

Date of Application for Copy	Date fixed for notifying the requisite number of Stamp & Folio	Date of delivery of the requisites Stamp & Folio	Date of which the copy was ready for delivery	Date of making over the copy of the Applicant

Petition No.

By.....

FOREIGNER'S TRIBUNAL -II, GOALPARA
PRESENT: - Sri Debananda Das, B.Sc. LL.B., Member

OPINION

GFT- 2/618/20

{Old.F.T. Case No. FT (2) 1512/K/2016}

F.T. Case No. - 159/2007

Police Reference No. GLP/B/F.T./2007/563, dated 16/02/2007



State..... complainant

-Vs-

Rup Bhanu Opposite Party.



For the State	: -	Nil
For the Opp. Party	: -	Mr. Ashim Mubarak, Advocate.
Date of Evidence	: -	11/05/22
Date of Argument	: -	20/05/22
Date of Opinion	: -	20/05/22

This is reference u/s 2(i) of the Foreigners Tribunal (order) 1964 for opinion whether the Opp. Party *Rup Bhanu, W/O- Nur Jamal, r/o: - Vill: - Barvita (Krishnai), P.S.: - the then Dudhnoi now Krishnai, Dist: - Goalpara, (Assam)* is a foreigner of post 25/03/1971 stream or not.

The reference is that the S.I.(B). Ajay Kr. Sarma suspected the Opp. Party to be a foreigner as she failed to produce any authentic document at the time of spot inquiry.

Thereafter the S.I.(B). Ajay Kr. Sarma referred the matter to the Superintendent of Police, (Border), Goalpara, Assam. The Superintendent of Police (Border), Goalpara, referred this case to Foreigner Tribunal-, Goalpara for opinion.

The Opp. Party *Rup Bhanu, W/O- Nur Jamal, r/o: - Vill: - Barvita (Krishnai), P.S.: - the then Dudhnoi now Krishnai, Dist: - Goalpara, (Assam)*, after receiving the notice from the Tribunal, appeared, engaged Advocate and filed Written Statement along with some documents, claiming that her grandfather and father is an Indian and she is also Indian by birth and adduced evidences as *O.P.W-1, O.P.W-2, O.P.W-3 & O.P.W-4*.

Point for decision: - Whether the O.P Rup Bhan, is an Foreigner or not?

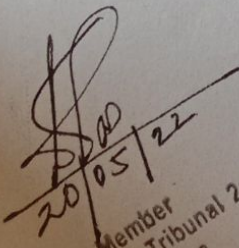
[Signature]
20/05/22
 Member
 Foreigner's Tribunal 2nd
 Goalpara



In the WS as well as in evidence in chief the Opp. Party stated as OPW-1, as her grandfather and her father are Indian Citizen by birth, she was born and brought up at village-Beldubi, P.S.- South Salmara, Dist.- the then Goalpara now Dhubri (Assam) at about 42 years ago. Her grandfather name is **Lt. Asalot Sheikh** and her grandmother name is **Lt. Amena Khatun** and her father name is **Lt. Raham Ali** and mother name is **Dalimon Nessa** respectively. OP stated that her father name is enlisted in the voter list of 1966, 1970, 1979, 1989 & 1997. OP stated that her father is an Indian Citizen. OP also stated that she married with **Nur Jamal, S/O- Anchar Ali** of village- Barvita, P.S.- the then Dudhnoi now Krishnai, Dist- Goalpara (Assam). OP's name first time enlisted along with her husband in the voter list of 2005. OP stated that her father was Indian Citizen and she also Indian Citizen by birth.

