

**INDIA AND BANGLADESH: CHALLENGES TO
ITS LAND BORDER MANAGEMENT**

*Dissertation submitted to the Jawaharlal Nehru University
in partial fulfillment of the requirements
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PRASANTA SAHOO



**DIVISION OF SOUTH ASIAN STUDIES,
CENTRE FOR SOUTH, CENTRAL, SOUTH EAST ASIAN
AND SOUTH WEST PACIFIC STUDIES,
SCHOOL OF INTERNATIONAL STUDIES,
JAWAHARLAL NEHRU UNIVERSITY,
NEW DELHI-110067
INDIA
2004**



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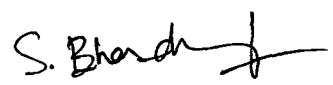
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CERTIFICATE

This is to certify that this dissertation entitled, "INDIA AND BANGLADESH: CHALLENGES TO ITS LAND BORDER MANAGEMENT" submitted by PRASANTA SAHOO in partial fulfillment of the requirements for the award of the degree of MASTER OF PHILOSOPHY, has not been previously submitted for any degree of this or any other university and this is his own work.

We recommended that this dissertation may be placed before examiners for evaluation.


PROF. UMA SINGH
(CHAIRPERSON)


DR. SANJAY K. BHARDWAJ
(SUPERVISOR)

CHAIRPERSON
Centre for South, Central, South East
Asian and South West Pacific Studies
School of International Studies
Jawaharlal Nehru University
New Delhi-110067

SUPERVISOR
Centre for South, Central, South East
Asian and South West Pacific Studies
School of International Studies
Jawaharlal Nehru University,
New Delhi-110067

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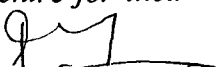
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Prasanta Sahoo

PREFACE

“Border Management” has become an important task not only for the South Asian countries but also, the world as a whole. Being the centerpiece of South Asia, almost all South Asian countries share a common border with India, which has made the task of border management challenging one. However, managing border is a complex proposition in the present world order.

The concept border management must be interpreted in its widest sense as it implies coordination and concerted action by political leadership and administration, including diplomatic, security, intelligence, legal, regulatory and economic agencies. However, in broad sense, border management, is a comprehensive package which involves defending the border in times of war, securing the borders in times of peace, ensuring that there are no unauthorised movements of men, taking steps against smuggling of arms, explosives, narcotics and any other kind of contraband items, using sophisticated technological devices to supplement the human effort, coordinating the intelligence inputs from various agencies and ensuring that the socio-economic development of border population takes place. The study will also analyses critically the nature of the Indo-Bangladesh land border. The diverse nature of the border has lends to the complexities of the management process. The ‘hot’ to ‘tepid’ Indian borders faces severe threats to its internal security. It is thus, necessary to adopt a “holistic approach” in formulating a comprehensive strategy towards improvement of border management.

The concept of border and border security has also undergone a sea change with the growing vulnerability due to the globalization. In response to the gradual expansion and strengthening of security so far, mainly among what has long been perceived as a sensitive land border. The transgressor (anti-national elements) is already on the lookout for the soft gaps either on land or along the coast and if needed be, through our air. The transgressors, with unprecedented money power access to the latest technology, organizational strength, maneuverability and scope for strategic alliances with other like-minded groups, can select their threat of action for surprise strikes.

Border problem between India and Bangladesh goes back to the history of “partition of India through Radcliffe Award”. Sir Cyril Radcliffe was partitioned the Indian Territory into two sovereign countries with the assistance of two Boundary Commissions (Punjab Boundary Commission and the Bengal (and Sylhet) Boundary

Commission), which is known as the “Radcliffe Award”. The Radcliffe Award was announced by 17 August 1947. The Radcliffe Award, which was proved failed later on, demarcated the boundary line between India and Pakistan—East and West Pakistan separately—give rise to a numbers of boundary disputes among three countries of India, Pakistan and Bangladesh. Therefore it is said that the origin of the border problem should be traced to the Radcliffe commission’s ‘blunder line’.

This study will try to discuss critically all the problems relating to the Indo-Bangladesh border. India and Bangladesh share a land border of 4, 096 kms. The non-demarcation of 6.5 kms of land border on the Commila-Tripura makes the border question unresolved by cause of several problems.

At last but not the least, the biggest dispute is about the adversarial possession of enclaves. Bangladesh was carved out of the provinces of Bengal and Assam (the then East Pakistan) and inherited the same border and border problem with India. The major bone of contention is the 111 Indian enclaves (locally known as Chits) in Bangladesh territory and 52 Bangladeshi territory in the reverse. There are also 49 adverse possession of lands in Bangladesh territory and 53 adverse lands in the reverse possession.

This study analyses critically the present challenges to the Indo-Bangladesh land border management. While the Indo-Bangladesh land border have from time to time received the government’s attention primarily because of the war with Pakistan and the problem of insurgency, illegal migration, drug trafficking and smuggling activities and particularly border clashes with Bangladeshi security force and the same can not be said of our coastal areas or airspace.

In the last but not the least, the study will critically analyses not only the reason of the dispute but also the process of negotiations and the formed agreements (The Radcliffe Award of 1947, The Bagge Award of 1950, The Nehru-Noon Agreement of 1958, the Land Boundary Agreement of 1974, the Group of Ministers’ Report of 2001 and other small agreements) which emerged would be covered and the long-term effects if any of these agreements on the border plan-work of Indo-Bangladesh relations, which would be reflect in my subsequent chapters.

The study is divided into five chapters.

The first chapter entitled, “Introduction”. It will deal with the theoretical perspectives, which analyses the existing theories regarding the border and the border disputes. The

main focus was on the reasons of border disputes in South Asia and particularly Indo-Bangladesh border. At the same time it also put an attempt on the management process.

The second chapter entitled, “Indo-Bangladesh border: Origin and Nature”. This chapter is very important which will give the history/background of the origin of the border disputes between India and Bangladesh. Sir Cyril Radcliffe who had partitioned the Indian sub-continent into two parts and which again divided into another part later on. Bangladesh which was an integral part of Pakistan separated in 1971. It will also discuss about the nature of Indo-Bangladesh border.

The third chapter entitled, “Indo-Bangladesh Border: Land Border Disputes”. This chapter will historically discuss the border disputes between India and Bangladesh (earlier East Pakistan). This chapter basically divided into two parts e.g., land border disputes and enclaves. The adverse possession of enclaves is the root cause of all problems. There are also adversarial possessions of lands on both the sides. There are several complications on the exchange of enclaves including adversarial possessions and implementation of the treaties relating to the exchange.

The fourth chapter entitled, “Indo-Bangladesh Border: Challenges to its Management”, which deals with the challenges that come on the way of managing the Indo-Bangladesh land border. There are several challenges—internal and external and also natural and artificial—which will discuss in detail. This chapter will also deal with the lacunas in present day management process.

In the last but not the least, these will be followed by “Conclusion: Prospects for Comprehensive Border Management” arrived at after an assessment of the data and facts collected, including some futuristic analysis. The basic thing of this is that it will analyses detail about the management process, effectiveness and efficiency of India’s management system. While making the concluding remarks it will try to find out some viable, reliable and relevant ways, means, methods and techniques for managing the Indo-Bangladesh land border and will also raises issues related to future prospects of border management.

INTRODUCTION

“Border Management” has become an important task not only for the South Asian nation-states but also, the world as whole. Being the centerpiece of South Asia, almost all South Asian countries share a common border with India, which has made the task of border management challenging one. However, managing border is a complex proposition in the present world order.

One of the four important characteristics of nation-states is its territory, over which it exercises its complete sovereignty. Territorial sovereignty is zealously guarded by states, and nothing is allowed to interfere, in the exercise of this right. Boundary or Borders,¹ as it is inextricably linked with the state system, separates the area subject to different political control or sovereignty. The relations between two neighbouring nation-states are largely depends on this boundary system. The relations “reach their most critical stage in the form of problems relating to territory. Boundary disputes, conflicting claim to newly discover land and invasions by expanding nations into territory of weaker neighbours have been conspicuous among the causes of war.”²

Frontier or boundary making has been a constantly repeated activity in the course of human history, but the characteristics of frontiers have varied considerably over time. Frontiers between states in post-reformation Europe more and resembled one another and became rooted, as institutions, in a common fund of ideas. Ideas of sovereignty, exclusive control over contiguous territory, the nation-states and the juridical equality of states in an international society regulated by a voluntary acceptance of international law regulated in the spread of a common understanding of the frontiers of states.

Certain periods have, in retrospect, made significant contributions to the ideas on which modern states frontiers are based—the Roman empire for notions of territoriality, ‘the universalistic’ doctrines of the Middle Ages which offered an

¹ There is of course a technical difference between boundary and border, although both are often used interchangeably. While boundary refers to the lines separating two state-systems, the adjacent areas, which fringe the boundary, are called border. Again when we talk of boundary we refer to land, maritime and air boundaries, although it is land boundary, which is often used to mean what we generally understand by boundary. J.V.R Presscott, *Political Frontier and Boundaries*, (London: Allen and Unwin, 1987), p. 1.

² Norman.L Hill, *Claim to Territory in International Law and Relations*, (Wesport: Greenwood Press, 1976), p. 3.

alternative project to the hardened frontiers of the states which emerged in Europe from the fifteenth century onwards, the development of the frontiers of France which prefigured those of the other European notions of the frontier after the colonizing of lands in other continents, and the challenges to the frontier of the sovereign state in the post-second world war international system.. These landmarks in the history of frontiers mark an evolution in terms of stability of frontiers and the complexity of frontier functions.³

Although it is now widely accepted that each frontier is intrinsically unique so defies simpler categorization, there have been various attempts to classify so-called 'frontiers'. As early as 1907 Lord Curzon, no doubt reflecting on his experience as Viceroy of India, distinguished between 'frontiers of separation' and 'frontiers of contact', a contrast that geographers subsequently developed. From the later Middle Age onwards, however, a growing concept of territorial sovereignty conferred a more territorial definition upon political borders, which gradually heightened the importance of the boundaries of the kingdoms the expense of other divisions; local, pacific boundaries eventually merged with militarised state frontier defence into a single concept of sovereign divisions between states.

Political geographers believe that the three terms 'frontier', 'border' and 'boundary' treat as synonymous, while retaining a profoundly persistent conception that all three are linear. Thus we are accustomed to thinking of a 'frontier' as an enforceable boundary line or border that not only marks the territorial limits of a particular states' authority, but also divides that state peacefully from its neighbouring states.⁴

Although in common speech the term 'frontier', 'border' and 'boundary' are used interchangeably, there is a marked distinction between the three. Frontier, border and boundary have meant different meaning to different people during the last hundred years. 'Frontier' has been used to signify a frontier line without width and precisely marking a state's external limits. It was also meant a frontier zone of varying width, of areas beyond and within, along the line. The utilisation of the word frontier as covering lines, zones and land and both for a state by itself as a well as contiguous

³ Malcolm Anderson, *Frontiers Territory and State Formation in the World*, (Malden: Blackwell Publishers Inc., 1997), p.12.

⁴ Daniel Power and Naomi Standen (Eds.), *Frontiers in Question: Eurasian Borderlands (700-1700)*, (New York: St. Martin's Press Inc., 1999), p.13.

states, has become so entrenched in practice that it seems best to accept it as an all-purpose word.

“Border” has had a history similar to frontier has been an equal all-embracing term and can now be accepted as the synonym of frontier. One can use it more specifically as borderline, border zone, borderland, and etc. Unlike the above two terms, “Boundary” has a fairly well accepted meaning. It is a line without with, often having endured the process of demarcation and thus the equivalent of the “frontier line”. If its status has to be indicated, one may qualify it as “demarcated boundary” “undemarcated boundary” etc.⁵

Boundary represents the line of physical contact between states and affords opportunities for cooperation and discord. Boundaries are the frameworks of the nation. At this juncture, it would be pertinent to note, the definition of boundary, frontier and border and more particularly, the distinction between the three. V. Adami, an outstanding scholar defined boundary as “that line which marks the limits of the region within which the state can exercise its own sovereign rights”.⁶ A frontier on the other hand signifies a zone or region having width as well as length, where as a border denotes a line.⁷

More than hundreds of boundary disputes at present, throughout the world have always been threats to a peaceful world order. Territorial disputes are the most irritating aspects of relations among nations besides ideology. Thousands of war has been fought on this account since the inception of the nation-state system. The boundary and the adjacent territory called “border” forms, the epidermis of this organism and provide protection and allow exchanges to occur. In this regard, Sir Thomas Holdich is clearer when he stated that, “a frontier is but a vague and indefinite term until the boundary sets a hedge between it and the frontier of a neighbouring state”.⁸

⁵ Surya P. Sharma, *Delimitation of Land and Sea Boundaries between Neighbouring Countries*, (New Delhi: Lancer Books, 1989), pp.1-6; More See Sharma's *International Boundary Disputes and International Law: A Policy Oriented Study*, (Bombay: N. M. Tripathy Pvt. Ltd., 1976) And also see T.S.Muthy's *Frontier Change Concept*, (New Delhi: Patil and Patil Publishers, 1978), p.17.

⁶ V. Adami, *National Frontiers in Relation to International Law 3*, Tr. By T. T., (London: Behrens, 1927).

⁷ L.K.D. Kristof, *The Nature of Frontiers and Boundaries*, 49 *Annals*, Association of American Geographer xlix, pp. 269-271, 1959.

⁸ Sir Thomas H. Holdich, *Political Frontiers and Boundary Making*, (London, 1916), pp.1-10.

There is continuing misconception among scholars in regard to distinction between disputes concerning international boundaries and the acquisition of territory. The confusion stems from the fact that issues and policies regarding the two types of disputes are, in their external manifestation, very much alike, and viewed from this angle, there might not appear any realistic distinction between the two. More broadly conceived both boundary and territorial questions are indeed part of the larger questions of territorial sovereignty.

Both types of disputes entail comparable set of claims and counter-claims and legal policies. Whether it be a boundary issue or a territorial issue, one state, in a typical manner, would assert that it has been exercising sovereignty and jurisdiction in the disputed area; that there are certain valid international treaties to govern the location of boundary; that there are certain distinctive natural and geographical features of the contested boundary or territory endowed with legal sanction; that is the legal inheritor of the boundaries or territories of the predecessor state; that the adversary state has employed coercion against it as a unilateral method to realise its boundary or territorial claims and so on.

Boundary disputes arise when two (or more) adjacent governments contend about the line to be drawn between their respective territorial domains. In such cases it is common ground that both (or more) states have lawful claims to adjacent territory. The real question to be decided is how this territory can be divided between them. There is an implicit understanding that both sides have claims to adjacent territory, but what is contested is the actual location of the boundary. On the otherhand, a territorial dispute arises when one government seeks to supersede or eliminate another in relation to a particular land area.

In terms of detailed application of legal rules and policies, it has been found that while territorial questions involve traditional rules regarding modes of acquisitions of title (e.g., discovery, occupation, conquest, cession or prescription), the boundary questions involve those rules which are relevant to specifying functions performed in the fixation and maintenance of boundaries (e.g., determination, delimitation, demarcation and administration) though in particular instances, traditional rules about "title" may also become relevant. At the same time it must be understood that there is no absolute dichotomy between boundary dispute and territorial disputes. To some extent both are inseparable and interdependent, and there is some scope for them to overlap in specific situations.

Fredrick Ratzal, the German Geographer asserts, political balance between countries is to a large extent depends on the characteristics of border between them⁹. Spykman, an American political scientist also supports Ratzal's notion when he says, boundary changes will be indications of a shift in the balance of forces caused either by an increase in driving force on one side of the frontier or by a decrease in resistance on the other.

From this point of view boundary can be summed up:

- (a) As the area within which the growth and decline of state is organised;
- (b) As a dynamic feature when fixed it witness a temporary halt in political expansion;
- (c) As a temporary line where opposed power of neighbouring states is neutralised; and
- (d) As a line of power equilibrium.

Although one may argue that since 1945 most of the changes in the balance of power between adjoining states have not been accompanied by any changes in the position of international boundaries rather have been affected by ideological, economic and military factors. It is not worth denying that Great Britain lost most of its colonies with relatively decline in its power and erstwhile Soviet Union disintegrated into pieces with the lose of its super power status.¹⁰

Therefore, fixing of a boundary line involves a four-fold procedure. Jones, who has called boundaries as the functional features of the face of earth, has provided the four-fold functional classification as follows:

- (i) Allocation-It is a process, which refers to political decision on the distribution of territory. It is the initial stage when decision regarding political settlement is made.
- (ii) Delimitation-The process of delimitation entails specifying of the general criteria for the location of the boundary line and its detailed description in a treaty, an arbitral award, or a boundary commission's report. As such, the term delimitation refers to all the proceedings associated with the choice of a specific boundary site and definition, with or without map, in the formal instrument.
- (iii) Demarcation-The process of demarcation involves the actual relation of the criteria of delimitation to the ground. Thus, it amounts to identification of the

⁹Sir Thomas H. Ratzal, *Politische Geographie*, (Muchen: Von. R. Oldenburg, 1923).

¹⁰Surya P. Sharma, *International Boundary Disputes and International Law*, (Bombay: N.M.Tripathy Pvt. Ltd., 1976).

delimited line in the landscape, erection of the pillars, monuments and buoys or other visible features to mark the line, and the maintenance of the boundary markings.

(iv) Administration-This function is concerned with the regulation of the activities in relation to the line so demarcated. It involves bulk of problems that come up with people passing back and forth, especially the regulation of various small problems associated with existence and maintenance of the boundary.¹¹

It would be necessary to discuss briefly the principal types of procedures available for resolving such conflicts. The first and perhaps the oldest method of course war. Recourse to war by either party to solve a border dispute would depend upon a number of factors—the strategic and economic value of the territory in question, the relative armed strength available on each side etc...Among the peaceful methods of resolving border disputes are bilateral negotiations, the use of good offices and by another power to resolve the matter. The third method is mediation, where in a third party is requested to resolve the dispute. However, it doesn't involve any commitment in advance to accept the recommendations of mediating power and in this it differs from arbitration and judicial settlement. Arbitration refers to the submission of dispute to an arbitration to be determined according to the principles of international law. It differs from judicial settlement (submission to the international court) in what the choice of arbitrators is to some extent within the control of the individual parties. Judicial settlement, i.e., submission an international judicial body for decision is another procedure available for the resolution of border disputes. Finally, attempts to resolve a dispute may be made by a collective organization (regional or international), for example the United Nations' efforts in this respect. But, the most reliable/relevant method is to strengthening of land borders or to manage the border properly.¹²

The land border makes India geographically contiguous to Pakistan, China, Nepal, Bhutan, Bangladesh and Myanmar. The maritime boundary separates us from the littoral states of Indian Ocean, while the Indian air space has no defined boundaries. The 'hot' to 'tepid' Indian borders faces severe security threats. The diverse nature of the border thus lends to the complexities of the management of our borders.¹³

¹¹ Ibid., No. 5, pp. 6-7.

¹² Anita Sengupta, *Frontier into Borders: The Transformation of Identities in Central Asia*, (Gurgaon : Hope India Publications, 2002), pp.23-29.

¹³ Abridged MRP, "Border Management", *Trishul*, Vol. XLV, No. 2, Spring 2001-2002, pp.*1-3.

The concept of border security has undergone a sea change with the growing vulnerability of not only land borders but also of the coastline and air space. In response to the gradual expansion and strengthening of security so far, mainly among what has long been perceived as a sensitive land border. The transgressor (anti-national elements) is already on the lookout for the soft gaps either on land or along the coast and if needed be, through our air. The transgressors, with unprecedented money power access to the latest technology, organizational strength, maneuverability and scope for strategic alliances with other like-minded groups, can select their threat of action for surprise strikes.

While the Indo-Bangladesh land border have from time to time received the government's attention primarily because of the war with Pakistan and China and the problem of insurgency, illegal migration, drugtrafficking and smuggling activities and morely border clashes with Bangladeshi security force and the same can not be said of our coastal areas or airspace.

From the above brief discussion on the early history of boundary disputes the conclusion is that the boundary did not take the form of juristic concept, understood as limits of territory by mutual agreement between two sovereign states. Indeed, the need for fixed boundaries became intense only when the modern states of Western Europe began to develop on the ruins of the Holy Roman Empire. At this stage it became necessary to know the precise limits of their respective jurisdictions. During the Renaissance, a great deal of progress was made in the promotion of the science of geography, geodesy, and cartography furnishing valuable data and information on the processes of delimitation and demarcation, as understood in the modern times. When the French Revolution swept away the remnants of Feudalism, the concept of natural boundaries became a craze, resulting in the expansion of the boundary, dividing populations and nations to a specific mountain, river, lake or some other natural feature. The French Revolution is also notable for emphasizing simplification in boundary making.¹⁴

Throughout history, large and small states have constructed walls and fortifications in their respective frontier areas. They have been put-up in China, Central America, Britain, Denmark, Somalia, Algeria and Vietnam. As it is well known that the establishment of the modern state system took place in 1648 by the treaty of the Peace

¹⁴ Ibid, No. 5, pp. 6-7.

of West phalia. However, against this historical perspective, developments in the technological fields and globalization, 'questions' the relevance of boundaries. One of the assumptions is that borders and boundaries are irrelevant with the development of inter-continental missiles, aeroplanes, satellites, the internet and the globalization of economic and cultural life which have pre-occupied mainstream social science.¹⁵

Pre-independent India consists of small princely states that individually took care of violations on the borders till the British established the 'buffer system'. However post-independent India has been conscious towards its borders and has reacted and defended its boundary and territory—politically and militarily (fought four wars with Pakistan and one with China). It has also signed peace and friendship treaties or boundary agreements with neighbouring countries e.g., Bhutan (1949), Nepal (1950), Myanmar (1967), and Bangladesh (1974) and constituted joint working groups and joint boundary working groups (for Indo-China and Indo-Bangladesh border).

Border problem between India and Bangladesh goes back to the history of "partition of India through Radcliffe Award". Sir Cyril Radcliffe was partitioned the Indian Territory into two sovereign countries with the assistance of two Boundary Commissions (Punjab Boundary Commission and the Bengal (and Sylhet) Boundary Commission), which is known as the "Radcliffe Award". The Radcliffe Award was announced by 17 August 1947. The Radcliffe Award, which was proved failed later on, demarcated the boundary line between India and Pakistan—East and West Pakistan separately—give rise to a numbers of boundary disputes among three countries of India, Pakistan and Bangladesh. Therefore it is said that the origin of the border problem should be traced to the Radcliffe commission's 'blunder line'.

This study tries to discuss critically all the problems relating to the Indo-Bangladesh border. India and Bangladesh share a land border of 4, 096 kms. The non-demarcation of 6.5 kms of land border on the Commila-Tripura makes the border question unresolved by cause of several problems.

Furthermore, one of the biggest problems on indo-Bangladesh border is about the adversarial possession of enclaves. Bangladesh was carved out of the provinces of Bengal and Assam (the then East Pakistan) and inherited the same border and border problem with India. The major bone of contention is the 111 Indian enclaves (locally known as Chits) in Bangladesh territory and 52 Bangladeshi territories in the reverse.

¹⁵ D.K Araya, *Aspect of Boundary Control and Practicalities of Boundary Disputes Resolutions in India's Borders*, (New Delhi: Scholars Publishing Forum, 1991).

There are also 49 adverse possessions of lands in Bangladesh territory and 53 adverse lands in the reverse possession.

However, linkages between India's internal security landscape and its external environment have made the issue of border management a critical component of national security strategy. While internal causes of terrorism and insurgencies are significant, a majority these movements have survived and grown due to the encouragement and support they secure from neighbouring states.¹⁶ These states and their intelligence agencies support, encourage, train, arms and often direct terrorists and criminal groups for their own geo-strategic ends.

Proxy wars have, consequently thrown a number of challenges for enforcement and defence agencies in India, including several relating to existing border management practices. However, successive India Governments have remained tied to a narrow conception of border security, which envisages no more than the establishment of the static border posts, regular patrols, ambushes and so on.¹⁷ These practices involved in situations where there was a clear physical demarcation of borders during peacetime. The ultimate responsibility of securing borders once wars breaks out rests with the army. During peacetime border security includes the tasks of prevention of trans-border crimes, smuggling, infiltration, illegal migration, illegal movement of hostiles, and so on. Transgressions along the border were, in the past, often localized in nature and had no major security implications, since the 1980s; however, with Pakistan's involvement in terrorist violence in India and the subsequent emergence of various countries abutting India's northeast as safe havens for insurgence operating in India, the pattern of border crimes had changed. These are no longer localized in nature, and the intricate relationship between narcotics smuggling, small arms proliferation and terrorist activities now have far reaching implications for internal security.

The existence of an elaborate terrorist infrastructure in safe havens across the border; the growth and internationalisation of organized criminal syndicates with powerful political influence and patronage; and a strengthening network of well founded institutions for the communal mobilization of the migrants—particularly through a growing complex of *Madrassas* (Seminaries)—are among the more dangerous trends

¹⁶ See for instance, Ajai Sahni, "Survey of Conflict and Resolution in India's Northeast", *Faultlines: Writings on Conflict and Resolution*, vol. 12, May 2002, pp. 39-112; P. V. Ramana, "Networking the Northeast: Partners in Terror", *Faultlines: Writings on Conflict and Resolution*, vol. 11, April 2002, pp. 99-126.

¹⁷ *The Tribune* (Chandigarh), 21 October 2002.

along the indo-Bangladesh border. These problems are further compounded by non-linear boundaries, borders that are poorly delimited, and intermingled ethnic groups along both sides of the border. The length of the border, difficult terrain and harsh climatic conditions present unique monitoring challenges in the region. The shamelessness of the movement of migrants, as Sanjoy Hazarika argues, gives it a critical, even dangerous, edge especially as such movements takes place in an are already troubled by insurgencies.¹⁸

A rapidly changing internal security environment suggests that border management is not simply a matter of policing along the border. There is a growing realization, now, that border management must broadly include a comprehensive package which involves defending the border in times of war, securing the border in times of peace, ensuring that there are no unauthorized movements of humans, taking steps against smuggling of small arms, explosives, narcotics and other kinds of contraband items, using sophisticated technological devices to supplement human efforts to these ends, coordinate intelligence inputs from various agencies and ensuring the socio-economic development of the border areas.¹⁹ the group of ministers on national security also accepts such a broad view of border management: "The term border management must be interpreted in its widest sense and should imply 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 sub-serve the best interests of the country".²⁰ added to these should be a range of policies and initiatives directed at ultimate border populations intended to mobilize their support and cooperation to ensure that a free flow of intelligence on illegal movements and transactions is available, and their economic, social and political interests are safeguarded and in opposition to those who seek to violate the integrity of the said border.

¹⁸ Sanjoy Hazarika, *Rites of Passage: Border Crossings, Imagines Homelands, India's East and Bangladesh*, (New Delhi: Penguin Books, 2000), p. 15.

¹⁹ Prakash Singh, "Management of India's Borders", *Dialogue*, vol. 3, no. 3, January-March 2002, p. 59.

²⁰ Report of the Group of Ministers' on National Security, 2001. the Prime Minister constituted a Group of Ministers (GOM) on April, 17, 2000, to review the Security System in its entirety and in particular to consider the recommendations of the Kargil Review Committee (KRC) and formulate specific proposals for implementation. The KRC was set up on July 24, 1999, to review the events leading up to the Pakistani aggression in Kargil and to recommend such measures as are considered necessary to safeguard national security.

A careful examination of current border management policies and practices suggests that the mess on the border is to a large extent of our own making. Regrettably, policy options have not been adequately researched or assessed, because analysis of the Indo-Bangladesh border tends to unproblematically note that the regions boundaries are all hardening and are increasingly characterized by border patrols and barriers to easy movement. This study attempts to explain to evaluate existing border management practices along the India-Bangladesh border with analysing two basic and foremost important questions:

- What are the underlying issues that affect the border and the management process? And
- What are the alternative means to achieve a stable and secure boundary/border regime?

India-Bangladesh border, the area of our study is however, more conspicuous for conflict than cooperation. No other border has been so intensely explained, discussed and documented. The amount of talks and thoughts thrown on this particular area is so vast. It gives a paradoxical picture and a general student is often confused to know the actualities. The Indo-Bangladesh border as commonly understood is thus is a misunderstood border.

At last but not the least, the study tries to analyses not only the reason of the dispute but also the process of negotiations and the formed agreements (The Radcliffe Award of 1947, The Bagge Award of 1950, The Nehru-Noon Agreement of 1958, the Land Boundary Agreement of 1974, the Group of Ministers' Report of 2001 and other small agreements) which emerged would be covered and the long-term effects if any of these agreements on the border plan-work of Indo-Bangladesh relations, which would be reflect in my subsequent chapters.

The study is divided into five chapters.

The first chapter entitled, "Introduction". It dealt with the theoretical perspectives, which analyses the existing theories regarding the border and the border disputes. The main focus was on the reasons of border disputes in South Asia and particularly Indo-Bangladesh border. At the same time it also put an attempt on the management process.

The second chapter entitled, "Indo-Bangladesh border: Origin and Nature". This chapter is very important which will give the history/background of the origin of the

border disputes between India and Bangladesh. Sir Cyril Radcliffe who had partitioned the Indian sub-continent into two parts and which again divided into another part later on. Bangladesh which was an integral part of Pakistan separated in 1971. It will also discuss about the nature of Indo-Bangladesh border.

The third chapter entitled, “Indo-Bangladesh Border: Land Border Disputes”. This chapter will historically discuss the border disputes between India and Bangladesh (earlier East Pakistan). This chapter basically divided into two parts e.g., land border disputes and enclaves. The adverse possession of enclaves is the root cause of all problems. There are also adversarial possessions of lands on both the sides. There are several complications on the exchange of enclaves including adversarial possessions and implementation of the treaties relating to the exchange.

The fourth chapter entitled, “Indo-Bangladesh Border: Challenges to its Management”, which deals with the challenges that come on the way of managing the Indo-Bangladesh land border. There are several challenges—internal and external and also natural and artificial—which has discussed in detail. This chapter is also dealing with the lacunas in present day management process.

In the last chapter entitled, “Conclusion: Prospects for Comprehensive Border Management” arrived at after an assessment of the data and facts collected, including some futuristic analysis. The basic thing of this is that it will analyses detail about the management process, effectiveness and efficiency of India’s management system. While making the concluding remarks it will try to find out some viable, reliable and relevant ways, means, methods and techniques for managing the Indo-Bangladesh land border and also raises issues related to future prospects of border management.

INDO-BANGLADESH BORDER: ORIGIN AND NATURE

Decades of Indian Nationalist pressure on British Government and by the rise of civil unrest in the subcontinent, with Britain's precarious economic position in the aftermath of the Second World War, along with, American pressure to de-colonize the subcontinent influenced both international and British domestic opinion to transfer the power into Indian hands.¹ However, the official view of the British departure was of course that it was not a defeat, but in a real senses the fulfillment of the Raj's tutelage.² For the result, the new British Prime Minister Clement Attlee made the surprise announcement on 20 February 1947 that "England would transfer power to responsible Indian hands by June 1948".³ His Majesty's Government in its 20 February 1947 announced, that there must be formed a constitution based on the Cabinet Mission Plan by a fully representative Constituent Assembly by June 1948. If it will not possible, His Majesty's Government will have to consider to whom the power of the central government in British India should be handed over on the due date, whether as a whole or to some form of central Government for British India.⁴

Lord Mountbatten (as Viceroy) arrived in Delhi on 22 March 1947 and invited M. K. Gandhi (the leader of the Indian National Congress) and M. A. Jinnah (leader of the Muslim League) to Delhi for discussion. Before his departure to India Prime Minister Attlee had given him a directive as to the broad line of policy, which he has to follow. The objective of His Majesty's Government was to obtain a unitary government for British India and the Indian states, if possible within the British Commonwealth, through the medium of a Constituent Assembly set up in accordance with the Cabinet Mission plan. With regard to the Indian states, Lord Mountbatten had directed to urge those rulers of Indian states where democratic progress had been slow to go forward more rapidly and to advice the rulers generally to reach fair and just arrangements with British India concerning their future relationships. Lord Mountbatten had further directed to bear in mind that the transfer of power must be in accordance with Indian defense requirements. Furthermore, the plan provided that the

¹ P.J.Cain, and Anthony Hopkins, *British Imperialism: Innovation and Expansion, 1688-1914 and British Imperialism: Crises and Destruction, 1914-1990*, Longman, London, 1993.

² Ian Talbot, *India and Pakistan*, (New York: Oxford University Press Inc., 2000), p. 134.

³ Edmund Mullar and Arun Bhattacharjee, *India Wins Freedom*, (New Delhi: Ashish Publishing House, 1988), p.157.

⁴V. P. Menon, *The Transfer of Power in India*, (Bombay, Calcutta, Madras and Delhi: Orient Longmans, 1957), p. 353.

members of the Legislative Assemblies of Bengal and the Punjab should meet separately in two parts.

Meanwhile, in Bengal, the demand for the creation of the separate province of Bengal was gaining its popularity. At this stage, Husyn Saheed Suhrawardy (the then Premier of East Bengal) came out with a proposal for 'a sovereign, independent and undivided Bengal in a divided India'. However, it received little support from either the Muslim League or the Congress.⁵

On the other hand, Jinnah issued a statement that the proposal for the partition of Bengal and the Punjab was 'a sinister move actuated by spite and bitterness'. He said that the principle underlying the Muslim demand for 'Pakistan' was that Muslims should have a 'national home' a home state in their homelands comprising the six provinces of the Punjab, Sind, the North-Western Frontiers Province, British Province of Baluchistan, Bengal and Assam. He finally demanded the division of the defense forces and stressed that the States of Pakistan and Hindustan must be absolutely free, independent and sovereign.

The Viceroy remarked that where as it seemed to him that it would be a fairly easy matter, assuming His Majesty's Government agreed, to transfer power at a very early date on a "dominion status basis" to the union of India. Surprisingly, there would for some time to come be no authorities in Pakistan to whom power could be transferred. On the other hand, Nehru explained his own reaction that it was very desirable that there should be a transfer of power as quick as possible on the basis of dominion status of the religious majorities. The basic reason for wanting an early transfer of power, apart from the desire of the Indians to control their own affairs, was that development in India would not otherwise take place, as they think.

Mountbatten had also a clear-cut directive from His Majesty's Government to explore the options of 'unity and division' until October 1947, after which he was to advise His Majesty's Government on the form of which the transfer of power should take place. Mountbatten's formula was "to divide India but retain maximum unity".⁶

⁵ Ibid; For the history of division of Bengal see Tara Chand's *History of The Freedom Movement in India*, (New Delhi: Publishers Division), Ministry of Information and Broadcasting Government, Vol. III, 1983, pp.288-318.

⁶ Bipin Chandra, *India's Struggle for Independence 1857-1947*, (New Delhi: Penguin Books (India) Ltd., 1988), p. 497.

The legal framework and guidelines relating to the partition of Bengal, which announced by the Prime Minister Attlee in the British Parliament on 3 June 1947, were:⁷

“A Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation of those concerned. It will be 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. It will also instruct to take into account “other factors”. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the appendix will be used”.

The Indian Independence Act, 1947 promulgated on 18 July 1947, stipulated, *inter-alia*:⁸

‘3 (I) (a) The province of Bengal, as constituted under the Government of India Act, 1935 shall cease to exist; and (b) There shall be constituted in lieu thereof two new provinces, to be known respectively as East Bengal and West Bengal... ‘(3) The boundaries of the new provinces aforesaid... may be determined, whether before or after the appointed day (Independence Day), by the award of a Boundary Commission appointed or to be appointed by the Governor General in that behalf, but until the boundaries are so determined:

(a) The Bengal districts specified in the first schedule to this Act, together with the event mentioned in sub-section (2) of this section, the Assam district of Sylhet shall be treated as the territories which are to be comprised in the new province of East Bengal;

(4) In this section, the expression “award” means, in relation of a Boundary Commission, the decision of the Chairman of that Commission contained in this report to the Governor General at the conclusion of the Commission’s proceedings.

For the purpose of transfer of power and the division of the territory, a very practical and resourceful man was necessary to shuffle the cards for equally distribute among the players. This scheme is known as the ‘Cabinet Mission Plan of 1947’ on the basis of which the political power was transferred to both the communities of

⁷ *Partition Proceedings*, (New Delhi: Government of India Press, 1949), vol. VI. Also see Appendix—I & II; Anil Chandra Banarjee’s *The Making of Indian Constitution*, vol. 1: Document (Calcutta: A Mukharjee and Co., 1948).

⁸ *Ibid.*

Hindus and Muslims.⁹ Sir Cyril Radcliffe¹⁰ was appointed for divide the territory of British India into two sovereign units.

The body responsible for delineating the boundaries—between India and Pakistan—through the province of Punjab and Bengal, is popularly known as, the “Radcliffe Boundary Commission” and its report is known as the “Radcliffe Award”. The commission takes its name from its chairman, Sir Cyril Radcliffe. However, in the end, his boundary-making effort was failed in terms of providing political cover to all sides.¹¹

The story of Radcliffe Award centers on a small number of individuals: Radcliffe, the man who had the responsibility for delineating the boundary lines; Mountbatten, the then Viceroy of India; Nehru and V. B. Patel, leaders of Indian National Congress; and Jinnah, head of the Muslim League.¹²

Before delineating the boundaries some important points were instructed to be remembered. The points to be noted are that all the legal guidelines clearly stipulated the Muslim majority districts which are contained as an appendix to the 3 June (1947)¹³ statement of His Majesty’s Government and as the schedule to the Indian Independence Act, 1947. Those Muslim majority areas were as follows:¹⁴

- In the Chittagong Division, the districts of Chittagong, Noakhali Tippera.
- In the Dhaka Division, the districts of Bakerganja, Dhaka, Faridpur and Mymensingh.
- In the Presidency Division, the districts of Jessore, Murshidabad and Nadia.
- In the Rajshahi Division, the districts of Bogra, Dinajpur, Malda, Pabna, Rajshahi and Rangpur.

It should also be noted that the districts of Khulna and the Chittagong Hill Tracts were not included in East Bengal earlier.

⁹ Ibid, no.3.

¹⁰ Sir (later Vicount) Cyril John Radcliffe (1899-1977) was, by 1938, ‘the out standing figure at the Chancery bar’. His ‘Meteorical Legal Career’ was interrupted only by the Second World War, when he joined the Ministry of Information, becoming its Director-General in 1941. This had been his only experience of administration when, in 1947, he was called upon to chair the boundary commissions in India. Subsequently, however, he chaired so many public inquires in Britain that one critic was led to denounce ‘government by Radcliffery’! Black, Lord and C. S. Nicholls (Eds.), *The Dicsonary of National Biography 1971-1980* (Oxford and New York, 1986), pp. 696-7.

¹¹ M.N. Das, *Partition and Independence of India*, (New Delhi: Vision Books, 1982), p. 156.

¹² Ibid, No.1.

¹³ ‘Statement by His Majesty’s Government, dated the 3rd June 1947’. *Partition Proceedings*, vol. .I (Government of India Press, New Delhi, 1949), p.2; See Appendixes—1.

¹⁴ Ibid, no.7; See table for numbers of population in Muslim and non-Muslims in Table-1.

All in all, however, the central parties agreed on all aspects of the Boundary Commission—one for Bengal, in the northeast India and another for Punjab, in the northwest. According to the plan, each Commission would consist of four judges, two selected by Congress and two by the League.¹⁵ Thereafter, two Boundary Commissions were set up.

The Muslims and non-Muslim members of the Bengal Boundary Commission were-

- (i) Mr. Justice Bijan Kumar Mukharjee;
- (ii) Mr. Justice C.C. Biswas;
- (iii) Mr. Justice Abu Salem Mohammed Akram;
- (iv) Mr. Justice S.A. Rehman.

Similarly, the Muslim and non-Muslim members of the Punjab Boundary Commission were-

- (i) Mr. Justice Meher Chand Mohajan;
- (ii) Mr. Justice Teja Singh;
- (iii) Mr. Justice Din Mohammed;
- (iv) Mr. Justice Mohammed Munir.¹⁶

However, in the end, this two-versus-two format and the judges with strong political biases produced deadlock, leaving Radcliffe the responsibility to make all the most important and most difficult decision himself. The Commission's terms of reference directed it to "demarcate the boundaries of the two parts of the Punjab and Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims¹⁷.

The announcement of His Majesty's Government, dated the 3rd June 1947,¹⁸ and provided inter-alia for determination of the question of partition of the province of Bengal and Punjab through Assemblies of both the provinces. Each assembly was directed to meet in two parts, one representing the Muslim majority districts and the other the rest of the province, and decide whether or not the province should be

¹⁵ Manserhg, Nicholas (ed.), *The Transfer of Power, 1942-47* (Thereafter TP), Vol. XII, No.488, Appendix—1 & 2.

¹⁶ *Partition Proceedings, Government of India*, New Delhi, 1950, Vol.6, p.8.

¹⁷ *Ibid*, No.26.

¹⁸ 'Statement by His Majesty's Government, dated 3rd June 1947'. *Partition Proceedings*, vol. I, (Government of India Press, New Delhi, 1949), p. 2. Also see Anil Chandra Banarjee's 'The Mountbatten Plan, June 3, 1947', in *The Making of Indian Constitution 1939-47*, vol. I: Document (Calcutta: A Mukharjee and Co., 1948); see the Appendix—1.

partitioned. For the purpose of arriving at a decision on the question of partition, the whole of Bengal was nationally divided into Muslim and non-Muslim majority districts. The basis of division was the census figure of 1941.¹⁹ This, as the statement itself indicated, was “only a preliminary step of a purely temporary nature”; and for the purpose of a final partition “a detailed investigation of boundary questions” was considered to be necessary which required the setting up of a Boundary Commission. It is necessary to note from the very beginning that the same Bengal Boundary Commission members were also sat for the separation of the Sylhet district of Assam.

Both the members (Muslim and non-Muslim) of the Bengal Boundary Commission examined the written memoranda filed by different parties and heard arguments advanced by the lawyers appearing for some of them. The principal parties were, on the side of the non-Muslims, (1) the Indian National Congress and (2) the Bengal Provincial Hindu Mahasabha jointly with the New Bengal Association (3) the Jatiya Banga Sangathan Samiti, and on the side of the Muslims, the Muslim League. No witnesses were examined; in fact, they could examine none, as they were not given the power of a court. No documents were formally proved or exhibited before the Commission, but there was a large mass of statements filed by different parties and organizations.²⁰

After the settings were concluded, there was a discussion amongst the four members of the commission. But, unfortunately very little unanimous decision could be arrived at. Those were the districts of Chittagong, Naokhali, Tippera, Dacca, Mymensingh, Pabna and Bogra, which were assigned to East Bengal, and the districts of Medinapore, Bankura, Howrah, Hooghly and Burdwan were assigned to West Bengal. They could not agree as to the other areas and as to how or where the boundary line should be drawn to separate the two parts of Bengal.

There was another disagreement between the two community members regarding the means of partition when the Muslim members took the union-wise division of the province. However, the non-Muslim members for several reasons rejected it. On the other hand the non-Muslim members took the police stations as the unit of division of the province. Differences emerged when the spokesmen of the four parties put their heads together to formulate the case to be argued before the commission. The

¹⁹ *Census Report of India*, vol. I—India, Government of British India, 1941, pp. 28-29.

²⁰ There are several Reports, Maps, Letters, Statements, Land Revenue Records, Receipts of other things and Proposals were provided by both the sides to bargain on their behalf. (See the Maps—1-8).

representatives of the three smaller parties constituted a majority of ten in the twelve-member Coordination Committee. They insisted that the maximum possible extent of territory must be claimed. In addition to the ten Hindu-majority districts (Burdhawan, Midnapur, Birbhumi, Bankura, Howrah, Hooghly, 24-Parganas, Khulana, Darjeeling and Jalpaiguri), they demanded that two entire Muslim-majority districts (Malda and Murshidabad), large part of Nadia, Faridpur and Dinajpur, and selected Thanas in Rangpur and Rajshahi, be given to West Bengal. This would have given West Bengal roughly 57% of the total area of Bengal (minus Chittagong Hill Tracts, which were claimed for the Indian union but not for West Bengal).

Another big question was how to consider the principles according to which such majority areas were to be amalgamated community-wise. It has already pointed out; the terms of reference indicate that this has to be done on the basis of contiguity, as well as "other factors". The mention of "other factors" makes it clear that contiguity is not to be the only determining principle: it may well happen that "other factors" would override the claims of contiguity. What these "other factors" are had not specified in terms of reference, nor were they capable of specific enumeration. Undoubtedly, they were include matters relating to strategy and defense, to historical and cultural associations, and to economic requirements considered from the standpoint of modern industry and commerce. It has also includes the other considerations which, to borrow the words used by His Excellency the Viceroy in another context, may aptly be summed up as "geographical compulsion". As regards to the "other factors", all that can be said is that the rule of justice, equity and fairness should prevail. The river system in Bengal as well as the means of communication between different parts of the province would certainly be pertinent factors for consideration.

In this connection there is one of the most important facts which we must not ignore, namely, that the division that is to be made is not an administrative or internal division between two provinces, or between two units of a federation. The boundary will be an International Boundary, separate two independent sovereign States. Such boundary marks the limits of the region within which a state can exercise its sovereign authority, and with its location, various matters relating to immigration and restriction on visitors, imposition of custom duties and prevention of smuggling and contraband trade, are bound up. In addition to these peacetime functions, the requirements of military defense will also have to be considered. Natural boundaries are certainly to

be preferred, but when they are not available recourse cannot but be had to artificial boundaries.

After clarifying the grounds, it would be pertinent to proceed to consider what areas had assigned to the Muslim and non-Muslim parts of Bengal.²¹

BARDHAWAN

Starting with the Bardhawan Division, which consists of six western districts, namely, Midnapore, Bankura, Howrah, Hoogly, Burdhan and Birbhum, which comprise what are known as Burdhan Division. There was an overwhelming majority of non-Muslim population in this area, the percentage of the Muslims being only 13.90 of the total. In these six districts, the total number of Police Stations was 120, and out of them only one, namely, Muraroi, which was situated at the extreme northwest corner of the Birbhum district, had a Muslim majority, the percentage of Muslim population being 54.64 only. The Muslim League wanted that the Bhagirathi should be the natural boundary between West Bengal and East Bengal, but they (ML) were not willing to allot to West Bengal even the whole area west of the Bhagirathi, and they had also claimed the Muraroi police station along with a portion of Nalhati, which is situated to the south, although the latter is a predominantly non-Muslim area, the percentage of Muslims therein being 44.84.

According to the Muslim League, East Bengal should have the entirety of three out of five Divisions of Bengal (Chittagong, Rajshahi, and Dacca Division), the city of Calcutta and practically the whole of the Presidency Division. The only areas left out of the latter being a portion of the Kandi sub-division of the Murshidabad district and a small portion of the Nadia district, including the town of Nabadwip which is situated on the west of the river Bhagirathi.

So far as the Bardhawan Division is concerned, the entire Division was suggested to go to West Bengal without any diminution whatsoever. It was an unnatural extension of the principle of contiguity, if the police-station of Muraroi which was the only Muslim majority Thana in the whole of the Burdhan Division could not be claimed as a part of East Bengal. The reason is therefore very simple because two adjoining Thanas in the adjacent district of Murshidabad (Suti and Shamsrganj) possessing a majority of non-Muslim population. It had pointed out by

²¹ Rjendra Prasad, *India Divided*, Hind Kitabs Publishers, Bombay, 1946, pp. 207-153; *Partition Proceedings*, vol. VI; Chatarjee, Joya, *The Fashionin of a Frontier: The Radcliffe Line and Bengal's Border Landscape*, (Modern Asian Studies, 1999), pp. 185-242; and also see the Maps—1-8.

the non-Muslim members that the whole of the district of Murshidabad should be allotted to West Bengal, and if this position would have accepted, obviously the question of Muraroi being a Muslim majority Police Station would not at all be included in the East Bengal. In the other hand, on no conceivable ground could the Muslim League claim Nalhati police station, which was a purely non-Muslim area, and even if Muraroi and Nalhati were taken together as one compact block.

Calcutta

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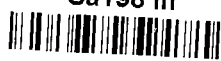
Regarding Calcutta,²² there was no doubt that the city of Calcutta was a purely non-Muslim majority area. The Muslim majority was only 44.56 as against 53.70 of Hindus. It was practically the heart of West Bengal situated entirely in a non-Muslim area, and its claim to the capital of West Bengal was irresistible. In the census of 1941, the total population of the city was estimated at 2,108,891, of which the Muslims numbered 497,535 and the non-Muslims 1,611,536. The Muslims, therefore, represent only 23.59 of the total population. In 7 out of the 32 Wards of the city, the percentage of the Muslim holdings is less than 1 per cent, and in 13 out of the remaining 25 Wards, it was less than 5 per cent. It was really a city within the district of 24-Parganas, which forms its northern, southern and eastern boundary, and 67.53 per cent of the population of 24-Parganas was non-Muslims. On the west of Calcutta, there was the Hoogly River which separates it from the Howard district, and Howard was pre-eminently a non-Muslim area, the non-Muslim constitutes 80.12 per cent. Furthermore, the city of Calcutta was the center of a big industrial area which had grown up on both side of the Hoogly River, stretching from Kanchrapara to Budge on one side and from Bansbaria to Sankrail on the other.

It is difficult to see how in the face of these facts which no amount of ingenuity can rebut, a claim could be laid on behalf of the Muslim League to include either the whole or a portion of Calcutta within eastern Pakistan. A claim has, however, been made. In the long and rambling statement that had been filed on behalf of the Muslim League many things had been said in a vague and elusive way. The arguments advanced by the Muslim league in support of their claim to Calcutta can be classified under two heads. In the first place, they claim some portion of Calcutta on the principle of "contiguity of Muslim majority areas". In the second place, they claim the whole of the city of reference to "other factors".

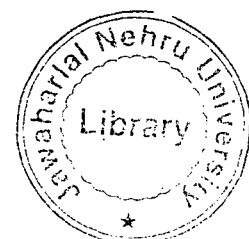
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However, it was rejected by the non-Muslim members that all the grounds mentioned above are frivolous and it is against all canons of fairness for the Muslim league to claim clearly the whole of Calcutta either on grounds of contiguity and majority of populations or on the ground of the other factors. And where these grounds fail, simply on the plea that it would suit them very well to have these areas within Pakistan.

24-Parganas

After Calcutta, coming to the district of 24-Pargana, which is in close proximity to the city and literally surrounds it on three sides. The district of 24-Parganas has a decidedly non-Muslim majority, the Muslims being only 32.47 per cent, of the total population. There are five sub-divisions under the district, namely, Diamond Harbour, Sadar, Barrackpore, Barasat and Basirhat. All these sub-divisions, with the exception of Barasat, are non-Muslim majority areas.

(i) *Diamond Harbour*—in the Diamond Harbour sub-division, all the Police Stations have non-Muslim majority. Absolutely no reason had assigned by the Muslim League as to why this area should be allotted to Pakistan. Except that according to the League, the river Bhagirathi was the only boundary possible between East and West Bengal and whatever is to the east of the river should go to Pakistan.

(ii) *Sadar*—the Sadar sub-division was contains 11 Thanas, of which two only, namely, Metiabruz and Bhangar had a majority of Muslim population. Metiabruz was admittedly a small Muslim pocket surrounded on all sides by non-Muslim areas. Bhangar had a Muslim population of 57.78 per cent. As has been said already, it is very near to Calcutta and some portions of it were in close proximity to Wards Nos. 18 and 28 of the Calcutta Corporation.

(iii) *Barasat and (iv) Basirhat*—contiguous to Bhangar, was the Barasat sub-division of the 24-Parganas and to the east of that was Basirhat. To the further east was the Satkhira sub-division of the Khulna district. Barasat, Basirhat and Satkhira from one compact area connected with each other and with Calcutta socially, culturally and economically. Barasat was only 14 miles distant from Calcutta and the distance of Satkhira from the city was about 38 miles. Barasat had a slight Muslim majority, and of the five Thanas comprised in the sub-division only one, namely, Rajanhat, had a majority of non-Muslim population. Basirhat, taken as a whole, had a non-Muslim majority. It had 6 Thanas, 3 of which, namely, Sarupnagar, Baduria and Basirhat, had a majority of Muslims, while the rest are non-Muslim majority Thanas.

(iv) *Barrackpore*—the only other sub-division of 24-Parganas is Barrackpore, which is overwhelmingly non-Muslim in its composition. In this sub-division, the Muslim represent only 23.70 per cent of the total population, and all the 11 Thanas comprised in its have a non-Muslim majority. It was difficult to see on what grounds the Muslim could lay any claim to this non-Muslim area, which is contiguous to Calcutta on the south, and the non-Muslim area of Rangahat sub-division on the north. Therefore, there was nothing to say to the non-Muslim members to include whole of the district of 24-Parganas in West Bengal.

