

**FROM RYOTS TO ‘STATELESS PEOPLE’:  
‘ENCLAVE SETTLEMENTS’ IN INDO-  
BANGLADESH BORDERLAND**

*Dissertation submitted to Jawaharlal Nehru University in partial  
fulfillment for the award of the degree of*

**MASTER OF PHILOSOPHY**

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Date: 23/07/18

#### DECLARATION

I, Debjyoti Ghosh, hereby declare that the dissertation entitled *From Ryots to 'Stateless People': 'Enclave Settlements' in Indo-Bangladesh Borderland* is submitted in partial fulfilment for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University. This dissertation has not been previously submitted for any degree of this or any other University and is my original work.

Debjyoti Ghosh

#### CERTIFICATE

We recommend that this dissertation be placed before the examiners for the award of the degree of Master of Philosophy in this University.

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**To my Mother**

**Mrs. Lalita Sarkar**

**&**

**My Father**

**Mr. Mohanlal Ghosh**

**To whom I dedicate this work**

**Love!**

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## Introduction

An enclave is a portion of one state that is surrounded completely by another state. According to the Oxford English Dictionary, the mention of the word enclave was in 1868, while exclave first appears in 1888. But, according to Catudal, it was the Franco-Spanish Treaty of Madrid that mentioned the term ‘enclave’ for the first time in a European document.<sup>1</sup> The term ‘enclave’ has come from the Latin ‘*inclavatus*’ (shut-in or locked up), in which the prefix ‘*in*’ means ‘inside’, and the root ‘*clavis*’ means ‘key’.<sup>2</sup> An exclave represents a land which is separated from the mainland and has been surrounded by the other and thus becomes the enclave of the host state. For example, Dahagram-Angarpota is the territory of Bangladesh, but it situates inside the Indian boundary, departed from mainland Bangladesh; hence, Dahagram-Angarpota is the ‘exclave’ of Bangladesh, but ‘enclave’ within India. *Chhitmahal* is the Bengali word used for enclaves. The word *Chhit* means a part of something and *mahal* refers to an area or unit of revenue collection. Though it is certain from which time the term *Chhitmahal* came into existence, but the colonial documents of nineteenth-century showed the use of the word *Chhit* or parcels of land. In fact, the colonial documents in India never used the terms ‘enclave’ or ‘exclave’, but they preferred to use the terms like ‘*Chhits*’ or ‘parcels of land’ in its administrative and demarcation reports.

William Van Schedel identifies 250 enclaves around the globe, mainly in three areas: Western Europe, fringes of former the Soviet Union and South Asia.<sup>3</sup> In Western Europe, some examples of such enclaves are Spanish territory of Livia in southern France, German territory of Busingen in northern Switzerland etc. Some successor states of former the Soviet Union have enclaves in each other’s territories. But the biggest number of enclaves could be found in the tiny area of India Bangladesh border. Till their exchange in July 2015, the number of Indian enclaves in Bangladesh was 111, and there were 51 Bangladeshi enclaves in India.

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<sup>1</sup> Honore´ M. Catudal, *The Exclave Problem of Western Europe*, University of Alabama Press, Alabama, 1979, p.18.

<sup>2</sup> Yu. Rozhkov-Yuryevsky, “The Concept of Enclave and Exclave and Their Use in the Political and Geographical Characteristic of the Kaliningrad Region”, *Baltic Region*, 2013, No. 2 (16), p. 113-123.

<sup>3</sup> William Van Schendel, “Stateless in South Asia: The Making of the Indo-Bangladesh Enclaves”, *Journal of Asian Studies*, Vol. 61, No. 1, pp. 115-6.

## Existing Historical Works

Though there were not much scholarly attention towards enclaves till the second half of the last century, Robinson<sup>4</sup> in 1959 in his study of enclaves, divided them into four types: Quasi, pene, temporary and virtual exclaves. Though he mentioned of the Daddra and Nagar Haveli as it gained international attention, he did not mention the great number of Indo-Pakistan enclaves. Pradumnya P Karan<sup>5</sup> in 1966 brought the Indo- Pakistani enclaves to an international audience through his article the India Pakistan Enclave Problem, published in the Professional Geographer. But it was a short piece and had a map which shows only four enclaves. The work *Rule of Jungle* (1995)<sup>6</sup> by Amar Roy Pradhan, who a was a member of Parliament reflects the human crisis and legal problems in these enclaves.

In 2002, W. V. Schendel<sup>7</sup> took the Indo- Bangladesh enclaves and for the first time, these enclaves got the scholarly explanation. Slightly showing its pre-colonial origin, Schendel discusses the dual partition of 1947 and 1971 and the enclaves, the crisis, the Berubari affairs, enclave dwellers transnational identity questions and the failure of exchanging these enclaves. Just like his remarkable work *The Bengal Borderland: Beyond State and Nation in South Asia*<sup>8</sup>, this enclave study of Schendel is also rich with records of that period which shows how citizenship question, the land right had been dealt by both the nation. He has also tried to describe how the politics taken by the state made the enclave dwellers a ‘third type of citizen’. The claim of territory by the state somehow forgot in including the *Chhitmahals* among them and they made them the marginal citizen of the state without any citizenship right. He also talked about the enclave people’s solidarity but did not forget to mention that without voting right, they were nothing but a burden in the eyes of the state. Schendel tries to reveal that in the mainland nationalist politics how they have been deprived and also describes how during the twenty-first century, the religious violence still hunted the people of the *Chhitmahals* who had been easily targeted for their territorial identity. Schendel talks about the state negotiation on enclaves when it comes to territorial holding and security by giving the example of Dahagram-Angarpota exclaves of Bangladesh in Indian soil and the controversial Tin Bigha Corridor. The author in this study tries to deal with the challenge put by enclaves to national

<sup>4</sup> G.W.S. Robinson, ‘Exclaves’, *Annals of the Association of American Geographers*, Vol. 49, 1959, pp. 283-95.

<sup>5</sup> Pradumnya P. Karan, ‘A Free Access to colonial Enclaves’, *Annals of the Association of American Geographers*, Vol.50, 1960, pp. 188-90.

<sup>6</sup> Amar Roy Pradhan, *Rule of Jungle*, published privately by Sanchayeeta Roy Pradhan, Calcutta, 1995.

<sup>7</sup> William Van Schendel, “Stateless in South Asia: The Making of the Indo-Bangladesh Enclaves”, *Journal of Asian Studies*, Vol. 61, No. 1.

<sup>8</sup> William Van Schendel, *The Bengal Borderland: Beyond State and Nation in South Asia*, Anthem Press, London, 2005.

identity, integrity and sovereignty and also the relationship of people regarding nation, territory, and identity. But as a short piece and not as extensive as his previous borderland work, the work on Indo-Bangladesh enclaves done by Schendel has its limitations. The author here did not engage himself with the historical background of these enclaves. As he was trying to show the identity question of the marginal people regarding the national security and sovereignty, he does not have the chance to deal with all those aspects.

Brenden R. Whyte<sup>9</sup> in 2002 in his work, *Waiting for the Esquimo: An Historical and Documentary study of the Cooch Behar Enclaves of India and Bangladesh* broadly discusses the origin of the enclaves from Mughal period to the partition and after that. But as a researcher of geography, he takes the maps and land demarcation more seriously than the people. Though he shows the citizenship and law and order problems in enclaves, he lastly suggests that as the enclaves are not in a position of exchange, it is better to make some proper arrangements to make these enclaves a site for international tourism and business. Maybe he confuses with the Tin Bigha Corridor and the rest of the enclave questions and its ground reality. Both Golam Rabbani<sup>10</sup> (2008) and Dhar-Ojha<sup>11</sup> (2016), *Statelessness in South Asia: Living Bangladesh Indian Enclaves* and *Human Situations In Chhitmahals: A Study of Cooch Behar (India)* discusses the brief physical feature of these lands, socio-economic problem, the Tin-Bigha and Dahagram-Agarpota affairs. Their works are basically based on field surveys and personal interviews of the people.

## Research Objectives

Though there have a number of works have already been done on the Indo- Bangladesh enclaves, it is noted that the enclave question got repeated attention either by the geographical exception or through the law and order and human citizenship questions. In this study, my focus would not only go through its historical origin but also try to look into the matter of how these enclaves evolve through the Mughal to the colonial period and thereafter. From the above-mentioned works, we can easily find that various aspects are done by several scholars separately, in this study, my focus will be to take those findings altogether and thereby

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<sup>9</sup> Brenden R. Whyte, *Waiting for the Esquimo: An Historical and Documentary Study of the Cooch Behar Enclaves of India and Bangladesh*, School of Anthropology, Geography and environmental Studies, University of Melbourne, Australia, 2002.

<sup>10</sup> Mohammad Golam Rabbani, 'Statelessness in South Asia: Living in Bangladesh India Enclaves', *Theoretical Perspectives: A Journal of Social Sciences and Arts*, Vol. 12, 2005.

<sup>11</sup> Bibhash Dhar and Ganesh Ch. Ojah, *Human Situation in the Chhitmahals (Enclaves and Exclaves): A Study in Cooch Behar (India)*, Aayu Publication, New Delhi, 2016.



dealing with the origin of these enclaves till their final settlement. I would also deal with the human and identity problems there and try to focus how the enclave dwellers organize themselves to fight against the odds and how they raise their voices for the quest for identity. The aforesaid works have been focused mainly on the citizenship, law, and order, daily life and socio-economic problems faced by the dwellers of the Indo- Bangladesh *Chhitmahals*. So, the main question lay before us how the people make such arrangements to overcome these kinds of problems? Did they do such thing or not? What type of relationship do they have with the neighbors of their host country? How they mobilize themselves against the odds that have been put over them by the states? What kind of socio-economic and political body has they made to fight against the state-imposed barriers? Such type of questions needs special attention in studying the lives of the enclave dwellers. Moreover, what is common among the previous works is the use or better to be said misuse of the words enclave and exclave, sometimes it becomes very confusing. In this study, I would like to use proper words in dealing with the selective scenario so that there would not be any such confusion.

### Preview:

The whole work will be divided into three main chapters along with an introduction and conclusion part. Where chapter one and two will be dealing with the historical origin of these enclaves from 1713 till its exchange in 2015, the third will focus on the identity question of these enclave dwellers and their movements. This chapter would also focus on the cultural elements of these people and how solidarity plays among their transnational identity.

In chapter 1, I am going to discuss that after the disintegration of the Kamata Kingdom, the Kochs under the rule of Bishwarup started occupying the land of northern Bengal and Assam. During the mid-fifteenth century, the Koch kingdom emerged as a powerful ruling house beside the Ahom of Brahmaputra Valley and the Mughals. With the growing power, the Kochs attracted the Mughal expansion to their land during the time of Akbar. But it was not till the time of Aurangzeb, that the Mughals got extraordinary success against the Koch kingdom. In the last 1686, the Kochs lost their three *chalajat* estates to the Mughals. And later they again lost three more, Boda, Patgram and Purvabhag. But from the peace treaty of 1713, the Nazir of Cooch Behar got the *izaradari* of these *chaklas*. The powerful landed chiefs had been divided on the matter of suzerainty, as various chiefs of these *chaklas* who had been in the relation of kinship with the Cooch Behar kingdom did not accept the Mughal suzerainty. Thus created pockets of lands in the Mughal territory. But as it was under the indirect rule of

Nazir, it did not create that problem. Same happened with Cooch part also. Hence, there also formed some parts of lands whose chiefs had been agreed to accept the Mughal sovereignty. After 1765, when the East India Company got the Dewani Right of Bengal, the company found such enclaves. They, in 1774, eliminated the nazir from the zamindari of three *chaklajat* estates and gave it to the king who was under their guardianship. Thus from the Mughal, these enclaves got handed over to the British.

Responding to the request of Najir Deo of Cooch Bihar to help the Kingdom of increasing Bhutanese influence in its affairs, waged a campaign and incorporated it to the Bengal Province in 1772.<sup>21</sup> Thus Cooch Bihar became the first Princely State under the control of a British political agent. The subsequent negotiations to settle the Cooch Bihar-Bhutan boundary resulted in the creation of further enclaves between the two states in 1817. However, the second war between the Bhutanese and the British in 1864-5 resulted in the British annexation of the Bhutanese-held plains between Cooch Bihar and the Himalayas, known as the Duars that forms most of Jalpaiguri district of India today. Thus all the Mughal-Cooch Bihar enclaves and the Bhutan-Cooch Bihar enclaves turned into British-Cooch Bihar enclaves under the British rule. During the colonial period, these enclaves did not create that much of problems as it did post-independence period. As there had been no concept of fencing or nations, only direct and indirect British ruled lands, the dwellers of *Chhitmahals* did not face trouble with their livelihood. Their only identity remained in terms of revenue and under whose revenue office they had to pay their tax. The Rangpur enclave dwellers were the subjects of Cooch Behar state, hence they had to submit all their rents and taxes to the office of the Maharaja of Cooch Behar. On the other hand, the people of British exclaves in Cooch Behar were bound to submit those to the office of the colonial government. One more aspect was crime and law and order. Cooch Behar had a restriction on liquor and drugs like ganja, opium. The state had licensed liquor and opium shops. But the plantation of these elements in the areas of *Chhitmahal* and its illegal supply to the state made it difficult for the state to subdue this kind of smuggling single-handedly. So the Cooch Behar state came in terms with the British government and it was fixed that whenever smuggling-related crime would take place, the area of crime would be held accountable for the further criminal proceedings. For example, if such offense took place in the Kotbhajni, the exclave of Cooch Behar state under the British district of Rangpur, a criminal hearing would have done in the court of Cooch Behar state. But the fine of such crime had to be submitted to the district

officials of Rangpur, not Cooch Behar as the crime took place under the geographic area of Rangpur. The same process happened with its counterpart.

Apart from these criminal hearings, fines, and smuggling, the dwellers did have any kind of problem-related to their social or economic relation. Finally, the colonial government wanted to demarcate the chits in 1934 and concrete pillars had been installed. But the colonial authority did not want to exchange these, as the official records show that such exchange, as the government feared could be the reason for mass agitation.

The second chapter will be talking about the enclaves after the partition in 1947. the aftermath of the Second World War, the process of decolonization led to the emergence of nation-states almost all over the world. In the Indian subcontinent, the colonial rule ended with the emergence of two nation states on a communal basis. In the anti- British movement, both the leading parties- the Indian National Congress and the Muslim League because of their conflicting postures lost an excellent opportunity for building a better future for the post-colonial India. On the other hand, the 'divide and rule' policy of the colonial government played a damaging role in creating or intensifying most political, geopolitical and communal problems in this multi-racial and multilingual region. Under the prevailing circumstance after the failure of Interim Government, the British Prime Minister on February 1947 announced the transfer of power before 30<sup>th</sup> June 1948 which later shortened by the then Viceroy of India to avoid the growing communal incidents which started flooding the sub-continent from the mid of 1946. In the process of division of the two dominions, the new map has been made within only 74 days which created immense boundary problems among these two newly emerged nation states- India and Pakistan.

The entire strategy of the Viceroy for partition appeared to have been too rushing without giving anyone a moment to pause for thought that it imprudently ignored the geographical rationality in demarcation. Without having any survey, Radcliffe drew the line on the district map, perhaps followed by the notion of 'overall balance' that he was asked for by the Viceroy. On paper, the result might be a clear and tidy line but the picture on the ground appeared to have been very difficult. One officer of the Intelligence Branch of India complained that there was nothing to demarcate in the boundary line except an imaginary one supported by settlement maps showing the border villages. The boundary between Bangladesh and India is hardly a straight line and it is nowhere more zigzag than in the region where the enclaves are located.

Now, as Cooch Behar was a princely state, the situation got more complex there. As a princely state, it had to choose whether to go with Pakistan or merge with India. But there was a powerful lobby in the Cooch Behar Durbar who was in favor of remaining independent with its former area. They were the first in the northern part of Bengal who talked about separate Rajasthan state apart from Bengal. But such kind of demand soon got disillusioned as the Cooch Behar Maharaja signed the merger agreement with India on August 1949. Now the enclaves got divided among the Indian and East Pakistan territory and were remain the Cooch Behar state no longer and thus making the enclave problem an international issue. That was the beginning of misfortune of the enclave people and since then they have been subjected to all the vices of a stateless limbo. The introduction of Passport and Visa system in 1952 between India and Pakistan ironically forgot to mention of the enclave dwellers. But in 1958, the Nehru-Noon Agreement wanted to exchange all the enclaves without gaining any compensation from Pakistan's side as India would lose more land that it would have gained. Such an issue got national attention, as boundary always become the question of national pride and the case gone to supreme court. When the case resolved, India and Pakistan had gone into the bitter relation since 1965.

After, the emergence of independent Bangladesh in 1971, the question of enclave laid upon Bangladesh now. Again, for exchanging all those enclaves, India- Mujib agreement in 1974 took place. By this Agreement, Bangladesh dropped its inherent claim over South Berubari in exchange for the possession of its largest enclave in India, Dahagram- Angarpota, and India agreed to lease Bangladesh a passage of 178\*85 meter. But this came into effect in 1992 which attracted a heavy protest from the right wing groups of India. Though Bangladesh shorted out quickly all its barriers for the exchange procedure, India could not able to solve this issue till 2015. Both the BJP and Forward Block in 1992 highly criticised the Tin Bigha Agreement and launched a massive protest there. But they continued their predecessor's decision when came into power. The coup of Bangladesh followed by the assassination of Mujibor Rahman and a military government also increased the emigration of Hindu population from Bangladesh made the situation a more complex. In 2011, the joint census of the enclaves finally came into the ground when in July 2015, the enclave had been exchanged and thereby finished the 68 years of statelessness of the enclave dwellers.

The last chapter will be dealt with human living conditions in the former Indo-Bangladesh enclaves. Before 1947, the enclave people did not face any discrimination regarding their identity. They only defined themselves either by the subjects of the Maharaja of Cooch Behar

or the British. But since the post-partition period, the whole scenario changed. Now the nation states came into the ground along with their boundary, defined area, border fencing, security forces and several kinds of rule for the borderland dwellers. It was difficult for the people who did not even any kind of idea what border is and how it works. For the enclave people especially, because they were even alien in their own land surrounded by another country. Only mustard oil, kerosene oil, matches, sugar, cloth, medicine and medical appliances could be moved between the mainland and the enclave, which means local produce like jute, paddy, tobacco could not be exported to the mainland. District officials could visit enclave with a previous warning but not with arms. The situation changed a lot after the Passport and Visa implications in 1952. Several barriers had been kept for the enclave dwellers. As the host country had no authority over these lands and the main country could not do any development works in a foreign land, the enclave people were a kind of forsaken from the modern development. Most of the enclaves had no concrete road, government officials, schools, hospitals, no electricity. Law and order situation was worst there, as no country could perform their roles as protectors there. They had problems in social relation too. For the education of their children, the enclave people had been depended on their relatives in the host country. They did not have a proper price for their production. And most of all, as they did not have an identity prove or voting right, they were unable to claim anything from the governments of both the nation.

But despite having serious hazards for their daily livelihood, the enclave people organized themselves to fight against the odds. During 1972, the *Chhitmahal* Nagorik Committee came into existence. It was socially elected body along with President, Secretary, and Members. They solved village troubles, made roads by contribution, set up schools and medical centers and issued identity card for visiting the mainland. During this period a separate group formed in Haldibari area of Cooch Behar district named Indian Enclave Refugee Association. Their demands were to get their lands which had been occupied in Indian exclaves in Bangladesh or get compensation in the mainland for that loss. From the very beginning, they were against the exchange of enclaves which they thought would only benefit the occupiers of their lands. In 1994, a new organization name Bharat Bangladesh Enclave Exchange Coordination Committee formed in Dinhata Sub Division of Cooch Behar. They raised their voice for the exchange of the enclaves by organizing a series of movements. Despite building pressure on the government, they also covered the social aspects of the lives of the enclave people in their movement which helped them to make solidarity among the enclave dwellers.

