

Appendix-A

Present Scenario of the Refugees of West Bengal: A Case Study of Fatapukur (Government Sponsored) Colony

The countless persons who once made their uncertain journey towards West Bengal in the wake of the partition of their '*desh*' and survived either taking shelter in camps or colonies ran by the Government or establishing squatters' colonies; have gone through many changes during these fifty three years. After their arrival in West Bengal many of them could not enjoy the same status and position that they would enjoy in East Pakistan. But with the passage of time they again strengthened their hold in the socio-economic-political and cultural life of West Bengal, some of them even crossed the boundary of West Bengal and earned national and international fame. But those who belonged to the lowest rungs of the socio-political and economic stratum of East Bengal and found their place either in the Government relief camps, permanent liability camps or built houses in the unauthorized occupied land fought a lot or fighting a lot to reshape their lives anew. According to Sunit Goswami, the Secretary, United Central Refugee Council, Cooch Behar, 17 out of the 50 refugee colonies of the district still did not get Government's recognition and about 4,500 families who once entered the district from the then East Pakistan as refugees still did not get *patta* (deeds) of their land where they have been residing for long time.¹ There were also thousands of displaced persons who did not take shelter either in the Government relief camps or build houses in the unauthorized occupied land or did not get issued migration certificates or get themselves registered as refugees in West Bengal- their exact number is obviously unknown. Those who were well educated or had prior relation with West Bengal did not face much difficulty to resettle themselves but those who lacked both of these definitely they had to pass or they are passing through tough times in rebuilding their lives anew. Many of them had to say good bye to their mother land Bengal and had to go to far-off places like Mumbai, Gujarat, Delhi, Rajasthan and other such places to work as day labourers there.² Even many had to go to more far-off places. The displaced persons many of whom once lived in big houses having open field and ponds are now living in thickly packed shanties by the railway tracks. It is interesting enough to note that those refugee women who somehow could enter West Bengal with their families a huge number of them took an active part in rebuilding their new habitations. But those who lost all their relatives either in the riot or in the midst of

angry mob they found their place either in the permanent liability homes or in Brindaban. As one account observes that 2,910 Bengali women mostly widows are struggling to survive in Brindaban.³ These women live in abject poverty and many of them are to depend totally on charity for survival.

It has earlier been noted that immediately after the partition of India and thereby of Bengal in 1947 there was no whole sale migration from East Bengal as it happened in Punjab. However, there were some people who were not happy to fall in the geographical boundary of East Bengal that became an integral part of Pakistan. Thus, they without wasting time made their journey towards India and most of them sought refuge into West Bengal. As by then there was no definite rehabilitation plan of the Central Government for the refugees from East Bengal yet the State Government took initiatives to resettle these rootless people wherever it found considerable vacant land. And the places where the refugees were settled under the direct supervision of the Government came to be known as Government Sponsored colonies. The Fatapukur refugee colony was one of such colonies which is situated in the Jalpaiguri district of West Bengal. Hiranmay Bandyopadhyay in his book *Udvastu* has given a detailed description about the establishment of this colony.

In order to have an bird's eye view about the present scenario of the refugees of West Bengal a field survey based on sample interview has been carried out in the Fatapukur Refugee Colony (Govt. sponsored) where the refugees were resettled under the direct supervision of the Government of West Bengal. It may be relevant here to look back about how this colony actually came into being. The name of the colony Fatapukur was derived from the name of the pond Fatapukur or cracked pond.



Fatapukur

At Fatapukur, 12 Kilometers away from Jalpaiguri town, nearly 1350 acres of land was found at a stretch. The owners of these lands were willing to give the lands for the purpose of the rehabilitation of the refugees. It was fixed that a colony would be established there for the agriculturist refugee families. Here the land was not so fertile. Hence it was fixed that each family would be given 15 *bighas* or 5 acres of land. 14 *bighas* of land was given for agricultural purpose and another one *bigha* for homestead.⁴ It was also fixed that land for constructing houses would be at distant places from the land fixed for cultivation. Initially 250 refugee families were brought here for the purpose of rehabilitation. Besides, 15 non- agriculturist families were fixed to be brought here for the assistance of these agriculturist families. They consisted of teachers, blacksmith, carpenters and potters. They were fixed to be given 1 *bigha* of land per family. It was also decided that the whole land would be cultivated on a co-operative basis and this system was on vogue for two years. Thus, the Fatapukur colony came into existence in 1948 and it was the first refugee colony in West Bengal that was established under the auspices of the Government of West Bengal.⁵

