प्रतिलेपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
05.12.2025	11.12.2025	11.12.2025	15.12.2025	15.12.2025

BEFORE THE MEMBER,
FOREIGNERS TRIBUNAL -10TH DHUBRI

Case No. FT-10/AGM/2328/2020.
{F.T. Case No. 9827/GKJ/11 (old)}.
Reference: F.T. Case No. 576/09.

State of Assam ..... Referral Authority

-Versus-

Akurbhan Bibi
Wife of Nur Mohammed @ Nur Mohammad

Opposite Party

Date of Order : 17/06/2025.

Appearance:
For the Referral Authority : Ms. Sangita Koeri, Asstt. Govt. Pleader
For the opposite party : Mr. Iskandar Azad, Advocate.

PRESENT:
Rafiqul Islam, Member

O R D E R
17/06/2025

1) This is a reference under Order 2 (1) of the Foreigners (Tribunals) Order, 1964 made by the Superintendent of Police (B), Dhubri against the opposite party Akurbhan Bibi, Wife of Nur Mohammed @ Nur Mohammad, Village:-Ramraikuti Part-I, Police station:-Agomani (earlier Golakganj), District:-Dhubri (Assam) and to render an opinion as regards the citizenship of the opposite party. Initially the reference was made to the Foreigners Tribunal No.2, Dhubri and subsequently the reference was transferred to this Tribunal to render opinion in terms of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1964, as amended.

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2) The record of reference reveals that the finding of the Inquiry Officer during enquiry was that the opposite party is not a foreigner and the conclusion and recommendation of the Superintendent of Police was that 'Fdd. to the Foreigners Tribunal, Dhubri with the intimation that the suspect does not appear to be a foreigner. Hence the case may perhaps be dropped'. However, as the reference was received in spite of the aforesaid fact, notice was issued to the opposite party in order to dispose of the case.

3) Notice issued to the opposite party was duly served and on receipt of the notice, the opposite party entered appearance and filed written statement along with certain documents claiming to be an Indian citizen by birth and denying the allegations brought against her.

4) Opposite party filed written statement inter-alia stating that she is a citizen of India by birth. She was born on 08/08/1982 at Village:-Sonakhuli Part-II, P.S:-Agomani, District:-Dhubri (Assam). Her father and grandfathers are/were also citizens of India by birth and they are originally residents of Village:-Sonakhuli Part-II, P.S:-Agomani, District:-Dhubri (earlier Goalpara), Assam since before 1951. Her grandfather's name is Saher Shelkh @ Jaher Sheikh, grandmother's name is Moruchmoti Bibi, father's name is Sonauddin Shelkh @ Sonaddi Sheikh and mother's name is Mohijan Bibi @ Mostt. Mofijan Bibi. Her father has altogether 3 brothers including her father i) Ponoddi Sheikh, ii) Tunu Sheikh and iii) Sonauddin Sheikh @ Sonaddi Sheikh. She has 2 brothers and 5 sisters including herself namely i) Mohar Sheikh, ii) Insan Ali Shelkh, iii) Samastabhan Bibi, iv) Sobjan Bibi, v) Saharbhan Bibi, vi) Akurbhan Bibi @ Akarbhan Bibi @ Aharbhan Bibi (opposite party) and vii) Morjina Bibi. She got married to one Nur Mahammad, S/o-Ponir Uddin of Village:-Ramraikuti Part-I. P.S:-Agomani, District:-Dhubri (Assam) in the year 1998 and during their conjugal life 3 children were born out of their wed-lock namely i) Raju Ahmed, ii) Biju Hoque and iii) Lutfa Parbin. Her father's name entered in the N.R.C. of 1951 at Village:-Sonakhuli 23. Her parents' name entered in the voter lists of 1977, 1997 at Village:-Sonakhuli Part-II. Her name entered in the voter list of 2005 along with her husband and in the voter list of 2024 along with her husband, mother-in-law Nurna Bibi, sons Biju Hoque and Raju Ahemed at Village:-Ramraikuti Part-I. Her father was the Rayot (Proja) under Jotedar Abdul

