Appendix 1

List of Scheduled Tribes in Assam and the two autonomous districts

In the Autonomous Districts

- 1 Chakma
- 2 Dimasa, Kachari
- 3 Garo
- 4 Hajong
- 5 Hmar
- 6 Khasi, Jaintia, Synteng, Pnar, War, Bhou, Longngam
- 7 Any Kuki tribes including
  - (i) Biate, Biete
  - (ii) Changsang
  - (iii) Chonglou
  - (iv) Doungel
  - (v) Gamalhou
  - (vi) Gangte
  - (vii) Gutte
  - (viii) Hanneng
  - (ix) Haokip, Haupit
  - (x) Haolai
  - (xi) Hengna
  - (xii) Hongseung
  - (xiii) Harangkhwal, Rangkhel
  - (xiv) Jongbe
  - (xv) Khawtang
  - (xvi) Khawthlang, Khothalong
  - (xvii) Khelma
  - (xviii) Kholhou
  - (xix) Kipgen
  - (xx) Kuki
  - (xxi) Lengdang
  - (xxii) Lhangum
  - (xxiii) Lhoujem
  - (xxiv) Lhouvun
  - (xxv) Lupheng
  - (xxvi) Mangel
  - (xxvii) Misaou
  - (xxviii) Rang
  - (xxix) Sartham
  - (xxx) Selnam
  - (xxxi) Singson
  - (xxxi) Sithou
  - (xxxii) Sukte
  - (xxxv) Thado
  - (xxxv) Thangneu
  - (xxxvi) Ubuh
  - (xxxvi) Vaiphei
- 8 Koch
- 9 Lakher
- 10 Man (Tai speaking)
- 11 Any Mizo (Lushai) tribes
- 12 Mirkur
• 13. Any Naga tribes
• 14 Pawi
• 15 Syntheng.

In the rest of Assam excluding the autonomous districts

• 1 Barmans in Cachar
• 2 Boro, Borokachan
• 3 Deon
• 4 Hoai
• 5 Kachan, Sonowal
• 6 Lahu
• 7 Mech
• 8 Mni
• 9 Rabha

Appendix 2

Assam accord

1 Government have all along been most anxious to find a satisfactory solution to the problem of foreigners in Assam. The All Assam Students Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP) have also expressed their keenness to find such a solution.

2 The AASU through their Memorandum dated 2nd February 1980 presented to the late Prime Minister Smt. Indira Gandhi, conveyed their profound sense of apprehensions regarding the continuing influx of foreign nationals into Assam and the fear about adverse effects upon the political, social, cultural and economic life of the State.

3 Being fully alive to the genuine apprehensions of the people of Assam, the then Prime Minister initiated the dialogue with the AASU/AAGSP. Subsequently, talks were held at the Prime Minister’s and Home Minister’s level during the period 1980-83. Several rounds of informal talks were held during 1984. Formal discussions were resumed in March, 1985.

4 Keeping all aspects of the problem including constitutional and legal provisions, international agreements, national commitments and humanitarian considerations, it has been decided to proceed as follows

Foreigners Issue

5.1 For purposes of detection and deletion of foreigners, 1.1.1966 shall be the base data and year.

5.2 All persons who came to Assam prior to 1.1.1966, including those amongst them whose names appeared on the electoral rolls used in 1967 elections shall be regularised.

5.3 Foreigners who came to Assam after 1.1.1966 (inclusive) and up to 24th March, 1971 shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order 1964.

5.4 Names of foreigners so detected will be deleted from the electoral rolls in force. Such persons will be required to register themselves before the Registration Officers of the respective districts in accordance with the provisions of the Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1939.

5.5 For this purpose, Government of India will undertake suitable strengthening of the government machinery.
5 6 On the expiry of a period of ten years following the date of detection, the names of all such persons which have been deleted from the electoral rolls shall be restored.

5 7 All persons who were expelled earlier, but have since reentered illegally into Assam shall be expelled.

5 8 Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and practical steps shall be taken to expel such foreigners.

5 9 The Government will give due consideration to certain difficulties expressed by the AASU/AAGSP regarding the implementation of the Illegal Migrants (Determination by Tribunals) Act, 1983.

Safeguards and economic development

6 Constitutional, legislative and administrative safeguards, as may be appropriate shall be provided to protect, preserve and promote the culture, social, linguistic identity and heritage of the Assamese people.