After a statelessness of nearly seven decades, the enclave people finally get their identity in 2015. But was it enough? What about their lives after the exchange? What about those 746 families who took Indian citizenship leaving their land in Bangladesh? In the conclusion part of this study, I would like to deal with such questions. And would also try to throw light on what factors were responsible for such a delay in exchanging the enclaves. The continuity of lives and struggles of the enclave people will be the rationale of this study. For completing this task both archival and field work is necessary. The livelihood problems could not find better than those who faced it, and for that, an extensive interview of the enclaves people and the social leadership is needed.

## Chapter - 1

### Being Ryots of the *Chitmahals* before Partition of India

The geographical region of the present study is the Tista-Brahmaputra valley i.e., sub-Himalayan North Bengal and Lower Assam which is an extremely vital area. Brahmaputra and Baranadi set the Eastern limit, while the Tista and Karatoya streams shape the Western Boundary. Bhutan duars are the northern outskirts and the intersection of the Brahmaputra and the Karatoya in Rangpur (Bangladesh) is by and large considered as the southern limit of the district.

The social format of the Tista-Brahmaputra valley is extremely intricate because of the admixtures of various natural and social networks. Vernacular and Sanskrit writings, Persian literary works and certain archeological confirmations have abandoned some impression about the pre-colonial societal arrangement of the Tista-Brahmaputra valley involving the multilingual inborn and non-ancestral networks. The *Kalika Purana* completely outlined that the general population of the region were essentially tribal.<sup>1</sup> They were described either as Kiratas or as *Mlechchas*. The *Yogini Tantra* described them as *Kuvachaka* (evil speakers) or non- Aryan people.<sup>2</sup> Tribal culture and non-Aryan physical stature included in these works show to the nearness of Mongoloid genealogical systems in the zone which has been checked by the record of Yuan Chawng, the great Chinese explorer. He illustrated that the people of the region “were of honest ways, small of stature and black- looking, their speech different a little from that of mid-India, they were of violent disposition and were persevering students; they worshipped the *Devas*, and did not believe in Buddhism”.<sup>3</sup> A comparable portrayal has likewise been given in the *Tabakat-i-Nasiri*, a thirteen-century Persian work of Minhaj-us-Siraj. It clearly specified the settlement of three distinct tribal communities between the nation of Bengal and Tibet, viz., Koch, Mech, and Tharu.<sup>4</sup> From the specified existing Sanskrit

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<sup>1</sup> Rup Kumar Barman, *From Tribalism to State: Reflections on the Emergence of Koch Kingdom (Early Fifteenth Century to 1773)*, Delhi, Abhijeet Publishers, 2007, p. 35.

<sup>2</sup> Ibid, p.35.

<sup>3</sup> T.W. Thomas Watters, *On Yuan Chwang's Travels in India (A.D. 629-645)*, 2 Vols. Edited by Rhys Davis, S.W.Bhushel an Vincent Smith, reprint ed., Delhi, Munshiram Manoharlal, 1961, Vol. 2, p. 186.

<sup>4</sup> Minhasuddin Siraj, *Tabakat-i-Nasiri*, edited by H.G.Raverty, reprinted ed., New Delhi, Orient Books, 1970, pp. 567-72.

compositions and scholarly works about the tribal people of the Tista-Brahmaputra valley, we can without quite a bit of a stretch recognize the present networks like- Koch, Mech, Tharu, Garo, Kachari, Bhutia, Chutia, Rabha etc.

However, non-inborn culture had been acquainted with this area since ancient times. The Bhramins made their settlements in the area being appealed by the lucrative land grants, issued by the tribal rulers. Thus, Kamarupa became a fortress of the Brahmins and a focal point of Tantrik culture. Brahmins were appointed in the state organization by the Khena lords of Kamata in the fifteenth century. The Koch kings also specially brought the Brahmins in the land since the early sixteenth century. The Kayasthas, the landed noble class had been relocated to Kamarupa in the thirteenth and fourteenth centuries from Kanouj and Gauda. They got exceptional treatment from the Koch lords additionally to run the administration.<sup>5</sup> Among the non-tribal communities, some dominant professional castes in this region were- Teli, Sonari, Kumar, Kahar, Dhoba, Dom, Hira, Kaivarta etc. who settled in the region before the fifteenth century.

Hence, ethnically the Tista-Brahmaputra valley was a region of the generally differing populace. Both the environment and topography were the overwhelming variables of their occupation, culture and social and economic structure. The tribals alongside their clan villages and production system were fundamentally settled in the slopes, hillocks, and lower regions of the locale; the non-innate populace, then again, settled in the fields.<sup>6</sup>

Archaeological evidence suggests a long history of human habitation in the Tista-Brahmaputra valley. Classical literature and foreign accounts of the ancient period have recorded different names of the region such as Pragjyotisha, Kamarupa, and Kamarupa-Kamata.<sup>7</sup> The Allahabad Prasasthi of Samudra Gupta mentioned Kamarupa as a frontier region. During the medieval period, the western part of Kamarupa had been depicted as Kamata. The Khena rulers established a kingdom in the fifteenth century with its capital at Kamatapur. In 1490's, the invasion of Allauddin Hussain Shah, the ruler of Bengal invaded the Kamata kingdom which caused the disintegration of the kingdom and from the ruins of Kamata kingdom the new Koch kingdom began to form.

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<sup>5</sup> Barman, *From Tribalism to State Formation*, p. 36

<sup>6</sup> Ibid, p. 37.

<sup>7</sup> Ibid, p. 38.



### **Tista-Brahmaputra Valley forms Early Periods to the Formation of Koch Kingdom:**

Since the pre-historic period, Tista-Brahmaputra valley saw great human settlements of various racial networks and clans. Several sites of ancient settlements have been found in this area. Indian epics, Puranas, Tantric writings specified the early state of this region and named it 'Pragjyotisha' or 'Kamarupa'. According to these early classical references, Mriganka Danab, a Kirata (tribal) headman, was the first ruler of Pragjyotisha. He was succeeded by Hatakasur, Sambarasur, Ratnasur, and Ghataka who maintained the tribal rule.<sup>8</sup> Ghatakasur was, however, defeated and killed by Naraka, a contemporary chief of Bana, the tribal ruler of Sonitpur (right bank of the Brahmaputra of Upper Assam) and tried to develop tribal culture and religion in the Brahmaputra valley for which he had been destroyed by Lord Krishna who later installed Bhagadatta in the throne of Pragjyotisha.<sup>9</sup> But it is very difficult to trace the period of the early stages of the region through this classical literature.

The political history of the Brahmaputra valley started with the rise of Varman dynasty under the rule of Pushyavarman who was the contemporary of Samudra Gupta (335-376A.D). As per Nidhanpur Copper Plate Inscription and the Dhubri Copper Plates of Vaskarvarman, Pushyavarman, the organizer of the Varman Dynasty had a straight association with Naraka and his high sounding title 'Maharaja Dhiraja' shows his independent political status.<sup>10</sup> The sixth ruler of the dynasty Mahedrarvarman consolidated the kingdom and also performed two 'horse sacrificed'<sup>11</sup> which subsequently helped Vaskarvarman to establish his political supremacy over the region in an early seventh century. Mahabhutivarman, the eighth ruler of the dynasty, had adopted the policy of territorial expansion in the Western frontier of the kingdom by taking the circumstantial opportunity of contemporary Eastern India, i.e. weakness of the Gupta kingdom. The most prominent ruler of Pragjyotisha was Vaskarvarman (c. 600-650), who in collaboration with Harshavardhan of Kanauj suppressed

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<sup>8</sup> Kanak Lal Barua, *Early History of Kamarupa: From Earliest Times to the End of the Sixteenth Century*, Shillong, 1933, pp. 26-28.

<sup>9</sup> Ibid, p.34.

<sup>10</sup> E.A.Gait, *History of Assam*, 3<sup>rd</sup> revised edition, revised by B.K.Barua and H.V.S.Murthy, Calcutta, Thaker Spink and Co., 1933, pp. 23-4.

<sup>11</sup> Ibid, 23

the power of Guada ruler Shashanka. Under his rule, the Kamarupa witnessed the highest territorial expansion.

The successors of Vaskarvarman could not maintain the political control of the Varman dynasty in Kamarupa. A tribal chief named Salastambha founded a new Mlechcha kingdom in Kamarupa around the second half of the seventh century.<sup>12</sup> The term Mlechcha indicates to the tribal origin of the new ruling family of Kamarupa. But the subsequent rulers of this dynasty including Sri Harsha Varma Deva, Vanamala, and Balaramvarman III claimed that they were the successors of Bhagadatta, the mythical hero of Pragjyotisha. In the Copper Plate Grant of Harjjarvarman, Salastambha was described as 'king like a tiger'<sup>13</sup>, but his immediate successors were not a prominent figure in the ancient political history of Kamarupa. However, the Salastambha dynasty had revived its prominence in the first half of the eighteenth century, under the leadership of Sriharsha Varmandeva. He established his political control over the extensive territories of Eastern India and his daughter was married to Jaydeva II, the king of Nepal.<sup>14</sup> But his domination beyond the west of the Kratoya did not last long and his successor merely had held over the core area of Kamarupa. Nevertheless, the Mlechchas once again revived their glory under the rule of Harjjarvarman and the dominance over the vast region continued till the rule of Balaramvarman III.

After the fall of Mlechcha dynasty, the Pala ruler Brahmapal founded a new ruling order in Kamarupa in the late tenth century. His son, Ratnapal founded a fortified capital on the bank of the Brahmaputra named Durjaya.<sup>15</sup> But the seventh ruler of the Pala dynasty, Dharmapal sifted the capital from Pragjyotishapur to Kamarupa Nagar, located at Guwahati.<sup>16</sup> Like the previous rulers of Kamarupa, the Pala rulers also maintained the tradition of land grants to the Brahmins.

But, the Palas couldn't keep up their hold to Kamarupa for quite a while. The Senas evacuated the Pala rule and build up ether political control over Gauda. Amid this time, Kamarupa turned out to be free from the future political weight from Gauda. In 1198, Bakhtiyar Khalji, the military general of Mohammad Ghori defeated the Senas and uprooted them from the

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<sup>12</sup> Barua, *Early History of Kamarupa*, pp. 26-8.

<sup>13</sup> Gait, *History of Assam*, p. 31.

<sup>14</sup> D.R.Regmi, *Ancient Nepal*, Calcutta, Firma KLM Mujhopadhyay, 1969, pp. 166-7.

<sup>15</sup> Barman, *From tribalism to Sate*, pp. 58-9.

<sup>16</sup> Gait, *History of Assam*, p. 141.

political scenario of Gauda and marked the beginning of a new era for the history of both Bengal and the Tista-Brahmaputra valley. During this period, the political center of Kamaupa was shifted to Kamata (western part of the Tista-Brahmaputra valley). Minhaj-us-Siraj, in his Persian work '*Tabakat-i-Nasiri*' described that despite being helped by the Koch and Mech tribes of Western Duars, Bakhtiar Khalj had been defeated by Prithu or Barthu, the king of Kamarupa.<sup>17</sup> But he was defeated and later killed by Muhammad Nasiruddin and the later compelled Prithu's son to pay tribute.

After the death of Nasiruddin in 1229, the Muslim hegemony in Kamarupa came to an end. The political condition of Kamarupa became so chaotic with the beginning of the fourteenth century that control over the region became almost impossible for a particular ruling house. In such condition, Singhdhwaja had founded a new kingdom in the region uprooting the successors of Sandhya. During the period between the last half of the fourteenth century and the early fifteenth century, the Tista-Brahmaputra region witnessed a new ruling dynasty that was founded by Arimatta. During the rule of his successors Gajanka, Sukranka, Mriganka respectively, the expansion of the kingdom was limited to Western Kamarupa comprising present Jalpaiguri, Cooch Behar and northern parts of Rangpur District of Bangladesh.<sup>18</sup>

The western part of former Kamtapur began to be identified as Kamata with its capital at Kamtapur. Kamata region had been fortified for the protection against any probable attack from Bengal Sultans. In the early fifteenth century, the Khenas, a semi-tribal community of northern Bengal, had initiated the process of formation of a state. Niladhvaja (c. 1440-60), the founder of the Kamata kingdom, started his political career in a political turmoil of Kamarupa-Kamata. But his virtue, dignity, and leadership in the mutual contest for mastery over Kamata, made him the ruler of Kamata, having the title '*Kamtेश्वर*' (Lord of Kamata). He built the fortified capital called Kamtapur, located in present day Cooch Behar district of West Bengal. However, during the rule of Nilambar, a powerful armed force of Bengal Sultan Hussain Shah crushed the secure Kamatapur fortification in 1498 and from that point the autonomous Kamata kingdom for all intents and purposes vanished.

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<sup>17</sup> Siraj, *Tabakat-i-Nasiri*, p. 528.

<sup>18</sup> Barman, *From Tribalism to state*, pp. 61-2.

### **The Formation of Koch kingdom:**

After the disintegration of the Kamata kingdom, by using the political vacuum over this region, the Koch tribe came into prominence. Around the period of 1510- 1515, Bishu, son of Haria Mandal, rose to prominence, repressing the neighboring chiefs and gradually broadened his territory of extension between the stream Tista and Baranadi.<sup>19</sup> Bishu is considered to be the first king of this newly established kingdom and assumed the name, Biswa Singh. He also started using the caste identity of '*Kshatriya Rajbanshi*', rather identified themselves as Koches to show the newly gained superiority.<sup>20</sup> *Baharistan-i-Gaibi* recorded the name of the newly founded state as Kamata. European maps from the 1600s onwards designated the state as 'Comtay'.<sup>21</sup> Biswa Singh's seat of the ruling was Behar, which is now the present day Cooch Behar town. On the other hand, His brother, Shiv Singh who was both the chief minister and sub-ruler of the northwestern part of the kingdom, became the Raikat of Baikunthpur. Shiv Singh and descendants thus became the feudatory chiefs of the adjacent area near Siliguri and Jalpaiguri.<sup>22</sup>

After the death of Biswa Singh in 1540's, his eldest son Malla Dev secured the throne after defeating his younger brother Nara Singh who. Malla Dev enthroned under the name of Nara Narayan and appointed his brother Sukladvaja, also earned the name of Chilarai for his quick military campaigns as his general.<sup>23</sup> During this time, Sher Shah Sur successfully led the campaign to Bengal and made Gauda its capital near Rajshahi.

During Nara Narayan's rule, Sukladvaja leg two successful campaigns against the Ahoms in 1546 and 1562. He also invaded the lands of Jaintia, Kachhar, Manipur and even got the submission from Sylhet, Tripura, and Tippera. The rapid growth of the Koch kingdom within a short span of time, attracted the attention of Bengal ruler Sulaiman Kararani in 1568, in which the Koches had been defeated and Sukladvaj was captured, but later set free.<sup>24</sup> To avoid further Afghani invasion, Nara Narayan tried to form a friendly relationship with the Ahoms. He released the Ahomi prisoners in 1562 by playing a fake dice game with the highest

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<sup>19</sup> Gait, *A History of Assam*, p. 45.

<sup>20</sup> Ibid, p. 45.

<sup>21</sup> Durgadas Majumdar, *Koch Bihar*, West Bengal District Gazeteers, Calcutta, 1977, p. 1.

<sup>22</sup> S.C.Ghosal, *A History of Cooch Behar*, Cooch Behar State Press, Cooch Behar, 1942, p. 287.

<sup>23</sup> Gait, *A History of Assam*, p. 47.

<sup>24</sup> D.Nath, *History of the Koch Kingdom, 1515-1615*, Mittal, New Delhi, 1989, pp. 66-71.

ranking prisoners were losing from his side had been previously fixed and thereby the prisoners got released with gifts and friendly letter to the Ahom king.<sup>25</sup> Perhaps, this dice game might be misunderstood by the later generations who wrongly thought that the enclaves were the result of dice game which we talked about in the previous chapter. After Akbar replaced the Afghani rulers of Bengal in 1575 and thus made Bengal a Mughal *suba* (province), Cooch Behar entered a tributary alliance with the Mughals.<sup>26</sup> During the last phase of his rule, Nara Narayan had to divide his kingdom as a reason of his nephew's rebel in 1581 and gave Raghu Dev the eastern part of the river Sankosh, which came to know as Koch Hajo.<sup>27</sup>

### **Internal Conflict and Mughal Invasion:**

Nara Narayan was succeeded by his son Laxmi Narayan who extended the empire to modern Jalpaiguri, Dinajpur, Rangpur, between the Mahananda and Sankosh rivers. He sought Mughal help in subordinating the Cooch Hajo and for well building Mughal- Cooch relation, he gave his daughter married with Raja Man Singh, the Subedar of Mughal Bengal. Finally, Mughal forces annexed Cooch Hajo in 1613 which created a clash with the Ahoms. As the Ahoms did not want a powerful enemy beside their nose, Pratap Singh, the Ahom ruler dislodged Mughals from Cooch Hajo in 1635. But, Mughals took control over western part of Cooch Hajo which was separated from the eastern part by river Baranadi, and the rest had been gone to the Ahoms.<sup>28</sup> Laxmi Narayan was the first Koch ruler to practice the appointment of *Nazir* (Commander of royal forces) and he selected his son Mahi Narayan for the newly created post. But the decision created so many troubles and confusions for the state in the future.

Laxmi Narayan was succeeded by Bir Narayan whose five-year reign was not notable. In 1633, Pran Narayan, one of his sons, succeeded him after the later demised. By 1657, when the Mughal empire had been suffering from the fratricidal wars between the sons of Emperor Shah Jahan, Pran Narayan accepted this opportunity to amplify his kingdom and occupied the Mughal erstwhile Cooch Hajo, even drove battle as far south to Decca.<sup>29</sup> The Ahoms allied

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<sup>25</sup> Amantullah Khan Choudhury, *Cooch Behar Itihas*, Cooch Behar State Press, Cooch Behar, 1936,p. 113.

<sup>26</sup> Gait, *A History of Assam*, pp. 51-2.

<sup>27</sup> Ibid, pp. 52-3.

<sup>28</sup> Gait, *A History of Assam*, pp. 60-5

<sup>29</sup> Ghosal, *A History of Cooch Behar*, Cooch Behar State Press, Cooch Behar, 1942, p. 324.

the Cooch king to root the Mughals out from this region. But when Aurangzeb got victorious in his battle against his brothers and secured the throne for himself, he sent Mir Jumla, one of the most trusted generals, as Governor of Bengal and ordered to led an expedition against Assam, as well as Cooch Behar in 1661. Mir Jumla's had a powerful army of 40000, including cavalry, artillery, an armada of war-boats etc.<sup>30</sup> In December 1661, when the Mughal army entered to the Cooch Behar frontier, Pran Narayan fled to Bhutan. Mir Jumla easily conquered the state and renamed the capital as Alamgirnagar. The Ahoms had been also soundly defeated by the Mughals either on the fields or on the rivers. But, with the coming of monsoon, the Mughal occupation faced some serious problems. As they were not familiar with such a land of heavy rainfall, both fever and guerrilla Ahom raids caused many casualties; moreover, the flood cut the supply line of the Mughals. During this time, Pran Narayan returned from Bhutan and with the support of local people's revolt drove the invaders out. In this situation, Mir Jumla had been compelled to sign a peace agreement with Ahoms. On his way to Cooch Behar in order to restore Mughal governance there, Mir Jumla got a fever and died. The Mughals organized another campaign in 1664 under Shaista Khan against the Cooch Behar state, but Pran Narayan made a tricky submission to Delhi and once again came under the fold of tributary relationship.<sup>31</sup> By 1666, the kingdom of Cooch Behar reached out from Morang in Nepal till Goalpara in Assam, and to the Parganas of Southern Rangpur.<sup>32</sup>

After the death of Pran Narayan, the lust for power of the Nazir and his sons created a self-destructing situation for the empire. On the one hand, the sons of Nazir wanted the throne for their own with Bhutanese help, Mod Narayan, legitimate descendant of Pran Narayan got the assistance of Raikat Brothers of Baikunthpur in securing his position. When Mahendra Narayan, the great-grandson of Pran Narayan had been enthroned by the Raikat Brothers at the age of five, the Mughals started taking the advantage of such anarchy within the kingdom and extended their area of occupancy in its outlying regions from 1685.<sup>33</sup> The first *chalajat* to be occupied were Kazirhat (650 km<sup>2</sup>), Kakina (1850 km<sup>2</sup>) and Fatehpur (365 km<sup>2</sup>) as being an open area without any natural obstacles.<sup>34</sup> Zamindars in this *chalajat* had been compelled to

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<sup>30</sup> Jadunath Sarkar, *The History of Bengal, Muslim Period, 1200-1757*, University of Dacca, Dacca, 1948, p. 345.

