

Erstwhile enclaves in India: A post-LBA analysis



Prachi Lohia



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Acknowledgements

Banglar Manabadhikar Suraksha Mancha (MASUM) has been working for the cause of erstwhile enclave dwellers since 2013, before the Land Boundary Agreement (LBA) was implemented. We firmly believe that the narrative of the lives in the enclaves is one of disenfranchisement and injustice, but also of groundbreaking resilience. We are grateful to the people of the enclaves for speaking to us about their struggles and their sincere cooperation.

The publication of this report has been facilitated by the Asian Forum for Human Rights and Development (FORUM-ASIA). We extend our gratitude to them for their partnership and support.

Much in advance, we would like to thank the readers of this report by acknowledging their effort to engage with narratives that can be and have been conveniently ignored.

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Foreword

For several years, MASUM has worked to monitor the living conditions of enclave dwellers. In 2013, MASUM conducted a survey to study the conditions of enclaves on both sides of the India-Bangladesh border. In its findings, we have found evidence of gross negligence and apathy of the Governments of India and Bangladesh towards the residents of former enclaves. We believe these findings should be studied methodically to consolidate the grievances and demands of the erstwhile enclave dwellers. It is imperative that the lives of the erstwhile enclave dwellers escape the prison of anonymity and their voices become prominent in the discourse towards justice.

This research is being facilitated by FORUM-ASIA, and we are extremely grateful to them for joining us in this venture. This report lends concrete shape to the findings gathered by MASUM, such that substantial evidence of systemic apathy of state authorities towards their citizens can be adequately represented.

In the face of government inaction, the onus of securing the rights of the people of enclaves rests on civil society organisations, such as FORUM-ASIA and MASUM. The report is aware of the lack of literature about the on the ground realities of lives in enclaves, and thus seeks to make these realities available to a wider audience, including academicians, researchers, students and concerned citizens. The information in this report can contribute to a nuanced understanding of how bilateral issues jeopardize daily existence and can infringe upon the human rights of rightful citizens.

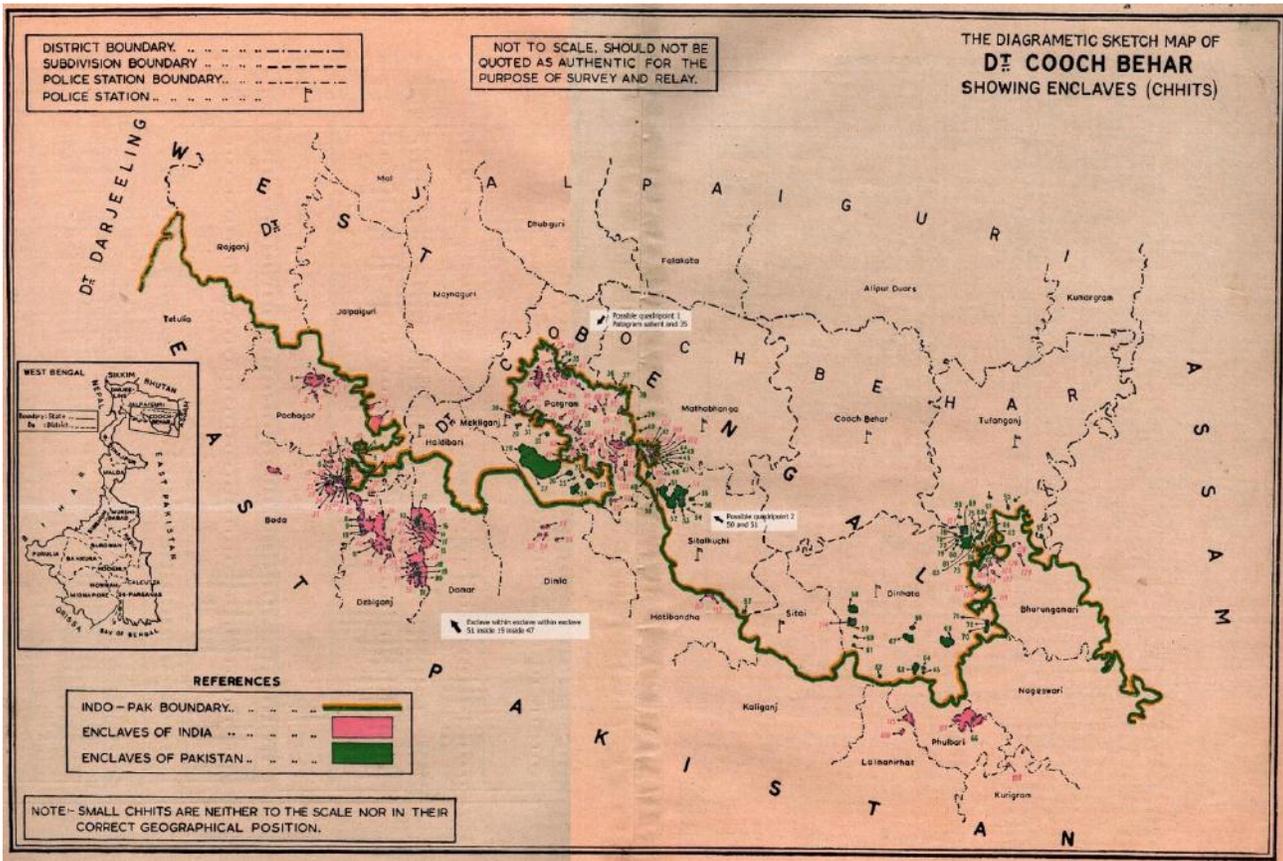
This report also seeks to attract the attention of the members of civil society organisations towards lives that have been thus far neglected. MASUM and FORUM-ASIA intend to use this research to advocate with national and international stakeholders regarding the rights of erstwhile enclave dwellers and build momentum for the recognition of these rights by relevant state authorities.

We hope that the readers of this report find it comprehensive and are moved to contribute to the cause that our team is striving for.

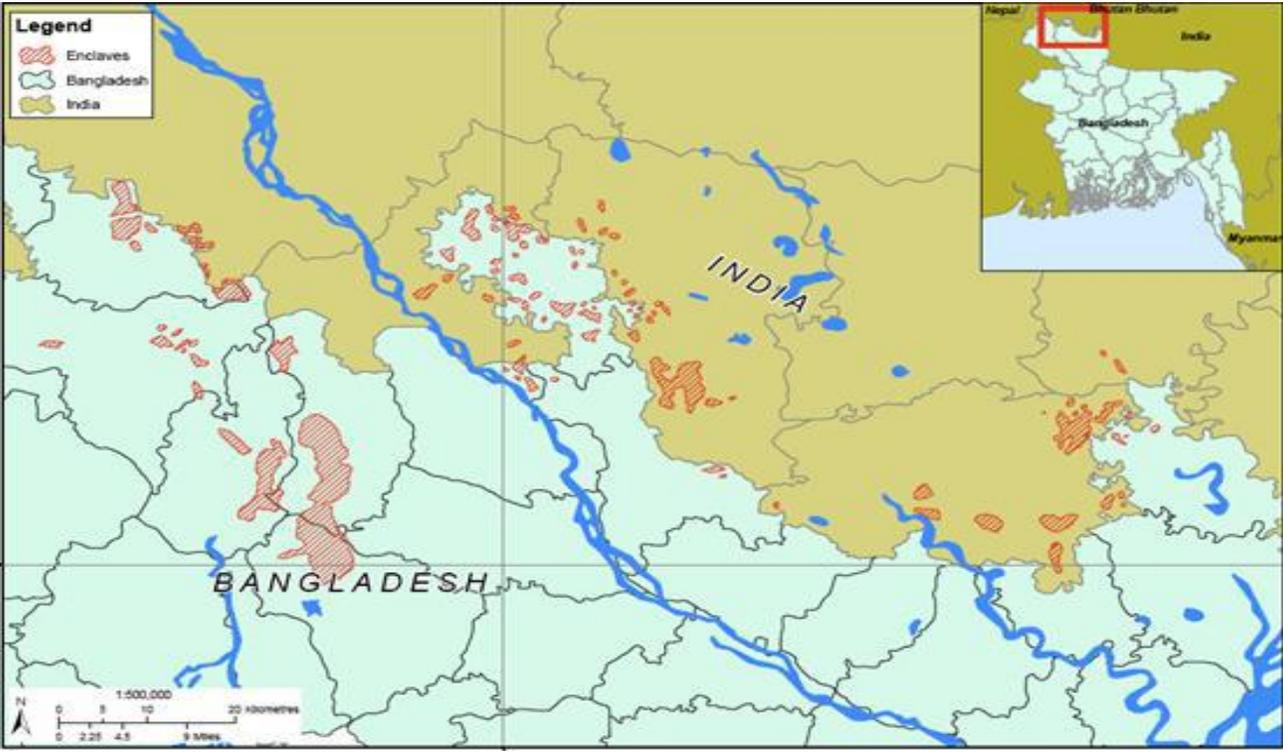


Justice Malay Sengupta

President, MASUM, Ex-Chief Justice of Sikkim High Court



Map 1: Enclaves in 1947; Source: Wikipedia



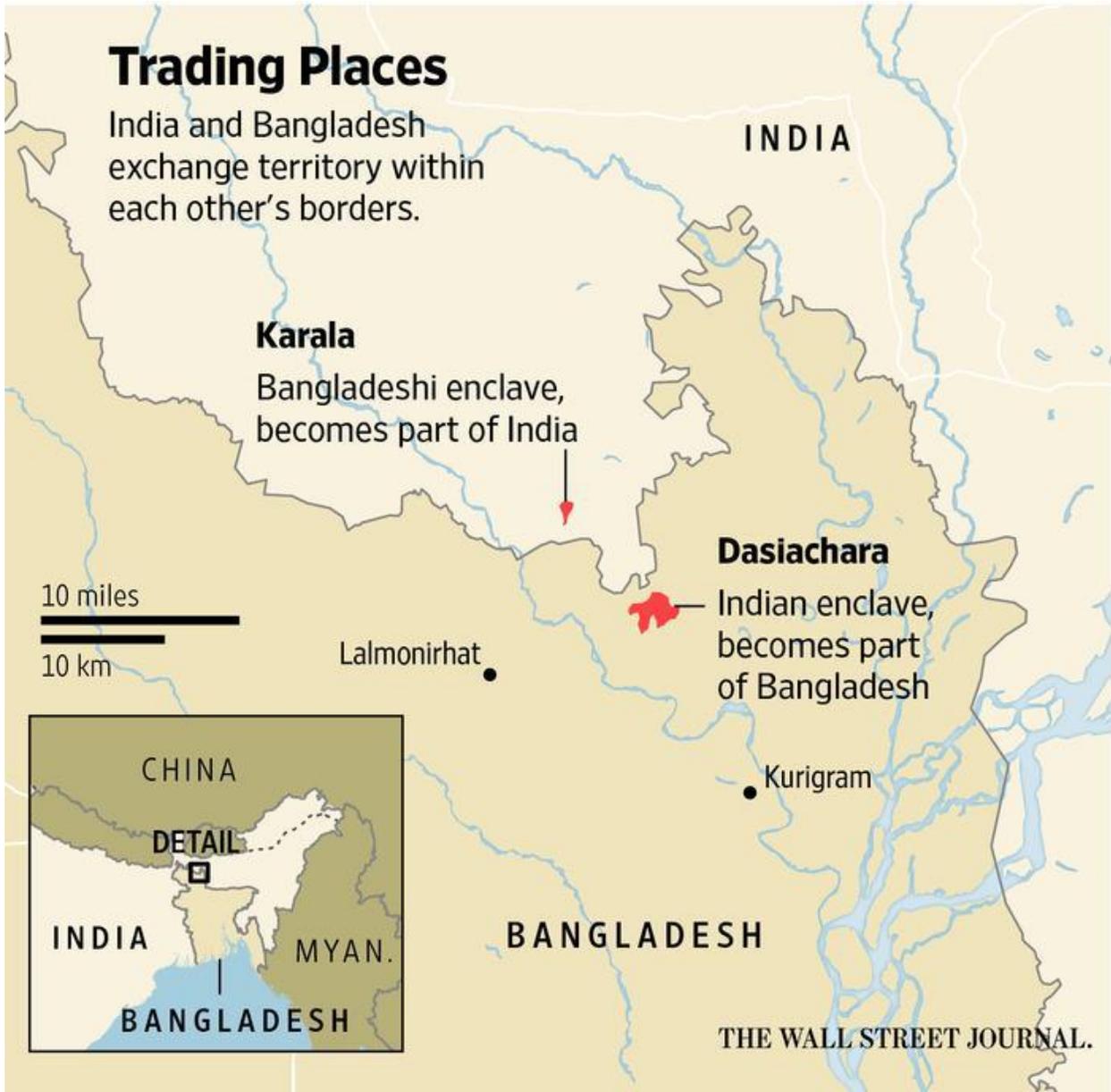
Map 2: Enclaves after 1971; Source: Migration policy Institute



Map 3: Cooch Behar District, West Bengal



Map 4: India-Bangladesh border; Source: Google Earth



Map 5: Representation of the exchange of enclaves in 2015

Introduction

‘The Delhi police arrested Rashidul, alias Rashidu, on 14 August 2017, suspecting him of being a Bangladeshi intruder. His possessions – a voter ID, an Aadhaar Card and a certificate of residence—all proof his Indian identity. Rashidul used to be a resident of an erstwhile Indian enclave in Bangladesh. After the implementation of the LBA in 2015, he had gathered the meagre belongings of his long forgotten existence and relocated to the Indian side of the border, choosing to be an Indian citizen. Along with approximately 970 others, he was given temporary residence at a rehabilitation camp with the promise of being incorporated into the mainland with all the rights that come along with being a citizen of India. To this effect, he was given a Voter ID, an Aadhaar Card and a certificate of residence of the Dinhata Settlement Camp in the District of Cooch Behar in West Bengal. Rashidul had migrated to Delhi in search of a job and was working as a daily wage labourer when he was arrested by the police. Later, he was deported to Bangladesh and separated from his family, who continue to live in the rehabilitation camp in Cooch Behar. Deprived of any rights of citizenship by either India or Bangladesh, Rashidul is labelled an intruder in both these countries to this day.’¹

How do we attempt to understand this anomaly? Who can we hold accountable for this bizarre chain of events that strips a citizen of his fundamental rights and tosses him back and forth across borders?

Hannah Arendt in her book, *The Origins of Totalitarianism*,² speaks of ‘the right to have rights’ as the foundation of any humanitarian intervention. If one is deprived of the fundamental entitlements of being a citizen, then the ability to claim your rights is obstructed as well. It opens a void: a lack of an entire legal apparatus that defines what rights are; who is eligible to possess these rights; the authority from which rights can be claimed and the procedure to claim these rights.

The existence of Rashidul and thousands of other erstwhile enclave dwellers of India and Bangladesh is consumed by this void of lawlessness and the denial of the right to have rights. To understand how this transpired, we must delve into the past of the long, tumultuous journey that the people from the enclaves have had—a journey that refuses to yield any satisfactory culmination.

¹ Annexure 1 (i-iv)

² Hannah, Arendt, “The Origins of Totalitarianism,” Harcourt Brace & Company, 1973.

History

An enclave is a piece of territory controlled by one sovereign authority that is completely surrounded by the territory of another sovereign authority. In Bengali, enclaves are called *chhitmohol*, wherein *chhit* means a fragmented part of a whole and *mohol* means land from which revenue is collected.

According to government records, the Indo-Bangladesh border is mapped with 162 enclaves—111 Indian enclaves in Bangladesh and 51 Bangladeshi enclaves in India.³ The Land Boundary Agreement (LBA),⁴ signed between the two countries on 7 May 2015, sought to exchange the territories of these enclaves to make the boundary more contiguous and the borders neatly demarcated. Along with the land transfer, the LBA also provided for an exchange of population wherein the people of the enclaves would be given the choice to opt for the citizenship of either India or Bangladesh.

The problem of enclaves that the LBA has apparently resolved, started back in the 18th century and has been complicated further by political, legal and geographical factors over the years. Legend attributes the fate of these enclaves to a whimsical series of chess matches between the Maharaja of Cooch Behar and the Maharaja of Rangpur. The two kings gambled small territories of their kingdom and as a result, parts of Rangpur came under the jurisdiction of Cooch Behar and vice versa. This legend is strangely symbolic of the fate of the enclaves as they have been pawns in political shenanigans since their very origin.

In reality however, these enclaves came into existence as a result of peace treaties signed between the Mughal Empire and the Kingdom of Cooch Behar (Koch Bihar) from the years 1711 to 1713. After a series of battles, some territories of Cooch Behar continued to be occupied by the Mughal Armies and some lands of the Mughals remained occupied by Cooch Behar chieftains. These patches of land were surrounded by the territory of the rival kingdom, but this did not affect the lives of the residents insofar as they paid their revenue to the respective rulers. The borders of these lands remained fluid, and travel, transport and trade occurred as it had in the past. Under the rule of the British, the

³ Numbers quoted in the Executive Summary of the Land Boundary Agreement 1974

⁴ Ministry of External Affairs, Government of India, "India and Bangladesh Land Boundary Agreement", Public Diplomacy Division, https://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf (accessed October 7, 2019)

Kingdoms of Cooch Behar and Rangpur remained princely states and the land demarcations did not change, except the shift in sovereignty.

It was only when the British decided to leave and divide the country along religious lines that the tensions began to surface. The Radcliffe line was drawn in a haphazard manner on the map of the subcontinent, cutting across provinces, rivers, temples and mosques. The zigzag border drawn on the west and the east created the independent nation states of India and Pakistan.

Since Cooch Behar and Rangpur were princely states, they were given the choice to merge with either of the two countries. Consequently, in 1949, Cooch Behar was annexed into Indian Territory and in 1952, Rangpur merged with East Pakistan.⁵ According to the annexation treaty, all the land under the jurisdiction of Cooch Behar was to come under the sovereignty of the Indian nation state. This meant that the small patches of land within the territory of Rangpur(now in East Pakistan) that were formerly controlled by Cooch Behar were also, on paper, under Indian jurisdiction. Similarly, the parts of land in Cooch Behar that were controlled by Rangpur came under the jurisdiction of Pakistan.

The hostility that the bloody Partition created between India and Pakistan started spilling onto the enclaves. In 1952, the two countries implemented strict visa policies, making borders rigid and movements constrained. The people of the enclaves, surrounded by the territory of their rival host, found themselves in a virtual lockdown. Cut off from their home country, they had no access to the land, markets, schools, hospitals and opportunities for livelihood outside the borders of their respective enclaves.

In 1971, with the creation of the independent nation state of Bangladesh, the enclaves in India saw another shift in sovereignty, but without any redress to their problems. The residents of Bangladeshi enclaves in India lived under the constant threat of being arrested under the Foreigners Act of 1946, if they stepped out of the boundaries demarcated for them. According to the research done by Hosna J. Shewly, more than 75 per cent of the residents have been arrested on the basis of intrusion at one point or another before 2015.⁶

⁵Debarshi, Bhattacharya. (2018), "Study on Impact of Execution of LBA, 2015 on the Erstwhile Enclaves' People of India and Bangladesh", PEOPLE: International Journal of Social Sciences, 4(2), 1166-1187.

⁶Hosna J. Shewly, "India and Bangladesh Swap territory, Citizens in Landmark Enclave Exchange", Migration Information Source, 9 March, 2016, <https://www.migrationpolicy.org/article/india-and-bangladesh-swap-territory-citizens-landmark-enclave-exchange>(accessed October 5, 2019)

On the other hand, there was no presence of the criminal justice system inside the boundary of the enclaves, as a result of which rape, pillage, looting and other criminal activities remained unpunished by law. The debacles of the Partition immediately after independence veiled the dismal reality of the enclaves and their existence descended into oblivion. The hopes and promises of newly independent nation states that emerged after decolonization were not extended to these landlocked territories.

There have been several attempts over the years to create a stable boundary by addressing the disputes along the tenuous border of India and Pakistan and later, Bangladesh. While the border issues on the western side have received substantial domestic and international attention, the issues on the eastern side, especially concerning the enclaves, have only sporadically made headlines.

The intention of this publication is to reflect upon: the attempts of the Indian Government to address the issue of the enclaves; and to further prove that all of these attempts show a significant lack of humanitarian concern. Starting from the late 1950s, our primary focus will be on the analysis of the LBA of 2015 and the impact of its provisions on the lives of the erstwhile enclave dwellers in India. Through this analysis, we seek to argue that the primary incentive for the Indian Government to exchange enclaves has been to incorporate them into the nationalist imagination and create even stricter models of border control.

Attempts To Resolve The Boundary Issues

The first attempt to exchange enclaves came with the Nehru-Noon Agreement in 1958. The agreement sought to resolve disputes along the border for neater demarcation of territories. Along with the enclave exchange, another pressing issue was Union No. 12 of Southern Berubari. The Radcliffe line had been drawn such that Berubari fell within Indian jurisdiction, but the written text of the demarcation omitted mentioning this detail, giving Pakistan the opportunity to claim a part of the Berubari Union. After a series of deliberations, India agreed to transfer the southern half of the Berubari Union no. 12 to Pakistan along with the transfer of enclaves in the Cooch Behar District. This move of the Nehru Government was met with massive opposition in the country.

First and foremost, the right of the Parliament to cede national territory to another country was brought into question. Outraged Indian nationalists took the matter to the Supreme Court that made the ruling that a constitutional amendment was necessary for

the Government to implement this agreement. The Constitution was indeed amended in 1960,⁷ giving Parliament the authority to cede the territory to Pakistan and alter territorial boundaries. However, rising communal tensions over the exchange of the southern half of the Berubari Union with its Hindu majority population and the escalating political tensions between India and Pakistan, put an end to the negotiations concerning this agreement.

What the Nehru-Noon Agreement in fact succeeded in achieving was the recognition, for the first time ever in the national debate, of human habitation in the enclaves of India and East Pakistan. The right-leaning Jan Sangh Party raised serious questions on the Prime Minister's right to challenge the citizenship of Indians residing in the enclaves located within East Pakistan. Consequently, it dawned upon Nehru that the lands he had planned to trade with Pakistan were populated with 'citizens' that the country had since forgotten. The realisation forced Nehru to concede to the Lok Sabha:

'At the time I was clear in my mind that the whole agreement, in spite of certain aspects of it which were not agreeable to us, was profitable and advantageous. [...] But there is a 'but'. I did not realize then that there is a certain human aspect of it. [...] And subsequently when this aspect has come before me, I have felt troubled in my mind. (qtd. in Cons)'⁸

The prodigal citizens had returned on the landscape of national contestation. From here on, the deliberations concerning the enclaves had to be cognisant of the 'human aspect' that had only been an afterthought to Nehru.

The talks regarding the settlement of the border disputes came to a standstill for almost a decade, because of the Indo-Pak war in 1965 and the war for the liberation of Bangladesh in 1971. The dealings regarding the borders on the East had to be now made with an entirely different nation-state. This paved a new path for diplomacy in South Asia, because bilateral cooperation between India and Bangladesh invited much less hostility.

⁷Berubari Union Case: AIR 1960 SC 845, 1960 3 SCR 250

⁸Jason Cons, "Impasse and Opportunity: Reframing Postcolonial Territory at the India-Bangladesh Border", South Asia Multidisciplinary Academic Journal [Online], 10 | 2014, <https://journals.openedition.org/samaj/3791> (accessed 25 October 2019)

Subsequently, the LBA was signed between Indira Gandhi and Sheikh Mujibur Rahman on 16 May 1974.⁹ However, while Bangladesh ratified the agreement later in 1974, India was caught up yet again in heated political debates regarding the exchange.

According to the agreement, India was ceding more acres of territory to Bangladesh than it was receiving. This fact did not sit well with the nationalist parties in India that were gaining more ground in the domestic political context. Again, it did not make much difference that it was natural to lose out on territory because Indian enclaves in Bangladesh were substantially larger in number or that the residents of these enclaves outnumbered the population residing in the Bangladeshi enclaves in India. Losing out on land meant an attack on the sovereign power of the nation state. India and Bangladesh did not differ much from monarchies insofar as occupation of land was concerned, except that conquests took place in diplomatic conferences rather than on battlefields. The Agreement remained largely unimplemented and three main issues remained unresolved: the un-demarcated land boundary of approximately 6.1 kilometres; adverse possessions; and the exchange of enclaves on both sides of the border.¹⁰

Article 1(14) of the LBA 1974 provided that India would retain the southern half of South Berubari Union no. 12, and, in exchange, Bangladesh would retain the Dahagram and Angarpota enclaves.¹¹ To this effect, India would lease in perpetuity an area of 178 metres by 85 metres to Bangladesh that would connect the Dahagram and Angarpota enclaves to the mainland of Bangladesh. This area came to be known as the 'Tin Bigha Corridor'. This clause of the agreement was finally implemented by India on 26 March 1992, and even then, the corridor was opened only for one hour every day.

This too, was met with massive opposition in India with activists blocking the Dahagram enclave and disrupting the daily activities of residents. After the corridor was opened, the Indian markets were made inaccessible to the enclave dwellers because they now had access to Bangladeshi markets. This was done overlooking the fact that mobility across the Tin Bigha Corridor was still severely restricted and under strict surveillance. Any animosity between India and Bangladesh effected the Tin Bigha Corridor. Movement were arbitrarily restricted and people would often be in lockdown for indefinite periods of time.

⁹ Ministry of External Affairs, Government of India, "India and Bangladesh Land Boundary Agreement", Public Diplomacy Division, Pg. 31-37 https://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf (accessed October 7, 2019)

¹⁰ Ibid. Pg. 3

¹¹ Ibid. Pg. 34

Moreover, it was not until September 2011 that the corridor was finally opened with 24-hour access and the long standing agreement was implemented in full.¹²

Meanwhile, efforts to resolve the three outstanding issues of the 1974 agreement were underway. In 2001, a Joint Boundary Working Group was set up to deliberate upon these issues and study the geographical factors on both sides of the border. The group met four times in ten years.