7 The Government take this opportunity to renew their commitment for the speedy all round economic development of Assam, so as to improve the standard of living of the people. Special emphasis will be placed on education and science and technology through establishment of national institutions.

Other Issues

8 1 The Government will arrange for the issue of citizenship certificates in future only by the authorities of the Central Government.

8 2 Specific complaints that may be made by the AASU/AAGSP about irregular issuance of Indian Citizenship Certificates (ICC) will be looked into.

9 The international border shall be made secure against future infiltration by erection of physical barriers like walls, barbed wire fencing and other obstacles at appropriate places. Patrolling by security forces on land and river routes all along the international border shall be adequately intensified. In order to further strengthen the security arrangements, to prevent effectively future infiltration, an adequate number of check posts shall be set up.

9 2 Besides the arrangements mentioned above and keeping in view security considerations, a road all along the international border shall be constructed as to facilitate patrolling by security forces. Land between border and the road would be kept free of human habitation, wherever possible. Riverine patrolling along the international border would be intensified. All effective measures would be adopted to prevent infiltrators crossing or attempting to cross the international border.

10 It will be ensured that relevant laws for prevention of encroachment of government lands in tribal belts and blocks are strictly enforced and unauthorized encroachers evicted as laid down under such laws.

11 It will be ensured that the relevant law restricting acquisition of immovable property by foreigners in Assam is strictly enforced.

12 It will be ensured that Birth and Death Registers are duly maintained.

Restoration of Normalcy

13 The All Assam Students Union (AASU) and the all Assin Gana Sangram Parishad (AAGSP) call off the agitation, assure full co-operation and dedicate themselves towards the development of the country.
14 The Central and the State Government have agreed to:
   a. review with sympathy and withdraw cases of disciplinary action taken against employees in the context of the agitation and to ensure that there is no victimization;
   b. frame a scheme for ex-gratia payment to next of kin of those who were killed in the course of the agitation;
   c. give sympathetic consideration to proposal for relaxation of upper age limit for employment in public services in Assam, having regard to exceptional situation that prevailed in holding of academic and competitive examinations, etc., in the context of agitation in Assam;
   d. undertake review of detention cases, if any, as well as cases against persons charged with criminal offences in connection with the agitation, except those charged with commission of heinous offences;
   e. consider withdrawal of the prohibitory orders/ notifications in force, if any.

15 The Ministry of Home Affairs will be the nodal Ministry for the implementation of the above.

Signed/-
(P.K. Mahanta)
President
All Assam Students Union

Signed/-
(B.K. Phukan)
General Secretary
All Assam Students Union

Signed/-
(Biraj Sharma)
Convenor
All Assam Gana Sangram Parishad

In the presence of
Signed/-
(Rajiv Gandhi)
Prime Minister of India

Date: 15th August, 1985
Place: New Delhi

1. Election Commission will be requested to ensure preparation of fair electoral rolls.
2. Time for submission of claims and objections will be extended by 30 days, subject to this being consistent with the Election rules.
3. The Election Commission will be requested to send Central Observers.

Signed/-
Home Secretary

1. Oil refinery will be established in Assam.
2. Central Government will render full assistance to the State Government in their efforts to re-open:
   i. Ashok Paper Mill.
   ii. Jute Mills
3. I.I.T. will be set-up in Assam.
Appendix 3

Illegal Migrants (Detection) Tribunal Act

Act: Objective

An Act to provide for the establishment of Tribunals for the determination, in a fair manner, of the question whether a person is an illegal migrant to enable the Central Government to expel illegal migrants from India and for matters connected therewith or incidental thereto whereas a good number of the foreigners who migrated into India across the borders of the eastern and north eastern regions of the country on and after the 25th day of March, 1971, have, by taking advantage of the circumstances of such migration and their ethnic similarities and other connections with the people of India and without having in their possession any lawful authority so to do, illegally remained in India, and whereas the continuance of such foreigners in India is detrimental to the interests of the public of India, and whereas on account of the number of such foreigners and the manner in which such foreigners have clandestinely been trying to pass off as citizens of India and all other relevant circumstances, it is necessary for the protection of the citizens of India to make special provisions for the detection of such foreigners in Assam and also in any other part of India in which such foreigners may be found to have remained illegally, BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows --

