तेलिपि के लिए आवेदन की तारीख ate of application for the copy.	स्ताम्प और फोलिओ की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्ताम्प और फोलिओ देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैय्यार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने का तारीख Date of making over the Copy to the applicant.
01-10-2026	01-10-2026	05-10-2026	06-10-2026	06-10-2026

BEFORE THE FOREIGNERS TRIBUNAL 9th, DHUBRI, ASSAM

Case No.FT-9/120/GKJ/2019

POLICE REFERENCE IM(D)T Case No.5740/98

State of Assam

-Vs-

Sakina Bibi

... Opposite Party

Present: *KIRTI KAMAL DAS*

Member,

Appearance:

For State of Assam : Sri Ananda Kumar Rai, Asstt. Govt. Pleader

For the O.P. : Sri I Azad, Advocate

Date of argument : 03.05.2025

Date of order : 29.04.2026

O R D E R

1. This reference is made against the Opposite Party (OP in short) namely **Sakina Bibi w/o Nur Islam of the district of Dhubri, Assam**, with the allegation that the above named OP has entered India illegally on or after 25.03.1971 from the specified territory i.e., Bangladesh.

2. Originally, this reference was forwarded by the Superintendent of Police (B), Dhubri vide IM(D)T Case No.5740/98 expressing doubt over the nationality of the OP with a prayer to decide as to whether the O.P. is or is not Illegal Migrant. Subsequently this reference was re-numbered before the Foreigners Tribunal 2nd, Dhubri as F.T. Case No. 2317/GKJ/2009 under the provisions of the Foreigners Act, 1946 read with Foreigners (Tribunals) Order, 1964. Later, upon constitution of 64 nos. of additional

Tribunals as per Order of the Hon'ble Supreme Court, the instant reference was received on transfer and taken up for disposal by this Tribunal.

3. Upon receipt of the reference from the Foreigners Tribunal 2nd, Dhubri, it was registered before this Tribunal as FT-9/120/GKJ/2019 and accordingly, notice was issued to the OP to appear and file written statement.

4. In response to the notice, on 01.10.2022, the OP appeared along with her Advocate and sought time for written statement by filing a petition bearing No.9882/2022. Subsequently, on 21.12.2022, the OP filed her written statement accompanied by verification with some photocopies of documents.

5. The O.P. in her Written Statement has denied the prosecution allegations contending *inter alia* that:

The O.P is a Citizen of India by birth being born on 01/07/1971 in village Malipara, P.S.-Tarabari, Dist. Barpeta, Assam. The OP claims her grandfather name is Chelimuddin @ Chelim and parents name is Gafur Ali and Rahaton Nessa. She stated her father namely Gafur Ali begot one brother namely Jalil Ali. The OP stated she begot five brothers and sisters including her namely- Abdul Jabbar, Sattar Ali, Jafor Ali, Sarbesh Ali and Sakina Bibi (O.P). The O.P stated she got married to one Nur Islam, S/o- Monser Ali of village Shernagar, P.S.- Agomoni, Dist.- Dhubri, Assam and out of their wed-lock three sons and two daughters had been born namely- Joylabh Sk, Jitu Sk, Nur Nehar Begum, Robial Hoque and Nurjahan Khatun.

The O.P claim her father's name has been enlisted in the N.R.C, 1951 at village Chengalidia, P.S.- Tarabari, Dist.- Barpeta (Assam) vide Legacy Data Code: 120-0037-7809. The O.P's parents name is recorded in the voter list, 1966 & 1970 under 54 No. Chenga L.A. Constituency of vill- Chengalidia and also brother name recorded in the year 1970. The O.P's brother and sister-in-laws name is recorded in the voter list, 1997 & 2005 under 47 No. Chenga L.A.C. of village Malipara.

The O.P's father & others obtained an Annual Khiraj Patta a plot of land measuring 15B-OK-10 Lecha covered by Patta No. 58 of village Chengalidia, Dist.- Kamrup (Assam) issued by the Deputy Commissioner/Settlement Officer on 4-9-1933. The O.P's father & others further obtained an Annual Khiraj Patta a plot of land

measuring 14B-3K-17 Lecha covered by Patta No. 143 of village Chengalidia, Dist.- Kamrup (Assam) issued by the Deputy Commissioner/Settlement Officer on 30-10-1948.