<sup>31</sup> Durgadas Majumdar, *Koch Bihar*, West Bengal District Gazetteers, Calcutta, 1977, pp. 32-3

<sup>32</sup> *Ibid*, p. 33.

<sup>33</sup> J.A. Vas, *Eastern Bengal and Assam District Gazetteers: Rangpur*, Pioneer Press, Allahabad, 1911, p. 27.

<sup>34</sup> *Ibid*, p. 27.

pledge allegiance to the Mughal Emperor and thereby in return, getting a decree of confirmation of the holding of their land or zamindaris.<sup>35</sup> Finally, in 1698, these three possessed *chalajat* had been added by the Mughals.

### **The Formation of Enclaves:**

After having this three *chalajat*, the Mughals focused on the *chalajat* of Boda, Patgram, and Purvabhag and started moving into these lands. Though Rup Narayan, the king from the line of Mahi Narayan wanted to regain all the *chalajat* captured by Mughals, the growing power of nearly independent Raikat brothers could not lead him to do so. Therefore, he concluded a treaty in 1711 with Ali Quli Khan in which the Mughals would have retained the three *chalajat*: Kazirhat, Kakina, and Fatehpur. But the *Subedar* of Bengal did approve this treaty and dismissed Ali Quli who was then replaced by Ali Ijjat Nayemtullah Khan. The latter revised the terms of the treaty and demanded revenue from Boda, Patgram, and Purvabhag also which resulted the broke out of a new war. In this war, Rup Narayan had been soundly defeated and accepted the treaty in which he had the zamindari right over the *chalajat* of Boda, Patgram, and Purvabhag, but he had to pay the revenue of this three *chalajat* to the Mughal *Subedar* (provincial governor) who had now a semi-independent status of *Nawab*. In any case, Maharaja Rup Narayan thought that it was derogatory for him to have the zamindari over these *chalajat* and consequently he gave the zamindari to his sibling Santa Narayan, the Nazir, who turned into the new zamindar of these three *chalajat* under Mughal suzerainty.<sup>36</sup>

But this treaty of 1713 was itself some kind of contradictory in nature, as it gave the zamindari right of *chalajat* of Boda, Patgram, and Purvabhag to the Cooch Behar nazir, but demanded the revenue from this *chalajat*. Indeed, even the Mughals were not able to remove some powerful village chiefs from their territories as the three *chalajat* had been under their indirect rule. Subsequently, a number of village chiefs hold the terrains inside the *chalajat* remained part of Cooch Behar, however, disconnected from the state and consequently moved toward becoming enclave inside the newly established Mughal territory. On the other hand, disbanded Mughal soldiers captured the villages during the war, did not withdraw their holding from those lands. Some village level zamindars who gained Mughal decree previously also created enclave within Cooch Behar state, but detached from the Mughal territory. The Maharaja either was unable or unwilling to dislodge them from their holdings

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<sup>35</sup> Ghosal, *A History of Cooch Behar*, p. 328.

<sup>36</sup> *Ibid*, pp. 222-3.

and protect his sovereignty over those lands and thereby such village level holdings created enclave within Cooch Behar state.<sup>37</sup>

The Mughal empire did not regard these enclaves as problematic. As this region was far from Dacca, and being a borderland area which shares its border with such a state which is ultimately tributary to them. Hunter notes:

The fact that, although the Mughals forced the cession, they never wrested the *chalajat* out of the hands of the Kuch Behar Raja, accounts for the irregular nature of the boundary which exists between them and Kuch Behar proper. A long narrow strip of Kuch Behar territory extends from the north of Patgram, crossing the present Tista and divide Kazirhat from Boda. This would no doubt have been included in the ceded tract if the boundary had ever been regularly laid down. In Patgram, the very fields are intermixed, one forming part of the Chakla, the next belonging to Kuch Behar territory, to the great confusion of administration.<sup>38</sup>

From above statement, we could say that the enclave was not the result of merely the are an of occupation by the soldiers or zamindars from both-siders, but, these enclaves had already existed at a *zamindari* or *chakla* level. The treaty of 173 just brought it from village or landholding level to quasi-international level where state and empire had been involved.<sup>39</sup> But there are other versions of stories regarding the creation of these enclaves. One popular story is the game of chase between the Maharaja of Cooch Behar and the Fauzdar of Rangpur, as we have talked in the previous chapter. They used the villages as currency or tokens in the chase game. Both parties sometimes lost, sometimes won which created these fragments of lands among each other territories. From Jyoti Basu to Diptiman Sengupta and a great number of the local population has a strong belief that it was the chase gambling that was the result of the enclave creation.<sup>40</sup>

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<sup>37</sup> Amar Roy Pradhan, *Rule of Jungle*, published privately by Mrs. Sanchayita Roy Pradhan, Calcutta, 1995, pp. 7-8.

<sup>38</sup> W.W.Hunter, *An Statistical Account of Bengal: Rangpur*, Vol. 7, Trubner Company and Co., London, 1877, reprinted by D.K.Publishing House, New Delh, 1973, p. 317.

<sup>39</sup> Brenden R. Whyte, *Waiting for the esquimo: An Historical and Documentary Study of the Cooch Behar Enclaves of India and Bangladesh*, Melbourne, Australia: School of Anthropology, Geography and Environmental Studies, University of Melbourne, 2002, p. 33.

<sup>40</sup> Interview with Diptiman Sengupta, Cooch Behar, 25/12/2017.



### **Internal Challenges and Growth of Bhutanese Influence:**

Rup Narayan had been succeeded by Upendra Narayan who ruled till 1673. He was childless in his early years of ruling and made the son of Diwan, Dina Narayan his heir apparent. But Dina Narayan wanted written promise for his succession after Upendra Narayan which the latter refused. Dina Narayan sought help from the Mughal *faujdar* of Rangpur to overthrow Upendra Narayan. The Mughal also wanted a puppet king, took the advantage of this crisis without delay, defeating Upendra Narayan and restored Dina Narayan. In this position, Upendra Narayan asked for help from Bhutan and the army of Bhutan compelled the Mughals to flee the land. But from this time it was impossible for the Cooch Behar darbar to counter the growing influence of Bhutan at the court.<sup>41</sup>

After the death of the fourteenth Raikat brothers of Baikunthapur, Fauzdar of Rangpur invaded this region and made the boy rulers, Vikramdeva and Darpadeva captive. But by 1753, the chiefs of Baikunthapur had been succeeded to regain its independence. But the new *faujdar* Kasim Ali again invaded the land and after subduing the chiefs, made Vikramadeva the Raikat of Baikunthapur. In 1758, upon Vikramadeva's death, his brother Darpadeva replaced him, but never renounced the Mughal suzerainty.<sup>42</sup> The assassination of the boy king Devendra, as a result of the Nazir and some court officials, became the cause of more Bhutanese influence over the court affairs and the Bhutanese occupation of the north of the Cooch Behar started looking more like an annexation. After the murder of Devendra, Dhairyendra Narayan, the third son of Diwan became the king in 1765.<sup>43</sup>

With the growing relationship of the Diwan with Bhutan, King Dhairyendra Narayan expelled his brother Diwan out of fear. But with the Bhutanese support, Ram Narayan got his position and land back. The king then plotted to kill the Diwan and did so in 1769. The murder of his friend enraged Bhutan's Dev Raja and he made captive the king Dhairyendra Narayan and his major court officials by inviting them to a royal feast.<sup>44</sup> The Bhutanese then installed Rajendra Narayan, the elder brother of Dhairyendra Narayan as the new king of Cooch Behar, but he died in 1772. The Bhutanese wanted a puppet ruler, however, had been immovably restricted

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<sup>41</sup> Ibid, p. 34.

<sup>42</sup> Ambani Mohan Kusari et al., West Bengal District Gazetteers: *Jalpaiguri*, Messers N.X.Gossain and Co., Calcutta, 1981, p. 59.

<sup>43</sup> Ghosal, *A History of Cooch Behar*, p. 238.

<sup>44</sup> Majumdar, *Koch Bihar*, West Bengal District Gazetteers, p. 36.

by the rest of the court officials who crowned Dharendra Narayan, the child of hostage Dhairyendra Narayan. But the coming of 20000 strong Bhutanese troops compelled the new king to flee. In this situation, the Nazir sought help from the British East India Company, the successor of Mughals in Bengal.<sup>45</sup>

### **The Company- Bhutan War and Creation of More Enclaves:**

In 1765, with the Diwani Right over Bengal, Bihar, and Orissa, the East India Company actually became the ruler of major parts of east India. Naturally, the enclaves between the Cooch Behar state and the Mughals emerged as a boundary problem between Company and Cooch Behar, as the Emperor himself had been under the 'British Protection'. But as the Mughal authority declined over the lands of Bengal and the highly oppressive Company economic exclusion had been continuing, the *sannyasis*, the Hindu religious mendicants who were based in the northern Bengal committed rampant dacoity by utilizing the power vacuum and raided as far south as Dacca. These *sannyasis* used the enclaves to avoid the authorities of Mughals, Cooch Behar and of the Company.<sup>46</sup> The boundary between Cooch Behar and Company had been firstly determined in 1769 and then finalized in 1773. As part of this delimitation, The Cooch Behar state got some taluks near Gitaldaha in Chakla Kakina, handed over by the Company.<sup>47</sup>

After the *sannaysis* being suppressed, the British East India Company focused on the growing Bhutanese influence over Cooch Behar state which for the British was in a very strategic geographic position. The Collector of Rangpur sent troops in December 1772 and the Company captured the Cooch Behar town. They constrained the Raikat Brother of Baikunthpur who had been supporting the Bhutanese to pull back from the rest of the state in January 1773. On April 1773, the Company signed a treaty with the young Maharaja Dharendra Narayan in which Cooch Behar agreed to pay the entire cost of the expedition against Bhutan, He accepted the Company suzerainty and also agreed to pay the half of the revenue to the British for perpetuity. The British also made a peace treaty with the Bhutanese in April 1774 and demanded Dhirendra Narayan be released.<sup>48</sup> The position of Darpadeva, the Raikat of Baikunthapur had been reduced to be a zamindari status under Rangpur and thus

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<sup>45</sup> Whyte, *Waiting for the Esquimo*, p. 35.

<sup>46</sup> Majumdar, *Koch Bihar*, p. 157.

<sup>47</sup> Ghosal, *A History of Cooch Behar*, p. 248.

<sup>48</sup> Whyte, *Waiting for the Esquimo*, p.38.

Baikunthapur did not remain part of the Cooch Behar. The Bhutanese holding of land slipped fell down to the pre-war possession, which incorporated the immediate plains toward the south of the hill, the area which had been claimed by the Cooch Behar well before the Bhutanese came into prominence to the state. In any case, the British gave these terrains to the Bhutanese to assuage them for their greater reason for trade with Tibet via Bhutan.<sup>49</sup> The Company did not know about the existence of such enclaves till 1814 until the Acting District Magistrate of Rangpur discovered these fragmented lands where he used ‘patches of territory’ for referring the enclaves and also talked how anti-social elements had been using these lands to avoid the authority.<sup>50</sup>

The rivers of Bengal had changed their courses several times over the periods. Major two changes took place during the last half of the eighteenth century. The earthquake was likely the explanation behind the change of course of the Brahmaputra, which raises the old course through Mymensingh so that by 1830's the main course was the present channel, the Jamuna, streaming into the Ganges instead of the Meghna.<sup>51</sup> Then again, a substantial flood in 1787 constrained the south-streaming Tista into another course between Haldibari and Mekhliganj, meeting the Brahmaputra around 30 km south of Kurigram, leaving the previous course as the much diminished Karatoya and Atwari rivers.<sup>52</sup>

The ninety years between the two wars battled between the Bhutanese and the British, there was a time of continual difficulties between Cooch Behar and Bhutan and the British had been acting like a mediator. The British did not want a hostile relationship with Bhutan due to its treading interests with Tibet. Immediately after the treaty of 1774, quarrels began regarding the land promised the Bhutanese. They complained that the Koch Behar Maharaja and Raikat of Baikunthapur did allow them to reoccupy the land that was promised. The issue had been settled down by the Dinajpur council as they chose to hand over the *taluks* of Chichakotta, Paugula Hat, Luckeeduar, Kyranty and Maraghat in an indistinguishable way from they were had before the war. A Bhutanese officer and an Indian officer on behalf of the Company fixed

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<sup>49</sup> Whyte, *Waiting for the Esquimo*, p. 38.

<sup>50</sup> *Ibid*, p. 40.

<sup>51</sup> *Ibid*, p. 41.

<sup>52</sup> Hunter, *An Statistical Account of Bengal: Rangpur*, p.165.

the boundary of these *taluks*, but no officer from Cooch Behar had been allowed to participate in the delimitation.<sup>53</sup>

Among these taluks, Maraghat, near present-day Dhupguri became an issue of the contest for Cooch Behar and Bhutan. Maraghat had roads, office buildings, temples, tanks and constructed by Cooch Behar Maharaja. In 1809, the Commissioner of Cooch Behar supported the claim of Maharaja over Maraghat. But Bhutan refused it to be surrendered. In March 1811, there had been a clash between the Bhutanese and Cooch Behari forces in which the Bhutanese wounded 27 soldiers and the Commissioner had to send troops to pacify the matter.<sup>54</sup> But the new Commissioner David Scoot who replaced Digby had a different kind of approach towards this whole matter. He suggested that only the Mouza Maraghat was the part of Cooch Behar, not the whole taluk Maraghat. His proposition of giving 3065 bighas to Cooch Behar and whatever remains of the Maraghat to Bhutan had been concluded by the British Government in 1817. By such a settlement Bhutan moved its boundary six and eleven kilometers southward, thus creating a number of enclaves of Cooch Behar within the Bhutanese territory.<sup>55</sup>

By 1837, with the annexation of Assam which gave the relief from attack from the east and the British got a huge market of trade all over the subcontinent, the British did not need Bhutan as a buffer state. In 1841, the Assam duars had been occupied and Ambary Falakata in 1842. This territory was supposedly promised to the Bhutanese by the Raikat of Baikunthapur for their help against Cooch Behar maharaja in 1774. The Company, in view of holding control over the frontier, occupied the region, but did not annex it, rather than paying Bhutan a compensatory rent for it. After the Mutiny of 1857, the British Agent of the Northeast frontier Provinces to annex the Duars completely.<sup>56</sup> After the Second Anglo- Bhutanese War (1863-65), the Deva Raja had been compelled to sign a peace treaty with the British in November 1865, by which Bhutan left the whole Duars to the British in return of annual compensation of 25000 rupees. The annexation was formally proclaimed on 4<sup>th</sup> July 1866, and from now on the enclaves of Cooch Behar to the northern boundary laid to the British

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<sup>53</sup> Ghosal, *A History of Cooch Behar*, p. 424.

<sup>54</sup> Whyte, *Waiting for the Esquimo*, p. 44.

<sup>55</sup> Harendra narayan Chaudhury, *Cooch Behar State and Its Land Revenue Settlement*, Cooch Behar State Press, Cooch Behar, 1903, p. 265.

<sup>56</sup> Ghosal, *A History of Cooch Behar*, pp. 444-5.

territory and thus making the whole enclave affairs tied between Cooch Behar and the British government.

### **Administrative Changes in Cooch Behar and Adjacent Areas:**

The territory that had been the part of the Baikunthapur and Boda, was renamed Sookanee subdivision of Rangpur district in 1854. At the point when the subdivision headquarter had been moved to the Jalpaiguri cantonment, the subdivision renamed as Jalpaiguri.<sup>57</sup> This subdivision along with the Duars area that had been annexed from Bhutan formed a separate district in 1867 and criminal, revenue and civil jurisdiction transferred from Rangpur to Jalpaiguri had been taking place till 1870. Despite its separation by a thin area of Cooch Behar, the police stations of Patgram also transferred to Jalpaiguri. Also, the income demand from *chaklajat* estates of Boda, Patgram, and Purvabhag was paid in a total sum at Jalpaiguri.

In 1905, the Colonial government came up with their idea of dividing the whole Bengal province into two parts. Though the colonial point of view for such move was the inability of ruling such a huge area, the nationalist leadership of that period and the nationalist historians of later period identified that curbing the growing anti-colonial movements which had its powerful base in Bengal was the main motive of the alien government. As a result of such 'divide and rule policy', Bengal had been divided- west part remain as Bengal and the eastern part renamed as Eastern Bengal and Assam under the rule of new Lieutenant Governor with a new capital at Dacca. Jalpaiguri and Rangpur had been attached to the new province, where on the other hand, Cooch Behar remained administratively under the Bengal province. This made Cooch Behar a whole large enclave within the new East Bengal and Assam province

In the Government Notification published in 13<sup>th</sup> September 1876, 19 village *Chhits* or parcels of land transferred to their host district, Rangpur. It was also notified that 20 *Chhits* of Rangpur in Cooch Behar had not been transferred.<sup>58</sup> In 18897, the British gave 190 bighas of land in six plots, being taluk Kishamat Siboprasad Mustafi, *thak* no 16 of Chakla Purvabhag, Rangpur district to Cooch Behar. This land lay in Dinhata police station, next to Bhitari Kuthi

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<sup>57</sup> Whyte, *Waiting for the Esquimo*, p.46.

<sup>58</sup> West Bengal State Archive (WBSA), Kolkata, Proceedings of the Lieutenant-Governor of Bengal, Revenue Department, Jurisdiction and Boundary Branch, October, 1876, Notification issued on 13<sup>th</sup> September, 1876.

enclave also called as Shiboprasad Mustafi. The land formed into another taluk called Kishamat Mocarari part II.<sup>59</sup>

After the transfer of Goalpara to Assam and with the partition of Bengal into two provinces created administrative confusions. Though in 1901, the Cooch Behar had been faced no problem in conducting the census in its chits, in 1911, the State's officials, trying to enumerate its *Chhits*, received an objection from the Govt. Of Eastern Bengal and Assam. Proposals of exchanging the enclaves first came in 1910 as referring the enclaves as administrative troublesome, but nothing had been carried out.<sup>60</sup> In 1935, Cooch and Tripura had been transferred from the administration of Bengal along with various other small states located in Orissa and Bihar to form Eastern States Agency. The government by 1941, had to make a notification for the renumbering of villages after a series of transfer. For example, during the 1935 Rangpur-Cooch Behar enclave demarcation, Angarpota was in Dimla thana, Nilphamari Subdivision of Ranpur, but it had been transferred to Patgram police station by 1941, as per the notification.<sup>61</sup>

#### **Excise and Customs between the Raj and State:**

One of the administrative issues of the Cooch Behar enclaves was the enforcement of excise and customs law, despite in general there had no customs duties or transit dues between Cooch Behar and India.<sup>62</sup> The presence of enclaves permitted an increase of authorized shops selling dutiable products at fringe territories in and around Cooch Behar supported the smuggling and utilization of excisable things and diminished the capacity of each side to regulate the exchange permit expenses were collected for the sell of palm juice, village spirit shops, denatured spirit shops, imported alcohol shops, weed (*ganja*) shops, opium shops, medicated wine shops, chemist and druggists allowed and duty being charged on ganja, opium, and imported spirits. In Cooch Behar, opium cultivation had been brought to an end in

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<sup>59</sup> Chaudhuri, *Cooch Behar State and Its Land Revenue Settlement*, p. 382.

<sup>60</sup> WBSA, Kolkata, Proceedings of the Lieutenant-Governor of Bengal during February 1911, Political Department, Bengal Secretariat Press, Calcutta. File. C/22.1, No. 54 P, dated, Shillong, 25/01/1911, Letter from B.C.Allen, Secretary to the Government of Eastern Bengal and Assam, Revenue and General Departments to the Chief Secretary to the Government of Bengal.

<sup>61</sup> Rai Monmohan Chakraborty Bahadur, *A Summary of the Changes in the Jurisdiction of Districts in Bengal, 1757-1916* revised and updated by Kumud Ranjan Biswas, West Bengal District Gazetteers, Calcutta, 1999, pp. 312-316.