CHAPTER I: PRELIMINARY

1. Short title, extent and commencement

1. This Act may be called the Illegal Migrants (Determination by Tribunals) Act, 1983
2. It extends to the whole of India
3. It shall be deemed to have come into force in the State of Assam on the 15th day of October, 1983 and in any other State on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and references in this Act to the commencement of this Act shall be construed in relation to any State as references to the date of commencement of this Act in such State

2. Application

Nothing in this Act shall apply to or in relation to - (a) any person who was in any State and who had been expelled from that State or India before the commencement of this Act in that State or in relation to whose expulsion from such State or India any order made before such commencement under any other law is in force, (b) any person detected as a foreigner at the time of his entry across any border of India, (c) any foreigner who, having entered into India under a valid passport or travel document, continued to remain therein after the expiry of the period for which he was authorised to remain in India under such passport or travel document

3. Definitions and construction of references

1. In this Act, unless the context otherwise requires, -- (a) "Appellate Tribunal" means an Appellate Tribunal established by the Central Government under sub-section (1) of section 15, (b) "foreigner" has the same meaning as in the Foreigners Act, 1946, (c) "illegal migrant" means a person in respect of whom each of the following conditions is satisfied, namely - (i) he has entered into India on or after the 25th day of March, 1971, (ii) he is a foreigner, (iii) he has entered into India without being in possession of a valid passport or other travel document or any other lawful authority in that behalf, (d) "notification" means a notification published in the Official Gazette, (e) "prescribed" means prescribed by rules made under this Act, (f) "Tribunal" means a Tribunal established by the Central Government under sub-section (1) of section 5
2 Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

4. Overriding effect of the Act

1 The provisions of this Act or of any rule or order made thereunder shall have effect notwithstanding anything contained in the Passport (Entry into India) Act, 1920 (34 of 1920) or the Foreigners Act, 1946 (31 of 1946) or the Immigrants (Expulsion from Assam) Act, 1950 (10 of 1950) or the Passports Act, 1967 (15 of 1967) or any rule or order made under any of the said Acts and in force for the time being.

2 In particular and without prejudice to the generality of the provisions of sub-section (1), nothing in the proviso to section 2 of the Immigrants (Expulsion from Assam) Act, 1950 (10 of 1950) shall apply to or in relation to an illegal migrant as defined in clause (c) of sub-section (1) of section 3.

CHAPTER II: ESTABLISHMENT OF TRIBUNALS

5. Establishment of Illegal Migrants (Determination) Tribunals

1 The Central Government may, by notification, establish, for the purposes of this Act, as many Illegal Migrants (Determination) Tribunals as it may deem necessary and specify the principal place of sitting of, and the territorial limits within which, each such Tribunal shall exercise its jurisdiction.

2 No person shall be appointed as a member of any such Tribunal unless he is or has been a District Judge or an Additional District Judge in any State.

3 Each Tribunal shall consist of two members.

4 On the establishment of a Tribunal, the Central Government shall appoint one of the members thereof as the Chairman of such Tribunal.

5 Each Tribunal shall sit in its principal place of sitting and in such other place or places as its Chairman may, from time to time, appoint.

6. Filling of vacancies

If, for any reason, any vacancy occurs in the office of the Chairman or the member of a Tribunal, the Central Government may fill the vacancy by appointing any person who fulfills the qualifications specified in sub-section (2) of section 5, as the Chairman, or, as the case may be, member of such Tribunal.

7. Staff of the Tribunals

The Central Government shall make available to every Tribunal such staff as may be necessary for the discharge of its functions under this Act.

8. References or applications to Tribunals

1 If any question arises as to whether any person is or is not an illegal migrant, the Central Government may, whether such question has arisen on a representation made by such person against any order under the Foreigners Act, 1946 (31 of 1946) requiring him not to remain in India or to any other effect or has arisen in any other manner whatsoever, refer such question to a Tribunal for decision.

2 Any person may make an application to the Tribunal, for its decision, as to whether the person whose name and other particulars are given in the application, is or is not an illegal migrant. 

"Provided that no such application shall be entertained by the Tribunal unless the person in relation to whom the application is made is found, or resides, within the jurisdiction of the same police station wherein the applicant has his place of residence ";

1 Subs. by Act 24 of 1988, s 2
2 Subs. by s 3, ibid
3 Omitted and rules by s 4, ibid

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3. Every application made under sub-section (2) shall be made in such form and in such manner as may be prescribed and shall be accompanied by affidavits sworn by not less than two persons residing within the jurisdiction of the same police station in which the person referred to in the application is found, or residing, corroborating the averments made in the application, and shall also be accompanied by such fee, being not less than ten and not more than one hundred, rupees, as may be prescribed.

