

GAHC010076472023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2109/2023

SMTI. MANIBALA PAUL AND 5 ORS
W/O LATE ASHU RAM PAUL, R/O VILL-SABAJPUR, P.S.-MURAJHAR, DIST-
NAGAON, ASSAM

2: BIMAL PAUL
S/O LATE ASHU RAM PAUL
R/O VILL-SABAJPUR
P.S.-MURAJHAR
DIST-NAGAON
ASSAM

3: BIBHUSAN PAUL
S/O LATE ASHU RAM PAUL
R/O VILL-SABAJPUR
P.S.-MURAJHAR
DIST-NAGAON
ASSAM

4: BHUSHAN PAUL
S/O LATE ASHU RAM PAUL
R/O VILL-SABAJPUR
P.S.-MURAJHAR
DIST-NAGAON
ASSAM

5: GITA PAUL CHAKRAVARTY
D/O LATE ASHU RAM PAUL
R/O VILL-SABAJPUR
P.S.-MURAJHAR
DIST-NAGAON
ASSAM

6: RITA PAUL
D/O LATE ASHU RAM PAUL

R/O VILL-SABAJPUR
P.S.-MURAJHAR
DIST-NAGAON
ASSA

VERSUS

THE UNION OF INDIA AND 8 ORS
SECRETARY, MINISTRY OF HOME AFFAIRS, GOVT. OF INDIA, NEW DELHI

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
HOME DEPARTMENT
DISPUR
GUWAHATI-6

3:THE FOREIGNERS TRIBUNAL
NAGAON COURT NO. 10TH
AT SANKARDEV NAGAR
DIST-HOJAI
ASSAM

4:THE DEPUTY COMMISSIONER
NAGAON
DIST-NAGAON
ASSAM

5:TEH SUPERINTENDENT OF POLICE (B)
HOJAI
SANKARDEV NAGAR
ASSAM

6:THE FPRO
NAGAON
P.O.-NAGAON
ASSAM

7:THE ELECTION COMMISSIONER OF INDIA
NEW DELHI-110001

8:THE STATE COORDINATOR
NATIONAL REGISTRATION OF CITIZENS (NRC)
BHANGAGARH
GUWAHATI-5

9:THE OFFICER-IN-CHARGE
P.S.-MURAJHAR

POLICE DISTRICT HOJAI
ASSA

Advocate for the Petitioner : MD. A J ATIA

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA
HONOURABLE MR. JUSTICE ROBIN PHUKAN

Date : 26-04-2023

JUDGMENT & ORDER (ORAL)

(AM Bujor Barua, J)

Heard Mr. AJ Atia, learned counsel for the petitioner. Also heard Ms. L Devi, learned CGC for the respondents in the Union of India as well as for the authorities under the NRC, Mr. AI Ali, learned counsel for the authorities under the Election Commission of India, Mr. A Kalita, learned Special Standing Counsel, Foreigners Tribunal for the Home Department, Government of Assam, the Superintendent of Police (B) Hojai, Sankardev Nagar and the Foreigners' Regional Registration Office, Nagaon as well as the Officer-in-Charge Murajhar Police Station, Hojai and Mr. PK Medhi, learned Government Advocate for the Deputy Commissioner, Nagaon.

2. The petitioners being (1). Manibala Paul, (2). Biman Paul, (3). Bibhushan Paul, (4). Bhushan Paul (5). Gita Paul Chakravarty and (6). Rita Paul were referred to the Foreigners Tribunal Nagaon for rendering an opinion as to

whether they are persons who entered the State of Assam from the specified territory on or after 25.03.1971 resulting in the registration of F.T. Case No.2364/88.

3. The Tribunal rendered the opinion dated 18.05.93 that the petitioners are persons who entered the State of Assam from the specified territory between 01.01.1966 and 25.03.1971. Under the provisions of Section 6A(3) of the Citizenship Act, 1955 (for short, the Act of 1955), the persons who are declared to have entered the State of Assam between 01.01.1966 and 25.03.1971 are required to be registered with the concerned Foreigners' Regional Registration Office. It is stated that due to inadvertence, the petitioners failed to get themselves registered with the Foreigners' Regional Registration Office at Nagaon within the stipulated time.

4. In the aforesaid circumstance, the petitioners above-named are allowed to register themselves as persons who entered the State of Assam between the period 1966 and 1971 from the specified territory with the Foreigners' Regional Registration Office, Nagaon pursuant to the opinion dated 18.05.1993 in F.T. Case No.2364/88 within a period of one month from today.

5. Upon the petitioners being registered as persons who entered the State of Assam between the period 1966 and 1971, the implication of law under Section 6A(3) of the Act of 1955 would be applicable in respect of the petitioners, meaning thereby that the petitioners will not be entitled to vote for next 10(ten) years from the date of registration and that they would be debarred from their

voting rights. As per Section 6A(3) of the Act of 1955, the Election Commission shall do the needful to delete the names of the petitioners from any voters list wherever their names may appear. Further the Foreigners' Regional Registration Office, Nagaon shall do the needful as may be required under the law in respect of the rights and entitlement of the petitioners being declared to be persons who had entered the State of Assam from the specified territory between 1966 and 1971. Consequently, the Voters Identity Card issued to the petitioners be taken back by the Foreigners' Regional Registration Office, Nagaon. But the petitioners shall be entitled to all other legal rights as may be applicable under the law.

6. Writ petition stands disposed of with the above observation.

7. In the event, the petitioners do not get themselves registered within the period as aforesaid, the implication of law that they are not citizens of India would be made applicable in respect of the petitioners. Even in the event of the petitioners not appearing before the Foreigners' Regional Registration Office, Nagaon, the direction to the Election Commission of India to do the needful to delete the names of the petitioners from any voters list wherever their names may appear would remain and be complied with by the Election Commission. The direction issued to the Foreigners' Regional Registration Office, Nagaon to do the needful under the law as well as to take back the Voters Identity Card issued to the petitioners be complied with.

8. A copy of this order be furnished to Mr. AI Ali, learned counsel for the

Election Commission of India as well as Mr. A Kalita, learned counsel for the Home Department, Government of Assam for onward transmission and necessary action.

JUDGE

JUDGE

Comparing Assistant