<sup>62</sup> Whyte, *Waiting for the Esquimo*, p. 50.

1867 and ganja in 1871. Opium and *ganja* duties were same in Cooch Behar, Jalpaiguri and Rangpur to evade the pirating. Physicist and denatured spirits permit charges were likewise the same as in Bengal, while bhang was excisable in British regions, yet not in Cooch Behar for its natural growth.<sup>63</sup>

In 1911, a joint India-cooch Behar inquiry board was set up to recognize the right areas of the extract and opium shops inside the two miles of Cooch Behar's borders conferred to Jalpaiguri, Rangpur, and Assam. After the examination framework, it was assented to invalidate ten state and two government shops and evacuate six state shops. The British government required the State to invalidate three shops in Kajaldhighi *Chhit*, in any case, the State was pleasing to their continuation.<sup>64</sup> The agreement became effective from first April 1917:

Subject to the annual payment of compensation to the Cooch Behar durbar, the excise administration of the all isolated chits of Cooch Behar territory including British chits within them has been made over to the Government of Bengal with effect from the 1<sup>st</sup> April, and that of all other isolated chits of British territory has been transferred to the State authorities from the same date.<sup>65</sup>

The impact of the plan is that for extract reason, the boundary of the Cooch Behar state is the consistent boundary; all people living inside that boundary must acquire their provisions of excisable articles and opium shops in Cooch Behar state; people residing beyond it from shops in British region. The movement of excisable articles or opium over the constant boundary added up to import or export, regardless of whether the individual so passing on it, are subjects of the State or British India, and is unlawful. In any case, authorized merchants of shops in the Cooch Behar State are allowed to take excisable articles or opium through British region under cover of passes. The railroad lands falling under the consistent boundary, as viewed as British *Chhits* in Cooch Behar and their excise administration has been given over to the State.<sup>66</sup>

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<sup>63</sup> Administration Report, *the Annual Report on the General Administration of the Cooch Behar State for the year 1943-44*, Cooch Behar State Press, Cooch Behar, 1945, pp. 25-6.

<sup>64</sup> Administrative Report, *the Annual Report on the General Administration of the Cooch Behar State for the year 1911-12*, Cooch Behar State Press, Cooch Behar, 1912, p. 13.

<sup>65</sup> *Ibid.*, p. 14

<sup>66</sup> Administration Report, 1943-44, p. 25.

Offenses culpable under the extract and opium laws of Cooch Behar and conferred in the disengaged *Chhits* of Cooch Behar state are to be attempted in the courts of the Cooch Behar state, and offenses culpable under the extract and opium laws of Bengal and submitted inside of the *Chhits* having a place with the British Government and arranged inside the ceaseless boundary of the Cooch Behar state are to be attempted in the British courts. All fines imposed and realized on such cases are to be handed over to the authority responsible for the excise administration.<sup>67</sup>

It has been additionally concurred that no new shop will be opened by either party inside the three miles of the regular persistent limit and that the site of any current shop inside three miles of such boundary will not be expelled in excess of 440 yards from the site which it possessed at the season of the understanding without the assent of the other party.<sup>68</sup>

In this way, the enclaves of Cooch Behar and India at Cooch Behar were traded for excise administration purposes. Inhabitants of Cooch Behar exclave needed to by their dutiable items from Bengal shops and the vice versa. Nevertheless, the laws of Bengal and Cooch Behar still connected in their own particular exclaves, with the goal that offenses under their separate excise acts would have been attempted in their own courts, however, fines acknowledged would be surrendered to the side practicing excise administration. As Cooch Behar had more exclaves with a bigger zone than the British with a greater populace, the Bengal Government every year repaid the State for its loss of net salary from the agreement.

### **Boundary and Enclave Demarcation:**

The Cooch Behar-Jalpaiguri boundary had been rearranged by a boundary commission 1919-20, following Milligan's survey and settlement of Jalpaiguri in 1916. A comparable commission on Cooch Behar-Assam boundary had done their overview 1922-23. As per Judd's division of Cooch Behar's enclave Bara Laukuthi in 1914-15, exchange of land came about a pick up of 216 bighas of land.<sup>69</sup> Along the Goalpara border, the claim of the Cooch

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<sup>67</sup> Administration Report, *the Annual Report on the General Administration of the Cooch Behar State for the year 1941-42*, Cooch Behar State Press, Cooch Behar, 1942, pp. 23-4.

<sup>68</sup> Administration Report, 1943-44, p. 25.

<sup>69</sup> Administration Report, *the Annual Report on the General Administration of the Cooch Behar State for the year 1914-15*, Cooch Behar State Press, Cooch Behar, 1915, p. 4.



Behar stater to the whole part of the Banaiguri village which lay between the State and its enclave of Bara Laukuthi remained unsettled.<sup>70</sup>

The Cooch Behar-Rangpur Boundary had been at long last balanced when Rangpur was cadastrally resurveyed. As indicated by Cooch Behar-Jalpaiguri Boundary Commissions' Report, the Jalpaiguri-cooch Behar enclaves were excluded from the Jalpaiguri task however their outline was to be considered with the alteration of the Cooch Behar-Rangpur boundary.<sup>71</sup> In like manner, the Cooch Behar-Assam Boundary Commission's report expressed that the chits of Goalpara inside Cooch Behar had not been said in their directions, so these likewise remained un-demarcated. In 1931, the Govt. of Bengal informed the Government of India about the 20 *Chhits* of Cooch Behar in Rangpur, and 32 of Ranpur in Cooch Behar, 127 of Cooch Behar in Jalpaiguri and 7 of *Chhits* of Jalpaiguri in Cooch Behar.<sup>72</sup> Despite the fact that the Govt. Of Bengal requested money related help from Govt. Of India for the boundary of these enclaves, it was not allowed. Amid the Rangpur Survey of 1932, the proposition of trading of these enclaves had been raised from the Directorate of Land Records, however, it had been immediately dropped by the Government by saying the nearness of 'strong local objections' in regards to such trade.<sup>73</sup> The earlier requested Rangpur-Cooch Behar Boundary Commission had been set up consisting A. C. Hartley on behalf of the Govt. Of Bengal and Srijut Nirmal Chandra Ahilkar for Cooch Behar. This Commission had done their review amid the cool period of 1933-34 along the fundamental limit, the eastern vast enclaves containing the chits of Balapara Khagrabari, Kot Bhajni and Dahala Khagrabari that straddled the Jalpaiguri Rangpur limit. The aggregate length of the boundary tallying the expansive eastern enclaves was 177 miles. Besides, Cooch Behar asked for three enclaves to be resurveyed too, they were-Batrigach and Uttar Bansjani of Rangpur in Cooch Behar and Dakurhat Dakinir Kuthi of Cooch Behar in Rangpur.<sup>74</sup> The 177 miles boundary was to be set

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<sup>70</sup> Karali Charan Ganguly, *Final Report on the Survey and Settlement Operations in the Cooch Behar State, 1913-27*, Cooch Behar State Press, Cooch Behar, 1930, p. 47.

<sup>71</sup> Ganguly, *Final Report on the Survey and Settlement Operations in the Cooch Behar State*, p.48

<sup>72</sup> National Archive of India (NAI), New Delhi, Government of India, Foreign and Political Department, Political Branch, File No. 672-P/31, Letter No, 14506-Jur, From H.C.V. Philpott, the Secretary of Government of Bengal, Revenue Department, Jurisdiction Branch to the Secretary for the Government of India, dated. 08/12/1931, Calcutta.

<sup>73</sup> A.C.Hartley, *Final Report of the Rangpur Survey and Settlement Operations, 1931-38*, Bengal Government Press, Alipore, 1940, p. 141.

<sup>74</sup> Whyte, *Waiting for the Esquimo*, p. 59.

apart with 340 new ferro-solid columns, out of which 21 for the huge enclaves and rest of 319 for the main boundary and the three different enclaves were to be divided with 32 ferro-concrete columns. Be that as it may, after the Govt. Of Bengal specified its powerlessness to discharge money related help for implanting columns, the Cooch Behar State installed them itself by the following year.<sup>75</sup>

As the authority found the local opposition in exchanging the enclaves, the Rangpur-Cooch Behar enclaves could now be demarcated and financial assistance was forthcoming from the Govt. of India.<sup>76</sup> Requests had been gotten in late 1934 and work was embraced amid February and March 1935. Over the aggregate of 93 miles of boundary, 190 pillars had been delimited by the implanting of bamboo pegs, and the 70 columns from past reviews, predominantly cadastral were used. These bamboo pegs were supplanted with columns in the 1935-36 season. Amid the Rangpur Survey, the Boundary Commission found that Rangpur still had enclaves in Jalpaiguri and Dinajpur and the other way around. It was then chosen to trade them with taking effect right now. The Rangpur chits in Dinajpur were exchanged crosswise over for Dinajpur settlement specialists to in the end review and those in Jalpaiguri overviewed with maps, while the chits of Dinajpur and Jalpaiguri in Rangpur had been exchanged to Rangpur. The Rangpur Jalpaiguri *Chhits* situated in the region of Patgram-Rangpur limit had been related with Jalpaiguri-Cooch Behar and Ranpur-Cooch Behar chits around there.<sup>77</sup>

In March 1936, the Rangpur-Cooch Behar chits were delineated and pillars had been inserted. The Government of Bengal moved toward financing for the Jalpaiguri Cooch Behar chits, however, it, at last, got authorized in February 1937 and reserves had been discharged in September of that year.<sup>78</sup> An aggregate of 324 miles of limit was outlined around the 221 chits. The bamboo pillars had been supplanted with solid ones amid 1937-38. Columns were set for the most part 400-800 meter separated on unmistakable twists in village boundaries,

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<sup>75</sup> Ibid, p. 59.

<sup>76</sup> NAI, New Delhi, Government of India, Foreign and Political Department, Political, Letter No. 1410-TR, From O.M.Martin, Secretary to the Government of Bengal to the Deputy Secretary to the Government of India, Foreign and Political Department, dated. Darjeeling, 05/10/1934.

<sup>77</sup> Hartley, *Final Report of the Rangpur Survey and Settlement Operations*, pp. 142-8.

<sup>78</sup> NAI, new Delhi, Government of India, Foreign and Political Department, Internal A Branch, Letter No. 3865-Jur, From J.B.Kindersley, Secretary to the Government of Bengal to the Secretary to the Government of India, Foreign and Political Department, dated. Calcutta, 09/03/1936.

just two in inverse corners being required for littler chits. The enclaves of Cooch Behar and those of its neighboring locale were appropriately outlined amid the 30's out of the blue. The previous cadastral, topographic and revenue surveys demonstrated the presence, location, and the area of the enclaves, but it took the specific boundary demarcations of the 1930's to reconcile the various survey maps, arbitrate disputes and embedded pillars, in order to make the boundary entirely defined and permanent.

Cooch Behar possesses a key area at the mouth of the Brahmaputra valley in Assam and the foot of the Himalayas. It isn't astounding that the zone was much battled about by the realms and kingdoms of the Gangetic fields, the Brahmaputra valley and the Bhutanese area of the Himalayas. The kingdom of Cooch Behar developed from humble beginnings in the mid-sixteenth century to vanquish a lot of north and eastern Bengal, and southern Assam within 50 years. The State's pinnacle was brief and it quickly shrank, at that point split into two, the eastern Cooch Hajo kingdom before long tumbling to the Ahoms and Mughals. The Cooch Behar demonstrated impervious to steady Mughal assaults. It kept up its self-rule by paying tribute to the Mughal Emperors, in spite of the fact that it rushed to reassert its own sway at whatever point Mughal run the show debilitated. Most of the Cooch Behar enclaves were framed by the settlements of 1711 and 1713 by which the Maharaja of Cooch Behar again regained his independence after a long war with the Mughals. Three external enclaves of Cooch Behar were added by the Mughals, however, another three they pined for was just not entirely disconnected, the Maharaja looking after his zamindari over them, yet holding it under Mughal sway. Feudal holdings in India, as in Europe, were extremely divided, because of the individual as opposed to the regional nature of power. In this way when the peace arrangements of 1711 and 1713 alluded to regions, as opposed to general region limited by a solitary characterized edge, this made a divided limit. Cooch Behar held a few grounds having a place with non-surrendered regions that were enclaved in the Mughal victories, while the Mughals picked up not just the primary areas of the locale they vanquished, yet additionally the pieces of those regions implanted past their bleeding edge inside the rest of the Cooch Behar kingdom. The Mughals were presumably unperturbed by the nearness of the enclaves, as they served to sew Cooch Behar into Mughal Bengal, where the managerial fracture was ordinary.

Within 50 years of the production of the enclaves, the British East India Company had supplanted the Mughals in Bengal. They regarded the Mughal boundary with Cooch Behar, craving to keep up the kingdom as a support state against attacks from the north-east. In any

case, Cooch Behar was tormented by Bhutanese impedance in its issues, and the kingdom called upon the Company, as the inheritors of Mughal suzerainty, to evacuate the Bhutanese. The E.I.C was put in a predicament, endeavoring to adjust its longing for exchange with Tibet, which required great relations with Bhutan, with its commitments to help Cooch Behar and guarantee Bhutan did not retain the kingdom. In a concise war, it helped Cooch Behar shake off Bhutanese predominance, yet tended to support Bhutan in settling a limit between the two. In 1817 the Company moved the Bhutanese boundary south in a few taluks yet left Cooch Behar possessing different land bundles containing physical proof of Cooch Behar sway, for example, sanctuaries, engravings, and remains.

The Company added Assam in 1824, and the second war with Bhutan in 1865 finished with the extension of every single Bhutanese land beneath the Himalayas. This left Cooch Behar totally enclaved inside British India as a Princely State. At the point when the encompassing zone was precarious, the Cooch Behar enclaves demonstrated a safe house for criminal and agitator components, yet once the British set up full control over the region after the 1860s, and the Cooch Behar Maharajas were in firm interior control, this issue everything except vanished. Warm relations between British experts and the Cooch Behar rulers gave a shared enthusiasm for steadiness and participation in such manner.

Enclaves were common in British India, amongst British and Princely State domains, as well as between British Indian regions and territories. The abrogating British centrality evacuated a significant part of the trouble they may somehow or another have made. By the by, to diminish authoritative issues, especially sneaking and criminal exercises associated with dutiable merchandise, the Cooch Behar enclaves were traded for the reasons for extract organization and ward in 1917. Full trade was an all the more politically touchy issue, as Cooch Behar would lose net region from it. The first and final known proposition for a trade before freedom originated from the British, and rather shockingly the perspectives of the enclave inhabitants were viewed as, most likely as a state of Cooch Behar's understanding. At the point when the occupants of enclaves on the two sides of the outskirts communicated their longing to hold the present state of affairs, the British went along; the issue was dropped, empowering the main full outline of the enclaves amid the 1930s.

Radcliffe's segment of Bengal in 1947 remaining Cooch Behar sandwiched between the two new Domains of India and Pakistan. In spite of the fact that the dominant part of its kin was Hindu, similar to the Maharaja, it took two years to formally agree to India. The increase

diminished around 50 of the enclaves, for the most part, those made in 1817, to inside Indian level, yet left around 200, those made in 1711-13, at a universal level with Pakistan. Doubt and inside and out antagonistic vibe amongst India and Pakistan, clear well before freedom, did not forecast well for proceeded with soundness in the enclave locale, no longer a segregated Bengali backwater, yet straddling the new global limit.

## Chapter – 2

### **The Making and Unmaking of *Chitmahals*: Becoming 'Stateless People' at Home**

With the partition of Bengal of 1905, the Indian national movement against the oppressive colonial rule had gained a new momentum in the national scenario, all over the subcontinent. But it took another 42 years to get complete independence. During this phase, constitutional developments went hand in hand with the national movement under Gandhi's leadership. But, there was another voice of the Muslim nationalists under the leadership of Jinnah which demanded separate nationhood for the Indian Muslims. The Second World War had cost a lot to the colonial powers all through the globe. With the growing nationalist movement and a paralyzed economic scenario, the British Prime Minister Atlee made an announcement on 20<sup>th</sup> February 1947 that the British would transfer power on or before June 1948. But with the growing communal violence all over the subcontinent, the newly appointed Viceroy Lord Mountbatten acknowledged the Muslim League's demand of 'separate state' and announced on 3<sup>rd</sup> June that the British would transfer the power on the midnight of 14<sup>th</sup> August 1947. The state of Pakistan comprised the Muslim majority provinces of the western and eastern parts of India. The Bengal province was nominally divided into Muslim majority districts and Hindu majority districts. The Muslim populated Rangpur and Dinajpur districts were included in East Bengal, on the other hand, Darjeeling and Jalpaiguri remained in Hindu majority West Bengal. The Bengal Legislative Assembly representatives of each part had been asked to vote on whether the province should be divided into religious lines or not. On 20<sup>th</sup> June 1947, the Hindu majority district representatives voted in favor of partition (58 by 21); and the representatives of Muslim majority voted against (106 to 35). It had been decided that if the representatives make their choice for partition, a commission would be set up to delineate the boundary within the province.<sup>1</sup>

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<sup>1</sup> Joya Chatterjee, "The Fashioning of a Frontier: The Radcliffe Line and Bengal's Border Landscape, 1947-52", *Modern Asian Studies*, Vol. 33, No. 1, Cambridge University Press, 1999, p. 199.

The formation of the commission for defining the boundary became the subject of debate between the Viceroy, the Secretary of State, Muhammad Ali Jinnah and Jawaharlal Nehru. While Jinnah proposed the UN picked non-Indians, Nehru thought it would delay the process.<sup>2</sup> Finally, Mountbatten accepted the proposal by Nehru for four members, two each selected by the Muslim League and Congress under one independent chairman. Thus, Sir Cyril Radcliffe, a London based Barrister had been selected as the Chairman of both the Punjab and Bengal boundary commission. He barely had three months to complete the task of drawing the boundary to such a land which had no previous concept of a boundary before. Radcliffe was forced to being restricted to staying at Delhi and limited to reading only the session minutes of each commission. During this limited time, he was unable to visit those areas which he was supposed to divide. During this time, Feroz Khan Noon who was to become the first Prime Minister of Pakistan after independence warned Radcliffe to remain in Delhi and not come to Punjab as he was sure that the latter might mistake Sikhs as being Muslims or vice-versa.

Both the Congress and the League had their respective strong stands regarding the partitioned provinces, as the Congress wanted a minimum area for the new state of Pakistan, while the League, on the other hand, tried to curb as much area as possible to make it economically viable and defensible. The commission, which was itself communal in character, could not avoid the pressure put by its rival political groups, Congress and the League. Hence, the responsibility finally had fallen over the shoulders of Radcliffe, who had no previous geographic knowledge of these regions before. Instead of using district boundaries which had notional division, Radcliffe used *thanas* or police stations which were the smallest administrative units for which the 1941 census figures on religion had been published.

Regarding the princely state of Cooch Behar and its enclaves, the Award gave the four southern *thanas* (Tetuliya, Panchagarh, Boda, and Debiganj) of Jalpaiguri district to East Bengal which was then in Pakistan. Along with the Patgram *thana*, whole Rangpur and parts of northeastern Dinajpur had been given to Pakistan. The annexure A described:

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<sup>2</sup> Ibid, p. 190.