As per the interview with Rajat Chaudhury the area was full of jungle. And after 1971 many refugees also came to this colony and occupied the vacant land here. Right now there are nearly 4,000 to 5,000 families living here. As noted earlier that here the cultivation was done on the basis of the Co-operative society which was established under the leadership of Manibhushan Roy. It was reported that the Co-operative lasted for 30-35 years. And the co-operative had its own tractor, lorry, husking machine and also an office room. The last secretary of the co-operative was Haridash Chakravarty and Vice-President was Ramakanta Chaudhury. As noted earlier that most of the land which was given to the refugees was either full of jungle or infertile. As a result, most of the settlers became unsuccessful in their agricultural enterprise. They also did not get adequate help on the part of the Government as a result they had to sell the land to the rich people who were mainly from the nearby Siliguri. The new owners has started tea plantation there and the actual owners of the lands have become tea labourers in those tea gardens. However, some people still possess the land that they once got from the Government. And many of them have also started tea plantation in their remaining land. Only the land by the river Chaowai was to some extent fertile but as the financial condition of the most of the refugees is not good thus, they also failed to utilize the land in proper way.

As per the interview with Mr. Chaudhury it was known that the Relief & Rehabilitation Department, Government of West Bengal, did not play active role and as a result most of the refugee settlers did not get the *patta* (deeds) even today. As a result, they established the Fatapukur Colony Committee in 2001. Biplab Kumar Sarkar became the secretary and Nihar Ranjan Das and Rajat Kumar Chaudhury became the president and the vice president respectively. He has disclosed that the Government is callous regarding the

future of the refugees residing in Fatapukur (G.S.) Refugee colony.



Fatapukur Higher Secondary School

Notes and references

1. *The Uttar Banga Sambad*, 25th October, 2013.
2. *Ibid.*, 25th October, 2013.
3. Bagchi, Jasodhara & Dasgupta Subhoranjan, (ed.), *The Trauma and the Triumph-Gender and Partition in Eastern India*, Stree: Kolkata, 2006, p.187.
4. Interview with Rajat Kumar Chaudhury, Vice President of Fatapukur Colony Committee, 2010.
5. Bandyopadhyay, Hiranmay, *Udvastu*, Sahitya Samsad: Calcutta, 1970, p.21.

Appendix-B

Joint Declaration of the Partition Council on July 22, 1947

“Both the Congress and Muslim League have given assurances of fair and equitable treatment to the minorities after transfer of power. The two future Governments re-affirm these assurances. It is their intention to safeguard the legitimate interests of all citizens irrespective of religion, caste or sex. In the exercise of their normal civic rights, all citizens will be regarded as equal and both Governments will assure to all people within their territories the exercise of their liberties such as freedom of speech, the right to form association, the right to worship in their way and the protection their own language and culture.

Both the governments further undertake that there shall be no discrimination against those who before August 15 may have been political opponents.

The guarantee of protection which both Governments give the citizens of their respective countries implies that in no circumstances will violence be tolerated in any form in either territory. The two Governments wish to emphasis that they are united in this determination.”

Signatories: Lord Mountbatten (Chairman)

Sardar Ballavbhai Patel & Dr. Rajendra Prasad (India)

Md. Ali Jinnah & Liaquat Ali Khan (Pakistan)

Sardar Baldev Sing (Sikhs)

Appendix-C

Letter of the Government of India regarding the Grant of Indian citizenship for the people, who came from Bangladesh after 25 March, 1971.

(Express letter no 26011/16/71-10 Dated, New Delhi, the 29th November, 1971)

To,

The Chief Secretaries to all state Governments and Union Territories, Administration.