The OP Exhibited the following documents:-

- Ext: -A** is the certified voter list of 1966 in the name of **Rohman Ali Sk, S/O- Asalot Sk.**, of Vill- Beldubi, under 32nd South Salmara LAC, vide Part No.- 99, House No.- ..., Sl. No.- 112 and age is shown as 22 years.
- Ext: -B** is the certified voter list of 1970 in the name of **Rohman Ali, S/O- Asalot**, of Vill- Beldubi, under 32nd South Salmara LAC, vide Part No.- 99, House No.- 14, Sl. No.- 40 and age is shown as 26 years.
- Ext: -C** is the certified voter list of 1979 in the name of **Rohman Ali, S/O- Asalot Sk.**, of Vill- Beldubi, under 39th Jaleswar LAC, vide Part No.- 152, House No.- 48, Sl. No.- 153 and age is shown as 33 years.
- Ext: -D** is the certified voter list of 1989 in the name of **Rohom Ali, S/O- Asalot Sk.**, of Vill- Beldubi, under 39th Jaleswar LAC, vide Part No.- 40, House No.- 43, Sl. No.- 218 and age is shown as 42 years.
- Ext: -E** is the certified voter list of 1997 in the name of **Rohom Ali, S/O- Asalot Sk.**, of Vill- Beldubi, under 39th Jaleswar LAC, vide Part No.- 40, House No.- 100, Sl. No.- 252 and age is shown as ... years.
- Ext: -F** is the original copy of **Election Certificate** in the name of **Dalimon Nessa**, has been elected as a member of 58th Beldubi GP of 2001-2002 Assam Panchayat Election and the SDO of South Salmara Mankachar has issued a Election Certificate on 04/02/2002.
- Ext: -G** is the original copy of **Election Certificate** in the name of **Raham Ali**, has been elected as a member of 58th Beldubi GP of 2007-2008 Assam Panchayat Election and the SDO of South Salmara Mankachar has issued a Election Certificate on 04/02/2008.
- Ext: -H** is the certified copy of **Death Certificate** in the name of **Raham Ali, S/O- Asalot Sheikh** at village- Beldubi, P.O.- Medartary, Dist.- Dhubri (Assam), issued by the Registrar Birth & Death Medetari State Dispensary, vide Sl No.- 0158889, Registration No.- 97/21/09/2020, on 25/09/2020.


20/05/22
Member
Foreigner's Tribunal 2nd
Goalpara



Ext: -I is the original copy of *Certificate, Secretary Beldubi Gaon Panchayat*, in the name of *Rupbhanu Bibi, D/O- Rahman Ali Sk., W/O- Nur Jamal Sheikh*, vide Memo No. BGP-25/M.W/CFT/2015/52, issued by the Secretary of Beldubi Gaon Panchayat, counter signed by the Block Dev. Officer Jamadarhat Block, Chirakuti, dated – 21/06/2015.

Ext: -J is the original copy of *Elector Photo Identity Card* in the name of *Rupbhanu Bibi, W/O- Nurjamal Sheikh*, Vide Card No.- BYK1362852, issued by Election Commission of India.

Ext: -K is the original copy of *PAN Card* in the name of *Rupbhanu Bibi, D/O- Roham Ali*, Vide Card No.- DEAPB2538P, issued by Income Tax Department Govt. of India.

Ext: -L is the certified voter list of **2005** in the name of *Rupbhanu Bibi, W/O- Nurjamal Sheikh*, of Vill- Barvita, under 37th Goalpara East LAC, vide Part No.- 116, House No.- 45, Sl. No.- 786 and age is shown as 25 years.

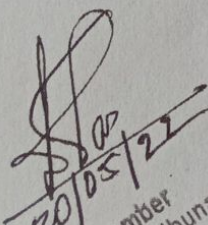
Ext: -M is the certified voter list of **2010** in the name of *Rupbhanu Bibi, W/O- Nurjamal Sheikh*, of Vill- Barvita, under 37th Goalpara East LAC, vide Part No.- 135, House No.- 45, Sl. No.- 788 and age is shown as 30 years.

Ext: -N is the certified voter list of **2021** in the name of *Rupbhanu Bibi, W/O- Nurjamal Sheikh*, of Vill- Barvita, under 37th Goalpara East LAC, vide Part No.- 198, House No.- 45, Sl. No.- 402 and age is shown as 40 years.

Ext: -O is the original copy of *Certificate, Beldubi Gaon Panchayat*, in the name of *Rupbhanu Bibi, D/O- Rahman Ali Sk., W/O- Nurjamal Sheikh*, vide Memo No. BGP/02-22-23/533, issued by the Beldubi Gaon Panchayat, counter signed by the President of Beldubi Gaon Panchayat, dated – 08/04/2022.

