



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

BNGN/FT CASE NO./1490/2010

(BNGN/IM(D)T CASE NO. 759/2002)

P R E S E N T

SHRI DULAL SAHA, MEMBER

FOREIGNERS' TRIBUNAL BONGAIGAON NO.1

STATE OF ASSAM

PETITIONER

-VRS-

ELACHAN BIBI.

D/O- LT. TALEB ALI.

W/O- KHABARUDDIN SK.

APPEARANCE

ADVOCATE FOR THE STATE- MR.DEBABRATA DAS (A.G.P.).

ADVOCATES FOR THE O.P.-D. A. RAHIM AND S. ROHMAN.

DATE OF EVIDENCE-10-01-24,21-02-24,28-03-24 AND 20-02-25.

DATE OF ARGUMENT-16-09-2025.

DATE OF ORDER -22-09-2025.

O R D E R

This is a reference made Under Rule 2(1) of the Foreigners' (Tribunal) Order 1964, for rendering opinion as to whether Aleshan Bibi, D/O Lt. Taleb Ali ,W/O Md. Khaboruddin Sk of village Barkakhara is a foreigner from specified territory, who entered in the state of Assam after 25th March 1971 or not?

In compliance with the notice, O/P appeared and contested the case by filing written statements, evidence-in-chief in the form of an Affidavit and relying upon certain documents.

The gist of the written statement is that, O/P was born from the wedlock of Taleb Ali @ Taleb Ali Sheikh @ Talefali @ Talep Ali but actual name is/was Taleb Ali and Koriman Bibi around the year 1960 at village Salmara Gaon (Lungjhar), P.S. the then Bijni presently Manikpur, District the then undivided Goalpara presently Bongaigaon (Assam) and brought up at same village. The father of the O/P expired around the year 1987 and mother of the O/P expired around the year 1988. O/P's grandfather's actual name is Nijam but he also known as Nijam @ Nijam Sheikh @ Nijam Ali and her grandmother's name is /was Mayjan Bibi.

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All are expired since long back. Grandfather of the O/P blessed with three sons viz. Balai Sheikh, Taleb Ali and Badar Ali @ Sheikh Badar Haji. O/P got married with one Khabaruddin @ Khabaruddin Sheikh S/O Lt. Tasiruddin Ali of village Barbakhara in the year 1973. O/P blessed with seven sons and daughters viz. Isab Ali, Fulesa, Eyachin Ali, Khaimala Khatun, Asia Khatun, Ibrahim Ali and Nur Mahammad. O/P were four brothers and sisters viz. Kashem Ali, Elachan Bibi, Hasen Ali and Harun Rashid. O/P's parents along with his brothers' names have been recorded in the N.R.C. of 1951. O/P's parents along with his brother's names also appeared in the voter list of 1966 and 1971 respectively. Father of the O/P is/was the absolute owner and possessor of a plot of land vide patta No. 63 at village Lungjhar under the then Bijni Revenue Circle presently Manikpur, Dist. Bongaigaon (Assam). After marriage, O/P casted her votes in the years 1989, 1997, 2006, 2015, 2020 and 2022 respectively along with her husband under 34 No. Abhayapuri North L.A.C. O/P also obtained a Voter Identity Card issued by the Election Commission of India vide I/D . O/P also obtained a Panchayat certified issued by the Secretary of No. 4 Nowapara G.P. and also a PAN Card issued by Income Tax Deptt. Govt. of India and a Ration Card issued by the FCS & CA Bongaigaon. Hence O/P claims to be a citizen of India by birth & prayed to absolve her from the allegation leveled against her.

For the purpose of discharging burden as required U/S. 9 of the Foreigners' Act, 1946, to prove that, she is not a foreigner, as many as **16 (sixteen)** documents exhibited by her. O/P also examined herself as D.W.1 & one Kasem Ali Sk as D.W.2., one Subhash Medhi (SK, Manikpur Revenue Circle) as D.W.3 and Sri Mrinendra Sarma (G.P. Secretary) as D.W.4 and Khabaruddin Ali as D.W. 5 . All witnesses are cross examined by the state.

Particulars of documents may be noticed as under:-

Ext-A is the N.R.C. (under objection) in the name of Taleb Ali Sk son of Nijam Sk, Kariman Nessa W/O Taleb Ali and Kashem Ali Sk son of Taleb have been recorded.

Ext- B is the certified copy of 1966 voter at village-Salmara under 41 No. Bijni L.A.C. where Taleb Ali Sk son of Lt. Nijam , Kariman Bibi W/O Talef and Kashem Ali son of Talef have been recorded as voters.

