

**ENCLAVES ON THE INDIA-BANGLADESH
BORDERLAND: ISSUES AND POLICIES**

*Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirements
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MASTER OF PHILOSOPHY

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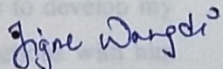
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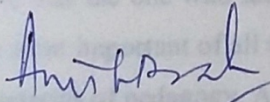
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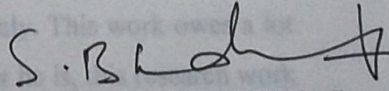
I declare that the dissertation entitled **Enclaves on the India-Bangladesh Borderland: Issues and Policies** submitted by me in partial fulfillment of the requirements for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. This dissertation has not been submitted to any other university or any other institution.


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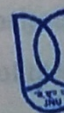
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“Mother Should I trust the government?”

-Pink Floyd

Chapter 1

Introduction

To begin with a rhetorical statement, it has been often said that almost all the existing nations functioning in today's modern day world system are 'imagined' communities (Anderson, 1983). This problematic imagination hinges itself on the assumption that every nation has for itself a well placed territorial homeland, a distinctive place, in the cartography of the modern day nation-state system (Krishna, 1996). Sankaran Krishna has labeled this problematic thinking by referring to as an obsession with the idea of 'divine cartography'. As our way of looking at the world is heavily blurred or rather defined by the European sensibilities of the times, the dominance of European cartography was only a logical corollary to the events that unfolded in the times to come. The European cartographic sensibilities, has always warranted the existence of well demarcated, properly situated nation-states as its constituents (Van Schendel, 2002). Any aberration from this idea of a well rounded territorialized space of nation-states has been considered to be an anathema to prevalent cartographic sensibilities. The most likely manifestation of this aberration and their non compatibility would be seen in the very denial of the existence of those spaces which don't conform to their professed ideals. The result being their non- representation of those significant 'aberrant' in the maps of nation-states.

Such a significant 'aberrant' has been a subject of this research work. As a matter of fact, there are spaces still existing in the world system, which have persistently challenged and critiqued the 'normalization' practices of the states. These are those spaces which don't easily conform to the state induced categories of sovereignty, nationhood, citizenship among many other categories by which the state make sense of the people as 'political communities' (Chatterjee, 2004). In the following work, these problematic spaces of contestation and subsequent denial have been referred to as enclaves. An enclave , simply defined is a part of one state territory completely surrounded by the territory of another state. Though simplistic in its definition and usage, it is the complexity surrounding the existence and functioning of these enclaves that has befuddled the borderland and social scientists alike. As for the purpose of this research, the eastern borderland of India which it shares with Bangladesh has been used as a conceptual entry point (Gellner, 2014). This borderland significantly has also been home

India – Bangladesh Borderland: An Overview



Figure 2: Undemarcated nature of India-Bangladesh border.

India and Bangladesh share a very long boundary of around 4097.7 kilometers of area (Ministry of External Affairs, 2013). Precisely, around five north - eastern states of India encloses Bangladesh on its eastern side, they being Assam, Mizoram, West Bengal, Meghalaya and Tripura. As far as the nature of the boundary is concerned, it is anything but a straight line (Van Schendel , 2002). Undulating topography marked by rivers, plains, hills and forests and in many places cultivation and human settlements mark the demarcated boundary between these two countries (Das, 2008). The boundary as one could infer, can also be referred to as a kind of ‘shifting boundary’ as there are still places where in the name of boundary, an unlikely stone pillar has been used as a marker (Van Schendel, 2002). The non presence of any state security apparatus in the area gives a free run to the inhabitants to till the land on the other side of the border as well. Similarly, borders are not properly demarcated in areas which pass through riverine areas. As most of these are seasonal rivers, depending on the monsoons, it frequently shifts its course which makes it very difficult to define the boundary between the two countries. This veritable shifting of borders creates a host of problems for both the countries. Issues ranging from illegal migration (migrants who take advantage of the improperly demarcated boundaries to come to India), cow smuggling and a number of

other illegal activities primarily of providing safe haven to criminals mark the disputed nature of the border (Jamwal, 2004).

As a matter of fact, there are still some boundary issues affecting the bilateral relationship between the two countries they primarily being:

1. Areas under adverse possessions.
2. Undemarcated areas to the tune of 6.2 Kilometers.
3. The issue of Enclaves (Ministry of External Affairs, 2013).

As the research work tends to focus on the third issue, a logical question that comes to mind is how these problematic spaces ever came into being?. Did the state play any role in their institution?. Even if it existed, why the state has failed to normalize the territories to their supposed 'mainstream'. Answers to these questions will be sufficiently dealt with in the upcoming chapters. However an important point that needs to be remembered is that most of these enclaves are located near the borderland. A significant caveat merits attention here. The location of the enclaves should not be confused with the location of borderland itself. Both are altogether different concepts engendering territoriality. While the former, can be located deep inside the territories of the respective states much farther from the borderland, the latter is primarily a political construct deployed to demarcate clearly the territories of the respective nation states.

As for the historicity of the boundary dispute is concerned, Van Schendel has perceptively observed that for many years since partition, any solution to the boundary issue has been seen through the perspective of an alleged idea of 'notional land losses'. Significant imageries employed by nation states has always sought to base its indigenous ideas of 'professed and cherished homeland' on a structure which is perceived to be well rounded , properly demarcated, and without any non-conforming spaces or edges : which in all likelihood is a picture perfect ideal for any nation state (Krishna,1996). It is with this penchant for a well-defined territorialized 'nation' and its ancillary concepts of an all-powerful state that has come to be challenged by the existence of enclaves. The study will make an attempt to understand the complexities involving the functioning of the enclaves, problematize the issue of enclaves within the broader framework of borderland studies, and discern the effectiveness and implementation strategies of government policy interventions pertaining to the boundary

dispute redressal mechanism and finally people's response who by the dint of fate had to live in these problematic spaces.

Conceptual Category of Border

At the outset it should be mentioned that, theories of borderland are an important aspect of this study. So a brief overview of the borderland theories won't be uncalled for in this context. To begin with, the first question that comes to our mind is that how the borders were perceived, when it was constituted for the first time? Firstly, when the concept of 'border' made its presence felt on the people, it was primarily seen as primarily a clear cut line depicted on the maps which were perceived as fixed and immutable (Newman, 2003). With the passage of time, particularly in the early part of the twentieth century, the world system was conveniently categorized into 'nation states' such that a distinctive character was given to each nation state in terms of a distinct economy, culture and society (Passi, 2011). The primary determinant for marking differentiation among the different nation-states was borders. The borders between the nation-states were perceived as a clear cut demarcator between cultures, economy and society. Any instance of overlapping was seen as an aberrant. The state by placing the security apparatus in the bordering region sought to check this overlapping of various facets of human existence primarily of societal, economic and cultural in nature on the other side of the borderland (Baud and Schendel, 1997). How far had the state succeeded in ensuring a watertight border is a very difficult question to answer particularly pertaining to the eastern borderlands of India? In my opinion, this act of using the state machinery of armed forces (paramilitary or otherwise) to induce discipline and cohesion in the bordering areas is at best an exercise in futility. As it becomes apparent with the passage of time, the political construction of border management only makes up for a fictitious category, as people living in those areas have always developed ingenious ways to circumvent or cross the other side of the border to carry on their everyday activities with much ease or even if it entails a threat to their lives (Jones, 2009).

Secondly, a potent question arises when one see a number of border/borderland theories competing with each other for acceptance either in its applicability or effectiveness in explaining the complexities surrounding the borderlands. Hence the question, can we have a common borderland theory? A credible answer to this question came from Passi when he observed that every border existing today has its own peculiar features,

semantics and modalities. Their contextual histories, utility of purpose, the politics of the times has to be taken into account to make sense of the bordering practices of respective nation state. However, much we critique the existence of borders as problematic and unnecessary we cannot deny its existence and its impact on the scheme of things: 'supranational'. In a manner of speaking, it would be more prudent on our part to look at the borders in a comprehensive and a broader context incorporating multiple features and categories namely: socio-economic and political features and its varied usages to explain its inherent dynamics.

Identities and State Practices

How do we correlate these two ideas of state's practices of authority and governance and identities?. Can they be mutually exclusive? What is the relevance of the state ascribed identities in making sense of the 'self'? These problematic questions have very difficult answers more so especially in areas like the enclaves.

As has been the case, the bare state tries to ensure its sovereignty on the people with the help of a conceptual tool of 'nation' and its accompanying idea of 'nationality' (Agamben, 2005). It is with the help of this tool it tries to homogenize the society as belonging to a particular nation state. By coming up with the idea of a common culture, religion or language it tries to make sense of its own self. In short, it tries to come up with a common though problematic 'national identity' to define itself with respect to other nation states. This feature of homogenization has been a regular feature of most post colonial nation-states. India and Bangladesh haven't been an exception to this rule either. As far as the concept of 'identities' are concerned, it is a multidimensional one. It encompasses multiple components from ethnicity, culture, religion, language to the state ascribed identities of nationality, citizenship, sovereignty among many other important concepts. For matters of convenience, this work deals primarily with the state ascribed identities. Questions like how the state's penchant to come up with a common national identity poses a hindrance to its definition of its own self as there are many constituents of population as seen in the case of enclaves which deny the nation state, its privilege of complete assimilation and co option?.

As far as the enclave residents are concerned, they have been depicted as having a fluid identity. It primarily meant straddling along different 'national identities' at the same

time. Categories like that of ‘proxy citizenship’ dominate the academic discourses on enclaves (Van Schendel, 2002). So, here we have a community of people who despite having a state ascribed identity of a legitimate nationality and citizenship are not having one in real terms. The notion of citizenship which comes up with a ‘nationality’ has been also assumed to carry some benefits to the people (Calcutta Research group, 2015). In the case of enclave dwellers, despite having the privileges of nationality they do not enjoy the benefits accruing from it. Throughout their existence they have depended on the social, economic and political infrastructure of the host state (Jones, 2009). It is with this thought in mind, one wonders what does the idea of a nationality of being an ‘Indian’ or ‘Bangladeshi’ mean to these hapless residents of the enclaves? How far economic benefits underwrite the usages of ‘nationality’ as a concept?. Enclaves can be exactly those places where these difficult questions can be attempted to be answered.

Problematizing Enclaves and its Historicity: A Political Perspective

Contextualizing the emergence of enclaves along the northern section of the India - Bangladesh borderland has often ‘not’ been the mainstay of area specialists and scholars of South Asia alike. The issue of enclaves often gets couched in the wider discourses of other bilateral issues affecting the relationship of the two countries of India and Bangladesh (Van Schendel, 2005). However, despite many deliberations and discussions, the very existence of multiple views on its origin, points to the complexity involved in the origin of the enclaves. Of the many contending views, one view propounds that the present day enclaves came into existence when the authorities during the partition years used the ‘territorial demarcation’ of the state of Cooch Behar (recorded in the year 1713) as the new borders between India and Pakistan after political division of British- India (Van Schendel , 2002). In all likelihood, this was the first instance where a problematic ‘boundary’ had been used to start the decolonization process in post British India. It was problematic because when the boundary was marked in 1713, no modern concepts of state territoriality or sovereignty were in prevalence. In this regard, how did the Boundary Commission headed by Cyril Radcliffe, used an ‘illegitimate’ discrete border (using the reference of European Cartography) to mark the boundary between the two newly constituted nation –states flies on the face of any logical rationale. Enclaves were a direct manifestation of this political and bureaucratic blunder which was to haunt both

the governments of India, Pakistan and later on Bangladesh for many years to come (Cons, 2013).

This problematic emergence of the enclaves and the complexity surrounding it have led to the people residing in those areas and government officials to believe in unsubstantiated folklores of the bygone era . For the enclave dwellers, the reason for their present predicament has been the reckless games of gambling that the local rulers of the area engaged themselves in. The local legend prevalent in the region observed that that when the local rajas would meet for their monthly sessions of spendthrift gambling, the losing Raja had to stake his territories where he ruled. Things had come to such a pass that after a point of time there could not be easy demarcation or identification of any territory belonging to a single ruler (Jones, 2009). It meant a situation of cobbled up territoriality where the concept of absolute sovereignty over a particular area was tested for the time being which led to a complex situation and dynamics.

Nevertheless, the idea explaining the origin of enclaves which got currency in the academic circles appeared to be more credible and of made more academic common sense. As Jones perceptively opines that after the signing of the treaty in the year 1713, the area under the operation of the treaty was not fiddled with for many years to come. The written rule under the treaty maintained that the mutual animosity would end and the new territorial configuration that would ensue will be ruled by the respective rulers of the region. It didn't lead to any significant changes in the lives of dwellers as it only meant changes pertaining to the document handling in the region as some residents would have to go to Cooch Behar and some to the Mughal dominated towns of Rangpur. As it happened after some time with the onslaught of colonialism and imperialism, the colonial masters took control of the mighty Mughal Empire but didn't bother to disturb the stability in the princely state of Cooch Behar. The ambiguity surrounding the whole process of enclave formation along the Indo- Bangladesh borderland can only be ascertained from studying the still contested and evolving terrain of decolonization processes which began after the partition in 1947(Van Schendel,2002). As has been the case elsewhere, most of the newly independent states of the period decided or were forced to keep the pre-existing boundaries as their new post colonial borders. However, the newly constructed states of India and Pakistan were unlike newly independent countries where a completely new bordering project had been instituted under the aegis

of Sir Cyril Radcliffe. The enclaves were supposed to be created at that incipient or the tumultuous phase of decolonization. As the events of partition unfolded itself, the eastern section of the East Bengal was made a part of the state of Pakistan supposedly united by the ties of religion of the people in the area. The newly instituted border between India and Pakistan was drawn by a commission which happened to finish its mandate much before the stipulated time (Chatterjee, 1999). The fact that a decision of such magnitude was so hurriedly taken only points to the ineptitude and the irrational political pragmatism of the commission under question. Moreover as Joya Chatterjee reminds us, the commission undertook no field surveys but rather based its entire report on decrepit and old maps of the districts concerned. It is this haphazard effect of partition which manifested itself in all the land boundary disputes that was to embitter the bilateral relationship between the two countries in the times to come. Significantly as Schendel reminds us that it is in these disputed regions of the boundary, the political spaces of enclaves were to be located. For him, the multiple and contingent processes of colonial, post colonial political developments were to further complicate any forthcoming solution to the land boundary problem (Van Schendel,2002).

Post Independence Scenario: Policy Interventions

An interesting aspect which needs to be mentioned is the fact that the Governments on the respective sides were very much aware of the boundary dispute emanating from the faulty awards of the Boundary Commission. One wonders why they didn't nip the problem in the bud itself especially at the time when they were giving approval to the recommendations of the Commission. However a sense of better wisdom did prevail over the Governments of both India and Pakistan post partition. Following independence, the authorities in both India and Pakistan immediately acknowledged the boundary issue as a significant bilateral problem and they started to work on the modalities and semantics of solving them. The first sign of any credible effort was seen in the signing of the Nehru – Noon Agreement of the year 1958 (Ministry of External Affairs, 2013). The agreement was the first amongst the many other significant policy interventions which were to come in the passing years. Unfortunately, however good the intentions were of the Accord, it faced a rough patch in India. Much litigation against the executive order of the Nehru Government was filed in the Supreme Court. The very idea that in the event of any exchange of lands, India only suffers to lose didn't go down with the votaries of nationalist organizations. Two issues were of particular importance in this regard:

- The Issue of Berubari Union No. 12.
- The Issue of Enclaves.

For matters of convenience and relevance, that aspect of the accord which affected the enclave dwellers would be taken into account of. However the two issues should not be seen as mutually exclusive to each other. As events unfolded and the Supreme Court ruled in favour of the exchange of the disputed lands on 29th March, Bangladesh had declared its independence from Pakistan later that year and the agreement had to be renegotiated with the new government of Mujibur Rahman. The new agreement was signed in 1974 which came to be famously known as Indira Mujib Land Boundary Agreement of 1974. However a brief over view of the dispute concerning Berubari is warranted here. The problem pertained to the location of Berubari, a small territory whose location in the maps of the Commission was incompatible to the text of the award. The text of the award observed that it was to go to India but the map showed it as part of Pakistan (Chatterjee, 1999). So far as the 1958 treaty is concerned, it sought to solve the Berubari issue once and for all but however for the contingencies of the time it couldn't be solved. Another opportunity presented itself in the event of the signing of the 1974 Land Boundary Agreement. The agreement observed that the whole of Berubari should go to India to equalize the land difference India would accrue in the case of enclave exchange. Bangladesh did pass its own side of the agreement by transferring the entire territory of Berubari to India. However India did not fulfill its share of the deal. The issue had been hanging in fire since then. As was the case, despite the ratification by the Bangladeshi Government of its part of the deal, it cannot be notified and thus could not be gazzetted to allow legal transfer of territories under consideration (Cons, 2011).

Similarly in India, the Indian Government had to make an amendment to the constitution as it involved cessation and acquiring of territories. The issue of enclaves like all intractable problems afflicting the bilateral relationship between the two countries went through its own high and low troughs. And even when the issue was brought to the political table, it sought to focus only on the two prominent Bangladeshi enclaves namely Dahagram – Angorpota and its connecting lane (linking it to one of the districts of Bangladesh) referred to as the famous Tin Bigha Corridor. On paper although the fate of many enclaves were discussed, the issue of Tin Bigha Corridor connecting the two largest Bangladeshi enclaves of Dahagram –Angorpota with the Bangladeshi mainland, loomed large, ignoring the fact that these were just two of the one hundred and sixty two

enclaves spread along the India-Bangladesh border. These lacunae also had its serious counterpart in the academic and policy making circles, where they sought to focus only on these two aforementioned enclaves, relegating to oblivion the other 160 enclaves.

Despite these problems, another promising attempt was made during the Man Mohan Singh's (India's the then Prime Minister) visit to Bangladesh in September 6, 2011 (Ministry of External Affairs, 2013). The signing of the Protocol to the Land Boundary Agreement was a much feted event in both the countries. However the same problem of the lack of political will afflicted the signing of the agreement. So what one can possibly see is that despite some concessions provided by the Government of Bangladesh, the Indian parliament has not ratified the agreement. The fate of the enclaves is still in doubt 41 years after the India-Bangladesh treaty, 57 years after the India-Pakistan treaty, and 66 years after the creation of the enclaves. Truth be told, as far as the enclaves along the India- Bangladesh borderland are concerned, the respective countries had never any real or tangible control, let all governance over the supposed territories of its own self. Moreover as some research on the enclaves has shown, the land in the enclaves are an economic non entity, and thus not a potent economic asset that can be exploited in future or at present (Jones, 2009). One wonders if this could be the possible reason for the non resolution of the enclave problem. However an interesting aspect to the issue is added when Jones remarks that almost all the Muslim residents residing in the enclaves of the Bangladeshi side have turned in to protect themselves from the persecution of the Hindu majority in India. As it appeared, the gift of the partition, proved to be too bitter for the enclave dwellers as it is practically in those regions where the land boundary is most fuzzy and problematic in nature and the impact of partition, the worst.

Domestic Politics and Sovereignty: It's Impact on the Enclaves

Does the domestic politics impinge on the idea of territorial sovereignty that particular nation-state embodies it in its foreign policy?. Simply defined, sovereignty can be said to mean a popular acknowledgement of a state to exercise its control over a territorialized space which it can claim as its own (Prokhovnik, 2007). Even the most recent critical discourses on the idea of sovereignty tend to focus on the appellation of an autonomous juridical spaces or a world compartmentalized into clear cut boxes of nation states (Murphy, 2005). However as far as the sovereignty question is concerned in the enclaves

it can be said to be having one metaphorically. The pre colonial, colonial and post colonial developments sought to have differential impact on the evolution of enclaves (as a political entity), it cannot be said that a single sovereign had a complete control over the territory. As during the colonial period, it was the Maharaja who ruled the area, post partition the sovereignty was divided between the newly independent states of India and Pakistan (Samaddar, 1999). However none of the states could actually operationalise their sovereignty on the ground as most of the enclaves were located deep inside the territories of the host state. So technically, most of the residents of the enclaves were stateless. As states could not carry on any of the functions ordained on the 'sovereign' due to its inaccessibility, they were left to fend for themselves. It is in these problematic spaces where the negotiations were carried out with the states, with its own 'self', and with their own immediate neighbors just to make sense of their existence.

So since its inception, the enclave dwellers had been living a life of pitiable existence. An existence marked by the absence of basic amenities let alone the presence modern tools of governance in the region. In the absence of governance, all the state ascribed identities were loosened, its structure becoming malleable and thus no clear cut state ascribed identity could ever be developed in the enclave region (Van Schendel, 2002). The residents apparently came up with a lot of alternatives to make sense of the vacuum that they have found themselves in. The idea of being a Chhit (enclave) resident rather than being Indian or Bangladeshi was to take much prominence in this scenario.

