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R. Agnivanshi



www.tathastuics.com



9560300770



enquiry@tathastuics.com

HEAD OFFICE : 53/1, UPPER GROUND FLOOR, BADA BAZAR, ROAD, OLD RAJINDER NAGAR NEW DELHI - 110060

News Covered(19/7/2024)

Scrolls of self-preservation-Thangka Art

The issue with tree planting schemes

Does India have enough laws to combat superstition?

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How do Assam's Foreigners Tribunals function?



Preserving traditions Thangka art works at Majnu Ka Tila grab eyeballs but not as many customers. GETTY IMAGES/ISTOCK AND SPECIAL ARRANGEMANT



Scrolls of self-preservation

A peek inside the world of Thangka art at Majnu Ka Tila

Archit Sinha

As you step inside Samyeling Tibetan settlement at Majnu Ka Tila, a small but unmissable shop draws you in with the compassionate eyes of Avalokitesvara (Chenrezig in Tibetan) peering at you from the showcase. It is a stunning piece of art. The white and serene figure of Avalokitesvara, the tenth-level of Bodhisattva, is painted on a silk fabric. The central deity is surrounded by other figures in a symmetrical composition and complemented with vibrant colours. The particular painting has breathtaking details in gold leaf.

The Thangka painting is not just a work of art but a matter of cultural identity for the 2,500-odd Tibetans residing in Majnu Ka Tila. And the shop is one of the few centres helping Thangka art reach more people across the world. Lakkhi, who spends his time here addressing queries of curious visitors, local and international, says the shop was established some five decades ago after the 1959 uprising when Tibetans fled to India and were given asylum.

The cramped space is filled with glittering hand-made scrolls made by traditional artists in Tibet

and Nepal, who are trying to save and preserve Thangka art. The traditional Thangkas are usually small in size and many of the original ones came in sets or as a series of narrative mythological scenes, but subsequently were separated.

The process

Thangkas are traditionally created on rich cotton or silk applique. The intricate pieces depict the life story of Buddha or other Buddhist deities and influential Lamas and serve both as devotional objects and teaching tools. The paint consists of water-soluble animal glue, which are sourced from minerals and organic materials.

In Nepal, 24-carat gold is applied to make the piece more sublime. The production process is often described as a spiritual practice, involving

purification rituals and is accompanied by recitation of mantras. Many contemporary Thangka artists now try to innovate with modern themes, including mandalas, to make it more appealing and relatable to global audiences, says Lakkhi. In present times, printed reproductions in poster size of painted thangka are also mass produced and commonly used for devotional and decorative purposes.

However, there is little knowledge or demand for the traditional handmade art form. In the Himalayas, Thangka art is taught to empower communities by providing them with training and employment opportunities. The same is being replicated at Majnu Ka Tila to support Tibetan culture and local livelihood.

The mass-produced Thangkas, or their replicas,



cost anywhere between ₹1,000 and ₹10,000, while the authentic handcrafted ones start from ₹10,000 to ₹10 lakh. The cost of a Thangka art piece depends on its size, material used and the quality of work on it. For the handmade pieces, the complex designs in a riveting combination of colours, the artist's seniority and the age of the Thangka can also influence the cost.

The impact

Thangka art, says Anaisha Shrujal Patel, author of *Declining Crafts: Looking Through a Different Perspective*, is a fascinating art form given its resilient nature and the traditional practices associated with it. Though Thangka art has also been influenced by industrialisation, commercialisation and mass production, it has not impacted the traditional production method unlike India's Madhubani art, which has seen a decline in quality due to adoption of non-traditional colour schemes to cater to buyers' specific preferences, says Anaisha.

At Majnu Ka Tila, it is a unique experience. The Tibetan heritage it represents is one part of a conflux of cultures while its roots are traced to the legend of Abdulla, also known as Majnu (possessed by jinn; crazy). The story among history buffs and also shared by locals is about an eccentric man who, on his quest for the true meaning of God, ferried people across the Yamuna for free and was blessed by Guru Nanak, the first Guru of Sikhism, for the area to be known by his name. There is also a gurudwara in the vicinity, which was built by Baghel Singh in 1783 and also bears the same name.

