

TO BE FILLED IN QUADRUPPLICATE BY THE PERSON SEEKING REGISTRATION
Application for registration under section 6A of the Citizenship Act, 1955.

ATTESTED

SPL FRRO (Supdt. of Police)
Bongaigaon, Kokrajhar, Dhubi
Goalpara

With H.Q. Bongaigaon
DAS CHAMPA



1. Name in full of applicant
(Block Capital, surname first) **W/O. Dharani Das**
2. Father's/Husband's name **1950 Vill-Gopalpur, Ps.Fulberia, E/P**
3. Date and place of birth **Femal 5'5" dark Dist-Meymansing**
4. Sex, Height, colour of **Indian**
5. Whether of Indian origin If so how **Housewife**
6. Present nationality **1967 Vill- Borelesiya gaon, Bijnai, Dist- Goalpara (Assam)**
7. Occupation or profession **-DO-**
8. Date and place of arrival in Assam from **Vill-Batabari, Pe-Bijnai, Dist-Chirang (Assam)**
9. First address in Assam after arrival **1967**
10. Present address in Assam **Chirang**
11. Date and place of ordinary residence in Assam **FT.Case No. ENCM/ET/CN/123/2003**
12. Date and place of detection **FT.Case No. 43/2003 dt.30/11/2021**
13. Name and address of the Tribunal declaring him/her as a foreigner, case number and date of order **Mohan Das (son) Pritish Das (son) Bipali Das (dtr)**
14. Name of husband/wife and children **one hole mark on her forehead**
15. Physical identification marks of applicant :-
(1) **one hole mark on her forehead**
(2) **one hole mark on her forehead**
16. Signature or thumb impression of applicant **R.T.O. of Champa Das**

To be filled in **F.R.R.O** by the office of the Registering Authority.

1. Registered at **Bongaigaon** on **01/1/2022** 19

2. Registration No. **147**

3. Finger prints of the registrant. P. T. O. SEAL

Date :

Place :



SPL FRRO (Supdt. of Police)
Bongaigaon, Kokrajhar, Dhubi
Goalpara Authority.

With H.Q. Bongaigaon

Note :- A Certified copy of the Tribunal Order should be attached with the 1st, 3rd and 4th copy of this application.



Application No.	Application Received on	Date on which copy was made ready	Date on which delivered
551/2021	23-12-2021	24-12-2021	27-12-2021

BEFORE THE MEMBER, FOREIGNERS' TRIBUNAL, CHIRANG
(ASSAM).

F.T. CASE NO. BNGN/FT/CHR/129/2008
FT Case No. 43/2003



PRESENT

SRI MANJIT SARMA
MEMBER, FOREIGNERS' TRIBUNAL, CHIRANG

UNION OF INDIA
Vs

... Petitioners

Mrs. Champa Das
W/o- Dharani Das
Village – Batabari, P.S- Bijni
Dist. Chirang, Assam

..... Opposite party/ Proceedee

Appearance

For the State

: Mr. N.C. Ray, Asstt. Govt. Pleader

For the Proceedee.....

: Mr. D. A. Rahim, Advocate.

O P I N I O N

30/11/2021

1. Originally this reference was forwarded by the Superintendent of Police (B), Bongaigaon [SP (B) in Short] vide FT Case No. 43/2003 to the Ld. Foreigners Tribunal, Bongaigaon for determination of nationality of Mrs. Champa Das, W/o. Dharani Das of village- Batabari, PS. Bijni, Dist- Chirang, Assam. The Ld. F.T Bongaigaon registered the Case as BNGN/FT/Case No. 129/2008 and transferred the case records to this Tribunal. Thereafter this case record was transmitted to this Tribunal and the Tribunal registered the case as BNGN/FT/CHR/129/2008.