Ext- C is the certified copy of 1971 voter list at village- Salmara under 34 No. Abhayapuri North L.A.C. where Talefali son of Nizam, Koriman Bibi W/O Talek and Kasemali son of Talek have been recorded as voters.

Ext-D is the certified copy of Jamabandi in the name of Taleb vide Patta No. 63 Dag Nos. 117,240,142,252,195,188 etc in the village Lungjhar under the then Bijni Revenue Circle presently Manikpur, dist. Bongaigaon (Assam).

Ext-E is the certified copy of voter list for the year 1989 at village-20 No. Barbakhara under 34 No. Abhayapuri North L.A.C. where Khaburuddin Sk son of Lt. Tasiruddin Sk, Elachan Bibi W/O Khaburuddin Sk, Khatun Bewa relation name Lt. Tasiruddin Sk and Isab Ali son of Khaboruddin Sk have been recorded as voters.

Ext-F is the certified copy of voter list for the year 1997 at village- Barbakhara under 34 No. Abhayapuri North L.A.C. where Khaboruddin Ali son of Tasiruddin Ali, Elachan Bibi W/O Khabaruddin Ali, Isab Ali son of Khaboruddin Ali's names have been recorded as voters.

Ext-G is the certified copy of 2006 voter list at village Barbakhara under 34 No. Abhayapuri North L.A.C. where Khaboruddin Ali son of Tasiruddin Ali, Elason Bibi W/O Khabaruddin Ali, Isab Ali son of Khaboruddin Ali's names have been recorded as voters.

Ext-H is the certified copy of 2015 voter list at village Barbakhara under 34 No. Abhayapuri North L.A.C. where Khaboruddin Ali son of Tasiruddin Ali, Elachan Bibi W/O Khabaruddin Ali, Isab Ali son of Khaboruddin Ali , Bahatan Begum W/O Ishob Ali and other family members name have been recorded as voters.

Ext-I is the certified copy of 2020 voter list under 34 No. Abhayapuri North L.A.C. where Khaboruddin Ali son of Tasiruddin Ali, Elachan Bibi W/O Khabaruddin Ali, Ishob Ali son of Khaboruddin Ali , Bahatan Begum W/O Isab Ali and other family members name have been recorded as voters.

Ext-J is the certified copy of 2022 voter list under 34 No. Abhayapuri North L.A.C. where Khaboruddin Ali son of Tasiruddin Ali, Elachan Bibi W/O Khabaruddin Ali, Isab Ali son of Khaboruddin Ali , Bahatan Begum W/O Ishob Ali and other family members name have been recorded as voters.

Ext-K is the EPIC issued by the Election Commission of India in the name of Elachan Bibi W/O Khabaruddin Ali.

Ext-L is the G.P. certificate issued by the G.P. Secretary of 4 No. Nowapara Gaon Panchayat which contains the information that Elachan Bibi D/O Lt.Taleb Ali of Lungjhar village ,P.O. Fagunagaon, P.S. Manikpur in the Dist. of Bongaigaon (Assam) got married to Khabaruddin Ali son of Tachiruddin Ali of Barbakhara village P.O. Fagunagaon, P.S. Manikpur in the Dist. of Bongaigaon (Assam).

Ext-M is the PAN Card issued from the Income Tax Department in the name of Elachan Bibi D/O Taleb Ali.

Ext-N is the Link Certificate issued by the Secretary of No. 4 Nowapara

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G.P vide dtd. 29/06/15 where it is certified that Elachan Bibi D/O Lt. Taleb Ali Sheikh of Lungjhar village about 55 age got married to Khabaruddin Ali son of Tachiruddin Ali of Barbakhara village under Bijni P.S. in the Dist. of Bongaigaon.

Ext-O is the certified copy of 1985 voter list at village 22 No. Lungjhar under 34 No. Abhayapuri North L.A.C. where Talef Ali S/O Nijam, Koriman Bibi W/O Talef, Kasem Ali son of Talef, Sahera Bibi W/O Khasem, Hasen Ali S/O Talef, Ukiya Bibi relation name Hasen and Haron Ali relation name Talef have been recorded as voters.

Ext-P is the certified copy of 2023 voter list at village 22 No. Lungjhar under 34 No. Abhayapuri North L.A.C. where Kasem Ali son of Talef, Sahera Bibi W/O Khasem, Saidur Rahman son of Kasem Ali Sheikh, Usman Ali son of Kasem Ali Sk and other family members names have been recorded as voters.

Ext-Q is the Ration Card issued by the FCS & CA Bongaigaon in the name of Elachan Bibi W/O Khabaruddin Ali of village Barbakhara under Bijni P.S. in the Dist. of Bongaigaon.