Home to Tibetan refugees, Majnu Ka Tila is a landmark today and often referred to as Little Lhasa. The Thangka paintings available here contextualise the community's culture and history to every visitor. "We want people to connect with the artists as it helps to promote our culture," says Lakkhi.



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Thangka Paintings

- It is a Tibetan Buddhist painting on cotton, or silk, usually depicting a Buddhist deity, scene, or mandala.
- Presently belonging to Sikkim, Himachal Pradesh, Ladakh region and Arunachal Pradesh, Thangka were originally used as a medium of reverence that evoked the highest ideals of Buddhism. Traditionally made by Buddhist monks and particular ethnic group, the skill of these paintings has been passed from one generation to the other.
- Thangkas are painted on a base of cotton canvas (white background) with paints made from natural vegetable dyes or mineral dyes. The colours used in the paintings have their own significance.
 - For example, red stands for intensity of passion, be it love or hatred, golden is for life or birth, white is for serenity, black depicts anger, green represents consciousness and yellow shows compassion.
 - Once the painting is done, it is often framed in colourful silk brocade.
- Thangkas are traditionally kept unframed and rolled up when not on display, mounted on a textile backing somewhat in the style of Chinese scroll paintings.
- Because of their delicate nature, they have to be kept in dry places where moisture will not affect the quality of the silk.
- Most Thangkas were intended for personal meditation or instruction of monastic students. They often have elaborate compositions including many very small figures. A central deity is often surrounded by other identified figures in a symmetrical composition.
- Thangka serve as important teaching tools depicting the life of the Buddha, various influential lamas and other deities and bodhisattvas.



Consider the following statements in regard to Thangka art:

- 1) Thangka is one of the Manipur's most ancient martial arts.
- 2) Thangka involves using a sword or sphere against one or more opponents.

Which of the above statement(s) is/are correct?

A 1 only

B 2 only

C Both

D None

Explanation:

- » Thangkas are typical paintings of Sikkim (as well as Tibet), originally a medium of reverence through which the highest ideals of Buddhism were evoked.
- » Thangkas are created on cotton canvas and often framed with silk. They depict the images of different deities and philosophies related to Buddhism.
- » Thangkas were traditionally made by Buddhist priests and monks and specific ethnic groups, the skills being passed from generation to generation. (Now Thangkas are an endangered art form which is on decline)
- » The colours used in making a thangka are all vegetable or mineral dyes extracted from nature.
- » Thang-ta is one of the Manipur's most ancient martial arts. Thang-ta involves using a sword or sphere against one or more opponents.



The issue with tree planting schemes

The exploitation of forest resources due to uncontrolled and unsustainable practices has degraded forest landscapes. The World Bank estimates that the world has lost about 10 million square kilometres of forests since the start of the 20th century. The emphasis on forest restoration approaches to bring such degraded ecosystems back to their earlier state was the main purpose of declaring the decade of 2021-2030 as a Decade of Ecosystem Restoration by the United Nations. This targeted the restoration of 350 million hectares of degraded land to generate \$9 trillion in ecosystem services and sequester an additional 13 gigatons-26 gigatons of greenhouse gases from the atmosphere.

As one of the proven methods to support and sustain biodiversity, tree planting is an undisputed, most appealing and popular approach, and with spectacular potential, to address climate-related crises and other environmental challenges. This includes biological carbon sequestration as a mechanism to store and remove carbon dioxide from the atmosphere. This is one reason to consider a mass-scale drive of tree planting as a silver bullet to tackle the challenges of climate change globally, by governmental and non-governmental organisations including individuals. Keeping this indispensable role of trees in maintaining the ecological balance, the then Indian Agriculture Minister, K.M. Munshi, launched the *Van Mahotsava* ('festival of trees') programme in July 1950. Since then, India has been religiously celebrating this programme of tree planting, annually, in the first week of July. To some extent, these efforts have been successful not only in motivating people but also in bringing tangible results that include improving the forest area.

Fancy drives, catchy slogans

In recent years there has been a spurt in tree planting in the name of special drives by various agencies, including governments, which is a welcome sign for environmental conservation.