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Hamid and others in respect of plots of land and he paid land revenue to the said Jotedar vide Dakhila No. 4 on 11/10/1976 and Dakhila No. 6 on 24/06/1977 respectively. Her father was also Rayot (Proja) under Jotedar Nozor Ali and others in respect of plot of land under Touzi No. 1 and he paid land revenue to the said Jotedar vide Dakhila No. 7 on 18/07/1977. Her mother purchased a plot of land measuring 3 Bigha out of 6 Bigha covered by Dag No. 20 of Mouza:-Kaldoba executing a registered Sale Deed bearing Deed No. 5701 dated 27/09/1963. Her father was the Rayot (Tenant) of a plot of land measuring 1B-0K-19L covered by Dag No. 493, K.M Patta No. 13, Rayoti Khatian No. 157 of Village:-Sonakhuli Part-II under Pattadar Abdul Hamid and others. She along with her sisters jointly sold a plot of land measuring 1B-0K-6L covered by Dag No. 407 (old) 481 (new), Patta No. 58 (old) 128 (new), Khatian No. 183 of Village:-Sonakhuli Part-II to Alimuddin Bepari, S/o-Late Abdul Hamid Bepari by executing a registered Sale Deed bearing Deed No. 598 dated 23/04/2007. She was a student of 751 No. Sonakhuli L.P. School and she read upto class-IV in the said school.

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5) Now, the main point for determination in the reference is whether the opposite party is a foreigner within the meaning of the expression 'foreigner' as defined in the Foreigners Act, 1946?

6) Opposite party examined herself as DW-1, brother of the opposite party as D.W-2 and official witnesses as D.W-3, D.W-4 and D.W-5 and exhibited some documents in support of her claim. None was examined for the Referral Authority.

7) Heard the arguments advanced on behalf of the parties. I have gone through the materials on record as submitted by the Referral Authority at the time of making the reference and the written statement as well as the oral and documentary evidence of the opposite party.

8) Opposite party as DW-1 filed evidence-in-chief on affidavit stating more or less the same thing as narrated in the written statement and exhibited certain documents in support of her Indian citizenship and opposite party was cross examined by the learned AGP. In cross examination she admitted that she

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has not exhibited/produced voter lists of 1966 and 1970/1971 of her parents in the case.

9) Opposite party exhibited the following documents in support of her Indian citizenship:

1) Certified copy of voter list of 1977 of Sona Uddin Sk. and Mahijan Bibi under 25 No. Golakganj Legislative Assembly Constituency at Village:-Sonakhuli Part-II as **Ext:A.**
2) Certified copy of voter list of 1997 of Sonauddin Sk., Mofijan Bibi and Esan Ali under 25 No. Golakganj Legislative Assembly Constituency at Village:-Sonakhuli Part-II as **Ext:B.**
3) Certified copy of voter list of 2005 of the opposite party along with her husband under 25 No. Golakganj Legislative Assembly Constituency at Village:-Ramraikuti Part-II as **Ext:C.**
4) Certified copy of voter list of 2024 of the opposite party along with her husband under 6 No. Golakganj Legislative Assembly Constituency at Village:-Ramraikuti Part-I as **Ext:D.**
5) Copy of Dakhila No. 4 dated 11/10/1976 in the name of Sonaddi Sheikh as **Ext:E.** (proved in original)
6) Copy of Dakhila No. 6 dated 24/06/1977 in the name of Sonaddi Sheikh as **Ext:F.** (proved in original).
7) Copy of Dakhila No. 7 dated 18/07/1977 in the name of Sonaddi Sheikh as **Ext:G.** (proved in original).
8) Copy of registered Sale Deed No. 5701 dated 27/09/1963 in the name of Mustt. Mofijan Bibi as **Ext:H** (proved in original).
9) Copy of Rayoti Khatian No. 157, K.M Patta No. 13, Dag No. 493 in the name of Sona Uddin Sheikh as **Ext:I** (Proved in original).
10) Copy of registered Sale Deed No. 598 dated 23/04/2007 in the name of opposite party and her sisters as **Ext:J** (proved in original).
11) Copy of linkage certificate dated 30/06/2015 issued by the Secretary, Sonakhuli Gaon Panchayat in the name of opposite party as **Ext:K** (proved in original).

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12) Copy of Elector Photo Identity Card No. [redacted] In the name of opposite party as **Ext:L** (proved in original).

13) Copy of School Certificate dated 30/11/2017 issued by the Headmaster, 751 No. Sonakhuli L.P. School in the name of opposite party as **Ext:M** (proved in original).