2. This Tribunal by order dated 03/11/2020 issued notice to the Proceedee to appear and submit the written statement (W/S in short) in support of her nationality, if any. Upon

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(2)

of the notice the Proceedee appeared and on 11-02-2021 the Proceedee submitted the Written Statement (W/S in short) along with some Photostat Copies of documents marked as annexures. The Proceedee adduced the evidence of one witness i.e., of herself as DW-1 and submitted the evidence-on-affidavit with exhibits on 05-08-2021. Thereafter the Proceedee took many dates for cross examination but on 07/10/2021, 25/10/2021 and 30/10/2021 the Proceedee remained absent without any step hence the reference was fixed for final order/opinion on 16/11/2021. On 16/11/2021 the opinion was not ready hence 30/11/2021 was fixed for final order/opinion.

3. The Proceedee has submitted the written statement contending inter alia that she is a foreigner of stream in between 1966- 25th March 1971 as alleged in the reference. The Proceedee stated that she was born in the then East Pakistan in village and due to religious persecution fled to India along with her family members during the period of 1966 to 25th March 1971 and took shelter at Cooch behar, West Bengal India. The Proceedee has stated that she shifted to village- Boro Lesiyagaon under Bijni Police Station after marriage with one Dharani Das. Presently, the Proceedee is residing at village Batabari under Bijni Police Station. The Proceedee stated that the Proceedee and their parents could not enrol their names in the voter list of 1971 and all the valuable documents are damaged due to natural calamities, hence the Proceedee could not submit any documents prior to 25th March 1971. The Proceedee stated that the name of her father is Lt. Kalu Das and mother's name is Batasi Das. The Proceedee further stated that after marriage with Dharani Das her name appears in the voter list. The Proceedee stated that some certified copies of voter list could not be collected due to Covid-19 pandemic hence could not submit before the Hon'ble Tribunal. The Proceedee stated that they are three brothers and one sisters namely, Dulal Das, Sahadev Das, Ananda Das (since deceased) and Champa Das (the Proceedee herself). The Proceedee also stated that no foreigner's case is pending against the brothers of the Proceedee. The Proceedee stated that her brothers are residing at Coochbehar. The Proceedee contended that her name along with her husband appears in the voter list of 1997 under No. 33 Bijni LAC. The Proceedee stated that her name appears in the voter lists of 2005, 2010 and 2019 under No. 33 Bijni LAC. The Proceedee further stated that she has an Elector Photo Identity Card vide No. FQM1127384 issued from the Election Commission of India and an Adhaar Card vide No. 853139414851 issued by UIAI Govt. of India. The Proceedee also stated that she has submitted a Ration Card vide No. 70200. Hence, Proceedee has prayed to drop the case and to declare her as a foreigner of 1966-1971 stream.

4. Now the point for determination is as to whether the proceedee is a citizen of India or a foreigner within the meaning of the expression "Foreigner" as defined in the Foreigners Act. 1946.



As per provision of section 9 of the Foreigners Act, 1946, the onus of proving that she is a citizen of India and not a foreigner lies upon her. Now let us find out as to how she could discharge her burden to prove that she is not a foreigner.

I have gone through the evidence as well as the documents very carefully. In her evidence on affidavit the proceedee reiterated the statements as stated in her written statement which I have discussed above.

7. In order to substantiate her claim the Proceedee has produced and exhibited the following documents.

- i) **Exhibit-1** : Photostat copy of Voter List of 1997 pertaining to village- Borlechiagaon under No. 33 Bijni Legislative Assembly Constituency incorporating the name of Dharani Das, S/o. Dinbondhu Das aged about 75 years and Champa Das, W/o. Dharani, aged about 50 years.
- ii) **Exhibit-2** : A certified copy of Voter List of 2005 pertaining to village- 1) Dangagaon No. 1, 2) Dangagaon No. 2 and 3) Borlechiagaon under No. 33 Bijni Legislative Assembly Constituency incorporating the name of Champa Das, W/o. Dharani Das aged about 55 years.
- iii) **Exhibit-3** : Photostat copy of voter list of 2010 which is illegible.
- iv) **Exhibit-4** : An original copy of Elector Photo Identity Card vide No. FQM1127384 showing the name of Champa Das, Relation name- Dharani Das issued by the Election Commission of India.
- v) **Exhibit-5** : A Photostat copy of voter List.
- vi) **Exhibit-6** : An original copy of Certificate dated 04/08/2021 issued by the Chairman Chatianguri VDC, incorporating the name of Champa Das, W/o. Late Dharani Das of village- Borlechiagaon in the District of Chirang, BTR, Assam.

