INDIA-BANGLADESH BORDERLAND: STATE POLICIES AND COMMUNITIES RESPONSES
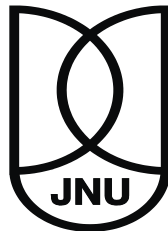
Thesis submitted to Jawaharlal Nehru University
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DOCTOR OF PHILOSOPHY

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DECLARATION

I declare that the thesis entitled "**India-Bangladesh: State Policies and Communities Responses**" submitted by me for the award of the degree of **Doctor of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

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CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.

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Chandra Moni Bhattarai

CONTENTS

LIST OF TABLES

ABBREVIATIONS

ASSU	:	All Assam Student Union
ATTF	:	All Tripura Tiger Force
AW	:	Awami League
BGB	:	Border Guard Bangladesh
BGR	:	Bangladesh Rifles
BLT	:	Bodo Liberation Tigers
BNP	:	Bangladesh National Party
BRO	:	Border Roads Organization
BSF	:	Border Security Forces
CAG	:	Controller and Audit General of India
CPWD	:	Central Public Works Department
CHT	:	Chittagong Hill Tracts
CHTPA	:	Chittagong Hill Tracts People's Association
CNLF	:	Chakma National Liberation Front
DGFI	:	Directorate General of Forces Intelligence
EE	:	Executive Engineer
EPIL	:	Engineering Projects (India) Limited
HUJI	:	Harkat-ul-Jihad-al-Islami
HUJIB	:	Harkat-ul-Jihad-al-Islami Bangladesh
HuM	:	Harkat-ul-Mujahideen
GOI:	:	Government of India
LCS	:	Land Custom Station
ICS	:	Islamic ChatraShibir
IDP	:	Internally Displaced Person
ILA	:	Islamic Liberation Army

IM(DT)	:	Illegal Migrants (Determination by Tribunals)
ICP	:	Integrated Check Post
ISI	:	Inter-Services Intelligence
ISS	:	Islamic Sevak Sangh
JeI	:	Jamaat-e-Islami
JuMB	:	Jamaat-ui-Mujahideen Bangladesh
JuM	:	Jamaat-ui-Mujahideen
KM	:	Kilometer
LITF	:	Liberation Islamic Tiger Force
MDONER	:	Ministry of Development of North Eastern Region
MLA	:	Muslim Liberation Army
MNF	:	Mizo National Front
MHA	:	Ministry of Home Affairs
MULTA	:	Muslim United Liberation Tigers of Assam
NDFB	:	National Democratic Front of Bodoland
NEC	:	North Eastern Council
NER	:	North East Region
NPCC	:	National Projects Construction Corporation Limited
NSCN	:	National Socialist Council of Nagaland
PLA	:	People's Liberation Army
PWD	:	Public Work Department
ULFA	:	United Liberation Front of Assam
UNLF	:	United National Liberation Front

Chapter 1

Introduction

The border represents a significant aspect of the state. The modern concept of borders and boundaries emerged with the Spanish–Dutch Treaty of Westphalia of 1648 (Brunet-Jailly 2005: 635). It established the idea of legal boundaries and marked the beginning of the era of the nation-state. The concept of state border thereafter gains prominence in the international relations. Like the Treaty of Westphalia, the 'Treaty of Paris', also represents a significant aspect about the understanding of a state's border. This treaty helped to review the changes that had occurred over the functioning and existence of most of the state's borders at the end of the First World War (Brunet 2005: 635). Although these treaties help to establish a defined border of a state, the concept of border or boundaries was vogue in the initial stage of the nations' formation. It was just perceived as a line separating two sovereign territories. However, with the advent of the mapping technology, the border became a real issue of the state and started associating it with power and control.

The traditional international relations theory considers borders as a legal line separating two sovereign territories (Hoseason 2010: 3). It limits the state authority and power up to the margin of its territory, and this marginal territorial limit is fixed by the border. This indicates that the state can maintain its authority uniformly up to the internationally agreed boundary line. Therefore, to make the border clearly visible on the ground, the process of cartography started. It helps to draw the line on the map and records the actual limitations of state authority. The process first started in Europe and later on extended all over the world. The mapping helps to establish clear-cut territorial jurisdictions by setting up the legal and political sovereignty cartographically.

The process of border-making proceeds in three stages; establishment, demarcation, and control of the border (Jones 1945; Baud and van Schendel 1997: 221). Through this process, a border establishes and defines the sovereign limits. The clear-cut demarcation of borders helps to establish sovereign limitations and if any conflict arises regarding the demarcation in future, it can be resolved by means of negotiation, confrontation, or

arbitration (Baud and van Schendel 1997). Therefore, the border is a significant aspect of the state, particularly in the administration of its territory.

To understand the development of border and borderland, we have to know the terms properly. To be precise, the term boundary, border, frontier, and borderlands mean many things to many people. Hugh Elton has pointed out that the vocabulary used in modern scholarship to refer to various types of boundaries adds to the problem in defining such phenomena. Anderson defined borders as "linear dividing lines in a particular space meant to mark the division between the political and administrative unit and the frontier as a border region" (Parker 2006: 77-100). The borderland is referred to that area that bisects the border between two nations and the adjacent territory to the border area. Therefore, the borderland is a broader concept, including that of the border, boundary and borderline or frontier. Paul Kutsche in his work *Borders and Frontiers* pointed out that the term *borderland* bears an ambiguous meaning and is henceforth understood both as boundaries and frontiers. He emphasises that owing to this clear-cut definition of the term borderland, the borderland scholars are sometimes concerned with one and sometimes with the other term or both (Kutsche 1983).

The Oxford English Dictionary defines borderlands as "a district near the line or border separating two countries or areas". In line with this definition, cultural anthropologists are focusing on "borderlands as regions where new communities have developed/are developing across or around, and most importantly, because of, modern international borders" (Anderson and O'Dowd 1999: 593-604). These communities are developing their understanding of border, deviating from the state-constructed notions of the border. Further, the borderlands also refer to regions around or between political or cultural entities—the geographic space in which the frontiers and borders are likely to exist (Parker 2006). The borderland signals the 'spatiality' of the borders themselves (Balibar 1998). It is also argued that the borders have their space and have become 'zones of exchange', 'connectivity and security' beyond their general visibility of being simply lines on a map or a physical frontier between 'nation-states' (Rumford 2006a: 134; Barry 2006). Moreover, the state exercises control over its borders and populations even though the border might be geographically remote from the administrative centre or at the margins of

its territorial authority (Rumford 2006:159). Thus, the border gives an identity to the state which in turn helps in exercising its control and enforcement of its identity and territoriality on its people. Henceforth, the borders also indicate an important aspect of 'community identity' which has human and experimental dimensions. The multiple interpretations of the terms border and borderlands, and their significance, has grown in several disciplines and sub-disciplines of the social sciences (Orozco-Mendoza 2008: 20).

Changing Narratives on Borderland Studies

However, the border does not remain same over the years. War, nationalism, migration, environmental changes, political changes, globalisation, etc., are the major factors which always determines the stability or changes of the existing border. So, border may be changed and it may overlap or be ignored or established more firmly with the passing of time and space. Therefore, historical factors and their development play a significant role in determining its changing narratives. It provides an idea how the socio-economic and political dynamics of the state change the nature of the border and its space. Some argue that the formation of the state and territoriality and control of power also determine and explain the changing nature of the border. Further, the evaluation of its nature also depends on the relations with the state and societies and their external dimensions where the states play a major role (Arieli 2009). These types of changes have been noticed in the concept of the border over the years. Therefore, 'time' play a critical role in the changing narratives of the border. For example, before the First World War, the borders of the states were relatively 'open'.[1] Then, with the growth of national consciousness and national economic self-sufficiency and a closer identification of state and capital, particularly in the inter-war period, the borders became relatively close (Anderson 1996). Further, with the transformation and intensification of globalisation from the 1990s, there has been a trend in a progressive '(re) opening' of borders (Anderson 1996). These changes have broadened the scope of evaluating and understanding borders.

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[1] There was no restriction on the movement of people. The concept of passport, visa, etc., was not there. But when the state started restricting the movement of the people, the control of the border become a priority. So, different techniques and modes of control started being used for controlling border crossings.

Another dimension of the borderland studies is the focus on the "culture of local borderland communities'' (Brunet-Jailly 2005: 636). The emphasis on the 'cultural aspects of the borderland communities' provides a deeper understanding of the differences and similarities of borderland lives. It helps to understand why despite good relations between the borderland states, there is a dividing line or cooperation within the said community. In Brunet-Jailly's words; "it helps to understand how these communities may either enhance the effect of dividing the territory and communities when their culture, that is, their language, ethnicity, socio-economic status and place of belonging, differs, or bridges an international boundary when they share the same culture'' (Brunet-Jailly 2010: 5). While focusing on the cultural aspect, Anderson also argues that the cultural and political identities in the border areas can provide a definite outlook for understanding the borderland because in this space and place, the boundaries of state and nation supposedly coincide (Anderson 2001: 3). In the process of understanding cultural connectivity and socio-economic relations, it is also essential to look into the "differences between the supply and demand of selected social-economic components of the geographic environment in the regions situated on both opposite sides of the border which compel these processes" (Halas 2006). These changing processes explain as to why despite complexities, the cross-border connections survive. In this cultural transformation, the societal actors can redefine and use the border for their purpose other than for those originally intended by the state (Rumford 2006: 159). Consequently, the original nature of border which is being viewed as a static line established on the ground has gradually faded away to becoming an increasingly mobile and dispersed area. However, the border as a form of political boundaries and securitised perimeters is still there, but its rigidity may change according to the transformation in the state and society and societal actors (Yuval-Davis 2004; Rumford 2006).

Although the border is signified as an important aspect of state identity and it stands as a barrier to non-state actors or activities and to encounter them, however, many people ignore it and cross illegally. This type of illegal activities is terms as "non-boundaries" by Giovanni (Di Giovanni 2012: 71-81). Nevertheless, the 'non-boundaries' may prevail but the significance of borders as 'physical barriers' cannot be done away with (Di Giovanni

2012: 71-81). As a result, the concept of 'hard border' still appears and the state adopts different measures to secure it. But significantly, it is unable to prevent smuggling, anti-state activities, trafficking or a network vision of society or the movement of illegal immigrants. Over the years, with the expansion of globalisation and information technology, the territorial borders have been transcended by different means and techniques. In this complexity, the concept of border and borderland has undergone profound changes. Jorge Bustamante has argued that from the state perspective, the border "between countries is a sharp line, an impenetrable barrier that separates two countries with a different colour on a map'' (Thelen 1992: 437). However, from the perspective of the borderlanders, the borderlands are not thin lines of sharp demarcation; but "broad scenes of intense interactions in which people from both sides work out everyday accommodations based on face-to-face relationships. In this way, the study of the borderland also implies a critique of state-centered approaches that picture the borders as unchanging, uncontested, and unproblematic space" (Baud and van Schendel 1997: 216). These changing narratives make the border a "marker of the actual power" that the states exert over their societies. Therefore, "the confrontation between 'state' and 'people' especially arrives in marginal areas such as borderlands. Even the borders themselves were often a result of negotiations between society and the central state" (Baud and van Schendel 1997: 214). Thus, the borders in many cases are not, therefore, a fixed geographic feature. Rather, they are subjected to a change based on the changing identities of those who define them; with the numerous cases demonstrating a process at work – known as 'bordering' – as a persistent and variable phenomenon (Hoseason 2010: 4). Meanwhile, though its location remains ambiguous sometimes, arbitration and negotiation become tools for fixing it when necessary.

Further, the dimensions of the border have been changing from geographical aspects to social constructions. However, the existence of the hard border has not gone completely. The hard border defines the limits of nationality and sovereignty; the dynamics of contemporary globalisation, nationalism, migration or environmental change have influenced this process of social or statist construction of border (Newman and Paasi 1998; Newman 2006). With these processes of transformation, the same border may become

more open to the flow of trade goods and so on but simultaneously less open to the influx of people (Diener and Hagen 2010: 10). Indeed, the globalisation's influence on international borders "is as geographically and socially differentiated as most other social phenomena. In some places, globalisation results in the opening up of borders and is associated with the creation of transition zone or borderlands, while on the other, the borderland remains a frontier in which mutual suspicions, mistrust of the other and a desire to maintain group or national exclusivity stay in place" (Diener and Hagen 2010: 10; Newman 1996; Ó Tuathai 1999). In such a situation the nature, function and definition of border tend to be shifting.

Again, some other scholars have re-conceptualised the "borders as areas of transition". When the border is being looked at as an "areas of transition", the importance of the borders or borderlands as sites of cultural interaction, exchange and so on, gains prominence. If this aspect is considered, then the border represents a site of interaction between individuals from many backgrounds. While the border displays cultural connections and interactions, at the same time, it also constitutes a site of cultural animosity and if the animosity continues in the long run, then a military conflict (Thelan 1992).

Looking at the Border through an Institutional Landscape

Moreover, for a better understanding of the borderland, it is also necessary to look at borders as institutional constructs. In this context, the multiple activities of governments, the role of borderland cultures, the political clout of borderland communities and the impact of market forces has to be dealt with (Brunet-Jailly 2005). Again, other researchers on borders and borderlands are concerned about the cultures of borderlands and do emphasise the important role that the communities play in bridging or dividing borders. In contrast, when culture bridges a borderland region, it challenges the border as a filtering or dividing device. Culture and cultural communities (that is, people sharing the same culture across the border) are therefore able to challenge or even undermine an international border (Bannerjee and Chen 2012; Brunet-Jailly 2005).

The decade of the twenty-first century shows the unprecedented growth of scholarly work on borders in sociology, political science, and other social sciences and humanities. The speciality of the border has undergone a change. Various transformations in the notions of security such as from 'the border being a discursive or emotional landscape of power' to the 'technological landscape of control and surveillance' have become visible (Johnson et *al*. 2011). Globalisation, which challenges the fixed nature of the border, has resulted in looking at the border from a new perspective, such as the border as a process, a practices network, a symbol and an institution through which power operates. The simultaneous mounting of neoliberal rhetoric in the borderless world was shaken by the 9/11 attack. In this connection, we can use Brunet's conceptual model to understand the borderland and the border, which interplay between the four dimensions of structure and agency as explained earlier: (a) local cross-border cultural nuances, for e.g., common languages, food, socio-economic status, etc. (b) local level politics and political network (c) cross-border trade flow (d) governmental interaction and politics. Brunet-Jailly argues that these four dimensions influence each other in very difficult ways to generate a complex system of interaction in the borderland if analysed from the institutional perspective (Banerjee and Chen 2012).

The borderlands are also being recrafted through state effort to exclude clandestine territorial actors, that is, the non-state actors (smuggling, human trafficking, migration, and refugees), while asserting a territorial access for desirable entries. Thus, the meaning and significance of the state borders, as well as their geographical location, can change drastically over space and time (Anderson and O'Dowd 1999). Nevertheless, more interestingly, they can exist simultaneously in the same people—some of them who have to deal regularly with not only one but with two states for those activities. Murayama holds that because of the issue of migration, the border became a real problem for the state (Murayama 2006).

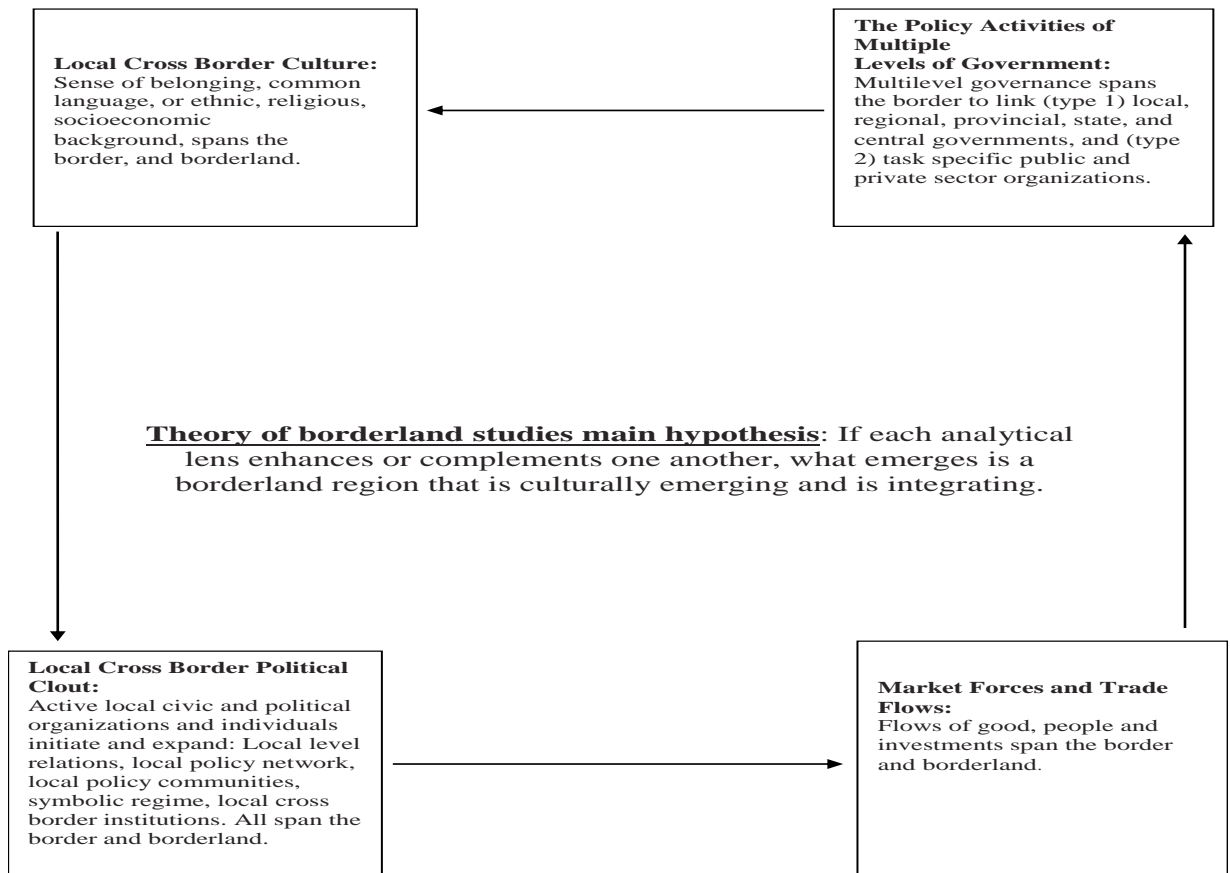**The Local Perspective on Borderland Studies**

Most of the border research is state-centric. In this perspective, the border is being analysed from the state's point of view. However, over the years, a local-centric approach has also

emerged in the borderland studies which focus on the understanding of the borderland from the people's perspectives. The people perspective facilitates a comprehensive understanding of how border affects the everyday lives of the borderland community. Though the border is drawn to separate identity and sovereignty, the local approach goes beyond the logic of the nation state and explores the everyday reality of people of the border. In other words, the impact of the border on the people's lives remains the main focus in this approach. This approach has produced detailed studies of the local interaction between the communities facing each other across state borders (Diener and Hagen 2010: 11). This perspective contributes to the interpretation as to why the local communities in some instances cooperate effectively with their counterparts across the border to achieve common goals, while in some other aspects, the local groups resist cross-border cooperation, even when they are likely to gain from the effort despite an encouragement from the governments. Diener and Hagen have the view that in this context, the local history of the emergence of the border plays a major role (Diener and Hagen 2010). Further, the local perspectives provide an insight into how the economic differences of the similar level of development at the border encourage or discourage interactions among the people of both sides of the border. The cultural and socio-economic relations play an important role in the local perspective of borderland studies. It helps to understand why despite the barriers created by the state to secure the border there is resistance by the inhabitants to ignore it. The migration-centric study can be in an important aspect in this approach of looking at the border. Thus, according to Anderson, borders are 'barriers' or 'filters' protecting against an outside world, but they are also 'bridges' or 'gateways' to it (Anderson 2001). But while looking at the border from the people's perspective, it is also necessary to look at the state's concepts of social space and the local history from a different viewpoint (Baud and van Schendel 1997: 234). So, looking at the borderland from the people's perspectives provides an understanding of the borderland by going beyond the state-centric approach to discover which social impulses originated in the borderlands and what effects they had locally as well as beyond the borderland. It focuses on the people's everyday experience (Baud and van Schendel 1997: 234).

Brunet-Jailly's Theoretical Model

Brunet-Jailly has argued that the borders are a complex subject of the state and are closely associated with the physical and human environment. Therefore, to explain the borderland in a practical sense, the state, markets and culture offer a significant insight (Brunet-Jailly 2005). Brunet -Jailly argues that the borderland regions can be understood from four different analytical perspectives: (a) market forces and trade flows, (b) policy activities of multiple levels of governments on adjacent borders, (c) the particular political clout of borderland communities, and (d) the specific culture of borderland communities (Brunet-Jailly 2005: 634). This can be understood from the figure present below as provided by him;

Figure- A theory of borderland studies

Local Cross Border Culture: Sense of belonging, common language, or ethnic, religious, socioeconomic background, spans the border, and borderland.

The Policy Activities of Multiple Levels of Government: Multilevel governance spans the border to link (type 1) local, regional, provincial, state, and central governments, and (type 2) task specific public and private sector organizations.

Theory of borderland studies main hypothesis: If each analytical lens enhances or complements one another, what emerges is a borderland region that is culturally emerging and is integrating.

Local Cross Border Political Clout: Active local civic and political organizations and individuals initiate and expand: Local level relations, local policy network, local policy communities, symbolic regime, local cross border institutions. All span the border and borderland.

Market Forces and Trade Flows: Flows of good, people and investments span the border and borderland.

Source: (Brunet-Jailly 2005:645)

9

Brunet-Jailly has argued that few scholars are able to document the borders and borderlands that are economical, politically and culturally emerging and integrating. He further states that there might be debates over borders and borderlands where market forces, the policy activity of multiple levels of governments, local culture or the local political clout is structural (Brunet-Jailly 2005: 644-45). According to him, this is an ideal case in the comparative border studies. He explains that

> "if in time and space, a given border or borderland is structured by market forces, it does not follow that the three other analytical lenses or they become irrelevant. However, only they will serve to focus attention on three dimensions of the agency. This model can provide scholars with a complex of explanations for understanding borders and borderlands. Social scientists who focus on structural analysis have to incorporate agency in their research and, conversely, those focusing on agency might want to integrate structural characteristics. In effect, this is primarily a model for the cross-disciplinary and comparative study of borders and borderland" (Brunet-Jailly 2005: 645).

This model can provide a holistic understanding of the borderland and its operational dimension. Although Bruent-Jailly has provided four dimensions to look at the border as mentioned above, an understanding of the border or borderland has changed further over time because of the emergence of interdisciplinary research after liberalisation and globalisation. The interdisciplinary research has expanded the scope of the border and projected it as "social constructions", where views from the 'marginal space' and community are gaining momentum. Therefore, the border has the bearing of the "material" and "symbolic aspects", rather than rigid lines marking the absolute limits of the state (Diener and Hagen 2010; Taylor 1994; Paasi 1998; Donnan and Wilson 2001).

Oscar Martinez's Approach towards Borderland Studies

Borderland provides a diverse perspective to know the state or its people. Therefore, to understand the borderland in a specific way, Oscar Martinez has outlined four models on the basis of "complexity of the borderland interaction" (Baud and van Schendel 1997: 215). First, he outlines the *'alienated borderlands'*. In "alienated borderlands", the routine cross-border interchange is practically non-existent because of the animosity persisting between the two sides of the border. In this case, the state determines the borderland relations. If the

relations between the border states are suspicious and non-cooperative, and lead to animosity between them, then the border becomes an 'alienated border' (Martinez 1994: 5-10; Baud and van Schendel 1997: 219). In such a situation, the possibility of open interactions between the people of the borderland becomes nearly impossible. The India-Pakistan border can be cited as an example of this kind of borderland. Secondly, Martinez has suggested *"coexistent borderlands"*. In *"coexistent borderlands"*, a minimum level of cross-border contact exists, despite unfriendly relations between the two states. In a coexistence borderland, the role of the state becomes significant. For example, in the Indo-Bangladesh border, the Indian state has taken specific measures to protect the border through fencing and tries to make it a rigid one. This policy on many occasions leads to unfriendly relations between them. Then the border becomes a cause of concern. Though the relations between India and Bangladesh are amicable, the state policies to make the border more secure through different measures make the border coexistence broader to some extent. Therefore, in the context of a coexistence border, it is not necessary as Martinez suggested that an animosity persists between states, but is also necessary to look at the state policies on the border to understand this complexity. The third model proposed by Oscar Martinez is that of *"interdependent borderlands"*. The *"interdependent borderland"* provides an opportunity for the borderland people to cooperate with each other through different means. However, to determine whether a border is an interdependence border or not, it is crucial to look at the relations between the people of both sides of the border. If they share same cultural traits and social relations, then there will be a significant flow of economic and human resources across the border and this leads to the border becoming an interdependent one. Martinez also suggested the concept of *"integrated borderlands"* to evaluate the nature of the borderland and the people's interaction with it. When a border becomes non-existent or in other words when practically all barriers to trade and human movement are eliminated, that borderland is called as a'*integrated borderland"* (Baud and van Schendel 1997: 219). The India-Bhutan and India-Nepal borders are examples of these borderlands. Though Martinez has presented different aspects for looking into the borderland, Michael Kearney who has studied the borderland extensively and outlined the changes it has undergone, argues that international migrants effectively undermine the whole idea of statehood and national boundaries (Baud

and van Schendel 1997). According to him, as a result of the global transformation after globalisation and liberalisation, the 'transnational communities' that have been emerging subsequently, are challenging the defining power of the nation states and accordingly the meaning of borders changes for them (Kearney 1991). In this changing scenario, the nature of the border also started changing.

Boud and van Schendel's Outlook

On the basis of borderland interaction, Boud and van Schendel have divided the borderland into three geographical zones. According to them, the first category can be termed as "border heartland", which is adjoining to the border and is dominated by its existence. The border directly affects the everyday reality of the people in the border heartland. In other words, the social networks and relations of people are shaped directly from the border. The people's lives in this area are determined by the border, depending on its rigidity or flexibility. The borderland people in such a borderland have to adjust their lives according to the norms set by the state. In specific terms, the people have to adjust and adapt with the border, to its peculiarity, and such regions have been peripheral to the development of the central state (Baud and van Schendel 1997: 221). Secondly, according to them, there is an "intermediate borderland" where the influence of the border in the everyday life of people varies from place to place and from moderate to weak. This intensity depends on the state's policies and the people's cooperation in the border areas. In some places, the state's strict laws prohibit the interaction of the people; however, the people continue to maintain relations through different means and tactics. For example, at the Indo-Bangladesh border, despite the states measure to secure the border through its mechanism, the people ignore it in the ground and nullify if it serves their interest. Moreover, Boud and van Schendel also underline the concept of the "outer borderland". In such a borderland, the influence of the border on the people's lives is felt only in particular circumstances. They argue that when the border becomes an "outer borderland", it barely plays any role in everyday lives. However, an uncertainty and suspense prevails about the role of border and it can influence entire countries. In Baud and van Schendel's words, the "borderland may, at times, though briefly, stretch to embrace entire countries" (Baud and van Schendel 1997: 222). However, they also argue that

"borderlands as changeable spatial units clash with the visual representations of borders that we find on maps. Most of the time, these maps are of limited use in understanding the historical reality of borderlands because they are both too static and too simple".

Thus, depending on the time and space, the connotations and significance of the border change. Baud and van Schendel, therefore, pointed out that on the basis of time and space, the life cycle of the borderlands can be underlined. They outline the five stages of the borderland life cycle. To know about the implications and intensity of the borderland in the lives of people, the life cycle of the borderland provides significant insights. The life cycle also hints at the nature of the border and its functioning. According to Baud and van Schendel, the first stage of the borderland can be termed as an "infant borderland". This cycle emerges just after the borderline is drawn. Although the border emerges on the ground and the rules and regulations are established accordingly for its regulation, its vibrancy remains neglected. The people of the borderland ignore it as they wish. The socio-cultural relations which were there before the establishment of the border remain intact. In Baud and van Schendel's words, "the pre-existing social and economic networks are still clearly visible, and people on both sides of the border are connected by close kinship links" (Baud and van Schendel 1997: 224). By establishing the border, the state authorities try to separate national identities, but in a practical sense, national identities remain still vague and undefined for the people. The inhabitants and even some groups may cherish the hope that the new boundary may disappear. The infant border is still a potentiality rather than a social reality in such a case, according to them (Baud and van Schendel 1997: 225). The example of the India-Pakistan border particularly in the eastern side can be cited as an example of this borderland in the initial stage of its establishment.

The "adolescent borderland" is the next stage, according to them, in this life cycle. When the border becomes an "adolescent borderland", it is firmly established on the ground, and it becomes an indisputable reality; but, the recent history of its emergence can be recalled by many people and they memorise as how it was before its existence. In this borderland, the old network and relations have yet to be dismantled and the cross-border linkages are still maintained, but new adjustments and socio-economic relations are determined gradually by the existence of the new border. So, 'time' is a major factor in this case. With

the change in time, the identity of the border and the people also start changing (Baud and van Schendel 1997: 224). In the third stage, according to Baud and van Schendel, the border become a firm social reality, and they term it as an "adult borderland". This border can also be termed as a 'hard border' or rigid border. The open socio-economic relations among the 'borderlanders' is highly restricted. The state formulates rules and regulations to regulate the cross-border movements and everybody has to follow its directives. However, despite the regulations, the cross-border social and family relations may continue to exist, but are restricted and the crossing of the border without the permission of the state authority is increasingly viewed as problematic and illegal. Though the state regulates the movement, a new set of cross border networks emerges in parallel in the form of smuggling, trafficking and so on.

Finally, according to Baud and van Schendel, there is another borderland known as the "defunct borderland". They say that it appears that

> "when a border is abolished, and the physical barriers between the two sides of the border are removed, border-induced networks gradually fall apart and are replaced by new ones that take no account of the old division. Some networks are more resilient than others and change at a slower rate. These can maintain themselves for many years, even generations, in which case they may give rise to what J. W. Cole and Eric Wolf have called a hidden frontier" (Baud and van Schendel 1997:225).

However, these are not a permanent feature and changes appear gradually at a later stage. The same border can be an infant border and a defunct border; only time and space determine it. Thus, the boundaries or borderland is a social construction where different ways of doing things meet; they are likely to be replete with tension and conflict. The boundary incorporates two elements beyond serving as a simple separator: the checkpoint and a mental map. The boundaries are constructed through effective monitoring devices that the groups use as an actual and virtual checkpoint to divide one space from another (Migdal 2004: 6).

Tony Payan in his writing, "Theory-Building in Border Studies: The View from North America" has outlined some variables for understanding the border or borderland. He holds that "whether the work of studying borders is deductive or inductive, the classification of

variables can help understand a particular border and then hypothesise and demonstrate relationships" (Payan 2013). His classification of a variable can seem useful for theorising the borderland study. He has outlined eight variables for the border studies which provide an insight into the functioning of the border. These variables can be historical legacies, cultural factors, cross-border resources, domestic political environment, economic gap and opportunities in the border areas, institutionalisation, demographic changes and the global changing context. If these variables are properly taken into consideration, then there is a possibility towards the theories of borderland studies, according to Payan. These variables can be seen in the context of the India-Bangladesh borderland in terms of the following:

Historical Legacy

While analysing and examining the border, historical factors provide an insight to understanding its nature. Historical variables reflect the origin and establishment of the border. In Payan's words, this "refers to the birth of the border itself. In fact, no border today can be understood without knowing something about its history and evolution" (Payan 2013). He argues that as "borders are never settled, but often agreed to as a marker on the land", without understanding the historical context of its creation, it would be difficult to understand the border in a proper perspective. For example, the India-Bangladesh border, which has its historical roots in the partition, still remains conflicting in nature. Even after 60 years of its existence, the claims and counter-claims on the border have not settled down. So, periodic conflict happens along these borders from time to time. Therefore, the understanding of the historical context helps to visualise the complexity of the border and its relations with the state (Payan 2013). Payan says "unresolved historical variables often determine the nature and character of relations, but it also makes the border an alienated or, at best, a co-existent border". Therefore, to study the nature and functions of a border it is essential to analyse empirically how the various historical movements have shaped and reshaped the border. It can provide an insight into the comparative border studies.

Cultural Linkages and Ties

Culture is a "complex subset of variables" to understand the borderland, according to Payan. Cultural similarities and differences at the borderland tell the complexity of the nature and functions of the border. If there are cultural similarities, the border becomes more integrated than the cultural differences. Borders that keep considerable cultural differences are likely to be a more complex compared to the heavily integrated borders. Culture often represents alliance, loyalty, or clash, conflict, distrust, and even consent (Payan 2013). In the case of the India-Bangladesh borderland, the cultural factor plays a significant role in determining its nature. The cultural linkages between the two countries make this borderland more porous despite having initiatives to make it a rigid one through different measures. The cultural similarities of the people bring them together in the borderland, despite being in different countries which ultimately on many counts, undermines the border. The state fails to protect the cross-border activities or unwanted population movement due to cultural connectivity. In West Bengal and Tripura where the Bengali-speaking people have a majority, cross-border linkages are high among the borderlanders as compared to Mizoram and Meghalaya despite the fencing. Therefore, in the understanding of the India-Bangladesh borderland, the cultural factor plays a significant role.

Resource-Based Claims and Counter-Claims

Another factor to understand the borderland as Payan points out, is resource claim. It stands as an important variable to determine the borderland along with cultural factors. He argues that "culture only goes so far in explaining the relations at borders. Under certain circumstances, even people that share common cultural symbols can clash". In this context, the resource claims play a significant role. The resource-based disputes sometimes explain these confrontations in the borderland. Therefore, in analysing the borderland, it is important to examine whether there is a resource-based conflict or not. The resources may be international waters, river-sharing, free passes, and so on. The resource-based claims and counter-claims can be attributed to the rise of conflict or cooperation regimes across borders. This variable plays a major role in the case of the India-Bangladesh borderland.

The India-Bangladesh claim and counter-claim of borderland due to the unfinished demarcation existed until recently when it was finally settled. Moreover, the issue of passage and water-sharing between the two countries remains a contentious matter almost all time. The conflict of the BSF and BGB in 2001 where claims and counter-claims over land in the border area in Meghalaya which led to the killing of 21 BSF personnel presents an example for analysing how the resource-base variable provides insights about the border and its functioning.

Demographic Trends across the Border

Demographic trends across the border are also a determining factor in understanding the borderland. Demography focuses on the movement of human population across the border including its changes over time and space. The demographic changes can be linked to border studies particularly through migration-centric studies (Payan 2013). Therefore, demographic trends across borders or the migration issue are significant during studying the borderland from a demographic perspective. In the case of the India-Bangladesh border, the migration is an important aspect that is also linked with identity questions. A large-scale immigration of Bangladeshis, as many studies stated, particularly to North-East India, has led to a massive popular uprising. The issues of illegal migrations from Bangladesh have been dominating many aspects in the political and academic discourse since independence. This variable has been at the forefront in the case of the India-Bangladesh border. The migration issue has been dealt in detail in Chapter Three of this thesis. This aspect is also linked with domestic politics and identity politics.

The Degree of Institutionalisation

The degree of institutionalisation, the technological innovation across the border and the cross-border institutions play as an important role in determining the nature of the borderland. The institutionalisation of the border can be seen in the context of how the border is protected by state machinery. In this regard, the existence of a customs office, border protection force, etc., needs to be considered. The cross-border institutions enable cooperation and help to make the border more legal and formal. The understanding of this

aspect contributes to looking at the border from an institutional framework. The issue of sovereignty, the legal framework of cross-border institutions, the autonomy of the regions and the willingness of the state to redefine sovereignty, etc., come under this variable. Therefore, to know the border in a proper perspective, the institutional variable provides an idea about the border reality in the everyday lives of borderland people. How the sovereignty becomes exceptional in the borderland can be understood by analysing this variable.

Economic Indicators and Development Gaps

The economic development gap in the border areas or the periphery as compared to the centre stands as an important variable for understanding the borderland. This variable is necessary to comprehend why cross-border trade, smuggling, etc., happens despite a secure border. The focus on this aspect contributes to understanding the cross-border flow and mobility. The economic development gaps along the border region can explain why illegal and informal trade as well as the movement of people continues despite state efforts to make the border secure and a rigid one. In the case of the Indo-Bangladesh border, this factor has significant value because of the cross-border illegal economic activities and movement of the people. The border area mostly remains under development. The absent of proper market facilities and other amenities and their easy availability on the other side of the border encourage people to take up the opportunities. In doing so, they ignore the state authority. Therefore, by analyzing the economic gap in the border area, one can explore the border through diverse perspectives.

Domestic Political Environment

To study the borderland, the domestic factor also needs to be considered. The domestic political context or environment talks about the nature of the border. For theorising the border in a proper perspective, the domestic environment helps immensely. The border reflects in the domestic political environment. The border has a symbolic political value, particularly in volatile domestic political environments (Payan 2013). For example, though the Indian Government signed land boundary agreements with Bangladesh in 1974 and

2011, due to the domestic political compulsion, the deal could be not realised until recently. Therefore, this constitutes an important aspect to consider while undertaking the study of the border. The domestic political compulsion contributes to making the border a rigid or flexible one. So, by an analysis of these domestic factors, one can evaluate the international border in a proper way.

Changing Global Situation

While looking at a border or theorising it, the global context has to be considered according to Payan. This variable helps to understand whether the border is open for liberalisation or restricted due to security issues as visible after 9/11. Looking at the border from a global context contributes to an understanding such as the flow of global trade and investment and security and war, etc. Thus, the global context, if properly defined, will be the most important aspect for understanding the forces that shape the borders today. The importance of this variable for understanding the border can be realised after 9/11 which created a new climate and culture that has transformed the borders worldwide. An analysis of this factor also provides an insight as to why some borders are open for a free flow of trade and commerce while others are restricted and so on. The concept of a "smart border" which is growing up with the expansion of globalisation and transnationalism can be explained with the analysis of this variable in border studies.

Context of the Study

Going through different dimensions of border and borderland as underlined by various scholars, the present study is initiated to understand the India-Bangladesh borderland: state policies and community responses. The India-Bangladesh border came into existence as a result of the partition of India in 1947. It is in this border where the people on both the sides share common socio-cultural and religious practices. Their historical and civilisational linkages have been divided by a political construction and geographical boundary. The border was created within a brief span of six weeks on the basis of Muslim and non-Muslim majority areas without due consideration of any ground realities and border demarcation principles. As a result, the border remains a problematic phenomenon. Thus, the study is

an attempt to explore the issues and the challenges of the Indo-Bangladesh borderland in such a situation.

The study of the state, its policies as well as the people of the periphery is also important to understand the borderland. Michel Baud and Willem van Schendel have pointed out that "national borders are the political constructs and imagined projections of territorial power... Their practical consequences are often quite different. No matter how clearly borders are drawn on official maps; how many customs officials are appointed, or how many watchtowers are built, people ignore borders whenever it suits them. In doing so, they challenge the political status quo of which borders are an ultimate symbol. People take advantage of borders in a way they are not intended or anticipated by their creators" (Baud and van Schendel 2001). The borderland always presents an opportunity for the local inhabitants. These opportunities can be in the form of economic activities or services. Whenever there are opportunities, the local inhabitants cross the border. Baud and van Schendel argue that therefore the border regions have their social dynamics and historical development (Baud and van Schendel 2001). These characteristics of the border appear in the Indo-Bangladesh borderland. Therefore, the study of the Indo-Bangladesh borderland can provide an opportunity to understand the dynamics of the political border and its challenges.

The India-Bangladesh borderland displays specific characteristics. The border remains a highly emotive issue; its very location being contested in many places among the groups who refuse to accept its legitimacy (van Schendel 2005). Throughout its existence, it has been witness to large transnational flows of labour migrants, the trade in many goods and exchange of many ideas and information. Most of these flows were unauthorised by the state concerned, indicating a continual struggle between the powers of territorial control and those of cross-border networking (van Schendel 2005). The proposed research is initiated to address these vital issues of the Indo-Bangladesh borderland and their impact on the Indo-Bangladesh relations.

The India-Bangladesh border is not fully demarcated even after sixty years of its creation. The existence of enclaves and an adverse possession of land on both sides make it more

problematic. Although the government tries to resolve the border problem, it is still to be operationalised. The questions of migration, smuggling, border conflict, illegal trade and social cooperation have challenged this border immensely. Further, the Indo-Bangladesh border area is densely populated, and the cultivation is carried out till the last inch of the border line. On the other hand, the ethnic composition of the people is similar on both sides of the border; therefore, it is quite difficult to differentiate between the citizens of India and Bangladesh. Moreover, traditional trans-border ethnic and socio-cultural ties continue even today (Das 2008: 5). Visits to relatives across the border are common and 'normal' occurrences. Further, in the case of this Indo-Bangladesh border, "there has always been an enormous gap between the rhetoric of border maintenance and daily life in the borderlands. In the vast majority case, it is possible for borderland people to cross the border, legally or illegally. The interesting questions are as to when they did so and for what motives has to be looked into" (Baud and van Schendel 2001). Therefore, the present study is initiated to investigate all these problems and issues of the India-Bangladesh borderland.

The present study is initiated to address the Indo-Bangladesh Borderland: State Policies and Communities Responses. Some review of the literature is provided below that would give an idea of the type of studies that are available on the overall question of the India-Bangladesh borderland.

India-Bangladesh Borderland: Origin and Nature

The border separating India and East Pakistan (Bangladesh from 1971) came into existence in 1947. In June 1947, six weeks before the end of British rule, the Radcliffe Commission was formed which eventually decided the border between India and Pakistan without considering the ground reality (Chatterji 1999:185-242; Jamwal 2004: 5-36; van Schendel 2005). As a result of this, the border between India and Bangladesh displays many problems. The people on both sides have an obvious resemblance with a shared history, culture, language, religion as well as social and family relations even today. The India-Bangladesh border was not demarcated on the physical ground. As a result, a border of about 1,000 km, runs cross-cutting dozens of rivers flowing from the surrounding

mountains into the great Bengal delta. The study of the Bengal Boundary Commission reveals that it had failed to specify its definition of the river border. Since none of the rivers had been demarcated before, many border disputes between India and Pakistan, and now Bangladesh, focus on the riverine border. Therefore, India and Bangladesh have been unable to transform their border into a border of eternal peace and friendship as they had pleaded in 1972 (van Schendel 2005).

The existence of the enclaves as well as adverse possessions of land in both sides presents the complicated nature of this borderland. Further, the border area is densely populated, and the cultivation is carried out till the last inch of the borderline. The socio-cultural and ethnic linkages that prevail across the border further make this borderland a complex one. So, it is difficult to differentiate the Bangladeshi and Indian citizens. Due to this complexity, the issue of illegal migrations remains problematic for academicians and policymakers. Further the socio-cultural affinities have helped migrants from Bangladesh to cross over to India illegally as they find a welcoming population across the border (Ghosh 2011: 367-388; Hazarika 2000; Samaddar 1999).

