

BEFORE THE FOREIGNERS' TRIBUNAL, NO.1 BONGAIGAON, ASSAMBNGN/FT CASE NO./936/2009(BNGN/IM(D)T/ CASE NO. 136/2003)P R E S E N TSHRI DULAL SAHA ,MEMBERFOREIGNERS' TRIBUNAL BONGAIGAON NO.1STATE OF ASSAMPETITIONER-VRS-MUSSTT. ADORI KHATUN.D/O- LT. SAHAR ALI.W/O- MD. NIZAMUDDIN.APPEARANCEADVOCATE FOR THE STATE- MR.DEBABRATA DAS (A.G.P.).ADVOCATES FOR THE O.P.-D.A. RAHIM AND S. ROHMAN.DATE OF EVIDENCE-06-01-25,19-05-25 AND 23-06-25 .DATE OF ARGUMENT-09-02-2026.DATE OF ORDER -17-02-2026.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 Adori Khatun D/O Lt. Sahar Ali, W/O Md. Nizamuddin of No. 6 Jamdaha village 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 as well as Evidence –in-chief is that, O/P is the permanent resident of vill. 5 No. Jamdaha under Manikpur P.S. in the dist. of Bongaigaon.O/P was born and brought up at village No. 1 Bhandara, under Manikpur P.S. Dist. Bongaigaon, Assam and thereafter in the year 1983 she was shifted with her father to the village Suapata under Bilashipara P.S. in the dist of Dhubri and then she was married with one Md. Nizamuddin Ahmed S/O Babur Ali of vill. No. 6 Jamdaha under Manikpur P.S. Dist. Bongaigaon, Assam and started their residing at that village permanently.O/P's father namely

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Md. Shohar Ali casted his votes in the years 1965 and 1970 respectively at No. 42 Abhayapuri (S.C)L.A. (new) and he also obtained a G.P. Certificate.O/P's husband namely Nizam Uddin casted his vote in the years 1997,2010 and 2011 respectively and O/P casted her votes in the years 1997,2010 and 2011 respectively along with her husband. O/P also obtained a G.P. Certificate.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 **10 (ten)** documents exhibited by her. O/P also examined herself as D.W.1 & one Javed Ali (brother) as D.W.2 and another Subhash Medhi (LRS, Manikpur Revenue Circle) as D.W. 3. All are cross examined by the state.

Particulars of documents may be noticed as under:-

Ext-A is the translated copy of 1965 voter list at village 305 No. Bhandara Pt. VI under 42 No. Abhayapuri (SC) L.A. where Rostem Ali S/O Lt. Babar Ali, Sharme Bibi W/O Rostom Ali, Sohar Ali S/O Lt. Babar Ali, Anna Bibi relation name Sohar Ali and Jelemon Bewa relation name Lt. Babar Ali have been recorded as voters.

Ext- B is the translated copy of 1970 voter list under at village 305 No. Bhandara Pt. VI under 42 No. Abhayapuri (SC) L.A. where Rostem Ali S/O Lt. Babar Ali, Sharme Bibi W/O Rostom Ali, Sohar Ali S/O Lt. Babar Ali, Anna Bibi relation name Sohar Ali and Jelemon Bewa relation name Lt. Babar Ali have been recorded as voters.

Ext- C is the translated copy of 1997 voter list at village 69 Bhandara Part I, where Nizam Uddin S/O Babur Ali and Aduri Bibi W/O Nizam Uddin have been recorded as voters.

Ext-D is the translated copy of 2010 voter list at village 69 Bhandara Part I, where Nizam Uddin S/O Babur Ali and Aduri Bibi W/O Nizam Uddin have been recorded as voters.

Ext-E is the translated copy of 2011 voter list at village 69 Bhandara Part I, where Nizam Uddin S/O Babur Ali and Aduri Bibi W/O Nizam Uddin have been recorded as voters.