In cross this **OPW-1** stated that she is daughter of *Raham Ali, S/O- Lt. Asalot Sheikh*, r/o. village- Beldubi, P.S:- South Salmara, Dist.- the then Goalpara now Dhubri (Assam). OP was born at her father house. OP's father name is enlisted in the voter list of **1966, 1970, 1979, 1989 & 1997**. OP also stated that she married with *Nur Jamal, S/O- Anchar Ali* of village- Barvita, P.S.- the then Dudhnai now Krishnai, Dist- Goalpara (Assam) as per Islamic Sariat Act. She has 3 brothers. Her father and mother both were elected Goan Pancyat Members. Her father expired 1 ½ years ago. She has 2 daughter and 2 sons.

OPW-2 – Dalimon Nessa, W/O- Raham Ali, r/o. village- Beldubi, P.S:- South Salmara, Dist.- the then Goalpara now Dhubri (Assam), aged about 63 years. OP is her own daughter. OP has 3 brothers and OP is No.- 2. OP is only daughter of her. OP's father name is enlisted in the voter list of **1966, 1970, 1979, 1989 & 1997**. OP also stated that she married with *Nur Jamal, S/O- Anchar Ali* of village- Barvita, P.S.- the then Dudhnai now Krishnai, Dist- Goalpara (Assam) as per Islamic Sariat Act. Her father and she herself both were elected Goan Pancyat Members. Her father expired 1 ½ years ago. She has 2 daughter and 2 sons.


20/05/22
Member
Foreigner's Tribunal 2nd
Goalpara



OPW-3 – Motior Rahman, S/O- Lt. Asalat Sheikh, r/o. village- Beldubi, P.S:- South Salmara, Dist.- the then Goalpara now Dhubri (Assam), aged about 55 years. OP is his nephew. OP has 3 brothers and 1 sister and OP is No.- 2. OP's father name is enlisted in the voter list of **1966, 1970, 1979, 1989 & 1997**. OP also stated that she married with **Nur Jamal, S/O- Anchar Ali** of village- Barvita, P.S.- the then Dudhnoi now Krishnai, Dist- Goalpara (Assam) as per Islamic Sariat Act.

OPW-4 – Certificate Beldubi Gaon Panchayat, also adduced evidences and proved the contains of the document as **Ext:- O and Ext:- O(1) is his predecessors signature O(2)** is counter signed by the President of Beldubi Gaon Panchayat. This OP's side witnesses are dully cross by the Asstt. Govt. Pleader for the state side.

All the OP's side witnesses are dully cross by the Asstt. Govt. Pleader for the state side

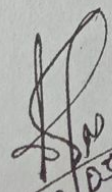
POINTS AND REASONS FOR DECISIONS:-

The Opposite Party (OP) after appearing this tribunal and contested the case and submitted her written statements along with some documents claiming that her grandfather and father were Indian Citizen by birth. She also submitted her evidences and witnesses evidence on Affidavit of Examination in chief. State side Assistant Govt. pleader dully crossed the OP and his witnesses in open court. The uncle of the OP also present and adduced his evidences. The Goan Bura and Gaon Panchyat Secretary also adduced their evidences and proved the contains of the certificate which they have issued. After conclusion the trial, I have heard the arguments of Learned Advocate for the O.P. and the learned Asst. Govt. Pleader for the state. I have very carefully gone through the documents which are exhibited and the evidence on records. I found nothing to doubt to disbelieve the evidences of **O.P.W-1, OPW-2, OPW-3 and O.P.W-4.**

The OP exhibited documents which are admitted as per Indian Evidence Act.

The OP exhibited the certified copy voter list of **Lt. Raham Ali** & which is mentioned as below.

Ext: -A is the certified voter list of **1966** in the name of **Rahman Ali Sk, S/O- Asalat Sk.**, of Vill- Beldubi, under 32nd South Salmara LAC, vide Part No.- 99, House No.- ..., Sl. No.- 112 and age is shown as 22 years.