The first headcount in enclaves was conducted by state authorities from 14 to 17 July 2011. The names and landholdings of people residing in the enclaves were documented in official papers. There were several discrepancies with the manner in which this headcount was conducted, which shall be discussed later in the report.

On 6 September 2011, a Protocol was signed between India and Bangladesh, which made unresolved matters of the 1974 Agreement come into effect.¹³ While, this was a significant step towards finally exchanging the enclaves with comparatively cognizant documentation, the Protocol was signed without any actual date of ratification. This created greater anticipation among the residents of the enclaves and heated political arguments in the Indian Parliament started brewing once again.

Therefore, when the LBA with all its clauses was finally implemented on 31 July 2015. It was welcomed with massive applause, both in Parliament and at the Indo-Bangladesh border. The party that had opposed the ratification of the LBA and the exchange of territories, first with Pakistan and later with Bangladesh, for several decades, was the one to strong-arm the states of West Bengal and Assam into ratifying the agreement as soon as it gained majority in the Lok Sabha.¹⁴ While the agreements of 1958 and 1974 resulted in a prolonged legal battle, the Modi Government was able to have the Constitution amended for its purpose with the same nonchalant ease that it has become both popular and simultaneously infamous for.

¹² Jason Cons, "Impasse and Opportunity: Reframing Postcolonial Territory at the India-Bangladesh Border", South Asia Multidisciplinary Academic Journal [Online], 10 | 2014, <https://journals.openedition.org/samai/3791> (accessed 25 October 2019)

¹³ Ministry of External Affairs, Government of India, "India and Bangladesh Land Boundary Agreement", Public Diplomacy Division, Pg. 42-47, https://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf (accessed October 7, 2019)

¹⁴ Elizabeth Roche, "How Narendra Modi pushed through Bangladesh border pact", Livemint, May 12, 2015, <https://www.livemint.com/Politics/XwdjQy12ANF6K945qcLIL/How-Modi-managed-to-push-through-Bangladesh-border-pact.html> (accessed October 25, 2019)

What was the motivation behind this sudden shift in political interests? What has been the result of this supposed triumph of bilateral cooperation between India and Bangladesh? Four years after the implementation of the LBA, what is the verdict of the beneficiaries of the agreement? To answer these questions, we need to undertake a thorough analysis of the LBA as implemented in 2015, and its impact on the daily lives of the erstwhile enclave dwellers.

Analysis of the Land Boundary Agreement 2015

After the prolonged delay in its implementation, when the LBA was finally signed in 2015, it received almost unanimous approval in India. The Bharatiya Janta Party (BJP) and its predecessors had been its chief adversary for seven decades and hence, when they were the ones to pick up the baton to exchange lands, the voices of opposition were just background noise. As a result, Prime Minister Narendra Modi and Prime Minister Sheikh Hasina shook hands and took a grand step towards bilateral cooperation between India and Bangladesh on 31 July 2015.

The Executive Summary of the LBA released by the Ministry of External Affairs in India says:

*'This historic agreement will contribute to a stable and peaceful boundary and create an environment conducive to enhanced bilateral cooperation. It will result in better management and coordination of the border and strengthen our ability to deal with smuggling, illegal activities and other trans-border crimes.'*¹⁵

While the text further goes on to address the humanitarian benefits that would come along with the agreement, the reasons for finally implementing it seem to be primarily contained in the excerpt provided above. The gravity of the issues that the agreement seeks to resolve, but it is crucial to understand how we, as citizens, are constantly reminded by the state of the absolute importance of a peaceful boundary and the threats of conflicts at the border. Consequently, the mainland population becomes increasingly averse to the concerns of the people who reside along the margins and it becomes rather acceptable that the cost of maintaining a 'stable and peaceful boundary' involves gross negligence of the rights and well-being of certain groups of people. Perhaps this can be better argued by looking at another excerpt from the text of the agreement.

'While on paper, the exchange of enclaves between India and Bangladesh may seem like a loss of Indian land to Bangladesh, the actual scenario is quite different as the enclaves are located deep inside the territory of both countries and there has been no physical access to

¹⁵ Ministry of External Affairs, Government of India, "India and Bangladesh Land Boundary Agreement", Public Diplomacy Division, Pg. 2, https://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf (accessed October 7, 2019)

*them from either country. In reality, the exchange of enclaves denotes only a notional exchange of land as the Protocol converts a de facto reality into a de jure situation.*¹⁶

The loss of Indian territory as a consequence of the LBA has been one of the major reasons for the massive opposition that it has faced over the years. Through the exchange of enclaves, India has handed over 17,160.63 acres of land to Bangladesh and has received 7,110.02 acres in return. To resolve the tensions stemming from this unequal transfer in favour of a Muslim-dominated country, the argument provided by the agreement should be taken as legitimate on the surface. It offers consolation to the nationalists of India by stating that what has occurred is merely a legal formality as these lands have been inaccessible by the country over the decades.

However, the fact is that what is being offered as consolation to the mainland population is precisely the reason for the prolonged negligence of the erstwhile enclave dwellers. These territories had been abandoned by both countries for several decades, with their residents being left with no access to social, political and economic benefits and in complete deprivation of rights attached to their nationality.

In spite of this, when the Government uses the truth of this very abandonment to reiterate that these territories indeed mean little to the homeland that is the Indian nation state, and that the loss of these territories will not necessarily affect its geo-politics, it conveniently chooses not to speak of the hundreds of thousands of lives that it had abandoned along with these territories. This defence of the Government is significant to understand how nation-states prioritise certain citizens over others, and how the plight of one entire group of people can be overlooked to provide solace to the other.

At some point the text does speak of the humanitarian concerns of the land transfer:

‘The inhabitants in the enclaves could not enjoy full legal rights as citizens of either India or Bangladesh and infrastructure facilities such as electricity, schools and health services were deficient. Further, due to lack of access to these areas by the law and order enforcing agencies and weak property rights, certain enclaves became hot beds of criminal activities. [...] In the implementation of the 2011 Protocol, the exchange of enclaves will have fulfilled a major humanitarian need to mitigate the hardships that the residents of the enclaves have

¹⁶ Ibid. Pg.4

*had to endure for over six decades on account of the lack of basic amenities and facilities that would normally be expected from citizenship of a State.*¹⁷

The agreement recognizes the suffering of the enclave dwellers over the years, attributing it to the denial of the enjoyment of full legal rights of citizenship. It briefly summarizes the umpteen problems that have emerged as a consequence of this denial. However, it is presumptuous to believe that merely an exchange of enclaves can ‘mitigate’ the suffering of an entire populace that has for long been abandoned by the state.

It is important to note that the erstwhile enclave dwellers live in conditions of extreme poverty, having been forced to sustain themselves on meagre sources of income. They have had no opportunities for livelihood, no health or educational support, and, hence, are extremely vulnerable to the harshness of the realities of the new world that has recently opened up for them.

It is imperative that they receive adequate compensation and special protection from the state to build up their lives from scratch, and to establish themselves as bona fide citizens of the country. Therefore, even as the agreement refers to a ‘humanitarian need,’ it remains silent on: how these humanitarian needs will be fulfilled; what measures shall be taken to make up for the oppression that border politics has inflicted upon them for years; and how these measures would be implemented on the ground, such that people can avail the maximum benefits from them. The silence of the Government on these matters speaks volumes about its apathy towards those who were supposed to be the actual beneficiaries of the land transfer that has come about after such a long period of anticipation.

¹⁷ Ibid. Pg. 4-5

Four years of LBA: Narratives from the Ground

1. Citizenship

Kachua Burman, a resident of the Dinhata Settlement Camp came to India from one of the Indian enclaves in Bangladesh in November 2015. Asked why he had chosen to relocate, he said:

‘We were residents of Indian enclaves. We always had the feeling that we are Indian. After living in Bangladesh all these years, when we had the chance to go back to our country, we made that choice. But now, we don’t feel that we are Indian. The administration has been unfair to us (..) if they had wanted us, Rashidul would not have been deported to Bangladesh. We don’t want to live in fear.’¹⁸

Rashidul, the 20-year old who was deported to Bangladesh in 2017 in spite of possessing documents of his Indian nationality, is still fresh in the memory of the Dinhata camp dwellers. The feeling of belonging that they had hoped for after coming to India has been crushed after one among them has been pushed out of the country.

Article 3 of the LBA 1974 states that:

‘The governments of India and Bangladesh agree that when areas are transferred, the people in these areas shall be given the right of staying on where they are, as nationals of the State to which these areas are transferred.’¹⁹

The Constitution (119th Amendment) Bill of 2013,²⁰ which was later passed to implement the LBA by altering the territorial boundaries of India, was referred to a Standing Committee on External Affairs. The Committee submitted its report²¹ in December 2014 with extensive analysis of the Bill and gave several recommendations, mostly concerning

¹⁸ All the testimonies included in this report have been taken from the author’s visit to the enclaves and the Dinhata Settlement Camp from 22-24 September, 2019. The testimonies have been translated from the original Bengali by Mr. Dipyaman Adhikary, Assistant Secretary, MASUM.

¹⁹ Ministry of External Affairs, Government of India, “India and Bangladesh Land Boundary Agreement”, Public Diplomacy Division, Pg. 36, https://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf (accessed October 7, 2019)

²⁰ Parliament of India, “The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013”, Bill No. XV, http://www.prsindia.org/sites/default/files/bill_files/Constitution_%28119th%29_Bill%2C_2013_0.pdf (accessed October 25, 2019)

²¹ Standing Committee on External Affairs (2014-2015), “First Report: The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013”, Lok Sabha Secretariat, New Delhi, 2014.

http://www.prsindia.org/sites/default/files/bill_files/SCR-119th_%28A%29_Bill_0.pdf (accessed October 25, 2019)

the humanitarian issues arising from the exchange of territories. On the issue of citizenship, the Committee stated that:

*'As per the Ministry, the inhabitants of the Bangladeshi Enclaves in India, which will be transferred to India under the Protocol, can be granted Indian citizenship under Section 7 of the Indian Citizenship Act, 1955 (by incorporation of territory). As per this provision, if any territory becomes part of India, the Central Government may by order notified in the Official Gazette, specify the persons who shall be citizens of India with effect from the date to be specified in the order.'*²²

Further, on the issue of the citizenship of people who would be returning back to India from the enclaves in Bangladesh, the Home Secretary had responded to the Committee saying that:

*'(..) Now as far as the Indian population living in Bangladesh is concerned, they are our citizens and they have every right to come back. How many of them decide to exercise this right, we will find out once a decision is taken. But when they come back, we intend to take the biometric details of all of them and carry out the entire exercise to ensure that we know who all are coming. Then in close cooperation and consultation with the Government of West Bengal, they will be taken to the respective places where they are proposed to be settled and there we will keep a close watch for some time.'*²³

With everything that has been said by the spokespersons of the Government, it seems evident that granting citizenship to the erstwhile enclave dwellers, including the ones in the erstwhile Bangladeshi enclaves and the ones who have returned from the erstwhile Indian enclaves, should have been a prerequisite to the LBA and the Constitution (119th Amendment) Bill. But several narratives from the enclaves showcase that this in fact has not been the case.

As a result of the exchange of enclaves, 37,532 residents of Indian enclaves in Bangladesh decided to renounce their Indian citizenship and continue to stay on their lands as citizens of Bangladesh. 979 of these residents chose to retain their original

²² Ibid. Pg. 15

²³ Ibid. Pg. 15-16

nationality and return to India.²⁴ These residents have been temporarily accommodated at three camps located in the Districts of Dinhata, Mekhliganj and Haldibari.

On 2 July 2015, the Central Government directed the District Magistrate of Cooch Behar to record the names of Bangladeshi persons who wished to acquire Indian citizenship and of Indian persons who wished to renounce Indian citizenship, and to forward the list to the Central Government.²⁵ Subsequently, on 12 October 2015, the Ministry of Home Affairs released a notification stating that the 14,864 Bangladeshi citizens residing in Indian enclaves would be citizens of India from the day of 1 August 2015.²⁶ The District Magistrate of Cooch Behar, however, has still not notified the recipients of their citizenship and neither have they received any documents that explicitly confirm their Indian nationality.

There is great irony in this situation, which further confuses the question of nationality for the erstwhile enclave dwellers. Most of these people have received Voter ID cards and Aadhaar Cards issued by the Government of India. The recipients of these documents have been participants in the national and state elections from their respective constituencies.²⁷ Therefore, they have been given the right of franchise, they have representatives in the Parliament of India, and, at least in theory, these representatives are answerable to them by virtue of them being citizens of the Indian nation state. With these facts at hand, it becomes problematic to argue that these people have not been granted the citizenship of India and are incapable of availing any benefits that are provided to any other person who in fact is a citizen of India. But the complexity of this situation requires one to take a closer look at the picture.

MASUM had filed a writ petition in the Calcutta High Court regarding the right of citizenship for the erstwhile enclave dwellers in 2016.²⁸ The petition was dismissed by the High Court on 1 April, 2016 stating that:

²⁴ The number of returnees as answered in the Lok Sabha by the Ministry of External Affairs on May 4, 2016. <http://loksabhaph.nic.in/Questions/QResult15.aspx?qref=34008&lsno=16> (accessed on September 26, 2019)

²⁵ Annexure 2

²⁶ Annexure 3

²⁷ Ravik Bhattacharya, "Cooch Behar: Educated, without jobs...voted to change situation, say voters", The Indian Express, April 12, 2019. <https://indianexpress.com/elections/lok-sabha-elections-2019-cooch-behar-voters-phase-1-polling-5671523/> (accessed October 25, 2019)

²⁸ Calcutta High Court, W.P. No. 5859(W) of 2016

'We fail to understand how a person could be registered for the purpose of issuance of a voter card before he could become a citizen of this country.'

The Court further said that:

'Each application has to be scrutinized with reference to various aspects that would go into for consideration for issuance of citizenship. Each applicant may have different background and even the date of residence of India could depend on the time since each applicant has to show when he came to this country, how he has come, from where he comes and through whom he has come. Unless these facts are analyzed after due enquiry, citizenship cannot be considered.'

The judgment of the High Court confirms the absurdity of issuing Voter IDs to people without assuring that they are citizens of India. However, the fact that the Court expects enclave residents to show valid proof of their Indian nationality seems extremely misinformed. To expect people who have been restricted from any access to the administration and often forced to live under false identities, to show valid documentation of how and when they came to reside in India is an aberration of justice and evidence of the apathy of state and judicial mechanisms.

In addition to this, most of the documents received by the people contain several discrepancies in relation to their names, addresses, fathers' names and so on. Madan Roy, a resident of a former Bangladeshi enclave called Poschim Bakalir Chara, explains the issue with nuances.

'Earlier (before the LBA), children used fake identities to get admitted to schools; we also had to use fake names to get treated in government hospitals. But now we have our own ID cards. We are afraid of the NRC (National Register of Citizens) process that is bound to start in Bengal. After talking to the Panchayat, we decided to verify our documents on the internet. We found that on three different cards (voter ID, Aadhaar and Ration), three different birth dates were listed for many people. The spellings of names were incorrect. Even to correct these errors, we need at least one valid identity document with correct information to show as reference. Some of our people don't even have one of these.'

Bhupati Ranjan Roy from the Falnapur enclave in Mathabanga Subdivision of Cooch Behar has another narrative to share.

'Some of us wanted to apply for the Kisan Credit Card scheme. When we went to apply for it, our Voter ID cards were found to be fake. The official threatened us saying that he will have us arrested for forging fake ID cards. They (the government) make mistakes in our documents and we have to face the threats.'

The women of the enclaves often suffer even more than the men. Many women currently residing in the enclaves were former residents of India. Poverty and patriarchy forced them to marry into enclaves, often at a very early age, introducing them to a world where they would no longer be identified as citizens. Shajina Bibi, a resident of former enclave Karala shared that:

'In 1995, I got married into the chhit (enclave). Before that, I lived in an Indian village. We had good roads, toilets and my parents did not have to migrate to look for jobs. Now, my husband and I spend most of the year in Delhi, working as construction workers. There are no jobs here. My children don't go to schools; the nearest hospital is 20 kilometers away in Dinhata. None of my children received any vaccinations. The ration we receive every month is not enough for our family. If we don't travel in search of work, there is no solution to our hunger.'

Speaking of her 17-year old daughter, she added that:

'I will make sure that my daughter does not get married in an enclave. I do not want her to suffer like us.'

Shajina Bibi did not receive any medical assistance while she was pregnant with her three children. She spends most of her time away from her children to earn 300 rupees a day, which includes her meals. Most women of the enclaves cannot access welfare schemes relating to maternity health, widow pensions or education, to this day.

Shahera Bibi of Karala told our team that the hospitals in Dinhata treat them as outcasts because of their identity as enclave dwellers. Due to this harassment, they are often forced to rely on untrained specialists in the villages. Asked why she was married into an enclave, she replied that:

'We are poor people. I was 10 years old when I got married. My village is adjacent to Karala. Who knows what an enclave is and what is India? Only when I got married and I was unable to visit my parents, I learned that something is different.'

Ajit Roy²⁹ is a resident of the erstwhile enclave called Dhabalsuti Mrigipur. He completed his education using the address of a village in the Mekhliganj District, which was under Indian jurisdiction. Later, he also got an employment exchange card under the same address and got employed as a fire brigade cleaner in 1987 on a contractual basis. He was then transferred to the Mathabhanga District where a member of the CPI lodged a complaint against him for using a false identity. Within a few days, Roy lost his job without any explanation or legal notice. Later, he also got a residential certificate authorized for Mekhliganj and wrote to his employer with a plea to reinstate his job. But he remains unemployed even to this day.

A similar fate was suffered by Azimuddin Rabbi³⁰ who was a resident of a former enclave, but had shifted his residence to Mekhliganj before 1947 and started working as a veterinary doctor. The 18 acres of land that Rabbi had left behind in the enclave were illegally occupied by Indian residents. In spite of this, Rabbi could not claim these lands because revealing his identity as an enclave dweller would certainly mean losing his job. Therefore, as things turned out, the land rightfully owned by Rabbi and his family is now enlisted under the names of Indian residents after the survey conducted by the government.

These instances are true for all the residents of the 51 former Bangladeshi enclaves in the District of Cooch Behar. Most of the documents that they have received contain errors, as a result of which they cannot avail the benefits of social security schemes initiated by the Government of India. They live under constant threat of being pushed out of the NRC list and in some cases, as it happened with Rashidul, they are pushed out of the national boundary.

Essentially, the only purpose that their documentation is serving is their incorporation into the vote banks of political parties. Their Voter ID cards are never brought into question at polling booths and the candidates that ask for votes never question their citizenship. Massive campaigns are held before national and state elections, and promises are made. However, in practice, their representatives grant them little more than the illusion of being citizens on Election Day.

²⁹ Name changed

³⁰ Name Changed

Newspapers and media extensively covered the first elections that the erstwhile enclave dwellers participated in. It happened with grand gestures, tears were shed, and the day was celebrated as the real homecoming.³¹

But things have changed. Now, a few people amongst enclaves are coming together in solidarity and have taken the resolve to not participate in elections unless their demands are fulfilled.³² They are refusing to be citizens only on electoral lists and are demanding that what they should have been rightfully given in accordance with the law.

³¹Shruthi Mohan, "After remaining stateless for decades, this 103-year-old enclave dweller voted for the first time", YourStory, May 10, 2016. <https://yourstory.com/2016/05/enclaves-elections>(accessed on October 8, 2019)

³²Ravik Bhattacharya, "No toilet, no school, no proper roads: 'Forgotten' groups say they will not vote", The Indian Express, April, 16, 2018. <https://indianexpress.com/article/cities/kolkata/bengal-panchayat-elections-no-toilet-no-school-no-proper-roads-forgotten-groups-say-they-will-not-vote-5138713/>(accessed on October 6, 2019)

2. Headcount 2011 and 2015

The first census of the enclaves was conducted from 14 to 17 July 2011. The total population according to this survey was revealed to be 51,549 with 37,334 Indian residents in Bangladeshi enclaves and 14,215 Bangladeshi residents in Indian enclaves.³³ The second survey was carried out four years later, in July 2015.

According to the Ministry of External Affairs, the survey in 2015 was an option taking survey, that is, it was conducted solely to record the number of persons who wanted: either Indian or Bangladeshi citizenship; the number of persons who wanted to stay on their lands and renounce their former citizenship; and the ones who wanted to relocate to their 'home country'.³⁴

It was found that 979 Indian residents in Bangladesh had made the choice to return back to India, while all the Bangladeshi residents had chosen to continue living on their lands. Since the survey conducted in July 2015 was only an option taking survey, the choice of citizenship was offered only to those persons whose names were already recorded in the survey conducted in 2011. Several discrepancies can be noted in the manner in which the headcount was conducted, both in 2011 and 2015.

The most banal and yet important fact to note here is that the number of persons—in Indian enclaves, in Bangladeshi enclaves and the ones who decided to relocate—has not remained constant in any of the documents, including the data provided by the Government itself.³⁵ No explanation has been offered for these discrepancies in the numbers that simultaneously keep on increasing and decreasing, serving as a reminder that there is nothing stable about the lives of enclave residents.

³³ Ministry of External Affairs, Government of India, "India and Bangladesh Land Boundary Agreement", Public Diplomacy Division, Pg. 18, https://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf (accessed on October 7, 2019)

³⁴ As answered in the Lok Sabha by the Ministry of External Affairs on May 4, 2016. <http://loksabhaph.nic.in/Questions/QResult15.aspx?gref=34008&lsno=16> (accessed on September 26, 2019)

³⁵ Many records of the Indian government show different numbers for the total number of enclave residents. The text of the Land Boundary Agreement shows the Bangladeshi residents in Indian enclaves to be 14,215 in number while the notification issued by the MHA recognizes citizenship for 14,864 people. (See Annexure 3). The number of Indian residents in Bangladeshi enclaves who have decided to come back are different in several documents. In the answer to the Lok Sabha, it is 979 (see note 23); in a Press Release made by the MEA on November 20, 2015, it is 989 (<https://www.mea.gov.in/press-releases.htm?dtl/26048/Exchange+of+enclaves+between+India+and+Bangladesh>) and in a RTI response received from the District Magistrate of Cooch Behar on June 5, 2017, it is 922. (See Annexure 4)

Dinmohan Roy was a former resident of an Indian enclave in Bangladesh. Along with his family, he was driven out of his land after incessant threats and violence committed by the Bangladeshi mafia. His land was forcibly usurped by the miscreants. He and his family were included in the headcount done in 2011. But in 2014, Roy had to take shelter on Indian territory for fear of his life. He has since been a resident of Nolgram village in the District of Cooch Behar. When the headcount was done again in 2015, Roy's name was omitted along with his family. The Joint Survey teams completely overlooked the fact that Roy was driven out of his original residence as a consequence of violence and deleted his name from the formerly conducted headcount. Roy later complained to the District Magistrate of Cooch Behar explaining the circumstances. A complaint in his name was also submitted to the National Human Rights Commission (NHRC), but this has not brought him any justice.³⁶

There are many such cases of arbitrary omissions from the survey lists. Many people from the enclaves had migrated from the places of their original residence, in search of jobs or education, at the time the census was done. Even though their land was left behind, there was little inquiry done by the Joint Survey teams on their whereabouts.

Many persons, especially from the Indian enclaves in Bangladesh, were victims of communal violence and were forced to leave their land. On 4 August 2015, the NHRC issued a notice to the Secretaries of the Union Home Ministry and the External Affairs Ministry, the Chief Secretaries of West Bengal and Assam, and the District Magistrates of Cooch Behar and Jalpaiguri to enquire about a complaint alleging that about 30,000 Indians in the Indian enclaves of Bangladesh have been excluded by the survey teams in the census conducted in 2015.³⁷

The complaint was submitted by Ashwani Kumar, the Joint Secretary of the Indian Enclaves Peoples Committee and the Kuchlibari Sangram Committee, organisations that have been working for the human rights of enclave dwellers for over 40 years. The complaint alleged that many Indians were driven out of the enclaves as a result of the violence that occurred after the Partition of the subcontinent in 1947. They had to take

³⁶ Annexure 5(i-iii)

³⁷ National Human Rights Commission, "Press Release: NHRC notices to MHA, MEA, Chief Secretaries of Assam and West Bengal and DMs of Cooch Behar and Jalpaiguri over allegations of exploitation of Indians residing in Indian Enclaves of Bangladesh", August 4, 2015. <http://nhrc.nic.in/press-release/nhrc-notices-mha-mea-chief-secretaries-assam-and-west-bengal-and-dms-cooch-behar-and> (accessed on October 17, 2019)

refuge in different parts of India, often using fake identities and without any rights of citizenship. Forced out of their lands decades ago, these people could not be present at their residence when the census was conducted.

The complaint also alleges violence and harassment against the Indian residents of Bangladeshi enclaves. Women were sexually assaulted, land was captured, and people were not allowed to enlist their names when the survey teams arrived.

Before the NHRC issued its notice, Ashwani Kumar had already sent this complaint to the Prime Minister's Office, the North Bengal Development Board, the Block Development Officer of Haldibari, the District Magistrate of Cooch Behar and the Chairman of the West Bengal Human Rights Commission.³⁸ Needless to say, nothing has been done to help this case.