Sub: Grant of Indian citizenship to refugees from East Bengal who have crossed over to India after 25th March, 1971. Instruction that application from such refugees for Indian Citizenship should not be entertained

Refugees who have crossed over to India from East Bengal since the 25th March, 1971 on account of the situation in the area cannot be treated as ordinary resident of India. They are expressed to return to their native places when the conditions permit. They should not be considered for registration as Indian citizenship under Section 5(1) (a) of the citizenship Act, 1955 read with the citizenship rules, 1956. If such refugees make applications to the collectors who are the prescribed authorities for purpose of registration as Indian citizenship under the Section 5(1) (a) of the citizenship Act, such applications should be rejected. Enquiries on application for registration under Section 5(1)(a) of the Act should be made carefully to ensure that no refugee who has come after the 25th March, 1971, from East Bengal gets registered as Indian citizen by giving any declaration claiming to be resident in India for long and from date prior to the 25th March, 1971. Suitable instructions may kindly be issued in the matter to all registering authorities under your control immediately.

C. L. Goyal,

Under Secretary to the Government of India

Appendix-D

AGREEMENT BETWEEN THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF PAKISTAN DATED THE 8TH APRIL, 1950.

A. THE GOVERNMENTS OF INDIA AND PAKISTAN SOLEMNLY AGREE THAT EACH SHALL ENSURE TO THE MINORITIES THROUGHOUT ITS TERRITORY. COMPLETE EQUALITY OF CITIZENSHIP, IRRESPECTIVE OF RELIGION. A FULL SENSE OF SECURITY IN RESPECT OF LIFE, CULTURE, PROPERTY AND PERSONAL HONOUR. FREEDOM OF MOVEMENT WITHIN EACH COUNTRY AND FREEDOM OF OCCUPATION, SPEECH AND WORSHIP, SUBJECT TO LAW AND MORALITY. MEMBERS OF THE MINORITIES SHALL HAVE EQUAL OPPORTUNITY WITH MEMBERS OF THE MAJORITY COMMUNITY TO PARTICIPATE IN THE PUBLIC LIFE OF THEIR COUNTRY, TO HOLD POLITICAL OR OTHER OFFICE, AND TO SERVE IN THEIR COUNTRY'S CIVIL AND ARMED FORCES. Both Governments declare these rights to be fundamental and undertake to enforce them effectively. The Prime Minister of India has drawn attention to the fact that these rights are guaranteed to all minorities in India by its Constitution. The Prime Minister of Pakistan has pointed out that similar provision exists in the Objectives Resolution adopted by the Constituent Assembly of Pakistan. It is the policy of the both Governments the enjoyment of these democratic rights shall be assured to all their nationals without distinction.

BOTH GOVERNMENTS WISH TO EMPHASIS THAT THE ALLEGIANCE AND LOYALTY OF THE MINORITIES IS TO THE STATE OF WHICH THEY ARE CITIZENS. AND THAT IT IS THE GOVERNMENT OF THEIR OWN STATE THAT THEY SHOULD LOOK FOR THE REDRESS OF THEIR GRIEVANCES.

B. In respect of migration from East Bengal, West Bengal, Assam and Tripura, where communal disturbances have recently occurred, it is agreed between the two Governments:-

- (i) That there shall be freedom of movement and protection in transit.
- (ii) That there shall be freedom to remove as much of his movable personal effects and household goods as a migrant may wish to take with him. Moveable property shall include personal jewellery. The maximum cash allowed to each adult migrant will be Rs. 150 and to each migrant child Rs. 75.
- (iii) That a migrant may deposit such of his personal jewellery or cash as does not wish take with him with a Bank. A proper receipt shall be furnished to him by the Bank for cash or jewellery thus deposited and facilities shall be provided, as and when required, for their transfer to him, subject, as regards cash to the exchange regulations of the Government concerned.
- (iv) THAT THERE SHALL BE NO HARASSMENT BY THE CUSTOMS AUTHORITIES. THAT EACH CUSTOM POST AGREED UPON BY

THE GOVERNMENTS CONCERNED LEAISON OFFICERS OF THE OTHER GOVERNMENT SHALL BE POSTED TO ENSURE THIS IN PRACTICE.