4. "Every reference under sub-section (1) shall be made to the Tribunal within the territorial limits of whose jurisdiction the place of residence of the person named in such reference is, at the time of making the reference, situated. Provided that where such person has no place of residence, the reference shall be made to the Tribunal within the territorial limit of whose jurisdiction such person is, at the time of making such reference, found."

5. Every application under sub-section (2) shall be made to the Tribunal within the territorial limits off whose jurisdiction the person named in such application is found or, as the case may be, has his place of residence, at the time of making such application."

2*[*"8A. Application to the Central Government for reference.

1. Any person may make an application to the Central Government, for decision by a Tribunal, as to whether the person whose name and other particulars are given in the application, is or is not an illegal migrant, and where any such application is received by the Central Government, it may, on the basis of any information in its possession or after making such inquiry as it deems fit, reject the application on the ground that the application is frivolous or vexatious or it does not comply with the requirements of this section or refer such application to a Tribunal for decision.

2. Every application made under sub-section (1) shall be made in such form and in such manner as may be prescribed and shall be accompanied by a declaration by another person residing within the jurisdiction of the same revenue sub-division in which the applicant resides in such form as may be prescribed to the effect that the particulars mentioned in the application are true to his knowledge, information and belief. Provided that no person shall make more than ten such applications or more than ten such declarations.

3. Every reference under sub-section (1) shall be made to the Tribunal within the territorial limits of whose jurisdiction the place of residence of the person named in such reference is, at the time of making such reference, situated. Provided that where such person has no place of residence, the reference shall be made to the Tribunal within the territorial limits of whose jurisdiction such person is, at the time of making such reference, found."

9. Powers of the Tribunal

Every Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, (5 of 1908.) while trying a suit, in respect of the following matters, namely:— (a) summoning and enforcing the attendance of witnesses and examining them on oath; (b) discovery and production of any document; (c) reception of evidence on affidavits; (d) requisitioning of public records from any court or office; (e) issuing of any commission for the examination of witnesses.

10. Procedure with respect to references under sub-section (1) of section 8

On receipt of a reference under sub-section (1) of section 8 or sub-section (1) of section 8A, the Tribunal shall serve on the person named in such reference, a notice, accompanied by a copy of such reference, calling upon him to make, within a period of thirty days from the date of receipt of such notice, such representation with regard to the averments made in the reference, and to produce such evidence as he may think fit in support of his defence. Provided that if the Tribunal is satisfied that the person aforesaid was prevented by sufficient cause from making his representation and from producing evidence in support of his defence within the said period of thirty days, it may permit him to make his representation and to produce evidence in support of his defence, within such further period, not exceeding thirty days, as it may, by order, specify.

11. Procedure with respect to applications

Under sub-section (2) of section 8. (1) On receipt of an application under sub-section (2) of section 8, the Tribunal shall issue a notice, accompanied by a copy of the application, to the prescribed authority calling upon
it to furnish, after making such inquiry as that authority may deem fit, a report to the Tribunal with regard to the averments made in the application. 1 Subs. by Act 24 of 1988, s. 4. 2 Ins. by s. 5, ibid. 3 Subs. b s. 6, ibid.

325 (2) If, on a consideration of the report made by the prescribed authority, the Tribunal is satisfied that-(a) the person named in the application is not an illegal migrant or that the application is frivolous or vexatious, or has not been made in good faith, the Tribunal shall, after giving the applicant an opportunity to be heard, reject the application; (b) there are reasonable grounds to believe that the person named in the application is an illegal migrant, the Tribunal shall issue a notice accompanied by a copy of the application, to the person named in the application, calling upon him to make, within thirty days from the date of receipt of the notice, such representation with regard to the averments made in the application and to produce such evidence as he may think fit in support of his defence: Provided that if the Tribunal is satisfied that the person aforesaid was prevented by sufficient cause from making his representation and from producing evidence in support of his defence within the said period of thirty days, it may permit him to make his representation and to produce evidence in support of his defence, within such further period, not exceeding thirty days, as it may, by order, specify.