The India-Bangladesh border presents a character of porousness. The porous nature of border brings the migration issue to the forefront in Indian politics. The Bangladeshi migration has become the most important question regarding the political identity debates in India (Das 2008: 367-388; Das 2010). The India-Bangladesh borderland is also attached to the issue of trans-border crime, trafficking, smuggling and so on. Furthermore, the borderland people ignore the state presence on the border (in the form of security personnel, customs houses, Immigration Department), whenever opportunity favours them. So, it presents a rhetoric of border maintenance and daily life in the borderlands (Das 2010; Ghosh 2011:49-60). The multiple forms of porosity of the Indo-Bangladesh borderland outline a distinct nature of the border as a zone of contestation. The cross-border activities continue to be an integral feature of the everyday life of the Indo-Bangladesh borderland despite fencing and border security. There is a local acceptance of cross-border movement that is prohibited by the Indian state without a valid visa (Samaddar 1999; Ghosh 2011; van Schendel 2005; Banerjee 2001). The partition created an international border between India and Pakistan and later with Bangladesh without giving importance to the people

22

living near the border. It is argued that the partition border turned neighbours into the citizens of the different state. Although the partition imposed a border on the people, cross-border relations never disappeared but were now subjected to a new uncertainty (van Schendel 2001). Like many other borderlands, the Indo-Bangladesh borderland is a zone characterised by varying degrees of state accommodation and subversion, and it too has smugglers, bandits, corrupt border guards and separatist militants. Many contradictions and anomalies arose as to how to curb smuggling while facilitating an economic exchange— the blurring of the legal and illegal trade and the overnight conversion of commuters into international migrants. Through various measures, the state tries to protect the border through means of border fencing, checkpoints and the measures initiated to deport migrants. The border fences, checkpoints and deportation have many a time remained rather symbolic than effective means of protecting the border (van Schendel 2005). Bannerjee and Chen argue that the boundaries and border operate for different people and institutions in various ways. People in the less developed region experience the border more as a barrier. The border creates different life experiences for the people who reside in a particular borderland as a distinctive in-between space. The article contends to understand the formation of the Indo-China and Indo-Bangladesh borderlands that were created as a part of colonisation. The experience of the borderland inhabitants of the Indo-Bangladesh and the Indo-China border, which stand on disputes, local conflict, and negotiations with the security apparatus have been well explained and is a visible feature of this border. The authors argue that people living in the borderland normalise the border (Banerjee and Chen 2012).

The India-Bangladesh Border: Issues and Challenges

The Indo-Bangladesh borderland that suddenly came up as a result of partition has displayed various problems that remain unresolved even today. The issues of migration, security, resistance, trade and violence along the border are a regular feature of this borderland (van Schendel 2005). In many instances, the local notions of territorial continuity conflict with the state concept of territorial discontinuity as the borderlanders persistently disregard attempts to limit their conceptual and material horizon to get on with their lives simply. The people living in the villages adjoining the Indo-Bangladesh border

do not subscribe to any concept of nationality or recognise the boundary of the state that it represents. For the people living on the borderland, an imaginary line bars them from leading a natural existence. Despite the barrier, daily life takes them across the border for earning a livelihood. The political relations between India and Bangladesh have an impact on the borderland which has its own dynamics dictated by security compulsion, border economy and activities that are intrinsic to the livelihood of people living near the border (Patnaik 2011: 745-751).

The India-Bangladesh borderland has been describing the problems areas of tomorrow. The problems include migration, insurgency, smuggling, trans-border crime, border conflict, etc. India shares the longest border with Bangladesh, but it has not been effectively managed. The various factors such as a challenging terrain, un-demarcated boundary issues, etc., stand as obstacles in its management. This border is different from the Pakistan border, which needs a different approach to its management (Das 2008). Although various strict enforcement measures were adopted along the Indo-Bangladesh border, they are unable in stopping the seasonal influx of migrant labour and a total ban on informal trading; the border fencing is unable to stop people on the either side in their trans-border communication, to which they have been used to for generations since the pre-partition days (Banerjee 2001). The Indo-Bangladesh border fencing is an important issue regarding this border. Bangladesh has been opposing the border fencing from the very beginning of its construction. Despite Bangladesh's opposition, India has constructed the border fencing. Shamshad mentiones that '"no barbed wire fence can stop the movement of hungry populations". If the migrants stay for a long time in India, there must be some real demand for them, and in such a situation, the fence has not served any purpose (Shamshad 2008).

Policies and Perceptions of the India-Bangladesh Borderland

The Group of Ministers report in 2001 was formed to address the India-Bangladesh border-related problems. The report had pointed out that the India-Bangladesh border had inherited problems since its establishment. In order to deals with the border in such a situation, it is essential to address these issues. The problems of the India-Bangladesh border mainly

surface in the form of disputed territories, un-demarcated land, enclaves and adverse possession of land and so on. Furthermore, this border was an artificial creation without addressing the ground realities of the border-making principle. As a result, many border-related problems such as migration, smuggling, trafficking, etc. are associated with this border. Therefore, in order to deal with the problems, the Group of Ministers report recommended the development of infrastructure along the border (GOI 2001).

The border has many implications in politics and everyday lives of the people along the India-Bangladesh borderland. The border shapes the bilateral relations in South Asia in many ways. The government in the region has largely emulated a colonial practice in rationalising the territorial issues. However, these practices could not address or resolve the border-related problems. The close cultural affinities of the borderland people contribute to the porousness of the border. Therefore, rigid borders in South Asia are geographically not viable (Banerjee 1998). In order to address the border-related problems, Hazarika emphasises a better agreement between India and Bangladesh (Hazarika 2000). Mohammad examines the land border agreement in critical ways. He mentions that the two sides have different views regarding the definition of the defensive structure. Due to the differences on the boundary issues, a border conflict becomes a regular feature between the two countries (Faruque 2005). The matters of cross-border terrorism, demarcation of border and migration remain a matter of concern for policymaker while addressing the problems of border management. One of the important elements in the management of the international borders is their delimitation and demarcation on the ground. In some areas, the effectiveness and efficacy of the fencing as a policy initiative to check migration and crime along the border has been considerably diluted due to certain factors such as human habitation and cultivation of the land up to the border. Jha has pointed out the importance of the local people's integration into the border management. Without their cooperation, India's diverse borders cannot be protected.

On the issue of border management, there is a system of institutionalised interaction for discussions between the Home Secretaries of both the countries, the Director Generals of the Indian Border Security Force and the Bangladesh Rifles, on a regular basis. Such institutionalised arrangements tend to keep the border-related tensions between the two

countries under control. Border-related tensions, which have become routine, have often soured the relations in the past and may continue to do so in the future if special attention is not paid (Karim 2009). The states in South Asia were busy in reinforcing the border, whereas the common people felt that this new artificial barrier had separated them from their farmlands and traditional markets and had threatened their livelihood (Das 2008). The illegal flow of goods and people across the India-Bangladesh border, as well as the rampant insurgency and lawlessness in the border areas, reinforces the fact that the modern-day ill-conceived artificial borders have never managed to prevent the established socio-cultural relations and economic transactions between people (van Schendel 2005; Das 2008).

Definition, Rationale and Scope of the Study

The proposed study is undertaken to understand the India-Bangladesh Borderland: State Policies and Communities Responses. The borderland is a zone or region in one nation that is significantly affected by an international border as in case of the India-Bangladesh border. The border creates political, social and cultural distinctions but simultaneously implies the existence of new networks and interactions across them. The borderland is an area that is bisected by the state border. It includes the borderline and adjoining areas. The actual boundary line demarcated using posts, stones, flags, fences, walls or other landmarks and highlighted with the aid of custom houses, border guards, and checkposts, forms their backbone. The borderland is a zone or region within which lie an international border and borderland society as a social and cultural system ranging in that border. According to van Schendel, the borderland not only joins what is different but also divides what is similar. Its shapes transnationalism, social separateness, otherness ethnic conflict, accommodation and international conflict.

The Indo-Bangladesh border was an artificial creation of the British officials. Therefore, this border has always remained a problematic concern whether in the relationship between India and Bangladesh or from a border management perspective. The socio-cultural as well as the family ties across the border challenges the Indo-Bangladesh borderland and exposes the state-centric security measures. The resident of the border zone deals on a daily basis with the most concrete manifestation of the nation-state, its territorial boundary; for the

people in this situation, the nation state is an everyday reality rather than a subject of imagination. Crossing the border between an economically weak nation (here Bangladesh) and the nation that is well-off (here India) alters the value of commodities and labour. The borderland acquires its identity from interaction with the boundary and the rule and transactions across the boundary. The economic forces influence the changing nature of the borderland. These give the border studies a new perspective. A study of the border from a local perspective is important to understand the purpose which the present study initiated, and it is more empirical and helpful to explore the ground reality. The proposed study makes an attempt to analyse the border from the local and state perspectives. The present study explores the everyday reality, issues and challenges of the Indo-Bangladesh borderland. It further explores the local conception of the border and state policies, as well as how the periphery has been dealing with the border in its daily life.

The study seeks to answer the following questions: What are the nature and origin of the Indo-Bangladesh borderland? How do the borderland people perceive about borderland and states' political border? What are the policy initiatives prevalent on the Indo-Bangladesh borderland? What are the institutional arrangements to manage the Indo-Bangladesh borderland? What are the issues and challenges originated from India-Bangladesh border? Whether India-Bangladesh borderland has caused any impediments on the cordial relationship between India and Bangladesh? What are the socio-political, economic dynamics of the Indo-Bangladesh borderland? And How do people deal with the border in their everyday life and what are their perceptions about the border management issues?

Moreover, the study undertook three hypotheses; firstly, the Indo-Bangladesh borderland has complicated the relations between India and Bangladesh. Secondly the Borderland activities have problematised the state-centric security mechanism along the Indo-Bangladesh border and finally the government policies of border management along the Indo-Bangladesh borderland have failed to provide a basic infrastructure to the people.

The study is based on descriptive, empirical and exploratory methods. The research is both qualitative and quantitative in nature. The theoretical part of the study focuses on the border

and border-making and the role of the state. The historical part of the study has focused on the origin of the Indo-Bangladesh border. The descriptive method has been used in the study to provide a broader understanding of the various development initiatives undertaken in the border area. In this aspect, research work has focused on border management programmes initiated by the government and its impact on the borderland people. Further, the descriptive part of the study presents the overall situation of the border, and for a better understanding, an analytical approach has also been adopted. The study uses empirical and secondary data. The empirical part of the study is covered through the fieldwork conducted in Assam, Tripura, and Meghalaya's part of the Indo-Bangladesh borderland as well as from Bangladesh side of border. The study uses both primary and secondary sources of data, information and literature. The primary sources mostly comprise government documents, reports of the government and non-government organisations. The fieldwork data also constitutes the primary source. The other secondary sources of the study are mainly in the form of books, journals, newspapers, a related website, articles and so on.

Chapterisation

The first chapter has provided a brief understanding of the border and the borderland study. It has outlined the context of the study as well as provided the research questions and hypotheses of the present study. The second chapter deals with the origin and nature of the Indo-Bangladesh Borderland. It examines how this border was created and what is the present state of its nature. The third chapter analyses the issues and challenges of the Indo-Bangladesh borderland. The issues of migration, enclaves, cross-border crime, insurgency, terrorism, and so forth remain the primary focus in the analysis. The socio-cultural linkages between India and Bangladesh make the India-Bangladesh borderland worth looking at. It also addresses the socio-political and economic dynamics of this borderland. Due to this socio-economic linkage, the India-Bangladesh borderland remains a dynamic one, and this produces opportunities as well as challenges for India. The fourth chapter discusses the state policies vis-à-vis the India-Bangladesh border—how the state deals with the border in different aspects such as security, trade and other related issues and its policies and programmes regarding its management. The fifth chapter makes an effort to understand the borders from the community perspective. The chapter focuses on the community responses

to the border, how the communities view the India-Bangladesh border and its impact on their everyday lives. Finally, the conclusion presents the summary of the study.

Chapter 2

The India-Bangladesh Border: Origin and Nature

Introduction

The border is regarded under the framework of the nation states. It symbolises an important aspect of state security and sovereignty and the physical records of the states' past and present relations with their neighbours (Hastings and Wilson 2001). Therefore, the border represents three elements: the legal borderline that simultaneously separates and joins states, the physical structure to deter and protect the borderline and the people and institutions that often penetrate into the territory of the state. It is the border and borderland within which people negotiate a variety of behaviours and meanings associated with membership in the nation states (Ahanthem 2011: 203-218). Further, borders form a clear linkage between geography and politics, a state's pursuit of territoriality and its strategy to exert complete authority and control over social life (van Schendel 2005). As the border is essential for the state's existence, the present chapter discusses the origin and nature of the Indo-Bangladesh borderland. It is true that every border has been created at some specific time. However, the border may change over the years depending upon its nature or origin. The India-Bangladesh border had had its historical origins in partition. The present Bangladesh was a part of Pakistan known as East Pakistan before its independence in 1971. So, this chapter primarily focuses on the origin and nature of the India-Bangladesh border, going back to the partition's history and subsequent development.

The Origin of the India-Bangladesh Border

The Indo-Bangladesh border is a unique border because of its history of origin and establishment. The people of the borderland display similar characteristics; a similarity in their socio-cultural and religious beliefs and practices. They also have strong family and marital ties. However, the division of Bengal in 1947 changed the scenario. The history of the present Indo-Bangladesh border goes back to the eighteenth century, i.e. the time of the British rule in the Indian subcontinent. This border was conceived and thus originated in

the eighteenth century, got an administrative shape in 1905 and a physical shape in 1947 and was politically renewed in 1971-72. However, this chapter emphasises only the partition of Bengal in 1947 and the subsequent efforts of border-making and its aftermath.

The origin of the India-Bangladesh border goes back to the partition of India in 1947 which resulted in the creation of a geographical, physical and political border between the two countries. The divide and rule policy adopted by the British administration led to the partition of India. It created communal animosity between the Hindu and Muslim communities and ultimately gave birth to India and Pakistan (East Pakistan) with a defined international border (got renewed into the India-Bangladesh border in 1971 after the independence of Bangladesh). The seeds of this partition had prominently come to the surface after the Lahore Resolution of the Muslim League when it demanded an independent status for "areas in which Muslims are numerically in the majority, as in the north-western and eastern zones of India as Pakistan". This resolution demanded five provinces consisting of Sind, Baluchistan, North-West Frontier Province, and the Punjab in the north-west and Bengal in the east as a part of Pakistan (Spate 1948: 5-29). This hope of partition became a reality when the then British Prime Minister Attlee made an announcement on February 20, 1947 that "England would transfer power to responsible Indian hands by June 1948. His Majesty's Government in its 20 February announcement made clear that there must be a formed constitution by June 1948 based on the Cabinet Mission Plan through a fully representative Constituent Assembly. If it is not possible, His Majesty's Government will have to consider to whom the power of British India should be handed over on the due date, whether as a whole or to some form of Central Government for British India" (Menon 1957).

The Muslim League rejected the proposition of a united India. As a result, India was ultimately partitioned in 1947. The British administration assigned the task of the partition to the last Viceroy of India, Lord Mountbatten. Mountbatten came to India in March 1947 to carry out the task of dividing the territory between India and Pakistan. He had entrusted this task to the Boundary Commission headed by Sir Cyril Radcliffe. The Boundary Commission was set up on June 30, 1947, under Section 3 of the Indian Independence Act, 1947.

It should be noted that while dealing with the question of the partition of Bengal, the views of the Provincial Assembly of Bengal were taken into consideration. To decide the plan, the members of the Provincial Assembly of Bengal were asked to have a meeting in two parts, representing the Muslims and Hindus separately. In doing so, they were asked to follow the census data of 1941 to determine the population. The members of a legislative assembly who were empowered to vote were given the authority to decide whether they were in favour of the partition of the Bengal province or not. Accordingly, on the basis of the vote, the Boundary Commission had to carry out the partition of Bengal. The Bengal Provincial Assembly which was divided into the Hindu-Muslim majority districts, met to vote on June 20, 1947. In this voting, the Hindu majority district voted in favour of the partition of Bengal while the Muslim-majority districts voted against it. On the basis of that vote, the Boundary Commission was given the final authority to determine the border between the two Bengals (Chatterji 1999).

However, when the partition plan was finalised, in Bengal, the demand for the creation of the separate province of Bengal was also gaining popularity. At this stage, Huseyn Shaheed Suhrawardy (the then Premier of East Bengal) came out with a proposal for "a sovereign, independent and undivided Bengal in a divided India". However, that demand could not be realised because of the opposition led by Khwaja Nazimuddin. Moreover, it received little support from either the Muslim League or the Congress (Menon 1957). Although they were divided on the issue of partition, their differences had not affected the Muslim League's proposal of dividing Bengal on the basis of Muslim and Hindu majority areas before the Boundary Commission (Chakrabarty 2003). Soon after the finalisation of the partition plan, the Boundary Commission was entrusted to carry out the task. The Boundary Commission invited the leaders of the National Congress, the Hindu Mahasabha and the New Bengal Association on the one hand, and those of the Muslim League on the other at Calcutta from the 16th of July 1947 to 24th of July 1947 to present their arguments. At that time, the different organisations which were concerned with the division of Bengal wanted that the partition should be done in such a way so that in the future, no unwanted conflict would occur. In a report presented to the Boundary Commission, they argued that:

The boundary between will be an international boundary, separating two independent sovereign states. Such boundary marks the limits of the region within which a state can exercise its sovereign authority, and with its locations, various matters relating to immigrations and restriction on visitors, the imposition of customs duties, and prevention of smuggling and contraband trade are bound up. The boundary should undoubtedly be drawn up in such a manner as would obviate changes of friction and clashes in peace time.[2]

The British administration had instructed the Chairman to prepare a report and submit it before August 15, 1947, giving details about the territorial division of Bengal. In other words, the commission had six weeks' time limit to decide the border of partitioned India. It should be noted that the Chairman of the Boundary Commission had had no previous experience of border demarcation. The Commission's terms of reference directed it to "demarcate the boundaries of the two parts of the Punjab and Bengal by ascertaining the contiguous majority areas of Muslims and non-Muslims". Thus, in such a short span of time, the Bengal Boundary Commission had to demarcate Bengal into two parts on the basis of Hindu-Muslim majority areas while taking other factors into consideration. However, what the "other factors" constituted did not find a mention in the instructions. Moreover, the order that was given to the Commission also proposed that until the final reports of the Commission came into effect, the provisional boundaries of Punjab, Sind, North-Western Frontiers Province and the British Provinces of Baluchistan, Bengal and Assam would be used as legal boundaries. Thus, the Boundary Commission was entrusted with the task of dividing the territory of British India into two sovereign units and to fix the boundaries between them. The Boundary Commission divided the whole of Bengal into Muslim and non-Muslim majority districts. The basis of the division was the census figure of 1941(Chatterji 1999).

However, the principle of Muslim and Hindu majority was a contradictory one in the case of the Bengal partition. This is because only 26 per cent of the border separated the Muslim majority area of East Pakistan with the Hindu majority area of India and 15 per cent separated the Muslim-majority area of East Pakistan with the Christian and Buddhist-

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[2] Report of Justice Mukharjea and Justice Biswas, File Misc. B -1/1947, Home Political (Secret) Proceeding before the Boundary Commission, 1947 West Bengal State Archive, Calcutta, p 13, cited in Roy 2012: 33.

majority areas in India (van Schendel 2005: 48). So, half of the area of the length of the border cut between the area of the same religion that dominated both sides of the area. On the East Pakistan side, the non-Muslim majority area made up one-fifth of its length. Fifteen per cent of the border did not cut through either Hindu or Muslim areas but was dominated by the other religion on both sides of the border (van Schendel 2005: 55).

Moreover, in considering the demarcation of the border, the Boundary Commission also deliberated upon the thanas as a basic unit. In its report, it stated that

> Boundary between the Thana of Phansidewa in the District of Darjeeling and the Thana Tetulia in the District of Jalpaiguri from the point where that boundary meets the Province of Bihar and then along the boundary between the Thanas of Tetulia and Rajganj; the Thanas of Pachagar and Rajganj, and the Thanas of Pachagar and Jalpaiguri, and shall then continue along the northern corner of the Thana Debiganj to the boundary of the State of Cooch-Behar. The District of Darjeeling and so much of the District of Jalpaiguri as lies north of this line shall belong to West Bengal, but the Thana of Patgram and any other portion of Jalpaiguri District which lies to the east or south shall belong to East Bengal. The boundary between the Thanas of Haripur and Raiganj in the District of Dinajpur meets the border of the Province of Bihar to the point where the boundary between the Districts of 24 Parganas and Khulna meets the Bay of Bengal...So much of the Province of Bengal as lies to the west of it shall belong to West Bengal (Report of the Boundary Commission).

Besides considering the Thanas as small units of the partition, the Chairman of the Boundary Commission also accepted the Congress demand for the inclusion of Murshidabad and the Nadia river system in West Bengal for the survival of the Hooghly. However, the Commission awarded some parts of Khulna, while retaining the parts east of the river Mathabhanga for West Bengal. It is also notable that the Muslim-majority thanas of the Bada-Debiganj-Pachagarh area of the districts of Darjeeling and Jalpaiguri also went to West Bengal. In such cases, the Commission rejected the principle of "contiguity" as demanded by the Muslim League for the inclusion of these areas to Pakistan because this principle was to be limited to areas within Bengal (Chatterji 1999: 215). So, the Radcliffe Commission also rejected the demand of the Congress for the inclusion of the Thana of Boalia in Rajshahi, the four Thanas in Bakarganj and the areas of Faridpur to West Bengal

which were finally awarded to East Bengal. Therefore, Radcliffe's drawing of the boundary was not continuous (Chatterji 1999: 216).

Furthermore, in the discourse of the partition of Bengal, the question of the partition of the border of Assam presents an interesting insight. Although Assam's overall population was non-Muslim, the Sylhet district which was not contiguous to Bengal, had a Muslim majority. So, along the partition of Bengal, in Assam, a referendum was held in the Sylhet district under the guidance of the Governor General in consultation with the Provisional Government of Assam to decide whether Sylhet should continue to form part of the Assam province or should be incorporated into the new province of Eastern Bengal. It was agreed that if the results of the referendum favoured the merger of Sylhet with eastern Bengal, the Boundary Commission would demarcate the Muslim-majority areas of the Sylhet district and the contiguous Muslim-majority areas of the adjoining districts to Eastern Bengal. In the referendum, people voted in favour of the partition of Sylhet. At that time, the Sylhet district consisted of five sub-divisions namely—Sadar Sylhet, Sunamganj, Moulvibazar, Habiganj and Karimganj. Out of these five divisions, Karimganj was included in Assam though linguistically, culturally and geographically, it was an essential part of the Sylhet district. The Sylhet district was partitioned separately on the basis of the Census Report of 1941 (Menon 1957: 369). Thus, the Boundary Commission had decided the East Bengal border, including the Sylhet district of Assam and some parts of Bengal to be transferred to East Pakistan on the basis of the Muslim-majority and Hindu-majority areas. However, in reality, for three-fifths of its length, the border was not Muslim-non-Muslim divided as the Commission thought.

The Boundary Commission awarded 28,000 square miles to West Bengal which had 21.9 million population out of which nearly 5.9 million were Muslim. In other words, 29 per cent Muslim population remained in West Bengal. Similarly, 49,000 square miles were awarded to East Bengal for a population of 39.11 million out of which the Hindus constituted 29.1% 11.4 million population (van Schendel 2005: 43). So, in the division, 36.36 per cent of the land was allotted to accommodate near about 35.14 per cent of the population to West Bengal. In the case of East Bengal, 63.6% of land was allotted to accommodate about 64.85% of people. These data make it clear that the Commission

recognised the two "cardinal principles"; firstly, the "two parts respectively were to contain as large a proportion as possible of the total Muslim and non-Muslim population of Bengal, and secondly, the ratio of Muslims to non-Muslims in one zone must be as nearly equal as possible to the ratio of non-Muslims to Muslims in the other" (Chatterji 1999: 213).

Although the Boundary Commission had completed the partition plan by drawing the border between the two provinces, there were many problems in the award. Its report was made public on August 17, 1947, two days after India's Independence. But in reality, it could not address many problems of the border demarcation principle properly. It should be noted that the Commission had used the census of 1941 as a basis for the division of the people. It used outdated maps and surveyed land as a basis of demarcation. As a result, after independence, a border-related conflict surfaced in the India-Pakistan relations and later with Bangladesh (after its independence in 1971). The Boundary award failed to meets the people's expectations and initiated confusion and a sense of betrayal among both Hindus and Muslims. For example, the Hindu majority province of Khulna was awarded to Pakistan and Murshidabad, a Muslim-majority province, was awarded to India that demonstrated the betrayal that the general public felt by the announcement of the award (Roy 2012: 49).

Moreover, it is usually assumed that the Bengal Boundary Commission divided the provinces into two parts, that is East Pakistan and India. However, in reality, the matter is complex. The Radcliffe line did not carve two halves out of the provinces of Bengal; it made the provinces fall into four large parts—East Bengal (sixteen districts of Bengal) that joined Pakistan in 1947, the Princely state of Tripura that joined India in 1949, North Bengal that joined India in 1947 and the princely state that joined India in 1950. West Bengal had 12 districts that joined India in 1947 along with 197 enclaves (van Schendel 2005).

The boundary line thus demarcated between India and Pakistan later gave rise to a number of boundary disputes between India and Bangladesh. Some of the critical issues unaddressed by the Boundary Commission are discussed as below.

Unsurveyed Land

The Boundary Commission mostly depended on the data of a land survey of the late colonial periods for drawing the boundary in Bengal. But the land had not been surveyed all over Bengal properly during the colonial period. Therefore, the issue of unsurveyed land was a fundamental problem faced by the Boundary Commission. Further, because of the absence of proper land data, in many places, the border could not be drawn (Chattarji 1999: 221-35). Therefore, after the partition of Bengal, intense disputes occurred in this land claimed by both India and Pakistan. One of such conflict of claims and counter-claims was mostly visible in the Sylhet part of the border immediately after the partition. As the western part of Sylhet was allotted to East Pakistan and the eastern part remained with India, a problem emerged regarding the central part of Sylhet. In central Sylhet, a problem emerged with the division of the Patria forest. The Patria forest came under the administration of the forest department of Assam and fell under the unsurveyed land, and thus its status could not be addressed by the Boundary Commission during the partition time (van Schendel 2005). So soon after partition, both India and Pakistan held their stakes in such lands. So, to address these types of problems in the post-independent period, the Bagge Tribunal was constituted. However, the tribunal could not resolve all problems created by the unsurveyed land although some of them were resolved. The existence of the border conflicts also gave diplomatic leverages to both India and Pakistan and later Bangladesh, to establish their identity and hold in the border area.

Furthermore, due to a lack of proper data, the border could not be drawn on ground in many places. So, the disputed territories surfaced soon after partition. Moreover, the partition had created no less than 197 enclaves which the Boundary Commission had not addressed. At the time of partition, 74 Pakistani enclaves were located within the territory of India, and 123 Indian ones within that of Pakistan. In brief, as pointed out by van Schendel, the Boundary Commission did not create only two territories as usually imagined, but also created no less than 201 territorial units (van Schendel 2005: 43). However, soon after independence, the Nehru-Noor pact addressed the problem of enclaves and some enclaves were exchanged, but the status of the majority enclaves remained as a problem yet to be addressed. There were 52 Bangladeshi enclaves in the Indian territory and 111 Indian

enclaves in Bangladesh, which existed even till 2015, when the issue was resolved by the Boundary Agreement of 2011 (Mohmad 2008: 99-119).

Riverine Border

The Bengal Boundary Commission had not specified its definition of a river border. Most of the border demarcation principles have specifically focused on riverine borders and drawn the border accordingly. However, the Radcliffe Commission had no specific guidelines regarding the riverine border. In other words, the Commission had not dealt with the riverine border separately. There are more than 54 rivers flowing between India and Burma and present-day Bangladesh. It almost covers a 1,000-km run in crosscuts (Nazem 1994: 101-110). Due to the non-consideration of riverine borders, a conflict started soon after partition and later on with Bangladesh on the issue of the riverine border. Moreover, because of the shifting nature of the river many *char*[3] areas were created which were not in the list of the Bengal Boundary Commission. The Padma river, which divided Murshidabad of India from Rajshahi of Pakistan, was dotted with such chars, which at times were large enough to have entire villages built upon them. Immediately after Partition, East Pakistani allegedly occupied 'char Sarandaspur', one of the biggest *char* areas on the Padma. This type of error committed by the Boundary Commission provided the background for the deployment of the military forces of India and Pakistan at the border (Roy 2012: 58). Although the official discussions between them solved these problems, it always created a tension-like situation.

Mapping Errors

Maps are essential tools of knowledge and control of territory, and define not only topography but also the conceptual nation (Roy 2012: 17). But during the partition, there were no accurate maps. Therefore, the mapping error was a fundamental problem of the Boundary Commission. Moreover, maps were restricted to the general public under the

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[3]*Chors* are sandy tracts of land which lie in the middle of the river or adjacent to it. These tracts are created in the form of both lateral point bars and medial bars, by a complex process of continuous erosion and accumulation of sand and other solid materials over a period of time. Sand bars created in the middle of the rivers are called island chors, whereas those forming adjacent to it are called as attached chors.

claim of national security. The Bengal Boundary Commission based its decision regarding the border upon the map that had been scrutinised during the land taxation period. Those maps were outdated and created problems in defining the border on ground. Owing to lack of a proper map, a problem like the Mathabhanga river occurred as it was not shown on the map. Further, because of the mapping error, the northern district of Dinajpur (East Pakistan) and Jalpaiguri of India followed a straight line rather than the thana borders as agreed upon by the commission. Moreover, problems of the Berubari Union were also because of the mapping error which was later solved by India and Pakistan in the enclave exchange programme. Thus, demarcating the border on the ground remained problematic owing to the use of a map that was outdated. Therefore, there was a problem between India and Pakistan regarding the exact location of the border soon after the Boundary Award. Moreover, because of such problems, the demarcation of the border through border pillars and other physical markers remained a challenging task both for Pakistan and India for quite a long time after the Boundary Award (van Schendel 2005: 65).

However, both India and Pakistan later agreed on the working definition of the borderline. In December 1948, the Prime Ministers of both the countries gave a formal approval for demarcating the borderline on the ground. However, the problem arose in demarcation because of a lack of information regarding the border. For example, even the officials directly concerned with the border demarcation, did not know the exact length of the border till late 1953. The East Pakistan authorities thought the boundary line with India was 2,126 km, not 4,095 km in actuality. That is why even after six years of the partition of Bengal, only one-fifth of the border was demarcated and after 18 years, more than two-third (van Schendel 2005: 66).

In 1974, the Indian Prime Minister Indira Gandhi and the Bangladeshi Prime Minister Mujibur Rahman signed an agreement to complete the demarcation of the border between the two countries on ground. They listed 15 sectors of the border to be demarcated and decided how to deal with it. However, the political situation in India was not favourable for redrawing, and the problem continued. So, the partition created a border between India and Pakistan and later on Bangladesh, but it also created many territorial disputes that are yet to be resolved because of a mapping error. Therefore, though it was that the partition

would resolve all territorial issues rationally but in reality, it did not happen (Banerjee 1998: 181).

From East Pakistan to Bangladesh

The partition created an international border between India and Pakistan. However, united Pakistan did not survive for a long period. Soon after the emergence of Pakistan, the East Pakistanis who were mostly Bengali-dominated started asserting their rights and in 1971 emerged as an independent country. So, to deal with the India-Bangladesh border in proper ways, it is necessary to discuss a brief history of the emergence of Bangladesh. It would provide a better understanding of the India-Bangladesh border and its nature. Although the Indo-Bangladesh border has a legacy of partition, the emergence of Bangladesh as an independent country shifted the border between India and Pakistan to India and Bangladesh in the eastern part.

Soon after the partition, the rise of Bengali sub-nationalism within Pakistan was contributed to by some political, economic, cultural and sociological factors. Although the Bengali Muslims were the majority group in East Pakistan, they suffered from a deep-rooted fear of domination by the West Pakistani Urdu-speaking people. At the same time, the emergence of powerful ruling elites in West Pakistan had a great impact on the separatist movement in East Bengal. The ruling elites were composed of senior bureaucrats, military officials and so on. However, none of the East Bengal leaders were incorporated into the system of power-sharing. Moreover, soon after the emergence of Pakistan, political instability surrounded its existence and the army indirectly dominated the political process up to 1958. But after 1958, the army got directly involved in politics. In this transformation, no East Pakistani leader was included in the cabinet except during the short interval of thirteen months of Suhrawardy's cabinet in 1955-56. So, the Bengalis were hardly allotted any role in the national affairs of Pakistan. Every important decision, whether it related to political or defence or economic or diplomatic matters, was made by the ruling elites, composed of the West Pakistani civil and military officers. In provincial matters, the situation was no better for the Bengalis of East Pakistan. The West Pakistani officials considered themselves to be socially superior to the Bengali Muslims (Sahoo

2009). This resulted in bitterness and a widening gap between the two parts. Moreover, the Martial Law regime of 1958 perpetuated West Pakistan's political and economic domination over the people living in East Pakistan. The Bengali leaders, who were demanding maximum regional autonomy and wanted to establish a new balance of political and economic power between the Centre and the Provinces, had become suspected in the eyes of the military rulers. Sheikh Mujibur Rahman, then General Secretary of the Awami League, Maulana Abdul Hamid Khan Bhasani and Khan Abdul Ghaffar Khan, along with many other prominent political leaders, were arrested for their support for the rights of the East Bengalis. Sheikh Mujibur Rahman, the popular leader of the East, formulated his six-point programme soon after the war of 1965 which included the provision of demanding a federal state, and he asserted that the power of the central government should be limited only to defence, foreign affairs and on the matter of a common currency. However, this proposal was completely rejected. Moreover, the East Pakistanis were against the imposition of Urdu as the official language neglecting the Bengali language. All these factors along with the non-recognition of the Awami League's election victory of 1970 paved way for the emergence of Bangladesh. It has to be mentioned that in December 1970, in the election to the 313 seats in the National Assembly of Pakistan, Sheikh Mujibur Rahman's East Pakistan-based Awami League party won 167 out of 169 seats forming a majority in the National Assembly. After the verdict of the election, Mujibur Raman made it very clear that Pakistan's future Constitution would be based on the six points of regional autonomy which he had formulated earlier. But a major problem appeared when the Zulfikar Ali Bhutto of the Pakistan's Peoples' Party rejected Rahman's proposal. In the meantime, Yahya Khan also moved in and acted in the interest of the ruling military junta and bureaucracy of West Pakistan. On March 1, 1971, with the Assembly set to open in two days, the military dictator General Agha Muhammad Yahya Khan postponed the session of the National Assembly indefinitely on the pretext that there were serious differences between the leaders of both the major political parties on the question of the draft constitution of Pakistan. This development angered the East Bengali Muslims who came on the streets demanding that Yahya Khan and West Pakistan should respect the election results. When the protest spread all over East Pakistan, Yahya Khan announced that the Assembly would meet on March 25, 1971. However, Sheikh Mujibur Rahman put

four conditions for participating in the National Assembly. He asked for (a) immediate end of the Martial Law regime, (b) withdrawal of troops from East Pakistan, (c) inquiry into the killings of the strikers and (d) immediate handing over of power to the people's representatives. But the proposal was rejected by Yahya Khan (Sahoo 2009). Therefore, the East Pakistanis become more vibrant on their demands and the movement against West Pakistan spread all over East Pakistan. In the meantime, on March 25, 1971, the Western Pakistani forces commanded by General Yahya Khan and the martial law administrator Lieutenant General Tikka Khan discriminately started killing the people of East Pakistan. Nearly three million people were killed by the Pakistani forces (LaPorte 1972). So, India took an active part to defeat West Pakistan to ascertain the rights of the East Pakistanis, and in the end, West Pakistan was defeated. This was the end of Pakistan, as far as the people of East Pakistan were concerned. They declared themselves independent on March 26, 1971. After the creation of Bangladesh, the present India-Bangladesh border appeared. The same nature and conflict which had persisted during the partition or with East Pakistan continued to appear because after the creation of Bangladesh, no new boundary was created between India and Bangladesh. However, the East Pakistan Border became the Bangladesh border. Thus, the Indo-Bangladesh border is the legacy of partition. This is how the border between India and later with Bangladesh emerged.

The emergence of a new international border after the partition of Bengal created many problems among the people who share the same cultural traits and attributes. The political border between the two same communities has not addressed the atrocities suffered by the imposition of the new border on them. The border created new identities and actions on the borderland. The border led them to initiate new social arrangements like cross-border interaction and smuggling, despite the state restrictions in the borderland (van Schendel 2005).

Nature of the Indo-Bangladesh Borderland

The India-Bangladesh borderland has a unique border created due to the partition of India. The border runs criss-cross through the plains and mountainous area. Since no border demarcation principle was being followed while drawing the borderline, this border is

unique in nature. The Indo-Bangladesh border is the longest land border that India shares with any of its neighbours. It covers 4,096.7 km covering the states of West Bengal (2,216.7 km), Assam (263 km), Meghalaya (443 km), Tripura (856 km), and Mizoram (318 km). It crosses 25 districts of these five states with a range of natural and cultural landscapes and five Bangladeshi divisions (Chittagong, Dhaka, Khulna, Rajshahi and Sylhet). The terrain along the border is a mix of hilly and jungle tracks, plains, riverside and low-lying land. The region includes desert lands, plains, numerous mountain ranges, rivers, wetlands, jungle terrain, agricultural lands, national parks, sanctuaries, reserve forests, desert areas, large estuaries, *char* lands, enclaves and so on. In other words, the entire stretch of the India-Bangladesh border can be categorised as: plains in West Bengal, the Assam-Barak valley and Tripura; riverine which is about 200 km of the southern extremity of West Bengal and 50 km of Assam and hilly and jungle in Meghalaya and Mizoram (Jamal 2004). As a result of not being demarcated properly, the border cuts through the middle of several villages, rivers, mountains, *char* lands, agriculture lands and public institutions and has become the reason for the emergence of many conflicts and suspicions regarding the border.

Cross-Border Rivers

The most important feature of the Indo-Bangladesh border are the cross-border rivers that flow between the two countries. Of the more than 54 rivers that flow across the Indo-Bangladeshi border, the most notable are the Ganga, Jamuna, Brahmaputra, Mahananda, Surma, Meghana, Teesta, Ichamati, Muhuri, Mathabhanga, etc. The riverine border along with multiple river channels makes the surveillance of the entire stretch almost impossible. The rivers could move their primary channels unpredictably from year to year, taking away one bank and throwing up land on the other and also creating *char* land, which gets inundated during floods. This natural process has always been the cause of population movement across the border. Most of the rivers constantly shift their courses, inundating the older land and uncovering new land masses. This creates the problem of identification of the boundary line (Das 2008). Moreover, the river border poses a different kind of problem because of the shifting river roots, soil erosion or frequent floods. This makes it difficult to demarcate borders, especially when they form numerous islands and *chars*.

River borderlines tend to change course periodically leading to a host of disputes, associated with the difficulties in establishing the ownership of the newly created territories of *chars* and islands. For example, in the 1980s, controversies surrounding the sovereignty over the New Moore Island/South Talpatty caused tensions in the India-Bangladeshi relations (Dutta 2004). The riverine border mostly in the Dhubri district of Assam and southern West Bengal has a peculiar problem, as it is difficult to locate permanent border outposts in the area due to the swelling of the Brahmaputra (Jamal 2004).

Similarly, India's maritime boundary with Bangladesh has also not been finalised for many years. Unlike Pakistan, Bangladesh also favours the "equitable" rather than the "equidistant" principle preferred by India to fix these frontiers. The former involves the determination of the Median Line by equal distances from shore while the latter means adjustments of the Median Line, taking into account the physical characteristics of the coastline (Bedi 1997). Furthermore, India and Bangladesh claim a three-kilometre island in the estuary of the rivers Hariabhanga and Raimongal in the Bay of Bengal. The island is known in India as New Moore and Purbhasa Island, and in Bangladesh, as South Talpatty, which has been the subject of several rounds of talk since its creation. The outcome has considerable economic consequences for both the countries, as the disputes concern the extent of the Maritime Zone rather than the island itself. However, this problem has been solved by an international tribunal in 2015.

High Density

Another typical nature of the border is the high density of the people in the border areas. The people who are residing in the border areas are using the land up to the last inch for cultivation purposes. People are inhabiting till the border line. This causes for the lack of the permanent boundary pillars in many of those areas. Due to these problems, the patrolling of the Border Security Force has become very difficult. It also facilitates the smugglers to cross the border easily. The density of the population varies from state to state in the border areas. In West Bengal, it was 766 per square km, in Assam and Meghalaya it was 181, and in Tripura and Mizoram, it stood at 268 in the early 2000s (Jamal 2004). Therefore, the people of both the countries work in close proximity to the border areas.

Moreover, in many places, the boundary line passes through the middle of the villages and even through houses, which are scattered almost along the entire stretch of the border (Jamal 2004). It is mentionable that the ethnic composition of the people is similar on both sides of the border; therefore, it is quite difficult to differentiate between the citizens of India and Bangladesh because of the high density. This factor has helped the migrants from Bangladesh to cross over to India illegally as they find a welcoming population across the border (Das 2008: 369). The following table presents the picture of the density of people across the border district of West Bengal.

Table 2:1 Density of population in the border district of West Bengal

Serial no	District	Population	increase	Density
1	North Twenty-Four Parganas	10,009,781	12.04 %	2445
2	South Twenty-Four Parganas	8,161,961	18.17 %	819
3	Murshidabad	7,103,807	21.09 %	1334
4	Nadia	5,167,600	12.22 %	1316
5	Maldah	3,988,845	21.22 %	1069
6	Jalpaiguri	3,872,846	13.87 %	622
7	Uttar Dinajpur	3,007,134	23.15 %	958
8	Koch Bihar	2,819,086	13.71 %	832
9	Dakshin Dinajpur	1,676,276	11.52 %	755

Source: Census of India 2011

Un-demarcated boundary

The existence of an un-demarcated boundary along the India-Bangladesh border for more than sixty years represents its unique nature and complicated matter. It is said that a well-demarcated border on the ground is necessary to avoid a border conflict among states.

However, the India-Bangladesh border lacked this feature for many years until recently, when it was solved. For example, the border in the Berubari sector in West Bengal at Daikhata Mouza-56 Khupudia-Singhapara, about 1.5 km long, had not been demarcated due to the differences of opinion between the Governments of India and Bangladesh until 2015. The Comila sector in Tripura, with an area of 6 km, had had the same problem. The Lathitilaa/Damabari area in Assam with a 2.5 km length also represented the same problem. This area was under the administrative control of Bangladesh while land revenue was being paid to the government of Assam. Though there had been various border agreements concluded between India and Pakistan and later with Bangladesh, since the aftermath of the partition, they were unable to resolve these problems until May 5, 2015. Moreover, there were enclaves of land in both countries. India had 111 enclaves in Bangladesh (17,158.13 acres), and the latter has 51 enclaves (7,110.02 acres) inside India (Kamboj 2006: 23-27). That is why un-demarcated stretches, enclaves and adverse possessions along the India-Bangladesh border had been causing a constant friction between the border guarding forces of bothe India and Bangladesh. It had led to many border conflicts between India and Bangladesh in the past. The border conflict of 2001 in Meghalaya and the 2005 conflict in Tripura are highly mentionable. Those conflicts were the result of an un-demarcated land on the ground.

Porous Nature

Another notable feature of the India-Bangladesh borderland is associated with its porous nature. Soon after its demarcation, the Eastern Bengal (East Pakistan) border was open until 1950, and the government of India did not view the Bengal border as a threat to the nation unlike the Western border with Pakistan. So, a large number of refugees were permitted to cross the border until 1950 (Roy 2012: 18-19). Until the 1970s, there were hardly any physical markers of territorial sovereignty to guide and warn the people on the ground when they had mistakenly or deliberately crossed between the nations (Roy 2012: 57). In the 1980s the process of making a hard border started with erecting physical barriers such as fencing, floodlights and other surveillance techniques. It is noticeable that the India-Bangladesh border is 4,096 km long, and thus fencing cannot be erected in all the area. Therefore, the border remains open despite the effort to make it rigid through various

means of surveillances and fencing. Due to the porousness of the border, there are cross-border infiltrations, illegal smuggling and so on. The porous nature of the Indo-Bangladesh border brings the migration (illegal) issues to the forefront in Indian politics. Samaddar has also pointed out that Bangladeshi cross-border migration has become the most important question regarding the political identity debates in India (Samaddar 1999). It is linked to its porousness. Moreover, the socio-cultural linkages across the border also make it a porous one.