Mohan Chandra Pargaien

a former Indian Forest Service officer, Hyderabad, Telangana

In tackling the many problems, adequate finances, active community participation and technical considerations need to be prioritised

With catchy slogans, glamorous drives and headline-grabbing campaigns, these programmes of tree planting, both globally and at a national level, have attracted huge media attention and the involvement of people including various organisations to fulfil their objectives. Be it a single day of a planting drive in various Indian States, the "One Trillion Project" of the World Economic Forum, the "Great Green Wall of China", the "10 Billion Tree Tsunami" of Pakistan or the "Bonn Challenge" to restore 150 million hectares of degraded and deforested landscapes by 2020 and 350 million hectares by 2030, many of these drives may seem welcome. But they have been criticised for limited community participation, a lack of adequate post-planting measures and for promoting monoculture, thereby proving less effective for carbon sequestration and biodiversity development.

The problem with such drives

The neglect of ecology and locality with little involvement of people in various tree planting programmes has been a major concern of environmentalists and scientists in recent years. In a study led by Joseph Veldman it was found that except for deforested areas, tree planting in certain locations such as grasslands and animal habitat destroys plant and animal habitats and can damage ecosystems, increase wildfire intensity and exacerbate global warming. Similarly, William Bond and colleagues, in their study, expressed scepticism in considering grasslands as deforested and degraded lands for selecting them for tree planting by rehabilitation; these lands are highly productive and biodiverse, supporting many livestock and people.

Planting saplings alone does not fulfil the multifarious expectations unless we have provision for adequate post-planting measures and monitoring of tree growth – which we hardly find in the majority of tree-planting drives, more specifically in those programmes which are not supported by the government. Contrary to popular belief, tree planting only is not a

cost-effective climate solution when compared to another more rewarding approach of restoration and other alternative low-cost approach such as tree islands which involves planting in small patches or islands.

India's challenges

In 2023, in a joint address with United States President Joe Biden, the Prime Minister, Narendra Modi, said at the White House that 'India is the only G20 country that has fulfilled its commitments under the Paris Agreement'. And in a written reply in the Rajya Sabha, in February 2024, the Union Minister of State for Environment, Forest and Climate Change, Ashwini Kumar Choubey, said that 'India has achieved an additional carbon sink of 1.97 billion tonnes of CO₂ equivalent'. In India, nearly 10 million hectares of its forests are under encroachment, nearly 27.5 crore of people are dependent on forests for subsistence and nearly 5.7 million hectares of forest land have been lost for non-forestry purposes since Independence. These are challenges that pose problems for India's initiatives to restore 26 million hectares of degraded forests by 2030 and to improve forest cover using steps that include tree planting.

India's remarkable policy changes, in recent times, to tackle the challenges of forestry and restoration approaches are also being affected by these inherent problems. In the background of the criticism of mass planting drives, we need to introspect these strategies, giving much required space to adequate finances, active community participation and technical considerations. These have not been given priority. Along with public awareness campaigns, social media, and incentivised community participation, such reoriented interventions and strategies can help to bring changes in the ecological systems of our forests, and with increasing numbers, also help to create resilient forests that have diverse capacities and capabilities.

The views expressed are personal

Does India have enough laws to combat superstition?

PARLEY



Alok Prasanna Kumar

Co-Founder and Lead of Vidhi Karnataka



Avinash Patil

President of the Maharashtra Andhashradha Nirmulan Samiti

The recent stampede at a religious congregation in Hathras, Uttar Pradesh, resulting in more than 120 deaths, has reignited the debate on whether India has adequate legislation to address exploitative religious and superstitious practices. Experts have advocated for a national law akin to existing legislation in Maharashtra and Karnataka to effectively address superstition, black magic, witch-hunting, and other inhuman practices. Does India have enough laws to combat superstitious practices? Avinash Patil and Alok Prasanna Kumar discuss the question in a conversation moderated by Aaratrika Bhaumik. Edited excerpts:

Is there a need for a national anti-superstition law or are the existing State laws and criminal law provisions adequate?

Avinash Patil: For the last two decades, my organisation has been demanding the enactment of a central law to combat superstitious practices. The existing criminal law statutes do not have any dedicated provisions targeting such practices. As a result, police authorities are often reluctant to register cases against the fraudulent activities of godmen. While the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, exists, it contains numerous loopholes. Therefore, a law, modelled on the Maharashtra and Karnataka State laws, must be implemented nationwide.