12. Determination of the question as to whether a person is an illegal migrant.

1. The Tribunal to which a reference has been made under ["section 8, or section 8A, or to which an application has been made under section 8"] shall after taking such evidence as may be adduced before it may think fit and after hearing such persons as it may deem appropriate, by order, decide the question as to whether the person named in such reference or application, as the case may be, is or is not an illegal migrant: Provided that where for the determination of such question in any case the decision on any issue renders any decision on any other issue or issues unnecessary, the Tribunal may not decide such other issue or issues.

2. [1 Where the members of the Tribunal differ in their opinion on any point, the Chairman of the Tribunal shall state the point or points on which they differ and make a reference to the President of the Appellate Tribunal which exercises jurisdiction in relation to the Tribunal who shall refer the case for hearing on such point or points by a member of another Tribunal under its jurisdiction and such point or points shall be decided according to the opinion of that member and such decision shall be deemed to be the decision of the Tribunal."]

3. The Tribunal shall send a copy of every order passed by it to the prescribed authority or authorities and to the parties to the reference, or the application, as the case may be.

4. Every order passed under sub-section (1) shall, subject to the decision of the Appellate Tribunal, be final and shall not be called in question in any court.

13. Reference and application to be disposed of within six months

Every reference made to a Tribunal under ["section 8A or Application made to Tribunal under section 8"] shall be inquired into as expeditiously as possible and every endeavour shall be made to conclude such inquiry within a period of six months from the date of the service, on the person concerned, of a copy of such reference or application. 1 Subs. and ins. by Act 24 of 1988, s. 7. 2 Subs. by s. 8, ibid.

14. Appeal

The Central Government, or any person, named in a reference or an application under section 8, or any applicant under sub-section (2) of that section ["or any person named in a reference under section 8"] may, if or he is not satisfied with any order made by a Tribunal under section 12, prefer an appeal to the Appellate Tribunal against such order.

15. Appellate Tribunal.

1. The Central Government may, by notification, establish for each State in which this Act is in force an Appellate Tribunal to be known as the Illegal Migrants (Determination) Appellate Tribunal for deciding appeals preferred under section 14 against orders made by Tribunals in the State and specify the principal place of sitting of such Appellate Tribunal.

2. No person shall be appointed as a member of an Appellate Tribunal unless he is or has been a Judge of a High Court.

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3. An Appellate Tribunal shall consist of as many members, not being less than two and more than six, as the Central Government may think fit.

4. The Central Government shall appoint one of the members of an Appellate Tribunal to be the President thereof.

5. An Appellate Tribunal shall sit in its principal place of sitting or any such other place or places as the President thereof may, from time to time, appoint.

6. The powers and functions of an Appellate Tribunal may be exercised and discharged by benches constituted by the President thereof from amongst the members thereof ["which may either be single member benches or benches consisting of not less than two members"].

7. The Central Government shall make available to every Appellate Tribunal such staff as may be necessary for the discharge of its functions under this Act.

8. Every memorandum of appeal to an Appellate Tribunal shall be made in such form and in such manner as may be prescribed, and, in the case of an appeal preferred by an applicant under sub-section (2) of section 8, shall also be accompanied by such fee, not being less than twenty-five and more than one hundred rupees, as may be prescribed.

9. Every appeal shall be preferred within thirty days from the date on which the order sought to be appealed against was communicated to the appellant: Provided that the Appellate Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period, admit an appeal after the expiry of the aforesaid period of thirty days.

10. Every Appellate Tribunal shall have the same powers as are vested in an appellate court under the Code of Civil Procedure, 1908, while hearing an appeal.

16. Order of the Appellate Tribunal

1. The Appellate Tribunal may, after giving the parties to the appeal a reasonable opportunity of being heard, pass such orders thereon as it may think fit, confirming, modifying or annulling the order appealed against or may remand the case to the Tribunal which had passed such order with such directions to that Tribunal as the Appellate Tribunal may think fit, for fresh determination after taking additional evidence, if necessary.

2. Where an appeal had been heard by the Appellate Tribunal and the members thereof differ in their opinion on any point, the decision on such point shall, where there is a majority, be according to the opinion of such majority, and where there is no majority and the members are equally divided in their opinion, they shall draw up a statement of the facts of the case and the point or points on which they differ in their opinion and make a reference of the point or points or of the appeal, as the case may be, to the President of such Tribunal, and on receipt of such reference, the President of the Tribunal shall arrange for the hearing of such point or points, or the appeal, by one or more of the members of the Appellate Tribunal, and such point or points, or the appeal, as the case may be, shall be decided according to the opinion of the majority of the members of the Appellate Tribunal, who have heard the appeal, including those who had first heard it.