20/05/22
Member
Foreigner's Tribunal 2nd
Goalpara

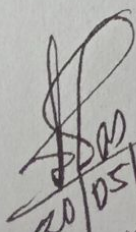


- Ext: -B** is the certified voter list of **1970** in the name of **Rohman Ali, S/O- Asalot**, of Vill- Beldubi, under 32nd South Salmara LAC, vide Part No.- 99, House No.- 14, Sl. No.- 40 and age is shown as 26 years.
- Ext: -C** is the certified voter list of **1979** in the name of **Rohman Ali, S/O- Asatol Sk.**, of Vill- Beldubi, under 39th Jaleswar LAC, vide Part No.- 152, House No.- 48, Sl. No.- 153 and age is shown as 33 years.
- Ext: -D** is the certified voter list of **1989** in the name of **Rohom Ali, S/O- Asalot Sk.**, of Vill- Beldubi, under 39th Jaleswar LAC, vide Part No.- 40, House No.- 43, Sl. No.- 218 and age is shown as 42 years.
- Ext: -E** is the certified voter list of **1997** in the name of **Rohom Ali, S/O- Asalot Sk.**, of Vill- Beldubi, under 39th Jaleswar LAC, vide Part No.- 40, House No.- 100, Sl. No.- 252 and age is shown as ... years.
- Ext: -G** is the original copy of **Election Certificate** in the name of **Raham Ali**, has been elected as a member of 58th Beldubi GP of 2007-2008 Assam Panchayat Election and the SDO of South Salmara Mankachar has issued a Election Certificate on 04/02/2008.
- Ext: -H** is the certified copy of **Death Certificate** in the name of **Raham Ali, S/O- Asalot Sheikh** at village- Beldubi, P.O.- Medartary, Dist.- Dhubri (Assam), issued by the Registrar Birth & Death Medetari State Dispensary, vide Sl No.- 0158889, Registration No.- 97/21/09/2020, on 25/09/2020.

After perusal of the above mentioned **Ext.- A, Ext.- B, Ext.- C, Ext.- D & Ext.- E** are voter lists, **Ext.- G** an **Election Certificate** and **Ext.- H** is **Death Certificate** it is found **Raham Ali, S/O- Lt. Asalot Sheikh**, of village- Beldubi, under 39th Jaleswar LAC, his name is enlisted in the voter list of **1966, 1970, 1979, 1989 & 1997**. Hence I hold **Raham Ali, S/O- Lt. Asalot Sheikh**, of village- Beldubi, P.S.- South Salmara, Dist.- the then Goalpara now Dhubri (Assam) is an **Indian Citizen** as per provisions of u/s.6(A)2 of the **Indian Citizenship Act. 1955 as amended 1985**.

The OP and other witnesses stated that OP **Rup Bhanu** is daughter of **Lt. Raham Ali**. OP's father's name was enlisted in the voter list of **1966, 1970, 1979, 1989 & 1997**. OP married with **Nur Jamal, S/O- Anchar Ali** support of exhibited the documents as below:-

- Ext: -I** is the original copy of **Certificate, Secretary Beldubi Gaon Panchayat**, in the name of **Rupbhanu Bibi, D/O- Rahman Ali Sk, W/O- Nur Jamal Sheikh**, vide


20/05/22
Member
Foreigner's Tribunal 2nd
Goalpara



Memo No. BGP-25/M.W/CFT/2015/52, issued by the Secretary of Beldubi Gaon Panchayat, counter signed by the Block Dev. Officer Jamadarhat Block, Chirakuti, dated - 21/06/2015.

Ext: -J is the original copy of **Elector Photo Identity Card** in the name of **Rupbhanu Bibi, W/O- Nurjamal Sheikh**, Vide Card No.- BYK1362852, issued by Election Commission of India.

Ext: -K is the original copy of **PAN Card** in the name of **Rupbhanu Bibi, D/O- Roham Ali**, Vide Card No.- DEAPB2538P, issued by Income Tax Department Govt. of India.

Ext: -L is the certified voter list of **2005** in the name of **Rupbhanu Bibi, W/O- Nurjamal Sheikh**, of Vill- Barvita, under 37th Goalpara East LAC, vide Part No.- 116, House No.- 45, Sl. No.- 786 and age is shown as 25 years.

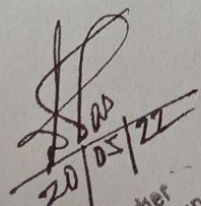
Ext: -M is the certified voter list of **2010** in the name of **Rupbhanu Bibi, W/O- Nurjamal Sheikh**, of Vill- Barvita, under 37th Goalpara East LAC, vide Part No.- 135, House No.- 45, Sl. No.- 788 and age is shown as 30 years.

Ext: -N is the certified voter list of **2021** in the name of **Rupbhanu Bibi, W/O- Nurjamal Sheikh**, of Vill- Barvita, under 37th Goalpara East LAC, vide Part No.- 198, House No.- 45, Sl. No.- 402 and age is shown as 40 years.