Another point to be considered is the fact that many enclave dwellers had been forced to use false identities to access benefits from the Government. Fake documents were needed to get admitted into schools, hospitals, to get jobs or just to step outside the boundary of the enclaves.³⁹ Under these circumstances, when the census was done, many people were afraid to reveal their actual identities. For all they knew, this was just another futile attempt by the Governments of India and Bangladesh to resolve the problem of enclaves. After over six decades, they were accustomed to empty promises. Therefore, they could not have known that the random appearance of survey teams in their homes would seal their fate forever.

Surendra Burman⁴⁰ from the Falnapur erstwhile enclave in Cooch Behar, had been able to find a job after painstaking efforts, under a false identity. He chose not to participate in the census for fear of losing his job, or worse, being thrown into jail for identity theft. He has had to pay a heavy price for this decision. Even four years after the LBA, all he has received in the name of his Indian identity is a ration card.

³⁸ Annexure 6 (i-v)

³⁹ Ravik Bhattacharya, "On Bangla border, in the name of the pseudo-father". The Indian Express, June 2, 2018, <https://indianexpress.com/article/india/on-bangla-border-in-the-name-of-the-pseudo-father-narendra-modi-sheikh-hasina-5200864/>(accessed on October 24, 2019)

⁴⁰ Name changed

Bhupati Ranjan Roy from the Falnapur enclave stated:

'We found that a lot of residents of mainland India were also listed in the headcounts. They wanted the special benefits that would be provided to the people of the enclaves. Many of them had political connections. They lied about owning land in the enclaves; sometimes they evicted us from our own lands to prove they are enclave dwellers. Now, they are included in the government survey and many of us are not.'

The residents of Falnapur enclave sent a complaint to the Sub divisional officer of Mathabanga, Cooch Behar on 6 July 2015, stating that 38 families from the enclaves were missing from the headcount.⁴¹

A writ petition in the Supreme Court was filed by MASUM on 27 August 2015 regarding the wrongful exclusion of residents from the headcount, and other issues of compensation and rehabilitation for the erstwhile enclave dwellers.⁴² The petition included names and details of 335 residents excluded from the census in the Bangladeshi enclaves in India, including the 38 families from the Falnapur enclave, and 321 names of residents excluded from the Indian enclaves in Bangladesh. These were details based on the survey conducted by MASUM in the enclaves.

The petition also claimed that some residents of the enclaves did not have any intimation about the headcount conducted in 2011. Even in 2015, it was only on the last day of registering names, on 16 July 2015, that residents learned that many names had been excluded from these lists.

It was also alleged in the petition that the District Magistrate of Cooch Behar put out a notification, including a list of 14,854 names on 29 July 2015, giving the enclave residents only two days to file any claims and objections to the list. However, the judgment of the Supreme Court was that the claims made by the petition were 'wide and vague' and that there was no way to ascertain the facts put forth by the petitioner. Hence, the petition was dismissed.

A letter, dated 21 July 2015, was written by MASUM to the Prime Ministers of India and Bangladesh to make them aware of several names that had been omitted from the

⁴¹ Annexure 7

⁴² Banglar Manabadhikar Suraksha Mancha (MASUM) vs. UOI, W.P. (Civil) No. 679 of 2015

headcount, as well as several instances of violence in the enclaves.⁴³ The letter explained that the joint survey teams were not working transparently, and names were being excluded or included without following the procedural obligations. The state's response to the exclusion of names has been similar to that of the apex Court. While the Indian state has maintained complete silence on the issue, the Deputy Commissioner of Lalmonirhat District of Bangladesh gave a statement saying that there was 'no scope to consider' people who were left out of the headcount in 2011.⁴⁴

The reluctance of the state to listen to these voices from the ground suggests that even after several decades of deliberation, the LBA that is finally being implemented is focused on the land and not the people. Now the lands have been annexed into the respective territories of India and Bangladesh, the people of these lands have become even more insignificant than they were before. The borders have been made more rigid, preventing cross border movements, and identities have been brought under state surveillance. The illegal means through which the people in enclaves have had to sustain themselves are now under strict observation. In spite of this, the identities of erstwhile enclave dwellers remain largely ambiguous.

⁴³ Annexure 8

⁴⁴Manas R Bannerjee, "Enclaves: No listing left out dwellers, says B'desh official", The Statesman, August 11, 2015. <https://www.thestatesman.com/bengal/enclaves-no-listing-left-out-dwellers-says-b-desh-official-81919.html> (accessed on October 22, 2019)

3. Problems related to land

Robin Hemley writes:

‘The slippery nature of land ownership, internationally and privately, has continued to haunt residents of both the Indian and Bangladeshi chhitmahals long after the exchange. New infrastructure projects by the Indian government have wreaked havoc in the eyes of some residents of the former exclaves. The Indian press reported (..)that roads were being planned that ran through houses, and that police stations and post offices were being set up on private property. The former enclave residents were receiving a crash course on the realities of citizenship: Governments solve some problems and create new ones.’⁴⁵

Hemley had visited the erstwhile Bangladeshi enclaves and the resettlement camps in India in January of 2016, five months after the LBA had been implemented. MASUM’s visit to the enclaves in September of 2019 has been fairly recent and more than four years after the implementation of the LBA. However, Hemley’s words resonate in the present day reality of the enclaves as much as they did in 2016.

The State Government of West Bengal passed the Land Reforms (Amendment) Bill in November 2018, to extend land rights to the residents of enclaves in Cooch Behar. Chief Minister Mamata Banerjee hailed the Bill to be ‘historic’ and it proclaimed it would pave the way to solidify the citizenship status of the erstwhile enclave dwellers by transferring the lands to their rightful owners.⁴⁶ The Bill is contingent on the assumption that the process of the verification of land documents has been completed and the records of the Government are adequate to determine who the ‘rightful owners’ of the lands are. But like every other government initiative taken with respect to the enclaves, there are several inconsistencies with the land survey undertaken by the Government.

Land records of enclave dwellers are primarily derived from the revenue records of Maharaja of Cooch Behar. With no administration to register lands with for seven

⁴⁵ Robin Hemley, “The Great Land Swap”, Pacific Standard, November 27, 2018. <https://psmag.com/magazine/the-great-land-swap-india-bangladesh-borders-citizenship> (accessed on October 14, 2019)

⁴⁶ Press Trust of India, “Bill to give land rights to enclave dwellers in West Bengal passed,” The Indian Express, November 19, 2018. <https://indianexpress.com/article/cities/kolkata/bill-to-give-land-rights-to-enclave-dwellers-in-west-bengal-passed-5454247/> (accessed on October 15, 2019)

decades, any transaction of land happened through either verbal negotiations or mutual understanding among both the parties involved. The community in enclaves was small and close-knit and the ownership of land was seldom questioned except with incidents of violent land grabbing by local miscreants or interlopers from the mainland.

Therefore, when the representatives from the Government turned up in 2011, and asked for valid registration of their lands, most of the enclave dwellers had little to show for it. Simultaneously, it gave many residents the opportunity to falsely claim certain lands as their own. In the absence of any legal evidence, one word was as good as another. Madan Roy from Poschim Bakalir Chara shared about what unfolded when the officials arrived.

‘When the land survey happened, they just documented land based on hearsay. Many people who owned land were not present at the time. Other people claimed their land as their own; they didn’t know the exact measurement of the land so they sometimes claimed 2 bighas (1 bigha = 43,560 square foot) land or 3 bighas land based on their estimation. The draft survey of land titles that we have received has errors all over.’

The West Bengal Government maintains a Record of Rights (ROR) to determine the legal status of lands or property through its Revenue Department. It contains all information regarding the land, including the history of its ownership. Needless to say, the ROR for the lands in enclaves does not exist. Any determination of the history of ownership of these lands is nearly impossible.

Therefore, an investigation needs to be initiated to ascertain ownership using the facts available at hand. This would require the Government to undertake a thorough analysis of these lands instead of recording information based on hearsay. Madan Roy further explains the results of the lousy research done by the survey teams.

‘Large parts of the land were written down by the survey as ‘wasted land.’ These wasted lands were automatically deemed to be the property of the West Bengal government. But in fact, these lands also have owners and now they have no means to claim their lands. The government deemed these lands unworthy of being used by anyone.’

Several land disputes have emerged because of the absence of land documentation in the enclaves.

*Bishwanath Roy of 14 Dhabalsuti enclave had moved out of his original residence in the early 1990s. His grandfather owned around 30 acres of land which was to be evenly distributed between his father and his three uncles. When the survey teams visited the enclaves, Roy's uncles excluded the name of his father from the land. Roy and his family were listed as protestors to the claim by the survey team. When the final land draft was received, the land was still under the name of Roy's uncles and Roy had lost any claim to the land.*⁴⁷

Many such incidents of fraud, family-feuds and land-grabbing have been made possible due to the absence of an administration to maintain land documentation and the nonchalant approach of the land survey teams toward understanding these nuances.

*During MASUM's interactions, MASUM also encountered an exception to this rule. Bijendra Nath Burman, a resident of the Falnapur enclave proudly presented to us, the documents of his land that he had treasured for decades. The jurisdiction of his land had changed from the Maharaja of Cooch Behar to the East India Company and then to the governments of Pakistan, Bangladesh and finally, India.*⁴⁸ *He had taken the help of some local touts, who would cross the borders and entered enclaves, to register his land with the concerned administrations. He was prescient enough to take this immense risk to his security, being aware of how crucial the documentation of land can prove to be. However, most people in the enclaves were unable to make these connections and were afraid to take risks to register their respective lands. Further, the constant change in the administration made this procedure exceptionally bewildering and complex.*

Apart from the absence of documentation, there are other problems. Governments have taken up the lands of enclaves, sometimes privately owned, to initiate developmental projects. While the people have largely been supportive of this, the people whose lands have been taken have not been given any compensation for their land.⁴⁹ MASUM has documented several cases of the sufferings related to the lands of enclave dwellers that are often their only source of livelihood.

⁴⁷ Annexure 9 (i-ii)

⁴⁸ Annexure 10 (i-v)

⁴⁹ Suvojit Bagchi, "Old problems still haunt 'new citizens'," The Hindu. March 14, 2016, <https://www.thehindu.com/elections/westbengal2016/west-bengal-assembly-elections-2016-old-problems-still-haunt-new-citizens/article8349179.ece> (accessed on October 4, 2016)

One significant case is of the residents of the Chit Kuchlibari enclave in the Mekhliganj block of Cooch Behar, which is largely inhabited by the Dalit community. The lands of these people have been taken by the Government to expand the width of the roads in enclaves, a developmental project that the enclave dwellers claim they could do without. Anukul Roy from Chit Kuchlibari, lost around ten kathas (720 Square Foot) of land amounting to three lakhs INR [4180 USD approx.] to this project while many others also had their houses struck down. No compensation for this loss of land, livelihood and shelter has been provided to these dwellers. Since these lands are still under the jurisdiction of the state, the residents cannot sell their lands in the case of an emergency or to compensate for their meagre sources of income.⁵⁰

The preceding section of this report explained how many people were made to forcibly leave their lands due to violent attacks instigated by communal tensions or mobs seeking to capture property. Many people had to leave their lands and flee to save their lives, when their houses were torched. Many others had to migrate to other places in search of better opportunities and in their absence, their lands were encroached upon by others. The survey teams of India and Bangladesh failed to take into account any of these nuances while determining land ownership. Most of the draft surveys that the enclave dwellers have received contain multiple discrepancies. The prolonged delay in actually receiving ownership of lands, is another issue altogether.

Glimpses of resilience and survival against all odds welcomed MASUM in the Dinhata Settlement Camp in Cooch Behar. A woman busy tailoring clothes, a blue e-rickshaw under a tin shed, hens and ducks trailing the pathway. The 50 odd families that have lived under tin sheds, too small to accommodate families of six to seven members, for four long years, still managed to serve cups of tea along with their smiles. Shanti Burman⁵¹, an old woman who lost her husband to the harsh realities of living in the camp has three children, two married daughters and a son who is often away to Delhi and Bangalore to look for odd jobs. She had left behind 1.3 acres of land in Bangladesh when she arrived in India with her meagre belongings. She has no hopes of getting her land back now or to even sell it for financial needs. We wanted to ask her why she had decided to come to India, leaving all

⁵⁰ Annexure 11 (i-ii)

⁵¹ Also see 'Dinhata Settlement Camp' in the forthcoming section

her property behind. But others quickly chimed in. 'She is not in a mentally fit state to answer this question', several voices whispered to us.

So it is difficult to know why Burman and 979 others like her had chosen to uproot their lives, leave behind their property and come to India. They were always been under the assumption that they were Indian; they were merely returning to their home country and making the right choice in doing so. But for most of these people, this has been nothing more than wishful thinking. There is little chance that the lands they have left behind would still be theirs to claim, but even if they were, most of the camp dwellers do not have the resources to go back. Even if they did, the transaction of land in enclaves is not an easy process since they do not yet possess the legal rights to their lands.

4. Social Security Schemes

The Standing Committee Report to the Constitution (119th Amendment) Bill stated that:

‘The Committee understand that much like Indian enclaves, the Bangladeshi enclaves being acquired by India would be deficient in infrastructure and amenities. Therefore, the Committee strongly recommend that a blueprint should be kept ready for development of these areas after due consultations with the concerned State Governments, so that the developmental work can be initiated immediately after this Bill is made an Act and Agreement is ratified.’⁵²

The Committee was aware that neither the Constitution Amendment nor the LBA had specific guidelines about developmental projects to be undertaken in the enclaves. Even the Committee report is not included in the main text of the Amendment. Therefore, they recommended making a strategic plan for initiating development in the enclaves in consultation with the State Governments. But none of the plans made by the Central or the State Governments have been made public. The Committee further recommended that:

‘All the humanitarian issues should be resolved in advance, including assistance from the Central Government in this regard. The Committee also recommend that the Government should institute a suitable monitoring mechanism for coordinating with the West Bengal Government over all issues related to rehabilitation. The Committee also desire that a status report on rehabilitation of the returning Indian citizens should also be presented to the Parliament/Committee within six months after the agreement comes into force.’⁵³

Studying the present situation in the enclaves makes it apparent that none of the humanitarian issues have been resolved ‘in advance’ or even four years after the implementation of the LBA. The ambiguity in the text of the LBA and the Constitution(119th) Amendment has served to provide: poorly implemented and often inaccessible welfare schemes; construction works infringing upon the private property of

⁵² Standing Committee on External Affairs (2014-2015), “First Report: The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013”, Pg. 11, Lok Sabha Secretariat, New Delhi, 2014.

http://www.prsindia.org/sites/default/files/bill_files/SCR- 119th %28A%29 Bill 0.pdf
(accessed on October 25, 2019)

⁵³ Ibid. Pg. 14-15

enclave residents; lack of opportunities for livelihood and education; and prolonged delay in the implementation of justice.

It is beyond the scope of this report to specifically analyse the condition of all the erstwhile Bangladeshi enclaves in India. Therefore, the primary focus will be on three particular enclaves: Poschim Bakalir Chara; Karala-II; and Falnapur. Even in comparison with the social and infrastructural development that has been done in the enclaves, residents of these three enclaves lag behind by a huge margin. While most problems related to health, livelihood and education are collectively faced by all erstwhile enclave dwellers, some problems faced by the inhabitants of these enclaves are exclusive to them.

Our focus will also be on the residents of the Dinhata Settlement Camp, whose realities are different from that of the erstwhile Bangladeshi enclave dwellers and in some aspects, more challenging. The two other settlement camps of Mekhliganj and Haldibari suffer a similar fate. The difficulties faced by the residents of enclaves and settlement camps are by no means limited to the analysis presented in this report. Rather, this analysis seeks to give the reader a glimpse into lives that cannot be easily imagined by those of us who have been born with the privilege of nationality.

Poschim Bakalir Chara

To get to Poschim Bakalir Chara, one has to go through the Indian village called Baman Hat. The enclave identifies itself pretty easily, the end of Baman Hat also means the end of roads on which one can drive or walk. Right outside the enclave, our car got stuck in a marsh and we covered the rest of the journey on foot. We walked through a stretch of road barely wide enough to let three pedestrians pass at the same time. A small goat had been tied in the middle of the pathway. As we walked further, the roads kept getting narrower and muddier. We noticed that even this dilapidated road would soon collapse. The ponds on either side of the road were quickly eroding the mud off the paths and inching closer to each other.

It is this slippery and treacherous path that the residents of Poschim Bakalir Chara need to cross to make ends meet on a daily basis. This is also the road that children walk through every morning to attend school, which is about two kilometres away. Multiple petitions have been filed by residents to the District Magistrate and the Public Welfare

Department, but the roads have continued deteriorating over the past four years of the implementation of the LBA.⁵⁴

Poschim Bakalir Chara is located under the Dinhatia Subdivision of Cooch Behar. It is home to 266 families, who have lived there for as long as they can remember. The nearest primary health centre at their disposal is in Baman Hat. No ambulances can possibly make their way through the swampy roads. Therefore, even in cases of medical emergencies, patients have to improvise to make their way across the roads to the nearest village.

There has been a persistent demand from the residents to hire people of the enclaves for the developmental works that have been initiated, such as Integrated Child Development Services ICDS onwards] Centres, primary schools, and hospitals. A woman named Fuleshwari Burman was recruited in the ICDS Centre at Poschim Bakalir Chara, but even after eight months, she has not been compensated for her services.

There are many educated young people in the enclave with no opportunities for employment. They are forced to migrate to big cities in search of work and are mostly employed in daily-wage jobs, where their education is of little use. The people have been demanding a special reservation in government jobs for the youth of the erstwhile enclaves, but have received no positive response from the authorities.

Shahera Bibi narrated the problems related to job cards, a kind of employment security card issued under Mahatma Gandhi National Rural Employment Guarantee Act [MNREGA onward].

'We didn't receive job cards till 2018. After that my husband and I got work for around 30-40 days under the MNREGA scheme. After that, we did not find any work and were paid a total amount of 4000 rupees. Now, we have no other options but to migrate in search of work. My husband and I work in brick fields in Bihar. We get paid around 10-15,000 rupees for 6-7 months of work. We do not have schools to educate our children. If things don't change, they will end up like us.'

⁵⁴ Annexure 12

Karala-II

The 13 families that reside in Karala-II are surrounded by a barbed fence separating the enclave from the rest of the Indian Territory. According to the Geneva Conventions of 1949, the distance between the International Border Pillar (IBP) and the border fence should not be more than 150 yards. The border fence that encircles Karala-II is situated more than 500 yards away from the IBP, in complete violation of international customary law.

The Border Security Forces (BSF) are stationed right outside the enclave, creating various difficulties for the residents. To access the territory outside the enclave, the people have to cross the Natkobari Border Out Post which is opened only three times a day for one hour each.

When we reached Karala-II, the BSF guard stationed outside the enclave became immediately suspicious. We informed him of the purpose of our visit, but he insisted on calling his superior officer to probe the matter further. Meanwhile, on the other side of the fence, the villagers were gathering to talk to us. Our entire conversation took place with the tall, barbed fence between us, and the contrast between our privilege and their suffering became even more glaring.

Recently, MASUM organised a visit of film director Aparna Sen and a few members of Citizen Speak India to Karala-II. The purpose of this visit was solely humanitarian, and to have a dialogue with the residents about the various struggles faced by them. Even so, the BSF restricted their entry into the enclave, making it apparent that the rights of nationality can be significantly curtailed in the interest of 'national security.'⁵⁵

To resolve this problem, the BSF recommends that the families should shift their residence outside the border fence. However, these people are closely tied with their agricultural lands that cannot be moved outside the fence. It is unfair to expect the people to leave their lands and homes, and build a new life in the mainland with no other means of sustenance and meagre resources. But the reluctance of the people to move out of the enclave has led to BSF's misinformed suspicion that they are involved in cross-border

⁵⁵ Press Trust of India, "Filmmaker Aparna Sen Stopped by BSF from Entering Enclave in West Bengal's Coochbehar", News 18, October 19, 2019. <https://www.news18.com/news/india/filmmaker-aparna-sen-stopped-by-bsf-from-entering-enclave-in-west-bengals-coochbehar-2352303.html> (accessed on October 26, 2019)

smuggling. Therefore, it insists that strict surveillance be maintained in the enclave as long as the people continue to live behind the barbed fence.

Bibhuti Bhushan Mishra, the Special Rapporteur of the NHRC visited Karala-II in August 2019. He proposed that the border fence be reconstructed such that the territory of the enclave falls outside it. He promised to take the matter up with higher authorities after the BSF claimed to have no objections to his proposal. It is a testament to the ignorance of the Indian administration that a solution as uncomplicated as this, has not been conceived of for all the years that these residents have been incarcerated.

The BSF imposes several arbitrary restrictions on the people to make their lives more miserable. It does not allow the authorities to provide electrical supply to the enclave, therefore, basic amenities such as the installation of solar pumps, which have been provided to other enclaves, have not been provided to Karala-II. The people need to walk for at least one kilometre to get drinking water, because the groundwater is arsenic and extremely harmful to health.

The children in the enclaves are let out at 11am to go to school, but are often not allowed to return before 4pm, which is when the gates are next opened. A young boy had once broken his leg in an accident and had to wait outside the fence for several hours before he was allowed to enter. Due to these problems, the children are often reluctant to go to school.

The main occupation of the villagers, contrary to BSF's opinion, is cultivation rather than smuggling. To this end, they often need to visit the markets to get seeds, chemical fertilizers and so on. But the BSF restricts them to bring fertilizers inside the enclave. They also forbid the residents to grow high-yielding crops, such as jute or corn. The people incur losses on their sales, because they are not allowed to carry huge stocks of harvested produce to the market.⁵⁶

In cases of medical emergencies, the ambulance has to wait outside the barbed fence for at least an hour while the BSF conducts its procedural enquiry. On many occasions, Accredited Social Health Activists (ASHA) are restricted by the BSF to enter Karala-II, as a result of which, children often miss out on vaccinations and other health services.

⁵⁶ Annexure 13 (i-ii)

With their communication with the world severely restricted, the residents of Karala-II face difficulties in finding suitable partners for their children. It is especially difficult to marry their daughters outside the enclave, because people do not want to be associated with the hardships that come with being a resident of Karala-II.

Falnapur

Falnapur is situated under the Mathabhanga Subdivision of Cooch Behar and is home to about 157 families. The River Buri Dharala runs across the enclave for three kilometres. To cross the river, the villagers have dilapidated bamboo structures that they use as bridges. Two of these bridges have been broken for three years. The people have sent multiple complaints to the offices of the District Magistrate (DM), Sub-divisional Officer (SDO) and Block Development Office (BDO) over the years, but have not even received a visit by the authorities.

Another major problem that the people face is the lack of opportunities for employment. People with good educational qualifications are forced to work in cultivation. In one incident, a person offered his land for the Government to build a water tank, in exchange for jobs for him and his family. Ultimately, the water tank was built, but outside the territory of the enclave. The funds that were used for its construction came from those assigned for the development of the enclave, but now the residents have to access it by going outside their village.

The primary school and ICDS centre in Falnapur have been abandoned by the residents to attempt to demand they employ people from the enclave. Even this act of protest serves only to inconvenience them. They need to travel about three to five kilometres in case of a medical emergency and the primary schools outside Falnapur are about two kilometres away. Open defecation also creates several problems, because many homes in the enclave do not have toilets.

After the LBA, the administration provided four major services to Falnapur: electricity; solar pumps; drinking water; and identity cards. In spite of this, many of the problems have not been resolved. The solar pumps installed by the Government are not enough to meet the requirements for irrigation, and the tube wells installed for drinking water are mostly defunct. As a result, the villagers had to install tube wells using their own resources. Like with most of the people of the enclaves, there are several errors in the details of their identity documents.

The half-hearted initiative taken by the authorities has made things even more difficult for the people. They are constantly trapped in the cycle of sending complaints to administrative officials, to which they seldom receive a response. Moreover, with incorrect identity documents and the threat of NRC in Bengal, it is difficult to gauge what the future will bring for the people.

Separate polling booths for the residents of Falnapur and the adjacent enclave of Nolgram have not been sanctioned even though they have a combined population of about 2,500 voters. The people suspect that the administration wants to erase the identity of the residents as erstwhile enclave dwellers, and deny them the relief and compensation that they should be receiving.

Dinhata Settlement Camp

The Dinhata Settlement Camp is one of three temporary rehabilitation centres constructed by the Government of India to provide shelter to the 979 families who made the choice to return to India in November 2015. The camp at Dinhata has accommodated over 50 families for four years.

The camp is lined with tin sheds, marked with numbers, which have the capacity of two rooms and an attached kitchen. The rooms are not big enough to accommodate families of six to seven people, and living conditions are often cramped without any privacy. The toilets have been constructed separately from the houses, for both men and women.

The old people in the enclaves do not receive pensions under social security schemes, and struggle to get medical treatment for their deteriorating health conditions. Shanti Burman's husband, Binod Chandra Burman died due to the lack of medical assistance in the camp. He was suffering from a fever for two to three months, but did not have access to any medicines. He was later admitted to the Dinhata Subdivision hospital for three days, and soon after he succumbed to his illness and died.

Anila Burman, mother of Anatul Burman, suffered a similar fate at the age of 55. In 2016, she had a cerebral attack for which she was refused treatment at the Cooch Behar hospital. The family did not have the resources to get her admitted into a private nursing home. Ultimately, she died within a few hours of being admitted into the Dinhata Subdivision Hospital.

On 6 September 2019, the residents filed an application under Right to Information Act (RTI) regarding the lack of jobs for the people of the camp. Most of the families, received job cards under the MNREGA scheme after their arrival. In 2016, some people were given jobs for 100 days. Many among them were made to work for longer durations, but were paid only the amount enlisted under the scheme for 100 days of work.

