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BEFORE THE FOREIGNERS' TRIBUNAL, NO.1 BONGAIGAON, ASSAM

BNGN/FT/2209/09

(REF IM(D)T CASE NO.132/04

P R E S E N T

SHRI DULAL SAHA, MEMBER

FOREIGNERS' TRIBUNAL BONGAIGAON NO.1

STATE OF ASSAM

PETITIONER

-VRS-

FAJIRAN BEWA.

D/O- LT. DHANDA SK.

W/O- LT. NASER ALI @ NASIR SK.

APPEARANCE

ADVOCATE FOR THE STATE- MR.DEBABRATA DAS

ADVOCATE FOR THE O.P.- D.A. RAHIM AND SAHIDUR RAHMAN.

DATE OF EVIDENCE-13/05/22

DATE OF ARGUMENT- 04/06/22

DATE OF ORDER -07/07/2022

O R D E R

This is a reference made Under Rule 2(1) of the Foreigners (Tribunal) Order 1964, for opinion as to whether Fajiran Nessa , D/O- Lt. Dhanda Shekh @ Dhanda is a foreigner from Bangladesh, who entered into India after 25th March 1971 or not.

Upon perusal of the notice, O.P appeared and contested the case by filing written statement, evidence-in-chief in the form of an Affidavit and relying on documents.

The gist of the written statements of the O/P is that, he is an Indian Citizen by birth. He was born out of the wedlock of Dhanda Sheikh @ Dhanda and Sabjan Nessa at village Dankinamari the then undivided Goalpara Dist. in the year 1944. O/P's grandfather's name is Hasen Ali. O/P got married in the year 1962 with one Nasir Sheikh @ Naser Ali @ Noser Ali @ Naser S/O- Husen Sheikh @ Husen of village No. 2 Garugaon under Bongaigaon Dist. O/P has four sons and two daughters namely Sayed Ali, Nasiran Begum, Uttam Begum, Nur Ali, Iran Ali and Siddik Ali. O/P's father's actual and correct name is Danda Sheikh. O/P's father's name is recorded in the NRC of 1951.O/P's casted her vote for the years 1966 and 1971 respectively along

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with her husband, father in law and mother in law under 41 No. Bijni L.A.C. and 34 No. Abhayapuri North L.A.C. respectively. O/P has also cast her regular voters for the years 1985, 1989, 2005, 2011, 2016 and 2021 respectively under 34 No. Abhayapuri North L.A.C. O/P is an Elector Photo Identity Card holder .She also obtained a Ration Card and a Panchayat Certificate.

Thus from the W/S what is discernible is that, O.P. is as she herself is a voter of 1966?

O/P submitted her evidence in chief in the form of affidavit where she narrated more or less same versions as she stated in her W/S.

Now whether O/P could prove this issue by adducing cogent and reliable evidence.

O/P exhibited the following documents:-

Ext-A is the certified copy of 1966 voter list in respect of 41 No. Bijni L.A.C. Here Husen Sheikh age 70 son of Lt. Bhuluga Sheikh, Basyani Bibi age 52 wife of Husen Sheikh, Nashir Sheikh age 28 son of Husen Sk and Fajiran Nessa age 24 wife of Nasir Sheikh have been recorded.

Ext-B is the certified copy of 1971 voter list in respect of 34 No. Abhayapuri North L.A.C. Here Husen Sheikh age 79 son of Lt. Bhuluga Sheikh, Basabani Bibi age 61 wife of Husen Sheikh, Nashir Sheikh age 37 son of Husen Sk and Fajiran Nessa age 31 wife of Nasir Sheikh have been recorded.

Ext-C is the certified copy of 1985 voter list. Here sole name Fajiran Nessa age 35 wife of Naser Ali has been recorded.

Ext-D is the certified copy of 1989 voter list in respect of 34 No. Abhayapuri North L.A.C. Here Sayed Ali age 25 son of Naser Ali and Fajiran Bewa age 45 wife of Naser Ali have been recorded.

Ext- E, F, G and H are the voter lists of 2005, 2011, 2016 and 2021 respectively in respect of 34 No. Abhayapuri North L.A.C. Here Fajiran Bewa and her other family members names have been recorded .

Ext-I is the Elector Photo Identity Card in the name of Fajiran Bewa wife of Nacher Ali.

I have gone through the evidence & perused all documents. It is found that, Ext-A (voter list of 1966) establishes the existence of O/P herself on the Indian soil since 1966.

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Net result of the above discussion is that, O/P establishes herself existence on the Indian Soil since 1966 through Ext-A (voter list of 1966).

From the discussion above it has been established that O.P. Fajiran Bewa successfully discharged her burden under Sec-9 of Foreigner's Act, 1946, the fact that she is not a foreigner but an Indian citizen.

Nasir Sk of

Accordingly, O/P Fajiran Bewa D/O- Lt. Dhanda Sk, W/O- Lt. Naser Ali @ is hereby declared not foreigner.

N/A.

Inform S.P. (B), Bongaigaon and Deputy Commissioner, Bongaigaon for

A free copy of this order be furnished to the O.P.

Given under my hand and seal of the Tribunal on 7th day of July, 2022.

Transcribed at my dictation
and corrected by me.

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Foreigners Tribunal No. 1
Bongaigaon (Assam)

Memo No. BFT/08/07-22/178 - A

Copy to:-

1. The Deputy Commissioner, Bongaigaon.
2. The Superintendent of Police (B), Bongaigaon for N/A.

Member,
Foreigners Tribunal No. 1,
Bongaigaon.

Dated 07/07/2022

Member,
Foreigners Tribunal No. 1,
Bongaigaon.