In this scenario, how are we to understand the sovereignty claims of the respective states on the territories over which they never had any real control. An idea borrowed from the likes of Carl Schmitt and Giorgio Agamben might be helpful in this regard. Schmitt came up with an idea of state of exception an idea which finds an immediate resonance in the condition of the enclave dwellers. By the state of exception, Schmitt meant that that law of the land would make its presence felt by suspending its operation in the area thereby enforcing a perpetual situation of emergency. No doubt that during the peace time, the enclave dwellers completely based their existence on the on the infrastructure of the host state but it was during the time of violence or emergency the sovereignty claims of the respective states could be tested at its best (Agamben, 2005). It is during those times of violence and arson, the real helplessness and statelessness of the dwellers can be seen and felt. Left to their own device, they would have to negotiate within

themselves to solve the problem. No state presence in the enclaves only made matters worse. The result being the frequent killings, destruction, and arson reported in newspapers which left in public memory a small tinge which was to be forgotten the other day. Even the wide spread network of the so called 'active civil society' of the respective nation states of India and Bangladesh were not interested in the issues and the problems faced by the enclave dwellers. The sorry state of affairs can be gauged from the fact that even after 67 years of independence, not many people in these two nation states are aware of the presence of such problematic territorialized spaces called enclaves(Jones,2009).

One reason for the non resolution of the enclave problem might have been the role of domestic politics of countries in influencing their respective foreign policy. As has been corroborated by scholars of international relations, the foreign policy of any country has been very directly influenced by the local politics within the country. Its response to foreign issues are very much calibrated and modulated to suit the requirements of its domestic constituents. As an election in any country primarily involves number games, no party can afford to antagonize the domestic constituents in the country (Pant, 2009). Thus in the case of land boundary agreement, it becomes paramount to analyze the domestic components in both the countries and its respective role in doing or undoing the policy interventions of the times in which they were enacted or were implemented.

In the case of India and Bangladesh, the domestic determinants of foreign policy can be seen in the case of the parties in power, the strength of the opposition as a pressure group to influence decisions, the state governments and the role of civil society if it exists. Secondly, although both India and Bangladesh are independent sovereign entities, there is a classical case of power asymmetry seen between the two. India by the very dint of its size and economy might not be as receptive to the needs of Bangladesh as it was supposed to be. Bangladesh apparently knowing the nature of this asymmetry would likely to be using its possible bargaining power to solve other problems rather than disturb the status quo in the enclave region (Jones, 2009).

Perhaps, a brief look at the official response of one of the Members of the Parliament representing the Cooch Behar region (which inhabits a number of enclaves) might help us in gauging the official mood on the enclave issue. As the cause put up by the

Government for non ratification of the LBA rests primarily on technical grounds this is what Shri Vinod Khanna had to say about the issue:

“As far as the exchange of enclaves is concerned it is waiting for the completion of the findings of the Joint Boundary Working Group(JBWG) instituted between India and Bangladesh borderland which is a procedural necessity for the implementation of the Land Boundary Agreement of 1974(Jones, 2009).”

As Jones remarks, although the ground as mentioned by the Cooch Behar M.P was technically correct, it smacked of impropriety on the part of the Indian Government. Particularly one instance is of importance here, one was the issue of Tin Bigha Corridor, a 175*85 meters of land required by Dahagram and Angorpota (two largest enclaves of Bangladesh) to reach the Bangladeshi mainland which despite its presence as one of the components in LBA was solved in 1992. Secondly, even the issue of South Berubari can be a potent example where administrative control was completely given to the Indian state after the signing of the LBA in 1974.

Idea of loss of Land

Another major issue which has been obstructing the ratification of LBA has been the issue of a notional loss of land. As for the statistics of loss is calculated, India stands to lose around 17,160.63 acres and in return gain land of about 7110.02 acres (Ministry of External Affairs, 2013). However the issue of unequal loss of land was already addressed in the Land Boundary Agreement of 1974. By transferring the complete territory of Berubari to India, Bangladesh sought to equalize the loss that might accrue to India with the possible exchange of enclaves.

As has been mentioned earlier, Jones argues that majority of the residents of the enclaves had left India particularly to save themselves from the persecution of the Hindus in the region. So it is quite unlikely that they would be coming back to India in case of exchange of enclaves. So how does one explain this concern with the loss of land in the case of India? Krishna observes most of the post colonial states suffer from what he calls with the complex of ‘cartographic anxiety’. It means that India has been obsessed with the idea of a fixed territoriality. Any change in the dynamics of the borders is looked upon as a sign of a weak state. It’s primarily the nationalist imagery which was formulated during the colonial period which was to stay and create troubles for any

possible reterritorialization in the near future. This had long concerned for stability which almost amounted on rigidity has its source in the image of a 'mother India' whose body embodied the complete territory of the modern day South Asia comprising India, Bangladesh and Pakistan (Ludden, 2005). This idea particularly came to be known as the idea of 'Akhand Bharat'. This idea of Akhand Bharat received a severe jolt with the onslaught of partition. This only went on to strengthen the rigidity of the nationalist enthusiasts of post colonial India to cling to their rigid notions of territoriality.

Images of severed limb of 'mother India' , which was resulted by the onslaught of colonial depredations and the sycophancy of the Congress leaders were frequently invoked to deny any agency to the idea of any further division of land ,even in those territories over which it has notional control. It is because of this line of thinking, the enclave issue could not be resolved. As it was shown with the passage of time, even a faint idea of an exchange of land led to disturbing demonstrations and threats that had the propensity to escalate into large scale violence. A glaring example can be seen when there were talks of opening the Tin Bigha Corridor for the enclaves of Dahagram and Angorpota to connect it to the mainland Bangladesh (Cons, 2011). All those state particularly Assam which happened to lose land were in the forefront of the agitation. In India, the so called nationalist responsibility had been taken by the right wing party of Bharatiya Janata Party. Its precursor the Janata party also did the same when policy interventions like LBA or the Nehru Noon Agreement were being deliberated or discussed on.

Enclaves and Modernity

In the twentieth century of modern day nation state system, ideas of 'modernity' encompassing other relevant ideas of development namely democracy and welfare state were very much in prominence and vogue. Every first world state seemed to adopt these categories as a marker of development and prosperity in the region (Deshpande, 2003). True to their nature, almost all the post colonial states internalized these categories and made it as a parameter for themselves to analyze their own level of 'development'. The struggle for nation building in most of the newly independent states has been the struggle to achieve modernity for itself in every domain of governance and in improving the lives of the people to mark itself as a welfare state. For purposes of clarity, I have used the idea of modernity in a very narrow sense of the term. In this case, it primarily means the

ability to attain a basic sense of development and well being that would accrue to an individual when given a decent opportunity to live a decent life.

Thus it is in this context we have to analyze the lives of the enclave dwellers with respect to the modernity unleashed by the state. Although besides definitional issues of modernity, how does modernity percolate to areas as problematic as enclaves (even if it ever reaches). What does modernity mean to them?. Do these big ideas of first order countries would ever be seen in enclaves?. It would seem at first instance, for people living in enclaves who are devoid of basic necessities can ever conceptualize these ideas. But as I will chronicle in my research work, how alternative sense of modernity can be seen in the functioning of the enclaves. From organizing small level village councils devoid of any financial backing, to establishing of autonomous systems of governance or even the hazardous acts of stealing electricity from the neighboring villages, all these point out to a desire of living a decent life without the active participation of the state.

It was believed that post partition; the newly constituted welfare state of India would disburse its duties properly by providing all the basic amenities of life for a decent living to the political community which was now called 'independent India'. Unfortunately, as events unfolded, development did happen in a particular part of nation state, but not where it was required the most: i.e. all the bordering areas which were the real bearers of the onslaught of partition. No one bothered to placate the borderland people, their fears, and their needs, nothing of that sort was taken care of. So what did independence meant to the residents of the enclaves? Was partition over for them?. Would the currents of modernity every touch them and most basically how are going to survive the indifference of the state.

A sad epitaph would be written for the Indian and Bangladeshi government, someday when an enclave dweller would write their history of their own. It was an ironical twist of history that the post colonial state of India internalized the very racial thinking that the colonial government constructed to serve its administrative purpose vis a vis its demarcation of border on the eastern side. Images of 'savage', 'child like', and 'natural' were frequently made to make sense of the population in the eastern borderlands. Post independence these categories were couched and made more subtle by using the appellation of 'security' to justify its bordering practices. No doubt to maintain a semblance of sovereignty, a country needs a strong security apparatus. India was not an

exception to this rule. It unleashed on the borderland region, an intimidating security apparatus who were prone to bribes, extortion and as Schendel has remarked, they operated by institutionalizing a 'rifle Raj' in its territory. How far these security forces succeeded in carrying out their proclaimed duties can altogether be written a topic of a different research work.

As was expected post independence, there would be a veritable transition from the oppressive regime of colonial times to independent modern state which would be the harbinger of modernity in the truest sense of the term. It also meant the reconceptualization of identities at different planes and levels. For instance the notion of citizenship would also be undergoing a qualitative change from 'subject' to being respective 'citizens' of the state. A citizen who in all facets, would be entitled to many 'rights' and privileges that respective nation state offers. Right to life and dignity being the most important ones.

The post colonial state in order to give a cohesive structure to its territoriality comes up with a host of marking devices which seeks to place artificial divisions even in those areas where it never existed (Van Schendel, 2002). Security tools like fences, patrols are frequently deployed in bordering regions, thereby forgetting the fact that until recently the people on the other side of the border were the very same people with whom they lived their entire lives. The construction of the 'artificial line' called border made matters worse and troublesome.

It is with this background in mind, the researcher undertakes a journey to understand and sift through multiple interpretations of the lived experiences of people in those trouble spaces. It is in these spaces, the rigid, inflexible conceptual categories of nationality; citizenship would be tested and critiqued upon. It is the very existence of these spaces which provide a very solid discursive base to understand the proclaimed and clear cut interlinkages between nation, territoriality and sovereignty in India and Bangladesh alike.

Objective of Research

In a manner of speaking, the objective of this research work would be dealt with, primarily at two cognitive levels. The first level pertains to understanding and conceptually analyzing the various definitions, meanings of being an 'inhabitant' in an enclave region. What social life do these inhabitants develop is the most important aspect

of the research undertaken. The study would further delineate and interrogate the various conceptual categories of identities, citizenship and nationality and territorial ideas of nation state and analyze its applicability in the enclave region. The study then aims to juxtapose these findings with the problematic nature of decolonization and nation - state formation in the South Asian region. Correspondingly, it will also attempt to sift through multiple levels of negotiations that enclave dwellers have to undergo with respect to their host nation -states, to make sense of their problematic location in the enclave region.

As per the second level, the research work will primarily undertake a critical understanding of the three policy interventions namely Indira-Noon Agreement of 1958, The Indira Mujib Accord of 1974 and the 2011 Protocol to the Land Boundary Agreement as to account for the delay in coming to a settlement on the issue of boundary demarcation between the two nation states of India and Bangladesh.

The questions which will be dealt in this regard are as follows:

- 1) How did the Boundary Commission instituted under the aegis of Sir Cyril Radcliffe sought to demarcate the boundary between the two independent nation states of India and Pakistan?. What was the basis of such division?.
- 2) How did the socio-political attributes of the enclaves and its inhabitants came about in the post partition years of 1947 affected by the faulty nature of Boundary Awards?.
- 3) The study will make an attempt to interrogate into the watertight conceptions of ascribed identities imposed by the state like citizenship, nationality on the inhabitants of the enclave.

As far as definition of the research puzzle is concerned the study would attempt to problematise the various interlinkages between identity formation debates and borderland discourses of the enclaves along the India- Bangladesh borderland. Understanding the negotiations of the enclave dwellers with the states of both the countries would be an important aspect of the study. The policies of the state vis a vis enclave dwellers, if there exists any would also be looked into. The efficacy, validity of the state ascribed identities on the enclave dwellers would also be studied.

A critical appraisal of enclaves located on the northern part of the India- Bangladesh border entails the following rationale: From critiquing the normative or conceptual

notions of state sovereignty which is considered to be absolute, the study in enclaves might also facilitate in understanding the evolution of multiple identities (if any) which might be different from the ascribed identities that the notion of 'state' and 'nation'. Secondly, the political fact that the enclaves under consideration, were the recipients of various time periods –pre-colonial, colonial and modern times, a study on how these changing circumstances might have impacted the formation of identities of the self would be an interesting project to ponder upon. Thirdly, apart from the theoretical assurance of it being its part, how does the state come to terms with the fact that they never had any real tangible control over the enclaves? Do the state have any incentive in being bothered about the residents of these enclaves?. All these ruminations have undergone into the making of the rationale for studying the political enclaves.

As far as the scope of the study is concerned, the research work would take into account multiple conceptual categories of citizenship, sovereignty, nation, nationality while analyzing formation of identities in the enclave region along the northern regions of Indo-Bangladesh borderland. Problematising the relationship between state and the enclaves has been the major objective of this study. Besides being an important bilateral issue, the study in many ways add to the limited literature on the socio-political understanding of the lives in the enclaves.

Research Methodology

The research work would employ multiple conceptual categories of citizenship, nationality, territoriality and sovereignty borrowed from other sister disciplines to understand the inner modalities and dynamics of the enclave region. The study would be taken entirely on the basis of available although limited secondary literature for purposes of analysis and research. Of the many sources used, the ones mentioned below are the most important:

- Important Policy interventions like Nehru-Noon Agreement of 1958, Land Boundary Agreement of 1974 and the Protocol to the Land Boundary Agreement of September, 2011 and the recently concluded Letters of Exchange, 2015.
- Ministry Of External Affairs, Government of India: Documents pertaining to some high level visits between these two countries.

The study undertaken would primarily be analytical, qualitative as well at the same time descriptive in nature. To begin with, it must be mentioned that the study would draw from the regular staple of primary and secondary sources besides drawing upon numerous other sources like newspapers, internet and interviews to name a few. Elaborating on the process, the study would begin by drawing from numerous sources which would include an assortment of various conceptual tools and categories for the analytical purpose like citizenship, sovereignty, modernity from other disciplines like political science and sociology to name a few and then by positing it in the context of the enclaves along the northern section of the India- Bangladesh borderland.

For the primary sources the study would incorporate Government documents, files, treaties. Of them, the most important being Nehru – Noon Accord of 1958, Indira- Mujib treaty of 1974 and the recently signed Framework Protocol of Land Boundary Agreement signed in 2011. For the purposes of secondary sources , the study would draw from numerous articles ,journals and books besides a small literature published by the supporters of the enclave exchange committee(a group well known for extending its voice to the cause of enclave dwellers) .The researcher would further add into his research by taking help of interviews with Bangladeshi officials in the embassy or the academics in the educational institutions of Bangladesh, besides communicating informally with members of think tanks of both the countries. All these would constitute my sources.

Lacunae in the existing discourses

A common missing link that has been running through most of the literature on the subject here has been the idea that despite the glossed over but interesting proposition that enclaves have for understanding the modern sovereign state system in South Asia, they have received little attention in the literature concerning state and identity formation debates. The main problem afflicting the discourses is that there have been very nominal attempts in connecting and problematising these contested concepts with the lives of enclave dwellers. Besides the clichéd narratives of ‘statelessness’ that has been mainstay when it comes studying the identities of the enclave dwellers, there has been little attempt to go beyond these nomenclatures of ‘statelessness’ and ‘rightlessness’, thereby ignoring other ways of looking into the complexities of the enclaves.

Secondly, most of the literatures on enclaves have sought to focus only on the political aspects of the enclaves that too primarily within the overarching narratives of borderland studies. Security perspective is the dominant way of looking way at these areas alone thereby ignoring other ways of looking at the border areas. Thirdly, a strong misconception that underlines the discourses has been the misnomer that there are not very many enclaves left and those they are mostly disappearing as states normalize their borders. It is this penchant with normalization that has obscured a serious analysis on enclaves along the India- Bangladesh borderland. Although a silver lining seems to be emerging with the upcoming literature that seeks to critically engage with the enclaves along the Indo-Bangladesh border, much is wanting. It is in this context, the need to problematise the discourses on borderlands, enclaves and states in South Asia cannot be overstated.

Chapter 2

Enclaves and Identities: A Critical Understanding

Histories and Identities in the Borderland: A Brief Overview

Inferring from the events of day to day lives of people in the enclaves, it can fairly be discerned that 'history' has not always been kind to them. The events of the bygone years has persistently sought to make its presence felt, time and again, on all those who came within its sweeping course. This burden of history has primarily been felt by those who didn't have the agency or the wherewithal to change the course of events in its favour. Without denying the credibility of other 'alternative histories' which sought to correct the perpetual 'historical wrongs', it can be said with much certainty, that the after effects of certain 'historical events' takes time to be understood and its impacts internalized to make better judgments of the events that occurred. The role of the state in assisting to reach these better judgments cannot be overlooked in this context. An effective antidote to the mayhem unleashed by history can perhaps only be sought by possessing a sound knowledge of the intricacies of the past and then making a value judgment free of all the biases and prejudices of the times and making an attempt to correct the purported wrong in a systematic manner. In a manner of speaking, of the many people whose lives have been influenced by dynamics of this unkind history, the lived experiences of inhabitants of the enclaves is a potent case in point. The most significant aspect had been its bearing on the very nature of identities, with which they make sense of themselves and their existence.

Once such event that was to have a considerable effect on the course of post colonial developments in South Asia has been the 'events of partition' of British India in 1947. The resonance of those tumultuous years of the forties can still be felt in present times. The horrors that unleashed itself in the form of communal riots, massacres, still haunt the psyche of the people. However one can see that there is serious lacunae in the study of partition which until recently was to be dominated by the last minute discourses of the high and mighty of the Congress and the Muslim League in the mainland of British India(Van Schendel,2005). Most discourses on partition sought to focus on the high

politics of the events. No one bothered to know about the condition or the plight of the borderland people where partition was literally effected on the ground. Besides the imageries of communal violence in the mainland, no one cared to understand the dilemma that partition caused in the lives of the borderland people. The people suddenly found themselves living on the borderland which until the previous day was part of British India. Questions like how did they come to make sense of this new political landscape on which they have found themselves in?. How did they challenge or circumvent the newly instituted security apparatus which was imposed on them which until then had been absent. Queries like these are seldom answered in the partition discourses of the times. Thus this research work warrants a down – up approach in understanding the impacts of partition on the borderlanders, the impact it left on the people, their identities among many other things.

As has been the case, courtesy, the faulty award of the Boundary Commission, the sudden emergence of enclaves along the small section of the India – East Pakistan borderland in 1947 took the inhabitants residing in those areas by complete surprise. The newly constituted ‘borderlanders’ found themselves in a state of flux when they found an unnecessary, hazy boundary line changing their way of lives for all times to come. This sudden imposition was met with much dismay and anger as it divided their home and hearth indiscriminatingly (Hasan, 1993). The seemingly helpless people with no prior notions of bordering practices of the modern day state system were forced to come to terms with the problematic act of post-colonial state formation in post British India. Interestingly, the background to all these tumultuous events had been the very vague and irrational demand for a separate state of ‘Pakistan’ from among a certain section of the Muslim intelligentsia in northern India (Hasan, 2008). This demand had its originality in the assumption that religious category of ‘Muslims’ in colonial British India constituted a separate national space amongst them and hence entitled to a separate homeland. The partition that ensued was based on the imaginary division of Muslim and non Muslim majority areas, the former going to the new state of Pakistan and the latter to the new state of India. But as it happened, the ground realities were farther from the proposed plan and objective of a clear cut division.

The problem of faulty demarcation was further accentuated in the case of enclaves, as its very nature was complicated by its problematic location which sought to produce its own

non linear dynamics. The pre-colonial and colonial experiences of the enclave's geography sought to produce its own peculiarity and perhaps its streamlining was not welcomed by the residents in those times as there were instances where the residents have vociferously protested against any change in the tax system of their areas. It seemed they were content living in a patchwork of a territorial space where they were the subjects of different sovereign rulers. However, this status quo received a jolt with the partition of British India, where suddenly the bordering practices of modern nation state came into play. Their movement was curtailed, their identity hanging somewhere from being subjects of their respectively princely states to the citizens of modern day nation states of India and Pakistan. As citizenship based on modern foundational discourses of nationality and sovereignty is considered watertight categories, the identities of the enclave dwellers were in a flux. It was because they couldn't come to terms with the newly instituted idea of being an Indian or a Pakistani without availing the privileges accruing from it. Moreover the dictum of international borders was imposed upon them. The transition from an innocuous idea of a 'subject' to a citizen of a particular country did not bode well for them. The most damaging impact came in the form of crisis of identity in terms of self-identification particularly.

True to the problematic nature of the Radcliffe doctrine, Muslims were persuaded to identify themselves with the newly constituted Pakistani nation-state (considered as the land of the pure) and the non-Muslims with the Indian nation-state. However in the case of Bengal, one could easily discern that there was not a compatible resonance between the demand for an exclusive state based on a religious category and the realities that unfolded in the post partition scenario (Van Schendel, 2005). The Radcliffe award was apparently supposed to make a clear demarcation between Muslim and non-Muslim majority areas. What eventually culminated was a haphazard and blurry borderline. The reason for this blunder was not far to seek .As Chatterjee reminds us it was on the basis of age old district maps that the award was instituted rather than on the basis of proper field survey of the area concerned. There was still considerable population of Muslims on the Indian side of the border and Hindus on the East Pakistani side. Thus an objective analysis of the boundary award would make us believe that it failed in its stated purpose of putting clear cut clinical boundary between the Muslim and Hindu populations of the region.