3. The Appellate Tribunal shall send a copy of every order passed by it under sub-section (1) to the parties to the appeal, to the Tribunal concerned and to the prescribed authority or authorities.

4. Every order passed under sub-section (1), other than an order remanding the case, shall be final and no order passed under that sub-section shall be called in question in any court.

17. Power of superintendence by Appellate Tribunals

1. Every Appellate Tribunal shall have superintendence over all the Tribunals in the State.

2. Without prejudice to the generality of the foregoing provisions, the Appellate Tribunal may--
   (a) call for returns from any Tribunal; (b) make general rules and specify forms for regulating the practice and proceedings of Tribunals; and (c) specify the forms in which books, entries and accounts shall be kept by the officers of Tribunals.

1 Ins. by Act 24 of 1988, s. 9.
2 Subs. by s. 10, ibid.
CHAPTER III: PROVISIONS APPLICABLE TO ALL TRIBUNALS

18. Procedure

Subject to the provisions of this Act and the rules made thereunder, every Tribunal and every Appellate Tribunal shall have the power to regulate its own procedure in all matters arising out of the exercise of its powers or for the discharge of its functions.

19. Proceeding before every Tribunal to be judicial proceeding for certain purposes

Every proceeding before a Tribunal or the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal Code, (45 of 1860) and every such Tribunal or Appellate Tribunal, as the case may be, shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER IV: ENFORCEMENT OF THE ORDERS MADE BY THE TRIBUNALS

20. Expulsion of illegal migrant

1. Where a person has been determined by a Tribunal, or, as the case may be, by the Appellate Tribunal, to be an illegal migrant, the Central Government shall, by order served on such person, direct such person to remove himself from India within such time and by such route as may be specified in the order and may give such further directions in regard to his removal from India as it may consider necessary or expedient.

2. Any police officer not below the rank of a Superintendent of Police shall have such powers as may be necessary, including the power to obtain a bond from any person for the due compliance of an order under sub-section (1) and to arrest such person in the event of his failure to furnish such bond to the satisfaction of such police officer.

CHAPTER V: MISCELLANEOUS

21. Delegation of powers

The Central Government may, by notification, direct that the powers and duties conferred or imposed on it by this Act, other than the powers conferred by section 28, and the powers conferred by this section, may, subject to such conditions as may be specified in the notification, be exercised or discharged also by-- (a) any officer subordinate to the Central Government, (b) any State Government or any officer subordinate to that Government.

21A Power to bind certain persons against whom complaint is made under the Act Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for a police officer if he is satisfied that the circumstances so require and for reasons to be recorded in writing, to direct any person against whom a reference or an application has been made under this Act to enter into a bond with or without sureties for making himself available for the inquiry and observance of such restrictions or conditions as may be specified by such police officer. Provided that if such person fails to enter into such bond he may be arrested and detained in such manner as may be prescribed.

22. Power to give effect to the orders, etc

Any authority empowered by or in pursuance of the provisions of this Act to exercise any power, may, in addition to any other action expressly provided for in this Act, take, or cause to be taken, such steps, and use, or cause to be used, such force, as may in its opinion be reasonably necessary for the effective exercise of such power.

23. Bar of jurisdiction of civil courts

Where a Tribunal or Appellate Tribunal has been established for any area for the purpose of determining whether a person is or is not an illegal migrant, no civil court shall have jurisdiction to entertain any question relating to that matter in that area and no injunction or any other order in respect of any action taken by, or before, the Tribunal or Appellate Tribunal in respect of that matter shall be granted or made by any civil court.
24. Transitory provision.

Where in any suit or other legal proceeding pending, whether in a civil court or in any Tribunal established under any other law for the time being in force, immediately before the commencement of this Act, a question arises as to whether a person is or is not an illegal migrant, such court or Tribunal shall, without deciding such question, make an order transferring such suit or other legal proceeding to the Tribunal under this Act within the territorial limits of whose jurisdiction such court or other Tribunal is situate and on such transfer such question shall be dealt with by such Tribunal in accordance with the provisions of this Act.