Khulna

Next to the district of 24-Parganas is the district Khulna, which lies to the contiguous east of 24-Parganas. The percentage of Muslims was 49.36 as against 50.31 per cent of Hindus. It is a non-Muslim majority district and, with the exception of the areas covered by Police Stations Morelgunge and Sarankhola and the portion of Sundarban forest lying to the south of the latter, the rest of the district should remained in West Bengal, according to the non-Muslim member of the Bengal Boundary Commission. There were three sub-divisions in the district of Khulna, viz., Satkhira, Sadar, and Bagerhat, and the Sundarban forest was a contiguous belt, which stretches across the southern portions of all the three sub-divisions.

(i) *Satkhira*—it may be further pointed out that the only motorable road connecting the town of Khulna with Calcutta lies on the north of Satkhira and passes through Tala, Basirhat, Deganga and Barasat. The area south of the Calcutta-Khulna road via Satkhira was interested by estuarian creeks and swamps, and these form a terrain quite unsuitable for rail ways or good roads being built thereon. This sub-division, it may be noted, contains seven police stations out of which three, viz., Debhatta, Assasuni, and Syamnagar non-Muslim majority areas were contiguous to large tracts of non-Muslim areas on the east as well as on the west. Of the four Muslim majority Thanas, Kaliganja forms an Island surrounded on all sides by non-Muslim areas.

(ii) *Sadar*—to the east of the Satkhira sub-division was Khulna, Sadar and to the west was Basirhat, and both are non-Muslim areas. The Sadar sub-division of Khulna had a non-Muslim majority. There were 8 Thanas, of which one only, namely, police station Fultala had an excess of Muslim population. Fultala was surrounded on all sides by non-Muslim areas and could not be claimed by East Bengal. It is pointed out on behalf of the Muslim League that police station Trailhead, which was non-Muslim during the census operation of 1941, had got a Muslim majority. For this reason one

union appertaining to it has been separated from the station and attached to the contiguous Thana Doulatpur. It had noted that on the basis of the census figure of 1941, a subsequent change was immaterial, but even if Tarakhada was regarded as a Muslim majority police station, which could be a Muslim "pocket" along with the Mollahat.

(iii) *Bagerhat*— as a sub-division, Bagerhat had a slight majority of Muslim population, the percentage of Muslims being 53.77. There were 7 Thanas, of which 4 had non-Muslim majority, and 3 Muslim majorities. Of the three Muslim majority Thanas, Mollahat was surrounded on all sides by non-Muslim areas and had a Muslim population only of 51.89 per cent. The other two, namely, Morelganj and Sarankhola, contain the heaviest concentration of Muslims in the sub-division, the percentage being as high as 71.63 and 80.38, respectively. Both these Thanas are in the extreme east and about on the Bakarganj district. There was no hesitation to say that these two predominantly Muslim Thanas should go with Bakarganj and form a part of East Bengal. Of the other 5 Thanas, 4 had non-Muslim majority and only one namely, Mollahat, which had an excess of Muslim population, would have to be reckoned as a Muslim "pocket". The entire sub-division of Bagerhat, therefore, minus the police stations of Morelganj and Sarkhola, should remain in West Bengal.

On the other side, League's claim to Khulna rests upon a threefold ground. In the first place it is said that the Census figure relating to this area were inflated and could not be looked upon as a proper criterion for asserting the character of the population. It is said in the second, place, that the Sundarban forest was reclaimed primarily by the Muslims and they had a moral claim to it. In the third place, it is asserted that the contiguity of the non-Muslim areas was cut off by the presence of a number of Muslim unions.

(iv) *The Sundarbans*—the Sundarbans forest is situated to the extreme south of the Khulna district. This area really forms part of the five southernmost Thanas of the district, viz., Shyamnagar, Paikgacha, Dacope, Rampal and Sarankhola. For the purpose of census, however, the Sundarban was taken as a separate unity in 1941, though not at the previous census in 1931. The last census figures for these Thanas did not, therefore, include the forest area. The forest was recorded as comprising an area of 2,314 square miles, of which the entire population was stated to be 7,474. Out of these, 4,925 were Muslims and the rest non-Muslims. The inescapable conclusion, therefore, was that the whole forest tract must be treated as an area without any

permanent population, in other words, as an uninhabited area, and it must go with the police stations of which it forms a part.

Faridpur and Bakarganj

The Faridpur district was a Muslim majority area with population of 64.78 in total number of the population. However, touching Khulna on the northeast side was the Gopalganj sub-division of the Faridpur district, comprising police stations Gopalganj, Kotalipara, Mukeshedpur and Kasiani, all of which had non-Muslim majority. To the contiguous east of this group of Thanas was police station Rajair of Madaripur sub-division, and to the west lie the four Thanas of the Jessore district, viz., Shalikha, Abhaynagar, Kalia and Narail, all of which had a majority of non-Muslim population. To the adjacent south of the Gopalganj sub-division were the non-Muslim majority police stations of Gournadi, Nazirpur, Swarupkati and Jhalakati. This whole tract of land which abuts on the Khulna district on its northern and eastern side constitutes a compact block of non-Muslim majority area and should certainly be made a part of western Bengal. The large majority of Hindu population in this area was Namasudras and other schedule caste people.

So far as district Bakarganj is concerned, as well have said above, the four contiguous police stations of Gournadi, Swarupkati, Jhalakati and Nazirpur were non-Muslim majority areas, and being contiguous to Gopalganj in the north and Khulna on the west, they were not but be included in west Bengal. There were also two other police-stations, viz., Uzirpur and Banaripara, as also a part of police-station Barisal which lies on the west of the river Barisal, recommend to included in this group. Uzirpur was originally a part of Gournadi and was included in the same revenue unit, where as police station Banaripara was once a part of Swarupkati and Nazirpur. As regards the part of police station Barisal that was recommended for inclusion, this area includes the town of Barisal, which was overwhelmingly non-Muslim in the composition of its population. It is a remarkable fact that these Thanas of Barisal, constituting as they do about one-six of the total area of the district, form a block in which nearly half the entire non-Muslim population of the district was concentrated. Therefore, it was recommended that, with the exception of the portions of Faridpur and Bakarganja districts referred to above, no other part of the Dacca Division could possibly be included in West Bengal.

Jessore

The Jessore district was a Muslim majority population area with the percentage of 60.21. Some police stations in the district of Jessore where a non-Muslim majority were (i) Abhaynagar in the Sadar sub-divisions, (ii) Salikha in the Magura sub-divisions, and (iii)-(iv) Narail and Kalia in the Narail sub-division. They were contiguous to each other, and as it has been said already, form a compact block with Gopalganj sub-division of Faridpur and the northern portion of the Khulna Sadar sub-division.

It was recommended by the non-Muslim members, that the police stations of Bagherpara, Jessore, Jhikargacha, Manirampur, Keshabpur, Sarsa, Gaighat and Bongaon, though Muslim majority, should add to the four police stations mentioned above. The consideration which compelled to make this recommendation is the very important factor of communication and transport. The railway line and also the principal road which connect Calcutta and 24-Parganas with Khulna runs over this area. If Calcutta and the districts of 24-paraganas and Khulna are to remain parts of west Bengal, as recommended, this area which was covered by the Calcutta-Khulna railway and the Calcutta-Khulna road would be indispensable to west Bengal. As otherwise, one part of Bengal could, in spite of physical contiguity be separated completely for all practical purposes from the other part.

Nadia and Murshidabad

These are the two remaining districts in the Presidency Division, viz., the district of Nadia and the district of Murshidabad can be taken all together. These two districts were also taken as Muslim majority areas with the population of 61.26 and 56.55 respectively.

Ranaghat, Sadar, Meherpur, Chuadanga and Kustia—the district of Nadia consisted of five sub-divisions, viz., Ranaghat, Sadar, Meherpur, Chuadanga and Kustia. Proceeding from south upwards, the Ranaghat sub-division, which had a non-Muslim majority, was touching the 24-Parganas north of that district and the latter was admittedly a non-Muslim area. Within the Ranaghat there were five police stations; three of them had a majority of non-Muslims and two an excess of Muslim population. Ranaghat, Santipur and Chakdah were not only non-Muslim majority police stations, but also all the three-municipal towns within them were predominantly non-Muslims in their composition. Haringhata and Hanskhali were the two Muslim majority police stations.

Contiguous to Ranaghat was the Sadar sub-division of Krishnanagar, which also had a non-Muslim majority. In the Sadar sub-division, there were five police stations; of which three had non-Muslim and two Muslim majorities. Nakashipara and Chapra were the two Muslim majority police stations. Another town was added to this is the town Nabadwip, which together with two adjacent villages constitutes the only portion of the Nadia district situated on the west bank of the river Bhagirathi. It was not disputed by any of the parties that it had remained in west Bengal. An argument was advanced by the Muslim members that in the Sadar sub-division of Krishannagar and Ranaghat there is a preponderance of non-Muslim population only in the four towns of Chakdah, Ranaghat, Krishnanagar and Santipur. The other argument was that contiguity is broken by the presence of the Muslim majority unions. It had said that it could not be attach any value to the union's maps, which have been produced before the non-Muslim members, which did not show the boundaries of the unions at all. On the principle of contiguity and majority of population, west Bengal could legitimately claim the entire stretch of land comprising all the police stations of Ranaghat and Krishnagar sub-division and the police station of Krishnaganja as well.

However, there were certain overriding considerations referred to below which compelled to recommend that all the police stations in Meherpur and Chuadanga sub-divisions of the Nadia district which lie to the west of the Mathabhanga River, or through which the river flows, assigned to West Bengal. This was included the whole of Meharpur sub-division and a very small portion of Chuadanga. The bulk of Chuadanga and the entire Kustia sub-division were recommend remaining with East Bengal. The entire district of Murshidabad was also recommended to include in west Bengal.

Rajshahi Division

Darjeeling and Jalpaiguri—coming to the next are the Rajshahi division, and proceeding for the extreme north start with the districts of Darjeeling and Jalpaiguri. The total population of Darjeeling district was 3, 76,369 of which the Muslims number 9,125; so they represent 2.42 per cent of the total population. There was not any single police station in the whole of the district, which had not an overwhelming non-Muslim majority. In Jalpaiguri district, the Muslims constitute 23.08 per cent of the total population. Of the 17 police stations, only three had Muslim majority, namely, Tetulia, Pachagar and Boda. Pachagar was not contiguous to Domar police station in the district of Rangpur, which had a Muslim majority; as, between them, the

non-Muslim majority police station of Debiganj was intervenes. Both Darjeeling and Jalpaiguri had been placed in the non-Muslim block by the notional division of the Viceroy, and on the principle of contiguity and majority of population, no portion of these districts could be claimed by East Bengal.

The Muslim League however, had claimed both these districts in their entirety, and the grounds put forward by them may be surmised as follows:-

- (i) As these two districts are not contiguous to the main non-Muslim majority bloc of West Bengal, they must include in East Bengal.
- (ii) The means of communication and trade routs of these districts are lie primarily through Muslim majority areas.
- (iii) East Bengal should have these districts because it is necessary for the East Bengal State to control of the Catchment Basin of the river Teesta for the maintenance of the flow of that river and for resuscitation of other north Bengal rivers. It is further said that East Bengal wants to put through the hydro-electric scheme which the government of Bengal had recently took start in the Darjeeling district and which would be useful for irrigation purpose as well as for supply of electric energy.
- (iv) Darjeeling and Jalpaiguri districts are required by East Bengal for timber and forest produce, which are lacking there.

Rangpur District

Next to Darjeeling and Jalpaiguri, come Rangpur, which lies, to the south east of Jalpaiguri. The district of Rangpur was a Muslim majority district, and only two police stations, namely, Dimla and Hatibandha, had non-Muslim majority. They were contiguous to Jalpaiguri and touch Patagram police station that was in the Sadar sub-division of Jalpaiguri. It was recommended by the non-Muslim members; these two police stations should go with Jalpaiguri and form part of West Bengal.

Dinajpur District

The district of Dinajpur comes next to Rangpur district. The census figures of 1941 show the Muslim population of the district to be 50.20 per cent, and thus the Muslims and the non-Muslims were practically equal in number. It is rather interesting to note that of the 30 police stations in the district, 15 had Muslim majority, and exactly the same number had a majority of non-Muslims. Of the Muslim majority police stations, 9 were in the east and 6 on the west, the middle portion consisting of the remaining 15 police stations, being a compact block of non-Muslim majority area.

It was recommended that, with the exception of Dinajpur, all the other Muslim majority police stations lying to the east should be excluded, and the remaining 22 police stations should all be allotted to West Bengal. The eight police stations that were to be excluded are Khansama, Chirir Bundar, Parbatipur, Fulbari, Nawabganj, Ghoraghat, Patnitola and Porsha. As per the remaining 6 Muslim majority police stations on the west they were suggested to rank as "pockets". The district of Dinajpur was included in to this area because the Muslim population was slightly 50 per cent. The rest 22 police stations were non-Muslim majority areas.

Malda District

Just below Dinajpur was the district of Malda, which had a Muslim majority. The percentage of the Muslims was 56.78. There were 15 police stations, of which 8 had an excess of Muslim population. Four of this lie to the east and four were on the western side, The four eastern police stations, viz., Bholaghat, Sibganj, Nawabganj and Gomastapur, which had a Muslim majority was suggested to excluded from the West Bengal, and with these, Nachole which had a majority of non-Muslim populations, was also suggested to go to Pakistan, but the remaining 10 police stations was recommended to included in west Bengal. This was including six non-Muslim majority police stations and four Muslim majority police stations in the west, which was to become "pockets". Further, the police station of Kaliachack, which really was the connecting link between Murshidabad and Malda, was absolutely necessary to establish connection between north and central Bengal. By assigning Kaliachak, Suti and Syamsherganj to West Bengal, a clear connection had to establish from the top of the Darjeeling hills down to the sea.

Chittagong Hill Tracts

The only area next required consideration was the Chittagong Hill Tracts. The hill tracts was comprised an area of 5,007 square miles had an overwhelming non-Muslim majority, the Muslims being only a little over 2 per cent of the total population (2.94). It was a tribal and excluded area which was governed by sections 91 to 92 of the Government of India Act, 1935, and never be a representative to the Bengal Legislative Assembly. The key note of the declaration of his majesty's government, dated the 3rd June, 1947, is that the power should be transferred in accordance with the wishes of the Indian people themselves, and as regards Bengal and the Punjab it was left to the members of the Legislative Assemblies of both the provinces to decide whether the province should be partitioned or not. The Chittagong Hill Tracts had got

no representation in the Legislative Assembly, and it had no voice in the deliberation of the 20 June 1947, which decided the question of the partition of Bengal. For the purpose of arriving at a decision on the question of partition, the national division of the province of Bengal was made by His Excellency the Viceroy. In the statement the Muslim majority districts were specifically mentioned in the schedule, whereas the rest of the province was being taken apparently to represent the non-Muslim area. The Chittagong Hill Tracts not being a Muslim area was not specifically mentioned, and there was nothing in the declaration by which it could be said that it was expressly assigned to either the one or the other area.

According to the League, the Tracts are bounded on the north by the Tippera Hills, on the East by the Lushai Hills, and Burma, and on the south also by Burma. The Tracts forms an economic and geographical unit with the Chittagong district, and its separation from that district could be detrimental to the interest of both. It may be pointed that the Chittagong Hill Tracts were a deficit district as far as the food supply is concerned. They depend upon Chittagong through which their lifeline passes from making of the deficit food supply. In view of all these considerations, a very strong case is made out for the inclusion of the Chittagong Hill Tracts within East Bengal. So there was no dispute regarding the allotment of the Chittagong Hill Tracts to East Bengal.

However, in the last this two-versus-two Boundary Commission was resulted deadlock with giving the most important decision to Radcliffe. Lord Mountbatten announced the Radcliffe Boundary Award on the evening of August 17, 1947.²³ Whatever might be the reservations, both the governments were bound to accept the terms of the Award. According to the report of the Award the boundary line which was drawn along the East and West Bengal was clear.²⁴ These were some of the pressures and counter-pressures that Radcliffe had to weight against each other while making his Award. He had to appear to be evenhanded to all sides, while keeping in mind the imperatives of the British policy for the future of the sub-continent. Inevitably, his award pleased no one entirely, but there is little doubt that it displeased some less than others.

²³ *The Statesman, (Calcutta)*, 18 August 1947.

²⁴ See *Partition Proceedings*, vol. VI, Partition Secretariat, Government of India, New Delhi, 1950, pp. 119-120; also see the Appendix—II. ;See the Map—2 & 9.

The Award gave West Bengal an area of 28,000 square miles, containing a population of 21.19 million people of which nearly 5.3 million (or 29%) were Muslims. East Bengal got 49,000 square miles for a population of 39.11 million, of which 29.1% (11.4 million) were Hindus.²⁵ West Bengal got 36.36% of the land to accommodate some 35.14% of the people, while East Bengal got 63.6% of the land to accommodate 64.85% of the population.²⁶

These figures make it immediately obvious that Radcliffe accepted the two 'cardinal principles' of the congress case: firstly, that 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 that 'the ratio of Muslim to non-Muslim in one zone must be as nearly equal as possible to the ratio of non-Muslims to Muslims in the other'.²⁷ Radcliffe's Award created two states in which the ratio of the majority to the minority population was almost exactly the same. Radcliffe also conceded the congress argument that Thanas (Police Station), as the smallest units of partition.

He also accepted the Congress argument about the importance of the Murshidabad and Nadia River system for the survival of the Hooghly and gave the whole of Murshidabad to West Bengal. Khulna went to Pakistan except for those parts of it that fell to the east of the River Mathabhanga. It goes without saying that Calcutta went to West Bengal. The tea producing districts of Darjeeling and Jalpaiguri also went to West Bengal, with the exception of five Muslim majority Thanas of the Bada-Debiganj-Pachagarh area. In awarding these areas to west Bengal, Radcliffe rejected the first principle of the Muslim league's case: namely that the scope of the term 'contiguity' was to be limited to areas within Bengal.²⁸

In its broad principles, therefore, the Radcliffe Plan looked remarkable like the congress scheme. The only major point that the congress did not win was its insistence that the boundary must be continuous. Radcliffe would not allow this, so there were in effect two Radcliffe lines. A continuous boundary would have given west Bengal a corridor connecting the two north Bengal districts with the rest of the

²⁵ Saroj Chakrabarty, with B. C. Roy, and other Chief Ministers (*A Record up to 1962*) (Calcutta: 1974), pp.59-60.

²⁶ See Table—1 & 8.

²⁷ See the memorandum on the partition of Bengal presented on behalf of the Indian national congress case before the Bengal boundary commission (Calcutta: 1947), in AICCI/CL-14 (D)/1946; and 'Report of the Non-Muslim members', pp., VI, p. 30.

²⁸ See the telegram from Kaviraj Satish Chandra Lahiry to J. B. Kripalini dated 4 September 1947 in AICC-I/G-33/1947-48; Ranjit Das Gupta, *Economy, Society and Politics in Bengal*, pp. 237-9; and also see 'the Schedule', Sir Cyril Radcliffe's Award, 12 August 1947; in PP, VI, p.119.

province: as it was, the two havelis were separated from each other by a substantial stretch of foreign (and for the most part), hostile, territory. This awkward arrangement was not put right until 1956, when the state recognition committee awarded a narrow piece to West Bengal.

Nor would Radcliffe allow the principle of contiguity to be compromised too much: so the Thana of Boalia in Rajshahi, the four Thanas in Bakarganj and the areas of Faridpur claimed for West Bengal by the Congress, all went to East Bengal. Despite this, Radcliffe's package was very similar, on the whole, to the Congress proposal. The Award placed 71% of the Muslim population in East Bengal and 70.8% of the Hindu population in West Bengal. Had the Congress scheme been followed in its entirety, the figures would have been 73% and 70.67%, respectively.²⁹

This should be noted that, there was also another controversy on the eastern boundary that is the Sylhet dispute of Assam. The same judges of the same Boundary Commission (Bengal Boundary Commission) also did the partition of Sylhet separately. The basis of the division was the Census Report of 1941.³⁰

The Sylhet boundary lies within a small compass. Though Assam was predominantly a non-Muslim province, the district of Sylhet, which was contiguous to Bengal, was predominantly Muslims. There had been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, when it was taking place a referendum in Bengal to partition Bengal, a referendum also held in Sylhet district under the aegis of the Governor-General and in consultation with the Assam Provisional Government to decide whether the district of Sylhet should continue to form part of the Assam province or should be amalgamated with the new province of eastern Bengal. It was also decided that, if the referendum results in favour of amalgamation with eastern Bengal, a boundary commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majority areas of Sylhet district and contiguous Muslim majority areas of adjoining districts, which will then be transferred to eastern Bengal.

Both for Sylhet and Bengal the terms of reference as embodied in His Excellency's announcement of June 1930, follow the state paper of June 3, 1947. But in both these documents there was noticed a difference in the language used in the case of Sylhet

²⁹ Ibid, no. 25, p. 4.

³⁰ *Census Report of India*, vol. IX—Assam, Tables, Government of British India, 1941, pp.21-22; Ibid, no.20 & 21; Also see the Table—2 & 3.

and in that of Bengal. As regards Bengal, the direction was that the commission will “demarcate the boundaries of the two parts” of the province “on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims”, and in doing so, “it will also take into account other factors”. In the case of Sylhet, all that was said is that “the commission will demarcate the Muslim majority areas of that district and the contiguous Muslim majority areas of the adjoining districts”. No express direction was given (as in case of Bengal) for demarcation of the boundaries of two parts of the district, nor was anything said as to the “basis” on which the demarcation was to be made.

On the other hand, in the Census Report of 1941 (Volume ix—Assam)³¹ the smallest unit of area for which census figure were published in Assam was a police station or Thana, and survey maps were in existence showing the boundaries of such police stations or Thanas only. In 1942 the Assam Government also published census figures of the villages of Sylhet and other districts on the basis of the census report of 1941. So far as Sylhet is concerned, no maps³² were, however, published, and none were in fact in existence, depicting on the Thana maps the villages with reference to which the census was taken. Secondly, in respect of the permanent-settled portion, the only village maps which exist were those which had been prepared between the years 1859 and 1865, when Sylhet came under the operations of the Revenue Survey, generally known as the Thakbast Survey.

The mere demarcation of the Muslim majority areas of Sylhet district on the basis of Thanas was quite a simple matter. At the time of the census in 1941 the Sylhet district was divided, as it still was, in to 35 police stations: of those 8 only had a non-Muslim majority. Those 8 non-Muslim police stations were grouped in to two blocks: one situated on the west of the district, and the other stretching over the southeastern portion. The southeastern block comprises 6 contiguous police stations. Proceeding from west to east, those were (1) Srimangal, (2) Kamalganj, (3) Kulaura, (4) Barlekha, (5) Patharkhandi, and (6) Ratabari. The first three were in the sub-division of South Sylhet, and the last three in the sub-division of Karimganj.

The second bloc of non-Muslim majority Thana was formed by the police stations of Sulla and Ajmiriganj in the southern part of the district, Sulla being in Sunamganj sub-division, and Ajmiriganj in Habiganj sub-division. On the north, west and east of

³¹ See the Tables—2 & 3.

³² See the only map provided by Radcliffe Award, Maps—2, 9 & 10.

this bloc there were several Muslim majority Thanas of Sylhet, and the west there was the district of Mymensingh which was a part of Eastern Bengal.

But it had been opposed by the non-Muslim members to include those 6 non-Muslim majority Thanas in the southeastern bloc within the Muslim majority areas of Sylhet, and transferring them to East Bengal. The Muslim side had, however, laid a claim to all those Thanas, and they have sought to support it by what appear to be a curious line of argument. On behalf of the Government of Eastern Bengal as well as the Assam Muslim League and other Muslim bodies, it had been strenuously contended, despite the clear directions in the terms of reference, that there was no question of demarcating any Muslim or non-Muslim majority areas in the district of Sylhet, and the whole of Sylhet must therefore, be left it within Eastern Bengal. It is said that the entire district, as it stands at present, had already been amalgamated with Eastern Bengal as a result of the referendum which was held pursuant to paragraph 13 of the state paper, and all that remains to be done by the Boundary Commission is to ascertain the Muslim majority areas in the adjoining districts and amalgamate the same with Sylhet.

As regards the referendum, it was quite true that it was held for the purpose of ascertaining whether the district of Sylhet should continue to form part of Assam or should be amalgamated with the new province of Eastern Bengal. The result of the referendum was in favour of amalgamation with Eastern Bengal. But one fails to see how it follows that the whole of Sylhet was thereby become liable to be transferred to Eastern Bengal. On the other hand, the Muslim demand was conceded only to this extent: (i) that there should be a referendum on the question as to whether Sylhet should be amalgamated with Eastern Bengal, and (ii) that if the referendum resulted in favour of amalgamation, only the Muslim majority areas to be demarcated by the Boundary Commission, and the whole of Sylhet district, should be transferred to Eastern Bengal, together with contiguous Muslim majority areas of adjoining districts.

It was also seen that, absence of the word "contiguous" in the terms of reference with respect to Sylhet was of no consequence. The word "contiguous" might well had been left out in connection with Sylhet, because contiguity was implied in the fact that the terms of reference regarding Sylhet were intended to be similar to those for Bengal. The reason why the word "contiguous" was, on the other hand, used in reference to the "adjoining districts" was merely to emphasize the fact that not all the Muslim majority areas of the adjoining districts, but only such Muslim majority areas

of those districts were contiguous to the Muslim majority areas of Sylhet, were to be transferred to Eastern Bengal.

There were some other grounds which were put forward in support of the Muslim case for including the six non-Muslim Thanas forming the south eastern block of Sylhet district in Eastern Bengal. The main attempt was to make out that those Thanas would be treated as Muslim majority areas, though on the census figures of the total population those Thanas were predominantly non-Muslim. The argument was that in the reckoning of the total population of those Thanas, the tea garden labourers should be left out of account altogether, if that would have done, the Muslims would be found to be in majority in all the Thanas, barring Srimangal and Ratabari. The League contended that tea garden labourers did not form part of the normal population of Assam; they were wholly non-indigenous,³³ who came from various parts of India such as Bihar, Orrisa, Madras, the Central Provinces and the United Provinces. In the census report of 1941 they were classified as "tea garden tribes", as against the indigenous tribe who were describing as "Assam tribes".³⁴ They did not enjoy any right of franchise in general territorial constituencies, nor had they been permitted to vote in the recent referendum. It was further said that they had not got any holdings in the villages and no houses of their own, and that they really constituted a floating population of foreigners.

The argument was strongly rejected by the non-Muslim members on two grounds.³⁵ In the first place, the argument was fully irrelevant that whether the area had a majority of Muslim or non-Muslim populations. The tea garden tribes were recorded in the census reports as a part of the total population; there was absolutely no reason that they should leave out of account. It is immaterial whether or not they originally came from other parts of India, or were permanently settled in the district. Secondly as is pointed out at page 21 of the Census Report, 1941 (Volume ix—Assam)³⁶, the tea garden tribes consist principally of Mundas, Orangs, Gonds, Konds and Santhals, and they have been grouped together as tea garden tribes, as their presence in Assam was largely due to the tea industry. It is not, however, correct to state that they came

³³ 'The Back Ground of Immigration into Assam', *Hindustan Standard*, 19 December 1944; also see *Census of India--1941*, vol. 1, India, p. 28.

³⁵ Rajendra Prasad, *India Divided*, Hind Kitabs Publishers, Bombay, 1946, p. 246. This data has been quoted by him from an article- 'The Back Ground of Immigration into Assam', published in the *Hindustan Standard*, 19 December, 1944.

³⁶ *Ibid*, no.22.

from out side, and after a short stay in the district of Assam go back to their native districts on completion of the terms of their contract of employment, and that they neither hold any landed property nor enjoy any franchise. Therefore it was recommended that those six non-Muslim majority police stations of Srimangal, Kamalganj, Kulaura, Barlekha, Patharkhandi and Ratabari should remain within the province of Assam.

As regards the non-Muslim majority bloc in the western part of Sylhet district, comprising the two adjoining Thanas of Sulla and Ajmiriganj, this area, as already stated, was bounded on north by the district of Mymensingh in Bengal and on the three other sides by several Muslim majority Thanas in Sylhet. So it was recommended that the two non-Muslim majority police stations of Badarpur and that part of police station Karimganj which lies to the south of the River Kusiya should be retained in Assam. There was also a strip of land in the northwestern part of Sylhet through which a section of the motor road from Chachar to Shillong passes, almost touching the boundaries of Sylhet with the Khasi and Jaintia hills districts was recommended to remain in Assam.

Now coming to the other districts of Assam, which were adjoining Sylhet. As already stated, these are—³⁷

- (i) Cachar, which forms the entire eastern boundary and a portion of the northeastern boundary of Sylhet;
- (ii) Khasi and Jaintia Hills, which form the northern boundary;
- (iii) Garo Hills, which touch Sylhet on a very small point on the north-western extremity; and
- (iv) Lushai Hills, which are at the extreme southeast corner of the district.

With the exception of Cachar, the other three districts mentioned above had only a nominal Muslim population. In Lushai Hills the Muslim population was practically nil, being .06 per cent of the total number of 152,786. In Garo Hills, the percentage of Muslim population was 4.06, and in Khasi and Jaintia Hills, it was 1 per cent of the total population. It was only in the district of Cachar that the Muslims constitute 36.3 per cent of the total population. It was difficult; therefore, to see on what ground the Muslim League or the East Bengal government could lay any claim either to Khasi

³⁷ See the table for numbers of population in Assam, Tables—2 & 3.

and Jaintia Hills or to Garo Hills or to Lushai Hills. There was absolutely no Muslim majority area in this region contiguous to any Muslim majority area in Sylhet.

The district of Cachar was contiguous to Sylhet on its east and northeast. On this eastern and northeastern boundary of Sylhet there were three police stations, viz., (1) Katlichar, (2) Hailakhandi and (3) Atigaro. The first two police stations were in Hailakhandi sub-division, while the last was within Silchar sub-division. Of these, Katlichar was a non-Muslim majority police station, the percentage of Muslims being only 42.60, and in its entire length from south to north it was contiguous to the police station of Ratabari in Sylhet on the west, which itself had a majority of non-Muslim population.

As regards Hailakhandi, which was a Muslim majority police station, the percentage of Muslims being 54.83, along the whole of its western boundary, dividing it from Sylhet, there stretches a hill range known as the Saraspur Hills, extending northward up to the river Barak, with an average width of five miles, which certainly breaks its contiguity with Sylhet. Along the eastern foot of the Saraspur Hills in this police station there was a belt of villages and tea estate grants with an overwhelmingly non-Muslim population, which may be said to form an additional barrier between it and the district of Sylhet.

The only other police station on the western side of Cachar which might be said to adjoin Sylhet is Katigora: it is contiguous on its west and south to three Muslim majority police stations of Sylhet, viz., Kanairghat, Karimganj and Badarpur. The village Map which shows that no Muslim majority village or area in this police station was contiguous to Kanairghat. So far as police stations Karimganj and Badarpur are concerned, it was seen that the river Surma in one case and the river Barak in the other break the contiguity of Sylhet with Katigora.

Taking all the above arguments into consideration Radcliffe given his decisions.³⁸ It is remembered here that prior to Partition of undivided India a referendum was held in Sylhet district to give a verdict on whether or not to join Pakistan. The people gave an overwhelming verdict in favour of Pakistan, although Jamaat-e-Ulame-Hind, under the leadership of Moulana Madani, opposed vigorously without success. It may be mentioned here that Sylhet district at the time consisted of 5 sub-divisions namely,

³⁸ See *The Partition Proceedings*, vol. VI, Partition Secretariat, Government of India, New Delhi, 1950, pp. 153-155.

* See the Map—10.

Sadar Sylhet, Sunamganj, Moulvi Bazar, Habiganj and Karimganj but the latter became part of India although linguistically, culturally and geographically it was an essential part of Sylhet district. So much the district of Sylhet as lies to the west and north of this line detached from the province of Assam and transferred to the province of East Bengal. No other part of the province of Assam was transferred to East Bengal. For detail of illustration a map* marked A is attached on which the line is delineated.³⁹

However, after the final boundary decision or Radcliffe Award was announced, all complained that Radcliffe did not consider the right "other factors". The Radcliffe's efforts were further hampered by the fact that he was almost completely ignorant of the information and procedures necessary to draw a boundary line, procedures that were well established by 1947. Moreover, he lacked any advisers versed in even the basics of boundary making, and only his Private Secretary, Christopher Beaymont, was familiar with the realities of administration and every day life in the Punjab and Bengal.⁴⁰

It is very interesting to note that for the above reasons the Commission had to revise its decisions regarding certain areas. Among those areas the dispute of River Mathabhanga in Nadia⁴¹ district of West Bengal and the Sylhet Award of Assam itself are the most important. On close examination of the Radcliffe Award the most outstanding fact that emerged out, was that the Mathabhanga River-line from Padma-Ganges point to the imaginary point of junction where the course from the river Jalangi was completed to meet, had to be interpolated on the Radcliffe map to delineate the boundary (according to the descriptions in paragraph 5 and 6). Leaving aside the question of actual state of things as it existed were irrelevant, this point of junction was never depicted in any map ever published?⁴²

Secondly, it was come to the limelight after a report published in the "Hindustan Standard" about the decision of the Government of India to move for re-opening the Radcliffe Award on Sylhet. In this case the execution of the Radcliffe Award and the interpretation on which it is based had been challenged by the Sylhet Partition.

³⁹ Ibid; also see the Appendix—II.

⁴⁰ Stephen.P.Jones, *Boundary Making: A Hand Book for Statesmen, Treaty Editors and Boundary Commissioners* Carnegie Endowment for International Peace, Washington D.C., 1945.

⁴¹ See the Maps—11-14, 5 and 16.

⁴² See *Radcliffe Award: A Tragedy in Execution (A Case for Re-execution)*, Calcutta, 1947, pp.3-15. And also see the Map— 5.

Committee demanding the restoration to the Indian Union of 12 Thanas of Sylhet wrongly included in East Bengal.⁴³

Despite these there are also certain areas where the disputes are still remains unresolved. Firstly, the Chittagong Hill Tracts, which was said that Radcliffe gave too much weight to economic considerations neglecting his mandate to determine the contiguous majority areas of religious groups. For example, the Chittagong Hill Tracts in Bengal were awarded to Pakistan despite the fact that the Muslim population amounted to only three per cent (3%) of the total population. The next day, of the announcement of the Award, explaining to Nehru, Mountbatten clarified Radcliffe's decision, emphasizing the economic ties that beyond Chittagong District and the Hill Tracts together. Radcliffe apparently thought these economic necessities more important than the overwhelmingly non-Muslim population. For the Chittagong Hill Tracts, there was no reason of the territory being given to Pakistan. The population in Chittagong Hill Tracts, though small (approximately half million) was 97 percent Buddhist and Hindu. On religious and cultural grounds, the Chittagong Hill Tracts should form part of India.⁴⁴ Therefore, no solution has been found yet to the problems of the Chakkamas. This problem assumed alarming portions recently, as the policies of the Bangladesh Government, led to a constant flow of Chakkama Buddhist refugees numbering about more than 65 thousands, had started trickling into India since April 1986.....⁴⁵

Likewise, confusions were occurred, i.e. over Calcutta and Sylhet on the eastern border. The Muslim League made very strong claims for the inclusion of the Calcutta in East Bengal, without Calcutta the eastern part of the Pakistan would be a 'rural slum'. However, for the strong lobby by Congress, the Governor (the then in Bengal) requested the Viceroy to assure Nehru that 'Calcutta should not be destroyed'. A substantial number of Muslims in Calcutta still believed that the Boundary Commission would either give the city to Eastern Bengal or declare it an International Zone for the benefit of both the communities (countries). Ultimately, however, Calcutta was assigned to West Bengal.

⁴³ Chapalkanta Bhattacharya, *Radcliffe Award—A Case for Revision*, The Book Company Ltd., Calcutta, 1948, pp.9-10.

⁴⁴ Ibid, No. 20.

⁴⁵ *Indian Express (New Delhi)*, 17 July 1988.

Lord Mountbatten announced the Radcliffe Boundary Award on the evening of August 17, 1947.⁴⁶ Whatever may be the reservations, both the Governments (India and Pakistan) were bound to accept the terms of the Award. It was received with mixed feelings on both sides.⁴⁷

As per the prior conditions, it was accepted by the leaders of Pakistan that the country (Pakistan) would consist of the areas of contiguous Muslim majority people, the areas including the provinces of Sind, North Western Frontiers Provinces, Baluchistan, the western districts of Punjab. In addition, it included the eastern and some northern districts of West Bengal and the district of Sylhet in Assam as constituted the Muslim Zone as according to the dominion status of contiguous majority of religious groups (Muslims).⁴⁸

Radcliffe demarcated the boundary line between India and Pakistan, given rise to a number of boundary/border disputes between both the countries of India and Bangladesh. The origin of the problem must be trace to the Radcliffe commission's 'blunder lines'.⁴⁹ While the Indo-Bangladesh border has become more sensitive one, the historians, political analysts and also the political leaders of both the countries has neglected the issue since long.

The second part of this chapter deals with the 'Nature of Indo-Bangladesh Land Border'. India and Bangladesh share a Land Border of 4,096 Kms. and a Maritime Border of 180 Kms; out of which (Land Border) the share of West Bengal is 2,216 Kms, Tripura 856 Kms, Meghalaya 443 Kms, Mizoram 318, and Assam 362 Kms. It passes through five states of India viz., West Bengal, Assam, Meghalaya, Tripura and Mizoram. India's International Border with Bangladesh is a unique intermix of *plains, riverine, hilly, maritime and jungle terrain* with varying degree of habitation and ethnic mix residing as close as on the boundary itself and having relations across the border also. The entire stretch of border can be categorised as—plains in West Bengal, Assam-Barak valley, and Tripura; riverine which is about 200 Kms of southern extremity of West Bengal and 50 Kms of Assam; and hilly and jungle in Meghalaya.

⁴⁶ *The Statesman, (Calcutta)*, 18 August 1947.

⁴⁷ Cited in *After Partition, Modern Indian Series* (New Delhi), 1948, p.3.

⁴⁸ Rajendra Prasad, *India Divided*, (Bombay: Hind Kitabs Publishers, 1946), pp.297-256.

⁴⁹ *Indian Express (New Delhi)*, 17 July 1988.

Except Punjab, most of the Border States of India are under-developed. They are also physically isolated from India in various degrees because of the relatively poor infrastructure of transport and communication. Culturally, most of the border regions are different from the core of the Indian Union. Slow economic development has sharpened the border people's sense of alienation and demands for autonomy or self-determination. Such a mix of ethnic composition with similar language, culture, tradition, religion, etc. cares little about the man made artificial boundary.⁵⁰

Another feature of the Indo-Bangladesh border is the cross-border Rivers across the border. There are fifty-four river flows across the Indo-Bangladesh border. They are viz., Ganges, Jamuna, Brahmaputra, Mahananda, Surma, Meghan, Teetsa, Ichamati, Muhuri, Mathabhanga, etc. When the velocity drops, sedimentation rates increase, and the river changes its courses, braiding into multiple channels. The river border pose a different kind of problem because the sifting river roots, soil erosion or frequent floods. This makes it difficult to demarcate borders, especially when they form numerous islands and chars. River border lines tend to change course periodically leading to a host of disputes, associated with the difficulties in establishing ownership of the newly created territories (Chars and Islands); for example, in the 1980s controversies surrounding sovereignty over New Moore Island (South Talpatty) dominated Indo-Bangladeshi relations. However, India enjoys its sovereignty over it.⁵¹

It becomes more acute when local inhabitants occupy and uses (for multipurpose) these newly accreting lands (called the adverse location or Chars/Islands) contiguous to either Bangladesh or India, but which actually belongs to the other country. The Riverine Border, mostly in Dhubri district of Assam and southern West Bengal, has a peculiar problem, as it is difficult to locate permanent Out Posts (BOPs) in the area due to swelling of the Brahmaputra and other rivers that increases the depth of the river by about 30 feet.

Similarly, India's Maritime Boundary with Bangladesh has also not been finalised. 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 on the basis of equal distances from shore while the latter means adjustments of the Median Line, taking into account the physical

⁵⁰ Mushrooming Madrasas Make Members Mad, *The Economics Time*, New Delhi, March 20, 2002.

⁵¹ Shreeradha, *Bangladesh: A Fragile Democracy*, (New Delhi: Sipra Publications, 2004), p.128.

characteristics of the coastline. Furthermore, India and Bangladesh claims a three-kilometer island in the estuary of the river Hariabhanga and Raimongal in the Bay of Bengal. The island known in India as New Moore and Purbhasa Island, and in Bangladesh as south Talpatty, has been the subject of several rounds of talk since it has been seen. The outcome has considerable economic consequences for both the countries, as the disputes concern the extent of Maritime Zone rather than the Island itself.

The next typical nature of the border is the heavy density of the border areas. The density of the population varies from state to state. When in West Bengal it is 766, in Assam and Meghalaya it is 181 and in Tripura and Mizoram it is 268. Similarly, the people of both the countries work in close proximity and the boundary passes through the middle of the villages and also evens through houses, which are scattered almost along the entire stretch of the border. There is also another feature of the border is that the people who are residing in these areas are using the land up to the last inch for cultivation purposes. This causes for the missing of the permanent boundary pillars in those areas. Due to these problems the patrolling for Border Security Forces has become very difficult, which facilitates the smugglers to cross over the border.

Guarding of the border by the security forces in such a close proximity also creates another hectic situation in the border area. There are approximately 45 battalions of the Border Security Forces (BSF) with 725 Bops and around 30 battalions of Bangladesh Rifles (BDR) with 650 Bops deployed in the border area. The condition on this border has become more and more difficult due to increase in the density of the population. The main reason of the increase of the population is because of the overall increase in the population of the country and secondly, due to the influx of illegal migrants from Bangladesh who have settled in the border areas.

Another most important problem of the indo-Bangladesh border is the 6.5 Kms of un-demarcated borders. These non-demarcations of land borders are firstly, on Daikhata in Berubari area of West Bengal. The International Boundary in Berubari Sector of West Bengal at Mouza Daikhata-56 Khudipara-Singhpara, about 1.5 km, around 56 acres, has not been yet demarcated due to differences of opinion between the governments of both the countries. Secondly, on the Muhuri River Belonia sector in Tripura. On the Muhuri River of the Belonia Sector is part of Tripura Naokhali/Commila sector of the India Bangladesh boundary. The dispute in this area could not be solved due to the change in the course of Muhuri River and the formation

of a char (approximately 46 acres). The dispute involves demarcation of the boundary over a stretch of 2.5 Kms. Thirdly, on the Lathitila/Dhumabari area of Assam. The dispute on this area involves the stretch of about 2.5 Kms length (approximately 135 acres of land). This is the most important issue, which makes the border question unresolved.⁵²

Enclaves form the most important component of the border dispute. There are a number of enclaves on the Indo-Bangladesh border, which are in adverse location.⁵³ These enclaves are also divided into exchangeable and non-exchangeable by its nature. While India has 111 enclaves in Bangladesh (17,258.24 acres), the latter has 51 enclaves (7,083.72 acres) inside India. These are again divided into exchangeable and non-exchangeable by its nature. The ownership of 65 enclaves on the West Bengal-Bangladesh border are disputed; and of them, 35 are in adverse possession (Indian enclaves in Bangladesh), and 31 in reverse possession (Bangladeshi enclaves in India).⁵⁴ Adverse possession takes place due to the riverine nature of the border at certain places those leaves Chars after the floods. There are 2,853.50 acres of Indian land under adverse possession of Bangladesh and 2,154.50 acres of Bangladeshi land is under adverse possession of India.

The enclaves in Assam Meghalaya-Bangladesh border covering an area of 755 acres is with India and the remaining with Bangladesh. A major conflict was continuing due to the denial of the West Bengal Government not to give the permission of the Bangladeshi authorities to entry into the Bangladeshi enclaves of Dahagram and Angorporta, although, the permission was granted through the Tin Bigha Corridor Lease Agreements of 1982 and 1992.⁵⁵ However, it was solved in July 2001, after prolonged delays and hesitation of the west Bengal Government agreed to granting round-the-grant access for Bangladeshis to Tin Bigha corridor (an area between two Bangladeshi enclaves of Dahagram and Angorporta) thus breaking the deadlock that existed from 1974.⁵⁶

⁵² See Minister of External Affairs Jaswant Singh's Statement in Rajya Sabha on March 14 2002 at www.meadev.nic.in.

⁵³ See the Maps—15, 18, 19, and 20.

⁵⁴ Alok Kumar Gupta, and Saswati Chanda, "India and Bangladesh: Enclaves Dispute" at <http://www.ipcs.org/issues/articles/493-ban-alok.html>.

⁵⁵ For detail see the Appendix—VIII & IX, p. ; Also see the Maps—18 & 19.

⁵⁶ Restriction on Tin Bigha Corridor Goes Bangladesh, India Should Build on This, Editorial, *Daily Star*, July 17, 2001.

From India's point of view, the above border question poses a number of serious problems. Frequent border clashes between the border security forces of both the countries partly emanate from this feeling. In 2001, it witnesses alone 50 Indians and 41 Bangladeshi had killed in border clashes. The clashes between border security forces (BSF and BDR) of both the countries in the disputed enclaves in the Assam Meghalaya-Bangladesh border in April 2001 had seen by some as a calculated move by the military to flare of anti-Indian sentiments.⁵⁷

These border stretches are further complicated with states having problems of insurgency, terrorism, hostile neighbours, and state-sponsored terrorism, which making the border a complex landscape to manage. In recent years the Indian insurgent groups are using the Bangladesh soil as their base. The porous borders and easy accessibility has made Bangladesh very conducive for various Indian insurgents to operate from Bangladesh. According to the Government of India estimates, at present there are 99 camps of northeastern insurgent groups operating from Bangladesh and 88 insurgent leaders who are housed in different parts of Bangladesh. The insurgent groups those are operating from the Bangladesh soil are like the NSCN, ULFA, NDFB, Meitei extremist groups; ATTF and NLFT have developed trans-border linkages in Bangladesh. It has become more sensitive after the September 9/11, 2001, and especially after America's war against terrorism. After Pakistan came under the American pressure the Pakistani and the Pakistani supported Taliban terrorists has taken shelter in these border areas of Bangladesh side.⁵⁸

In recent years, the mushrooming growth of Madrassas along the border and in the interior with the aid and assistance of Muslim nations under the organization of Islamic countries' poses a serious problem to the security of the nation and border in long run. The Minister of State for Homes C.H Vidyasagar Rao while replying to the members' queries during the question hour in parliament stated that a, "survey conducted by NCERT (National Council for Educational Research and Training) in 1973 reported the presence of some 1,033 Madararas across the country".

Similarly, along the Indo-Bangladesh border, while there are 905 Mosques and 439 Madararas on the Indian side, there are 960 Mosques and 449 Madararas on the

⁵⁷ J.N.Dixit, *India's Foreign Policy and its Neighbours*, (New Delhi Gyan Publishers, 2000), p.214-15.

⁵⁸ See Ministry of Home Affairs, Government of India, *Annual Report 2001-2002*.

Bangladesh side within 10 Kms of the border.⁵⁹ What is alarming is the source of funding for the construction of these Madrassas and Mosques and some of these are involved in fundamentalist activities.⁶⁰ This is the real and typical nature of the Indo-Bangladesh land border. The above-discussed problems make the management process of the border most difficult one. These are affects the bilateral relations between the two countries worse. These are also gives rise to several border disputes between the two countries, which will be discussed, detailed in the subsequent chapters.

⁵⁹ Budgetary Allocation for Madrassas Education Sought, *The Hindu*, March 13, 2002.

⁶⁰ Madhav Godbole, Madrassas: Need for a Fresh Look, *Economic and Political Weekly*, New Delhi, October 13, 2001.

INDIA AND BANGLADESH: LAND BORDER DISPUTES

The nature of border and the partition of India through Radcliffe Award have given rise to numbers of problems and border disputes between India and Bangladesh. The border dispute is the most important issue than any others. From the India's point of view, the border question poses a number of problems. Regular border clashes between the two countries; partly emanate from this feeling. Since the partition of the sub-continent and the announcement of the Radcliffe Award, thousands of people has been killed in the cross border firing between the border security forces of both the countries. All other bilateral relations have also been hampered in a long way due to this problem.¹

Before the liberation of Bangladesh in 1971 border disputes arose between India and East Pakistan regarding certain territorial claims. Some of these disputes were solved by the Bagge Awards of 1950 while other disputes were discussed and resolved by Nehru-Noon Agreement of September 1958, and the Sworan Singh-Ahemmad Sheikh Agreement of October 1959 between East Pakistan and India. The Land Boundary Agreement (LBA) of 1974 also tried its best to solve the border problem in a long way.²

India and Bangladesh share a land border of 4,096 Kms. and a maritime border of 180 Kms; out of this (land border) the share of West Bengal is 2,216 kms, Tripura 856 kms, Meghalaya 443 kms, Mizoram 318, and Assam 362 kms. The undemarcation of 6.5 kms of border on Commila-Tripura sector is one of the big problems. This can attribute to "the concerns of the Hindus living in the lands likely to go to Bangladesh after demarcation". India's inability to find an alternative site to relocate the Hindu population is perceived to be the major stumbling block in resolving this issue. The other reasons are like the nature of the border is such that it is very difficult to demarcate and fence the border in these areas. As long as the question of demarcation is not resolved India would be unable to ratify the Indira-Mujib Agreement of 1974, which laid the basis for Indo-Bangladeshi friendship.³

The riverine/maritime border, on the other hand, poses a different kind of problems because of the sifting river routes, soil erosion and frequent floods make it difficult to demarcate especially when they form numerous 'Islands' and 'Chars'. River border lines tend to change course periodically leading to a host of disputes,

¹ J.N.Dixit, *India's foreign policy and its neighbours*, New Delhi: Gyan Publications, 2000, pp.214-15.

² Alok Kumar Gupta, "Border Dispute between India and Bangladesh", *Peace Initiatives*, Vol.VII, Nos.-III, (January-June, 2001), p.113.

³ See Ministry of External Affairs Jaswant Singh's Statement in Rajya Sabha on 14th March 2002 at www.meadev.nic.in.

associated with difficulties establishing ownership of newly created territories; for example in 1980s controversies surrounded sovereignty over New-Moore/South Talpathy island in the estuary of the border river Hariabhanga, dominated Indo-Bangladesh relations. However, India is enjoying its own sovereignty over it.⁴

To have an idea of the land borders of Bangladesh—Bangladesh is like a promontory surrounded by Indian territories. Except of a small stretch of border with Myanmar in the extreme southeast and with the further exception of Tripura State in the east, all of Bangladesh land boundaries are those of the Radcliffe Award.⁵

The border dispute between India and East Pakistan started just after the partition of the British India into two sovereign states of India and Pakistan. The state Pakistan was formed in two parts—one part in east and other part in the west of the Indian Union with a distance of thousands of miles. After the announcement of the Radcliffe Award there were four major disputes on Indo-East Pakistan border (two on the East Pakistan-West Bengal border and two on the East Pakistan-Assam border). Those disputes were follows: -

- (i) The first dispute concerned the boundary between Rajshahi district (East-Pakistan) and Murshidabad (West-Bengal);
- (ii) The second dispute related to the portion of the boundary located between the point on the Ganga River where the channel of the Mathabhanga took off according to Radcliffe Award and the northern most point where the channel met the boundary between the Thanas of Daulat Pur (East Pakistan) and Karim Pur (India);
- (iii) The third dispute concerned the Patharia Hill Reserve Forest; and
- (iv) The fourth dispute arose from the changing course of the Kusiara River, which had been made by Radcliffe the boundary between Pakistan and Assam.⁶

The first major border incident occurred immediately after the partition. It took place in the beginning of 1948—in the area of the Patharia Reserve Forest. Allegations and counter allegations were exchanged on both sides, while India accused Pakistan of seizing portion of its territory in Assam; Pakistan accused Indian forces of trespassing into its territory.

In order to avoid further armed clashes on the East Pakistan-India border both countries i.e. Pakistan and India concluded an agreement in New Delhi on December 14, 1948. It has decided to set up a Tribunal not later than January 31, 1949, for the

⁴ Shreeradha Datt, *Bangladesh: A Fragile Democracy*, New Delhi: Sipra Publications, 2004, p.128.

⁵ Mujtab Razvi, *The Frontiers of Pakistan*, Karachi and Dacca, 1971, p.46.