Retrospectively, the jury has been still out to pin pointedly decide on what actually transpired in those calamitous days leading to partition in 1947. Questions like was partition over on that fateful day of 1947 or is it still an evolving process whose closure is yet to be met underlie the academic discourses of newly emerging field borderland studies in the South Asian region(Jones , 2008). It is with reference to these aforementioned events that one has to situate the complex evolution of the enclave conundrum and its various implications on the formation of identities of the enclave dwellers.

The award's callous disdain for the patterns of livelihoods (lived experiences) of the people, its lack of attention to the political geography and its accompanying sensibilities went a long way in creating the complicated situation of enclaves. The award didn't in any way create a straight, well entrenched boundary line demarcating the territories of two respective nation-states. Thus, the problematic spaces of enclaves provides an veritable ground on which the previous and the current narratives on partition discourses, lived experiences of people in the borderland vie with each other and gives us a more clearer picture of the events that happened in those years.

As far as the structure of the chapter is concerned, it well primarily dwell into the category of identities of the enclave dwellers as citizens or non citizens of the state by basing it on the definitions of statelessness as defined by popular international conventions of the times. It then tries to juxtapose these categories of 'identity' with the complex process of historical evolution in the enclave region, thereby attempting to make sense of the complex situation in which the enclave inhabitants have found themselves in.

Categories of Statelessness: Dejure and Defacto

As a matter of fact, it would be interesting to know that the decades of fifties of the twentieth century was a time when the world community at large were debating or deliberating on the status of stateless people in the world. Interestingly, these events also corresponded with the time when the post colonial nation-states of India and Pakistan were trying to come to terms with the idea of territorially discontinuous areas of their respective states, in this case enclaves in their borderland area.

To begin with, the two conventions of fifties are of particular relevance here. Both these conventions primarily dealt with interrogating or analyzing the anatomy and the nature of the existing stateless population in the world system. Namely, these two conventions were the Convention concerning the Status of Stateless Persons held in 1954 and the Convention dealing precisely with the mitigation of problem of Statelessness held in 1961 (Calcutta Research Group, 2015). It would thus seem that the idea of problematic spaces and people which embodied 'discontinuity' as its fundamental idea, were not new to the modern day system of nation states. However these two aforesaid conventions provided the much needed hindsight to analyze the legalities involved in the issues of statelessness and the people affected by it.

Nonetheless, there is a caveat to these technicalities; the residents of the enclaves were not 'state - less' in technical sense of the term. It primarily meant that the inhabitants of the enclaves were endowed with a particular form of state identity in terms of nationality and citizenship. Thus, as far as the identity of enclaves is concerned, they do have one. One could easily categorize them as the Indian citizens residing in Bangladeshi enclaves and vice versa. However, when one looks at the condition of the enclave dwellers, one can only wonder what these state ascribed identities would mean to the residents, when the so called 'citizens' of the nation-states are not able to take benefits of the privileges accrued by those state ascribed identities of nationality and citizenship.

As far as the technicalities are concerned, it was found that both India and Bangladesh are party to neither of these two conventions. Calcutta Research Group mentions that even by the fag end of the year 2013 there were only seventy nine parties (nation-states) to the convention of 1954 and only fifty five state parties to the 1961 Convention. Following the procedures in those conventions, this paragraph seeks to analyze from a 'legal' point of view what actually constitutes a 'stateless persons' in international standards and juxtapose it with the experiences of the enclaves in the India - Bangladesh borderland region.

The definitions enunciated by the prime body of International Law Commission (ILC) contained in Article 1 (a) of Convention, 1954 has been taken to mean the most basic criteria for defining the criteria of statelessness of any individual. As has been with these important conventions, both of these deliberated extensively on the nature, parameters and conditions of statelessness. It is with the help of the twin categories of de jure and de

facto citizenship, these conventions tried to make sense of legalities involved in statelessness.

Defining de jure statelessness, the ILC mandated that all those persons who do not have any legal sense of belonging to any particular state and by implication also functioning outside the purview of any law under its domain come under this category. Thus the prime issue of concern is that whether an individual has been ascribed a nationality or not in the first instance, if yes, then a logical corollary would be to analyze the effectiveness of that nationality. However one needs to be sure that there should be no confusion while differentiating between persons who have been recognized as 'national' but not enjoying any privileges accruing from it and the persons who don't have nationality at all in the first instance. A significant aspect of this entire debate on nationality pertains to the very problematic of the term 'national'. Does it imply that right to nationality is an inviolable part of human rights discourse of modern day world systems? Is it mandatory to be always a 'national' of any particular state? Does the idea of nationality subsume all the other identities that an individual may have? . All these questions have their answers in the contextual patterns of developments of a particular nation state. The modalities surrounding the provision of citizenship of an individual has been very much grounded by the patterns of historical development and violence of that particular nation state (Calcutta Research Group, 2015).

However in the case of Defacto stateless persons, the affected individuals concerned cannot avail for himself the provisions and privileges of nationality by the very dint of being outside the jurisdictional domain of the particular nation state. A privilege in this sense refers to the varied forms of protection and assistance services made available by the respective states to its citizens. It can mean diplomatic immunity or the provision of repatriation to the parent state in case of wrongful restraint or confinement by any foreign state. The cases of de facto statelessness can be seen in those circumstances when the parent country denies the individual concerned to return back to their own country or suspends the usage of privileges for the individual in an emergency. The lived experiences of refugees are a case in point.

It is in this context, we have to analyze the status of the inhabitants of the enclaves vis a vis the nature of statelessness that their experiences embody. From the above mentioned definitions, it can be said with much certainty that the residents of enclaves suffer from a

form of Defacto statelessness. As has been mentioned earlier, technically the residents of the Chits belong to either of the two nation-states, but the realities on the ground would prove otherwise. Cut-off from the administrative, legal apparatus of their parent nation state, these inhabitants of the Chits had to straddle the slippery domain of both legalities and illegalities (nomenclatures fixed by the state) in their daily existence. The situation got further complicated post 50's when the state took it upon itself to securitize their border with the provisions of passports and strict other measures of border control.

Ideas of Citizenship in the Enclaves

The post partition scenario in the eastern borderland areas was highly complex and problematic. Coming out from the ravages of violence and massacre, the inhabitants of the eastern borderland were confronted with a peculiar situation. The pertinent dilemma being their difficulty in forging a distinctive 'national' identity for themselves on the basis of their religious denomination. The problem became more acute in borderland areas as compared to the mainland because it was in the borderland areas the ravages of partition were most visible. The faulty award and its demarcation techniques were to take its toll on the bordering areas for times to come. Despite the best efforts of the commission, the awards were considered to be a failure. Homes and hearths were divided indiscriminatingly. So it is in this context, we have to trace the evolution of the idea of citizenship in the enclave region.

Willem Van Schendel has come up with an interesting analogy to explain this predicament. His idea of 'trans-territoriality' has been a helpful intervention in this regard. He opines that the newly independent states of India and Pakistan in their bid to justify the act of governance of minorities, sought to act as a moral guardian of the people of a particular religious denomination in each other's countries. Simply stated in generalized terms, it meant, the alleged 'Hindu' state of India becoming the guardian of Hindus who have been left in Pakistan and the Pakistani State taking care of Muslims left in India who they believed were the victims of accidents of history. These acts of the state were to have a determining impact on the forging of identities of the people living on the borderlands who despite having a territorial identity of their own were rendered stateless by the fate of history. This enmeshing of the idea of citizenship along with the idea of religious denomination was to prove problematic in times to come whenever issues of allegiances of the citizens were brought to the fore (Van Schendel, 2002). It

was in this context the residents of the chhits had to find their footing. How would the enclave dwellers come to terms with their idea of a 'national' identity, as they were pulled in different directions?. These different directions primarily took the form of the legal entities of a particular nation state (i.e. of being Indian or a Pakistani), secondly the idea of citizenship which came out of a problematic concept of transterritoriality i.e. the idea of proxy citizen and thirdly the identity ascribed by the very place of their existence in this case the idea of being an 'enclave' resident. It is in these layers of multifarious identities, enclave dwellers had to find their identity.

The post partition states of 'modern' India and Pakistan sought to impose an identity on the enclaves dwellers taking into consideration their territorial location(Jones,2009). In doing this, it blatantly overlooked the historical reality that it had much in common with other side of the border in terms of lifestyle, language, culture and religion. Enclave people , came to notice that their identities of nationality were shaped more by its neighbor's then the ascribed identity of nationality of being 'Indian' or 'Bangladeshi' imposed by the state. Things started becoming difficult when they were made to make changes in their livelihood patterns. A glaring instance of opposing nationalism's came to the fore when they were unable to visit their every day market on the ground that they were on the other side of the border and hence termed illegal and foreign. Van Schendel has poignantly observes that:

“In the past i.e. before the partition, the residents of the enclaves were never barred from visiting their mainland, but now even their simple act of going to the border or the neighbor's house might incur the wrath of the state. The state, ever present, would engage itself in extortion and killings of the enclave dwellers. Similarly any economic production from the enclave region was bound to be termed 'illegal' on the absence of any proper policy legalizing its flow from inside or outside to the enclaves”(Schendel,2002).

A brief overview of the situation prior to the institution of the bordering practices on the borderland cannot be unwarranted in this context. In general terms, the organs of the state had a very minimal presence in the region. As Schendel remarks the only tangible connection that can be discerned in the case of enclaves to its mainland was seen in the procedures of registration of land. However this was not true for all the enclaves in the region. For instance an Indian enclave in Bangladesh named Garati had evolved its own

land registration policy. Perhaps for reasons of distance and inconvenience they had severed the only connecting link with its mainland also. This local production and maintenance of supposed state practices of land registration was to say much about the inner functioning of the enclaves. Although devoid of any technological prowess and financial help, the example in Garati went on to prove an altogether an emergence of ‘alternative governmentalities’ in that particular enclave (Foucault, 1978). However this instance of Garati developing ‘alternative governmentalities’ was rather an exception to the predominant rule. It would be better to argue that the enclave dwellers skillfully sifted their identity of being an enclave dweller and a citizenship based on their given nationality which suited them the best, depending on the occasion as there are instances of the enclave residents filing cases in the courts of the mainland as their subjects (Jones, 2009).

As one can discern from the nature of events in the borderland area, the notion of citizenship was operating at different levels and planes. One of them operating at the level of territorial location of the individual and second version of citizenship revolved around the nature of his religious denomination. How did this come to play in the everyday lives of the enclave dwellers?. In explaining this, we need to assume that every enclave was likely to have a mixed population of Hindus and Muslims as its constituents. The location of enclave is very much important in this regard. For instance if the enclave is located in the Indian side, it was likely all the Hindus in that particular enclave would be given a preferential treatment for the simple reason of being a proxy citizen of the neighboring state. Such a situation was witnessed in the period after the independence in the fifties of the twentieth century. What eventually culminated was wide spread displacement of Hindus from East Pakistan and vice versa from India. Schendel chronicles an instance when he had interviewed an enclave resident of Shibproshad Mustafi on the aftermath of the displacement of the 1950’s:

“The resident observed that in the aftermath of partition, he witnessed many people with nationalist leanings enter Mashaldanga and asking Muslims where their loyalties lie. They told them to plant Congress flags on their houses. Their refusal to do so was met with extreme behavior which involved beating with weapons which led to many deaths” (Van Schendel, 2002).

Another instance of how the ideas of proxy citizenship were wreaking havoc on the lives of enclave dwellers was seen in the case of Mirgipur enclave –a Pakistani Enclave. Although unlike the previous case, where the enclave residents were thoroughly coerced and intimidated to term their allegiance and loyalties, in this case the invasion didn't happen. However the people of Muslim religious denomination were thoroughly intimidated. All possible intimidation techniques from threatening posters to verbal threats were issued to make life difficult for the Muslim residents. But suddenly things changed when a group of armed Hindu bandits attacked their enclave and forced them to leave. Most of the Muslims had to run to Patgram to save themselves from the depredations of the Hindu bandits. The lack of law enforcing agencies in the region only made matters worse. Hapless Muslim residents were to always to be kept in their toes by these nationalist bandits. Thus one can see how the idea of citizenship took a backseat with respect to the overarching idea of citizenship based on transterritoriality (Cons, 2012).

On a different vein, it must be mentioned that, the Hindu residents of these enclaves were not left undisturbed but were also sympathized with. For these Hindu volunteers believed that it was due to an accident of history, that these Hindus could not be part of the Indian mainland. Complicated questions pertaining to their identities often rose like what sense of nationality, had a Muslim resident of an enclave developed when faced with Hindu depredations. Did they ever have a choice in deciding their nationality when the concept of proxy citizenship was operational? It does seem that they have took their dilemma on their own stride and started recognizing themselves as the residents of the chhitis rather than the citizens of any particular nation –state. However their sense of being an 'enclave resident' overriding all other identities of nationality depended on several factors like: the level of past historical experiences of violence, their proximity to the mainland, their relationship with their immediate neighbors among many other factors (Jones, 2009).

The Enclave People

From the aforesaid discussions, it can be said with much certainty that the ideas of citizenship, that these dwellers were forced to internalize were imposed from above i.e. both the ideas of citizenship –proxy and legal citizenship were state induced. These inducements overlooked in many significant ways different lived experiences of the enclave people. As it happened in the enclaves, they were clueless when state ascribed

identities of being an Indian or Pakistani were imposed on them. It was found that all their past experiences of living with their neighbors, the ties that they shared now came to be challenged by the pernicious ideas of 'nationality' and 'citizenship' (Cons, 2013). All these pre-partition identities of self identification were made illegal and illicit by the identities imposed by the state.

As has been mentioned above, the only tangible relationship between an enclave dweller and his mainland is through the land registration policy and reporting of crimes in the mainland courts. It is in this situation enclave dwellers had to negotiate for their existence. Post 1947, definitions of identities for the dwellers became very problematic. It was found that more the enclave dwellers asserted their nationality more were the chances of alienating themselves from their neighbors and people residing outside of their enclaves (Van Schendel, 2005). The problem got further compounded in the case of the enclaves because it where the idea of transterritorial nationality was most pervasive and dominant. The problem was more acute in the case of enclave dwellers and particularly for the minorities depending on the composition of the enclaves. It is this scenario, inhabitants of the enclave region came to institute an identity whose entire grounding was based on their present territorial location, in this case enclaves.

So what went into their constitution of their idea of 'enclave-people'? . Perhaps even a cursory view would highlight a shared sense of plight and victimhood, the hostility of the parent state that united all the enclave dwellers irrespective of the religious denomination. The absence of the state in the enclave region had many advantages, primarily economic in nature. No taxes had to be paid to the parent state. But as was found out by the residents themselves, the disadvantages far overshadowed the advantages in many respects, as these enclave dwellers had to live without basic civic amenities like electricity, water, school education among many other significant amenities that were missing.

Being an enclave dweller entailed the forging of many other identities which they were forced to construe to come to terms with their problematic existence. Existence in a vacuum often necessitates forging of several other identities, with the help of which a sense of self identification had to be developed. These varied identities oscillated between their choices of being a bandit, a smuggler to small scale entrepreneurs in the enclave region. However, these identities came with its own set of problems (Van

Schendel, 2002). If they happened to become a smuggler in the enclave, it was likely that they would be troubled by the police authorities of the parent's state for engaging themselves in illegal activities. Thus, one can possibly see the blurring of line between the categories of 'illegal' and 'legal' in the enclave region.

Let alone smuggling, a simple act of going to the market would incur the wrath of the host state. As these dwellers didn't have the necessary documentary proof to verify their legality, they are often killed on the borders or jailed without any proper trial. Such has been the state of affairs in the enclave region that, they have become the hotbed for hosting illegal activities that has its tentacles spread in both the countries. The entire dynamics of the region has been very dependent on the nature of bilateral relationship between the two countries. For instance after the liberation of Bangladesh, much peace prevailed in the region due to the end of hostilities between the India and West Pakistan (Jones, 2009).

Local Identities and Forms of Governance

As far as the forging of local identities of enclave dwellers are concerned, role of local forms of governance which they developed to sustain themselves are of prime importance. However, it must be mentioned at outset, no overarching identity of belonging to enclaves could be developed. It primarily means the inhabitants of particular enclaves developed a particular form of systems of governance, local identities or ways of living which was context specific in nature (Van Schendel, 2002).

However, as Jones suggests a pattern can be discerned with respect to the functioning of the enclaves. This being the institution of local level village councils although elementary in its disposition was the only form of governance involved in carrying out day to day activities of the enclaves. Thus state functions like tax collection however small in nature, maintaining rudimentary form of law and order were carried out by these local councils. For instance Schendel mentions the presence of a local council encompassing Kotbhajni, Dohala and Barapara Khagrabari which was termed as Enclave Committees consisting of a head followed by representative from enclave neighborhoods (Van Schendel, 2009). This council as was mentioned earlier took the form of local court dispensing justice, carrying out some reconstruction work and acting as the emissary of the enclave residents to the outside world. However as Cons mentions, this was not the

case in many small enclaves which functioned primarily of its own. A very rudimentary form of governance ruled the roost in most of these small enclaves.

As was mentioned earlier, there were many causes for the non fostering of an all inclusive enclave identity in the region. One of them being the peculiarities of individual enclaves, distance from each other, the difficulty in transportation and transit facilities to all the enclaves. The onslaught of visa regime, post October 1952, only sought to further complicate the already complex position in the enclaves (Cons, 2009). Earlier, the bordering practices of the state were lax and intermittent. The inner politics of the enclaves further complicated the situation. The 1965 war, the 1971 liberation war of Bangladesh only made these border practices rigid and inflexible. This is not to say that the enclave residents possessed all these documentary proofs to make a legal transit to their parent state and vice versa.

In a manner of speaking, the enclave dwellers developed their own cogent system of governance whose prime basis was straddling between the state enforced ideas of legalities and illegalities. As far as their day to day life is concerned, they completely depended on the infrastructure of their surrounding state. Even the currency they used was of the host state. Most of the residents possessed two self- identification documents. One of them being that of the parent state and secondly of the host state. It is with the help of the latter, they were able to send their children to school, avail medical facilities in the neighboring villages. As far as the nature of this enclave identity is concerned, it was an afflicted identity. An identity forged by a shared sense of exclusion, victimization and fear (Cons, 2013).

The almost non availability of state in their lives has made them hard and resilient in their outlook. Since partition, they have been forced to live a life of a non entity perpetuated by violence of the surrounding villages and the indifference of the state. As for the states, enclaves merited no particular attention. They can neither be used neither as potential vote banks nor can be treated as a future economic asset. It is with this attitude; the respective nation-states have perceived the enclave dwellers.

Most of the historiography concerning enclaves has seen them as merely aberrations to be normalized into the mainstream discourse. These enclaves have mostly been considered as secondary entities while studying the nature and politics of state formation.

It might be true for West European countries, where they were considerably successful in normalizing the enclaves of their regions, but the same cannot be said about the enclaves situated along the India-Bangladesh border region. So far as the nature of enclaves is concerned, one can pointedly say that they have left a pertinent mark in the psyche of nation state like India which was obsessed with the ideas of territorial continuity and sovereignty. These political spaces constantly prod us to revisit the already established interlinkages between nation, state, territory and sovereignty in the post colonial states of India and Bangladesh.

To begin with, these 'state less spaces of enclaves' challenge in each and every way the idea of a world clearly divided into autonomous, non overlapping territorial units. These spaces challenge the assumed clear fit compatibility between the nation, its state and people. This unresolved issue of the enclaves points out the limitations of the all powerful state to come to terms with its territorial non contiguity. It was the dominance of this post Westphalia model of clear cut territorial political units that prevents academics and people to overlook the presence of these spaces like enclaves. Similarly, one wonders, the general indifference meted out to the enclaves in the case of cartography itself. Perhaps their very existence poses a challenge to the enthusiasts of the nationalist historiography which believes in the logic of clear cut territoriality of nation states. Hence as Van Schendel remarks, enclaves can those discursive spaces where we can reconceptualise and reformulate the ideas of a nation and belonging.

In the case of India, the political parties of BJP and other Hindu rightwing groups that have been in the forefront in opposing any move in the exchange of enclaves. Even regional political parties like the Ahom Gana Parishad in Assam have many a times led violent demonstrations when confronted with any idea of exchange of enclaves. The whole idea has been based on the faulty notion of loss of land in the event of an exchange. A case in point is the celebration of Tin Bigha Corridor protest day by the BJP on every 26th June (Cons, 2013).

However when the BJP came to power in 1998, there was a sharp disjunction between their manifesto promises and the politics of maintaining a sound bilateral relationship with the neighboring Bangladesh. In Bangladesh too, the enclave issue is a highly emotive one. The government of the day has often made the non ratification of the Land Boundary Agreement of 1974 by India as a sign of its big brotherly attitude. Politics of

the day were very much calibrated on the issue. The fact that the LBA was connected with many other issues can be gauged from the fact that Bangladesh has still not allowed India to use its territory for an easier transit to its north eastern states to India. Even in Bangladesh the Land Boundary Agreement of 1974 went through a rough patch where many cases were filed against the ratification in the Supreme Court of Bangladesh. The same issue of notional loss of territorial land was pointed out for its illegality and unconstitutionality. The big brotherly attitude of India was also cited when it was found that it was in sound possession of the Berubari region with signing the exchange of enclaves. Time and again, the Bangladeshi political leaders have requested the Indian Government to provide a hassle free access to the Tin Bigha Corridor even if it meant constructing a fly over or an under way passage to connect Dahagram to the mainland Bangladesh.

