the Foreigners Act, 1946 (31 of 1946).] [Substituted by Notification No. G.S.R. 760(E), dated 30.8.2019 (w.e.f. 23.9.1964).](15)[(a) The final order of the Tribunal shall contain its opinion on the matter whether the Appellant is eligible for inclusion in the NRC or not and it shall also contain the opinion of the Tribunal as to whether the Appellant, if his Appeal is rejected, is a foreigner or not within the meaning of the Foreigners Act, 1946.(b)The final order of the Tribunal shall be a concise statement of facts and conclusion based on which the Tribunal has arrived at its decision.](16)The final order of the Tribunal containing its opinion shall be given within a period of one hundred and twenty days from the date of production of the records.(17)Subject to the provision of this Order, the Tribunal shall have the power to regulate its own procedure for disposal of the cases expeditiously in a time bound manner.] [Substituted by Notification No. G.S.R. 760(E), dated 30.8.2019 (w.e.f. 23.9.1964).]

3B. [[Omitted 'Section 3B' by Notification No. G.S.R. 760(E), dated 30.8.2019 (w.e.f. 23.9.1964).]

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3B. Procedure for disposal of cases in case of persons referred in sub-para (1B) of paragraph 2 not preferring an appeal.- In case a person referred to in paragraph 8 of the Schedule to the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003 does not prefer an appeal within the period of sixty days before the designated Tribunal constituted under this Order, the authority mentioned in sub-para (1) of paragraph 2 of this Order 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 (31 of 1946) in terms of sub-para (1) of paragraph 2 of this Order. On receipt of such a reference, the Tribunal shall examine the same as per the procedure laid down in paragraph 3A of this Order.

4. Power of Tribunals.

- The Tribunal shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:-(a)summoning and enforcing the attendance of any person and examining him on oath;(b)requiring the discovery and production of any document;(c)issuing commissions for the examination of any witness.