10) Opposite party produced one Esan Ali as DW-2 claiming him to be her brother. DW-2 filed evidence-in-chief on affidavit and in his evidence-in-chief he supported the evidence of DW-1 and deposed almost the same thing as deposed by the opposite party and exhibited his Voter Identity Card No. [redacted] as **Ext:N** (proved in original) and he was cross examined by learned AGP. In his cross-examination, he admitted that his name entered in the voter list of 1997 along with his parents at Village:-Sonakhuli Part-II and he is a regular voter.

11) Now let us appreciate the evidence of DWs including the documents exhibited in the case to determine the nationality status of the opposite party. It appears from **Ext:H** registered Sale Deed that Mustt. Mofijan Bibi, W/o Sonaddi Sheikh of Village:-Sonakhuli, whom the opposite party has claimed to be her mother, purchased a plot of land executing a registered sale deed No. 5701 in the office of the Sub- Registrar, Dhubri on 27/09/1963. To prove Ext:H opposite party examined DW-3, who in his evidence deposed that Ext:H Sale Deed was registered in the office of the Sub-Registrar, Dhubri on 27/09/1963 and the Deed was executed between Md. Abdul Hamid Sk., S/o-Md. Khaimuddin Bepari of Village:-Sonakhuli, P.S:-Golakganj, District:-Goalpara (seller) and Musstt. Mofijan Bibi, W/o-Sonabddi Sk. of Village:-Sonakhuli, P.S:-Golakganj, District:-Goalpara and produced the Volume Book No. 64/63, Book No. 1 in which Deed No. 5701/1963 has been recorded. He deposed that Ext:H is the original copy of Sale Deed No. 5701 and same is the exact copy of Deed No. 5701 as has been recorded in the Volume Book and Deed No. 5701 has been recorded in page No. 100 and 101 of the Volume Book. Ext:H is therefore proved and accepted to be a trustworthy piece of documentary evidence. It appears from **Ext:A** certified copy of voter list that the names of Sona Uddin Sk. and Mahijan Bibi, whom the opposite party has claimed to be her parents, were entered in the voter list of 77 under 25 No. Golakganj

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Legislative Assembly Constituency at Village:-Sonakhuli Part-II. From Ext:B certified copy of voter list it appears that the names of Sonauddin Sk., Mofijan Bibi and Esan Ali, whom the opposite party has claimed to be her father, mother and brother respectively, were entered in the voter list of 1997 under 25 No. Golakganj Legislative Assembly Constituency at Village:-Sonakhuli Part-II. It is the case of the opposite party that she got married to Nur Mahammad, S/o-Ponir Uddin of Village:-Ramraikuti Part-I. P.S:-Agomani, District:-Dhubri (Assam) in the year and since then she has been living in her matrimonial house and her name entered in the voter lists at Village:-Ramraikuti Part-I. It appears from **Ext:C** certified copy of voter list that the name of opposite party has been entered in the voter list of 2005 with her husband under 25 No. Golakganj Legislative Assembly Constituency at Village:-Ramraikuti Part-II. From Ext:D certified copy of voter list it appears that the name of opposite party has been entered in the voter list of 2024 with her husband under 6 No. Golakganj Legislative Assembly Constituency at Village:-Ramraikuti Part-I. **Ext:E, Ext:F** and **Ext:G** documents have no evidentiary value in absence of proof and hence no reliance can be placed on such documents. It appears from **Ext:I** that a Riyoti Khatian No. 157, K.M Patta No. 13, Dag No. 493 was issued in the of Sona Uddin Sheikh, S/o Late Saher Sheikh, whom the opposite party has claimed to be her father, for a plot of land situated at Village:-Sonakhuli Part-II. To prove Ext:I opposite party examined D.W-5, who in his evidence deposed that Ext:I is the Riyoti Patta issued in the name of Sona Uddin Sk., S/o-Late Saber Sk. for a plot of land situated at Village:-Sonakhuli Part-II and said Patta was issued by the Settlement Officer, Dhubri in the year 2013. He deposed that the original Pattadars of the land are Abdul Hamid, Abdul Majid and Abdul Hoque, all sons of Late Khaimuddin Bepari and produced the Riyoti Jamabandi of Village:-Sonakhuli Part-II and main Chitha Book of the land. Ext:I is therefore proved and accepted to be a trustworthy piece of document. **Ext:J** copy of registered sale deed of 2007 has no evidentiary value in absence of proof and hence no reliance can be placed on Ext:J. To prove the linkage with her father, opposite party has exhibited a certificate dated 30/06/2015 issued by the Secretary, Sonakhuli Gaon Panchayat as **Ext:K** but opposite party has failed to prove the certificate by examining the issuing authority of the certificate. Therefore in absence of proof, Ext:K has no evidentiary value and hence no reliance can be placed on Ext:K. **Ext:L** shows that Elector Photo Identity Card

