

**BEFORE THE MEMBER, FOREIGNERS' TRIBUNAL (1st), MANGALDAI,
DARRANG : ASSAM.**

(Copy of the Order dtd. **29.10.2025** passed by Mr. DJ. Dutta, Member, Foreigners' Tribunal (1st), Mangaldai, Darrang (Assam), against F.T. Case No. 5861/11, reference Case No. 294/2009).

Case No. :- **F.T. 5861/11**
Corresponding to
294/2009.

Union of India

Petitioner, represented by
S.P(B), Mangaldai, Darrang.
Referring authority.

- Vs -

Musstt. Hamela Khatun @ Hamela Begum, W/O. Md. Tara Miyan,
Vill. - Bhakeli kanda,
P.S. - Mangaldai, Dist.- Darrang..... Assam.
Suspect. Opposite Party.



Under the Foreigners Act, 1946 and
Foreigners (Tribunal) order, 1964.

Present : **MR. DJ. Dutta,**
Member, Foreigners' Tribunal (1st),
Mangaldai, Darrang (Assam).

Appearance:- Advocates for the O.P. : **A. Hai.**
Advocate for the Govt. : **Dipak Ch. Deka, A.G.P.**

Date of Judgement / Order :- **29/10/2025.**

JUDGEMENT / OPINION

1. This case was forwarded by the Superintendent of Police (B) (S.P. for short), Mangaldai, Darrang, under the vide reference case No. **294/2009.**, expressing doubt about the nationality of the Opp. Party namely **Musstt. Hamela Khatun @ Hamela Begum, W/O. Md. Tara Miyan,** of Vill.- Bhakeli Kanda, under P.S.- Mangaldai, Dist.- Darrang (Assam), with a prayer to decide as to whether the O.P is or is not an Illegal Migrant.

2. On receipt of the reference, notice was issued to the O.P. and she entered appearance contested the reference gone through the case record and filed written statements along with photocopies of documents denying the truth of the allegation. Thereafter, she filed her evidence-in-chief submitted documents and adduced her

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evidence in chief as D.W.1 on affidavit. The O.P. claims that, she is an Indian citizen by birth.

3. Now the point for determination is as to whether the O.P. is a citizen of India or a foreigner within the meaning of the expression 'foreigner' as defined in the foreigners Act 1946. As per Sec.9 of the Foreigners Act 1946, the burden is on the O.P. that, she is not a 'foreigner' but a citizen of India. Let's analyze and scrutinize how far the O.P. could discharge her burden to prove that she is not a foreigner.

4. Heard the argument advanced by the Ld. Advocate, **A. Hai**, appearing for O.P. Perused the case records including the W/S and documents submitted by the O.P. during the course of evidence.

EVIDENCE

On going through the W/S, appearance and the evidence-in-chief, filed by the Opp. Party Musstt. Hamela Khatun (D.W.1), the O.P. had produced **Ext. 1**, Residential Certificate issued by Gaonpradhan of Vill.- Rowmari, **Ext. 2**, Linkage Certificate issued by Baznapathar Gaon Panchayat, **Annexure - A**, Legacy Data of the year 1951 bearing Legacy Data Code - 150-0009-2157, **Ext. 3**, Certified copy of Land Drafted Sithah in the years of 1957-1964, **Ext. 4**, Certified Copy of Voters' List of 1960 under No. 42 Boko LAC, **Ext. 5**, Certified Copy of Voters' List of 1966 under No. 55 Boko LAC, **Ext. 6**, Certified Copy of Voters' List of 1977 under No. 48 Boko LAC, **Ext. 7**, Computer generated Certified Copy of Voters' List of 1985 under No. 48 Boko LAC, **Ext. 8**, Computer generated Certified Copy of Voters' List of 1989 under No. 48 Boko LAC, **Ext. 9**, Computer generated Certified Copy of Voters' List of 1997 under No. 66 Sipajhar LAC, **Ext. 10**, Computer generated Certified Copy of Voters' List of 2005 under No. 66 Sipajhar LAC, **Annexure - B**, Photocopy of Voters' List of 2008, **Ext. 11**, Computer generated Certified Copy of Voters' List of 2010 under No. 66 Sipajhar LAC, **Ext. 12**, Computer generated Certified Copy of Voters' List of 2015 under No. 66 Sipajhar LAC, **Annexure - C**, Photocopy of Voters' List of 2019, **Annexure - D**, Photocopy of Voters' List of 2023, **Ext. 13**, Computer generated Certified Copy of Voters' List of 2025 under No. 49 Sipajhar LAC, **Ext. 14**, Computer generated Certified Copy of Voters' List of 2006 under No. 67 Mangaldai LAC, **Ext. 15**, Computer generated Certified Copy of Voters' List of 2010 under No. 67 Mangaldai LAC, **Ext. 16**, Computer generated Certified Copy of Voters' List of 2021 under No. 67 Mangaldai LAC, **Ext. 17**, Computer generated Certified Copy of Voters' List of 2025 under No. 50 Mangaldai LAC, **Ext. 18**, the Elector Photo Id card bearing EPIC No. **Ext. 19**, Aadhaar Card bearing Aadhaar No. 5959 3973 4658, **Ext. 20**, Pan Card bearing Pan No. FILPB8734A, **Ext. 21**, Bank Passbook of SBI in the name of O.P. Hamela Begum, **Ext. 22**, Ration Card bearing Card No. 181007739621, **Ext. 23(i) & 23(ii)**, Elector Photo Id cards bearing EPIC Nos. **Ext. 24(i) & 24(ii)**, Aadhaar Cards bearing Aadhaar Nos. 5 0940, **Ext. 25(i) & 25(ii)**, Pan Cards bearing Pan Nos.



