

THE GAUHATI HIGH COURT AT GUWAHATI
(HIGH COURT OF ASSAM : NAGALAND : MIZORAM AND ARUNACHAL PRADESH)

N O T I F I C A T I O N

Dated- Guwahati, the 01st August, 2015

No.HC.VII-133/2014/3342/A### It is hereby notified to all the 62 (Sixty Two) Nos. of Advocates, appointed as **Member, Foreigners Tribunals** that a **Training Programme will be held from 6th August, 2015 to 9th August, 2015 in the Conference Hall of the Judicial Academy, Assam** [in the Gauhati High Court, Guwahati (Old Block)].

They are to report at the venue on 06.08.2015 at 08:30 AM positively.

Further, they are requested to go through the schedule of the Training Programme attached herewith.

By order,
Sd/- R.A. Tapadar
OSD & JOINT DIRECTOR (OFFICIATING)
JUDICIAL ACADEMY, ASSAM

Memo No. HC.VII-133/2014/3343 - 3356/A dated 01.08.2015

Copy forwarded for information and necessary action to:

1. The L.R. and Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati.
2. The Registrar (Vig. /Admn. / Judicial), Gauhati High Court, Guwahati.
3. The Registrar-cum- Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati.
4. The Joint Secretary, Political Department, Government of Assam, Dispur, Guwahati. **He is requested to inform the trainees accordingly.**
5. The Joint Registrar, Judl. / PM & P / Admn.-I., Gauhati High Court, Guwahati
6. The Administrative Officer, Judicial Academy, Assam.
7. The Systems Analyst, Gauhati High Court, Guwahati. He is requested to upload this Notification in the official web site of the Gauhati High Court immediately.
8. The Private Secretary to Hon'ble Mr. Justice B.K. Sharma, Gauhati High Court, Guwahati.
9. The Private Secretary to Hon'ble Mr. Justice Hrishikesh Roy, Gauhati High Court, Guwahati.
10. The Private Secretary to Hon'ble Mr. Justice C.R. Sarma, Gauhati High Court, Guwahati.
11. The Private Secretary to Hon'ble Mr. Justice A. K. Goswami, Gauhati High Court, Guwahati.
12. The Private Secretary to Hon'ble Mr. Justice Ujjal Bhuyan, Gauhati High Court, Guwahati.
13. The Private Secretary to Hon'ble Director, Judicial Academy, Assam.
14. The CA to Registrar General, Gauhati High Court, Guwahati.


OSD & JOINT DIRECTOR (OFFICIATING)
JUDICIAL ACADEMY, ASSAM



JUDICIAL ACADEMY, ASSAM & NEJOTI

**TENTATIVE SCHEDULE FOR FOUR DAY TRAINING OF THE MEMBERS,
FOREIGNERS' TRIBUNAL, ASSAM**

06.08.2015, (THURSDAY)

INAUGURAL SESSION

TIME	TOPIC
8.45-9.00 AM	REGISTRATION OF PARTICIPANTS
9.00 TO 9.30 AM	INAUGURAL SESSION
09.30 TO 10.00 AM	TEA BREAK

TRAINING SESSIONS

**DAY 1
(SESSION 2)**

TIME	TOPIC	RESOURCE PERSON
10.00 to 11 AM	FUNDAMENTAL ASPECTS OF ORDER WRITING IN FOREIGNER REFERENCES	Hon'ble Mr. Justice (Retd) A.C. Upadhyay
11 AM TO 11.15	HEALTH BREAK	
11.30 TO 1.00 PM	ORDER WRITING WITH EVALUATION	-DO-
1.00 TO 2.00 PM	LUNCH BREAK	

**DAY 1
(SESSION 3)**

TIME	TOPIC	RESOURCE PERSON
2.00 TO 3.00 PM	ORDER WRITING WITH EVALUATION	Hon'ble Mr. Justice (Retd) A.C. Upadhyay
3 PM TO 3.30	TEA BREAK	
3.30 TO 4.30 PM	ORDER WRITING WITH EVALUATION	-DO-



07.08.2015 (FRIDAY)

**TRAINING SESSIONS
DAY 2
(SESSION 1)**

TIME	TOPIC	RESOURCE PERSON
9.00 to 11 AM	ORDER WRITING WITH EVALUATION	Hon'ble Mr. Justice (Retd) A.C. Upadhyay
11 AM TO 11.15	TEA BREAK	
11.30 TO 1.00 PM	ORDER WRITING WITH EVALUATION	-DO-
1.00 TO 2.00 PM	LUNCH BREAK	