Ext-F is the Elector Photo Identity Card vide No. _____ in the name of Aduri Bibi W/O Nizam Uddin.

Ext-G is the copy of Jamabandi of village No. 1 Bhandara under Manikpur Revenue Circle. Here a plot of land bearing Dag No. 482 mutated in the name of Sahar Ali (father of O/P), Aduri Bibi & other in place of Jabeda Khatun Bibi W/O Sahar Ali by way of inheritance.

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Ext-H is the Gaon Panchayat Certificate issued by the Secretary of Mashaner Alga Gaon Panchayat, vide dtd. 07.11.12 where it is certified that Shohar Ali S/O Lt. Babar Ali of village Suapeta Pt. I, P.S. Bilashipara, Dist. Dhubri, Assam and his daughter Aduri Bibi has been married to Nizam Uddin S/O Babur Ali of vill. No. 1 Bandara, P.S. Manikpur in the Dist. of Bongaigaon (Assam) is known to him.

Ext-I is the another Gaon Panchayat Certificate issued by the Secretary of Bhandara G.P. vide dtd. 15/11/12 where it is certified that Aduri Bibi W/O Nizam Uddin of village No. 1 Bhandara, P.O. Bhandara Bazar, P.S. Manikpur in the Dist. of Bongaigaon, Assam is known to him.

Ext-J is the certified copy of 1989 voter list under 29 No. Bilashipara East L.A.C. at village 284 No. Suapata Pt. I where Sahar Ali Sk S/O Babar Ali, Sara Khatun relation name Sahar, Momela Khatun relation name Sahar and Javed Ali relation name Sahar have been recorded as voters.

From the above, what is discernible is that, O/P is the daughter of Sahar Ali of Bhandara village who is a Citizen of India & O/P being the daughter of Indian Citizen, 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 Lt. Sahar Ali is the Citizen of India, whom O/P claims to be her father? And

(ii) Whether O/P is the daughter of said Lt. Sahar Ali of Bhandara village?

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

Issue No. (ii) In this regard, O/P relied on Ext-G (Jamabandi) and Evidence of D.W.2 Md. Javed Ali.

Ext-G is the copy of Jamabandi of village No. 1 Bhandara under Manikpur Revenue Circle. Here a plot of land bearing Dag No. 482 mutated in the name of Sahar Ali (father of O/P), Aduri Bibi & other in place of Jabeda Khatun Bibi W/O Sahar Ali by way of inheritance. This document may be taken into consideration as because it was duly proved by examining the D.W. 3 (Subhash Medhi) who in terms of his examination, produced original Chitha & Jamabandi Registers. As per this document, it has been proved that O/P is the daughter of Jabeda Khatun Bibi & Sahar Ali. Because they jointly inherited the land of Ext-G.

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D.W.2 –Jabed Ali, deposed that, he is the elder brother of present O/P. He & Adori Khatun (O/P) are from same mother, Jabeda Bibi. The statements of this witness can be taken into consideration, because he also inherited the land of Ext-G along with present O/P & their father, Sahar Ali.

From the above, what is discernible is that, O/P successfully establishes her relation with that of her father, Sahar 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 translated voter lists of 1965 and 1970 under 42 No. Abhayapuri (SC) L.A. respectively, where the name of Sahar Ali has been recorded as voter. These voter lists can be taken into consideration as because, these voter lists were fully proved by the ERO, Bongaigaon vide Letter No. BNEL 22/2015/405 dtd 29/07/25. 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, Adori Khatun, D/O Lt. Sahar Ali, W/O Nijamuddin, Vill. Bhandara, 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 17th day of February, 2026.

Transcribed at my dictation
and corrected by me.

No. 1
am)

Member
Foreigners Tribunal No. 1,
Bongaigaon.

Memo No. BFT/08/07-26/20-A

Dated 17-02-2026

Copy to:-

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

Member
Foreigners Tribunal No. 1,
Bongaigaon.