After 2016, however, no jobs have been provided to these people. Resources are scarce, and opportunities bleak. Paresh Burman, a father of two young children, has not been able to find a stable income to sustain his family. He was given work for about ten to 15 days, but did not receive any payment. Many residents have taken to driving e-rickshaws on hire by pooling in money on their own. After leaving behind everything they had in Bangladesh, the people did not anticipate that they would be abandoned by the state in the process of building up their new lives.

After waiting for four long years, the people have received information that the government plans to rehabilitate them in two-bedroom apartments in an urban setting. However, these people are used to an agrarian way of living and without agricultural lands, they would have no means of livelihood. Also, the material being used to build these apartments is of low quality, and cracks have already started to appear in the construction.

The stories from the enclaves confirm that the Indian Government has created more problems than it has solved through its implementation of the LBA. Promises of compensation and rehabilitation remain limited to words and speeches without any real change on the ground.

The ambiguity in the text of the agreement regarding the means of compensation has served only to thwart opposition and criticism regarding the state's apathy towards the residents of enclaves. It tries to veil the fact that the chief intention of the LBA has been to exchange lands and make territorial boundaries rigid and constrained. In the entire political debate regarding the exchange of enclaves over the past seventy years, the people of the enclaves have seldom been mentioned and their voices have been relentlessly subdued in favour of an imperialist approach towards occupation of territory. Compensation, as it was conceived of, is a discrepancy-riddled process, having now led to a situation where tube wells are without water, job cards are occupationally ineffective,

Aadhaar Cards come without the promise of identity, and voting rights fail to provide a nationality.

Enclave Residents under International Law

For the third cycle of India's Universal Periodic Review in 2017, the United Nations High Commissioner for Refugees (UNHCR) submitted a report⁵⁷ that among other things, stated that:

*India has taken various steps to mitigate the risk of statelessness arising from the ratification of the Agreement Concerning the Demarcation of the Land Boundary between India and Bangladesh and Related Matters of 1974. First, the Ministry of Home Affairs through its notification dated 12 October 2015 declared the 14,864 enclave dwellers as Indian citizens. Second, the Election Laws (Amendment) Act, 2016 has been adopted on 3 March 2016 to include enclaved territories and eligible voters to come within the purview of the electoral role. Third, it is expected that in 2016 enclave dwellers will be issued with Aadhaar cards – a 12-digit unique identity number issued by the Unique Identification Authority of India (UIDAI). Nonetheless, challenges pertaining to the legal status of those residing outside the enclave areas and those who were not part of the head count remain.'*⁵⁸

It is important to note the recognition of the problems of enclaves by the UNHCR for two reasons. Firstly, it allows one to venture into the possibilities and the 'risk of statelessness that the LBA poses, which will be the focus of the next section of this report. Secondly, it opens up the issues of enclave dwellers to the international discourse on statelessness, human rights and state responsibility. Where do we locate the erstwhile enclave dwellers within this discourse?

The 1954 Convention relating to the Status of Stateless Persons defines a stateless person as 'someone who is not considered as a national by any State under operation of its law.'⁵⁹ India and Bangladesh are not parties to this Convention. Moreover, the enclave dwellers do not qualify as stateless through this definition, because they have been identified, at least theoretically, as citizens of India or Bangladesh even before the LBA was implemented. Even so, because of the geographical complexity of their residency,

⁵⁷ UNCHR, "Submission by the United Nations High Commissioner for Refugees, For the Office of the High Commissioner for Human Rights' Compilation Report, Universal Periodic Review: 3rd Cycle, 27th Session: INDIA", Refworld, <https://www.refworld.org/pdfid/591971124.pdf> (accessed on October 5, 2019)

⁵⁸ Ibid. Pg. 2

⁵⁹ UN General Assembly, Convention Relating to the Status of Stateless Persons, 28 September 1954, United Nations, Treaty Series, vol. 360, p. 117, <https://www.refworld.org/docid/3ae6b3840.html> (accessed 26 October 2019)

they have been unable to enjoy the benefits of a nationality and avail the protection of a nation state.

According to the 1951 Convention relating to the Status of Refugees, a refugee is someone who 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.'⁶⁰By this definition, the enclave dwellers do not qualify as refugees; even though they have been cut off from the mainland of the country of their nationality, they have not been out of the place of their habitual residence. However, this fact ignores the hundreds of people who were forced out of their homes as a result of the violence that unfolded during the Partition of the subcontinent, and the subsequent communal tensions that are intrinsic to the politics of India, Pakistan and Bangladesh.

The narrow definition of statelessness in the 1954 Convention and refugees in the 1951 Convention has opened up debates about the inclusion of people who have been excluded from the protection of these conventions, but continue to suffer a similar fate as those who are identified as stateless or refugees. Regional Conventions such as the 1984 Cartagena Declaration⁶¹ and the 1969 OAU Convention⁶² considerably expand the definition of being a refugee and extend their protection to a broader group of people. There have also been efforts to include 'de facto statelessness' into the mandate of the UNHCR. In an article titled, '*The Human Rights of Stateless Persons*',⁶³ David Weissbrodt and Clay Collins write:

⁶⁰UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, <https://www.refworld.org/docid/3be01b964.html> (accessed 26 October 2019)

⁶¹Regional Refugee Instruments & Related, Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, 22 November 1984, <https://www.refworld.org/docid/3ae6b36ec.html> (accessed 26 October 2019)

⁶²Organization of African Unity (OAU), Convention Governing the Specific Aspects of Refugee Problems in Africa ("OAU Convention"), 10 September 1969, <https://www.refworld.org/docid/3ae6b36018.html> (accessed 26 October 2019)

⁶³David Weissbrodt, Clay Collins, "The Human Rights of Stateless Persons", *Human Rights Quarterly* 28 (2006), pp. 251 - 252.

‘De facto statelessness can occur when governments withhold the usual benefits of citizenship, such as protection, and assistance, or when persons relinquish the services, benefits, and protection of their country. (..) most persons considered de facto stateless are the victims of state repression. Whereas de jure statelessness can simply result from the oversight of lawmakers who leave gaps in the law through which persons can fall, de facto statelessness typically results from state discrimination.’

In its ‘*Legal and Protection Policy Research Series*’,⁶⁴ the UNHCR defines ‘de facto statelessness’ as:

‘De facto stateless persons are persons outside the country of their nationality who are unable or, for valid reasons, are unwilling to avail themselves of the protection of that country.’

With this definition, it becomes slightly more possible to locate the anomaly that the erstwhile enclave dwellers have faced over the years. While the territories of their residence, that is the enclaves, were legally under the jurisdiction of their parent state, geographically they were displaced from their country of nationality. They were unable to return to their country of nationality due to the requirement of double visas or the fear of being arrested while crossing foreign territory. Therefore, many academics have studied the conditions of enclave dwellers under the ambit of ‘de facto statelessness’.

However, there are no International Conventions to date that legally extend their protection to de facto stateless persons. Now, with the implementation of the LBA, it is even more complex to place the residents of former enclaves under any of these definitions. In the context of enclave residents, legal provisions have only served to complicate their identities and jeopardize the benefits at their disposal. Earlier, they could not be identified as stateless because they were theoretically citizens of either India or Bangladesh. Now, they cannot be identified as stateless because the LBA guarantees them citizenship, Aadhaar Cards have been issued and they have voted in the elections. As we have seen, most of these guarantees are limited solely to the text of the Agreement, and the law of the land continues to disenfranchise them in deeply insidious ways.

⁶⁴UN High Commissioner for Refugees (UNHCR), UNHCR and De Facto Statelessness, April 2010, LPPR/2010/01, <https://www.refworld.org/docid/4bbf387d2.html> (accessed 26 October 2019)

While India is not a signatory to the International Conventions for refugees or stateless persons, it is still its obligation, as a democratic nation state to protect the rights of its citizens and abide by the UN Conventions it is in fact party to.

Article 15(2) of the Universal Declaration of Human Rights (UDHR) provides that 'no one shall be arbitrarily deprived of his nationality.'⁶⁵ Article 12(4) of the International Covenant on Civil and Political Rights (ICCPR) provides that 'no one shall be arbitrarily deprived of the right to enter his own country,'⁶⁶ a clause that both India and Bangladesh have consistently violated for seven decades.

Further, the UN Convention on the Rights of the Child (UNCRC) and the Convention on the Elimination of Discrimination Against Women (CEDAW) also have provisions to specifically protect the rights of nationality of women and children.

⁶⁵UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), <https://www.refworld.org/docid/3ae6b3712c.html> (accessed 26 October 2019)

⁶⁶UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171, <https://www.refworld.org/docid/3ae6b3aa0.html> (accessed 26 October 2019)

National Register of Citizens—looming threat of Statelessness

On 31 July 2019, the Ministry of Home Affairs released a notification stating that the NRC will be updated for the entire country starting from April 2020 to September 2020.⁶⁷

In West Bengal, in particular, the election campaign of the BJP was based on their promise to initiate NRC in the State, probably as a result of which their representation in the State has increased by a significant margin. The address given by the Home Minister in Kolkata on 1 October 2019 took this promise a step further.⁶⁸ He assured the people that the Centre will pass the Citizenship Amendment Bill⁶⁹ before the process of the NRC is initiated, to ensure that none of the Hindu, Sikh, Jain or Buddhist refugees are rendered stateless in the process. The evident bigotry of this statement is a testament to the state's bias against the Muslim community.

The manner in which the process of the NRC has unfolded in the State of Assam proves that it has caused indiscriminate suffering to all groups of people, including Bengali Hindus. The final list of the NRC has excluded over 19 lakhs of former citizens, and detention camps to banish them from the national territory are already underway.

Keeping in mind everything that this report has discussed so far—the thousands of names missing from the headcount, multiple errors in the identity cards of erstwhile enclave dwellers and the threat of being suspected as a foreigner even while being in possession of valid documents—it is needless to say that when the process of the NRC begins in the State of West Bengal, the virtual statelessness that the people of enclaves have been living in, will in fact become a reality. The promise of the LBA was to finally compensate for the suffering of the erstwhile enclave residents and to provide them with a national identity. But the looming threat of the NRC has started to weigh down on the hopes of these residents. The mood in the enclaves, which had been one of celebration for

⁶⁷ Annexure 14

⁶⁸ Indrajit Kundu, "Will throw out intruders: Amit Shah's big NRC push in West Bengal", India Today, October 1, 2019. <https://www.indiatoday.in/india/story/amit-shah-nrc-speech-kolkata-bjp-elections-citizenship-illegal-immigrants-1605194-2019-10-01> (accessed on October 4, 2019)

⁶⁹ Parliament of India, "The Citizenship (Amendment) Bill, 2016", Bill No. 172 of 2016, https://www.prsindia.org/sites/default/files/bill_files/Citizenship_%28A%29_bill%2C_2016_0.pdf (accessed October 25, 2019)

four years, is now tense and chaotic. Bhupati Ranjan Roy from Falnapur expressed his grief by saying that:

'In spite of all our adversities, life was easier before the implementation of the LBA. We were more peaceful. Our present situation is chaotic and troublesome. We are afraid of the NRC process; none of our documents have correct details. Who will believe us when we say we are citizens of India?'

The panic around the NRC is not limited solely to the residents of enclaves. Eleven suicides have been reported from the state of West Bengal in 2019, allegedly resulting from the panic of being rendered stateless.⁷⁰

Many people from the Batrigach enclave had been forced to move out of their residence due to the problems created by the Singimari river erosion. They had made fake identity documents and started living in the mainland. After the LBA, these people were not recognised as enclave residents and did not receive any identity documents from the state administration. What had appeared to provide a solution to their hardships, has now made their identities even more complex. They are neither recognised as bona fide citizens of India, nor can they claim to be former residents of enclaves. It can be said without any reservations that the NRC in West Bengal will disenfranchise this population, and leave them to suffer the same fate as the 19 lakh former citizens of India.

⁷⁰Gurvinder Singh, "NRC Panic is already taking lives in West Bengal", The Indian Express, October 8, 2019, <https://thewire.in/rights/nrc-panic-west-bengal>(accessed on October 16, 2019)

Conclusion

On 14 June 2017, the residents of the Mekhliganj Settlement Camp started a hunger strike before the office of the Sub Divisional Officer of Mekhliganj. The people had been troubled due to the lack of basic amenities, such as rationing from the Public Distribution System (PDS) and drinking water in the camp. But it was the plan for their rehabilitation that served as the final blow to their patience. They were being resettled on an alluvial mass of land that had emerged from the River Dharala, and was so prone to erosion that the apartments were at the risk of collapsing within a few years. The people wrote to several authorities before they resorted to the hunger strike. The response of the police and the administration was brutal.⁷¹ After three days of the strike, the Additional District Magistrate of Cooch Behar gave the residents assurance to look into the matter. Thus far, however, the people have not been resettled and the issue remains unresolved.

The hunger strike at Mekhliganj takes us back to Arendt's concept of citizenship that we began our argument with. In some respects, the LBA has provided the people with 'the right to have rights.' The agitation that was seen in Mekhliganj emerges from within the structure of a democracy. The act of performing a hunger strike assumes an audience that observes it, acknowledges it and maybe even cares for it. But perhaps the biggest flaw of democracy as a form of governance is that the authority that defines the people as citizens is also the one that provides them with the right to assert their dominance, to make their voices heard and to effectively represent themselves. Dissent, resistance and mobilization are embedded within the framework of a democracy and cannot be placed outside it. Therefore, to raise demands and to claim rights, it is crucial to be a participant of the democratic structure.

For seven long decades, residents of the enclaves have been placed outside this structure and denied access to the tools of resistance. The collective identity of people as enclave residents does not yet possess enough political traction to enter the discourse of rights and their violation by the State. The audience that observes their resistance does not easily recognise them. They appear to be new faces in the theatre and their lives still appear to be too far removed from the mainstream. Therefore, even if the LBA serves as an acknowledgement of the enclave dwellers' 'right to have rights', it is important to ask:

⁷¹ Annexure 15 (i-iv)

without a relevant political identity, a significant social standing or effective economic support, how far can this resistance go?

Protest and resistance have become such an essential part of survival in India that it is a common assumption that fundamental rights have to be fought for. While considering the case of enclave dwellers, we must pose a challenge to this assumption. The expectation that poor, marginalised, disenfranchised populations must gather the resources to resist against the injustice meted out against them by the State is deeply flawed. The Indian nation state needs to be held accountable for the seventy years of incarceration that these people have had to suffer as a result of border politics, and compensation, relief and rehabilitation should be extended effectively and immediately.

Jason Cons writes:

‘The enclaves embody a telling impasse that haunts postcolonial territory in South Asia—namely, the inability to disentangle material needs and realities of people living on the bleeding edge of state space from nationalist imaginations of blood and soil.’⁷²

The people at the borders inevitably suffer because of the nationalist impulse to make territorial boundaries more secure. The paranoia of the Indian nation state regarding immigration and infiltration has choked the territory of the erstwhile enclaves into submission before the sovereign mainland. However, enveloping the territory of the enclaves has not simultaneously meant embracing, what Cons calls the ‘material needs and realities’ of their residents. The prolonged delay in the implementation of the LBA, the Agreement’s feigned interest towards humanitarian concerns, and the complete silence of the administration on issues that have emerged after its implementation are telling of the Indian State’s malicious intentions. India and Bangladesh have claimed spaces that have been abandoned for over seven decades, however, the question remains: who inhabits these spaces, the nation or its citizens?

⁷²Jason Cons, “Impasse and Opportunity: Reframing Postcolonial Territory at the India-Bangladesh Border”, South Asia Multidisciplinary Academic Journal [Online], 10 | 2014, <https://journals.openedition.org/samaj/3791> (accessed 25 October 2019)

Recommendations

For the Central Government:

1. According to Section 7 of the Citizenship Act of 1955, the enclave residents should be recognised as citizens immediately. While the notification of the Ministry of Home Affairs has given orders for its implementation, speedy intervention is required to ensure that the State administration of West Bengal acts on this order with immediate effect.
2. Effective communication and synergy should be established with the Government of West Bengal, and necessary support should be extended to provide relief, rehabilitation and support to the enclave residents.
3. It should be ensured that national social security schemes on health, education, pensions, employment, infrastructural development and specific schemes for pregnant women, children, Scheduled Caste and Scheduled Tribe communities and so on, are effectively implemented in all the enclaves.
4. A comprehensive survey should be undertaken to identify and assimilate the people whose names have been left out of the headcount conducted previously, and all the benefits of being a citizen of India should be extended to them.
5. It must be ensured that no bona fide resident of an enclave is excluded from the NRC process in West Bengal by urgently issuing valid identity documents for this population.

For the State Government:

1. Land titles of the enclave dwellers should be handed over to them without further delay. Until that is done, provisions should be put in place for people to mortgage or sell their lands in cases of urgent financial requirements. Additionally, the people whose lands have been acquired by the state for infrastructural development should be compensated for the loss of lands and rehabilitated.
2. The enclaves where little or no development has taken place, such as Karala-II, Poschim Bakalir Chara and Falnapur, should be given special attention by the administration and their demands should be addressed on a priority basis.
3. The lack of opportunities for employment forces many people to migrate to other parts of the country in search of menial labour. Special schemes should be put in place for the employment of the people of enclaves, especially the educated youth,

in government sector jobs. For the rest of the population, skill-development programmes, vocational training and financial support for establishing small businesses should be provided.

4. A constructive dialogue should be initiated with the representatives from the three settlement camps of Dinhata, Haldibari and Mekhliganj on the problems related to their rehabilitation and their needs should be taken into account. Rehabilitation and other social security benefits should be extended to them with priority.
5. More attention should be paid to health facilities and educational support in the former enclaves. Primary schools, hospitals and ICDS centres should be established in all the enclaves.
6. The offices of the District Magistrate of Cooch Behar and several Sub Divisional Officers and Block Development Officers should be made empathetic to the demands of the enclave residents, and directed to ensure that the policies of the State and Central Governments are implemented effectively and urgently.

For National and State Human Rights Commissions

1. Both the Commissions must ensure that the grievances and complaints filed before them are addressed in a timely manner without unreasonable delay.
2. Both the Commissions must organise educational programmes to raise awareness on the legal and constitutional rights of the people of erstwhile enclaves.

For Civil Society Organisations

1. Local civil society organisations should work towards the empowerment of the populations of the erstwhile enclaves through vocational trainings, enhancing livelihood skills, education and raising awareness about their rights and entitlements.
2. Local non-governmental organisations (NGOs) should also assist in the implementation of the livelihood development plan of the Governments, and lobby with the administration regarding issues, such as correction of identity documents and distribution of land titles.
3. Local NGOs, youth clubs, women's organisations and self-help groups should take steps to enhance social assimilation of the erstwhile enclave dwellers, who have been cut off from the mainstream for several decades.

4. International and regional Organisations should raise concerns on the delayed fulfilment of the rights of citizenship of the enclave residents, and urge the State to not victimize them further through legal processes, like the NRC. Proactive actions, like monitoring of the Government's actions and progress related to the development schemes, land surveys, issuing documents of citizenship and so on, should be taken such that no citizen is deprived of their rights and entitlements as a citizen of India.

For Political parties

1. Political parties must adopt a responsible strategy for the development of the region, and prioritise pro-people policies to ensure the full enjoyment of the political, economic, social and cultural rights of the people.
2. Election manifestos should be made according to the needs of the people and representatives of the parties should lobby for these rights in Parliament and with the concerned Ministries.

Annexures

Annexure 1 (i)

**OFFICE OF THE BLOCK DEVELOPMENT OFFICER
DINHATA-I DEVELOPMENT BLOCK
COOCH BEHAR**

Residential Certificate
(for former Enclave Dwellers 2015)



(1) Serial No. (ক্রমিক নং) :-

(2) Applicant's Name (আবেদনকারীর নাম) :- RASHIDU

(3) Father's Name (পিতার নাম) :- ABU BAKKAR

(4) Mother's Name (মাতার নাম) :- ASIA

(5) Husband's Name (স্বামীর নাম) :-
বিবাহিত মহিষার ক্ষেত্রে :-

(6) Address (ঠিকানা)
Dinhata Settlement Camp
Gram Panchayat (গ্রাম পঞ্চায়েত) :- House No. 4
Block (ব্লক) :- Putimari-II
Police Station (থানা) :- Dinhata-I Development Block, Dinhata
P.O (পোস্ট) :- Dinhata
Pin Code (পিন কোড) :- Dinhata
736135

(7) Gender (লিঙ্গ) :- Male

(8) Date of Birth (জন্ম তারিখ) :- XX/XX/XXXX

(9) Present Age (বর্তমান বয়স) :- 20

Rashidul

Signature of the Applicant
(আবেদনকারীর স্বাক্ষর)

Attested by:-
[Signature]

Signature
Name & Designation / Seal

[Signature]
Block Development Officer
Dinhata-I Development Block
Dinhata

Block Development Officer
Dinhata - I Dev. Block

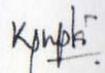
Annexure 1 (ii)

Serial No. : 0019

TEMPORARY TRAVEL-CUM-IDENTITY PASS
(Issued in pursuance of exchange of enclaves as provided in the India-Bangladesh Land Boundary Agreement, 1974 and its 2011 Protocol.)

Validity Upto: 30 November 2015 from Date of Issue

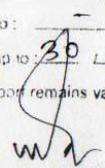
1. Name : RASHIDU
2. Serial No. in RGI Joint Survey Report List 2015 : 149
3. Chhit No. : 149
4. Chhit Name : CHHOTO GARALJHORA -II
5. District of Bangladesh : KURIGRAM
6. Father's Name : ABU BAKKAR
7. Mother's Name : ASIA
8. Age : 20
9. Sex : MALE
10. Mark of Identification : A MOLE ON FACE
11. Accompanied by (if age less than 18) :

		 Ramakant Gupta First Secretary (Consular) High Commission of India Dhaka
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Republic of Bangladesh
Ministry of Immigration & Passports, Dhaka

Visa No. : [Redacted] Category: T
Type: Entry / Re-Entry / Multiple Entry
Date of Issue : [Redacted] / 2015
Date of Expiry : [Redacted] / 2015
Journey (s) allowed : / Unlimited
Permitted to stay up to 30 / 11 / 2015
provided the passport remains valid.


NADIRA AKTER
Deputy Director
Ministry of Immigration & Passports
Dhaka

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Annexure 1 (iii)

The Voters' list of West Bengal including Rashidul's name.

কোড - পশ্চিমবঙ্গ S25 / WB (তপশীলি জাতি) বিধানসভা নির্বাচন ক্ষেত্র		নির্বাচক তালিকা - 2016 অংশ নং - 172	
সমাজ তালিকা			
ভাগ নং 2/ কোচবিহার জেলা কোচবেটেড আকটিক কামিটি (সি.বি.জেড.আর.এম.সি) নিয়ার কৃষিমেলা কাম্প, মৌজা-বড় নাচিনা, জে এল নং-45, গ্রাম পঞ্চ- পুটিমারী - 2, কোচবিহার জেলা			
N943 UGR2263325 নাম: মুনাল বর্মন পিতার নাম: বনকেশ্বর বর্মন বাত্তীর নং: n0339 বয়স: 54 লিঙ্গ: স্ত্রী	N944 UGR2263333 নাম: মুনাল বর্মন পিতার নাম: ধিরেন্দ্র বর্মন বাত্তীর নং: n0340 বয়স: 31 লিঙ্গ: পুং	N945 UGR2263341 নাম: রেফা বালা পিতার নাম: হরি নারায়ন বাত্তীর নং: n0341 বয়স: 28 লিঙ্গ: স্ত্রী	
N946 UGR2263358 নাম: হারী কান্ত বর্মন পিতার নাম: করিনা কান্ত বর্মন বাত্তীর নং: n0342 বয়স: 64 লিঙ্গ: পুং	N947 UGR2263366 নাম: দুলালী বর্মন পিতার নাম: হরিপদো বাত্তীর নং: n0343 বয়স: 44 লিঙ্গ: স্ত্রী	N948 UGR2263374 নাম: আপুলা পিতার নাম: বাদিউজামান বাত্তীর নং: n0344 বয়স: 32 লিঙ্গ: স্ত্রী	
N949 UGR2263382 নাম: লাজলী পিতার নাম: অজীয়া বাত্তীর নং: n0345 বয়স: 29 লিঙ্গ: স্ত্রী	N950 UGR2263390 নাম: সুরাতন বিবি পিতার নাম: জয়েন বেপারী বাত্তীর নং: n0346 বয়স: 54 লিঙ্গ: স্ত্রী	N951 UGR2263408 নাম: নুভোরাব পিতার নাম: এ রহিম বাত্তীর নং: n0347 বয়স: 39 লিঙ্গ: পুং	
N952 UGR2263416 নাম: জয়মুলা পিতার নাম: এবদাদ আলী বাত্তীর নং: n0348 বয়স: 24 লিঙ্গ: স্ত্রী	N953 UGR2263424 নাম: সারাউল পিতার নাম: সুরনাব বাত্তীর নং: n0349 বয়স: 39 লিঙ্গ: পুং	N954 UGR2263432 নাম: বাদিউজ পিতার নাম: অনাজউদ্দীন বাত্তীর নং: n0350 বয়স: 59 লিঙ্গ: স্ত্রী	
N955 UGR2263440 নাম: সাফিয়া পিতার নাম: সুরব আলী বাত্তীর নং: n0351 বয়স: 54 লিঙ্গ: স্ত্রী	N956 UGR2263457 নাম: কাশেম পিতার নাম: জহুর আলী বাত্তীর নং: n0352 বয়স: 64 লিঙ্গ: পুং	N957 UGR2263465 নাম: আলমপির আলী পিতার নাম: কাশেম বাত্তীর নং: n0353 বয়স: 32 লিঙ্গ: পুং	
N958 UGR2263473 নাম: সাইফা পিতার নাম: সালাম বাত্তীর নং: n0354 বয়স: 31 লিঙ্গ: স্ত্রী	N959 UGR2263481 নাম: জেহরিনা পিতার নাম: জহুর আলী বাত্তীর নং: n0355 বয়স: 54 লিঙ্গ: স্ত্রী	N960 UGR2263499 নাম: আমিনুল হক পিতার নাম: কাশেম হক বাত্তীর নং: n0356 বয়স: 19 লিঙ্গ: পুং	
N961 UGR2263507 নাম: জাহাঙ্গীর আলম পিতার নাম: কাশেম আলম বাত্তীর নং: n0357 বয়স: 34 লিঙ্গ: পুং	N962 UGR2263515 নাম: সইদা বেগম পিতার নাম: সামাদ বাত্তীর নং: n0358 বয়স: 26 লিঙ্গ: স্ত্রী	N963 UGR2263523 নাম: আজিজুল পিতার নাম: আবুবকর বাত্তীর নং: n0359 বয়স: 26 লিঙ্গ: পুং	
N964 UGR2263531 নাম: হাফিজা পিতার নাম: নুরুল ইসলাম বাত্তীর নং: n0360 বয়স: 22 লিঙ্গ: স্ত্রী	N965 UGR2263540 নাম: রাশিদুল পিতার নাম: আবুবকর বাত্তীর নং: n0361 বয়স: 20 লিঙ্গ: পুং	N966 UGR2263556 নাম: মহ সাইব আলী পিতার নাম: নুরুল বাত্তীর নং: n0362 বয়স: 54 লিঙ্গ: পুং	
N967 UGR2263564 নাম: মহ ফিরোজ পিতার নাম: সাইফিন বাত্তীর নং: n0363 বয়স: 26 লিঙ্গ: পুং	N968 UGR2263572 নাম: মোস্তাফিজ পিতার নাম: সাইফিন বাত্তীর নং: n0364 বয়স: 24 লিঙ্গ: স্ত্রী	N969 UGR2263580 নাম: মোস্তাফিজ পিতার নাম: ফাদু বাত্তীর নং: n0365 বয়স: 44 লিঙ্গ: স্ত্রী	

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Annexure 1 (iv)

The list prepared by the Government of Bangladesh including the names of people relocating to India after the LBA. No. 26 lists Rashidul among these people.