A line shall be drawn along the boundary between the *thana* of Phansidewa in the district of Darjeeling and the *thana* Tetulia in the district of Jalpaiguri from the point where that boundary meets the province of Bihar and then along the boundary between the *thanas* of Tetulia and Rajganj; the *thanas* of Panchagarh and Rajganj, and the *thanas* of Panchagarh and Jalpaiguri, and shall then continue along the northern corner of the *thana* of Debiganj to the boundary of the State of Cooch Behar. The district of Darjeeling and so much of the district of Jalpaiguri as lies north of this line shall belong to West Bengal, but the *thana* of Patgram and any other portion of Jalpaiguri district which lies to the east or south shall belong to East Bengal.<sup>3</sup>

In Jalpaiguri district, the Muslim people were less, making up yet 23.08% of the total masses in the 1941 registration, which despite its insufficiency due to the war was used as the benchmark for Partition. Regardless, Muslims confined a larger part in three of Jalpaiguri's 17 thanas: Tetulia, Panchagarh, and Boda. None of these *thanas* was adjoining to Domar, the closest Muslim-larger part thana in Rangpur. However, these three or more the two non-Muslim larger part *thanas* of Debiganj and Patgram were granted to East Pakistan.<sup>4</sup>

The Rangpur district had a Muslim majority population. Though, there were two *thanas* with a non-Muslim dominant part, Dimla, and Hatibandha. However, the whole district was granted to East Pakistan. In Dinajpur area, the Muslim population was 50.20% and half of its *thanas* out of the total 30 had larger Muslim concentration. Six police stations were in the west and nine in the east, isolated by a compact block of the fifteen non-Muslim dominant part *thanas*. The district headquarter of Dinajpur was barely a Muslim greater part *thana*. The eleven westernmost *thanas* were granted to West Bengal and the staying nineteen including Dinajpur town to East Bengal.<sup>5</sup>

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<sup>3</sup> Cyril Radcliffe, *Award of the Bengal Boundary Commission, 12 August 1947*, reproduced in part in Kumud Ranjan Biswas's revised and updated, *A Summary of the Changes in the Jurisdiction of Districts in Bengal, 1757-1916*, West Bengal District Gazetteers, Government of West Bengal, Calcutta, pp. 167-70.

<sup>4</sup> B.K.Mukherjee and C.C.Biswas, *Report of the Non-Muslim Members (of the Bengal Boundary Commission)*, reproduced in Kumud Ranjan Biswas, *A Summary of the Changes in the Jurisdiction of Districts in Bengal, 1757-1916*, pp. 170-200.

<sup>5</sup> *Ibid*, p.194.



In each of the three districts, contiguity of religious greater part regions was the fundamental premise of Partition. Where a significant Muslim pocket existed in Jalpaiguri area, isolated from whatever is left of the Muslim area by a couple of non-Muslim dominant part *thanas*, it was given to East Bengal alongside the non-Muslim *thanas* in between. Where a pocket was isolated for having greater distance or by non-confined *thanas*, as in western Dinajpur, it was excluded. The detached non-Muslim dominant part pockets of Patgram, Dimla and Hatibandha were granted to East Pakistan based on contiguity and the issue of Cooch Behar. Cooch Behar's situation in being encompassed on three sides by Jalpaiguri and Rangpur made Radcliffe's honor just about an instance of chicken-and-egg. The Maharaja was justifiably holding up to perceive what the after-effects of the Partition would be before settling on his decision to increase to India or Pakistan. However, by not consenting to the other side or the other before parcel, he constrained the granting of Patgram, Debiganj, Dimla and Hatibandha to Pakistan, as they would some way or another be enclaved in Pakistan if Cooch Behar at that point joined the new Muslim state.

#### **Cooch Behar's Merger with India:**

During the partition, there were nearly 565 princely states which became technically independent from the British crown as per the independence act. They had their options to join either India or Pakistan. Where most of the princely states joined the Indian dominion, there were few states which created certain troubles for the newly formed Indian government: Junagadh, Hyderabad, and Kashmir. The Muslim Nawab of Junagadh wanted to join Pakistan but the majority of his subjects were Hindus who were against such decision. After the *Nawab* fled to Pakistan, the state became a part of India with little governmental interference. Hyderabad was the largest Princely state and the Nizam preferred to remain independent, but finally signed on the accession of the instrument when the Government of India sent troops there. The other most complex case was of Kashmir. The Maharaja of Kashmir wanted his kingdom to remain independent from both India and Pakistan and wanted it as the Switzerland of the East. But in October 1947, when the Pakistani forces under the disguise of tribal *Pathans* attacked Kashmir and occupied the western part of it. Hari Singh had to sign on the instrument of Accession and then Indian forces

saved the rest of the Kashmir from Pakistani invasion. Later, the whole matter had been taken to the United Nations by India and till date, it has not yet been solved.<sup>6</sup>

On the eve of independence, the Maharaja of Cooch Behar Jagdipendra Narayan Bhupbahadur sent a letter to the future Home Minister, Sardar Ballav Bhai Patel congratulating him and mentioning India as 'our nation'. The Maharaja also participated in the flag hoisting programme on the day of independence.<sup>7</sup> But for the next two years, Cooch Behar did not merge with India, but it had signed the Standstill Agreement with the government of India. This agreement maintained the status quo except in three matters- defense, foreign affairs, and communication.<sup>8</sup> Both Pakistan and India maintained the status quo regarding the enclaves of both sides of the border. But in January 1949, when it was most likely to be final that Cooch Behar would join India, Pakistani attempts by local officials had been made to capture these lands. One such incident happened when the Pakistani police chief proclaimed Pakistani law in the Cooch Behar's enclaves situated in Pakistan despite the protest of Cooch Behar's authorities. Later the matter had got sorted out and the police officer had been rebuked.<sup>9</sup>

But it took too long and eventful years for Cooch Behar to sign the merger agreement with the Indian government. Several elements had been present there that hindered the quick merger, like- the tug of war between Assam and West Bengal governments for Cooch Behar, a number of members in Maharaja's Council, and the involvement of organisations like Cooch Behar Hitasadhani Sabha continuously demanding for separate Rajasthan State along with the entire Duars, The Maharaja himself who was worried about the merger agreement which might cause the loss of Cooch Behar's special status.<sup>10</sup> There was even some thought of Cooch Behar, Tripura, and some minor Khasi States in Assam (now Meghalaya) framing a Union

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<sup>6</sup> Bipin Chandra ed., *India Since Independence*, Penguin India, 2000, pp. 85-7.

<sup>7</sup> Debabrata Chaki, *Brattyajoner Brittanta Prasanga: Bahart-Bangladesh Chhitmahal*, Sopan, Kolkata, 2011, p. 87.

<sup>8</sup> Ibid, p. 88.

<sup>9</sup> Wiliam Van Schendel, "Stateless in South Asia: The Making of the India Bangladesh Enclaves", *The Journal of Asian Studies*, Vol. 61, No. 1, Association for Asian Studies, 2002, p. 123.

<sup>10</sup> Ananda Gopal Ghosh, "Question of Northern Bengal and Western Assam", in Sailen Debnath ed., *Social and Political Tensions in North Bengal (Since 1947)*, N.L.Publishers, Siliguri, 2007, p. 143.

among themselves, in spite of the topographical dis-contiguity and absence of ethnic association.<sup>11</sup>

From 1947 till the merger of Cooch Behar with India on August 1949, Hitasadhani Sabha had been extremely active in its campaign in support of independent Cooch Behar. This organization was formed on 19<sup>th</sup> may 1947 by the landed gentries and influential council members of Cooch Behar State like Khan Chowdhury Amantullya, the *Dewan*, Satish Chandra Roy Singha, the education minister of the State and others.<sup>12</sup> The members of the sabha, through their public meetings, speeches, and poems attacked the ‘outsiders’ who had been well established themselves in Cooch Behar. In fact, Hunter noted, “During the reign of king Harendra Narayan many people came to Behar for the purpose of works from the south zone. They only occupied the administrative powers. As a result, the acute distress of the subjects was found.” After the partition, with the huge influx of refugees from East Pakistan, the leaders used this opportunity to attack the outsiders who, according to them, had been seized the land and wealth of the local *Rajbangshis* and Muslim *Nasya Seikhs*. The Hitasadhani Sabha rejected any kind of merger either with West Bengal or with Assam, as a reason that it would destroy their identity.<sup>13</sup> On the other hand, Congress led by mostly Bengali *Bhadralok* people wanted the state to be merged with West Bengal. The activities of the Samiti mainly targeted the Cooch Behar Peoples’ Association, Prajamandal Party, Communist Party, and Forward Block who wanted the same as Congress.<sup>14</sup> But within the Hitasadhane Sabha, there was also a group of powerful landlords and council members like Amanullah Ahmed, Majiruddin Miah, Moqbul Hossain, Anchharuddin Ahmed and others who were in favor of joining the state with Pakistan.<sup>15</sup> The activities of this Sabha had been beautifully presented by Charu

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<sup>11</sup> Whyte, *waiting for the Esquimo*, p. 69.

<sup>12</sup> Parbananda Das, ‘The Hitasadhane Sabha and the Tensions of Cooch Behar’s Integration with India’, in Sailen Debnath ed., *Social and Political Tensions in North Bengal (Since 1947)*, N.L.Publishers, Siliguri, 2007, p. 101.

<sup>13</sup> *Ibid*, p. 114.

<sup>14</sup> *Ibid*, p. 121.

<sup>15</sup> Lalit Chandra Barman, *Rajyer Dabite Uttarbange Andolan*, N.L.Publishers, Siliguri, 2008, pp. 83-4.

Chandra Sanyal in the editorial of *Jamanat* with the title of ‘The Unflamed Fire of Cooch Behar’-

On 27<sup>th</sup> August Amanullah Khan Chowdhury, the Revenue Minister of the State and education minister Satish Chandra Roy Singha delivered lectures in a huge gathering at Mekhliganj. They have said Cooch Behar will be kept outside Indian dominion. Cooch Behar state Congress is to be crushed. In their opinion, the people coming from outside only are trying to move to merge Cooch Behar with West Bengal. The education minister on another forward step called the Congress to a battle.<sup>16</sup>

During these developments, Hayderali, the Governor of Assam informed Sardar Patel after inspecting the situations in Cooch Behar. He informed about the activities of the Congress party there and how the Bengali *Babus* wanted the state to be joined with West Bengal. He proposed that Cooch Behar had a majority of the *Rajbanshi* population and it would be better to join the State with Assam.<sup>17</sup> Moreover, some *Rajbanshi* leaders also demanded a separate ‘Rajasthan’ or ‘Uttarkhand Pradesh’ by joining the Dooars within its boundary and leaflets had been distributed claiming such demands. The affectability of India toward the West Bengal-Assam banter over who ought to get Cooch Behar is proved by a particular thing in the Calcutta assertion of 14 April 1948, in which India and Pakistan agreed, *inter alia*, to “discourage any propaganda for the amalgamation of Pakistan and India, or of East and West Bengal or of Assam and Cooch Behar”.<sup>18</sup> In spite of the fact that Nehru, in his Calcutta discourse, guaranteed that the choice would be tallied in regards to the merger of Cooch Behar and nothing will be concluded without the desires of the general population of Cooch Behar, Maharaja Jagdeependra Narayan consented to the Merger Arrangement with India on 28th August 1949 and following two weeks Cooch Behar had been consolidated in the Indian Union as a Chief Commissioner's Province, with a Chief Commissioner, Mr. V.I. Nanjappa, ICS, responsible straightforwardly to Delhi supplanting the Maharaja in all

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<sup>16</sup> Parbananda Das, ‘The Hitasadhanee Sabha and the Tensions of Cooch Behar’s Integration with India’, p.119.

<sup>17</sup> Durga das ed., *Sardar Patel’s Correspondence, 1945-50*, Vol. 7, Navajivan Publishing House, Ahmedabad, 1973, p. 549.

<sup>18</sup> Kessing’s, *Pakistan From 1947 to the Creation of Bangladesh*, Keesing’s Research report 9, Charles Scribner’s Sons, 1973, p. 177.

regards.<sup>19</sup> The enclaves of Cooch Behar in East Pakistan and vice versa were at that point turn into a genuinely worldwide undertaking. Those of Assam and West Bengal in Cooch Behar and vice versa were between state issues inside India. Numerous other inter-state enclaves existed as India assimilated the 600 or so Princely States, some of which were unbelievably divided. A significant number of the little States were converged into Unions, others were converged into neighboring or encompassing areas and States, and just the bigger States were left flawless. Regardless of the diminishment of authoritative units from 600 to around 25 by associations and mergers of Princely States, numerous region level enclaves remained. The administration of Bombay State, present Maharashtra, declined to surrender three of its exclaves got from past Baroda to Saurashtra, the present Gujerat, in which they were found. Same was the situation with Madras, now Tamil Nadu, which did not surrender exclaves in Travancore-Cochin, now Kerala. About every one of the enclaves was evacuated after much negotiation, despite the fact that the strain to exchange was not made where bigger enclaves existed whose loss would be effective regarding the income to the home state. Menon noted “Exchange of territories often entails much heart-burning and political bitterness”, and was glad when it was accomplished without residual unpleasantness.<sup>20</sup>

### **The Transition from a State to a District**

By the State's Merger (West Bengal) Act 1949, issued on 31st December 1949 under segment 290A of the Government of India Act 1935, Cooch Behar had been transferred and converged with the territory of West Bengal on first January 1950. Chief Commissioner Nanjappa handed over the administration of Cooch Behar to West Bengal Chief Minister Dr. B.C.Roy in a function at Cooch Behar town. The Maharaja did not go to the service, which is not really astounding. He liked to watch the Test Match in Calcutta.<sup>21</sup> The West Bengal government kept Nanjappa on as Magistrate and Collector until the point when 30 June before selecting a Deputy Commissioner to supplant him. The title of Deputy

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<sup>19</sup> Durgadas Majumdar, *Koch Bihar*, West Bengal District Gazetteers, Calcutta, 1977, p. 138.

<sup>20</sup> V.P.Menon, *Integration of the Indian States*, reprinted with additions, Orient Longman, Calcutta, 1985, p.313.

<sup>21</sup> Whyte, *Waiting for the Esquimo*, p. 72.

Commissioner was an indication of Cooch Behar's semi-independent past. Regardless of the nullification of the distinction amongst regulated and unregulated districts under the Constitution of India in 1950, the title of Deputy Commissioner was held in Cooch Behar, Jalpaiguri and Darjeeling for historical sentiments till 22 May 1985 when the title was changed to District Magistrate in accordance with different districts.<sup>22</sup> Cooch Behar was defined as a district in West Bengal comprising eight *thanas*, five sub-divisions and included in the Presidency Division along with Jalpaiguri and Darjeeling districts.<sup>23</sup>

Since 1946, the Indian Constitution was under development lastly signed and passed by the President of the Assembly on 26th November 1949 and in this way came into constraining from 26th January 1950. India turned into a 'Republic' on that day and replaced its Governor-General with a President. By January 1950, as the Republic of India rose, Cooch Behar, once a Princely State, decreased to the status of a district of West Bengal. Since then, the enclaves of Cooch Behar had three groups: enclaves of and in Jalpaiguri district including Cooch Behar exclaves straddling the boundary with Dinajpur district in East Pakistan, were now all at Indian district level; enclaves of and within Assam's Goalpara district were enclaves at Indian state level, and enclaves of and in Dinajpur and Rangpur districts of East Pakistan were at international level.

### **Berubari Affair, Enclave Transfer and Introduction of Passport-Visa**

The Radcliffe Award made several boundary related problems, and the Berubari issue was one of the ideal cases of such fringe mapping botches. In 1952, Pakistan for the first time claimed for South Berubari No.12.<sup>24</sup> The union comprised the villages in the southernmost segment of Jalpaiguri thana of Jalpaiguri district, between Haldibari town and Cooch Behar exclaves Binnaguri, #61/11, and Daikhata, #39/13. The union with whatever is left of Jalpaiguri thana and the area was under 500 meters wide. Because of the thinness of the interfacing neck, the union was now and again indicated detached from whatever remains of Jalpaiguri on medium scale maps, and in some cases doesn't appear in any way. The zone of the

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<sup>22</sup> Kumud Ranjan Biswas, *A Summary of Changes*, 1999, p. 219.

<sup>23</sup> *Ibid*, pp. 319-21.

<sup>24</sup> Whyte, *Waiting for the Esquimo*, p. 80.

union was 8.74 square miles (22.58km<sup>2</sup>), with a mostly Hindu populace of maybe 12,000, of whom 8000 were refugees from East Bengal.<sup>25</sup> Jalpaiguri thana was circumscribed by Pakistani Panchagarh thana for the majority of the length of its western boundary, with the exception of the southern edge, at Berubari, which was flanked by Boda thana, at that point Debiganj thana for a little segment east of that before Jalpaiguri met Cooch Behar. Pakistan's claim to Berubari depended on Radcliffe's map of the partition, and an oversight in the segment content. Radcliffe had neglected to specify the Jalpaiguri-Boda boundary section. The Award did not proceed with the line from amongst Jalpaiguri and Panchagarh *thanas* to Jalpaiguri and Boda, and after that to Jalpaiguri and Debiganj before joining Cooch Behar. Neither did it state the enclaves of Cooch Behar that sat straddling the limit amongst Jalpaiguri and Panchagarh *thanas*.<sup>26</sup>

It was most likely the claim For Berubari made by Pakistan that energized the Government of West Bengal to issue notification 2427 Pl./Pl J-4/52, dated 27th June 1952. Under this notice, seventeen *Chhits* of Cooch Behar's Haldibari thana, shaping fourteen exclaves, were handed over to Jalpaiguri region's Jalpaiguri thana. Listed fundamentally north to south in the notice, the *Chhits* were every one of those of Cooch Behar in the region of Berubari, either enclaved in enclaved in Jalpaiguri thana or straddling the international boundary amongst Jalpaiguri and Panchagarh or Boda *thanas*.<sup>27</sup>

On 9 April that year, Pakistan had informed India concerning its expectation to present a passport and visa framework. While an allow system had been in constraining on the West Pakistan outskirts since 1947, travel was free of confinements over the East Bengal-India boundary. India requested a reevaluation of the move, yet Pakistan was resolute that it was vital.<sup>28</sup> On 15<sup>th</sup> October 1952, Pakistan presented the plan and India responded in kind that day. This viably bolted the occupants of the enclaves into their little island of

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<sup>25</sup> Kessing's World News Archive, 1961, p. 17884,

[http://keesings.com/index\\_new.php?page=article&article=17884n01ind&search=](http://keesings.com/index_new.php?page=article&article=17884n01ind&search=)

<sup>26</sup> Cyril Radcliffe, Award of the Bengal Boundary Commission, reproduced in part in Kumud Ranjan Biswas, *A Summary of Changes*, p. 169.

<sup>27</sup> Whyte, *Waiting for the Esquimo*, p. 81.

<sup>28</sup> *Ibid*, p. 83.

domains, since outskirts intersections could now just be made at assigned intersection focuses with the proper confirmation. As none of the enclaves had fringe crossing guides it was lawfully incomprehensible toward either abandon them or to enter the encompassing state.<sup>29</sup> Any enclave resident attempting to do so became a criminal in both countries. There were also very few border crossing points along the main boundary so that a *Chhitmahalbasi* (as the enclaves were called *Chhit* in the local term, the enclave residents were identified as *Chhitmahalbasi* or *Chhiter Manush* or *Chitmahali*) had either Any enclave dweller endeavoring to do as such turned into a criminal in the two nations. There were likewise not very many border crossing points along the main boundary so that a *Chhitmahalbasi* had either to make an unlawful intersection into his own nation close to his enclave or make a long bypass, involving much cost and time, to one of only a handful couple of crossing points. To this was included the need for a travel permit and visa to leave the host state and to demonstrate he was his very own resident state. To acquire the identification implied a long and costly outing to the closest passport office, which was likely past his methods, and significantly more, the cost to get the visa. The framework completely disregarded the requirements of the enclave inhabitants, as had the 1950 enclave access agreement which had just made arrangement for authorities.

The annulment of zamindari rights in East Bengal happened in 1952. This progression headed straight toward arriving change, taken under the East Bengal State Acquisition and Tenancy Act, 1951, accommodated coordinate installment of land income by the tillers. All middle person lease gatherers were purchased out by the Government, accepting a single amount in remuneration for the lost income.<sup>30</sup> The Maharaja of Cooch Behar lost his landholdings in East Bengal, in particular, the *chaklajat* domains of which he was zamindar. No longer, the exclaves of Cooch Behar were associated with India by Pakistani terrains

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<sup>29</sup> Amar Roy Pradhan, *Rule of Jungle*, p.17.