The border was fully open in Mizoram and Tripura till 2000. However, the Indian government has initiated fencing on that part after 2000 onwards. Despite fencing and other measures, the India-Bangladesh border is completely open in many parts. For example, even today in 2017, in West Bengal for 972.7 km, for 95 km in Tripura and for 164 km in Mizoram, the India-Bangladesh border is completely open despite fencing. Moreover, in Assam, 39.33 km and in Meghalaya, 94.5 km border has not been fenced even till date (MHA 2016). This picture tells us that the India-Bangladesh border will always remain porous and thus it becomes a challenging task for managing it.

Socio-Cultural Affinities across the Border

Socio-cultural affinities across the border represent another unique nature of this borderland. For the entire length of the border ranging from West Bengal to Mizoram, there are socio-cultural, religious and ethnic affinities among the people across the border. The people of the West Bengal and Bangladeshi borderland share the same linguistic and cultural ties. In the Assam-Bangladesh border, religious and linguistic similarity is mostly visible in the Dhubri and Karimganj border with Bangladesh. The ethnic Khasi and Jaintia of Bangladesh still maintain their relationship with their counterparts in Meghalaya despite the border even today. In Tripura, the linguistic factor works mostly in cross-border interaction. In Mizoram, the ethnic line becomes visible across the border. Moreover, there are family ties among the people across the border. Therefore, the traditional transborder ethnic and socio-cultural ties continue even today. There are many cross-border festivals which the people celebrated together because of these affinities. During the festival times,

the border crossing is normal like an open border. These socio-cultural, religious and family linkages encourage border crossing or infiltration.

Both the Hindus and Muslims were allowed to retain their land on either side of the border in the initial years of its existence because of these linkages. The borderland peoples were allowed to have a free movement across the borders. Several agreements in the initial stage of the formation of the border had allowed free trade and the uninterrupted flow of goods and people across the Bengal border to maintain the cultural connectivity and socio-economic ties of the people. This was in contradiction to the border policies set forth in the west, where restrictions on the free flow of goods and people came into being by the middle of 1948. However, these facilities did not last for long, and the state started imposing a restriction on movement. In order to control the border area, the state started deployment of its respective forces soon after partition. Initially, the border was guarded by the police which was less trained. In 1957, the Pakistan Army was given the jurisdiction of protection of the border. However, in 1958, the East Pakistan Rifles took charge of protecting the border. With the creation of Bangladesh in 1971, the Bangladesh Border Guards were given the charge of protecting the border. In the Indian part, the Assam Rifles, West Bengal Rifles and Tripura State rifles took charge until 1965. After 1965 onwards, the BSF has been trusted with the job to protect the borderland (van Schendel 2005: 93-94). Despite state efforts to maintain the border through various mechanisms, the people have constantly contested the state attempt to define identity and territory by crossing it according to their wishes. Despite that, people maintain their cross-border relations even today. The social linkages along the border itself remain a challenge to the border.

Problems of Cross-Border Crime, Insurgency, Terrorism

The India-Bangladesh border remains further complicated because of cross-border crime, insurgency, terrorism, etc. which make the border a complex landscape. The insurgent bases in Bangladesh and transborder crime is another area associated with the Indo-Bangladesh borderland. The smuggling of cattle, arms, drugs, human trafficking, counterfeit currency, kidnapping, thefts, etc. are visible along the entire stretch of the India-Bangladesh border. While the river route helps cattle smuggling, items like sugar, salt and

diesel are carried through the land route. There are complaints that the extremists and the terrorist organisations have been establishing themselves firmly in Bangladesh from India's North-East. Some reports revealed that due to the military operations against the Indian insurgent groups by Myanmar in the early 1990s, Bangladesh has emerged as their preferred destination. The forested tracks in Meghalaya, Tripura and Mizoram provide them with ideal routes to sneak in and out of the Indian territory (Das 2008). The porous borders have made Bangladesh very conducive for various Indian insurgents to operate from. However, after the extradition treaty with Bangladesh that was signed in 2011, Bangladesh started acting against these insurgent groups. Moreover, the mushrooming growth of madrasas along the border areas with the aid and assistance of Muslim nations under the Organisation of Islamic Countries poses a serious problem to the security of the nation and the border in the long run. Similarly, along with the Indo-Bangladesh border, while there are 905 mosques and 439 madrasas on the Indian side, there are 960 mosques and 449 madrasas on the Bangladesh side within 10 km of the border (Jamal 2004; *The Hindu* 15 May 2002). These aspects present the real and typical nature of the Indo-Bangladesh land border.

The above-discussed problems make the management process of the border a most difficult one. The nature of the Indo-Bangladesh border also affects the bilateral relations between the two countries.

Conclusion

The India-Bangladesh border is a typical border existing in South Asia because of the history of its origin and creation. It is an artificial creation of partition. While marking the border, no ground reality of the border-making principle was followed. That is why it divided the same ethnic, religious and linguistic groups of people. Therefore, many people who fell outside the Indian land territory due to the partition of the border left for Pakistan; later with Bangladesh, the people were divided through a political line or physical border but were unable to stop the cross-border connection. The Indo-Bangladesh border is the longest international border separated on the basis of religious demography. The border runs crisscross through the plain, mountainous and riverine area. The terrain along the

border is a mix of hilly and jungle tracks, plains, riverside, and low-lying land. The region includes desert lands, plains, numerous mountain ranges, rivers, wetlands, jungle terrain, agricultural lands, national parks, sanctuaries, reserve forests, desert areas, large estuaries, *char* lands, and so on. The border was not completely delineated on ground. It took almost six decades and more to delineate the territories properly. So, this borderland has had inheritance problem from the very beginning. In order to control the border area, the state started deployment of its respective forces soon after partition. Despite state efforts to maintain the border through various mechanisms, the people have constantly contested the state attempt to define identity and territory by crossing it according to their wishes. Thus, the Indo-Bangladesh border is a complex one.

Chapter 3

Issues and Challenges

Introduction

This chapter analyses the issues and challenges of the Indo-Bangladesh borderland. The issues of migration, the enclave, cross-border crime, insurgency, terrorism, and so forth remain the primary focus in the analysis. The socio-cultural linkages between India and Bangladesh make the India-Bangladesh borderland worth looking at. It also addresses the socio-political and economic dynamics of this borderland. Due to this socio-economic linkage, the India-Bangladesh borderland remains a dynamic one, and this produces opportunities as well as challenges for India.

Migration

It is a fact that the migration and border are intrinsically related. Even after the creation of the modern nation-state in the 18th and 19th centuries with defined borders, people have continued to move from one place to another. However, the issue of migration was not a significant issue earlier. The problem of migration into the host countries started when ethnic diversities become sharp and modern developmental processes made the possibility of social assimilation more difficult (Ghosh 1997: IX). The international migration is therefore closely linked to the border and the borders or frontiers, throughout history, have been a controversial subject and have evoked strong emotions, particularly among the people and groups staying near them (Ghosh 1997: 14). This is because of the fact that the border, on the one hand, acts as a facilitator of movement of people and at the same time stands as a barrier. The international migration is therefore closely linked to the border. Therefore, any question of migration between India and Bangladesh also directly links up with the India-Bangladesh borderland. Before going to discuss the issue in detail, it is necessary to define migration. According to the Oxford Advanced Learner's Dictionary, migration means *the movement of people from one place to go to live or work to another.* Migration is also defined as "the physical transition of an individual or a group from one

society to another. This transition usually involves abandoning one social setting and entering another one'' (Eisenstadt 1953: 1). Migration may also be defined as a movement of persons involving a permanent change of residence, or that a migrant is, in general, a person who moves his residence either during the immigration or internal migration (Eisenstadt 1953: 167-168). However, to deal with the subject in the case of (illegal) Bangladeshi migrants, along with these definitions, other concerns need to be addressed more closely. Various reports and academic writings pointed out that many Bangladeshi enter India without valid documents or passports. Those Bangladeshis in India are recognised as illegal migrants or infiltrators as most of them enter without any legal documents. So, the issue of illegal migration directly links up with the India-Bangladesh borderland. To understand this issue in detail, we have to discuss a brief history of migration and its consequences as well as the process involved in it.

The most pertinent issue and challenge regarding the India-Bangladesh borderland is that of migration. In the case of the India-Bangladesh border, this issue always remains prominent because of continuous migration from Bangladesh to India. India has had a long and intricated history of migrations from across its eastern border, particularly large-scale flows associated with the formation of the independent states of India and Bangladesh in 1947 and 1971 respectively (Ramachandran 1999). Therefore, the illegal migration from Bangladesh has been a complex and controversial subject since long, particularly in North-East India (Bhardwaj 2014). The migration to this part of the territory had started since long. Initially, the intensity and problems of migration were not felt as much as they are being felt now. However, over the years, this issue has been popping up as an internal security threat to India. Therefore, it has security implications as well as a challenge to maintain the border (Kumar 2011). If we look back to the issue of migration to Assam or in other parts of North-East India then we find that between 1911 and 1931, more than a million Bengalis migrated from Mymenshing to low-density districts of the Brahmaputra valley in Assam. Again by 1951, more than half a million Bengalis had left East Pakistan to Assam alone. That influx continued through the 1950s and 1960s. Because of this influx, the Assamese population had increased by 35.1 per cent between 1951 and 1961 (compared with an all-India decennial growth rate of 21.6 per cent); between 1961 and 1971.

According to the 1971 census, the population in Assam had increased by 34.4 per cent compared to the all-India average of 24.6 per cent (Franda 1982). Though the migration had been taking place since the 19th century, they were not recognised as Bangladeshi migrants, as they are known today.[4] It was after the creation of Bangladesh that those who were coming from that country came to be considered as illegal Bangladeshi migrants. The Indira–Mujib Agreement makes 1971 a cut-off year for accommodating the migrants of Bangladesh as Indian citizens[5]. However, the problem remained because the migrants could say that they had come around mid-1970 at most, but they could certainly not be mentioned the 1980s (Samaddar 1999: 57-58).

The issue of Bangladeshi migrations in India, particularly in Assam and Tripura, has led to a number of physical and political clashes, most of which revolve around the land and language issues. The illegal migration from Bangladesh has led to the identity movement and pose identity crisis among the indigenous tribes and communities. In Tripura, because of the illegal migration, the original majorities of tribes have reduced to the minority. Because of such demographic changes, there were violent clashes. In Assam, the resentment against the Bangladeshi migrants among the indigenous community was highly visible during the mid-1970's and 1980's. Subsequently a strong movement against the illegal migration began in Assam in the late 1970s, whose presence subsequently spread to the other parts of North-East India.[6] Therefore, illegal migration from Bangladesh is a concerning subject for India, particularly in the North-East. The unprecedented growth rate of the populations in the post-independent period in these states is viewed due to migration (though there may be other factors). For example, in Assam, the percentage of the share of

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[4] It was on 26 March, 1971, after the creation of Bangladesh only that the migrants who came from that part are known as Bangladeshis in India.

[5] 24 April 1971 was recognized as a cut-off year for those who came to India (Assam) from Bangladesh for being accommodated as citizens of India. In Assam, the National Citizen Registration is going to be implemented the 24 April 1971 as a cut-off year for registering as an Indian citizen. Accordingly, to accommodate these people who came to India before 24 April 1971, the Indian Citizenship Act was amended in 1986.

[6] The movement known as Assam Movement started in 1979 and continued till 1985 until an agreement was signed between the Government of India and the All Assam Student Union, a student organization which had led the movement against illegal migration, on 15 August 1985. In the agreement, it is mentioned that for the stopping of illegal migrations, the Government of India would act seriously. Due to this movement, the border fencing was constructed in a later stage. For details about the agreement see
ttp://www.assam.gov.in/documents/1631171/0/Annexure_10.pdf?version=1.0&t=1444717500526

the Hindu population has come down from 72.51 in 1971 to 67.13 in 1991 while the Muslim population increased from 24.56 in 1971to 28.43 in 1991. The high growth rates of the Muslim population, as many academicians claim, is an attribution of the migration from Bangladesh. According to the report of the Election Commission of Bangladesh, there were two million voters whose names had been deleted from the voter list of Bangladesh during 1991-95. India being a neighbouring border state, these people obviously came to India and it points towards the large scale of immigration from that country to India (Sharma and Bhushan 2014: 7; Bhardwaj 2014).

Causes and Concerns of Migration

There are many causes attributed to the illegal migration. The terrain and the demographic composition of the border are a help to the illegal migrants from Bangladesh to enter India. They can assimilate easily because of socio-cultural similarities (Das 2006). The economic factor is also a driving force behind the Bangladeshi migrants to India, especially in the North-East and other parts of the country. Besides economic factors, political and religious atrocities against the minorities in Bangladesh led many Bangladeshis Hindu's to enter into India illegally (Das 2006). The illegal migrants from Bangladesh cross the border and enter the Indian territories through the neighbouring areas of Assam and West Bengal, Tripura, Meghalaya or from Mizoram with the help of well-knit networks. Kamal Sadiq refers to such systems as "networks of complicity". He says, "the bending and manipulation of state laws to facilitate the entry, settlement and socio-economic and political participation of illegal immigrants by groups (not just individuals) within the political leadership, the bureaucracy, the police and security forces, and the municipal and local administrations" (Sadiq 2009: 26). Such complex networks facilitate an easy entry of the infiltrators into Assam and other parts of India which ranges from a petty bribe paid to the border guards or acquiring fake documents like passports, ration cards, identity cards or voter's identity cards. Many people of Assam still do not possess voter's identity cards, but interestingly, these illegal Bangladeshi migrants do possess them and identify themselves as Indian citizens. This makes the illegality into a legality with the proper document. The nexus between the Bangladeshi migrants and their Indian handlers operates in a political climate that is congenial to the whole process of migration (Datta 2002). The officials of municipal

corporations and local administrative officials formulate an easy way for settling them down illegally through the provision of papers or documents of land settlements. Such incidents are regular occurrences, and at times, certain well-organized groups indulging in making arrangements for them to enter and settle in India for a fee (Sadiq 2009). In certain cases, some of these infiltrators possess dual citizenships. So, the corruption and red-tapism have the upper hand in preventing the detection and eviction of the Bangladeshis from Indian soil. While the police and the security personnel pave the way for the easy crossing of the border, the bureaucrats, political parties and other administrative officials provide a congenial atmosphere for the settlement of the Bangladeshis. Banerjee *et al*. (1999: 2250) pointed out that, "it is no secret that border guards on either side accept and demand bribes from those seeking to cross illegally". Thus, a large number of immigrants, notably Muslims of Bengali descent, settled in Assam, identify themselves as Assamese speakers, irrespective of whether they speak the language or not (Boruah 1999: 960). Through the adoption of such methods of identification as Assamese by the illegal migrants from Bangladesh, challenges crop up in the way of the government for their identification and eviction.

Moreover, scholars and academicians by analysing the census data pointed out that there are continuous migration from Bangladesh to India. According to the 2001 census, the growth rates of the Muslim population were the highest, precisely in the districts that share a border with Bangladesh (Hussain 2004). For example, in Assam, this is particularly in Dhubri, Barpeta, Karimganj, and Hailakandi districts which are near the Bangladesh border. By contrast, in upper Assam, the "heartland of the indigenous Assamese Muslims", the growth rates for both Muslims and Hindus are quite similar. These different figures, says Wasbir Hussain, lends "credence to the widely-held belief that illegal migration from Bangladesh" has been the source of the gradual increase in the proportion of Muslims in Assam (Boruah 2009: 960). To justify that migration continues, Hussain has compared the growth rates of the Muslim population. In 1971, the Muslims, for instance, comprised 64.46 per cent of the people in the Dhubri district. This rose to 70.45 per cent in 1991—a total growth of 77.42 per cent between 1971 and 1991. By 2001, the proportion of Muslims had risen further to 74.29 per cent of the population in Dhubri. By 2001, the Muslim

population in Barpeta rose from 56.07 per cent in 1991 to 59.3 percent; in Goalpara, from 50.18 per cent to 53.71 per cent, and in Hailakandi from 54.79 per cent to 57.6 per cent. Significantly, two new districts joined the list of Muslim-majority districts in Assam by 2001: Karimganj, where the Muslim population increased from 49.17 per cent in 1991 to 52.3 per cent and Nagaon, where the community's population grew from 47.19 per cent in 1991 to 50.99 per cent in 2001 (Hussain 2004). In other states of North-east India, the Bangladeshi issue has captured the public attention. In Arunachal Pradesh, the drive against illegal Bangladeshis was launched by All Papum Pare District Students' Union (APPDSU) and the All Nyishi Students' Union (ANSU) in September 2008.[7] In Nagaland, the issue has been raised much in recent times.

A further analysis of the growth of the population in the border district of West Bengal is necessary to recognise whether migration is taking place or not. The districts of West Bengal share borders with Bangladesh: Cooch Behar (561 km), Jalaphaiguri (157 km), North Dinajpur and South Dinajpur (combined 538 km), Malda (173 km), Murshidabad (125 km), Nadia (263 km), North 24 Paraganas (280 km), and South 24 Parganas (63 km) (Samaddar 1999: 17). Some of these districts had a growth rate higher than that of the state in 1971-1981 and 1971-1991. The decadal variation in the population of West Bengal in 1971-81 was +23.71 per cent. During the period, Cooch Behar (+25.28), Jalaphaiguri (+26.49), Nadia (+33.29) and North Parganas (+31.29) showed noticeable upward trends compared to the state average. In 1981-1991, the decadal variation was +24.55. Again, districts like West Dinajpur (+30.25), Malda (29.63), Murshidabad (+28.04), Nadia (+29.82), North 24 Paraganas (+31.66), and South Paraganas (+30.08) showed remarkable growth. In one district, South Paraganas, the difference between the decadal growth rates of 1971-81 and 19981-91 was as much as +10.66. The natural increase of India's population, according to the gap between the birth and death rate, should be around 20-22 per 1,000 population or 2.2 percent per year, or 20 to 22 per cent in the decade. Compared

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[7]It started with All Papum Pare District Students' Union (APPDSU) and All Nyishi Students' Union (ANSU) serving quit notices on 6th September 2008, to the illegal Bangladeshis, to leave the state within 5 days. The first phase of "Operation Clean Drive" was carried out on September 12th where the supporters of the students' unions supposedly took the law into their own hands and physically went about evicting the 'illegal Bangladeshi migrants'.URL: http://arunachaldiary.com/2008/09/operation-clean-drive-and-backlash-2 (accessed on 15 March 2011).

to this, West Bengal's growth rate was higher, i.e., 24.55 per cent, and it was even higher in some of the districts. This growth rate can be easily attributed to migration from Bangladesh (Samaddar 1999: 17-18). So, the migration is taking place according to the author, and it is an important issue regarding the India-Bangladesh borderland.

Table 3:1

The decadal growth rate of the Muslim population in border district of Assam.

District	1951-61	1961-71	1971-91	1991-01	2001-11
Dhubri	43.74	43.26	45.65	22.97	24.44
Goalpara	37.10	45.88	54.12	23.03	22.64
Hailakandi	27.23	23.61	45.94	20.89	21.45
Cachar	22.60	23.96	47.59	18.89	20.19

Source: Census of India 2011

Further, Banerjee in her study also pointed out that the unprecedented growth of population in border areas in the case of West Bengal indicate that migration happening continuously (Banerjee 2015). Banerjee argues that there may be many factors in the unprecedented growth of population in border districts in West Bengal. However, despite the noticeable decrease in the birth rate, the percentage of population growth has been remained increasing. Therefore, according to her there is no denying the fact that migration continued and it is in fairly large numbers (Banerjee 2015:39). The following table presents the trend of population growth.

Table 3:2 Percentage of population growth in West Bengal

Place	1911	1921	1931	1941	1951	1961	1971	1981	1991	2001	2011

India	5.75	-0.31	11	14.22	13.31	21.51	24.80	24.66	23.5	21.54	17.64
West Bengal	6.85	-2.91	8.14	22.93	32.22	32.8	26.87	23.17	24.75	17.77	13.93

Source: Census of India (Banerjee 2015:39).

Table 3:3 Population and Decennial growth in border districts of West Bengal 2001-11

Border District	Population 2001	Population 2011	DG 1991-01	DG 2001-11
South 24 Parganas	6906689	8153176	20.85	18.05
North 24 Parganas	8934286	10082852	23.69	12.86
Nadia	4604827	5168488	19.54	12.24
Murshidabad	5866569	7102430	23.76	21.24
Malda	3290468	3997970	24.78	21.22
South Dinajpur	24417914	3000849	28.15	22.990
North Dinajpur	1503178	1670931	22.15	11.16
Jalpaiguri	3401173	3869675	21.45	13.77
Cooch Behar	2479155	2822780	19.19	13.86
West Bengal	80176197	91397736	17.77	13.93

Source: Census of India 2001 and 2011 (Banerjee 2015:41).

Percentage of Growth of population in some border districts of west Bengal between 1991-01

Table3.4

Border District	Muslim	Non-Muslim	Total
South 24 Parganas	34.2	11.5	20.8
North 24 Parganas	23	22.6	22.7
Nadia	21.9	18.8	19.5
Murshidabad	28.4	16.4	23.8
Malda	30.7	19.4	28.7
Dinajpur	31.9	22.7	26.1
Jalpaiguri	31.3	20.4	21.5
Coach Behar	18.5	12.8	14.2

Source: Census of India 2001, (Banerjee 2015:41).

However, no concrete data on the illegal migration from Bangladesh to India is available. The Home Ministry's Working Group on Border Management, estimated the total number of the Bangladeshis in India to be about one crore. The Godbole Committee Report of the Task Force on Border Management in 2000 estimated the number to be 1.5 crores. It also pointed out that about 13 lakhs Bangladeshi immigrants are entering India illegally every year. In 2003, it was reported by the Indian Defence Ministry that on an average, more than 1,00,000 illegal Bangladeshi immigrants come to India every month (*The Times of India*, 29 September 2003).

However, the major problem regarding illegal migration is the identification and deportation. The absence of reliable data relating to the number of people who crossed the

borders from Bangladesh and infiltrated into the Indian territories acts a major constraint on the Central as well as the State authorities to adopt appropriate and efficient measures to send them back to their homeland. While the BSF officials make their attempt to push back these illegal migrants into Bangladesh, the Bangladesh Government denies accepting them back. During 2006-2007, the BSF intercepted 950 illegal immigrants in the Assam-Meghalaya sector and 923 out of them were handed over to the police of the two states and 27 were handed back to Bangladesh (Das 2008).

Further scholars also focus on other significant aspects while analysing migration as an issue of the India-Bangladesh borderland. According to them the lack of roads, schools and other means of decent livelihood in the borderland make the people to look to trans-border communication or movement as a means of support and it, in turn, contributes to migration. Samaddar who wrote extensively on the India-Bangladesh border and migrations revealed that, the reality of trans-border human flows across the India-Bangladesh border has been perennial and persistent. It was so overwhelming and real that the state had to succumb to it. Laws and legal practices have bowed down before these realities (Samaddar 1999: 58). Moreover, other studies also revealed the links between migration and informal trade. A study on informal trade into the Khulna and Rajshahi subdivisions of Bangladesh from border points in West Bengal conducted by Pohit and Taneja reveal interesting aspects to the transnational migration process (Pohit and Taneja: 16-17). Cross-border traders from both countries interviewed for this research pointed out the minimal level of risks involved in informal trading, to a significant part to bribes paid on a recurring basis to border security agencies and the low levels of fines imposed on confiscated goods leading to the border crossings and illegal trade and migration (Pohit and Taneja: 16-17). This process of trade inspires the people to cross the border illegally where both sides of the borderlanders[8] benefit. This discloses that the state is not visible in the borderland and that the borderland has its own dynamics.

There are many factors which contribute to infiltration from Bangladesh to India. It is because of the high demand for cheap labour in India, particularly in the domestic help and

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[8] Borderlanders refers to the People living on the both side of international border.

in agricultural sectors in in Punjab, urbanisation in New Delhi, cotton and diamond industries in Gujarat and irrigation projects in West Bengal. Samaddar has argued that these factors are the main force behind the flow of Bangladeshis which have attracted the 'sweat labour' to that sector (Samaddar 1999). William van Schendel pointed out that "If there were indeed 12 to 20 million unauthorised Bangladeshis in India, there were millions of Indians keen to employ them. The Indian state never developed schemes either to hold these Indian citizens accountable for their illegal practices of employing 'aliens', or to issue temporary work permits to labour migrants from Bangladesh" (van Schendel 2005: 230). To quote van Schendel further, "unauthorized migration took place within an extended community that transcended the border. Economic and political actors on either side were mutually dependent: earlier immigrants offer newcomers shelter and support, Indian employers were keen to exploit *cheap labour*, and Indian politicians were interested in expanding their electorate" (van Schendel 2005: 220). Thus, it indicates that illegal Bangladeshis get patronage in India and that the Indians utilise their labour at a cheap rate. There is another allegation and argument that the Bangladeshi migrants are used as vote bank politics by different political parties according to their convenience. This issue of vote bank politics arose particularly in West Bengal and Assam. According to one account, as many as 55 lakh ration cards have been issued to Bangladeshis in West Bengal (Uppadhya 2004: 16). This clearly shows that the illegal Bangladeshis are getting mileage from the political class. So, migration remains a challenging factor in this borderland from a state point of view which the periphery like the borderlanders ignore as they think more on livelihood terms than the state concern.

The social and family linkages across the border also encourage the border crossings or infiltration. Due to this factor, this borderland presents different dynamics which is related to the socio-economic relations. An example can be cited here for a better understanding of the phenomena as pointed out by Ghosh (2011);

> "Visits to relatives across the border in Bangladesh are common and 'normal 'occurrences. Relations with kin form the most enduring basis of continuing cross-border interaction that has resiliently persisted since Partition. The frail, elderly lady whose son's house I was staying in was away, visiting her sisters and daughters married and living in Bangladesh when I first arrived. She did not have a passport,

let alone a visa, for travel into Bangladesh and had 'illegally' crossed the border at a riverine point in a nearby village. An overwhelming majority of the people I spoke to in this 402-household-strong village… not only had relatives across the border but professed to maintain contact with them by licit but illegal means".

Along with these, any person who wishes to cross the border can do so by paying the *dalal* too. This is evident from Kumar (2009)'s study;

"We paid the dalals (middleman). The amount varies depending on the present security condition from Rs 200-Rs 400. There are dalals on both sides who contact with the BSF and the BDR. Only the dalals know which officers of the BSF and BDR have to be bribed".

Further, during the field trip to collect the primary sources of the data, it was also found that the people of the border area cross the border and work in the Indian side as daily labourers. They, however, return to their place after work. There is a cordial relation between the borderland people of both sides. This evidence has been found during the field visit in Sylhet district bordering the Meghalaya part of the border. The Bangladeshi nationals near the border area also expressed that they work in the paddy field of the Khasi people in Meghalaya without any problem. Again, during the field in Dhubri district of Assam, it was found that crossing the border through the river routes is very easy even today. Many Bangladeshis infiltrate through the Brahmaputra river, and it mostly happens in the dark. These routes are used for smuggling activities. The Commander of the BSF in the Dhubri district also expressed the same problems but in a tactical way. He said that tight vigilance is going on the river border. However, they (infiltrators) are experts in crossing the river. On the other hand, the *char* area also facilitates the infiltration. It is extremely difficult to keep strong vigilance in the area and during the flood, it is not possible even to recognise the border. Infiltration obviously takes place through these routes. This is just one example. There are many such places from where infiltration takes place.

Therefore, the migration issue presents new dynamics of this borderland that challenges the state from the below. The socio-cultural and political factors are equally working in this case. Further, the lack of development in the border region has led to the illegal trade

and border crossing, and this has become an important issue and challenge for the India-Bangladesh borderland which needs a diplomatic and joint efforts to tackle.

The Adverse Possession of Land, the Border Enclave and the Question of Citizenship and Rehabilitation

The existence of an adverse possession of land and border enclaves for a long period of time between India and Bangladesh was a bone of contention. After the rectification of the Land Border Agreement on 5th May 2015 by the Government of India, it paved the way for resolving this issue. However, even after solving the issue officially, many problems still persist. The agreement settles the problem on paper but in the ground, it has yet to be implemented in many places. For example, in Lathitila and Damba, the land is yet to be handed over.[9] Moreover, the issue of citizenship and rehabilitation had remained a concern for both countries. There were 111 Indian enclaves in Bangladesh and 51 Bangladeshi enclaves in India. These enclaves were part of the princely state (before Independence) of Cooch Behar. So before going to discuss the question of rehabilitation and the citizenship issue of peoples of adverse possession of land enclave dwellers, it is crucial to provide a brief history of the enclave.

The history of the enclave as told by a common story reveals that it was created by the gambling habits of the local Maharajas in the 18th and 19th centuries (Chanda 2006). It is said that the Maharaja of Cooch Behar had a monthly night of drinking and gambling party and when he lost his money while gambling, he staked the properties in the area which resulted in a patchwork of different sovereign rulers. After the 1713 Treaty between the Maharaja and the Mughal leader, the political leader or organisation of the area was not aware of the 1947 partition that had changed boundaries (Jones 2009: 375). However, another explanation has also been presented where it was said that a British officer decided to have a few drinks when he was ending the partition boundary line in 1947. While he was drunk, he knocked over an inkwell and spilt it on the map. The next morning, his staff saw

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[9] During the field visit to Moulavibazar from 4th to 8th February 2016, the Deputy Commissioner of the district informed that until that period, no ground modalities had been prepared to exchange the land. He informed that although the border agreement resolved the issue officially, it did not do so practically on ground.

the markings, assumed them to be an intended part of the partition award, and the enclaves were obtained in the final draft (Jones 2009). The Boundary Commission while addressing the partition of Indian, did not go to the question of the enclave, since the partition agreement applied only to the areas that were directly controlled by the British government and did not decide the fate of Cooch Behar and other princely states as they were not under the direct British rule (van Schendel 2002). The princely states were given the option of joining either of the new sovereign states. The Maharaja of Cooch Behar opted to join India on 20 August 1949, the date that marks the official creation of the enclaves (Jones 2009).

The leaders of India and Pakistan had recognised the problem of disputed border and enclave and stood for its solution. Consequently, an agreement between India and Pakistan was signed in 1958 to resolve the issues. However, the agreement did not come into effect as its validity was questioned in the Indian Parliament. Moreover, it was also challenged in the courts regarding the transfer of Indian territory to a foreign country. The Supreme Court finally held the view that the agreement was valid for the exchange of enclaves, on March 29, 1971. Unfortunately, the agreement could not be materialise because of the war with Pakistan in 1971. After the war, Bangladesh emerged as an independent nation in 1971 and India had to deal with the land boundary issue with Bangladesh. Subsequently, Indira Gandhi and Sheikh Mujibur Rahman entered into an agreement to resolve the boundary problems and signed an agreement known as the Land Boundary Agreement of 1974. But that agreement was also not rectified by the Indian Parliament (Jones 2009). Thus, it has been seen, the land boundary issues between India and Bangladesh had a long history. Further, a disputed border causes unnecessary strain in relations between the two countries. Moreover, because of the existence of the enclave, the people had to live in a stateless space or as a stateless person and denied their rights and freedom of being a citizen of that country. In order to address these issues further, India and Bangladesh signed a Land Border Agreement protocol in 2011. The agreement was rectified by the Indian Parliament and came into effect in on 5th May 2015.

Although the agreement agreed to resolve the problems of the adverse procession, disputed boundary and enclave issues, it brought the new challenges like citizenship and rehabilitation for the enclave dwellers in the initial stages. The land swap deal agreed to an

exchange of enclaves without claiming compensation for the additional areas going to Bangladesh. However, they did not address the question of citizenship and the rehabilitation issue in proper ways. There were more than 186,000 people living in the Indian enclave in Bangladesh and 113,000 people in the Bangladeshi enclave in India (Ghosh 2015:2). Therefore, the nationality question of the Bangladeshi people living in Bangladeshi enclave in India vis-à-vis the Indian enclave in Bangladesh remained unanswered. As the result of the exchange, the Bangladeshi enclave in India became Indian territory and the Indian enclave in Bangladesh became Bangladeshi territory. Does the exchange automatically make the Bangladeshis living in the Bangladeshi enclave in India as Indian citizens if they do not want to leave these places. Again, the problem of rehabilitation comes in. This is because the Indian enclave dwellers wanted to return to India. Further, over the years, they have developed the feeling of belongingness towards the enclave and developed their identity as stated by Jone Cons (Cons 2013). How to deal this humanitarian and identity aspect had not addressed in a proper way. However, in July 2011, India and Bangladesh started conducting a joint census of the enclaves. In the process, the Joint Boundary Working Group counted 51,590 people in enclaves on both sides of the border and claimed to have given house numbers to all residents (Ghosh 2014:8). The Bharat-Bangladesh Enclave Exchange Coordination Committee, an organisation who had been fighting for the rights of enclave-dwellers submitted the report to the government on June 2010 where it was stated that in the enclaves of the Dinhata subdivision alone there were 23,552 people. So, the Joint Boundary Working Group had not conducted a proper survey. The organisation estimated around 113,000 people reside in the Bangladeshi enclaves in India and around 186,000 lived in those in Bangladesh. (Ghosh 2015: 2). According to government survey, 3,500 persons (700 families) people in the Indian enclave in Bangladesh wanted to come to India by abandoning their land in Bangladesh because of the exchange (Ministry of External Affairs, 2014). However, when the agreement came into effect in 2015 May, more people of the Indian enclave wanted to come to India and adopt Indian citizenship. But they were not allowed adopt Indian citizenship as they had not registered in 2011. According to the government, they had not registered their willingness to return to India when the survey was conducted. As such, many people could not return to India even if they were Indian.

Furthermore, those who came to India as part of an exchange programme needed to resettle. However, the question comes, where to resettle. The Government had not provided proper arrangement for their resettlement in a new territory and protect their identity and dignity. Besides the enclave, there is also the question of adverse possession of land. Regarding the adverse possession of land and question of citizenship, the Ministry of External Affairs, Government of India, provided the following justification for maintaining the status quo on adverse possessions of land and on regarding the question of citizenship.

> People living in the Adverse Possessions are technically in occupation and possession of land beyond the boundary pillars but are administered by the laws of the country of which they are citizens and where they enjoy all legal rights, including the right to vote. They have deep-rooted ties to their land which goes back decades and are categorically unwilling to be uprooted. Many local communities have sentimental or religious attachments to the land in which they live. Over time, it became extremely difficult to implement the terms of 1974 LBA as it meant uprooting people residing in the adverse possessions from the land in which they had lived all their lives and to which they had developed sentimental and religious attachments. A joint visit by an India-Bangladesh delegation to some of the enclaves and adverse possessions undertook in May 2007 revealed that the people residing in the areas involved did not want to leave their land and would rather be in the country where they had lived all their lives. Some of the concerned State Governments also had views on the issue. These and other inputs from the people involved made it evident to both sides that retention of status quo of adverse possessions seemed the only option. In any democracy, the will of the people must remain significant, and the 2011 Protocol has accorded highest priority to it – every effort has been made to preserve all areas of economic activity relevant to the homestead and to prevent dislocation of people living in the border areas. Both India and Bangladesh agreed to maintain the status quo in addressing the issue of adverse possessions instead of exchanging them as called for in the LBA, 1974'' (Ministry of External Affairs 2014).

The above was the case for the citizenship for the adverse possession of land. However, for those who wanted to come from erstwhile Indian enclave in Bangladesh to India government had plan to resettle them in West Bengal alone. Regarding rehabilitation, the Ministry of External Affairs stated that the enclave residents who prefer to come back to India were to be resettled in West Bengal. According to the Government of India, infrastructural and other facilities would be provided by the Government for resettlement of the 700 families who preferred to return to India after the exchange of exclaves. For this purpose, the Ministries of External Affairs, Home Affairs and Rural Development

consulted the West Bengal government for the arrangement of compensation issues and central assistance for the resettlement of enclave dwellers (Ministry of External Affairs 2014). After the exchange of enclave, only those residents who prefer to come to India based on the survey conducted by the Government of India and Government of Bangladesh in 2011 July were allotted citizenship. Many enclave residents who prefer to come to India as a citizen and resettle could not come because the survey was conducted in 2011 and at that time people were no willing to abandon their property and come to India. However, when the agreement was implemented on 5th May 2015 and the process of resettlement started from July 2015, many people who were willing to come could not do so as they had not registered in 2011. As a result, only 3,500 persons (700 families) could return to India out of 186,000 lived in erstwhile Indian enclave in Bangladesh as stated by Ghosh 2015. Therefore, many enclave residents of India in Bangladesh complain about the flaws in the survey and argue that they are a victim of arbitrariness of the government decision.

Border Fencing

Border fencing also remains a prominent issue regarding this borderland. For security reasons and to prevent illegal migration and anti-Indian activities from the Bangladeshi side, the Indian government planned to fence the entire border with Bangladesh in the 1980s. The border fencing project was India's unilateral initiative for its security. However, this issue came into forefront in the India-Bangladesh relations along with resistance from the borderlanders in different aspects. Bangladesh initially (also when relations between India and Bangladesh deteriorate) had alleged that India was ignoring the friendly relations by initiating the border fencing project and argued that putting up the fencing with a good neighbour is in the nature of making unfriendly relations. On the other hand, the borderlanders criticised the border fencing because of its challenging their livelihood opportunities. Because of a non-addressal of the issue raised by the borderlanders and Bangladesh, India could finish the project until now, which for the Indian government was the most important priority. The India-Bangladesh border is the longest land border that India shares with any of its neighbours. Bangladesh covers a length of about 4,095 kilometres of land border with India. The border passes through the middle of several villages, even houses. Bangladesh and India also share a maritime border of 180 km, which

has created tensions regarding border due to issues like shifting river courses, soil erosion and frequent floods (Vinayaraj 2009: 107). These led to destroy the border pillar that separates India and Bangladesh on ground. Furthermore, the Land Boundary Agreement of the 1974 and the Joint Border Guideline of 1975, signed between India and Bangladesh stipulated that no permanent structure could be constructed within 150 yards of the zero line. This was the major area of conflict regarding border fencing between India and Bangladesh. Therefore, the border fencing is an issue which comes as a challenge to India-Bangladesh relations in many aspects and at many times.

Bangladesh had vehemently opposed the border-fencing project in the initial years of its construction. A glance at the 1980s reveals Bangladesh's sentiment against India's decision of border fencing. Bangladesh threatened that India-Bangladesh relations would be adversely affected due to the border fencing (*The Deccan Chronicle*, 28 November 1983). Dhaka's main objection to the fence was that it would show Bangladesh in a bad light as far as the world is concerned and the whole idea, therefore, would be contrary to the professed friendly relations between the two countries. When India proceeded towards border fencing and survey work in Assam in 1984, Bangladesh opposed it, which resulted in a border incident. Bangladesh sent notes to the Indian diplomat in Dhaka about the incident related to the border fencing on April 2, 1984, at Bhurungamari. The Bangladeshi authority stated that India had deliberately violated the international border guideline and blatantly disregarded the universally accepted norms that no structure can be erected unilaterally on the zero line (Bhasin 1996). The BDR repeatedly disrupted the survey work which was initiated to construct border fencing by India in the beginning. As a result, a flag meeting was held between the BDR and BSF on April 7 and April 8, 1984 in the No Man's Land near the Sonahat Boundary Pillar No 1008 (3). Bangladesh said that it would persist in its effort to put it across to the world that a barbed wire fence is not necessary and an affront is evident from its assertion that there has been no exodus from Bangladesh into India (*The Hindustan Times*, 14 April 1984). So, in the beginning, Bangladesh was severely opposing the Indian proposal of border fencing.

A further look at the newspapers of the 1980s reveals the Bangladeshi reaction against the border fencing, the official irritation against the project being expressed through the national media. The influential *Dhaka Weekly* said;

> "why is India violating the border guidelines between the two countries which prohibit putting up defensive structures of any nature within 150 yards on either side of the common border? Does India have any other designs in mind?". The pro-Muslim League Bengali daily, *Azad*, warned editorially; "the people of Bangladesh have reached the limits of their patience and will no longer tolerate any nonsense. They will fight with their bare hands to defend the honour and dignity of their country. Moreover, this fight will be the last final one against the Indian impertinence". The daily then tells India somewhat intriguingly; "your evil design has reached its final stage. You will now suffer the consequences of your misdeeds. You have already seen the people of Bangladesh in their struggle for liberation, and you will see them again now. The rights of succession of Bangladeshi on the soil of the Bengal, Bihar and Orissa have not yet expired" (Sen 1984).

Bangladesh even expressed that it was thinking to place the issue at the world level, against the Indian move. Bangladesh said; "we still hope India will make a response to Bangladeshi moves and do the needful at both the strategic and local levels to end the conflict. In case, however, Indian intransigence persists, we should take along a third party to help to resolve it or take it formally to the international forum, i.e. the United Nations. Peaceful Coexistence is an essential part of Bangladesh Foreign Policy, and that is one reason why we cannot understand India's war size preparations across the border" (*The Bangladesh Times*, 1 May 1984). This indicates Bangladesh's disagreement for the border fencing since the beginning and the fact that the Bangladesh-India relations worsened after that.

The India-Bangladesh border fencing becomes a problem in the India-Bangladesh relations when the issue of the undemarcated border comes up. As there was an undemarcated large tract of land, an adverse process on the both sides and the existence of the enclaves creates problems and in such a situation when India proceeds for border fencing, conflict occurs. Here, the border dispute of 2001 is highly mentionable. In 2001, both India and Bangladesh found themselves in the midst of a minor border confrontation. The conflict centered on the disputed border territory near Pyrdiwah village but remained contained to the border forces on both sides (Mohammed 2008: 107-08). Another major incident took place in

2005 in Tripura. When the BSF tried to construct border fencing in a disputed area, the BDR indiscriminately started firing and killed several security personnel in May 2005. Later, they agreed on coordinated patrolling, but the question on fencing within 150 yards remained unchanged.

The issue of border fencing has always come up in most of the ministerial, secretary or military levels talks between the two countries. For example, at a Foreign Secretary level talk in December 2005, Dhaka consistently opposed the move of border fencing. During the meeting, the Bangladesh Foreign Secretary said that "we are holding our stand that no border fencing will take place on the Indo-Bangladesh border" (*The Statesman*, 5 December 2005). The Bangladeshi Foreign Minister Abdus Samad Azad, addressing a press conference in June 2005, viewed that "the erection of the border fence along the border by the India would affect the relations between the two neighbour countries" (*Bangladesh Observer*, 25 June 2000). The Foreign Secretary level talks held in June 2005 in New Delhi failed to bridge the gap between Indian and Bangladesh on the fencing issues. However, the two sides agreed on a simultaneous patrolling of the border including the riverine stretches by the BDR and BSF.

Border fencing becomes an important issue for Bangladesh to engage in conflict with India and shows uncooperative attitudes on different problems. However, it also depends on which government is in power in Bangladesh. The Awami League has good relations with India, and if the Awami League's government remains in power, the border fencing issue does not become an issue of high politics between them. It is cooperative to India's security concern. However, the border disputes and another border incident including firing in the border area remain contentious issues between them. Without addressing this, a diplomatic tension would persist between two countries. The diplomatic impact of the border fencing also could not be undermined because of the demand made by Bangladesh in almost all bilateral talks.

Issues and Concerns raised by the Borderland People regarding Border Fencing

As the Joint Border Guideline of 1975 stipulated that border fencing has to be constructed within 150 yards of Indian territory, by following this norm, erecting a fence could not be possible in many places. For example, in Tripura, due to the construction of a fence (at 150 over yards from the border line) over 8,730 Indian families' homes, and over 19,359 acres of land, including paddy fields, farms, and other assets fell outside the fence (http://www.inewsone.com/2011/05/12/tripura-villagers-affected-by-border-fencing-to-step-up-stir/49958 accessed on 15 March 2011). Therefore, many border incidents between India and Bangladesh (either small or big) happen due to this controversial issue, and it creates hurdles in diplomatic relations with Bangladesh also. Therefore because of this particular norm, many borderland residents of India are complaining about the fencing project.

