

**Persona non grata -- enclave dwellers -- no job, not even primary education, misappropriate of public money  
– IMPUNITY**

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To: NHRC <chairnhrc@nic.in>

Cc: "ADM Cooch Behar (Dev)" <admdevcbr@gmail.com>, Chief Secretary Gov of WB <cs-westbengal@nic.in>, "DG & IGP, West Bengal Police." <dgpwestbengal@gmail.com>, DM Cooch Behar <dmcoochbehar@gmail.com>, MHA JS Human Rights <jshr-mha@nic.in>, SDO Mathabhanga <sdo\_mathabhanga@nic.in>, Secretary Home PAR <secy.par-wb@nic.in>, SP Cooch Behar <spcbr@policewb.gov.in>

To  
The Chairperson  
National Human Rights Commission  
Manav Adhikar Bhawan  
Block- C, GPO Complex, INA  
New Delhi- 110023

27 September 2018

Respected Sir,

I want to attract your kind attention upon the following incident of human rights violation to a group of marginalized inhabitants of erstwhile Bangladeshi enclaves. After execution of the Land Boundary Agreement (LBA) on 31<sup>st</sup> July 2015 almost 3 years have passed but still most of the enclaves are devoid of the developmental work at their respective enclaves and the dwellers are still deprived from citizenry guarantees, social securities and developmental measures.

I am referring to the instance where, the inhabitants of Jongra, Nalgram and Falnapur enclaves under Shitalkuchi Block of Mathabhanga Sub Division of Cooch Behar district are deprived from government jobs despite having proper educational qualifications. In these 3 erstwhile enclaves, there are more than 300 residents who passed the secondary board exam, more than 100 Higher Secondary pass-outs and at least 100 people who passed and obtained Graduate and Post Graduate degrees. But despite having proper educational qualifications, the residents of these respective erstwhile enclaves are not provided with any job opportunity from the government. Hence a large section of people are neglected and denied proper economic and social growth in these erstwhile enclaves. Further, the youths of these erstwhile enclaves are being denied from issuance of Schedule Caste certificate which restricted them from applying for jobs earmarked for Scheduled Caste category.

The youths from these erstwhile enclaves are denied government jobs on the ground that they don't have proper documents in order to claim or apply for jobs. In this regard it may be noted that the residential address of these enclave dwellers have changed on paper after the execution of the Land Boundary Agreement (LBA) on 31<sup>st</sup> July 2015. Hence, addresses in the educational certificates and other relevant documents prior to the LBA was different than it is now, which is causing an impediment in the path of these enclave dwellers while applying for government jobs and the state agencies have not taken any rectifying measures for the same.

It has been found out that government has undertaken developmental works in these enclaves including construction of two primary schools and one ICDS centre. But the **government didn't recruit a single erstwhile enclave dweller as primary school teacher or ICDS worker till date though the residents of these enclaves made subsequent requests for the same. Candidates from outside would get appointment for jobs in these government initiatives, whereas the local educated youths would left unemployed. Though many of them are from Scheduled Caste (Rajbanshi) community, government officials are least bothered to provide them SC certificate.**

**Please note that about two months ago on 17 July 2018, Ms. Kayani Poddar, Chairperson of District Primary School, Cooch Behar and Mr. Hiten Barman, MLA of Sitalkuchi, some SI of primary school along with 10 – 15 children (from Chhangarbari Upper Primary School) came at Falnapur enclave community centre (newly built) and inaugurated the primary school of Falnapur enclave. Though till date there is teacher, no student in that school. As a citizen of India, can I demand to stop such type of mockery by our taxed money?**

On **28.03.2018** the unemployed youths of this enclave and their family members, submitted one written application before the District Magistrate of Cooch Behar on the aegis of Pramila Bahini; the conglomeration of women from erstwhile enclaves. On that application they (mothers, sisters and women, to be candidates) requested the District Magistrate to treat the unemployed youths of enclave with preference in regards to government jobs on the ground that they are erstwhile Bangladeshi enclave dwellers who are socially and economically lagging behind for decades. But the district administration not even replies to their request or for that matter take any measures yet to support these enclave dwellers.

This continued apathy infringed the basic premise of Articles 15, 21 and Article 21A of Indian Constitution and violates Goal No. 8 and 16 of Sustainable Development Goal earmarked by United Nations, where the victim erstwhile enclave dwellers are being deprived of living and economic growth. Hence I request for your urgent intervention in this matter with the following demand:-

- The request submitted by the victim villagers before the District Magistrate, Cooch Behar should be acknowledged and proper and corrective steps should be directed
- The Governments, both Centre and State, denied the victims from constitutionally guaranteed rights; such as Articles 15, 21 and 21A of the Indian Constitution; which should be implemented immediately.
- Penal steps be taken against the erring government officials who are involved in misappropriation of public money and denying the constitutional rights of erstwhile enclaves namely Falnapur, Nalgram and Jongra.
- Adequate directions must be given for immediate distribution of jobs which has been created by the governmental developmental activities inside erstwhile enclaves to the unemployed from erstwhile enclaves
- Deserving erstwhile enclave dwellers must be enlisted as Schedule Caste and certificate for the same must be distributed

Sincerely Yours

Kirity Roy  
Secretary,  
Banglar Manabadhikar Suraksha Mancha (MASUM),  
&  
National Convener, PACTI