<sup>30</sup> Asraf Siddiqui, *Bangladesh District Gazetteers: Dinajpur*, Bangladesh Government Press, Dacca, 1972, p. 258.



possessed by the Maharaja. Another connection in the association of the enclaves to their country was severed.<sup>31</sup>

With the introduction of passport and visa, where India and Pakistan made the enclave an international issue, the dwellers from now on started facing the marginality and literally became the stateless citizens. With no census to count them and no enrolment for voting, there was no political representation for the enclave occupants, yet additionally no political enthusiasm for their situation. Unable to get access to their nations of origin, the enclave inhabitants ended up adequately detained and overlooked. Because of these occasions, and expanding hostility between India and Pakistan, which nearly prompted war in both 1950 and 1951, the circumstance of the enclaves turned out to be difficult to the point that the two governments adequately abandoned attempting to regulate them.<sup>32</sup>

In 1955, after the transfer of Cooch Behar's enclaves to Jalpaiguri for the first time in 1952, the Government of West Bengal again transferred the remaining Cooch Behar's enclave to Jalpaiguri on 20<sup>th</sup> May 1955.<sup>33</sup> These group of enclaves was the Magurmari, Gosairhat, and Godang, formed in 1817 when the colonial government determined these lands to the Bhutanese. Four more tiny enclaves also had been transferred to Maynaguri and Alipurduar *thanas* of Jalpaiguri district.

### **Negotiation over Exchange: Nehru-Noon Treaty and Its Reaction**

With the introduction of passport and visa system, the enclave dwellers experienced the definition of border, fencing, security forces and limited movement for the first time. Nevertheless, The Indo-Pakistan Visa Conference of 1953 which talked about granting the enclave people of A category visa applications, it had been futile for the mostly illiterate, poor people living in a stateless condition to cross the border for gaining access to their country and to apply for visas. The talks of exchanging the Cooch Behar's enclave in East Bengal and vice-versa started in the Karachi Meeting at the beginning of 1953 and also discussed again at Delhi in August that year. Both the Prime ministers of India and Pakistan agreed to exchange those enclaves as soon

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<sup>31</sup> A.S.M Yunuch, *Katatara Abarudhho Chhitmahal*, Anwasha Prakashan, Dhaka, 2013, p. 25.

<sup>32</sup> Scendel, "Stateless in South Asia", p. 125.

<sup>33</sup> Whyte, *Waiting for the Esquimo*, p. 88.

as possible.<sup>34</sup> This issue of exchange also attracted the media attention all over the country. *The Hindu* discussed the origin of enclaves in the pre-colonial period and talked about how the passport system reasoned several problems for the daily livelihood of the enclave dwellers.<sup>35</sup> *Hindustan Standard*, published from Calcutta, on the other hand, published the report on the people of Mekhilganj Subdivision demanding the incorporation of Patgram *thana* to India as it had been divided Mekhliganj from Dinhata.<sup>36</sup> Moreover, during the Calcutta Conference that took place in September that year the issue of exchanging the enclaves was put on the table, but the whole talk proved to be futile regarding the compensation of West Bengal as its net loss of area. Though both countries agreed to increase travel convenience between India and East Pakistan, Pakistan declined the proposal of India regarding the abolition or simplification of the visa system by pointing out “the time is not yet ripe for any radical change”.<sup>37</sup>

During all these years, incidents of confrontation at local levels continued and in every case, both countries blamed each other. To avoid such unwanted occurrences, Pakistan’s Prime Minister Mohammed Ali announced setting up of a joint boundary commission with India on 19<sup>th</sup> March 1956. The proposal had been welcomed by the Indian Prime Minister Jawaharlal Nehru on the very next day and it was announced on 12<sup>th</sup> April that the demarcation will be started immediately along with the Indo-Pakistani boundary.<sup>38</sup>

By 1958, India’s relation with Pakistan did not develop in a positive way and incidents of border shooting, alleged border violations and tensions continued. In this situation, Nehru on 4<sup>th</sup> June at his monthly press conference told: “any two reasonable persons on behalf of the two governments could sit together and decide them in a day or two”.<sup>39</sup> As a result, there had been a meeting between the Chief

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<sup>34</sup> *Hindustan Standard*, 20 August, 1953 p. 9.

<sup>35</sup> Kessing’s, *World News Archive*, 1953, p. 13128,  
[http://keesings.com/index\\_new.php?page=article&article=16416n01ind&search=%2213128%22](http://keesings.com/index_new.php?page=article&article=16416n01ind&search=%2213128%22)

<sup>36</sup> *Hindustan Standard*, 22 August, 1954, p. 5.

<sup>37</sup> Kessing’s, *World News Archive*, 1954, 13840,  
[http://keesings.com/index\\_new.php?page=article&article=13840n01ind&search=](http://keesings.com/index_new.php?page=article&article=13840n01ind&search=)

<sup>38</sup> Keesing’s, *Pakistan From 1947 to the Creation of Bangladesh*, 1973, pp. 43-3

<sup>39</sup> Whyte, *Waiting for the Esquimo*, p. 91

Secretaries of Assam and East Pakistan, but which turned into as Nehru identified himself “cannot be described as brilliantly successful”. After the exchange of correspondence by the Prime Ministers of India and Pakistan which resulted in the cease-fire from 26<sup>th</sup> August, a meeting had been held between the Pakistani Foreign Secretary, M.S.A.Baig and the Commonwealth Secretary of the Indian Ministry of External Affairs, M.J.Desai from 30<sup>th</sup> August to 2<sup>nd</sup> September in Karachi. The despatch which came out of this meeting talked about deploring the recent border incidents, agreeing to the mutual release of prisoners, the need of joint demarcation of the boundary so that peaceful relations could not be affected by border disputes. On 10<sup>th</sup> September, Prime Minister Jawaharlal Nehru and Firoz Khan Noon signed on the treaty which dealt with the exchange of enclaves without any compensation to West Bengal for its net territorial loss. The agreement also sorted out the Berubari problem by dividing it into two horizontal parts by a line drawn from the north-eastern corner of Debiganj to meet the southern end of the Jalpaiguri-Panchagarh boundary. The three exclaves adjoining Berubari was to be ceded to Pakistan.<sup>40</sup>

While Noon in Pakistan faced criticism of Fazlur Rahman, member of National Assembly of Pakistan by pointing out the treaty as ‘betrayal to Pakistan’ and shortly after the agreement the Noon Government had been dismissed by the then President Iskandar Mirza on 7<sup>th</sup> October 1958 and martial law was imposed by General Ayub Khan who occupied both the offices of Prime Minister and President and continued the imposed martial law till mid 1962.<sup>41</sup> But from the very beginning, Nehru faced immense criticism both in Indian Parliament and in public sphere. On 12 September and again on 9 December 1958, he talked in both the Rajya Sabha and Lok Sabha to clarify the settlement of the different disputes. By the enclave exchange, India would surrender around 28 square miles (72 km<sup>2</sup>) and 11,000 individuals as an end-result of 17 square miles (44km<sup>2</sup>) and around 9000 individuals. In answer to questions, Nehru opined that the changes were simply implementations of the Radcliffe and Bagge awards thus would not require parliamentary endorse.<sup>42</sup> But the decision had been highly criticised both within Congress and outside of it.

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<sup>40</sup> <http://mea.gov.in/bilateral>

documents.htm?dtl/5888/Agreement+relating+to+Border+Disputes+East+Pakistan

<sup>41</sup> Kessing’s, *Pakistan From 1947 to the Creation of Bangladesh*, 1973, pp. 52-3

<sup>42</sup> Kessing’s, *World News Archive*, 1958, p. 16417.

Congress-led West Bengal Government under B.C.Roy vehemently opposed to the Berubari transfer. The Prime Minister's power to give land to another country had been put under question. Eight West Bengal Congress members made representations to Nehru over the exchanges by which India would have lost more land than gained and the rehabilitation of 10000 people (mostly Hindu) who already fled from Pakistan and settled to Berubari and adjacent areas.<sup>43</sup> A resolution was passed in favor of Berubari to be remained in Indian territory by the state's Legislative Assembly and Legislative Council. The Opposition also expressed its grievances in the House over the issue of handing over the land of a sovereign country to another nation and the Central Government's inaccurate role to consult the matter with West Bengal Government in advance, and the insensitivity of the Government of having lack of interest to listen to the people of Berubari .<sup>44</sup> Oppositions like the Forward Block and Jan Sangh also raised the issue of citizenship of the people of Hindu majority Berubari who had already fled from Pakistan during partition and continued fleeing thereafter and by such agreement would have lost their citizenship again. RSS leader Din Dayal Upadhyay considered the Berubari crisis, not as a boundary problem, but identified it from a programme in Lucknow as 'National Crisis'.<sup>45</sup> The Working Committee of the Bengal Provincial Hindu Mahasabha expressed their opposition the exchange of the enclaves, claiming that the enclaves contained over 10,000 Hindu refugees from East Pakistan, and Nehru had "no right to create further refugees for the sake of appeasing Pakistan".<sup>46</sup>

But the ultimate protest of this exchange agreement had come from the people of Berubari. With the broadcasting of the news of an agreement between Nehru and Noon, people of Berubari started organizing themselves under the banner of Berubari Pratiraksha Samiti (Berubari Defence Committee). On 26 September 1958, when Chief Minister Dr. B.C.Roy visited Berubari to gain knowledge of the ongoing situation there, a number of local political figures including Amar Roy

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<sup>43</sup> *Hindustan Standard*, 17 September, 1958, p. 5.

<sup>44</sup> Whyte, *Waiting for the Esquimo*, p. 94.

<sup>45</sup> Madhuri Pal, "Berubari Andolaner Udbhab, Bikash o Tar Parinoti", in Ananda Gopal Ghosh ed., *Bharattirtha Uttarbanga*, Sanbedan, Malda, 2011, pp. 86-94

<sup>46</sup> *Hindustan Standard*, 26 September, 1958, p. 7.

Pradhan, Prafulla Tripathi, Satvia Jyoti Sen, Nirranjan Dutta, Manoranjan Guha and Rama Prasanna Roy led a demonstration in front of him.<sup>47</sup> The committee spoke to all political parties to help their battle, asking for funds and physical help for sorting out *dharna* (protest demonstration) when the demarcation itself happened. The petition filed in Calcutta High Court by Nirmal Chandra Bose in late 1958, had been rejected due to its nonjudicial capacity of the High Court over Union of India and the Secretary of the Ministry of External Affairs as both of them were out of West Bengal.

While the matter was sub judicial, the Berubari Pratiraksha Samiti held open gatherings, incorporating one in Calcutta on 21 February 1959 and another at Manikganj High School in Berubari itself on 21 March 1959. The participants at the two meetings included Hemanta Basu, a Forward Bloc MLA, as director, N.C. Chatterjee, a free MP from Calcutta, and Dilip Choudhuri, RSP, MP for Barampore as a chief visitor. Different speakers included Professor Nirmal Bose, Amar Chakraborty, a supporter from the Calcutta High Court, Amar Roy Pradhan of the Forward Bloc who had been a student and became the headmaster of the school, and Rama Prasanna Roy, the leader of South Berubari Union No.12.<sup>48</sup> But the Berubari affair took all the attention and without the implementation of the Prime Ministers' agreement which was signed to put an end to the unwanted border disputes, the tensions continued. For example, the Indian High Commissioner in Pakistan submitted a list of such areas with border incidents and disputes to Pakistan's Ministry of Foreign Affairs, in which he included the Dangapara and Sahebganj enclaves of India in which the presence of Pakistani armed forces and their mischief had been reported.<sup>49</sup>

### **The Presidential Reference and Constitutional Amendment**

By this time, the whole question of Berubari had received both political as well as media attention in India, and a judicial answer for it was needed. The President of India, Dr. Rajendra Prasad, then referred the matter to the Supreme

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<sup>47</sup> Amar Roy Pradhan, *Jivan Nadir Bake Bake*, Sanbedan, Malda, 2012, pp. 94-6.

<sup>48</sup> Madhuri Pal, "Berubari Andolaner Udbhab, Bikash o Tar Parinoti", pp. 89-92.

<sup>49</sup> Whyte, *Waiting for the Esquimo*, p. 94

Court on 1 April 1959 in New Delhi.<sup>50</sup> The President asked the Supreme Court for the following three questions:

1. Is any legislative action necessary for the implementation of the agreement relating to Berubari Union?
2. If so, is a law of Parliament relating to Article 3 of the Constitution sufficient for the purpose or is an amendment of the Constitution in accordance with Article 368 of the Constitution necessary, in addition, or in the alternative?
3. Is a law of Parliament relating to Article 3 of the Constitution sufficient for implementation of the agreement relating to the exchange of enclaves or is an amendment of the Constitution in accordance with Article 368 of the Constitution necessary for the purpose, in addition, or in the alternative?<sup>51</sup>

The judgment of the Presidential Reference came nearly a year later on 14<sup>th</sup> March 1960. It held that the Indian enclave exchange with Pakistan and the Berubari transfer both had involved the cession of territory. It also rejected the argument of the Attorney General on behalf of the Government of India that the agreement was nothing more than the determination of the Radcliffe Award. The judgment also dismissed the question of changing the boundary based on Article 3, as the article permits the Government to make changes only within India, that is, interstate boundaries, but not the sovereign boundary of the nation. It also held that an amendment of the Indian Constitution according to Article 368 was essential, or on the other hand, a to Article 3 by means of Article 368, followed by a law under the amended Article 3.<sup>52</sup>

After the decision of the Supreme Court, the Indian Government was ready for the ninth amendment of the Indian Constitution. But B.C.Roy, the Chief Minister of West Bengal was not in favor of transferring land to a foreign country. When the

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<sup>50</sup> Madhuri Pal, “Berubari Andolaner Udbhab, Bikash o Tar Parinoti”, pp. 89-92.

<sup>51</sup> Dr. Justice Vineet Kothari, “Presidential Reference Under Article 143 of the Constitution: Current Issues and Perspectives”, special lecture in Indian Law Institute, New Delhi, 14/05/2012, p. 15, <http://hcraj.nic.in/Paper-Speech/presidentialreference.pdf>.

<sup>52</sup> <http://lawbriefs.in/2017/07/07/in-re-berubari-union-case-1960-legislative-action-is-necessary-for-the-implementation-of-agreement-relating-to-berubari-union/>

draft bill was sent by the Central Government to Calcutta for comments before passing it over to the Parliament, the West Bengal Legislative Assembly, led by B.C.Roy again passed a resolution:

...any adjustment of boundary which may result in the transfer of any part of the territory of the Berubari Union in Jalpaiguri to East Pakistan will adversely affect the economic life and security of the people of the area and that the Government of West Bengal has spent large sums of money for the area where a large number of refugees from East Bengal have been settled. The Assembly was of the opinion that the said Berubari Union should remain part of the territory of the Union of India.<sup>53</sup>

Though both Roy in his letter to Prime Minister and the West Bengal Legislative Assembly identified the bill as ‘unconstitutional’, Nehru told that representatives attended the meeting of negotiations on Berubari and only ‘consultation’ from West Bengal Government was necessary, not ‘consent’.<sup>54</sup> On 28<sup>th</sup> December 1960, the Government of India made the Ninth Amendment of the Indian Constitution to settle down the ongoing boundary disputes between India and Pakistan and to materialize the agreements signed between the Governments of India and Pakistan dated 10<sup>th</sup> September 1958, 23<sup>rd</sup> October 1959 and 11<sup>th</sup> January 1960.<sup>55</sup> The amendment Article 368 of the Constitution to change Schedule 1 of Article 1 of the Constitution which portrayed the extent of the states and territories of India. With respect to South Berubari Union No. 12 and the Cooch Behar enclaves, the amend schedule would exclude the ceded areas from West Bengal, as it had been alluded to in the Nehru-Noon Agreement. The Acquired Territories Bill, on the other hand, provided for the incorporation of the Pakistani territories like the exclaves of Pakistan in Cooch Behar.<sup>56</sup>

From 28<sup>th</sup> December, when the amendment became a law, the people of Berubari began their battle again. By March the following year, two petitions had been filed.

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<sup>53</sup> A. Appadorai, *The Domestic Roots of India's Foreign Policy, 1947-1972*, Oxford University Press, Delhi, 1981, p. 191.

<sup>54</sup> Whyte, *Waiting for the Esquimo*, p. 104.

<sup>55</sup> <http://www.india.gov.in/my-government/constitution-india/amendments/constitution-india-ninth-amendment-act-1960>.

<sup>56</sup> Whyte, *Waiting for the Esquimo*, p. 106.

The second petition was filed in the Supreme Court of India by Satish Chandra Roy Pradhan, Dharani Mohan Roy of Berubari and Professor Madhok of Delhi on 8<sup>th</sup> March 1961. The petition challenged the established legitimacy of the two acts passed in 1960 and claimed that these acts prevented the fundamental rights from claiming the occupants of Berubari to live, settle, live and hold property anywhere in India. But the Supreme Court dismissed this petition just like the previous one.<sup>57</sup> But the method of demarcating the Berubari Union created fractions among the Indian and Pakistani officials. The people of Berubari, under the banner of *Berubari Pratiraksha Samiti*, were also ready to prevent any kind of survey there. 113 members of the Samiti had been detained at Siliguri on their way to Darjeeling for organizing picketing.<sup>58</sup> But with the repetitive border confrontation with Pakistan, the riots in East Pakistan, the court cases brought by people of Berubari and the delay in legal procedure hindered the demarcation of Berubari. Moreover, there had been a forcible occupation of 100 acres of land in South Berubari for a brief period. The people of that area assaulted the joint survey team on 10<sup>th</sup> August 1963, just after the day of starting of the survey.<sup>59</sup> In 1963, Ram Kishor Sen and five other people filed another petition at the Calcutta High Court against the Union of India. All of them were from Berubari and adjacent areas. They attempted to show to the court that the division of Berubari through the horizontal line beginning from the north-east corner of Debiganj, as per Nehru-Noon Agreement, would either miss Berubari completely or give the greater part of the territory to Pakistan. The petition had been rejected on November 1964. Also, the claim that Chilahati was the part of *thana* Jalpaiguri and it had been handed over to Pakistan illegally was rejected by the court on the basis of maps produced by the Government.<sup>60</sup> On 2<sup>nd</sup> February 1965, as a response to the Ram Kishor's appeal, the Supreme Court issued a restraining order to keep the Indian Government from passing any final order with respect to the exchange of Berubari and Chilahati and requested that the interest would be heard on the last week of April.<sup>61</sup>

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<sup>57</sup> *Hindustan Standard*, 22 March, 1961, p. 1.

<sup>58</sup> *Hindustan Standard*, 5 July, 1961, p. 6.

<sup>59</sup> Madhuri Pal, "Berubari Andolaner Udbhab, Bikash o Tar Parinoti", p. 93.

<sup>60</sup> *Ibid*, p. 93.

<sup>61</sup> Whyte, *Waiting for the Esquimo*, p. 113



## Dahagram Affairs

Dahagram-Angarpota was the largest Pakistani enclave in India and the distance of this enclave from mainland Pakistan was only 178 meters.<sup>62</sup> On 13<sup>th</sup> March 1965, India claimed that Hindu residents of Dahagram had been attacked by the Pakistani force and driven out from the enclave. They also had fired on West Bengal police in that area.<sup>63</sup> On the other hand, Pakistan alleged that Indian forces forcibly occupied Dahagram, killed twelve people there and compelled nearly 5000 residents to take shelter in mainland Pakistan. After two weeks of continued firing at each other, a cease-fire agreement came into effect from the Chief Secretariat's office.<sup>64</sup> A different version about the origin of Dahagram affairs suggested that a riot had broken out at this enclave between the local Bahe Muslims and the immigrant Muslims, and when the Pakistani police tried to enter the enclave, they had to illegally cross the Indian soil which caused a stand-off with the Indian troops.<sup>65</sup> After two months, there was an allegation by the Pakistani authorities that the Indian Government had fabricated a wall amongst Dahagram and territory of mainland Pakistan to control the free development of the residents. In response, India announced that the wall was intended to secure the all-climate street running south through India's territorial isthmus to the Kuchhibari zone toward the south. India had also demanded the withdrawal of Pakistani troops' concentration from this area and by 11 July it had been withdrawn.<sup>66</sup>

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<sup>62</sup> Dahagram-Angarpota is the largest Pakistani enclave within India, situated at Cooch Behar district. The distance of 178 meters from mainland Pakistan was the Indian territory.

<sup>63</sup> Keesing's, *World News Archive*, 1965, p. 21066.

<sup>64</sup> Keesing's, *World News Archive*, 1965, p. 21066.

