

GAHC010114822015



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)/1754/2015**

XXX XXX XXX

VERSUS

IN RE - THE GOVERNMENT OF ASSAM and 3 ANR.  
REP. BY THE CHIEF SECY., DISPUR, ASSAM

2:THE SECY. HOME and POLITICAL DEPTT.  
GOVT. OF ASSAM  
DISPUR  
ASSAM

3:THE UNION OF INDIA  
REPRESENTED BY I.THE MINISTRY OF HOME AFFAIRS. II. THE MINISTRY  
OF EXTERNAL AFFAIRS

4:THE ACCOUNTANT GENERAL  
ASSAM

**Advocate for the Petitioner** : , SC, GHC

**Advocate for the Respondent** : MR. S C KEYAL (A.S.G.I), GA, ASSAM,MR. C CHOUDHURY,MR.  
R BORPUJARI (SC, FINANCE DEPTT.),MR H K DAS, SC, GHC,MS. A GAYAN, CGC,MR. D  
MAZUMDAR (ADDL GA, ASSAM),MR. B K CHTERI (SR. GA, ASSAM),MR. U K NAIR (SR. SC,  
F.T)

**BEFORE**  
**HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date :** 27-08-2024

Mr. H.K. Das and Mr. A. Das, learned *amicus curiae* are present. Mr. D. Mazumder, learned Sr. Addl. Advocate General, Assam assisted by Mr. Dhiman Mazumder, learned counsel is present on behalf of the State of Assam. Ms. L. Devi, learned CGC is present on behalf of the Union of India. Mr. S. Dhar, learned Registrar (Judicial), Gauhati High Court is also present.

By the order dated 11-06-2024, passed by this Court the State of Assam was asked to respond to the queries made by this Court on the following four issues:-

- (i) Number of cases disposed of by each of the Foreigners Tribunals in Assam during the last 06 months ending with 31-05-2024.
- (ii) Whether proper Library facility including regular journals are being provided to the Members of the Foreigners Tribunals and if not, reason for not doing so?
- (iii) Whether there is internal departmental mechanism to look into the grievances of individual Member of the Foreigners Tribunals and staff working under them?
- (iv) Whether necessary order for extension of service of the Members of the Foreigners Tribunals have been issued by the State Government?

Accordingly, the Secretary to the Govt. of Assam, Home Department has filed affidavit dated 31-07-2024, bringing the stand of the Government on record with reference to each of the four issues raised in the order dated 11-06-2024. The State has also annexed a copy of the report dated 08-07-2024, as annexure-A to the affidavit dated 31-07-2024, which gives the disposal figure of cases by the various Foreigners Tribunals across the State of Assam during the period of 06 months w.e.f. December, 2023 to May, 2024. I have perused the same.

The learned *amicus curiae* has submitted that apart from the fact that the disposal rate in some of the Foreigners Tribunals is found to be very low, there is also no indication in the report as to number of cases pending in those tribunals, as a result of which, objective assessment of the functioning of those tribunals would not be possible.

Responding to the above, Mr. Mazumder submits that if an order is passed by this Court, the pendency figure in all those tribunals can also be brought on record in an appropriate manner.

Insofar as the second issue pertaining to providing library facility/ journals etc. is concerned, the State has taken a stand that although at present there is no proposal for providing library facility/ journals to the members of the Foreigners Tribunals, yet, if a request is received to that effect from the learned Members, the Government will ensure that the needful is done, in consultation with the Judicial Department.

There can be no denial of the fact that the learned Members of Foreigners Tribunals are constantly required to decide reference cases by keeping in mind the decisions of this High Court, rendered from time to time, governing the issues arising in the realm of citizenship claims involved in these reference proceedings. Therefore, unless the learned Members of the Tribunals are made aware of the latest trend in the law laid down by the High Court on the subject, it would, in all likelihood, create unnecessary obstacle and/ or confusion while deciding the reference cases expeditiously. Having regard to the seriousness of the issue, this Court is of the opinion that the Members of the Foreigners Tribunals must have access to all the relevant Bare Acts and atleast two local law journals, which regularly reports the decisions of this High Court. The Secretary

to the Govt. of Assam, Home Department to, therefore, examine this aspect of the matter and do the needful so as to ensure that atleast two law journals as well as the relevant Bare Acts are made available to the serving Members of the Foreigners Tribunals on regular basis.

Insofar as the third and fourth further issues raised in the order dated 11-06-2024 is concerned, it appears that both the issues have been adequately addressed and as such, no further order(s) is required to be passed by this Court on the above aspects, at this point of time.

At this stage, Mr. Mazumder, learned Sr. Addl. AG, Assam has produced a copy of the notification dated 19-06-2024 issued by the District Commissioner, Dima Hasao at Halflong containing the names of three advocates shortlisted for appointment as Govt. Pleader/ Asstt. Govt. Pleader in the Foreigners Tribunals in the Dima Hasao district to submit that appropriate notification, appointing the Govt. Pleader/ Asstt. Govt. Pleader, will be issued soon.

In response, the learned *amicus curiae*, while appreciating the stand of the District Commissioner, Dima Hasao district, submits that similar problem has arisen in Hailakandi district also, where there is no Govt. Pleader/ Asstt. Govt. Pleader for the Foreigners Tribunals available. If that is so, the Govt. would be required to look into the matter and take corrective steps as may be permissible under the law.

Mr. Mazumder has also assured this Court that necessary steps will be taken in this regard, accordingly.

In view of the above, this Court is of the opinion that on the next date fixed, the learned counsel for both the sides to obtain updated instruction and apprise this Court on the issues noted above and also to produce the pendency figure in the different Foreigners Tribunals in Assam.

Mr. Mazumder to also obtain instruction and apprise this Court on the next date, if the Govt. is considering the requirement of imparting refresher course training to the learned Members of the Foreigners Tribunals, in the near future.

Registry to list this case again on 26-09-2024.

**JUDGE**

GS

**Comparing Assistant**