Ext: -O is the original copy of **Certificate, Beldubi Gaon Panchayat**, in the name of **Rupbhanu Bibi, D/O- Rahman Ali Sk., W/O- Nurjamal Sheikh**, vide Memo No. BGP/02-22-23/533, issued by the Beldubi Gaon Panchayat, counter signed by the President of Beldubi Gaon Panchayat, dated - 08/04/2022.

In the above mentioned as **Ext-O** is Linkage Certificate, **OP Rup Bhanu** is daughter of **Lt. Raham Ali**, it is supporting document. The issuing authority, the Linkage Certificate adduced his evidence as **OPW-4** proved the contains of the certificate **Ext:- O**, **Ext:- O(1)** is her predecessors signature, **O(2)** signature of President of Beldubi Gaon Panchayat. Hence this document is admitted as per Indian Evidence Act. From this document it is mentioned **OP Rup Bhanu's** father name is **Lt. Raham Ali**. After carefully scrutinized all the witnesses' evidences and documentary evidences as **Ext: - I is a Gaon panchayat certificate, Ext: - K is a Pan Card, Ext: - L, and Ext: - O is a Gaon panchayat certificate**, it is crystal clear that the **OP Rup Bhanu** is daughter of **Lt. Raham Ali**.

The name of the O.P.'s father, mentioned in various records as **Lt. Raham Ali @ Rohman Ali Sheikh @ Rohman Ali @ Rahom Ali @ Raham Ali Sheikh** and OP husband name as **Nur Jamal @ Nurjamal Sheikh** and OP herself as **Rup Bhanu @ Rupbhanu Bibi @ Rup Bhanu Bibi**. I hold it is simple spelling difference of proper noun because father, husband and OP name is as per ruling of the Honorable Gauhati High Court, in the case **Abdul Matali Vs. Govt. of India** in GLT 2015 Vol2 page 617 Hon'ble Gauhati High Court hold "The doubt if


20/05/22
Member
Foreigners Tribunal 2nd
Goalpara



any which might arise in the mind of tribunal must be answered not like a common man, but like a prudent person who is trained in law, some discrepancies as regards the age of the person, spelling etc. was not writer of the documents, it is Govt. Official Mistake. So, "I hold that it is the Govt. Official mistake in spelling of deference in name of the O.P.'s father as Lt. Raham Ali @ Rohman Ali Sheikh @ Rohman Ali @ Rohom Ali @ Raham Ali Sheikh and husband name as Nur Jamal @ Nurjamal Sheikh and OP herself as Rup Bhanu @ Rupbhanu Bibi @ Rup Bhanu Bibi. Therefore I finally hold Lt. Raham Ali @ Rohman Ali Sheikh @ Rohman Ali @ Rohom Ali @ Raham Ali Sheikh, is pertaining to OP's father he is one and same person and husband name as Nur Jamal @ Nurjamal Sheikh is also one and same person. Similarly OP name is Rup Bhanu @ Rupbhanu Bibi @ Rup Bhanu Bibi, is also one and same person.

The annexure documents are Xerox copy of voter list is not admitted as per evidence act, it is only judicial notice. The certified voter list are checked and verified with original voter list and found correct.

From the foregoing discussions, it is crystal clear that O.P. **Rup Bhanu** is daughter of **Lt. Raham Ali**. I have already held that **Lt. Raham Ali** is an Indian Citizen. That means OP's father is an Indian Citizen. The O.P. **Rup Bhanu**, therefore naturally as a daughter of **Lt. Raham Ali**, is an Indian Citizen by birth.

Therefore, from the facts discussed above, I give my opinion that **Rup Bhanu**, D/O- **Lt. Raham Ali**, W/O- **Nur Jamal**, r/o: - Vill: - **Barvita (Krishnai)**, P.S.: - **the then Dudhnoi now Krishnai**, Dist: - **Goalpara, (Assam)**, the proceeded/opp. Party is not a Foreigner of any stream, and she is an Indian National.

Inform the concerned authority with a copy of this opinion along with W.S. Examination in chief and exhibited documents.

Sri Debananda Das,
Member,
Foreigners Tribunal-II
Goalpara

Copy of the
opp. Party: **Rup Bhanu**

20/05/22
Member
Foreigners Tribunal 2nd
Goalpara