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
উপজেলা নির্বাহী অফিসারের কার্যালয়
ভূরক্ষামারী, কুড়িগ্রাম।

স্মারক নং-০৫.৪৭.৪৯০৬.০০০.০১.০২০.১৫-৭৬৩ তারিখঃ ২২/০৭/২০১৫ খ্রিঃ।

বিষয়ঃ কুড়িগ্রাম জেলার ভূরক্ষামারী উপজেলাবীন ভারতীয় ছিটমহল হতে যে সকল ছিটমহলবাসী ভারতে যেতে ইচ্ছা পোষণ করেছেন ২০১৫ সালের যৌথ হেড কাউন্ট অনুযায়ী তাদের নামের তালিকা নিম্নরূপ।

ক্র.সং. নং	নাম	বয়স	পিতার নাম	মাতার নাম	ছিট মহলের নাম	হেড কাউন্টিং বই-এর পাতা নং
১.	আঃ রহিম	৩৯	আমজাদ	রহিমা বিবি	ছোট গারালজোড়া-২	৬
২.	মুজা পারভীন	২৬	মোশারফ সরকার	রহিতন বেগম	ছোট গারালজোড়া-২	
৩.	মোকাদ্দেস আলী	১০	আঃ রহিম	মুজা পারভীন	ছোট গারালজোড়া-২	
৪.	খাদিজা খাতুন	১২	আঃ রহিম	মুজা পারভীন	ছোট গারালজোড়া-২	৮
৫.	মোঃ মহিউদ্দিন	৬৭	মুত-কাজুমুদ্দিন	নোমেনা	ছোট গারালজোড়া-২	
৬.	মোহাঃ সুফিয়া	৫৫	জয়েন উদ্দিন	জামিরন	ছোট গারালজোড়া-২	
৭.	একরামুল হক	১৪	মহিউদ্দিন	সুফিয়া বেগম	ছোট গারালজোড়া-২	১০
৮.	ওসমান গণি	৩৪	মহির উদ্দিন আকন্দ	সুফিয়া বেগম	ছোট গারালজোড়া-২	
৯.	হাওয়া বেগম	২৯	হালিমুদ্দিন	খোদেজা বেগম	ছোট গারালজোড়া-২	
১০.	ভাওহিদুজ্জামান	১১	ওসমান গণি	হাওয়া বেগম	ছোট গারালজোড়া-২	১১
১১.	উসমিনা খাতুন	৮	ওসমান গণি	হাওয়া বেগম	ছোট গারালজোড়া-২	
১২.	ওমর ফারুক	৩৯	মহির উদ্দিন	সুফিয়া বেগম	ছোট গারালজোড়া-২	
১৩.	রাশিদা বেগম	৩২	আব্দুর রাশিদ	মিনি বেগম	ছোট গারালজোড়া-২	২৩
১৪.	ফেরদৌসি খাতুন	১৬	ওমর ফারুক	রাশিদা বেগম	ছোট গারালজোড়া-২	
১৫.	তানিয়া খাতুন	৮	ওমর ফারুক	রাশিদা বেগম	ছোট গারালজোড়া-২	
১৬.	মোশাররফ	৩৯	আজগর আলী	মজিরন	ছোট গারালজোড়া-২	৩২
১৭.	সাবিনা	৩২	সোহরাব	মনোয়ারা	ছোট গারালজোড়া-২	
১৮.	শফিউল	১০	মোশারফ	সাবিনা	ছোট গারালজোড়া-২	
১৯.	মিজানুর	২৪	আজগর আলী	মজিরন	ছোট গারালজোড়া-২	৩৩
২০.	হোসনেয়ারা	২২	মসলিম	হাফিলা	ছোট গারালজোড়া-২	
২১.	মিষ্ট	১৪	আজগর আলী	মজিরন	ছোট গারালজোড়া-২	
২২.	সাগর	১	মোশাররফ	সাবিনা	ছোট গারালজোড়া-২	৩৩
২৩.	মিনা	৩	মিজানুর	হোসনেয়ারা	ছোট গারালজোড়া-২	
২৪.	আজিজুল	২৬	আবু বকর	আছিয়া	ছোট গারালজোড়া-২	
২৫.	হাফিজা	২২	নূরুদ ইসলাম	শাহিনা	ছোট গারালজোড়া-২	৩৩
২৬.	রাশিদুল	২০	আবু বকর	আছিয়া	ছোট গারালজোড়া-২	
২৭.	হার্বিনুন্নাহ	৩	আজিজুল	হাফিজা	ছোট গারালজোড়া-২	
২৮.	আবু তাহের	৩০	আলিমুদ্দিন	খোদেজা	ছোট গারালজোড়া-২	৩৩
২৯.	পারুল	২০	সুরঞ্জামান	সরমেলা	ছোট গারালজোড়া-২	
৩০.	ফারহানা আক্তার জাম	৩	আবু তাহের	পারুল	ছোট গারালজোড়া-২	
৩১.	শরিফুল	২৫	আলিমুদ্দিন	খোদেজা	ছোট গারালজোড়া-২	৩৩
৩২.	শেলিমা	২২	সালাম	গোলাপজান	ছোট গারালজোড়া-২	
৩৩.	সুরক্ষী	৩	শরিফুল	শেলিমা	ছোট গারালজোড়া-২	

(এ.জে.এম.এরশাদ আহসান হাবিব)
উপজেলা নির্বাহী অফিসার
ভূরক্ষামারী, কুড়িগ্রাম।
২২.৭.১৫

প্রাপকঃ জেলা প্রশাসক
কুড়িগ্রাম

E:\OFFICE_Site\Site.mahul_RD ২২.৭.১৫-১৭-২০১৫.doc

**File No No. 26030/145/2015-IC-II
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFIARS**

NDCC II Building, Jai Singh Road,

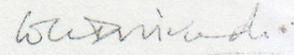
New Delhi, Dated: 02-07-2015

ORDER

In exercise of the powers conferred by section 16 of the Citizenship Act, 1955, the Central Government being of the opinion that it is necessary and expedient in public interest to do so, hereby delegates the power vested with the Central Government to District Magistrate, Cooch Behar, West Bengal for the following purposes:

- i. to obtain written declaration/confirmation from Indian/Bangladeshi enclave residents who wish to acquire Indian/ Bangladeshi citizenship;
- ii. to prepare the draft register listing names and other particulars of persons who wish to acquire Indian Citizenship;
- iii. to prepare draft register listing names and other particulars of persons who wish to renounce Indian Citizenship.
- iv. to publish the draft registers mentioned in (ii) & (iii) above and call for the objections.
- v. to enquire into the objections received and decide the validity of objections or otherwise.
- vi. to prepare the final registers listing the names and other particulars of Bangladeshi persons who wish to acquire Indian Citizenship, and Indian citizens who wish to renounce Indian Citizenship.
- vii. forward the final lists to Central Government through State Government of West Bengal.

This Order will be effective from 06th July to 31st December, 2015.



(G.K. Dwivedi)

Joint Secretary to the Government of India

**No.26030/145/2015-IC-II
Government of India
Ministry of Home Affairs
Foreigners Division**

Ist Floor, NDCC-II Building,
Jai Singh Road, New Delhi-110001.
Dated: 02/07/2015

Subject: Delegation of Power to District Magistrate, Cooch Behar, West Bengal.

Please find enclosed herewith a copy of the Order dated 02-07-2015 on the above mentioned subject for its compliance.

(Pravin Horo Singh)
Director(Citizenship)
Tel.fax No. 23438037

To

**The District Magistrate,
Cooch Behar, West Bengal.**

Copy for information to:

1. Joint Secretary, Ministry of External Affairs, (Bangladesh & Myanmar)
2. Joint Secretary, Border Management, Ministry of Home Affairs
3. Joint Director, Bureau of Immigration
4. Additional Registrar General of Citizen Registration, India
5. NIC - with a request to upload in MHA website
6. PPS to JS(F)


(Pravin Horo Singh)

[To be published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i)]

Government of India
Ministry of Home Affairs

New Delhi, the 12th October, 2015

Notification

S.O. - (E). - Whereas, India has acquired certain Bangladeshi Enclaves pursuant to ratification of the agreement between the Government of India and People's Republic of Bangladesh;

And Whereas, fourteen thousand eight hundred sixty four persons who were citizens of Bangladesh living in those enclaves which have now become part of Cooch Behar District of West Bengal in India, have expressed their intention to acquire Indian Citizenship and have renounced their citizenship of Bangladesh;

Now, Therefore, in exercise of the powers conferred by section 7 of the Citizenship Act, 1955 (57 of 1955), the Central Government hereby specifies that as from the 1st day of August, 2015, the following persons shall be citizens of India, namely:-

Sl. No.	Dist.	Sub Div. Sion	Block	Gram Panchayat	Police Station	PO Code	Chit No.	Chit Name	Hill No.	Mam. No.	Name	Sex	Age 2015	Mother's Name	Father's Name
1	GBR	MTB	SLK	Bero Komari	SLK	736146	66	Chit Nilgram Fragment	1	1	HARESH CHANDRA BARMAN	M	74	LT. KHUKU BARMAN	LT. MITHA BARI BARMAN
2	GBR	MTB	SLK	Bero Komari	SLK	736146	66	Chit Nilgram Fragment	2	1	HARESH CH. BARMAN	M	49	LT. PARAMESWARI BARMAN	HARESH CHANDRA BARMAN
3	GBR	MTB	SLK	Bero Komari	SLK	736146	66	Chit Nilgram Fragment	2	2	RAVIT BARMAN	M	29	LT. BASANTI BARMAN	HARESH CHANDRA BARMAN

To
The Manager
Press

(G.K. DWIVEDI)
Joint Secretary to the Govt. of India
No. 26030/145/2015-IC-II

[Handwritten Signature]



Government of West Bengal
OFFICE OF THE DISTRICT MAGISTRATE, COOCH BEHAR
 জেলাশাসকের কার্যালয়, কোচবিহার, পশ্চিমবঙ্গ

Sagar Dighi Complex, P.O.: Cooch Behar, Dist.: Cooch Behar, Pin: 736101, West Bengal
 Phone: (03582) 227101 # Fax: (03582) 227000 # e-mail: dm-cbr@nic.in, dmcoochbehar@gmail.com

ENCLAVE CELL

Memo No. : ENC/ 83/VII-G

Date: 05/06/2017

From: Enclave Development Officer,
Coochbehar

To : Sri. Kirity Roy Secretary,
Manabdhikar Suraksha Mancha (MASUM),
40A Barabagan Lane, Serampore, Hooghly, West Bengal
Pin - 712203

Ref: His Memo No. MASUM/DM/CBR/ 144/17 dt. 19-05-2017

Point wise reply is furnished herewith regarding the queries raised under RTL for your kind information:

1)

Enclave Settlement Camp	Family	Persons			Children		Senior Citizens
		Male	Female	Total	Male	Female	
Dinhata	58	130	115	245	12	16	16
Mekhligarij	47	98	100	198	29	39	20
Haldibari	96	248	231	479	64	73	37
Total	201	476	446	922	105	128	73

- 2) All of the entrants have been enrolled under National Population Register (NPR). The official record will be provided directly by the Census department.
- 3) They have been provided with Ration Cards, Aadhar Cards, Epic Cards and have been enrolled in different schemes of government. The details may be obtained from the respective departments who have been duly communicated.
- 4) Details of ration cards distributed in the settlement camps will be provided by District Controller of Food & Supplies directly who is duly communicated from this office.
The ration is provided at the following rate to each family (of 5 members or less) / month at the settlement camps.

Rice	Dal	Kerosene	Milk powder	Mustard Oil	Iodized salt
30Kg	5Kg	5 Ltr	1 Kg	5 Ltr.	1.5 Kg

- 5) The new comers have already been enrolled under NPR, Aadhar & EPIC. Details of relief provided to them may be seen in the reply of point 6 d). Total 231 houses for 201 families have been allocated as rehabilitation measures for them. Livelihood improvement and employment generation has been taken care of from MGNREGS and other government programs. Students from the Enclave areas have been enrolled in the nearby schools and colleges. Self Help Groups have been formed and trainings have been provided to them.



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6)

Enclave Settlement Camp	Persons
Dinhata Camp District Regulated Marketing Committee (DRMC), Dinhata near Krishi Mela, Sub Division - Dinhata, Post Office - Boronachina, PIN – 736135	245
Haldibari Camp Sub Divisional Adaptive Research Farm (SARF) Haldibari near Regulated Marketing Committee (RMC) Toll, Sub Division - Mekhliganj, Post Office - Haldibari, PIN - 735122	479
Mekhliganj Camp Address : Block Seed Farm (BSF) Mekhliganj Uttar Bhotbari, Sub Division - Mekhliganj, Post Office - Bhotbari, PIN – 735301	198
	922

6(a) For every family 380 sq. ft. Tin house having concrete platform has been provided. Those family consisting more than 7 members were allotted extra spaces for their accommodation to address the pragmatic needs. Families having more than 10 members were given extra house.

6(b) Upto 7 members

6(c) There is arrangement of light and fan in every household. Provisioning for inverter has also been made.

6(d) Bed roll and relief materials have been provided family wise whose details are given as following:

Resettlement Camp	Relief Material distributed					
	Relief Kit	Dignity Kit	Bed roll	Blanket	Mosquito Net	Children Garments
Dinhata	61	65	61	240	61	40
Mekhliganj	47	90	47	94	47	94
Haldibari	97	194	97	194	97	194
Total	205	349	205	528	205	328

6 (e) There is kitchen room in each house of the camp.

6(f) No attached bathroom. Community Bathroom (separate for male and females) is present in ample quantity.

6 (g) Dry rations are being provided family wise.

6 (h) They cook food on kerosene stove or earthen stove made by them beside house.

- 6 (i) Some of the dwellers who have got MGNREGS Job Cards have started their job (agriculture or other types based on their existing skill sets)
- 6 (k) Skill training like Computer Training has been imparted to 3 camp dwellers based on the level of education. Self Help Groups have been formed for the ladies and they have been brought under SHG clusters. Skill Training has been arranged for helping them to start self employment.
- 6 (l) Regarding Healthcare facilities in Temporary Settlement Camp, Chief Medical Officer of Health, Coochbehar will directly furnish the reply of RTI query mentioned in 6 (l) to Kirity Roy, Secretary, MASUM with a copy to the undersigned.
- 6 (m) Yes they have been tagged to nearest schools.
- 6 (n) Yes there is Anganwari Kendra in each of the camp where Supplementary Nutrition (SNP) and pre-school activities are being arranged. These ICDS Centres are constructed as per the norms of ECCE (Early Care and Child Education) as Model Centres.
- 6 (o) Drinking water facilities have been provided in each camp with proper sanitation.
- 6 (p) Deaths have been caused in the enclave settlement camps and this information will be provided by the respective SDOs.
- 6 (q) Direct land purchase is complete for the 3 permanent settlement camps at Mekhliganj, Haldibari & Dinhat respectively. Construction work will start soon by PWD Coochbehar and Teesta Bridge division.

[Signature]
5/6/17
For District Magistrate
Coochbehar

Memo No. : ENC/83/1(7)/VII-G

Date: 05/06/2017

Copy forwarded for information & necessary action to :

- 1-2) SDO Mekhliganj & SDO Dinhat with a request to furnish the reply of RTI Query raised in point 6(p) by Kirity Roy, Secretary, MASUM regarding the names of persons who have died in the Enclave Settlement Camps since they started to reside and their cause of death.
- 3) Chief Medical Officer of Health, Coochbehar with a request to follow the point no. 6(l) and furnish the reply of RTI query to Kirity Roy, Secretary, MASUM directly.
- 4) OC, Census, Coochbehar with a request to furnish the official record of registration under NPR of the returnees from Bangladesh at the time of exchange of Enclaves.
- 5) District Controller of Food & Supplies with a request to follow the point no. 4 and furnish the reply of RTI query to Kirity Roy, Secretary, MASUM directly.
- 6) The SPIO & NO, RTI, Office of the District, Magistrate, Coochbehar in ref to his Memo No. : G/1207/II-246 dt. 29/05/2017
- 7) OC, Judicial Munsikhana, Coochbehar

Encl: The memo of K. Roy, Masum
with no. MASUM/20/17-7/17-5-17



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[Signature]
5/6/17
For District Magistrate
Coochbehar

Special Pen

Assistant Registrar (Law) Case No. 1927/25/6/2015
Fax No.: 011-2465 1332 NATIONAL HUMAN RIGHTS COMMISSION
Website : www.nhrc.nic.in (LAW DIVISION)

MANAV ADHIKAR BHAWAN,
BLOCK-C, G.P.O. COMPLEX,
INA, NEW DELHI- 110023

Dated 26/07/2018

Case No.- 1927/25/6/2015
To

- 8 AUG 2018

KIRITY ROY, SECRETARY (MASUM) AND NATIONAL
CONVENER (PACTI)
BANGLAR MANABADHIKAR SURAKSHA MANCHA, 40A,
BARABAGAN LANE, (4TH FLOOR), BALAJI PLACE,
SHIBTALA, SRIRAMPUR,
HOOGHLY, WEST BENGAL
Pincode- 712203

Sir/Madam,

With reference to your complaint dated 12/11/2015 , I am directed to inform you that the above mentioned complaint along with the report received from the concerned authorities were placed before the Commission on 17/07/2018 Upon pursuing the same, the Commission has directed as follows :-

This Proceeding shall be read in continuation of earlier Proceedings in the matter.

The complainant activist has alleged that the victim's landed property was forcibly grabbed by miscreants from Bangladesh and he had to flee from his native residence in Indian Enclaves. As a result, the names of the victim and his family members were not enlisted as Indian Nationals. His application to DM, Cooch Behar for Indian nationality has not been considered as yet.

Since report was not received, vide Proceedings dated 29.11.2017 Commission directed issuance of Conditional Summons. In compliance, a report has now been received dated 08.01.2018 from the DM, Cooch Behar, West Bengal stating that indeed the petitioner submitted a copy of petition to the District Magistrate dated 05.10.2015 stating that Dinmohan Roy S/o Debendranath Roy, Address: Nalagram, Sitalkuchi, Mathabhanga, Cooch Behar was a resident of Banskata Chit (erstwhile Indian Enclave in Bangladesh Territory) from which he was forcibly evicted has been mentioned in the prayer.

It is further stated that before the merger of the enclaves on 31.07.2015 District

Encl: As stated above. Page 1 of 2

Administration did not have any physical access to such Indian enclaves located deep inside Bangladesh territory. It is also apprised that as per record none of such incidences were reported to this end at the time of alleged forceful displacement. Further, it was hardly possible to ascertain the genuineness/happening of such alleged incidences due to physical inaccessibility.

According to report, the process of merger of the enclaves with the country within which those are situated were decided by the Government of India and the Government of Bangladesh. The district administration had no role to play on the matter of formulation of the modus operandi. As per the guidelines, joint visit of head count was done in the year 2011 by Bangladesh and Indian representatives under direct supervision of the Registrar General of India and after such head count the reports were approved and finalised by the Joint Meeting of India and Bangladesh.

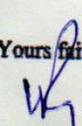
Subsequently, as per guidelines fixed by the RGI second Joint Field visit was made in the month of July 2015 on the basis of the earlier finalised list of 2011, for physical verification of those enlisted persons of 2011 and obtaining their option to choose the citizenship of their choice and on the basis of such option exercised actual merger of such lands and transition of people took place. As such, there was no scope in year 2015 to enumerate any person whose name was not reflected in the list of 2011 and obtain his/her option.

Report concludes by stating that as such, District Administration of Cooch Behar had no role to play to decide the future of the particular person in the matter. As per the guidelines of RGI option were taken in the month of July, 2015 from the persons who were enlisted in the count of 2011.

Commission has perused the above report. Let a copy of the same be sent to the complainant for comments, if any, within four weeks.

Pursuant to the above directions, I am enclosing herewith a copy of the report for furnishing your comments, if any, by 02/09/2018 for consideration of the Commission.

Yours faithfully,


Assistant Registrar (Law)

Annexure 5 (ii)

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN
BLOCK 'C', G.P.O. COMPLEX, INA, NEW DELHI - 110023

Fax No : 011-2465 1332

Home page : <http://nhrc.nic.in/>

NOTICE

Rew- 23/01/16
Dinmohan Roy
CBR/35/15

Case No. 1927/25/6/2015

To

THE DISTRICT MAGISTRATE
COOCH BEHAR, WEST BENGAL

WHEREAS the complaint/intimation dated 12/11/2015 received from KIRITY ROY SECRETARY (MASUM) AND NATIONAL CONVENER (PACTI) in respect of DINMOHAN ROY S/O DEBENDRANATH ROY was placed before the Commission on 15/12/2015

AND WHEREAS upon perusing the complaint the Commission has passed the following order:

The complainant has alleged that the victim's landed property was forcibly grabbed by miscreants from Bangladesh and he had to flee from his native residence in Indian Enclaves. As a result, the name of the victim and his family members was not enlisted as Indian nationals. His application to DM, Cooch Behar for Indian nationality has not been considered as yet.

Issue Notice to the District Magistrate, Cooch Behar, West Bengal calling for report within four weeks.

NOW THEREFORE TAKE NOTICE that you are required to submit the requisite information Report within 4 weeks from the date of receipt of this notice.

Annexure 5 (iii)


Government of West Bengal
OFFICE OF THE DISTRICT MAGISTRATE, COOCH BEHAR
Sagar Dighi Complex, P.O.: Cooch Behar, Dist.: Cooch Behar, Pin: 736101, West Bengal
Phone: (03582) 227101 # Fax: (03582) 227000 # e-mail: dm-cbr@nic.in, dmcoochbehar@gmail.com
ENCLAVE CELL

Memo No. : ENC/ 2 / II-E/2 Date: 08/01/2018

SCANNED

From :: District Magistrate
Coochbehar

To :: Assistant Registrar (Law)
National Human Rights Commission, Law Division
Manav Adhikar Bhawan, Block C, GPO Complex, INA
New Delhi. 110023

Sub: Reply of NHRC Case No. 1927/25/6/2015


N.H.
C.R. UNIT
16
9930
Dy. No.

175
14/2/18

Sir,

As directed by the Commission, a report is furnished herewith for your kind perusal.

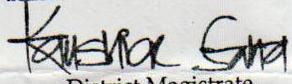
Indeed the petitioner submitted a copy of petition to the District Magistrate dated 05.10.2015 stating that Dinmohan Roy, S/o Debendranath Roy, Address: Nalgram, Sitalkuchi, Mathabhanga, Coochbehar was a resident of Banskata Chit (erstwhile Indian Enclave in Bangladesh Territory) from which he was forcibly evicted has been mentioned in the prayer.

Now this is to bring to your kind attention to the fact that before the merger of the enclaves on 31.07.2015 District Administration didn't have any physical access to such Indian enclaves located deep inside Bangladesh territory. It is also to apprise you that as per record none of such incidences were reported to this end at that time of alleged forceful displacement. Further, it was hardly possible to ascertain the genuineness / happening of such alleged incidences due to physical inaccessibility.

The process of merger of the enclaves with the country within which those are situated were decided by the Govt. Of India & the Govt. Of Bangladesh. The district administration had no role to play on the matter of formulation of the modus operandi. As per the guidelines, joint visit of head count was done in the year 2011 by Bangladesh & Indian representatives under direct supervision of the Registrar General of India and after such head count the reports were approved and finalized by the Joint Meeting of India & Bangladesh.