From the above, what is discernible is that, O/P is the daughter of Taleb Ali and Korimon Bibi, who are Citizen of India & O/P being the daughter of Indian Citizens, she is also a Citizen of India. Now whether O/P could prove this fact in issues by adducing cogent & reliable evidence or not? Hence O/P is to prove following two issues :-

(i) Whether Taleb Ali and Korimon Bibi are the Citizens of India, whom O/P claims to be her parents ? And

(ii) Whether O/P is the daughter of said Taleb Ali and Korimon Bibi of Lungjhar village?

I take up the issue No. (ii) first, i.e., whether O/P is the daughter of Taleb Ali and Korimon Bibi, because unless this fact in issue has been proved, it may not necessary to delve into an examination of the Citizenship status of Taleb Ali and Korimon Bibi, whom the O/P claims to be her parents ?

Issue No. (ii) In this regard, O/P relied on Ext-L (G.P. Certificate)Ext-M(PAN Card) and Ext- N(G.P. Certificate).

Ext-L is the G.P. certificate issued by the G.P. Secretary of 4 No. Nowapara Gaon Panchayat which contains the information that Elachan Bibi D/O Lt.Taleb Ali of Lungjhar village ,P.O. Fagunagaon, P.S. Manikpur in the Dist. of Bongaigaon (Assam) got married to Khabaruddin Ali son of Tachiruddin Ali of Barbakhara village P.O. Fagunagaon, P.S. Manikpur in the Dist. of Bongaigaon (Assam).O/P duly proved this certificate by examining one

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Sri Mrinendra Sarma, G.P. Secretary of 4 No. Nowapara. In terms of his examination this witness submitted some official documents on the basis of which, Ext-L was issued. Hence Ext-L is accepted

Ext-M PAN Card contains the information that, O/P is shown as the daughter of Taleb Ali, date of birth: 01/04/1960 & address -C/O Iyasini Ali, Barbakhra, Fagunagaon, Bijni, Chirang, Assam. This PAN Card can be taken into consideration as the Income Tax Department authenticated the PAN Card through their Letter No.F.No/B-43/ITO/W-1/BNGN/2025-26/659 dtd- 01-09-25. Hence this PAN Card establishes the fact that O/P is the daughter of Taleb Ali.

Ext-N is the Link Certificate issued by the Secretary of No. 4 Nowapara G.P vide dtd. 29/06/15 where it is certified that Elachan Bibi D/O Lt. Taleb Ali Sheikh of Lungjhar village about 55 age got married to Khabaruddin Ali son of Tachiruddin Ali of Barbakhara village under Bijni P.S. in the Dist. of Bongaigaon. O/P duly proved this certificate by examining one Sri Mrinendra Sarma G.P. Secretary of 4 No. Nowapara. In terms of his examination this witness submitted some official documents on the basis of which, Ext-N was issued. Hence Ext-N is accepted

D.W. 2 Kashem Ali Sheikh deposed that, he is the elder brother of O/P. This D.W. 2 casted vote along with his parents from the same house number. Hence his evidence may be taken into consideration & accordingly considered.

From the above, what is discernible is that, O/P successfully establishes the fact that she is the daughter of Taleb Ali. Hence issue No. (ii) is decided in favour of the O/P.

On the other hand, Ext-A and Ext-B which are the voter lists of 1966 under 41 No. Bijni L.A.C. and 1971 under 34 No. Abhayapuri North L.A.C., where the name of Talefali and Kariman Bibi have been recorded as voters. Hence these two voter lists establishes the existence of Talefali and Kariman Bibi, whom the O/P claim to be her parents, on the Indian Soil, since before 1.1.1966. Hence issue No.(i) is also decided in favour of the O/P.

Considering the above facts and circumstances stated above, it can be easily said that, O/P successfully discharged the statutory burden as incorporated U/S.9 of the Foreigners' Act.1946, the fact that, O/P is not a foreigner but Citizen of India.

Resultantly, I am of the opinion that, Elachan Bibi, D/O- Lt. Taleb Ali, W/O Khabaruddin Sk, Vill. Barbakhara, P.S. Manikpur, Dist. Bongaigaon, Assam is not a Foreigner.

Inform S.P. (B), Bongaigaon and District Commissioner, Bongaigaon for N/A.

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

Given under my hand and seal of the Tribunal on 22nd day of September, 2025.

Transcribed at my dictation
and corrected by me.

Member,
Foreigners Tribunal, No. 1,
Bongaigaon,
Bongaigaon (Assam)

Memo No.BFT/08/07-25/650 -A

Dated 22-09-2025

Copy to:-

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

Member,
Foreigners Tribunal, No. 1,
Bongaigaon,
Bongaigaon (Assam)