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DISCUSSIONS AND FINDINGS

6. On careful perusal of the case records, the W/S., appearance, the affidavit on evidence, filed by the O.P. **Hamela Khatun @ Hamela Begum**, W/O. **Md. Tara Miya**, aged about **42** years, presently residing at Village- Bhakeli Kanda, P.S.- Mangaldai, Dist.- Darrang (Assam) and her oral statements and also cross of the O.P. (D.W.1), as well as the documents relied upon by her. On appearance the O.P. had informed before the Tribunal through her Ld. engaged advocate that, the name of her parents were **Haidar Ali** and **Rupbhan Nessa**, her grandfather's name was **Jachimuddin** & grandmother's name was **Bewla**. The O.P.'s father has five brothers and sisters namely 1. Basir Uddin, 2. Haidar Ali (O.P.'s father), 3. Jamal Uddin, 4. Haliman & 5. Sukhi. The O.P. has six brothers & sisters namely 1. Hamela Khatun (O.P.), 2. Jamiran Nessa, 3. Nachir Uddin, 4. Taser Ali, 5. Hasna Bhanu & 6. Hazera Khatun, and six sons & daughters namely 1. Tahiran Nessa, 2. Jahanara Khatun, 3. Hamed Ali, 4. Shamed Ali, 5. Jahida Begum & 6. Saidul Islam. The O.P. is an illiterate person.

On Oath, the O.P., Musstt. Hamela Khatun @ Hamela Begum, W/O. Md. Tara Miya, aged about 42 years, had admitted that, she is presently residing at vill.- Bhokelikanda, P.S.- Mangaldai, Dist.- Darrang (Assam). Her father's name is Haidar Ali and her father had come to the Tribunal to depose evidence in favour of her. The O.P. had casted her first vote in the year 2006 in Bhokelikanda under No. 67 Mangaldai LAC and have been casting her vote regularly. The O.P. had produced the certified copy of Voters' List of 1960 (marked as Ext. 4) in the name of her grandfather Jasim Mandal, S/O. Miya, aged about 46 years. The O.P. had also produced the certified copies of Voters' lists of 1966 (marked as Ext. 5) & 1977 (marked as Ext. 6) where her uncles namely 1. Majibar, 2. Soji & 3. Basir casted their votes. These documents are submitted in the Evidence-in-chief of the O.P. The O.P. had also produced the certified copy of Voters' List of 1985 (marked as Ext. 7) where her father had casted his vote along with her uncles namely 1. Basiruddin & 2. Soji. The O.P. had produced the certified copy of Voters' List of 1989 (marked as Ext. 8) where her father Haidar Ali casted his vote.