Subsequently as per guidelines fixed by the RGI second Joint Field Visit was made in the month of July 2015 on the basis of the earlier finalised list of 2011, for physical verification of those enlisted persons of 2011 and obtaining their option to choose the citizenship of their choice and on the basis of such option exercised actual merger of such lands and transition of people took place. As such there was no scope in year 2015 to enumerate any person whose name was not reflected in the list of 2011 and obtain his / her option.

As such, Sir, District Administration of Coochbehar had no role to play to decide the future of the particular person in the matter. As per the guidelines of RGI option were taken in the month of July 2015 from the persons who were enlisted in the count of 2011. This is for your kind information and necessary action.


District Magistrate,
Coochbehar

(R)
Dm
22/2/18

Annexure 6 (i)

Complaint to North Bengal Development Board

ইন্ডিয়ান এনক্লেভস পিপল কমিটি

হলদিবাড়ী * কোচবিহার
পিন নং - ৭৩৫১২২

Ref. No.	Date: ২২-৭-১৫
স্বাক্ষরিত জনাব দাশ রায় ওয়ারিং প্রেসিডেন্ট পিতা রায় ইদমাইল মিয়া	স্বাক্ষরিত জনাব রায় আনারা, হক মে. ডি. মুন্সি ইদমাইল নং - ৮৬৩৮৮৮৭৬৩ জনাব রায় প্রধান

Indian Enclaves People Committee
 Head Office
 Haldibari

Subj: - Prayer for include the names of actual citizens of Indian Enclaves who were driven out from Enclaves and have been living in different corners of North Bengal under the rehabilitation packages of Govt. of India.

Respected Sir, *Minister Uttar Banga N.B.D.D. West Bengal.* *To The Sri Gouram Bab*

With due respect on behalf of the Indian Enclaves People Committee, we congratulate you and all others for the final settlement of the burning problems Enclaves under Land Boundary Agreement between Govt. of India and Govt. of Bangladesh. Govt. of India has decided to rehabilitate the people of Indian Enclaves. In these circumstances we wish to submit a memorandum to you regarding the same.

In the time of Independence of India has divided into two countries, and as a result of which Enclaves Problems was created. There was "Under Rule of jungle" in the Indian Enclaves after the Independence. We are driven out from the Enclaves and become Refugees and took shelter in the Indian Territory in different corners of North Bengal. We have been spending our life like Wanderers.

They are not actual citizens of Indian Enclaves whose names enlisted in so called census of Govt. of India and Govt. of Bangladesh during the long process of Land Boundary of Agreement. Govt. of India took decision to rehabilitate the people of Indian Enclaves and announced huge money as package. But it is going to be clear that original citizen will be deprived.

In these circumstances we are submitting the following demands for the interest of actual citizens of Indian Enclaves.

In accordance with, we earnestly pray and hope that you will graciously please to consider the matter and take necessary decision of favour of actual citizens of Indian enclaves and oblige.

Yours faithfully
On Behalf of Indian Enclaves People Committee

মে. ডি. মুন্সি ইদমাইল
President / Joint Secretary
Indian Enclaves People Committee
Po Haldibari Dist Coochbehar

RECEIVED
CONTENT NOT VERIFIED
North Bengal Development Dept

KB
22/07/2015

Branch Secretariat
Uttarkanya, Fulbari
Dist. Jalpaiguri

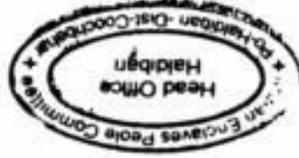
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Annexure 6 (ii)

Complaint to District Magistrate of Cooch Behar

ভারতীয় ছিটমহল পিপল কোচবিহার জেলা কমিটি
জেলা কোচবিহার

প্রতি
মাননীয় জেলা শাসক মহাশয়,
কোচবিহার জেলা
তাং ২৩শে জুলাই, ২০১৫ (ইং)



মাননীয় মহাশয়,

আমরা ভারতীয় ছিটমহল পিপল কোচবিহার জেলা কমিটির পক্ষ থেকে অত্যন্ত উদ্বেগের সঙ্গে আপনাকে জানাচ্ছি যে, আমরা বাংলাদেশ মূল ভূখণ্ড বেষ্টিত বিভিন্ন ভারতীয় ছিটমহলের অধিবাসীগণ সৈখানকার কতিপয় দুর্ভুক্তি ও সমাজ বিরোধীদের প্রচণ্ড অত্যাচারে এবং আমাদের কস্ত-বর্তীতে বলপূর্বক হানা এবং অগ্নিসংযোগ করে যাবতীয় মালামাল অগ্নিদগ্ধ করা তাছাড়া ধন সম্পদ, দলিল-দস্তাবেজ লুটপাট করায় আমরা পরিবার পরিজনদের জীবন রক্ষার্থে সে সব ছিটমহল থেকে কোন ক্রমে পালিয়ে এসে বর্তমানে ভারতের মূল ভূ-খণ্ডের বিভিন্ন এলাকায় যাবাবরের মতো জীবন যাপন করছি। আমরা ভূমি-পুত্ররাই বিতাড়িত-ছিন্নমূল উন্নয়ন। অথচ আমাদের ঘরবাড়ী জমি জায়গা স্বাবর-অস্বাবর সম্পত্তি যারা গায়ের জোরে দখল করে নিল তারাি আজ বাংলাদেশের মূল ভূখণ্ড বেষ্টিত ভারতীয় ছিটমহলের দখলদার হয়ে আছে।

মজার বিষয় হল, ২০১১ সালের নাকি ছিটমহল গুলিতে একটি জনগণনা হয়েছে, এই জনগণনার প্রক্রিয়ারে যেহেতু ব্যপক প্রচার কিংবা ঢাক ঢোল পিটিয়ে জনগনকে জ্ঞাত করা হয়নি, সেহেতু আমরা এই জন সমীক্ষায় আমাদের নাম নথিভুক্ত করতে পারিনি। এক্ষনে ভারত-বাংলাদেশ উভয় রাষ্ট্রের মধ্যে যে স্থল সীমান্ত চুক্তি স্বাক্ষরিত হয়েছে তাতে ছিটমহল গুলি পরস্পর পরস্পরের মধ্যে বিনিময়ের চুক্তি হয় এবং নতুন করে জনগণনা শুরু হয়েছে এই জনগণনাতেও আমাদের নাম অন্তর্ভুক্ত হচ্ছে না। প্রশাসনের কাছে এই বিষয়ে বার বার আবেদন নিবেদন করা সত্ত্বেও আমরা ছিটমহলে প্রকৃত ভূমি পুত্ররা বঞ্চিত হচ্ছি।

আমরা যারা প্রকৃত ভূমিপুত্র এবং দুর্ভুক্তিদের অত্যাচারে প্রানরক্ষার্থে ছিটমহল পরিত্যাগ করতে বাধ্য হয়েছি এবং আমাদের যে সমস্ত ভূ-সম্পত্তি ছিটমহলে পরিত্যক্ত অবস্থায় রয়েছে সে সব জমি যাতে আমরা পুনরায় ফেরৎ পেতে পারি তার প্রশাসনিক সাহায্য কামনা করছি, এছাড়া আমাদের নাম যাতে জনগণনায় নথিভুক্ত হয় তার বিধান দিতে এবং পরিত্যক্ত ভূ-সম্পত্তি পর্যাণ্ড ক্ষতিপূরণ পাই সে বিষয়ে আপনায় দৃষ্টিপাত করছি, আমাদের আরও অনুরোধ এই যে, আমাদের মধ্যে যারা নিঃস্ব-রিক্ত ব্যক্তি যাদের ছিটমহলের কোন ভূ-সম্পত্তি নেই সে সব দীন দরিদ্র যারা প্রানটুকু হাতে নিয়ে ভারতের মূল ভূ-খণ্ড চলে আসতে বাধ্য হয়েছে তাদেরকেও এই সমীক্ষায় অন্তর্ভুক্ত এবং পর্যাণ্ড ক্ষতিপূরণ দেওয়ার আবেদন করছি।

আমরা আশা করি আপনি আমাদের আবেদন যথার্থ ভাবে বিবেচনা করে আমাদের বিষয়ে দৃঢ় প্রশাসনিক ব্যবস্থা করবেন।



President / Joint Secretary
Indian Enclaves People Committee
Haldibari, Dist Cooch Bihar
ইতি
জনসম্মত
স্বাক্ষরিত
তারিখ: ২৩/৭/১৫

Annexure 6 (iii)

INDIAN ENCLAVES PEOPLE COMMITTEE

HALDIBARI : COOCHBIHAR
PINCODE NO: 735122
Registration no. 5/21481

President
Hridaynath Roy
Working President
Girija Roy
Md. Anarul Haque
Bhupendra Nath Roy Pasamila
Md. Ismail Mia

Cashier
Santosh Roy
Tapan Kumar Roy

Joint Secretary
Md. Rafikul Islam
Jagadish Roy Pradhan
Asst. Secretary
Bhabananda Roy
Arun Lakra
Bablu Roy



Reference no.....

Date: 25/06/2015

To,
The Prime Minister
Govt. of India
New Delhi

Through the Divisional Commissioner
Jalpaiguri Division

Sub : Prayer for include the names of actual citizens of Indian Enclaves who were driven out from Enclaves and have been living in the different corner of North Bengal under the rehabilitation package of Govt. of India.

Respected Sir,

With due respect on behalf of the Indian Enclaves people Committee we congratulate you and all others for the final settlement of the burning problem Enclaves under Land Boundary Agreement between Govt. of India and Govt. of Bangladesh. Govt. of India has decided to rehabilitate the people of Indian Enclave. In these circumstances we wish to submit a Memorandum to you regarding the same.

In the time of independence India has divided into two countries. And as a result of which enclave problem was created. There were under 'Rule of Jangle' in the Indian Enclaves after the independence. We were driven out from that enclave and become refugee and took shelter in the Indian Territory in different corner of North Bengal. We have been spending our life like Jajabar i.e. homeless, landless vagabond.

They are not actual citizen of Indian enclaves whose names enlisted in so called census of Govt. of India and Govt. of Bangladesh during the long process of Land Boundary Agreement. Govt. of India took decision to rehabilitate the people of Indian Enclaves and announced huge money as package. But it is going to be clear that the original citizen will be deprived.

In these circumstances we are submitting the following demand for the interest of the actual citizen of Indian Enclaves



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In accordance with, we earnestly pray and hope that you will graciously please to consider the matter and take necessary decision in favour of actual citizen of Indian enclaves and oblige.

Yours faithfully,
On behalf of Indian Enclaves People
Committee

স্বাক্ষরিত
জগদীশ চন্দ্র
General Secretary 9158033303
Indian Enclaves People Association
P.O. Haldibari, Dist. Coochbehar

Demand:

The actual citizen of Indian Enclaves who were driven out from the enclaves and have been living in the different corner of North Bengal should be enlisted under the rehabilitation package of Govt. of India.

স্বাক্ষরিত
Georgina Ray
Copy to
President / Joint Secretary
Indian Enclaves People Association
Po. Haldibari - Dist. Coochbehar



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**ভারতীয় ছিটমহল ঐক্য পরিষদ ও ছিটমহল
পিপলস্ কমিটি-র যৌথমঞ্চ**
কোচবিহার, পশ্চিমবঙ্গ, ভারত

প্রতি

মাননীয় চেয়ারম্যান
পশ্চিমবঙ্গ মানবাধিকার কমিশন
ভবানী ভবন,
কলকাতা - ২০
তাং- কোচবিহার -) সেপ্টেম্বর ২০১৩ ইং।



বিষয় : ভারতীয় ছিটমহল ও ছিটবাসী বিষয়ক।

মহাশয়,

বিনীত নিকোন এই যে, আমরা ভারতীয় ছিটমহল ঐক্য পরিষদ ও ছিটমহল পিপলস্ কমিটি-র যৌথমঞ্চের পক্ষ থেকে এই মর্মে আপনাকে অবহিত করছি যে, আমরা বাংলাদেশের অভ্যন্তরস্থ ভারতীয় ছিটমহলগুলির অধিবাসীবৃন্দ দশকের পর দশক ধরে এক চরম যন্ত্রণার মধ্যে দিনে দিনে দিন্যাপন করে চলেছি। আমাদের না আছে ভৌগোলিক, না আছে রেশনকার্ড, না আছে ভারতের বৈধ নাগরিকত্ব; অথচ আমরা জানি যে, আমাদের পূর্ব পুরুষেরা ছিলেন একদা বৃটিশ বসন্তনিগ্রহ রোধে কোচবিহারের মহারাজার প্রজা এবং কোচবিহার রাজ্যের ভারতভুক্তির মধ্যে দিয়ে তাঁরা প্রকৃত ভারতীয় নাগরিকত্বের অধিকারী। অথচ অদৃষ্টের পরিহাস, কোচবিহার রাজ্য ভারতীয় ইউনিয়নে সম্পূর্ণরূপে যোগদানের (১২ই সেপ্টেম্বর, ১৯৫৬ ইং) ৬৪ বছর পরেও আমরা রাষ্ট্রহীন নাগরিকত্বের যন্ত্রণা বহন করে চলেছি।

বাংলাদেশের অভ্যন্তরস্থ ভারতীয় ছিটমহলগুলি আজ প্রকৃত অর্থে ছদ্মস্বয়ং রাজত্বে পর্যবসিত। মৌলবাদী শক্তির মদতে বাংলাদেশের জমি লুটেরাদের বর্ধরচিত অভ্যাতারে প্রকৃত ছিটবাসীদের (যাদের কিনা কোচবিহার মহারাজার প্রণামন কর্তৃক প্রদত্ত জমির দলিল ও প্রয়োজনীয় নথিপত্র রয়েছে) এক বড় অংশই জীবন বাঁচাতে জমি জিরেং, ভূ-সম্পত্তি ফেলে রেখে বিভিন্ন সময়কালে ভারতের মূল ভূ-খণ্ডে পালিয়ে আসতে বাধ্য হয়েছেন। বর্তমানে তারা উদ্বাস্তর মতো জীবন-যাপন করে চলেছে। পক্ষান্তরে বাংলাদেশের জমি লুটেরাদের দল ছিটমহলগুলি দখল করে ছিট বিনিময়ের সুযোগ নিতে অতি সম্প্রতি তৎপর হয়ে উঠেছে। ২০১১ সালের জনগণনা অধিকাংশ ছিটমহলের ক্ষেত্রে এই সকল বাংলাদেশী দখলদাররাই নিজেদের ছাল ভারতীয় পরিচয়ের মাধ্যমে নাম তালিকাভুক্ত করতে সক্ষম হয়েছে বলে আমরা নিশ্চিত ভাবে জানতে পেরেছি। অথচ আমরা যারা উত্তরাধিকার সূত্রে (কোচবিহার রাজ্যের প্রজা হিসেবে) ভারতীয় ছিটমহলগুলির প্রকৃত নাগরিক তারা জনগণনা-প্রক্রিয়ায় সম্পূর্ণ ব্রাত্য হয়ে অনিশ্চিত জীবন-যাপন করে চলেছি।

মহাশয়, ১৯৯২ সালে যখন তিনবিধা কড়িঙোরের মাধ্যমে বাংলাদেশের দুটি বৃহত্তম ছিটমহল আদারপোতা ও দহগ্রামকে মূল ভূ-খণ্ডে সংযুক্তকরণ করােনা হ'ল তখন আমরা প্রত্যাশা করেছিলাম যে, ভারতের দুটি ছিটমহলে (কোচবিহার জেলায় মাথাভাঙ্গা থানার অধীনস্থ বাগমড়া ছিটমহল এবং হলদিবাড়ি থানার অধীনস্থ ঞালবাড়ি, নটকটকা, কাজলদীঘি, বেউলাডাঙ্গা, নাজিরগঞ্জ ইত্যাদি ছিটমহল) যথাক্রমে ধোঁরা কড়িঙা এবং আড়াই বিঘা বা দেড় বিঘা কড়িঙোরের মাধ্যমে ভারতের মূল ভূ-খণ্ডের সঙ্গে সংযুক্ত করে ছিটমহল সমস্যার সমাধানে সরকার উদ্যোগী হবেন। কিন্তু পরবর্তীকালে বেদনার সঙ্গে আমরা দেখলাম যে ১০ হাজার একরেরও বেশি ভারতীয় ভূ-খণ্ডের ক্ষতি স্বীকার করে ১১১টি ভারতীয় ছিটমহলে ৫১টি বাংলাদেশী ছিটের বিনিময় হতে চলেছে।

মহাশয়, এমতাবস্থায় আমাদের প্রশ্ন --- যে প্রক্রিয়ায় ছিট সমস্যার সমাধান হতে চলেছে তাতে আমাদের ভবিষ্যৎ কি অপনা প্রকৃত ছিটবাসী হয়েও আমরা কি তবে সম্পূর্ণরূপে বঞ্চিতা শিকার হয়ে থাকবো? নাকি আমাদেরকে ছিটের জনগণনায় অর্ন্তর্ভুক্ত করে তবেই এই সমস্যার সমাধান প্রক্রিয়া সম্পন্ন হবে --- সেটাই এই মুহূর্তে আমাদের সব থেকে বড় জিজ্ঞাসা।

অতএব মহাশয়ের কাছে আমাদের সন্ধ্যাপনা, ছিটমহল বিষয়ক ভূমি সম্পর্কিত সমস্যা সমাধানে অনিশ্চয়তার মোহাচলে আমাদেরকে না ফেলে অতীত দিনের অর্থাৎ রাজ আমলের দলিল - দস্তাবেজকে প্রামাণ্য নথি হিসেবে ধরে নিয়ে আমাদেরকে ভারতীয় নাগরিকত্ব প্রদানে আপন সক্রিয় উদ্যোগ গ্রহণ করুন। অত্যাধুনিক প্রযুক্তি নির্ভর পরিচয়পত্র প্রতিটি প্রকৃত ভারতীয় ছিটবাসীকে প্রদান করে তাদেরকে পূর্ণ ভারতীয় নাগরিক পরিষেবার আওতায় এনে মানুষের মতো বাঁচার সুযোগ এবং অবাধে ছিটমহলগুলিতে যাওয়াযাতের ব্যবস্থা করে দিন। সেই সঙ্গে বাংলাদেশী দখলদার হাত থেকে ভারতীয় ছিটগুলিকে উদ্ধার করে প্রকৃত রায়তনেরকে তা প্রদান করে ছিটবাসীদের নিরাপত্তা সুনিশ্চিত করতে আপন প্রয়োজনীয় উদ্যোগ গ্রহণ করুন।

নমস্কার গ্রহণ করবেন।

স্বাক্ষর: *[Handwritten signature]*

ভবদীয় ---
[Handwritten signature]

ছিটমহল পিপলস্ কমিটির পক্ষে

ছিটমহল ঐক্য পরিষদের পক্ষে

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যোগাযোগ : প্রযুক্তি "উত্তর প্রসঙ্গ", ১৮ দিনহাটা রোড, কোচবিহার- ৭৩৬১০১, পশ্চিমবঙ্গ, ভারত।

**The list of names whose identity was not
count in headcount -2015 (Nolgram, Falnapur)
situated at Mathabhanga Sub Division, Cooch
Behar District, West Bengal**

S.No.	Name of the Family Head	Father's / Husband 's Name	Age	Village
1	Bimal Kumar Mohanto	Late Lalit Kumar Mohanto	65	Nolgram
2	Nripen Barman	Late Jatindranath Barman	35	Do
3	Noyamukhi Barman	Fakkas Barman (Husband)	40	Do
4	Poritosh Barman	Late Joymohon Barman	35	Do
5	Dhananarayan Barman	late Dharani Barman	45	Do
6	Purnanarayan Barman	Late Nabadwip Barman	40	Do
7	Prakash Mohanto	Bimol Mohanto	42	Do
8	Bikash Mohanto	Bimol Mohanto	35	Do



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9	Prashanta Kumar Mohanto	Bimol Mohanto	33	Do
10	Bipul Kumar Mohanto	Bimol Mohanto	30	Do
11	Din Mohan Roy	Late Kamalakanto Roy	55	Do
12	Ray Mohan Barman	Late Khetramohan Barman	60	Do
13	Jatindranath Barman	Late Joymohan Barman	50	Do
14	Shantakumar Barman	Late Bhabeswar Barman	50	Do
15	Md. Joynal Abedin	Late Sahar Ali Mian	60	Do
16	Birendranath Barman	Late Torful Barman	61	Falnapur
17	Md. Kadaruddin Mian	Late Noyruddin Mian	37	Nolgram
18	Suniti Barman	Late Ganda Barman(Husband)	35	Do
19	Jyotsna Barman	Late Ruhidas Barman (Husband)	45	Falnapur
20	Sushil Barman	Late Dharani Barman	40	Nolgram

21	Bindu Barman	Late Fakkas Barman	45	Do
22	Nalinimohan Roy	Late Lolit Mohan Roy	73	Do
23	Bidyamoyi Roy	Late Jitendramohan Roy(H)	75	Do
24	Shantanu Roy	Late loloni Mohan Roy	75	Do
25	Haripada Roy	Late Jogendramohan Roy	61	Do
26	Malati Barman	Late Kamal Barman(Husband)	44	Do
27	Indramuni Pramanik	Late Mahesh Pramanik (H)	60	Do
28	Hemanta Barman	Late Narendranath Barman	58	Do
29	Joyanta Barman	Late Narendranath Barman	50	Do
30	Ananta Barman	Late Narendranath Barman	53	Do
31	Taranikanta Roy	Late Bibhishan Roy	55	Do
32	Gajendranath Barman	Late Pishu Barman	60	Do

33	Amulya Roy	Late Manahari Roy	55	Do
34	Ajit Barman	Late Jogendranath Barman	56	Do
35	Rajindranath Barman	Late Shibendranath Barman	60	Do
36	Nirmal Barman	Late Rajeswar Barman	45	Falnapur
37	Md. Ashraf Ali	Tochimuddin Mian	50	Nolgram
38	Md. Hossain Ali	Tochimuddin Mian	45	Do



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Annexure 8

This is the complaint made before the Prime Ministers of India and Bangladesh over the current impasse in the process of headcount and attacks on enclave dwellers(with list of the affected dwellers):-

21 July 2015

To
The Prime Minister
Government of India

To
The Prime Minister
Government of Peoples Republic of Bangladesh

Dear Madam/ Sir

I on behalf of our organization; Banglar Manabadhikar Suraksha Mancha (MASUM) wants to draw your attention over the current impasse in the process of headcount which is taking place at enclaves in India and Bangladesh by joint teams to facilitate the implementation of Land Boundary Agreement; 1974. This effort has been taken to settle the long pending issue of citizenry rights of the enclave dwellers.

We are getting information from the erstwhile Bangladeshi and Indian enclaves that the joint teams are not working transparently and they already created few procedural complications to exclude or include names according to their whims and fancies. This procedural violations, omission and commission of duty are raising questions over the legalities and state's accountability. This will again put thousands of enclave dwellers in a stateless situation. The affected people have already made complaints before the respective district or sub divisional administration.

Further, we are getting regular information of attacks, threats, subjugation to regular enclave dwellers by hooligans from outsides having political patronage of many hues. Just after the signing, enclave dwellers in both the countries being attacked, their houses being torched, threatened to leave their land and houses ransacked. This news of human destitution are pouring from enclaves; only corroborating our apprehension and concern. These are few information we have received from various enclaves; an exodus of male residents from Daseyerchora Chit; even aged persons were not spared. An office of the opposition Enclave Committee (Chitmahal United Committee) was being ransacked. At Banskatha Chit (no.-115) Hindus are being threatened by the non-enclave Bangladeshi hooligans; though Hindus are majority in this enclave. Banskatha Chit (no.-

119) has a distance of mere 5 bighas with mainland India and they demanded for corridor and Indian citizenship but continuously being threatened by the religious fundamentalist Jamat groups and a large number of people left their village since Dhaka accord on 6 June, 2015. In Indian part, Mashaldanga in Coochbehar district, erstwhile Bangladeshi enclave experienced similar attacks; on the night of 6th June, the natives of mentioned enclave were attacked, their household ransacked and being asked to leave Indian land. We have made several complaints over the issue before the concerned authorities including The Honourable President of India.

I wish to recall your responsibility towards the Universal Declaration on Human Rights; 1948, International Covenant on Civil and Political Rights, UN Convention Relating to the Status of Stateless Persons, 1954 and the UN Convention on the Reduction of Statelessness; 1961. Further, India and Bangladesh both have taken voluntary pledge before the UN Human Rights Council to protect and promote human rights for all.

I am attaching a list of persons (sample) who were already denied to get enlisted during the joint team's monitoring and enlistment process. It is to be noted that a sizable number of enclave dwellers at both sides have managed citizenry identities including purchasing of properties in adjacent foreign land by "influencing" government officials, members of local self government and political leaders during the past 68 years.