- (v) RIGHTS OF OWNERSHIP IN OR OCCUPANCY OF THE IMMOVABLE PROPERTY OF A MIGRANT SHALL NOT BE DISTRIBUTED IF DURING HIS ABSENCE SUCH PROPERTY IS OCCUPIED BY ANOTHER PERSON. IT SHALL BE RETURNED TO HIM. PROVIDED THAT HE COMES BACK BY THE 31ST DECEMBER, 1950 WHERE THE MIGRANT WAS A CULTIVATING OWNER OR TENANT. THE LAND SHALL BE RESTORED TO HIM PROVIDED THAT HE RETURNS NOT LATER THAN THE 31ST DECEMBER, 1950. In exceptional cases, if a Government considers that a migrant's immovable property cannot be returned to him, the matter shall be referred to the appropriate Minority Commission for advice.

Where restoration of immovable property to the migrant who returns within the specified period is found not possible the Government concerned shall take steps to rehabilitate him.

- (vi) THAT IN THE CASE OF A MIGRANT WHO DECIDES NOT TO RETURN, OWNERSHIP OF ALL HIS IMMOVABLE PROPERTY SHALL CONTINUE TO VEST IN HIM AND HE SHALL HAVE UNRESTRICTED RIGHT TO DISPOSE OF IT BY SALE, BY EXCHANGE WITH AN EVACUEE IN THE OTHER COUNTRY, OR OTHERWISE, A COMMITTEE CONSISTING OF THREE REPRESENTATIVES OF THE MINORITY AND PRESIDED OVER BY A REPRESENTATIVE OF GOVERNMENT SHALL ACT AS TRUSTEES OF THE OWNER. THE COMMITTEE SHALL BE EMPOWERED TO RECOVER RENT FOR SUCH IMMOVABLE PROPERTY ACCORDING TO LAW.

The Government of East Bengal, West Bengal, Assam and Tripura shall enact the necessary legislation to set up these committees.

The Provincial or State Government, as the case may be, will instruct the District or other appropriate authority to give all possible assistance for the discharge of the Committee's functions.

The provisions of this sub-paragraph shall also apply to migrants who may have left East Bengal for any part of India, or West Bengal, Assam or Tripura for any part of Pakistan, prior to the recent disturbances but after the 15th August 1947. The arrangement in this sub-paragraph will apply also to migrants who have left Bihar for East Bengal owing to communal disturbances or fear thereof.

- C. As regards the Province of east Bengal and each of the States of West Bengal, Assam and Tripura, respectively, the two Governments further agree that they shall:-

- (1) Continue their efforts to restore normal conditions and shall take suitable measures to prevent recurrence of disorder.

- (2) PUNISH ALL THOSE ARE FOUND GUILTY OF OFFENCES AGAINST PERSONS AND PROPERTY AND OF OTHER CRIMINAL OFFENCES. In view of their different effect, collective fines shall be imposed, where necessary. Special courts will, where necessary, be appointed to ensure that wrong-doers are promptly punished.
 - (3) Make every possible effort to recover looted property.
 - (4) Set up immediately an agency, with which representatives of the minority shall be associated to assist in the recovery of abducted women.
 - (5) NOT recognize forced conversions. Any conversion effected during a period of communal disturbance shall be deemed to be a forced conversion. Those found guilty of converting people forcibly shall be punished.
 - (6) SET UP A COMMISSION OF ENQUIRY AT ONCE TO ENQUIRE INTO AN REPORT ON THE CAUSES AND EXTENT OF THE RECENT DISTURBANCES AND TO MAKE RECOMMENDATIONS WITH A VIEW TO PREVENTING RECRUDESCENCE OF SIMILAR TROUBLE IN FUTURE. THE PERSONNEL OF THE COMMISSION, WHICH SHALL BE PRESIDED OVER BY A JUDGE OF THE HIGH COURT. SHALL BE SUCH AS TO INSPIRE CONFIDENCE AMONG THE MINORITY.
 - (7) TAKE PROMPT AND EFFECTIVE STEPS TO PREVENT THE DISSEMINATION OF NEWS AND MISCHIEVOUS OPINION CALCULATED ROUSE COMMUNAL PASSION BY PRESS OR RADIO OR BY INDIVIDUAL AND ORGANISATION. THOSE GUILTY OF SUCH ACTIVITY SHALL BE RIGOROUSLY DEALT WITH.
 - (8) NOT PERMIT PROPAGANDA IN EITHER COUNTRY DIRECTED AGAINST THE TERRITORIAL INTEGRITY OF THE OTHER OR PURPORTING TO INCITE WAR BETWEEN THEM AND SHALL TAKE PROMPT AND EFFECTIVE ACTION AGAINST ANY INDIVIDUAL OR ORGANISATION GUILTY OF SUCH PROPAGANDA.
- D. Sub-paragraphs (1), (2), (3), (4), (5), (7) and (8) of C of the Agreement are of general scope and applicable, according to exigency, to any part of India or Pakistan.
- E. In order to help restore confidence, so that refugees may return to their homes, the two Governments have decided (i) TO DEPUTE TWO MINISTERS, ONE FROM EACH GOVERNMENT TO REMAIN IN THE AFFECTED AREAS FOR SUCH PERIOD AS MAY BE NECESSARY;
- (ii) TO INCLUDE IN THE CABINETS OF EAST BENGAL, WEST BENGAL AND ASSAM A REPRESENTATIVE OF THE MINORITY COMMUNITY. In Assam the minority community is already represented in the Cabinet. Appointments to the Cabinets of East Bengal and West Bengal shall be made immediately.
- F. IN ORDER TO ASSIST IN THE IMPLEMENTATION OF THIS AGREEMENT THE TWO GOVERNMENTS HAVE DECIDED, APART FROM THE DEPUTATION OF THEIR MINISTERS REFERED TO IN 'E' TO SET UP MINORITY COMMISSIONS, ONE FOR EAST BENGAL., ONE FOR WEST