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No. GJF1108947 was issued in the name of opposite party in the year 2013 being the voter under 25 No. Golakganj Legislative Assembly Constituency at Village:-Ramraikuti Part-I. Though it appears from **Ext:M** that opposite party is the daughter of Sonauddin Sheikh and Mahijan Bibi of Village:-Sonakhuli Part-II, D.W-4, the Headmaster of the school has failed to prove the Ext:M certificate by producing the school records. DW-4 admitted that he had not issued the certificate. Though the school admission register was produced, the name of mother of opposite party was not available in the admission register and same has been recorded in the certificate. DW-4 also failed to produce the counterpart of Ext:M certificate. He deposed that the attendance register of the school for the years 1988 to 1992 are not available in the school and for which he cannot say on what basis the Ext:M certificate was issued in absence of the attendance register. He further depose that in the admission register of 1988, the name of Akarbhan Khatun, D/o-Sonauddin Sk. and Mahijan Bibi of Village: Sonakhuli Part-II is not available. Therefore Ext:K certificate is not proved and same is not accepted to be a trustworthy piece of documentary evidence of linkage. DW-2, brother of the opposite party, in his evidence has supported and corroborated the evidence of opposite party (DW-1). The name of DW-2 was entered in the voter lists of 1997 (Ext:B) with his parents and is a regular voter (Ext:N) and therefore there is no reason to disbelieve the testimony of DW-2. To prove the Ext:A, Ext:B, Ext:C and Ext:D certified copies of electoral roll, on the prayer of the opposite party summon was issued to the Election Officer, Dhubri and in response to the summon, the Election Officer, Dhubri vide his letter dated 18/03/2025 submitted the authenticated report of those certified copies duly sign and seal by him and therefore Ext:A, Ext:B, Ext:C and Ext:D are accepted to be genuine and secondary evidence.

12) From the evidence on record and finding no rebuttal evidence, there is no reason to disbelieve the testimony of the opposite party and documents exhibited by the opposite party in support of her testimony. Since the parents of the opposite party were residing in India (Assam) at Village:-Sonakhuli Part-II since before 01/01/1966 having landed property (Ext:H), names of the parents of opposite party were entered in the voter lists of 1977 and 1997 at Village:-Sonakhuli Part-II (Ext:A and Ext:B1), name brother (DW-2) of opposite party was entered in the voter list of 1997 at Village:-Sonakhuli Part-II

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(Ext:B) with his parents, the evidence of the opposite party are sufficient enough to prove that the parents of opposite party were citizens of India. As the parents of opposite party were residing in India since before 01/01/1966 and the parents of opposite party were residing in Indian soil at the time of birth of the opposite party, being the descendant of citizens of India, the opposite party is a citizen of India. The instant reference was registered in the year 2009 and the name of opposite party has been entered in the voter lists at Village:-Ramraikuti Part-II since the year 2005 and has been regularly casting her vote at Village:-Ramraikuti Part-II till now and voter Identity Card was issued in the year 2013. The linkage of opposite party with her father and mother has been established from the evidence of DW-2 and therefore the opposite party cannot be termed as a foreigner. Moreover, the finding of the Inquiry Officer during enquiry was that the opposite party is not a foreigner and the conclusion and recommendation of the Superintendent of Police was that 'Fdd. to the Foreigners Tribunal, Dhubri with the intimation that the suspect does not appear to be a foreigner. Hence the case may perhaps be dropped'.

13) For the aforesaid reasons and discussions, the evidence and documents examined by opposite party in support of the case are found to be sufficient and trustworthy to prove that the opposite party is not a foreigner.

14) Considering the entire materials on record and the discussions above, I am of the considered opinion that the opposite party Akurbhan Bibi, Wife of Nur Mohammed @ Nur Mohammad, Village:-Ramraikuti Part-I, Police station:- Agomani (earlier Golakganj), District:-Dhubri (Assam) is not foreigner.

15) The reference is answered in negative.

16) Intimate the Superintendent of Police (Border), Dhubri, the District Magistrate, Dhubri and the Election Officer, Dhubri along with a copy of the order.

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