Furthermore, the financial and social implications of fencing on the borderlands is another area of concerns regarding the India-Bangladesh borderland, if seen from the people's perspective. The Indo-Bangladesh border region is a densely populated one. A vast area of land could not be fenced due to the riverine and hilly terrain. Most of the fencing in the riverine area gets submerged under floods every year, and the fencing gets destroyed. It increases the financial cost of the project. Again, due to border fencing, a vast area falls on the other side of the fencing. The people cannot go to the area at their own wish. To cultivate their land, they have to depend on the border guards because they can go to the field only when the gate of the fencing is opened. The timing of the opening of the gate has impacted upon the cultivation of the land. The vast portion of the fenced land in the Indo-Bangladesh border remains abandoned.

The financial implications of the border fencing on the life of the people is another aspect which is ignored many times, due to vast areas falling in the no man's land. For example, in Tripura alone, over 19,359 acres of land, including farmland, have fallen outside the fencing. The government has not provided compensation to the people whose land has fallen on the fence area. The fenced land has lost the market value as it has lost the potential purchaser. The fencing destabilizes the economic life. Again, the financial viability of the

fencing is also questioned by the difficult terrain of the border region. The project was sanctioned at the cost of 13 billion but over time, the cost has increased manifold. The Government of India has already spent Rs 5525.45 crores on the project[10].

The border fencing also destabilases the social life of the people residing in the border area. There is no protection for the residents in the no man's land. The villagers who live in the no man's land "are totally cut from the mainstream and with constant threat as the two villages fall outside the barbed wire fence" (*The Telegraph*,14 April 2010*).* Over 8500 families living along the Indo-Bangladesh border have been affected due to the erection of the barbed wire fencing in Tripura (*Assam Tribune*, 23 September 2008). The people express anger and fear due to the border fencing. The fenced Indian people expressed their suffering due to the fencing. The Times of India 15th February 2011 reported;

> "We suffer from insecurity perpetually. We fear attacks by miscreants from across the border. Besides, every time we have to visit markets or send our children to schools that have now gone across the frontier, we have to face the BSF men manning the border. They grill us every time. Besides, Bangladeshi miscreants take away crop from our land which falls in that country now".

Some scholars also argued that the border fencing has created prison-like-villages. The barbed wires have divided their homes, social lives, natural resources and means of livelihood, excluding them and forcing them into miserable subsistence. The willful disregard of the border realities under the Indian state has created two categories of citizens: "mainland" and "fenced" Indians. People are suffering in different ways from the fencing. They cannot go to their fields as and when required. The people have to take permission to travel the border roads in the dark. If someone falls sick at night and needs to be taken to the hospital by the road, it is not possible (Prakash and Menon 2011: 34-35).

The lives of the fenced Indians are at the mercy of the gate timings which control their ingress and egress. The life cycle of the fenced villagers is dominated by the gate timings,

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10 It is till 2009, as per information revealed in an RTI sought by Anoop Prakash Awasthi, Chaitanya Safaya, Deeksha Sharma, Tanya Narula and Satyajit Dey regarding the India-Bangladesh border fencing Issue. URL: http://www.ccsindia.org/nolandsman/ (Accessed 10 April 2011].

which are from 6:00-7:00 a.m., and 9:00-10:00 a.m. in the morning, and from 1:00-2:00 p.m. and again 4:00-5:00 p.m. Their ingress into the Indian mainland is limited to these four hours in a day, and all entries and exits are recorded in a register. Their livelihood, social activities like marriages or recreation and even health issues are decided by the opening and closing of the gates. The fenced areas have no schools, and the children are forced to attend mainland schools. If the school starts at 8:30 or 9:00 a.m., the child has to leave by 7:00 a.m. or be perpetually late (Prakash and Menon 2011: 35).

The people of the fenced area complains about the border fencing and express their difficulties. An example can be cited here from the study by Prakash and Menon in case of the Karimganj district, where the villagers said that

> Earlier gate opening timings were morning 6:00 am to 6:00 pm, but now they are a few hours. Fencing has created enormous problems. Nobody gives us loans. The government does not give us grants; no roads, no Indira Awaas, no electricity. Bangladeshi thieves raid in nights and our BSF men do not help. These thieves steal our cattle. No medical person visits us. In the case of emergency, BSF men bring their vehicle. We have a drinking water problem; government should give us water by laying a pipeline; there is no other way. Work opportunities have been reduced after the fencing. If someone goes outside to work then how can he return in time? Rations, sugar, etc., are available in limited amount except during marriages. They think that we will send such commodities to Bangladesh. The rich have gone, but poor are left. We cannot use our natural assets; we cannot sell our bamboo. We do not want to live here; we want to move to the other side. We should be given compensation and rehabilitated. I have half a bigha of agricultural land in the fenced area and four bighas outside the fences on the India side. I cannot construct a house there. Agricultural production is not sufficient to feed us even for a year, so we work in fencing to purchase the essentials. We are Indian citizens, and our name is on the voters' list. The BSF company commander has issued identity cards to us. We showed the identity card to cast our vote. A couple of families from here have shifted, and in such events, the BSF helps. We also support the BSF. This year we have given 100 bamboos to the BSF free of cost; a single bamboo costs Rs 70 (Prakash and Menon 2011: 35).

Along the Indo-Bangladesh border, social and family linkages are seen on both sides. The fencing has divided many families. The social linkages along the border itself challenge the validity of the border. The people and their property are clearly at the mercy of another

country as the fencing impedes the exercise of sovereign jurisdiction by India. At places, the fencing has divided the homesteads, fishponds and the village markets rendering the people's life miserable. The Centre does not have any rehabilitation scheme for the fenced Indian villagers (*The Tribune*, 31 January 2010). So, the border fencing which was supposed to stop the migration remains questionable, both from the financial and social point of view as expressed by the borderlanders. The fence Indian pays for the security due to a lack of proper lack of rehabilitation plan. Only an effective rehabilitation policy can make the border fencing efficient and reduce the social tension of the people.

Therefore, the issue of border fencing always remains as a challenging task for the Government of India. India has to address the issues raised by the borderland people as well as Bangladesh, to deals with it in a proper way.

Illegal and informal trade

The illegal trade and the tremendous smuggling of drugs, cattle, arms have been a common place since the existence of border. Therefore, the illicit and informal trade between India and Bangladesh is a major issue and challenge to the India-Bangladesh borderland. Due to the illegal trade, India and Bangladesh are losing an enormous amount of revenue. According to a World Bank Report 2007, those cross-border trade and commerce which are not reported in foreign trade statistics comprise informal trade. The Report defines; "cross-border trade is as the flow of goods and services across international land borders within reach of up to 30 kilometres" (World Bank 2007). According to Taneja and Pohit, there is an illegal component to informal trade if trafficking in drugs, narcotics, or arms is considered. In addition, if informal trade refers to pure smuggling of goods across borders, i.e. it is taking place primarily to circumvent tariff and non-tariff barriers, it could be termed as an illegal trade which is quite visible on the India-Bangladesh border (Pohit and Taneja 2000:16-17).

The India-Bangladesh border presents a picture of an informal and illegal trade in high volume. According to reports by various organisations and academicians, there has been a substantial informal, unrecorded and illegal trade being carried out across the India-

Bangladesh land borders. This illegal trade, therefore, is a major issue and challenge both for India-Bangladesh. Different types of actors are involved in these activities. In many cases, the state apparatus is also involved (like the border guards, customs officials and so on who represents the state in the border area). Mostly the local people are involved in these activities and they bypass the customs rule and regulations. However, the quantities of trade, in this case, are less compared to the organised informal trade. In the organised informal trade, the trade passes through the legal routes, but the practice remains illegal. For example, large quantities of commodities which pass through mostly by truck or rails adopt illegal practices such as under-invoicing, bribing of customs and border officials, misinformation and so on. This type of illicit trade is called as "technical" smuggling (http://siteresources.worldbank.org/SOUTHASIAEXT/Resources/223546-168296540386/ch8.pdf accessed on January 12, 2015). A study conducted by the World Bank shows that the informal trade between India and Bangladesh is more than the formal one. The study of 2002/03 shows that approximate US$ 500 million, or about 40% of the recorded imports from India and approximately 30% of total imports (recorded plus smuggled) from India were through informal trade (World Bank 2006).

The geographical proximity, open or porous border, state authorities' illegal involvement, cost differences across the border, etc., mainly help in promoting informal, illegal trade. Beside these, the institutional factors are among the most responsible for encouraging an informal trade between India and Bangladesh. The institutional factors can be visualized through the excessive regulations and rules, the absence of information and technology in the border area, lack of transparency, the bureaucratic approach of public agents, infrastructure bottlenecks in transportation, communication and the rent-seeking activities of the public servants (Rather and Gupta 2014). All these factors translate into additional costs for traders prompting them to go in for informal trade. However, people also do resort to informal trade because they do not know much about trade rules due to lack of education at the borderland. The annual value of informal exports to Bangladesh from India in the year 2000 was estimated at between US$ 1 billion (Rather and Gupta 2014). According to Pohit andTaneja, the volume of informal trade between Bangladesh and India is not just a matter of public perception but a fact. The precise volume, however, is difficult to estimate

due to some factors. The size of the informal import trade to Bangladesh is at least two times the formal import trade which yields a figure of US$ 2 billion exports from India (Pohit and Taneja 2000: 16-17).

The cattle smuggling, fake currency, drugs, arms supply constitutes the major challenging aspects of the India-Bangladesh border. These constitute as a major component of illegal trade and smuggling. The most important aspect of the India-Bangladesh illegal trade is that of cattle smuggling. Land and river routes are used for cattle smuggling which is mostly brought from places like Punjab, Uttar Pradesh, etc. For example, in Assam, numbers of cattle are brought to the Dhubri *ghat* or Karimganj and taken to Bangladesh by the river route or land. The numerous riverine areas dotted along the border in the Dhubri sector are hot spots of a million-dollar illegal cattle trade. The Dhubri district shares 134 km with Bangladesh, of which 57.1 km is a riverine border. Other routes used for cattle smuggling are through Patamari, which link with the Pakhiura island in the Rangpur district in Bangladesh. The Mankachar border area in the Dhubri district is also used as a transit point for the illegal cattle traders. A huge number of cattle brought mostly from Bihar and Uttar Pradesh is illegally sent to Bangladesh through this border. The following table present the cases of cattle smuggling reported in 2013 to 2015 along with arrest of smugglers and seizure of cattle's.

Table 3:5 Cattle Smuggling

	No of Cases			Smuggler Apprehended/Arrested			Quantity (In Numbers)		
State	2013	2014	2015	2013	2014	2015	2013	2014	2015
West Bengal	13836	11931	14463	415	396	523	116946	105365	118819
Assam	637	427	2394	4	12	51	3377	2856	31193
Tripura	350	435	442	2	4	15	993	1327	1441

Mizoram	0	0	0	0	0	0	0	0	0
Meghalaya	103	72	238	0	1	16	681	541	2149
Total	14926	12865	17627	421	413	605	121997	110089	153602

Source: Ministry of Home Affairs, GOI, Lok Sabha, unstarred question No 1837, reply by Home Minister Kiran Rijiju (http://mha1.nic.in/par2013/par2016-pdfs/ls-080316/1837.pdf accessed 15 November 2016)

The number of cases reported by the government has clearly shows the intensity of the cattle smuggling in the Indo Bangladesh border. The above table tells how the vulnerable of the India-Bangladesh border from cattle smugglers. The main reason for the booming illegal cattle smuggling is the export ban imposed by India. There is a huge demand for beef in Bangladesh. However, as compared to its demand, the supply is limited. At the same time, in India, the demand for beef is quite low, where India is a cattle-surplus land. In such situation, the smuggler is encouraged to get involved in this business which is lucrative in nature. A cattle head bringing Rs 500 to 3000 in India gets as much as Rs 20,000 to Rs 40,000 in Bangladesh. According to some estimation, 20,000 to 25,000 cattle worth 81,000 dollars are trafficked daily from India in Bangladesh (Bhattacharjee 2016). It is mentionable that the state agents are also involved in these activities. There is a collision between the smugglers and the officials who are supposed to stop the illegal practices in the border area. In smuggling, mostly those people are involved who have sound knowledge about the border area.

Another major concern of the Indo-Bangladesh border is the illegal trade in drugs and narcotics. According to the Narcotics Control Bureau, Ministry of Home Affairs, Government of India's Annual Reports of 2011, the security forces has seized about 1,155,836 bottles of codeine-based cough syrups on the India-Bangladesh border in one year. Besides these, sizeable quantities of spasmo-proxyvon, nitrazepam, actified tablets and buprenorphine, etc., also seized regularly. According to the Ministry of Home affairs, government of India, there were number of cases drugs smuggling reported every day. The

flowing table present the drugs related case and amount seized by the security forces in border.

Table 3:6 Drugs smuggling

Cases, smugglers arrested and quantity seized in 2013 to 215.

	No of Cases			Smuggler Apprehended/Arrested			Quantity Seized (In Kg's)		
State	2013	2014	2015	2013	2014	2015	2013	2014	2015
West Bengal	156	210	257	20	15	19	3439.935	1528.246	2052.545
Assam	09	07	4	3	1	0	18.455	19.03	15.800
Tripura	278	316	254	13	6	1	4413.928	13633.5	14403.628
Mizoram	2	8	7	2	10	3	0.631	48.801	15.922
Meghalaya	33	11	6	1	1	1	177.9	104.219	20.300
Total	478	542	528	39	33	24	8050.849	15333.796	16508.195

Source: Ministry of Home Affairs, GOI, Lok Sabha, Unstarred question No 1837, reply by Home Minister Kiran Rijiju. (http://mha1.nic.in/par2013/par2016-pdfs/ls-080316/1837.pdf accessed on 15 November 2016)

According to Ministry of Home affairs, Department of Narcotic Control, Government of Bangladesh, a large volume of drugs has been smuggling from India to Bangladesh every year. The department with the help of security forces has been arrested many smugglers and seized a large quantity of drugs over the years. The Department of Narcotic Control has seized a large quantity of drugs every year. The following table presents the cases of

drugs smuggling reported and caught by the Bangladeshi security agencies in border till November 2016.

Table 3.7 Drugs seized by Bangladesh Narcotic Control Department

Name of Drugs	2010	2011	2012	2013	2014	2015	2016(Nov.)
Popy Plant	-	-	-	-	-	-	-
Opium (in kg)	11.69	8.07	4.84	11.62	91.22	-	5.10
Heroin (in kg)	188.19	107.50	124.92	123.73	78.30	107.54	235.74
Cocain (in Kg)	-	-	-	-	2.08	5.78	0.62
Codeine Preparation (Bottle)	961260	932874	1291078	987661	741137	870210	518572
Codeine (Loose) (Ltr)	4119.185	3228	2613	857.55	438	5105	270
Canabis (in Kg)	48749.357	54244	38702	35012.54	35988	39968	44090
Cannabis Plant	1760	742	485	666	727	761	862

Injecting Durg (Ampule)	69158	118890	157995	99509	178889	85946	141801
ATS (Yaba) (Tablet)	812716	1360186	1951392	2821528	6512869	20177581	26748926
Total No. of Cases	29662	37245	43717	40250	51801	57134	63097
Total No. of Accused	37508	47309	54100	47531	62080	70159	78715

Source: Department of Narcotic Control, Ministry of home affairs, Government of Bangladesh. (http://www.dnc.gov.bd/cooperation.html accessed on 23 February 2017)

Thus, the India-Bangladesh border has always remained vulnerable for smuggling of different kinds of Drugs which includes ranging from heroin, marijuana/ganja, hashish, brown sugar, cough syrups, etc (Das 2012a:30). The pours border, heavy density in border areas, strong trans-border linkages and cooperation of smuggler across border contributes in the smuggling process. In 2016, South Bengal Frontier of BSF in West Bengal had Seized 1,447.664 kg of narcotics (http://sb.bsf.gov.in/achievementsum.html). The border security forces and the related departments who were entrusted to protect border in both countries, continue to seize large consignments of drugs (Das 2012a:30). The border points of Petrapole-Benapole, Hilli-Hilli, Gede-Darsana, Dawki-Tamabil and Agartala-Akhura are the major points through which drugs are smuggled into Bangladesh and India (Das 2012a: 33)

Fake currency and arms circulation remains as a major component of illegal trade of the India Bangladesh border. The fake currency racket has been active along the India Bangladesh border. Every day the fake currency cases have been reporting in the border.

The following table presents the fake currency cases reported and captured in border area of India.

Table 3:8 Fake Currency

	No of Cases			Smuggler Apprehended/Arrested			Quantity (In INR)		
State	2013	2014	2015	2013	2014	2015	2013	2014	2015
West Bengal	33	49	41	27	47	22	8673800	18493000	2722300
Assam	4	6	1	5	8	2	550500	597000	198500
Tripura	5	0	1	4	0	1	100000	0	70000
Mizoram	0	4	2	0	3	5	0	313500	10665000
Meghalaya	13	5	1	13	4	1	250500	48500	125000
Total	55	64	46	49	62	31	9474800	19452000	13780800

Source: Ministry of Home Affairs, GOI, Lok Sabha, Unstarred question No 1837, reply by Home Minister Kiran Rijiju (http://mha1.nic.in/par2013/par2016-pdfs/ls-080316/1837.pdf accessed on 15 November 2016)

Along with fake currency circulation the arms smuggling across the border has been a serious issue of the Indo-Bangladesh border. This issue has a major implication for the security of the country. Further the cross-border linkages of the terrorist and insurgent bring the arms smuggling as a challenging aspect for security. The following table shows the arms smuggling cases reported and arrested made by the security forces.

Table 3: 9 Arms Smuggling cases

	No of Cases			Smuggler Apprehended/Arrested			Quantity (In Numbers)		
State	2013	2014	2015	2013	2014	2015	2013	2014	2015
West Bengal	21	23	24	8	11	13	30	37	48

Assam	0	1	2	0	1	1	0	1	2
Tripura	4	4	7	8	7	0	6	6	13
Mizoram	2	7	2	3	9	2	2	13	2
Meghalaya	5	3	7	6	27	11	8	3	7
Total	32	38	42	25	55	27	46	60	72

Source: Ministry of Home Affairs, GOI, Lok Sabha, Unstarred question No 1837, reply by Home Minister Kiran Rijiju. (http://mha1.nic.in/par2013/par2016-pdfs/ls-080316/1837.pdf accessed on 15 November 2016)

All these pictures present the illegal trade, informal trade, smuggling fake currency racket operating across the border stand as a major issue and concerns of the Indo-Bangladesh border.

Cross-Border Firing

The issue of border firing is a dominant issue regarding the India-Bangladesh borderland. Bangladesh has raised this issue with India as well as with the international organisations for many times. The issue of border firing generally emerged because of the border disputes or to check smuggling or crimes during the illegal cross-border activities. While discussing the issue of border firing, the Pyrdiwah incident of 2001 of Meghalaya is worth mentioning. This accidental firing took place because of the disputed claim of territory by both countries at the Pyrdiwah border which was adjoining the Tamabil area of the Bangladesh border in the Sylhet district. On April 15, 2001, three battalions comprising 3,000 men of the BDR and the Bangladesh Army occupied the Pyrdiwah outpost, held by the and captured the Pyrdiwah village (Chaudhuri 2001). The BRD surrounded the Indian BSF posted in Pyrdiwah and started firing, in which 15 BSF personnel killed. Immediately after the incident at Pyrdiwah, the BSF troops along the Bangladesh border were put on alert and intensified border patrolling which inflicted the common people's life and tremendous havoc on them.

Since the incident of Pyrdiwah, the vigilance along the India-Bangladesh border became tight. Again, the Indian security forces guarding the border against infiltration and anti-

India activities across the border have used bullets to stop the infiltration in many occasions. The Indian security forces have been criticized by the Bangladesh government for firing at the innocent people of Bangladesh which subsequently have become diplomatic issues between India and Bangladesh. However, the Indian authorities strongly refuted these allegations, justifying the act as a preventive action to stop smugglers and other criminals from trespassing into India.

The Indian authorities assert that the attacks on the border guards by the smugglers have increased in recent years and to prevent these activities, they have to resort to firing. According to reports in 2010, the BSF killed 32 intruders who were trying to cross the border illegally, while 64 BSF personnel were injured in the incidents (Bhattacharjee 2016). India contends that the security forces resort to the use of lethal weapons in self-defence. However, from the Bangladeshi side, there have been allegations that over 1,000 Bangladeshis have been killed by the Indian BSF over the past ten years while trying to stop the cross the border infiltration (Joshep and Narendran 2013). Thus, the issue regarding border firing and its accusations and counter-accusations have further deepened suspicion and bitterness between the two neighbours. The issue of border firing remains a bone of contention at various level talks between the border guarding forces of the two countries and many times stands as an impediment in the overall bilateral relations.

Issues of Cross-Border Insurgency and Terrorism

The issue of insurgency and terrorism along the Indo-Bangladesh border is another area of concern of this borderland. The porousness of the border contributes to the smooth movement of the insurgent and terrorist, who become a threat to the state. The border security scenario of the India-Bangladesh border is marked by an increasing cross-border terrorism (the Bardawan blast of 2nd October 2014 can be cited as an example); separatist movements are posing as a security threat for India (Kanwal 2008).

Further, the rise of both political and militant Islam in Bangladesh has far-reaching consequences for India since it shares a long stretch of 4,053 km border with Bangladesh (Ahmed 2008: 21). The cross-border cooperation among the militant groups of Bangladesh,

Myanmar and India poses a threat to the security and also helps in spreading Islamist militancy in Bangladesh. It is, therefore, pertinent that the porous border between India and Bangladesh remain a ground for concern. The Indo-Bangladesh border areas have been functioning as the 'breeding ground' and safe haven for terrorist activities and provides for the smooth movement of the insurgents across the borders. The North-Eastern states have been living in the shadow of insurgency since India's independence (Ghosh 1995: 209). The porous borders adjacent to Assam, Meghalaya and Tripura provide easy entry-exit routes to the jihadi groups as well the militants of the North-East who are operating against the Indian state (Ahmed 2008: 22; Jamwal 2008). These cross-border insurgent activities take place in an organized manner.

The North-East has continued to be in the grip of massive migration from Bangladesh, which has resulted in disruptions in combination with some other factors, turning the region into a disturbed zone (Roy, Chakrabarti and Chatterjee 2007). This also contributed to increasing Islamic militant activities and anti-India agendas. There are various instances of Bangladeshi territory being used by insurgents for their activities and for training their cadres. In 2002, India declared that insurgents were operating from 99 bases in Bangladesh, and 88 insurgent leaders were living in different parts of that country (Datta 2009: 100). The major anti-Indian insurgent organisations located in Bangladesh are the NLFT, ATTF, NSCN (IM), PLA, NDFB, MULTA, Achijk National Volunteer Council, Chakma CNLF and Dima Halam Daoga, whose training camps have been set up in the CHT, districts of Naogaon, Rajshahi, Khustia, Bogra and Pabna bordering West Bengal. The main operating organisation in these areas is the Jagrata Muslim Janata Bangladesh consisting of 30,000 activists while the JuM has 10,000 full-time and 1,00,000 part-time workers (Bhonsle 2006: 109).

Although some organizations have been thrown out from Bangladesh like the ULFA, NDBF, etc., but Bangladesh is not free of the Indian insurgent groups. Many of the mentioned groups are still operating from Bangladesh. These organisations maintain cross-border linkages with the local insurgent outfits in the North-East for furthering their interests in the region. The lSI is taking the utmost advantage of the poorly managed Indo-Bangladesh border to exploit every potential area of conflict and utilizing every possible

means of disturbing the peace and tranquility to foster a steady Islamisation of the society in the North-East. There are estimates of about 127 training camps sponsored by the Inter-Services Intelligence (ISI) functioning in Bangladesh under the patronage of the Islamic Morcha. Jamaate- Islami (JeI), Harkat-ul-Jamait-e-Islami (HUJI) and Maulana Abdul Raut is the main kingpin who coordinates with the Jaish-e-Mohammad (JeM), Lashkar-e-Toiba (LeT) and the Al Qaida (*The Hindu* 2002). It has weaved a larger programme under which it operates training camps near the Bangladesh border where the separatist groups of the North-East, collectively known as the 'United Liberation Front of Seven Sisters' are trained in terrorist activities (Saikia 2006). Insurgent groups in the North-East like the ULFA, NSCN-both the factions, NDFB, UNLF of Manipur, NLFT and the ATTF have developed links with the Islamist forces. The Jel of Bangladesh aims at establishing bases in Assam, Tripura and West Bengal for its operations in India and also encourages the activists of ULFA and NSCN to seek guidance and training from the lSI in Pakistan (Kalam 2006: 156).

India's North-Eastern region, especially Assam and other bordering states with Bangladesh, have come under the influence of international jihadi networks. This is largely because of illegal infiltration from Bangladesh which was and still is influenced by Islamic radicalism. Some study claims that radical Islamic forces have been gradually entering into the Muslim-dominated area from across the border. It creats terror and disturbs the fabric of society. For example, Assam which shares a 163 km of border with Bangladesh is also becoming the training ground of Islamic militancy. The bomb blast in Burdwan district of West Bengal on 2th of October 2014 and the subsequent arrest of six persons from the Barpeta district of Assam for their alleged connections with the blast shows the links of Islamic radicalization. According to the police, the arrested people were key members of the Jamaat-ul-Mujahidin Bangladesh (JMB), an Islamist outfit of Bangladesh (Bhattacharjee 2014). The porous India-Bangladesh border in certain segments is being used by the jihadi outfits to foment trouble in the borderland areas. Some cadres of HuM and other terror groups who were arrested earlier revealed that they had travelled from Pakistan to Bangladesh and subsequently to India through the porous border (Bhattacharjee 2014). Trans-border terrorism and movement of insurgents are one of the major security

challenges that India faces from its eastern border. Therefore, the issue of cross-border crime, insurgency and terrorism remain as main challenges regarding the India-Bangladesh borderland which has to be dealt with properly.

Conclusion

The India-Bangladesh border is considered as a problem area of tomorrow. The cultural and linguistic similarities, the porousness of border stand as a challenging task for the state to maintain it in a proper way. The issue of migrations, smuggling, cross border crime remains continued despites state's efforts to prevent it through various means. The cross-border interaction and migration has become the everyday reality of this borderland. The socio-economic dynamics that prevails in the borderland contributes in this aspect. Moreover, the India-Bangladesh borderland have an impact on the diplomatic relations. In this particular aspect, border conflict, issue of border fencing, border firing, cross border insurgency play a critical role. As the study found that in the initial stage of India's border fencing project, Bangladesh challenged it and threaten to deteriorate their relationship with them. In almost all the bilateral level and joint secretarial level talk on border they raised the issue of fencing. So, it has a diplomatic implication on the relations between two. Further the people of the borderland also raised the issue of border fencing which has affected their lives and livelihood. Without considering these issues in a proper way, border management would remain a problematic affair for both countries. In order to the manage border in proper way special economic policies has to be adopted to addressed the borderland people. Border haats, Border development activities, employment generation, reducing poverty, can be a way forwards to tackle smuggling and other such activities in border areas. Further the India-Bangladesh border cannot be viewed as a straight line separating two sovereign state and defining respective territoriality and nationality between the two. This shows that the India-Bangladesh border is a dynamic one. The issues and challenges are so many that state could not address through one approach or unilateral way. There is a need of a comprehensive strategy to address the issue and challenges of India Bangladesh border

Chapter 4

State Policies

Introduction

This chapter discusses the state policies vis-à-vis the India-Bangladesh border—how the state deals with the border in different aspects such as security, trade and other related issues and its policies and programmes regarding its management. These are the primary concern of this chapter.

Dealing with an international border is an important aspect of state activities because the border represents one of the main dimensions of state sovereignty. It is argued that the boundary of a country be the first line of defence. Throughout human history, borders have played a significant role in the state by being a silent tribute to its sovereignty (Polner 2010). The border fixes the state's physical limits. Therefore, the state takes different measures to protect it from encroachment by other countries or any other anti-national activities by non-state actors. In other words, states adopt various measures to defend their physical structure. However, the structural and functional characteristics of the border vary from country to country and have a strong bearing on the trade, foreign policy and on bilateral relations. The physical character of the border also determines the frequency of interaction of people residing on both sides of the borderland. If the physical barrier is insurmountable, it hinders the movements of people, goods and ideas, whereas the easy accessibility of the boundary ensures a free movement of people. These characteristic features have always been there in the case of the India-Bangladesh borderland.

The India-Bangladesh border as mentioned earlier is a vast and the longest border that India shares with any country in South Asia. The socio-cultural and economic ties among the people of this borderland make this border different from other borders. The shared history and culture of both countries have contributed immensely in the socio-cultural and ethnic ties vis-à-vis border relations. These ties lead to enhanced trade and commerce across the border, either legally or illegally. On the other hand, again, these cultural linkages

87

challenge the border—be it in the form of smuggling, trafficking, anti-state activities and so on. In such a situation, managing the Indo-Bangladesh border becomes a challenging task for the government.The state has been adopting various policies to secure and enhance peace and prosperity along the India-Bangladesh Borderland.

It is said that the nature of border relationships is crucial to determining the quality of the overall relationship between the states in the international system. In this context, it is also mentionable that the border environment always remains complex and comprises a variety of actors with conflicting interests. Therefore, border represents a place of opportunity and challenges for the state. O'Dowd says; "borders are places of economic and political opportunity for nations and states as well as for a host of other interest groups and agencies, legal and illegal" (Polner 2010: 49). Therefore, the state adopts a border management policy to ensure its security and to regulate legitimate and illegitimate movements of the people across the borders. From historical evidence, it is also understood that the border management effort to restrict territorial access has long been a core state activity (Anderson 1996). The state as a territorially demarcated institution, has always imposed entry barriers, whether to deter armies, tax, trade and protect domestic producers, or keep out perceived 'undesirables' (Andreas 2003). All states monopolise the right to determine whom to be granted legitimate territorial access. However, there is significant historical variation in border control priorities, and this can be area-specific or state-specific. With the globalisation and internationalisation of the world economy, there has been an inevitable reshaping of the boundary functions of the state (Andreas 2003). These changes can be seen from the aspects of shifting the role of boundaries which appeared heavily protected and militarised to those that are more porous, permitting cross-border social and economic interaction (Hills 2006). The rapid expansion of globalisation brings a more complex and paradoxical dynamic of the changing nature of the border. In these changing natures of the border, one can see the expansion of cross-border economic activity and the decline of geopolitical tensions as well as a rapid expansion of border policing and rising tensions over prohibited cross-border flows (Andreas 2003: 591). Therefore in a globalised era, the states', on the one hand, relaxing controls over the cross-border economic exchange and military challenges to borders are declining, on the contrary, many countries are expanding

their efforts to police prohibited cross-border flows. That is why states are adopting various measures to protect their territory from unseen invasions in the form of migration and other activities which the states consider as a threat to their security. Therefore, various modern social practices such as continuous barbed-wire fencing, passports, immigration laws, inspectors, currency controls, etc., have been initiated by most of the states in the world to protect the border (Jones 2008). This chapter will deal with state policies regarding the India and Bangladesh border.

Border Management Policy

The border management policy is not based on a coherent theoretical framework, but on some competing assumptions, political imperatives, practical necessities, and social realities (Hills 2006). Every nation adopts its border management policies keeping the ground realities in mind. Countries formulate their border policies for its proper management by taking into consideration the socio-economic-cultural factors surrounding the border. The border management policy seeks to secure states first and then to maintain the inter-state relations (Bhardwaj 2009). It usually concerns the rules, techniques and procedures regulating the activities and traffic across defined border areas or zones (Hills 2006). The primary goals of border management of any country are to protect the border and prevent threats to national security, national economy, and to public health. It is also concerned with prevention of cross-border criminal activities and valid entries and exits to or from the state. Therefore, the state has to deal with the border in such ways that it can ensure border security on the one hand and trade facilitation and cordial relations on the other. Hence, above all border management depends on national interest of a particular country.

The Task Force on Border Management under the Group of Ministers Committee (2001) defines Border Management as

> "coordination and concerted action by political leadership, and administrative, diplomatic, security, intelligence, legal, regulatory and economic agencies of the country to secure our frontiers and subserve the best interests of the country" (Jamwal 2008).

This definition deals comprehensively with border management. Accordingly, it emphasises that while adopting a border management policy, the following factors should be taken into consideration (Singh 2006).

- Guarding the borders in time of war

- Defending the borders in time of peace

- To ensure that there will be no unauthorised movements of people from either side

- It also should take steps against smuggling of arms, explosives, narcotics and other contraband items.

- Using sophisticated technological devices to supplement the human effort, and

- Promoting the socio-economic development of the border population.

Thus, the Task Force on Border Management under the Group of Ministers Committee (2001) provides a comprehensive approach regarding the management of borders. India's border policy, if analysed, is found to be, over the years, mostly focusing on border guarding (between ports of entry), border regulation (at the point of entry), development of border areas, and bilateral institutional mechanisms to resolve border disputes and iron out conflicts with neighbours, beside other measures (Das 2012).

India's Strategies towards Bangladesh border

India's border management policy towards Bangladesh border indicates that India gives a greater priority to the physical guarding of the border. Moreover, India's emphasis on the development of trade and commerce with Bangladesh reflects another policy priority. In other words, India's border policy mostly focuses on a comprehensive approach to addressing borders in various situations and accordingly it adopts different policy options.

Along the India-Bangladesh border, India deploys the BSF to guard its 4,097-km land border with Bangladesh. 'Area dominance' is one method employed by the border guarding forces to guard the border effectively. For this purpose, they have established a string of border outposts (BOPs) each covering an area of around 2.5–3 kilometres (Das 2012; 75).

There are 80 battalions of border security forces and 802 border outposts along the India-Bangladesh border (MHA 2009-2010; Das 2012:75). From these posts, they send out regular patrols, as well as establish checkpoints at various locations to detect and deter illegal border crossings. Parties sent out on patrols also interact with the local people to gather intelligence so that they can remain alerted against anti-national activities operating across the border. Since the physical guarding of the border is an important aspect of India's policy vis-à-vis the Bangladesh border, it is essential to discuss the measures that the government has adopted to protect the border. These measures are discussed as below.

The Border Fencing Project

To secure the border from illegal migrants and anti-national activities, India adopted the border fencing project along the India-Bangladesh border. It represents India's policy of physical guarding of the border. As this approach of border fencing significantly concerns India's border security vis-à-vis the Bangladesh border, therefore, a detailed analysis of the border fencing project is necessary.

The border fencing project was initiated in 1986 with regard to the Bangladesh border to prevent the illegal ingress and egress of people and goods. Initially, it was constructed on 200 kilometres of the area covering 100 km each in Dhubri (Assam) and West Dinajpur in West Bengal (Bhasin 1996: 827-28). This project of border fencing was a unilateral move by India to protect the border. However, at the initial stage of the project, Bangladesh had criticised India's move. When India first proposed this project on 20 November 1983, then Bangladesh expressed anger and stated that the Indian decision to erect the barbed wire fencing without even consulting a friendly neighbour country would affect the relations between the two countries (Bhasin 1996: 827-28). Bangladesh had rejected the proposal at that time by saying that it was not in the spirit of good neighbourhood. General Ershad, the then president of Bangladesh, had stated that it would strain the relations between the two countries (Bhasin 1996: 824). Bangladesh had also lodged a strong protest against India when India initiated survey work in Bhurungamari for the border fencing. It had argued that border fencing was the deliberate violation of the Indo-Bangladesh Border Agreement by India ((Bhasin 1996: 831). It urged India to refrain from erecting any

structure in the interest of friendly bilateral relations. Despite Bangladesh's protest, India officially initiated the process of erecting border fencing in 1986. The border fencing project was initiated in two phases; Phase I (1987-1999) and Phase II (2000-2007) and was expected to finish by 2007 along the 4,097 km of the Indo-Bangladesh border (GOI 1991). The third phase of fencing work was initiated in 2006 at the cost of Rs 850 crores because of the damage (by flood, the roasting of the fence, etc.) caused to the border fencing constructed under Phase I. Under Phase, I (1987-1999), the border fencing was launched in Assam, West Bengal and Meghalaya. This phase targeted the fencing of a 894-km border in these states (MHA 2002-03). During the first phase the border Tripura and Mizoram was excluded from the Project. In these states only border roads where constructed. The following table present the picture of the work.

The progress of the work during 1999-2000 is as follows:

Table: 4:1: Progress of border fencing work till 2000

Assam	Approved	Finance (in Lakh)	Physical Achievement	Finance (in Lakh)
Roads(km)	186.32	4546	119.95	8164.94
Fencing(km)	152.31	2173	139.46	1713
bridge(meter)	4683	5468	3871.11	---
Meghalaya				
Roads(km)	211.29	4323	211.29	5566.42
Fencing(km)	198.06	2840	198.06	2830.3
bridge(meter)	1479.73	1475	1359.75	---
West Bengal				

Roads(km)	1770	37900	1425	39298.63
Fencing(km)	507	8366	482.44	8499.55
bridge(meter)	12562	14069	12384	---
Tripura				
Roads(km)	545.37	14877	423.65	2647.05
Fencing(km)	---	--------	-------	-------
bridge(meter)	1914.23	2757	1324.27	
Mizoram				
Roads(km)	153.4	3727	105.78	407613
Fencing(km)	-			
bridge(meter)	1078.64	1533	772.64	-
Total Roads(km)- Fencing(km)- Bridge(meter)-	2866.38 857.37 21717.6	65373 13379 26128	2285.67 819.37 19711.77	463290.04 13042.85 ----

Source: Annual Report, Ministry of Home Affairs, Government of India 1999-2000:36

The second phase was initiated from 2000 onwards. In this phase, the Tripura and Mizoram borders were also included in the proposed list of border fencing. Till 2000, only border roads were constructed in these states. By 2002-03, an 1,502 km border area had been fenced including that in Phase I & II. However, by 2009-10, a 3326.82 km border road, and a 2709.39 km fencing was constructed as part of India's border management policy. The details about the border fencing till 2009-10 is presented below

Table: 4:2

Status of Fencing on Indo-Bangladesh Border as on 2009-10

Name of the state	Phase-I sanctioned (in km)	Phase-I completed (in km)	Phase-II sanctioned (in km)	Phase-II completed (in km)	Total in Phase I&II (in km)
West Bengal	507	507	1021	712	1219
Assam	152.31	149.29	77.72	72.27	221.56
Meghalaya	198.06	198.06	272.17	182.00	380.06
Tripura	------	--------	856	730.50	730.5
Mizoram	-----	------	352.33	158.27	158.27
Total	857.37	854.35	2579.22	1855.04	2709.39

Source Annual Report, Ministry of Home Affairs, Government of India 2009-10:29-30

Table, 4:3

Border Roads in the 2009-10 periods

Name of the State	Phase-I sanctioned (in km)	Phase-I Completed (in km)	Phase-II sanctioned (in km)	Phase-II Completed (in km)	Phase I&II Sanctioned (in km)	Total Completed Phase I&II (in km)

West Bengal	1770.16	1616.57	0.00	0.00	1770.00	1616.57
Assam	186.33	176.50	138.70	74.56	325.03	251.06
Meghalaya	211.29	211.29	327.87	200.85	539.16	412.14
Tripura	545.37	480.51	564.12	255.95	1109.49	736.46
Mizoram	153.40	153.06	429.16	161.03	582.56	314.09
Total	2866.39	2637.93	1459.85	692.39	4326.24	3330.32

Source: Annual Report, Ministry of Home Affairs, Government of India, 2009-10:29-30

However, the process of construction of border fencing is still going on. The following two tables give an idea about the progress of border road and fencing along the India-Bangladesh border in 2013-14.

Table: 4:4

Status of Fencing on Indo-Bangladesh Border as on 2013-14

Name of the state	Phase-I sanctioned (in km)	Phase-I completed (in km)	phase-II sanctioned (in km)	Phase-II completed (in km)	Total in Phase I&II completed (in km)
West Bengal	507	507	964	729.15	1236.15
Assam	152.31	149.29	74.72	74.94	224.23
Meghalaya	198.06	198.06	272.17	182.00	380.06

			848	782.46	782.46
Tripura	------	--------	848	782.46	782.46
Mizoram	-----	------	349.33	233.54	233.54
Total	857.37	854.35	2502.22	1968.69	2833.04

Annual Report, Ministry of Home Affairs, Government of India, 2013-14, pp 43

Table: 4:5

Status of border road on Indo-Bangladesh Border as on 2013-14

Name of the State	Phase-I sanctioned (in km)	Phase-I Completed (in km)	Phase-II sanctioned (in km)	Phase-II Completed (in km)	Phase I&II Sanctioned (in km)	Total Completed Phase I&II (in km)
West Bengal	1770.16	1616.57	0.00	0.00	1770.00	1616.57
Assam	186.33	176.50	102.42	83.56	288.75	260.06
Meghalaya	211.29	211.29	320	169.04	531.29	380.33
Tripura	545.37	480.51	637	512.27	1182.37	992.78
Mizoram	153.40	153.06	481.30	294.67	634.70	447.73
Total	2866.39	2637.93	1540.72	1059.54	4407.11	3697.47

Annual Report, Ministry of Home Affairs, Government of India, 2013-14, pp 43

To manage the border effectively, the Indian Government also created the Department of Border Management within the Ministry of Home Affairs in 2004. This department is

entrusted with the task to coordinate and oversee the border areas and to facilitate the construction of the fence roads and floodlights along the borders. Although the border fencing project is a major component of India's border management policy, the project of the border fencing is yet to be completed. India adopted the border fencing project as an important security measure vis-à-vis the Bangladesh border. However, not finishing the project on time has compelled a look at the obstacles in its completion that gives an idea about the viability as well as the effectiveness of this instrument regarding border protection.

Problems in the Effective Implementation of Border Fencing

It is well known that the Indo-Bangladesh border is an artificial construction and has inhabitation up to the zero line of the border. In such a situation, completing the border fencing remains problematic although it is the most important component of physically guarding the border. Therefore, while analysing the fencing as a significant element of the Indian border management policy, it is imperative to have a look at the problems surrounding its completion as well as its viability.

There is a rule that India has to follow while erecting fencing which has been specified in the India-Bangladesh Joint Border Agreement. This specified rule is also referred to as the 'Ground Rule'. The Ground Rule agreed to in the joint India-Bangladesh Agreement for Border Authorities of the two countries in 1975, states that no permanent post would be created within 150 yards of the borders from both sides (Bhasin 2003). As a result, in many places, the fencing could not be put up by following the prescribed norms because of inhabitation up to the zero line. For example, when in West Bengal in the 1990s, the government sped up the border fencing to restrain illegal migration, it was found that no less than 450 villages were within 150 yards of the border. Since these villages would lie in the fenced-off no man's land, they had to be relocated. The government soon found that borderlanders were not prepared to take their relocation lying down or to put the national interest before their own (van Schendel 2005). According to the officials, these villages could not shift. As a result, the fencing work has stopped in such places. The Indo-Bangladesh border is zigzag in nature. For instance, in West Bengal alone, more than 100

villages are situated on the zero line, and in many villages there are houses where the front door is in India and the rear door in Bangladesh (Lakshman and Jha 2003). This is mostly in the Malda, South Dinajpur and Nadia districts of West Bengal, which shares a border with Bangladesh. The villagers claim that erecting a barbed wire along the border would make them refugees in their land (Khanna-Mehrotra 2010). This issue has complicated the matter and has stood as a constraint on the progress of the work of border fencing for many years. Further, to construct the border fencing by adopting the 'stipulated norms', the border population has to move back from the zero line and the buffer zone by at least one kilometre, to which the residents of the area opposed (Kumar 2009). In the Nadia sector, the combination of riverine and land terrain has created unusual situations along the Indo-Bangladesh border. The complexity of the geography of this place makes the traditional concept of sovereignty indistinct and makes it difficult to manage the border through the lenses of security (Kumar 2009).