Annexure 9 (i)

Draft of land title received by Biswanath Roy in 2018 through the Government of West Bengal

জেলা- কোচবিহার	খতিয়ান নং- ২২	[০৮০৯১৩৪]
মৌজা- পূর্ব ফুলকারদাবড়ি	জে.এল.নং- ১৩৪	থানা- কুচলিবাড়ী

(১) রাজস্ব- টাকা
(২) জমির পরিমাণ (এ) - ১.৩১০০ (৩) মোট দাগের সংখ্যা- ৯

	(৪) অত্রস্বত্বের দখলকারের বিবরণ	(৫) স্বত্ব	(৬) মন্তব্য
নাম-	বিশ্বনাথ রায়	রায়ত	
পিতা-	ধরেন্দ্র		
ঠিকানা-	নিজ		

(৭) অত্রস্বত্বের নিজ দখলীয় জমি

দাগ নং	জমির শ্রেণী	মন্তব্য	দাগের মোট পরিমাণ (এ)	দাগের মধ্যে অত্রস্বত্বের অংশ	দাগের মধ্যে অত্রস্বত্বের জমির অংশের পরিমাণ	
					একর	হেক্টর
১৪২১	বাঁশ বাগান	আপত্তি.মো:- ১৪৪৩	০.২০০০	০.৩৫০০	০.০৭০০	
১৪৩০	চা বাগান	আপত্তি.মো:- ১৪৪৩	০.৩৪০০	০.১১৭৬	০.০৪০০	
১৪৪০	দুয়েম	আপত্তি.মো:- ১৪৪৩	০.৬০০০	০.১৩৩৩	০.০৮০০	
১৪৪১	পতিত	আপত্তি.মো:- ১৪৪৩	০.২০০০	০.৩৫০০	০.০৭০০	
১৪৭২	দুয়েম	আপত্তি.মো:- ১৪৪৩	০.৬৫০০	০.৩৩৮৬	০.২২০০	
১৫০৬	চা বাগান	আপত্তি.মো:- ১৪৪৩	০.২৭০০	০.৮৮৮৮	০.২৪০০	
১৫০৭	দুয়েম	আপত্তি.মো:- ১৪৪৩	০.৩৬০০	১.০০০০	০.৩৬০০	
১৫১৬	দুয়েম	আপত্তি.মো:- ১৪৪৩	১.২৫০০	০.০৮৮০	০.১১০০	
১৫২২	দুয়েম	আপত্তি.মো:- ১৪৪৩	০.৩৫০০	০.৩৪২৮	০.১২০০	

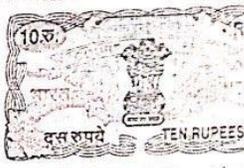
Annexure 9 (ii)

Objection to the land title draft filed by Biswanath Roy

ANNEXTURE - B

FORM NO. 9
[Rule 24]

Objection under Sub-Section (1) of Section 51A of W.B.L.R. Act. 1955
[পশ্চিমবঙ্গ ভূমি-সংস্কার আইন, ১৯৫৫-এর ৫১ (ক) ধারায় ১ উপধারায় আপত্তি]

Objection No..... (আপত্তি নং)	GR.No.	Mouzawar No.....	
Village Name (মৌজার নাম ও জে.এল.নং)	J.L.No. ২৬৪		
Police Station (থানা ও জিলা)	Dist. Cooch Behar		
1. Name of Objector, Father's/ Husband's Name and address of Objector. (আপত্তিকারীর নাম, আপত্তিকারীর পিতা / স্বামীর নাম ও আপত্তিকারীর বাসস্থান)	বিস্বনাথ রায় পত্নী বিষ্ণু রায় সীকার - ১৫ ফুলকাডাবরী, পোঃ বাগাজেরা থানা- ফুলকাডাবরী, জেলা- ফুলকাডাবরী		
2. Name of Objector, Father's/ Husband's Name and address of the person against whose Khatian objection is made. (যাহার খতিয়ানের বিরুদ্ধে আপত্তি তাহার নাম, পিতা / স্বামীর নাম ও উক্ত খতিয়ান ধারীর বাসস্থান)	হুমুসী মল্লিক ও সিয়াল মল্লিক বিষ্ণু মল্লিক ও সিয়াল মল্লিক পিতা- ১৫ ফুলকাডাবরী, পোঃ বাগাজেরা থানা- ফুলকাডাবরী, জেলা- ফুলকাডাবরী		
3. No. of Khatians under objection. (আপত্তিকৃত খতিয়ান নং)	৪৫ " " ২ " " ২০		
4. No. of plots, if any under objection. (আপত্তি সর্বশ্রেষ্ঠ কোন দাগ থাকিলে তাহার নং)	১৪৭৩ " " ১৪৭৬ " " ১৪৭৭		
5. Nature of objection i.e. status, rent, possession etc. (আপত্তির স্বকম অর্থাৎ স্বত্ব, খাজনা, দখল ইত্যাদি)	স্বত্বাধিকার - স্বত্বাধিকার বিষ্ণু রায় বিষ্ণু রায় - পোঃ বাগাজেরা থানা- ফুলকাডাবরী, জেলা- ফুলকাডাবরী		
6. Matters objected to with details of objection and relief sought for. (আপত্তির বিষয় ও বিবরণ এবং অর্জিত প্রতিকার)	মামলা - গোলা মল্লিক ও সিয়াল মল্লিক নাম জাতি গোলা মল্লিক ৪৫ নং কাম বিষ্ণু গোলা মল্লিক নং- ২২. ৪৭. ৪৭. নং- ২৬৪		
7. Signature of objector and date. (আপত্তিকারীর দস্তখত)	বিষ্ণু রায় ২৬/১০/১৭		

Objection duly received and entered

Objection No. 26/2019

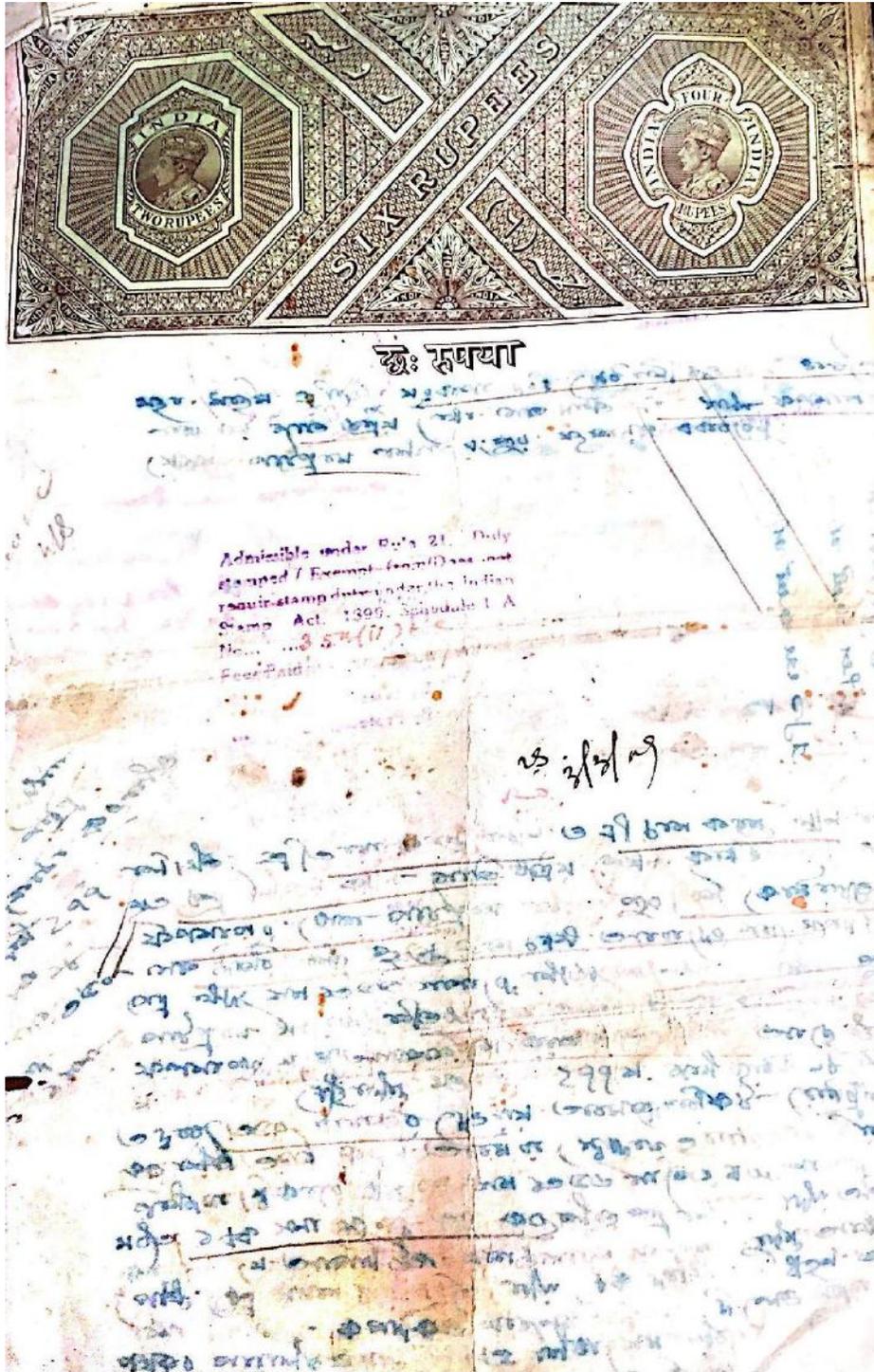
Village name & J.L. No. Purba Fulkadabri

Police Station and District


 Revenue Officer

Annexure 10 (i)

Land under the jurisdiction of Maharaja of Cooch Behar



Annexure 10 (ii)

Receipt of Land revenue paid to the Maharaja of Cooch Behar

সেহান নং: _____

দাখিলা (প্রজার অংশ) _____

মালিক: শ্রী ৩৮৮ জনু বর্মিন সায়িন
গান্ধী-বাড়ী

সন ১৩ ৫১ সাল। তাং _____

দাখিলার ক্রমিক নং: _____ তো: নং _____ রেসা নং _____ ভে: এল নং _____

খতিয়ান নং: ৫৩ জোতের বিবরণ: ৬৫৬৫৫ মহাল _____

মেজাদালুক: ৪২ পরগণা: গান্ধী-বাড়ী গ্রাম _____

থানা: নিওনগুড়ী জেলা: কুচবিহার জমির পরিমাণ: ৫২ বর্গ _____

সেয়েস্তার লিখিত প্রজার নাম: শ্রী-সায়িনী জনু-বর্মিন

স্বত্বকারের নাম: শ্রী-সায়িনী জনু-বর্মিন

পিতা/স্বামীর নাম: শ্রী-ব্রজেন জনু-বর্মিন

সাকিন: গান্ধী-বাড়ী থানা: গান্ধী-বাড়ী জেলা: কুচবিহার

জমার বিবরণ

মোট জমা	বাধিক জমা	বাৎসরিক	নিজ অংশ	সেস	শিক্ষাকর প্রভৃতি	একুশ
২৫১	২৫১	৩	২৫১	৩৩	২৫৬	৩০৬

ম: শ্রী ৩৮৮ জনু বর্মিন ৩৬ টাকা মাত্র।
 ওয়াশীলের বিবরণ

সন তারিখ ও মরফত	কোন মনের বাবদ	খাজানা	সেস	শিক্ষাকর প্রভৃতি	হুদ	একুশ
সন ১৩ ৫১ সাল তারিখ: ২৭ মে ১৩৫১ ম: <u>শ্রী ৩৮৮ জনু বর্মিন</u>	হাল	২৫১	৩৩	২৫৬	-	৩০৬
	সন ১৩ ৫০	X	X	X	X	X
	সন ১৩ ৪৯	X	X	X	X	X
	সন ১৩ ৪৮	X	X	X	X	X
	তৎপূর্ব	X	X	X	X	X
মোট	X	২৫	৩৩	২৫৬	-	৩০৬

ম: শ্রী ৩৮৮ জনু বর্মিন ৩৬ টাকা মাত্র।
 কৃত্যধিকারীর বয়ঃ অথবা ক্ষমতাপ্রাপ্ত আদায়কারীর স্বাক্ষর
শ্রী ৩৮৮ জনু বর্মিন

Annexure 10 (iii)

Land under the jurisdiction of East India Company



Admission made **बनारस प्रान्त**
Also under Sec. **of**
B. T. Act Duly Stamped
(exempt from fees not require
stamp duty) under the Indian
Stamp Act 1899.

Schedule I. **1899**
Fee paid as **1/10**
Sub-Registrar, **Almougari**
21/12/19

बनारस जिला के अन्तर्गत स्थित भूमि पर (बनारस प्रान्त) अधिनियम 1899 के अन्तर्गत
25/12/19 को नया नक्शा बनाया गया और नया नक्शा जारी किया गया।
500 - अनामिका - 20/12/19
1000 - अनामिका - 20/12/19
2000 - अनामिका - 20/12/19
3000 - अनामिका - 20/12/19
4000 - अनामिका - 20/12/19
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6000 - अनामिका - 20/12/19
7000 - अनामिका - 20/12/19
8000 - अनामिका - 20/12/19
9000 - अनामिका - 20/12/19
10000 - अनामिका - 20/12/19

BY SPEED POST

NATIONAL HUMAN RIGHTS COMMISSION
(LAW DIVISION)
MANAV ADHIKAR BHAWAN
BLOCK 'C', G.P.O. COMPLEX, INA, NEW DELHI - 110023

Fax No.: 011-2465 1332
Website : www.nhrc.nic.in/

NOTICE

Case No. 1728/25/6/2018

To

THE DISTRICT MAGISTRATE
COOCH BEHAR, WEST BENGAL

WHEREAS the complaint/intimation dated 14/10/2018 received from KIRITY ROY, SECRETARY in respect of ANUKAL ROY AND OTHERS was placed before the Commission on 12/11/2018 .

AND WHEREAS upon perusing the complaint the Commission has passed the following order.

The petitioner has alleged non-payment of compensation to SC people whose land have been acquired by the State authorities. Let a Notice be issued to the District Magistrate, Cooch Behar, West Bengal submit the report before the Commission in person on 13/14.12.2018 at Kolkata, West Bengal during the Camp Sitting of the Commission. The Chief Secretary, Government of West Bengal shall ensure presence of the District Magistrate, Cooch Behar, West Bengal along with the report on the said date. Let a copy of the complaint be also transmitted to the Secretary, West Bengal State Human Rights Commission to inform this Commission the date of cognizance, if any, taken at their end in the instant matter within this period.

Registry is directed to list this matter on 13/14.12.2018 during the Camp Sitting of the Commission at Kolkata, West Bengal. The parties be informed accordingly.

NOW THEREFORE TAKE NOTICE that you are required to submit the requisite information / Report within 3 weeks from the date of receipt of this notice.

TAKE FURTHER NOTICE that in default the Commission may proceed to take such action as it deems proper.

Given under my hand and seal of the Commission, this the day of 13 November 2018.

(BY ORDER)

Assistant Registrar (Law)

Encl: Copy of the complaint.

Note --> 1. The information / report shall be furnished only by the authority which is called upon to do so.

2. Please quote the Case No. referred above in all future correspondence / reports.

CC to:

Case No. 1728/25/6/2018

NNNN

NNNN

Case No. 1728/25/6/2018

KIRITY ROY, SECRETARY
BANGLAR MANABADHIKAR SURAKSHA MANCHA, 40 A,
BARABAGAN LANE (4TH FLOOR) BALAJI PLACE,
SHIBTALA, SRIRAMPUR,
HOOGHLY, WEST BENGAL.

712101

Assistant Registrar (Law)



Annexure 11 (ii)



Government of West Bengal
Office of the District Magistrate, Coochbehar
Sagar Dighi Complex, P.O.: Cooch Behar, Dist.: Cooch Behar, Pin: 736101, West Bengal
Phone: (03582) 227101 # Fax: (03582) 227000 # e-mail: dm-cbr@nic.in, dmcoochbehar@gmail.com
ENCLAVE CELL

Memo No. ENC/194/IE-2/NHRC

Date: 07.12.2018

From :: District Magistrate
Coochbehar

To : Assistant Registrar (Law),
National Human Rights Commission,
Law Division Manav Adhikar Bhawan,
Block C, CGO Complex, INA, New Delhi

Sub: Reply to NHRC Case No 1728/25/6/2018 dated 14.10.2018

Sir,

With reference above, the following facts and figures are being brought to your kind knowledge:

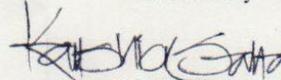
1. A 2 km road was constructed by Public Works Department (Roads), Coochbehar in the Chit Kuchlibari, Mekhliganj for the benefit of the general public. Further, as reported by the Executive Engineer, Coochbehar Highway Division the minimum single lane road for carriage way has to be 3.75 Mtr. as per the Indian Road Congress (IRC).

The issue of payment of compensatory allowance of the use of land for public utility projects does not come under consideration since the land itself was in nobody's Record-of-Rights.

2. 27 numbers of Job Card have already been issued under MGNREGS to the resident of the Chit Kuchilabri on individual claims of the beneficiary families. In this regard, it is to be stated that Job Cards were issued to all the four complainants by the Block Development Officer & Programme Officer, MGNREGS, Mekhliganj Development Block, Coochbehar. Since MGNREGS is a totally demand driven statute based activity, employment to the Job Card Holders can only be given when so demanded.

This is submitted for kind perusal and necessary consideration.

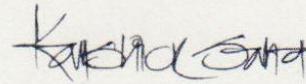
Yours Faithfully


District Magistrate
Coochbehar

Memo No. ENC/194CD/IE-2/NHRC

Date: 07.12.2018

Copy forwarded for information to Sri A Sen, Addl. Secretary to the Government of West Bengal, Home & Hill Affairs Department, Human Rights Branch, Writers' Building, Kolkata : 700 001


District Magistrate
Coochbehar

Complaint by the residents of Poschim Bakalir Chara to the District Magistrate of Cooch Behar

তারিখ

আমরা ছিটিমহল বাসি প্রাচ প্রমিলা বাহিনি
জৈনগঞ্জ, কোচবিহার

বিষয় বাসস্থান

মহাশয়
 বিশিষ্ট বিদ্যমান প্রকৌশল আমের প্রকৌশল কারিগর কুমারস্বয়ং
 জৈনগঞ্জ পিচমহল ২ নং গ্রামের অধিকাংশ বাসস্থানে ২ নং গ্রাম
 অধিকাংশের কোচবিহার জিলা পল্লী পরিষদ কর্তৃক প্রাপ্য বিদ্যমান
 আমের ২৪০০ পল্লী পরিষদ কর্তৃক প্রাপ্য ১৪০০।
 প্রকৌশল প্রকৌশল ৬-০০ পল্লী - প্রকৌশল প্রকৌশল
 আমের না মূল্যের পরিষদ প্রকৌশল বসতির দাবী
 আমের প্রকৌশল প্রকৌশল প্রকৌশল প্রকৌশল প্রকৌশল
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 প্রকৌশল প্রকৌশল

RECEIVED
 Contents not Verified
 District Magistrate's Office
 Cooch Behar

Annexure 13 (i)

Complaint by the residents of Karala-II to the District Magistrate of Cooch Behar

To, The D.M.
Cooch Behar
Dated - 17th Nov

Sir,

যিনীত জনগণৰ ভেদে ৭৮, আশুৰা নিম্নবৰ্গীয়া
 নদী কাষৰে স্থিতিস্থাপন ২৪ খণ্ড ভূমিৰ অধিকাৰ বৰিষ্কাৰ
 কৰিবলৈ প্ৰস্তাৱ দিয়া হৈছে আৰু প্ৰায়শ্চৈৱই পুৰণি
 নদীৰ কাষৰে স্থিতিস্থাপন ৭-৮ খণ্ড ভূমিৰ অধিকাৰ
 কৰিবলৈ প্ৰস্তাৱ দিয়া হৈছে। কিন্তু উক্ত ভূমিৰ অধিকাৰ
 কৰাৰ প্ৰক্ৰিয়াটো অসম্পূৰ্ণ হৈছে। কিন্তু আশুৰা
 নদীৰ কাষৰে স্থিতিস্থাপন ২৪ খণ্ড ভূমিৰ অধিকাৰ
 কৰিবলৈ প্ৰস্তাৱ দিয়া হৈছে আৰু প্ৰায়শ্চৈৱই
 পুৰণি নদীৰ কাষৰে স্থিতিস্থাপন ৭-৮ খণ্ড ভূমিৰ
 অধিকাৰ কৰিবলৈ প্ৰস্তাৱ দিয়া হৈছে। কিন্তু উক্ত
 ভূমিৰ অধিকাৰ কৰাৰ প্ৰক্ৰিয়াটো অসম্পূৰ্ণ হৈছে।
 গতিকে জনগণৰ বিৰুদ্ধে অসম্পূৰ্ণ কৰ্ম হৈছে।

গতিকে জনগণৰ বিৰুদ্ধে অসম্পূৰ্ণ কৰ্ম হৈছে।
 গতিকে জনগণৰ বিৰুদ্ধে অসম্পূৰ্ণ কৰ্ম হৈছে।
 গতিকে জনগণৰ বিৰুদ্ধে অসম্পূৰ্ণ কৰ্ম হৈছে।
 গতিকে জনগণৰ বিৰুদ্ধে অসম্পূৰ্ণ কৰ্ম হৈছে।

১। উক্ত ভূমিৰ অধিকাৰ কৰিবলৈ প্ৰস্তাৱ দিয়া হৈছে -
 ২। উক্ত ভূমিৰ অধিকাৰ কৰিবলৈ প্ৰস্তাৱ দিয়া হৈছে -
 ৩। উক্ত ভূমিৰ অধিকাৰ কৰিবলৈ প্ৰস্তাৱ দিয়া হৈছে -
 ৪। উক্ত ভূমিৰ অধিকাৰ কৰিবলৈ প্ৰস্তাৱ দিয়া হৈছে -

Received
 but Content not Verified
 17/11/2014
 Col. (Retd.) C. S. Saha


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 2503]

नई दिल्ली, बुधवार, जुलाई 31, 2019/श्रावण 9, 1941

No. 2503]

NEW DELHI, WEDNESDAY, JULY 31, 2019/SHRAVANA 9, 1941

गृह मंत्रालय

(भारत के महारजिस्ट्रार, नागरिक रजिस्ट्रीकरण का कार्यालय)

अधिसूचना

नई दिल्ली, 31 जुलाई, 2019

का.आ. 2753(अ).—नागरिकता (नागरिकों का रजिस्ट्रीकरण और राष्ट्रीय पहचानपत्रों का जारी करना) नियमावली, 2003 के नियम 3 के उप नियम (4) के अनुसरण में केंद्र सरकार एतद् द्वारा जनसंख्या रजिस्टर तैयार करने और उसे अद्यतन करने का निर्णय लेती है तथा स्थानीय रजिस्ट्रार के क्षेत्राधिकार के अंतर्गत सामान्य तौर पर रहने वाले सभी व्यक्तियों की संबंधित जानकारी एकत्र करने के लिए, असम के अलावा देशभर में घर-घर जाकर गणना करने संबंधी फील्ड कार्य 01 अप्रैल, 2020 से प्रारम्भ होकर 30 सितम्बर, 2020 की अवधि में किया जायेगा।

[का. सं. 9/5/2019-सीआरडी (एनपीआर)]

दिवेक जोशी, नागरिक रजिस्ट्रीकरण के महारजिस्ट्रार

MINISTRY OF HOME AFFAIRS

(OFFICE OF THE REGISTRAR GENERAL CITIZEN REGISTRATION, INDIA)

NOTIFICATION

New Delhi, the 31st July, 2019

S.O. 2753(E).—In pursuance of sub-rule(4) of rule 3 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, the Central Government hereby decides to prepare and update the Population Register and the field work for house to house enumeration throughout the country except Assam for collection of

information relating to all persons who are usually residing within the jurisdiction of Local Registrar shall be undertaken between the 1st day of April, 2020 to 30th September, 2020.