The O.P's father got Kecha Patta Kheraj Ekchana of a plot of land measuring 14B-3K-18 Lecha covered by Patta No. 101, Dag No. 49, 57, 53, situated at vill- Chengalidia, issued by the Settlement Officer on 14-5-1960. The O.P's father paid Touzi Bahira rent, Ekchana Patta No. 22, 21 & 8 of vill- Malipara, to the Mouzadar for the year 1364-65-1366 (B.S.) on 26/6/1961 and Touzi Bahira rent, Ekchana Patta No. 129/0 of village Chengelidia, to the Mouzadar for the year 1368 (B.S.) on 16/8/1962. The O.P's father paid land revenue, Ekchana Patta No. 126 of vill- Chengelidia, to the Mouzadar for the year 1370 (B.S.) on 12/11/1964 and land revenue, Ekchana Patta No. 101 of vill- Chengelidia, to the Mouzadar for the year 1371 (B.S.) on 26/7/1965 and 1375 (B.S.) on 14/7/1969. The O.P's father paid land revenue, Ekchana Patta No. 12 of vill- Malipara, to the Mouzadar for the year 1375 (B.S.) on 1/6/1970. The O.P's father paid land revenue, Ekchana Patta No. 103 of vill- Chengelidia, to the Mouzadar for the year 1376 (B.S.) on 17//81970 and 1377 (B.S.) on 20/1/1973. The O.P claims her father got Khajanar Kecha Patta of a plot of land measuring 14B-3K-17 Lecha covered by Patta No. 125 situated at vill- Chengalidia issued by the Settlement Officer on 2-11-1984.

The O.P's father paid Land revenue (Khajana) for the land under Ekchana Patta No. 146 of vill- Chengalidia, to the Mouzadar for the year 1356 (B.S.) on 23/02/1950, for the year 1359 (B.S.) on 09/04/1953, for the year 1361 (B.S.) on 23/9/1956, for the year 1363 (B.S.) on 15/8/1957 whereas O.P's brothers along with others have paid land revenue to the Mouzadar, Baguribari Mouza against land under Ekachana Patta No.101 of vill-Chengelidia, land under Myadi Patta No.15 & 16 of vill- Khutabari on 21/11/2021 for the year 1428 (B.S.).

The O.P alongwith her husband and others name are recorded in the voter list of 1997, 2005, 2010 & 2020 under 25 Golakganj L.A. Constituency of village Shernagar. Thus she obtained EPIC vide No. and PAN Card vide No.

With the above pleadings, the OP prays for answering this Reference case in negative and declares her an Indian national.

6. As per Section 9 of the Foreigners Act, 1946, the burden is on the OP to prove her nationality. Hence, the liability of the Prosecution is dispensed with.

7. The OP namely Sakina Bibi has examined herself as DW-1 and exhibited as many as 26 numbers of documents to establish herself as Indian national, she further adduced evidence of Sarbesh Ali as DW-2. The documents adduced by the DW-1 marked as Exhibit- A to X are as follows:

(i) **Exhibit-A** is copy of voter list 1966 of Chengelidia under 54 Chenga LAC, Kamrup.

(ii) **Exhibit-B** is copy of voter list 1970 of Chengelidia under 54 Chenga LAC.

(iii) **Exhibit-C** is copy of voter list 1997 of Malipara under 47 Chenga LAC, Barpeta.

(iv) **Exhibit-D** is copy of voter list 2005 under 47 Chenga LAC, Barpeta.

(v) **Exhibit-E** is copy of Annual Khiraj Patta of land being patta No.58 of Chengelidia.

(vi) **Exhibit-F** is copy of revenue payment receipt.

(vii) **Exhibit-G** is copy of revenue payment receipt.

(viii) **Exhibit-H** is copy of revenue payment receipt.