<sup>65</sup> Pradyumna P. Karan, 'The India-Pakistan Enclave Problem', *Professional Geographer*, Vol. 18, No.1, 1966, p. 24.

<sup>66</sup> Keesing's, *World News Archive*, 1965, p. 21066.

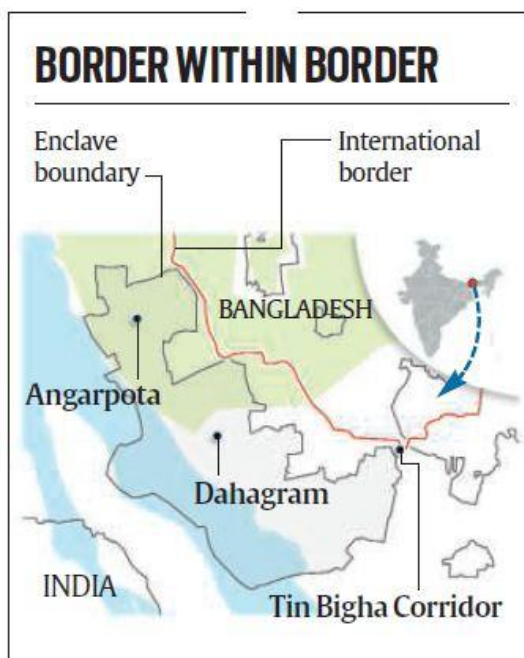


Figure 2.1. Dahagram-Angarpota Enclave.<sup>67</sup>

Before March 1965, Dahagram was freely accessible for the people of Patgram and Dahagram, because the distance from the mainland was very narrow. Though it was an enclave within the Indian Territory, the residents never faced any kind of problems in their movements in daily lives before the Dahagram affairs. From this time, the concentration of troops at both sides of the border, tightening of rules to stop the illegal immigration hindered the residents of Dahagram from selling their crops to the Pakistani market, and free access of people from Patgram to Dahagram. Even during the Chief Secretary's meeting in April that year the issue was made a debatable one. When the Indian officials wanted to reissue the 1950's agreement of access to the enclaves by officials with valid id proof and photograph, Pakistan rejected these proposals. Even Pakistan wanted to make a survey to Dahagram for enquiring the damage before any meeting could take place.<sup>68</sup> Finally, both countries agreed that like the treaty of 1950 and 1953, the residents of the enclave would be issued 'A' category visas on authorized documents which will be valid for unlimited journeys and the officials would be issued with 'double transit visas' which was to

<sup>67</sup> Photo source: : <https://indianexpress.com/article/india/india-others/land-deal-access-unhindered-the-little-part-of-india-that-remains-bangladesh/>

<sup>68</sup> Whyte, *Waiting for the Esquimo*, p. 115.

be valid for one official trip. The procedures were to come into effect from May 1965.

### **Attempts at Demarcations and Legal Challenges**

During the Chief Secretaries' meeting of April 1965 at Dacca, it was decided that the total demarcation would be done in the 1965-66 season and the transfer by the end of May 1966. By April 1965, 1079 miles of 1349 of total West Bengal-East Pakistan boundaries had been demarcated which was 67% of total Indo-East Pakistan boundary.<sup>69</sup> The rejection of Ram Kishor's appeal to the Supreme Court on 11<sup>th</sup> August 1965 cleared the way for the demarcation in the disputed territories, though India and Pakistan had the same bureaucratic structure which had a tendency of 'not doing anything'.<sup>70</sup> But since the Indo-Pak war of 1965, there were no direct transport links between Calcutta and Dacca. It had been agreed in Dacca on April 1966 to restart work on 9 June and finish the demarcation of Berubari by 23<sup>rd</sup> July and erecting 100 pillars.<sup>71</sup> On 2<sup>nd</sup> June, the Berubari Pratiraksha Samiti sent a petition to Prime Minister Indira Gandhi by requesting her to halt the demarcation process because anti-social elements could infiltrate in this area between demarcation and handover, and also because the demarcation might cause damage for the standing crop and harm the farming.<sup>72</sup>

On 7<sup>th</sup> June 1966, a resident and teacher from Berubari named Sudhangshu Majumdar filed another case at Calcutta High Court against the Union of India, through its Commonwealth Secretary, State of West Bengal, the Commissioner of the Presidency division and the District Collector of Jalpaiguri. A directive was issued in favor of the candidate and the delegated day and the implanting of pillars had been suspended, yet other overview works were permitted to continue till the next hearing of 15 June 1966.<sup>73</sup> When the survey started from 11<sup>th</sup> June, the farmers

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<sup>69</sup> Avtar Singh Bhasin, *India Bangladesh Relations Documents*, Geetika Publishers, New Delhi, 1996, pp, 1602-03.

<sup>70</sup> Niranjana Majumdar, "Cooch Behar Enclaves, Their Past and Future, The Urgency of Demarcation and Exchange", *The Statesman*, Calcutta, 1 May, 1965, reproduced in Whyte, *Waiting for the Esquimo*, pp. 366-8.

<sup>71</sup> *Hindustan standard*, 30 May, 1966, p. 1.

<sup>72</sup> *Hindustan standard*, 3 June, 1966, p. 5.

<sup>73</sup> *Hindustan Standard*, 8 June, 1966, p. 1.

protested on several places of Berubari and Chilahati and halted the survey teams from damaging their crops without any kind of compensation. Nevertheless, the petition of Sudhangshu Majumdar had been adjourned until 23<sup>rd</sup> June, but the injunction continued. Amidst all these chaos and further injunctions issued on 25<sup>th</sup> July, the Pakistani officer-in-charge withdrew his team on 20<sup>th</sup> July exasperated at the situation.<sup>74</sup> On October 4, the High Court expressed its anxiety over the property and citizenship rights of the people of half of Berubari which would be ceded to Pakistan and gave the petitioners time till 30<sup>th</sup> November to amend the petition. Pakistan, on the other hand, chafed by such consistent postponements in demarcation, pulled back its survey team from along the whole West Bengal boundary in late March 1967, declining to work with India in boundary program till the Berubari case was settled.<sup>75</sup>

In 1967, the new Chief Minister of West Bengal, Ajoy Kumar Mukherjee told at the meeting called by Berubari Pratiraksha Samiti that he would resist the transfer. The decision of Majumdar's filed petition came on 3<sup>rd</sup> December 1967 which ordered the allocation of compensation for the transferred property which had to be enacted before the survey.<sup>76</sup> On March 1968, a delegation of people from *chitmahal* met the Prime Minister and the Home Minister and put forward their demands of enclave exchange, implementation of law and order in the enclaves, easy and safe passage to mainland country and recognition of enclave people as 'scheduled caste' for rehabilitation purposes.<sup>77</sup> In March 1971, the Supreme Court finally announced its decision regarding the appeal of Indian Government against the Calcutta High Court decision in Majumdar's case. The Supreme Court subsequently upheld the appeal and expressed that India was not demanding the land of Berubari, but rather exchanging the occupants and their territories to another nation which would not go under the arrangement of pay as sketched out in Indian Constitution.<sup>78</sup>

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<sup>74</sup> *Hindustan Standard*, 28 June, 1966, p. 5

<sup>75</sup> *Hindustan Standard*, 30 March, 1967, p. 2.

<sup>76</sup> *Hindustan standard*, 4 January, 1968, p. 6.

<sup>77</sup> Madhuri Pal, "Berubari Andolaner Udbhab, Bikash o Tar Parinoti", p. 93.

<sup>78</sup> Amar Roy Pradhan, *Jivan Nadir Bake Bake*, p. 37.

## **Liberation War of Bangladesh and the Enclaves**

India had been divided in 1947 on the basis of religious lines. While India had foreseen the sensitivity of regional and language identity in its state formation in 1956, Pakistan, on the other hand, had lacked this foresight. From the very beginning of the nation, Pakistan tried to impose the Urdu language all over the country, both in West as well as in the East. As a result, the Bengali speaking people of East Bengal (later East Pakistan) rejected that decision. Moreover, despite having a greater population than its western part, the people of East Pakistan had to face electoral discrimination within the politics of the country.

From 1966 to 1969, dissatisfaction over the rule of Ayub Khan got momentum in both East and West Pakistan. Mujibur Rahman, leader of the Awami League had put forward the demand for more power and self-governance for the East under the federal government which would incorporate defense and foreign relations in its space. But General Ayub Khan denounced any kind of such proposal and announced that the Pakistani Government would accept the challenge if it comes to civil war.<sup>79</sup> The agitation that started in West Pakistan in November 1968, spread to East Pakistan within a month along with a political goal and some economic demands after the massive flood. The ongoing strikes and rioting compelled Ayub Khan to give his resignation and Martial Law had been proclaimed by General Agha Mohammed Yahya Khan. He also became the president on 31<sup>st</sup> March 1969. In November 1969, Yahaya Khan reported the plans for conducting the general election in October 1970 to shape the National Assembly which would outline the constitution to give a more prominent self-sufficiency toward East Pakistan.

The election had been held in December 1970 and for the first time, women got their right to vote. The Awami League led by Sheikh Mujibur Rahman secured 152 seats out of a total 300 seats and came out as victorious and the largest party to dictate the framing of the new constitution. But Pakistan People's Party-led by Zulfikar Ali Bhutto which was the second largest party with 81 seats, along with Muslim League refused to participate in the new assembly

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<sup>79</sup> Sayedul Islam Mithu, ed., *Prakkathan: Muktanchal Patgramer Muktijudhher Itihas Rachona Shirshak Smarak Grantha*, Pragati Process, Rangpur, 2006, pp. 9-10.

unless they had a greater part in shaping the constitution. This led Yahaya Khan to suspend the inauguration of the Assembly which resulted in massive protests and strikes all over East Pakistan by March 1971 in support of summoning the Assembly and ending of Martial Law.

Civil war broke out in East Pakistan on 26<sup>th</sup> March 1971 when Mujibur Rahman, in a radio broadcast announced the proclamation of 'sovereign independent people's republic of Bangladesh' and asked his fellow countrymen to fight the enemy with whatever they had. That day Yahaya Khan prohibited Awami League and Pakistani armed force involved all the major towns after an overwhelming battling in Dacca and by 18<sup>th</sup> April picked up control over the territory. The Indian government from the very beginning accused Pakistan that it suppressed the Bengali people living in East Pakistan. To avoid the Pakistani wrath, thousands of people left their homes and started taking shelter in the Indian border districts of West Bengal, Assam, Tripura and soon the number of refugees rose to around sixty million. Such a huge amount of refugees and its pressure on the Indian economy finally compelled the Indira Gandhi led the government to intervene. During this time the Bangladeshi guerrillas trained by the Indian military confronted the Pakistani soldiers in various places and as a response of such activities, Pakistan unleashed savage campaigns on the civilians of the affected areas, killing locals, professionals, technicians, and intellectuals.

Finally, India officially entered into the war against Pakistan in late November 1971 to silence the Pakistani artillery which targeted some Indian border towns. After the surprise attack on Indian airfields by Pakistani air force on 3<sup>rd</sup> November, India recognized independent Bangladesh on 6<sup>th</sup> December breaking the diplomatic relations with Pakistan. The enclave regions saw Indian pushes from Dinhata towards Kurigram town on 7<sup>th</sup> December and from Jalpaiguri towards Panchagarh and on to Thakurgaon on 8<sup>th</sup> December. The Governor of East Pakistan called for a cease-fire, but Yahaya Khan did not approve it and the war continued till General Niyazi surrendered along with 90000 thousands of Pakistani soldiers on 16<sup>th</sup> December 1971. Bhutto replaced Yahaya Khan as

President and Mujibur Rahman got released from imprisonment on 8<sup>th</sup> January 1972 to become the first Prime Minister of Bangladesh.<sup>80</sup>

The enclaves of and inside Cooch Behar were in this way, from the announcement of Bangladeshi autonomy on 26 March, at least 1971 particularly from India's acknowledgment of the new state on 6 December, now no longer an issue for India and Pakistan yet rather India and Bangladesh. During the civil war, Patgram and the adjacent areas remained out of Pakistani capture and these areas were called 'Muktanchal' or 'the free territory'. The Bangladeshi guerrillas used the *chitmahals* as a safe passage or as training areas for the new recruits. As the *chitmahals* were the part of the Indian territory by law, the Indian army also used these lands to train the Bangladeshi guerrillas or 'Muktijodhhas'.<sup>81</sup> Ataur Rahman Pradhan of Dahagram enclave discussed the fighting days-

As the Pakistani army could not come to Patgram and Dahagram was inside the Indian territory, we gathered volunteers from the nearby villages and take them to Dahagram. From there, they have been sent to various training camps run by the Indian army whether in Darjeeling or in Missouri. After a training of six months, they came back to Dahagram and from here they had been sent to face the enemy in various places.<sup>82</sup>

### **Indira-Mujib Agreement 1974**

During the war with Pakistan, India was first to support the claim of Bangladesh as a sovereign republic. Naturally, India shared a very friendly relation with Bangladesh in the beginning. A meeting had been held at Delhi from 12-16 May 1974 between Prime Ministers of India and Bangladesh to examine numerous financial and political issues. Amid this meeting, the boundary question alongside the debated territories was indeed put on the table of exchange and an agreement returning to that of Nehru-Noon was marked on the most recent day, broadly known as Indira-Mujib Pact, the Land Boundary Agreement or the Delhi Treaty. It

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<sup>80</sup> Keesing's, *Pakistan from 1947 to the Creation of Bangladesh*, 1973, 94- 124

<sup>81</sup> Sayedul Islam Mithu, *Prakkathan*, p. 13.

<sup>82</sup> Interview with Ataur Rahman Pradhan, an ex-Bangladesh guerrilla soldier, Patgarm, Lalmanirhat district, Bangladesh, 26/03/2108.

determined how the rest of the areas of the boundary were to be separated. After outline, strip maps were to be arranged and marked by emissaries, so transferral of antagonistically held regions could happen by a deadline of 31 December 1975 for zones as of now delineated, and a half year later for the mark for outstanding regions.

As opposed to the Nehru-Noon Agreement, and probably because of legal remarks in a few Berubari court cases, one article of the 1974 Agreement indicated that the occupants of those enclaves which would have been traded have the privilege to keep living in those grounds. Guidelines were to be issued to guarantee peaceful conditions in these zones. At last, the Agreement was to come into compelling upon the trading of approvals by the two nations. The fundamental body of the Agreement recorded fifteen parts of the limit to be differentiated. There was no utilization of the word 'claim', but instead a less emotive and substantially handier depiction of the course of the limit to be separated, or the standards of the boundary where these had been concurred or were in advance under the past Pakistani administration. As to the enclaves, it concurred, as under Nehru-Noon, to trade these "expeditiously" with no compensation to West Bengal for its net territory loss. Regarding the matter of Berubari, in spite of the last 1971 Indian Supreme Court deciding that made room for its boundary and division, Bangladesh was eager to surrender its case to the 11.29km<sup>2</sup> southern half, leaving the whole of the Union to India. This likewise implied the four *Chhits* associated with the southern portion of Berubari, in the past framing two exclaves of Cooch Behar, and that was additionally to have gone to Pakistan would now stay with India.

These enclaves, fused in Jalpaiguri by the 1952 Notification were hence no longer enclaves, and would not shape some portion of the trading of enclaves legitimate. As an end-result of revoking its claim to half of Berubari and the four *Chhits*, a sum of 18.13km<sup>2</sup> Bangladesh would be permitted to hold its biggest enclave in India, containing the two *Chhits* of Dahagram and Angarpota, an aggregate of 18.68km<sup>2</sup>. India would rent Bangladesh an entrance hallway, 178x85m, through uninhabited paddy fields at the tightest point amongst Dahagram and Bangladesh, a territory



known as Tin, or Teen Bigha.<sup>83</sup> Though there had been a petition filled in Bangladesh Supreme Court against such agreement, it was quickly sorted out, unlike its Indian counterpart.<sup>84</sup>

### **Tin Bigha Affairs**

After the assassination of Mujibur Rahman and with the coming of military government in Bangladesh, the incidents of border tensions got the media attention once again. Amar Roy Pradhan, MP from Cooch Behar told the Lok Sabha in 1977 that on 3 July that year, up to 87 houses were burnt in a mass plundering which brought about 17 individuals being scorched alive in the enclave territory.<sup>85</sup> With the downturn in cross-border relations, India's will to differentiate the boundary and settle the decades-old debate along it vanished. Official meetings repeated the expectation of the two sides to respect the 1974 Agreement, yet little advance was made on the ground.

One reason for the deferral in the usage of the enclave exchange was the issue of Tin Bigha. Not long after the declaration of the Indira-Mujib Pact in 1974, the issue of the potential enclavement of the Indian region of Kuchlibari south of Dahagram and Tin Bigha was raised. While Dahagram and Angarpota framed an enclave inside India, the Indian region west of the enclave, and the western piece of Dahagram itself was secured by the wide Tista River. The Kuchlibari area south of Dahagram approached whatever is left of India just by going along the street through the Tin Bigha territory toward the east of Dahagram. The river left no dry arrive on the western side. Tin Bigha was in this manner fundamental for Dahagram's entrance to Bangladesh appropriate as well as for Kuchlibari's entrance to whatever is left of India. Occupants in the Indian region were stressed that a rent of Tin Bigha to Bangladesh, while dis-enclaving Dahagram, would all the while enclave Kuchlibari.

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<sup>83</sup> *India and Bangladesh: Land Boundary Agreement*, Ministry of External Affairs, Government of India, 2015, pp. 31-8.

[https://www.mea.gov.in/Uploads/PublicationDocs/24529\\_LBA\\_MEA\\_Booklet\\_final.pdf](https://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf)

<sup>84</sup> Mohammad Golam Rabbani, "Statelessness in South Asia: Living in Bangladesh India Enclaves", *Theoretical Perspectives*, Vol. 12, 2005, p. 53.

<sup>85</sup> Amar Roy Pradhan, *Rule of the Jungle*, pp. 37-8

Nearby concerns prompted the arrangement of two committees, the Forward Bloc-drove Tin Bigha Sangram Samiti (Tin Bigha Resistance Committee) and the more hardline Kuchlibari Sangram Samiti, including "disappointed Congressmen and state BJP leaders".<sup>86</sup> The Indian and Bangladeshi governments additionally talked about the issue at various conferences, endeavoring to explode a worthy trade-off. Shri Samarendra Kundu, Minister of State in the Ministry of External Affairs told the Rajya Sabha on 23 February 1979 that "it is our intention that the Agreement will not be brought into effect until satisfactory arrangements to this effect have been reached with the government of Bangladesh".<sup>87</sup>

In May 1982, technical specialists from the two nations met in Dhaka, followed by a ministerial meeting in Delhi in June, and after that a visit by General Ershad to New Delhi on 6-7 October. The South Talpatty Island issue stayed uncertain, however by a trade of letters on 7 October 1982, an understanding was achieved covering the renting of the Tin Bigha corridor to Bangladesh.<sup>88</sup> The agreement characterized the terms of the lease said in the 1974 Agreement, expressing that the reason for existing was to permit Bangladeshis "free and unfettered" access to and from Dahagram-Angarpota, and Bangladesh would have undisturbed ownership" of the corridor. However, sovereignty would stay vested in India. India affirmed that the terms of the lease would be executed as quickly as time permits even preceding the confirmation of the 1974 Agreement.

Since late 1991, the communist Forward Bloc and the Hindu-patriot BJP had been inciting fomentation against the Tin Bigha exchange. Their purposes behind restricting the lease originated from totally unique bearings. In Parliament, Amar Roy Pradhan kept on squeezing for the full exchange of the considerable number of enclaves, as he had since 1977. "The Central Government did nothing for these people [of the enclaves] but on the other hand, the Indian Government is very much eager to give a passage to Bangladesh

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<sup>86</sup> Kumud Ranjan Biswas, *A Summary of the Changes*, p. 83.

<sup>87</sup> Avtar Sing Bhasin, *India Bangladesh Relation Documents*, p. 793.