Moreover, in West Bengal, out of total 268 border pillars, in the positions covering Bagge Sheet No. 1-18 in the Murshidabad sector of the Indo-Bangladesh border, 57 pillars have been found missing or demolish during the Ganga-Padma erosion due to the monsoon season. It was decided in the 157th and 158th Boundary Conference between India and Bangladesh held at Dhaka in August 2006 and at Kolkata in November 2006 to construct the missing or demolished boundary pillars in Bagge Sheet No. 1-16 numbering 52, by India. The remaining missing pillars in Bagge Sheet no. 17-18 numbering five, were to be constructed by Bangladesh (Khanna-Mehrotra 2010: 19). This type of problem has complicated the construction of border fencing. Therefore, despite projecting its completion in 2007, still the work going on. Again, the issue of land acquisition has further complicated the progress of the work. In West Bengal, the acquisition of land took years, and even today, it is held up in litigation in several sections (Lakshman and Jha 2003). Due to this problem, many times, the West Bengal authorities have abandoned the border fencing when the question of sovereignty and citizenship were involved in addition to the destruction of social and economic life.

In the case of Assam, there are many *char* areas along the borderland, and they are viewed as a corridor for the infiltrator. The existence of the *char* areas has complicated the

construction of fencing, as it is hard to demarcate the border clearly in these places. The rivers change their courses with each monsoon and make the fencing tricky. The riverine border, mostly in the Dhubri district in Assam and in southern West Bengal, presents peculiar problems, as it is difficult to locate permanent border outposts in this area due to the swelling of the Brahmaputra and other rivers that go deeper by about 30 feet. River-line borders tend to change their course periodically, leading to a host of disputes, associated with the difficulties in establishing ownership of the newly created territories (Datta 2004: 127-28). Erosion by the mighty rivers also damages the border roads and fencing which appears in areas like the Kedar, Sisumara and New Dewaner Alga areas of the Dhubri district. As a result, protecting and constructing border fencing in such places become difficult, and if the fencing is even constructed, its existence remains unsure (Datta 2004). In Meghalaya, fencing has been completed for the 382 km out of the sanctioned 470 km. However, from time to time, the fencing work has to stop earlier because of the problems associated with demarcation and adverse possession. These issues have complicated the matter and the progress of the construction of the border fencing has remained stagnant until now. Further, the "Co-ordination Committee on International Borders" opposing the border fencing and has argued that without providing livelihood to the people of the border area, it would not allow the fencing of the border area. To it, the border also stands as an opportunity. These are some problems being faced by India to complete the border fencing along the India-Bangladesh border.

Despite some problems as mentioned above, about 2,833.46 km of fencing has so far been completed up to 31st March 2014, out of the sanctioned 3,359.59 km fencing. In addition, a 3,697.47 km of border patrol roads has also been constructed out of the sanctioned length of about 4,407.11 km (Government of India 2013: 43). However, the border fencing alone could not protect the border. To have a close vigilance on the border with India, it has deployed the BSF along the border with Bangladesh as mentioned earlier. There are border outposts at a specific distance all along this border. There are 80 battalions of BSF protecting this border (MHA 2013: 46).

Other Measures along with the Fencing

Vigilance of the Border

Another aspect of India's policy of border protection along the Bangladesh border is its strong vigilance. To monitor the border effectively, various electronic equipment such as handheld thermal imagers, direction finders, night-vision goggles, battlefield surveillance radars, ground sensors, unmanned aerial vehicles, etc., are also used. To improve the surveillance, motorable roads have been constructed along these borders for easy and fast mobility of the border guarding forces.

According to a report, the Government of India has built a border road of 260 km in Assam, 1,700 km in West Bengal, 800 km in Tripura, 200 km in Meghalaya and 300 km in Mizoram for an easy and sweeping mobility of the forces to secure the border (MHA 2013: 46-47). The border roads not only help in the movement of the security forces but also provide secure communication for the borderland people in day-to-day life, with some restriction by the security forces. Till 2014, around 3,600 kilometres of road have been constructed along the India–Bangladesh border for a greater accessibility to these remote areas. Therefore, given the many cross-border threats and challenges, securing the borders continues to be India's primary concern in this part (Das 2012: 73-86).

Like border fencing and border roads, for the protection and vigilance of the border, the Indian government has deployed the Border Security Force (BSF) all along the 4,095.7 kilometers of borders across the states of West Bengal (2,216.7 kilometers), Assam (262 kilometers), Meghalaya (443 kilometers), Tripura (856 kilometers) and Mizoram (318 kilometers) that it shares with Bangladesh (Lakshman and Jha, 2003). At present, 38 battalions of the BSF man the border, and there are 714 BSF Border Outposts (BOPs) located along its length (Das 2012). The front-wise average distance between the BOPs is as follows (Lakshman and Jha 2003, MHA 2015):

- South Bengal: 5.2 kilometres

- North Bengal: 5.9 kilometres

- Assam, Meghalaya, Manipur and Nagaland: 5.1 kilometres

- Tripura, Cachar and Mizoram: 6.1 kilometres

At each Observation Post, approximately 2-3 persons remain on duty on a shift basis of six-hour duration. The personnel are posted two battalions, which continue to be in one area/frontier for 3-4 years. The companies of battalions manning the posts are normally rotated after every six months (Lakshman and Jha 2003) . The inter-BOP distance is 5 to 7 km. Consequently, each battalion has to look after a large segment of the border. For example, in West Bengal, where the problem of illegal migration is acute, each battalion of the BSF looks after more than 100 kilometres of the border. Similarly, in Meghalaya, each battalion is covered up to 80 km. While dealing with the border, the BSF uses various technologies to monitor it like the instruments of night vision for monitoring the border during night.

However, according to the Government of India BSF is presently manning 802 existing Border Out Posts (BOPs) on Indo-Bangladesh border. In pursuance of Group of Ministers recommendations to reduce the inter-BOP distance to 3.5 Km, the Government has approved construction of additional 383 BOPs on this border with a target to be completed by 2013-14.

Table 4.6 Border Out Posts

Name of State	Number of BOPs		
	Approved	Already existing	To be established
West Bengal	633	410	223
Meghalaya	125	108	17
Assam	91	85	06
Tripura	247	181	64
Mizoram	291	18	73
Total	1185	802	383

Source: Ministry of Home Affairs (http://mha.nic.in/sites/upload_files/mha/files/BM_MAN-IN-BANG-270813.pdf accessed 18 March 2017).

A proposal for the construction of 422 Composite BOPs (total BOPs along IPB and IBB), at an estimated cost of `2494.76 crore has been approved by the Government. Out of 422 Composite BOPs, 326 Composite BOPs are to be constructed along the Indo-Bangladesh border. The project is targeted for completion by July, 2018 (MHA 2016-17:36).

Floodlighting

Moreover, the Government of India has also taken up floodlighting works along the India-Bangladesh border for a close vigil, particularly in the night hours. A pilot project of floodlighting over a stretch of 277 km was completed in West Bengal in June 2006. The Government also sanctioned a project for floodlighting about 2840 km of the Indo-Bangladesh border at an estimated cost of Rs. 1,327 crores in November 2007 (MHA 2013: 46). The work was assigned to the Central Public Works Department (CPWD), National Project Construction Corporation (NPCC) and Engineering Projects (I) Limited (EPIL). The work of floodlighting, as on 31 March 2013, for the length of 1,535.31 km (West Bengal – 809.00 km, Assam – 114.40 km, Mizoram – 38 km, Meghalaya – 159.20 km, Tripura – 642.26km) has been completed, and balance work is in progress. The work was scheduled to be completed by March 2012. However, this could not realised, and is still, going on.

The following table presents the picture of flood light along the India-Bangladesh Border.

Table 4.7 The work of floodlighting, as on 31 March 2013

Name of state	Sanctioned (km)	Completed(km)	Balance(km)
West Bengal	1134.13	809.00	325.13
Assam	208.74	114.40	94.34

Meghalaya	443.00	159.20	283.80
Tripura	718.47	642.26	76.21
Mizoram	335.66	38.20	297.46
Total	2840.00	1763.06	1076.94

Source: Annual Report, Ministry of Home Affairs, Government of India, 2013-14, pp 44

Along with these measure India Government has provided resources to BSF for Long-Range Reconnaissance and Observation System which are used long-range daytime and night-time surveillance under the modernisation plan for border protection (http://mha1.nic.in/par2013/par2013-pdfs/ls-050313/LSQ.1321.Eng.pdf (accessed on 15 15 May 2016).

Institutional Arrangements to protect the Border

The institutional arrangement is an aspect of state policy for maintaining the border in a peaceful manner. Through this mechanism, both India and Bangladesh share information and cooperate and coordinate with each other to resolves problems associated with the border and security-related issues in an amicable manner. Both the states give important to this approach because the border management is a joint effort of both the countries which share a border with each other. To achieve this end, India has constituted a system of institutionalised interactions with Bangladesh to facilitate a bilateral dialogue on the matters of mutual concern regarding border management. These interactions take place in the form of meetings between several concerned ministries and departments of India and Bangladesh, where issues regarding border management are discussed (Das 2012). Institutional mechanisms provide a general set-up to meet the challenges that come in the way of the management of borders. Domestically, they coordinate all concerning agencies and supervise the developments and measures along this border. A joint institutional mechanism facilitates the coordination of the BSF and BDR for joint patrolling, flag meetings and information-sharing on border-related problems between the two countries. It provides an opportunity to solve the commonly agreed border-related problems. The

joint patrolling, flag meetings and information-sharing are part of the institutional mechanism set up in 1993 to resolve the various issues of mutual concern between the two countries regarding border-related matters. Apart from the Home Secretary level talks, meetings at the Director-General level, between the BSF and BDR are held twice a year (Tourangbam 2008).

To resolve the border related problems and for its proper management India and Bangladesh also engages bilaterally a three-tier bilateral institutional mechanism since 1994. In this three tiers mechanism, first level talks held at the level of the Director General(DG), BSF and DG, BGB. Second level of talk held at the level of Joint Secretaries of both the countries and the third is at Home Secretary level. These two-level works under the Joint working groups on border management. Besides these both India and Bangladesh have also decided to hold talks at the home ministerial level once in a year. First Home Minister Level talks were held at Dhaka in July, 2011, during which Coordinated Border Management Plan was signed between the two countries for proper management of International border (Annual Report, MHA 2016-17:254-256). After that India and Bangladesh regularly met at the home ministerial level to resolve the border issue amicably. The 5th Home Minister Level Talks between India and Bangladesh was held on 28th July, 2016 at New Delhi.

 India and Bangladesh have decided to step up joint patrolling along the Indo-Bangladesh border to act against criminals and smugglers and enhance cooperation through a coordinated border management plan. The India-Bangladesh Joint Working Group meeting and the Home Secretary-level talks on February 16-17, 2015, also decided to have a joint patrolling of the border (State Times 2015). In the meeting, India had emphasised the issue of insurgents, cross border crime and terrorism operating from Bangladesh soil against India. Bangladesh assured that they would not allow any activities that stand against the interest of India from Bangladesh territory. They also discussed and promised to work together on the issues related to security, implementation of the various agreement, repatriation of sentenced persons, smuggling of arms/ammunition and fake currency. Besides these issues, they also discussed the mechanism for controlling human and drug trafficking and curbing the activities of cross-border movement and so on (Annual Report,

MHA 2016-17:254-256). Further, the Prime Ministers of the both countries in 2010 gave an impetus to the joint patrolling of the border on security-related issues such as cross-border crimes, human trafficking and so on. To this end a regular meeting of the border-guarding forces is held (CBMP 2011). In the joint patrolling exercise, the forces of both the states aim to address and deal with the problems of human trafficking, arms trafficking, fake currency, any trespassing of border, smuggling and terrorism from the border area. For an effective coordination, they emphasise regular flag meetings to look at the border violation and implantation of the border fencing within 150 yards of the international border and so on (CBMP 2011). As an additional measure for better border management, India and Bangladesh also agreed to start a mechanism of consultations between the commissioners of border districts of both the countries in resolving local issues related to the border. This new institutional mechanism of bilateral consultations aimed to cover the border districts of Khulna, Rajshahi, Rangpur, Sylhet and Chittagong in Bangladesh and the border districts of West Bengal, Assam, Meghalaya, Tripura and Mizoram (Mohan 2013).

For the Indo-Bangladesh Border, there is also a mechanism of the Border District Coordination Committee Meetings between the district officials of the two countries along with bilateral mechanisms in the form of Home Secretary level talks and the Joint Working Group at the level of Joint Secretaries (Das 2016). These bilateral mechanisms remain helpful in sensitising each other about their respective security concerns and formulating strategies for a better management of the border. These mechanisms also serve as platforms for discussing the issues of common interest affecting the border at the national, regional and local levels. The issues of smuggling, trans-border crime, insurgent movements, narcotics, human trafficking and improving border management between the two countries, etc., find a place in this mechanism. India and Bangladesh also decided to organise meetings at the Deputy Commissioner level to resolve small issues related to the border. They proposed to hold such meetings every six months (http://zeenews.india.com/news/india/indo-bangla-border-talks-begin-in-agartala_1541185.html accessed on 10 April 2015). Integrated border management, which focuses on improving border security by strengthening information-sharing between

different border agencies, is a common focus for the overseas border management agencies of both the countries.

The Border Area Development Proggramme

The Border Area Development Programme initiated by the Government of India constitutes another area through which India deals with the border area through a development approach. The poor accessibility, inadequate infrastructure, depressed economic growth, poverty and a sense of insecurity among the people in the border areas stand as an obstacle for a better management of border. Therefore, India has adopted a mechanism and programme for the development of border areas and it has been envisaged as an essential element in border management. To develop the border areas, the BADP was initiated in the year 1987. This programme gives a special focus to 'meet the special development needs of the people living in remote and inaccessible areas situated near the international border'. It covers 358 blocks in 96 border districts of 17 states. During the 8th plan period, the programme has also been extended to the border region along the India-Bangladesh borderland (MHA, Annual Report 2012: 17). The main objective of the BADP is to meet the special needs of the people living in remote, and inaccessible areas situated near the border so that cross-border activities can be checked. The BADP gives emphasis on works like construction/maintenance of roads, water supply, education, sports, filling gaps in infrastructure, security, an organisation of early childhood care and education, etc., with special preference to the villages/habitations closer to the borderline ranging from 0-5 km of border (MHA 2005). The details schemes/projects that can be taken up under BADP sectors are as below (Niti Ayog 2015).

- Education:
  - Primary/Middle/Secondary/Higher secondary school buildings
  - Development of play fields.
  - Construction of hostels/dormitories.
  - Public libraries and reading rooms.
- Health
  - Building infrastructure (PHC/CHC/SHC).

- Setting up of mobile dispensaries/ambulances in rural areas by Govt. / Panchayati Raj Institutions including Tele medicine.

- Agriculture and Allied Sectors
  - Animal Husbandry & Dairying.
  - Pisciculture.
  - Sericulture.
  - Poultry farming
  - Farm forestry, horticulture/floriculture.
  - Drainage facilities.
  - Construction of irrigation embankments, Water conservation programmes.
  - Soil conservation- arresting soil erosion- protection from floods.
  - Social Forestry.
  - Use of improved seeds, fertilizers and improved technology.
- Infrastructure
  - Construction and strengthening of approach roads, link roads (including culverts & bridges)
  - Industries – Small Scale with local inputs viz handloom, handicraft, furniture making, tiny units, black smith works etc. and food processing industry
  - Provisions of civic amenities like electricity, water, pathways, ropeways, foot bridges, hanging bridges, public toilets in slum areas and in SC/ST habitations and at tourist centers, bus stands etc.
  - Development of infrastructure for weekly haats/bazaars and also for cultural activities etc. in border areas.
  - Construction of buildings for recognized District or State Sports Associations and for Cultural and Sport Activities or for hospitals (provision of multi-gym facilities in gymnastic centers, sports association, physical education training institutions, etc.)
  - Construction of houses for officials engaged in education sector and health sector in remote border areas.

- o Tourism/Sports/Adventure Sports Scheme – creation of world class infrastructure for tourism and sports in border block where ever feasible-like rock climbing, mountaineering, river rafting, forest trekking, skiing and safaris (car/bike race, camel safaris, yak riding, boating in Rann of Kutchh.
- Social Sector
  - o Construction of community centers.
  - o Construction of Anganwadis.
  - o Rural Sanitation blocks.
  - o Cultural Centers /Community Halls.
  - o Construction of common shelters for the old or Handicapped.
  - o Capacity building programme by way of vocational studies &training for youth for self-employment and skill up gradation of artisans and weavers.
- Miscellaneous:
  - o Development of Model villages in border areas.
  - o E-chaupals/ agrishops/ mobile media vans/ market yards.
  - o Cluster approach wherever feasible.

Along with the BADP, cross-border trade is also encouraged as an alternative means of earning for the border people. Under the programme they adopt mechanism to set up border haats and related facilities. Thus, the Border Area Development Programme is a comprehensive approach adopted by India to focus on the socio-economic development of the border areas and to promote a sense of security amongst the people living there. The following table present the allocation of funds under BADP to the states bordering India-Bangladesh border during 2007-08 to 2010-11.

Table 4:8 Fund Allocations& Releases under BADP 2007-08 to 2010-2011

	2007-08		2008-09		2009-10		2010-11	
State	Funds Allocated	Release (Rs. in Lakh)	Funds Allocated	Release	Funds Allocated	Release	Funds Allocated	Release
Assam	2017	1969	2470	2106.87	2424	2395.62	4800	4800
Manipur	1244.63	1244.63	1533.37	1533.37	2086	2086	2086	2086
Tripura	-	-	-	-	-	-	-	-
West Bengal	-	-	-	-	-	-	-	-
Mizoram	3046	3046	2535	2535	2495	1495	2500	2500

Source: Evaluation Report on Boarder Area Development Programme (BADP) Report No.229, June 2015 NIITI AYOG.

Reconciliation of the Border Disputes and Border Conflict

An amicable solution to the border disputes also stands in the way to deal with the border in a peacefull manner. In the case of the India-Bangladesh border, the border disputes related to the adverse possession and undemarcated border as well as enclaves created the problem for its efficient management considerably for many decades. For example, the border in the Berubari sector in the West Bengal at Daikhata Mouza-56 Khupudia-Singhapara, about 1.5 km long, had remained undemarcated due to the differences of opinion between the Governments of India and Bangladesh for a long time. The Comila Sector, in Tripura, with an area of 6 km, had the same problem. The Lathitila/Damabari area in Assam with a 2.5 km length was also a cause for concern as this area was under the

administrative control of Bangladesh while land revenue was being paid to the Government of Assam (Jamal 2004). Though there had been various border agreements concluded between India and Pakistan and later with Bangladesh, in the aftermath of the partition, they were unable to resolve these problems. India had 111 enclaves in Bangladesh (17,158.13 acres), and the latter had 51 enclaves (7,110.02 acres) inside India. That is why, undemarcated stretches, enclaves and adverse possession along the India–Bangladesh border had been causing constant friction between the border guarding forces of India and Bangladesh. There were 2,853.50 acres of Indian land under the adverse possession of Bangladesh while 2,154.50 acres of Bangladeshi land under the adverse possession of India (Kamboj 2006: 23-27). There were three main disputed areas of land between India and Bangladesh. These were at the Muhuri River Island in the South district of Tripura and the Feni District of Bangladesh, Lathitila-Dumabari sectors in the Karimganj district of Assam on Indian side and Maulavibazar on the Bangladeshi side and the Daikhaghat area in West Bengal. For the years 1947 and afterwards (or 1971), out of 04,096.70-kilometres of the Indo-Bangladesh international boundary, three most disputed patches (comprises 05.974-kilometre) of areas as discussed above, have created conflict-like situations between India and Bangladesh on numerous occasions. In the 'Muhuri Char' (River) under the Belonia Subdivision of South Tripura district, the disputes persisted at least in a 01.600-kilometre area of this riverside, where Bangladesh insisted on keeping the river completely under its territory (Chatterjee 2012).

To resolve the border disputes and mitigate the conflict, both the state agreed to have a regular flag meeting and interaction with the border forces of both the countries. Both the countries engaged at the home ministerial level to resolve the conflict over the year in the form of institutional arrangements as mentioned above. However, this could not ensure peace and prosperity in the border area. To find out the permanent solution to the border disputes and problems, both India and Bangladesh signed a Land Border Agreement in 1974 between Indira Gandhi and Sheikh Mujibur Rahman, known as the Indira-Mujib Pact. However, unfortunately, that agreement could not be materialised as India failed to pass it in the Parliament. In September 2011, the Indian government and the Bangladeshi government formulated a Land Border Protocol to deal with the existing problem and for

its amicable solution. The protocol was a way to resolve the border disputes and the conflicting claims and counterclaims by both countries. However, the agreement remained pending in the Indian Parliament. So in such a situation, on 18 December 2013, the Congress-led government introduced a bill in the Indian Parliament to implement the Land Boundary Agreement (LBA) with Bangladesh. However, this bill was only ratified by the Indian Parliament on 5 May 2015. With the rectification of the agreement, it is believed that it would finally 'resolve' a border dispute that has long troubled India-Bangladesh relations concerning the presence of Indian enclaves in Bangladesh and the Bangladeshi enclaves in India. Specifically, the LBA adds a way for the absorption of the 111 Indian enclaves in Bangladesh and the 51 existing enclaves of Bangladesh in India, popularly known as *chhitmahal* in Bengali, in their bounding states (Jones 2009). The bill had proposed to bring the enclaves into line with the conventional understandings of territorial contiguity, sovereignty, and political space.

So, dealing with the unresolved border problem shows India's critical approach to deal with border. India, since independence, tried to resolve the border disputes. For example, the first attempt to address these troublesome spaces through exchange and thus normalising the territorial complexities of the border was made through the Nehru-Noon Accord of 1958. However, the accord was unable to be realised because the Indian Parliament did not pass the accord. Following the Bangladesh Liberation War in 1971, Indira Gandhi and Sheik Mujibur Rahman attempted to resolve the outstanding border issues between the two states. They signed the 1974 LBA, also known as the Indira-Mujib Accord, which proposed to resolve the border disputes and exchange of the enclaves on either side of the border with one exception—Bangladesh was to relinquish its claim on a disputed border area known as Berubari. In exchange, India was to lose, in perpetuity, a 170-metre-long land bridge known as the Tin Bigha Corridor connecting Dahagram-Angarpota, the largest Bangladeshi enclave situated in India, to 'mainland' Bangladesh (Cons 2013). However, the Agreement prompted a heated debate on both sides of the border over the legality and ethics of handing over territory to another sovereign state. Despite the vociferous debate, the Tin Bigha Corridor opened on 26 June 1992 in a moment of a diplomatic thaw following the removal of General Mohammed Ershad from power in

Bangladesh (Cons 2013). Initially, the Corridor was open for only one hour a day. This amount of time was gradually increased until, in 2002, it was opened for 12 hours a day, during daylight hours. Moreover, the Corridor transformed Dahagram into the most closely monitored *chhitmahal* along the border, surrounded by BSF watchtowers and regularly patrolled by armed paramilitary border guards from each country (Cons 2013: 6). The transformation was the opening of the Tin Bigha Corridor for 24 hours a day on 19 October 2011. However, with the rectification of the Land Border Agreement on May 5, 2015, it paved the way for resolving this long-standing problem. All these pictures present that India adopts a policy of reconciliation of border disputes with Bangladesh. So solving the border-related problem for a smooth monitoring of the border and for reducing conflicts in the border area stand as India's border management policy vis-à-vis the Bangladesh border.

The Development of ICPs and LCS

To reconcile the day-to-day disputes, which naturally occur in the course of dealing with the border and in various intrastate activities, it is highly required that there should be a proper establishment of law and easy legal procedures because economic or any other events and opportunities cannot wait for a long time. Therefore, to deals with the border on a day-to-day basis for economic activities and legal movement of people, an integrated check post has been established along the India-Bangladesh borderland. The integrated border check post helps to coordinate trade and business but also legal movement of people across the border and make the border as a legal affair. The Government of India has proposed to established 13 more integrated check posts along the border in the north eastern states that share border with Bangladesh with a facilities of houses of immigration, customs, the Narcotics Control Bureau, office of state police and border guarding forces and so on (MHA 2017). Therefore, the development of the integrated check post itself is another aspect of state policy to deal with the border and borderland. The development of the ICP facilitates trade and business along the borderland where both India and Bangladesh can coordinate on trade and business. It can also serve the purpose of the legality of trade and improve the cordial relations between the two countries; help to check illegal trade and smuggling. It facilitates legally verifying the entry and exit of business as well as people. It gives legitimacy to trade and business in the borderland.

India's another policy of border management strategy is regulation of the cross-border movement of people and goods at the designated transit points. These transit points are monitored by several Land Customs Stations located along the borders in various places. Thus the LCSs facilitate trade and business in a legitimate way. Four states of the North-East region of India, namely, Assam, Meghalaya, Tripura, and Mizoram, share an international border with Bangladesh. To facilitate trade with Bangladesh by these states, the Government of India through the Office of the Commissioner of Custom in Shillong has set-up 26 Land Customs Stations (LCSs) along the North-East Region-Bangladesh borders. Out of the 26 LCS, 20 are functional, and the remaining 6 are non-functional (MDONER 2016).

Table 4.9

Currently Functional LCS in India-Bangladesh Border from Indian Side of border particularly in North East India

No.	Name of LCS	State	Customs Division	Status
1	Champhai (Zokhawthar)	Mizoram	Aizawl	Functional
2	Srimantapur	Tripura	Agartala	Functional
3	Agartala	Tripura	Agartala	Functional
4	Manu	Tripura	Karimganj	Functional
5	Old Ragnabazar	Tripura	Karimganj	Functional
6	Sutarkandi	Assam	Karimganj	Functional
7	Karimganj Steamerghat and Ferry Station	Assam	Karimganj	Functional
8	Dawki	Meghalaya	Shillong	Functional
9	Shellabazar	Meghalaya	Shillong	Functional
10	Bholaganj	Meghalaya	Shillong	Functional
11	Borsora	Meghalaya	Shillong	Functional

12	Baghmara	Meghalaya	Dhubri	Functional
13	Ghasuapara	Meghalaya	Dhubri	Functional
14	Dalu	Meghalaya	Dhubri	Functional
15	Mahendraganj	Meghalaya	Dhubri	Functional
16	Mankachar	Assam	Dhubri	Functional
17	Dhubri Steamerghat	Assam	Dhubri	Functional
Total Numbers				Numbers 17

Source: http://cexcusner.gov.in/about_cusprevner.htm accessed November10, 2015)

The Government of India also planning to open up Land Customs Stations at the following places (http://cexcusner.gov.in/about_cusprevner.htm (accessed on November10, 2015).

1. Kuliang at Jaintia Hills District of Meghalaya along the Indo-Bangladesh border.
2. Maheskhola, situated at the border of West Khasi Hills and South Garo Hills District of Meghalaya along the Indo-Bangladesh border.
3. Nongtrai-Lafarge Surma Cement Cross Border Project – Located on the Indo-Bangladesh border in the East Khasi Hills district of Meghalaya.
4. Balat in West Khasi Hills District of Meghalaya on the Indo-Bangladesh border.

Some of the important LCSs which are operating along the India-Bangladesh Borderland in Assam, Meghalaya and Tripura, are discussed as below.

Assam

(a.) Sutarkandi LCS

The Studerkandi LCS came into effect in 1984 and worked as an important trade route to Bangladesh through the Karimganj sector of Assam. The other side of the Sutarkandi LCS is known as Seula in Bangladesh. This LCS houses the custom office and immigration department. Sutarkandi LCS is working under the Commissionerate of Customs, North Eastern Region, Shillong, on Indian side while on the Bangladeshi side, it falls under the

jurisdiction of the Sylhet Custom division. On January 9, 2007, Sutarkandi LCS was declared as a 'Border Trade Centre' of South Assam.

(b) Karimganj Steamer and Ferry Station

This trade route was notified in 1948. This is a river route through which a legal trade between India and Bangladesh is conducted. The river Barak divides the border between India and Bangladesh at this place. The other side in Bangladesh is known as Zokiganj which houses the custom office and immigration department. Through this route, India exports agro-horticulture products. This river route is also used as an immigration route. The immigration police station situated in Zokiganj on the Bangladeshi side verifies the documents of legality and illegality. According to the officials posted in the Zokiganj custom station, through this route, presently, Bangladesh is not exporting to India. However, Bangladesh uses Karimganj Steamer and Ferry Station only for import. If a proper bridge is built on the river line border, then there is a greater possibility of increasing trade and commerce between India and Bangladesh.

(c) Mankachar

The Mankachar LCS as an official route of trade and bussinss to Bangladesh, was established in 1950. Mankachar is situated in the eastern part of the Dhubri district. It shares a border with the Rajshahi district of Bangladesh. The other side of the LCS is known as Natun Bandar in the Rajhsahi district of Bangladesh. Mainly coal and agroproduct produced in Meghalaya are traded through this route.

The Meghalaya-Bangladesh Sector

To facilitate the Meghalaya–Bangladesh trade, the Government of India has initiated LCSs in different places such as Dawki, Borsora, Dalu, Baghmara.

(a) Dawki

Dawki in Meghalaya, Jaintia Hills district, is a significant LCS. A large volume of trade is conducted through this route. The Bangladeshi side of the LCS is known as Tamabil.

Basically, coal is exported through this route. According to the officials posted in Tamabil LCS, more than100 trucks of coal is exported by India through this route on a daily basis. As the traditional Shillong-Sylhet road passes through Dawki, the place is known as the centre of the traditional hills-plains trade.

(b) Borsora

Borsora is situated in the West Khasi Hills of Meghalaya which shares a border with the Sylhet district of Bangladesh. This LCS acts as a legal trade route to export manly coal and limestone that are produced in Meghalaya. There are five authorised routes for trade under this LCS according to the the Commissionerate of Customs, North Eastern Region, Shillong. These routes are (1) Cherrangaon of Meghalaya, India, to Cherragaon, Sylhet, Bangladesh (2) Borsora-Tahirpur to Borsora of Bangladesh (3) Trolley track from Chalitacherra query to Samsar in Bangladesh (4) Trolley track from Gauripur (India) to Samsar in Bangladesh (5) through the Jadukata river.

(c) Dalu

Dalu is an important LCS situated in the West Garo Hills of Meghalaya. It shares a border with Nakugaon of Bangladesh. This LCS has been functioning since 1950. Coal, limestone, clays, phosphorus,etc. are exported through this route to Bangladesh.

(d) Baghmara

Another important legal trade route through which the export-import is conducted between India and Bangladesh is Baghmara. Baghmara which is situated on the bank of the Simsang river on the Bangladeshi side is the headquarters of the South Garo Hills. Baghmara is connected to Bijoypur in Bangladesh across the border. Baghmara is not a widely used LCS through which traders export to Bangladesh. It is mainly used when the export routes in other LCSs in the Garo hills are choked, particularly due to rain or other natural hazards.

The Tripura-Bangladesh Sector

In the Tripura-Bangladesh sector, the Akhaura check post, situated on the western edges of Agartala, the capital of Tripura, is considered to be one of the busiest check posts

engaged in border trade. This check post which connects India to Bangladesh for trade is known as "a hub of border trade" (http://www.indiavideo.org/tripura/travel/akhaura-check-post-3081.php accessed on 20 December 2016). The partition of 1947 created a permanent barrier between India and Bangladesh.

However, the efficient functioning of the LCS has been hampered by the absence of basic facilities and equipment in these stations as well as by poor infrastructure in the border areas in general. A lack of coordination among various agencies such as customs, Bureau of Immigration, the Narcotics Control Bureau, state police, etc. is yet another hindrance. These inadequacies in support and regulatory mechanisms not only lead to delays resulting in economic losses but also hinder the detection of contraband.

Border Haats

The border haat or border market is an important institution to facilitate trade along the India-Bangladesh borderland. As the borderland people mostly depend on the border economy, the opening of the border haats has facilitated the upliftment of the economic life of the people.The border haat is a market at a certain point on the zero line of the India-Bangladesh border allowing the villagers on both sides of the border to market and shop each other's products once a week. Border haats are legally established markets agreed to by the governments of both countries at certain places of the zero line of the India-Bangladesh border to faciliates cross border trade for local people across the border. Border haats operate once a week. The trade activities of the haat are carefully monitored by the BSF and the police personnel. The commodities sold in the designated border haats are exempted from the payment of customs duties. Commodities are allowed to be exchanged in the designated Border Haats in local currency and/or barter basis. The estimated value of such purchases shall not be more than the respective local currency equivalent of US$ 100 for any particular day. The residents of the area within a five km radius from the location of the Border Haat are allowed to sell and buy products in the Border Haat (http://southwestgarohills.gov.in/kalaichar_border_haat.pdf accessed on 9 December 2015). Both Indian and Bangladeshi currencies are accepted by the traders, who, later

exchange them in the banks working in the two border districts. The commodities that can be traded are fixed by the governments.

Thus the governments of both countries have taken initiatives to improve the policy regime aimed at promoting trade on the borders with Bangladesh at every level. The border trade arrangements like the border haats between India and Bangladesh remained largely undeveloped until the decision was taken by the Prime Ministers of the two countries in January 2010 to establish the border haats. The two countries also agreed to open border haats in other locations based on factors like historical location, difficulty of access, the interdependence of the population on both sides of the border and the availability of a suitable location (North Eastern Council 2011).

At present, there are four border haats operating along the Indo- Bangladesh borderland. These are at Srinagar of Tripura, Purba Madhugram of Bangladesh's north-eastern Feni district, Kamalasagar of West Tripura, Dolora-Balat Border Haat (Sunamganj, Bangladesh and Meghalaya, India), Baliamari-Kalaichar Border Haat (Kurigram district of Bangladesh and West Garo Hills District of Meghalaya, India) near the Border Pillar No. 1072. In the 9th meeting of the India-Bangladesh Joint Working Group on Trade that held in Dhaka on 12-13 March, 2014 decided to open up 22 new border haats along the Meghalaya-Bangladesh border (Bangladesh-India Joint Working Group on Trade 2014). The border haat has aided the steady growth of border trade between the two countries and helped to strengthen the border economy with Bangladesh. It contributes to strengthening the borderland people's economic life. So, the management of the border haat for trade and business is the most important aspect of state policy vis-à-vis the border.

India has strong cultural, linguistic and historical links with Bangladesh. It helps to promote border trade and relations. The border haats which are also known as local markets in the border area along the India-Bangladesh border have also shown a lot of promise towards the economic development of the border communities, in formalising informal trade and in building trust and higher trade openness. The border haats can help to reduce the informal and illegal trade along the borderland (CUTS CITEE 2015).

Cross-border Trafficking, Crime, Smuggling and State Responses

Cross-border crime and trafficking is another problem along the India-Bangladesh borderland as was discussed in Chapter three. Dealing with this aspect has always remained a priority for the state. As we know that cross-border trafficking is directly linked to the border, so it is necessary to have a look at the policies of both the governments in this regard. Although reliable data on both internal and cross-border trafficking of women and children does not exist in a proper way, circumstantial evidence and estimates based on media coverage and reports by the NGOs and activists working on the issue attest to the fact that this form of trafficking is indeed a growing problem both in Bangladesh and India. The out-migration, particularly to India, as well as smuggling of persons and goods, is facilitated by the border between the two countries (Khan 2012).

To deals with this problem directly in the border areas, there are border guards and border fencing. However, despite this, the problem till persists. Therefore, the government has adopted various policy measures to addresses this issue. In the case of Bangladesh, the Women and Children Oppression Act of 1995 (Special Provision), which is a modification of the 1983 Cruelty to Women (Deterrent Punishment) Ordinance deals with this issue. This Act specifies (in Section 8) that

> "trafficking a woman for prostitution or unlawful or immoral purposes or import or export or buying or selling or renting or engaging in any other form of transportation of women, is subject to life imprisonment and fine.Section 9 of this Act stipulates that kidnapping a woman for illegal or immoral purposes such as prostitution, non-consensual marriage or forced/falsely enticed intercourse is an offence punishable by life imprisonment, 10 years rigorous imprisonment and fine. Section 12 of this Act states that the act of illegally importing, exporting, buying or selling a child, keeping a child or transferring a child to another is subject to the death penalty or life imprisonment. Section 14 of to the Act makes accomplices in any of the above offences liable to the same punishment as the principals".

This is one dimension to stop trafficking from Bangladesh. However, despite this, various reports have pointed out towards the trafficking of women and children from Bangladesh to India. So, India also has to deal with this issue strictly. In response to human trafficking, the Indian Parliament passed The Bonded Labour Act, the Immoral Trafficking Prevention Act and some other relevant legislations in regard to the issue of human trafficking.

Furthermore, to deal with this issue, Bangladesh reiterated the signing the bilateral resolution with India to set up a multilateral framework for other nations to take a stand against human trafficking that has been met with immense support from all over India (Joseph and Narendran 2013). However, the issue of militant groups controlling the border and having the extensive power of the human trafficking trade is a cause for concern for both nations as well.

Further, in order to overcome human trafficking and to protect the people living along the border, the cabinet members of both India and Bangladesh have adopted a specific bilateral plan of action. The two nations have declared their willingness to come to the table to discuss in depth the complexities of the situation at hand regarding terrorists and human trafficking to comprehensively respond the threats pose by it to the border.To deal with these problems, both India and Bangladesh have declared that they have proposed to adopt the Sehawk Model United Nations Conference 2015 effectively. Further, both India and Bangladesh also engaged bilaterally to deal trafficking effectively. Both the country had signed a MoU on bilateral cooperation for prevention of Human Trafficking on June 2015. They pleaded to cooperate to prevent all form of human trafficking. They also agreed in the joint operation in rescue, recovery and ensuring the speedy investigation and prosecution of traffickers and organized crime syndicates in either country, including the repatriation and reintegration of the victims as expeditiously as possible (http://mha1.nic.in/par2013/par2015-pdfs/ls-210715/70.pdf, accessed on 15 March 216).

Further to deals, insurgency and terrorism government of India and Bangladesh has signed extradition treaty on 2013. In the treaty, they resolved not to allow their respective territory to be used for training, sanctuary and other operations by domestic or foreign terrorist/militant and insurgent organizations and their operatives (Saurabh 2013). The Extradition Treaty provide a legal framework for extradition of criminals. This treaty is important from the fact that many north eastern insurgent group use Bangladesh as a safe haven for their hideout. The detail of the treaty is provided in the appendix.

Moreover, the rampant circulation of fake currency in the India-Bangladesh border has been a serious challenge of India-Bangladesh border. In order to solve this problem

government of India has been adopting various strategies. Both the India and Bangladesh has been engaging bilaterally to address this issue. They signed a MoU to prevent and counter smuggling and circulation of fake currency notes across border. In the MoU, they agreed to promote bilateral cooperation to take appropriate measures to stop the production, smuggling and circulation of fake currency notes. They have adopted a "standard operating procedure" in the third Joint Task Force Meeting held in New Delhi from 22-23 February, 2016 to implement the memorandum of Understanding (GOI 2016). The Government of India has also been adopting various other measures to control the fake currency in India-Bangladesh border. The Indian Government with the concerns authority like RBI, security and intelligence agencies has been sensitizing the state law enforcement agencies and police forces of state about the ill effect of fake currency smuggling on economy in the border region and developing red flag indicators concerning fake Indian currency circulation and smuggling. Further the investigation of fake currency cases has been entrusted to CBI and National Investigation Agency. The MHA has formed fake currency coordination group under national investigation agency to share the information with the different security agencies of States and centre to prevent its circulation. The government has also amended the Unlawful Activities (Prevention) Act, 1967 to declare the production or smuggling or circulation of fake Indian currency as a terrorist act. Beside these the RBI has been regularly conducting awareness programmes to detect the fake currency note. It also conducts training programmes on detection of counterfeit for the employees/officers of Banks and other organisations (GOI 2016).

Local Population's Integration in the Border Management Policy by the State

The border area's population is one of the most important ingredients in the Border Management process of any state. Preventing the alienation of the border population, winning its hearts and minds by formulating people-inclusive border management policies is of paramount importance (Jha 2009: 67). India's border management is still emphatic to the security-centric border-guarding system by deploying the Central Para Military Forces, especially the Border Security Force (Jha 2009). The BSF is the most visible face of governance in the border areas. The Rule-15 of the Border Security Force (BSF) Rules also

envisages "to promote a sense of security amongst the people living in border areas" (BSF Act and Rules, 2004).

The residents in the border areas are crucial elements for meeting security needs. Village Defence and Development Committees at the base level with the cooperation of the local populace would go a long way in enhancing security and development of the border besides providing a sense of belonging to these people (Jha 2009: 70). The locals can be engaged in the task of border management by training, motivating and providing them with incentives by which they may manage localised problems easily. Improvement of basic amenities, infrastructure and living conditions of people in the border areas and generating employment opportunities for them should be the basis of the relationship between the BGF and the border population. The border area development programme of the government emphasis the development of border area and integration of people in the development process. Through these programme government tries to prevent the cross border illegal trade and activities

The Issue of Migration and State Response

As has been mentioned, illegal migration is a significant issue regarding the India Bangladesh border. To deal with this issue, India has adopted the border fencing project as noted earlier. The problem of illegal migration from Bangladesh has remained a sensitive issue in the bilateral relations between India and Bangladesh. Over the years, the question of illegal migration from Bangladesh has posed itself problem of the North-East, lacking in effective responses and adequate measures to deal with the issue. To deals with this problem, India used The Immigrants (Expulsion from Assam) Act, 1950 which extended to the whole of India.

The provisions enumerated in this Act have been put under-

The Immigrants (Expulsion from Assam) Act, 1950:

Be it enacted by Parliament as follows:

I. (a) This Act may be called the Immigrants (Expulsion from Assam) Act, 1950.

(b) It extends to the whole of India.

2. If the Central Government is of the opinion that any person or class of persons,having been ordinarily resident in any place outside India, has or have, whether Central Government

(a) Direct such persons or class of persons to remove himself or themselves from India or Assam within such time and by such route as may be specified in the order; and

(b) give such further directions in regard to his or their removal from India or Assam as it may consider necessary or expedient: Provided that nothing in this section shall apply to any person who on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been displaced from or has left his place of residence in such area and who has been subsequently residing in Assam.

3.The Central Government may, by notification in the official Gazette, direct that the powers and duties conferred or imposed on it by Section 2 shall, subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by

(a) any officer subordinate to the Central Government;

(b) the Government of Assam, Meghalaya or any officer subordinate to that Government.

4. Any authority empowered by or in pursuance of the provisions of this Act to exercise any power may, in addition to any other action expressly provided for in this Act, take or cause to be taken such steps, and use or cause to be used such force, as may in its opinion be reasonably necessary for the effective exercise of such power.

5. Any person who-

(a) contravenes or attempts to contravene or abets the contravention of any other made under section 2, or

(b) fails to comply with any direction given by any such order, or

(c) harbours any person who has contravened any order made under section 2 or has failed to comply with any direction given by any such order shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.

6. No suit, prosecution or other legal proceedings shall lie against any person for anything which in good faith is done or intended to be done under this Act.

7. In this Act, except in Section 3, references to Assam shall be construed as also including a reference to the State of Meghalaya and Nagaland and the Union Territories of Arunachal Pradesh and Mizoram.

However, this act could not check illegal migration nor could it deal with it. The various reports have indicated that the illegal migration still continues from Bangladesh. According to the report of a Group of Ministers (2001), 30,000 thousand people illegally enter India from Bangladesh every month. So, the problem is till persisting with which the state has to deal with very urgently.