The intensity of the emotions that an unsolved issue of enclaves can unleash is directly proportional to the politics of the post colonial nation states which are obsessed with territorial contiguity of their nation states. The fact that enclaves are considered a foreign body in their imagined nation state directly points out the reluctance in parting away with even those territories over which they have no control.

Post Partition Dialectics: A Challenge from the Enclaves

It can be called an irony of history that three independent nation states developed from a single colonial landscape of British India. Unlike other post colonial states which kept the territorial borders instituted during the colonial rule, these three states came up with an altogether different borders and almost a different historiography of scholarship to deal with the events that led to partition. It is in this complex situation, one can use the idea of enclaves to make an entry into understanding the complex historiography of post colonial state and nation formation in these three countries. Most of the historiography in pertaining to nation states, territory and culture tended to assume a straight forward correspondence between nation, state and territories. It is the presence of these spaces like enclaves which critique the easy fit between these aforementioned categories and more particularly in the South Asian borders which came up with its own dynamics and possibilities. It was particularly the event of partition and its cascading effects which was to dominate the many problems afflicting these three countries. As Schendel remarks, it can be said with much certainty that the problem of enclaves which was to

survive for so long even after partition can be attributed to the sole British legacy of the idea of legality. The fact that still now, both these countries use age old categories defined by Radcliffe Doctrine and rather going for a complete overhaul of that system of categorization is a case in a point and a sad commentary on the prevalence of colonial hangover in the region. As for a matter of fact, there were two options in front of them i.e. either to annex the territory or exchange. Both couldn't be possible because of the practical exigencies of the times. The practical exigency being the sad lived experiences of division of the British India which looks down upon any idea of further division as an anathema. Partition not only resulted in the division of British India but also a serious dissension in the South Asian historiography concerning partition and nation formation debates in the region. In this historiography of nation states, ideas based on twin binaries of nation and state were developed where only a people of a particular nationality, culture or religion can stake claim to a nation state, thus ignoring the fluidity that might be permissible in the real functioning of the nation states (Van Schendel, 2002).

However strong these binaries might have been projected to be, the very presence of these spaces of enclaves has the potential to unsettle the binaries between the concepts of nation and states in South Asia. The inability of the respective nation states of India and Pakistan to come to terms with the idea of territorial non contiguity and transterritoriality led to the emergence of spaces like enclaves which could not be administered for many times to come. For the people living in the enclaves, the version of nationalism that were enforced on them and the subsequent ideas of citizenship that emerged from these ideas of nationalism, were to create a dilemma. A dilemma whose very basis was existential in nature. Their self identification became problematic. It is in this scenario, the lives of enclave dwellers provide a veritable entry point into entangling the clear cut threads of identity and territoriality.

As for the formation of identities local or otherwise is concerned, it differed starkly from what was happening in the mainland of respective nation states. As has been the case in South Asia, scholars studying its historiography have tended to focus primarily on the attributes of religion, culture, language and other attributes while studying the foundation of any nation state. Even their study of citizenship is heavily blurred by the binaries of nation and state compatibility. Thus in this regard enclaves point to a scenario where notions of transterritoriality and nationality have to be problematized to get a better

understanding of the functioning of the enclaves. As has been the case in the enclaves, the people inhabiting the region were confronted with three identities: the proxy citizenship based on transterritoriality, citizenship based on territorial location and thirdly as an enclave resident. It was the interplay of these three episodic identities through which they had to make sense of their existence in the enclaves.

As we have seen that, these identities were used episodically by the enclave dwellers. As it happened, post 1950's when the dwellers could see for themselves that the state had nearly abandoned them; the idea of citizenship based on territorial location took a back seat. The elements of proxy citizenship were similarly not available to everyone in the enclaves. It was available only for the Muslims living in the Indian enclave and Hindus in the Bangladeshi enclave. It was only in times of emergency they could have invoked their citizenship based on territoriality by going to the mainland and registering their complaints.

It was the third identity of being an enclave resident that was to play a predominant role in their self identification and thus making sense of their precarious existence. United by a shared sense of vulnerability, fear, victimhood and apathy of the states, this identity of being an enclave dweller was the only silver lining in their drudgery of daily existence. Confronted with the post colonial politics of state and nation formation of their own respective states they had to find solution to their own problem. How does the nation state of India negotiate with these identities of being an enclave dweller rather than being an Indian or Pakistani? . Perhaps the only language that the state knows is that of homogeneity and imposition from above. Questions like can one say with certainty there is even a semblance of nationalism present in the enclaves. Can the absence of the state be equated with the absence of nationalism itself? In hindsight, it can be inferred that what matters to the enclave dwellers of the region is not the lofty ideals of nation and state but the simple question of their existence and livelihood.

No doubt that the local organizations that the enclave dwellers have constituted for themselves did play a role in giving them a sense of belonging in the enclave. But they could not take the form of any 'state like redistributive mechanism'. At best it was a rudimentary body created by the locals for their own purposes. In retrospect, Van Schendel has rightly said that it is very difficult to imagine populations who are both

nationless and stateless. It is in this scenario we have to take the study of enclaves seriously.

Paradox of Sovereignty

Borrowing from the scholars of critical borderland theorists, the research work would like to draw attention to the parallels and contradictions that one can discern from the operation of rule of law in the borderlands and the enclave region and its simultaneous functioning in the mainland. William Schuerman has perceptively observed that conventionally the most positive aspect of the rule of law is that it makes states actions predictable and comprehensive to the common masses. Besides claiming to provide a sense of freedom and privilege of generality and clarity to the people the rule of law bases its entire operation on the liberal grounding of the states concerned. However in the case of India Bangladesh border, the analysis gets only starker and contradictory when one studies critically the functioning of the rule of law in the borderland regions and particularly in the enclaves. As the exercise of performative sovereignty of these states in these problematic spaces mostly takes the form of the bare imposition of the rule of law. Particularly, in these spaces, the rule of law operates at two levels.

One to use Agamben's analogy, the rule of law operationalises itself in the form of state of exception where the law practically functions by its own suspension. It means only the aspect of the state where it has the monopoly of violence and which it uses indiscriminatingly in these problematic spaces. Secondly, the rule of law likens them to a population of killable bodies, which it does by instituting a strong security apparatus in the borderland regions. Thus we can see a visibly contradictory situation where despite the claims of ensuring individual freedom and a better life, the rule of law has been used to suppress the population living in the borderland by means of violence and torture.

Similarly as seen in the case of enclaves the performance of sovereignty of the respective nation states has been severely obstructed the presence of these enclaves in the territory of other state. As the transit to and from the enclaves has been heavily guarded and requires prior permission from the state which is hosting it, the performance of the sovereignty has been a difficult enterprise. So difficult it has become that the states have practically suspended their rights to governance in the areas where the enclaves are situated. Perhaps even the enclave dwellers have realized by now that the performance of

sovereignty by any nation state means only using the states machinery of violence. One only needs to imagine the case of other enclaves that are too small and too deeply located inside the territory of the other state to make its presence felt. Completely surrounded by the territory of the host state, they are at the mercy of the surrounding villages of the host state for their daily existence.

On a similar note, one would wonder what a possible exchange of enclaves might mean to these hapless inhabitants of the enclaves. For purposes of convenience and clarity, the Government of the day of both India and Bangladesh had instituted a Joint Boundary Working Group to ease matters in an event of an exchange. It was said as early as December 2014 by the Standing Committee of the External Affairs that the residents of the respective enclaves would be given a provision for a possible change of citizenship and nationality for their convenience. It would not be hard to believe that most of the enclave residents have by now operating a life of dual citizens but of a different kind. This life of dual citizenship of both the host and the parent state points out to the significant problems the government was likely to face in the event of an exchange.

Votaries of the exchange would have us believe that the exchange of enclaves would only normalize and mainstream law and regulations in the enclaves thereby legalizing the places hitherto located in the domain of illegalities .Simply put up, it seemed as if the problem of the enclave dwellers would end up with economic benefits accruing from the exchange of enclaves. No doubt they have the choices of new citizenship at their disposal. But what about their old identities based on their location as enclave dwellers, what about their identities shaped by a sense of victimization, a shares sense of history that united them in the times of need. Where would these identities go? . Will they disappear on the face of the onslaught of the new citizenship? Would they ever develop a sense of nationalism as one could see in the mainland of the respective nation states? These questions are very person specific and cannot be generalized in any certain way.

In retrospect and with certain hindsight, it can be said with much certainty that in matters of identities, so far as the enclaves are concerned are very problematic and complex in its orientation and structure. Any attempt to generalize identities as personal as self identification would not do justice to the work undertaken. At best one can say that identities of all facets are competitive in nature. Practically, every identity vies with each other to make itself more prominent and assertive. The same thing happened in enclaves

between identities of being proxy citizens and of citizens of respective nation-states. The same thing would happen in the case of identities when new identities based on change of citizenship would be instituted that would compete with the identity of being an enclave dweller previously. Perhaps one can study these shifts in identities when there would be complete ratification of the Land Boundary Agreement in near future. For the time being, as identities are always said to be fluid in nature, it is in these problematic spaces of enclaves the word 'fluidity' can be revisited and be given new meanings.

Chapter 3

State and Enclaves: Policies and its Impact

Politics of Numbers and the State

The significance of numbers in the realm of the functioning of the modern day state systems particularly of electoral democracies cannot be underestimated in any way possible. It can only be understood by focusing on the nature of its operation in the wider discourse of power politics of the times. True to the problematic nature of enclaves, the game of numbers has been played with much regularity and ease in these areas by the organs of the respective states in order to make sense of the people living in the region as 'political communities'. However, it must be mentioned that the first step of governance entails the study of the people who in terms of the states are legible to be governed. This is done either by the state rationale of conducting census or enumeration or by launching an identification regime of either in the form of voters identification card, ration card among many important government documents. It is in this context, we have to posit enclaves in the broader framework of the identification regime unleashed by the state. The enclave's inhabitants who explicitly exhibit no potential vote bank for the politicians of the region have been an uncanny victim of non inclusion in the identification regime of the respective states. The fact that the enclaves situated along the India- Bangladesh borderland have not experienced any form of census since its inception but until recently in July 2011 gives a sad commentary on the failure of the identification regime to penetrate these problematic spaces (Ministry of External Affairs, 2011).

To begin with, the discursive spaces of enclaves situated along a section of India – Bangladesh borderland has been said to constitute a 'bizarre political geography' by the likes of Atig Ghosh of Calcutta Research Group. This bizarreness in terms of geography can be attributed to the faulty award of the Boundary Commission and its reckless aftereffects. It was this interplay of pre-colonial, colonial and post colonial times, which sought to bring about its own dynamics in the evolution and functioning of enclaves. However, these *chhits* (local Bengali) were referred to as enclaves only after the merger of the Princely state of Cooch Behar with the Indian state in the year 1949. Thus the term 'enclaves' denotes a political problem which is waiting to get solved. As a bilateral irritant, the issues of enclaves have continued to exist, despite many attempts at their

resolution. Besides policy interventions at Government level as well as the demand from the inhabitants of these enclaves, no solution was forthcoming.

As far as the territorial location of the enclaves is concerned, it spans between the two districts of Jalpaiguri and Cooch Behar in India to the three other districts in Bangladesh namely Panchagarh, Nilphamari, and Kurigram in Bangladesh (Calcutta Research Group, 2015). Brendan Whyte in his magnum opus has pinpointed that there are approximately one hundred ninety eight (198) problematic spaces strewn along the borderland between India and Bangladesh. Precisely there are ninety two (92) Bangladeshi enclaves in India and one hundred six (106) Indian enclaves in Bangladesh. Elaborating further, Whyte observes that there are twenty one Bangladeshi counter enclaves (21) and another three Indian Counter enclaves (3) and one Indian counter-counter enclave(1) inside a Bangladeshi counter enclave(Whyte,2002). However at a slightly different level, Willem Van Schendel opines that there are at least one hundred and ninety seven (197) enclaves in total, which for him at first instance appears like a conglomeration of islands of dissimilar sizes. To corroborate his findings, he comes with an amateurish map depicting the location of enclaves situated along the complex borderland of India and Bangladesh. A careful scrutiny of these maps would reveal, as Ghosh opines, the absence of any standard of cartographic clarity (Calcutta Research Group, 2015). Perhaps Van Schendel was also observant and acknowledged the purported flaws in his maps when he clarifies that, these maps were not in any way meant to provide a realistic picture of location of enclaves and should only be used for understanding purposes (Van Schendel, 2005).

Sen, a seasoned scholar on the subject of enclaves opines that presently there are presently ninety five (95) Bangladeshi enclaves surrounded by India and approximately around one thirty Indian enclaves in Bangladesh. In Sen's estimate therefore, there are approximately two hundred twenty five enclaves in total. When one juxtaposes the approximate estimates of both the academicians in this case, of Whyte and Van Schendel, the difference one discerns is only of one enclave, however Sen's estimates exceeds theirs by more than 25 enclaves. The discrepancy only gets starker when it is taken into account that both Indian and the Bangladeshi government will concede no more than 162 enclaves in total (Ministry of External Affairs, 2011). In this scenario, one can apparently discern that no one knows what the actual figures in the enclaves are.

What does this exercise point to? Does it mean a habitual nonchalance on the part of the governments towards the enclaves or is there a deliberate and sound rationale behind it. The jury is still out to decide on the subject!

Even more problematic has been the attempt to make sense of the number of the inhabitants in the enclaves. To begin with, the problem gets accentuated even when serious academics like Schendel could not come up with a well laid out methods of enumerating the population in the enclaves. Perhaps the bureaucratic hassles that the researcher experiences when he visits these spaces can be the possible reason (Cons, 2007). The anatomy of the problem gets further highlighted when Whyte perceptively observes the fact that no census of either of the Governments has been conducted in the enclaves since 1951 with the possible impact being reflected in the unanimity in the number of enclave inhabitants in respective estimation figures of both academics and Government alike. The figure as Whyte estimates varies from about 12000 and 10000 respectively in 1951 and is likely to have stagnated to less than 1 lakh presently (Whyte, 2002). Analyzing the data given by people who came to settle in India from the Indian enclaves in Bangladesh and by the data given by the people who purportedly paid taxes to the Raja of Cooch Behar, Sen had estimated that more than one lakh people would be living in the enclaves. As was the case, both Whyte and Sen, came up with contradictory findings with respect to the population in the enclaves (Calcutta Research Group, 2015).

However in a bid to clear the air of doubt regarding the enumeration of people residing in the enclaves, the Government of both India and Bangladesh convened a joint agenda for a well laid out structured method of enumeration of the inhabitants of enclaves. The institution of Joint Boundary Working Group (JBWG) was employed which came to the conclusion that approximately 51,590 people lived in the enclaves on both sides of the borderland (Calcutta Research Group, 2015). This estimated figure on the enclave dwellers garnered much controversy particularly with groups like Bharat- Bangladesh Enclave Exchange Coordination Committee (BBEECC): an organization fighting for the rights of the enclave dwellers (Calcutta Research Group, 2015). Diptiman Sen Gupta, the assistant secretary of the group has argued that in the thirty seven enclaves of the Dinhaba division in West Bengal alone, population count revealed a figure of around 23,552(Calcutta Research Group ,2015). This enumeration, he said was submitted to Government of India was in stark contradiction to the findings of the Joint Boundary

Commission which came up with only fifty one thousand residents in the enclave region

As per the estimates of Diptiman Sengupta, a headcount of around 113,000 people have been found to be residing in the Bangladeshi enclaves in India and the corresponding figures of around 186000 for those residents living in those in Bangladesh (Calcutta Research Group, 2015). What explains such discrepancies in the numbers estimated by groups or the governments in the region? One wonders if there is any politics behind these number games?.

Even a simple cursory reading of the enclave issue, betrays a sense of politics of numbers played out by the state with respect to the lives of the enclave dwellers. It is a popular notion that only when huge numbers of people are shown or depicted, that's the time when state comes to its senses with seeks to resolve or change the condition of the people in the enclaves. Perhaps this general idea might explain why groups like that of Sengupta's insisted on almost three lakh enclave dwellers in sharp contrast to the headcount of only fifty thousand people as revealed by the Joint Boundary Commission constituted by the respective states (Ghosh, 2015). In retrospect, it can be said with much certainty that as far as the number games are concerned, the state has reluctantly stood on its ground and by keeping it minimal has willfully overlooked the distressful lives of the enclave dwellers.

State and Disenfranchisement in the Enclaves

It must be said at the outset that the states of India, Pakistan and later on Bangladesh until recently had no cohesive or comprehensive policy formulations so far as improving the condition of the inhabitants of the enclave region is concerned. The post partition states of India and Pakistan as has been mentioned earlier came to produce some interesting spatial and territorial configurations pertaining to territoriality of their respective states. These were spaces of one nation's territory completely surrounded by the territory of another state which in a way led to the development of a sense of cartographic anxiety among the nation states of India and Pakistan. The assumed sense of territorial fixation of the respective nation states came to be challenged not only by the faulty impact of the Boundary Commission but also by the reconfigurations instituted by

many princely states with their mergers or their claim to stay independent(Van Schendel,2004).

The level of disenfranchisement of the enclave dwellers can be gauged from the fact that they having been a living a life of utmost distress and pitiable condition. Devoid of all the facilities of modern times, they have to fend for themselves. Even a simple act of going to a market entails passing through at least one international border. And even if they produce goods for the market, that couldn't be exported also because there is no system in place for their transit and movement in and out of the enclaves. They for most of their lives depend on the infrastructure of the host state. It is from host state that their basic needs are fulfilled.

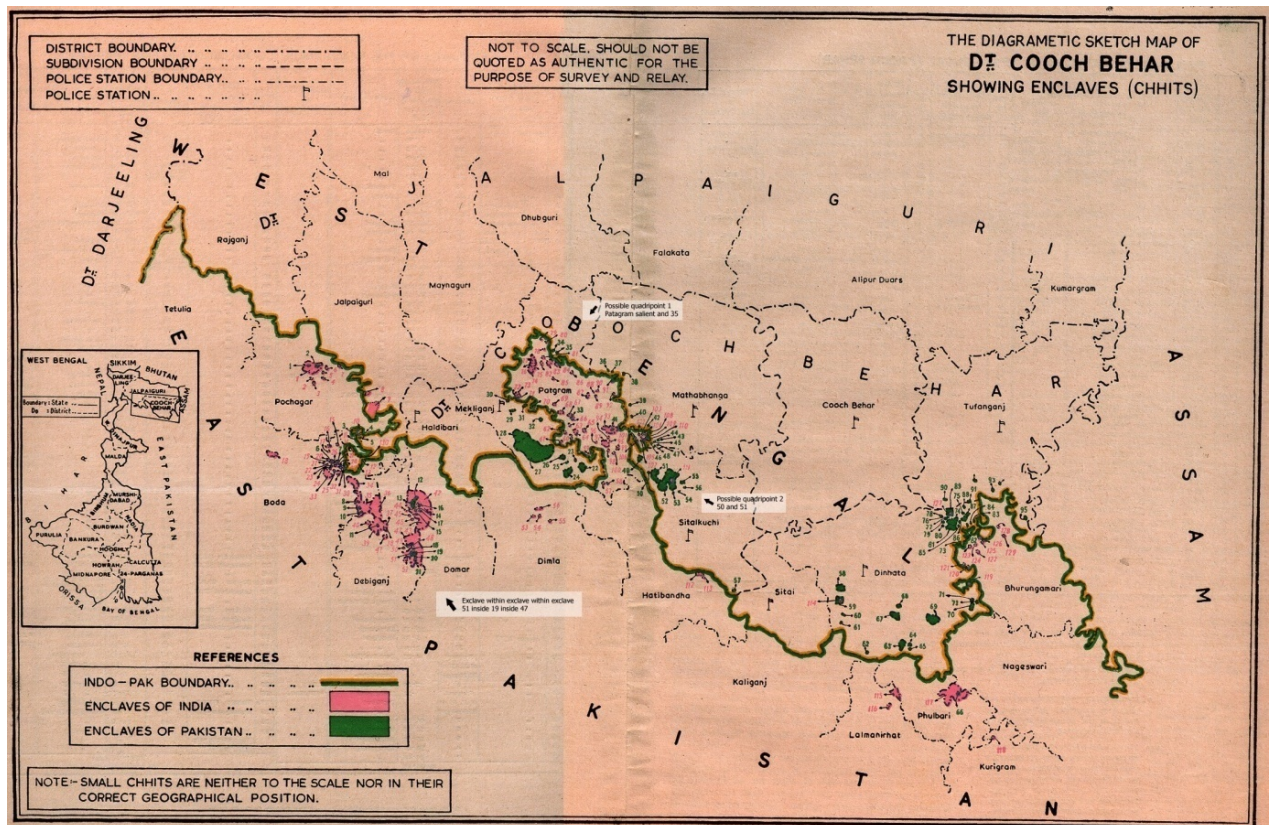


Figure 3: Location of Enclaves along the India-Bangladesh Borderland.