7. O.P.'s father (DW-2), on oath, had admitted that his name is Haidar Ali, S/O. Jasim @ Jasimuddin, aged about 73 years, presently residing at vill. - Kirakara, P.S. - Sipajhar, Dist. - Darrang (Assam). DW-2's father lived in vill - No. 2 Tupamari, P.S. - Boko, Sub-division - Guwahati, Dist. - Kamrup (Assam). O.P.'s father (DW-2) shifted to Kirakara from Tupamari but he didn't remember the year when he shifted. O.P.'s father (DW-2) had come to the Tribunal to depose in favour of his daughter O.P. Hamela Begum @ Khatun, W/O. Tara Miya. DW-2's son-in-law's father's name is Kashem Ali. DW-2's daughter hamela Begum @ Khatun (O.P.) has 6 children namely 1. Tahiran Nessa, 2. Jahanara Khatun, 3. Hamed Ali, 4. Shamed Ali, 5. Jahida Begum & 6. Saidul Islam. O.P.'s father (DW-2) has 5 brothers namely 1. Majibar, 2. Sajibar, 3. Basir, 4. Haidar Ali (O.P.'s father), 5. Jamaluddin and 2 sisters namely 1. Sukhi & 2. Haliman. O.P.'s father (DW-2) has 6 sons and daughters namely 1. Halema Begum (O.P.), 2. Jamiran Nessa, 3. Hazera Khatun, 4. Hachana Bhanu, 5. Nachiruddin & 6. Taser Ali. (Above names are compared with O.P.'s information and Family Tree dated 03-03-2025). The O.P. filed the Certified Copy of Voters' List of 1960 in the name of O.P.'s grandfather Md. Jasim Mandal, S/O. Miya, aged about 46 years. This document is produced in the Evidence-in-chief of D.W.-1, marked as Ext. 4. The O.P. produced the Certified Copy of Voters' List of 1966 & 1977 where O.P.'s paternal uncles' names



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appeared as Maji Seikh, S/O. Jasim, aged about 32 years and soji Seikh, S/O. Jasim, aged about 31 years. These documents are produced in the Evidence-in-chief of D.W.-1, marked as Ext. 5 and Ext. 6 respectively. The O.P. also produced the certified copy of Voters' List of 1985 where O.P.'s father (DW-2) casted his vote along with his brother Basiruddin, S/O. Jasim, aged about 36 years. This document is produced in the Evidence-in-chief of D.W.-1, marked as Ext. 7. The O.P. had produced the certified copy of Voters' List of 1989 where O.P.'s father's (DW-2) name appeared as Haidar Ali, S/O. Jasim, aged about 38 years. This document is produced in the Evidence-in-chief of D.W.-1, marked as Ext. 8. The O.P. Hamela Begum @ Khatun has been casting her vote till present and produced some certified copy of voters' lists.



In her evidence-in-chief the O.P. had produced **Ext. 1**, the Residential Certificate in the name of O.P. Hamela Begum, W/O. Tara Miya, issued by the Gaonpradhan of Vill - Rowmari, P.O. - Rangamati, P.S. - Mangaldai. **Ext. 2**, is the Linkage Certificate in the name of O.P. Hamela Begum, D/O. - Haidar Ali, issued by the Secretary of Baznapathar gaon Panchayat. **Annexure - A**, is the copy of Legacy data of 1951 bearing Legacy data Code - 150-0009-2157 in the name of Jasim Mandal. **Ext. 3**, is the certified copy of Land Drafted Sithah in the name of O.P.'s grandfather Jasim Mandal, at village - Tupamari, under Pachim Samariya Mouza, vide Dag No. - 580(new), Dag No. - 480(old) in the years of 1957-1964. **Ext. 4**, is the certified copy of voters' list of 1960, under No. 42 Boko LAC, it appears that O.P.'s grandfather's name appeared as Jasim Mandal, S/O. Miya, aged about 46 years, Sl. No. 183, House No. 78, Part No. 44, at Vill. - No. 2 Tupamari, Mouza - pachim Samariya, P.S. - Boko, Dist. - Kamrup (Assam). **Ext. 5**, is the certified copy of voters' list of 1966, under No. 55 Boko LAC, it appears that O.P.'s paternal uncle's name appeared as Moji Seikh, S/O. Jasim Mandal, aged about 32 years, Sl. No. 347, House No. 140, Part No. 68, at Vill. - No. 2 Tupamari, Mouza - Nagarbera, P.S. - Boko, Dist. - Kamrup (Assam). **Ext. 6**, is the certified copy of voters' list of 1977, under No. 48 Boko (SC) LAC, it appears that O.P.'s paternal uncle's name appeared as Mojibar Seikh, S/O. Jasim Mandal, aged about 43 years, Sl. No. 302, House No. 94, at Vill. - No. 3 Tupamari, Mouza - Nagarbera, P.S. - Boko, Dist. - Kamrup (Assam). **Ext. 7**, is the computer generated certified copy of voters' list of 1985, under No. 48 Boko LAC, it appears that O.P.'s paternal uncle's name appeared as Shaji Munchi, S/O. Jasim, aged about 48 years, and O.P.'s father's name appeared as Haidar Ali, S/O. Jasim, aged about 33 years, vide Sl. No. 737 & 742, House No. 202, Part No. 16, at Vill. - Tupamari, Mouza - Nagarbera, P.S. - Boko, Dist. - Kamrup (Assam). **Ext. 8**, is the computer generated certified copy of voters' list of 1989, under No. 48 Boko LAC, it appears that O.P.'s father's name appeared as Haidar Ali, S/O. Jasim, aged about 38 years, vide Sl. No. 1014, House No. 329, Part No. 16, at Vill. - No. 2 Tupamari, Mouza - Nagarbera, P.S. - Boko, Dist. - Kamrup (Assam). **Ext. 9**, is the computer generated certified copy of voters' list of 1997, under No. 66 Sipajhar LAC, it appears that O.P.'s father's name appeared as Haidar Ali, S/O. Jasim, aged about 45 years and O.P.'s mother's name appeared as Rupban, W/O. Haidar, aged about 35 years, vide Sl. No. 269 & 270, House No. 94, Part No. 93(Kha), at Vill. - Kirakara Part, Mouza - Sipajhar, P.S. - Sipajhar, Dist. - Darrang (Assam). **Ext. 10**, is the computer generated certified copy of voters' list of 2005, under No. 66 Sipajhar LAC, it appears that O.P.'s father's name appeared as Haidar Ali, S/O. Jasimuddin, aged about 52 years, O.P.'s mother's name appeared as Rupbhan Nessa, W/O. Haidar Ali, aged about 42 years and O.P.'s brother's name appeared as Nachiruddin, S/O. Haidar Ali, aged about 19 years, vide Sl. Nos. 656, 657 & 658, House No. 422, Part No. 125, at Vill. - Kirakara Part, P.S. - Sipajhar, Dist. - Darrang (Assam). **Annexure - B** is the photocopy of voters' list of 2008. **Ext. 11**, is the computer generated certified copy of voters' list of