⁶ Decisions of *The Indo-Pakistan Boundary Disputes Tribunal* headed by the Hon'ble Lord Justice Algot Bagge, Govt. of India, 1958.

adjudication and final settlement of disputes and also for demarcating the boundary between East Pakistan and India. It was mutually decided to appoint Justice Algot Bagge, an ex-member of the Supreme Court of Sweden, as Chairman of the tribunal. The Tribunal in its first meeting at Calcutta on December 3, 1949, decided to designate itself as "The Indo-Pakistan Boundary Disputes Tribunal, 1949-1950".⁷

The Tribunal published its report on February 5, 1950. It had settled the disputes as follows: -

- (1) India's contention in favour (in West Bengal) of a fixed frontier between the Murshidabad district and the Rajshahi district of East Bengal rather than one varying with the course of the Ganges was accepted, the boundary being defined as the midstream of the Ganges as it was on August 15, 1947;
- (2) Pakistan's contention that the Mathabhangha River should form the frontier between East and West Bengal over a disputed area of five to ten square miles was accepted by the Chairman of the Tribunal;
- (3) On the dispute of Patharia Hill Reserve Forest, the Tribunal, recommended a continuation of the status qua under the Radcliffe Award;
- (4) The Tribunal rejected Pakistan's claim to the town of Karimganj and the adjacent area of the East Bengal-Assam frontier.⁸

The report also stated that Indian and Pakistani experts should demarcate the boundary lines within one year from February 5, 1950, and that no unilateral action should be taken in the interim by either side.

Thus the Bagge Award, which was given in February 1950, was able to solve satisfactorily the two disputes relating to the border between Assam and East Pakistan (the Patharia forest and the Surma-Kushiyara River an area near Karimganj), the differences between the two countries persisted in spite of the Award.⁹

The situation further deteriorated with the occurrence of border incidents like border clashes and illegal movements of peoples. The first half of 1958 witnessed a number of cases of border clashes and border violations. Most important of them were the sporadic cases of violations in the month of May along the border of Khashi-Jayantiya Hill areas, and the occupation of the Tukergram village in the Surma River sector on August 6, 1958 by Pakistan. Two days before this occupation Pakistan had sealed off the Tripura border.¹⁰

⁷ Nafis Ahmad, "The Indo-Pakistan Boundary Disputes Tribunal, 1949-59", *The Geographical Review*, July 1953, pp. 329-37; See the Appendix—IV.

⁸ The Radcliffe Award in Appendix—I.

⁹ A. Tayeb, *A Political Geography*, (London, 1966), pp.91-95.

¹⁰ R. N. Trivedi, *Sino-Indian Border Dispute and its Impact on Indo-Pakistan Relations*, (New Delhi, 1977), pp.63-64.

This led to the meeting of the two Prime Ministers, Jawaharlal Nehru and Firose Khan Noon, at New Delhi on September 9, 1958, known as the Nehru-Noon Agreement. The following decisions were arrived at between the two countries at the agreement: -¹¹

- (1) It was decided to exchange territories along the course of the channel of the river Mathabhanga;
- (2) Berubari Union no.12 was to be divided equally between West Bengal and East Pakistan. The area between the Pachaghar Thana of East Pakistan and Berubari Union no. 12 of West Bengal was allotted to India. Pakistan was given the area lower down between the Boda Thana of East Pakistan and Berubari Union no.12
- (3) On the hill disputes, the status quo was maintained as Pakistan was dropped its claim over the area;
- (4) Regarding the border dispute between the 24-Praganas in Khulna and the 24-Pragana in Jesore—mean position was to be adopted, taking the river Ichamati as the guide;
- (5) Two Cooch Behar Chit lands on the border of West Bengal, was to go to West Bengal;
- (6) Pakistan gave up its claim on the Bholaganj dispute on the Assam-East Pakistan border;
- (7) India decided to give a small bit of territory on the Tripura-East Pakistan border, to Pakistan as the territory near to a railway route of Pakistan;
- (8) Both countries agreed to begin demarcation work along the Piyain and the Surma river, on the basis of previous notifications;
- (9) Lastly, it was decided to exchange the enclaves. The Indian enclaves (including Cooch Behar), which were in Pakistan, were to remain with Pakistan and Pakistani enclaves falling in India were to remain with India.

The agreement of 1959 has also a lot of contribution to solving the Indo-East Pakistan border disputes. In pursuance of the decisions taken in a meeting on 1 September 1959 by President Ayub Khan of Pakistan and the Prime Minister Jawaharlal Nehru of India met and talk about all the existing disputes relating to the border. Swaran Singh, the then India's Minister of Steel, Mines, and Fuel and Lt. Gen. K.M.Saikh, Pakistan's Minister of Interior, met at Dacca and New Delhi between 15 to 22 October to consider Indo-Pakistani border disputes (both eastern and western side). In these meetings, the two Prime Ministers discussed the disputes unresolved by

¹¹ J. L. Nehru *Selected Speeches*, September 1946 - May 1949, Vol. I, New Delhi, 1958, pp.492-493; See the Appendix—IV.

the Bagge Award; namely the disputes relating to the regions of the Patharia Reserve Forest and Surma-Kusiara River sectors. About the former, they decided to adopt “a rational boundary” and regarding the latter, they adopted the Thana boundaries of Beani Bazar and Karimganj as the Indo-Pakistan boundary in the region. They also adopted detailed ground rules, which were formulated by the military sub-committees of the Indian and Pakistani delegates.¹² In the main, both India and Pakistan argued it that, the entire border disputes between them, should be settle in a spirit of “give and take”. Broadly, the agreement handled the problem in two ways—

- (a) Either an outright settlement of disputes, and
- (b) Or it was agreed that all out standing boundary disputes, should if not settled by negotiation refereed to an impartial Tribunal for settlement and implementation of that settlement by demarcation on the ground and if necessary also by exchange of territorial jurisdiction.

The agreement also provided a procedural to be adopted for the settlement of disputes arising in the future and the rules for the conduct of border patrolling. Despite the above settlements, still there were some existing disputes. They are follows: -

- (1) the disputes concerning the Bagge Award no.2 (Kusiyara River sector) was settled by adopting the “Thanas” (police stations) boundary of Beni Bazar in Karimganj as India-East Pakistan border;
- (2) the disputes concerning the Bagge Award no.3 (Patharia Reserve Forest) was settled by adopting a rational boundary in the Patharia Reserve Forest region;
- (3) the status qua in Tukergam was to be restored and Pakistan had to vacate those parts she had occupied in 1958; and lastly,
- (4) The validity of Nehru-Noon Agreement of September 1958 was reaffirmed. They are by its provisions concerning exchange of demarcated territory and enclaves, determination of boundary between Khulna and Jesore. And also the position of Pakistani railway passes in India and other disputes related to Hilly Bholaganj and Surma Pyrian River came to be accepted.¹³

Consequent upon the signing of the agreement of October 23, 1959, the border firing in the eastern sector decreased. To restore the status quo in Tukargram, Pakistan vacated the occupied areas on November 16, 1959. The areas to be exchanged

¹² See the text of the Joint communiqué issued on 11 January 1960 including the text of “Ground Rules” in no. 19, pp. 394-401. And also see the Appendix—V & VI.

¹³ See India-Pakistan Joint Communiqué on Border Disputes, Dated October 23, 1959, in *Foreign Policy of India: Texts of Documents*, (1947-64), (India, 1966), Lok Sabha Secretariat, pp.383-393.

between the two countries as provided in the Bagge Awards were done on January 15, 1960.¹⁴

Apart from helping in maintaining the peace and stability to the local population of the border regions, these border settlements have helped the much-needed concerted effort to counter Chinese incursion on the border.

In the main, therefore two agreements of 1958 and 1959—were instrumental in resolving border disputes at the political level. But it is one thing to promise to do something and another to actually implement it. It is on the latter plank of implementation that both the agreements had suffered a lot. The difficulties in implementation of some of the provisions of these agreements can be located either due to lack of foresight of some of the practical aspects of the problem, on the part of officials on either side or due to insufficient political will to do so. The implementation of the border agreements have suffered on the grounds that the controversy over the transfer of the Berubari Union.¹⁵

It should be noted that the agreement provided for the transfer of 4.37 miles of the Indian held Berubari Union, in Jalpiguri district of West Bengal to Pakistan. The West Bengal Government opposed the transfer on the ground that the area to be transferred to Pakistan was predominantly Hindu populated and therefore was indisregard to the public welfare.

Regarding the agreement arrived at, over the Berubari Union, Nehru said, in the Lok Sabha that if no settlement was arrived at, the question of Berubari like any other question would have been refereed to a new Tribunal. In that case, it would have been left to the Tribunal, to decide whether the area should be included in India or East Pakistan. In case the Tribunal decided upon the latter, India would have lost the whole of the Berubari Union.¹⁶

While talks regarding the actual line of demarcation were held during 26-29 April¹⁷ and 20-21 July 1961, the actual work of implementation was held up or impeded on some ground or the other. It was not until 26 September at a meeting of officials of the two countries, that it was decided to start demarcation of Berubari Union on 1 November 1962.¹⁸ Several meeting in the mean time was postponed and when the demarcation work actually started on 9th November 1963, it could not be

¹⁴ Statement of Parliamentary Secretary to The external Affairs Ministry, *India Lok Sabha Debates*, Series 2, Vol.51, March 4, 1961, Col.2827.

¹⁵ For detail see *Foreign Affairs record*, Vol.vi, 1960, pp.449-56.

¹⁶ *Foreign Affairs Record*, Vol.i, 1961, p.456.

¹⁷ Detail see *The Statesman*, 27 April 1961/Dawn, 1 may 1961.

¹⁸ *The Hindu*, September 1962.

completed due to some disturbances.¹⁹ On March 14, 1960, the Supreme Court of India gave the decision that the transfer of the area of Berubari Union needed constitutional amendments.²⁰

In pursuance of the Nehru-Noon Agreement, the territories between West Bengal and East Pakistan covered by the Bagge Award were exchanged between the two countries on 15 January 1960.²¹ The transfer of Berubari Union to Pakistan caused some difficulty because the West Bengal Legislative Assembly and Council passed a resolution against the transfer on 29 and 30 December 1958 respectively.²² The whole matter of transfer was held up as on 2nd February 1965. Undeterred by it, the President of India sought in April 1959, the advisory opinion of Supreme Court of India on the constitutional measures need for the implementation of the Nehru-Noon Agreement with regard to the Berubari Union and the Cooch Behar enclaves.²³ The Supreme Court of India issued a ruling that, while permitting the continuation in the Berubari Union, restrained the Indian Government from passing any final order in the matter of the proposed transfer of the Berubari Union to Pakistan and Cooch Behar enclaves.²⁴ However, the transfer did not materialise, primarily due to an undeclared war that broke out between the two countries on 1st September 1965.²⁵

There were some important disputes relating to the border between India and East Pakistan. This border was the scene of much friction during the period from September 1960 to September 1965. The agreement of September 1958 and October 1959 regarding this sector were hardly implemented. Those problems are as follows: -

(I) *Controversy over the Berubari Union*—The idea of the transfer of half the Berubari Union to Pakistan, which had continued as a part of West Bengal and in which some thousands of refugees had settled after the partition of Bengal,²⁶ created a big uproar in West Bengal. There was a series of talks from 1961 to 1965, regarding the demarcation of the actual line on the ground in Berubari Union. Towards the end of March 1965 there were also reports of concentration of Pakistani forces near the

¹⁹ See statement of India's Deputy Minister for External Affairs, Dinesh Singh, in *Lok Sabha Debates*, series 3, Vol.22, 29 November 1963, cols. 2732-2734.

²⁰ *The Statesman*, 12 August 1965.

²¹ See the statement of Sadath Ali Khan, India's Parliamentary Secretary to the External Affairs Minister, *Lok Sabha Debates*, series 2, vol. 51, 4 March 1961, col. 2827.

²² *The Hindu*, 31 December 1958.

²³ For details, see Nehru's statement in *Lok Sabha Debates*, series 2, vol. 28, 2 April 1959, cols. 9288-9.

²⁴ *The Hindu*, 3rd February 1965.

²⁵ *The Hindu*, 2 September 1965.

²⁶ Statement of Prime Minister Nehru in *Lok Sabha Debates*, series 2, vol. 49, 20 December 1960, col. 6558 and in *Rajya Sabha Debates*, series 2, vol. 31, 22 December 1960, col. 3208.

Berubari area, and fear was expressed in important circles in India that the Pakistanis might seize the area by force.²⁷

(II) *Incidents Relating to Pakistani Enclave of Dahagram and the Indian Enclaves in Pakistan*—Although, under the Nehru-Noon Agreement of September 1958 the exchange of Cooch Behar enclaves in East Pakistan and East Pakistani enclaves in Cooch Behar had been agreed to between the two countries, it did not come about owing to certain constitutional difficulties of India.²⁸ This posed serious problems both for India and for Pakistan. In Pakistani enclave of Dahagram particularly alarming situation developed in 1965.

(III) *Dispute on the Border Between Assam and East Pakistan Concerning Lathitilla-Dumabari Group of five Villages*—The dispute over the five villages in the Lathitilla-Dumabari area of Karimganj Thana is a legacy of the Radcliffe Award, arising from the differences between the line drawn in map by Cyril Radcliffe (which favoured Pakistan) and his detailed report (which favoured India).²⁹ As the boundary in this area had not been demarcated and the anomaly had continued, there took place a series of incidents during 1962-65.

(IV) *Dispute in the Feni River area on the Border Between Tripura and East Pakistan*—Dispute in this Feni River area, particularly the one relating to Jaliya, between the Feni and the Ranga Feni,³⁰ created serious problems in 1962 and 1965. According to Indian sources, in April 1962, armed personnel of the East Pakistan rifles started intruding in to the disputed area on the upper reaches of the river Feni in contravention of previous agreements and ground rules of 1959. Towards the end of May 1965, the situation in this area deteriorated on the pattern of the happenings of 1962. Pakistan alleged India's reoccupation of a camp opposite to Asalong mouza (also called Icahari Patichari area).³¹ India denied this charge and said that it was in fact Pakistan, which had occupied Asalong mouza, and asked Pakistan to vacate it.³² During 1964 and 1965 a series of incidents were reported in other areas in the border between Tripura and East Pakistan. A dispute arose concerning change in the course of the Muhuri on the border between Naokhali (East Pakistan) and Tripura. The

²⁷ See Swaran Singh's statement in *Rajya Sabha Debates*, vol. 51, 31 March 1965, col. 5200.

²⁸ See Pakistan's Parliamentary Secretary, Abdul Hye Chaudhary's statement in *National Assembly of Pakistan debates*, vol. 2, 16 August 1963, p. 2932.

²⁹ Prime Minister Nehru's statement in *Lok Sabha Debates*, series 3, vol. 21, 21 September 1963, col. 7451.

³⁰ About the dispute see Nehru's statement in *Lok Sabha Debates*, series 2, vol. 48, 8 December 1960, cols. 4525-6.

³¹ *Pakistan Times*, 2 June 1965.

³² See the text of India protest note of 16 June 1965 in *Indian Information*, vol. 8, 15 July 1965, pp. 368-9.

conflict in this area came into swing when, according to the Indian sources, the East Pakistan's rifles started firing on 9 May 1965 on Belonia town and the adjacent areas. On the other hand, the Pakistani reports said that since May 1965 Indian troops trespassed in to the *Charlands* of the Muhuri on the Pakistani side on several occasions and indulged in provocative firing.³³

(V) *Border Between West Bengal and East Pakistan*—A number of incidents were reported on the border between West Dinajpur and East Pakistan in March and August 1962 and on the border between Jalpaiguri and East Pakistan in August 1962.³⁴ In April-May 1965 concentration of forces from both sides were reported all along the border between West Bengal and East Pakistan.³⁵

(VI) *Demarcation of the Frontier Between India and East Pakistan*—So far the actual demarcation of the boundary between India and East Pakistan, as stated by India's Minister of State for Foreign Affairs, Lakshmi Menon, on 12 April 1965 and more or less repeated by the External Affairs Minister, Swaran Singh, on 23 August 1965, details of the demarcation work completed along with area and miles respectively were as follows: (i) portion of the boundary between West Bengal and East Pakistan at Berubari and Hili and along the rivers of Mahananda, Borung and Karatoa and the rivers Hankar Khal and Baikari khal (1,079 miles out of 1,349 miles); (ii) the border between Tripura and East Pakistan at Tripura-Sylhet subsector, the Tripura-Chittagong subsector and the Tripura-Naokhali subsector for 22 miles (184 miles out of 550 miles); and the boundary between Assam and East Pakistan relating to 190 miles of Mizo (District)-Chittagong (Hill Tracts) subsector, one mile near Umapati village, and six miles near Lathitilla-Dumabari villages (423 miles out of 620 miles).³⁶ In this process of demarcation of the boundary in this region, problems were posed quite often by the removal of boundary pillars.³⁷

The dispute over the interpretation of the Nehru-Noon Agreement regarding 24-Praganas and the Jesore-Khulna border remains pending. Pakistan had laid claim to twenty acres in Nafarchandra Pura village of Nadia district of West-Bengal. The length of the boundary between Sylhet and Assam is 620 miles. The demarcation work in 430 miles was done jointly by the Directors of Land Records of Assam and

³³ See *Pakistan Times*, 2 June and 2 July 1965.

³⁴ See the reply to questions by Dinesh Singh, India's Deputy Minister for External Affairs, *Lok Sabha Debate*, series 3, vol. 6, 18 August 1962, col. 2442.

³⁵ *The Hindu*, 15 May 1965.

³⁶ *Dawn*, 23 May 1965.

³⁷ Nehru's replies to the questions, in *Lok Sabha Debates*, series 2, vol., 51, 4 March 1961, col. 2914.

East Pakistan, while a total of 190 miles in the Mizo Hills border East Pakistan was done jointly by the Survey of India and East Pakistan Survey Team.³⁸

Pakistan's claim was the western branch of the Fenny River, while India claims the southern branch. Because of the changing of the course of Muhuri River, there was a disagreement over a small area of Indian Territory with in Belonia town, on the south bank of the Muhuri River. The area involves: -

- (a) A small portion of the river Lina land on the left bank of the Muhuri river to the north of Belonia town; and
- (b) An area inside India in the south of the land frontiers between India and Pakistan. India has insisted upon the traditional mainstream boundary.

Thus we shall see that agreements (discussed above) to solve the border disputes, in principle were not enough. Even though detailed provisions for the settlement of the border disputes had been made in the agreement of 1958 and 1959. However, some of them felled at the level of implementation because of faulty implementation or lack of implementation, which can be attributed, either to lack of foresight of the practical difficulties that may arise, or simple due to lack of political inertia.

The actual disputes in present day relates to just a four mile area involving certain villages known as Putnigaon, Karkhana, Bor-Putnigaon, Lathitila and Dumabari and the Muhuri River Belonia sector. They are located at the Cooch Behar Sylhet sector of the Assam-Bangladesh border. The Radcliffe Boundary Commission did not cover the border of 550 miles between Tripura and Sylhet. There were conflicting claims over the issue on the southern tip of Tripura.

Meanwhile, in 1971 East Pakistan became Bangladesh and inherited the same border problem with India. However, in 1974, an agreement (Land boundary Agreement (LBA) of 1974) was concluded between Bangladesh and India, allowing for the transfer of a portion of Berubari.³⁹ A special Leave Petition of the Union of India against the Division Bench Judgment of the Calcutta High Court has been admitted, as late as 4 November 1987. The agreement of 1974 and 1982⁴⁰ are directed to be suitable noted or recorded in the relevant schedules to the constitution authorizing the transfer of territories to Bangladesh and not to Pakistan.

The nature of the border itself is such that it, infact, not possible to fence the entire border, because a large part of the border is not prone to fencing like either

³⁸ Surya P. Sharma, *India's Boundary and Territorial Disputes*, Vikash Publications, New Delhi, 1971, pp.120-121.

³⁹ See the Appendix—VIII.

⁴⁰ See the Appendix—VIII.

river areas, mountainous or jungle terrain. The rivers in this region whether they come from Assam, Bhutan or northeast, are mountainous rivers and therefore fast flowing and spread into plains and they change their course almost every year.

Regarding the six and a half kilometers of undemarcated borders, which are in three sectors, firstly, of Belonia, which is in Tripura, it is 1.6 km long. Then there is Lathitila-Dumabari, which is in Assam, it is about three kms long. Then there is Daikhata-56, which is one-and-a-half km long and it is in West Bengal. These three have not yet really been completed because the two survey teams of India and Bangladesh are unable to arrive at an agreement as to where dose the line actually run.

✓ There is Joint Boundary Working Groups (JBWGs) formed to see all the issues relating to the border dispute, including border demarcation and fencing. The JBWGs meetings are frequently being holding on to discuss the border disputes including the 6.5 kms undemarcated borders.⁴¹

(I) *Daikhata in Berubari area of West Bengal*— The international boundary in Berubari sector of West Bengal at Mouza Daikhata-56 Khudipara-Singapara, about 1.5 km (56 acres), has not been yet demarcated due to differences of opinion between the governments of India and Bangladesh. As per the Government of West Bengal, by and large the Sui River divided the area along the actual possession held by India and Bangladesh. The West Bengal government is of the view that the boundary in this area should be aligned along the actual possessions with a view to regularizing adverse possessions.

According to Bangladesh's claim Daikhata-56 was cadastrally surveyed in 1910-11. The Cadastral Survey operation of Jalpiguri was based on O' Donnel's Revenue Survey Maps of 1868-70. They are also arguing that as per report of the Boundary Commission of 1939 Daikhata-56 was known as a separate Mouza in the Boda police station of the then Jalpiguri district. In the Commission's report (Boundary Commission 1939), it has been categorically stated that the area in question was not at all surveyed by O' Donnel. The area falls in the Karatoa River bloc, which was surveyed by Pemberton in 1858. In Pemberton Map the area has been shown as part of Chit Daikhata 109. On subsequent analysis it has been identified that the area of Chit Daikhata 109 is the sum total of the area comprise in Chit no. 39, 40 and Daikhata-56 which is in Cooch Behar. Thus Daikhata-56 was very much a part of Cooch Behar State.

⁴¹ Avtar Singh Bhasani (ed.), *India-Bangladesh Relations, Documents—1971-2002*, Vol. IV, (New Delhi: Geetika Publishers, 2003), pp.2205-2213.

In the Cadastral Survey Map of Jalpiguri, Daikhata-56 has been shown as "Taluk Daikhata-56". It was also stated in the maps that Taluk Daikhata -56 was in Rajya Cooch Behar. As per the final report of the survey and settlement of Cooch Behar State, Taluk Daikhata -56 was corresponds as a Mouza in British India. Thus it follows that Taluk Daikhata-56 was in Cooch Behar State.

Bangladesh is arguing that the O' Donnel Revenue Survey of Cooch Behar of 1868-70 "stands inoperative" due to subsequent Cadastral Survey of Cooch Behar 1912-19. It may be noted that the O' Donnel survey was the basis for the Cadastral Survey operation of 1910-11 is also not valid. It was pointed out that it was not correct that Revenue Survey Maps had no legal value. East India Company introduced Permanent Settlement in Bengal for the purpose of settling lands with the Zamidars on condition of payment of fixed revenue, in the year 1973. The revenue survey so carried out for ascertaining the extent of Zamidary had the sanction of regulations and hence the survey was legal and valid.

When East India Company ceased to operate and India came under Crown, it was felt necessary by the crown to protect the interest of the Ryotes and intermediaries under the Zamidars. This necessitated legislation of Bengal Tenancy Act, 1885 by virtue of which plot-to-plot survey in each Tauzi (extent of Zamidari) was carried out in Cadastral Survey operation.

On the other hand, India's stand is that Daikhata-56 was a Taluk in Cooch Behar Rajya (Cooch Behar State) as evident from the Cadastral Survey map of Daikhata-56 and sought clarification as to why it should not be a part of Cooch Behar State. It is true that Cadastral Survey map of Chit Daikhata-39 did not show the area comprised in Sheet no. 4 of Daikhata-56. It was not felt necessary as the area has already been shown as part of Cooch Behar State in the Cadastral Survey map of Taluk Daikhata-56.

On the other side, Bangladesh argues that neither in the O' Donnel revenue survey of Cooch Behar carried out in 1858-59, nor a plot-to-plot survey was done. After these revenue surveys, Cadastral Survey operation was carried out in 1910-11 following which revenue operation became inactive and inoperative. Besides, the revenue survey has no legal value as against the Cadastral Survey operation, which had been carried out under the provision of the Bengal Tenancy Act of 1885. Under section 103 (b) of the Bengal Tenancy Act, every entry in the record is to be taken as correct. Similarly, under section 83 of the evidence act, the Cadastral Survey maps are presumed to have been made under the authority of the government and are to be taken as correct. Since the revenue, survey was not carried out under any such act or

law of evidence, Bangladesh argues that the revenue maps can not be a basis for demarcation.

The present contention is that, the West Bengal government had integrated positions for the entire Berubari sector, and Daikhata-56 was only a part of it. For the purpose of demarcation in Daikhata-56 the Government of India considers that it was a viable option to accept the Sui River as the boundary. The difference over the alignment between the two sides still exists and the issue has been referred by the Survey authorities of both sides to their respective Governments.

(II) *Muhuri River (Belonia Sector)*⁴²—Muhuri River (Belonia Sector) is a part of Tripura Naokhali/Commila Sector of the India-Bangladesh boundary. The dispute in this area could not be solved due to the change in the course of the Muhuri River and formation of a Char (approximately 46 acres). The dispute involves demarcation of the boundary over a stretch of 2.5 kms. However, the issue could have resolved vide Para 5 and 6 of article I of the 1974 Agreement.

The argument put forth by Bangladesh that Land Boundary Agreement does not specify any thing regarding the two end point of the Muhuri river in which the mid-stream would be followed by inserting the word “Belonia” in Para 5 of article 1. However, according to the Land Boundary Agreement (LBA) of 1974, the stretch of Muhuri River bound by the extremities of Belonia should be demarcated along the midstream of the river. The starting and the closing points of the boundary of Muhuri River (Belonia) segment were the points at shortest distance from the two end points of the River, the segment for which Para 5 of the article 1 of Land Boundary Agreement of 1974 was the only operative stipulation. This boundary has depicted in the Chakla-Roshanabad maps.

Any reference to Chakla-Roshanabad maps in the context of demarcation of Muhuri River (Belonia), as insisted by Bangladesh is not justified and is against the spirit of LBA of 1974. The fact is that the issue of demarcation in the Muhuri River (Belonia) Sector was specifically addressed by two Prime Ministers in 1974. It was decided to make a special dispensation for this sector to be demarcated along mid-stream of the river at the time of demarcation (Para 5 article 1 of LBA of 1974).

Bangladesh pointed out that; it was not mentioned in the 1974 Land Boundary Agreement about the two end points of the river between which the mid-stream would form the boundary between Bangladesh and India in the Belonia sector. Bangladesh side stressed that the Chakla-Roshanabad Cadastral Survey Map of 1982-99 prepared

⁴² Recommendations in *Report of the Group of Ministers' in Reforming the National Security System*, Chapter on Border Management, February 2001.

for the demarcation in the Naokhali/Commila-Tripura sector and the Trip Map prepared by Bangladesh-India Joint Field Survey in 1978 should form the only basis for identifying of the two end points of the Muhuri River. Bangladesh emphasized upon the fact that the geographical location of the Muhuri River is very much within the former estate of Chakla-Roshanabad and the Naokhali/Commila-Tripura area referred under the LBA.

The present problem is that, India wants the boundary to be demarcated along the line of the new course of Muhuri River whereas Bangladesh wants it to be demarcated along the old course of Muhuri River, according to which India wants the Shashaner Char. Except, for the area of Shashaner Char, the mid-stream of the present river is being followed as the boundary as the present course of the Muhuri River has been criss-crossing the earlier course of the river (as shown on Chakla-Roshanabad Map of 1894). It should also be noted that the gain and the loss to either side has more or less been compensated. The main point of the difference has come up due to the formation of the char portion with an area of approximately 46 acres due to the shifting nature of the river. Incidentally, the Char is also used as a cremation ground by people of belonia.

(III) *Lathitila-Dumabari area*— On this area the dispute involves a stretch of about 2.5 kms length (approximately 135 acres of land) in the Lathitila sector Assam. The difference could not be settled because the survey authorities of both the countries have different views on the same issue. The Indian authorities insist on accepting the original Cadastral Map of village Dhumabari of 1915-16 as the basis for demarcation. Whereas the Director-General Land and Survey of Bangladesh is not accepting the said map and insisting for the Theodolite Traverse Data of village Dhumabari as the basis for demarcation of the area. However, for Bangladesh it is against the spirit of LBA to revert old issues of Dumabari not being included either in Kulaura Thana or Patherkhandi Thana as the political leadership addressed these in 1974. Even if Dumabari Mouza was not included in Kulaura/Patharkhandi Thana map this does not mean that location and extent of Mouza Dumabari is not known. Had there been any doubt about location boundary of Dumabari or any other Mouza of the area, this would have been addressed at the time of negotiation of the Land Boundary Agreement.

It is a fact that Putni Grant Mouza was surveyed in 1890-91 and the area to the west of this Mouza i.e. where Dumabari Mouza is located remained unsurveyed at that time and it was also accordingly indicated as per normal survey practices. This mouza was subsequently surveyed in 1915-16 which confirmed that the eastern

boundary of dumabari mouza is the same as the western boundary of Putni grant. The traverse set up of Putni Grant Mouza of 1890-91 pertaining to this common boundary formed the basis for the traverse set up of dumabari mouza survey of 1915-16 as well. Hence, the traverse set up of putni grant of 1890-91 can be used to relay on the ground the relevant portion of the boundary of Dumabari.

During February 1996 a military working boundary was decided for this area. Since then the status quo is being maintained. The land in this area is under the administrative control of Bangladesh, however, the land revenue is being paid to the Government of Assam. The request for Theodolite Traverse Data of Dumabari for the season 1915-16 by Bangladesh was also discussed by Foreign Secretary India with the Home Secretary of Bangladesh when the latter visited India in April 2000. Wherein it was impressed upon the Home Secretary of Bangladesh, that in the absence of related Traverse Data, the boundary alignment can be relayed on the ground by way of correlating the alignment of Mouza map of Dumabari with adjoining Mouza maps and the Traverse Data of Common Traverse Stations and village trijunctions.

Bangladesh on the other wards studied the following documents received from India at different times in relation to their claim over the Dumabari Mouza:

- Mouza map of Dumabari;
- Traverse Data of Putni Grant Mouza adjoined to Dumabari Mouza;
- Revenue Circle map of Patharkhandi;
- A document of 1941; and
- Copy of rent receipt 1933 of the mouza.

Bangladesh argues that, these Traverse Data show that the western side of Putni Grant where the side Dumabari Mouza as claimed by the Indian side is supposed to be located remained unsurveyed. Therefore, Bangladesh expressed its concern that the Traverse Data supplied by India of the Putni Grant Mouza can not be taken as a basis for demarcation. Regarding the revenue circle map of Patharkhandi Bangladesh stated that since the Radcliffe Award had used only the District map/Thana map as the basis for demarcation and not the revenue circle map therefore, the revenue circle map also can not considered to be a valid document for demarcation purposes. Regarding photocopy of a document, the text of which appears to be an intended draft of a notification of 1941 prepared for Patharkandi Thana, Bangladesh argues that the same can not be accepted as a valid document because it only contains a draft text which may have been intended for the purpose of notification but has not actually been notified in the official gazette.

However, India has given some proposal for solving the disputes on the undemarcated borders on three sectors which would be major steps towards ratification of the Land Boundary Agreement of 1974.⁴³ Those are follows:

- (i) In Daikhata-56, the boundary could demarcated as a fixed boundary along midstream of the Sui River, at the times of demarcation, which would form the natural rational boundary;
- (ii) In Muhuri River (Belonia Sector), the boundary could be demarcated as follows from BP 2159/3-S (Jointed Demarcated Boundary Pillar) it shall run along the shortest distance to meet the midstream of Muhuri River, thence along the midstream of the Muhuri River at the time of demarcation (as specified in Article 1.5 of LBA) up to the point which is at the shortest distance from BP 2159/48-s (Jointed Demarcated Boundary Pillar), thence from that point to 2159/48-s. the boundary in his stretch will be a fixed boundary as stipulated in the 1974 LBA;
- (iii) In Lathitila-Dumabari area, the demarcation to be completed as stipulated in article 1.5 of the LBA of 1974.

Another constraint relating to the order disputes is the construction of permanent boundary pillars in Berubari and Singapara/Khudipar area. The Indian side reiterated its position on the construction of permanent pillars in Berubari and Singapara-Khudipara area and pointed out that there was no dispute or doubt on the boundary alignment as the coordinates of the boundary pillar positions were jointly derived and Bamboo pages placed on the ground. However, as these are the only areas where a joint survey of the adverse possessions has been conducted, it is necessary that a joint survey be similarly conducted in all the adversely held territories. These areas could not be viewed insulation and are linked to the overall issue of settlement of adverse possessions.

On the other hand, Bangladesh has its own stance on the issue. The provision of the 1974 LBA for demarcation of the south Berubari area is very distinctly stated in Article 1 (14). In keeping with the said provision, Bangladesh and India had jointly completed demarcation of the area in 1996-97. Coordinates of the pillars have been determined and boundary strip maps have also been prepared. The international boundary alignment has been delineated on the strip maps. During the first JBWGs meeting the Indian delegation fully agreed that there exist no doubt between the two countries regarding the boundary agreement in these areas.

⁴³ See the Appendix—VIII.

With reference to the views of the Indian delegation given during the first JBWGs meeting to link up the construction of the pillars in the Berubari and Singapara-khudipara areas with the overall issue of adverse possession. Whereas, the Bangladesh delegation stated that, while there exists a separate Article 1(14) to deal with demarcation of the Berubari area, the same should not be linked up with the provisions under Article 2 and 3 regarding the overall issue of adverse possessions. The two issues should be considered separately and accordingly.

However, the government of India is keeping on an early settlement of all boundary-related matters with Bangladesh in accordance with the terms of the India-Bangladesh Land Boundary Agreement of 1974. It had been agreed by both the Government to constitute a Joint Boundary Working Group (JBWGs) to address all the matters including the pending matters, relating to the border. The first meeting of the India-Bangladesh JBWGs on border demarcation of enclaves and adversely possessed territories was held in Dhaka from July 2 to 4, 2001, and the second meeting of the JBWGs (I and II) was held in New Delhi on 26 to 27 March, 2002.⁴⁴

In the meeting both the sides presented their respective positions on these matters in order to facilitate a clear understanding of each other's point of view and to address the issues in a pragmatic and time bound manner. The subsequent meetings of the JBWGs could not take place earlier (before 2001) on account of change of government in Bangladesh viz., the handing over of the general elections in early October 2001.

Yet another level of talk has been held on between India and Bangladesh on May 3, 2004 in Dhaka. The five-day Director General-level talk started in April 29, 2004, between, BSF and BDR. Bangladesh, while, blamed the 'illegal structures' made by India within 150 yard of the zero point in violation of international rules and regulations and trafficking of women and children. The Indian side, on the other part, sought the strengthening of BDR-BSF co-ordination to prevent border crimes, ensuring border security, and environmental conservation. They also sought detail regarding the latest position on the implementation of the 1974 Indira-Mujib Accord between the two countries.⁴⁵

The recent border talk of September 2004, in Dhaka, has also been failed due to lack of unanimity on the issues. At the talk India's intention to construct the fence within 150 yards of the zero line separating the two countries so that villages with

⁴⁴ See Avtar Singh Bhasani's, *India-Bangladesh Relations, Documents-1971-2002*, Vol. IV, New Delhi: Geetika Publishers, 2003, p.2194 and p.2204.

⁴⁵ *Independent Bangladesh*, 30 April 2004 and *The Sentinel* (Assam), 1 May 2004.

high population densities adjoining the border are kept on the Indian side was unacceptable to Bangladesh. There are several villages located right up to the zero line at different points for a total stretch of nearly 250 kms along the Indo-Bangladesh border, that would mean a large number of Indian villages would fall either on the other side of the fencing or would be divided.⁴⁶

Where these difficulties do not exist, or can be overcome, fencing is in progress. A large chunk of that border has already been fenced. But the fence is swept away. Of the total fenceable boundary on the Indo-Bangladesh border, roughly, about 8000 kms have been fenced. According to the then Minister of External Affairs, Mr. Jaswant Singh, that we are working on a time scheduled of fencing it by 2006-2007. Interim fencing is not a practical proposition because wherever you put a fence, is your claim that your boundary runs there. The minute you put up a fence, it will raise a dispute. It is not a workable proposition.

The second part of this chapter deals with the position of adversarial enclaves. As it has been mentioned, the biggest dispute is about the adversarial position of enclaves. History says, East Pakistan now Bangladesh was carved out of the provinces of Bengal and Assam. Bangladesh inherited the erstwhile East Pakistan's border with India. It has been discussed that its borders with Bengal and Sylhet district of Assam were fixed by the Radcliffe Award of 1947. With the exception of Tripura in the east, Radcliffe determined all of East Pakistan's land boundaries. The Bay of Bengal forms the southern frontier of Bangladesh.

The major bone of contention is the adverse location of enclaves in both sides of the two countries. There are 111 Indian enclaves (locally known as Chits) in Bangladesh territory covering 17,258.24 acres of area. On the other side, there are 52 Bangladeshi enclaves in Indian Territory, measuring 7,083.72 acres of area. Of these disputed enclaves, 65 are along the West Bengal and Bangladesh border (35 Indian enclaves in Bangladesh territory and 31 in the reverse).⁴⁷

The problem of enclaves is a legacy of the dissipated lifestyle of the rulers of the two erstwhile princely states of Cooch Behar in North Bengal and Rongpur in South Bengal (present day Bangladesh). The Rajas of these princely states routinely staked pieces of their estates over a game of cards, and thus, the two came to acquire pockets of land in each other's territory.⁴⁸

⁴⁶ September 22, 2004.

⁴⁷ Alok Kumar Gupta and Saswati Chanda, "India and Bangladesh: Enclaves Disputes" at http://www.ipcs.org/south_asia_article2.jsp?action=showview&kvalue=831&country=1016&status=article&mod=a_; See the Maps—15, 18, 19, and 20.

⁴⁸ See *The Hindustan Times*, May 4 2001.

Radcliffe (Sir Cyril) admitted that, "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 most diverse solutions. The province offers few, if any, satisfactory natural boundaries, and its developments have been on lines that do not well accord with a division by contiguous majority areas of Muslims and non-Muslims majorities."⁴⁹

In 1948 another committee was formed under Algot Bagge, an ex-member of the Supreme Court of Sweden. It was formed to finally settle any dispute rise out of different interpretations of the Radcliffe Award came at a time when communal riot in two Bengal had brought Pakistan and India on the verge of war. The award announced on 4th February 1950 mentioned that there would be no territorial changes in India and East Pakistan. As a result the Bagge Tribunal's decision on the four disputes arising out of the Radcliffe Award.⁵⁰

The issue, however, remained unresolved till 1971, when the newly liberated Bangladesh inherited the same problem. The residents of these enclaves were initially free to move to their respective mainland. But due to exaggeration of tension between India and Pakistan, their free movements were later restricted. They started facing problem in trade and transit. Therefore, Bangladesh and India signed the Indira-Mujib Land Boundary Agreement (LBA) of 1974 to resolve the problem. The agreement provided for exchange of enclaves after the ratification of the treaty by both parties.⁵¹

India has no control over or access to its enclaves, exchangeable or non-exchangeable in Bangladesh. The rightful exchange of enclaves between the two countries has been held hostage due to non-ratification of the LBA. As a result the resident of the disputed enclaves suffer from a serious identity crisis.⁵²

In accordance with the directions issued by the two Prime Ministers or according to the Nehru-Noon Agreement of 1958, the Secretaries discussed inter-alia the following disputes regarding the enclaves:-

1. Demarcation of Indo-Pakistan frontier so as to include the Chitlands of old Cooch Behar state adjacent to Radcliffe line in West Bengal;
2. Exchange of the old Cooch Behar state in Pakistan enclaves in India claim to territorial compensation for extra area going to Pakistan;

⁴⁹ *Gazette of Pakistan Extraordinary*, Karachi, 17 august, 1947.

⁵⁰ *The Statesman (New Delhi)*, 5th February 1950.

⁵¹ Reply to the Lok Sabha by the Minister of State for External Affairs, Eduardo Falcão on 25th November 1992, as reproduced in Avtarsing Basani's (ed.), *India-Bangladesh Relations (1971-1994)*, Vol.ii, New Delhi: Shiba Exim Pvt Ltd. 1996.

⁵² *Hindustan Times* (New Delhi), 22 April 2001; There are several exchangeable and non-exchangeable enclaves on both the sides, see the Tables—14.

3. Berubari Union no.12 will be so divided as to give half the area to Pakistan, the other half adjacent to India being retained by India. The division of Berubari Union no.12 will be horizontal, starting from the north corner of Debiganj Thana. The division should be made in such a manner that the Cooch Behar enclaves between Pachaghar Thana of East Pakistan and Berubari Union no.12 of Jalpaiguri Thana of West Bengal will remain connected as at present with India. The Cooch Behar enclave lower down between Boda Thana of East Pakistan and Berubari Union no.12 will be exchanged along with the general exchange of enclaves and will go to Pakistan.
4. Pakistan government agreed that the two Chitlands of the old Cooch Behar State adjacent to Radcliffe line should be included in West Bengal and the Radcliffe line should adjusted accordingly.
5. The exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan is agreed too.

The issue was not resolved till 1971, when East Pakistan became Bangladesh, and inherited the same border problem. The residents of these enclaves were initially free to move to their respective mainland. But increase the tension between India and Pakistan led to this movement being restricted, and problem arising in trade and transit facility. There has been no administration in these enclaves for the last 50 years. Hence, no police, no revenue, no taxation, and no government services are available. Over the years, the Bangali Muslims in the enclaves in India have migrated to other parts of the state (West Bengal), and the Hindus have migrated to India.

Although, under the Nehru-Noon Agreement of September 1958 the exchange of Cooch Behar enclaves in East Pakistan and East-Pakistani enclaves in Cooch Behar had been agreed to exchange between the two countries, it did not come about owing to certain constitutional difficulties in India.⁵³ In the Pakistani enclaves of Dahagram particularly alarming situation developed in 1965.

The trouble in Dahagram said to have emerged from Pakistan's preventing Indian officials from West Bengal going to Indian enclaves in East Pakistan.⁵⁴ In relation, the West Bengal government blocked the passage to Pakistani enclaves of Dahagram, which was situated about 150 yards inside Indian Territory in Cooch Behar.⁵⁵ Patrolling in the adjacent Indian areas of Dahagram was also intensified in

⁵³ Giving or adding any portion of territory the Parliamentary recommendation is most. Unity and integrity of Indian Territory see Durga Das Basu, *Introduction to The Constitution of India* (Article 1 to 5) (Agra, Nagpur and New Delhi: Wadhwa and Company Law Publishers, 2001), pp.67-72.

⁵⁴ *The Hindu*, 5 February 1965.

⁵⁵ S. K. Nath, "Indo-Pakistan Borders", *Economic Weekly*, Vol.17, 3 April 1965, p.602.

order to prevent authorised goods and movements of Pakistani nationals through Indian Territory from Pakistani mainland to the dahagram enclaves.⁵⁶

The Pakistani sources, on the other hand, alleged heavy concentration of Indian troops around Dahgram since 21st February 1965. They have trespassed into this enclave and had rejected the Pakistani nationals from the enclaves under threat of force. On 14th March the Pakistani Government also delivered a protest note to the Indian High Commissioner in Karachi complaining against what it called the Indian occupation of Dahagram enclave on the night of 13-14 March 1965. The Government of India denied the charges of concentration of its troops around Dahagram as "entirely without foundation".⁵⁷

From the morning of 17th March heavy and intensive firing started in different areas of Cooch Behar, and it is said that Pakistani forces used mortars and handgreneds. On 19th March the Government of Pakistan expressed its willingness to accept the Indian proposal for a Chief Secretaries' meeting provided the Indian Government agreed to vacated Dahagram and provide transit facilities for Pakistani nationals, officials, and police for their return to Dahagram. On 30th March the cease-fire became effective. The Chief Secretaries of West Bengal and East Pakistan agreed in the reciprocal transit facilities for the residents had officials of the two countries visiting their respective enclaves.⁵⁸

The 1974 and 1982 agreement on Tin Bigha corridor had also brought more advantage to Bangladesh than to India. Since the signing of Indira-Mujib pact of 1974, the most controversial Indian enclaves which was in Bangladesh's possession handed over to India. But India, owing to constitutional difficulties could not implement the 1974 pact and eventually did not handed over the Tin Bigha corridor to Bangladesh. According to the Joint Communiqué, the agreement on Tin Bigha supplemented the 'Land Boundary Agreement of 1974' and it would be implemented even before the ratification of that agreement.⁵⁹

The Tin Bigha corridor is the name of a strip of measuring 178 Mtrs. x 85 mtrs in the district of Cooch Behar in West Bengal. In accordance with the agreements signed in 1974 and 1978 with the Government of Bangladesh, Government of India had lease in perpetuity the above strip of land to Government of Bangladesh under

⁵⁶ See Foreign Minister Swaran Singh's statement in *Lok Sabha debates, Series, Vol.40*, 19 March 1965, Col. 4941.

⁵⁷ See *Lok Sabha debates, Series 3, vol.40*, 22 March 1965, Col.5177.

⁵⁸ See Swaran Singh's statement in *Rajya Sabha debate, Vol.51*, 31 March 1965, Col.5204.

⁵⁹ Rekha Saha, *India Bangladesh Relations*, Calcutta: Minerva Associates Pvt. Ltd., 2001, p.155 and also see the Appendixes— VIII, IX, X & XI.

agreed terms and conditions. This in particular, fully ensures that India's sovereignty over the area and Indian nationals' right to access through the corridor remain intact.

The importance of the Tin Bigha question involves much more than leasing of a particular piece of land. Its resolution symbolises, above all, the will of the people of India and Bangladesh to live together in amity and good neighbourliness. The leasing reflects the shared resolve of the two Governments to eliminate a long standing and major irritant in bilateral relations, thus setting the stage to bring about a mutually beneficial upgrading of Indo-Bangladesh relations.

The Tin Bigha question has a long and complex background. East Pakistan (after 1971 Bangladesh) was created by dividing the province of Bengal and by adding to the part separated from India some areas of Assam. This division took place on the basis of the report of the Bengal boundary commission, known as the Radcliffe Award. The terms of reference of the Boundary Commission 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 take into account other factors."⁶⁰

"Other factors" were taken into account, because as the Radcliffe Award, inter-alia, said "the province offer few, if any satisfactory natural boundaries, and its development has been on lines that do not well accord with a division of contiguous majority areas of Muslims and non-Muslims majorities". In the first few months after the Radcliffe Award, disputes of interpretation arose. These disputes were not resolved till the Indo-Pakistan Agreement of September 10, 1958, (the Nehru-Noon Agreement). Because these disputes, originally arising out of the anomalies in the Radcliffe Award, were not settled for such a long time, tension continued and new disputes arose.

The Berubari dispute was one such, arising from an omission in the written text of the Radcliffe Award and erroneous depiction on the map annexed there with. Radcliffe had divided the district of Jalpiguri between India and Pakistan by awarding some Thans to one country and others to the other country. The boundary line was determined on the basis of the boundaries of the Thanas. In describing this boundary, Radcliffe omitted to mention one Thana. The Thana Berubari Union No. 12 lies within Jalpiguri Thana, which was allotted to India. However the omission of the

⁶⁰ 'Statement by His Majesty's Government dated 3rd June 1947'. *Partition Proceedings*, vol. I, (New Delhi: Government of India Press, 1949), p. 2. Also see Anil Chandra Banarjee's 'The Mountbatten Plan, June 3, 1947', in *The Making of Indian Constitution 1939-47*, vol. I: Document (Calcutta: A Mukharjee and Co., 1948).

Thana Boda and the erroneous depiction on the map referred to above, enabled Pakistan to claim that a part of Berubai belonged to it.

The dispute was resolved by the Nehru-Noon Agreement of 1958 whereby half of Berubari Union No. 12 was to be given to Pakistan and other half adjacent to India was to be retained by India. In addition, four Cooch Behar enclaves contiguous of this part would also have gone to Pakistan. To implement this agreement, India had to make the Constitution Ninth Amendment Act and Acquired Territories (Merger) Act was adopted in 1960.⁶¹ This legislation was challenged in the courts by a series of writ petitions, which prevented the implementation of the agreement. The Supreme Court decision on March 29, 1971, finally cleared the way for the implementation of the agreement. This, however, could not be done because of the Pakistani army crackdown in East Pakistan and the subsequent events, which led to the emergence of Bangladesh as an independent country.

The total area of South Berubari Union No.12 is 22.58 sq. kms. Of which 11.29 kms was to go to Bangladesh. The area of the Cooch Behar enclaves which would also have to go to Bangladesh was 6.84 sq. kms. Making the total area to be transferred 18.13 sq. Kms. The population of the area including the four enclaves to be transferred, as per 1967 data, was 90% Hindu. The Bangladesh enclaves, Dahagram and Angarporta, were to be transferred to India. Their total area was 18.68 sq. kms. And as per 1967 data more than 80% of their population was Muslim. If this exchange had gone through, it would have meant a change of nationality for the population or migration of the population from Dahagram and Angarporta and South Berubari Union No.12 and consequent serious rehabilitation problems. There were in any case major agitations by the people of Berubari protesting against the transfer.

After 1971, finally India proposed to Bangladesh that India may continue to retain the southern half of South Berubari Union No.12 and the adjacent enclaves and, in exchange, Bangladesh may retain Dahagram and Angarporta. As part of the package a strip of land would be leased in perpetuity by India to Bangladesh, giving her access to Dahagram and Angarporta in order to enable her to exercise sovereignty over these two enclaves. This was accepted by Bangladesh as part of a carefully constructed Land Boundary Agreement signed by Prime Minister Indira Gandhi and Prime Minister Sheikh Mujibur Rahman in May 1974. The Berubari dispute was thus finally resolved by Article 1.14 of the agreement.

⁶¹ The Constitution (Ninth Amendment 28-12-1960)-First Schedule-Amended-to transfer certain territories from the state of Assam, Punjab, West Bengal and Union Territory of Tripura to Pakistan, implementing the Indo-Pakistan agreements of different dates, D. D. Basu, *Introduction to the Constitution of India*, (New Delhi: Wadhwa and Company Law Publishers, 2001), p.442.

The government of Bangladesh ratified the agreement in November 1974. Subsequently, protected negotiations were held between the two countries to finalise the terms of the lease of the Tin Bigha corridor. The terms of the lease in perpetuity of tin bigha corridor were eventually agreed upon through an exchange of letters on October 7, 1982 between Shri P. V. Narasimha Rao, the then foreign minister of India and Mr. A. R. Shams-ud-Doha, the then foreign minister of Bangladesh.⁶²

The opposition to the 1974 and 1982 agreements came from the people of Kuchlibari, Dhaprahat and Mekhliganja. Two organizations to spearhead the agitation, the Kuchlibari Sangram Committee and the Tin Bigha Sangram Committee were formed. In March 1983, the agitators took recourse to the judicial system. Three writ petitions challenging the 1982 lease agreement on various constitutional grounds were filed in the Calcutta High Court by some persons including the owner of a plot of land which would have to be acquired for being leased to Bangladesh.

The main arguments adduced by the petitioners were: (i) the 1974 Land Boundary Agreement and subsequent Tin Bigha Lease Agreement were inconsistent with the 1958 Nehru-Noon Agreement; (ii) since the lease was in perpetuity, it amounted to cession of Indian Territory and (iii) the provisions of the lease agreement resulted in a dilution of India's sovereignty over the leased area. The court delivered its judgement on 1 September 1983 in which it disallowed all three petitions. Following this judgement, the Government of West Bengal commenced acquisition of land for the corridor consisting of land for the corridor consisting of 16 private plots totaling approximately 3.17 acres for the corridor by issuing a gazette notification on 6 August, 1984 under the¹Land Acquisition Act, 1984.

Not satisfied with the earlier (1 September 1983) judgment, the kuchlibari Sangram Parishad filed an appeal on 12 April 1984, before a Division Bench of the Calcutta High Court. In their appeal, the petitioners (i) reiterated that the 1974 and 1982 agreements were inconsistent with the 1958 Nehru-Noon Agreement; (ii) stated that the agreement of 1974 could not be implemented unless it had been suitably ratified; and (iii) that India would not have jurisdiction over Bangladesh nationals in respect of crimes committed in the leased area which would amount to a dilution of Indian sovereignty over the corridor. The petitioners questioned the judge's interpretation of the term "lease in perpetuity". Lastly, the petitioners argued that the Tin Bigha corridor converted the Kuchlibari area into an enclave inside Bangladesh and prevented its residents from exercising their constitutionally guaranteed right to move freely throughout the territory of India.

⁶² See the Appendixes—X.