BENGAL AND ONE FOR ASSAM. These Commissions will be constituted and will have the functions described below.

- (i) Each commission will consist of one Minister of the Provincial or State Government concerned, who will be Chairman, and one representative each of the majority and minority communities from East Bengal, West Bengal and Assam chosen by and from among their respective representatives in the Provincial or State Legislatures, as the case may be.
- (ii) The two Ministers of the Governments of India and Pakistan may attend and participate in any meeting of any Commission. A Minority Commission or any two Minority Commissions jointly shall meet when so required by either Central Minister for the satisfactory implementation of this agreement.
- (iii) Each commission shall appoint such staff as it deems necessary for the proper discharge of its functions and shall determine its own procedure.
- (iv) Each commission shall maintain contact with the minorities in districts and small administrative headquarters through Minority Boards formed in accordance with the Inter-Dominion Agreement of December, 1948.
- (v) The Minority Commissions in East Bengal and West Bengal shall replace the Provincial Minority Boards set up under the Inter-dominion Agreement of December, 1948.
- (vi) The two Ministers of the Central Governments will from time to time consult such persons or organizations as they may consider necessary.
- (vii) The functions of the Minority Commission shall be-
 - (a) To observe and to report on the implementation of this Agreement and for this purpose to take cognizance of breaches or neglect.
 - (b) To advise on action to be taken on their recommendations.
- (viii) Each commission shall submit reports as and when necessary to the Provincial and State Governments concerned. Copies of such reports will be submitted simultaneously to the two Central Ministers during the period referred to in 'E'.
- (ix) The Governments of India and Pakistan, and the State and Provincial Governments, will normally give effect to recommendations that concern them when such recommendations are supported by both the Central Ministers. In the event of disagreement between the two Central Ministers the matter shall be referred to the Prime Minister of India and Pakistan who shall either resolve it themselves or determine the agency and procedure by which it will be resolved.
- (x) In respect of Tripura, the two Central Ministers shall constitute a Commission and shall discharge the functions that are assigned under the agreement to the Minority Commissions for East Bengal, West Bengal and Assam. Before the expiration of the period referred to in 'E', the two Central Ministers shall make recommendations for the establishment in Tripura of appropriate machinery to discharge the functions of the Minority

Commissions envisaged in respect of East Bengal, West Bengal and Assam.

- G. Except where modified by this Agreement, the Inter-Dominion Agreement of December, 1948 shall remain in force.

JAWAHARLAL NEHRU,
PRIME MINISTER OF INDIA
New Delhi;
April 8th, 1950.

LIAQUAT ALI KHAN,
PRIME MINISTER OF PAKISTAN