8. On perusal of the W/S and the affidavit filed by the Proceedee as well as the documents relied upon by her it appears that **Exhibit 1** i.e., the Photostat copy of Voter List of 1997 pertaining to village- Borlechiagaon under 33 No. Bijni LAC incorporating the names of Dharani Das S/o. Dinobondhu Das aged about 75 years and Champa Das W/o. Dharani aged about 50 years, which is inadmissible in evidence. In **Exhibit- 2** i.e., the certified copy of Voter List of 2005 pertaining to village-

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Dongagaon No. 1, Dongagaon No. 2 and Borlechiagaon under No. 33 Bijni TAC. Bijni the name of Champa Das, W/o. Dharani aged about 55 years has appeared which has not been proved by examination of the issuing authority. **Exhibit-3** is the illegible Photostat Copy of Voter List of 2010 which is not admissible in evidence. **Exhibit-4** is the original copy of Elector Photo Identity Card showing the name of Champa Das, relation name- Dharani Das issued by the Election Commission of India but merely producing such documents in absence of supporting evidence is not proof of citizenship and the **Hon'ble Gauhati High Court in WPC No. 3547 of 2016 (Md. Babul Islam Vs State of Assam)** has laid down the same. **Exhibit-5** is the Photostat Copy of a Voter List which is inadmissible in evidence. **Exhibit-6** is an original copy of Certificate dated 04/08/2021 issued by the Chairman Chatianguri VDC, incorporating the name of Champa Das, W/o. Late Dharani Das of village- Borlechiagaon in the District of Chirang, BTR, Assam which has not been proved. **In Afuza Begum @ Afruja Begum Vs Union of India and ors. WP(C) No. 7340/2016** it is held by the **Hon'ble Gauhati High Court** that it is a settled position that mere enrolment of name in the voter list and long stay in the country is no proof of citizenship. It is pertinent to mention here that in W/S as well as the evidence-on-affidavit the Proceedee has admitted the fact that she was born in the then East Pakistan in village- Gopalpur, Bangladesh about 71 years ago and fled to India alongwith her parents family members due to religious persecution during the period of 1966 to 25th March 1971 and took shelter at Cooch behar, West Bengal, India. The Proceedee further admitted that her parents could not enrol their names in the Voter List of 1971 and she could not submit any document of prior to 25th March 1971 since are valuable documents were damaged due to natural calamities. Thus, it is apparent that the Proceedee has not been able to prove the fact of existence of her lineal ancestors on or before 01-01-1966.

9. The evidence of Proceedee, coupled with above mentioned documents relied upon by her appear to be not trustworthy and there is no reason to believe the Proceedee. So I have come to a definite conclusion that the Proceedee is not born and brought up through genuine Indian parents in Indian soil and she failed to prove that she is not a foreigner.
10. Considering the entire materials on record and the discussion above I am of the opinion that Proceedee namely, Mrs. Champa Das, W/o. Dharani Das of village- Batabari, PS. Bijni, Dist- Chirang, Assam is a foreigner of 1966-1971 stream. Hence, the reference case is affirmative and against the Proceedee. Intimate the Superintendent of Police (B), Chirang, Kajalgaon, accordingly. Also inform the Deputy Commissioner of the District- Chirang for necessary action. This reference is thus disposed of.

Sd/-
(M. Sarma)
Member

Foreigners Tribunal Chirang

Certified to be true copy

Bench Assistant
Foreigners Tribunal
Chirang

Completed with the original copy

Foreigners Tribunal
Chirang