On 18 December 1986, Government of India filed a Special Leave Petition in the Supreme Court against the directions given to the Union of India by the Calcutta High Court, as these were extraneous to the point of appeal of the petitioners. The special leave petition was admitted by the Supreme Court in October 1987. The Supreme Court in reply delivered its judgment in May 1990. It had considered the entire gamut of issues raised by the opponents of the Tin Bigha lease. The Supreme Court judgment was categorically that the lease should be implemented fully.

However, the opponents of the lease had offered three alternatives to resolve the issue: (i) exchange of all enclaves between India and Bangladesh. India would not only keep South Berubari but also Dahagram and Angarporta and in exchange, a piece of contiguous to Bangladesh may be given to Bangladesh as compensation. This would automatically obviate the need for a corridor; (ii) Bangladesh may be asked to construct flyover above the Tin Bigha corridor to connect Dahagram and Angarporta with the Bangladesh mainland or connect Dahagram or Angarporta with Bangladesh through a bridge over the river Teesta; and (iii) India may enter into a new treaty with Bangladesh to resolve this and its other outstanding issues relating to the land boundary⁶³.

The Government of India was fully alive of these and other concerns and apprehensions. While many of them are misplaced and based upon incomplete facts, governments are committed to take all necessary steps for the protection of the national interests. On the question of sovereignty, all courts to which this matter was referred have been unanimous in the view that there is no dilution of sovereignty. The Supreme Court has been the most emphatic on this point. It has stated that the lease in perpetuity has to be understood in the context of and with reference to the objects of the agreement concerns.

Having taken into account the views of the local populace, the Indian government has independently decided on a number of measures to enhance security in the Tin Bigha area and to promote development in Kuchlibari, thus underlining its continued commitment to better the lot of the people of this integral part of India. The package of measures to be taken by the government includes the following: (I) a number of development schemes of Kuchlibari which includes the construction of a Pucca Bridge, roads, primary health centre and other infrastructural facilities; (ii) introduction of a system of identity cards for Indian nationals in Kuchlibari and adjoining areas; (iii) strengthening security arrangements where necessary.

⁶³ For the details of enclaves see the Appendixes—VIII, IX, X & XI, and see the Maps—15, 18, 19, and 20.

The modalities for the implementation of the 1982 lease agreement have been worked out after discussions with the Government of Bangladesh. These were formalised through an exchange of letters between the government of India and Bangladesh in New Delhi on 26 March, 1992. Given time and good will, Tin Bigha corridor, which has unfortunately generated much controversy and tension in the past, will turn into a veritable crossroads of friendship and harmony between India and Bangladesh.

Berubari had been a very sensitive political issue in India and the LBA of 1974 had solved this problem. India got back Berubari and "in exchange Bangladesh had to retain the Dahagram and Angorpota enclaves". Dahagram and Angorpota are two of the 92 odd Bangladeshi enclaves in India. Dahagram is the largest of them, inhabited by nearly 20,000 people in the Patgram area of the Rongpur district. Most of these enclaves lacking any direct connection with the main land surrounded by foreign territories tend to become safe heaven for criminals and smugglers from both the countries. The mixed population of Hindu and Muslims live under fear and tension.

During Indira-Mujib talk in 1974 India proposed and it was agreed that "India will lease in perpetuity to Bangladesh, an area of 178 meters x 85 meters near Tin Bigha to connect Dahagram to Panhari Mouza (p.s. Patgram) of Bangladesh". Bangladesh latter claimed that this Tin Bigha corridor originally belonged to the then East Pakistan.

The Land Boundary Act 1974 was ratified by the Bangladesh Parliament. But, as the implementation of the Pact involved some constitutional amendments it could not be immediately ratified by the Indian Parliament⁶⁴. Though Bangladesh handed over Berubari to India, the transfer of Tin Bigha to Bangladesh could not taken place till 1992 for this reason.

Similarly, there are about 52 pieces of land (2,154.50 acres) which actually belong to Bangladesh but are in the adverse possession of India and about 49 (2,853.50 acres) pieces of land belonging to India which are in the adverse possession of Bangladesh⁶⁵. These are small pieces of land varying in size from 5 to 500 acres which, due to historical or other reasons, remain in the possession of one country even though by physical demarcation they should be handed over to the other. Presently, the main agreement relating to the Indo-Bangladesh border is the Indira-Mujib Pact of

⁶⁴ See the Appendix—IX.

⁶⁵ For the details of enclaves and adverse possession of lands see the Maps—15, 18, 19 and 20.

1974. Article 2⁶⁶ of this pact envisages that all the areas in adverse possession of each country would be measured and demarcated at the earliest. Following this, India would exchange the area in adverse possession within six months, but yet to be functionalising due to the non-ratification of the LBA of 1974.⁶⁷

The military confrontation between the border security forces of both the countries (last week of April 2001), in Pyrdwah given a critical twist to India-Bangladesh relations. This was the second time in 30 years that such a large scale military confrontation has been taken place, between the security forces of both the countries, resulting in large scale India casualties in a single skirmish. In that confrontation, Bangladesh captured, tortured and executed 16 Indian border security personnel following the clash. The dispute centered on an adverse possession of territories—small enclave, which, despite demarcation, are held by one side but inhabited by citizens of the other⁶⁸.

Since December 2001 the Indo-Bangladesh relations have taken a negative turn. New Delhi became critical of Bangladesh on two crucial issues, accusing Dhaka of not cooperating on the pending issues with them. The first was about Bangladesh being a base for terrorist and subversive activities against India, sponsored by Pakistan's Inter-Service Intelligent (ISI). The second was about Dhaka not taking any meaningful action to prevent illegal migration of Bangladeshis to India. As far as Bangladesh being sanctuary for separatist terrorist movements in the northeast is concerned. It is phenomenon stretching back to over a decade. New Delhi has definite and fulproof information about training camps being run by the ISI in collaboration with some segments of the Bangladesh Intelligent Agencies.⁶⁹

Keep continuing the confrontation, the Indo-Bangladesh border hit the national headlines twist last year (2003). On 31st January, a patrol party of Border Security Forces', 91 Battalion intercepted 313 Bangladeshi nationals on Zero Point near Boundary Pillar no. 867/8-c at Satgatchi Out-Post in Cooch Behar. The elders in the group (both men and women) begged the BSF to let them cross over into India, for if they returned, BDR men would beat them up. Again, in 8 February, a Sangabari BOP patrol party in Cooch Behar saw a group of 500-600 civilians near border post 886/ 1-s on the Bangladeshi side. BDR men were seen coercing the group to cross over in to India.⁷⁰ Therefore, it is very clear that the Government of Bangladesh is

⁶⁶ See the Appendix—VIII.

⁶⁷ Kulbir Krishna, "Policing the Indo-Bangladesh Border", *Strategic Analysis*, Vol.xxv, No.5, August 2001, p.665.

⁶⁸ Chaudhuri, Kalia, "Disturbed Border" *Front Line*, vol.18, No.4, April-28—May 11, 2001.

⁶⁹ J. N. Dixit, *The Indian Express* (New Delhi), 22 February, 2003.

⁷⁰ *The Statesman* (New Delhi), 22 February 2003.

totally reluctant to solve the border dispute. It is also clear that it is encouraging the illegal migration in to India.

However, there are have also seen some positive signs. The regular border talks between authorities (BSF and BDR, meetings between JBWGs and also talks of Secretary level) of both the countries. The diplomacy of the Agartala-Dhaka bus service has also gained a lot towards a positive development. Talks regarding border trade (formalization of the border trade) has become an important issue to be discussed between both the countries. Last but not the least, the frequent and valuable high level talks between Head of the States of both the countries (in occasions of important meetings or through Hot Line) has taken the issue of border management towards a peaceful resolution.

INDO-BANGLADESH BORDER: CHALLENGES TO ITS MANAGEMENT

The concept of border security has undergone a sea change with the growing vulnerability of not only land borders but also of the coastline and airspace. The linkages between India's internal security landscape and its external environment have made the issue of 'border management' a critical component of national security strategy. While internal causes of terrorism and insurgencies are significant, a majority of these movements have survived and grown due to the encouragement and support they secure from neighbouring states. These states and their intelligence agencies support, encourage, train, arm and often direct terrorists and criminal groups for their own geo-strategic ends.¹

Proxy wars have, subsequently, thrown a number of challenges for enforcement and defense agencies in India, including several relating to existing border management practices. However, successive Indian Governments have remained tied to a narrow conception of border security, which envisages no more than the establishment of static border posts, regular patrols, ambushes and so on. These practices evolved in situations where there was a clear physical demarcation of borders during peace time. The ultimate responsibility of securing borders once war breaks out rests with the army. During peace time, border security includes the task of prevention of trans-border crimes, smugglings, infiltrations, illegal migrations, illegal movement of hostiles, and so on. Transgressions along the border were, in the past, often localized in nature and had no major security implications. Since the 1980s, however, with Pakistan's involvement in terrorist violence in India and the subsequent emergence of various countries abutting India's northeast as safe havens for insurgents operating in India, the pattern of border crimes have changed. These are no longer localized in nature, and the intricate relationship between narcotics smuggling, small arms proliferation and terrorist activities now have far reaching implications for internal security.²

The existence of an elaborate terrorist infrastructure in safe havens across the border; the growth and internationalization of organized criminal syndicates with powerful political influence and patronage; and a strengthening network of well funded institutions for the communal mobilization of the migrants—particularly

¹ Ajai Sahni, "Survey of Conflict and Resolution in India's Northeast", *Faultlines: Writings on Conflict and Resolution*, vol.12, May 2002, New Delhi, pp.39-112.

² "Problems of Border Management: Need for Involving Local Population", *The Tribune (Chandigarh)*, 21 October 2002.

through a growing complex of Madrassas (seminaries)—are among the most dangerous trends along the India-Bangladesh border. These problems are further compounded by non-linear boundaries, borders that are poorly delimited, and intermingled ethnic groups along with both the sides of the border. The length of the border, difficult terrain and harsh climatic conditions present unique monitoring challenges in the region. The seamlessness of the movement of migrants, gives it a critical, even dangerous edge especially as such movements take place in the area already troubled by insurgencies.

A rapidly changing internal security environment suggests that border management is not simply a matter of policing along the border. There is a growing realization, now, that border management most broadly include a comprehensive package which involves defending the border in times of war, securing the borders in time of peace, ensuring that there are no unauthorized movements of humans, taking steps against smuggling of arms, explosives, narcotics and other kinds of contraband items, using sophisticated technological devices to supplement human effort to these ends, coordinates intelligence inputs from various agencies and ensuring the socio-economic development of the border areas. The Group of Ministers on National Security System also accepts such a broad view of border management: “The term border management must be interpreted in its widest sense and should imply co-ordination and concerted action by political leadership and administrative, diplomatic, security, intelligence, legal, regulatory and economic agencies of the country to secure our frontiers and sub serve the best interests of the country”. Added to these should be a range of policies and initiatives directed as legitimate border populations intended to mobilize their support and cooperation to secure that a free flow of intelligence on illegal movements and transactions is available, and that their economic, social and political interests are safeguarded and in oppositions to those who seek to violate the integrity of our borders. Therefore, it is necessary to adopt a holistic approach in formulating a comprehensive strategy towards improvement of border management.³

³ *Report of the Group of Ministers' on National Security System, February, 2001. The Prime Minister constituted a Group of Ministers (GOM) on April 17, 2000, to Review the National Security System in its entirety and in particular to consider the recommendations of the Kargil Review Committee (KRC) and formulate specific proposals for implementation. The KRC was set up on July 24, 1999, to review the events leading up to the Pakistani aggression in Kargil and to recommend such measures as are considered necessary to safeguard national security.*

Border Management

The group of ministers' committee consisted of the then Minister of External Affairs, Sri Jaswant Singh and the Minister of Home Affairs, Mr. Lalkrishna Advani, which set up after the Kargil war for reforming the National Security System dealt with the issue of border management as well. According to its report, "the term border management must be interpreted in its widest sense and should imply coordination and concerted action by political leaders and administrative, diplomatic, security, intelligence, legal, regulatory and economic agencies of the country to serve our frontier and sub serve the best interests of the country."⁴

According to Prakash Singh, former Director General, Border Security Force (BSF) "border management is a fluid concept in the sense that the level of security arrangements along a particular border would depend upon the political relations, the economic linkages, the ethno-religious ties between people across the borders and the configuration of the border itself". Look at from this perspective, the management of border presents many challenges and problems.⁵

Challenges to Border Management

Border management assumes importance as borders control some of the important passes and strategic heights important for the security of nation. Border management is a function of a country's external and the internal situations, as well as their interplay environments are changing at an incredible fast pace, with developments in nuclear weapons and missiles, increasing cross-border terrorism, the emergence of non-state actors, the growth of Islamic fundamentalism, the narcotic arms nexus, illegal migration and left wing extremism, gravely impacting upon the security of the country and thus posing many challenges to border management. Therefore, the dynamic nature of the problem concerning management of borders is brought out by the manner in which the sensitivity of the Indo-Bangladesh land border has changed over a period of time.

Topography of the Indo-Bangladesh Border

The Indo-Bangladesh border passes five Indian states. They are West Bengal, Assam, Meghalaya, Tripura and Mizoram. Entire stretch of the border can be broadly categorised as – flat/plain (in West Bengal, Assam-Barak Valley and Tripura),

⁴ Recommendations of Group of Ministers' on Border Management, February 2001, p.58.

⁵ Prakash Singh, Border Management, *BSF Journal*, BSF Academy, Tenkan Pur, Gwalior, July 2001, P.11.

riverine (about 200 kms of southern extremity of West Bengal border and 50 kms of Assam), hilly/jungle (in Meghalaya), heavily populated, and cultivation carried out till the last inch of the border. The boundary line separating the two countries is visible in the form of border pillars.⁶

✓Guarding the Border

The Border Security Force (BSF) of India and Bangladesh Rifles (BDR) of Bangladesh guard the respective sides of the border, which is carried from BOPs (Border Out Posts). There are approximately 45 battalions of the BSF (about 725 BOPs) and 30 battalions of BDR (about 650 BOPs) developed to guard the border. BOPs (normally comprising 20-25 persons) are constructed the entire border to promote a sense of security amongst the border population and prevent trans-border crimes compared to India's western border. Conditions have become more difficult on this border due to increase in the density of the population, firstly, because of the overall increase in the population of the country and secondly, due to the influx of illegal migrants from Bangladesh who have settled in the border area.

✓Density of Population on the Border Area

The density of population on the Indo-Bangladesh border so high. It varies from state to state. At some places it is approximately 700-800 persons per sq. kms on the Indian side and about 1,000 persons on the Bangladesh side. While in West Bengal it is 766 per sq. Km., in Assam and Meghalaya it is 181 and in Tripura and Mizoram it is 268 per sq. Km. People of both the countries work in a close proximity and the boundary passes through the middle of the village/houses. The houses are scattered almost along the entire stretch of the boundary.⁷ Imagine a BSF BOP with a required stretch of 25-30 persons to physically man 6-8 kms of boundary including guarding their own BOP and normal administration duties. It virtually leaves them with an effective strength of the boundary during day and night without any barbed wire fencing or other obstacles. Such an over-populated area with a porous border poses problems in detection and apprehension of criminals who have the option of crossing over to the other side to evade arrest. It has also been observed that some children of such villages study in Bangladesh.

⁶ N. S. Jamwal, Border Management: Dilema of Guarding the India-Bangladesh Border, *Strategic Analysis*, vol.28, no.1 January-March 2004, p.8.

⁷ See the Picture—3.

Geo-Strategic Scenario

India faces a threat from all the countries with which it has its common land borders, in one or other form. The form of threat though varies from purely military to a combination of military and non-military. India has land borders with Pakistan, China, Nepal, Bhutan, Myanmar and Bangladesh, out of which two are nuclear powers. Visualising a security scenario, in 2008, Maj. Gen. (Retd.) V.K. Madhok, former Director-General, BSF, writes: "a report circulated by RAW (Research and Analysis Wing) States that visible Chinese presence can be noticed in Nepal, Bhutan and Bangladesh. The Sino-Nepalese treaty has since being revised to include a clause for mutual security, while fresh treaties of peace and friendship have been concluded with Thimpu and Dhaka in the last four years. Chinese goods transported on all-weather roads from Lasha to Bhutan and Nepal and the latter's routes through Indian territories to Bangladesh have flooded their markets".

Indo-Centric Nature of the Region *from article.*

Interestingly, South Asia with its well-defined boundaries constitutes a coherent region. Its internal political geography follows no clear line of demarcation. This is to be largely expected in such an ancient crucible of civilization where people, cultures and religions are inextricably interwoven. Boundary demarcation invariably cuts across communities and tribes. The three major river systems, the Indus, the Ganges and Brahmaputra by cutting across the boundaries of India, Pakistan and Bangladesh have further exacerbated the tensions between them resulting from disputes over the share of water. Moreover, the five of the six states in South Asia have common borders with India, and this has resulted in inevitable complications since all the states are in their infancy and in several cases the boundaries are not yet firmly settled.

India which looms large as the centerpiece, share ethnic, religious and cultural affinities with all its neighbours. In time of conflict in neighbouring countries, this becomes a source of acute tension. Millions of Bengalis in erstwhile East-Pakistan fled across the borders to India in 1971 to escape the atrocities of an invading Pakistan army. Since the mid 1990s Chhakmas from the Chittagong Hill Tracts have sought asylum across the border to avoid genocide by Bangladesh security forces.

Internal Security Environment of Bangladesh⁸

Political power in Bangladesh changed among Awami League, the military and BNP, the party now in power, is a conglomeration of anti-India and fundamentalist outfits like Jamat-e-Islami. Begum Khaleda Zia while being in opposition described the insurgent in the northeast India as freedom fighters and said that Bangladesh should help them, instead of curbing their activities. G. Parthasarthi lists out a barrage of hostile propaganda (against India during Begum Zia's previous term as Prime Minister), the strong nexus between the government's intelligence agencies and the ISI who are training insurgent groups operating in India's northeastern states, as some of the legitimate concerns for India.

During the military rule in Bangladesh, national productivity had declined. Lack of economic development, frequent nationwide strikes, unstable governments and deterioration of the foreign investors, poverty became widespread and forced the people to move for food and work towards the obvious destination—India. The decline of tribal (Chits area) resulted the countrywide resistance movements spearheaded by Manobendra Narayan Larma's Shanti Bahin in 1973, a military wing of Parbattya Chattagram Jansamahati Samiti (PCJSS).

Bangladesh also alleged that the trans-border security dimension of CHTs rises out of the Indian involvement. It has also alleged that there are insurgent training camps in the states of Tripura and Mizoram. Despite Bangladesh signing the Chittagong Hill Tracts agreement in 1997 with PCJSS and conceding their long standing demand for autonomy, the situation has not improved for India.

Un-Demarcated Borders

The first problem with the common border is that of non-demarcation of a 6.5 kms of land border along the Comilla-Tripura area.⁹ It is a historical legacy that has arisen out of difficulties in drawing boundaries as delineated by Sir Cyril Radcliffe. The border in certain stretches was demarcated along straight lines without taking into consideration ground realities and thus resulting in the division of one village between the two nations. The un-demarcated land border is spread over into three sectors which on the Indian side fall in West Bengal, Assam and Tripura. In the Assam sector (2.5 kms), India insists on applying the original Gadestal Map of 1915-16 of

⁸ Ibid, no.5, pp. 8-9.

⁹ Avtar Singh Bhasani (ed.), *India-Bangladesh Relations, Documents 1971-2002*, vol. IV, (New Delhi: Geetika Publishers, 2003), pp.2205-2213.

Dumabari as the basis for demarcation. Bangladesh on the other hand insists on Theodolite Traverse Data as the basis for demarcation, whereby Bangladesh could claim tree villages for itself giving India two villages. With regards to the West Bengal sector (1.5 km), both sides agree on using Sui River as the demarcation; but India insists on the current flow of the river, while Bangladesh insists on earlier flow which would give the Daikhata area to Bangladesh. Similarly in Tripura sector (2.5 kms) due to change in the course of Muhuri River and the formation of Shashaner Char of about 46 acres which remains under Indian Territory, Bangladesh is unwilling to apply the present river course as the boundary line. The disagreements stem from the fact that each would have to give up small portions of land which are at present in their perspective possession.

There is popular perception especially in Bangladesh that India has not been serious about the India-Mujib agreement as India has yet to ratify the agreement.¹⁰ Even though Bangladesh has ratified it, the agreement is yet to be made a legal order through a gazette notification. India seems to be stuck over the issue of a constitutional amendment to endorse boundary changes. This, however, is not possible till complete demarcation of the border is done. Both India and Bangladesh are agrarian societies with one of the lowest man: land ratio in South Asia. Rural Bangladesh continued to remain Below Poverty Line and suffers from severe unemployment opportunities. Population density of Bangladesh is 665 persons per sq km while that of India is 237: Bangladesh's per capita income is US\$144, as against India's US\$327, the inequities between the two countries are rather self explanatory. Given the paucity of land and the pressure of population on both sides, neither state is willing to forgo an acre more than necessary. So long as the question of demarcation is not resolved, India would be unable to ratify the India-Mujib agreement of 1974. The riverine border pose a different kind of problems because the shifting river routes, soil erosion or frequent floods give way to numerous temporary chars and islands making it difficult to demarcate borders. River line borders tend to change course periodically leading to a host of disputes, associated with the difficulties in establishing ownership of the newly created territories.

Missing border pillars make the problem worse. The border pillars show the alignment of the boundary on the ground. There are various types of border pillars

¹⁰ Hasnat Abdul Hye, "Border Sans Border", *The Daily Star*, 15 February 2002.

like, main, minor, and subsidiary. These pillars some times get stolen or removed by criminal elements with view to create tension on the border or nibble ground. Char lands are peculiar problems, which are the areas that emerge in riverine border areas as the rivers change their course due to floods. People occupy and settle in these Char lands leading to claims and counter-claims. The problem is alive in Dhubri district of Assam where the Brahmaputra crosses to Bangladesh forming char lands.

Illegal Migration *Amalendu*

✓ The problem of illegal migration is more prevalent on Indo-Bangladesh border. Bangladesh having a common land border of 4,096 kms with the Indian state of Assam, Meghalaya, Tripura, Mizoram and West Bengal, has a high population growth rate and adds 2.8 million people per year.¹¹ A report on illegal migration into Assam, submitted to the president of India by the Governor of Assam, Mr. S.K. Shinha, in November 1998 mentions the factors contributing to migration: at the time of independence and the liberation war, illegal migration was due to communal/religious factors. However, during the last 30 years other factors have come into play namely: search for better economic condition; pressure on land in Bangladesh on account of high density of population; Bangladeshi provides chief sources of labour; influx of illegal migrants suits the local political parties who view them a potential vote banks; cultural and ethnic affinities; and the reason of porous borders.¹²

The issues of illegal Bangladeshi migrants to India have been a major pre-occupation of demographers, sociologists, academicians, security analysts and most importantly political parties.¹³ Among the innumerable border crossing routes, Jhaukutty on the West Bengal side is mentioned as a major corridor. Five rivers, including the Sunkosh, the Kaliganj and Tursha, divide the flat plains making travel extremely difficult and long. However, instead of crossing all the streams, Bangladeshis are reported to go through Jhaukutty, Satrassal and Agomoni from the Kuegam, side of their border. Bangladeshi also comes to Mancachar for their weekly shopping. While river channels are the referred route (there is no barbed wire fencing along the river border) to enter India, the laxity in the detection system in West

¹¹ See the Table— 10.

¹² S.K. Shinha, *Report on Illegal Migration into Assam*, Submitted to the President of India, by the Governor of Assam, November 8, 1998.

¹³ Amalendu De and Prasanga Anuprabesh [*Essays on Indo-Bangladesh Demographic Scenario and Influx From Bangladesh*] (Author's translation), (Calcutta: Barna Parichai, 1998), p.6.

Bengal has rendered cross-over to be a relatively simpler task. Truckload of illegal goods moves out on a daily basis from Dinhata and Shahebgunj in Cooch Behar. Illegal migration also takes place along South Salmara, Kedar and Binachorra. E.N. Rammohan, a former Director-General of the Border Security Force (BSF), notes that, over, the years, continual illegal migration of both Hindus and Muslims from Bangladesh has completely changed the demography of the borders in South Bengal. Illegal settlers from Bangladesh now dominate the border belt in South 24-Parganas, Nadia, Murshidabad, Malda and West Dinajpur, up to a varying depth of one to five kilometers. Unsurprisingly, Hindus and Muslims, according to Rammohan, have invariably settled in homogeneous and exclusionary groups in such areas. The Census Report of 1991 observed that when the averaged density of population in the country rose by 51 persons per square kilometers over the 1981 level, West Bengal recorded a quantum increase at 151 persons per sq. Kms. The Muslim presence is high in the eastern districts bordering Bangladesh. West Dinajpur, Malda, Birbhumi and Murshidabad have a Muslim population of 36.75, 47.49, 33.06 and 61.39 per cent respectively. Nadia and North and South 24-Parganas districts below Murshidabad and bordering Khulna division of Bangladesh have a Muslim presence of 24.92, 24.17 and 29.94 per cent, respectively.¹⁴ In a status paper on illegal immigration filed in January 1999 in the Supreme Court in response to a petition, the Government of West Bengal admitted that 1,240,000 Bangladeshi who entered the state with travel documents had simply melted away into the local population, while another 570,000 had been pushed back into Bangladesh between 1972 to 1998. The document stated that, till 1997, the intercepted infiltrators were summarily pushed back, but after 1997 this practice was discontinued. Thus, according to Partha Ghosh, in some districts, the Bangladeshi in their desperate bid to seek refuge in India have been hijacked the legal procedure of immigration.¹⁵

Assam was the first rocked by the foreigner issue way back in early 1985 that the centre was able to come to an agreement with all India Assam Students Union (AASU), the party in the forefront of the agitation. While this issue continues to plague the states, several studies have been done to estimate the numbers of illegal

¹⁴ A.P. Joshi, M.D. Srinivas and J.K. Bajaj, (eds.), *Religious Demography of India*, Chennai: Centre for Policy Studies, 2003, p.97.

¹⁵ Parth S. Ghosh, *Migrants and Refugees in South Asia: Political and Security Dimension*, North Eastern Hill University, Shilong, 2001, p.9.

Bangladeshis residing in Assam. One of the accepted and much quoted figures has been contained in 1998 report of the Governor of Assam on illegal migration in Assam submitted to the President of India. In November 1998, the then Governor of Assam, Lt. Gen. (Retd.), S.K. Sihna, submitted a report to the President of India, which estimated the total volume of this infiltration at six million. Most of this increase was concentrated in a few areas with a dramatic impact on the local demography and, hence, politics. According to the report, four districts of Assam—Dhubri, Goalpara, Barpeta and Hailakhandi—had been transformed into Muslim majority districts by 1991 as a result of this mass infiltration. Another two districts—Nagaon and Karimganj—would have had a Muslim majority since 1998 and yet another district, Morigaon, was first approaching this position. According to the 1991 census Muslim population has grown by 77.42 per cent as against 41.89 per cent of Hindus. He also points out that four districts – Dhubri, Barpeta, Golpara and Hailakhandi have become Muslim majority districts. Some demographers estimated the influx of Bangladeshi migrants during 1981-91 in to Assam to be at 158,639. As a result of these demographic changes, immigrants hold the balance in 40 out of 126 Assembly seats in Assam Legislative Assembly.¹⁶

The situation is becoming alarming in other states of the northeast as well, particularly in Nagaland, Meghalaya, Arunachal Pradesh and Tripura. In Tripura, the influx of Bengalis from the plains of Bangladesh has reduced the state's tribal population to a minority. According to a 1991 Census of India, the indigenous tribes of Tripura constituted only 28 per cent of the state's population of 2.76 million while three decades earlier, they comprised two third of the population. In Meghalaya and Nagaland the situation is also more alarming. Thuingaleng Muivah, General Secretary of the National Socialist Council of Nagaland—Isak-Muivah (NSCN-IM), the insurgent group currently negotiating a settlement with the Union Government has observed, “ now there are two lakhs Bangladeshis in Dimapur area... these immigrants are Employed by the puppet leaders, who end up amassing a lot of wealth”. Similarly in Meghalaya, illegal migration from Bangladesh has become a serious problem in Boldamgre, Kalaichar, Mehendragunj, Purakhasia, Ampati, Garobandh, Rajabala, Selsella, Phulbari and Tikrikilla, all in the West Garo Hills district; the presence of illegal migrants is increasingly noticeable. According to one

¹⁶ Sanjaya Hajarika, *Rites of Passage: Border Crossings, Imagined Homelands, India's East and Bangladesh*, Penguin Books, New Delhi, 2000, pp.189-191.

report, an ally between two Dargahs (Muslim Shrine) of the same name on either side of the Indo-Bangladesh border in West Garo Hills district of Meghalaya is arguably the busiest infiltration rout in to India. This border area, called Mehendragunj, has reportedly become the hub of anti-India propaganda fueled by some of the infiltrators who are backed by Islamic fundamentalists and militants. The area has also been witnessed to two major communal riots since 1992. This problem is, moreover, no longer confined to India's northeast. The migrants have now spread in very significant numbers to states such as Bihar, Delhi, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh, Orissa, etc. In January 2003, Deputy Prime Minister L.K. Advani put the number of Bangladeshi migrants in India at around 20 million.¹⁷ The intelligence bureau puts the over all number at 16 million.¹⁸ A task force on border management reported in august 2000, that the number stood at 15 million.¹⁹ According to the Group of Ministers' Report there are approximately 15 million Bangladeshi nationals who have migrated illegally to India and settled at as far as Mumbai, Rajasthan Bihar, Orissa, New Delhi, etc.²⁰

It is useful to consider the economic factors that render border crossing lucrative. Pull factors like job avenues, access to India's vast Public Distribution System in the region and elsewhere, free education, relatively unhindered acquisition of immovable property, enrolment in the electorate, as also a compatible socio-cultural arena, attract mass illegal migration into India. The pressure of population in Bangladesh is also a compelling push factor for a large number of illegal immigrant crossing over to India. Bangladesh's density of population per sq. kms is three time that of India. In terms of area, Bangladesh is 1/25th of India's size, but in population it is 1/7th. Bangladesh is the world's most densely populated country, with a density of 969 per sq. kms. A 2.2 per cent per annum growth rate of population, moreover, means that its population is growing at the rate of 2.8 million per year. Worse, each year, nearly one-third of the Bangladesh landmass is inundated by floods, displacing approximately 19 million people. Some 15 billion dollars are reportedly earned annually by Bangladeshi migrants, significantly boosting the country's GDP.²¹

¹⁷ *Herald*, 16 February 2003.

¹⁸ *The Hindustan Times*, 7 November 2003.

¹⁹ *Indian Express*, 14 February 2003.

²⁰ *Ibid.*

²¹ "India and Bangladesh-Migration Matrix-Reactive and not Proactive", www.saag.org/papers7/paper632.htm.

The problem has been made complex because people living in low lying areas along rivers often move up towards the mainland during floods and this internally displaced population is often termed as illegal migrants. On the other hand, there have been instances of Bangladeshis augmenting their numbers especially in the char region by the practice of giving the names of relatives in Bangladesh at the time of enumeration. When their names appear in the voters' list, they inform their relatives in Bangladesh to enter Assam. By and large Muslims are economic migrants who are seeking better economic opportunities across the border. Often both the kinds of migrants create the problem. Therefore, it is a win-win situation for the labour as well as the contractor in India. Bangladeshi labour can be hired at cheaper rates and also it is profitable for them to work in India due to the wages they earn in Indian rupees. There are many places where Bangladeshi labours come to India, e.g., Karimganj in Assam, Agartals in Tripura. Making the matter more complex, there are several leading political thinkers, economists and former diplomats of Bangladesh who has been articulating the idea of free movement of people across the international borders. For instance, Prof. Amen Mohsin of Dhaka University asserts that "migration is a normal and natural phenomenon and can not be stopped; the need of to day is to evolve ways to legalise it".²²

Besides, the economic reason, there are Hindus affected by communal violence, who are forced to cross in to India to escape threats to their lives. There are Hindus who despite having lived in India even for the last four decades insist that they are refugees and be treated accordingly. The state governments of Uttar Pradesh and Uttaranchal have embarked on the task of overlooking these claims. Instead of expelling them, West Bengal Trinamul Congress leader Mamta Banarji has stressed the indeed to treat the new entrants differently from other economic migrants from Bangladesh and to ensure their safe return to and resettlement in Bangladesh. Reflecting these sentiments, on 5th December 2001, Union Home Minister L.K. Advani, assured the Lok Sabha that those who have already crossed to India would be dealt with "compassion and understanding" in view of the circumstances preceding their migration. The discourse on illegal migrants has now been further complicated with the usage of the term infiltrators meaning 'intruder while hostile intent'. This shift is more of a reflection the security problems that have begun to arrive given the

²² Wasbir Hussain, "Demographic Invasion, Anxiety and Anger in India's Northeast", *Faultlines*, vol. 7, p.128.

violence, militancy and terror attacks that are taking place especially in the areas with a large migrant population.²³

Another most important reason of migration is the 'Vested Property Act' of 1972. According to the 'Vested Property Act' (VPA) which was changed from the Enemy Properties Act (EPA) in 1972, the repression of minorities however did not end - this, in spite of the fact that Bangladesh's liberation war was antithetical to the 1947 Partition that took place on religious lines. Linguistic and cultural similarities also do not seem to have induced efforts to ensure equal treatment of the country's Hindu minority. Rather, Clause 2 of the Order No. 29 of 1972 stated, "Nothing contained in this Order shall be called in question in any court." In fact, one of the reasons for Sheikh Mujibur Rahman's continuation of the VPA was the forcible takeover of Hindu-owned lands by Awami League leaders during the Pakistani regime, and opposition to the repeal of the EPA. The consequences of the continuation of the VPA have been devastating. The Association for Land Reform and Development (ALRD), a Dhaka-based NGO, estimates that a total of 10,48,390 Hindu households have been affected by the Vested Properties Act, and estimates that 1.05 million acres of land have been dispossessed. About 30 percent of the Hindu households (including those that are categorised as missing households) or 10 out of every 34 Hindu households are victims of the VPA/EPA and have fled from Bangladesh and have taken shelter in neighbouring States of India.²⁴

It is very interesting to note that not only Bangladeshis but also Indians are crossing across the border. For the un-development Transport System the production in the border area dose not found any market on the Indian side for want of communication facilities, and the items produce are of a perishable nature. So, the Indians have to perforce resort to selling it in Bangladesh. But, in case of the Meghalaya border, the boundary lies on foothills towards Bangladesh while the plains are in India where the vegetables, etc., produced, are consumed by Indians. Relations Across the border made this very easy one. Radcliffe's scalpel at the time of partition left many people with relations stranded on other side. It did not matter initially to the people as the borders were virtually porous and they could visit each other freely. Due to laxity they continued to enter into marriage alliances subsequently and nurtured the relations to the extent of settling down, particularly in Assam. With the tightening of

²³ *The Hindu*, 5 December 2001.

²⁴ See at <http://www.peacefulaction.org/modules.php?name=News&file=articles&sid=36>

control on the border it became more and more difficult, yet the efforts continue till date to go and meet the relatives across the border.

Enclaves and Adverse Possession of Lands

The demarcated border question is accompanied by three inter-related disputes, namely, enclaves, adverse possessions and presence of villages closer to international borders. Enclaves are independent states or exclaves of a neighbouring country that perforate the host country. These become convenient points for illegal aliens. There are 111 enclaves (17,158 acres) in Bangladesh and 51 Bangladeshi enclaves (7,110 acres) in India.²⁵ These are also divided into exchangeable and non-exchangeable enclaves. The problem of enclaves is a legacy of the two kings of Cooch Behar in North Bengal (India) and Rongpur in South Bengal (Bangladesh). The Rajas would play a game of cards with pieces of land as their stakes and the other thus acquired pockets of land in one area. The enclaves are also called Chitmahal in West Bengal and as the legend goes it acquired the name from the fact the Chit in Bengali means a part of the whole and Mahal being land. Though the enclaves are physically and geographically isolated, yet these are part of the main land. But these enclaves suffer from lack of any government institutions and arrangements and are thus often referred to as stateless people. Rogue criminal elements from either side take advantage of the situation in the adverse possession of enclaves, which lacks any administrative structure.²⁶

Till 1971 the residents of these areas were allowed to move freely to their respective mainland when Indo-Pak tensions restricted their movement. The population continues to suffer the complications of being a citizen of a particular country and forced to be residing in another. Giving the fact that about 1, 50,000 persons in these enclaves need to be relocating; the lack of will to resolve the issue appears incomprehensible. Time and again media reports from both countries draw attention to the atrocities that the residents of these areas have been forced to undergo either from the security personnel or from criminals who use the situation to their advantage. The disputes over enclaves raise questions about the residency rights of the inhabitants and the statelessness of the inhabitants often takes the form of

²⁵ See the Table—4; See the Maps—18, 19 & 20.

²⁶ See Prakash Singh, no.4 and Kulbir Krishna, Policing the Indo-Bangladesh Border, *Strategic Analysis*, vol. XXV, no.5, August 2001, p.665.

lawlessness. However, in March 2003, India decided to issue identity cards to the residents of the Indian enclaves in Bangladesh.

Another aspect of the border problem is land in adverse possession (Indian land in Bangladesh's possession) and land in reverse possession (Bangladesh's land in Indian possession). Adverse possession means land belonging to one country under the control of another, e.g., Indian land under Bangladesh and vice-versa. There are 49 pieces (2,892.31 acres) of India land under adverse possession of Bangladesh and 52 pieces (2, 25.66 acres) of Bangladesh land under adverse possession of India.²⁷ This again has been a source of regular tension and conflicts between the border security forces of the two countries. This periodic tension manifested into a major crisis in April 2001. The border clash in Pyriduwah, Meghalaya resulted in the death of 16 BSF personnel when Bangladeshi Rifles (BDR) attacked over an Indian post. Although there have been renewed attempts since then to resolve the demarcation issue and the question of adverse possession, nothing has changed on the ground. Day-to-day border tensions continue despite several fruitful flag meetings, regular meetings of the Joint Working Groups (JWG) and a couple of MOUs signed between border forces of India (BSF) and Bangladesh (BDR), the latest one signed in May 2003. However, the Land Boundary Agreement of 1974 provides for the exchange of enclaves and settlement of the issue of adverse possession. India has been insisting on a joint census of the enclaves before these are exchanged, but Bangladesh has not agreed to the suggestion yet.²⁸

✓ Another problem that remains on the border is that over 60 villages remain in between the Indo-Bangladesh Border Road (IBB) and the border fencing. Thus, the presence of these villages beyond the causes both operational as well as existential problems for both the BSF as well as the local population. Besides the porous and undemarcative nature of the border has already contributed to the flow of illegal migrants from Bangladesh, thereby affecting the socio-political conditions of Indian states bordering Bangladesh. Criminal in enclaves poses a problem of a peculiar nature. Since police can not enter the enclaves, the local heads act as per their whims without attracting any retribution from either country. People from Indian enclaves in Bangladesh have already migrated to India—either due to seal their land or to escape persecution. Bangladeshi and Indian criminals are taking shelter in these enclaves.

²⁷ See the Table—4.

²⁸ *The Daily Star*, 17 July 2001.

✓ Cultivation in adverse possession areas invites aggressive reactions from the other side and creates tension in the relations of the border guarding forces. An incident of April 2001, where about 16 BSF persons were killed by Bangladeshis, had its origin from one of the adverse possession areas. Firing Across the Border, though not as the intense as on Indo-Pakistan border (J&K), both Indian and Bangladeshi troops resort to firing across the international border at the slightest provocation, causing tension and problem of management. Furthermore, citizens of both the countries indulge in poaching of natural resources that are found near the boundary like wood, bamboo, limestone, etc. Bangladesh does not have stones to carry out construction work; the stones are found in India and smuggled to Bangladesh is one of the major problems for management.

✓ Informal and Illegal Trade

✓ Geographically, India has between the world's two major opium producing regions—the Gold Crescent and the Golden Triangle. This has made it extremely vulnerable to trafficking in drugs, arms, women and children. The main informal trading centers on the Indo-Bangladesh border are Assam (Fakiragram, Mankachar and Karimganj), Meghalaya (Lichubari and Dawki), Mizoram (Tlangbung), Tripura (Kailashahar, Agartala, Sonamura, Bilonia, Mejdia, Lalgola, Mohedpur, Radhikapur, Kaliagunj and Hilli).²⁹ Availability of a large market and railways near the border make it easier and attractive for the smugglers to indulge in informal trade. The illegal trade is carried out mostly on headloads, bicycles, rickshaw, vans and boats. An estimate of illegal trade as carried out by various agencies i.e., MARC, Rahman, BIDS, NCAER, etc.

The biggest item on the agenda of smugglers is cattle, which are transported undetected from Punjab, Rajasthan, UP, MP, Bihar and Orissa. These cattle are brought up to the border districts in the cattle mandis and from there unloaded about 15 kms from the border on the Indian side and then gradually moved towards the international boundary in small groups as part of the local cattle herds. Since the local cattle are allowed to graze up to the boundary, these cattle also form a part of the group and eventually are made to cross over to Bangladesh through the unfenced border. ✓ There are several factors which encourage informal trade ranging from evasion of tariff and non-tariff barriers; differences in the rates and high demand; nature of the

²⁹ See the Tables—11-13.

border terrain; porosity of the border; habitation of the population; and connivance of officials. Informal trade also takes place due to domestic policy distortions. A large number of commodities that fall under administered pricing are siphoned off from the Public Distribution System (PDS) in India into Bangladesh. An inadequate transit and transport system often results in high transport costs, which in turn creates a strong incentive for trade to take place through informal channels.³⁰

Terror Networks and ISI Activities on the Border Area *article*

Since the change of regime in 2001, Bangladesh has emerged as the new hub of terrorist activities. Various training camps have emerged after the BNP government came to power with the support of fundamentalist parties like Jamat-e-Islami (JeI) and Islamic Oikya Jote (IOJ) which have an anti-Indian agenda. According to one report there are about 127 training camps sponsored by ISI, functioning in Bangladesh under patronage of JeI, Harkat-ul-Jamat-e-Islami (HUJI), and Islamic Morcha. Moulana Abdul Rout is the main kingpin who coordinates Laskar-e-Toiba (LeT), Jaish-e-Mohammad and Al Qaida in Bangladesh. Bangladesh has also been used by the insurgent groups in the northeast like United Liberation Front of Assam (ULFA), and Nationalist Socialist Council of Nagaland (NSCN-IM), who crossed the border and started getting training in Bangladesh from 1992 onwards.³¹

In the recent past, ISI has increased its activities from Bangladesh after Pakistan came under pressure after September 11, 2001. The fact that ISI was using Bangladesh soil also came to light when West Bengal police arrested many ISI agents from Indo-Bangladesh border area in 2002. The Indian Government has, on a number of occasions, stated that the ISI makes direct use of Bangladeshi territory to infiltrate its agents and saboteurs across the border into India, and that it is assisted in task by the Directorate General of Field Intelligence (DGFI) and other state agencies of Bangladesh. Speaking in the Lok Sabha on November 27, 2002, India's External Affairs Minister, Yaswant Sinha, explicitly stated that the Pakistani high commission in Dhaka had become the nerve centre of ISI activities in promoting terrorism and insurgency in India. He also asserted that (some Al Qaida elements have taken shelter in Bangladesh... the foreign media has... several such instances, our own sources have

³⁰ Vandana Upadhaya, Cross Border Trade of North-East India. In S. Dutta, (Ed.), *Northeast India and Informal Trade: Emerging Opportunities for Economic Partnership*, Hope India Publications/Greenwich Millennium, New Delhi, 2002.

³¹ The Sentinel, 7 December 2002, and *The Hindu*, 23 November 2002.

also confirmed many of these reports". These activities continue under the cover of 'deniability', the practice of diplomatic falsification, the nature of border and lack of awareness in the international community, regarding conflicts in the South Asian region. Reports indicate that the ISI has been helping insurgent groups in purchase and transportation of arms consignment from abroad to the India's northeast.

During the Director General (DG)-level talks between India's BSF and the Bangladesh Rifles (BDR) held between October 28 and November 2, 2002, in New Delhi, the DG BSF had handed over a list of 99 training camps of insurgent groups operating in India's northeast to the DG BDR requesting that action be taken against these. The list included 25 camps of the National Liberation Front of Tripura (NLFT), 20 of the All Tripura Tiger Force (ATTF), 18 of the National Socialist Council of Nagaland-Isak Moivah (NSCN-I-M), 17 of the United Liberation Front of Assam (ULFA), 10 camps run by the People's Liberation Army (PLA), 2 by the National Democratic Front of Bodoland (NDFB), 2 by the Muslim United Liberation Tigers of Assam (MULTA), 3 by the Achik National Volunteer Council (ANVC) of Meghalaya, 1 by the Chakkma National Liberation Front (CNLF) and 1 run by the Dima Halim Daogah (DHD). During the meeting, India also handed over a list of 86 Indian insurgents arrested by Bangladesh security agencies and police over periods of time.³²

According to Indian intelligence agencies, terrorist training camps in Bangladesh training northeast insurgents get patronage and protection from both the Bangladesh army and BDR. Most of the important camps are in Dhaka, Chittagong, Sherpur, Moulvi Bazar, Netrakona, Sunamganj district and Cox Bazar. Intelligence sources put the figure of terrorist training camps in Bangladesh as 130 (43 of them are of the National Liberation Front of Tripura, NLFT). There are several joint camps' that involve the NSCN- (I-M), NSCN (Khaplang), ULFA, National Democratic Front of Bodo Land (NDFB), NLFT, All Tripura Tiger Force (ATTF), People's Liberation Army (PLA) and United National Liberation Front (UNLF).

From those insurgent groups, ATTF and ULFA cadres operates from camps in Khagrachari and Satchari in Habiganj districts. An NDFB-NSCN (I-M) training center exists at Alikhadam in Bandarban district. While ULFA has 24 camps, mostly in Dhaka, Sylhet, Khagrachari, Moulvi Bazar, and the CHTs, the ULFA's camps are

³² Union Minister of State in the Ministry of External Affairs, Digvijay Singh, Rajya Sabha, Unstirred Question no.999, February 27, 2002, <http://164.100.24.219/rsq/quest.asp?qref=77223>.

located mostly in CHT and Khagrachari. The ATTF is active in Moulvi Bazar, Habiganj and Commila. The evidence is based on electronic and technical intelligence. It is also reported that ISI operates in collusion with Dhaka's Directorate General of Forces Intelligence (DGFI). The report further states that ISI-DGFI collaboration runs seventeen camps in Dhaka.³³

Shri Ajay Raj Sharma, Director-General, BSF, also handed over a list of 99 terrorist camps operating in Bangladesh to his BDR counterpart in October 2002. This was further confirmed by Shri A.K. Mitra, Additional Director-General of BSF who said that guerrilla outfits from the northeast are using Bangladesh as a safe haven. On the other hand, the consecutive border talks have been held on May 2004 and September 2004 had discussed about the terrorist activities including the existing terrorist camps in the Bangladesh territory. But it was strictly denied by the Bangladesh authorities with several other counter allegations on India.

Outfits like the ULFA and NSCN-IM have exploited the porous border to procure arms and ammunitions. Bangladesh also served as a place for currency conversion, and movement of finance out of the country. During the 1990s, the NSCN-IM succeeded in securing fresh support from Pakistan's ISI. According to confessions of a captured 'finance secretary' of the NSCN-IM, in between 1993-94, Pakistani diplomats handed over more than one million US dollars to the NSCN-IM. With these funds, the group has been able to purchase large quantities of Chinese rifles, machine guns, mortar and explosives from black markets in South East Asia and Bangladesh.³⁴

The NLFT has also set up a number of camps in the Chittagong Hill Tracts (CHTs) Sylhet, Maulvi Bazar, Habiganj and Commila areas. Its headquarters is located at Sajak, a camp in the Khagrachari district of Bangladesh. This camp is also used by the NLFT to procure and store arms from Cox bazaar port in southeastern Bangladesh. Most of the camps are located near the Tripura-Bangladesh border. For example, the Tailongbasti transit camp located in Maulovi Bazar district under the Kamalganj police station limits is two kms northwest of the Indo-Bangladesh border in Kamalpur. The Niralpunji camp is located two kms southeast of the Indo-Bangladesh border in Moulavi Bazar district under Kamalganj police station and is

³³ *The Hindustan Times*, 1 December 1 2002.

³⁴ Binalaksmi Nepram, *South Asia's Factured Frontiers: Armed Conflict, Narcotics and Small Arms Prolifpration in India's Northeast*, Mittal Publications, New Delhi, 2002, p.154.

used for operations in the Srimangal town. A transit house has been set up by NLFT in the Sripu area of Cox Bazar for procurement of arms from this port town.

It is also reported that Al Qaida, Rohingyas and fundamentalist elements in Bangladesh have formed a close nexus.³⁵ The nexus grew stronger after US action in Afghanistan when about 150 Al Qaidas fleeing terrorists took shelter in Bangladesh. What is more alarming is the patronage given to them by Bangladesh authorities including the army. To monitor the spread of the Al Qaida network in Bangladesh, the CIA set up a new five-man in Dhaka. Movement of Al Qaida members in Cox Bazar area of Bangladesh, which is already fertile with Rohingyas, is a serious matter of India. It is estimated that there are about 22,000 Rohingyas refugees in Bangladesh who stay in camps and an equal number are estimated to be staying out side. Cox Bazar is fast becoming a major transit haven for terrorists due to its location near the sea, CHTs and Myanmar. It gives terrorists a wider option to move in multiple directions. It is also reported that there are five terrorist camps functioning in the Cox Bazar.

Official sources in India maintain that insurgents are using the porous border between India and Bangladesh as a rout for importing sophisticated weapons. Union Minister of State for Home, I.D. Swami, has said in the Rajya Sabha that Thailand, Myanmar and Bangladesh are the countries from and through which illegal flow of arms to the northeastern states is occurring. National highway 39 has become a haven for many groups who forcibly collect 'patriotic task' from the residents. National highway 36, which runs through Guwahati, Shillong and Silchar, is also mostly controlled by the insurgents. Available evidence suggests that many terrorist groups combine their movements with narcotics trafficking, which provides significant financier for terrorism in parts of the northeast. These groups have also developed complex networks to sustain this trade. The tri-junction of Indian, Bangladeshi and Myanmar's border near Lawangtlai in southern Mizoram is a virtual free port for the biggest concentration of clandestine arms in South Asia. Weapons from Russian Kalashnikovs to Chinese Ak-47s, American M-16s to German Hk-33s are easily available in this market. The place is important because of its proximity to Cox Bazar in Bangladesh, one of the biggest arms' markets in South Asia.³⁶ For the instances in

³⁵ *The Sentinel*, 11 December 2002, and *The Time*, 21 October 2002.

³⁶ See "The Great Triple-Border Arms Bazar" at www.tehelka.com/channels/investigations/2000/oct/24/printable/in12400armsbazaarpr.htm.

January 2004 and once again in April 2004 big arms consignments were caught in Chittagogn area where the Bangladeshi Government officials were involved.³⁷

Infiltration of Armed Militants

Since India has been a victim of insurgency/terrorism aided and abetted by external powers. The northeast, Punjab and Jammu & Kashmir have experienced insurgency on a large scale and suffer casualties and damages of disproportionate magnitude. Insurgency in one or the other form is likely to remain in the Indian sub-continent. Last weaponry, equipments, means of communication, funds, etc., available to the militants add a global dimension to insurgency and pose a challenge to the security force to fight militancy affects the morel of troops, causes excessive wear and tear of weapons and equipments lower the operational efficiency, diverts from the primary job and is a burden on the national exchequer. Infiltration by terrorist groups including foreign machineries through LoC/IB is a routine affair. Porous border is a constant threat to the forces guarding the border and add extra tension to the troops and demand tougher measures to be adopted on the border.³⁸

Insurgency in Assam and Tripura is because of the illegal movement of Bangladeshi Muslims in Assam, West Bengal and many other parts of India and social conflict in Tripura (tribals versus non-tribals). Bangladesh provides safe sanctuaries to insurgent groups operating in the northeast and the ISI is also attempting to ferment unrest and spread fundamentalism in border districts. It is also involved in smuggling of arms and ammunitions.

Indian Security Implications

Unabated illegal immigration has caused serious long term economic, political and social implications for India. These immigrants have settled in and around the border areas including all the northeastern states of India and also as far away as Delhi, Mumbai and other parts of India. The influx has its security implications like the strategic Siliguri corridor falling into the hands of such people whose loyalty is untested. Increase in the population of the northeastern states is reflected in the census figures of 1991 and 2001 (Arunanchal Pradesh 26.20 per cent, Manipur 30 per cent, Nagaland 64.41 per cent, Sikkim 32 per cent and Tripua 15.73 per cent). This is against the national average of 23 per cent in the previous decade. It has also been projected that even if extreme measures are adopted to control the population of

³⁷ *The Hindu* (Delhi), 2 April 2004.