[F. No. 9/5/2019-CRD (NPR)]

VIVEK JOSHI, Registrar General of Citizen Registration

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

MANOJ
KUMAR
VERMA

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Date: 2019.08.01
19:03:50 +05'30'

Annexure 15 (i)

Complaint by the residents of Mekhliganj settlement camp to the Officer in Charge of Mekhliganj Police station

To,
The O.C. Police Station
Mekhliganj, Cooch-behar

Dated: 17/05/2017

Sub: S.D.O-এর সঙ্গে সাক্ষাৎ আলোচনা করার জন্য।

স্বহাঙ্গম,

বিনীত নিবেদন এই যে, আমরা এখনকার সোর্টমেন্টে
ক্যাম্পের অস্থায়ী বাসিন্দারা। আজ আমরা সকাল ১০:০০-০:০০ p.m.
পর্যন্ত মতুমুমা ক্যাম্পের অফিসে পুনর্বাসনের জায়গা পরিবর্তনের
দাবি নিয়ে আলোচনা করার জন্য অপেক্ষাকৃত ছিলাম। কিন্তু
তিনি কোনমতেই আমাদের সঙ্গে কোন আলোচনা করেন নি।
এর আগেও আমরা এই স্থান পরিবর্তনের দাবিতে অনেক দরখাস্ত
করেছি। কিন্তু তা সত্ত্বেও আমাদের কোন সুফল মেওয়া
হয় নি। তাই আমরা এই পরিস্থিতিতে অশ্রমিত সহ আরো
বিভিন্ন ধরনের কর্মসূচী গ্রহণে বাধ্য থাকিব।

অতএব, স্বহাঙ্গমের নিম্নে আমাদের আকুল আবেদন এই
যে, আমাদের প্রার্থনা সফল করিয়া বাধিত থাকিবেন।

বিনীত নিবেদক
এখনকার সোর্টমেন্ট ক্যাম্প-এর পাণ্ডে
স্বাক্ষর -

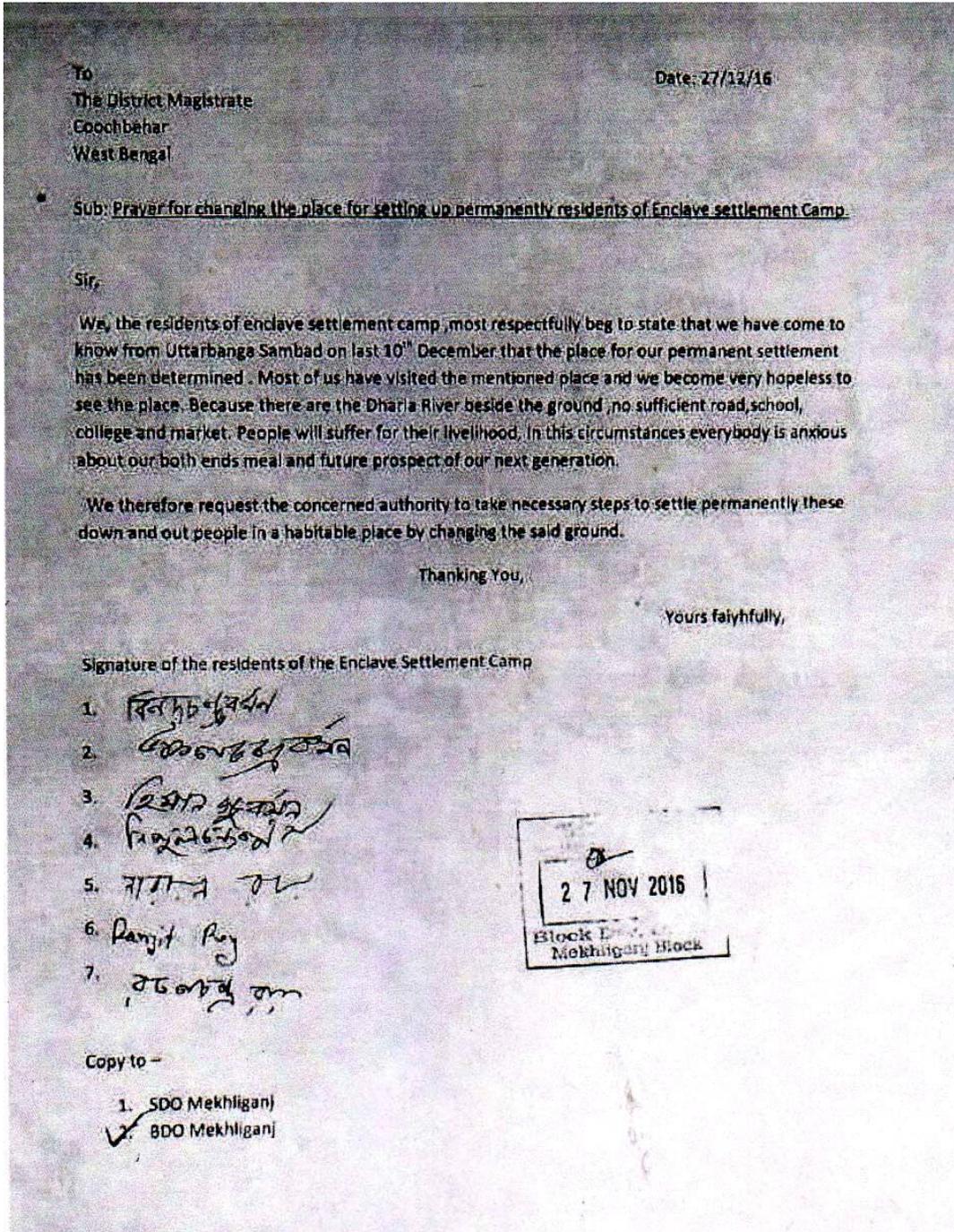
- ১। বিনীত নিবেদক
- ২। নাগরিক
- ৩। পরিচালক
- ৪। অন্যান্য কর্মী
- ৫। স্বাক্ষর
- ৬। স্বাক্ষর
- ৭। স্বাক্ষর

17/05/2017



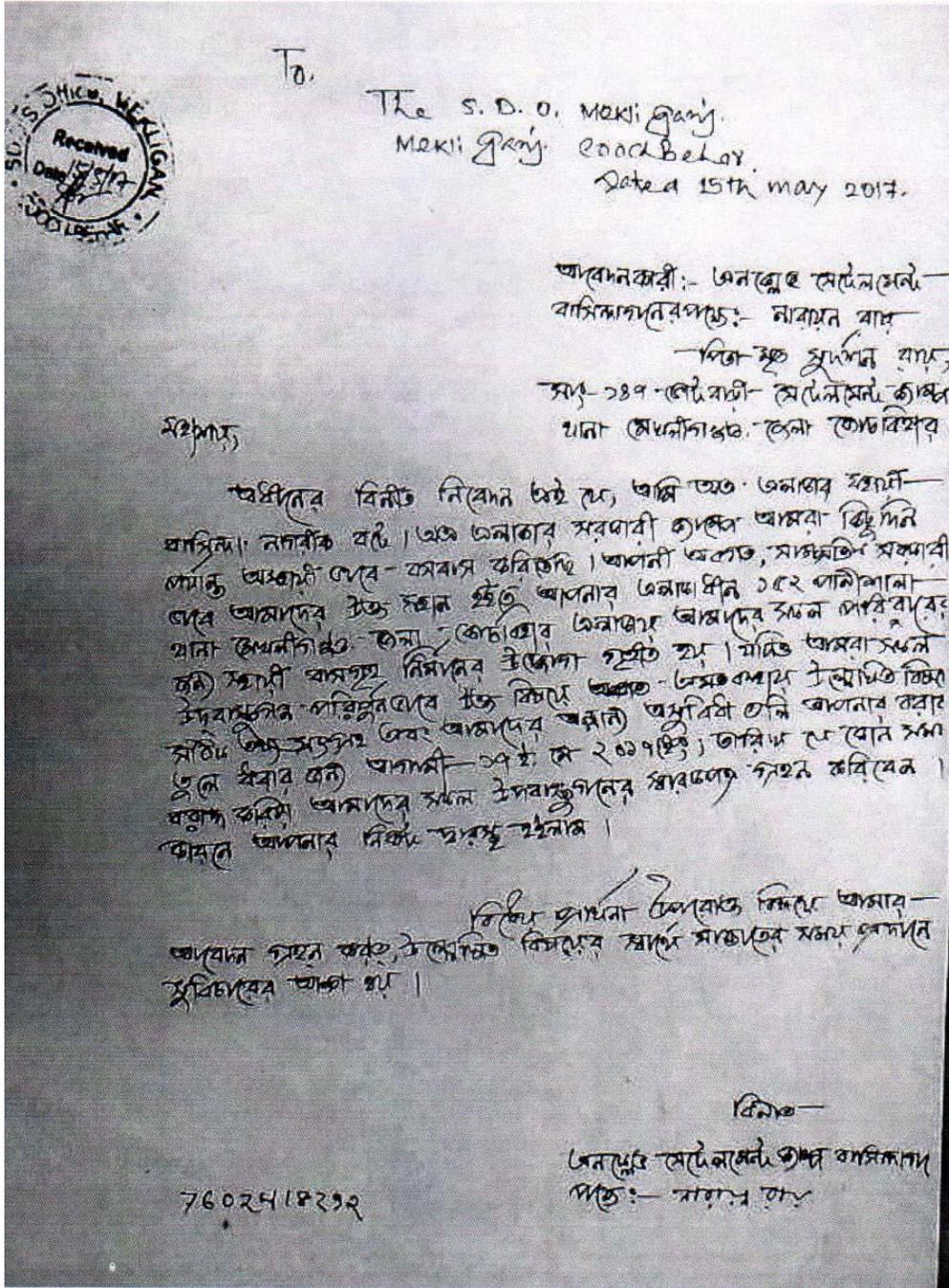
Annexure 15 (iii)

Complaint by the residents of Mekhliganj Settlement Camp to the District Magistrate of Cooch Behar



Annexure 15 (iv)

Complaint by the residents of Mekhliganj Settlement Camp to the Sub Divisional Officer of Mekhliganj Sub Division.



Annexure 16

Demands of the enclave dwellers submitted before the District Magistrate in 2007

 <p>Manabdhikar Suraksha Mancha (masum)</p>	<p>40A, Barabagan Lane, Serempore, Hooghly - 712 203 West Bengal, India Phone: +91-33-2622-0843 46 Tele Fax: +91-33-2622-0843 E-mail: masumindia@gmail.com Web: www.masum.org.in</p>	<p>আমরা ছিটমহলবাসী</p>
<p>প্রতি জেলা শাসক কোচবিহার জেলা</p>		
<p>মাননীয় মহাশয়, আমরা ছিটমহলবাসী। ছিটমহলবাসীদের পক্ষ থেকে আপনাকে জানাই অভিনন্দন। আপনি নিশ্চয় অবগত আছেন, কোচবিহারের রাজা এবং মোগল শাসনের দ্বন্দ্ব, সাতচল্লিশের দেশভাগ, কোচবিহারের ভারতভুক্তি, চুয়াত্তরের ইন্দ্রি- মুজিব চুক্তি, মনমোহন নেতৃত্বাধীন কংগ্রেস সরকারের উদ্যোগ ও সেই সময় বিরোধী বিজেপি এবং তৃণমূল দলের বিরোধিতা, পরবর্তী সময়ে ক্ষমতাসীন বিজেপি ও তৃণমূলের অবস্থান বদল, একশো উনিশতম সংবিধান সংশোধন, ভারত-বাংলাদেশ এই দুই দেশের স্থল সীমান্ত চুক্তি ইত্যাদি ঘটনার মধ্য দিয়ে ৩১ জুলাই, ২০১৫ রাত ১২টার পর সরকারিভাবে বর্তমানে ভারত এবং বাংলাদেশে কোনও ছিটমহল নেই। দীর্ঘ প্রতীক্ষার পর আমরা যারা ছিটমহলবাসী তারা স্বপ্ন দেখেছিলাম আমাদের নাগরিকত্বহীন জীবনযন্ত্রণা, জীবনধারণের জন্য প্রয়োজনীয় মৌলিক পরিষেবার অভাব - এসবের এবার অবসান ঘটবে। কোচবিহার জেলার জেলা শাসক হিসাবে আপনি নিশ্চয় জানেন, প্রায় ২ বছর অতিক্রান্ত হতে চললেও আমাদের সমস্যা সেই তিমিরেই রয়ে গেছে, সমস্যার পরিবর্তে আরও জটিলতা বৃদ্ধি পেয়েছে। ২০১১ এবং ২০১৫ সালে বাংলাদেশ ও ভারত দুই রাষ্ট্র যৌথ ভাবে মাথা গণনার কাজ করলেও কোনও রহস্যজনক কারণে তা আজও অপ্রকাশিত। মাথা গণনা, নামের তালিকা তৈরির পদ্ধতিগত ভুলের কারণে আমাদের অনেকের নামই নথিভুক্ত হয়নি, এখনও পর্যন্ত কেউ নাগরিকত্ব পায়নি। উত্তরাধিকার সূত্রে প্রাপ্ত আমাদের জমি বর্তমানে সরকারের মালিকানাধীন। জমি জরিপের কাজ চলছে ধীর গতিতে। জমির মালিকানা সরকারের অথচ কিছু ভোটার কার্ড দেওয়া হচ্ছে ভুল ঠিকানায়। কার্ডে যাঁদের নাম নথিভুক্ত হয়েছে, বা সচিব ভোটার কার্ড দেওয়া হয়েছে, তাঁদেরও অসম্পূর্ণ এবং ভুল ঠিকানা দেওয়া হয়েছে এবং হচ্ছে। আধার কার্ডের অবস্থাও তথৈবচ। রেশন কার্ড, জব কার্ড এখনও পর্যন্ত সকলে পায়নি। যে সকল স্থানে রাস্তা, পানীয় জল সহ অন্যান্য উন্নয়নের কাজ হাতে নেওয়া হয়েছে, সেখানেও গ্রামবাসীদের সাথে কোনও আলোচনা না করেই, কোনও নির্দেশনামা ছাড়াই কৃষকের জমি বলপূর্বক কেড়ে নেওয়া হচ্ছে। বসত জমি থেকেও রাস্তার জন্য জমি নিয়ে নেওয়া হচ্ছে, এর জন্য কোনও ক্ষতিপূরণ দেওয়া হবে কিনা তারও কোনো লিখিত নির্দেশ নেই। নির্দিষ্ট দলীয় সমর্থক বেছে বেছে তাদের জমি বা বাড়ির পাশে মাট্টা কল বসানো হচ্ছে। অথচ যাঁদের প্রয়োজন তাঁরা পাচ্ছেন না। দেশ জুড়ে হচ্ছে ভারত নিয়ে হইচই হলেও আমাদের এই অঞ্চলকে তার আওতাভুক্ত করা হয়নি। প্রশাসনের কাছ থেকে এ বিষয়ে যথেষ্ট স্বচ্ছতার অভাব রয়েছে। কেন এখানকার মানুষদের এখনও প্রকাশ্যে মলমূত্র ত্যাগ করতে হবে? আত্মমর্যাদার সাথে বেঁচে থাকার মৌলিক অধিকার কি এখানকার মানুষের নেই। কখনও বলা হচ্ছে, 'আপনারা তৈরি করে নিন, আমরা দেখে নেব।' আবার কখনও বলা হচ্ছে, 'আমরা করলে যা করে দেব, তাই মেনে নিতে হবে'। বিভিন্ন ছিটের অবস্থা এক নজরে আপনার অবগতির জন্য এখানে সংক্ষেপে তুলে ধরছি - বাত্রীগাছ ৮২ নং ছিটে এখনও কোনও রাস্তার কাজ শুরু হয়নি। করলা ২ নং ছিটে কাঁটাতারের কারণে কোনও উন্নয়নের কাজ হচ্ছে না। পোয়াতুরকুটি ছিটে পানীয় জলের কল বসলেও বেশ কিছু কল থেকে জল পড়ে না। সর্ব প্রথম যে রাস্তার জন্য সরকারি আধিকারিকরা মাপ নিয়েছিলেন, পোয়াতুরকুটি থেকে খাটামারি যাওয়ার সেই রাস্তার কাজ এখন বন্ধ খরচ ও রাজনৈতিক দলের মুনাফার স্বার্থের কথা ভেবে দক্ষিণ মশালডাঙ্গার অবস্থাও একই রকম। মাট্টা কল থেকে জল বের হয় না। তৃণমূল দলের সমর্থক দেখে দেখে পানীয় জলের কল, সোলার লাইট বসানো হয়েছে, অথচ যেখানে চাষের জমি রয়েছে, সেখানে কোনো কিছু নেই। সরকারি আধিকারিকের কথা শুনে মানুষ রাস্তার জন্য গাছ কেটেছিলেন, অনেক ক্ষতি হয়েছে, অথচ এখন রাস্তা তৈরি করা হচ্ছে না। নলগ্রাম, ফলনাপুর ও জোত্রা- য় পঞ্চগয়েত থেকে শৌচালয় তৈরি করে দিলে ১০০ দিনের কাজের টাকার থেকে কেটে নেওয়া হবে এবং সাধারণ মানুষ নিজেরা তৈরি করে নিলে টাকা কাটা হবে না। মধ্য মশালডাঙ্গার আনুমানিক ১০০টি পরিবারের মধ্যে কেবলমাত্র ১০টি তৃণমূল সমর্থক পরিবারের জমিতে পানীয় জল, চাষের জমিতে সেচের জন্য সোলার স্যালো বসানো হয়েছে। কিন্তু বাকিদের জমিতে সেচের প্রয়োজন থাকলেও সেখানে সেচের কোনও ব্যবস্থা নেই।</p>		

মশালভাঙ্গার বিদ্যুৎ-এর কাজ হবে না বলে জানিয়েছে। এখানেও খুঁটি পরিবার যারা তৃপসূল দলের সাথে যুক্ত, তাঁদের জমিতেই পানীর জলের কল বসানো হয়েছে। তাঁদের জমিতেই সেতের জন্য সেতুর সাপোর্ট বসানো হয়েছে। অন্য যাদের ঘোরো চাসের জমি রয়েছে, সেতের জন্য জলের প্রয়োজন, সেখানে কোনও ব্যবস্থা নেই।

উত্তর বাশজানি ছিটেও নতুন কোনও বিদ্যুৎ-এর খুঁটি বসবে না বলে জানানো হয়েছে। এখানে কোনও উন্নয়নের কাজ হয়নি। এখানে বসবাসকারী মানুষদের নাম ২০১১ ও ২০১৫ সালের মাথা পন্দার নাম গঠনি। সে ১৫টি পরিবারের নাম উঠেছে, সেখানে পূর্ব মশালভাঙ্গার পরিচয় হয়ে আছে।

ছিট তেলাই-এর জমিতে যে দল যখন ক্ষমতার আসে তখন সেই দলের মানুষ জোগ করে।

উত্তর ছিট মশালভাঙ্গার ১টি পরিবার। সরকারি আধিকারিক ২০১১ ও ২০১৫ সালের মাথা পন্দার সময় উল্লেখকৃত ভাবেই এই পরিবারের নাম তোলেদনি।

আমরা যারা বাংলাদেশের অস্থগত ভারতের ছিটমহল থেকে এপারে অনেক আশা নিয়ে এপারে এসেছিলাম, আমাদের দুর্ভাগ্য কোনও সীমা নেই। আমাদের উপযুক্ত ক্ষতিপূরণ ও যথাযথ পুনর্বাসনের বিষয়ে এখনও পর্যন্ত কোনও সুস্পষ্ট নীতি বা নির্দেশনামা তৈরি হল না। জীবন-জীবিকা বিষয়ে কোনও পদক্ষেপ নেওয়া হয়নি। আমরা এখনও পর্যন্ত নাগরিকত্ব পাইনি, যে ৩টি কারণে আমাদের রাখা হয়েছে তা বসবাসের উপযুক্ত নয়। পর্যাপ্ত পানীয় জল, শৌচালয় নেই। রেশনে যা সামান্য খাদ্য শস্য দেওয়া হচ্ছে, তাতে দিন চলে না। সরকারি অবশ্রো ও বিনা চিকিৎসার হলদিবাড়ি শিবিরের ঈশ্বর নারায়ণ রায় এবং দিনহাটা শিবিরের সামসুল হক, এই ২ জন মানুষের মৃত্যু ঘটেছে।

এখনও আমাদের জীবন অন্ধকারেই কাটছে। কোথাও কোথাও বিদ্যুৎ-এর খুঁটি বসলেও তার সংযোগ ও ট্রান্সফর্মার বসানো নিয়ে সমস্যা রয়েছে।

সরকারি যোগ্য অনুসারে ছিটমহলের অস্থিত না থাকলেও আমাদের দৈনন্দিন জীবন যন্ত্রণায় ছিটমহল আত্মও প্রবলভাবে বিদ্যমান। আমাদের অবশ্রুর কোনও পরিবর্তন হয়নি।

আমরা আপনার কাছে আমাদের এই সকল সমস্যা জানিয়ে ইতিপূর্বে বহুবার সমস্যা সমাধানের জন্য আবেদন জানিয়েছি। সরকারিভাবে এ বিষয়ে আপনি দায়বদ্ধ হলেও আমরা আপনার কাছ থেকে আজ পর্যন্ত কোনো ইতিবাচক সড়া পাইনি।

সকলের অবশ্রুর জন্য এবং আপনাকে শ্রবণ করিয়ে দিতে আমাদের ইতিপূর্বে করা দাবিপত্রগুলির একটি তালিকা এখানে দেওয়া হল।

১৭.০৬.২০১৬	জীবন জীবিকা	করোলা ১নাং, ২নাং
১৭.০৬.২০১৬	বিদ্যুৎ	নলগ্রাম, ফলনাপুর
২৫.০৭.২০১৬	নাগরিকত্ব	হলদিবাড়ি
১১.০৮.২০১৬	ক্ষতিপূরণ, পুনর্বাসন	দিনহাটা শিবির
১১.০৮.২০১৬	বিদ্যুৎ	নলগ্রাম, ফলনাপুর, জোরো, বাকপিরছড়া, করোলা
২০.১০.২০১৬	রাষ্ট্রাঘাট	করোলা
২৭.১০.২০১৬	জমি	করোলা

বর্তমান অবশ্রুর পরিপ্রেক্ষিতে আমরা আপনার কাছে পুনরায় নিম্নলিখিত দাবিগুলি রাখছিঃ-

- ১) নাগরিকত্ব বিষয়ে স্বচ্ছতার সাথে সকল ছিটমহলবাসীকে সচিত্র পরিচয়পত্র প্রদান করতে হবে।
- ২) ছিটমহলবাসীদের জমির মালিকানার স্বীকৃতি দিতে হবে।
- ৩) ছিটমহলবাসীদের সাথে আলোচনা করে ছিটমহলে রাষ্ট্রাঘাট, পানীয় জল সহ উন্নয়ন পরিকল্পনা গ্রহণ করতে হবে।
- ৪) সরকারের বিভিন্ন সামাজিক সুরক্ষা প্রকল্পগুলি ছিটমহলবাসীদের সকলের কাছে পৌঁছে দিতে হবে।
- ৫) ভারতীয় ছিটমহলবাসী, যাদের নাম এখনও পর্যন্ত নানা কারণে নথিভুক্ত করা হয়নি, অবিলম্বে তাঁদের নাম নথিভুক্ত করতে হবে।
- ৬) ক্ষতিপূরণ ও পুনর্বাসন সংক্রান্ত সকল বিজ্ঞপ্তি সকলের জ্ঞাতার্থে প্রকাশ্যে আনতে হবে।

আশা করি এই জেলার দায়িত্বপ্রাপ্ত আধিকারিক হিসাবে আপনি পূর্বতন ছিটমহলবাসীদের সমস্যা সমাধান এবং আমাদের দাবী পূরণে যত দ্রুত ইতিবাচক পদক্ষেপ গ্রহণ করবেন। আমাদের আশা আমরা আপনার সুশাসন থেকে বঞ্চিত হব না।

তারিখঃ ১৬ মার্চ, ২০১৭

ধন্যবাদান্তে

আমরা ছিটমহলবাসী

বাংলার মানবাধিকার সুরক্ষা মঞ্চ



Karala-II



Visit of NHRC Special Rapporteur to Dinhat Settlement Camp



Condition of roads in Falnapur



Protest before the office of District Magistrate, Cooch Behar



Condition of roads in Poschim Bakalir Chara



Press meeting regarding the submission of mass deputation at the office of the District Magistrate, Cooch Behar

সাবেক ছিটমহলবাসীর অধিকারের দাবিতে জেলাশাসকের দফতরের সামনে বিক্ষোভ



কোচবিহারের জেলাশাসকের দফতরের সামনে বিক্ষোভরত সাবেক ছিটমহলের বাসিন্দারা। বৃহস্পতিবার। নিজস্ব ছবি।

শুভেন্দু ভট্টাচার্য, কোচবিহার, ১৬ মার্চ: সাবেক ছিটমহলের মানুষদের দাবি দাওয়া সামনে রেখে বৃহস্পতিবার কোচবিহার জেলাশাসকের দফতরের সামনে সাবেক ছিটমহলবাসীদের নিয়ে বিক্ষোভ দেখাল একটি মানবাধিকার সংগঠন 'মাসুম'।

বিক্ষোভ দেখানোর পর তাঁদের দাবি সম্মিলিত একটি স্মারকলিপি জেলাশাসককে দেওয়া হয়।

সংগঠনের অভিযোগ, কেন্দ্র ও রাজ্য ছিটমহল বিনিয়ম করলেও সাবেক ছিটমহলবাসীরা এখনও আগের অবস্থাতেই পড়ে রয়েছেন। সাবেক ছিটমহলবাসীদের জন্য কোনও উন্নয়নের

কাজ করেনি জেলা প্রশাসন। এমনকি এঁদের নিয়ম মেনে নাগরিকত্ব দেওয়া হয়নি বলেও অভিযোগ করেন তাঁরা।

মাসুমের কর্ণধার কিরীটি রায় অভিযোগ করেন, জেলা প্রশাসন ছিটমহল উন্নয়নের

শিলিগুড়ি

টাকা অন্য খাতে খরচ করছে। তাঁর আরও

দাবি, যাঁরা সাবেক ভারতীয় ছিটমহলগুলি থেকে এদেশে এসেছেন তাঁরা নিদারুণ যন্ত্রণার মধ্যে আছেন। ইতিমধ্যে তাঁদের জন্য যে আশ্রয় শিবির করা হয়েছে সেখানে বিনা চিকিৎসায় তিনজনের মৃত্যু হয়েছে বলেও তিনি দাবি করেন। এদিন সংগঠনের পক্ষ থেকে ছিটমহলের মানুষের জমির কাগজ দিয়ে সেই সমস্যা সমাধানের দাবি জানান।

A newspaper report of the protest of enclave dwellers at the office of the District Magistrate

Demonstration for the demands of enclave dwellers at the office of the District Magistrate, Cooch Behar



About FORUM-ASIA

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a member based organisation with a mission to promote and protect all human rights, including the right to development, through collaboration and cooperation among human rights organisations and defenders in Asia. FORUM-ASIA has offices in Bangkok, Jakarta, Kathmandu and Geneva

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About MASUM

Banglar Manabadhikar Suraksha Mancha (MASUM) was established in 1997 by a group of activist experts who had long experience working on human rights and civil liberties in West Bengal, India. MASUM acts as a platform for HRDs, grassroots human rights groups, and survivors collective. More info on www.masum.org.in

“

India and Bangladesh have claimed spaces that have been abandoned for over seven decades, however, the question remains — who inhabits these spaces, the nation or its citizens? ”



Prachi Lohia is a former student of English literature from Ambedkar University Delhi. She has formerly worked with Quill Foundation and South Asian Human Rights Documentation Centre. She has a keen interest in International human rights law and the politics of gender, caste and race in the Indian society. She is currently an academic researcher working on various concerns of human rights. Currently, she is associated with Banglar Manabadhikar Suraksha Mancha (MASUM). She was assisted by the team at MASUM with the research done in this book.

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