25. Penalties.

Any person who - (a) contravenes or attempts to contravene, or abets the contravention of, any order made under section 20, or (b) fails to comply with any direction given by any such order, or (c) harbours any person who has contravened any order made under section 20 or has failed to comply with any direction given by any such order, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than two thousand rupees. Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than one year or a fine of less than two thousand rupees.

26. Protection of action taken in good faith.

No suit, prosecution or other legal proceeding shall be against any person for anything which is in good faith done or intended to be done under this Act.

27. Power to remove difficulties.

If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order to be published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty. Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

28. Power to make rules.

The Central Government may, by notification, make rules to carry out the provisions of this Act. In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely — (a) the form and the manner in which an application may be made and the fee which shall accompany such application, as required by sub-section (3) of section 8A, (b) the form and the manner in which an application, and the form in which a declaration, may be made under sub-section (2) of section 8A, (c) the form and the manner in which an appeal to the Appellate Tribunal may be preferred and the fee which shall accompany such appeal, as required by sub-section (8) of section 15, (d) any other matter which is required to be, or may be, prescribed.

Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
29. Repeal and saving

1. The Illegal Migrants (Determination by Tribunals) Ordinance, 1983, (8 of 1983.) is hereby repealed.
2. Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Appendix 4

Armed Forces (Special Powers) Act, 1958.
An Act to enable certain special powers to be conferred upon members of the armed forces in disturbed areas in the State of Assam and the Union Territory of Manipur.
Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:

1. Short Title and Extent

a. This Act may be called the Armed Forces (Assam and Manipur) Special Powers Act, 1958.
b. It extends to the whole of the State of Assam and the Union Territory of Manipur.

2. Definitions

In this Act, unless the context otherwise requires:

a. "armed forces" means the Military forces and the air forces operating as land forces, and includes any other armed forces of the Union so operating;
b. "disturbed area" means an area which is for the time being declared by notification under section 3, to be a disturbed area;
c. all other words and expressions used herein, but not defined in the Air Force Act, 1950, or the Army Act, 1950 shall have meanings respectively assigned to them in this Act.

3. Power to Declare Areas to be Disturbed Areas

If the Governor of Assam or the Chief Commissioner of Manipur is of the opinion that the whole or any part of the State of Assam or the Union territory of Manipur, as the case may be, is in such a disturbed or dangerous condition that the use of armed forces in aid of the civil power is necessary, he may by notification in the official Gazette declare the whole or any part of the State or Union territory to be a disturbed area.

4. Special Power of the Armed Forces

Any commissioned officer, warrant officer, non commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area:

a. if he is of opinion that it is necessary so to do for the maintenance of Public order, after giving such due warning as he may consider necessary, fire upon or otherwise use force, even to the causing of death, against any person who is acting in contravention of any law or order for the time being in force in the disturbed area prohibiting the assembly of five or more persons or the carrying on of
Weapons or of things capable of being used as weapons or of fire-arms, ammunition or explosive substances;

b. if he is of opinion that it is necessary so to do destroy any arms dump, prepared or fortified position or shelter from which armed attacks are made or are likely to be made or are attempted to be made, or any structure used as a training camp for armed volunteers or utilised as a hide out by armed gangs or absconders wanted for any offence;

c. arrest, without warrant, any person who has committed a cognizable offence or against whom a reasonable suspicion exists that he has committed or is about to commit a cognizable offence and may use such force as may be necessary to effect the arrest;

d. enter and search without warrant any premises to make any such arrest as aforesaid or to recover any person believed to be wrongfully restrained or confined or any property reasonably suspected to be stolen property or any arms, ammunition or explosive substances believed to be unlawfully kept in such premises and may for that purpose use such force as may be necessary.

5. Arrested Persons to be Made over to the Police

Any person arrested and taken into custody under this Act shall be made over to the officer-in-charge of the nearest police station with the least possible delay, together with a report of this circumstances occasioning the arrest.

6. Protection to Persons acting under Act

No persecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central Government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.

7. Repeal and Saving

a. The Armed Forces (Assam & Manipur) Special Power Ordinance, 1958, is hereby repealed.
b. Notwithstanding such repeal, anything done or any action taken under the said ordinance shall be deemed to have been done or taken under this Act, as if this Act had commenced on the 22nd day of May, 1958.