³⁸ *Ibid*, no.4.

Bangladesh by the year 2020, it will not be possible for Bangladesh to accommodate the projected population and there is no alternative but to look for living space—lebensraum.

The problem of this illegal migration is compounded by the fact that there has emerged a collusive network of smugglers, organized criminal gangs and insurgent and Islamic extremist groups operating in the northeast. On January 7, 2003, India's Deputy Prime Minister, L.K. Advani, during a conference of Chief Secretaries and Directors General of Police in Delhi, observed that Bangladeshis staying illegally in India pose a serious threat to countries internal security. Similarly, K.P.S. Gill has emphasized that more than terrorism; the major threat to India's security is from the 'demographic bomb' exploding in Bangladesh.³⁹

Migration takes place primarily through well-organized gangs with adequate support from the local administration, often including the police and security forces. In many areas, illegal migrants have carved out separate political interests with the active connivance of local politicians. Laxity in immigration enforcement has led to illegal migrants and terrorists manipulating the system to facilitate expansion of their illegal activities. S. K. Ghose noted:

The importance of the problem lies in the fact that many of the infiltrators are smugglers and prone to crimes such as dacoity, cattle lifting, padding of narcotic drugs, gun running, trafficking in women and girls and are actively helping terrorist activities in our bordering states. They also run missions of their intelligence agencies and many of them have been known to settle down as Hindus in India and are involved in espionage work for their countries. They have many relations in India, who derives benefits from their clandestine operations. For them border is the main business area. They not only provide shelter and food for infiltrators, but all help needed to remain unnoticed. The problem of untraced Bangladeshi and Pakistani nationals become serious as they merge with the local people and pass off as Indian citizens. They are also able to gain over local police and security forces by bribing them heavily.⁴⁰

The mobilization of Islamist groups in Bangladesh as well as among Muslim migrants in bordering states has created an opportunity for Pakistan's external intelligence agency, the ISI, to ferment subversion in the eastern and northeastern parts of India. Indian official sources have for long maintained that ISI's basic objective in Bangladesh is the strategic encirclement of India. It uses the strategy of supporting and fermenting insurgency in India's northeastern and makes direct use of

³⁹ K.P.S. Gill as cited in Bharat Karnad, (ed.), *Future Imperiled: India's Security in the 1990s and Beyond*, Asish Publication House, New Delhi, 1994, p.5.

⁴⁰ S.K. Ghosh, no.12, pp. IX-X.

Bangladeshi territory to infiltrate its agents and saboteurs across the border, which makes crossings either way easy, particularly when there are elements all along it to facilitate the process.

One of the major instrumentalities of subversion and exploitation of migrant population by Islamist group is the Madrassas, and an extraordinary growth of such seminaries has been noticed in areas dominated by, or increasingly populated by Bangladeshi migrants. The Government of India has admitted that there has been a rise in the number of Madrassas in the bordering districts of the Indo-Bangladesh border with, according to one estimate; more than 1,000 Madrassas have emerged long along its length. According to a study conducted by the Border Security Force (BSF), the capital city of West Bengal, Kolkata, with a population of 14 million had only 131 seminaries and 67 Mosques; by contrast, the small border town of Krishnanagar in Nadia district had 404 seminaries and 368 Mosques. The West Bengal Government has also admitted that some serious complaints have been received regarding the functioning of various Madrassas.

An investigate by the intelligence department revealed Saudi Arabia's connection in funding hundreds of madrassas in the Indo-Bangladesh border districts in West Bengal. Most of these seminaries are reportedly unrecognized and students are 'taught fanaticism' and to 'fight for the cause of Muslim fraternity against people of other religions', the intelligence report revealed. Police in Murshidabad districts on February 1, 2002, cracked down on two such unauthorized Madrassas in the border area of Barua village, while approximately 700 students, mostly Bangladeshis, attended regular classes under the supervision of two Maulvis (Priests) and 19 teachers. The police also discovered another such Madrassa, "Al Madrasatus Dar-ul", in an isolated Island on the Padma River near Rajshahi district of Bangladesh.

There is also a report that in an interrogation, the Secretary of the local Madrassa committee, Sheikh Nimuddin, reportedly admitted that a resident of Saudi Arabia, Mohammad Alafuddin, who has his ancestral house at Chandrapara village in Aurangabad, had funded the institution. The Madrassas head, Mohammad Emadul Hoque, while denying that any thing anti-national was being taught to the students, added that many such seminaries were functioning in the district. Meanwhile, in a terrorist attack at the American center in Kolkata in January 22, 2002, four security personnel were killed. According to the State Minister for the Minority Commission, Mohhamed Selim, over 1,300 unrecognized seminaries are functioning in West

Bengal while the number of recognized Madrassas is only 507. A majority of these Madrassas are located on Murshidabad, Nadia North 24-Parganas, Malda and West Dinajpur.⁴¹

Even as one acknowledges the legitimacy of such seminaries as part of the Muslim socio-economic fabric, their subversion and exploitation for illegal and anti-national activities needs greater attention. A system of proper checks and balances, including compulsory registration of Madrassas, scrutiny of funding sources and patterns, and fixing of standards for non-religious educational curricula, is not inconsistent with the secular character of the Indian states, and must be brought into effective being within a clearly defined timeframe. The problem is also largely due to the fact that the subversive agenda of hostile neighbours has been met with conciliation again and again, and such subversion is, consequently, encouraged even further. The insidious vote bank politics of the political parties both in the state and the centre has been at least partially responsible. Political patronage and the demands of real politics have made the makeover from migrant status to 'legal citizens' of the state relatively uncomplicated and the political leadership has not only prevented the existing machinery from identifying and deporting aliens, but has legalized their presence through instrumentalities like the generous distribution of ration cards and even citizen certificates. Based in his experience in Assam, K.P.S. Gill, points out that corrupt land revenue officers would take money from settlers to place them on their records, and thus provide them the necessary sanction for enrolment in the voters' list.⁴²

Complex Nature of the Border

Indo-Bangladesh border is a unique intermix of enclaves, mountains, plains, riverine, hilly and jungle terrain with various degree of habitation and ethnic mix residing as close as on the boundary itself and having relations across the border also. Except Punjab, most of the Border States are under developed. They are also physically isolated from India in various degrees because of the relatively poor infrastructure of transport and communication. Culturally, most of the border regions are different from the core of the Indian Union. Slow economic development has sharpened the border people's sense of alienation and demands for autonomy or self

⁴¹ *The Tribune*, 3 February 2002.

⁴² Sanjay Hazarika, no. 15, P.61.

determination such as mix of ethnic composition with similar language, culture, tradition, religion etc. cares little about the man made artificial boundaries.

↳ The Bangladesh border is the longest land border that India shares with any of its neighbours. It covers a length of 4,095 kms abutting the states of West Bengal, Assam, Meghalaya, Mizoram and Tripura. The existing and emerging threats along this border are conditioned, to a large extent, by the terrain. The border, which was carved out of the Radcliffe Line, was not demarcated on the ground. As a result, the border cuts through the middle of several villages and in some cases, while one section of a house is one country, another is in the other. In West Bengal, for instances, there are more than 100 villages located right on the Zero Line, and in many villages there are houses where the front door is in India and the rear door opens in to Bangladesh.⁴³

↳ Inadequate demarcation also created the problem of enclaves. There are several enclaves and adversarial possessions on both the side make the nature of the border more complex.⁴⁴ The land boundary agreement between the two countries in 1974 laid down procedures for joint demarcation of boundaries. Although the survey authorities of the two countries have completed the demarcation of over 4000 kms of the India Bangladesh boundary, they have not able to resolve differences in demarcation of approximately 6.5 kms of land boundaries in the states of Tripura, West Bengal and Assam. The two countries has set up two joint boundary groups to resolve all pending issues relating to the implementation of the Land Boundary Agreement of 1974, including exchange of enclaves.

Though the number of authorized transit points for goods and people are limited along the border, for all practical purposes it has remained open. People continue to cross the borders with consummate ease, and this has also encouraged large volumes of irregular or unofficial trade along the border. The ethno-cultural proximity of populations of both sides of the borders, and the absence of physical barriers and vigilance by security forces has facilitated such illegal border trade. Difficulty in identifying Bangladeshi and Indian nationals of the bordering states,

⁴³ E.N. Rammohan, "Uneasy Borders Distant Neighbours", *USI Journal*, New Delhi, vol.c xxxii, no.550, October-December 2002, p.496. For Instance, Hill in the Malda district of West Bengal is located right on the border and a row of houses in this town have their front doors in India and their rear doors opening on to the railway platform of Hill in Bangladesh.

⁴⁴ For more details on the formation of enclaves, see at www://home.no.net/enklaver/enklaver/CoochBehar_annotated.jpg.

where they are look alike, speaks the same language, wear the same dress and have similar set of cultures and traditions, thus making it difficult to identify a Bangladeshi national in the absence of identity card in the border areas. Connivance of the locals with infiltrating Bangladeshis—for a payment—makes the task of detection more difficult. The total volume of unofficial exports to Bangladesh is estimated at Rs.11.65 billion annually, of which West Bengal accounts for as much as 96 per cent, Assam three per cent and Tripura one per cent. An elaborate network of border agents and other stakeholders has come up along this border.

The mountain area of Meghalaya is also become a major challenge for managing the border. The mountains of Garo and Khashi area where several villages area in a scattered form. For this reason in April 2001 16 BSF jawans were forcefully captured and brutally killed by the BDR persons in Pyrdivah, in Meghalaya sector. The rivers of these areas are mostly mountainous rivers. Because of the nature of the river it changes its courses almost every year. These rivers are coming either from the northeast or from Nepal and Bhutan are mostly mountainous.⁴⁵ Porous Nature of Border and wide inter-BOP gap in the face of dense population residing near the boundary, also allows free movement of national including criminals, of both the countries. This problem gets severely compounded in the riverine and jungle areas where patrolling is difficult. Withdrawal of the forces for other duties further worsens the problem.

Withdrawal of the Border Guarding Forces for Duties Elsewhere

Border guarding forces have frequently been withdrawn from border to combat low intensity conflict in Jammu & Kashmir, insurgency in northeast and terrorism in Punjab and etc. They have also been withdrawn many time to deal with law and order problems, elections, naxalite problems, etc. Taking note of repeated withdrawal, the Group of Ministers have recommended in its report that “it is imperative that forces guarding the border are not deployed in the states to deal with internal disturbances law and order duties and counter insurgency operations. Withdrawal of forces guarding the border for such duties limits their capability to guard the border effectively. These withdrawals seriously effect the border guarding and leave border porous and vulnerable”.

⁴⁵Gurudas Das and R.K. Purkayastha, *Border Trade; North-East India and Neighbouring Countries*, (New Delhi: Akansha Publishing House, 2000), p.39.

Border Fencing⁴⁶

Despite of the fencing of the Indo-Bangladesh border in two phases through a big project, it has been criticised by many intellectuals as it is in the name only. The much talk about barbed wire fencing along the Indo-Bangladesh border has almost become a farce today with hardly any maintenance being done in many sectors of border areas. BSF officials manning the stretch here rued the fact that the CPWD whose responsibility it was to carry out repairing works of these fencings erected about a decade ago has remained indifferent to its job. At many place part of the fencings have been damaged, uprooted and made ineffective due to floods and other problems creating mounting pressure on BSF personnel to keep an eye on infiltrators. Smugglers have invented a very ingenious way of dealing with the security forces that is trying to obstruct their activity—by cutting the barbed wires. Barbed wire spreads over a longer distance and passes through no man's land, which may not be under, direct observation of security forces.

The primary aim of fencing along the Indo-Bangladesh border was to check the ingress of criminals, prevent smuggling and provide a sense of security to the border population. There is wide gap as fencing is not complete. This is due to slow progress in acquisition of land, resistance by the locals, flaws in conceiving the project and lack of sincerity. The fencing however, has not resulted in curbing the menace to significance degree. It can be effective only when it is vigorously patrolled and kept under surveillance round the clock. The terrain, climatic conditions, dense vegetation, improper design and alignment without taking into consideration the traditions and culture of the border population, has further led to its repeated breaching. Moreover, there are many villages between the fencing and the international boundary, where people are in collusion with the criminals, making detection of illegal migrants and criminals difficult. Fence has also resulted in virtually giving away the land lying between the fencing and the international border to Bangladeshi criminals.

Another major problem the security personnel face is the inability of the authorities in erecting effective fencing under the bridges in this area. Officials pointed out that in the 55 kms stretch of the border road from Border Pillar (BP) there are many bridges of varying length. There are also riverine borders. But underneath

⁴⁶ However there are some progress in the fencing of the Indo-Bangladesh border; see the Tables-5-9.

these large numbers of bridges there is no effective barrier making it quite easy for infiltrators to sneak in under cover mostly by night and some times even by daytime. The security personnel further expressed concerned over allowing people reside within one kilometer away from the fencing posts of the border areas.

Asked about the reason of such concern officials were of the opinion that this has led to an increase in petty crimes and smuggling activities in those border areas as has been amply reflected by such areas in other states. They said that in Rajasthan and Punjab the practice of not allowing any one to reside within one kilometer of borders was adhered to strictly. However, officials said that there was hardly any smuggling and anti-social activity in these areas whereas, at Jhaukuti stretch of the border that falls under West Bengal's jurisdiction just about a kilometers from here there are reports of such activities. Senior officials also said that the second line of defense which is on the cards at present would be a welcome step for rein forcing the efforts of the BSF to make the border foolproof.

National Buildings Construction Corporation Limited (a Govt. of India Enterprise, (NBCC limited), under the aegis of Ministry of Urban Development and Poverty Alleviation, Govt. of India, is a premier civil construction company engaged in construction of large scale civil engineering projects of varied nature like cooling towers, TV towers, flyovers, bridges, airports, buildings, jetties, highways, transmission lines etc. NBCC limited is presently executing mega projects for Ministry of Defense, Urban Development & Poverty Alleviation, and Ministry of Home Affairs, Government of India. Indo-Bangladesh and Indo-Pak border fencing are such mega projects under the Ministry of Home Affairs, undertaken by NBCC in Tripura also. Construction of IIB (Indo-Bangladesh border fencing project in Tripura) fencing is one of the steps undertaken by the state and central governments to check cross border terrorism, smuggling and anti-social elements.

Despite of these problems there are also some most important challenges. These are discussed bellow:

Politics of Nationalism

After the independent of Bangladesh a feeling was installed in the minds of the people that the Bengalis had been exploited by West Pakistan in the name of Islam. Therefore, they were verged to unite behind the banner of Bengali nationalism and the culmination of this separate 'Bengali' identity was the creation of Bangladesh in 1971, with the help of India. But, after some time, people believed that Awami

League was the agent of Hindu India, which had considered in the creation of Bangladesh in 1971. At this critical juncture a belief was gaining ground that the Awami League would not be trusted and that the only way through which Bangladesh could maintain a separate identity from the Hindu Indians was to promote Islamic solidarity.⁴⁷

The Bangladesh that had emerged in 1971 was far more harmonious than its predecessor (Pakistan). An overwhelmingly majority (99 per cent) constituted the Bengali speak community of which nearly 86 per cent were the followers of Islam. The remaining, a miniscule one per cent who were not part of the Bengali speak community, comprise the tribals inhabiting in the hill tracts of CHTs and the Biharis, the descendants of the Urdu- speaking immigrants. Through the Programme of Settlement Process, the Bangladesh government tried to integrate the tribal dominated CHT to its mainland through a process of settlement of Bengalis from the rest of Bangladesh, resulted in the decline of ethnic communities from 98 per cent in 1947 to 50 per cent in 1991. Another reason is atrocities on the Hindu minorities in Bangladesh. This atrocities forced Hindu families to migrate to India.⁴⁸

Regime Security Based on Anti-Indian Sentiments

Mujib's relation with India was resulted the identification of his government as follower of India. On the other hand, Islam became an important rallying factor for those opposed to Mujib and his policies. The process of use of religion for political purposes began ironical under Mujib, and he did it keeping in view the internal and external imperatives. After that Bangladesh's polity was plunged in coups and assassinations and the military rule came which was exclusively based on anti-Indian propaganda. The predecessors of Mujib were more and more pro-Islam and pro-Pakistan with anti-Indian feelings, which had also taken fuel from 1990 and 1992 Babri Mosque demolition incident of India.

Bangladesh Nationalist Party (BNP), now in power, is a conglomeration of anti-India and fundamentalist outfits like Jamat-e-Islam and other few religious parties. It is very interesting to know that Khaleda Zia, the prime minister of Bangladesh, while being in opposition described the insurgents in the northeast India as freedom fighters and said that Bangladesh should help them instead of curbing them. Changing with the time leader of Awami League Sheikh Hasina has also

⁴⁷ Syed Serajul Islam, *Islamic Quarterly*, vol. 41, no. 3, 1997, pp. 218-130.

⁴⁸ Tanweer Fazal, *Sociological Bulletin*, vol. 48, no. 1&2, March-September 1998, pp. 191-92.

changed her voice regarding India. Therefore, in every past and future general elections India was and would be the main if not must be an important issue, because all the political parties in Bangladesh using anti-Indian propaganda (more or less) for coming to power.⁴⁹

Some more Peculiar Problems of Border Management⁵⁰

Though, the problems discussed above are most important there are also some other problems. Instead of the Border Guarding Force (BSF) there are some other issues that are bears the equal importance in the border management. These problems are such as: —

- *Passive/Indifferent Attitude of Border Population*—all border crimes take place in an organized manner. The population residing in the border areas is either dependent on the kingpins or are scared to speak against such criminals. This some times happens due to indifferent attitudes of the administration where some of them are also part of the nexus.
- *Deportation of Bangladeshi Nationals*—Bangladeshi nationals caught on the border or in the interior areas are to be deported back to Bangladesh. Certain problems arise in their deportation, such as non-receipt of lists from state police organizations in advance of the persons to be deported, state police forces bringing in the Bangladeshi nationals without waiting for confirmation, no response from BDR after handing over of the list, lack of awareness of rules and procedures on the part of state police officials at junior levels, and so on, resulting in mishandling of the issue.
- *Criminal-Administration-Police Nexus*—the trans-border crimes in the border regions flourish due to the connivance and close nexus of the criminal-police-administration triumvirate. It has been founds in certain cases that before the illegal migrants enter India, certain important documents like ration cards, gas connection papers, etc., showing them as Indian citizens are all prepared and handed over to them to allow them to escape detection on the border. The illegal migrants are then helped to reach any part of this country, including crossing over to Pakistan if required.

⁴⁹ Virendra Grover, *Encyclopadia of SAARC Nations*, Deep & Deep Publications, vol.4, 1997, pp376-385.

⁵⁰ N. S. Jamwal, No.5, pp. 23-30.

- *Circuitous International Boundary*—the international boundary follows a non-linear pattern. It passes through villages, fields, houses, rivers, and jungles in an uneven manner and at places forms big loops. If one is to follow the proper route along such loops, it is time consuming. The pattern of demarcation is so tedious that people in the border areas find it tempting to trespass and violate the international border as shortcuts.
- *Public Distribution System (PDS)*—border areas on the Indian side are covered under the Public Distribution System (PDS) whereby items like sugar, wheat, rice, etc., are made available to villagers at subsidised rates. The PDS shops are normally located in the rear and the items are sold to the villagers either in the godowns or the local salesmen carry the items to the villages near the boundary according to the population of the villages. While carrying such items the courier normally shows a chit to the BSF officials, mentioning the quantity being carried in a particular trip, if questioned. The PDS chits in possession of the courier specifies the amount of the item but it does not mention the number of trips a courier has to make, resulting in a person making many trips and selling rations to Bangladesh.
- *Limitation to Applicability of Law of the Land*—indulgence in trans-border crimes like cattle lifting, dacoities, kidnapping, crossing over of under trials/criminals, traffic of women and children have become a phenomenon and a way of living because the law of the land ceases to apply after a person crosses over to the other side. Criminals have entered into an understanding to provide shelter to each in their respective countries to avoid legal proceedings.
- *Legal Constraints*—some of the legal constraints involved in the management of the India-Bangladesh border are:

Ambiguity of Jurisdiction on the Border—the jurisdiction of border guarding forces differs from border to border. There is no clear-cut demarcation regarding the jurisdiction. In some cases the jurisdiction extends to 5 kms and in other cases, it is 15 kms and in some states like Meghalaya in the entire state, this results in confusion among the forces.

Lack of Jurisdiction and Law enforcement Infrastructure—it has been observed in border areas especially in the northeast that the local administration is virtually non-existent. The presence of local police is also grossly inadequate. Lack of this facility

with no budgetary provision to feed the arrested Bangladeshis results in their being jostled between BSF and police customs. Absence of other infrastructure like telecommunication network, absence of vehicles of the police, inadequate staff, ambiguous laws, and poor road networks, are also severe constraints for the border guarding forces.

Non-availability of Witnesses—it is very difficult to get any local to testify in court against any criminal, as a strong bond exists amongst the people in the border areas. Most of the people are involved in some way or the other in one legal activity or another. This affinity forces them to side with the criminals and extend no help to the security forces.

Easy Exit Across the Border—the criminals make full use of the porosity of the border. They are known to cross over after committing a crime and find refuge in sympathisers and relatives till the pressure of the law cases on them.

Loopholes in the Legal System—the legal system has several loopholes, which are fully exploited by the criminals. For example, in case of a claimed seizure the BSF is required to produce the person from whom the contraband has been recovered, before the court in case the seizure is to be termed as claimed. In case the man is handed over to the police, the seizure becomes unclaimed. Similarly, in case of illegal border crossing, the intruder is apprehended by the BSF and handed over to the police. The individual is released at times, the same or the next day by the police and pushed back.

Illegal Migrants (Determination by Tribunal) Act – in Assam where the IMDT Act exclusively applies, major political parties have different views over the efficacy of this Act. While one wants it to continue, another wants it abrogated. Asom Gana Parishad (AGP), who have all along sought the abrogation of the act to check the infiltration from Bangladesh also want to remove IMDT from the statute book. As opposed to the Foreigners Act, under which law enforcement agencies can declare a person as foreigner, the IMDT act affords such a person an opportunity to defend himself, thereby placing on the police the onus to prove him wrong and to allow the cases of infiltration to pass thoroughly judicial scrutiny.

Border Guidelines—consequent to the Indo-Bangladesh Border Agreement of 1974, the Joint Indo-Bangladesh Guidelines 1975 for border authorities were framed for the border guarding forces of both the countries. The aim of these border guidelines was to ensure cooperation between both the border guarding forces over trans-border crimes

and exchange of information and intelligence at appropriate levels. These guidelines, among other issues, also provide that neither side to have any permanent nor temporary border security forces within 150 yards on either side of the international border, and so defensive works of any nature including trenches in the stretch of 150 yards on each side of the boundary. Under this provision, Bangladesh objects to the construction of fences within 150 yards from the international border on the pretext that fencing violates the guidelines. It even objects to construction of roads within this distance on the same pretext.⁵¹

⁵¹ Also see Nitin Kumar Gokhle, An Act of Bad Faith, *Out Look*, May 19, 2003.

**CONCLUSION: PROSPECTS FOR COMPREHENSIVE BORDER
MANAGEMENT**

The analysis of events in the preceding chapters and especially with reference to events matters in the fourth chapter entitled the “Indo-Bangladesh Border: Challenges to its Management” has become a serious and sensitive matter for both the countries. The management of international border is vitally important for national security of every country. The problems, which are common to all the borders, need to be appropriately and specifically addressed. Where as the Indo-Bangladesh border is concern, these problems have become aggravated in recent times due to illegal migration, rising terrorist activities on border areas (including in whole northeast India) with the help of Pakistan’s intelligence agency, the Inter Service Intelligence (ISI), along with its intense of hostile anti-India propaganda designed to mislead and sway the loyalties of border people. In addition, due to the illegal border trade, trafficking of drugs and human being, border clashes between border security forces and border people, the national security of India has come under severe threat.

To a large extent, this is true that there are several agreements signed between the two countries of India and Pakistan (before East Pakistan became Bangladesh), and also between India and Bangladesh (after Bangladesh’s liberation in 1971). After the announcement of Radcliffe Award and partition of India, many agreements (discussed earlier) have been concluded between two countries to resolve the border disputes, on the Indo-East Pakistan and latter on Indo-Bangladesh border. However, most of the minor disputes were resolved through these agreements. Those required considerable adjustment especially when the demands of the two countries were of a conflicting nature. Broadly, it is said that many disputes of those were settled in a spirit of “give and take”.

While coming to an agreement over these issues, both the sides had to compromise their earlier stands to a great extent. This evoked severe public critics in both the countries. For instance, while India wanted the whole of Berubari Union No.12 to come to her, Nehru agreed to be satisfied with only half of the territory—as it was decided to divide the territory equally between India and Pakistan (according to the Radcliffe Award of 1947). This relaxation of the stand held earlier by India, gave rise to a lot of criticism in India and same was seen in Pakistan side. The agreement was regarded as surrender to Pakistan and the *vice versa*. To make matter worse, the

West Bengal Government initially refused to concede the portion of territory to Pakistan.

This is also true that, lot of these border disputes were settled by recourse to an International Tribunal. While in the case of Bagge Award; which dealt with four major disputes on the Indo-East Pakistan border, the decision of the Tribunal did not raise any unseemly controversy. Secondly, the Nehru-Noon Agreement while helped in resolving most of the disputes on the Indo-East Pakistan border did not prove favourable to Pakistan. In the last but not the least, the Indira-Mujib Land Boundary Agreement (LBA) of 1974, also did not click up too much to resolve the border disputes between India and Bangladesh.

While all were well with the border agreements in theory, there were problems at the level of implementation, which adversely affected the credibility of these agreements. Often there were conflicting interpretations of the terms of the agreements which created new problems. One such case was the disputes regarding the Jessore-Kulna border. Demarcation and delimitation of the border areas were also held up, even though these formed an integral part of the border agreements. In most cases, demarcation and delimitation work remained pending even a decade after the agreement was concluded. This shows the inevitable need for patient and arduous spade work could emerge.

Furthermore, India's geographical and topographical diversity, especially on its borders, poses unique challenges to our armed forces in terms both equipment and training. However, India's security concerns are defined by a dynamic global security environment and the perception that South Asia region is of particular global security interest. The security challenges facing India are varied and complex. The country faces series of low-intensity conflicts characterised by ethno-nationals and left wing movements and ideological along with the terrorist activities conducted by Pakistan's ISI and various radical Jihadi outfits through the instrumentality of terrorism. Being India is surrounded by two hostile neighbours (Pakistan and China) with nuclear weapons and missiles and history of past aggressions and wars, it is affected by proliferation of small arms and the trafficking in drugs and human being. There is no doubt about their encouragement of anti-Indian elements both militarily and non-militarily. There is also the ever present possibility of hostile radical fundamentalist elements gaining access to the weapons of mass destruction in Pakistan. The country has experienced four major conventional border wars besides an undeclared war at

Kargil in 1998. India's response to these threats and challenges has always been restrained, measured and moderate in keeping with its peaceful outlook and reputation as a peace loving country.

The disparity in the economic conditions across the borders had brought demographic changes and population composition caused due to illegal migration. This is one of the biggest problems facing India and having a direct bearing on its national security. Even though it has become very serious social, political, economic and security implications all political parties (in India) using it for their own benefit. It poses a grave danger to our security, social harmony and economic well being. There are also several leading political thinkers, economists and former diplomats of Bangladesh who have been articulating the idea of free movement of people across the international borders. Prof. Amena Mohsin of Dhaka University asserts that "migration is a normal and natural phenomenon and can not be stopped; the need to day is to evolve ways to legalize it".¹

Meanwhile, India and Bangladesh continue to differ on the border fencing issue. The recent India-Bangladesh border talks (September 2004) has also been failed. However, a major break through achieved by India in the talk, is the move that is expected to pave the way for granting double-entry visas to Indians by the Bangladesh Government. Meanwhile, the Government of India has sanctioned Rs. 13.34 billion for the completion of the rest of the fence.² There are however, deep differences persist, particularly on the orientations and response to terrorism and cross border insurgence activities. Despite of these, there is evidence of a growing area of potential cooperation in many aspects of border management between the two countries, and it is these 'areas of agreement' that need to be consolidated to bring the security situation in one of the world's most populous and potentially volatile stretches under control.

According to the Group of Ministers' Report "the term border management must be interpreted in its widest sense and should imply coordination and concerted action by political leadership and administrative, diplomatic, security, intelligence, legal, regulatory and economic agencies of the country to serve our frontier and subserve the best interests of the country". Prakash Singh, former Director-General,

¹ Wasbir Hussain, "Demographic Invasion, Anxiety and Anger in India's Northeast", *Faultlines*, vol. 7, p. 128.

² *The Hindu*, 22 September 2004 and *The Sentinel (Assam)*, 22 September 2004.

Border Security Force (BSF), has stated that “border management is a fluid concept in the sense that the level of security arrangements along a particular border would depend upon the political relations, the economic linkages, the ethno-religious ties between people across the borders and the configuration of the border itself”.³

However, in the contemporary time, it has been said that the meaning of the concept border management is under gone a transformation with the increasing acceptance of the concept of *globalization* of the simple that nations are coming closer, trade barriers getting lowered and people are moving across international frontiers for a variety of reasons. These are normal reasons, reasons forced by political circumstances, and economic reasons. In any case, there is a lot of movement of people across the international border. However, border management, is broadly a comprehensive package which involve defending the border in times of peace, ensuring that there are no unauthorized movements of men, taking steps against smuggling of arms, explosives, narcotics and any on kind of contraband items, using sophisticated technological devices to supplement the human effort, coordinating the intelligence inputs from various agencies and ensuring that the socio-economic development of the border population takes place.

There have been regular peace initiatives in the North Eastern region being taken by the Government of India to mobilize them towards the mainstream. We would aware that there were the Shillong Agreement with the Nagas in 1975; Assam Accord in 1985; Mizoram Accord in 1986; Tripura Accord in 1988 and Bodo Accord in 1994. Out of all those Accords, the only Accord which has really worked satisfactorily and which has justified itself has been the Mizoram Accord. Therefore it need the Government of India must take bold steps to make effective talks with all the insurgence and fundamentalist groups.⁴

Thus, the failure and success of India’s relations with Bangladesh depends upon the peaceful out come of the out-standing border disputes. Where as political dialogue to improve border guarding is an inescapable, other measure has also recommended towards effective border management. Several Committees set up by Government of India, have been held up to explore the ways and means for effective border management. The reports of those committees are namely, Godbole Report,

³ Prakash Singh, “Management of India’s Northeastern Borders”, *dialogue*, vol. 3, no. 3, January-March 2002, p. 15.

⁴ Prakash Singh, *Ibid.*

Vohra Committee Report, report of Group of Ministers' on National Security System (chapter on border management), the Report submitted by the former Governor of Assam, Mr. S.K. Sihna to President of India in 1998 regarding the migrations in Assam and many other small reports regarding the internal security and border management. Several intellectuals former Director-Generals of Border Security Forces (BSF) and other many eminent personalities are given their suggestions regarding the border management. Dr. Sanjoy Hazarika, Senior Fellow, Centre for Policy Research, K. P. S. Gill, Director, Institute of Conflict Management, former BSF directors like Prakash Singh, Gurbachan Jagat, intellectuals like Amin Mohsin, institutions as 'civil society' like Centre for Policy Research (CPR) in India and Centre for Policy Dialogue (CPD) in Bangladesh and many other has given many important recommendations for the better relationship between both the countries and the effective management of the indo-Bangladesh border.

At the outset, the most comprehensive study on border management since independence was probably done by Mr. Madhav Godbole, former Home Secretary, who headed the multi-disciplinary task forces on the subject. There were other four of them; Mr. Vohra headed the one on internal security. Unfortunately the report had treated as a confidential document and had not been made public.⁵

The second large and comprehensive study of border management has been studied by the Committee of Group of Ministers', headed by the then External Affairs Minister, Shri Jaswant Singh, Defence Minister Mr. George Fernandez and Home Minister Mr. L.K. Advani, in 2001. After the Kargil War of 1998 a committee named Kargil Review Committee was set up for reforming the National Security System (NSS) which was also severely dealt with the issue of border management.⁶ The Group of Ministers' in its Report on NSS (chapter on border management) has made several recommendations relating to effective management of the land and coastal borders including the air space over a wide range of issues such as effective monitoring and surveillance of illegal cross border areas etc. The Government has also decided to implement fully the recommendations of the Group of Ministers'. A separate division on border management has already been created in the Ministry of

⁵ Prakash Singh, *Ibid.*

⁶The Group of Ministers' Report on National Security System, New Delhi, Government of India, February 2001, p. 58.

Home Affairs in pursuance of this decision in order to pay focused attention to the issues relating to border management.

Keeping in view the security environment of India and the aforesaid problems and the improvement of India's land boundaries, the Group of Ministers' has made several important recommendations for effective management of the Indo-Bangladesh border. Some of those are already become functioning which also needs more effective study and some are yet to taken into functioning. However, it should be remember here that the Government of India has taken into consideration of all the recommendations made by the report. Those are out lined in the succeeding paragraphs:-⁷

Concerted actions need to be initiated at the earliest by the Government of India to urgently take up the demarcation on the ground of the land boundary with Bangladesh. However, it should be mentioned here that the undemarcated borders along states of West Bengal and Tripura has not been demarcated yet (6.5 kms). For this purpose an official level Standing Steering Committee may be set up. Apart from the representatives of the concern central ministry's, the concerned State Governments may also be represented there on. A Group of Minister's, would be, especially appointed for the purpose, may periodically and at least once in a quarter, review the progress of work in this behalf.

There would be one border guarding force (paramilitary) like BSF for the Indo-Bangladesh border on the principle of 'one border one force' and the Army to continue to remain deployed on the disputed borders till final settlement. Forces guarding the border will have a role during war which would necessitate it to function along with the Army. The same has been brought out during the tension on our western border where BSF continued to remain deployed on forward locations/out posts (BoPs) thus providing depth to the regular Army.

Moreover, the force guarding the border would provide a cohesive punch, making it easy for the Army to coordinate, communicate and function better. In that case it would more effective for the army to deal with a single entity rather than too many. It can act as an extension of the army in war. Even for internal security situations, one force, if ever called, would be easy to handle and be accountable. Towards an objective of one border guarding force like Indo-Tibetan Border Police

⁷ Ibid.

(ITBP) and Assam Rifles be merged with BSF and placed under Ministry of Home Affairs during peace and Ministry of Defense during war. While BSF would work along with and under operational control of the army during war, there would be close interaction at all levels during peace time to share intelligence and understand each others limitations and capabilities. Towards this end, Joint Control Rooms may be established and manned at appropriate levels even during peace time.

The reformation in the Structure of border security (BSF) is similarly important in this effect. The Border Security Force is deployed all along the 4, 096 kms of borders that the state of West Bengal, Assam, Meghalaya, Tripura and Mizoram share with Bangladesh. At present, 37 battalions of the BSF and 714 BSF Border Outposts (BOPs) located along its length. The front wise average distance between BOPs is as following:-⁸

- South Bengal: 5.2 kms;
- North Bengal: 5.9 kms;
- Assam, Meghalaya and Manipur and Nagaland: 5.1 kms; and,
- Tripura, Cachar and Mizoram: 6.1 kms.

At each Observation Post, approximately 2-3 persons remain on duty on a shift basis of six-hour duration. The personnel are posted to battalions, which remains in one area/frontier for a period of 3-4 years. The companies of battalions manning the posts are normally rotated after every six-month period. The inter-BOP distance is 5 to 7 kms. 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 kms of the border. Similarly in Meghalaya, each battalion is covering up to 80 kms. The distance between two BOPs is excessive. According to the BSF Director General, Ajai Raj Sharma, “ideally, the distance between the BOP and another should be 3.5 kms. But at present, the distance is five to six kms because we do not have the desired man power”. The BSF has sought complete fencing of the border and rising of the strength of the force by 25 per cent for greater deployment on this stretch.⁹

⁸ I. D. Swami, Minister of State in the Union Ministry of Home Affairs, *Rajya Sabha*, Unsaturated Question no. 2197, 15 March 2000, at <http://164.100.24.219/rsq/quest.asp?qref=11324>

⁹ “Militants Eyeing N-E Routes”, at <http://timesofindia.indiatimes.com/cms/cms.dll/html/uncomp/articleshow?msid=22548>.

One of the reasons for the inadequate strength of the BSF on the borders is their frequent deployment in counterinsurgency and other internal security duties. The Group of Ministers' Report thus notes: "the repeated withdrawal, in large numbers, of paramilitary forces from border guarding duties for internal security and counterinsurgency duties has led to a neglect of borders. These forces have also been unable to perform optimally due to cannibalization of battalions and even companies."¹⁰ Apart from inadequate strength, however, there are other problems that hamper the BSF in the execution of its primary duty. A closer examination of BSF operations reveals that it performs its duties under severe limitations, with operational procedure poorly defined and a significant overlapping of jurisdictions with other agencies. For example, the first role of the BSF is to provide a sense of security amongst people living in the border areas. But it is not clear how the BSF is to do this. The mere presence of a well-equipped force is not sufficient to provide a sense of security, especially when the BSF is perceived as an 'outside force'. The level of interaction with the border population is poor, often not very friendly, and a sense of mutual mistrust prevails. Clearly the state Government and the local administration have an important role to play in this regard, yet there is no institutional arrangement between the BSF and the state Governments to secure common goals. The prevention of trans-border crime, another major task, is not exclusive to the BSF. The civil police in the border districts are charged with the prevention of such crimes. Such an overlapping of jurisdiction creates problems of coordination. Prevention of crime in border areas also requires substantial intelligence inputs from the local population and a fair amount of coordination among the various law enforcement agencies. In the absence formally laid down structures, individual initiatives and discretion often influence the interpretation of respective jurisdictions of various agencies, and operational coordination between them. Similarly, the prevention of smuggling requires a fair amount of coordination with custom officials and the officials of the Narcotics Control Bureau. The powers enjoyed by the BSF under the Customs Act are limited and as such BSF personnel on the borders have to maintain a close liaison with local custom officials, and there are frequent problems of coordination.

Due to a continuous rotation of BSF battalions, the deployed forces have tended to lack the advantages like the permanently located forces (local police forces),

¹⁰Ibid., no. 5.

such as a proper knowledge of the terrain and people of the area. Before the creation of the BSF in 1965, state police forces were in charge of the India-Bangladesh borders, and this arrangement would have facilitated the gathering of intelligence and securing the cooperation of the local people. Clearly, it is need for the BSF to have specialized knowledge about the border and the people inhabiting such areas, but its structure and operational norms inhibit the acquisition of such capabilities. Border policing can be improved significantly if the assistance of local people could be factored into the tasks of the security agencies manning the border, and such an option would be strongly in the interests of the locals as well, whose sentiments are also strongly against the ongoing illegal migration. The relative handicap of the BSF in term of its knowledge regarding the terrain, people, and language and local sensitivities also hampers operational capacities.¹¹

The Ministry of Home Affairs is responsible for the internal security of the country starting from the internal boundary. All the organizations working in the border areas of Indo-Bangladesh border for the development and law enforcement should seek directions and be accountable to one nodal agency that is Ministry of Home Affairs during peace and Ministry of Defence during war. There are also multiple agencies working in the border areas for collection of intelligence, enforcement of law, development of areas, etc. These agencies normally work without formal institutionalized arrangement of information sharing and coordination clarity of role and accountability of various agencies working on the Indo-Bangladesh border needs to be laid out. If the border guarding force (BSF) is to be made accountable for the management of borders, others are to function in close coordination with it.

Availability of modern weapons and technical gadgets to anti-national elements has made the task of the border forces difficult. The distance between forward locations/BoPs favours such unscrupulous elements particularly during the night. To overcome this problem, the border security system has to be augmented with technical monitoring system, border fencing, border roads, etc. for effective border management.

One of the problems of managing the Indo-Bangladesh border is the underdeveloped nature of these areas and the alienation of the local people. Border

¹¹ S. S. Chandel, "A Border Guards Organization for Anti-Terrorist Operations", August 28, 2001, *Institute of Peace and Conflict Studies*, at, <http://www.ipcs.org/>.

guarding forces are the visible Government institutions functioning in these areas with resources and manpower, and can play an important role in integrating the far flung areas to the mainland by acting as a link between the two. With more resources made available to them, some amount of the developmental activities can be undertaken by the border guarding forces. They can also be involved for exploration and exploitation of local resources. The terrain is an important factor/obstacle in the way of border management. Jungle and mountain terrain helps militants in infiltration but hinders the movement of forces along the border to intercept them. To overcome this, it is recommended that the lateral roads/tracks be constructed and technical monitoring sensors be installed along the borders.

Intelligence is the key to effective border management, where the border forces have always been found wanting. This is more so because the troops and intelligence staff change very frequently. Even, otherwise, developing the sources that can provide really time action information in a short time is difficult. It is also very difficult for the troops from outside to develop rapport with the local population in a short time. To overcome this problem, it is proposed to carry out at least some recruitment from within the local population (like the paramilitary forces) who remain deployed in the area permanently can be used for the purpose of developing contacts and collecting information.

Information Technology in Border Management is another most important factor. Analysts routinely list the rapid spread of information technology and the expansion of international migration as major factors driving globalization. International migration and information technology are not only increasingly interrelated. It has been argued that revolutionary changes in information technology drive the economic globalization that is undermining state sovereignty and thereby challenging states' effort to control immigration.

In other direction, international migration has fueled development of new information technologies upon which the "new economy" rests. Just as states are deploying high technology of their borders, smugglers are increasingly using the latest technology. The information revolution (the *globalization*) has a major impact on border control by dramatically changing the playing field for the contests between states and smugglers. While states deploy video cameras along their borders, smugglers use monitor border patrol radio frequencies, using cell phones and

encrypted E-Mail to relay information to their colleagues on reroute migrants to avoid crossing points with built up defenses.

Keeping these in view, the Group of Ministers' has stressed the need for making greater use of high technology systems and equipments to counter cross border challenges. It is proposed to deploy a suitable mix and class of various types of surveillance equipments on the international borders of the country which would act as a force multiplier for effective border management. It is proposed to deploy a combination of different types of surveillance equipments like night vision devices, Hand Held Thermal Imagers, sensors etc., backed by an effective communication and command and control systems which would greatly enhance the border monitoring system.

The Leading Intelligence Agencies (LIAs) in Border Area has a big responsibility towards the border management. Keeping in view the need for ensuring the effectiveness of the intelligence agencies operating in the border areas, the Group of Ministers', in its report on NSS, has recommended that the intelligence wing on the principal border guarding force deployed on the border should be Lead Intelligence Agency (LIA) for that border. The LIAs have been made responsible for coordinating the activities of other agencies operating in their border segment of the border and sharing actionable intelligence with the concerned agencies.

Border Area Vigilance is another aspect of effective border management. The concept of Village Volunteer Forces (VVF) helping in border management has a great deal to commend itself and has worked with a good degree of success in areas where it has been tried so far. To strengthen the vigilance in our border areas, the VVFs of a border village should be small in size (10 to 20 persons). All members of the force should be put through induction level training in guarding, anti-smuggling and patrolling duties. Depending on the threat perception, they could also be given small arms for the unit as a whole. As leadership and motivation training would play a crucial role in the working of the VVF, greater attention should be given to these aspects in training. Leaders carefully chosen from among the village community, should be given proper training in leadership, motivation techniques, handling of small arms and orientation about the working of border guarding as security forces and security concerns. After the induction training, VVF leaders should be annually called up for active duty/attachment for one month with the border guarding force and paid a suitable honorarium during that period. Like the civilians in the Territorial

Army having rank, these persons should also be given an honorary rank in the border guarding organization. After observing their work for some time, they could be given small weapons for self defense and for their work in VVF. Good induction level training and a month long annual attachment with the border guarding forces would raise their efficiency and leadership qualities. The VVF should associate with the community welfare measures undertaken by the border guarding forces. Likewise, they can be involved in organizing sports meets, fairs, relief measures etc. in the border areas. The border population and the VVF can be cooped in the border guarding and border vigilance set-up. Furthermore, the Ministry of Home Affairs should take necessary action in this regard in concerted with state governments. The Ministry of Home Affairs should also work out the state Governments and processed for approval of the Government.

Next is to stop illegal migration, which is the most important among all steps towards the effective border management. Immigration Law and Policy has recently (August-September 2004) taken centre stage in the British policy debate. This should not be surprise that the immigration is set to be on of the most, if not the most-controversial topics of the 21 century. It is a multi-dimentionary issue involving economics, politics, moral and religious values, as well as international relations. This seems particularly true in the present international climate. Increasing “unwanted” migration of illegal migrant workers and asylum seekers has been considered evidence of the inability of the states to control their borders and of the demise of territorial state sovereignty more generally. The Government of India has already taken various steps to stop the migration completely. Those are follows:-

Multipurpose National Identity Cards Schemes—The Government is contemplating preparation of National Register of Indian Citizens and issue of Multi-purpose National Identity Cards (MNICs) based on this register to all citizens of age 18 years and above. The main purpose of MNICs is to provide a credible individual identification system and simultaneous use of MNIC for several multifarious socio-economic benefits and transactions within and outside Government and provide a mechanism for quick identification and deportation of illegal migrants. This will also act as a deterrent for future illegal migration. The system not only envisages preparation of a National Register of Indian Citizens and providing a Unique National Identity Number to each citizen of the country but also envisages continuos updating of this register by linking it to the system of Registration of Births and Deaths Act,

1969 and also account for fresh registration of Indian citizens under other provisions of the Citizenship Act, 1955. The system also envisages complete computerization and linking of the registers at the sub-district, district and the national level.

Citizenship, Passport, Immigration and Refugee Law—Children born to illegal migrants living in India are entitled to claim Indian citizenship by virtue of their birth on Indian soil. Therefore, in principle, India Citizenship Act, 1955 should be amended prohibiting acquisition of citizenship rights by the children of illegal migrants born in India before 1 August 1987. This would also meet the stipulation of Assam Accord. However, as per the advice of the Ministry of Law, the provision can only be introduced with prospective effect. The Ministry of Home Affairs should take necessary action.

The offences under the Foreigners Act, 1946, are cognizable and non-bailable. The accused persons arrested for committing offences under this Act manage to obtain bail due to the provision of Section 437 of the Code of Criminal Procedure. In order to remove this lacuna, the Ministry of Home Affairs have had introduced a Bill in this regard in the Rajya Sabha on July 14, 1998. The passage of the Bill to amend the Foreigners Act, 1946 should be expedited. It is desirable to have a single statute dealing with entry into India and exit out of India and providing punishment for those entering and departing from India unauthorizedly. To achieve this, the Passport Act, 1967 and Passport (entry into India) Act, 1920 could be substituted by one Act. Although, the Ministry of Law had earlier advised that a single statute could not substitute two Acts, the matter may be taken up once again with the Ministry of Law and further action taken according to the advice of that ministry.

The provisions relating to punishment prescribed for violation of the Passport Act, 1967 and the Passport (entry into India) Act, 1920 and those involved for facilitating entry of illegal migrants into India should be made stringent. The touts, abetting illegal migration, should be brought to book as conspirators and abettors. Strict action should also be taken against the connivance of any official. Passports are mostly taken by those who are affluent or those who wish to travel abroad for furthering their trade or job prospects. In view of this, there is no reason to subsidise the passport processing costs.

The increase of complexity of immigration work necessitates continuity and expertise of the concerned officials. The Bureau of Immigrations (BoI) was set up in 1971 for immigration check up and registration of foreigners. However, so far, it has

fully taken over immigration work at the Chennai Airport. The BoI should take over at all international airports and other airports handling international traffic as soon as possible. For this purpose, the BoI may take police personnel from the concerned state on deputation.

Most originators of 'Lookout Alerts' do not revise them periodically and unwanted 'Lookout Alerts' continue to winder the work in immigration offices. It need to be introduced a system of periodic revision or having a sunset period for 'Lookout Alerts'. The Ministry of Home Affairs should take necessary action. Also the Government of India may consider holding a comprehensive discussion with agencies like the Law Commission, National Human Rights Commission, state Governments, the ministers concerned, security agencies and experts on the subject regarding enactment of a stricter Refugee Law. In doing so it should balance India's security considerations with the humanitarian concern for refugees. The Ministry of Home Affairs should take necessary actions in consultation with the concerned ministries and state Governments.¹²

A quota system could be announced for those coming from Bangladesh and wanting to work in Assam, the northeastern or other parts of India on work permits, for a stipulated period of not more than 5 years. The work permits could be issued to about 25,000 persons in the first year, rising gradually to a maximum of 75,000 for Assam; similar quota could be fixed for other states depending on their need. Permits shall be issued to groups of not less than 20 persons. The employers shall be responsible for the well being and non-disappearance of his/her employees under the permit scheme. And also the matter should be taken up with the Bangladesh Government and they should be persuaded to accept the repartition of Bangladesh's beyond a particular cut off year mutually acceptable to both the countries.¹³

Widespread corruption involving local politicians, security forces and the local police is another major problem. S. K. Ghosh notes, "No single check post is free from the tentacles of touts and anti-social elements which operate from both sides having close links between them. They decide who are to be allowed to be cross the border and those who are to be pushed back. Bribery and corruption is rampart at

¹² Ibid., no.5.

¹³ Sanjoy Hazarika, "India's North East and the problem of Migration: what is to be Done?", *Dialogue*, vol. 1, no. 3, pp. 17-19.

check posts.”¹⁴ Some personnel of BSF are known to have colluded with the illegal migrants eventually altering the demographic profile of neighbouring areas of India.¹⁵ There is, moreover, an urgent need to examine the technology-manpower equation within the force. New technological inputs such as increased aerial surveillance and ground sensors are now in wide use internationally, and should be evaluated for their utility in India, and particularly, along its troubled northeastern confines. Above all, there is need for long term planning, as *ad hoc* responses to immediate threats provide only short-term relief, and are often counterproductive over the longer term.

Border Fencing is one the other major step to make the border stronger one. During the 1980s, the Government of India decided to fence the 555 kms long stretch of the Punjab-Pakistan border. Punjab was also given enough battalions to achieve an inter BOP distance of 2.5 to 3 kms. Each battalion had a jurisdiction of just 25-30 kms. After such fencing levels, there was a substantial decrease in the smuggling. The success of the fencing experience in Punjab influenced the Government’s decision to fence the entire India-Bangladesh border. The fencing project was sanctioned in two phases: phase-I in 1987 and phase-II in 2000. The approved project components include the construction of 2, 784 kms of road, 23.8 kms of bridge and 896 kms of fencing along the Indo-Bangladesh border. An amount of Rs 1.6 billion had been spent on fencing work till March 31, 2002 and as per the sanction, an additional 6.08 billion is estimated to be spent for completing the remaining portion of the fencing. A total of 3662.88 kms of road length was approved for construction in both phases of the project and a total of 2565.2 (35%) kms has been completed. The remaining portion is scheduled for completion by year 2006. It should be noted that the previous date of completion of the fencing was 2007 which is reduced to 2006.¹⁶

The slow pace of fencing demonstrates both project flaws and a lack of intent. For instance, in West Bengal, the acquisition of land took years and even today, it is held up in litigation in several sections. In Assam partial diversion of funds released for fencing work to other works by the Government of Assam has resulted in extraordinary delays of fencing work in that state. Moreover, more than 200 villages, situated right on the borderline are opposed to the project, with people in these

¹⁴ S. K. Ghosh, *Unquiet Border*, (New Delhi: Ashish Publishing House, 1993), p. 10.

¹⁵ T. Anantachari, at www.ipcs.org/issues/articles/351-mi-achari.html.

¹⁶ Vidyasagar Rao, Minister of State in the Union Ministry of Home Affairs, *Rajya Sabha*, 24 July 2002, at <http://164.100.24.219/rsq/quest.asp?qref=69525>. Also See the Table—5-9, p.

villages claiming that erecting a barbed wire along the border would make them refugees in their own land.¹⁷

Clearly, it will be necessary to remove settlements along the fencing and on the Zero Line. Although there is a pending proposal to shift villages along the borders, this has not been accomplished thus far. In the stretch between Islampur in the Kishanganj district and Malda in West Bengal, while Hindu villages along the border have reportedly shifted voluntarily, the Muslim villages have resisted relocation. Proper compensation, where warranted, will have to be provided, and all such villages needed be relocated within a clearly defined time frame.¹⁸

Another most vital work is maintenance of the boundary pillars. The responsibility for repair and maintenance of boundary pillars on the Indo-Bangladesh border has been placed on the respective border district authorities of the two countries. This has led to poor maintenance and also avoidable delays in the repair of boundary pillars. At present the Ministry of External Affairs (MEA) operates the budget grant for reparation and maintenance of boundary pillars. It was considered whether the Ministry of Home Affairs (MHA) which is in charge of the guarding of the International Borders should also operate the budget head for repair and maintenance of boundary pillars instead of the MEA. After detailed consideration, it was felt that this should continue to be maintained by the MEA. The matter should, however, be examined further in the MHA in consultation with the state Governments and the border guarding force. In this case the BSF as also with the MEA and if a change is considered desirable, this may be again placed before the Government for a decision.¹⁹

One of the most important hurdles in Indo-Bangladesh border management is the exchange of enclaves and adversarial possession of territories. As it has already been mentioned in 3rd chapter, there are 111 Indian enclaves in Bangladesh and 51 Bangladeshi enclaves in India. There are also other problems of exchangeable and non-exchangeable enclaves. Similarly, there are 49 pieces of Indian lands under adverse possession of Bangladesh and 52 pieces of Bangladeshi lands is under the possession on India.²⁰ The Land Boundary Agreement of 1974 provides for the

¹⁷ "Caught in the Middle", *The Week*, Kochi, 19 September 1999.