Further the Indian government had enacted IMDT act on 25 December 1983, provided for the "establishment of Tribunals for the determination, in a fair manner, of the question whether a person is an illegal migrant to enable the Central Government to expel illegal migrants from India and for matters connected in addition to that or incidental thereto". The Act defined an "illegal migrant as a person in respect of whom each of the following conditions is satisfied, namely: - (i) he has entered into India on or after the 25th day of March, 1971, (ii) he is a foreigner, (iii) he has entered into India without being in possession of a valid passport or other travel document or any other lawful authority in that behalf" (IMDT act 19983; Kumar 2005). However due to its drawback the act has been suspended

by the supreme court of India in 2005. The IM (DT) Act since its implementation had been successful in detention and deportation of illegal migrants at a very negligible scale. Only 300,000 people had been screened under this Act since 1983, out of which the Tribunals tried only 25,000 who were deported as illegal immigrants (Van Schendel 2005).

Further for detection and deportation of the illegal Bangladeshi in Delhi government of India had has set up monitoring authority headed by Joint secretary (foreigners) under ministry of home affairs on the direction of High court of Delhi on a Writ Petition no. 3170/2001 Chetan Dutt Vs. Union of India and others. This authority has authorized to review the progress of identification and deportation of illegal Bangladeshi immigrants in Delhi. The Monitoring Authority has so far held 64 meetings till February 2013 (GOI 2013). To deport and identification of illegal Bangladeshi's in Assam, Foreigners Tribunals had been set up under the Foreigners (Tribunal) Order, 1964 and under this provision within sixty days the tribunal has to be dispose the case and should take necessary action. More India also regularly hold talks with the Bangladesh over the issue of illegal migration. These talks mainly held in the bilateral forum, with the Joint Working Group on Security, Director General level talks between the Border Security Forces of both countries as well as Home Secretary and Home Minister level consultations. Besides these both the countries had signed a Coordinated Border Management Plan in July 2011 to address these issue in a proper way so that detection and deportation of illegal migration possible (GOI 2013). The government of India have adopted those above measures to check the illegal Bangladeshi to enter India.

Table 4:2.1: No. of cases and people apprehended at the India Bangladesh border by the security forces.

	2012		2013		2014		2015	
State	cases	apprehension	cases	apprehension	cases	apprehension	cases	apprehension
West Bengal	531	1028	1022	2815	896	2260	861	2907

Assam	17	24	11	12	21	22	5	4
Meghala ya	22	159	71	133	37	64	27	52
Tripura	104	166	68	98	69	101	36	60
Mizora m	3	6	1	1	4	8	0	0
Total	727	1838	117 3	3075	102 7	2255	929	3023

Source: GOI 2015, http://mha1.nic.in/par2013/par2015-pdfs/ls-081215/1505.pdf

In 2016, a total 1990 people stopped to infiltrate to India (GOI 2016).

The following table presents the no of people deported in the three years' (2009-11) period after verification and identification.

Table 4.2.2 No. of Bangladeshi nationals deported (2009-11).

Year	No. of Bangladeshi nationals deported
2009	10,602
2010	6290
2011	6761

Source: GOI 2015 http://mha1.nic.in/par2013/par2015-pdfs/ls-081215/1505.pdf

However, in a written reply to a question in Rajya Sabha on, Minister of State for Home Kiren Rijiju had stated in the Rajya Sabha on November 2016 that there are around 20 million (2 crores) illegal Bangladeshi migrants staying in India (Katoch 2017). This indicates that the deportation and identification have severe problems regarding the illegal Bangladeshi. So, the state policy regarding the detection and deportation of illegal migration from Bangladesh has failed.

Conclusion

The India-Bangladesh border is a dynamic one. Because of the proximity of the community living in the borderland, making this border as a rigid line of demarcation remains problematic. Although the Indian government has initiated a border management

programme and created a Department of Border Development under the Ministry of Home Affairs to give importance to its protection, without concerning the people's interest living in the borderland, the state policy vis-à-vis the border would not bring effective results. Both the governments have been deploying their respective security forces to secure the border elements. India has taken preventive measures in the form of fencing and other measure to check migration and other the cross-border illegal but the lack of a strict law to deal with this problem remains a hurdle in this aspect. Further, a lack of will of the Indian government to discuss issue like migration bilaterally in a comprehensive way and frame anti migration laws to prevent illegal Bangladesh migration contribute to persist the problems till now.

Further the borderland also provides livelihood to many people residing nearby the border. So, the active cooperation and agreement between the both countries are necessary for its effective management. Otherwise, there will be suspicion, and that will lead to conflict which will further hamper the border management. It is also mentionable that the role of politics is significant aspect of border management. The political changes in the state determine the relation among the border area. These political changes may be in India or Bangladesh as well as domestic or the local.

Chapter 5

Community responses

Introduction

The way the state manages borders is as William van Schendel argues— "…the 'state's pursuit of territoriality – its strategy to exert complete authority and control over social life in its territory – produces borders and makes them into crucial markers of the success and limitations of that strategy" (Ahanthem2010: 17; van Schendel 2005). However, the present chapter makes an effort to understand the borders from the community perspective. The chapter focuses on the community responses to the border, how the communities view the India-Bangladesh border and its impact on their everyday lives.

The people of the Indo-Bangladesh borderland share cultural and family ties across the border. It denotes that the border was imposed upon the same ethnic, religious and linguistic group of people and through it, the state tries to enforce new identities, nationality and its territoriality on the people ignoring their sentiments. However, the people of the borderland repeatedly contested the state attempt to define territories and identities through their persistent movements and by maintaining their family and cultural ties across the border (Roy 2012: 18). The (artificial) border[11] could not deter from maintaining the socio-cultural relations among the people of both sides (whether legally or illegally)[12]. In the case of the Bengal border, during the initial stage of its formation, there were no clear correlations between territories and nationality. This border was legally open until 1952, and there were no difficulties in border crossing (Roy 2012: 18). However, the confusion about its actual location and the power to demarcate national sovereignty subsequently led to a border conflict over territories, livestock, people and smuggled goods and became a common feature of borderland lives almost immediately (Roy 2012:21). Many people, until the 1950s and the 1960s, did not possess any idea about the political border[13] (van Schendel

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[11] The Indo-Bangladesh border is considered as an artificial border. During its establishment, no border demarcation principle was followed. The border was drawn on the basis of religious demography. The people have their relatives across the border.

[12] For many people in the border area, the concept of legality and illegality does not come. They cross the border whenever there is an opportunity.

[13] A political border imposes a new identity and nationality upon the people. It demarcates the sovereign limits of the nation state on ground.

2005). The local people even thought that the border would disappear shortly. Maintaining families and social ties were not seen as a problematic in the initial years. In this context, van Schendel's work on the Bengal borderland can be cited:

> When the partition took place, Haru Mandal, then a young boy, found that border ran right through the family ancestral land. Haru's father stayed put in what is now India, but Haru's Uncle builds a new house on the land just across the border. In this way, the two borders and their offspring became citizens of the two countries but continued to cultivate the family land jointly (Van Schendel 2005: 123).

The experience of Haru Mandal tells the reality of this border. However, this reality could not persist continuously without hindrance for a long time as described by van Schendel. The state gradually started introducing a 'documentary regime[14] to differentiate between the nationality and identity on the basis of territoriality. To regulate the flow of the people across the border, the state introduced passports, visas or other legal documents. The documentary regime in the border areas tries to regulate the lives of people. Thus, in the borderland, identities were produced not by the physical location of the border but due to the state attempt to control the movement of border crossers. There are many changes in the state policies on the border, and evolved according to the time and space. The state gradually started imposing a security strategy to regulate the unwanted movement of the people through border fencing[15] but was unable to cut the social links of the borderland communities completely.

The Indo-Bangladesh border was an open border until the Indian government initiated the border fencing project in 1986. Through the mechanism of border fencing and other vigilance measures, the state tries to make the border into a rigid structure and imposing physical barriers in border crossing. However, in reality, people are maintaining cross-border connections despite the state imposing restrictions. In many cases, the borderland

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[14] To regulate the free movement of people, a documentary regime started in the border areas when the state started imposing entry-exit restrictions through passport and visa. In other words, the state uses the passport, visa and legal documents as a symbol of nationality.

[15] The border fencing project started from 1986 onwards to fence the entire stretch of 4096.7 km. It was proposed to be completed in two phases, phase I started in 1986 and went on till 2000. During phase I, 579 km of the border in West Bengal, Assam and Meghalaya was proposed to be fenced. Phase II of the project was initiated in 2000. It was intended to fence the entire border of 4,000 km by 2007. But the project is still going on and will continue in future too. It is mentionable that due to the topographical limitations, the entire border cannot be fenced although the state claims to have fenced it completely.

community defies the border or ignores it whenever it suits, and for it, the border is just a dividing line of political administration.

The border as a sovereign entity separates people of different identities[16], and there is state restriction on its crossing; although, in the Indo-Bangladesh borderland the practice of daily cross-border interaction by the border community nullifies the border in everyday activities (Ghosh 2011). Shana Ghosh in her work on the India-Bangladesh borderland in the West Bengal sector has presented how the people of the borderland ignore the state-imposed restriction. According to her, from the community perspective, the Indo- Bangladesh cross-border activities classifying as "legal and illegal with the state point of view" are highly inadequate. Therefore, there are two distinct interpretations of borderland activities. One is from the state point of view which considers them as illegal and other is from the community perspective which considers them legitimate. Thus, in the context of the Indo-Bangladesh border, the movement of people across the border continues despite prohibitions by the state. There is a local acceptance of such movements, which, although prohibited by the state without a valid visa, are perceived as legitimate by the local people (Ghosh 2011). van Schendel and Abraham pointed out that in the border area the "distinction between what states consider to be legitimate, i.e., 'legal', and what people involved in cross-border, transnational activities consider to be legitimate, i.e., 'licit' in borderland" (van Schendel and Abraham 2005; Ghosh 2011). People use different means and techniques to maintain their relations across the border. The most efficient technique is the use of mass media for cross-border interaction. The mass media, or mobile phones, work as a basis of interaction across the border where the people of the same language reside on either side of the border. Ghosh (2011)'s study on the Pratapur border village in West Bengal's Cooch Behar District, reveals how the borderlanders[17] use this mode of

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[16] A border generally divides the people of different identities. However, in the case of the Indo-Bangladesh border, it divides the same ethnicity by a establishing political border between its constituents. The state tries to impose its identity to the people whether they share the same traits or culture. The state's imposing identity, many times, fails in case of the Indo-Bangladesh border. The people develop their own identity of the borderland. Despite the state's enforcement of territoriality and nationality, the people of borderland have not forgotten their old linkages and ignore the state when their cultural or family linkages get priorities.
[17] Borderlanders as a term is used here for the people of the borderland.

communication in cross-border interaction in their everyday lives. She pointed out the important aspect of these media in their everyday lives:

> [l]living here we get the best of both sides – our favourites are Bangladeshi programmes because they are funnier and more dramatic. But we can also listen to Bengali programmes of this state [the state of West Bengal] if we want to… The bazaars in border villages like Prantapur are places where many commodities with particular local, socio-cultural significances may fulfil: printed mosquito nets from Satkhira, starched lungis (a type of wrap-around skirt worn by men) from Jessore and so on. DVDs of Bangladeshi films are currently one of the most popular items in the bazaars of these border villages (Ghosh 2011:53).

Thus, the borderlanders ignore the border despite the presence of the security forces, through different means. Most of the families in the border villages have a Bangladeshi SIM card and mobile phone connection (in addition to the Indian SIM card) to aid contact with friends, family and business associates in Bangladesh, otherwise expensive international telephone rates would apply across the border (Ghosh 2011:53). The same has been there on the Bangladeshi side.[18]

The Indo-Bangladesh border affects the socio-economic life of the people significantly. The initiative of border fencing in 1986 made the Indo-Bangladesh border into a concrete and fixed structure representing a control over the land and people. It tried to minimise or regulate the cross-border interaction. The following section presents a detailed account of the borderland lives from the peripheries.

Community Responses to the Assam-Bangladesh Border

Assam shares a 261-km border with Bangladesh. To have a better knowledge about the lives of the borderland community, a field study was conducted in the Dhubri and Karimganj districts of Assam which share borders with Bangladesh. Both the districts bordering Bangladesh are partly land and partly riverine. The landscape of the border on

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[18] During the field visit to the Seula-Suterkandi border in Sylhet of Bangladesh and Cheula border area in Moulvibazar, it was noticed that the people on the Bangladeshi side also used the Indian SIM cards. The Bangladeshi SIM cards cost 12 taka per minute to call Indian counterparts while using the Indian (telecommunications operator) SIM card they can call with pay-per-second basis. So, the people of the borderland use the SIM card of both sides. Mostly these SIM card are possessed by the relatives and the businessmen across border. The BGB also use the Indian SIM card which was noticed during field survey in the Cheula border area.

both the sides is identical and can be distinguished only by the presence of the border fencing.

Assam's border with Bangladesh is complicated due to the existence of *char*[19] islands dotted along the border, some of which fall in India and some in Bangladesh. The *char* area presents the conflicting nature of territoriality and identity[20]. The people of the *char* areas in the Dhubri district are mostly viewed by the people as occupied by illegal Bangladeshis. So, they have to bear the 'stigma of Bangladeshi identity' which of all of them are not practically part of. They became marginalised within the greater community because of their '*char identity*'. During floods, most of the *chars* completely get submerged, and the territorial identity disappears. Many char inhabitant whether the Bangladeshi *char* or Indian *char*, cross to the safe zone to protect themselves from the flood. Many people come from Bangladesh during the floods to the Indian side of the border and people provides them shelter on humanity ground. The state-imposed restriction became invalid during such situation, and they develop a borderland identity[21].

Before the emergence of the border, there was no identical distinction among them. Gradually distinction emerged, and they are being identified as Indian, Assamese or Bangladeshi when the border was created. The state started imposing a restriction on the movement, and their lives started changing towards hardship. When the border was open until the 1980s, there was no problem of communication across the border. The restriction and surveillance have put their lives under a tough situation. Thus, the cross-border activities stopped legally; their livelihood opportunity also started shrinking as they could not cross the border as they wish. So many people of these border areas viewed border as an obstacle for their livelihood. Moreover, they are not getting government opportunities because they are regarded as 'Bangladeshi'. On illegal smuggling in the border areas, these

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[19] Chars are sandy tracts of land which lie in the middle of the river or adjacent to it. These tracts are created in the form of both lateral point bars and medial bars, by a complex process of continuous erosion and accumulation of sand and other solid materials over a period of time. Sand bars created middle in the rivers is called island chars whereas those formatting adjacent to it are called attached chars.
[20] The district has the largest number of Char villages with 480 number. http://www.censusindia.gov.in/2011census/dchb/1802_PART_B_DCHB_DHUBRI.pdf visited on 15 May 2016.
[21] Territorial differences disappear in this form of identity. They maintain cordials relations despite state regulations. State impose identity and territoriality become irrelevant across the border.

people have the view that for survival they have to continue the business of illegal trade. They are far from the centre, and their village is not well connected. So, they are compelled to take up the means of illegal trade across the border. This is true in most of the border areas that lie along Bangladesh. Moreover, the cultural continuity of the inhabitants of India and Bangladesh borderland helps in cross-border illegal migration, smuggling.

Further, to gather more information about the life of borderland community, a survey was also conducted in border villages in the Karimganj district of Assam. The Karimganj District has a 92-km border with Bangladesh. In Karimganj the border villages of Maizgram, Ranibari and Mahishashan were visited to collect the primary information about the live and social aspects of the borderland communities. Most of the border villages, as surveyed, are far from centre and lacked developmental initiatives initiated by the government. The people of these border areas strongly feel that they are deprived of all developmental facilities because they are in the border regions. The programmes like Border Area Development Programme and the "Char Area Development Programme"[22] have not able to improve the living conditions of the borderlanders. Many people complained that these programmes are poorly implemented. Rather than the villagers, the politicians and contractors are mostly benefiting from these programmes.

Along with this aspect, people also raised the concerns of border fencing in their lives. The fencing was constructed to secure the border from anti-Indian activities. However, it has impacted the lives of borderland communities. The fencing creates some disadvantages for those whose land and houses fell outside the fencing. To accommodate the fenced people, gate has been constructed along the fencing. These gates work as entry and exit point for those who are in the fenced land. The security forces are on the charge of regulating the entry and exit. They decide the types of activities that can be allowed regardless of whether they are legal through the gates. So many people of the border area complained about the existence of the border fencing. Through it state imposes restriction on their movement in entry and exit. It has to mentioned that the India has to construct fencing within 150 yards in the Indian territory according to the border agreement of 1974. So, there are many places where fencing has been constructed beyond the 150-yard zone. The land fallen beyond the

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[22]The *Char* Area Development Programme in the *char* area is mostly funded by the state government.

150 yards' zone between the fence and the borderline is not an empty no-man's-land; the land is owned by many small-scale farmers who need access to their fields (Kabir 2005; Jones 2009a). However, due to imposed restriction their movement, most of the people have abandoned the land falling outside the fencing. So many people could not cultivate their land as they wish. They could not sell their land as nobody is willing to buy the fenced land. The fence gates are not open for all times. There is a time slot for their opening, for e.g., 5 to 7 a.m., 9 to 10 a.m,.12-1 p.m., 4-5 p.m. For these reason, the residents inside the fenced area cannot come out for their daily activities as they wish. The same is faced by the owner of a plot land who resides outside the fenced areas. These are the kind of information as provided by the resident of borderland who have been complaint a lot a hardship they have been facing in life due to the fencing. Because of these reasons, they argued that they have to sufferred for the security of others in their own land. The following picture shows the abandoned land (till the pillar appears in the picture) was because of the border fencing.[23]

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[23] This is Suterkandi in the Karimganj district. The other side of the border is Seula in Bangladesh. The Bangladeshis cultivate their land till the pillar appears in the photo. But the Indian cultivators have to abandon the land because of the security risk after the fencing. The people are complaining that they have lost their property and land because of the fencing. They will not get market value of the land. The state is not providing compensation also. So, they are in a state of insecurity. On the one hand, the state is saying it is erecting fencing for their security while on the other hand those whose land has fallen beyond the fencing are facing insecurity of livelihood because of fencing. So, there is a dilemma of security and insecurity if considered from their perspective.

However, some other fenced area people have presented a different story. According to them, they feel secured because of the border fencing. They also hailed the BSF for guarding the border. They expressed that BSFs are there for their safety and security. Otherwise, why should they guard the border for twenty-four hours. Many people complained about the forces because of their habit of criticism. *The BSF are cordial to us.* If a new BSF personnel come for duty in the gate, he becomes strict for the time being but gradually become soft accordingly when he starts knowing the people of border areas. *We have ID card for crossing the fencing. If you have ID, there is no problem to go to the fenced land.* They also mentioned that those who complained about the security forces might be the peoples from beyond the fence who sometimes have problems with ID cards etc., but they did not have that problem.

Some respondents also pointed out about the smuggling, illegal trade across the border. These types of activities by the group of people in their areas brings hardship on them. Authority becomes stricter even on the innocent borderlanders once illegal activities are caught. The responded told that in border area many uses the border gate (legitimate entry point to the fenced land) for illegal smuggling. In such cases security personnel often bribed by the group of smugglers. Therefore, illegal activities prevail in border areas once the officer or guards accepts the bribe offered by the smugglers.

However, those who stay far from the border, have a different opinion about the borderland. For example, the ASSU wanted immediately the border to be completely sealed with fencing. According to them, porous border is the leading cause of migration, and it has changed the demographic characters of the state rapidly. However, they were against the border agreement which was implemented by the government of India on May 5, 2015. They argued that they cannot allow transferring the Assam's land to Bangladesh as agreed in the accord. However, some of the academicians were favoured for the proper implementation of the agreement. For them the implementation of the border agreement would solve the long-standing border issue with Bangladesh and they consider the agreement as the best way of dealing border issue with Bangladesh

Meghalaya-Bangladesh sector of the Border

Meghalaya is bounded by Bangladesh on the south and south-west. Meghalaya shares a 443 km-long international boundary with Bangladesh. In Meghalaya border areas such as Pynursla, Dwaki and Shella Bholaganj of East Khasi Hill has been surveyed to know the borderland lives of people. The people of the border areas have a different understanding of the notion of state and border. They pointed out that when they have not been provided other livelihood opportunities, they maintain and continue cross-border activities for their livelihood whether the way may be a legal or illegal. The tribal families in the border areas are mostly depends on agricultural activities and to sell their local agricultural products they need a market. If they do not get proper market facilities then they indulge in illegal cross-border activities; illegal trade, smuggling. For them, there is no illegality in practising cross-border trade with their counterparts in the border area if they are doing it for livelihood. Moreover, the nonexistence of a legal market in the border area makes them dependent on the illegal border trade. However, the state forces would not allow them to carry it forward without any hindrance.

In this part of borderland, an important feature of the economy is the informal trade relation. Borderlanders living along the Indo-Bangladesh border in the state of Meghalaya have been practicing such kind of informal trade since past long years. Many of the products grown in these areas, particularly bay leaves and oranges, are sold to people across the border. The cross-border trade had benefited people on both sides of the border. This

practice of informal economy which was a part of their life has been abruptly halted after the state initiative of border fencing. Even today, informal trade is flourishing across the border areas despite its illegality. In this aspect, the price differences across the border also encourage them to do so. Thus, people, whether legally or illegally, continued to cooperate in the matter of their livelihood across the border. This aspect of cooperation if seen from the community perspective, reveals that the borderland community neglects or challenges the border when it matters as live and livelihood for them.

The people of the border areas have welcomed the government initiative to recognise the informal trade and making it formal through the reopening of border haats. The border haats, a traditional market system, has operated in the border areas where people from both sides of the border can sell and buy products. The border haats have been functional from the Mughal period. Bahadur kata, Sherpur, Purakhasia, Dalu, Mankachar Mahendraaganj,etc. were important border haats for years till the border and the fencing came in. Most of the border haats were closed down by 1971, though some were open till 1974 (Begum 2010: 7). Border haats are reopened only in October 2009 and till continues. However, they demanded more border haats across the Meghalaya-Bangladesh border.

The people of these areas have been maintaining the cordial relations across the border since long past.The presence of the state could not deter them in maintaining their relations. It is mentionable that the state's presence is seen in the form of the security forces, custom houses. In many occasion the security forces allowed people to cross border if they share the same ethnicity like the Khasi, Jaintia. According to BSF personnel whom I had an opportunity to interact told that 'they cannot become rigid in the cross-border movement of these people'. When they explain the proper reason of border crossing, they allowed them to cross without any document. They can differentiate them through their physical appearances and behaviour. However, mostly they allowed these activities only those areas where there is no border fencing. Bangladeshi labourers came to work in the Khasi and Jaintia Hills and return their home before sunset.

Likewise, in Assam's Karimganj district, they also complained about the border fencing. According to them, erecting of the border fencing has created problems in their daily lives. It disturbs not only their social cohesion but also livelihood. So, the protection of the border

either through erecting a border fencing or stationing border security force is a very costly affair as well as it challenges the borderland people's normal lives. communities also expressed that due to border fencing, they have been suffering from an economic crisis. One of the greatest problems faced by some of the borderland people is that their houses and property have fallen on the other side of the barbed fence on the international border. In this aspect, Anjuman Begum study also revealed how the life of the borderland community had been adversely affected by the border fencing in Meghalaya (Begum 2010). According to her study, the most immediate impact of fencing in the West Garo Hills was in the form of the loss of agricultural land. The fencing proved to be detrimental for those who were dependent on the cross-border trade, both legally and illegally. In the borderlands of the West Garo Hills, it became almost impossible to cultivate the lands that had fallen outside the fencing (Begum 2010).

The man appeared in the photograph standing on the Indian side of the border in Meghalaya—the Dawki border. The other side is in Bangladesh where the Khasi and Jaintia people of Bangladeshi nationality also reside. They used to come to the Meghalaya side without any problems. The security personnel also allow them to cross the border without any problem.[24]

Thus, borderlanders make what is 'illegal from a state perspective', 'legal affairs in their everyday life' in this part of the border.

The Tripura-Bangladesh Border

Tripura is bounded by Bangladesh. Tripura has an 856-km long international border passing through difficult terrains of forests, rivers and mountains across all the four border districts. Four Districts, viz., West Tripura, South Tripura, Dhalai and North Tripura share the international border with Bangladesh. It is mentionable that Tripura has 40

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[24] During an informal talk with a BSF jawan; he revealed these aspects.

Development Blocks out of which 24 are in the border area. More than 60 percent of the state population lives in these 24 border blocks.

Tripura shares the border with Bangladesh from all sides. The border areas in the North and Dhalai Districts are covered with dense forests while the borders in West and South are mostly plain lands, both in Bangladesh and India. The border pillars and the border fencing show the limits of territory. It would be very difficult to differentiate the territorial limits without the border pillars, as both sides of the people have the same physical appearance and cultural and linguistic similarities. After the Partition and its aftermath, a large number of people from erstwhile East Pakistan had just crossed over to the plains in different parts of Tripura. As a result, large-scale migrations took place which outnumbered the original inhabitants of the area's leading them to be a minority.[25] The migration has tremendously changed the demography of the state.

To check the unwanted migration from Bangladesh, the Indian state started a border fencing project in 2000. However, the people of the borderland objected the fencing projects because of the loss of their cultivable lands. As a result of fencing, 7,123 families (about 35,000 persons) of the border villages have lost 11,375 hectares of cultivable land thereby, leading them to lost their major source of livelihood. So, most of the people who lost the land complaint about the state policies of securing the border with fencing. In many places because of peoples' stiff resistance authority had to stop the construction of fencing halfway. This is because of the close affinity and ethnic ties which have been maintained by the borderland people across the border for centuries. The following picture gives an idea as for how the authorities have stopped the fencing half way.[26]

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[25] Tripura was a tribal dominated state. However, a huge number of people of Bengali origin started settling there after the partition and subsequently after the war with Pakistan in 1971. So, the state is currently dominated by the Bengali-speaking people.

[26] In the picture, the house is standing on the Indian side of the border.

Due to opposition from the borderland people of South Ramnagar village of West Tripura, the border fencing has been stopped on the midway of its construction. Though the official data shows that the border fencing has been almost completed which is not in the ground reality.

The community of the border area till maintaining the cross-border linkages despite the border fencing in most parts of Tripura-Bangladesh border. Further, they cross the border whenever they feel it necessary for their livelihood. Although the border fencing has reduced the volume of trade, cross-border movement but the practice till continues. It is seen that the cases of fake currency, smuggling of drugs etc. reported highest from the Tripura-Bangladesh border over the year. Thus, several attempts by the state to make a rigid border along the Tripura have been a failure.

The frequency of the movement of people can be imagined from the picture below.[27]

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[27] The pillars that appear in the picture are known as sub pillars. The left one is in Indian side of the border while the right one is in Bangladesh. In between is the no man's land. The frequency of the movement of people can be imagined from the track appearing in the photograph.

The socio-cultural ties between the communities along the Tripura Bangladesh border is even more than the other parts like Assam's Karimganj and Meghalaya. Cross border marriage, family ties till persisting. Such a strong cultural and social bonding is difficult to be separated by constructing a strong fence along the border. It is also mentionable that the territorial demarcation has not been done properly in many parts of Tripura. A few irregular pillars are only sigh of boundary lines. In such situation, the state authority which imposes an identity on the people is grossly obscured. This also encourages the people to maintain relations across the border. Having opportunity, the borderland communities negotiate with the border accordance with their convenience in everyday life. The following picture gives a better idea about this aspect.[28]

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[28] The border pillar appearing in the pictures separate India and Bangladesh. It is running through the field. The paddy field that appears in the picture is on the Indian side of the border. The other side is in Bangladesh. From this, the territorial limitations and identity for the people can be imagined, which is not able to provide for the people. The people in these areas have developed their own ways of seeing the border which is different from the state perspective.

Cross-border Linkages among the People of the Border Area of West Bengal

West Bengal shares the longest land border with Bangladesh. The total length of the border with Bangladesh that West Bengal shares is 2200 km. There is a close affinity among the people because of cultural and linguistic similarities. Cross-border activities are regular feature of the borderland. In this aspect, the festivals play an important role. In the festival time, people cross the border without valid documents or the state-imposed documentary regime is not applicable. The security forces sometimes supervise, and upon their mercy, people are allowed to cross the border. The people of border areas ignore the border when a major festival or occasion takes place. This is because of the socio-cultural connection between the communities of the border area. For example, in the "Hujur Saheber Mela" which held every year on 18 February in the Coochbehar district of West Bengal, along the international border between India and Bangladesh; people undermine the border and celebrate it as such that there is no border to separate them. This aspect of cross-border connection has been revealed in the study conducted by Shiv Sankar Chatterjee. According to him, during these festivals, there is much enthusiasm among the people living across the border. In this connection, the Border Security Forces makes extensive arrangements. This

aspect has presented a symbol of brotherhood and communal harmony for around 65 years (Chatterjee 2013). This cross-border unity displays a unique feature of this border. Despite the security restrictions and in view of the border problems between the two countries, this fair has drawn huge crowds every year. Therefore, during the festivals times and in other such occasions border remains porous, and communities of both sides interact freely. Ghosh also studied this aspect of border crossing. According to her study:

> "Visits to relatives across the border in Bangladesh are common and 'normal 'occurrences. Relations with kin form the most enduring basis of continuing cross-border interaction that has resiliently persisted since Partition. The frail, elderly lady whose son's house I was staying in was away, visiting her sisters and daughters married and living in Bangladesh when I first arrived. She did not have a passport, let alone a visa, for travel into Bangladesh and had 'illegally' crossed the border at a riverine point 6 in a nearby village. An overwhelming majority of ...not only had relatives across the border but professed to maintain contact with them by licit but illegal means" (Ghosh 2011: 52).

So, at the festival time and other special occasions, the border becomes completely porous, and the security personnel's intervention does not work in such situations. Ghosh (2011)'s study of the Pratapur border villages underlines the bonds that prevail across the border. She states

> 'Eid itself occasions an increased rate of border crossings in the days leading up to it: Bangladeshis in various parts of India make their way back across the border, and families in Prantapur and similar villages in the borderland with especially strong familial ties in neighbouring villages in Bangladesh travel across to break the fast with their closest kin.This is, as it were, an open secret. 'This is the time when mayhem is in the air. What can you say to these people? How can we control all parts of the border? We cannot just shoot at them [border crossers], not at this religious time (Ghosh 2011: 52).'

So, despites the strong presence of border guards from both side of the border, if the opportunity occurs, people ignore border or adopt different means to overcome the it. This is the new aspects of borderland relations which the state is unable to control through its mechanism. These border crossings nullify the state claims of territorial control and identity. The borderland community has its understanding of the border, and the people maintain their relations through different means despite restrictions.

Community Responses to the India-Bangladesh Borderland from the Bangladeshi side of Border

The India-Bangladesh border is the longest border with many contestations from both sides since its emergence. To know the community response and functioning of state apparatus in the border areas, a survey was conducted on the Bangladesh sides of the India-Bangladesh borderland particularly in the Sylhet and Maulvibazar districts of the Sylhet Division from 24th January to 24 February 2016. The India-Bangladesh border passes through the five states of the Indian Union—West Bengal, Assam, Meghalaya, Tripura and Mizoram—and five divisions of Bangladesh—namely Dhaka, Khulna, Rajshahi, Sylhet and Chittagong. The Sylhet Division has four districts: Moulvibazar, Sylhet, Sonamganj and Hobiganj. The Sylhet Division touches three border states of India: Assam, Meghalaya, Tripura. The study primarily focuses on community responses from these border areas.

The first survey was conducted in Moulvibazar. It is situated in the north-eastern Bangladesh. The district shares borders with the Indian states of Tripura and Assam. Geographically, it is spread over an area of 2,707 km. In Moulvibazar, the survey was carried on in the border areas like Juri, Chatlapur, Betoli, Lathitila, etc. Some of these areas have a Customs House or Immigration Department working as institutions of the state apparatus in the border areas.[29] Chatlapur touches borders with Tripura in the northern part. Through these routes, import and export of goods are carried on. However, while conducting trade through these routes, Indian trucks or Bangladeshi trucks are not authorised to enter into each other's territory. The trucks have to stop at zero points without crossing one another's territory from where commodities are uploaded and unloaded.[30] The trucks go to the zero line (half portion remains in Bangladesh and a half portion in India; same is in the case of Indian trucks) for uploading and unloading the commodities. The following photograph shows this practice.

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[29] These institutions of state are there for control and regulation of the movement of people. The presence of the state in border areas is represented by these institutions. They impose the state among the people in the border areas.

[30] These institutional arrangements are made by both sides for legal trade. The security forces guard the vehicles so that no illegality happens. This present state control of the border areas is thus by a legitimate authority.

Through these customs houses and legal entry and exit points, if any person wants to go to the India, he/she has to first get clearance from the immigration police station situated in that place with a payment of 500 taka to the government of Bangladesh as a road tax through a draft from the Sonali Bank of Bangladesh. The fee applies to both Bangladeshi and foreign nationals.[31] For the commodity and goods supply, the clearance of the Custom House situated at the border area is essential. The people who have their relatives on the other side of the border can come to the zero point and interact with each other.[32] These facilities are provided by both sides of the border security forces which is welcome by the local people. It is mentionable that at other border points, people are not allowed to cross the *no man's land* that falls outside the fencing area.

Betoli is another border area which shares borders with Tripura's Jolabazar. In this part, the border has divided India and Bangladesh by the Juri River which is flowing like a small

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[31]People were complaining that despite their passport and visa (necessary documents for legal movement across the border), obtaining the bank draft is problematic. The Sonali bank is not situated in the border areas. So, some people pay more to the BGB for legal movement in the border areas if they cannot produce the bank draft.

[32] The border fencing in this area is in the zero line. The fencing is sixteen feet in height. However, because the densely-populated area is on Indian side, the fencing is constructed in the zero line in this area. The ground rule of border fencing says that it should be constructed for 150 yards in Indian land. However, Bangladesh agreed to allow India to construct in the zero line in this part. This was done through secretarial level talks between the officials of the two countries.

stream of water. Because of the river bed, the border remains as an open border. The border pillars fall in the riverbed. A small bridge on the river which is situated in this border area is used as a route for trade with India. Through these routes, a minuscule amount of business is carried on by both states. According to the officials posted at the immigration police station situated in Betoli, though there is a facility of immigration, the Bangladeshi nationals are not allowed to use this route. This route is open for only to the foreign nationals. The office of the Custom House is situated in Juri, about a distance of 20 km from the Betoli check post. If any transaction and trade have to be carried out, the official clearance has to come from the Juri Custom office.

While interacting with the people of these border areas, it is known that they have to adjust their lives according to the circumstances. The people expressed their feelings about the border and the security apparatus. According to Sahid[33], the border does not stand as an obstacle to cross and go to the other side of the border. Many people of these border areas have relatives on the other side. Most of the people/community in the border area does not have a passport. Therefore, if they have to go to the Indian side, they prefer the informal way of crossing it. That happens when a security guard is out of site or in the dark. They come and go and have been maintaining a cordial relation with the Indian counterparts. However, this facility not possible through the area where there is border fencing. According to him, if anybody wants to go to the other side of border, they can do so by paying to the security guards. Some people are well known to the security guards, and they contact them for crossing.

The inhabitants of the border areas are a marginalised and poor people.[34] The roads in the border regions are only connected to the check post. Along the rest of the border in Bangladesh, there are no border roads as in on the Indian side of the border. It was just living space for the people of the border areas, and it matters in their life than those who live in Dhaka or New Delhi. The border determines their relations with the counterparts. Many people cross the border for livelihood. By doing so, according to them, they are not

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[33] During interview, he revealed these aspect of border
[34] The economic and job opportunities are less in these areas. When the border controls were less or there was no fencing, the people used to cross the border and have economic relations with other parts. However, with the border being in a periphery and the control of state becoming rigid, their livelihood opportunity started shrinking. There is lack of infrastructure in the border area.

violating the law. It is their livelihood which matters than the law which is not providing them with another form of livelihood. It is also mentionable that in many areas of the India-Bangladesh border there is border fencing to check illegal crossing.

 The Lathitila border along the Indo-Bangladesh borderland is a significant border because of the disputes associated with it. This border was a disputed border since 1965, which remained so until the implementation of the border agreement between India and Bangladesh on 5th May 2015. In this place, the Indian side of the border is known as the Karimganj-Bangladesh border. Lathitila is about 45 km away from Moulvibazar. It comes under the Juri subdivision of Moulavibazar. Since the implementation of the borderland agreement of 2011, this disputed area has been settled officially through which India transferred the 90 acres of adverse possession of the land of Lathitila to Bangladesh. Although the agreement has settled the disputed area, according to the Deputy Commissioner of Moulvibazar, it is yet to be implemented on the ground. He mentioned that the Indian counterparts are still claiming the adverse possession of land because of the tea garden located in that place, previously under the control of the Madanpore Tea Estate Company of Assam. Therefore, the tension is yet to be resolved on the ground. Because of the disputes associated with it, the area is yet to be fenced by the Indian government. According to the BGB posted there, the relations between BSF and BGB in the area will be normalised if the problem settle on the ground. Previously, there was suspicion and fear of conflicts regarding claims and counterclaims over the land in Lathitila. The border agreement would help to reduce that tension.

The border customs station in Hobiganj is interesting to look into. The Hobiganj district has a border with India on the Tripura side. There is one place known as the Balla border. This border provides a significant insight into the India-Bangladesh trade. The Khowai river divides the border between India and Bangladesh. The river demarcates the border between the two. One of Bangladesh's Customs Houses known as the Balla Custom Station is situated on this border. The Indian side is known as Khowaighat. There is no bridge on the river. So, while doing trade and business through this route, the Bangladeshi exporters throw the commodity and goods on the other side of the border and so also is done by the Indian side. They are not permitted to cross the river. In other places like Chatlapur,

Tamabil, etc., trucks go to the zero line and the commodities are uploaded and unloaded. However, here the zero line falls in the riverine area, so they throw the things for trading. This type of business gives a new way to look at this border through community perspectives. The people of the area argue that a proper bridge in the area would help to do business which is yet to happen. Although many commodities are allowed to be traded through these routes, the volume is very less and very few people are engaging in this trade.

The people of the borderland area have views that many people cross to the Indian side for the job and they return after particular time. They do so from the places where there is no fencing. Otherwise, they have to pay the officials situated in the border area to do so. There is a possibility to cross the border where there is no fencing. The crossing border in the fencing area is a risky affair for them. So they do not do so from the fenced area. According to the people of the borderland, if the fencing is for a regulation of the irregular or illegal movement of the people, then it is not able to do so. However, it regulates the intensity of the illegal movement of the people. It is tough for the common people in the borderland area to have a visa and passport. So, they prefer to go to the Indian side through informal or illegal means. Sometimes, they have to pay to the security guards for doing so. However, in many places, as mentioned in Chatlapur, Betoli, etc., if the local people wish the security guards to allow the people to interact with each other, they are allowed to go to the zero point. The less number of customs stations and marketplaces in the border area compel the people to practice an illegal trade for a livelihood. For example, in Moulavibazar, only two custom stations are there—Chatlapur and Betoli—through which a limited amount of business takes place. The Lathitila custom station was there, but it remains defunct now. So, people urged that if there are more border haats, then they could be benefited.

Along with the borderland people, the people in the administration, some customs officials and the security personnel's views regarding the borderland were also taken. While the people in the administration like the Deputy Commissioner, Customs officials and BGB personnel pointed out that the India-Bangladesh border is a peaceful border and the state has done a good job of protecting it. However, most of them have a complained of the BSF's indiscriminate firing at the Bangladeshi nationals in the border area. According to them, the border fencing is a business of India, and it is up to India whether they construct

it or not. However, they hold that it should not violate the border agreement and the Joint Border Agreement signed in 1975. They argued that if the border fencing is protecting the land and illegal movement of the people, why is there increasing violence towards the innocent Bangladeshi nationals. They cited the example of the Human Rights report to show the increasing border firing from the BSF part. They hold that India and Bangladesh have good relations, and if this is to be continue, then the border firing should have to be stopped. Otherwise, in Bangladesh, it gives the wrong signal to the policymakers. They argued that the people not be crossing the border.

Sylhet-India border and its insight from the field

The border is a key site for the state to establish the binaries of power that frame the world as citizen–alien, nation–foreign, here–there, and we–they (Jones 2011: 7). To know the people's response to the state border, a field study was conducted in the Sylhet division of Bangladesh. The Sylhet district of Bangladesh touches borders with Meghalaya and Assam of the Indian state. In this district, Khonighat, Zokiganj, Bholaganj, Tamabil, Bainakandi and Seula border areas were surveyed. Khonighat is one of the *upajila* of Sylhet, about 12 km away from the Indo-Bangladesh border. In Khonighat, in the border villages like Sanartan, Khoninagar, Nonchora survey was conducted. These border villages present an interesting insight into the borderland lives. The people of the Khoninagar, Nonchora, Sanartan, etc. mostly go for work in Meghalaya without any hindrance. The Khasi people of Meghalaya and the Bangladeshi people of these villages share cordial relations which help them to cooperate in every aspect of their daily lives. Every day, people of these areas go to work as daily labourers in the Khasi Hills of India and return after the work. This practice has been there for a long time. Because of these cordial relations, the Bangladeshi people of these areas call the Khasi people as *Mama* (Uncle). The Khasi people have an informal agreement with the BSF personnel who guard the border at that places. They agree to allow the Bangladeshi labourers to cross to the Meghalaya part for work without any proper documents or in other words, in an informal way. This account presents the fact that despite the expansion of the state in the border area of the Bangladesh-Meghalaya sectors through the custom house and security apparatus (border guards), these are such many loosely administered places where the authority of the state is weak or nonexistent. In this

context, Jones has pointed that "even at the border, where the performances of sovereign authority are often the most conspicuous, the territorial control of sovereign power is incomplete" (Jones 2011). These make this border peculiar if looked at from the people's perspectives.

Zamal (pseudo name) who inhabits in the Bangladesh side in Sanartan[35] revealed that

> Khasi has an informal agreement with the BSF so that no Bangladesh, who go for work Khasi farm or field get harass. Because of the informal agreements, the people of these areas do not fear to go to the Indian side and work without any documents. This informal arrangement has been going on for a long past and still continues. This helps them to get work there. If this practice is not allowed, then they would not get any work for a living. Bangladesh government has not provided them job option. Only very few people get a job in government services. Most of the people in the area are daily labourers. Khasi people in Meghalaya also needs labourers, and so they have contacted them. However, the BGB camp which came in Sanartan area created a problem for them. The Khasi people could not come to Bangladesh freely which was no problem previously before the coming up of the camp. So the residents of the area have called the BGB as Taliban. If the Khasi of the area are not allowed to come to the Bangladesh side in similar ways as they do, for marketing and medical facilities on the Bangladeshi side, they would also stop them to work on their farms, and their livelihood would be threatened.

This practice of everyday actions like Zamal's who go for work to the Indian side disregard the rules of the state in these not-entirely-administered spaces, but these are not a politically motivated resistance to sovereignty. In doing so, he did not threaten the sovereign authority. However, he refuses to accept the sovereign space. These practices present an example that the people in border areas adopt various means for avoiding the sovereignty regime of the state, even when the traditional response of flight is not available (Agnew 2005; Jones 2011:13).

So the people of these border area have opined that the border presents them with an opportunity to go to the other side. However, this type of facility is not available at all stretches of the border along the Indo-Bangladesh borderland area. It is area-specific. In some areas, people can move to one side to other without any hurdle, while at other places, it is not possible to go even to the Zero line of the border. So, the Indo-Bangladesh border

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[35] During interview on 30 January 2016 he presented this aspect of borderland live.

presents unique characteristics. In these border areas, the mobile networks of both states work. It works as communication between the people. The people of these borderland areas are mostly poor labourers. They do not know the concept of passport, visa, etc. They do not see the border as a peculiar thing which separates one other. They see the border as a dividing line only on the ground. The photograph shows the Bangladeshi children playing on the Indian side of the border.[36]

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[36] In the photograph, the plain areas fall under the Lailong basti of Meghalaya. The children were from the Bangladeshi side of the border. The nearby village in the Bangladesh side is known as Khoninagar. The pillar appearing in the photograph is a dividing line between the India and Bangladeshi border. The children were on the Indian side of the border. They have not felt that they are in India. For them, they are playing near their houses. The concept of the state as a fixed territorial unit completely has failed in this area.