(ix) **Exhibit-I** is copy of revenue payment receipt.

(x) **Exhibit-J** is copy of revenue payment receipt.

(xi) **Exhibit-K** is copy of revenue payment receipt.

(xii) **Exhibit-L** is copy of revenue payment receipt.

(xiii) **Exhibit-M** is copy of revenue payment receipt.

(xiv) **Exhibit-N** is copy of revenue payment receipt.

(xv) **Exhibit-O** is copy of revenue payment receipt.

(xvi) **Exhibit-P** is copy of revenue payment receipt.

(xvii) **Exhibit-Q** is copy of revenue payment receipt.

(xviii) **Exhibit-R** is copy of revenue payment receipt.

(xix) **Exhibit-S** is copy of revenue payment receipt.

(xx) **Exhibit-T** is copy of voter list 1997 of Shernagar under 25 Golakganj LAC, Dhubri.

(xxi) **Exhibit-U** is copy of voter list 2005 of Shernagar under 25 Golakganj LAC, Dhubri.

(xxii) **Exhibit-V** is copy of EPIC of Sakina Bibi w/o Nur Islam.

(xxiii) **Exhibit-W** is copy of PAN of Sakina Bibi D/o Gafur Ali.

(xxiv) **Exhibit-X** is copy of certificate dated 24.04.2015 issued by 25 No. Roumari Pathar Gaon Panchayat.

(xxv) **Exhibit-Y** is copy of EPIC of Sharbesh Ali s/o A Gafur.

(xxvi) **Exhibit-Z** is copy of Aadhaar of Sharbesh Ali.

8. The only issue for determination in the instant reference is whether the OP is a "citizen of India" or a "Foreigner" within the meaning of expression as defined U/s 2(a) of the Foreigners Act, 1946.

DISCUSSION AND FINDING

9. Heard the parties and perused the Written Statements, Evidence on Affidavit filed by the OP along with the depositions as well as the Exhibits adduced by the OP as DW-1, placed in support of her claim. For establishing parental linkage with Gafur Ali, the OP adduced evidence of Sharbesh Ali claiming him as elder brother and his statement is recorded as DW-2. Sharbesh Ali was further subjected for cross-examination by the learned AGP and during deposition Sharbesh Ali as DW-2 categorically discloses that his lone younger sister Sakina had been born in village Malipara under Tarabari p/s of Barpeta district and in the said village he had also been born. The DW-2 deposed that his paternal grandfather namely Salimuddin had owned and possessed immovable properties in village Chengelidia but after his death the

DW-2's father namely Gafur Ali had to shift residence to adjacent village Malipara due to erosion of dwelling house by river Brahmaputra. It is also stated that after settling in village Malipara the DW-2, his brothers & lone sister had been born. The DW-2 further deposed that his father since deceased had cast votes regularly in Chengelidia and he is casting votes in village Malipara under Chenga LAC of Barpeta. The DW-2 stated on oath further that his lone sister namely Sakina got married to Nur Hussain of village Shernagar under Agomani p/s of Dhubri district and she has been casting votes regularly in assembly elections of the State from her matrimonial place. From the oral evidence, the parental linkage with Gafur Ali is found to be established in an adequate manner, since OP's own brother himself appears this Tribunal and adduced evidence as DW-2 who have categorically corroborated the deposition of the DW-1. The evidence of DW-2 remains unrebutted since the learned AGP could bring nothing adverse to it. Hence, oral evidences are held reliable since there is nothing to disbelieve Gafur Ali & Rahatan Bibi as OP's parents and Salimuddin since deceased as OP's grandfather. There is also one certificate issued by Roumari Pathar Gaon Panchayat as linkage document and in order to verify the same, the evidence of one Sri Dinesh Chandra Das, Secretary of the GP (DW-3) is adduced. However, the testimonies of the DW-3 and one Issue Register brought along with him could not substantiate the contents of the Certificate. Hence, the Certificate is held having no probative value, however, the linkage of OP sought to be established with Gafur Ali of village Malipara is found adequate. The learned AGP also could not rebut the depositions of both DW-1 & 2.