¹⁸ K. P. S. Gill, "Approach Paper: Managing Internal Security Threat in India's Northeast", 2002.

¹⁹ *Ibid.*, no. 12.

²⁰ See the Table—4.

exchange of enclaves and settlement of the issue of adverse possession.²¹ Joint Boundary Working Groups (JBWGs) has been constituted to solve the border-related issues. India has been insisting on a joint census of the enclaves before these are exchanged, but there is a negative signal from the opposite side. Therefore, there is need for a more strong diplomatic exchange between both the governments.

Measures to check religious fundamentalism has also become most essential for border management. Group of Ministers' has high lighted the problem of indiscriminate growth of places of religious workshops and instructions along the international border (on both sides India and Bangladesh) and their misuse for fundamentalist and other anti-national activities. The central Government is also considering the feasibility of enactment of a central legislation to regulate the activities of places of workshops and religious institutions. Further, state Governments have been advised to take action against religious institutions whole activities are in contravention of the Provisions of Religious Institution (Prevention of Misuse) Act, 1988. It is really, a matter of serious concern that the fundamentalist elements in Bangladesh have been propagating that the borders defined at the time of partition are no longer relevant and need to be changed, taking in to account the recent demographic changes. The Jamat-e-Islami at Bangladesh has been taking of Swadhin Muslim Bangabhumi (part of national homeland for Bangladeshis Muslims) in India. Therefore, the Government India should take bold steps to make laws that the religious institutions can be include the other subjects like social sciences, home science and physical sciences in their teaching curricular.

Bold steps must be taken by the Government of India to check Terrorism in northeast India. Spreading of terrorism in northeast India is one of the most important problems for border management. It has been many proved many times that Bangladesh territory has been used by the ISI supported terrorists as the safe haven. India has given the list of terrorist camps in its soil many times, but the Bangladeshi authority is not ready to accept it that there is any terrorist camp in their soil. It is not unaware to any body that after 11 September 2001 terrorist attack on World Trade Centre (WTC), Pakistan has come under great international pressure (especially from the USA) to put ban on the terrorist organizations functioning from its soil. Therefore, they have become more active in India's northeastern side with the help of

²¹ See the Appendix—VIII.

Bangladesh Government. The recent talk of Indo-Bangladesh has also failed on the same line like the previous talks. Therefore, it needs more diplomatic and international pressure on Bangladesh to close all the terrorist camps on its soil.

Major steps can be taken to check the anti-national and anti-social elements from spreading dis-information and subversive propaganda. The forces hostile to India have tended to occupy the vacuums created by inadequate reach of national media. India must wake up to the harsh reality of the fact that low intensity conflicts have been unleashed against it by way of (dis) information and aggression. A generation thus grows up fed by propaganda and the mischief of hostile forces and battle for the mind of our people is lost. It is, therefore, necessary for the government of India to initiate measures to combat the subversive propaganda and dis-information unleashed against it. Timely release of information to the media through specialized officers, properly equipped and skilled, would help in combating such invidious propaganda of the elements hostile to India. Furthermore, national electronic media have to address the need and concerns of border population as they (media personnel) see it and not as the common people see it through the media. The hiatus between these perceptions need to be bridged. Border areas have a very rich cultural mosaic. The local culture and traditions need to be highlighted in programmes of All India Radio (AIR) and Doordarshan. This calls for developing decentralized production system at local level with greater participation of local professionals.

There must take some bold measures to check smuggling/trafficking in border areas. One of the major problems afflicting the India- Bangladesh border is the smuggling of a wide range of goods and trafficking of drugs and human beings. It is a matter of concern that organized criminal gangs and syndicates with powerful political and communal influence and patronage has cropped up at different places at border. It is important to remove the factors which promote organized criminal activity in the border areas involving the local population on a large scale, make them aware, motivate them and make them confidence that they are Indians and should cooperate with the border security forces for secure the border. Furthermore, the closer cooperation needs to be established between the BSF and the BDR to work out strategies to deal with organized criminal activities in these areas. It is also necessary to evolve and execute '*joint operations*' by the state law and order machinery and the BSF. It may also be worthwhile to pursue diplomatically, the need for more effective concerted action to tackle organized crime by the border guarding forces of the two

countries. It is necessary to involve all law-enforcement agencies including the custom informalising the day today working arrangements and for ensuring coordinated action amongst them at the ground at the state levels.

Legalizing of Border Trade has become one of most important debatable topic between both the countries. Taking the opportunity of open and undemarcated border the border peoples (especially of some group of persons) has doing massive illegal trade across the border both the countries. The commodities for trade are basically handicraft and handmade small and chief electronics and animals. Severe pressures have been made by some politicians and intellectuals; have been suggested for formalizing the border trade. It has been seen that the amount of illegal trade is much more than the formal trades.²² This also encourages local people to make the issue worse. However, both the Governments should fix the formalization of name of the commodities. There should be more and more discussion on this particular issue before taking any decision regarding the formalization of the border trade.

Initiatives have been taken by India under Border Area Development Programme (BADP), which can be an important measure towards the effective border management. Towards integrating the border areas to the mainland, the government of India has initiated many programmes. These programmes mainly focus on social, economic and political development of the border areas. To meet the challenges and for effective coordination of border management, a separate cell has been constituted in the Ministry of Home Affairs. Several important measures have been suggested by the committee of Group of Ministers'.²³

As it has mentioned above, many programmes have been undertaken for development of border areas. Before partition, people depended on common markets located in the area. After partition, these markets were abruptly closed and the economy of the border people was badly affected. With a view to ameliorating the sufferings of border people, the Government of India initiated an integrated scheme under Border Area Development Programme (BADP). The BADP was started in the Seventh Plan with the twin objectives of balanced development of border areas through adequate provision of infrastructure facilities and promotion of a sense a security amongst the local population. This programme has helped in filling of critical

²² See the Table—11-13.

²³ Ibid., no. 12.

gaps in the social and physical infrastructure in the border areas. It has also helped in inculcating a sense of security amongst the border population and development of better relations between the border population and security forces.

The Group of Ministers' Report has made many recommendations for implementation of this programme including increase in the budget, a prospective plan with a ten-year time span for integrated infrastructure development of border blocks, integration of assistance and developmental activities under BADP and various other schemes of rural development under the Ministry of Rural Development, and involvement border guarding forces in BADP.

To ensure the maximum impact of the programme, the present practice of treating community development block on the border as a unit should be continued. The Ministry of Home Affairs may take this up with the Ministry of Finance and Planning Commission for taking necessary action in consultation with the state Governments. Like the tribal sub-plan and schedule castes component plan, a component plan should also be prepared for border areas so that border population can partake of their share of development resources. Since this has major financial implications, the MHA may take this up with the Ministry of Finance and the Planning Commission for taking necessary action in consultation with the concerned state Governments.

The outlay of the BADP should be enhanced to at least Rs. 2000 crores for the next Five Year Plan. The MHA may take this up with the Planning Commission and Ministry of Finance. As against Rs. 210 crores are available annually under the BADP, funds of about Rs. 8000 crores are annually available under various schemes of rural development in the Ministry of Rural Development, such as Employment Assurance Scheme, S.J. Gram Samridhi Yojana, Jawahar Gram Sorozgar Yojana, Accelerated Rural Water Supply Scheme, Indira Awas Yojana and the Prime Minister's Yojana. The Ministry of Rural Development should earmark a portion of their funds available under various schemes of normal development for blocks in these areas. At present, a maximum of 7 per cent of the programme allocation can be spent on meeting the infrastructural needs of the security forces. Since, this is an area development scheme for benefit of the border population; the allocation of the security agencies can not be increased substantially. Their entitlement limit should, be raised from 7 per cent to 15 per cent. The MHA may take this up with the Planning Commission and the Ministry of Finance.

It is necessary to involve gram Sabhas and Panchayats, in a participatory mode, in prioritizing investment of resources available under the programme. The Planning Commission may take necessary action in consultation with the state Governments. Due to the special nature of the programme, the responsibility for its coordination and supervision should continue to be with the Deputy Commissioner/Collector. The Community Welfare budget of the BSF should be raised to Rs.50 lakhs. The ITBP and the Assam Rifles should also be provided a budget of Rs.25 lakhs each annually for welfare activities to benefit the border population.

One of the most important works under BADP is the development of the attitude of the religious institutions like Mosques and Madrassas. Madrassa education is part of a Muslim child's religious tradition. Steps should be taken to encourage these institutions to add inputs in modern education also. Efforts should be made for providing increased facilities to these institutions those are found lacking. The Ministry of Human Resource Development is presently administering the Central Sector Scheme for giving financial assistance to modernization of Madrassa education.

The scheme should be strengthened and greater publicity given to it. For bringing Madrassa into mainstream with the benefits of the modern education system, the state Government should provide support for free supply of text books up to the Primary School level, training of Madrassa teachers in teaching of mathematics, sciences and Urdu and other languages etc. A central advisory Board may be set up for Madrassa education instead of living this critical matter to different state level advisory boards. The Ministry of HRD should take necessary action in this regard.

There can be some more measures adding to check migration/illegal movements. Besides fencing steps has been taken to secure better intelligence coordination, strengthen border patrolling, use night vision devices and other equipment for improved border surveillance etc. The Government of India has sanctioned crores of rupees for construction of border roads, bridges as fencing in two phases to facilitate border patrolling by BSF and to check infiltration and cross-border smuggling. The first phase of the project, referred to as 'additional work', was approved by the Government in June 2000 and comprises a far greater component of fencing (2,429 kms), roads (797 kms) and bridges (4,062 mtrs) in different states on Indo-Bangladesh border. The total estimated cost of roads and fencing is Rs.2, 378.32 crores. In the annual budget of 2003-04 the Government has increased the allocation

in budget for construction of barbed wire fencing and roads on the border from Rs.75 crores is for fencing and the remaining Rs.120.68 crores for road construction.²⁴

In addition to the fencing, the Government has also approved construction of 3,414.38 kms of roads on this border in the first phase. So far, roads in total stretch of approximately 2,866 kms have been completed. In addition the Government of India has also sanctioned Rs.2,300 crores for the modernization of BSF which amongst other things would include development of surveillance equipment (most significantly thermal imageries), better weaponry, and hovercraft floating platforms for riverine borders. This enhances the interception and deterrence capability of the BSF.

Including of local self-government and the local people in border management process poses the equal importance like other important measures towards the said goal. The involvement of the local administration in areas like the Indo-Bangladesh border and Indo-Myanmar border would help in factoring the aspirations of the border population in to a comprehensive border management policy. Currently the local administration in India is not involved as border management is under the purview of the Central Government. The local law enforcement agencies and civil administration will have to play a greater role in effective border management since local police officers routinely encountering illegal residents and have steady flow of intelligence regarding their movements; it is viable to involve local security agencies in scrutinizing immigration violations. Regrettably, certain practical problems limit the degree to which state and local police authorities have been involved in combating the problem. First, the responsibility for border management lies in the Union Government's jurisdiction. Consequently, the state police, more often than not, are not clear regarding the extent of their authority concerning such violations. Also, lacking common data bases and an efficient interface with agencies directly involved in border security, the local police lack timely access to specific information regarding migrations that they could, otherwise, detect, detain or interdict. Further, there is the chronic constraint of limited resources in terms of available manpower and material resources, jail space,²⁵ and so on. There exists, moreover, a spectrum of opinion, which claims that involving state and local law enforcement agencies in

²⁴ See the Tables—5-9.

²⁵ At Rabinder Singh Pura in September 2002, Border Security Forces handed over 162 illegal Bangladeshi migrants to the local police. The police, however, refused to arrest them because the local police station had no space to house so many people. See, "India-Bangladesh Migration Matrix- Reactive not Proactive", at www.saag.org/papers/papers7/papers632.html.

border control would set up a 'police state', and this lobby has vigorously obstructed opinion building to sanction such an expanded role for the local agencies. It must be clear that this particular perspective is flawed, and it ignores the distinction between citizens and aliens, and the premise that aliens will naturally, and should, face greater scrutiny. As is the practice across the world, to preserve the liberty of citizens, the state must demand more from the 'foreigners within'.

Another factor in the interface with local processes is the integration of the border population. The experience in Jammu and Kashmir has shown that the recruitment of local youth as Special Police Officers (SPO) and the setting of Village Defence Committee (VDC) have had a positive impact as far as border control and counter-terrorism operations are concerned.²⁶ According to Gurubachan Jagat, a former Director General of BSF, counter-terrorism operation have been successful in the Doda district, Gool and Mahore areas of Udhampur district, Rajori district and the International Border on the Jammu side, precisely due to such an interface with the local population and processes. Jagat notes further that there are thousands VDCs in Jammu and Kashmir and there has been no case in which a village has been overrun where a VDC existed.²⁷ The use of the local people in border control has certain inherent advantages if one considers the ease with which migrants flow in and out of the troubled region. For instance, Bangladeshi walk into Tripura every day to work as rickshaw pullers or daily labourers: there are petty smugglers and traders too who come and conduct business during the day and go home by nightfall. A BSF official recalls cases when he allowed people to come across the border in Tripura because there were no cinema halls in that part of Bangladesh, "they would come and then melt away into the darkness as they went home".²⁸

One of the novel means of involving the local citizenry in detecting illegal migrants was introduced by K.P.S. Gill, an Assam cadre Indian Police Service official. Gill calls that the new officers would go to Muslim village elders ('the old settlers') and explain to them that the new groups could turn against them and harm their interests. The effort was to develop a process of voluntary disclosures under which police officials would take down details of those who surrendered and further,

²⁶ *Tribune*, 21 October 2002.

²⁷ *Ibid.*

²⁸ Sanjoy Hazarika, *Rites of Passage: Border Crossings, Imagines Homelands, India's East and Bangladesh*, (New Delhi: Penguin Books, 2000), p. 58.

these individuals were herded into the Jubilee Field at Nowgong (now Nagaon) before they were placed on trains headed to the East Pakistan border. At the time, Pakistan border guards made no efforts to resist this 'push back' policy. Gill opines that the 'surrender scheme' was the best, since it actually worked and there were virtually no complaints against the police on grounds of harassment. However, such a police would face serious opposition from Bangladesh in the current context, as has been borne out by various incidents of alleged 'push back' efforts. Furthermore, a VDCs along the entire border, with components of SPOs and supervision by the local forces operating on those borders, would go a long way in strengthening not only the ranks of the armed men on the borders but also, more importantly, increase manifold the quality and quantity of local intelligence required.²⁹ This proposal will advance understanding of how communities that straddle a national border, and at times form a single economic and cultural entity, manage common challenges, and particularly the making and even discussion—about borders and their management takes place almost exclusively in national capitals. As a result, border initiatives tend to be unilateral, constrained by excessive reliance on the rhetoric of sovereignty. Moreover, they typically pay only intermittent and incomplete attention to the realities. So, the local people should actively participate in the management process. This would help a lot to improve the management work.

'Regional cooperation' can be a major step to make the borders of the region as cordially strong and most effective one. Therefore, regional cooperation in border management poses much more importance than any other measures. The Government of India may take initiatives to make cooperation in the region in this regard. Those can be as followings:-

- Establishment of internal, bilateral and multilateral mechanisms and procedures for the exchange of information on border and trafficking issues.
- Where required, training and certification may be provided for all ministry personnel directly involve in border control and anti-trafficking activities. The achievement of these short-term objectives must be seen as a first step in a longer-term joint export aiming at enhancing significantly border management and security in the whole region.

²⁹ Ibid., p. 59.

- Strong organization and leadership, improvement of command and control structures are also needed in those personnel.
- Guarding the border effectively needs to provide the specific directions to the forces guarding the borders.
- Efficiency risk assessment techniques and criminal investigation and intelligence gathering capabilities should be developed in the guarding forces.
- Cooperation between national agencies (custom, ministry of Foreign Affairs, armed forces, state intelligence services, local Governmental bodies, etc.) is required to be more developed.
- International cooperation, regional cooperation, cooperation with the international organizations and international police organizations, and the CARDS programme are also required.
- Implementation of a Single Information System with data bases is required for the whole region.
- Implementation of twin projects on border management.
- Drafting of protocols on cooperation with neighbouring police services.
- Establishing a new training course for border management.
- A working Group can be established for making a proposal of new training and advanced skilled programme.
- Intense cooperation has been established with border services (police) in neighbouring and other countries, with regard to all professional segments. Cooperation with foreign liaison officers is especially significant for exchange of information in preventing uncontrolled migration and all forms of organized crime and terrorism.
- Making and signing of agreements with customs and other state agencies and services, concerning state border control and surveillance.
- Signing of agreement on cooperation with border services (police) of countries in the region.
- Active participation at all the personnel engaged in the border management affairs in all workshops roundtable and courses concerning borders and foreigners.
- Establishment of an inter-agency group for transformation of border security and management. Preparation for the development of a border policy law. And,
- Technically equipping of border policy units and restoration of border infrastructure.

Like regional cooperation, the step of 'Integrated Border Management' (IBM) can also similarly important regarding the internal and external security of the countries in the region as whole. Unlike the European border model, the Government of India may undertake the commitment to develop an integrated border security approach, which covers all aspects of border policy and aims at promoting internal security, combating illegal migration, preventing the trafficking of human beings and economic exploitation of migrants. The implementation of the whole system requires the allocation of high-level professional staffs (for the relevant agencies and border management bodies), dealing under the auspices of civil authorities. The concept 'integrated border management' (IBM) covers both border surveillance and border checks. In order to achieve a high level of border security, it is essential to ensure a high level of cooperation and coordination between all national authorities working in the field of border security (including police, customs and the law enforcement services). Often border management can not be significantly improved unless the developmental problems of border region are not taken out. The cooperation between regions across international borders is also necessary. Therefore, the followings would be the expected results of the integrated border management:

- Greater levels of economic growth and social development within border regions.
- Greater levels of cross border cooperation between border regions.

The following regional development or cross border cooperation actions may be financed through this programme (IBM):

- (i) Business related infrastructure—This will focus on infrastructure projects that directly benefit productive sector activity and the local business environment.
- (ii) Capacity of human resources—This will target support on improving employability, developing entrepreneurship and encouraging adaptability of business and their employees.
- (iii) Civil society and the NGOs activities, especially where cross-border cooperation links in the social and conflict resolution spheres are involved.
- (iv) Advanced distributed learning courses for mid-level border police management that could for the nucleus of a virtual border police academy for the country.

Next are the steps to check human right violations in the border areas. It has been seen that many a time the human rights are being violated by the security/paramilitary forces working in the border areas. Being the involvement in the

anti-social works like encouraging the smuggling and other border crimes they often encounters the innocent common people when there would be a pressure from the Government or their superior officials. To check these heinous activities the Government of India should encourage the National Human Right Commission or the other government al or non government al organization working for human rights to more allotment and make awareness for the common people regarding their rights. In this regard first and most important step is to give human right education to those peoples. There should be more and more international and national conferences and seminars on the subject. The NHRC monitors over 50 projects/programmes on human rights. The most important amongst them are Custodial Justice Management; Constitution of Important Bill/Ordinances and monitoring their impact; Rights of Women and Children; Rights of Marginalized Sections; Man made Tragedies and Health and Disability related issues. These programmes should be work with more effectively in those areas. There should be governmental visits made by the governmental authorities with surprise visit to the jails (in border areas), which would make the jail authorities conscious about the human rights.

Confidence Building Measures (CBMs) has different type of importance in border management. This can be another most important measure which may help to the border management up to a large extent. CBMs are diverse arrangements—such as hotline, people-to-people exchange, and prior notification of military exercises, joint statements, joint communiqué etc., that can help reduce tensions and promote good neighbouring relations. Communication, constraints, transparency, and verification measures are the primary CBMs tools. These tools are designed to make the behaviour of states more predictable by facilitating communication among states and establishing rules and patterns of behaviour for states' military forces, as well as the means to discern and verify compliance with those patterns. These measures can help defuse tensions during moments of crisis. Therefore, in the Indo-Bangladesh border management CBMs has more importance. India should make more and more strong CBMs that can make the way easy for resolve the border problems.

Furthermore, the civil society like Centre for Policy Dialogue (CPD) in Bangladesh and Centre for Policy Research (CPR) in India is working extensively towards the subject border management. There were eight dialogues jointly held by both the institutions (four in India and four in Bangladesh) since its initialisation in 1 February 1995 up to 15 January 2001. The tradition of the dialogues has been to

establish constructive engagement on contentious issues, with a view to seeking solutions to current problems between both the countries, including the internal security, migration, trafficking and bilateral trade. In the dialogues all the issues relating to the border management was addressed positively.³⁰ For various reasons, there is no institutional memory of inter-state Indo-Bangladesh relationships to facilitate dialogue between them. Successive regimes (from both the side) have ignored progress previously made in addressing outstanding problems. As a result, at each stage problems are discussed *de novo*. In such an environment, Track-II dialogues have a role to play by becoming a repository of institutional memory. Their recommendations should be brought to the attention of Track-I players. To this end, the dialogue participants from Track-II should use their influence with policymakers to follow up agreements and negotiations initiated in the past but left unresolved due to bureaucratic or political apathy. This approach of agitating the consciousness of policymakers of both sides might become a pattern for linking Track-I and Track-II dialogue in future. Secondly, the 'Operation Clean Heart' has been started by Bangladesh Government since 17th October 2002 as arrest of the listed criminals, recovering illegal arms and generally improve the law and order situation in the country. Responding to the 11 September 2001 terrorist attacks, Bangladesh have also started fighting against the global terror. The Bangladeshi authorities, including the Prime Minister of Bangladesh has also been assured that Bangladesh will never give the chance to use her soil for terrorist activities against any country. Bangladesh is also cooperating and participating in all the bilateral talks including border talks that holding frequently between both the countries. Therefore, it can not be avoided that Bangladesh is cooperating in the border management and the 'Indo-Bangladesh' relation is growing towards a positive development. Therefore, it can suggested that India should use this process/progress positively towards the problem of border management.

Thus, it is required for radical reevaluation of existing border management policies, practices and techniques. Border management, today, is a vital component of internal security management, and the role of the border guarding forces needs to be located within this broader framework. Vital components of a comprehensive border

³⁰ Rehman Sobhan, *Bangladesh-India Relations: Perspectives from Civil Society Dialogue*, (Dhaka: The University Press Ltd, 2002).

management policy would include a greater role for local law enforcement agencies and civil administration; greater emphasis on border area development; and integration of border populations into the mainstream.

A comprehensive and continuous process of the proper mapping and movement of populations in the region is another essential aspect of any effective border management policy.³¹ Detailed population profiles of the border areas need to be created, documenting ethnicity, engagement in illegal and subversive activities, and attitudes towards security forces. These are all critical inputs for effective border security planning and management. Furthermore, illegal migrants must be denied all benefits flowing from the Government and their access to private sector Government, as well as acquisition of properties, must be curtailed. A process of gradually disenfranchising the illegal migrants needs to be initiated. A solution to the problems of illegal migrants also needs to factor in the easy employment opportunities currently available to them. To this end, once an effective identification system is in place, employers should face strong penalties for employing illegal aliens. Legislative change also needs to be brought about, making any transaction of immovable properties with illegal aliens void. These measures are imperative if the flow of illegal migrants is to be curtailed, and if the existing system of incentives for such migration is to be dismantled.³²

Regarding the terrorist activities, it can be said that, now days we know the training bases (although they keep shifting). We know the launching pads. We know the points from which infiltration is managed. But, unfortunately, we wait to either catch them at the border or locate them in the interiors once they have successfully negotiated the border, and entered populated areas. Once they enter into the populated areas the task to locate them becomes 100 times more difficult. It therefore, need to evolve a strategy of area management of borders so that, “we do not have to wait for them and then fight them on our own territory. We have to do away with this ‘*Panipat syndrome*’³³ that we have inherited, which allow the enemy to penetrate hundreds of

³¹ Ibid., no. 17.

³² *Tribune*, 21 October 2002.

³³ The defense analyst K Subrahmanyam spoke of the ‘*Panipat Syndrome*’: How Indians never engaged invading (the enemy) forces by heading them off at the mountain passes, but waited until they had reached Panipat -- 40 miles from Delhi (in Panipat Wars). Then, mad panic and ineffectiveness, followed by a crushing defeat. A devastating lack of strategic sense, in either offense or defense. *The Times of India* 20 October 2002.

miles into our territory before we decide to tackle them". Even if all these suggestions are translated into action on the ground, they may not be enough to halt illegal migration completely—and this can not be the rational objective of such measures. They can, however, make the cost of illegal migration much higher than it currently is, diminish the security and impunity with which our borders are violated, and diminish the current torrent of illegal migration from Bangladesh to a trickle.

There can be also some other measures to be taken care up toward the managing of the Indo-Bangladesh border. Those steps may be taken up for normalization of the border problems. *Firstly*, border problems are born of economic disparities instead of concentrating on trade with its neighbours, which is inherently of an equal nature, India should think on the lines of making industrial investments in Bangladesh to discourage migration to India in search of better economic opportunities;

Secondly, NGOs are so powerful in Bangladesh in social and developmental work. Therefore, it would suggest that India might provide economic assistants through these NGOs, which would develop the mind of the common people towards it;

Thirdly, the Government of India needs to strike a balance between security concerns and welfare concerns to arrive at a comprehensive border management policy;

Fourthly, there must be made more and more efforts to convince the common people of Bangladesh, that India is not interested to destabilize their country;

Fifthly, India must not under any circumstances, add to the stock of political capital of diverse elements in Bangladesh's military and civil establishment and among the mole combination of political adventures who play upon Indo-phobia mixed with Islamic atavism;

Sixthly, as internal and external politics are inextricably linked, the necessity of India to adopt a correct approach, in her dealing with Bangladesh, is one of the essential ingredients of building adorable structure of peace and stability in the region;

Last but not the least, India must not do any thing that would impede this process.

TABLES

Table-1
Numbers of Religious Communities in the Six Divisions of Eastern Part of India on 1947.

Division	Area (s.q miles)	Total Population	Muslims	Hindus	Indian Chrstins	Tribes	Others
Bardhawan Division	14,135	1,02,87,369	14,29,500	81,25,185	10,211	7,06,729	15,744
Presidency Division	16,402	1,28,17,087	57,11,354	68,83,217	52,992	99,235	70,289
Rajshahi Division	19,642	1,20,40,465	75,28,117	36,73,809	9,228	7,76,729	52,582
Dacca Division	15,498	1,66,83,714	1,19,44,172	46,21,637	37,074	65,398	15,433
Chittagong Division	11,765	84,77,890	63,92,291	17,55,176	1,418	2,41,298	87,707

Source: Census Report of India, 1941, vol. I—India.

Table-2
Numbers of Religious Communities in Assam on 1947.

Division	Area (s.q. miles)	Total population	Muslims	Hindus	Shrstns.	Tribes	Others
Surma Vally & Hill Div.	24,124	42,18,875	21,27,254	13,94,714	7,539	6,83,546	5,822
Assam Vally Div.	26,947	59,19,228	13,14,300	27,97,415	32,725	17,57,664	17,125

Source: Census Report of India, 1941, vol. IX—Assam, India.

Table-3
Numbers of Religious Communities in Bengal and Assam Districts on 1947.

Divs. or Districts	Area (sq. miles)	Total Population	Muslims	Hindus	Total non-Muslims
Muslim and non-Muslim Majority Districts of Bengal					
Muslim majority Dists.	50,530	4,09,64,779	2,87,10,462	1,13,84,495	1,22,54,317
Non-Muslim majority Dists.	26,912	1,93,41,746	42,94,972	2,599	3,67,244
Muslim and non-Muslim Majority Districts of Assam					
Muslim majority Dists.	5,478	31,16,602	18,92,117	11,49,514	12,24,485
Non-Muslim majority Dists.	49,473	70,88,131	15,50,362	30,63,709	55,37,769

Source: Census Report of India, 1941—India, vol. I and Census Report of India, 1941—India, vol. IX—Assam.

Table-4
Indian Land Under Adverse Possession of Bangladesh and vice-versa

State	Area (Acres) Indian Land Under A. D.* of Bangladesh	Area (Acres) Bangladesh Land Under A. D. of India
Assam	791.10	7.00
Meghalaya	791.10	548.00
Tripura	0.17	161.90
West Bengal	2,062.23	1,437.60
Total	2,853.50	2,154.50

* (A. D) Adverse Possession

Source: Annual Report, Ministry of Home Affairs, New Delhi, Government of India.

Table-5
Indo-Bangladesh Border Fencing Phase-I

Name of the state	Length of the border (in kms.)	Sanctioned length of the fencing (in kms.)	Work completed (in kms.)	Expenditure incurred so far (Rs. In million)
West Bengal	2216.7	507	507	921.1
Tripura	856	-	-	-
Assam	262	152	149	192.9
Meghalaya	443	198	198	283.9
Mizoram	318	-	-	-

Table-6
Indo-Bangladesh Border Fencing Phase-II

Name of the state	Length of the border (in kms.)	Sanctioned length of the fencing (in kms.)	Estimated expenditure (Rs. in billion)	Fencing completed ¹	Expected year of completion
West Bengal	2216.7	1,770.00	4.40	1,565.00	2006-07
Tripura	856	736	2.13	467.40	2006-07
Assam	262	186.33	0.25	176.07	2006-07
Meghalaya	443	211.29	0.58	211.29	2006-07
Mizoram	318	400*	1.11	152.77	2006-07

*Length is more due to topographic factors.

Source: Annual Report 2002-2003, Ministry of Home Affairs, New Delhi, Government of India.

Indo-Bangladesh Border Fencing (in Detail with Roads & Bridges)

5.24 With a view to preventing infiltration of Bangladeshi Nationals into India and in pursuance of the Assam Accord, a project for construction of roads and fence along the Indo-Bangladesh border in the States of Assam, Meghalaya, Mizoram, North East and West Bengal has been taken up since 1987. The approved project and achievement till January 31, 2001 are as follows:

Table-7
I.B.B. ROADS & FENCE CONSTRUCTION PROJECT :
Progress Reportas on 31.01.2001

SECTOR	Approved (Phase – I)		Achievement (January 2001)	
	Physical	Financial (Rs. In lakh)	Physical	Financial (Rs. in lakh)
Assam				
Road (kms)	186.32	4546	133.89	
Bridge (mtrs)	4683.00	5486	4225.80	
Fence (kms)	152.31	2173	147.31	1873.28
Total				11455.59
Meghalaya				
Road (kms)	211.29	4323	211.29	
Bridge (mtrs)	1479.73	1475	1379.53	
Fence (kms)	198.06	2840	198.06	2838.50
Total				8430.66

Table-8

West Bengal				
Road (kms)	1770	37900	1482.36	
Bridge (mtrs)	12562	14069	12890.50	
Fence (kms)	507	8366	509.84	9046.95
Total				52019.43
Tripura				
Road (kms)	545.37	14877	430.205	
Bridge (mtrs)	1914.23	2757	1334.195	
Security		360 #		0.85 #
Total		4		13443.32
Mizoram				
Road (kms)	153.40	3727	121.49	
Bridge (mtrs)	1078.64	1533	854.56	
Total				4550.26
TOTAL				
Road (kms)	2866.38	65373	2359.885	
Bridge (mtrs)	21717.6	25320	20884.58577	
Fence (kms)	857.37	13379	855.21	13758.73
Security		360		0.85
Total (Financial)				89899.26

Expenditure on Security

5.25 The RE 2000-2001 IBB project works is Rs. 87.51 crore. An amount of Rs.100 crore has been allocated for construction of IBB project works in 2001-2002.

5.26 During his visit to Shillong, on January 22, 2000, the Prime Minister announced the decision to fence the remaining portion of Indo-Bangladesh border and construct border roads with a total outlay of Rs. 1335 crore.

5.27 The proposal for construction of additional roads / fence along the remaining portion of Indo-Bangladesh border has been sanctioned by Government on June 12, 2000. The details are as follows:

Table-9
Additional proposals for border fencing/roads

Sector	Sanctioned under Phase II			Estimated Cost (Rs. in crores)		
	Roads (kms)	Fence (kms)	Bridges in (mts.)	Roads (kms)	Fence (kms)	Bridges in (mts.)
Assam	77.5	71.5	300	133	25	9
West Bengal	-	1021	-	-	440	-
Mizoram	246.5	400	1535	105	111	38
Meghalaya	204	201	2027	84	58	56
Tripura	269 #	736	200	37	213	25
Total	*		4062	359	847	128

Construction of 20 km new roads and improvement of 249 kms existing PWD roads.

* Construction of 548 km of new roads and improvement of 249 kms of existing PWD road.

5.28 These works are proposed to be completed by December 2007. With this, the entire Indo-Bangladesh border (where technically feasible) will be fenced.

5.29 The Technical Committee held three meetings on August 17, 2000, September 15, 2000 and January 23, 2001 to accord administrative approvals for the works. The 35th High Level Expert Committee (HLEC), under the Chairmanship of the Home Secretary, in its meeting held on November 20, 2000, decided to enhance the financial powers of DG, CPWD from the present Rs. 5 crore to 15 crore.

Table-10
Illegal Bangladeshis in India up to 1991.

State	No. of Migrants	State	No. of Migrants
Arunachal Pradesh	135% *	Tripura	42,811
Assam	158,639	West Bengal	8,50,982
Meghalaya	10,000	Delhi	300,000
Nagaland	10,000	Other States	40,000 (approximately)

* Not in Numbers

Source: Sreeradha Datta's, "India and Bangladesh: The Border Issues", *Himalayan and Central Asian Studies*, vol. 7, nos. 3-4, July-December 2003.

Table-11
Trends in India-Bangladesh Trade: 1991-92 to 2002-03
(US \$ Million)

year	Exports to Bangladesh	Imports from Bangladesh	Balance of Trade	Total Trade
1991-92	226.25	2.07	224.18	228.32
1997-98	695.92	44.95	650.97	470.87
1998-99	992.38	63.72	928.66	1056.10
1999-00	633.69	72.82	560.87	706.51
2000-01	935.04	80.51	854.53	1015.55
2001-02	1002.18	59.12	943.06	1061.30
2002-03	1176.00	62.05	1113.95	1238.05

Source: DGCI & S, Kolkata, West Bengal.

Table-12
Estimate of Illegal Trade on Indo-Bangladesh Border

S. No.	Agency	Year	Amount (million takes)
1	MARC	1998-99	73,339.58
2	Rahman	1998	7,951.00
3	BIDS	1994	25,282.00
4	NCAER	1994	13,976.00

Table-13
Seizures Made by BSF on the Border

Year	Seizure (in Indian Rs)	Year	Seizure (in Indian Rs)
1990	1,01,94,18,280	1997	40,76,60,558
1991	18,89,45,156	1998	34,31,99,127
1992	27,54,33,533	1999	38,33,57,013
1993	31,20,95,210	2000	45,98,66,776
1994	44,22,66,721	2001	55,02,32,426
1995	78,67,31,696	2002	67,88,30,184
1996	44,96,54,193	2003 (Till Sept. 30)	58,35,86,631
		Total	6,88,12,77,504 (688 Crores)

Source: Annual Report of Border Security Force, Government of India.

Table-14**EXCHANGEABLE & NON-EX CHANGEABLE INDIAN ENCLAVES IN BANGLADESH WITH AREA**

A. A. Enclaves with independent Chhits					
S.No.	Name of chhits	Chhit No.	Lying within Police Station Bangladesh / W. Bengal		Area in acres
1.	Garati	75-80	Pochagar	Haldibari	1111.17
2.	Singimari Part – I	73	-do-	-do-	6.07
3.	Nazirganja	41-60	Boda	-do-	794.28
4.	Putimari	59	-do-	-do-	122.80
5.	Daikhata Chhat	38	-do-	-do-	499.21
6.	Salbari	37	-do-	-do-	1188.93
7.	Kajal Dighi	36	-do-	-do-	771.44
8.	Nataktoka	32 & 33	-do-	-do-	162.52
9.	Belladanga Ghhat	35	-do-	-do-	0.83
10.	Balapara	34	-do-	-do-	1752.44
11.	Bara Khankikharija				
	Gitaldaha	29 & 30	Dimla	-do-	44.54
12.	Barakhangri	28	-do-	-do-	30.53
13.	Nagarjikabari	31	-do-	-do-	33.41
14.	Kuchlibari	26-21	Patgram	Kekliganj	7.92
15.	Bara Kuchlibari	107	-do-	-do-	4.35
16.	Jamaldaha Balapokhri	6	-do-	-do-	5.24
17.	Uponchowki Kuchlibari	115/2-7	-do-	-do-	4.36
18.	Bhotbari	8	-do-	-do-	36.83
19.	Balapokhari	5	-do-	-do-	55.91
20.	Barakhangri	4 & 9	-do-	Mekliganj	137.93
21.	Chhat Bagdakra	10	-do-	-do-	41.70
22.	Ratan Pur	11	-do-	-do-	58.91
23.	Bagdokra	12	-do-	-do-	25.49
24.	Fulker Dabri	101	-do-	-do-	0.88
25.	Kharkharia	13 & 15	-do-	-do-	112.36
26.	Lotamari	14	-do-	-do-	110.92
27.	Bhotbari	16	-do-	-do-	205.46
28.	Kamat Changrabandha	16A & 17	-do-	-do-	48.81
29.	Panisfala	17	-do-	-do-	137.66
30.	Dwarikamari Khasbas	18	-do-	-do-	36.50
31.	Panisala	153/P, 153/O, 19 & 21	-do-	-do-	134.31
32.	Lotamari	21 & 22	-do-	-do-	382.38
33.	Dwarikamari	23 & 25	-do-	-do-	85.25
34.	Chhat Bhothat	24	-do-	-do-	56.11
35.	Baskata	130-132	-do-	Mathabhanga	55.81
36.	Bhogramguri	133	-do-	-do-	1.44
37.	Chenakata	134	-do-	Mekliganj	7.81
38.	Banskata	112-129	-do-	Mathabhanga	986.39
39.	Gotamari Chhit	135 & 136	Hatibandha	Sitalkuchi	146.61
40.	Banspachai	151	Lalmonirhat	Dinhata	217.29
41.	Banspachai Bhitarkuthi	152	-do-	-do-	81.71
42.	Dasiara Chhara	150	Fulbari	-do-	1643.44
43.	Dakurhat-Dakinirkuthi	156	Kurigram	-do-	14.27

44.	Kalamati	141	Bhurungamari	-do-	21.21
45.	Shahebganj	153	-do-	-do-	31.85
46.	Seotikursa	142	-do-	-do-	45.63
47.	Bara Goachulka	143	-do-	-do-	39.99
48.	Goachulka—II	147	-do-	-do-	0.90
49.	Goachulka—I	146	-do-	-do-	8.92
50.	Dighaltari—II	145	-do-	-do-	8.81
51.	Dighaltari—I	144	-do-	-do-	12.31
52.	Chhoto Garaljhora—II	149	-do-	-do-	17.85
53.	Chhoto Garaljhora—I	148	-do-	-do-	35.74
54.	1 Chhit without name* -	-	-	Mekliganj	3.10*

and JL No. at the
Southernend of JL No.
38 land Southwesternend
of JL No. 39.

*Later verified as Ashokbari with area as 3.10 acres.

B. Enclaves with fragmented Chhits.						
109.	(I)	Bewladanga	34	Haldibari	Pochagar	862.46
	(ii)	Bewladanga	Fragment	-do-	Debiganj	
110.	(I)	Kotbhajni	2	-do-	-do-	2012.27
	(ii)	-do-	Fragment	-do-	-do-	
	(iii)	-do-	-do-	-do-	-do-	
	(iv)	-do-	-do-	-do-	-do-	
111.	(I)	Dahala	Khagrabari	-do-	-do-	2650.35
	(ii)	-do-	Fragment	-do-	-do-	
	(iii)	-do-	-do-	-do-	-do-	
	(iv)	-do-	-do-	-do-	-do-	
	(v)	-do-	-do-	-do-	-do-	
	(vi)	-do-	-do-	-do-	-do-	
Total Area:						17,160.23

EXCHANGEABLE & NON-EXCHANGEABLE BANGLADESHI ENCLAVES IN INDIA WITH AREA

A. A. Enclaves with independent Chhits.

S.No.	Name of Chhits Lying within Police station	J.L.No.	Area in Acres
West Bengal / Bangladesh			
1.	Chhit Kuchlibari	Mekliganj	Patgram 22 370.64
2.	Chhit Land of Kuchlibari	-do-	-do- 24 1.83
3.	Balapukhari	-do-	-do- 21 331.64
4.	Chhit Land of Panbari No.2	-do-	-do- 20 1.13
5.	Chhit Panbari	-do-	-do- 18 108.59
6.	Dhabalsati	Mirgipur	-do- 15 173.88
7.	Bamandal	-do-	-do- 11 2.24
8.	Chhit Dhabalsati	-do-	-do- 14 66.58
9.	Dhabalsati	-do-	-do- 13 60.45
10.	Srirampur	-do-	-do- 8 1.05

11.	Jote Nijjama	-do-	-do-	3	87.54
12.	Chhit Land of Jagatber No.3	Mathabhanga	-do-	37	69.84
13.	-do- No.1	-do-	-do-	35	30.66
14.	-do- No.2	-do-	-do-	36	27.09
15.	Chhit Kokoabari	-do-	-do-	47	29.49
16.	Chhit Bhandardagha	-do-	-do-	67	39.96
17.	Dhabalguri	-do-	-do-	52	12.50
18.	Chhit Dghabvalguri	-do-	-do-	53	22.31
19.	Chhit Land of Dhabalgurio No.3	-do-	-do-	70	1.33
20.	-do- No.4	-do-	-do-	71	4.55
21.	-do- No.5	-do-	-do-	72	4.12
22.	-do- No.1	-do-	-do-	68	26.83
23.	-do- No.2	-do-	-do-	69	13.95
24.	Mahishmari Sitalkuchi	-do-		54	122.77
25.	Bura Saradubi	-do-	Hatibandha	13	34.96
26.	Falnapur	-do-	Patgram	64	506.56
27.	Amjhol	-do-	Hatibandha	57	1.25
28.	Kismat Batrigachh	Dinhata	Kaligong	82	209.95
29.	Durgapur	-do-	-do-	83	20.96
30.	Bansua Khamar Gidaldaha	-do-	Lalmonirhat	1	24.54
31.	Poaturkuthi	-do-	-	37	589.94
32.	Paschim Bakalir Chhara	-do-	Bhurungamari	38	151.98
33.	Madhya Bakalir Chhara	-do-	-do-	39	32.72
34.	Purba Bakalir Chhara	-do-	-do-	40	12.23
35.	Madhya Masaldanga	-do-	-do-	3	136.66
36.	Madhya Chhit Masaldanga	-do-	-do-	8	11.87
37.	Paschim Chhit Masaldanga	-do-	-do-	7	7.60
38.	Uttar Masaldanga	-do-	-do-	2	27.29
39.	Kachua	-do-	-do-	5	119.74
40.	Uttar Bansjani	-do-	-do-	1	47.17
41.	Chhat Tilai	-do-	-do-	17	81.56

B. B. Enclaves with fragmented chhits.

42.	(I)	Nalgram	Sitalkuchi	Patgram	65	1397.34
	(ii)	-do-(Fragmented)	-do-	-do-	65	
	(iii)	-do- -do-	-do-	-do-	65	
43.	(I)	Chhit Nalgram	-do-	-do-	66	49.50
	(ii)	-do-(Fragment)	-do-	-do-	66	
44.	(I)	Batrigachh	Dinhata	Kaligong	81	577.37
	(ii)	-do-(Fragment)	-do-	do-	81	
45.	(I)	Karala	-do-	Phulbari	9	269.91
	(ii)	-do-(Fragment)	-do-	-do-	9	
	(iii)	-do- -do-	-do-	-do-	9	
46.	(I)	Sibprasad Mustafi	-do-	-do-	8	373.20
	(ii)	-do-(Fragment)	-do-	-do-	8	
47.	(I)	Dakshin Masaldangda	-do-	Bhurungamari	6	571.38
	(ii)	-do- (Fragment)	-do-	-do-	6	

	(iii)	-do-	-do-	-do-	-do-	6		
	(iv)	-do-	-do-	-do-	-do-	6		
	(v)	-do-	-do-	-do-	-do-	6		
	(vi)	-do-	-do-	-do-	-do-	6		
48.	(I)	Paschim Masaldanga	-do-	-do-	-do-	4		29.49
	(ii)	-do- (Fragment)	-do-	-do-	-do-	4		
49.	(I)	Purba Chhit Masaldanga	-do-	-do-	-do-	10		35.01
	(ii)	-do- (fragment)	-do-	-do-	-do-	10		
50.	(I)	Purba Masaldangda	-do-	-do-	-do-	11		153.89
	(ii)	-do- (Fragment)	-do-	-do-	-do-	11		
51.	(I)	Uttar Dhalganga	-do-	-do-	-do-	14		24.98
	(ii)	-do- (Fragment)	-do-	-do-	-do-	14		
	(iii)	-do- -do-	-do-	-do-	-do-	14		

Total Area:

7,110.02

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 9-12th October 1996 as well as during joint field inspection at Jalpaiguri (West Bengal) – Pachgarh (Bangladesh) sector during 21-24th November 1996.

Source: Ministry of Home Affairs, Government of India, New Delhi.

APPENDIX—I

The Mountbatten Plan, June 3, 1947

On February 20th, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for major parties to cooperate in the working out of the Cabinet Mission's Plan of May 16th, 1946, and evolve for India a constitution acceptable to all concerns.

According to the said plan the Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European Members) will therefore each be asked to meet in two parts, one representing the Muslim majority districts and the other rest of the province. For the purpose of determining the population of the districts, the 1941 census figures will be taken as authoritative. The Muslim majority districts in these two provinces are set out in the appendix to this announcement.

The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the province should be partitioned. If a simple majority of either part sides in favour of partition, division will take place and arrangements will be made accordingly.

Before the question as to partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the province as a whole join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the province as a whole should join if it were decided by the two parts to remain united.

For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a final partition of these provinces a detailed investigation of boundary questions will be needed; and as soon as a decision involving partition has been taken for either province, a Boundary Commission will be set up by the Governor General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab and Bengal. Until the report of a Boundary Commission has been put into effect, the provincial boundaries indicated in the Appendix will be used.

Though Assam is predominantly a non-Muslim province, the district of Sylhet, which is contiguous to Bengal, is predominantly Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a 'referendum' will be held in Sylhet district under the aegis of the Governor General and in consultation with the Assam provincial government to decide whether the district of Sylhet should continue to form part of the Assam province or should be amalgamated with the new province of Eastern Bengal, if that province agrees.

...The rest of the Assam province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

In accordance with the mandate given to them, the representatives of the various areas will either join the existing constituent assembly or form the new Constituent Assembly.

H. E. the Governor General will from time to time make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

Sources: Partition Proceedings, Parliament Secretariat, Government of India, New Delhi and Ministry of Home Affairs, Government of India and Anil Chandra Banarjee, "The Making of Indian Constitution 1939-47", vol. I: Document (Calcutta: A. Mukharjee and Co., 1948).

Appendix—II

Indian Independence Act, 15th August, 1947, New Delhi

An act to make provision to the setting up in India of two independent dominions, to substitute order provision for certain provisions of the government of India act. 1935, which apply outside those

dominions, and to provide for other matters consequential on or connected with the setting up of those dominions.

Be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, as follows:

1. (1) as for the Fifteenth Day of August, Nineteenth Hundred and Forty-Seven, two independent dominions shall be set up in India, to be known respectively as India and Pakistan. (2) the said dominions are hereafter in this act referred to as "the new dominions" and the said fifteenth day of August is hereafter in this act referred to as "the appointed day" (the independence day).

2. (1) subject to the provision of subsection (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of his majesty which, immediately after the appointed day, were included in British India except the territory which, under subsection (2) of this section, are to be the territories of Pakistan. (2) Subject to the provision of subsection (3) and (4) of this section, the territory of Pakistan shall be-

(a) The territories which, on the appointed day, are included in the province of east Bengal and west Punjab, as constituted under the two following sections:

(b) The territories which, at the date of the passing of this act, are included in the province of Sind and the chief commissioner's province of the British Baluchistan; and the new province of east Bengal, the, as from that day, a part of Assam shall, in accordance with the provisions of the subsection (3) of this section, form part of the new province of east Bengal.

3. The boundaries of the new provinces aforesaid and, in the event mentioned in subsection (2) of this section, the boundaries after the appointed day of the province of Assam, shall 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, but until the boundaries are so determined-

(a) The Bengal districts specified in the first schedule to this act, together with, in the event mentioned in subsection (2) of this section, the Assam district of Sylhet, shall be treated as the territory which are to be comprised in the new province of west Bengal;

(b) The remainder of the territories comprised at the date of the passing of this act in the province of Bengal shall be treated as the territories which are to be comprised in the new province of west Bengal;

(c) In the event mentioned in subsection (2) of this section the district of Sylhet shall be excluded from the province of Assam.

(4) In this section, the expression "award" means, in relation to a 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

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20. This act may be cited as the India Independence Act, 1947.

SCEDULES

First schedules

BENGAL DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF EAST BENGAL.

In the Chittangong Division, the districts of Chittagong, Naokhali and Tippera.

In the Dacca Division, the district Bakarganj, Dacca, Faridpur and Mymensingh.

In the Presidency Division, the districts of Jessore, Murshidabad and Nadia.

In the Rajshahi Division, the districts of Bogra, Dinajpur, Malda, Pabna, Rajshahi and Rangpur.

Second Schedule

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Third Schedule

MODIFICATION OF ARMY ACT AND AIR FORCE ACT IN RELATION TO BRITISH FORCES.

Sources: *Partition Proceedings, Parliament Secretariat, Government of India, New Delhi and Ministry of Home Affairs, Government of India, New Delhi.*

Appendix—III

Radcliffe Award (Bengal and Sylhet) August 12, 1947

New Delhi, August 17th—The Punjab and Bengal Boundary Commissions were constituted by the announcement of the Governor General on June 30th, 1947. The members of the Punjab Commission were Mr. Justice Din Muhammad, Mr. Justice Muhammad Munir, Mr. Justice Meher Chand Mahajan and Mr. Justice Teja Singh.

The members of the Bengal Boundary Commission were Mr. Justice B.K. Mukharjee, Mr. Justice C.C. Biswas, Mr. Justice Abu Salem Mahammed Akram and Mr. Justice S. A. Rahman. This Commission was also to demarcate the Muslim majority areas of Sylhet district and the contiguous majority areas of the adjoining districts of Assam, in event of the referendum in the districts of Sylhet resulting in favour of amalgamation with Eastern Bengal.

The following is the full text of Sir Cyril Radcliffe's Report:

Bengal Award

The terms of reference of the Bengal Boundary 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 majority 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 August 15th, 1947.

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

Diverse solutions

The public sittings of the Commission took place at Calcutta and extended from Wednesday July 16th to Thursday July 24th, inclusive, with the exception of Sunday, July 20th. 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 Provisional Hindu Mahasabha and the New Bengal Association, on the one hand, and on behalf of the Muslim League on the other. 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. Discussion of the Bengal Boundary Commission was taken place at Calcutta. In the real sense the demarcation of a boundary line between East and West Bengal¹ depended on the answers to be given to certain basic questions which may be stated as follows:

- (i) 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?
- (ii) 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?
- (iii) Could the attractions of the Ganga-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?
- (iv) Could the district of Khulna usefully be held by a state different from that which held the districts of Jessore?
- (v) Was it right to assign to Eastern Bengal the considerable block of non-Muslim majorities in the district of Malda and Dinajpur?
- (vi) Which states 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 DJalpaiguri, but which constituted an area not in any natural sense contiguous to another non-Muslim areas of Bengal?

- (vii) To which state shall 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?

No Agreed View

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, 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.

This I now proceed to do; 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 there to, Annexure-B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundaries as described in Annexure-B, the description in Annexure-A is to prevail.

I have done what I can in drawing the line to estimate 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 with out causing some interruption of this sort, and can only express the hope that arrangements can be made and maintained between the two states that will minimise the consequences of this interruption as far as possible.