As for the reconstitution of territorial spaces in post Partition India is concerned, the merger of the princely state of Cooch Behar with India was of particular relevance. It was in the year 1949 when the ruler of the Princely state of Cooch Behar Jagaddipendranarayan merged his princely dominion with India. As per the rules laid

down by the Cooch Behar Agreement of 1949, it was stated that all land under the jurisdiction of the king of Cooch Behar would become part of the Indian nation (Whyte, 2002). As a result of the merger, the area belonging to Cooch Behar but surrounded by East Pakistan became citizens of Indian territory and the people residing there were labeled as Indian citizens. Similarly, the land belonging to zamindar of Rangpur but surrounded by Cooch Behar similarly became Pakistani territory and the resident's therein Pakistani citizens. Although, it may seem simple at first instance, it is this merger which was to come up with its whole set of complex dynamics in the form of spaces which were problematic by their very existence and location (Van Schendel, 2002).

As has been the nature of most of the post colonial states of South Asia, the perpetual fixation with well rounded and properly laid out borders and the inability of the state to enforce with strictness this porous and blurry border has been the root cause of all problems pertaining to Land Boundary issues. The Boundary Commission as Chatterjee opines, had been hurriedly constructed to demarcate the border between India and East Pakistan. The enclaves were one of the results of this faulty award which led to the production of a patchwork of sovereignties making the governance of this region a big problem. Thus the emergence of enclaves provided a considerable challenge to the respective states in matters of governance and policy making (Van Schendel, 2005).

Practices of the State: Initial Years

The policy interventions of the state in solving the enclave issue started way back in August 1950 when a provision was instituted for the district officials to visit the enclaves of their respective nation states located in the territory of the host state. It entailed that the officials should carry with them their Identification Card (ID's) and they should inform the officials of the host state of their visit by at least fourteen days in advance. Secondly those district officials have to visit the enclaves unarmed and will be escorted back and forth by the district officials of the host state (Van Schendel, 2002). So far as the regular provisions are concerned only certain types of oil primarily cooking and kerosene oil, medicines were allowed to transit between the mainland and the enclaves. This provisioning of essentials had a twist in it. As enclaves primarily became places where essentials could be imported but it could not export its local produce of either jute or paddy to the main land. This primarily meant the Government holding the reins of the economy of the enclaves for the purposes of revenue collection but at the same time by

disallowing them from selling their exports they were removed from their source of livelihood and sustenance. This meant in the initial years post partition, the inhabitants of the enclaves were forced to pay revenue taxes without any corresponding sources of income to pay for it. However the only silver lining was that there was no obstruction in the transit between East Pakistan and India during those initial years (Van Schendel, 2002).

However everything was to change post 1952, as the government unleashed its identification regime of documentary practices on the people of the enclaves. True to the problematic nature of this identification regime, it seemed as if the Government had left out the people of the enclaves. For instance, if a person living in an Bangladeshi enclave in India wanted to avail of the facilities of the Government visa or passport the person had to cross the Indian border illegally, if the person was able to trespass undetected, the person had to be admitted into Bangladeshi territory illegally as well for the person has no identification proof to stress his nationality or citizenship (Van Schendel, 2002). And even by doing this, he is able to get the necessary documents; he has to do the same exercise again to reach his home. Such was the dilemma facing the enclave residents following the institution of the identification regime post 1952.

The problem becomes more acute when one sees the location or rather the distance from the enclaves to their mainland. There were many enclaves who despite their proximity to the mainland could not go without straddling the state induced categories of legality or illegality. One could then only imagine the plight of inhabitants in some of the counter enclaves of the region. By the fifties, as Jones opines, both the states had stopped visiting their respective enclaves due to the bureaucratic bottlenecks put on by the respective Governments, which made even the simple act of visiting the enclaves problematic and complex (Jones, 2009).

Another interesting aspect of the Government practices concerning enclaves had been the states insistence on maintaining the status- quo in the region. This it did by making provisions for a Right of Passage – connecting path that would connect an enclave to its parent state. Instead of going for complete resolution of the issue, the maintenance of status quo was to prove diplomatically costly in the coming years. This led to a serious dilemma for the lives of the enclave dwellers as their movement was completely curtailed by the maintenance of such status quo. However the prevalent mood of

ensuring status quo and its likely failure in solving the issue was giving way to a pragmatic thinking which stressed on Government to Government talks to solve the issue of enclaves. It was in the year 1950, when it was decided by the Chief Secretaries of West Bengal and India to ask their respective Governments to draw up a plan for an early resolution of the enclave issue. It entailed the setting up of a group, under the recommendation of the state which would undertake a joint preliminary and inspection of the enclaves which would in turn recommend measures for their early resolution. This according to Van Schendel marked the first instance of the states response to the plight of the enclave dwellers.

Policy Interventions

It was the year 1958, when the Governments of India and Pakistan came together and decided to solve the enclave issue for the first time. This happened when Prime Minister of India Jawaharlal Nehru and his Pakistani counterpart Feroz Khan Noon signed the famous agreement entitled the famous Nehru Noon Agreement of 1958. It sought to exchange the enclaves located in the former Princely State of Cooch Behar state which was now in Pakistan and equivalently the Pakistani enclaves located in India. An interesting aspect of the Agreement was mentioned in the second section, Clause 10 which stated that there would be no compensation for India in the case of extra area going to Pakistan (Nehru-Noon Agreement, 1958). However as was seen, the agreement didn't see the light of the day for it was to get mired in the theatrics of the nationalist lobby who strongly opposed any move by the Government of India to solve the problem as being pro Pakistan. Similarly even the opposition parties of the times seemed to hijack the occasion to obstruct any development in the implementation of this act. The event came to a head when a case was filed in the Supreme Court which obstructed the deliberations on the Bill for many years to come. As it happened, when the Court was about to give its verdict on the issue, the two countries of India and Pakistan were almost on the brink of war in the year 1965. The fight among these two nation states of India and Pakistan would only stop after the liberation of Bangladesh from Pakistan in 1971. The result of this war was the fact that the issue of enclaves got couched and was shelved to the back burner for some time.

After the liberation war, a new treaty had to be forged pertaining to solving the issue of enclaves between the two nation states of India and Bangladesh. The mood at that time

was such that it seemed any treaty between these two countries pertaining to the Land Boundary would be signed and implemented in earnest. Such an opportunity presented itself in the case of Indira Mujib Treaty of 1974. Signed between the Indian Prime Minister and her Bangladeshi counterpart Sheikh Mujibur Rahman in May 12, 1974, the treaty sought to solve the enclave issue as early as possible (Jones, 2009).

Among the many clauses, the treaty sought to specify the means and modalities for clarifying the undemarcated border between the two nation states of India and Bangladesh. As a part of the Treaty and the Protocol, strip maps of the affected regions were to be prepared and signed by the representatives of the two Governments so that the transfer of adversely held possessions would be implemented by the last date of December, 1975. As far as the enclaves were concerned, Article 3 of the Treaty stated that the inhabitants of the enclaves would be given the right or the provision to remain on their existing place along with the people who with the passing of the treaty would come to obtain their lands. It was a feature which was to remain a basic component in all the treaties that would be signed and followed from now on. However there soon emerged a problem, as it became clear that the Bangladeshi Parliament had ratified its side of the Agreement but much to its dismay the Agreement was not tabled on the Indian side. Reminiscent of the failure of the Nehru-Noon Agreement, the 1974 Indira Mujib Land Boundary Agreement could not be passed let alone implemented. The 1974 Agreement has been hanging in a vacuum since then and has gone a long way in creating obstacles in the path of positive bilateral Agreements between the two countries of India and Bangladesh.

Another opportunity presented itself in the year 2011 with the signing of the Protocol to the Land Boundary Agreement of 1974. It happened when the then Prime Minister of India came visiting Bangladesh and along with his Bangladeshi counterpart Sheikh Hasina signed the Protocol. However a careful lacuna was inherent in the Protocol. By not mentioning any time frame for the ratification of the Land Boundary Agreement, it was to become a dead letter till 2013. One wonders with awe and curiosity, why despite such High level Government to Government contacts, the issue of enclaves could not be resolved. Since Bangladesh has ratified its side of the Agreement way back in 1974, it only makes India's actions a suspect in terms of its sincerity and will to solve the enclave conundrum. A critical look at India's twisted logic of notional land loss cannot be

understated in this regard. India with its characteristic feature of cartographic anxiety went on to believe that in the event of an exchange it stands to lose more land than Bangladesh. This line of thinking was to mark any efforts by the Bangladeshi side in persuading India to sign its side of the Land Boundary Agreement which every time led to failure.

Perhaps dissecting the treaty, one can see that the main issue of contention might have been the Berubari issue. It has to be mentioned that Berubari is not an enclave but rather a disputed territory located between the Cooch Behar's Holdibari and the right bank of the Teesta river. As the clauses of the Nehru- Noon Agreement entailed, the disputed land of Berubari was to be divided into half and along with the enclaves in India would be transferred to Pakistan. This settlement reached by both the Governments was to receive a serious jolt by vociferous nationalist propaganda of the nationalist groups in India and Bangladesh alike. The situation became more acute in the case of Tin Bigha Corridor issue which was to connect the two largest enclaves of Dahagram –Angorpota to the mainland Bangladesh. Even in this case, where there were talks about the complete leasing of the Corridor for the easy movement of the people, there were huge protestations carried out by the opposition groups and particularly the right wing groups of the Jan Sangh and later on by the BJP.

Nature of Political Interventions: Nehru-Noon Agreement, 1974 Indira Mujib Treaty and 2011 Protocol

The issue of enclaves could have been easily solved as per the settlement mentioned in the Nehru-Noon Agreement of 1958. The settlement was to be instituted through the passing of the ninth Constitutional Amendment Act of 1960. As was with the problematic nature of the case and with much legality involved, this amendment Act could not be made operational. One can discern from a cursory reading of the text of the Nehru -Noon agreement particularly the second Annexure, it seemed that the then Government of India led by Nehru took an executive decision to implement the Agreement. It should be mentioned that a policy decision of such magnitude had to have the support of the various stakeholders whose lives were to be affected by any institution of such settlements.

As mentioned above, it was seen that as the policy decision was executive in nature without including the consent of the other stakeholders, it was likely to experience a rough patch in its implementation, which it did eventually. The decision making which was taken at the executive level even didn't bother to take into account the views of the West Bengal the state which was to be affected the most in the event of exchange of enclaves. Even the displacement of people which would have been the logical corollary was not account of. Such was the nature of top down decision making of the Nehru Government in relation to the Nehru Noon Agreement of 1958. Hence it can be said with much certainty that executive decision taken by the Nehru Government in 1958 was in the nature of authoritative choice policy making. It was exemplified in the clauses of the Agreement which stated that "the decision would be implemented on the directives issued by the two Prime Ministers of India and Pakistan" (Colebatch, 2009).

The second case pertains to the case of the Indira-Mujib Treaty of 1974 or the famously referred to as Land Boundary Agreement. A critical analysis of the treaty is as follows:

As per Article 1, item 14 mentioned in the Land Boundary Agreement 1974 stated that "The Southern extent of Berubari and the adjoining enclaves measuring around 2.6 square miles would go to India in exchange of providing a full term lease of the Tin Bigha Corridor to the Bangladeshi Government for the easy passage of Dahagram and Angorpota to the mainland Bangladesh" (Indira-Mujib Treaty, 1974).

Of the matters of concern, three were of particular importance. The first issue dealt with the territory of Berubari union No 12, the second issue dealt with the issue of enclaves particularly Dahagram and Angarpota and thirdly a related issue was the leasing of Tin Bigha Corridor to the Bangladeshi state. Elaborating further, it needs to be mentioned that the 1958 Nehru Noon Agreement sought to exchange the enclaves with the Bangladeshi state including the two largest enclaves of Dahagram and Angarpota. A special feature of these two enclaves laid in the fact that they were the only ones where there was significant presence of their host state in this case the Bangladeshi one. Interestingly, these two enclaves were just 170 meters away from their parent state (Cons, 2013). However on the other side it was also found that Tin Bigha corridor connected the village of Kuchlibari to India. Thus the location of Tin-Bigha Corridor made it important for both the states of India and Bangladesh. As per the provisions of the 1974 Land Boundary Agreement, the Berubari Union 12 was to completely go to

India in stark contrast to the provision in Nehru Noon Agreement where it mandated that the Southern extent of Berubari would go to Pakistan (Jones, 2009). The logic of the Indian Government is as follows. It was felt that as the enclaves of both Angorpota and Dahagram are Bangladeshi enclaves there would be no exchange of territories from India to Bangladesh. Similarly, the provisioning of Tin-Bigha corridor would also mean only temporarily leasing the corridor for the purpose of transit and not completely giving away the control over the corridor itself.

Thomas and Grindle have perceptively observed that the responses to every policy directives are context specific. For instance, the issue of Tin Bigha Corridor resulted in the outpouring of responses only from the stakeholders who are in the public domain (Mahur, 2014). The stake holders in this regard were the fringe Hindu Groups and the local inhabitants of the region. An interesting aspect was the fact that on the Indian side of the corridor, the villagers of the Kuchlibari Shangram Shomiti came up with a plan to approach the Bharatiya Janata Party to nationalize the issue. Similarly on the other end, Dahagram Shangram Shomiti called for an alliance with the Bangladesh based political party of Jatiya Ganatantri Party to give the issue a wide base (Cons, 2011). The predominant media imagery of those times pertained to the idea of a selling out sovereignty to Bangladesh by India. Despite the agitations and demonstrations, the corridor was opened in the year 1992, but in terms far different from the agreed one of the 1974 Land Boundary Agreement. The terms primarily pertained to giving a complete lease of the territory to Bangladesh. However in the year 1992, it was only opened for 12 hrs that too intermittently and under the gaze of the security apparatus of the Indian state. But with the passage of the Protocol of 2011 to the Land Boundary Agreement, the corridor was opened for complete 24 hours (Ministry of External Affairs, 2013). This act of Indian state to completely lease the corridor to the Bangladeshi Government has been referred to as an example of interactive model of policy implementation where the demands of stakeholders can be accommodated in any level of policy implementation. Although slow but it definitely marked the maturity of India's stance concerning Land Boundary Agreement which was seen in India's gradual but strategic management of policy intervention.

Exchange of Enclaves

As per item 12, Article 1, Land Boundary Agreement, 1974 called for an early settlement and exchange of territories concerning enclaves, leaving only those enclaves mentioned in the fourteenth paragraph, with India not being able to claim compensation for the area going to Bangladesh. As far as the similarity in the 1958 and 1974 Agreement pertaining to the exchange of enclaves are concerned they were more or less the same. What prompted both the states of India and Bangladesh to keep same the clauses of both the treaties is a matter of much debate and contention (Ministry of External Affairs, 2013). Did the 1974 LBA undergo any qualitative change with the passage of time in terms of policy analysis and bringing on board the stakeholders? Jones had provided for the reasons for delay in the ratification of the Land Boundary Agreement. The reasons were as follows:

In the event of an exchange of enclaves, India stands to lose more land than Bangladesh. However it must be borne in mind that, this loss of land is only notional in nature because we are talking about a land over which the Indian State or even the Bangladeshi state has no tangible or real control. Secondly, the symbolic impact of the exchange of enclaves may be troublesome as was believed by the Indian Government. For the Indian State, this exchange and the loss of territory would flare up the separatist tendencies in Kashmir and the North East. Walter has provided an interesting analogy when he observes that the Government of the day seeks to invest in their reputation by not giving into negotiations especially with objects as sensitive as land sovereignty (Walter, 2003).

As far as the logistics are concerned pertaining to the Land Boundary Agreement of 1974, Chatterjee observes that Bangladesh ratified its side of the deal on the condition that entire border would be demarcated but on the other side, India delayed it on technicalities that until the demarcation is done completely along the borderland it won't sign the Land Boundary Agreement.

What did the non ratification of the Land Boundary Agreement mean to both India and Bangladesh? Apart from mutual suspicion and hostility towards each other and its effect on the bilateral ties, the states of both Bangladesh and India showed an attitude of indifference towards the people living in the borderlands particularly the enclave dwellers. The ratification of the Land Boundary Agreement meant nothing as the

technicalities and modalities of signing a policy directive could not be completed let alone implemented and effective. However Jones observes that certain aspects of the 1974 Treaty had been implemented like the Tin Bigha Corridor which although took time, was nevertheless opened for 24 hours from 2011. As the policy of the Land Boundary Agreement could not be implemented for a long time, no one bothered to study the lives of those hapless inhabitants in those problematic areas. The state's attitude towards the enclaves was at best a nonchalant one. The only issue that concerned the state was the security issue and the entire borderland issue was couched in the security discourse. The Land Boundary Agreement was primarily a political tool which the states used for their own purposes. Couched in the imageries of misplaced sense of nationalism and sovereignty, the LBA could not see the light of the day and the opposition forces used this land boundary to gain political mileage. However as far as the gradual evolution in the nature of LBA is concerned there were some significant developments. As per Article 2 clause 3 of the Ministry of External Affairs Report there was a classical instance of reorientation of the policy towards a social tenor and tone. As per Article 3, people were given the right to retain their homeland and citizenship of the old state or the new state that occupied the enclave. A joint survey conducted by both the Government of India and Bangladesh found that most people in the enclaves were more in favour of staying where they were staying presently and taking the citizenship and nationality of the state surrounding them rather than going in for a complete exchange. However there are provisions for those who want to change their hearth, home and come to the mainland. Perhaps it seems more probable to stay where they are putting up rather than shifting and coming to a completely new land. As Van Schendel has remarked until now, the inhabitants of the enclaves have depended on the infrastructure of the host state for all their own social and economic needs. The absence of the state and any potent source of employment have made the enclaves a hotbed for criminal and illegal activities. From growing cannabis illegally by poor farmers to providing safe havens for local criminals, the enclaves have become dangerous places of repute. Thus it is in this context any solution in solving the enclave conundrum would be forthcoming and welcomed. Besides providing stability to their identities that until now are stateless and nationless and by providing them a proper source of employment, the states would help a great deal in normalizing situations in the enclaves. Nevertheless, it must be remembered that the signing of the Land Boundary Agreement has been connected to multiple other

issues of bilateral ties from Teesta River Sharing Treaty to other bilateral issues of providing hydroelectricity and transit to India and Bangladesh alike. The signing of the treaty will only convert a Defacto reality into a Dejure situation. The signing of the Land Boundary Agreement will go a long way in solving a long standing dilemma –a situation in which the inhabitants of the enclaves are themselves without legal rights but nevertheless subjected to the laws of the state which primarily includes violence unleashed by the Border Security Forces and many other forms of gendered violence.

Politics of the 119th Constitutional Amendment

An interesting question comes to mind when one sees so many policy interventions pertaining to the Land Boundary Agreement and their inability to get ratified in the Indian Parliament. As we know Bangladesh on the same year of 1974 ratified its side of the Agreement, but it was in India that the Agreement witnessed a deadlock and logjam. The causes were many ranging from domestic, political to issues which required constitutional Amendment. The latter cause was the most problematic one. After much deliberations and discussions ,it was in the year 2013 the 119th Constitutional Amendment Act was instituted for the first time to solve the land Boundary Demarcation between the two nation states of India and Bangladesh. As the issue of the Land Boundary Agreement involves a significant transfer and exchange of territories, the treaty requires an amendment to the first schedule of the Constitution through Article 368. This directive was given by the Guwahati High Court in the year 2012 when it was delivering injunctions while hearing a PIL challenging the validity of the Land Boundary Agreement of 1974 and its accompanying Protocol in 2011. The concerned bench observed that the treaty of 1974 could only be ratified by an amendment to the Constitution which has to be carried out by the Parliament of India. Even the highest law officer of the land the Attorney General seconded the injunction given by the Division Bench of the Guwahati High Court. The Division Bench had argued:

“For the purposes of ratification of the Treaty, an amendment had to be instituted which will be done by introducing a bill in either House of the Parliament, the bill had to be passed by each house of the parliament by a considerable majority of that house , a majority which should not be less than 2/3 rd of that house present and voting ,after the approval , the bill would be presented to the President for his assent and thereby the Constitution shall stand amended in terms of the bill”(Delhi Policy Group,2011).

