

Foreigners (Tribunal for Assam) Order, 2006

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Foreigners (Tribunal for Assam) Order, 2006

In exercise of the powers conferred by Sec. 3 of the Foreigners Act, 1946 (31 of 1946, the Central Government hereby makes the following Order, namely

1. Short title and commencement :-

(1) This Order may be called the Foreigners (Tribunals for Assam) Order, 2006.

(2) It shall apply to the State of Assam.

2. Constitution of Tribunals :-

(1) The Central Government or any authority specified in this regard shall, by order, refer the question as to whether a person is or 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.

(2) The registering authority appointed under sub-rule (1) of Rule 16-F of the Citizenship Rules, 1956 shall refer to the Tribunal the question whether a person of Indian origin complies with any of the requirements under sub-sec. (3) of Sec. 6-A of the Citizenship Act, 1955 (57 of 1955)

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(3) The Tribunal shall consist of such number of persons having judicial experience as the Central Government may think fit to appoint

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(4) Where the Tribunal consists of two or more members, one of

them shall be appointed as the Chairman thereof

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(5) Till any Tribunal is constituted under sub-paragraph (1), the Tribunals constituted under the Foreigners (Tribunal) Order, 1964 shall be deemed to be Tribunals for the purposes of this Order.

3. Procedure for disposal of questions :-

(1) The Tribunal, upon receipt of a reference under sub-paragraph (1) of paragraph 2, shall consider whether there is sufficient ground for proceeding and if the Tribunal is satisfied that basic facts are prima facie established, it 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 be 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.

(2) The Tribunal shall, before giving its opinion on the question referred to in sub-paragraph (2), or paragraph 2, give the person in respect of whom the opinion is sought, a reasonable opportunity to represent his case.

(3) Subject to the provisions of this Order, the Tribunal shall have power to regulate its own procedure.

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:

(b) summoning and enforcing the attendance of any person and examining him on oath;

(c) requiring the discovery and production of any document;

(d) issuing commissions for the examination of any witness.