2010, under No. 66 Sipajhar LAC, it appears that O.P.'s father's name appeared as Haidar Ali, S/O. Lt. Jasimuddin, aged about 57 years, O.P.'s mother's name appeared as Rupbhan Nessa, W/O. Haidar Ali, aged about 47 years and O.P.'s brother's name appeared as Nachiruddin, S/O. Haidar Ali, aged about 24 years, vide Sl. Nos. 664, 665 & 555, House No. 422, Part No. 159, at Vill. - Kirakara Part, P.S. - Sipajhar, Dist. - Darrang (Assam). **Ext. 12**, is the computer generated certified copy of voters' list of 2015, under No. 66 Sipajhar LAC, it appears that O.P.'s father's name appeared as Haidar Ali, S/O. Jasimuddin, aged about 62 years, O.P.'s mother's name appeared as Rupbhan Nessa, W/O. Haidar Ali, aged about 52 years and O.P.'s brother's name appeared as Nachiruddin, S/O. Haidar Ali, aged about 29 years, vide Sl. Nos. 794, 795 & 796, House No. 422, Part No. 159, at Vill. - Kirakara Part, P.S. - Sipajhar, Dist. - Darrang (Assam). **Annexure - C** is the photocopy of voters' list of 2019, **Annexure - D** is the photocopy of voters' list of 2023, **Ext. 13**, is the computer generated certified copy of voters' list of 2025, under No. 49 Sipajhar LAC, it appears that O.P.'s father's name appeared as Haidar Ali, S/O. Jasimuddin, aged about 71 years, O.P.'s mother's name appeared as Rupbhan Nessa, W/O. Haidar Ali, aged about 61 years and O.P.'s brother's name appeared as Nachiruddin, S/O. Haidar Ali, aged about 40 years, vide Sl. Nos. 1002, 1003 & 1004, House No. 421, Part No. 282, at Vill. - Kirakara Part, P.S. - Sipajhar, Dist. - Darrang (Assam). **Ext. 14**, is the computer generated certified copy of voters' list of 2006, under No. 67 Mangaldai LAC, it appears that O.P.'s husband's name appeared as Tara Miyan, S/O. Kashem Ali, aged about 38 years and O.P.'s own name appeared as Hamela Begum, W/O. Tara Miyan, aged about 22 years, vide Sl. Nos. 664 & 665, House No. 223, Part No. 166, at Vill. - Bhokelikanda, Mouza - Rangamati, P.S. - Mangaldai, Dist. - Darrang (Assam). **Ext. 15**, is the computer generated certified copy of voters' list of 2010, under No. 67 Mangaldai LAC, it appears that O.P.'s husband's name appeared as Tara Miyan, S/O. Kashem Ali, aged about 43 years and O.P.'s own name appeared as Hamela Begum, W/O. Tara Miyan, aged about 27 years, vide Sl. Nos. 660 & 661, House No. 223, Part No. 194, at Vill. - Bhokelikanda, P.S. - Mangaldai, Dist. - Darrang (Assam). **Ext. 16**, is the computer generated certified copy of voters' list of 2021, under No. 67 Mangaldai LAC, it appears that O.P.'s husband's name appeared as Tara Miyan, S/O. Kashem Ali, aged about 52 years and O.P.'s own name appeared as Hamela Begum, W/O. Tara Miyan, aged about 36 years, vide Sl. Nos. 623 & 624, House No. 223, Part No. 267, at Vill. - Bhokelikanda, P.S. - Mangaldai, Dist. - Darrang (Assam). **Ext. 17**, is the computer generated certified copy of voters' list of 2025, under No. 50 Mangaldai LAC, it appears that O.P.'s husband's name appeared as Tara Miyan, S/O. Kashem Ali, aged about 56 years and O.P.'s own name appeared as Hamela Begum, W/O. Tara Miyan, aged about 40 years, vide Sl. Nos. 609 & 610, House No. 223, Part No. 189, at Vill. - Bhokelikanda, P.S. - Mangaldai, Dist. - Darrang (Assam). **Ext. 18**, is the Elector Photo I/D Card, vide No. FCM1991168, in the name of O.P. Hamela Begum, W/O. Tara Miyan, issued by the Electoral Registration Officer, dated on 01-10-2013. **Ext. 19**, is the Aadhaar Card, vide Aadhaar No. 5959 3973 4658, in the name of O.P. Hamela Begum, C/O. Tara Miyan, Bhokelikanda, Mangaldai, Darrang, Assam. **Ext. 20**, is the PAN Card, vide Pan No. FILPB8734A, in the name of O.P. Hamela Begum, D/O. Haidar Ali, issued by Income Tax Department, Govt. of India.