Experience from Jaflong, Zokiganj and Seula Borderland

Jaflong is situated 60 kilometres away from Sylhet. Jaflong's particular ecology of the hills on the Meghalaya side and the floodplains on the Bangladeshi sides provides the village and its inhabitants with their livelihood and identities, and which is at the heart of the customs transformations that have shaped the entire region. The distinction between the two terrains and the subsistence associated with them have meant that interdependency is the norm for the area's inhabitants. The river Piyan on the Bangladeshi side and the Kmo on the Meghalaya side have divided India and Bangladesh here. There is no border fencing in the area. Some border pillars separate India and Bangladesh on the ground. In these areas, the border is completely open one. People can go to the Indian side easily. In the precolonial times and until recently, rice, chicken and fish found in the plains were traded for fruit, betel nut and spices from the hills. This type of trade has been restricted over the years. The Khasi people who reside on the Bangladeshi side in these areas can go to the Indian side of their relatives easily. In Jaflong, some Khasi villages such as Borlagoan, Sangrampunji, Lumapunji, Naksiapunji are situated on the other side of the Piyan River. Historically composed relationships persist despite all the ruptures that border demarcations have brought in their wake. The Indian BSF personnel guarding the border in that area were saying that they go and come. However, this opportunity was not allowed to the other Bangladeshi nationals. These dimensions present that lives and livelihoods of Khasi people have simply adjusted, taking account of new and ever-changing realities. What the locals do say is that they will adjust their lives to it as they have done with all the other changes that have occurred there. The mobile phones of Indian networks work, and those of the Bangladeshi side equally work in these areas. This helps to connect or communicate. The Bangladeshi SIM cards also work on the Indian side of the border. Despite the efforts made to prevent people from crossing the border, cultural, social, economic and political connections have continued between the borderlanders who live and work on the margins of Bangladesh and India. New bonds and links continue to be relentlessly made.

Zokiganj of Sylhet district has a border with India in the Assam sector. The border is divided by the river Kusiara. Zokiganj is an upajila of the Sylhet district. In this place, the

presence of the Bangladeshi state is represented by the Customs Station at Zokiganj and a rotating contingent of Bangladesh border guards who are present there to stop illegal cross-border activities. However, the BGB's presence is minimal compared to the Indian BSF on the other side of the border. The concentration of this institution in the border area indicates the state's concerns and interest in the border area. There is also an immigration police station in the area which deals with the immigration matters. This river route is used for communication as well as trade between India and Bangladesh. The other side of the border is Assam's Karimganj district headquarters. According to the officials posted on the Bangladeshi side of the customs station, no exports from the Bangladeshi side takes place through this route. However, imports from India are allowed from this particular place.

To have a control over the anti-border activities, the Bangladeshi government also deploys BGB, and its camp is located at Loharmol, about one km away from the border area. At the riverine border, there is a check post on the Bangladeshi side. There is no border pillar which represents a symbol of India and Bangladesh border limitations. In the Zokiganj area, the Sobiya, Alam Nagar, Thakur para, Sadiyakuri, Nasimpur, Maskandi, Manikpur border villages were visited for knowing the community responses. Most of the villagers recall how they used to go to the Indian side without any hindrance when there was no security, 5 to 10 years ago. But after the Indian government's initiative to make the border a rigid one through the fencing, the possibility gradually eroded. Saleh Ahmed, a rickshaw-puller, said that he used to go to the Indian side without any problem earlier, but now it is not possible to do so easily. The peoples of these areas have relatives on the other side of the border. Those who have a visa can go easily to the Indian side but those who do not have used to go to meet their relatives through illegal means risking their lives. Some people recall that they had been beaten by the BSF when caught.

Sobiya is a border village in Bangladesh side of the border while the other parts of the border are in Karimganj district of Assam. The village is a developed one. *According to Noor, during his childhood, used to visit the other part of border most of the time. The other part was like an extended village or town for him when there was no border security apparatus as seen today. He was a mukti jujaru (freedom fighter) who was trained by the Indian security forces in Karimganj when Bangladesh was fighting for independence. That*

time border had not separated the people as today. He recalled that India and particularly the people of Karimganj viewed the East Pakistani Bengali as a friend because they speak the same language. The language was the binding force. They were a sympathiser of their plight impose upon by the Pakistani forces. Indian state acted as a facilitator of protecting their rights during that time. He at that time though that in future too the same relations would be continued. However, that could not happen. He also argued that the domestic politics of Assam in the Mid 70's and 80's change the state attitude towards the Bangladeshi. The violent movement against the Bangladeshi migrants of late 70's and 80's in Assam changes the live and livelihood of the borderland people. It completely changed the socio-cultural relations and the family ties that maintain by the villagers to the other part of the border. After the movement, the Indian government started making border rigid border through fencing. So, the differences started visible when India initiated measures of securing the border with a fence and heavy deployment of security forces. He showed the other side of the border and said that they have relatives there. However, because of security, he could not go his relatives house as wishes. The Bangladeshi border guards also tightly vigilance so that no illegal crossing happens as agreed by joint declaration. His ordeal reveals that border has changed its character from just line of separation to line of limits of movement and identity. That identity is visible in the form of border protection by security forces. However, he also maintains that despite the limitations impose by the forces in border crossing, people illegally maintaining the age-old relations. They now use the different techniques and methods like a bribe, or where there is no fence they cross from that part. These are the lacuna which people used for border crossing. This indicates that border could not deter people if they want to cross it. He said that who can bother to get a passport to go somewhere so close to their house.

Basid and Sahel, with whom I had an interaction in Athgram, shared their memory of playing football on the Indian side when there was no fencing. However, according to them, presently the situation has changed. The border became tight, and that opportunity has gone. To them, the border fencing is a good thing for India but not for the people of the border area. If there is no fencing and then both sides of the border area people will be benefited.

They recall that during the time of the rituals and religious celebrations the very people with the responsibility to protect the border, for example, the border guards, show leniency towards those they are originally protecting them against. The border is made open, and the BSF and BGB allow the Indians and Bangladeshis to visit either side without restrictions. In reality, there is nothing physically different about the border area during such movement of relative relaxations. In such situations, people refusing to accept the lines and categories drawn by the state to create and practice its power (Jones 2011). The existence of these practices can be termed as 'spaces of refusal' as stated by Recce Jones, which according to him "are not zones where there is a revolution against the state, nor are they spaces of romanticised resistance. Instead, they are characterised by a simple dismissal of the state's claim to define subjects and activities in those spaces' during these times of festival (Jones 2011:3).

For a better knowledge about the border area and the life of the borderland people, field work was also carried out in the Seula border area under the Biyonibazar Upajila of Sylhet. The Seula border divides Bangladesh and India in Karimganj. The Indian part is known as Saturkandi. However, the local people of the area call the Bangladeshi side also as Suterkandi. The area houses custom office and immigration department. Many commodities are exported from India, with coal being the maximum.

The majority of the people of these areas are dependent on agriculture. Some of the people work as daily labourers. There is hardly any other alternative job opportunity. Therefore, the locals who have no other opportunity engage in the cross-border illegal smuggling. They do so because of their ethnic, linguistic and religious affinities across the border. In this part of the borderland, the survey was conducted mostly in the border villages like Dubag, Kunargram, Borgram, Sunagram villages, Borogram. The fenced part of the border is very rigid. The security personnel have more vigilance than in the other parts like on the Meghalaya and Tripura sides of the border. According to the residents of these areas, the border fencing is very rigid, and nobody can go to the other part of the fencing. However, the people who are involved in illegal cross-border trade and activities from Bangladesh

easily cross the Sutarkandi borders at some point where the border fencing[37] is not as yet completed, with the help of intermediaries. According to Shelly Bhuyan who also conducted research on the illegal trade along this borderland, mentioned "every day at least 10-15 people used to illegally cross the Sutarkandi border and blend with the local people. They transact in Indian currency, which they collect against a small commission from the border agents. The commodities they buy from Karimganj district are sent to Bangladesh either by road or even sometimes the person himself carry the commodities on foot" (Bhuyan 2011: 11). Thus, the residents have developed a multitude of strategies that acquiesce to, co-opt, transgress, and ignore both the sovereignty of the state and the border guards in such places (Jones 2011: 4). In this process of illegality, the state also involved which is seen in the practices adopted by the people to bribe the officials for their illegal cross-border activities through which the exercise is converted into a legitimate crossing. While conducting research in the villages as mentioned above, the villagers recalled that the border fencing has created problems for the poor Indian people more, as compared to them. According to them, due to border fencing, vast lands have become abandoned land.

The people who inhabit the border area are a marginalised people. For them, the border is just a living area or space. The concept of border is a modern one for the inhabitants. Therefore, it is necessary to know how the people who live in the border area visualise the border which separates them as a border or not. The observations and interactions with the people of the Khasi community residing in the Bangladeshi side in Jaflong show that they do not consider the border as a barrier for their cross-border identity which they have borne for centuries with their counterparts in Meghalaya. Although it is the area which bars them from crossing to the other side officially without the proper document as a sovereign state entity, in reality, that is not able to restrict them to maintain their relations. They adopt different means to overturn the state restrictions.

Further, the people in the border areas cross the border for livelihood and return. There is demand for the workforce on the other side of the border. The Indian government is trying

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[37] On the Sutarkandi-Bangladesh border, in an almost 0.5 km area close to the Latu village, it still remains unfenced. On the left side of the Sutarkandi Custom Office lies the Zarapata village, where almost 3 km area yet remains unfenced. Lastly, in the Bhitargul area, situated to the east of Sutarkandi LCS, almost 3.5 k.m. area remains unfenced (Bhuyan 2011: 11).

to impose a restriction of movement through fencing. However, the borderlanders believe that even if the fencing comes up, the people, smugglers, etc. have their own networks and contact with the security forces. The security forces have an informal understanding with them. These types of rings are many. Therefore, expecting the border as a rigid one is not possible in the Indo-Bangladesh borderland. Whenever there is poverty, inequality prevalent in the border areas the border cannot be rigid. So, it is better to open the border for people for engagement, according to Prof. Amena Moshin of the Dhaka University. She suggested for the opening up of more border haats to address the people's economic needs in the border areas. She also emphasised for a work permit which can be given on a priority basis to the people residing on both sides of the borderland. These types of views were also expressed by Professor C R Abrar, Farida of the Dhaka University. Professor Amena Mohsin argued that in a *border area perceptions matter; general people's perception and community-level perception*.

Professor Abrar argued that the India-Bangladesh border was arbitrarily drawn. It cut across not only the communities but family members also, who were adversely affected by it. In the ways through which the border was formed, it obviously calls for essentializing the cross-border movement of people. Earlier it was the same country and same people, but the community divided as the countries divided. By crossing the border people are although violating the international law and the sovereignty issue, but if the economic needs of the borderlanders are not addressed the issue cannot be resolved. However, the movement has been severely restricted through fencing that has been built across the border. The India-Bangladesh border is the most regulated and highly rigid border. Border violence creates pressure on the policymakers not responding to the Indian aggressive tactics, and it affects bilateral relations. It is necessary to recognise that people along the border have their own specific needs and if these needs are available in the border area, they prefer to take advantage of it. All over the world, there is a cross-border movement. However, the main interest should be securing the state as long as this is not an impediment to movement; there should be a degree of freedom for the people to go and come. It also leads to cross-border trade. So, both countries need to sit down and discuss the issues and find solutions. There are demands for cheap labour from the Indian side. So, there is cross-border movement despite restriction by law without valid documents.

The Bangladeshi policymakers and intellectuals argue that for illegal migrations there are no credible data. Securitization by the vested interest makes this issue more vibrant than it is in reality. They argued that it is guided by the political interest. There should be a passionate engagement by the government to deal with these problems. Opening up of more border haats has recognised the needs of the borderland people. It binds people together. Moreover, it works as a confidence building measure. It ultimately recognises the needs of the people. However, while implementing this project, associated problems need to be addressed. Along the border, the paramilitary forces should be given human rights training as well as religious and cultural sensitivity training to deal with the unwanted situation in the border areas. There are needs of the day of opening up of border haats for a certain period on alternative basis because people have relations on both sides of the border, and for better people-to-people cooperation. It is known secret that people are crossing and working on the other side of the border. So if the option of work permit is provided, then there is the possibility of legitimate movement. Again, there should be the joint management of schools, hospitals, etc., in the border area so that both sides of the borderland people benefit. The joint management helps to secure the border for the human beings and not an abstract entity like the *state,* for ultimately, the state has a human face. The border should not look like merely as a line; rather it should be seen as a space of opportunity which can bring about interdependency.

Bangladesh has not formally initiated any border development programme except for regular interaction with the Indian counterparts in the border area. This also leads to cross-border movement. As the border area on the Bangladesh side remains underdeveloped, the border development programmes are not there in Bangladesh border areas that are quite developed. There is a hospital, school, marketplaces as well as a community centre in the border regions.

Conclusion

From the field study, it is observed that the India-Bangladesh border is not a homogeneous border. This border displays different characteristics in different areas. In some places, the cultural connections contribute to cross-border movement while in other locations the social relations between the people matter. This border is rigid in some places while in

other parts it is completely flexible. Rigidity, complexity, porosity, openness—all types of characteristics are seen in the case of the Indian-Bangladesh border. Therefore, we cannot see this border through one lens. It has an area-specific character and is changing with the changes in time and space. Both India and Bangladesh make an effort to enforce their authority in borderlands but the top-down imposition authority has not accepted by the people of borderland as it is. They challenge the authority of state when there are opportunities for their lives and livelihood on the others side. The state's astigmatic view of borderland activities, the gaps between the people's perceptions of their activities and the states' inconsistencies in terms of legalities all make the India-Bangladesh borderland a space where the state authority is contested, interrupted and qualified in everyday life as pointed out by Ghosh 2011. Thus, from the community perspective, the India-Bangladesh borderland remains porous despite the state trying to make it rigid by through its mechanism.

Moreover, the social network in this borderland varies from place to place. In some places the network is open, and in other places it is restricted. There is a lot of informal economy going on along this borderland. Although from the state point of view, this is affecting the economy of the country, the people who are engaging with it are benefiting. It cannot stop completely because the state apparatus which is involved in the border area also does not want to go away with it. The main reason for this type of economy is the non-development of the border area. The state agencies are also engaging in such areas of business indirectly. Further, because of the cultural affinities, there are many movements, many challenges. It also challenges the concept of the political border because culturally people are closer than at the political level. In particular, time and space borders manipulate identity. It imposes identity whether they are the same community or not.

Chapter 6

Conclusion

Issues involving borders have dominated the closing years of the twentieth century. Every state claims the right to determine who shall be permitted to enter its territory and almost all exercise the right to set up restrictions on entry and exit. The question of the settled and unsettled in and across the border or cross-border migration has displayed extreme sensitivity on the issue of security and insecurity in the post-colonial state regarding the politics of the border (Samaddar 1999). Trans-border population influx, human trafficking, cross-border insurgency, smuggling, claims and counter-claims of territory, etc; have been posing a big challenge for the concern states on national security issues. These are the challenges emanated out of the new notion of national security perception and rapid population growth and huge movement of population and refugee worldwide leading to explicit demographic change. Many scholars consider it as an impact of the growth of information and technology. The state in course of time adopts different mechanisms to deal with such problems. Many such strategies – but not all – are able to check the anti-national elements operating across the border. Borderlands, thus, remains a dynamic space.

When the Bengal border was first formed, initially there were no clear correlations between territories and nationality. This border was legally open until 1952, and there were no difficulties in border crossing. However, the confusion about its actual location and the power to demarcate national sovereignty subsequently led to a border conflict over territories, livestock, people and smuggled goods and became a common feature of borderland lives almost immediately (Roy 2012: 18-21). Maintaining family and social ties was not seen as problematic in the initial years. Many people until the 1950s and the 1960s did not possess any idea about the political border (van Schendel 2005). The local people even thought that the border would disappear shortly.

The India-Bangladesh border is a unique border existing in South Asia because of the history of its origin and creation. It is an artificial creation of partition. While marking the border, no ground reality of the border-making principle was followed. That is why it divided the same ethnic, religious and linguistic groups of people, as discussed in Chapter

Two. To differentiate the people, the state has been consolidated at the border. The territorial consolidation of the state is visible in the border through its apparatus (security forces, customs houses, immigration office, etc.). Thus, territoriality is imposed on the people to differentiate them from each other, and it tries to differentiate the common identity that prevailed before the emergence of the border. Therefore, many people who fall outside the Indian land territory due to the partition of the border and left for Pakistan, later with Bangladesh were divided through a political line or physical border but were unable to stop the cross-border connection. So, people ignore this border whenever they get an opportunity. Moreover, there is local acceptance of cross-border movement, which has also been promoted by historical and social affinities, geographical continuity and economic imperative. Further, the borderland also provides livelihood to many people in its vicinity. In such a situation, the people of the borderland challenge the border for their survival. Although the Government of India has initiated a border management programme and created the Department of Border Development under the Ministry of Home Affairs to give importance to the protection and security of the border, without giving due attention to the interest of the people living in the borderland, state policy vis-à-vis the border would not bring effective results. Both governments have been deploying their security forces to secure the border from unwanted elements. But the problems till persist, as pointed out in the third and fourth chapters.

This border has a dimension and reality that is different from what the people at the centre fails to understand with their nationalist approach. There are confrontational and cooperative relations among the people. Those who live far away from the border have not understood the reality of the border areas. So, they always became confrontational about the borderland people. They blame the borderland people for the migration and illegal activities across the border. However, these activities are viewed differently by the borderland people. These activities have been going on for centuries. In such a situation, the residents of the region ignore the border.

In the case of the India-Bangladesh borderland, various reports and academic writings have pointed out (details in the third chapter) that there is an unprecedented migration happening from Bangladesh to India. It has been challenging the demographic composition and has

led to resentment among the local people. It creates a domestic political issue which impacts cordial relations with Bangladesh. When the issue becomes political, the political parties use it as fodder to vote bank politics without seriously considering an amicable solution. Ranging from livelihood to settlement, many Bangladeshi people illegally migrate to India. According to the Bangladesh Economic Survey of 2000, there were more than 40-45% of people living in Bangladesh below the poverty line. Further, due to the scarcity of land and loss of land by natural calamities and the rise of the sea level, every year thousands of people are displaced in Bangladesh. Bangladesh, it may be noted, has the highest population density in the world. Migration to India increases their chance of survival. The porous border and cultural and social factors help them to assimilate with the local people in India. Kamal Sadiq's work on paper citizen has well explained how they become Indian citizens after entering India. The Indian state never developed schemes either to hold those Indian citizens accountable for their illegal practices of employing Bangladeshis or to issue temporary work permits to labour migrants from Bangladesh.

Further, the political class, which has no knowledge about the ground reality of the border and has not even visited the border area, are very much rhetoric on border control. The Indian government has not diplomatically and at foreign policy levels held talks about the illegal migration with Bangladesh and has not drafted any policy or formulated any strict law against the illegal migration from Bangladesh. These issues were dealt with in the Foreigner Act of 1964. However, this act has many lacunae regarding the identification and deportation of illegal Bangladeshis. Further, the single-pronged approach that India has been adopting to tackle these problems would not work properly. India should diplomatically have engaged with Bangladesh so that a joint effort can be adopted for its solution and formulating an anti-immigration act. Moreover, to deal with this problem the state should give importance to the local people of the border areas and empower them, making them aware of the consequences of the illegal migrations, crime, smuggling and other anti-national activities happening across the border. They can be encouraged for vigilance on the illegal crossing by providing incentives at the village level. Along with these, a strong anti-migration law should be adopted.

India adopted an "area dominant" approach for border protection in the case of the India-Bangladesh border. Physical guarding of the border remains its highest priority. However, the border cannot be viewed in isolation. Active cooperation from the other side of the border is needed for its proper management for preventing conflict, as well as enhancing trade and commerce across the border. Along with these, the concerns of the borderland people have to be taken up. If their concerns about livelihood and employment are not taken up, then the illegal activities across the border cannot be stopped. As India and Bangladesh are highly populated and people have been maintaining the cross-border linkages, there should be a mechanism to engage them in legal trade and activities. In such cases, a border market can be an option. Although India and Bangladesh have been working on this aspect and they have opened up border haats to cater for the needs of the borderland people's economic lives that remains insufficient. There is a need for more border haats to encourage formal trade along the 4096 km of the border that India shares with Bangladesh. Moreover, India should engage bilaterally with Bangladesh to solve the cross-border problems affecting both the countries. Only the physical guarding of the border through a unilateral approach will not give effective results. Through the development approach, India has taken up the initiative to improve the lives of the borderland people. But the fund allocation is insufficient.

The study has the proposition that borderland had complicated the relations between India and Bangladesh. The border is the first line of state security and limit of sovereign authority. In the case of the India-Bangladesh border, the issues of border conflict and disputed territories play a significant role in *border diplomacy*. Border fencing in disputed territory also hampers conducting smooth relations between the two countries. If there is an Awami League government in Bangladesh, which maintains cordial relations with India, then there would be less tension in the border region. To maintain cordial relations and to accommodate Bangladesh's concerns, India proposes using of rubber bullets to deter the infiltration and smugglers across the border.

Both India and Bangladesh have been adopting different mechanisms to normalise their bilateral relations vis-à-vis the border. India has constituted a system of institutionalised interactions with Bangladesh to facilitate bilateral dialogue on matters of mutual concern

regarding border management. These interactions take place in the form of meetings between several concerned ministries and departments of the two countries. There is also a mechanism of Border District Coordination Committee Meetings between the district officials of the two countries along with bilateral mechanisms in the form of Home Secretary level talks and the Joint Working Group at the level of Joint Secretaries, as discussed in the fourth chapter. These bilateral mechanisms have been helpful in sensitising each other about their respective security concerns and formulating strategies for better management of the border and normalise the relations. These mechanisms serve as platforms for discussing issues of common interest like containing cross-border crimes, smuggling, situations arising out of terrorist activities, etc. at national, regional and local levels.

The study also focused that borderland activities have problematised the state-centric security mechanism along the border. It has tried to analyse whether the state-centric security measure has been enough for border protection. The study found that the state policy of border security and its attempt to make the border a rigid one has failed. The continued existence of cross-border linkages and the cross-border crime and insurgent activities as well as the illegal and informal trade that continue along this borderland clearly indicate that borderland activities have problematised the state-centric security mechanism. The cross-cultural linkages and family affinities stand as a challenge for the state. The cross-border festivals celebrated by the borderland people that find echoes in West Bengal clearly indicate that the state-centric security measure remains inadequate in respect to this borderland, as pointed out in the fifth chapter. The illegal and informal trade and the existence of cross-border insurgency explained in the third chapter also clearly indicate that the state mechanism of border protection has failed. Further, the continuous migration from Bangladesh to India, as noted by the government (In a written reply in the Rajya Sabha in November 2016, Minister of State for Home, Kiren Rijiju, said that there are more than 20 million illegal Bangladeshis in India), shows that border fencing has not stopped these problems. In India, in the border area, there are many historical and religious places separated by the border when it was drawn. The people of both sides visit these places, and the border becomes normalised and open during these festival times. The visitors simply have to inform the BSF or BGB. No passport or visa is required.

In the current situation, the people who manage the border area are not the local people and do not understand the local issues and perspective. They are also ignorant of the local language. In the study, it has also been found that the government's border development programme has little effect on improving the life of the borderland community. Lack of market compels them to practise informal trade across the border. Moreover, the local people's collusion with the BSF in smuggling goods and people across the border is common knowledge. The border haats, border development activities, employment generation, reducing poverty, increasing knowledge, etc. have to expand.

Therefore, in the case of the India-Bangladesh border, the cross-border network of friendship and kinship is as much a part of the border culture as cross-border economic and political partnership. This culture has promoted a new identity. The Indian border with Bangladesh is historically porous and friendly in nature. It is not that of the West Pakistan border, where the violent character of the border was visible soon after its demarcation.

Hence, in the case of the India-Bangladesh borderland, there are at least three kinds of responses from the state to different kinds of cross-border interactions: (a) permissible, (b) accommodative and (c) impermissible. The India-Bangladesh borderland presents the perceptions that the borderlands are sites of anxiety for the modern state (Ghosh 2011). The state's astigmatic view of borderland activities, the gaps between people's perceptions of their activities and the state's, and inconsistencies in legalities all make this borderland a space where state authority is contested, interrupted and qualified in everyday life.

In fact, the India-Bangladesh border is not a homogeneous border in character. In some places, the cultural connections contribute to cross-border movement while in other locations the social relations between the people matter. This border is rigid in some places while in other parts it is completely flexible. Rigidity, complexity, porosity, and openness are all seen in the case of the India-Bangladesh border. Borders have long acted as an ethnic or religious divide. But in the case of the India-Bangladesh border, such differences have often been state-induced rather than local phenomena. In the local areas, these differences completely disappear or negligible at the most.

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THE BENGAL BOUNDARY COMMISSION

By the Indian Independence Act, 1947, as from August 15th, 1947, two independent Dominions were set up in India, to be known respectively as India and Pakistan. According to Section 2 (2), it was provided that the territories of Pakistan should be inter alia the territories which, on the appointed day, were included in the Province of East Bengal, as constituted under Section 3. It was laid down in this section that the Province of Bengal, as constituted under the Government of India Act 1935, should cease to exist and that there should be constituted in lieu thereof two new Provinces, to be known respectively as East Bengal and West Bengal. The boundaries of the New Province of East Bengal should be such as may be determined, whether before or after the appointed day, by the award of a boundary commission appointed or to be appointed by the Governor General in that behalf, and the expression "award" should mean, in relation to boundary commission, the decisions of the Chairman of that commission contained in his report to the Governor General at the conclusion of the commission's proceedings. The Commission, known as the Bengal Boundary Commission, was constituted by the Governor General on June 30th, 1947. The Commission presented to the Governor General the following two reports dated the 12th and 13th August, 1947, respectively:

REPORT OF THE BENGAL BOUNDARY COMMISSION

To

His Excellency the Governor General

1. I have the honour to present the decision and award of the Bengal Boundary Commission, which, by virtue of section 3 of the Indian Independence Act, 1947, is represented by my decision as Chairman of that Commission. This award relates to the division of the Province of Bengal, and the Commission's award in respect of the District of Sylhet and areas adjoining thereto will be recorded in a separate report.

2. The Bengal Boundary Commission was constituted by the announcement of the Governor General, dated the 30th of June, 1947, Reference No. D50/7/47R. The members of the Commission thereby appointed were

Mr. Justice Bijan Kumar Mukherjea,

Mr. Justice C. C. Biswas,

Mr. Justice Abu Saleh Mohamed Akram, and

Mr. Justice S. A. Rahman.

I was subsequently appointed Chairman of this Commission

3. The terms of reference of the Commission, as set out in the announcement were

as follows: —

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous areas of Muslims and   non-Muslims. In doing so, it will also take into account other factors."

We were desired to arrive at a decision as soon as possible before the 15th of August.

4. After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. A very large number of memoranda and representations was received.

5. The public sittings of the Commission took place at Calcutta, and extended from Wednesday the 16th of July 1947, to Thursday the 24th of July 1947, inclusive, with the exception of Sunday the 20th of July. Arguments were presented to the Commission by numerous parties on both sides, but the main cases were presented by counsel on behalf of the Indian National Congress, the Bengal Provincial Hindu Mahasabha and the New Bengal Association on the one hand, and on behalf of the Muslim League on the other. In view of the fact that I was acting also as Chairman of the Punjab Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Bengal Boundary Commission. I did not attend the public sittings in person, but made

arrangements to study daily the record of the proceedings and all material submitted for our consideration.

6. After the close of the public sittings, the remainder of the time of the Commission was devoted to clarification and discussion of the issues involved. Our discussions took place at Calcutta.

7. The question of drawing a satisfactory boundary line under our terms of reference between East and West Bengal was one to which the parties concerned propounded the most diverse solutions. The province offers few, if any, satisfactory natural boundaries, and its development has been on lines that do not well accord with a division by contiguous majority areas of Muslim and non-Muslim majorities.

8. In my view, the demarcation of a boundary line between East and West Bengal depended on the answers to be given to certain basic questions which may be stated as follows: —

(1) To which State was the City of Calcutta to be assigned, or was it possible to adopt any method of dividing the City between the two States?

(2) If the City of Calcutta must be assigned as a whole to one or other of the States, what were its indispensable claims to the control of territory, such as all or part of the Nadia River system or the Kulti rivers, upon which the life of Calcutta as a city and port depended?

(3) Could the attractions of the Ganges-Padma-Madhumati river line displace the strong claims of the heavy concentration of Muslim majorities in the districts of Jessore and Nadia without doing too great a violence to the principle of our terms of reference?

(4) Could the district of Khulna usefully be held by a State different from that which held the district of Jessore?

(5) Was it right to assign to Eastern Bengal the considerable block of non-Muslim majorities in the districts of Maida and Dinajpur?

(6) Which State's claim ought to prevail in respect of the Districts of Darjeeling and Jalpaiguri, in which the Muslim population amounted to 2.42 per cent, of the whole in the

case of Darjeeling, and to 23.08 per cent, of the whole in the case of Jalpaiguri, but which constituted an area not in any natural sense contiguous to another non-Muslim area of Bengal?

(7) To which State should the Chittagong Hill Tracts be assigned, an area in which the Muslim population was only 3 per cent, of the whole, but which it was   difficult to assign to a State different from that which controlled the district of   Chittagong itself?

9. After much discussion, my colleagues found that they were unable to arrive at an agreed view on any of these major issues. There were of course considerable areas of the Province in the south-west and north-east and east, which provoked no controversy on either side; but, in the absence of any reconciliation on all main questions affecting the drawing of the boundary itself, my colleagues assented to the view at the close of our discussions that I had no alternative but to proceed to give my own decision.

10. This I now proceed to do: but I should like at the same time to express my gratitude to my colleagues for their indispensable assistance in clarifying and discussing the difficult questions involved. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

11. I have done what I can in drawing the line to eliminate any avoidable cutting of railway communications and of river systems, which are of importance to the life of the province: but it is quite impossible to draw a boundary under our terms of reference without causing some interruption of this sort, and I can only express the hope that arrangements can be made and maintained between the two States that will minimize the consequences of this interruption as far as possible.

NEW DELHI;

The 12th August, 1947.

Cyril RADCLIFFE

The schedule

9 Annexures A and B)

ANNEXURE A

1. A line shall be drawn along the boundary between the Thana of Phansidewa in the District of Daijeeling and the Thana Tetulia in the District of Jalpaiguri from the point where that boundary meets the Province of Bihar and then along the boundary between the Thanas of Tetulia and Rajganj; the Thanas of Pachagar and Rajganj, and the Thanas of Pachagar and Jalpaiguri, and shall then continue along the northern corner of the Thana Debiganj to the boundary of the State of Cooch-Behar. The District of Daijeeling and so much of the District of Jalpaiguri as lies north of this line shall belong to West Bengal, but the Thana of Patgram and any other portion of Jalpaiguri District which lies to the east or south shall belong to East Bengal.

2. A line shall then be drawn from the point where the boundary between the Thanas of Haripur and Raiganj in the District of Dinajpur meets the border of the Province of Bihar to the point where the boundary between the Districts of 24 Parganas and Khulna meets the Bay of Bengal. This line shall follow the course indicated in the following paragraphs. So much of the Province of Bengal as lies to the west of it shall belong to West Bengal. Subject to what has been provided in paragraph 1 above withregard to the Districts of Daijeeling and Jalpaiguri, the remainder of the Province ofBengal shall belong to East Bengal.

3. The line shall run along the boundary between the following Thanas:

Haripur and Raiganj; Haripur and Hemtabad; Ranisankail and Hemtabad; Pirganjand Hemtabad; Pirganj and Kaliganj; Bochaganj and Kaliganj; Biral and Kaliganj; Biral and Kushmundi; Biral and Gangarampur; Dinajpur and Gangarampur; Dinajpur and Kumarganj; Chirirbandar and Kumarganj; Phulbari and Kumarganj; Phulbari and Balurghat. It shall terminate at the point where the boundary between Phulbari and

Balurghat meets the north-south line of the Bengal-Assam Railway in the eastern comer of the Thana of Balurghat. The line shall turn down the western edge of the railway lands belonging to that railway and follow that edge until it meets the boundary between the Thanas of Balurghat and Panchbibi.

4. From that point the line shall run along the boundary between the following

Thanas:

Balurghat and Panchbibi; Balurghat and Joypurhat; Balurghat and Dhamairhat; Tapan and Dhamairhat; Tapan and Pathnitala; Tapan and Porsha; Bamangola and Porsha; Habibpur and Porsha; Habibpur and Gomastapur; Habibpur and Bholahat; Malda and Bholahat; English Bazar and Bholahat; English Bazar and Shibganj; Kaliachak and Shibganj; to the point where the boundary between the two last mentioned thanas meets the boundary between the districts of Malda and Murshidabad on the river Ganges.

5. The line shall then turn south-east down the River Ganges along the boundary between the Districts of Malda and Murshidabad; Rajshahi and Murshidabad; Rajshahi and Nadia; to the point in the north-western corner of the District of Nadia where the channel of the River Mathabhanga takes off from the River Ganges. The District boundaries, and not the actual course of the River Ganges, shall constitute the boundary between East and West Bengal.

6. From the point on the River Ganges where the channel of the river Mathabhanga takes off the line shall run along that channel to the northernmost point where it meets the boundary between the Thanas of Daulatpur and Karimpur. The middle line of the main channel shall constitute the actual boundary.

7. From this point the boundary between East and West Bengal shall run along the boundaries between the Thanas of Daulatpur and Karimpur; Gangani and Karimpur; Meherpur and Karimpur; Meherpur and Tehatta; Meherpur and Chapra; Damurhuda and Chapra; Damurhuda and Krishnaganj; Chuadanga and Krishnaganj; Jibannagar and Krishnaganj; Jibannagar and Hanskhali; Meheshpur and Hanskhali; Meheshpur and Ranaghat; Meheshpur and Bongaon; Jhikargacha and Bongaon; Sarsa and Bongaon; Sarsa

and Gaighata; Gaighata and Kalarao; to the point where the boundary between those thanas meets the boundary between the districts of Khulna and 24 Parganas.

8. The line shall then run southwards along the boundary between the Districts of Khulna and 24 Parganas, to the point where that boundary meets the Bay of Bengal.

REPORT OF THE BENGAL BOUNDARY COMMISSION

(SYLHET DISTRICT)

To

His Excellency the Governor General.

1. I have the honour to present the report of the Bengal Boundary Commission relating to Sylhet District and the adjoining districts of Assam. By virtue of Section 3 of the Indian Independence Act, 1947, the decisions contained in this report become the decision and award of the Commission.

2. The Bengal Boundary Commission was constituted as stated in my report dated the 12th of August, 1947, with regard to the division of the Province of Bengal into East and West Bengal. Our terms of reference were as follows: —

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors. "In the event of the referendum in the District of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim majority areas of Sylhet District and the contiguous Muslim majority areas of the adjoining districts of Assam."

3. After the conclusion of the proceedings relating to Bengal, the Commission invited the submission of memoranda and representations by parties interested in the Sylhet question. A number of such memoranda and representations was received.

4. The Commission held open sittings at Calcutta on the 4th, 5th and 6th days of August 1947, for the purpose of the hearing arguments. The main arguments were conducted on

the one side by counsel on behalf of the Government of East Bengal and the Provincial and District Muslim Leagues; and on the other side, by counsel on behalf of the Government of the Province of Assam and the Assam Provincial Congress Committee and the Assam Provincial Hindu Mahasabha. I was not present in person at the opensittings as I was at the time engaged in the proceedings of the Punjab Boundary Commission which were taking place simultaneously, but I was supplied with the daily record of the Sylhet proceedings and with all material submitted for the commission's consideration. At the close of the open sittings, the members of the Commission entered into discussions with me as to the issues involved and the decisions to be come to. These discussions took place at New Delhi.

5. There was an initial difference of opinion as to the scope of the reference entrusted to the Commission. Two of my colleagues took the view that the Commission had been given authority to detach from Assam and to attach to East Bengal any Muslim majority areas of any part of Assam that could be described as contiguous to East Bengal, since they construed the words "the adjoining districts of Assam" as meaning any districts of Assam that adjoined East Bengal. The other two of my colleagues took the view that the Commission's power of detaching areas from Assam and transferring them to EastBengal was limited to the District of Sylhet and contiguous Muslim majority areas (if any) of other districts of Assam that adjoined Sylhet. The difference of opinion was referred to me for my casting vote, and I took the view that the more limited construction of our terms of reference was the correct one and that the "adjoining districts of Assam" did not extend to other districts of Assam than those that adjoined Sylhet. The Commission accordingly proceeded with its work on this basis.

6. It was argued before the Commission on behalf of the Government of East Bengal that on the true construction of our terms of reference and section 3 of the Indian Independence Act, 1947, the whole of the District of Sylhet at least must be transferred to East Bengal and the Commission had no option but to act upon this assumption. All my colleagues agreed in rejecting this argument, and I concur in their view.

7. We found some difficulty in making up our minds whether, under our terms of reference, we were to approach the Sylhet question in the same way as the question of partitioning Bengal, since there were some differences in the language employed. But all

my colleagues came to the conclusion that we were intended to divide the Sylhet and adjoining districts of Assam between East Bengal and the Province of Assam on the basis of contiguous majority areas of Muslims and non-Muslims, but taking into account otherfactors, I am glad to adopt this view.

8. The members of the Commission were however unable to arrive at an agreed view as to how the boundary lines should be drawn, and after discussion of their differences, they invited me to give my decision. This I now proceed to do.

9. In my view, the question is limited to the districts of Sylhet and Cachar, since of the other districts of Assam that can be said to adjoin Sylhet neither the Garo Hills nor the Khasi and Jaintia Hills nor the Lushai Hills have anything approaching a Muslim majority of population in respect of which a claim could be made.

10. Out of 35 thanas in Sylhet, 8 have non-Muslim majorities; but on these eight, two—Sulla and Ajmiriganj (which is in any event divided almost evenly between Muslims and non-Muslims), are entirely surrounded by preponderatingly Muslim areas, and must therefore go with them to East Bengal. The other six thanas comprising a population of over 5,30,000 people stretch in a continuous line along part of the southern border of Sylhet District. They are divided between two sub-divisions, of which, one, South Sylhet, comprising a population of over 5,15,000 people, has in fact a non-Muslim majority of some 40,000; while the other, Karimganj, with a population of over 5,68,000 people, has a Muslim majority that is a little larger.

11. With regard to the District of Cachar, one thana, Hailakandi, has a Muslim majority and is contiguous to the Muslim thanas of Badarpur and Karimganj in the District of Sylhet. This thana forms, with the thana of Katlichara immediately to its south, the sub-division of Hailakandi; and in the sub-division as a whole Muslims enjoy a very small majority being 51 per cent, of the total population. I think that the dependence of Katlichara on Hailakandi for normal communications makes it important that the area should be under one jurisdiction, and that the Muslims would have at any rate a strong presumptive claim for the transfer of the Sub-division of Hailakandi, comprising a population of 1,66,536, from the Province of Assam to the Province of East Bengal.

12. But a study of the map shows, in my judgment, that a division on these lines would present problems of administration that might gravely affect the future welfare and happiness of the whole District, not only would the six non-Muslim thanas of Sylhet be completely divorced from the rest of Assam if the Muslim claim to Hailakandi were recognised; but they form a strip running east and west whereas the natural division of the land is north and south and they effect an awkward severance of the railway line through Sylhet, so that, for instance, the junction for the town of Sylhet itself, the capital of the district, would lie in Assam, not in East Bengal.

13. In those circumstances I think that some exchange of territories must be effected if a workable division is to result. Some of the non-Muslim thanas must go to East Bengal and some Muslim territory and Hailakandi must be retained by Assam. Accordingly I decide and award as follows: — A line shall be drawn from the point where the boundary between the Thanas of Patharkandi and Kulaura meets the frontier of Tripura State and shall run north along the boundary between those Thanas, then along the boundary between the Thanas of Patharkandi and Barlekha, then along the boundary between the Thanas of Karimganj and Barlekha, and then along the boundary between the Thanas of Karimganj and BeaniBazar to the point where that boundary meets the River Kusiyara. The line shall then turn to the east taking the River Kusiyara as the boundary and run to the point where that river meets the boundary between the Districts of Sylhet and Cachar. The centre line of the main stream or channel shall constitute the boundary. So much of the District of Sylhet as lies to the west and north of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal. No other part of the Province of Assam shall be transferred.

14. For purposes of illustration a map* marked A is attached on which the line is delineated. In the event of any divergence between the line as delineated on the map and as described in paragraph 13, the written description is to prevail.

NEW DELHI;

The 13th August, 1947.

<div align="center">Cyril RADCLIFFE</div>

Source: Boundary disputes between India and Pakistan relating to the interpretation of the report of the Bengal Boundary Commission 26 January 1950 VOLUME XXI pp. 1-51

Appendix II

<u>LAND BOUNDARY AGREEMENT, 1974</u>

The Government of the Republic of India and the Government of the People's Republic of Bangladesh,

<u>Bearing in mind</u> the friendly relations existing between the two countries,

<u>Desiring to</u> define more accurately at certain points and to complete the demarcation of the land boundary between India and Bangladesh,

Have agreed as follows: -

<u>Article 1</u>

The land boundary between India and Bangladesh in the areas mentioned below shall be demarcated in the following manner:

1. <u>Mizoram-Bangladesh Sector</u>: Demarcation should be completed on the basis of the latest pre-partition notifications and records.

2. <u>Tripura-Sylhet Sector</u>: Demarcation which is already in progress in this area on the agreed basis, should be completed as early as possible.

3. <u>Bhagalpur Railway Line</u>: The boundary should be demarcated at a distance of 75 feet parallel to the toe of the railway embankment towards the east.

4. <u>Sibpur-Gaurangala Sector</u> The boundary should be demarcated in continuation of the process started in 1951-52 on the basis of the District Settlement Maps of 1915-1918.

5. <u>Muhuri River (Belonia) Sector</u>: The boundary in this area should be demarcated

along the mid-stream of the course of Muhuri River at the time of demarcation. This boundary will be a fixed boundary. The two Governments should raise embankments on their respective sides with a view to stabilising the river in its present course.

6.   Remaining portion of the Tripura-Noakhali/Comilla Sector: The demarcation in this sector should be completed on the basis of Chakla-Roshanabad Estate Maps of 1892-1894 and the District Settlement Maps of 1915-1918 for areas not covered by the Ckakla-Roshanabad Maps.

7.   Fenny River: The boundary should be demarcated along the mid-stream of the course at the time of demarcation of that branch of the Fenny River indicated as the Fenny River on Survey of India Map Sheet No. 79 M/15, Ist Edition 1935, till it joins the stream shown as Asalong C on the said Map. From that point on, downstream, the boundary should be demarcated along the mid-stream of the course of the Fenny River at the time of demarcation of the boundary. The boundary in this sector will be a fixed boundary.

8.   Rest of Tripura-Chittagong Hill Tracts Sector : The boundary will follow the mid-stream of that branch of the Fenny River, referred to in para 7 above, upto Grid reference 009779 (map sheet as in para 7 above) from where the boundary will follow the mid-stream of the eastern-most tributary. From the source of this tributary, the boundary will run along the shortest distance to the mid-stream of the stream marked Bayan Asalong, on the map referred to above, and thence will run generally northwards along the mid-stream of this river till it reaches its source on the ridge (indicated by grid reference 046810 on the map referred to above). From there it will run along the crest of this ridge upto Boghoban Trig Station. From Boghoban Trig Station upto the tri-junction of the Bangladesh- Assam-Tripura boundary (Khan Talang Trig Station), the boundary will run along the watershed of the river systems of the two countries. In case of any difference between the map and the ground, the ground shall prevail. The boundary will be a fixed boundary in this sector.