The decision to institute such fundamental changes came in the month of February of 2013 , where the government decided to introduce changes to the First Schedule of the Indian Constitution by incorporating the new provisions of Land Boundary Agreement and its Protocol of 2011. The changes were instituted in terms of the 119th Amendment Bill which was introduced in the Parliament in March 2013. Despite fervent pleas by the then Prime Minister Manmohan Singh the bill couldn't be taken up for discussion in the Parliament. As it was said at that time, the United Progressive Alliance Government did not have the required numbers to push through the Amendment in the Parliament. Of the significant issues that were to play spoilsport in the approval of the 119th Amendment, following were important:

Basic Structure Argument

The clarion call of the Basic Structure Argument has been used extensively by the right wing opposition parties with the likes of Bharatiya Janata Party to make things difficult for the easy approval of the 119th Amendment act. The Basic Structure Agreement stated that as the Constitution mandates the existence of fixed territorial boundaries for the state of India, no changes can be made in those territories or in other words the Government of India can acquire new territory by can cede none. However the validity of this argument is not applicable in the disputed portions of the Boundary between India and Bangladesh (Mahur, 2014). Whatever may be the case, if this line of thinking is followed through, the Government would condemn our fellow citizens living on the problematic spaces of borderland and enclaves a life of turmoil, disturbance, insecurity and vacuum for all times to come. However, another problem associated with this line of thinking is the fact that there were many earlier precedents which have not defined the Basic Structure Agreement in such narrow sense of the term. Of the many such precedents, few are mentioned below:

Issue of South Berubari

The origins of the Berubari problem can be traced to the mismatch between its depiction on the written Radcliffe Award and its portrayal on the map that constituted the borders between the newly formed states of India and Pakistan. Located in Jalpaiguri district, the Boundary Award under the aegis of Sir Cyril Radcliffe sought to divide the thanas in district and divide it amongst both India and Pakistan. The prime determinant of the

Radcliffe Award in instituting the demarcation had been the use of Thana boundaries of the existing Jalpaiguri division. But a mistake crept up in the Award when Radcliffe omitted one Thana Boda and simultaneously awarded Berubari union no 12 to India. However this omission of Thana Boda encouraged Pakistan to claim Berubari as a part of its own territory. This anomaly was to be solved by the institution of the Nehru Noon Agreement of 1958 where the Southern extent of Berubari was to go to Pakistan and the remaining Berubari to India. To ratify the Nehru Noon Agreement of 1958, the 9th Constitutional Amendment Act and Acquired Territories Merger Act was adopted in 1960. As it happened, the Agreement faced numerous problems in the form of various petitions filed against it. However by the time Supreme Court cleared the deck for its approval, West Pakistan attacked East Pakistan and the following events led to the emergence of Bangladesh as an independent country. Following the independence a new settlement had to be instituted with the new nation state of Bangladesh.

Issue of Tin Bigha

As per the reading of Article 1, clause 14 of the Land Boundary Agreement, it provides for the complete leasing away of the Tin Bigha Corridor (Bangladesh needs this corridor for maintaining direct links with the two contiguous enclaves of Dahagram and Angorpota to its mainland) to Bangladesh in exchange of territorial acquisition of South Berubari. This clause got implemented through an Exchange of Letters which took place in the year 1982 between the two Finance Ministers. Opposition to this leasing of the Corridor came from three villages of Kuchlibari, Dhaprahat and Mekliganj in the form of petitions in the Calcutta High Court. The petition challenged the so called unconstitutional aspects of the 1974 LBA and the 1982 Exchange of letters between Foreign Ministers (Mahur, 2014). The grievances were that the leasing of the Tin Bigha Corridor was inconsistent with the provisions of the 1974 Land Boundary Agreement. Secondly the petitions observed that as the lease was said to have been done in perpetuity, it amounted to giving away of Indian territory to Bangladesh thus was a direct challenge to India's sovereignty. Nevertheless, all these petitions were declared as unconstitutional and declared null and void by the Calcutta High Court (Cons, 2013).

Loss of Land: Regional Angle.

Another significant factor which has prevented the ratification of the Land Boundary Agreement of 1974 is the role played by regional political parties in obstructing the passage of the 119th Constitutional Amendment Act in the Parliament. Regional bodies like the Asom Gana Parishad (AGP) in Assam and the Trinamool Congress in West Bengal have time and again argued that their state stands to possibly lose significant amount of land in the event of the ratification of the Land Boundary Agreement. However, it needs to be mentioned that we are talking about a territory over which both the states of India and Bangladesh have no real tangible control. This Agreement of 1974 would only solve to convert a Defacto reality into a Dejure situation. In the event of an exchange, India stands to lose 17,160.63 Acres of land to Bangladesh in exchange of 7,110.02 Acres in return. However there is a caveat to it. Most of these loses are notional in nature. On the paper, it would look as if there is a real loss of land but in reality the host state had always the real control over the enclaves of the other country. Moreover the situation is very complex; there is no possible means to take control over those problematic spaces without engaging in war or even by amicable means. The location has been such that the respective enclaves are located deep inside the territories of other country. Since its inception in post 1947 scenario, there was no tangible contact between the host state and its exclaves.

The era of coalition politics has led to the emergence of a kind of politics which was to produce its own dynamics and semantics. The presence of multiple stakeholders and the demands of vote bank politics made consensus a difficult enterprise. Moreover in the case of India, the lack of what is called “cooperative federalism” also took its toll on the ratification of the LBA or the subsequent passing of the 119th Constitutional Amendment Bill. The worst victim of this lack of cooperative policy was the foreign policy of the nation state. India has not been an exception to this stated statement. Even as the issue of foreign policy is the preserve of the centre, in India following this policy literally is a difficult task to perform. As far as the role of regional parties in concerned, they simply take into account the demands of their local politics, by doing so they had held hostage the national interests.

Summary

The states of India and Bangladesh cannot grasp the everyday experience of living in an enclave –its textures and tangles .If they keep their noses buried resolutely in the ever accumulating paper trail of bilateral agreements that fail. The letter of the law creates categories that are engaged with and transformed creatively as part of the people’s lived world. Such quotidian negotiations have produced in Cooch Behar a vast array of experiences of territorial belonging that range from what the legislators understand as an enclave to what is described as mainland. In the process, both have been reworked and redefined at least in terms of how people have coped over the years with such abstract legal categories. A simple rendition of the chitmahal as a landlocked archipelago of enclaves obfuscates these myriad spatial configurations and strategies that have emerged in the area over 60 odd years since partition. Not every bit of non-enclave border territory is settled in terms of belonging to a country: the case of Berubari demonstrates this. Then there are as we have seen counter enclaves that is enclaves completely enclosed by another enclave. Shalbari, the second largest Indian enclave for instance encloses four Bangladeshi exclaves.

There is also a globally unique counter -counter enclave, the largest Indian enclave Balapara Khagrabari embodies one Bangladeshi exclave Upanchowki Bhajni, which itself embodies an Indian enclave called Dohala Khagrabari thus making the last one a counter- counter enclave. Then there existed until recently arguably the world’s only part time enclave Dahagram Angorpota which after September 2011has assumed the dubious character of a penne enclave or prurruption. This is to say that there are borders in the mud that may prove elusive and there are borders in the mind that are terrifying. The chhits in the latter sense too exists. There is always the fear of imminent foreignness; the scary prospect of being prosecuted as trespassers by the national selfish giants. Between the polarities of law and crime, we know there is immense range of quasilegality, compromise, necessary illegality, malfeasance, petty crimes and so on and obviously the people of the enclaves have liberally made use of these strategies to survive.

Nehru-Noon Agreement-1958

Agreement relating to Border Disputes (East Pakistan)

September 10, 1958

AGREEMENT BETWEEN INDIA AND PAKISTAN ON BORDER DISPUTES (EAST PAKISTAN)

New Delhi

In accordance with the directives issued by the Two Prime Ministers, the Secretaries discussed this morning the following disputes.

1. West Bengal - East Pakistan
- I. Bagge Awards in disputes I and II.
- II. Hilli.
- III. Berubari Union No. 12.
- IV. Demarcation of Indo-Pakistan frontier so as to include the two chitlands of old Cooch Behar State adjacent to Radcliffe Line in West Bengal.
- V. 24-Parganas-Yhulna -Jessore 24-Parganas Boundary disputes Assam-East Pakistan
- VI. Pakistan claim to Bholaganj.
- VII. Piyain and Sumra-Boundary disputes. Tripura-East Pakistan
- VIII. Tripura land under Pakistan railway and Tripura land to the west of the railway line at Bhagalpur.
- IX. Feni river-Boundary dispute. West Bengal-East Pakistan
- X. Exchange of enclaves of the old Cooch Behar State- in Pakistan and Pakistan enclaves in India. Claim to territorial compensation for extra area going to Pakistan.

State adjacent to Radcliffe Line should be included in West Bengal and the Radcliffe Line should be adjusted accordingly.

V. 24-Parganas-Khulna 24-Parganas--Jessore Boundary disputes

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichamati river).

VI. Pakistan Government agrees to drop their claim on Bholaganj.

VII. Piyainan & Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both of these rivers.

VIII. Government of India agrees to give in perpetual right to Pakistan the land belonging to Tripura State to the west of the railway line as well as the land appurtenant to the railway line at Bhagalpur.

IX. The question of the Feni river to be dealt with separately after further study.

X. 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 to.

2. As a result of the discussions, the following agreements were arrived at :

- I. Bagge Awards on disputes I and II. It was agreed that the exchange of territories as a result of demarcation should take place by 15 January, 1959.
- II. Hilli. Pakistan Government agrees to drop this dispute. The position will remain as it is at present in accordance with the Award made by Sir Cyril Radcliffe and in accordance with the line drawn by him on the map.
- III. Berubari Union No. 12. This 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-east corner of Dobiganj thana. The division should be made in such a manner that the Cooch Behar enclaves between Pachgar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain in India. The Cooch Behar enclaves lower down between Beda thana of East Pakistan and Berubari No. 12 will be exchanged along with the general exchange of enclaves and will go to Pakistan.
- IV. Pakistan Government agree that the two chitlands of the old Cooch Behar

3. The Secretaries also agreed that the question of giving effect to the exchange of territory as a result of the demarcation already carried out, should be given early consideration.

M.S.A. BAIG,
Foreign Secretary Ministry of Foreign Affairs and Commonwealth Relations,
Government of Pakistan.

M.J. DESAI,
Commonwealth Secretary, Ministry of External Affairs, Government of India.

New Delhi, 10th September, 1958

Figure 4: Transcript of the Nehru-Noon Agreement of 1958.

AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF INDIA AND
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
CONCERNING THE DEMARCATION OF THE LAND BOUNDARY
BETWEEN INDIA AND BANGLADESH AND RELATED MATTERS.

The Government of the Republic of India and
the Government of the People's Republic of Bangladesh,
Bearing in mind the friendly relations existing
between the two countries,

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

Have agreed as follows: -

Article 1

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

1. Mizoram-Bangladesh Sector
Demarcation should be completed on the basis
of the latest pre-partition notifications and records.
2. Tripurra-Sylhet Sector
Demarcation which is already in progress in
this area on the agreed basis, should be completed
as early as possible.
3. Bhagalpur Railway Line
The boundary should be demarcated at a
distance of 75 feet parallel to the toe of the railway
embankment towards the east.

MUSA

.....2/-

**Figure 5: Transcripts of the Indira -Mujib Land Boundary Agreement,
1974.**

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

5. Mahuri River (Belonia) Sector
 The boundary in this area should be demarcated along the mid-stream of the course of Mahuri River at the time of demarcation. This boundary will be a fixed boundary. The two Governments should raise embankments on their respective sides with a view to stabilising the river in its present course.

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

7. Fenny River
 The boundary should be demarcated along the mid-stream of the course at the time of demarcation of that branch of the Fenny River indicated as the Fenny River on Survey of India Map Sheet No. 79 $\frac{N}{13}$, 1st Edition 1935, till it joins the stream shown as Asalong C on the said Map. From that point on, downstream, the boundary should be demarcated along the mid-stream of the course of the Fenny River at the time of demarcation of the boundary. The boundary in this sector will be a fixed boundary.

1/2/743/-

8. Rest of Trimura-Dittagong Hill Tracts Sector

The boundary will follow the mid-stream of that branch of the Fenny River, referred to in para 7 above, upto Grid reference 009779 (map sheet as in para 7 above) from where the boundary will follow the mid-stream of the eastern-most tributary. From the source of this tributary, the boundary will run along the shortest distance to the mid-stream of the stream marked Bayan Asalong, on the map referred to above, and thence will run generally northwards along the mid-stream of this river till it reaches its source on the ridge (indicated by grid reference 046610 on the map referred to above). From there it will run along the crest of this ridge upto Boghoban Trig Station. From Boghoban Trig Station upto the junction of the Bangladesh-Assam-Tripura boundary (Khan Talang Trig Station), the boundary will run along the watershed of the river systems of the two countries. In case of any difference between the map and the ground, the ground shall prevail. The boundary will be a fixed boundary in this sector.

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

10. Makar Khal
 The boundary should be demarcated in accordance with the Nehru-Moon Agreement of September, 1956,

1/2/744/-

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 Governments of India and Bangladesh agree that any dispute 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.

1/2/747/-

(7)

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

For the Government of the Republic of India

For the Government of the People's Republic of Bangladesh

Indira Gandhi
 (INDIRA GANDHI)
 Prime Minister of India

Sheikh Mujibur Rahman
 (SHEIKH MUJIBUR RAHMAN)
 Prime Minister of Bangladesh
 20/01/75

Figure 6: Transcripts (Continuation) of Land Boundary Agreement, 1974.

**PROTOCOL TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF INDIA AND THE GOVERNMENT OF THE PEOPLE'S
REPUBLIC OF BANGLADESH CONCERNING THE DEMARCATION OF THE
LAND BOUNDARY BETWEEN INDIA AND BANGLADESH AND RELATED
MATTERS**

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

Bearing in mind the friendly relations existing between the two countries,

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

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

Have agreed as follows:

ARTICLE 1

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

ARTICLE 2

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

Muhuri River (Belonia) sector

Boundary in this segment shall be drawn westwards from the existing Boundary Pillar No. 2159/48-S along the agreed line as depicted in the index map prepared jointly till it meets the southern limit of the Burning Ghat as shown in jointly surveyed map of Muhuri river area in 1977-78. Thereafter it shall follow the external limit of the Burning Ghat in South-West direction and then turn northwards along the external limit of the Burning Ghat till it meets the centre of the existing Muhuri River. Thereafter it shall run along the mid stream of the existing Muhuri River upto Boundary Pillar No. 2159/3-S. This boundary shall be the fixed boundary. The two Governments should raise embankments on their respective sides with a view to stabilising the river in its present course as stipulated in the 1974 Agreement. The Parties agree to fencing on 'zero line' in this area.

Page 1 of 6

(iv) **Dawkil Tamabil area**

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

(v) **Naluri/ Sreepur Area**

(aa) **Naluri I**

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

(ab) **Naluri III**

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

(vi) **Muktapur/ Dibir Hawor Area**

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

(c) **Tripura Sector**

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

The boundary shall be drawn along Sonarichhera river from existing Boundary Pillar No 1904 to Boundary Pillar No 1905 as surveyed jointly and agreed in July 2011.

(d) **Assam Sector**

(i) **Kalabari (Boroibari) area in Assam sector**

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

Page 5 of 6

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

Enclaves

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

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

Lathilla and Dumabari

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

(IV) The land boundary in the area mentioned below shall be demarcated in the following manner:

Daikhata 56 (West Bengal-Jalpaiguri) / Panchagarh

Boundary in this segment shall be drawn as fixed boundary from existing Boundary Pillar 774/32-S in the strip sheet 444/B along the mouza boundary of Daikhata-56 as surveyed in 1997-98 and thereafter will follow the southern boundary of Daikhata-56 (from east to west) upto Point No 18 and therefrom it will follow the western boundary of Daikhata-56 (from south to north) till it meets the center of River Sul at Point No 15 and thereafter, will run along the center of the River Sul upto Point No 1, the points as depicted in the sketch map jointly prepared and mutually agreed on August 3, 2011. Thereafter the International Boundary shall follow the already delineated boundary through Main Pillar (MP) 775.

ARTICLE 3

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

The Government of India and the Government of Bangladesh agree that the boundary shall be drawn as a fixed boundary for territories held in Adverse Possession as determined through joint survey and fully depicted in the respective adversely possessed land area index map (APL map) finalized by the

Page 2 of 6

(ii) **Pallathal area in Assam sector**

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

ARTICLE 4

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

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

For the Government of the
Republic of India

For the Government of the
People's Republic of Bangladesh

Figure 7: Transcripts of the Protocol to the Land Boundary Agreement, 2011.

Chapter 4

People's Response: A Socio-Political Understanding

People and Responses

People's attitude towards the complex politico-territorial configuration of enclaves has been a matter of much debate and discussions in the academic circles of South Asia and particularly of the border specialists working in the region. The lives of the dwellers in the margin of state has been discerned or analyzed through many perspectives and analytical frameworks. To begin with, one needs to define the category of the word 'people' that is to be dealt in this chapter. To put it simply, the word 'people' might connote different meanings in different contexts. For the purposes of clarification, the chapter would deal primarily with the enclave dwellers as the 'people' and not the general 'public' as it might be thought of. The response of the dwellers, is to be noted, ranges from highly emotive ideas of outright rebellion to the confining ideas of reluctant accommodation. Nonetheless, the analysis of the people's responses should not in any way confined to these aforementioned terminologies of 'rebellion' and 'accommodation' only. Negotiations takes place at many levels only to make sense of where they are living and how to normalize the 'exceptional' situation that they have found themselves in.

As has been the case elsewhere, borderlands as margins in South Asia has become, in recent years, an academic common sense. This academic common sense always perceived 'borderland' and the people inhabiting the region as existing on the fringes of the nationalist imagination and further gets couched in the discourses of the state security apparatus. This chapter analyses the various facets and the hidden meanings of a sense of marginality that pervades the discourses pertaining to the functioning of the enclaves. A comprehensive and systematic framework would be constituted to take into account the various narratives of history and political geographies of the region and juxtaposing the responses of the enclave dwellers towards their host state, parent state and to their own problematic existence in the enclaves. Have the inhabitants of the enclaves really come to terms to their marginal existence in relation to the absence of the state? What are the coping mechanisms they have instituted to deal with their marginality? What

negotiations they undertake with themselves and the state to make sense of their existence. All these questions have been attempted in this chapter.

The nature of border as political artificial constructs has been its undoing so far as their operability is concerned. It has been challenged by the very people living near it. The state apparatus in these spaces could at best put up a semblance of well knit territorial sovereignty and integrity (however best they try to maintain that semblance), as they know borderlanders have by now become adept in circumventing the border at their own will when there is a need for them. While Baud and Van Schendel clearly state that people would continue to ignore borders, it is not hard to imagine how often and common it would be for the borderlanders of Bangladesh and India to ignore borders. Historically these dwellers are not used to the existence of geo-political boundaries and it is only a recent phenomenon for them to be compelled to restrict themselves within a border. The fallacy of the existence of the border further gets highlighted when one analyzes the nature of the India – Bangladesh Borderland. It seeks to demarcate a community of people on the basis of nationality who until recently had many commonalities rather than differences. Besides sharing the same language and traditions, the supposed border which was to demarcate precisely the populations was marked by stones. By the end of 2008, India was able to fence large section of the border (Jones 2009). Rahman and Van Schendel (2003) showed that it was not before 1952 that passport and visa (a modern system of immigration control) were introduced between India and Pakistan as well as Bangladesh (then East Pakistan) and people hardly used them. The history of the Bengal borderland also provides support for this argument. A Boundary Commission was instituted under the aegis of Sir Cyril Radcliffe who was given the task to demarcate boundaries between the newly formed nation states of India and Pakistan. But the Radcliffe Commission was given only six weeks for this mammoth task (Van Schendel, 2005). The Award was faulty in much of its objective can be gauged from the fact that it didn't base its findings on the field surveys but rather on the age old colonial district maps (Chatterji, 1999). The demarcation of Bengal borderland was neither a well-planned job nor it was done by discussing or informing the borderlanders. So it was not surprising that the inhabitants did not, perhaps could not realize the significance of a newly created international border. Violating the border for different purposes remained a very common phenomenon which is still as same in the enclaves of the Bangladesh and India. As a result, people continue their normal interaction across

borders ignoring the dividing line. This chapter aims to explore and compare how and why the enclave dwellers of Dahagram-Angorpota and some other India and Bangladesh enclaves ignore the border. It also aims to explore why they tend to cross it and whether it should be termed as 'illegal' or 'legal'.

Categories of Illegal and Legal

One of the most stringent critics of the prevalent discourses on the nature of enclaves has pointed out to the fact that they are highly state centered in its orientation and structure. The scholars working on this area has seldom focused on the nature of identities that are created in these problematic spaces let alone studying their social lives and the numerous negotiations that they make to make sense of their precarious existence (Van Schendel ,2002). The lack of enough literature on enclave and different issues of enclave dwellers is also acknowledged by many others like Jones (2009) and Vinokurov (2007). So it will be very obvious that there is hardly any literature available on the issues like why and how the people of Bangladesh-India Enclaves tend to cross the international border. Although Baud and Van Schendel (1997) provide some reasons behind these border people crossing the border so frequently, these reasons mainly focus on smuggling and these are:

- State's restriction on border trades not accepted by the borderlanders.
- Direct results of restriction policies that make certain goods attractive, scarce or expensive.
- Preexisting networks like kinship, friendship or entrepreneurial partnership.
- Failure of the government to integrate the border economy into the larger national economy.
- More than a prescribed amount of commodities forbidden to carry.
- Market near the border closer than the mainland.
- Taxation over certain goods. (Baud and Van Schendel, 1997).