Alok Prasanna: If we were to take the example of the Karnataka law, a common criticism is its broad definitions of 'evil practices'. This ambiguity can make it difficult to distinguish religious beliefs from superstitions. For instance, is making donations to one's church or temple exploitative and thus an evil practice? State governments are often more attuned to the needs and traditions of the local population. Given India's diversity, a national law might impose sweeping generalisations that could inadvertently empower already dominant communities. Thus, State-specific laws are preferable because they can better accommodate local practices and realities.

A common criticism against the State laws is that they employ expansive and vague definitions, allowing enforcing authorities subjective and potentially discriminatory powers. Do you share these concerns?

Alok Prasanna: There will never be one



Relatives mourn the death of stampede victims in Hathras district, Uttar Pradesh. REUTERS

commonly acceptable definition of what a superstition is. For me, it is about instilling a sense of fear and being forced to undertake degrading practices. Take, for example, the *snana* ritual in Karnataka where Dalits are made to roll over the leftover food eaten by Brahmins to attain *punya*. There should, however, be more restrictive definitions to curb any misuse by linking the practice to some specific harm caused to the concerned individual. Nonetheless, there will always be scope for grey areas, which we have to be open to debating.

Avinash Patil: Following the enactment of a national legislation, individual States can introduce specific amendments addressing local concerns to enhance the law's effectiveness. These amendments can also include additional clauses to refine and narrow down definitions.

Mr. Patil, based on your experience, what are the challenges in implementing these laws at the grassroots level?

Avinash Patil: There is an acute lack of sensitisation when it comes to law-enforcement agencies. Police officers are often constrained by cultural sensibilities and biases which prevent them from addressing these issues with a scientific bent of mind. Significant effort is required to persuade the police to file FIRs in such cases, and even when they do, investigations are often compromised by political influence, leading to low conviction rates. Moreover, caste discrimination is a facet of superstitious beliefs that often goes unnoticed. This underscores the importance of conducting training programmes for all echelons of the police force since they are typically the first responders.



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AVINASH PATIL

Mr. Kumar, many oppose such laws due to their potential conflict with the fundamental right to profess one's religion under Article 25 of the Constitution. How can we strike a balance between protecting the public interest and ensuring that these laws withstand constitutional scrutiny?

Alok Prasanna: Article 25 permits reasonable restrictions on the grounds of public order, morality, and health. Justice Arnould's opinion in the *Maharaja Libel* case before the Bombay High Court encapsulates this wonderfully - "that what is morally wrong cannot be theologically right". So, you cannot say that your religious belief permits you to do something that is morally unconscionable. Thus, practices that are inherently exploitative will also fall foul of other fundamental rights, including the right to life and the protection against untouchability.

Is it important for these laws to prioritise restorative measures instead of just being punitive in nature? For instance, studies have shown that victims of witch-hunting in States such as Jharkhand, Chhattisgarh, and Maharashtra frequently endure social ostracisation, which severely limits their access to essential resources and services.

Avinash Patil: Yes, the laws must focus on restorative justice. However, there is a notable lack of political resolve when it comes to implementing social security measures for victims of such crimes. Witch-hunting persists as a serious problem in tribal districts, where women from socially and economically disadvantaged communities are often targeted. Despite tribal communities constituting about 8% of India's population, dedicated welfare schemes for victims of witch-hunting are conspicuously absent. To address this disparity, comprehensive training programmes are essential for key stakeholders such as public health workers, schoolteachers, and district magistrates. This would enable them to effectively support and provide redress for victims seeking assistance. Additionally,

establishing a victim compensation fund is essential to meet the immediate and long-term needs of victims affected by such practices.

Alok Prasanna: Even though the Constitution has come into existence, we still have a very colonial state. Authorities are adept at arresting and prosecuting individuals when instructed, but they often struggle when tasked with providing restorative justice. Ideally, implementing such mechanisms would require a fundamental rethinking of how the Indian state operates. It is also important to ensure that these laws are not weaponised against the Adivasi communities. At the core of many issues related to witch-hunting are property disputes. There is a prevalent fear that women inheriting property may contravene community norms, so a conspiracy is hatched to attack them.