9. On perusal of the documents it is shown that O.P.'s forefather was a genuine Indian national, O.P.'s grandfather's name appeared in the Voters' list of 1960, O.P.'s paternal uncle's name appeared in the Voters' lists of 1966 & 1977, under No. 42 & 55 Boko LAC, O.P.'s father's name appeared in the voters' lists of 1985, 1989, 1997, 2005, 2010, 2015 & 2025, under 48 Boko LAC, 66 & 49 Sipajhar LAC and O.P.'s mother's name

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appeared in the Voters' lists of 1997, 2005, 2010, 2015 & 2025 under No. 66 & 49 Sipajhar LAC. O.P.'s own name appeared in the voters' lists of 2006, 2010, 2021 & 2025 under No. 67 & 50 Mangaldai LAC. The evidence of the O.P. shows that, her forefather was an Indian national and O.P. is the descendant of said Indian citizen. The evidence of O.P. with the above mentioned documents relied upon by her is found to be reliable and trustworthy and there is sufficient proof of record to come to a definite conclusion that, the O.P. is a citizen of India. There is nothing on record to discard the cogent and reliable evidence adduced by the O.P. The O.P. by adducing documentary evidence has established her case that, she is an Indian citizen.



ORDER

Considering the entire materials on records and in view of the above findings, this Tribunal is of the considered opinion that the O.P. namely **Musstt. Hamela Khatun @ Hamela Begum, W/O. Tara Miyan, of vill.- Bhakeli Kanda, P.S.- Mangaldai, Dist. -Darrang (Assam)**, is not a Foreigner/ Illegal Migrant of any stream. Hence, the reference case is answered in negative and in favour of the O.P.

Accordingly, send a copy of this order to the Supdt. of Police (Border), Mangaldai, Darrang, and also to the Deputy Commissioner, Mangaldai, Darrang, for his information and necessary action.

The reference case is thus disposed of, on contest, in terms of the above said order.

Dictated & corrected by me

Order made by

(DJ. Dutta),
Member,
Foreigners' Tribunal No(1st),
Darrang, Mangaldai.

(DJ.Dutta),
Member,
Foreigners' Tribunal No(1st),
Darrang: Mangaldai.