**DAY 2
(SESSION 2)**

TIME	TOPIC	RESOURCE PERSON
2.00 TO 3.00 PM	ORDER WRITING WITH EVALUATION	Hon'ble Mr. Justice (Retd) A.C. Upadhyay
3 PM TO 3.30	TEA BREAK	
3.30 TO 4.30 PM	ORDER WRITING WITH EVALUATION	-DO-



08.09.2015, (SATURDAY)

**DAY 3
(SESSION 1)**

TIME	TOPIC	RESOURCE PERSON
9.00 TO 11.00 AM	FOREIGNERS-RELEVANT LEGISLATIVE PROVISIONS –CASE LAWS	Hon'ble Mr. Justice B.K. Sharma
11.00 TO 11.15 AM	TEA BREAK	
11.15 AM TO 1 PM	FOREIGNERS-RELEVANT LEGISLATIVE PROVISIONS (Contd.)	Hon'ble Mr. Justice B.K. Sharma
1 PM TO 2 PM	LUNCH BREAK	

**DAY 3
(SESSION 2)**

TIME	TOPIC	RESOURCE PERSON
2.00 TO 3.30 PM	BURDEN OF PROOF-IMDT ACT, 1983-FOREIGNERS ACT, 1946	Hon'ble Mr. Justice A.K. Goswami
3.30 TO 3.45 PM	TEA BREAK	
3.45 TO 4.30 PM	INTERACTION	Hon'ble Mr. Justice B.K. Sharma



09.08.2015 (SUNDAY)

**DAY 4
(SESSION 1)**

TIME	TOPIC	RESOURCE PERSON
9.00 TO 10.30 AM	REFERENCE TO FOREIGNERS TRIBUNALS-NATURE OF PROCEEDINGS	Hon'ble Mr. Justice Ujjal Bhuyan
10.30 AM TO 10.45 AM	TEA BREAK	
10.45 TO 12.00 PM	FOREIGNERS' TRIBUNAL-CONSTITUTIONAL RESPONSIBILITY-ETHICS AND ACCOUNTABILITY	Hon'ble Mr. Justice Hrishikesh Roy
12.00 TO 1.00 PM	VALEDICTION FOLLOWED BY LUNCH	



BREAK-UP TOPICS-SESSION WISE

- I. FOREIGNERS-RELEVANT LEGISLATIVE PROVISIONS**
 - a. Article 5-11 Constitution of India-Modes of acquiring citizenship
 - b. Citizenship Rules-6-A. Special provisions as to citizenship of persons covered by the Assam Accord
 - c. Citizenship Rules, 2009
 - d. Foreigners Tribunal Order, 1964
- II. BURDEN OF PROOF-IMDT ACT, 1983-FOREIGNERS ACT, 1946**
 - a. Relevant provisions of IMDT Act, 1983 & Rules
 - b. Burden of Proof in IMDT Act
 - c. Burden of Proof in Foreigners Act, 1946
 - d. Difficulties in detection of foreigners by IMD Tribunals
- III. REFERENCE TO FOREIGNERS TRIBUNALS- NATURE OF PROCEEDINGS**
 - a. Police Procedure of detection and deportation of foreigners
 - b. "D" VOTERS
 - c. Intensive Revision of Electoral Rolls
 - d. Reference to Tribunals constituted under the Foreigners Tribunal Orders, 1964
 - e. Procedure to be followed by the Tribunals
 - f. Powers of Foreigners Tribunals
 - g. Procedure for setting aside ex parte order
 - h. Basic distinction between the IMDT Act & Foreigners Act, 1946
 - i. Stages of Inquiry under the Foreigners Tribunal
 - j. MODE OF RECORDING OF EVIDENCE:
 - k. Proforma Order-Sheet
- IV. FOREIGNERS TRIBUNAL-CONSTITUTIONAL RESPONSIBILITY**
 - a. Illegal Migrants-Scenario in Assam
 - b. Illegal Migrants-Aggression and Responsibility of Union to prevent external aggression
 - c. Observation of Supreme Court
- V. CASE STUDY**
 - a. Sonowal-I (2005)5SCC665
 - b. Sonowal-II (2007) 1 SCC 174
 - c. Moslem Mondal (2010) 3 GLR 393 (Writ Appeal)
 - d. Moslem Mondal 2013(1)GLT809 (REVIEW-FULL BENCH JUDGMENT)
 - e. BahaluddinSk SK-AIR 2013 GAU 181, 2013(3)GLT264
 - f. LIC vs Ram Pal Singh Bisen (2010) 4 SCC 491