Annexure—A

1. A line shall be drawn along the boundary along the Thana of Fanshidewa in the district of Darjeeling and Thana of 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 of Debiganj to the boundary of the state of Cooch Behar. The district of Darjeeling and so much of the district of Jalpaiguri as lines north of this line shall belong to West Bengal, but the Thana of Patgram and any other portion of Jalpaiguri district which lines 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 should follow the course indicated in the following paragraphs. So much of the province of Bengal as lines to the west of it shall belong to West Bengal. Subject to what has been provided in para-1 above with regard to the districts of Darjeeling and Jalpaiguri, the remainder of the province of Bengal shall belong to East Bengal.
3. The line drawn along the boundary between the following Thanas:- Haripur and Raiganj; Haripur and Hemtabad; Ranisankail and Hemtabad; Pirganj and 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; Fulbari and Balurghat. It terminated at the point where the boundary between Phulbari and Balurghat meets the north-south line of the Bengal-Assam railway in the eastern corner of the Thana of Balurghat. The line turned down the western edge of the railway lands belonging to that railway and follows that edge until it meets the boundary between the Thanas of Balurghat and Panchbibi.
4. The line drawn along the boundary between the following Thanas:- Balurghat and Panchbibi; Balurghat and Joypurhat; Balurghat and Dhamairhat; Tapan and Patnitala; 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. One line drawn down to the river Ganges along the boundary between the districts of Malda and Murshidabad. Rajshahi and off from the river Ganges. The district boundaries, and not the actual course of the river Ganges, constituted the boundary between West Bengal and East Bengal.
6. From the point on the river Ganges where the channel of the river Mathabhanga takes off, the line drawn along that channel to the northern most point where it meets the boundary between

the Thanas of Daulatpur and Karimpur. The middle line of the main channel constituted the actual boundary.

7. From this point the boundary drawn between east and west Bengal 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; Chuandanga and Krishnaganj; Jibannagar and Krishnaganj; Jibasnnagar and Hanskhali; Meheshpur and Ranahat; Maheshpur and Bongaon; Jhikargacha and Bongaon; Sarsa and Bongaon; Sarsa and Gaighat; Gaighat and Kalaroa; to the point where the boundary between those Thanas meets the boundary between the districts of Khulna and 24-Paraganas.
8. The line then drawn southwards along the boundary between the districts of Khulna and 24-Paraganas, to the point where that boundary meets the Bay of Bengal.

Sylhet Award

I have the honor to present the report of the Bengal boundary Commission relating to the Sylhet district and the adjoining districts of Assam. By virtue of section 3 of the Indian Independent Act, 1947, the decision contained in this report becomes the decision and Award of the Commission.

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.

The Commission held upon sittings at Calcutta on August 4-6 for the purpose of hearing arguments. The main arguments were conducted on the one side by counsel on behalf of the Government of West 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 Hindumahasabha.

There was an initial difference of opinion as to the scope of the reference entrusted to the Commission. Two of the members took the view that the Commission had been given authority to detach from Assam and to attach to East Bengal 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 district of Assam that adjoined East Bengal. The other two of the members took the view that the Commission's powers to detaching areas from Assam and transferring them to East Bengal were limited to the district of Sylhet. The difference of opinion was refereed to me for my casting vote, and I took the view that "the adjoining district of Assam did not extent to other districts of Assam than those that adjoining Sylhet. The Commission accordingly proceeded with its work on this basis.

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 Independent Act, 1947, the whole of the district of Sylhet at least must be transferred to East Bengal and the Commission had no option to act upon this assumption. All of the members agreed in rejecting this argument, and I concur in their view.

We fund 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 of the members came to the conclusion that we were intended to divided 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 other factors. I am glad to adopt this view.

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, them invited me to give my decision. In my view, the question is limited to the district of Sylhet and Cachar, since of the other district of Assam that can be said to adjoin Sylhet, neither the Garo Hills nor the Khashi and Jaintia Hills nor the Lushai Hills have any thing approaching a Muslim majority of population in respect of which a claim could be made.

Cachar and Hailakhadndi

Out of 35 Thanas in Sylhet eight have non-Muslim majorities; but of these eight, two—Sulla and Amirganj (which is in any event divided almost evenly between Muslim and non-Muslim)—are entirely surrounded by preponderating Muslim areas, and must therefore go with them to East Bengal. The other six Thanas comprising a population of over 530,000 people stretch in a continuous line along part of the southern border of Sylhet district. They are divided between two subdivisions, of which one,

South Sylhet, comprising a population of over 515,000 people, has in fact a non-Muslim majority of some 40, 000 people, has a Muslim majority that is a little larger.

With regard to the district of Cachar, one Thana, Hailakhandi, has Muslim majority and is contiguous to the Muslim Thanas of Badarpur and Karimganj in the district of Sylhet. This Thana, forms with the Thanas of Katlichara immediately to its South, the sub-division of Hailakhndi, and in the sub-division as a whole, Muslims enjoy a very small majority, being 51 per cent of the population. I think that the dependence of Katlichara on Hailakhandi for normal communication 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 Hailakhandi, comprising a population of 166,536 from the province of Assam to the province of East Bengal.

But the study of a map show, 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 diversified from the rest of Assam if the Muslim claim to Hailakhandi were recognized, but they form a strip running east and west, where as 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.

In these circumstances, I think that some exchange of territories must be affected if a workable division is to result. Some of the non-Muslim territory and Hailakhandi must be retained by Assam. Accordingly, I decided and award as following:

A line shall be drawn from the point where the boundary between the Thanas of Patharkhandi and Kulaura meets the frontiers of Tripura state and shall run north along the boundary between the Thanas of Patharkhandi and Barlekha, then along the boundary between the Thanas of Karimganj and Barlekha and then along the boundary between Thanas of Karimganj and Bennibazar to the point where that the boundary meets the River Kusiya. The line then shall turn to the point where that river meets the boundary between the districts of Sylhet and Cachar. The centre line of the mainstream 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 Assam shall be transferred.

For purpose of illustration, a map marked A is attached on which the line is delineated. In the event of any divergence between the lines as delineated on the map and as described, the written description is to prevail.

Sir Cyril Radcliffe

New Delhi,
The 12th August, 1947.

Sources: *Gazette of Pakistan Extraordinary, Karachi, August 17, 1947; Partition Proceedings, vol. VI; The Statesman (New Delhi), August 18, 1970.*

Appendix-IV

Bagge Tribunal's Award Decisions on Four Disputes February 4, 1950

There would be major territorial changes in India or East Pakistan as a result of the Bagge Tribunal's decisions.

Of the four disputes, however, two have been decided in accordance with the views expressed by the Indian nominee on the tribunal and the result is in India's favour.

In the absence of agreement between the Indian and Pakistani nominees and the chairman's disagreement with both, the remaining dispute has been settled by the chairman's award, which is largely in favour of Pakistan.

Seen in general terms, the position arising from the Tribunal's decision in regard to the four disputes may be summed up as follows:

East and West Bengal: the Indian nominee's contention about the boundary between Murshidabad and Rajshahi has been conceded by accepting the view that a fixed frontier rather than one varying with the course of the Ganges should be adopted.

The river portion of the boundary will be the midstream of the main channel as on August 12, 1947, but if that can not be determined, it will be represented by the position at the time of demarcation, which should be completed within one year.

In the second dispute the Pakistani nominee's demand for a fluid boundary line further south in terms of the course of the Mathabhanga River which the Indian nominee questioned, has been accepted.

This decision is a gain for Pakistan and will result in the loss to India of a small piece of 'Char' territory, compared with her own interpretation of the Radcliffe Award.

East Bengal and Assam: both India and Pakistan claimed additional areas on either side of the Radcliffe line dividing the Patharia Hills Reserve Forest, but in view of the unanimity of opinion within the Tribunal, the status quo will maintain.

A point of special interest to India is that the Patharia Test Point where prospecting experiments were carried out by the Burmal Oil Company remains on the Indian side as a result of this decision. In the dispute over the boundary between East Bengal and Assam which related to the course of the Kushuyara River, the Indian nominee's stand was rejected by the chairman, and the decision results in India's continued occupation of the disputed territory.

According to Tribunal's decision, demarcation of the boundaries will be completed within one year, by meanwhile; there will be no unilateral action by either side.

The Tribunal consisted of Lord Justice Algot Bagge (Sweden) who was the chairman, Mr. Changrashekhar Aiyer, a retired Judge of the Madras high court, and Mr. Justice Shahabuddin, of the Dacca High Court.

Set up under the authority of the Delhi Agreement between India and Pakistan of December 14, 1948, the Tribunal commenced its sittings in Calcutta on December 3, 1949, and concluded its work in Dacca, where the report was signed on January 26, 1960.

Its functions were defined as "adjudication and final settlement" of specific boundary disputes "arising out of the interpretation of the Radcliffe Award and for demarcation of the boundary accordingly".

Under the terms of the Indo-Pakistani agreement, in the event of disagreement between the members, the decision of the chairman is to be considered final in all matters.

The following is the text of the Tribunal's decisions:

Dispute-I – the dispute concerns the boundary between Murshidabad district (west Bengal) and Rajshahi district, including the Thanas of Nawabganj and Sibganj of the perpetration Nadia district (East Bengal).

The conclusion of Mr. Justice Aiyer is as follow:

The district boundary on the date of the award must be ascertained and demarcated. If this impossible, the midstream line of the river Ganges and the land boundary will be demarcated within one from the date of the publication of this award.

The conclusion of Mr. Justice Shahabuddin is as follows:

The construction put by Pakistan on the award in connection with this dispute is correct and reasonable and the boundary in this area, except over the Rampur-Boallia Char, is flexible and not rigid and the boundary line shall run along the course described in the Pakistan statement of the case, subject only to such geographical variations as may result from changes occurring in the course of the river Ganges.

The conclusion of the chairman is as follows:

In the area dispute, the district boundary line, consisting of the land boundary portion of the district boundary, as shown on the map Annexure-b and as described in the notification no. 10413-jur of November 11, 1940, and the boundary following the course of the midstream of the main channel of the river Ganges as it was at the of the award given by sir Cyril Radcliffe in his report of August 12, 1947, is the boundary between India and Pakistan to be demarcated on the site.

If the demarcation of this line is found to be impossible, the boundary between India and Pakistan in this area shall then be a line consisting of the land portion of the above mentioned boundary and of the boundary following the course of the midstream of the main channel of the river Ganges as determined on the date of demarcation, and not as it was on the date of the award. The demarcation of this line shall be made as soon as possible, and at the latest, within one year from the date of the publication of this decision.

Having regard to the fact that two members have disagreed in their views and that the chairman has agreed with Mr. Justice Aiyer, and giving effect, therefore to the terms of section 2 of the Delhi agreement, under which the view of the chairman has to prevail, the tribunal gives its decision in terms of the chairman's conclusion on dispute I give in the preceding paragraphs.

Dispute-II – the dispute concerns that portion of the common boundary between the two countries, which lines between the point on the river Ganges where the channel of the river Mathabhanga takes off according to Cyril Radcliffe's Award and northern-most point where the channel meets the boundary between the Thanas of Daulatpur and Karimpur according to that award.

The conclusion of Mr. Justice Aiyer as follows:

(a) Radcliffe line in the award map (Document no.72) showing the Mathabhanga River in red ink is to be adopted as the boundary.

(b) If this is not possible, the river Mathabhanga shall be taken as that which commenced from the loop of the Ganges as found in the congregated air map (document no.164) and the boundary shall be along the middle line of the mainstream from the point of the said off-take to the northern most point where the line meets the boundary of Daulatpur and Karimpur Thanas; the off-take point of the river as now demarcated shall be connected by shortest straight line with the point nearest to it on the midstream of the main channel of the river Ganges. The centre line shall be a rigid boundary and demarcated accordingly as on the date of Radcliffe award or, if this is found impossible as on the date of this decision.

The conclusion of Mr. Justice Shahabuddin is as follows:

The boundary line in this case is a fluid boundary and not a rigid one, and it shall run on water along the course described in the statement of the case of Pakistan, subject only to such geographical variations as many result from changes occurring in course of the river Mathabhanga.

The conclusion of the chairman is as follows:

The boundary between India and Pakistan shall run along the middle line of the main channel of the river Mathabhanga which takes off from river Ganges in or close to the north-western corner of Nadia district at a point west south-west of the police station and the camping ground of Jalang village as they are shown on the air photograph map of 1948, and then flows southwards to the northern most point of the boundary between Daulatpur and Karimpur Thanas.

The point of the off take of the river shall be connected by a straight and shortest line with a point in the midstream of the main channel of the river Ganges, the latter point being ascertained as on the date of the award, or if not possible, as on the date of the demarcation of the boundary line in dispute-I. The said point so ascertained shall be the southeastern most point of the boundary line in dispute-I, this point being a fixed point.

Having regard to the fact that the members have disagreed and that the chairman has disagreed with both of them, and giving effects, therefore, to the terms of Section 2 of the Delhi agreement, under which the view of the chair man has to prevail, the tribunal gives its decision accepting the chairman's conclusion on dispute giving in the preceding two paragraphs.

Dispute-III—the dispute concerns the Patharia Hill Reserve Forest.

The conclusion of Mr. Justice Aiyer is as follows:

The portion to the west of the forest boundary line, as drawn by Sir Cyril Radcliffe, document no.184, and shown in white in India's index map, document no.185, shall belong to East Bengal, but the rest of the forest lying to the east of the said line shall belong to Assam.

The conclusion of Mr. Justice Shahabuddin is as follows:

The boundary line delineated on the map of the award accords with the description given in the award and that line shall be the boundary line in this area and the portion of the forest to the west of that line, i.e., the portion show in white in the Index Map shall be awarded to East Bengal (Pakistan) and the portion to the east of the line, i.e., the portion show in blue in the index map to the state of Assam (India).

The conclusion of the chairman is as follows:

The line indicated in map A attached to the Radcliffe award is the boundary between India and Pakistan.

No therefore, in view of the unanimous conclusions of the chairman and the members, the tribunal gives the following decision:

The red line indicated in map A attached to the Radcliffe award of August 13, 1947, as the boundary between India and Pakistan.

Dispute-IV—the dispute concerns the course of the Kusiara River.

The conclusion of Mr. Justice Aiyer is as follows:

The line by Radcliffe from the northern western corner of the Patharia Hill reserve forest up to point B in the award map, document no. 342, is the correct boundary line.

The line B-C in the award map is correctly shown as the Kusiara River and will constitute the boundary between East Bengal and Assam.

The conclusion of Mr. Justice Shahabuddin is as follows:

The boundary line in this area shall run along the southern river, i.e., the river wrongly described as the Sonai in the award map, from the point where the land boundary running from the south to the north meets the said river, to the point from where that river takes its water through Notikhal from the southern river, i.e., the river named on the said map as Boglia, and thence along the latter river to the boundary between Sylhet and Cachar districts.

The conclusion of the Chairman is as follows:

From the point where the boundary between Karimganj and Beani Bazar Thanas meets the river described as the Sonai River on map A attached to the award given by Radcliffe of August 13, 1947 (Gobindapur), up to the point marked B on the said map, is the boundary between India and Pakistan.

From the point B the boundary between India and Pakistan shall turn to the east and follow the river which, according to the said map, runs to that point from point C marked on the said map on the boundary line between Sylhet and Cachar districts.

Having regard to the fact that the two members have disagreed in their views and that the chairman has agreed with Mr. Justice Aiyer, and given effect, therefore to the terms of section 2 of the Delhi agreement under which the views of the chairman has to prevail, the tribunal gives its decision accepting the chairman's conclusion on dispute-iv given in the preceding two paragraphs.

Sources: Gazette of Pakistan Extraordinary, Karachi, February 5, 1950 (notification No. A. 1/3160) and The Statesman (Delhi), February 5, 1950.

Appendix—V

Indo-Pakistan Joint Communiqué on East Pakistan-West Bengal Border Disputes

(Text of the Joint Communiqué on border disputes and exchange of enclaves signed by the Prime ministers of Pakistan and India on September 11, 1958.)

On the invitation of the Prime minister (PM) of India, the PM of Pakistan visited New Delhi from the 9th to 11th September 1958. During the visit, the PMs of Pakistan and India discussed various Indo-Pakistani border problems with a view to removing causes of tension and establishing peaceful condition along the Indo-Pakistan border areas.

The PMs had frank and friendly discussions about these border problems. They arrived at agreed settlements in regard to most of the border disputes in the eastern regions. They also agreed to an exchange of enclaves of the former Cooch Behar state in Pakistan and Pakistani enclaves in India.

Some of the border disputes—namely, two regarding the Radcliffe and Bagge Awards in the eastern region, and five in the western region—require further considerations.

The PMs agreed to issue necessary instructions to their survey staff to expedite demarcation in the light of the settlements arrived at and to consider further methods of settling the disputes that are still unresolved. In regard to the Husainowala Suce-manke disputes, the foreign secretary of the government of India, will, in consultation with their engineers, submit proposals to the PMs.

The PMs agreed that when areas are exchanged, on agreed dates, as a result of settlement and demarcation of these disputed areas, an appeal should be made to the people in the areas exchanged to continue staying in their present homes as nationals of the state to which the areas are transferred. The PMs further agreed that, pending the settlement of unresolved disputes and demarcation and exchange of territory by mutual agreements, there should be no disturbances of the status quo by the force, and

peaceful conditions must be maintained in the border regions. Necessary instructions in this regard will be issued to the respective states and to the local authorities on the border.

The PMs agreed to keep in touch with each other with a view to considering various steps to be taken to further their common objectives of maintaining and developing friendly and cooperative relations between the two countries.

Sources: Foreign Policy of India: Text of Documents (1947-1964) (1966 Lok Sabha Secretariat), pp.383-385.

Appendix—VI

Indo-Pakistan Joint Communiqué on Border Disputes of October 22, 1959

On their meeting on September 1, 1959, the President of Pakistan and the Prime minister (PM) of India agreed a pursuance of their desire to promote good neighbourly relations between their two countries on a rational, to an Indo-Pakistan conference at ministerial level to devise measures to end dispute and incidents on the Indo-East Pakistan border. This minister level conference, with Sardar Sworan Singh and Lt. Gen. K.M. Saikh, leading their receptive delegations, started in Delhi on October 15, 1959, continued its deliberations at Dacca from 18th to 20th, and had its concluding session at Delhi on 21st and 22nd October.

2. The delegations approached the various questions discussed in a positive and constructive spirit and, while they had a full and frank exchange of views, the objectives of arriving at agreed decisions and procedures to end disputes and incident and establishing and maintaining peaceful conditions on the indo-east Pakistan border region through guided the deliberations of the conference.

3. The fact there has been no settlement of the respective claims of India and Pakistan in the area of Patharia Reserve Forest and the Kusuyara River in accordance with the Radcliffe Award, inspite of these disputes having been referred to an International Tribunal which gave award in 1950, has been one of the principal causes of conflict and tension along these Indo-East Pakistan border areas. The leaders of the two delegations agreed that these and other disputes between the two countries should be resolved in a spirit of give and take in the larger interest of both the countries. With a view so avoiding dislocation in the life of the population of these border areas and promoting friendly relations, the following agreed decisions have been reached in respect of these disputes:

- (i) the dispute concerning Bagge Award No. III should be settled by adopting a rational boundary in the Patharia Reserve Forest region;
- (ii) the dispute concerning Bagge Award No. 3;V in the Kusiya River Region should be settled by adopting the Thana boundaries of Beani Bazar and Karimganj as per the Notification No.5133-H, dated 28th May, 1940, at the India-east Pakistan boundary;
- (iii) The status quo should be restored in Tukergram; and
- (iv) It was also agreed that detailed procedures should be worked out to maintain peace on the indo-east Pakistan border and to bring immediately under control any incident that may occur.

4. Detailed ground rules to be observed by the border security forces of both sides, which, among other things, provide that no border out posts will be located within 150 yards of the border, on either side, and other procedures laid down in the ground rules regarding frequent contacts between those in charge of border security forces and other officials of the governments concerned at various levels, will secured maintenance of peaceful conditions on Indo-East Pakistan border and ensure the immediate action is taken to reestablish peace should any incident unfortunately occur.

5. Detailed procedures for expediting progress of demarcation work and for orderly adjustment of territorial jurisdiction, due regard being had to local agricultural practices and the interests of the local border population, have been worked out. It was also agreed that, in their quarterly review, the government of East Pakistan, West Bengal, Assam and Tripura would ensure that the target dates for progressing demarcation work are observed.

6. Both governments reaffirmed their determination to resolve border disputes by negotiation and agreed that all out standing boundary disputes on the indo-east Pakistan border and west Pakistan-India border, raised so far by their country, should, if not settled by negotiation, be referred to an

impartial tribunal for settlement and implementation of that settlement by demarcation on the ground and by exchange of territorial jurisdiction if any.

7. Both governments agreed to appeal to the press to exercise restraint and assist in the maintenance and promotion of friendly relations between India and Pakistan. In furtherance of these objectives, both governments agreed to take early action for a meeting of the Indo-Pakistan information consultative committee, which is being revived.

8. Both governments are resolved to implement, in full and as expeditiously as possible, the Noon-Nehru agreement and the present agreement on India-east Pakistan border settlement and to that end to devise expeditiously the legal and constitutional procedures necessary for implementation. Both governments agreed to maintain contact with each other continuously on the progress of implementation of these agreements and to carry out periodical reviews of the working of the procedures adopted to maintain in the border regions.

Sources: Foreign Policy of India: Texts of Documents (1947-1966) (Lok Sabha Secretariat), Government of India, New Delhi.

Appendix—VII

The Importance of the Mathabhanga River

*The Report of the non-Muslim Members of the Bengal Boundary Commission
(Mr. Justice B. K. Mukharjee and C. C. Biswas)*

1. "In our opinion, however, there are certain overriding considerations referred to below which induce us to recommend that all the police stations in the Meherpur and Chuadanga sub divisions of the Nadia district which lie to the west of the Mathabhanga River, or through which the river flows, should be assigned to West Bengal. This would include the whole of the Meherpur subdivision and a very small portion of Chuadanga (Police Stations Karimganja and Damurhuda). The bulk of Chuadanga (containing the Remaining three Police Stations) and the entire Kustia sub division would remain in East Bengal. The same factors should, in our opinion, require the inclusion in West Bengal of the entire district of Murshidabad and not merely of the portions which are covered by the non-Muslim Police Stations of the district.

2. It is stated by no less an authority than A. Webster (vide his report on the future development of the Port of Calcutta, Calcutta, page 5) that the existence of the Port depends entirely upon the maintenance of adequate water supply in the river Hooghly. Not only the existence of the Calcutta Port but the health, sanitation and industrial life of the entire tract of land known as Central Bengal hinges upon this river. The River Hooghly is formed by the confluence of the Bhagirathi with the Jalangi at Nabadwip, and the Mathabhanga subsequently joins them at Chakdah. The Bhagirathi, the Jalangi and the Mathabhanga are known as the Nadia Rivers, and they are the principal fresh water feeders of the Hooghly. It is well known that the Bhagirathi which once constituted the main channel of the Ganges now practically remains cut off from the latter except during the floods, and even then the share of the Ganges Flood that it receives is almost insignificant as compared with what passed before the diversion. In the words of Sir William Willcocks, "The Ganges at the head of this river (Bhagirathi) has played havoc with it altogether and until protection works fix the bank the breeding works keep the Ganges in a suitable channel, the Bhagirathi will continue to silt up and the Hooghly will become shallower and shallower". "The Calcutta Port Trust", they says, "spent their time and money on the Hooghly. They would show wisdom if they spent some of both on the head of the Bagirathi. The Ganges is out hand and old landmarks are disappearing. Once the Ganges is trained and the banks protected and the Nadia barrage built, the Hooghly will become suitable, and there will be enough of water all the year round for the perennial irrigation by pumps for scores of miles above and below Calcutta and for 20 miles inland. The dirty grubby slumps and environment of the city will have had their place taken by a much larger landscape as we Cairo" (vide the restoration of the ancient irrigation of Bengal by sir William Willcocks, pages 13-14).

3. According to Sir William, the construction of barrage across the Ganges is the only solution of the problem. The feasibility of the proposal from the economic point of view has been doubted by other experts (vide S. C. Majumdar's river of the Bengal delta, page 77). Whether a barrage could be constructed or not, it is essential that to maintain the water supply of the Hooghly and resuscitate the

various distributary channels which are deaf or dying, some steps would have to be taken. Another difficulty has arisen from the fact that owing to the absence of supply of sweet water from the Ganges and other rivers, there has been an increase of salinity in the water of the Hooghly, on which the city of Calcutta is dependent for its water supply (vide Majumdar, page 76). It is admitted by all experts that the only solution of all these difficulties is the restoration of Ganges spill. "The principal spill channels, which are not yet completely dead and on which we have to depend for the purpose of drawing from the Ganges and carrying a portion of her flood and for flushing this area, are the Bhagirathi, the Jalangi and the Mathabhanga".

4. The improvement of these rivers is essential for preservation of central Bengal, and whether a barrage is to be constructed, of bridging has to be restored to, it is not pertinent for us to discuss for our present purpose. It is necessary that some means or other should be found by which an appreciable portion of the Ganges flood can be induced to pass through these three Nadia Rivers in preference to the Padma hydraulic conditions of which are of course much more efficient. In order to do this, and to prevent the Hooghly from languishing altogether and running the health and industry of Bengal, it is absolutely necessary that the headwaters of the Hooghly should be under the control of the West Bengal State. The Bhagirathi, the Jalangi and the Mathabhanga take off from the Ganges at Mondai, Akrikanja and Jalangi, and it is essential that these places which are within the districts of Nadia and Murshidabad should be within the West Bengal State. The league has shown great anxiety to show that the river Hooghly can maintain herself with out the Jalangi and Mathabhanga, for she receives supply from the West Bengal Rivers like the Ajoy, the Dwaraka and the Damodar. The Damodar has joined the Hooghly at a point far south of Calcutta; none of these three rivers has any flowing channel and they remain dry except during the monsoon. The West Bengal rivers, as Mr. Majumdar points out, contribute very little supply of fresh water to the Hooghly during the dry season, and as their connections with the Ganges also remain cut off then, the only source of supply of sweet eater for these spill channels in Central Bengal is what they can draw by percolation from the Ganges from the sandy beds at their off-takes and sub-soil storage. This, as Mr. Majumdar rightly points out, is serious position, and unless a proper solution could be found, the result would be disastrous to Bengal.

5. Mr. T. M. Oag, whose authority is cited by Mr. Hamidul Haq, himself states in his report on the River Hoogly and its headwaters (vide page 33) that the condition of the off-take of the Bhagirathi in the year 1939 indicated that a further period of deterioration was in store for her unless a new entrant opened. In his opinion, the Bhagirathi, the Jalangi and the Mathabhanga off-takes are in more favourable positions for the improvement of these rivers and the Jalangi had great possibilities of serving the Hooghly as an effective feeder for many years. (More see Mr. Oag page 130).

6. In our opinion, in order to keep alive the Jalangi, the Mathabhanga and the Bhagirathi, it is absolutely necessary that their off-takes from the Ganges should be included in West Bengal".

Source: Partition Proceedings, Partition Secretariat, Government of India, New Delhi, 1949.

Appendix—VIII

Indo-Bangladesh Land Boundary Agreement of May 16, 1974

The government of 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, have agreed as follows:

Article-1

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

- Mizoram-Bangladesh Sector—demarcation should be completed on the basis of the latest operational notifications and records.
- Tripura-Sylhet Sector—demarcation that is already in progress in this area on the agreed basis, should be completed as early as possible.
- Bhagalpur Railway Line—the boundary should be demarcated at a distance 75 feet parallel to the toe of the railway embankment towards the east.

- Sibpur-Gaurangala Sector—the boundary should be demarcated in continuation of the process started in 1951-52 on the basis of the District Settlement Maps of 1915-18.
- Muhuri River (Belonia) Sector—the boundary in this area should be demarcated along the midstream 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 stabilizing the river in its present course.
- Remaining portion of the Tripura Naokhali/Commila Sector—the demarcation in this sector should be completed on the basis of Chakla Roshanbad Estate Maps of 1892-1894 and the District Settlement Maps of 1915-18 for areas not covered by the Chakla Roshanbad Maps.
- Fenny River—the boundary should be demarcated along the midstream 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. 79MI15, 1st Edition 1935, till it joins the stream shown as along C on the said Map. From that point on, downstream, the boundary should be demarcated along the midstream of the course of the fenny river at the time of boundary. The boundary in this sector will be a fixed boundary.
- Rest of Tripura Chittagong Hill Tract Sector—the boundary will follow the midstream of that branch of the Fenny River, referred to in para 7 above up to Grid Reference 009779 (Map Sheet as in para 7 above) from where the boundary will follow the midstream of the eastern most tributary. From the course of this tributary, the boundary will run along the shortest distance to the midstream of the stream marked Bayan as along, on the Map referred to above, and there will run generally northwards along the midstream 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 up to Boghoban Trig Station. From there up to the Trijunction 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 differences between the map and the ground, the ground shall prevail. The boundary will be a fixed boundary in this sector.
- Beani Bazar-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.
- 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 Ichamati River. The boundary will be a fixed boundary.
- Baikari Khal—in the Baikari Khal, the boundary should be demarcated on the 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.
- Enclaves—the Indian enclaves in Bangladesh and the Bangladesh enclaves in India should be exchanged expeditiously, excepting the enclaves mentioned in paragraph 14 with out claim to compensation for the additional area going to Bangladesh.
- Hilli—the area will be demarcated in accordance with Radcliffe Award and the line drawn by him on the map.
- Berubari—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 release in perpetuity to Bangladesh an area of 178 metres x 85 metres near 'Tin Bigha' to connect Dahagram with Panhari Mouza (P. S. Patgram) of Bangladesh.
- Lathitilla-Dumabari—from point Y (the last demarcated boundary pillar position), the boundary shall run southwards along the Patharia Hills Reserve Forest boundary up to the point where it meets the western boundary of Dumabari Mouza. Thence along the same Mouza boundary up to the Trijunction of Mouzas Dumabari, Latitila and Bara Putnigaon through the junction of the two Mouzas Dumabari and Lathitila. From this point it shall run along the shortest distance to meet the midstream of Putni Chara. Thence it shall runs 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 government of India and Bangladesh agreed 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 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. Some land in this sector 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, the people 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 government of India and Bangladesh agree that any disputes concerning the interpretation 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 and Bangladesh 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, by the pm of India, Indira Gandhi and the pm of Bangladesh, Sheikh Mujibur Rahman.

Sources: The Ministry of External Affairs, New Delhi, Government of India, 16 May 1974.

Appendix—IX

Ratification of Indo-Bangladesh Land Boundary Agreement of 1974 Unstarred question no. 3707 to be answered on 17.04.2002

Shri Amar Roypradhan

Will the Minister of External Affairs be pleased to state:

- (a) whether ratification of the Indo-Bangladesh Land Boundary Agreement, 1974 as per prescribed procedures are essential before effecting the exchange of the enclaves between the two countries;
- (b) if so, since when this ratification work is pending with the concerned agencies of central and relevant state governments and the names of these agencies; and
- (c) the reason for the government not completing the formality of ratification?

Answer

The minister of external affairs

(Shri Jaswant Singh)

(a) Yes, Sir.

(b) & (c) ratification of the India-Bangladesh Land Boundary Agreement, 1974 will follow completion of the demarcation of the boundary between India and Bangladesh. The demarcation of about 6.5 kms of the India-Bangladesh land boundary is yet to be completed. The government proposed to complete the task of demarcation of the boundary with Bangladesh with the cooperation of the concerned state governments and government of Bangladesh. The government of India is committed to an early settlement all boundary related matters with Bangladesh.

Sources: Parliament Q & A (Lok Sabha)

Ministry of External Affairs, Government of India, New Delhi.

Appendix—X

**Terms of Lease in Perpetuity of Tin Bigha-Area, October 7, 1982 New Delhi, 7
October 1982**

Excellency,

I have the Honour to refer to item 14 of Article I of the agreement between the Government of 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, signed in New Delhi on 16th May 1974, and to state that in connection with the lease in perpetuity by India to Bangladesh of an area of approximately 178 metres x 85 metres near "Tin Bigha" to connect Dahagram with Panhari Mouza (P.S. Patgram) of Bangladesh, the following understanding has been reached between our two governments:

1. The lease in perpetuity of the aforementioned area shall be for the purpose of connecting Dahagram and Angarpota with Panhari Mouza (P.S. Patgram) of Bangladesh to enable the Bangladesh Government to exercise her sovereignty over Dahagram and Angarpota.
2. Sovereignty over the leased area shall continue to vest in India. The rent for the leased area shall be Bangladesh Tk. 1/- (Bangladesh Taka One) only per annum. Bangladesh shall not, however, be required to pay the said rent and the Government of India hereby waives its right to charge such rent in respect of the leased area.
3. For the purpose stated in Para 1 above Bangladesh shall have undistributed possession and use of the area leased to her in perpetuity.
4. Bangladesh citizens including police, paramilitary and military personnel along with their arms, ammunition, equipment and supplies shall have the right of free and unfettered movement in the leased area and shall not be required to carry passports or travel documents of any kind. Movement of Bangladesh goods through the leased area shall also be free. There shall be no requirement of payment of customs duty, tax or levy of any kind whatsoever any transit charges.
5. Indian citizens including police, paramilitary and military personnel along with their arms, ammunition, equipment and supplies shall continue to have the right of free and unfettered movement in the leased area in either direction. Movement of Indian goods across the leased area shall also be free. For the purpose of such passage the existing road running across it shall continue to be used. India may also build a road above and/or below the surface of the leased area in an elevated or subway form for her exclusive use in manner which will not prejudice free and unfettered movement of Bangladesh citizens and goods as defined in paras 1 and 4 above.
6. The two governments shall cooperate in placing permanent markers along the perimeters of the leased area and put up fences where necessary.
7. Both India and Bangladesh shall have right to lay cables, electronic lines, water and sewerage pipes etc. over or under the leased area without obstructing free movement of citizens or goods of either country as defined in paras 4 and 5 above.
8. The modalities for implementing the terms of the lease will be entrusted to the respective Deputy Commissioner of Rangpur (Bangladesh) and Cooch Behar (India). In case of differences, they will refer the matter to their respective governments for resolution.
9. In the event of any Bangladesh/Indian national being involved in an incident in the leased area, constituting an offence in law, he shall be dealt with by the respective law enforcing agency of his own country in accordance with its national laws. In the event of an incident in the leased area involving nationals of both countries, the law-enforcing agency on the scene of the incident will take necessary steps to restore law and order. At the same time immediate steps will be taken to get in touch with the law enforcing agency of the other country. In such cases, any Indian national apprehended by a Bangladeshi law enforcing agency shall be handed over forthwith to the Bangladeshi side. India will retain residual jurisdiction in the leased area.

P.V. Narashihma Rao
Minister of external affairs
Government of India the republic of India

H.E. Mr. Shams-Ud-Doha
Minister for foreigner affairs
Government of the people's republic of Bangladesh
Source: Ministry of External Affairs, Government of India, New Delhi.

Appendix—XI

Letter of Foreign Secretary of India Implementing Tin Bigha Lease 26 March, 1992, New Delhi

Excellency,

I have the honour to refer to Item 14 of Article 1 of the agreement of 16th May, 1974, signed by the Prime Minister of India and Bangladesh concerning the demarcation of the land boundary between India and Bangladesh and related matters, and the exchange of letters dated 7 October, 1982, between the Minister of External Affairs of India and the Minister of Foreign Affairs of Bangladesh, regarding the terms of lease in perpetuity of Tin Bigha area. This to confirm that in the subsequent discussions regarding the modalities for leasing out the above-mentioned area, the following understanding has been reached:

1. Indian flags will fly at the four corners of Tin Bigha corridor as a manifestation of India's sovereignty over the area;
2. An east-west road to connect Dahagram (Bangladesh) with Patgram (Bangladesh) will be constructed by India before 26th June 1992 roughly at right angles to the existing north-south road. The new east-west road is to conform to the specifications and width of existing north-south road;
3. Landscaping (horticulture) protected by fencing, on both sides, of the proposed road, is to be carried out and maintained by India, so as to prevent the possibility of encroachment and infiltration, keeping adequate provision for drains, laying of cables, water-supply, etc., in future;
4. Two check point each are to be set up at both ends of the east-west road where it touches the Bangladesh boundary. They will be separately manned by Indian and Bangladesh authorities with a view to regulating the government of traffic;
5. Traffic in the corridor will be regulated by the Indian authorities, and the opening and closing of the check points on the east-west road will be coordinated accordingly in such a manner that there is no intermixing of Indian and Bangladeshi streams of traffic;
6. At the inter section, i.e., the specific point where east-west road will cross the north-south road, there will be an Indian traffic police control to direct the traffic movement;
7. Indian traffic movement on the north-south road will continue as heretofore. Bangladesh traffic will use the east-west road in the corridor at alternate hour during the daylight period. However, exceptions will be made at the local level to the above arrangements in case of the emergency, such as natural calamities, movement of civil administrators and medical emergencies;
8. Suitable lighting arrangements will be made for the entire corridor in order to facility monitoring by security agencies on both sides;
9. Differences, if any, regarding modalities for implementing the term of release will be resolved in the first instance through consultation between the deputy commissioner of Cooch Behar (India) and the Deputy Commissioner of Lalmonirhat (Bangladesh). Remaining differences, if any, will be referred to their respective Governments for resolution;

10. India and Bangladesh will provide mutual judicial assistance to each other to the extent necessary, in all matters relating to the prosecution, trials, etc. concerning incidents constituting offences in the leased area;
11. Agreed arrangements will come into effect from 26th June 1992.

(J.N. Dixit)
Foreign Secretary
Government of India

H.E. Mr. A.H. Mahmood Ali,
Additional Foreign Secretary,
Ministry of Foreign Affairs,
Government of People's Republic of Bangladesh.

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

Appendix—XII Transfer of Tin Bigha and the Supreme Court Judgment

Prior Information [Refer to the Constitution (Ninth Amendment) Act, 1960]—agreements between the Government India and Pakistan dated 10th September, 1958, 23rd October, 1959, and 11th January, 1960, settled certain boundary disputes between the governments India and Pakistan relating to the borders of the states of Assam, Punjab and West Bengal, and the Union Territory of Tripura. According to the agreement, certain territories are to be transferred to Pakistan after demarcation. In the light of the advisory opinion of Supreme Court in Special Reference No.1 of 1959, it is proposed to amend the first schedule to the constitution under a law relatable to Article 368 thereof to give effect to the transfer of these territories. (New Delhi; the 12th December 1960).

The Legal History (Transfer of Tin Bigha, 1992)—the opposition to the 1974 and 1982 Agreements came from the people of Kuchlibari, Dhaprahat and Mekhliganj. Two organizations to spearhead the agitation, the Kuchlibari Sangram Committee and the tin Bigha Sangram committee were formed. In March 1983, the agitators took recourse to the judicial system. Three writ petitions challenging the 1982 Lease Agreement on various constitutional grounds were filed in the Calcutta High Court by some persons including the owner of a plot of land which would have to be acquired for being leased to Bangladesh. The main arguments adduced by the petitions were: (i) the 1974 Land Boundary Agreement and subsequent Tin Bigha Leased Agreement were inconsistent with the 1958 Nehru-Noon Agreement; (ii) since the lease was in perpetuity, it amounted to cession of Indian Territory; and (iii) the provisions of the Lease Agreement resulted in dilution of India's sovereignty over the leased area. The court delivered its judgement on 1 September 1983 in which it disallowed all three petitions. The judgement held that:

- (a) Implementation of the agreements of 1974 and 1982 did not involve cession of any Indian Territory to Bangladesh.
- (b) No exclusive or legal possession of Tin Bigha was being transferred to Bangladesh.
- (c) There was no question of transfer of sovereignty of India wholly or partially in respect of the said area.
- (d) Certain privileges only had been conferred on Bangladesh and its nationals under the said agreements which otherwise would not have.
- (e) Since Dahagram and Angarpota would remain as parts of the Bangladesh territory, the agreement were necessary to enable Bangladesh to exercise its sovereignty in full over the said enclaves.
- (f) In spite of the said agreements India would retain its sovereignty, ownership and control over Tin Bigha.

Following this judgement, the government of west Bengal commenced acquisition of land for the corridor consisting of 16 private plots totaling approximately 3.17 acres for the corridor by issuing a gazette notification on 6 August, 1984 under the land acquisition act, 1984.

Not satisfied with the earlier judgement, the Kuchlibari Sangram Parishad filed an appeal on 12 April 1984 before the division bench of the Calcutta high court. In their appeal, the petitioners (i) reiterated that the 1974 and 1982 agreements were inconsistent with the 1985 Nehru-Noon Agreement; (ii) stated

that 1974 agreement could not be implemented unless it had been suitably ratified; and (iii) that India would not have jurisdiction over Bangladesh nationals in respect of crimes committed in the leased area which would amount to a dilution of Indian sovereignty over the corridor. The petitioners questioned the judge's interpretation of the term "lease in perpetuity". Lastly the petitioners argued that the Tin Bigha corridor converted the Kuchlibari area into an enclave inside Bangladesh and prevented its residents from exercising their constitutionally guaranteed right to move freely throughout the territory of India.

Due to the importance of the case, the Attorney General personally appeared on behalf of the Government of India. The division bench pronounced their judgement in the appeal case on 19 September 1986, which probably upheld the earlier judgement of the Calcutta high court. The 1974 and 1982 agreements were upheld as being valid. No cession of Indian Territory was seen to be involved. The bench maintained that as a result of these agreements it could not be said that India had surrendered its sovereignty over Tin Bigha as there was a clause in the 1982 agreement that sovereignty over Tin Bigha would continue to vest in India. Residual jurisdiction was also to remain with India. However, the division bench added that before implementing the 1974 and 1982 agreements the union of India was directed:

- (a) "To amend the constitution of India suitably so that the Berubari Union is not transferred to Bangladesh along with other territories as contemplated by the 9th amendment of the constitution. The agreements of 1974 and 1982 are directed to be suitably noted or recorded in the relevant schedules to the constitution authorizing the transfer of the territories to Bangladesh and not to Pakistan;
- (b) to take steps for acquisition and acquire the land owned by Indian citizens in the said area in accordance with the law;
- (c) to consider that effect suitable amendment of Indian law and, in particular, the Indian penal code as presently applicable in the said area of Tin Bigha".

The supreme court judgement—on 18 December 1986 Government of India filed a Special Leave Petition (SLP) in the Supreme Court against the directions given to the Union of India by the Calcutta High Court as these were extraneous to the points of appeal of the petitioners. The SLP was admitted by the Supreme Court in October 1987. The Supreme Court delivered its judgement in May 1990. It had considered the entire gamut of issues raised by the opponents of the Tin Bigha lease. The Supreme Court judgement was categorical that the lease should be implemented fully.

The main points of Supreme Court's judgement were as follows:

- (a) It certified that, as stipulated in the 1982 lease agreement, sovereignty over the Tin Bigha corridor would continue to vest in India and that Bangladesh would merely have "undisturbed possession" and "use" for the express purpose of connecting Dahagram with Panhari Mouza of Bangladesh in order to exercise sovereignty over Dagram and Angarpota and for no other purpose.
- (b) The Implementation of the 1974 and 1982 agreement is not dependent on steps being taken to amend Indian law.
- (c) The implementation of the 1982 agreement was not dependent on the ratification of 1974 agreement.
- (d) "... This was really a fight over the non-issue ... without the change in the law or change in the constitution, the agreements should have been implemented fully and we hope that all will do for the restoration of the friendly relations between India and Bangladesh".

Subsequently, in November 1991, a case challenging acquisition of land for the corridor filed in the Calcutta High Court under the West Bengal Land/Acquisition Act, was dismissed by the court.

Source: The Ministry of External Affairs, New Delhi, Government of India.

Appendix—XIII

Suomoto by Shri M^sadhavsinh Solonki Minister of External Affairs in Lok Sabha And by Shri Eduardo Faleiro Minister of State for External Affairs in Rajya Sabha on Tin Bigha

1. Though an exchange of letters today, March 26, 1992 the Government India and the government of Bangladesh have reached an understanding regarding modalities for the implementation of terms of lease providing for right of passage for Bangladesh through the Tin Bigha area. The arrangements will come into effect from June 26, 1992. This would be recalled that the same terms had been worked out through the exchange of letters between the foreign ministers of two countries on October 7, 1982.
2. The Indo-Bangladesh Land Boundary Agreement signed in 1974 had provided for leasing by India to Bangladesh an area of 178 metres x 85 metres near "Tin Bigha" in order to enable Bangladesh to have access to Dahagram and Angarpota. This was part of a package which allowed India to retain the southern half of South Berubari Union No.12 and adjacent enclaves, and which allowed Bangladesh to retain the Dahagram and Angarpota enclaves. The agreement of 1982 referred to above clearly stipulated that sovereignty over the leased area would continue to vest in India. The recent understanding between the two governments has been worked out within and other parameters of the 1982 agreement.
3. Before finalizing the modalities relating to the Tin Bigha area, government consulted the government of West Bengal on several occasions and has kept in constant touch with them. Leaders of political parties were also consulted. We have taken into account the concerns and apprehensions expressed in certain quarters regarding the implementation of 1982 agreement.
4. In addition we remain committed to the full implementation 1974 agreement. Necessary steps to expedite progress in this regard are underway.
5. In putting into effect the Tin Bigha lease, India is fulfilling an international commitment. The lease is being implemented after all due processes of law have been completed in India. Government are confident that the steps and safeguards taken for the implementation of the lease will dispel all doubts misgivings and that it will receive full and unstinted cooperation of all concerns.
6. The resolution of the Tin Bigha question symbolizes, above all, the will of the people of India to live together with Bangladesh in amity and good neighbourliness. Given time and good will, the Tin Bigha Corridor which unfortunately generated much controversy and tension in the past will turn into a crossroads of friendship between India and Bangladesh.

Source: Ministry of External Affairs and Lok Sabha Debate Series, Government of India, New Delhi.



An aerial view of the fenced border with Bangladesh in Assam's Mankachar subdivision, one of the areas which witnessed exchange of fire between the Border Security Force and the Bangladesh Rifles.

PICTURE-1

This Picture is one of the porous borders on the Indo-Bangladesh Border.

Source: *front line*, vol. 18, no. 10, may 12-25, 2001.



Bodies of BSF personnel in a Bangladesh Police van near the India-Bangladesh border.

PICTURE-2

This is the Picture of the BSF personnel whom BDR had brutally killed in Pyrdiwah Meghalaya-Assam on 16 April 19, 2001.

Source: Front Line, vol. 18, no. 9, April 1-28 and May 11, 2001.



Figure 3. The chairman of an Indian enclave in Bangladesh poses in front of his house. His left foot is in India, his right foot in Bangladesh. He has extended his house into Bangladesh in order to acquire electricity and a postal address in that country.

Photo from author's collection.

PICTURE-3

This Picture shows that there are several houses on the borderline where the half of the house is on Indian side and another half is on Bangladesh.

Source: *Williem Van Scendel, The Journal of Asian Studies* vol. 61, no. 1, February 2002.



Figure 1. Pillar marking the boundary between India and the Bangladeshi enclave of Nalgram. The villagers are standing on a road in Indian territory, looking towards the photographer who is standing on Bangladeshi soil. Photo from author's collection.

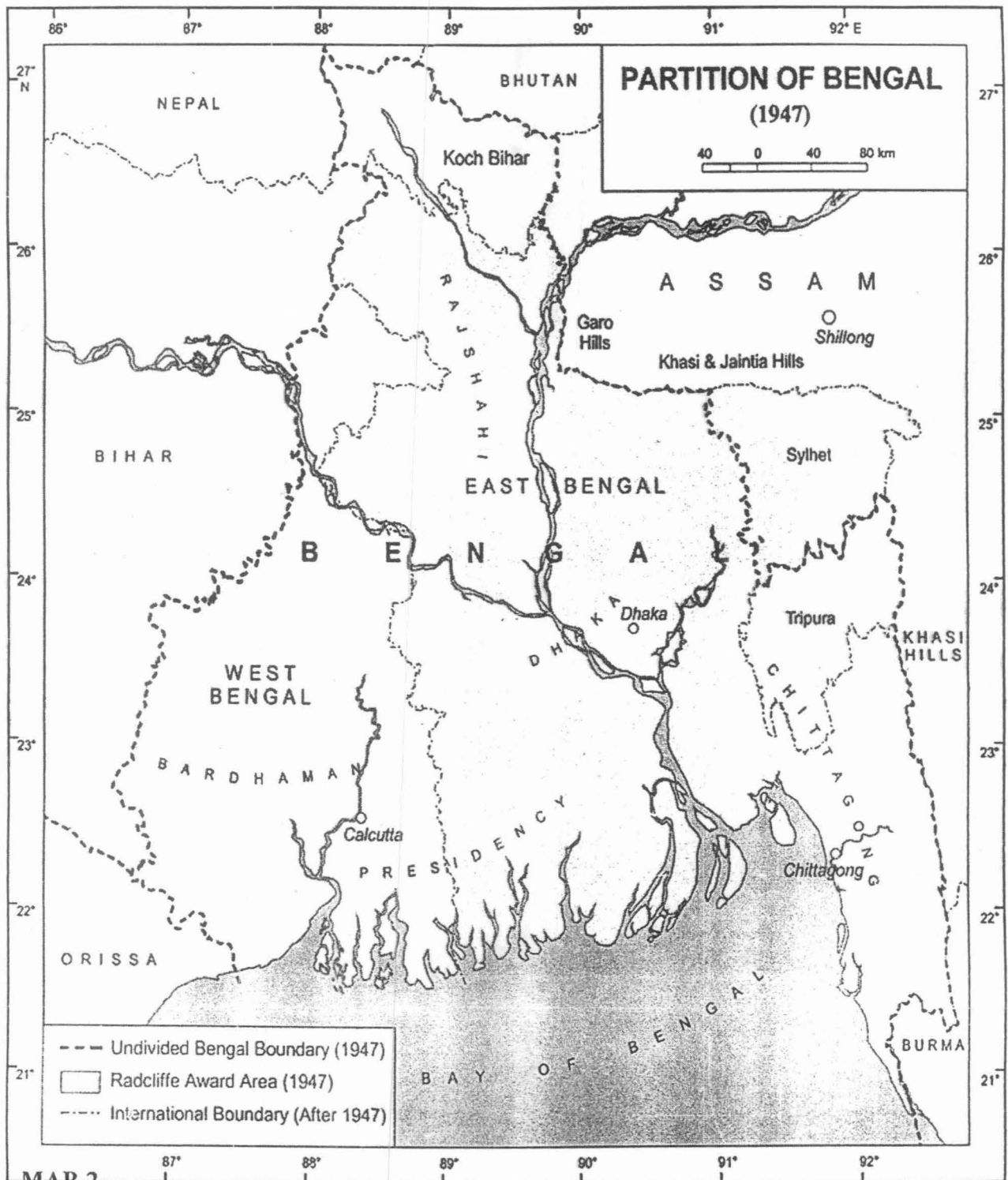
PICTURE-4

This Picture shows that a pillar as the boundary line on Indo-Bangladesh border.
Source: Williem Van Scendel, The Journal of Asian Studies vol. 61, no. 1, February 2002.