One Annual Khiraj Patta of land bearing Patta No.58 covered by Dag No.17 & 18 of Chenglidia village under Chenga Mouza of Kamrup district is also relied for establishing linkage as Exhibit-E and evidence of one Kaseruddin Ahmed (DW-4) is adduced for verification of Exhibit-E. The DW-4 deposed categorically that as per official record that one Mansur Ali and one Abdul Gafur were allowed by then Deputy Commissioner/ Settlement Officer to enjoy the possession of the land for the year 1933-34. There is also an order dated 27.06.1993 passed by the Circle Officer, Chenga Revenue Circle whereby names of Jobbar Ali, Sattar Ali, Jafar Ali & Sarbesh Ali had been incorporated in the records in place of Abdul Gafur after his death. The Jamabandi Book and Chitha Book brought by the DW-4 duly corroborate his depositions as well as the case of the Proceedee to the effect that her father had owned and possessed land in

village Chengelidia. Thus the testimonies of the DW-4 and records brought along with him unambiguously assist this Tribunal in tracing out presence of Proceedee's father in Assam soil since before the year 1933. That apart, there are numbers of copies of revenue payment receipt in the case records which adequately substantiate the patta of the land.

To trace out existence of OP's ancestors in Assam soil since before 01.01.1966, the OP further exhibited certified voter lists of village Chengelidia. On bare scrutiny of exhibited certified voter lists 1966, 1970 & its subsequent period further transpires that the OP's ancestors including her parents had been resided in village Chengelidia having continuous voting right since the year 1966 in Assam Assembly Elections under 54 Chenga LAC. The subsequent exhibited voter lists 1997 & 2005 further reveal that Proceedee's brother Sarbesh Ali (DW-2) is continuing his voting in village Malipara being a descendant of genuine parents. It is also found adequately substantive of OP's pleadings and deposition after perusal of Exhibit-T & U that she is also a regular voter of matrimonial village Shernagar. Thus this Tribunal finds nothing adverse in the exhibited voter lists which demonstrate that OP's parents had been regular voters of village Chengelidia under the then Kamrup district of Assam and OP is also a regular voter of matrimonial village Shernagar. Moreover, two separate verification reports are received from the respective Election Office, Dhubri and the Election Office, Barpeta which speaks nothing adverse about the voter lists

Thus, in consideration of documents and oral testimony, I am of the view that Gafur Ali @ Abdul Gafur is father of the OP and his existence could safely be traced in India since the year 1933. The OP has produced oral testimonies of DW-2 to establish linkage with her father and his stay in India. The oral testimonies and documents produced in defence have not been rebutted or disputed by the learned AGP appearing for the State. Thus, in consideration of entirety of documents produced, it appears that the OP's father had not illegally entered into the territory of India or the State of Assam, as suspected, but he was an original inhabitant of State of Assam.

The documents relied by OP have been found to be reliable, trustworthy and acceptable being in order and having been issued by the proper authorities which got evidentiary value in adequate manner. Thus, the OP from all possible aspects of the

matter cannot be termed or declared to be a foreigner of the stream Post 1971 or any other stream under the law. As such, the OP has been able to discharge the burden cast on her under Section 9 of the Foreigners Act, 1946 to prove the fact that she is not a foreigner under the law.

10. In view of above, it is observed that the OP namely Sakina Bibi has been able to establish her parental lineage with Gafur Ali by adducing cogent and admissible evidences and her claim of Indian national also been established accordingly.

O P I N I O N

In view of the above findings and discussion, this Tribunal is of the opinion that the OP named above is not a foreigner/illegal migrant of any stream. Hence, this reference is answered in negative.

Send a copy of this order to the District Commissioner, Dhubri, the Sr. Superintendent of Police (B), Dhubri and the Election Officer, Dhubri for information and necessary action.

Judgment and order passed by

Sd/-

(KIRTI KAMAL DAS)

Member,

Foreigners Tribunal-9th

Dhubri (Assam).

Member, Foreigners Tribunal (9th)