Are laws enough to curb superstitions? What more can be done especially since cultural sensibilities tend to pose a significant hurdle in framing or implementing such laws?

Alok Prasanna: There is an interesting phenomenon unfolding across the country where people are increasingly retreating into the arms of godmen, spanning across religions. It is important to reflect on why people no longer feel a sense of protection from the state or their own community, prompting them to seek refuge in blind faith. Consider the case of Bhole Baba, a former police constable who claims to be the voice of some divine being. His congregation attracted not just a small group, but lakhs of people. This suggests a larger societal issue beyond isolated incidents of misguided faith. I think that is what worries me more and we must investigate what is the deeper cause.

Avinash Patil: Many people believe that such superstitious beliefs are for their own good, which enables godmen to deceive them. There is a widespread tendency to seek solace in spirituality at the cost of rationality. It is crucial to move beyond this mindset and embrace scientific temperament in our daily lives. We have forgotten to question, which reflects a failure of our education system and state institutions. It is high time that state authorities abide by their constitutional duty to promote rational thinking and scientific practices.



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What is the role of the Finance Commission?

How is horizontal devolution of taxes between States decided? For how long do the recommendations of the Commission last? Why do States complain that the Centre does not give them an ample share of the tax revenue? From where do States get their funds?

EXPLAINER

Prashanth Perumal

The story so far:

The sixteenth Finance Commission headed by former Niti Aayog Vice-Chairman Arvind Panagariya has begun its work by inviting suggestions from the public on the mandate set for it by the Centre. The latest Finance Commission, which consists of five members including the chairman, was constituted in December last year and is expected to submit its recommendations by October, 2025. Its recommendations will be valid for five years starting from April 1, 2026.

What is the Finance Commission?

The Finance Commission is a constitutional body that recommends how tax revenues collected by the Central government should be distributed among the Centre and various States in the country. The Centre, however, is not legally bound to implement the suggestions made by the Finance Commission. The Commission is reconstituted typically every five years and usually takes a couple of years to make its recommendations to the Centre.

How does the Commission decide?

The Finance Commission decides what proportion of the Centre's net tax revenue goes to the States overall (vertical devolution) and how this share for the States is distributed among various States (horizontal devolution). The horizontal devolution of funds between States is usually decided based on a formula created by the Commission that takes into account a State's population, fertility level, income level, geography, etc. The vertical devolution of funds, however, is not based on any such objective formula. Nevertheless, the last few Finance Commissions have recommended greater vertical devolution of tax revenues to States. The 13th, 14th and 15th Finance



GETTY IMAGES

Commissions recommended that the Centre share 32%, 42% and 41% of funds, respectively, from the divisible pool with States. It should be noted that the Centre may also aid States through additional grants for certain schemes that are jointly funded by the Centre and the States.

The 16th Financial Commission is also expected to recommend ways to augment the revenues of local bodies such as panchayats and municipalities. It should be noted that, as of 2015, only about 3% of public spending in India happened at the local body level, as compared to other countries such as China where over half of public spending happened at the level of the local bodies.

Why is there friction between the Centre and States?

The Centre and the States have been at loggerheads over the issue of sharing tax

revenues for a while now. The Centre collects major taxes such as the income tax, the corporate tax, and the goods and services tax (GST) while the States primarily rely on taxes collected from the sale of goods such as liquor and fuels that are beyond the ambit of GST. The States, however, are responsible for the delivery of many services to citizens, including education, healthcare and the police. This has led to complaints that the Centre has reduced the power of the States to collect taxes and that it does not give enough funds to the States to match with the scale of their responsibilities.

What are the disagreements?

The States and Centre often disagree on what percentage of the total tax proceeds should go to the States and about the actual delivery of these funds.

States argue that they should receive

more funds than what is recommended by the Finance Commission as they have greater responsibilities to fulfil than the Centre. They also point out that the Centre does not even share the amount of funds recommended by the Finance Commissions, which they believe is already too low. For example, according to analysts, the Centre has devolved an average of only 38% of funds from the divisible pool to the States under the current Fifteenth Finance Commission as against the Commission's actual recommendation of 41%.