MAP-1

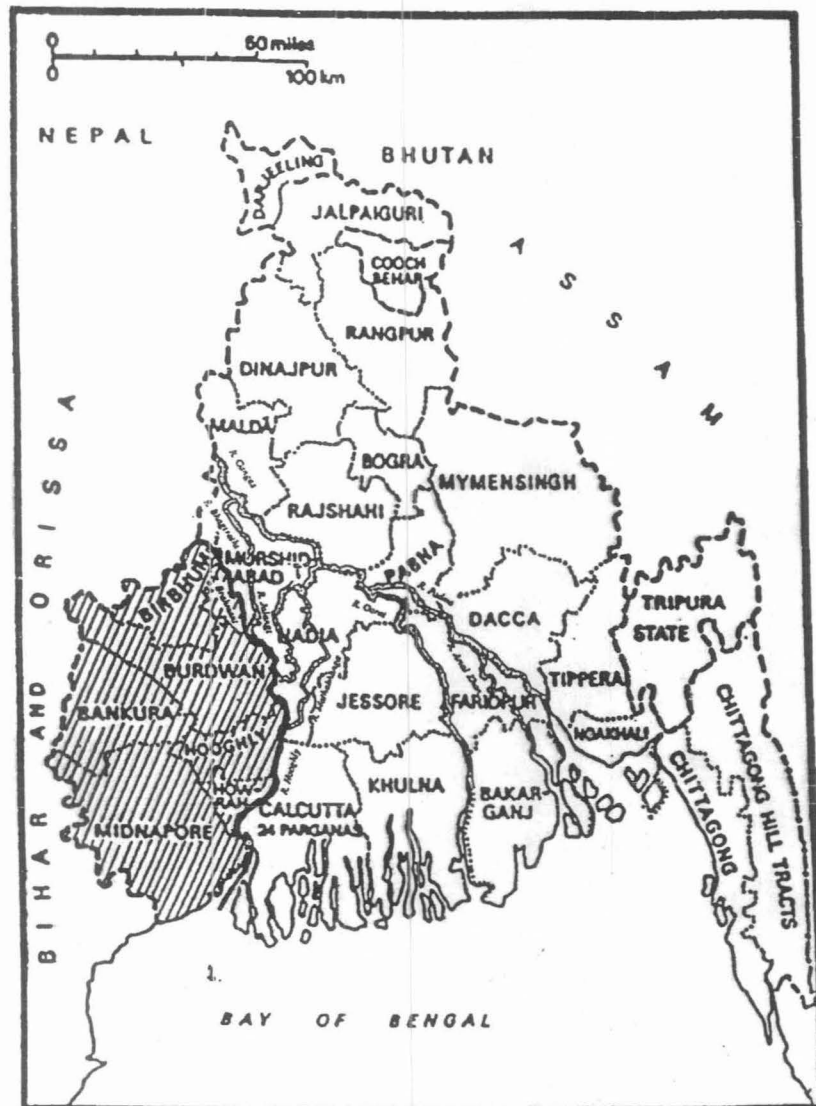
This is the Map of that particular place where the incident of 16 April 2001, occurred.
 Source: *Front Line*, vol. 18, no. 9, April 1-28 and May 11, 2001.



MAP 2
 Source: Ahmad, Nafis (1958)

The Map of the time of 1947 (time of Partition).

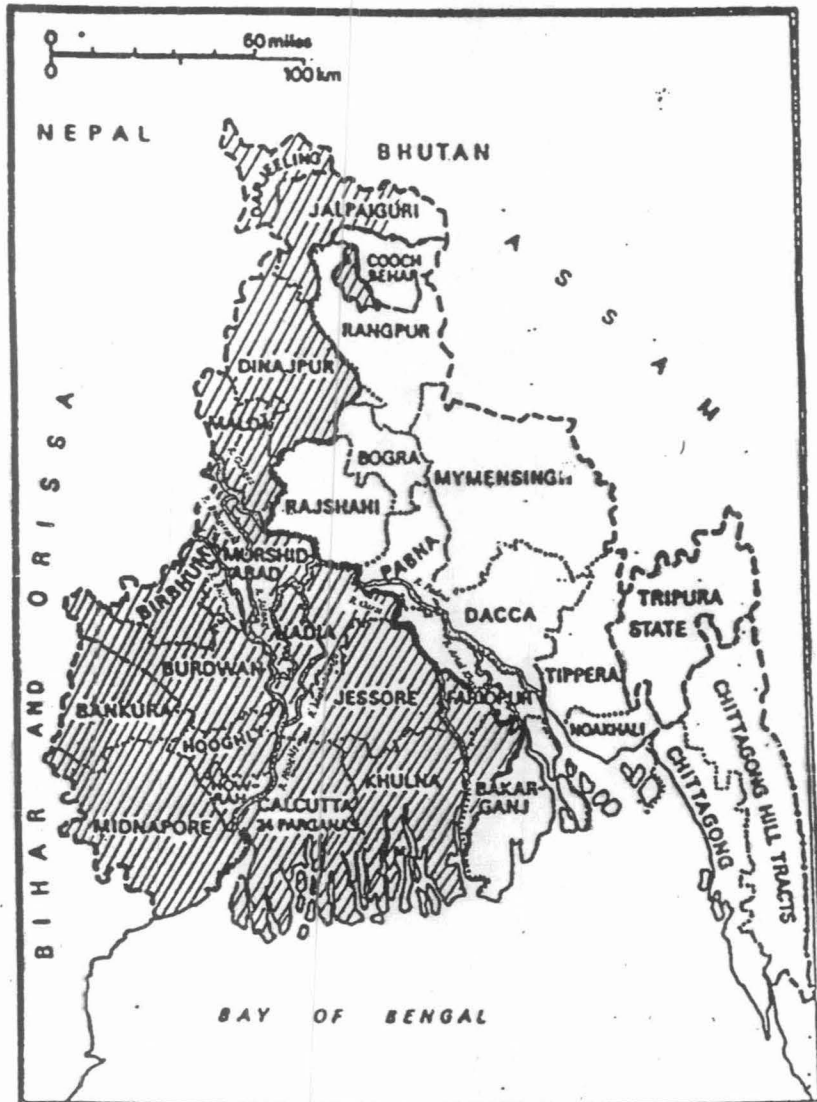
Source: Nafis Ahmad, *the Indo-Bangladesh Boundary Disputes Tribunal-1949-59*,
The Geographical Review, 1959.



Map I. The boundary line proposed by the Muslim League. (The shaded area shows the proposed limits of West Bengal.)

MAP-3

Source: Joya Chatterjee, *Modern Asian Studies*, Cambridge: Cambridge University Press, 1999).



Map II. The boundary line proposed by the Hindu Mahasabha and the New Bengal Association. (The shaded area shows the proposed limits of West Bengal.)

MAP-4

Source: Joya Chatarjee, *Modern Asian Studies*, Cambridge: Cambridge University Press, 1999).

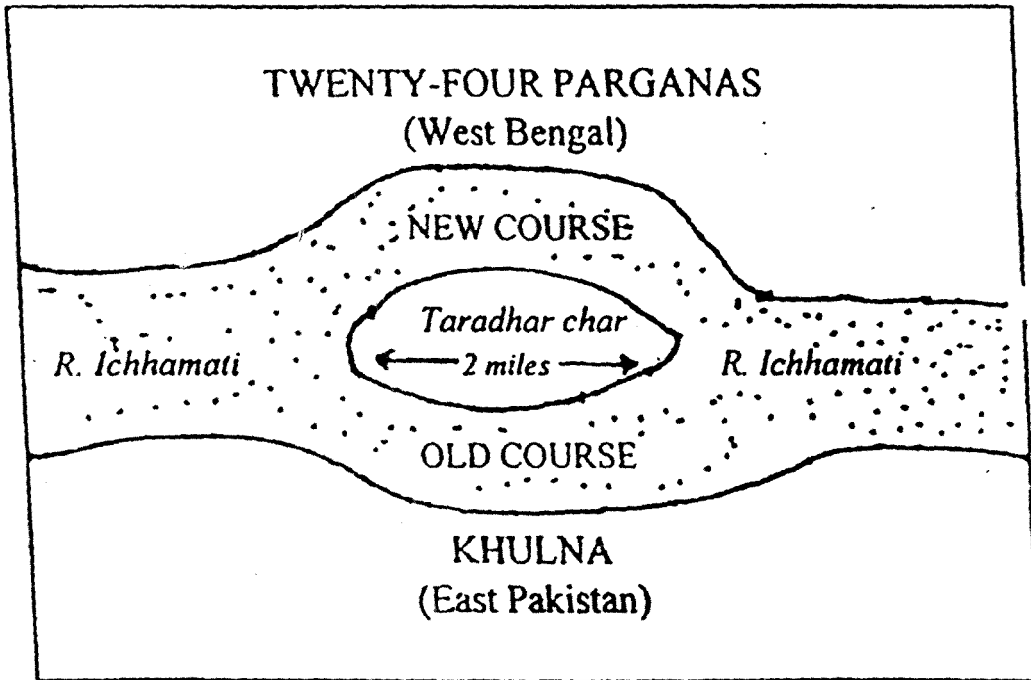
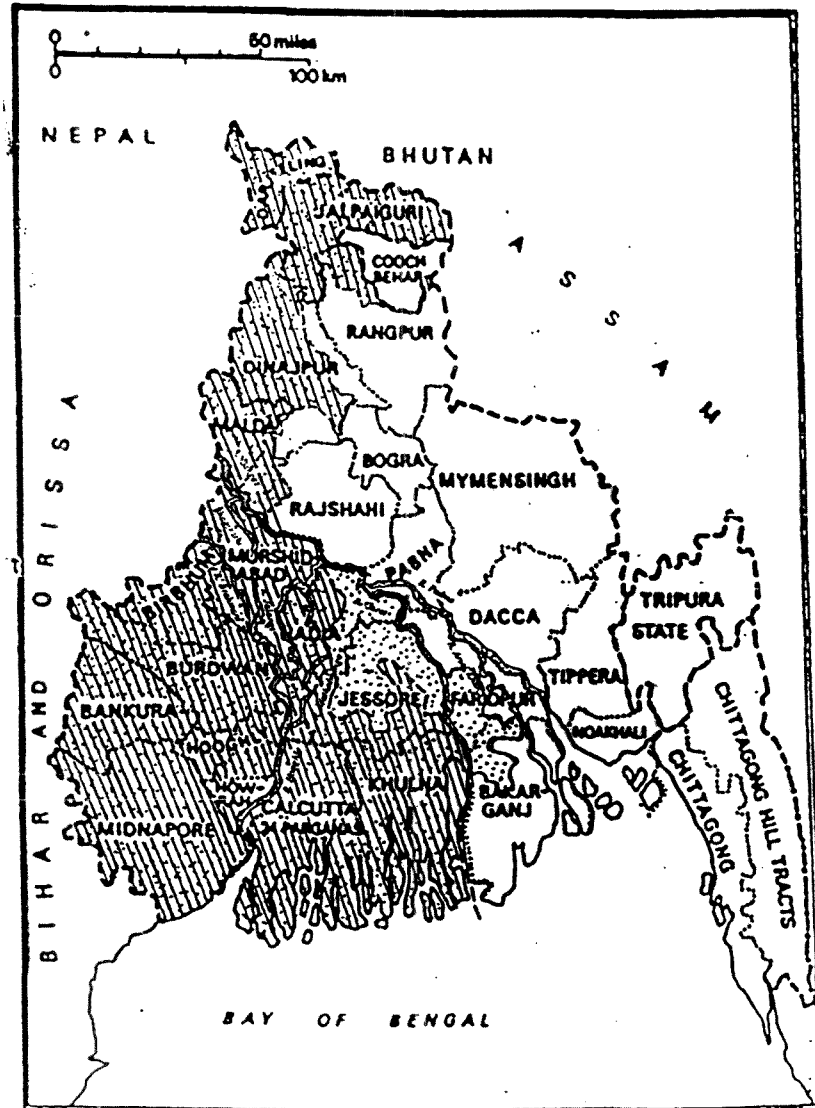


Fig. 1. Taradhar char in the River Ichhamati

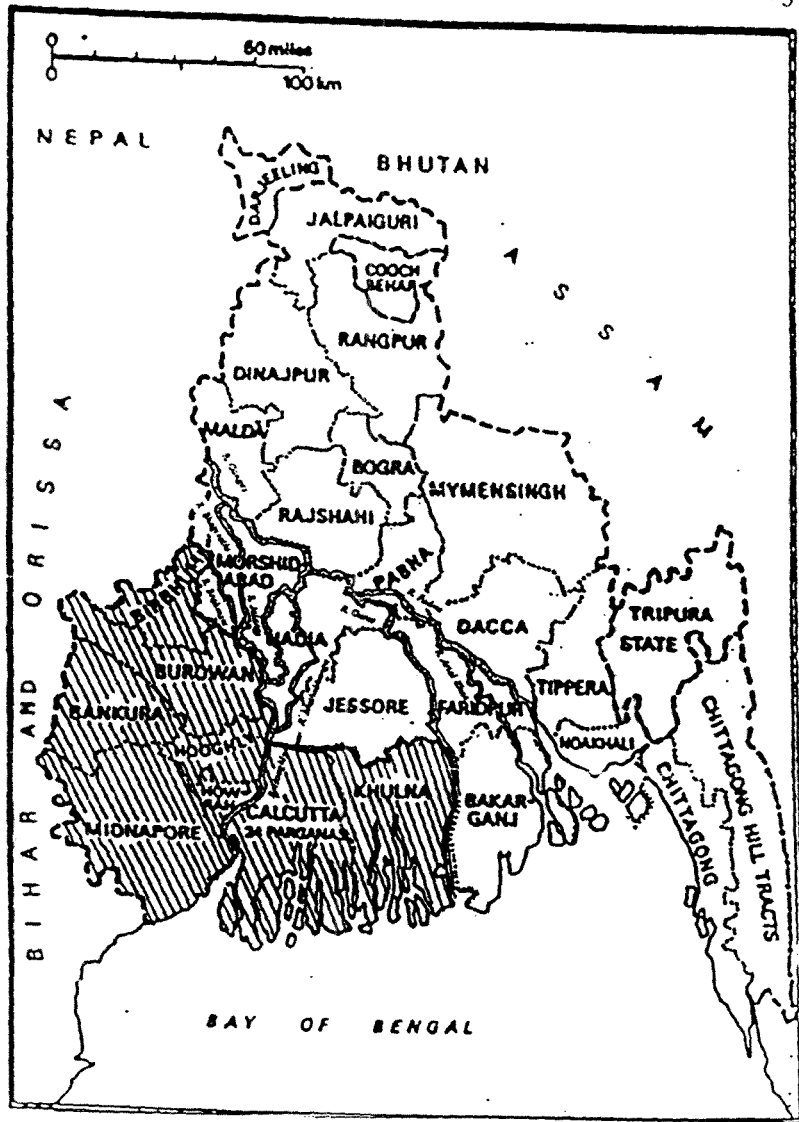
MAP-5
Source: Joya Chatarjee, *Modern Asian Studies*, Cambridge: Cambridge University Press, 1999).



Map III. The boundary line proposed by the Congress. (The shaded area shows the limits of West Bengal proposed in the Congress Scheme. The dotted area shows the limits of West Bengal proposed in the Congress Plan.)

MAP-6

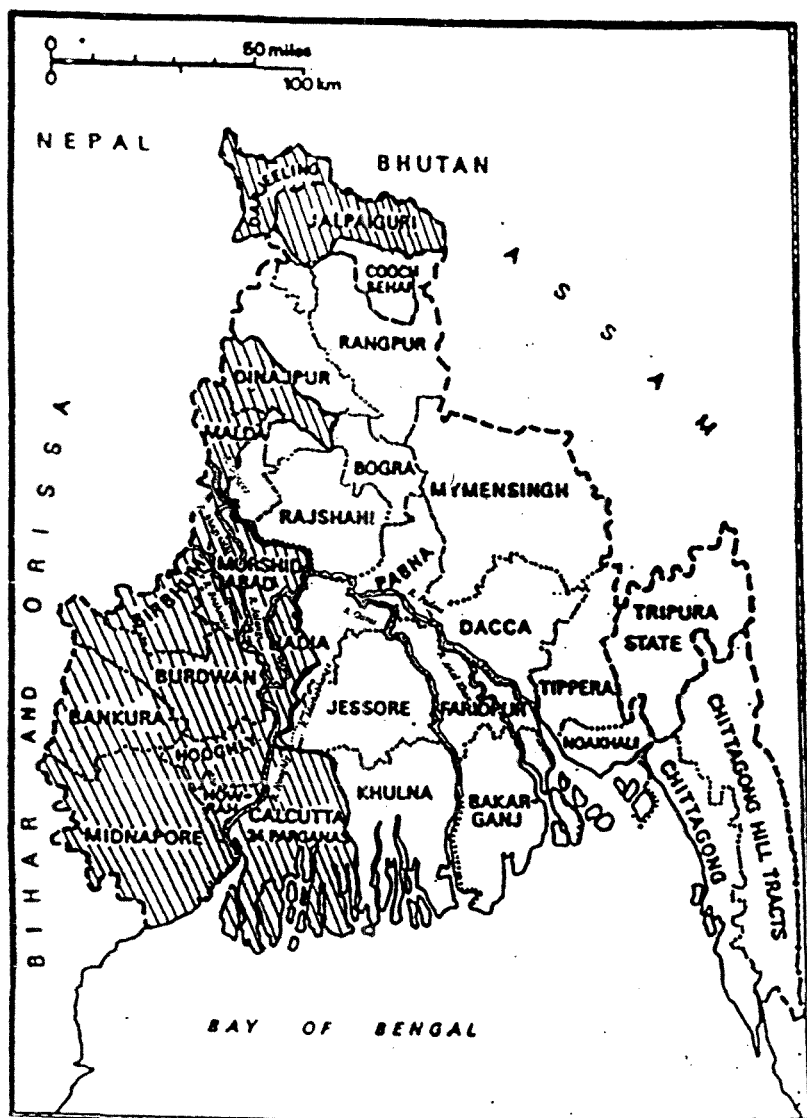
Source: Joya Chatterjee, *Modern Asian Studies*, Cambridge: Cambridge University Press, 1999).



Map IV. The boundary line proposed by the Jatiya Banga Sangathan Samiti. (The shaded area shows the proposed limits of West Bengal.)

MAP-7

Source: Joya Chatarjee, *Modern Asian Studies*, Cambridge: Cambridge University Press, 1999).



Map V. The Radcliffe Line. (The shaded area shows the territory awarded to West Bengal.)

MAP-8

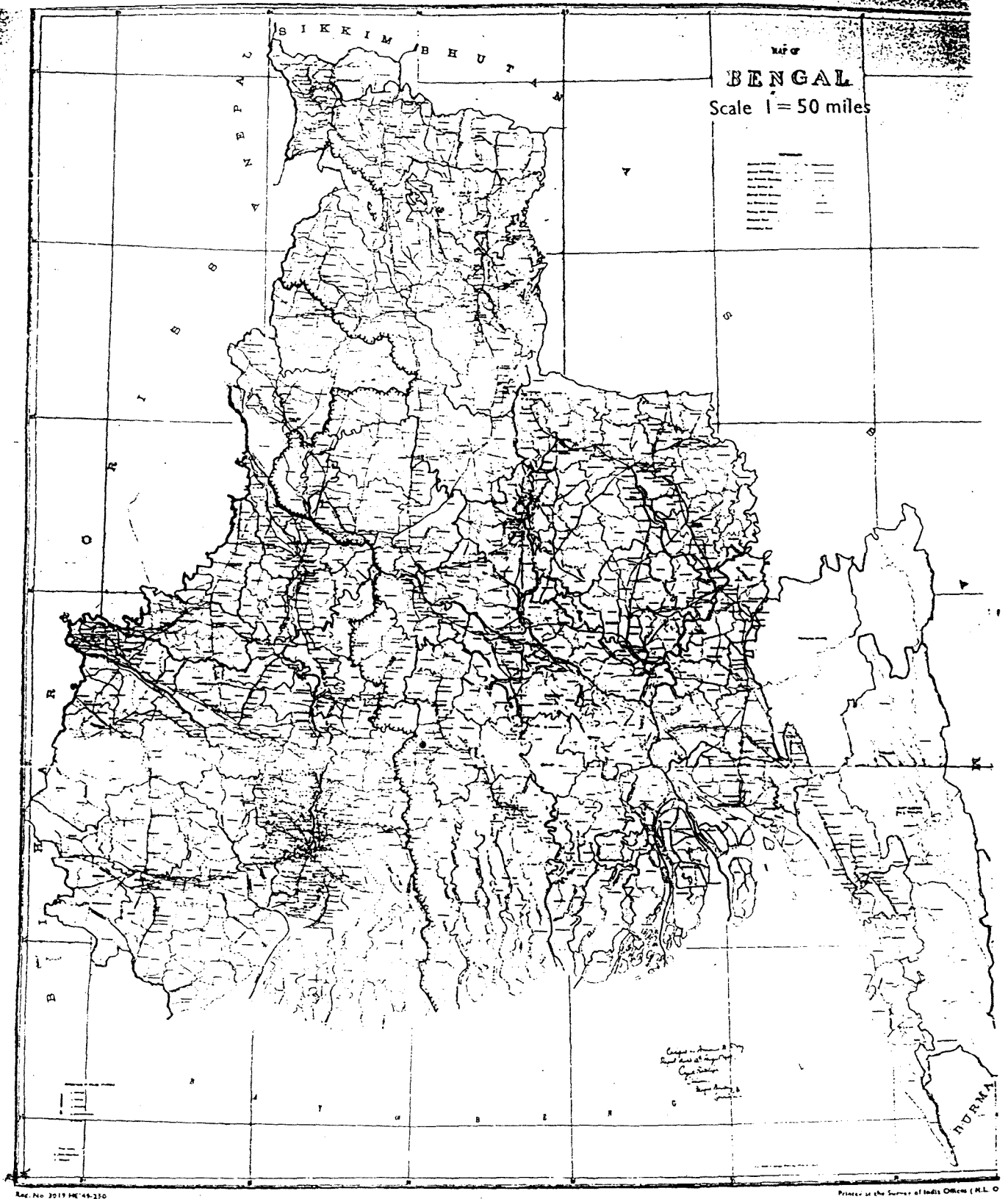
Source: Joya Chatterjee, *Modern Asian Studies*, Cambridge: Cambridge University Press, 1999.

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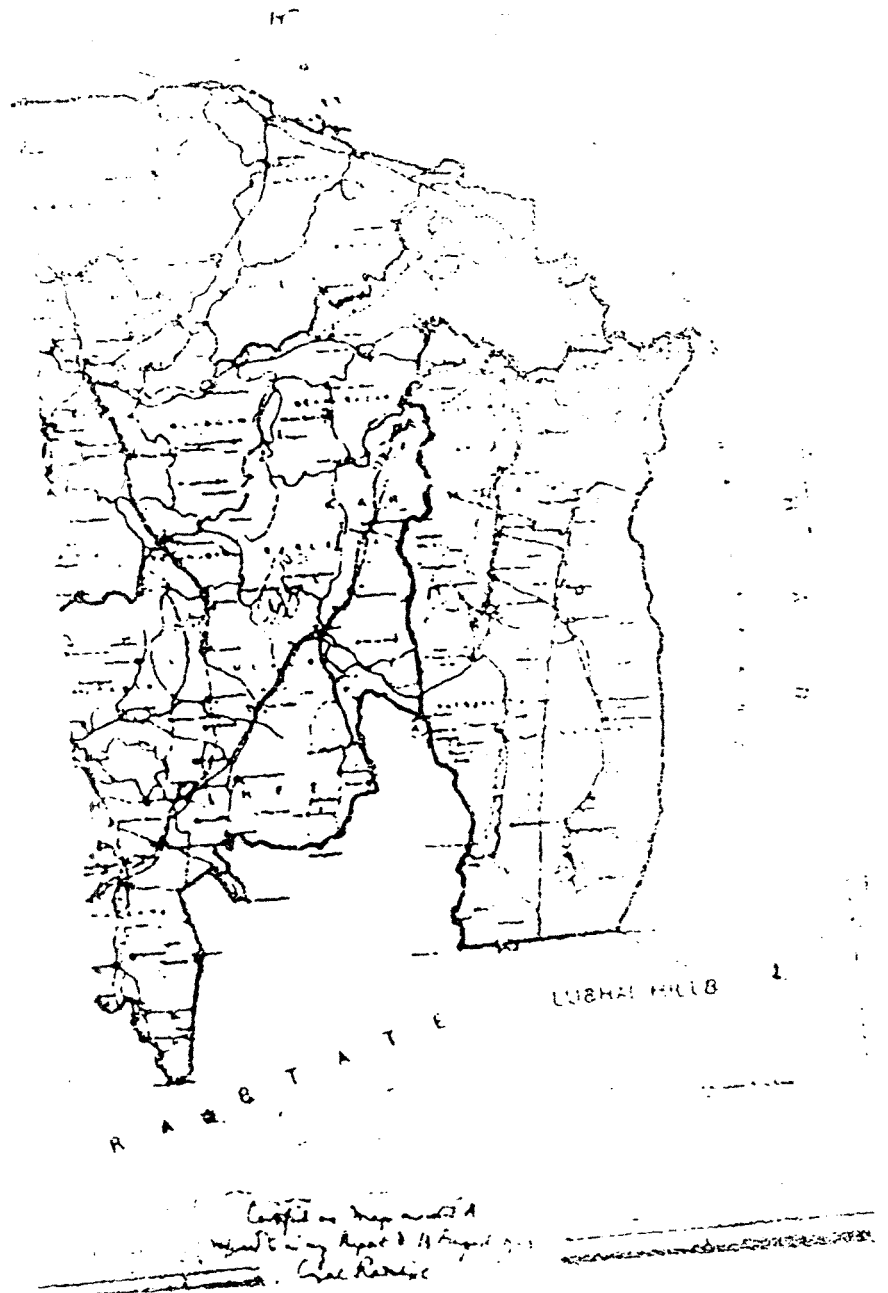
Printed at the Survey of India Office (N.L. O)

MAP-9

This is the particular Map of East and West Bengal boundary that attached with the Radcliffe Boundary Commission Report (Bengal Boundary Commission).

Source: *Partition Proceedings, vol. VI, Partition Secretariat, New Delhi, Government of India, 1950.*

MAP OF
SYLHET DISTRICT
Scale 1" = 50 miles

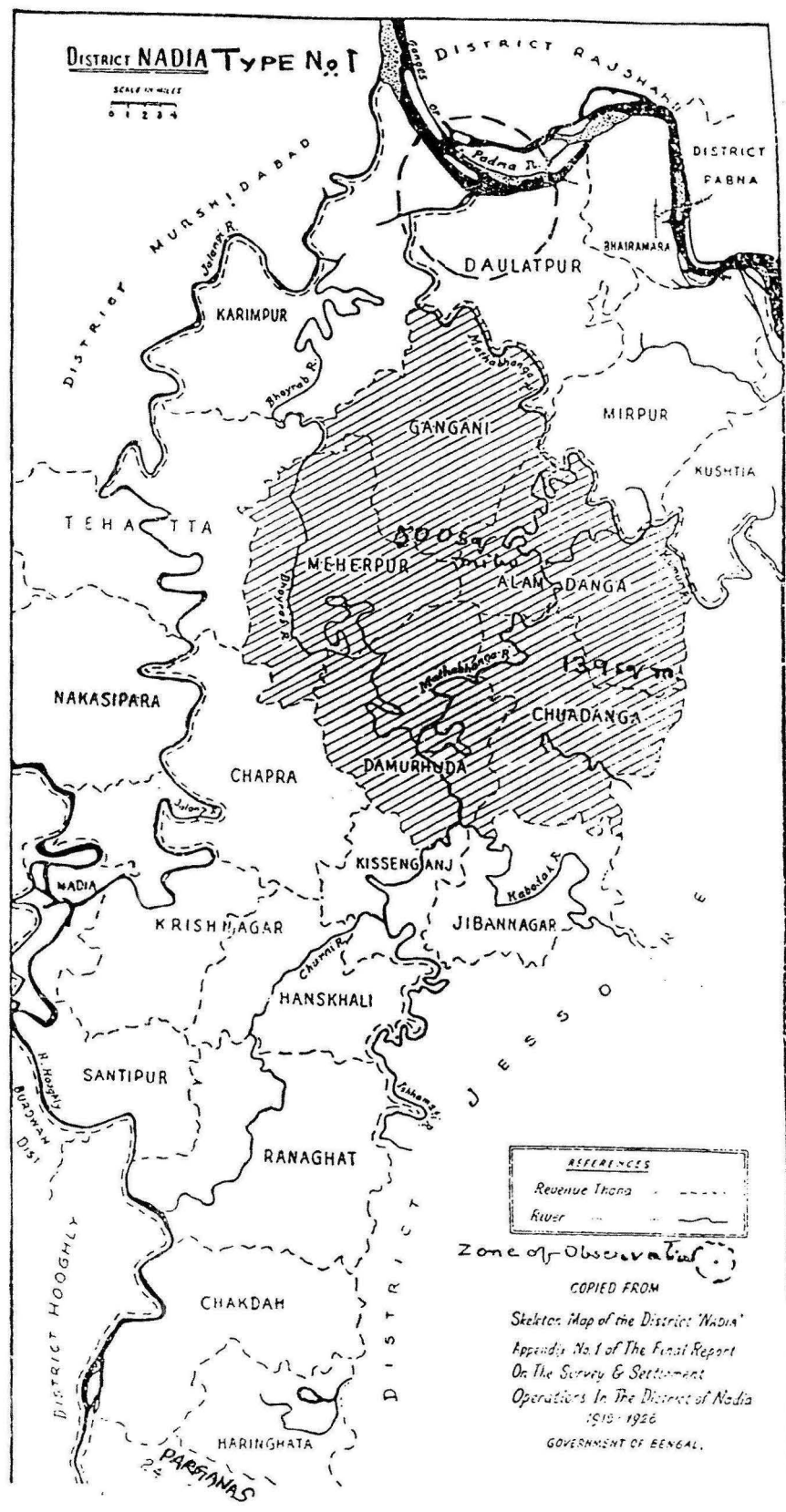


MAP-10

This is the particular Map of the boundary Sylhet District of Assam that attached with the Radcliffe Boundary Commission Report (Bengal (Sylhet) Boundary Commission).

Source: *Partition Proceedings, vol. VI, Partition Secretariat, New Delhi, Government of India, 1950.*

"the northern most point" on this map.

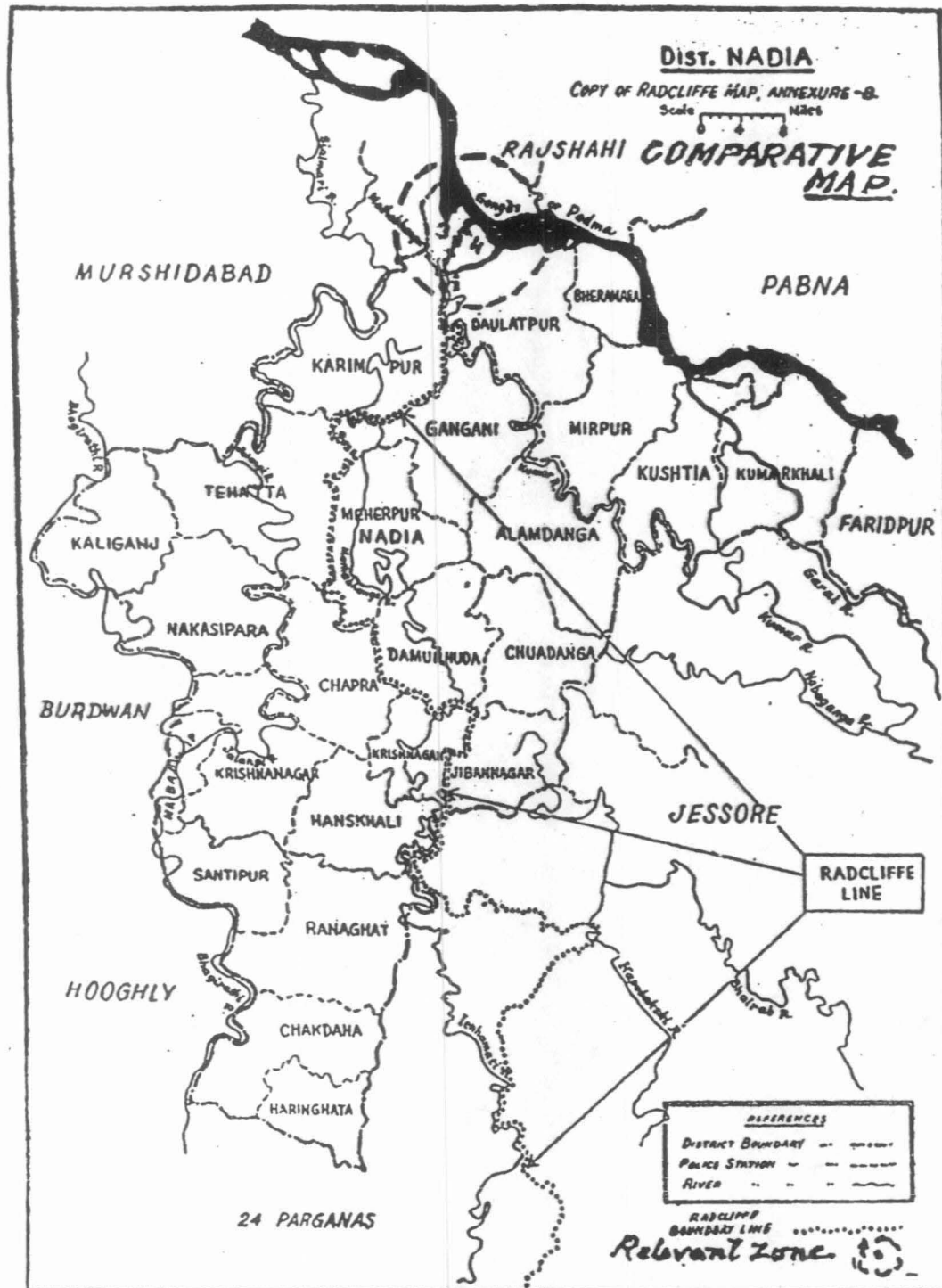


MAP-11

Map No. 11.
 Source: Radcliffe Award: A Tragedy in Execution (A Case for Re-Execution)—An Externe, Calcutta 1947.



See—The final map submitted for delineation without Mathabhanga from the Padma—Ganges. Compare—Type No. 1 See comparative map.
MAP-12 This is the Skeleton Map of the district 'Nadia' Appendix No. 1 of the Final Report of the Radcliffe Award. On The Survey & Settlement Operations, The District of Nadia. Source: Radcliffe Award: A Tragedy in Execution (A Case for Re-Execution)—An Externe, Calcutta 1947.



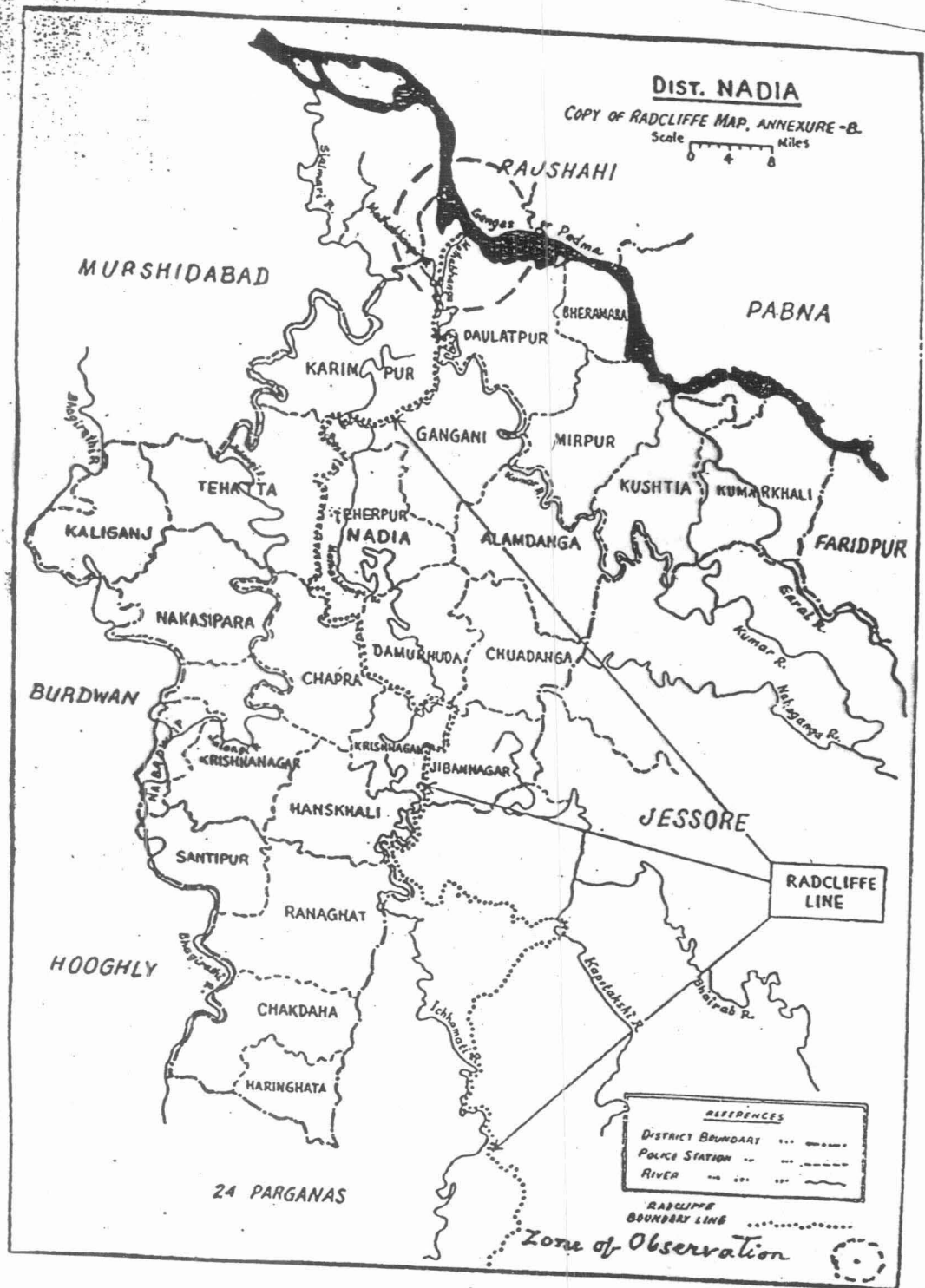
The area encircled by the rivers Jalangi, Padma, Mathabhanga is 34 sq. miles.

MAP-13

Radcliffe's supposed Mathabhanga lies between 3 & 4.

This particular Map is the Comparative Map of the Map No. 11.

Source: Radcliffe Award: A Tragedy in Execution (A Case for Re-Execution)—An Externee, Calcutta 1947.



MAP-14

This Map is the Final Map shows the Radcliffe Line.

Source: Radcliffe Award: A Tragedy in Execution (A Case for Re-Execution)—An Externee, Calcutta 1947.

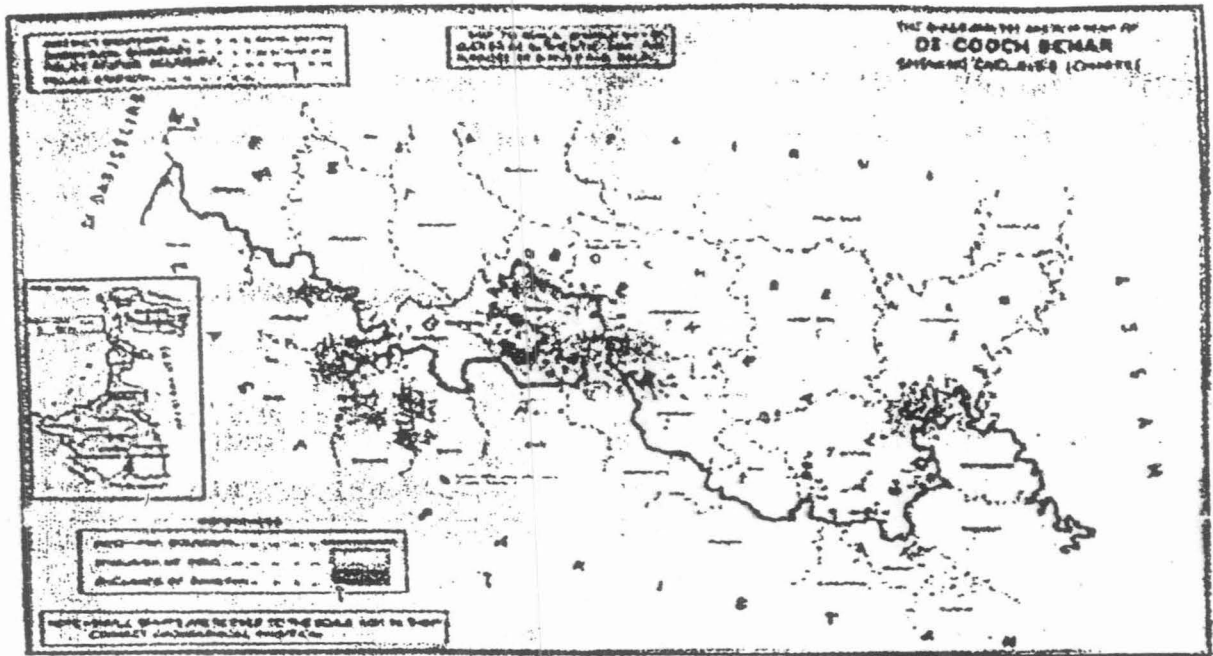


Fig-1: Enclaves on Indo-Bangladesh Border

Adverse possession mostly takes place due to the riverine nature of the border at certain places that leaves *chars* after the floods. There are 2,853.50 acres of Indian land under adverse possession of Bangladesh and 2,154.50 acres of Bangladeshi land is under adverse possession of India⁹ (Tables-1 and 2).

MAP-15

Source: N. S. Jamwal, *Strategic Analyses*, vol. 28, no. 1, January-March 2004.

The boundary in this area should be demarcated along the midstream of the course of Muhari 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 stabilise the river in its present course.

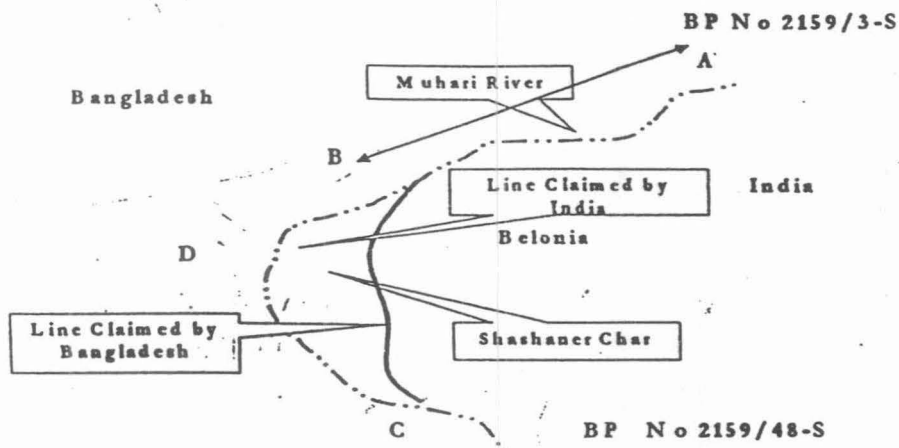


Fig-2: Muhari River Belonia Dispute

As per the present contention, India wants the boundary to be demarcated along the line A→B→D→C (new course of Muhari River) whereas Bangladesh wants it to be demarcated along A→B→C (old course of

MAP-16

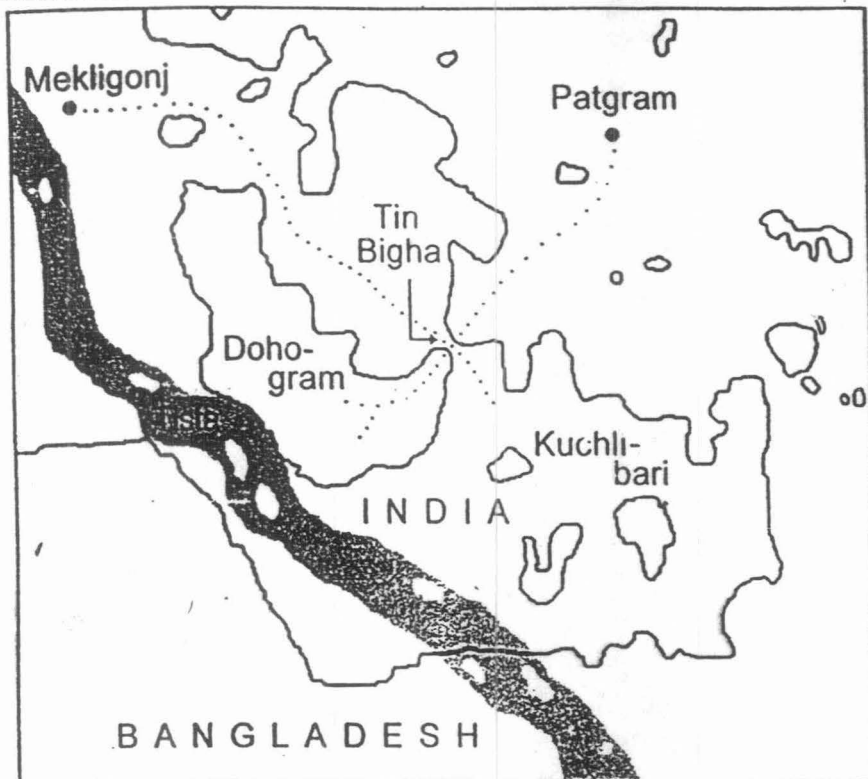
Source: N. S. Jamwal, *Strategic Analyses*, vol. 28, no. 1, January-March 2004.



Map 2 The Indian subcontinent on the eve of independence.

MAP-17

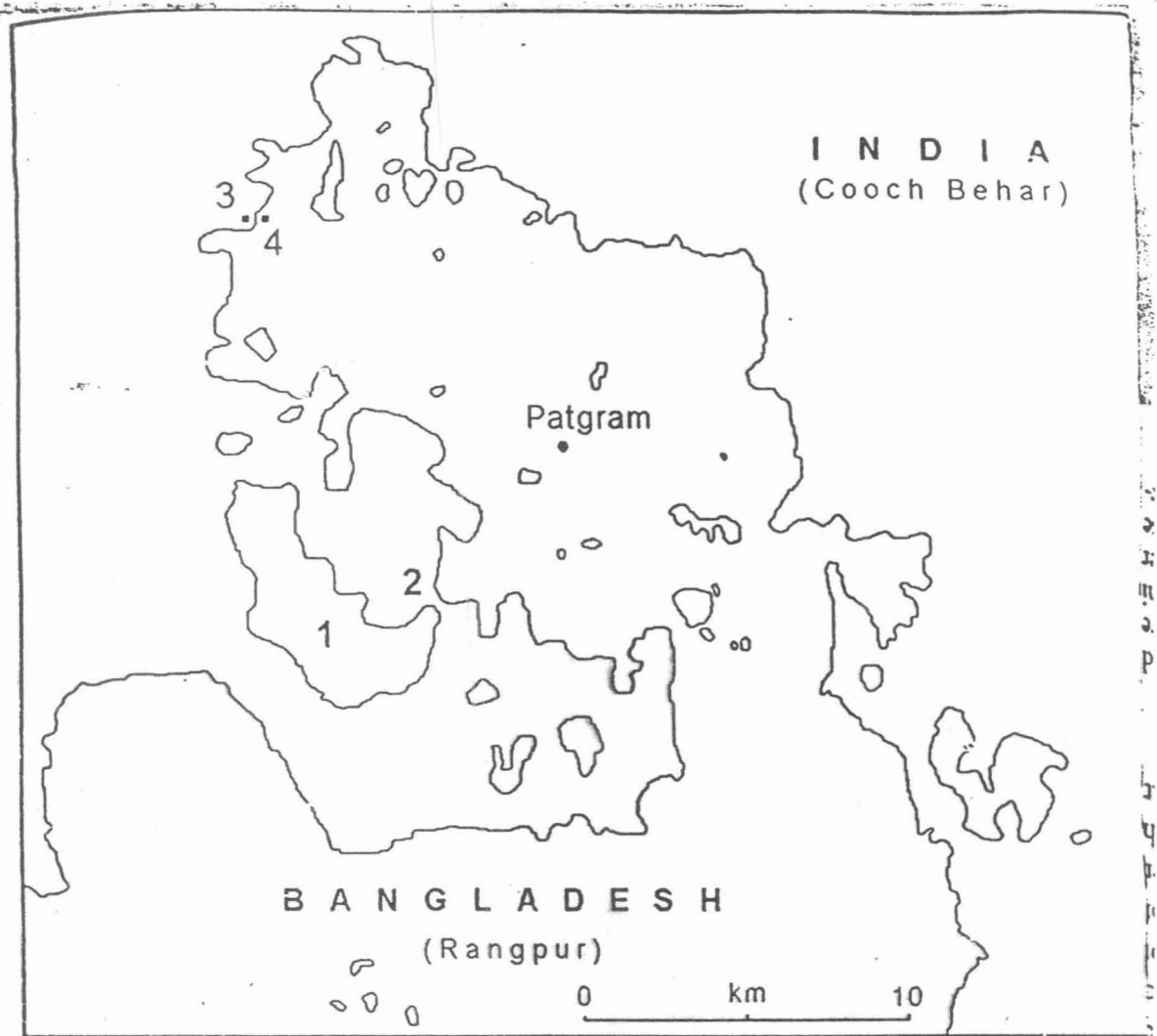
Source: Ian Talbot, *India and Pakistan*, New York: Oxford University Press Inc., 2000.



Map 3. Dohogram enclave and the Tin Bigha Corridor. The enclave of Dohogram, which belongs to Bangladesh, is separated from its "mainland" by a narrow strip of Indian territory known as the Tin Bigha corridor. Since 1992 India allows traffic from Bangladesh intermittent access to Dohogram.

MAP-18

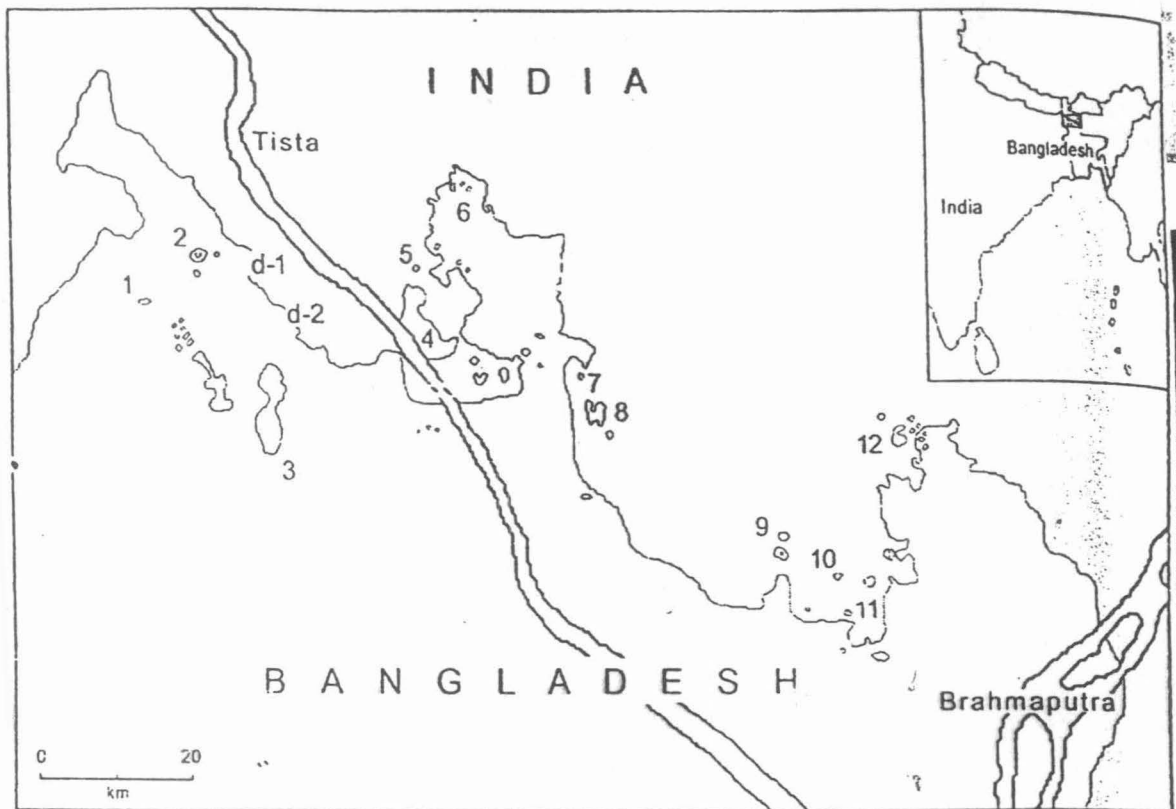
Source: *Williem Van Scendel, The Journal of Asian Studies*, vol. 61, no. 1, February 2002.



Map 2. The India-Bangladesh border at Patgram.
(1) Dohogram (-Angorpota) enclave (Bangladesh); (2) Tin Bigha corridor (India); (3) Chengrabandha (Indian border checkpost); (4) Burimari (Bangladeshi checkpost).

MAP-19

Source: *Williem Van Scendel, The Journal of Asian Studies*, vol. 61, no. 1, February 2002.



Map 1. The enclaves of the India-Bangladesh borderland.
Enclaves mentioned in the text: (1) (Chand Khan) Putimari; (2) Garati, Shahebbari/Haluapara; (3) Dohala Khagrabari, Balapara Khagrabari and Kotbhajni; (4) Dohogram (-Angorpota); (5) Dhabalshuti Chhit Mirgipur; (6) Bhotmari, Panishala; (7) Falnapur; (8) Nolgram; (9) Batrigachh; (10) Shibproshad Mustafi; (11) Karala; (12) Moshaldanga.
Disputed border areas: (d-1) Khudipara; (d-2) Berubari.

Map-20

Source: *Williem Van Scendel, The Journal of Asian Studies* vol. 61, no. 1, February 2002.

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