

GAHC010091302023



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

Case No. : WP(C)/2539/2023

HARESWARI DALU
W/O- INDROJEET DALU,
R/O- VILL- DHAIGAON,
P.S.- KRISHNAI, DIST.- GOALPARA,
ASSAM.

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY ITS SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF HOME AFFAIRS,
NEW DELHI- 110001.

2:THE ELECTION COMMISSION OF INDIA
REPRESENTED BY THE CHIEF ELECTORAL OFFICER
ASSAM

DISPUR
GHY.06.

3:THE REGISTRAR GENERAL OF INDIA
REPRESENTED BY THE STATE CO-ORDINATOR
NRC
ASSAM

ULUBARI
GHY.05.

4:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM

HOME DEPARTMENT
DISPUR

GHY.06.

5:THE DIRECTOR GENERAL OF POLICE (ADMINISTRATION)
ASSAM
ULUBARI
GHY-07.

6:THE DEPUTY COMMISSIONER
GOALPARA
ASSAM
P.O.
P.S. AND DIST.- GOALPARA

ASSAM. PIN- 783331.

7:THE DY. COMMISSIONER OF POLICE (B)
GOALPARA
ASSAM
P.O.
P.S. AND DIST.- GOALPARA
ASSAM.
PIN- 783301.

8:THE OFFICE OF THE FOREIGNERS REGIONAL REGISTRATION OFFICER
BONGAIGAON
ASSAM
P.O.
P.S. AND DIST.- BONGAIGAON

ASSAMM
PIN. 7

Advocate for the Petitioner : MR. A RAHMAN

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

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

ORDER

Date : 12.05.2023

(A.M. Bujor Barua, J)

Heard Mr. A. Rahman, learned counsel for the petitioners and L. Devi, learned counsel for the respondents No. 1 and 3, being the Union of India and the State Co-ordinator of NRC, respectively. Also heard Mr. A.I. Ali, learned counsel for the respondent No. 2, being the Election Commission of India; Mr. J. Payeng, learned counsel for the respondents No. 4, 5, 7 and 8, being the authorities in the Home Department and Ms. U. Das, learned counsel for the respondent No. 6, being the Deputy Commissioner, Goalpara.

2. The petitioner Hareswari Dalu was referred to the Foreigners' Tribunal No. 2, Goalpara for rendering an opinion as to whether she is a person who had entered the State of Assam from the specified territory on or after 25.03.1971 and accordingly F.T. Case No. FT(2) 913/K/2016 corresponding to F.T. Case No. GFT-2/166/20 was registered. The Tribunal rendered its opinion dated 30.06.2022 arriving at its conclusion that the petitioner is a foreigner who had entered the State of Assam from the specified territory between the 1.1.1966 and 24.03.1971. Under the provisions of Section 6A(3) of the Citizenship Act, 1955, there is a requirement under the law to get registered before the Foreigners' Regional Registration Office of the concerned district. The petitioner had failed to get herself registered and being aggrieved this writ petition is instituted.

3. As there is already a determination that the petitioner is a person who had entered the State of Assam from the specified territory between 01.01.1966 and

24.03.1971, wherein there is a requirement under the law to get registered, the petitioner may accordingly get registered before the Foreigners' Regional Registration Office of the concerned district which is stated to be the Foreigners' Regional Registration Office, Bongaigaon.

4. Upon the petitioner being registered as a person who had entered the State of Assam between 01.01.1966 and 24.03.1971, as provided under Section 6A(3) of the Citizenship Act, 1955 the petitioner will not be entitled to vote for the next ten years from the date of registration would be made applicable to her, but at the same time would be entitled to all such rights and liberties as may be provided under the said provision.

Writ petition stands allowed as indicated above.

J U D G E

J U D G E

Comparing Assistant