Further, States have complaints about what portion of the Centre's overall tax revenues should be considered as part of the divisible pool out of which the States are funded. It is believed that cesses and surcharges, which do not come under the divisible pool and hence not shared with the States, can constitute as much as 28% of the Centre's overall tax revenues in some years, causing significant revenue loss for States. So, the increased devolution of funds from the divisible pool, as recommended by successive Finance Commissions, may be offset by rising cess and surcharge collections. In fact, it is estimated that if cesses and surcharges that go to the Centre are also taken into account, the share of States in the Centre's overall tax revenues may fall to as low as 32% under the 15th Finance Commission.

More developed States such as Karnataka and Tamil Nadu have also complained that they receive less money from the Centre than what they contribute as taxes. Tamil Nadu, for example, received only 29 paise for each rupee that the State contributed to the Centre's exchequer while Bihar gets more than ₹7 for each rupee it contributes. In other words, it is argued that more developed States with better governance are being penalised by the Centre to help States with poor governance. Some critics also believe that the Finance Commission, whose members are appointed by the Centre, may not be fully independent and immune from political influence.

THE GIST

The sixteenth Finance Commission headed by former Niti Aayog Vice-Chairman Arvind Panagariya has begun its work by inviting suggestions from the public on the mandate set for it by the Centre.

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How do Assam's Foreigners Tribunals function?

How do these tribunals decide whether a person is Indian or not? Does the Border police play a role?

Rahul Karmakar

The story so far:

On July 5, the Assam government asked the Border wing of the State's police not to forward cases of non-Muslims who entered India illegally before 2014 to the Foreigners Tribunals (FTs). This was in keeping with the Citizenship (Amendment) Act of 2019 that provides a citizenship application window for non-Muslims – Hindus, Sikhs, Christians, Parsis, Jains, and Buddhists – who allegedly fled persecution in Afghanistan, Bangladesh, and Pakistan.

How did the FTs come about?

The FTs are quasi-judicial bodies formed through the Foreigners (Tribunals) Order of 1964 under Section 3 of the Foreigners' Act of 1946, to let local authorities in a State refer a person suspected to be a foreigner to tribunals. The FTs are currently exclusive to Assam as cases of "illegal immigrants" are dealt with

according to the Foreigners' Act in other States. Each FT is headed by a member drawn from judges, advocates, and civil servants with judicial experience. The Ministry of Home Affairs told Parliament in 2021 that there are 300 FTs in Assam but the website of the State's Home and Political Department says that only 100 FTs are currently functioning, beginning with 11 established before the Illegal Migrants (Determination by Tribunals) Act of 1983 was scrapped in 2005.

What is the role of the Border police?

The Assam Police Border Organisation was established as a part of the State police's Special Branch in 1962 under the Prevention of Infiltration of Pakistani (PIP) scheme. The organisation was made an independent wing in 1974 and is now headed by the Special Director General of Police (Border). After the liberation war of Bangladesh, the PIP scheme was renamed Prevention of Infiltration of Foreigners or PIF scheme. The Centre has sanctioned the posts of 3,153 out of the 4,037

personnel of this wing under the PIF scheme while 884 are sanctioned by the Assam government. The members of this wing are tasked with detecting and deporting illegal foreigners, patrolling the India-Bangladesh border with the Border Security Force, maintaining a second line of defence to check the entry of illegal foreigners, and monitoring people "settled in riverine and char (sandbar) areas". This is apart from referring people of suspicious citizenship to the FTs to decide whether they are Indian or not based on documents. Cases of 'D' or doubtful voters can also be referred to an FT by the Election Commission of India and people excluded from the complete draft of the National Register of Citizens (NRC) released in August 2019 can appeal to the FT concerned to prove their citizenship. Some 19.06 lakh out of 3.3 crore applicants were excluded from the NRC, whose process has been on hold.

How does an FT function?