But this chapter would argue that there are some other reasons which must be considered in order to understand the issue of illegal border crossings in Bangladesh-India enclaves. In addition to that, Wilson and Donnan (1998) categorized three types of border people in terms of ethnic identities and according to them this ethnic identity is one of the major reasons behind crossing border. These are:

- Commonality of ethnic ties of the people living on the other side of the borderland as well its affinity to the people living in the mainland.
- Ethnic ties used as a marker of difference of people which are cross border in nature residing on the other state.
- Community of people who despite belonging to the national mainstream in terms of ethnicity but have no commonalities on the basis of ethnic ties across the border,

But this categorization is not wide enough to explain the enclave dwellers of Bangladesh and India. Some of the enclave dwellers of Bangladesh and India have ethnic ties across and within the border but what makes them different is that across the border and within the border mean reverse to them from that of the first category shown above. Here across the border means the country to which they belong and within the border means the country in which they live, but don't belong. So it becomes very much normal and desirable for these people to cross the border. The second category also gets reverse while applied on the enclave dwellers of Bangladesh and India. These dwellers are not differentiated by cross-border ethnic ties rather they possess a strong tie with the resident of the state they live in but cannot identify themselves as resident of this state. Rather they have to identify themselves as the across border country citizen. And each time they want to go to their home country they must cross an international border. Jones (2009) provides a new concept on the Bengal borderlands which helps explaining the border crossings in a different way. Jones (2009) argues that the border of Bangladesh with India is a permanent space of exception. A state of exception in its most precise sense means a situation of emergency where the legal state functions by suspending its own operation. In this state, the violence is the potent means to ensure discipline in the border areas.

In this situation the border population becomes a *homo sacer* who is the embodiment of the state of exception as an individual, is no longer protected by the law although still is subject to the violent consequences of it (Jones 2009). The BSF (Border Security Force) of India is one of the major agents of the state of exception and are the petty sovereigns of government according to Jones (2009). In the case of India Bangladesh borderland the Border security Forces of both the Governments represent the state of exceptionality where they are given discretionary powers to kill people with immunity and with no accountability (Jones 2009). But it appears that killing is not only the supreme power

BSF practices, they also play a vital role in the illegal border crossings. Pohit and Taneja (2000) support this argument in their work. They argue that the BSF officials take this as an opportunity to raise their personal income that is they take bribe from the smugglers and let them do their jobs. Moreover, the frequent change of duty station encourages them to maximize their personal income. Van Schendel (2005) also cites an interesting example in this regard. In 1992, a study revealed that BSF personnel provided informal passes that assigned authority to the smugglers to carry on their jobs without any disturbance in the West Bengal border. To have this pass each smuggler had to pay Rs. 3000 a month. A similar system of token was also reported to be in operation in Bangladesh. That is both BSF and BGB (Border Guard Bangladesh) play their role in illegal border crossings.

Border Crossing in India-Bangladesh Enclaves: A Comparison.

This part of the chapter compares the reasons and patterns of border crossings of the Dahagram-Angorpota enclave dwellers of Bangladesh with some other enclaves and exclaves of both India and Bangladesh. Dahagram-Angorpota can be assumed as a naturally control variable here and others as experimental variables. The reasons Dahagram-Angorpota is assumed as control variable are that the enclave dwellers here can access to their host land twenty four hours a day through the Tin Bigha Corridor (the corridor has been kept open for twenty four hours a day from September 8, 2011. As per the fieldwork carried out by Ferdousch the gate was only kept open from 6 am to 6 pm). This enclave has 4 primary schools, 1 community school, 1 high school, 1 Madrasa, 2 local markets, 1 hospital and a police investigation center and cell phone connection. While no other Indo-Bangladesh enclaves has all these facilities. Dahagram-Angorpota being an enclave is not disconnected from its motherland, Bangladesh. But all other enclaves are fully disconnected. The dwellers of all other enclaves have to depend fully on the host land for their daily activities but the Dahagram-Angorpota dwellers do not have to. So the pattern of border crossings must be different here. Below some major reasons and patterns of border crossings in different enclaves of Bangladesh and India are compared with Dahagram-Angorpota. The comparison is done based on numerous reasons like land registration, police service, health care, education, access to market and labor sell. For each of these purposes, the enclave dwellers have to go to their host land and that means each time they cross the international border without any legal

documents. But this violation of the border is not treated as illegal, without doing this any of the enclave dwellers can survive. But if they want to obtain all these facilities from their motherland (which is expected and is their right as citizens), they become illegal border crossers and are either harassed or arrested by their own country officials as the BSF or the BGB.

Land Registration: Registration of land forms the backbone of the enclave dwellers to continue their connection with their parent state (Van Schendel 2002). Van Schendel (2002) cites an example of the problem of the Garati enclave dwellers of India situated in Bangladesh regarding land registration. When a piece of land is sold the dwellers have to get to their mother land to registrar it officially. But land registration has become a local affair in this enclave now because to registrar the land, the dwellers have to cross the boundary between their host land and homeland which is not always possible. As a result, the land is now registered locally with the local registration form. Hossain and Alam (2011), provide same evident from another enclave of India situated in Bangladesh named Votmari no 16. This enclave is under the administrative rule of Cooch Behar, India. These dwellers used to registrar their land during the 80s going themselves physically to India. From 1990 to 1998 they stopped going to India but used Indian stamps to registrar their lands. But now they use Bangladeshi stamps to registrar their lands. Now in this case the dwellers cannot go to their own country to registrar land because they would have to cross the border illegally. It would be illegal because being the citizen of India they don't have any passport except the voting identity card which does not permit them to enter their country. On the other hand, they are using another sovereign state's stamp (Bangladesh) to sell and buy other sovereign state's (India) lands which is also not legal in strict legal sense. But for this purpose they don't cross the border usually. They settle it within themselves.

The case of Dahagram-Angorpota is totally different and way better from these mentioned above. Dahagram-Angorpota people can come to the motherland Bangladesh whenever they want through the Tin Bigha Corridor and registrar officially and legally in the land office of Patgram, Lalmonirhat, a northern district of Bangladesh. None of the 80 respondents as per the field survey carried out by Ferdousch said that they face any legal problem regarding land registration.

Police Service or Legal Protection: Regarding police or legal protection the enclave dwellers of both Bangladesh and India face immense difficulties. They neither get any police or legal protection from the host country nor they can go to their home country for this, and their mother land police or legal system has hardly anything to do about it. Saha (2011) provides an example from a Bangladeshi enclave situated in Coochbehar, India named Mashaldanga. The Indian police do not file any case from the Bangladeshi enclave dwellers neither does the Indian court. They have to manage all these among them. Exactly the same analysis is provided by Hossain and Alam (2011) regarding the Votmari no. 16 enclave of India. An Indian enclave dweller tried to file a case with a fake identity of Bangladeshi citizen in the Lalmonirhat court. But after his true identity of an Indian enclave dweller was disclosed, the court dismissed the case. Dahagram-Angorpota dwellers enjoy a higher privilege regarding this issue. The enclave has a police investigation center within it. They can go to this center for any kind of support. They also have access to the legal system of Bangladesh.

Health Service: When it comes to access to health service, the situation becomes even worse. The host land hospitals or health service providing institutions do not provide any service to the enclave dwellers. They have to use a fake identity of the host land citizen to access health service. Zahid and Khan (2011), provide an example of Kalahati enclave of India located in Kurigram, Bangladesh. Untrained nurses are the only option for them while a baby is born. If the situation gets much complicated they go to the hospitals of Bangladesh disguising their real identity of enclave dwellers. In the Bangladeshi enclaves like Mashaldanga, the situation is exactly the same. The quacks are the only option for these dwellers to get some health service. And they assume the same trick as their counterpart when they have to go to the Indian hospitals (Saha, 2011). But the Dahagram-Angorpota dwellers don't have to bother so much. Though there is a hospital in this enclave, only primary health services like first aid is available there. There is trained nurse and during birth the mother is provided saline and injection from the hospital. But in most of the cases they can go to the government hospitals of Patgram or Lalmonirhat and they do not have to face any problem of identity as other enclave dwellers have to.

Education: Whyte (2002) provides an example of a Bangladeshi counter enclave named Upan Chawki Bhajni 110, which is inside an Indian enclave in Debigonj, Panchagarh,

Bangladesh. Within this counter enclave there is a primary school which flies Bangladeshi flag and the counter enclave children (who are Bangladeshi by birth) can easily receive education from this school. But the Indian enclave within which this counter enclave is situated faces problems regarding sending their children to the school. The Bangladeshi Government had barred the Indian enclave children from a Bangladeshi school and because the parents of Bangladeshi children raised objection, the Indian enclave children were barred. The school is situated in a Bangladeshi enclave, and this enclave is a counter enclave of an Indian enclave, but the counter enclave children cannot go to this school. They also can't go to any school of their home country due to the international border. Saha (2011) showed the same problem of a Bangladeshi enclave situated in India named Mashaldanga. These dwellers have to make fake voter identity card to send their children at the Indian schools. But at Dahagram-Angorpota the dwellers have got four primary schools, one high school, one madrasa (religious educational institutions recognized by the Government of Bangladesh). If their children want to go for higher education they simply send them to their parent state: Bangladesh. During the field work carried out by Ferdousch a family was found, in which one of their children was going to a reputed University of Bangladesh which is beyond imagination for any other enclave dwellers of Bangladesh and India.

Market: The enclave dwellers of Mashaldanga have to sell all their agricultural products in Indian market. They buy all their necessities from Indian market too. Even they work in the agricultural farms of Indian owners. But they are not legally capable of doing any government jobs of India (Saha, 2011). On the other hand, a dweller of Votmari no. 16 enclave of India, situated in Bangladesh was arrested by the BSF in 2007 when he passed the border to buy some commodities from Indian market. This dweller went to his own country of citizenship (India) to buy his necessities. The BSF asked him to show his identity card which is not provided by the Government of India to them. He showed the pass of the Panchayat Committee of the enclave and told them that he is an Indian enclave dweller. Still he was arrested and jailed for four years in his own country (India). Although an Indian national, he was nevertheless treated as an illegal entrant to his own country which is bizarre given that usually there are no consequences for such behavior (Hossain and Alam, 2011). But in Dahagram-Angorpota there are two local markets within the enclave, they can go to the mainland whenever they want to buy all their necessities. The market is only thirty minutes away from the enclave. They sell all

their agricultural products to Bangladeshi businessmen. The products are sold to the local businessmen and they sell these to the mainland businessmen. Trucks and other vehicles can enter the enclave as it has a pitch road and access in the form of the Tin Bigha Corridor. Sometimes the dwellers also sell their products directly by coming into the markets of their mother land.

Migrant Labor: Like many of the poor people of both Bangladesh and India, selling labor is one of the major means of income for the enclave dwellers. They either work as day laborers or as agricultural workers. But they have to depend on the mercy of their neighbors to get a job. If the host land's people accept them and let them work in their fields they get a job for the day, if not, they don't get any. Sometimes they also cross border to go to their homeland to sell their labor. Zahid and Khan (2011) provide an example of an Indian enclave dweller Alimuddin, who sometimes goes to India to find work. But getting to India is not an easy task. He has to depend on the mercy of the BSF to let him in. Sometimes the BSF let him enter India and sometimes not. It is risky as well because no one knows whether he will be arrested or not. Still the enclave dweller seeks job in India because it is profitable. They can earn in Indian rupees that is a stronger currency than Bangladeshi taka. In this case, BSF is working as an agent of exception as discussed earlier. But the Dahagram-Angorpota dwellers do not have to do so, and they can sell their labor in Bangladeshi market.

Rethinking the term 'Illegal Border Crossing'

In lights of the discussions above we think the term 'illegal' border crossing needs to be redefined at least in context of the Bangladesh-India enclaves. In normal state which should have been defined as 'illegal' are not being defined as such. In this section we will elaborate how the same thing or same activities become 'illegal' and 'legal' in different contexts.

All the enclave dwellers except Dahagram-Angorpota have to cross the international border each and every day of their life for numerous purposes. Without doing so, they would not be able to survive a single day. They have to enter their host land every day for different services like education, health, legal and police protection, selling labor, selling products and so on. In strict sense this should have been termed as 'illegal' border crossing as they enter a sovereign state without prior documentation and permission. But

it is not termed as 'illegal'. Rather this has become normal and legal (as they are not arrested by the host land officials and the government allows them to do so). But if the Dahagram-Angorpota enclave dwellers try to do so, this will be termed as illegal and none of the 80 respondents in the field survey (Ferdousch) said that they cross the border for any of these purposes. Most probably they will be shot by the BSF if they try to cross the border to send their children at Indian schools, to sell their labor and their products at Indian market. All other enclave dwellers are entering their host land crossing the border of their enclaves, the Dahagram-Angorpota dwellers can't. While in all the 162 enclaves this is as normal as anything else, in Dahagram-Angorpota this is illegal. It has been found that the enclave dwellers become illegal border crossers when they enter into their own country and sometimes get arrested but they don't face no such difficulties entering another sovereign state i.e. their host land, of which they are not a citizen. A citizen becomes an illegal border crosser when he/she tries to enter his/her country of citizenship. But in case of Dahagram-Angorpota the reverse is true, and we are accustomed to it being normal. Now if this is analyzed from the perspective of Baud and Van Schendel (1997) discussed earlier, most of the enclave dwellers should be termed as smugglers as they violate state's restriction on border trade, carry more than the certain amount allowed by the government, go to the market of another sovereign state. But they are not. On the other hand, the Dahagram-Angorpota dwellers would certainly be termed as smugglers if they behave like all the 162 enclave dwellers. During the fieldwork by Ferdousch it was found that 20 of the 58 respondents of Dahagram-Angorpota were involved in smuggling cows. They were termed as smugglers because they carried more than the number of cows allowed to take to the market each week. 10 cows were allowed to be taken at the market during a haat day (a day in which a bigger market seats) and there are two market days in a week. That is, they were allowed to take 20 cows out of their enclaves to the motherland. But the respondents who were found to be involved in smuggling carried more than this amount of cows. They violated the rule in two ways. First they carried more than the acceptable number; second, they brought cows from India to Bangladesh without any legal documents. This proves one of the reasons behind smuggling shown by Baud and Van Schendel (1997) which is the restriction on carrying certain amount of things. But the reason behind this was extreme poverty. All these 20 respondents had a monthly income less than 5000 BDT (about US \$60). Here for the same activities while the Dahagram-Angorpota enclave dwellers are being termed as

smugglers, they become illegal border crossers, all other 162 enclave dwellers are not. Rather they become illegal border crossers if they try to enter their mother land.

Summary

Under different circumstances the same phenomenon is perceived in totally opposite ways by the same people. The border crossing narratives of Bangladesh-India enclave dwellers is a prime example of that. In this chapter what I have tried to show can be divided into three major parts. First we have discussed briefly about the enclaves, number of enclave dwellers and land area of the enclaves of India and Bangladesh. Second, we showed so far how the border crossings of the border people and the enclave dwellers have been explained in the existing literature. In doing so I have tried to show that what should be treated as 'illegal;' under normal circumstances is 'legal' for the 162 enclave dwellers while, for Dahagram-Angorpota dwellers, it remains 'illegal'. Again, when it comes getting to the own state of citizenship, the 'legal' becomes 'illegal' for the 162 enclave dwellers of Bangladesh and India but not for Dahagram-Angorpota dwellers. So we would argue that it is time the border crossing narratives should be given new thoughts when it comes to Bangladesh-India enclaves.

Thus in retrospect , to understand the socio- political modalities of the enclave dwellers one has to delve deeper into the lives of the enclave dwellers, their social life including their fears, anxieties, and aspirations have to be taken account of. However, it must be mentioned at the outset that discerning such modalities is a difficult enterprise. Besides problems in visiting the enclaves due to political deadlock and their problematic location, there has been a serious lack of study pertaining to studying the societal aspects of the enclave dwellers. Jason Cons has termed this as the politics of ambiguity and secrecy played out by the nation states of India and Bangladesh on their hapless citizens. In these spaces every state induced identities of the state is tested to its hilt. The responses of the enclave inhabitants towards their mainland or towards their host state cannot be defined in simplistic terms and categories. Outright rebellion or defensive accommodation to coming to terms with their difficult position marks the societal aspects of the enclave dwellers. The origins of the enclave problem post partition years, its evolution from merely being a territorial aberration to a protracted problem impinging on the bilateral affairs of India and Bangladesh in the following years to its final resolution until recently has been captured with much enthusiasm and fanfare in popular media and by area

specialists alike. Clichéd categories of statelessness and nationless were heavily deployed to make sense of a peculiar situation back home. One wonders, how far these categories would have stood the test of time; perhaps only enclave dwellers could have had answers to these problematic questions!.As far as the study undertaken has highlighted, these aforementioned categories did help in understanding the situation at the ground level to a certain extent, but it couldn't capture the whole set of complex emotions, narratives, counter narratives and experiences that these dwellers developed to make sense of their peculiar existence. As has been rightly said, human existence is impossibility in a vacuum, the same rings true for enclave dwellers also. The idea of helplessness and frustration that these ideas of statelessness embodied would not have enabled them to live a life in the precariousness of these spaces. But the very fact that they lived against all odds did say something about the experiences of the enclave dwellers which made them resilient enough to continue their stay in the enclaves. How did the enclave dwellers made sense of the state's actions and inactions? . How did they straddle the slippery yet important ideas of legality and para legalities as far as their daily existence was concerned? Can it be said that they were perpetually living in a state of exception, to use Agamben's analogy?. Answers to these questions were never that easy and forthcoming.

The research work undertaken has been a humble attempt in this regard to find answers to these problematic questions. It is the inner workings of these enclaves that have befuddled area specialists and political commentators alike. The post partition years has been particularly significant in this regard as it was during those tumultuous decades India tried to make sense of non contiguous aspects of its territoriality. Truth to be told, many opportunities did present itself to solve the long overarching border demarcation problem. The 1958 Nehru Noon Agreement, an India – Pakistan joint boundary delegation headed by Swedish judge, the 1974 Indira Mujib Accord ,all were attempts that sought to clarify the boundary demarcation issue once and for all times to come. But it was the local politics of the day that carried away the day, ignoring the broad concerns of the people living in the margins. Despite the good will that these treaties generated, much was wanting.

Chapter 5

Conclusion

“Our liberation is yet to come.”

- An inhabitant of the Mashaldanga Enclave.

This has been a regular refrain of the people residing in the problematic spaces of enclaves irrespective of their territorial location. For them, it seems their liberation is yet to come. It is in this context, we have to discern the meanings of independence in 1947 of British India and the liberation of Bangladesh in 1971 for them? What were their responses to these watershed developments? The answers to these questions as one can discern can be very much different from people living in the mainland of their respective nation states. Left to fend for themselves in a space devoid of any amenities of modernity provided by developmental state, it seems that these historic political developments had little or no meaning to them. Waiting to be normalized to the mainstream and wanting to get accommodated in the developmental landscape of their nation states, their conditions were as pitiable as when they were left in the lurch after the accession of the state of Cooch Behar State to India in 1949. It's a matter of time that these aspirations of enclave dwellers would be taken account of. With the smooth passage of the 119th Constitutional Amendment Act (concerning the Land Boundary Agreement) in the Indian Parliament in May 2015 and the subsequent Exchange of Letters of ratification concerning the Boundary disputes between the two nation states on June of the same year, a silver lining was visible as far as the improvement of the lives of borderlanders in those problematic spaces are concerned (Ministry of External Affairs, 2015).

Almost most of the policy interventions instituted by the respective nation states to solve the boundary issue has adopted a top down approach in their structuring and orientation. A significant break came up with the signing of the Protocol to the 1974 Indira Mujib Agreement in September 2011. The passage to most of the policy interventions like the Nehru Noon Accord of 1958, Indira-Mujib Agreement of 1974 has faced obstructions either from the nationalist enthusiasts of some political parties or the regional party units of Assam or West Bengal because they could not take these stakeholders on board (Mahur, 2014). The lack of consensus on matters relating to the boundary demarcation

was to make any solution of the enclave issue a difficult enterprise. Another potent reason for the problematic delay in solving the enclave issue has been the fact that the issue got couched in wider issues of other Boundary disputes affecting the bilateral relationship of the two countries. As far as the solution of the enclaves is concerned they were only waiting for a conversion from a Defacto situation to a Dejure reality. However the issue of enclaves would have been solved had the political dispensation of the times, disentangled the enclave issue from the other demarcation issues of adverse possessions and undemarcated boundaries.

However much was in the offing when in June 2015, the Prime Minister of India on his visit to Bangladesh ratified the Land Boundary Agreement in totality i.e. as per the modalities laid down in the 2011 Protocol pertaining to the Agreement of 1974(The Hindu,2015). The 2011 Protocol to the LBA was in many ways a much better policy improvisation than its predecessors in the sense that it attempted to bring the borderland states on board, in reaching a consensus. But the Protocol could not see the light of the day due to problems created by the Mamta Banerjee Government in the state of West Bengal. The issue of Teesta river sharing and the demands of local politics were to loom large on the reasons for the failures to ratify the bill (Mahur, 2014). The local political party of West Bengal, Trinamool Congress wreaked havoc in any attempt to sign the bill. Although the issue was Teesta River water sharing deal it was also connected to the signing of the Land Boundary Agreement as issues of resettlement and rehabilitation was to incur huge expenses which the state government could not have supported at that time. The compulsions of the coalition politics made any consensus between the state and the central governments a difficult enterprise. Nevertheless, this time when the 119th Bill was tabled in the parliament, the Bengal Government didn't create any problems but this time it was the local unit of Asom Gana Parishad (AGP) that created problems. This dilemma pertained to the notional loss of land in areas under the adverse possessions of Bangladesh (The Hindu, 2015). Like in the case of Bengal, the upcoming elections in Assam in 2016 were the prime determinants of the opposition this time. As has been rightly said by scholars working on the region, issues of boundary demarcation are an emotive one: an issue which has territorial loss of land although notionally at the heart of the matter.