9.   Beanibazar-Karimganj Sector: The undemarcated portion of the boundary west of Umapati village should be demarcated in accordance with the agreed basis of demarcation, leaving Umapati village in India.

10.   Hakar Khal : The boundary should be demarcated in accordance with the Nehru-

Noon Agreement of September, 1958, treating Hakar Khal as a geographical feature distinct from the Ichhamati River. The boundary will be a fixed boundary.

11.   <u>Baikari Khal</u> : In the Baikari Khal, the boundary should be demarcated on the agreed basis and principles, namely, that the ground shall prevail, i.e. as per the agreement reached between the Directors of Land Records and Surveys of West Bengal and erstwhile East Pakistan in 1949. The boundary will be a fixed boundary.

12.   <u>Enclaves</u>: The Indian enclaves in Bangladesh and the Bangladesh enclaves in India should be exchanged expeditiously, excepting the enclaves mentioned in paragraph 14 without claim to compensation for the additional area going to Bangladesh.

13.   <u>Hilli</u> : The area will be demarcated in accordance with Radcliffe Award and the line drawn by him on the map.

14.   <u>Berubari</u> : India will retain the southern half of South Berubari Union No.12 and the adjacent enclaves, measuring an area of 2.64 square miles approximately, and in exchange Bangladesh will retain the Dahagram and Angarpota enclaves. India will lease in perpetuity to Bangladesh an area of 178 metres x 85 metres near 'Tin Bigha' to connect Dahagram with Panbari Mouza (P.S. Patgram) of Bangladesh.

15.   <u>Lathitilla-Dumabari</u>: From point Y (the last demarcated boundary pillar position), the boundary shall run southwards along the Patharia Hills RF boundary upto the point where it meets the western boundary of Dumabari Mouza. Thence along the same Mouza boundary upto the tri-junction of Mouzas Dumabari, Lathitilla and Bara Putnigaon through the junction of the two Mouzas Dumabari and Lathitilla. From this point it shall run along the shortest distance to meet the mid-stream of Putni Chara. Thence it shall run generally southwards along the midstream of the course of Putni Chara at the time of demarcation, till it meets the boundary between Sylhet (Bangladesh) and Tripura (India).

Article 2 The Governments of India and Bangladesh agree that territories in adverse possession in areas already demarcated in respect of which boundary strip maps are already prepared, shall be exchanged within six months of the signing of the boundary strip maps by the plenipotentiaries. They may sign the relevant maps as early as possible and in any case not later than the 31st December, 1974. Early measures may be taken to print maps in respect of other areas where demarcation has already taken place. These should be printed by 31st May 1975 and signed by the plenipotentiaries thereafter in order that the exchange

of adversely held possessions in these areas may take place by the 31st December, 1975. In sectors still to be demarcated, transfer of territorial jurisdiction may take place within six months of the signature by plenipotentiaries on the concerned boundary strip maps.

Article 3 The Governments of India and Bangladesh agree that when areas are transferred, thepeople in these areas shall be given the right of staying on where they are, as nationals of the State to which the areas are transferred. Pending demarcation of the boundary and exchange of territory by mutual agreement, there should be no disturbance of the status quo and peaceful conditions shall be maintained in the border regions. Necessary instructions in this regard shall be issued to the local authorities on the border by the two countries.

Article 4 The Governments of India and Bangladesh agree that any dispute concerning theinterpretation or implementation of this Agreement shall be settled peacefully through mutual consultations.

Article 5 This Agreement shall be subject to ratification by the Governments of India andBangladesh and Instruments of Ratification shall be exchanged as early as possible. The Agreement shall take effect from the date of the exchange of the Instruments of Ratification.

Signed in New Delhi on May 16, 1974, in two originals each of which is equally authentic.

For the Government of the Republic of India	For the Government of the People's Republic of Bangladesh
Sd/-	Sd/-
(INDIRA GANDHI)	(SHEIKH MUJIBUR RAHMAN)
Prime Minister of India	Prime Minister of Bangladesh.

Appendix III

2011 PROTOCOL TO THE LAND BOUNDARY AGREEMENT

The Government of the Republic of India and the Government of the People's Republic of Bangladesh,

Bearing in mind the friendly relations existing between the two countries, Desiring to define more accurately at certain points and to complete the demarcation of the land boundary between India and Bangladesh,

Having regard to the Agreement between the Government of the Republic of India and the Government of the People"s Republic of Bangladesh concerning the demarcation of the land boundary between India and Bangladesh and related matters, May 16, 1974 and Exchange of Letters dated December 26, 1974; December 30, 1974; October 7, 1982; and March 26, 1992 (hereinafter referred to as the 1974 Agreement),

Have agreed as follows:

ARTICLE 1

The provisions of this Protocol shall form an integral part of the 1974 Agreement.

ARTICLE 2

(I)   **Article 1 Clause 5 of the 1974 Agreement shall be implemented as follows:**

Muhuri River (Belonia) sector

Boundary in this segment shall be drawn westwards from the existing Boundary Pillar No. 2159/48-S along the agreed line as depicted in the index map prepared jointly till it meets the southern limit of the Burning Ghat as shown in jointly surveyed map of Muhuri river area in 1977-78. Thereafter it shall follow the external limit of the Burning Ghat in South-

West direction and then turn northwards along the external limit of the Burning Ghat till it meets the centre of the existing Muhuri River. Thereafter it shall run along the mid stream of the existing Muhuri River upto Boundary Pillar No. 2159/3-S. This boundary shall be the fixed boundary. The two Governments should raise embankments on their respective sides with a view to stabilising the river in its present course as stipulated in the 1974 Agreement. The Parties agree to fencing on zero line in this area.

(II)   **Article 1 Clause 12 of the 1974 Agreement shall be implemented as follows:**
Enclaves

111 Indian Enclaves in Bangladesh and 51 Bangladesh Enclaves in India as per the jointly verified cadastral enclave maps and signed at the level of DGLR&S, Bangladesh and DLR&S, West Bengal (India) in April 1997, shall be exchanged without claim to compensation for the additional areas going to Bangladesh.

(III)   **Article 1 Clause 15 of the 1974 Agreement shall be implemented as follows:**
Lathitilla and Dumabari

Line drawn by Radcliffe from Boundary Pillar 1397(point Y) i.e. the last demarcated boundary pillar position, straight southward to the tri-junction of Mouzas Dumabari, Lathitilla and Bara Putnigaon i.e upto iron bridge, and thence it shall run generally southwards along the midstream of the course of Putni Chara as already demarcated on the ground, till it meets the boundary between Sylhet (Bangladesh) and Tripura (India) i.e. Boundary Pillar No. 1800.

(IV) **The land boundary in the area mentioned below shall be demarcated in the following manner**:
Daikhata 56 (West Bengal-Jalpaiguri) / Panchagarh
Boundary in this segment shall be drawn as fixed boundary from existing Boundary Pillar 774/32-S in the strip sheet 444/6 along the mouza boundary of Daikhata-56 as surveyed in 1997-98 and thereafter will follow the southern boundary of Daikhata-56 (from east to west) upto Point No 18 and therefrom it will follow the western boundary of Daikhata-56

(from south to north) till it meets the center of River Sui at Point No 15 and thereafter, will run along the center of the River Sui upto Point No 1, the points as depicted in the sketch map jointly prepared and mutually agreed on August 3, 2011. Thereafter the International Boundary shall follow the already delineated boundary through Main Pillar (MP) 775.

ARTICLE 3

(I)   **Article 2 of the 1974 Agreement shall be implemented as follows:**

The Government of India and the Government of Bangladesh agree that the boundary

shall be drawn as a fixed boundary for territories held in Adverse Possession as determined through joint survey and fully depicted in the respective adversely possessed land area index map (APL map) finalized by the Land Records and Survey Departments of both the countries between December 2010 and August 2011, which are fully described in clause (a) to (d) below.

The relevant strip maps shall be printed and signed by the Plenipotentiaries and transfer of territorial jurisdiction shall be completed simultaneously with the exchange of the enclaves. The demarcation of the boundary, as depicted in the above-mentioned Index Maps, shall be as under: -

   (a) West Bengal Sector

(i) Bousmari–Madhugari (Kushtia-Nadia) area
   The boundary shall be drawn from the existing Boundary Pillar Nos. 154/5-S to 157/1-S to follow the centre of old course of river Mathabanga, as depicted in consolidation map of 1962, as surveyed jointly and agreed in June 2011.
(ii) Andharkota (Kushtia-Nadia) area
    The boundary shall be drawn from existing Boundary Pillar No 152/5-S to Boundary Pillar No 153/1-S to follow the edge of existing River Mathabanga as jointly surveyed

and agreed in June 2011.

(iii) Pakuria (Kushtia-Nadia) area

The boundary shall be drawn from existing Boundary Pillar No 151/1-S to Boundary Pillar No 152/2-S to follow the edge of River Mathabanga as jointly surveyed and agreed in June 2011.

(iv) Char Mahishkundi (Kushtia-Nadia) area

The boundary shall be drawn from existing Boundary Pillar No 153/1-S to Boundary Pillar No 153/9-S to follow the edge of River Mathabanga as jointly surveyed and agreed in June 2011.

(v) Haripal/ Khutadah/ Battoli/ Sapameri/ LNpur (Patari) (Naogaon- Malda) area

The boundary shall be drawn as line joining from existing Boundary Pillar No 242/S/13, to Boundary Pillar No 243/7-S/5 and as jointly surveyed and agreed in June 2011.

(vi) Berubari (Panchagarh-Jalpaiguri area)

The boundary in the area Berubari (Panchagarh-Jalpaiguri) adversely held by Bangladesh, and Berubari and Singhapara-Khudipara (Panchagarh-Jalpaiguri), adversely held by India shall be drawn as jointly demarcated during 1996-1998.

(b) Meghalaya Sector

(i) Lobachera-Nuncherra

The boundary from existing Boundary Pillar No 1315/4-S to Boundary Pillar No 1315/15-S in Lailong - Balichera, Boundary Pillar No 1316/1-S to Boundary Pillar No 1316/11-S in Lailong- Noonchera, Boundary Pillar No 1317 to Boundary Pillar No 1317/13-S in Lailong-Lahiling and Boundary Pillar No 1318/1-S to Boundary Pillar No 1318/2-S in Lailong-Lubhachera shall be drawn to follow the edge of tea gardens as jointly surveyed and agreed in Dec 2010.

(ii) Pyrdiwah/ Padua Area

The boundary shall be drawn from existing Boundary Pillar No 1270/1-S as per jointly surveyed and mutually agreed line till Boundary Pillar No 1271/1-T. The Parties agree that th**e** Indian Nationals from Pyrdiwah village shall be allowed to draw water from Piyang River near point No 6 of the agreed Map.

(iii) Lyngkhat Area

(aa)   Lyngkhat-I / Kulumcherra & Lyngkhat-II/ Kulumcherra

The boundary shall be drawn from existing Boundary Pillar No. 1264/4-S to Boundary Pillar No 1265 and BP No 1265/6-S to 1265/9-S as per jointly surveyed and mutually agreed line.

(ab)   Lyngkhat-III/ Sonarhat

The boundary shall be drawn from existing Boundary Pillar No 1266/13-S along the nallah southwards till it meets another nallah in the east-west direction, thereafter it shall run along the northern edge of the nallah in east till it meets the existing International Boundary north of Reference Pillar Nos.1267/4-R-B and 1267/3-R-I.

(iv)   Dawki/ Tamabil area

The boundary shall be drawn by a straight line joining existing Boundary Pillar Nos 1275/1-S to Boundary Pillar Nos 1275/7-S. The Parties agree to fencing on „zero line" in this area.

(v)   Naljuri/ Sreepur Area

   (aa)   Naljuri I

The boundary shall be a line from the existing Boundary Pillar No 1277/2-S in southern direction upto three plots as depicted in the strip Map No 166 till it meets the nallah flowing from Boundary Pillar No 1277/5-T, thereafter it will run along the western edge of the nallah in the southern direction upto 2 plots on the Bangladesh side, thereafter it shall run eastwards till it meets a line drawn in southern direction from Boundary Pillar No 1277/4-S.

   (ab)   Naljuri III

The boundary shall be drawn by a straight line from existing Boundary Pillar No 1278/2-S to Boundary Pillar No 1279/ 3-S.

(vi)   Muktapur/ Dibir Hawor Area

The Parties agree that the Indian Nationals shall be allowed to visit Kali Mandir and shall also be allowed to draw water and exercise fishing rights in the water body in the Muktapur / Dibir Hawor area from the bank of Muktapur side.

   (c) Tripura Sector

(i)   Chandannagar-Champarai Tea Garden area in Tripura/ Moulvi Bazar sector

The boundary shall be drawn along Sonaraichhera river from existing Boundary Pillar

No 1904 to Boundary Pillar No 1905 as surveyed jointly and agreed in July 2011.

(d) Assam Sector

(i)   Kalabari (Boroibari) area in Assam sector

The boundary shall be drawn from existing Boundary Pillar No 1066/24-T to Boundary Pillar No 1067/16-T as surveyed jointly and agreed in August 2011.

(ii)   Pallathal area in Assam sector

The boundary shall be drawn from existing Boundary Pillar No. 1370/3-S to 1371/6-S to follow the outer edge of the tea garden and from Boundary Pillar No. 1372 to 1373/2-S along outer edge of the pan plantation.

ARTICLE 4

This Protocol shall be subject to ratification by the Government of the Republic of India and the Government of the People"s Republic of Bangladesh and shall enter into force on the date of exchange of Instruments of Ratification.

Signed at Dhaka on the Sixth day of September, 2011, in two originals in the English

language.

For the Government of the   For the Government of the

  Republic of India   People"s Republic of Bangladesh

-sd-   (-sd-)

(S.M. Krishna)   (Dipu Moni)

External Affairs Minister   Minister for Foreign Affairs

Appendix IV

DETAILS OF THE ENCLAVES

I.   EXCHANGEABLE INDIAN ENCLAVES IN BANGLADESH WITH AREA

A.   Enclaves with independent chhits

Sl. No.	Name of Chhits	Chhit No.	Lying within Police Station Bangladesh/ W.Bengal		Area in acres
1	Garati	75	Pochagar	Haldibari	58.23
2	Garati	76	Pochagar	Haldibari	0.79
3	Garati	77	Pochagar	Haldibari	18.00
4	Garati	78	Pochagar	Haldibari	958.66
5	Garati	79	Pochagar	Haldibari	1.74
6	Garati	80	Pochagar	Haldibari	73.75
7	Singimari Part-I	73	Pochagar	Haldibari	6.07
8	Nazirganja	41	Boda	Haldibari	58.32
9	Nazirganja	42	Boda	Haldibari	434.29

10	Nazirganja	44	Boda	Haldibari	53.47
11	Nazirganja	45	Boda	Haldibari	1.07
12	Nazirganja	46	Boda	Haldibari	17.95
13	Nazirganja	47	Boda	Haldibari	3.89
14	Nazirganja	48	Boda	Haldibari	73.27
15	Nazirganja	49	Boda	Haldibari	49.05
16	Nazirganja	50	Boda	Haldibari	5.05
17	Nazirganja	51	Boda	Haldibari	0.77
18	Nazirganja	52	Boda	Haldibari	1.04
19	Nazirganja	53	Boda	Haldibari	1.02
20	Nazirganja	54	Boda	Haldibari	3.87
21	Nazirganja	55	Boda	Haldibari	12.18
22	Nazirganja	56	Boda	Haldibari	54.04
23	Nazirganja	57	Boda	Haldibari	8.27
24	Nazirganja	58	Boda	Haldibari	14.22

25	Nazirganja	60	Boda	Haldibari	0.52
26	Putimari	59	Boda	Haldibari	122.80
27	Daikhata Chhat	38	Boda	Haldibari	499.21
28	Salbari	37	Boda	Haldibari	1188.93
29	Kajal Dighi	36	Boda	Haldibari	771.44

30	Nataktoka	32	Boda	Haldibari	162.26
31	Nataktoka	33	Boda	Haldibari	0.26
32	Beuladanga Chhat	35	Boda	Haldibari	0.83
33	Balapara Khagrabari	3	Debiganj	Haldibari	1752.44
34	Bara Khankikharija Gitaldaha	30	Dimla	Haldibari	7.71
35	Bara Khankikharija Gitaldaha	29	Dimla	Haldibari	36.83
36	Barakhangir	28	Dimla	Haldibari	30.53

37	Nagarjikabari	31	Dimla	Haldibari	33.41
38	Kuchlibari	26	Patgram	Mekliganj	5.78
39	Kuchlibari	27	Patgram	Mekliganj	2.04
40	Bara Kuchlibari	Fragment of J.L.107 of P.S Mekliganj	Patgram	Mekliganj	4.35
41	Jamaldaha-Belapukhari	6	Patgram	Mekliganj	5.24
42	Uponchowki Kuchlibari	115/2	Patgram	Mekliganj	0.32
43	Uponchowki Kuchlibari	7	Patgram	Mekliganj	44.04
44	Bhotbari	8	Patgram	Mekliganj	36.83
45	Balapukhari	5	Patgram	Mekliganj	55.91
46	Bara Khangir	4	Patgram	Mekliganj	50.51
47	Bara Khangir	9	Patgram	Mekliganj	87.42
48	Chhat Bagdokra	10	Patgram	Mekliganj	41.70

49	Ratanpur	11	Patgram	Mekliganj	58.91
50	Bagdokra	12	Patgram	Mekliganj	25.49
51	Pulkar Dabri	Fragment of J.L.101 of P.S Mekliganj	Patgram	Mekliganj	0.88
52	Kharkharia	15	Patgram	Mekliganj	60.74
53	Kharkharia	13	Patgram	Mekliganj	51.62
54	Lotamari	14	Patgram	Mekliganj	110.92

55	Bhotbari	16	Patgram	Mekliganj	205.46
56	Kamat Changrabandha	16 A	Patgram	Mekliganj	42.80
57	Kamat Changrabandha	17 A	Patgram	Mekliganj	16.01
58	Panisala	17	Patgram	Mekliganj	137.66

59	Dwarikamari Khasbash	18	Patgram	Mekliganj	36.50
60	Panisala	153/P	Patgram	Mekliganj	0.27
61	Panisala	153/O	Patgram	Mekliganj	18.01
62	Panisala	19	Patgram	Mekliganj	64.63
63	Panisala	21	Patgram	Mekliganj	51.40
64	Lotamari	20	Patgram	Mekliganj	283.53
65	Lotamari	22	Patgram	Mekliganj	98.85
66	Dwarikamari	23	Patgram	Mekliganj	39.52
67	Dwarikamari	25	Patgram	Mekliganj	45.73
68	Chhat Bhothat	24	Patgram	Mekliganj	56.11
69	Baskata	131	Patgram	Mathabhanga	22.35
70	Baskata	132	Patgram	Mathabhanga	11.96
71	Baskata	130	Patgram	Mathabhanga	20.48
72	Bhogramguri	133	Patgram	Mathabhanga	1.44
73	Chenakata	134	Patgram	Mekliganj	7.81

74	Banskata	119	Patgram	Mathabhanga	413.81
75	Banskata	120	Patgram	Mathabhanga	30.75
76	Banskata	121	Patgram	Mathabhanga	12.15
77	Banskata	113	Patgram	Mathabhanga	57.86
78	Banskata	112	Patgram	Mathabhanga	315.04
79	Banskata	114	Patgram	Mathabhanga	0.77
80	Banskata	115	Patgram	Mathabhanga	29.20
81	Banskata	122	Patgram	Mathabhanga	33.22
82	Banskata	127	Patgram	Mathabhanga	12.72
83	Banskata	128	Patgram	Mathabhanga	2.33
84	Banskata	117	Patgram	Mathabhanga	2.55
85	Banskata	118	Patgram	Mathabhanga	30.98
86	Banskata	125	Patgram	Mathabhanga	0.64
87	Banskata	126	Patgram	Mathabhanga	1.39

88	Banskata	129	Patgram	Mathabhanga	1.37
89	Banskata	116	Patgram	Mathabhanga	16.96
90	Banskata	123	Patgram	Mathabhanga	24.37
91	Banskata	124	Patgram	Mathabhanga	0.28
92	Gotamari Chhit	135	Hatibandha	Sitalkuchi	126.59
93	Gotamari Chhit	136	Hatibandha	Sitalkuchi	20.02
94	Banspachai	151	Lalmonirhat	Dinhata	217.29
95	Banspachai Bhitarkuthi	152	Lalmonirhat	Dinhata	81.71
96	Dasiar Chhara	150	Fulbari	Dinhata	1643.44
97	Dakurhat- Dakinirkuthi	156	Kurigram	Dinhata	14.27
98	Kalamati	141	Bhurungamari	Dinhata	21.21
99	Shahebganj	153	Bhurungamari	Dinhata	31.58

100	Seotikursa	142	Bhurungamari	Dinhata	45.63
101	Bara Goachulka	143	Bhurungamari	Dinhata	39.99
102	Gaochulka II	147	Bhurungamari	Dinhata	0.90
103	Gaochulka I	146	Bhurungamari	Dinhata	8.92
104	Dighaltari II	145	Bhurungamari	Dinhata	8.81
105	Dighaltari I	144	Bhurungamari	Dinhata	12.31
106	Chhoto Garaljhora II	149	Bhurungamari	Dinhata	17.85
107	Chhoto Garaljhora I	148	Bhurungamari	Dinhata	35.74
108	1 chhit without name & JL No at the southern end of JL no 38 & northwestern end of JL no 39 (Asokbari)	157	Patgram	Mathabhanga	3.50
B.	**Enclaves with fragmented chhits**				
109	(i) Bewladanga	34	Haldibari	Boda	862.46
	(ii) Bewladanga				

		Fragment	Haldibari	Debiganj	
110	(i) Kotbhajni	2	Haldibari	Debiganj	2012.27

	(ii) Kotbhajni	Fragment	Haldibari	Debiganj	
	(iii) Kotbhajni	Fragment	Haldibari	Debiganj	
	(iv) Kotbhajni	Fragment	Haldibari	Debiganj	
111	(i) Dahala	Khagrabari 1	Haldibari	Debiganj	
	(ii) Dahala	Fragment	Haldibari	Debiganj	
	(iii) Dahala	Fragment	Haldibari	Debiganj	
	(iv) Dahala	Fragment	Haldibari	Debiganj	
	(v) Dahala	Fragment	Haldibari	Debiganj	
	(vi) Dahala	Fragment	Haldibari	Debiganj	2650.35
	Total Area :			17160.63	

The above given details of enclaves have been jointly compared and reconciled with records held by India and Bangladesh during the Indo-Bangladesh Boundary Conference held at Calcutta during 9th -12th Oct 96 as well as during joint field inspection at Jalpaiguri (West Bengal) Panchagarh (Bangladesh) sector during 21-24 Nov.96.

Note: Name of enclave in Sl.No. 108 above has been identified as "Ashokabari" by joint ground verification during field season 1996-97.

Source: Ministry of External Affairs (2014), Government of India, New Delhi.

II.   EXCHANGEABLE BANGLADESH ENCLAVES IN INDIA WITH AREA

A.   Enclaves with independent chhits

Sl.No.	Name of Chhits	Lying within Police Station W.Bengal/ Bangladesh		J.L. No.	Area in acres
1	Chhit Kuchlibari	Mekliganj	Patgram	22	370.64
2	Chhit Land of Kuchlibari	Mekliganj	Patgram	24	1.83
3	Balapukhari	Mekliganj	Patgram	21	331.64
4	Chhit Land of Panbari No.2	Mekliganj	Patgram	20	1.13
5	Chhit Panbari	Mekliganj	Patgram	18	108.59
6	Dhabalsati Mirgipur	Mekliganj	Patgram	15	173.88

7	Bamandal	Mekliganj	Patgram	11	2.24
8	Chhit Dhabalsati	Mekliganj	Patgram	14	66.58
9	Dhabalsati	Mekliganj	Patgram	13	60.45
10	Srirampur	Mekliganj	Patgram	8	1.05
11	Jote Nijjama	Mekliganj	Patgram	3	87.54
12	Chhit Land of Jagatber No.3	Mathabanga	Patgram	37	69.84
13	Chhit Land of Jagatber No.1	Mathabanga	Patgram	35	30.66
14	Chhit Land of Jagatber No.2	Mathabanga	Patgram	36	27.09
15	Chhit Kokoabari	Mathabanga	Patgram	47	29.49
16	Chhit Bhandardaha	Mathabanga	Patgram	67	39.96
17	Dhabalguri	Mathabanga	Patgram	52	12.50
18	Chhit Dhabalguri	Mathabanga	Patgram	53	22.31
19	Chhit Land of Dhabalguri No.3	Mathabanga	Patgram	70	1.33

20	Chhit Land of Dhabalguri No.4	Mathabanga	Patgram	71	4.55
21	Chhit Land of Dhabalguri No.5	Mathabanga	Patgram	72	4.12
22	Chhit Land of Dhabalguri No.1	Mathabanga	Patgram	68	26.83
23	Chhit Land of Dhabalguri No.2	Mathabanga	Patgram	69	13.95
24	Mahishmari	Sitalkuchi	Patgram	54	122.77

25	Bura Saradubi	Sitalkuchi	Hatibandha	13	34.96
26	Palnapur	Sitalkuchi	Patgram	64	506.56
27	Amjhol	Sitalkuchi	Hatibandha	57	1.25
28	Kismat Batrigachh	Dinhata	Kaliganj	82	209.95
29	Durgapur	Dinhata	Kaliganj	83	20.96
30	Bansua Khamar Gitaldaha	Dinhata	Lalmonirhat	1	24.54
31	Paoturkuthi	Dinhata	Lalmonirh	37	589.94

			at		
32	Paschim Bakalir Chhara	Dinhata	Bhurunga mari	38	151.98
33	Madhya Bakalir Chhara	Dinhata	Bhurunga mari	39	32.72
34	Purba Bakalir Chhara	Dinhata	Bhurunga mari	40	12.23
35	Madhya Masaldanga	Dinhata	Bhurunga mari	3	136.66
36	Madhya Chhit Masaldanga	Dinhata	Bhurunga mari	8	11.87
37	Paschim Chhit Masaldanga	Dinhata	Bhurunga mari	7	7.60
38	Uttar Masaldanga	Dinhata	Bhurunga mari	2	27.29
39	Kachua	Dinhata	Bhurunga mari	5	119.74
40	Uttar Bansjani	Tufanganj	Bhurunga mari	1	47.17

41	Chhat Tilai	Tufanganj	Bhurunga mari	17	81.56

B. **Enclaves with Fragmented Chhits**

42	(i) Nalgram	Sitalkuchi	Patgram	65	
	(ii) Nalgram (Fragment)	Sitalkuchi	Patgram	65	
	(iii) Nalgram (Fragment)	Sitalkuchi	Patgram	65	1397.34
43	(i) Chhit Nalgram	Sitalkuchi	Patgram	66	
	(ii) Chhit Nalgram (Fragment)	Sitalkuchi	Patgram	66	49.50
44	(i) Batrigachh	Dinhata	Kaliganj	81	
	(ii) Batrigachh (Fragment)	Dinhata	Kaliganj	81	577.37
45	(i) Karala	Dinhata	Phulbari	9	
	(ii) Karala (Fragment)	Dinhata	Phulbari	9	269.91
	(iii) Karala (Fragment)	Dinhata	Phulbari	9	

46	(i) Sibprasad Mustafi	Dinhata	Phulbari	8	
	(ii) Sibprasad Mustafi (Fragment)	Dinhata	Phulbari	8	373.20
47	(i) Dakshin Masaldanga	Dinhata	Bhurungamari	6	
	(ii) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(iii) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(iv) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(v) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(vi) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	571.38
48	(i) Paschim Masaldanga	Dinhata	Bhurungamari	4	
	(ii) Paschim Masaldanga (Fragment)	Dinhata	Bhurungamari	4	29.49
49	(i) Purba Chhit Masaldanga	Dinhata	Bhurungamari	10	

	(ii) Purba Chhit Masaldanga (Fragment)	Dinhata	Bhurungamari	10	35.01
50	(i) Purba Masaldanga	Dinhata	Bhurungamari	11	
	(ii) Purba Masaldanga (Fragment)	Dinhata	Bhurungamari	11	153.89
51	(i) Uttar Dhaldanga	Tufanganj	Bhurungamari	14	
	(ii) Uttar Dhaldanga (Fragment)	Tufanganj	Bhurungamari	14	
	(iii) Uttar Dhaldanga (Fragment)	Tufanganj	Bhurungamari	14	24.98

The above given details of enclaves have been jointly compared and reconciled with records held by India and Bangladesh during the Indo-Bangladesh Boundary Conference held at Calcutta during 9th -12th Oct 96 as well as during joint field inspection at Jalpaiguri (West Bengal) - Panchagarh (Bangladesh) sector during 21-24 Nov. 96.

Sd/- 9.4.97   Sd/- 9.4.97

Brig. J R Peter   Md. Shafi Uddin

Director Land Records & Survey   Director General, Land Records

(Ex-Officio) West Bengal. India   and Surveys. Bangladesh

&

Director, Eastern Circle

Survey of India, Calcutta

Appendix V

DETAILS OF THE ADVERSE POSSESSIONS

Adverse Possession areas to be acquired by India

West Bengal	Areas in Acres
Berubari and Singhpara-Khudipara (Panchagarh-Jalpaiguri)	1374.99
Pakuria (Khustia-Nadia)	576.36
Char Mahishkundi	393.33
Haripal/LNpur (Patari)	53.37
Sub Total	**2398.05**
Meghalaya	
Pyrdiwah	193.516
Lyngkhat I	4.793
Lyngkhat II	0.758
Lyngkhat III	6.94
Dawki/Tamabil	1.557
Naljuri I	6.156
Naljuri II	26.858
Sub Total	**240.578**
Tripura	

	Area in Acres
Chandannagar (moulvi Bazar-Uttar Tripura)	138.41
Sub Total	**138.41**
Total	**2777.038**

Adverse Possession areas to be transferred to Bangladesh

West Bengal	Area in Acres
Bousmari-Madhugari (Khustia-Nadia)	1358.25
Andharkota	338.79
Berubari (Panchagarh-Jalpaiguri)	260.55
Sub Total	**1957.59**
Meghalaya	
Lobachera-Nuncherra	41.702
Sub Total	41.702
Assam	
Thakurani Bari-Kalabari (Baroibari) (Kurigram-Dubri)	193.85
Pallathal (Maulvi Bazar – Karimganj)	74.54
Sub Total	**268.39**
Total	**2267.682**

Source: Ministry of External Affairs (2014), Government of India,

New Delhi.

TREATY
BETWEEN
THE
THE REPUBLIC OF INDIA
AND
PEOPLE'S REPUBLIC OF BANGLADESH
RELATING TO EXTRADITION

The Government of the Republic of India and of the People's Republic of Bangladesh

Desiring to make more effective the cooperation of the two countries in the suppression of crime by making further provision for the reciprocal extradition of offenders;

Recognizing that concrete steps are necessary to combat terrorism;

Have agreed as follows:

Article 1
Obligation to Extradite

1.   The Contracting States agree to extradite to each other, subject to the provisions of this Treaty, persons found in the territory of one of the Contracting States who have been proceeded against for or have been charged with or have been found guilty of, or are wanted for the enforcement of a judicially pronounced penalty for committing an extraditable offence, as described in Article 2, by the judicial authority of the other Contracting State.

2.   With respect to an extraditable offence committed outside the territory of the Requesting State, the Requested State shall grant extradition, subject to the provisions of this Treaty, if its laws would provide for the punishment of such an offence in comparable circumstances.

Article 2
Extradition Offences

1.   An extradition offence for the purposes of this Treaty is constituted by conduct which under the laws of each Contracting State is punishable by a term of imprisonment for a period of at least one year.

2   An offence may be an extradition offence notwithstanding that it relates to taxation or revenue or is one of a purely fiscal character.

3.   In determining whether an offence is an offence punishable under the laws of both Contracting States, it shall not matter whether the law of both Contracting States place the act or omission constituting the offence within the same category of offence or denominate the offence by same terminology.

4.   Extradition shall also be granted is respect of an attempt to commit or aiding, abetting, inciting or participating as an accomplice in the commission of an extraditable offence.

Article 3
Composite Offences

Extradition shall be available in accordance with this Treaty for an extradition offence, notwithstanding that the conduct of the person sought occurred wholly or in part in the Requested State, if under the law of that State this conduct and its effects, or its intended effects, taken as a whole, would be regarded as constituting the commission of an extradition offence in the territory of the Requesting State.

Article 4
Central Authority

The Central Authority for the Republic of India shall be the Ministry of External Affairs and the Central Authority for the People's Republic of Bangladesh shall be the Ministry of Home Affairs. Each Contracting State shall inform the other Contracting State of any change of the Central Authority through diplomatic channels.

Article 5
Extradition of Nationals

Nothing in this Treaty shall preclude the extradition by the Requested State of its nationals either in respect of a territorial offence or in respect of an extraterritorial offence.

Article 6
The Political Offence Exception

1.   Extradition may be refused if the offence of which it is requested is an offence of a political character.

2.   For the purpose of this Treaty the following offences shall not be regarded as offences of a political character:

(a)   any acts or omissions which are punishable as a criminal offence according to the obligations under multilateral treaties to which both Contracting States are Party;

(b)   murder;

(c)   manslaughter or culpable homicide;

(d)   assault occasioning actual bodily harm, or causing injury, maliciously wounding or inflicting grievous bodily harm whether by means of a weapon, a dangerous substance or otherwise;

(e)   the causing of an explosion likely to endanger life or cause serious damage to property;

(f)   the making or possession of an explosive substance by a person who intends either himself or through another person to endanger life or cause serious damage to property;

(g)   the possession of a firearm or ammunition by a person who intends either himself or through another person's to endanger life;

(h)   the use of a firearm by a person with intent to resist or prevent the arrest or detention of himself or another person;

(i)   damaging property whether used for public utilities or otherwise with intent to endanger life or with reckless disregard as to whether the life of another would thereby be endangered;

(j)   kidnapping, abduction, false imprisonment or unlawful detention, including the taking of a hostage;

(k)   incitement to murder;

(l)   any other offence related to terrorism which at the time of the request is, under the law of the Requested party, not to be regarded as an offence of a political character;

(m) an attempt or conspiracy to commit any of the foregoing offences or participation as an accomplice of a person who commits or attempts to commit such an offence.

Article 7
Extradition and Prosecution

1. The request for extradition may be refused by the Requested State if the person whose extradition is sought may be tried for the extradition offence in the courts of that State.

2. Where the Requested State refuses a request for extradition for the reason set out in paragraph 1 of this Article, it shall submit the case to its competent authorities so that prosecution may be considered. Those authorities shall take their decision in the same manner as in the case of any offence of a serious nature under the law of that State.

3. If the competent authorities decide not to prosecute in such a case, the request for extradition shall be reconsidered in accordance with this Treaty.

Article 8
Grounds for Refusal of Extradition

1. A person may not be extradited if:

(a) he satisfies the Requested State that it would, having regard to all the circumstances, be unjust or oppressive to extradite him by reason of :

(i) the trivial nature of the offence of which he is accused or was convicted; or

(ii) the passage of time since he is alleged to have committed it or to have become unlawfully at large, as the case may be ; or

(iii) the accusation against him not having been made in good faith in the interests of justice; or

(b) the offence of which he is accused or convicted is a military offence which is not also an offence under the general criminal law.

2. A person who has been convicted of an extradition offence may not be extradited therefor unless he was sentenced to

imprisonment or other form of detention for a period of four months or more.

3.   A person may not be extradited if he would, if proceeded against in the territory of the Requested State for the offence for which his extradition is requested, be entitled to be discharged under any rule of law of the Requested State relating to previous acquittal or conviction.

Article 9
Temporary Surrender

To the extent permitted by its law, where a person serving a sentence in the Requested State has been found extraditable, the Requested State may temporarily surrender the person sought for the purpose of prosecution to the Requesting State in accordance with conditions to be determined between the Contracting States. A person who is returned to the Requested State following a temporary surrender may be finally surrendered to the Requesting State to serve any sentence imposed, in accordance with the provisions of this Treaty and existing law of the requested country.

Article 10
Extradition Procedures

1.   The request for extradition under this Treaty shall be made through the diplomatic channel.

2.   The request shall be accompanied by :

(a)   as accurate a description as possible of the person sought, together with any other information which would help to establish his identity, nationality and residence;

(b)   a statement of the facts of the offence for which extradition is requested, and

(c)   the text, if any, of the law : (i) defining that offence; and (ii) prescribing the maximum punishment for that offence.

3.   If the request relates to an accused person, it must also be accompanied by a warrant of arrest issued by a judge, magistrate or other competent authority in the territory of the Requesting State and by such evidence as, according to the law of the Requested State, would justify his committal for trial if the offence had been committed in the territory of the Requested

State, including evidence that the person requested is the person to whom the warrant of arrest refers.

4.   If the request relates to a person already convicted and sentenced, it shall also be accompanied :

(a)   by a certificate of the conviction and sentence;

(b)   by a statement that the person is not entitled to question the conviction or sentence and showing how much of the sentence has not been carried out.

5.   If the Requested State considers that the evidence produced or information supplied for the purposes of this Treaty is not sufficient in order to enable a decision to be taken as to the request, additional evidence or information shall be submitted within such time as the Requested State shall require.

Article 11
Provisional Arrest

1.   In case of urgency, one Contracting State may request the other Contracting State to provisionally arrest the person sought. Such request shall be made in writing and transmitted to the Central Authority of the Requested State through diplomatic channels.

(2)   The application for provisional arrest shall contain:

(a)   an indication of intention to request the extradition of the person;

(b)   a statement about the reason for urgency;

(c)   information concerning identity, nationality and probable location and a description of the person;

(d)   a brief description of the offence and the punishment prescribed there under;

(e)   A brief statement of the facts of the case, including, if possible, the time and the location of the offence;

(f)   a statement of the existence of a warrant of arrest or a judgment of conviction against the person; and

3.   The Requesting State shall be notified without delay of the result of its request.

4.   A person arrested upon such an application shall be set at liberty upon the expiration of 60 days from the date of his arrest if request for his extradition shall not have been received. This provision shall not prevent the institution of further proceedings for the extradition of the person sought if a request is subsequently received.

Article 12
Rule of Specialty

1.   Any person who is returned to the territory of the Requesting State under this Treaty shall not, during the period described in paragraph (2) of this Article, be dealt with in the territory of the Requesting State for or in respect of any offence committed before he was returned to that territory other than:

(a)   the offence in respect of which he was returned;

(b)   any lesser offence disclosed by the facts proved for the purposes of securing his return other than an offence in relation to which an order for his return, could not lawfully be made; or

(c)   any other offence in respect of which the Requested Party may consent to his being dealt with other than an offence in relation to which an order for his return could not lawfully be made or would not in fact be made.

2.   The period referred to in paragraph (1) of this Article is the period beginning with the day of his arrival in the territory of the Requesting State or his return under this Treaty and ending forty-five days after the first subsequent day on which he has the opportunity to leave the territory of the Requesting State.

3.   The provisions of paragraph (1) of this Article shall not apply to offences committed after the return of a person under this Treaty or matters arising in relation to such offences.

4.   A person shall not be re-extradited to a third State, except when, having had an opportunity to leave the territory of the State to which he has been surrendered, he has not done so within sixty days of his final discharge, or has returned to that territory after having left it.

Article 13
Evidence

1 The authorities of the Requested State shall admit as evidence, in any proceedings for extradition, any evidence taken on oath or by way of affirmation, any warrant and any certificate of, or judicial document stating the fact of, a conviction, if it is authenticated:

(a) (i) in the case of a warrant being signed, or in the case of any original document by being certified, by a judge, magistrate or other competent authority of the Requesting State; and

(ii)   either by oath of some witness or by being sealed with the official seal of the appropriate Minister of the Requesting State; or

(b)   In such other manner as may be permitted by the law of the Requested State.

2   The evidence described in paragraph (1) shall be admissible in extradition proceedings in the Requested State whether sworn or affirmed in the Requesting State or in some third State.

Article 14
Competing Requests

If extradition of the same person whether for the same offence or for different offences is requested by a Contracting State and a third State with which the Requested State has an extradition arrangement, the Requested State shall determine to which Contracting State it will surrender the person. In making its decision, the Requested State shall consider all relevant factors, including but not limited to :

(a)   whether the requests were made pursuant to a treaty;

(b)   the place where such offence was committed;

(c)   the respective interests of the Requesting States;

(d)   the gravity of the offences;

(e)   the nationality of the victim;

(f)   the possibility of further extradition between the Requesting States; and

(g)   the chronological order in which the requests were received from the Requesting State.

Article 15
Languages

While complying with the present Treaty, the Contracting Parties shall use their national language attaching the translation in the national language of the other Contracting Party or in the English language.

Article 16
Surrender

1.   If extradition is granted, the person sought shall be sent by the authorities of the Requested State to such convenient point of departure from the territory of that State as the Requesting State shall indicate.

2.   The Requesting State shall remove the person sought from the territory of the Requested State within one month or such longer period as may be permitted under the law of the Requested State. If he is not removed within that period, the Requested State may refuse to extradite him for the same offence.

Article 17
Surrender of Property

1.   When a request for extradition is granted, the Requested State shall, upon request and so far as its law allows, hand over to the Requesting State articles (including sums of money) which may serve as proof or evidence of the offence.

2.   If the articles in question are liable to seizure or confiscation in the territory of the Requested State, the latter may, in connection with pending proceedings, temporarily retain them or hand them over on condition that they are returned.

3.   These provisions shall not prejudice the rights of the Requested State or any person other than the person sought. When these rights exist the articles shall on request be returned to the Requested State without charge as soon as possible after the end of the proceedings.

Article 18
Mutual Legal Assistance in Extradition

Each Contracting State shall, to the extent permitted by its law, afford the other the widest measure of mutual assistance in criminal matters in connection with the offence for which extradition has been requested.

Article 19
Documents and Expenses

1.   If in any particular case the Requested State so requires, the Requesting State shall supply a translation of any document submitted in accordance with the provisions of this Treaty.

2.   Expenses incurred in the territory of the Requested State by reason of the request for extradition shall be borne by that State.

3.   The Requested State shall make all the arrangements which shall be requisite with respect to the representation of the Requesting State in any proceedings arising out of the request.

Article 20
Obligations under International Conventions/Treaties

The present Treaty shall not affect the rights and obligations of the Contracting States arising from International Conventions/Treaties to which they are parties.
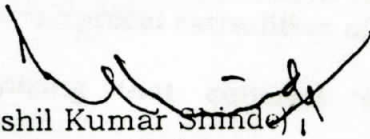

Article 21
Final provisions

1.   The present Treaty shall apply to requests made after its entry into force, even if the relevant acts or omissions occurred prior to that date.

2   This Treaty shall be subject to ratification and the instruments of ratification shall be exchanged as soon as possible. It shall enter into force on the date of the exchange of instruments of ratification.

3.   Either of the Contracting States may terminate this Treaty at any time by giving notice to the other through the diplomatic channel; and if such notice is given the Treaty shall cease to have effect six months after the receipt of the notice.

In witness whereof, the Undersigned being duly authorized thereto by their respective Governments, have signed this Treaty.
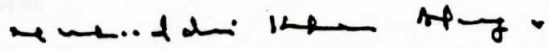
Done in duplicate at Dhaka this the Twenty Eighth day of the month of January of the year Two Thousand and Thirteen, in Hindi, English and Bangla, all languages being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

On behalf of the Government
of the Republic of India

On behalf of the Government
of the People's Republic of
Bangladesh

(Sushil Kumar Shinde)
Home Minister

(Dr. Muhiuddin Khan Alamgir)
Home Minister