According to the 1964 order, an FT has

the powers of a civil court in certain matters such as summoning and enforcing the attendance of any person and examining him or her on oath and requiring the production of any document. A tribunal is required to serve a notice in English or the official language of the State to a person alleged to be a foreigner within 10 days of receiving the reference from the authority concerned. Such a person has 10 days to reply to the notice and another 10 days to produce evidence in support of his or her case. An FT has to dispose of a case within 60 days of reference. If the person fails to provide any proof of citizenship, the FT can send him or her to a detention centre, now called transit camp, for deportation later.

Why are some FT orders under fire?

On July 11, the Supreme Court set aside an FT order declaring Rahim Ali, a deceased farmer, a foreigner 12 years ago. The apex court called the order a "grave miscarriage of justice" while pointing out that the Foreigners' Act does not empower the authorities to pick people at random and demand that they prove their citizenship. In September 2018, an FT member in central Assam's Morigaon observed that foreigners' cases have assumed the form of an industry where everyone involved is "trying to mint money by any means". The member also noted that notices are "hung up on some trees or electric pole" without the suspected non-citizens unaware of such a case against them.

THE GIST

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The Assam Police Border Organisation was established as a part of the State police's Special Branch in 1962 under the Prevention of Infiltration of Pakistani (PIP) scheme.

Amnesty International has raised allegations over the functioning of the Foreigners Tribunals (FTs) in Assam.

Key Points

In a report titled 'Designed to Exclude', Amnesty International has asserted that the Supreme Court and Gauhati High Court had enabled the FTs to create a statelessness crisis in Assam.

- There appear to be aberrations in some cases to the policy of assessing the performance of a FT member.

-The organization has observed that the FTs that determined the paramount right to citizenship in Assam were often dismissive, used derogatory language, controlled their own procedures and applied them in arbitrary ways.

-It has also called for a review of the existing legislative regime governing the determination of nationality in India.

Foreigners Tribunals in Assam

-The tribunals are quasi-judicial bodies, to determine if a person staying illegally is a "foreigner" or not.

-Every individual, whose name does not figure in the final National Register of Citizens (NRC), can represent his/her case in front of the appellate authority i.e. Foreigners Tribunals (FT).

- Assam has set up FTs, specifically to handle the cases of 19.06 lakh people left out of the updated NRC.

-Under the provisions of Foreigners Act 1946 and Foreigners (Tribunals) Order 1964, only Foreigners Tribunals are empowered to declare a person as a foreigner.

-The Assam Police Border Organisation, a wing of the State police tasked with detecting foreigners, readies the cases for the tribunals to decide who is a foreigner and who is not.



The Supreme Court recently stopped the deportation of a woman who had been declared a foreigner by a Foreigners' Tribunal in Assam.

About Foreigners Tribunals (FTs)

1. Foreigners Tribunals were established **under the Foreigners (Tribunals) Order, 1964**, which was enacted by the Central government utilizing powers from Section 3 of the Foreigners Act, 1946.

2. Geographical Application: While **applicable across India**, FTs are currently **operational only in Assam**. In other states, suspected illegal immigrants are presented before local courts under the Foreigners Act, 1946.

3. Recent amendment: Initially, only the Central government could establish FTs. The **2019 amendment** to the Foreigners (Tribunals) Order granted this power to state governments as well.

4. Role and Functions of FTs

a) Detection of Suspected Foreigners: The superintendents of police (SPs) and district commissioners identify suspected foreigners. The Election Commission of India can also refer cases of 'Doubtful' voters to the local SP, who then refers them to the FTs.

b) National Register of Citizens (NRC): Individuals excluded from the final draft of the NRC released in August 2019, can appeal to the FTs to establish their citizenship.

5. Procedures Followed by FTs

a) Issuance of Notices: Upon receiving a referral, the tribunal serves the suspected individual with a copy of the grounds of suspicion and a show-cause notice within 10 days, indicating the burden of proof lies with the individual to demonstrate they are not a foreigner.

b) Opportunity for Defense: The FT provides the individual a fair chance to make a representation in person or via a lawyer and to present evidence supporting their claim of citizenship.

c) Consequences of Non-Compliance: If the individual fails to prove their citizenship and cannot secure bail, the FT orders their detention and transfer to a detention center.

6. Legal Authority and Precedence: SC held that the decisions of the FTs on a person's nationality are binding and hold more weight than those of the Government, NRC verification authority, or other credentials.