The signing of Letters of Exchange has sent positive signals to the Bangladeshi dispensation by keeping its promises of an early resolution of the boundary issue. As a part of Modi's 'Neighborhood First Policy', the exchange of letters was remarkable development indeed. So it is with this background, we have to analyze the modalities laid down in the Protocol of 2011 with respect to the Land Boundary Agreement of 1974 and its implication forthwith. However it must be mentioned at the outset that the success of the recent ratification can be directly linked to the nature of ruling party at the centre. Winning a complete majority in the recently concluded Lok Sabha election, a situation completely different from the era of coalition politics, where reaching a decision on matters as complex as boundary issue became much easier. Perhaps a better sense must have prevailed on the incumbent National Democratic Alliance Government that they cannot risk a negative relationship with its immediate neighborhood of Bangladesh. In a win - win situation for both the nation states, this ratification would lead to several significant changes in their bilateral relationship and would pave the way for further cooperation in multiple sectors including security related and energy security issues.

As far as the technicalities are concerned pertaining to the issue of enclaves, an appointed day has been chosen for beginning the project of swapping or the exchange of dispute territories. The appointed day has been chosen as midnight of 31st of July (Ministry of External Affairs, 2015). It is with this date the 'exchange' of the enclaves would begin. However to ease the process of swapping, both the Governments had laid down some protocols/mechanisms to ease out the exchange. Before the appointed day, the existing joint boundary group would visit the enclaves and inform the people of the modalities and the semantics associated with the treaty. The most complex aspect of the task would be to inform the inhabitants of the enclaves to the provisions relating to the citizenship and nationality clauses of the ratified Agreement. Similarly the Joint Boundary Group would be given the task to identify the inhabitants who wish to retain the nationality they hold prior to the exchange of enclaves. However there is a caveat to it. This provision of retaining the old citizenship would be available to only those who have been enumerated under the July 2011 Census of the enclaves (Ministry of External Affairs, 2015).

The July 2011 census was of much importance because the figures that were arrived at that time were now used as a base figure for both the numbers of inhabitants and the

number of enclaves in upcoming negotiations. Similarly for all those residents who have retained their identity as before the exchange, modalities will have to put in place like providing them with transit passes, their possible rehabilitation in the states of West Bengal or either Assam will have to be looked into. This is going to pose considerable financial stress on the absorbing states that are providing resettlement and other facilities to those residents who have retained their nationality. As per the Protocol, camps would be setup by both the Governments with mutual cooperation to facilitate smooth entry and rehabilitation to the inhabitants of the enclaves who want to come to the mainland .The entry and exit points for their transit would be Holdibari , Burimari and Banglabandha on the India – Bangladesh borderland(Ministry of External Affairs,2015). Both the governments as it is mentioned will ensure the transfer of personal belongings and moveable property with utmost security and in utmost smooth manner. All those enclave residents who are exercising the option of moving out of an enclave to the mainland will have to notify their respective district administrators of their immovable property which would then collaborate with the Joint Boundary Group to secure the property and to facilitate its smooth exchange in the event of sale of these properties (Ministry of External Affairs, 2015).

Security Perspective: A Win-Win Situation

The resolution of the boundary problems would pave the way for a more positive restructuring of the India-Bangladesh relationship. Besides strengthening and securing the borders between the two nation states, it will go a long way in tackling the menace of human, drug trafficking, and cattle smuggling among many other illegalities. Apart from dealing with other illegalities it would also solve the identity issues of the enclave dwellers for all times to come. Besides providing stability to their sources of livelihood and providing them with legal identities, they would be normalized in the mainstream and thus would bring a closure to the ‘partition processes’ for all times to come, metaphorically. As far as the movement of enclave dwellers to the mainland is concerned, it would be negligible, as throughout their lives they have depended on the infrastructure for their social and economic needs of the host nation state. Things would only get clear when the proposed process would begin and the corresponding problems will surface pertaining to the exchange. Many scholars working on border security issues pertaining to the India – Bangladesh borderland have opined that much of the

programmes of Border Area Development Programme could not be implemented because of the undemarcated nature of the boundary line which was anything but a straight line. Perhaps with this ratification, those programmes for the improvement of the border areas could be implemented and executed (Jamwal, 2012).

The signing of the Land Boundary Agreement has created a positive template for other unresolved agreements like the Teesta Sharing deal and opening access for India to its north east via Bangladesh to begin discussions on. Although India took considerable time for ratifying the bill, its ratification amidst all the turmoil was welcomed by Bangladesh. With the ratification of the Land Boundary Agreement, one wonders what would happen to the pre existing identities of the inhabitants living in the India-Bangladesh enclaves. Will their old identities of being a proxy citizen or for a matter of fact as residents of an enclave (an enclave identity) pave way for the new state induced identities of citizenship and nationality? Questions like what will be the nature of this transition? , will there will be the coexistence of the old identities with the new one or the old identities will smoothly pave the way for the newer identities. Identity practices of an individual are primarily defined by the numerous lived experiences of its present, ascribed identities of the past among many other facets of their social lives. In this context, for the inhabitants of the enclaves who for most of their lives have lived a life of stateless individuals there will no doubt be a tension in incorporating the identities that are newly instituted by the state. Does a policy intervention wield so much influence to change the individual experiences of self identification particularly in places as problematic as enclaves? No doubt, the enclave dwellers will be provided with the basic amenities of life namely education, hospitals, markets which would in many ways improve their lives. But then what does citizenship as an idea of belonging to a nation mean to them? Does the economic logic of getting a ration card or say a voter's identification card underwrite the importance of this new state ascribed identity of citizenship and nationality? The jury has been still out to decide on this not- so- easy questions pertaining to the social lives of the enclave dwellers.

If the Governments of the two nation states succeed in a proper implementation of the Agreement, one can say with much certainty that the inhabitants of the enclaves would be given their much needed liberation. Liberation from statelessness, from deprivation, from violence among many other distressing things that they have undergone through in

their daily lives. With the proper streamlining of the border, much of the periodic violence on the region could be curbed and put on check. Besides that a flourishing borderland economy can also be put up in place whose immediate impact can be seen in the development of the lives of the borderlanders.

Problems Ahead

No doubt, with the ratification of the bill and the exchange of the modalities between the two Governments of India and Bangladesh, the technical issues pertaining to the demarcation of the boundary has been solved. But there are certain logistical and structural questions which are still to be addressed. As per the clauses of Letters of Exchange, the inhabitants of the enclaves would be given a provision to retain their present nationality, or change their nationality to that of their host state. Although stated in clear terms, they haven't pointed out whether the previously constituted Joint Boundary Working Group would be carrying out these changes or a completely new body would be formed to institute such changes as per the Treaty. Even the modus operandi of the processes to be followed is not yet clear. How will the joint body formed (which will have representation from both the Governments) ascertain the demands concerning the change or retention of their nationality or citizenship? Will it be in nature of a referendum or ascertaining at an individual level?. In fulfillment of any of these proposed methods a lot of man power and financial assistance would be required. Most importantly, the economic angle should not be overlooked in this regard. Modalities on whether the state or centre or both will incur the financial burden should also be worked out properly to avoid any hassles when on the ground. The course of events would get only clearer when the Governments would come up on the ground level and make plans according to the contingencies of the times. A strategic and active policy intervention is called for in dealing with such problematic areas. Besides in the event of the inhabitants wishing to come to the mainland which bordering state will bear the expenses for the proposed rehabilitation and resettlement of the enclaves?. Has the modalities been worked out for sharing the financial burden .Much has to be sorted out in this regard. As of now two states of Bengal and Bihar have been earmarked for the purposes of resettlement and rehabilitation of the enclave dwellers.

As an afterthought, the issue of enclaves and its subsequent ratification by the Indian Parliament has heralded a new era as far as the bilateral relationship with Bangladesh is

concerned. The fact that spaces as problematic as enclaves could be incorporated into the Land Boundary Agreement speaks volumes about the political will of the current dispensation and has created a favorable backdrop for solving bilateral issues with other countries like China and Pakistan is a welcome development. One can say with much certainty that Prime Minister Modi's 'Neighborhood First' policy has received a favorable boost with the signing of the Land Boundary Agreement. As hindsight, one can ascertain that the time has come for the liberation of the enclave dwellers in the truest sense of the term. By streamlining the enclaves into the mainstream and normalizing it , India and Bangladesh have joined that comity of European nations who have solved similar issue of enclaves with utmost smoothness and problem free transition.

Figure 8: Transcripts of Letters of Exchange between India and Bangladesh 2015

Press Release

Text of Exchange of Letters on Modalities for Implementation of India-Bangladesh Land Boundary Agreement 1974 and Protocol of 2011 to the Land Boundary Agreement



विदेश सचिव
FOREIGN SECRETARY

No. 9596/FS/2015

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June 6, 2015

Excellency,

In pursuance of the exchange of Instruments of Ratification between our two governments on June 6, 2015 to bring into effect the Agreement between the Government of the Republic of India and the Government of the People's Republic of Bangladesh concerning the Demarcation of the Land Boundary between India and Bangladesh and Related Matters, 1974 and the 2011 Protocol to the said Agreement, I have the honour to propose the following subsequent steps to implement the said Agreement and Protocol:

I. Enclaves

(i) India and Bangladesh agree that the Indian enclaves in Bangladesh and Bangladesh enclaves in India exchanged pursuant to the 1974 Agreement and 2011 Protocol shall stand transferred to the other with effect from the midnight of July 31, 2015. This shall be referred to as the "Appointed Day".

(ii) Prior to the Appointed Day, representatives of the two Governments shall conduct a joint visit to the enclaves for the following purposes:

- a. Informing the residents of the enclaves of the provisions contained in the 1974 Agreement and the 2011 Protocol, including their rights relating to nationality and citizenship;
- b. Identifying the residents who wish to continue to retain the nationality they hold prior to the actual transfer of territory. This right is available only to those residents who are included in the joint headcount of the population of the enclave finalised and exchanged by the two governments in July 2011 and to the children born to such residents from July 2011 till date;
- c. Collection of data, including photographs, required for issue of entry passes or any other document to facilitate the travel and entry of an enclave resident choosing to retain his original nationality.

(iii) The entry, stay and secure functioning of the representatives in the joint visit, and setting up of camps shall be facilitated by both Governments;

(iv) Both Governments shall facilitate orderly, safe and secure passage to residents of enclaves along with their personal belongings and moveable property to the mainland of India or Bangladesh, as the case may be, including through provision of travel documents;

(v) The travel of the residents who exercise the option of moving from an enclave to the mainland of India or Bangladesh, as the case may be, will be arranged by the respective Governments through cooperation as mutually agreed, and will take place by November 30, 2015. Entry/exit points would be Haldibari, Burman and Banglabandha on the India-Bangladesh border.

(vi) Both Governments shall ensure the safe custody and integrity of land records, where available, and other immovable properties of residents of enclaves till the date of actual transfer when the said enclaves shall vest in the sovereign jurisdiction of the other State and the records shall be exchanged through the relevant designated District Administrations of the two Governments latest by November 30, 2015.

Figure 9: Transcripts (Continuation) of Letters of Exchange between India and Bangladesh 2015.

References

(* indicates a primary source)

Government Documents

*Government of India (2015), Text of Exchange of Letters on Modalities for Implementation of The Land Boundary Agreement of 1974 and the Protocol of 2011 to the Land Boundary Agreement, Ministry of External Affairs, New Delhi..

*Government of India (2011), Protocol to the agreement between the Government of the Republic of India and the Government of the People's Republic of Bangladesh concerning the demarcation of the land boundary between India and Bangladesh and related matters, Ministry of External Affairs, New Delhi.

*Government of India (1958), Nehru –Noon Accord of 1958, Ministry of External Affairs, New Delhi.

*Government of India (1974), Indira-Mujib Agreement between the Government of the Republic of India and the Government of the People's Republic of Bangladesh concerning the demarcation of the land boundary between India and Bangladesh and related matters, Ministry of External Affairs, New Delhi.

Books

- Agamben, G. (2005), *State of Exception*, Chicago: University of Chicago Press.
- Anderson, Malcolm. (1996), *Frontiers: Territory and State Formation in the Modern World*, Cambridge: Polity Press.

- Bhattacharyya, P. K. (2000), *The Kingdom of Kamata Koch Behar in Historical Perspective*, Calcutta: Ratna Prakashan.

- Diener & Hagen (2010), *Borderlines and Borderlands: Political Oddities at the edge of the Nation-State*. Lanham: Rowman & Littlefield Publishers, Inc.

- Foucault, M. (1978), *Security, Territory, and Population: Lectures at the College De France*, New York: Palgrave MacMillan.

- Krasner, S. (Ed.). (2001), *Problematic Sovereignty: Contested Rules and Political Possibilities*, New York: Columbia University Press.

- Krenz, F. (1961), *International Enclaves and Rights of Passage: With Special Reference to the Case Concerning Right of Passage over Indian Territory*. Geneva: E. Droz; Paris: Minard.

- Krishna, S. (1996), *Cartographic anxiety: Mapping the Body Politic in India*. In H. Alker, & M. Shapiro (Eds.), *Challenging Boundaries: Global Flows, Territorial Identities* (pp. 193-214). Minneapolis: University of Minnesota Press.

- Ludden, D. (Ed.). (2002), *Reading Subaltern Studies: Critical History, Contested Meaning, and the Globalization of South Asia*, Delhi: Permanent Black.

- Prokhovnik, R. (2007), *Sovereignties: Contemporary Theory and Practice*, New York: Palgrave MacMillan.

- Samaddar, R. (1999), *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, New Delhi: Sage Publications.

- Vinokurov, E. (2007), *A Theory of Enclaves*, Lanham, MD: Lexington Books.

- Van Schendel, W. (2005), *The Bengal Borderland: Beyond State and Nation in South Asia*, London: Anthem Press.
- Whyte, B. R. (2002), *Waiting for the Esquimo: An Historical and Documentary Study of the Cooch Behar Enclaves of India and Bangladesh*, Melbourne: University of Melbourne.
- Wilson, T., & Donnan, H. (Eds.) (1998), *Border Identities: Nation and State at International Frontiers*, New York: Cambridge University Press.
- Zaum, D. (2007), *The Sovereignty Paradox: The Norms and Politics of International State Building*, New York: Oxford University Press.
- Zamindar, V. (2007), *The Long Partition and the Making of Modern South Asia: Refugees, Boundaries, Histories*, New York: Columbia.

Journal Articles

- Agnew, J. (2005), "Sovereignty Regimes: Territoriality and State Authority in Contemporary World Politics", *Annals of the Association of American Geographers*, 95: 437–461.
- Ahmed, I. (2006), "Bangladesh-India Relations: The Context of SAARC and the Emerging Global Scenario". *Asian Affairs*, 28(2), 46-62.
- Baud, M. & Van Schendel, W (1997), "Toward a Comparative History of Borderlands", *Journal of World History*, 8(2): 211-242.
- Banerjee, S (2001), "Indo-Bangladesh border: Radcliffe's Ghost", *Economic and Political Weekly*, 36(18): 1505-1506.
- Chatterji, J. (1999), "The Fashioning of a Frontier: The Radcliffe Line and Bengal's Border Landscape", *Modern Asian Studies*, 33: 185–242.

- Chester, L. (2008). “Boundary commissions as tools to safeguard British interests at the end of empire”. *Journal of Historical Geography*, 34: 494-515.
- Cons, J. (2007), “A Politics of Sensitivity: Ambiguity and Exceptionality along the India–Bangladesh Border”, *Sarai Reader*, 07: 20–29.
- Cons, J. (2012), “Histories of Belonging(s): Narrating Territory, Possession, and dispossession at the India-Bangladesh Border”, *Modern Asian Studies*, 46(3): 527-558
- Cons, J. And Sanyal, R. (2013), “Geographies at the Margins: Borders in South Asia- An Introduction” *Political Geography*, 35: 5-13.
- Das, P (2008), “India-Bangladesh Border management: A Review of Government Response” *Strategic Analysis*, 32(3): 367-388.
- Ferdousch, A. (2014), “Rethinking Border Crossing narratives: A Comparison between Bangladesh-India Enclaves”, *Journal of South Asian Studies*, 2(2): 107-113.
- Ghosh, P. (2011), “Changing Frontiers: Making sense of India-Bangladesh relations”, *South Asia Research*, 31(3), 195-211.
- Guha, S. (2003), “The Politics of the Identity and Enumeration in India c,1600-1990”, *Comparative studies in History* , 14(1).
- Jamwal, N.S. (2004), “Border Management: Dilemma of guarding the India-Bangladesh border”, *Strategic analysis*, 28(1): 5-36.
- Jones, R. (2009), “Agents of Exception: Border security and the marginalization of Muslims in India Environment and Planning”, *Society and Space*, 27(5): 879–897.
- Jones, R. (2009b), “Sovereignty and Statelessness in the border enclaves of India and Bangladesh”, *Political Geography*, 28:373–381.

- Karan, P. P. (1966), “The India–Pakistan Enclave problem”, *The Professional Geographer*, 18: 23–25.
- Krishna, S. (1994), “Cartographic Anxiety: Mapping the Body Politic of India”, *Alternatives: Social Transformation and Humane Governance*, 19(4): 507–521.
- Middleton, C. (2013), “States of Difference: Refiguring Ethnicity and its ‘crisis’ at India’s borders.” *Political Geography*, 35: 14-24.
- Minghi, J. (1963), “Boundary Studies in Political Geography”, *Annals of the Association of American Geographers*, 53: 407–428.
- Newman, D. (2006), “Borders and Bordering: Towards an Interdisciplinary dialogue.” *European Journal of Social Theory*, 9(2): 171-186
- Rahman, M., & van Schendel, W. (2003), “I am not a refugee’: Rethinking Partition Migration”, *Modern Asian Studies*, 37: 551–584.
- Shewly, H. (2013), “Abandoned spaces and bare life in the enclaves of the India-Bangladesh border”, *Political Geography*, 32: 23-31.
- Van Schendel, W. (1993) , "Easy Come, Easy Go: Smugglers on the Ganges , *Journal of Contemporary Asia* 23(2):189-213.
- Van Schendel, W. (2001), “Working through Partition: Making a living in the Bengal Borderlands.” *International Review of Social History*, 46: 393-421.
- Van Schendel, W. (2002), “Stateless in South Asia: The Making of the India-Bangladesh Enclaves”, *Journal of Asian Studies*, 61: 115–147.
- Williams, C. & Smith, A. (1983), “The National Construction of Social Space”. *Progress in Human Geography*, 7: 502–518.

Articles in Newspaper or Magazine

- Ahmed, Kamal (2000), "450 People Sent Back to Mashaldanga", *The Daily Star*, Dhaka, 1 June 2000.
- Ahmed, Kamal (2001), "Analysis: Surprising Outbreak of Hostilities." *BBC News Online*, 19 April 2001.
- Bagchi, Suvojit (2015), "Liberation Hopes Soars in Bangla Enclave", *The Hindu*, 1 June, 2015.
- Chanda, S. (2006), "BSF's new theory on exchange of enclaves" *The Statesman*, Kolkata, 30 August, 2006.
- "East Pakistan Police Enter Dahagram Today (1965) Evacuees Also to Start Returning.", *The Statesman*, 2 April, 1965.
- Habib, Haroon (2015), "Exchange of Enclaves from midnight of July 31", *The Hindu*, 10 June, 2015.
- Implement Mujib-Indira Treaty on Enclaves: Delhi Urged to Allow Free Movement of Bangladeshis(2001) , *The Daily Star*, 30 January 2001.
- "India May Keep Tin Bigha Corridor Open for a Longer Period(2000)" , *The New Nation*, 25 April 2000.
- Kaur, N. (2002). "The Nowhere People", *Frontline*, 19. (Online:web) Accessed 15 Sep, 2014 URL <http://www.hinduonnet.com/fline/fl1912/19120600.htm>

- "Mashaldanga People Still Besieged by Indians, Face Food Crisis: BSF-BDR Flag Meet Likely Toda." *The Daily Star*, 22 May, 2000.
- Natarajan , Sukanya(2015) , “ Land Swap :Can a deal be clinched?”, *The Hindu* , 26 March ,2015.
- Prasad, Jayanta (2015), “Breakthrough in India Bangladesh Ties”, *The Hindu*, 11 May, 2015.
- S, Rukmini (2015), “Land Boundary Bill set to become a landmark”, *The Hindu*, 8 May, 2015.
- Zahid, S., and Khan, S. (2011), “Choto Choto Chitmahal, Bara Bara Dukkho” (Small Enclaves, Huge Miseries), *The Daily Prothom Alo*, Dhaka, Bangladesh, 18 August, 2011.