<sup>88</sup> Keesing's, *World News Archive*, 1982, p. 31386,

[http://keesings.com/index\\_new.php?page=article&article=32920n01bgd&search=%2231386%22](http://keesings.com/index_new.php?page=article&article=32920n01bgd&search=%2231386%22)

enclaves".<sup>89</sup> He needed all the Bangladesh boundary debate, particularly the enclave exchange, comprehended together all at once, instead of in a drawn-out piecemeal fashion, apprehensive that leasing Tin Bigha to Bangladesh would lessen that nation's enthusiasm for exchanging the rest of the enclaves.

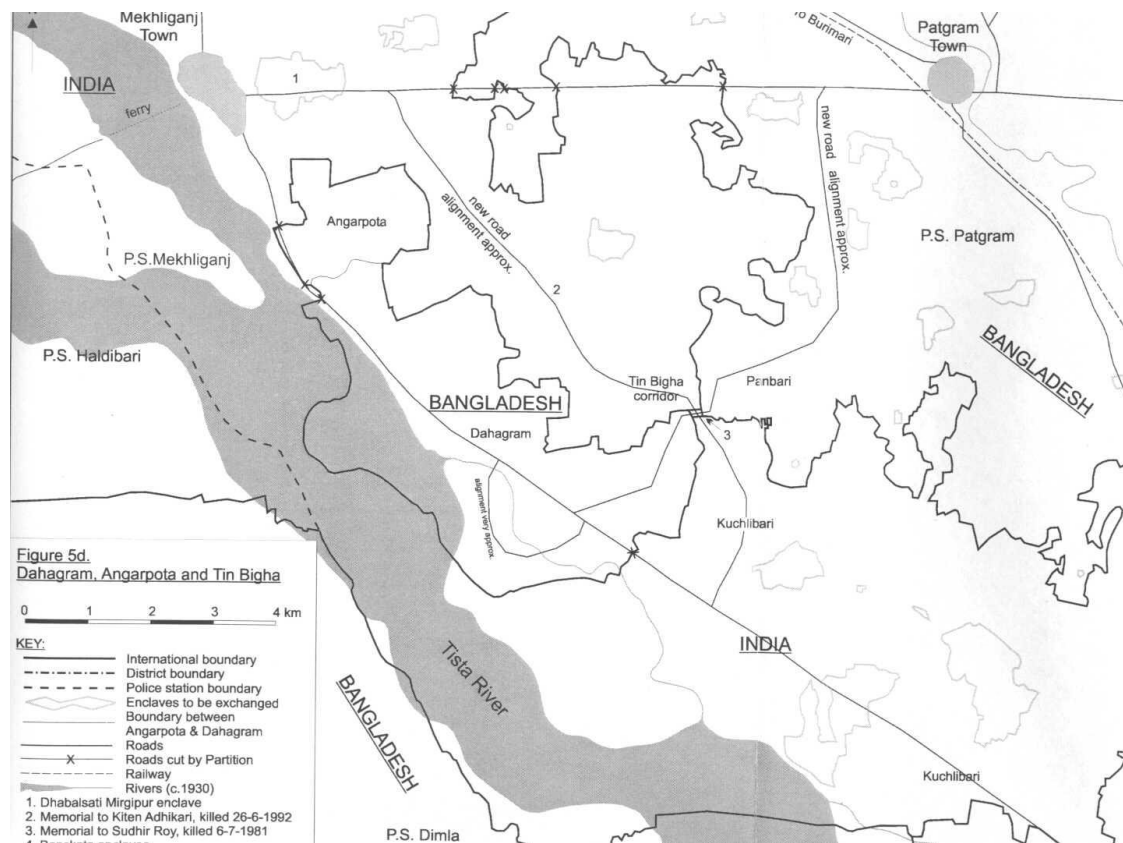


Figure 2.2. The position of Tin Bigha Corridor.<sup>90</sup>

The BJP then again, utilizing patriot topics, contended that the 1958 Nehru-Noon agreement to part Berubari was proclaimed unlawful by the Supreme Court, yet that Congress had utilized its substantial parliamentary greater part to go around the legal controlling by changing the constitution, an intriguing turn on the actualities. In spite of the fact that guaranteeing this ploy was at last stopped by the general population of Berubari themselves, the BJP likewise affirmed that the administration was again attempting to surrender arrive by methods for a rent of such long span as to go around changing the constitution once more. The people of

<sup>89</sup> Amar Roy Pradhan, *Jiban Nadir Bake Bake*, p. 32.

<sup>90</sup> <https://animalderuta.com/2010/08/30/enclaves-cooch-behar/>

Kuchlibari would allegedly “get cut off and possibly at a later date may have to flee as refugees”.<sup>91</sup>

The BJP demanded the full execution of the 1958 Nehru Noon Agreement, as that would hinder the requirement for Tin Bigha, as Dahagram would tumble to India in the enclave exchange. This contention intentionally neglected the way that Nehru-Noon included the cession of half of Berubari, which the BJP had restricted at the time. By speaking to Hindu patriotism over the exchange, the BJP planned to end the stream of Marxist-voting Bangladeshis into West Bengal and increment its own particular permeability. By raising the apparition of a possible Muslim dominant part it fabricated an establishment of help in a state where it had little nearness already.<sup>92</sup>

By an exchange of letters on 26 March 1992, the Governments of India and Bangladesh concurred on the modalities for the leasing of Tin Bigha to Bangladesh, which would produce results three months after the fact on 26 June. Illuminating the Lok Sabha of the agreement that day, External Affairs Minister Madhav Singh Solanki advised them that India was satisfying an “international commitment” and expressed his hope that “Given time and goodwill, the Tin Bigha corridor which unfortunately generated so much controversy and tension in the past will turn into a crossroads of friendship between India and Bangladesh”. An unnamed member interjected: “the Honourable Minister has betrayed the people of West Bengal and the West Bengal people will never accept it”.<sup>93</sup> In West Bengal, Jyoti Basu respected the new course of action of March 1992, and the Forward Bloc consented to stop its fomentations after its general secretary, Chitta Basu, MP, was persuaded by Prime Minister Narasimha Rao that the development of Kuchlibari occupants would be as free as it had dependably been, and that their advantages would be secured. Be that as it may, there was a solid nearby gathering of pioneers like Amar Roy Pradhan, suspended MLA Kamal Guha who bolstered BJP and SUCI against the lease of Tin Bigha.

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<sup>91</sup> Whyte, *Waiting for the Esquimo*, p. 139.

<sup>92</sup> *Ibid*, p. 141.

<sup>93</sup> Avtar Singh Bhasin, *India Bangladesh Relation Documents*, pp. 935-6.

Amidst strong protest led by forwarding Block Socialist, BJP, Kulchibari Sangram Samiti, SUCI and others, the Tin Bigha transfer took place on 26<sup>th</sup> June 1992. Prior to the function could start, the police were compelled to depend on lathi charges and terminating to scatter gatherings of nonconformists and Around 125 dissidents were captured. It was settled that the hallway was open for one hour just because of the security issue on the day, yet would be open for three hours, 7-8 a.m., 12-1, and 5-6 p.m., in the primary week to survey activity volumes, to be explored after 2 July, with trusts that it would be before long open for the full six one-hourly light interims according to the understanding. This occurred within a week or so, once the political situation eased.<sup>94</sup> It was not until September 2011, that the corridor remained open for 24 hours after an agreement signed between Manmohan Singh and Sheikh Hasina.

#### **Demarcation of Enclaves and Final Transfer**

After the Tin Bigha transfer, the issue of implementing the Indira-Mujib Agreement had been sidelined by the Indian Government. When BJP led National Democratic Alliance came into power, it did not touch the issue. During Tin Bigha transfer, BJP was against the protest movement, but when it came to power, Home Minister Lal Krishna Advani stated that the Government is bound to protect its predecessor's international achievements. From Tin Bigha transfer in 1992 till the exchange of these enclaves in 2015, there had been several discussions on the development of the enclave exchange issue both within the parliament and outside it. Since 1994, an organization Bharat Bangladesh *Chhitmahal* Samannoy Samiti or Enclave Exchange Coordination Committee was formed by Amar Roy Pradhan and Dipak Sengupta at Dinjata of Cooch Behar district and had been active on both parts of the border. I will discuss it in the next chapter.

On 25<sup>th</sup> November 1992, Ram Badan raised a question in Parliament regarding the exchange of enclaves and its progress. Nine months later, a similar question had been asked by Jatin Kumar Jain and Ram Jethmalani at Rajya Sabha and the response from Minister of External Affairs was: "Government remains committed to the early implementation of the outstanding issues related to the Indo- Bangladesh

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<sup>94</sup> Avtar Singh Bhasin, *India Bangladesh Relation Documents*, pp. 337-8.

land boundary agreement 1974.”<sup>95</sup> Again in December 1994, a similar question had been raised by Amar Roy Pradhan regarding the exchange issue and the same kind of dissatisfactory answer had been presented by the concerned ministry in the house.<sup>96</sup> Again on March 1995, Amar Roy Pradhan asked the Government what kind of steps had been taken so far for enlisting the enclave dwellers in the voter list and he got the same answer like previous ones: “Government of India has no administrative control or access to these enclaves lying within Bangladesh. The government has also no reliable figures of population in these enclaves.”<sup>97</sup>



Figure 3.2. Indo-Bangladesh Enclaves<sup>98</sup>

But the Joint Indo-Bangladesh survey and census of the enclaves conducted in 2011, again made this issue in the media a national attention. By the census of 2011, it was found that there were 111 enclaves of India within Bangladesh and 51 enclaves of

<sup>95</sup> Whyte, *Waiting for the Esquimo*, p. 147

<sup>96</sup> Amar Roy Pradhan, *Rule of Junge*, p.27.

<sup>97</sup> Ibid, p. 28

<sup>98</sup> Source : <https://www.pri.org/stories/2015-08-03/india-and-bangladesh-exchange-hundreds-border-enclaves-and-50000-people>

Bangladesh within India and the total population of these 162 enclaves was 51,584.<sup>99</sup>

In 2014, BJP came into power in India. Though the party had always protested against any kind of transfer of enclaves previously as India would have lost nearly 10000 acres to Bangladesh, but in 2015, BJP took a 'U-turn' and presented the Land Boundary Agreement in the Parliament. Though there was a protocol signed in 2011 between Manmohan Singh and Sheikh Hasina in Dhaka and the bill had been presented in 2013 by UPA Government before, the BJP Government presented the bill as same as the previous one, on 6<sup>th</sup> May at Rajya Sabha which passed it with 181 votes out of the total number of 181 member.<sup>100</sup> The next day, it was passed in the Lok Sabha along with the only opposition from Assam's All India United Democratic Front. Prime Minister Narendra Modi visited Bangladesh on 6<sup>th</sup> June 2015 and there the 'Letter of Ratification' had been transferred to the Bangladesh Government. 31<sup>st</sup> July had been made the 'Appointment day' for exchanging the enclaves. The Joint Boundary Working Group again surveyed the enclaves to count the excessive number of people during these four years. The residents had been given a chance to select the citizenship of either India or Bangladesh. But the Dahagram-Angarpota remained the enclave of Bangladesh within Indian territory and it was not exchanged. 221 families of Indian *chitmahals* chose to move to India abandoning their ancestral homes. After a long wait of 68 years, the people of these enclaves finally got their citizenship. While 1947 was a mark of the beginning of two new nations, it was the starting of statelessness for the residents of enclaves. On 31 July 2015, the people of the *chitmahals* celebrated their independence by hoisting flags, cultural programmes and through a joy of getting the right to be identified with a national identity.

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<sup>99</sup> *India and Bangladesh: Land Boundary Agreement*, Ministry of External Affairs, Government of India, 2015, pp. 44-5.

[https://www.mea.gov.in/Uploads/PublicationDocs/24529\\_LBA\\_MEA\\_Booklet\\_final.pdf](https://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf)

<sup>100</sup> *Anandabazar Patrika*, 7/5/2015, p. 6.

## Chapter - 3

### Being '*Chitmahalbasi*': The Lives of Enclave People

In the previous chapter, we have discussed the internationalization of the enclaves, how the concept of nation-state forgot to address the people of the enclaves, the several talks of exchanging those pocket lands, the question of legal implication and finally after 68 years the exchanging the *chitmahals*. In this chapter, we will be engaged about the lives of the people living in these *chitmahals*, their socio-economic lives, political platforms, their daily problems and how they continue trying to overcome those artificial problems. Where the independence of 1947 brought the joy of salvation of nearly 200 years of suppression under the colonial regime, the same incidents became the reason of 68 years long sufferings for the enclave dwellers or the *chitmahalbasi*. Till 1947, they did not face any kind of discrimination in their daily social and economic lives, but from 1947 or especially with the introduction of Passport visa system, they became the stateless persons landlocked within a particular territory.

The enclaves were imperceptible in the physical scene. Aside from the extraordinary instance of Dahagram-Angarpota, which since its lawful association with the Bangladeshi terrain in 1992 has been dealt with as a major aspect of that territory, there were no physical hindrances and no undeniable markers, signs, columns or changes in farming or settlement designs. The segments raised in the midst of the enclave diagrams of the 1930s still exist, in the essential, yet some have been ousted or crushed during the time both by nature and man. Just by asking close-by agriculturists would one have the capacity to easily locate the previous enclaves. Government experts in the two countries didn't deny casual access to the enclaves on the off chance that one had the fundamental visas for the two countries, yet they were not as much as enabling, not completely out of the reasonable stress at the complexities that would arise if an event happened.

#### Citizenship Questions

In fact, each *Chhitmahalbasi* (enclave occupant) is a subject of the nation having power over his enclave. By and by, the advantages of citizenship are denied, as the *Chhitmahali* can't without much of a stretch access his nation of origin, while authorities from that nation are typically unfit to visit the enclave. Without any authorities in the enclaves, it is



additionally troublesome for a *Chhitmahali* to demonstrate he is his very own native nation since it is relatively difficult to get a birth testament, identification, or another recognizing report. With the refusal of the Indian government to perceive the declarations of the Enclave Citizens Committee in the late 90's, the Indian *Chhitmahalis* specifically had viably been deserted by their own particular nation into a stateless limbo.<sup>1</sup>

Neither one of the nations allowed double nationality with the goal that paying little mind to whether he turned into a local of the host country, a *Chhitmahali* would lose his special citizenship. Numerous *Chhitmahalis* progress toward becoming *de facto* residents, if not *de jure* natives, of the host nation by purchasing land outside the enclave and building a house there or notwithstanding building a house straddling the enclave limit.<sup>2</sup> In fact, despite owning land in the other country was illegal, yet various avoid this by having a relative in the host country buy the land for them. Since most *Chhitmahalis* had relatives in the host express, the host governments couldn't separate the enclaves. Land buys in the enclaves actually should have been enrolled at the *thana* central station, however, because of issues of access, a few enclaves had turned to create their own territory registers and deeds of title.<sup>3</sup> Notwithstanding the confinements, enclave occupants owned land in the host states, and host state subjects were some of the time landowners in facilitated enclaves. In general, be that as it may, arrive possession and changes in proprietorship were exceptionally hazardous in the enclaves, which traps *Chhitmahalis* on low-evaluated arrive they can't bear to offer.<sup>4</sup>

Denied access to their nations of origin, *Chhitmahalis*, for the most part, had the flexibility to move in the host state, however, they didn't have the privileges of that state's residents, which abandons them extremely helpless against misuse by private people and the host government. They couldn't legitimately vote in the host state, albeit some do figure out how to end up enlisted, regularly through relatives, the utilization of false locations, or by owning land in the host state.<sup>5</sup> It was for all intents and purposes outlandish for government representatives to visit exclave of their own electorate. A few government representatives,

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<sup>1</sup> Rabbani, 'Statelessness in South Asia', p. 52

<sup>2</sup> Scendel, 'Stateless in South Asia', 2002, p. 134.

<sup>3</sup> Ibid, p. 136.

<sup>4</sup> Rabbani, 'Statelessness in South Asia', pp. 54-5.

<sup>5</sup> A.S.M. Yunuch, *Katatre Abarudhho Chhitmahal*, Anweshha Prakashan, Dhaka, 2013, p. 65.

notwithstanding, met with the outside *Chhitmahalis* enclaved inside their electorate.<sup>6</sup> The Indian Electoral Commission had ordered that the Indian *Chhitmahalis* be enlisted on the discretionary moves of both India and West Bengal, yet no exertion has been made locally to execute this.<sup>7</sup> *Chhitmahalis* occupant in counter-enclaves could select and vote in their home state without an issue, despite the fact that government officials are careful about going to the counter-enclaves since this includes crossing a remote enclave. The enclave dwellers were in like manner unfit to get the extent cards they would somehow be fit the bill for as occupants of their own country. Their youths can choose in home state schools, yet the inconveniences of access and the detachments included all things considered dodge interest. Some figure out how to select in have state schools, utilizing indistinguishable techniques from they use to enlist to vote in that state.<sup>8</sup> In like manner with access, on each side, the administrators stated that their country is more liberal and the other country more strict. While a few authorities asserted *Chhitmahalis* can't enlist in have state schools, and will be ousted in the event that they do, others guarantee enrolment is conceivable, in spite of the fact that not supported, and that there was no separation. Thus the people of the enclaves taught themselves to coup with proxy identity. As they could not access the main country, so they maintained the rooted relations with the host country.

### **Land Ownership:**

In the early amount, the land-ownership within the enclaves was various because of the various circumstances of their emergence. It is said that sometimes when the ownership of a landed estate was transferred in the form of somewhat gift, it virtually became tax-free. There is hearsay about the Indian enclave Kotbhajni that one taluk of this enclave was bestowed and since then it remained revenue free.<sup>9</sup> The existence of such ownership was found until the early 20<sup>th</sup> century in several cases.

In some enclaves, it was found that within the absence of the owner of the land and any government, native powerful voters of the encompassing country had occupied an

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<sup>6</sup> During Berubari and Tin Bigha affairs, Amar Roy Pradhan, Kamal Guha were electorate representatives in parliament and legislative assembly respectively, but they took active participation in enclave matters. Dipak Sengupta, a MLA, was also very active in mobilizing enclave residents.

<sup>7</sup> Roy Pradhan, *Rule of Jungle*, p. 24

<sup>8</sup> Dhar and Ojha, *Human Situations in Chhitmahal*, p. 39.

<sup>9</sup> Rabbani, 'Statelessness in South Asia', p. 61.

oversized chunk of *Chhit* land. A number of the forceful occupiers closely-held even hundred acres of land within the enclaves. They had collected some landless people especially the victims of river erosion from the surrounding areas or even from far areas and gradually settled them as *adhiar* (Sharecropper) in their occupied land in the enclave.<sup>10</sup> Satish Sarkar, once an *adhiar* within the Indian enclave Kotbhajni (located in between Debigonj of Panchagarh and Domar of Nilphamari, Bangladesh) describes his settlement, therefore:

Our family came here after becoming destitute as the river destroyed all lands and homestead. Finding no shelters we came to this *Chhit*. Here I raised a house and started cultivating some lands on sharecropping.<sup>11</sup>

As *adhiar*, each settler family got some acres of land for sharecropping with a plot for the homestead. The settlers houses were called *busti* (slum). The products were divided equally between the *adhiar* and his land-master as was indicated by the name of the system. The relation between them was different to some extent from the relation of the ordinary *adhiars* and landowners in Bangladesh and India. These *adhiars* were mostly treated as subjects of the landowners. The landowners used to call them *project* (subject) and take pride as landlords. It was apparent that some of the occupiers have purchased the chit lands from the original owners at a very cheap rate who had migrated across the border. On the other hand, many people became victims of treachery in respect of selling and exchanging lands in the enclaves. All the acts of buying and selling of lands (registration) used to take place at the local land registry office of the owner state across the border, viz. Haldibari (Conch Bihar) of India for Indian enclaves and Patgram (Lalmonirhat) of Bangladesh for Bangladeshi enclaves. But in most cases, the buyers could not attend not attend the registry office across the border. Under the circumstances, many enclave-dwellers used to bring deeds (relating to purchasing of lands) by the cross-border brokers illegally. Since there was no scope in the process to examine whether the deeds were true or fake, the illiterate enclave dwellers were beguiled by the trans-border networks of frauds time and again. But in the recent years, this practice also has been stopped because of the restriction on the cross-border movement. However, all the original inhabitants, settlers, occupiers or buyers as well as the *adhiars* are worried about the

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<sup>10</sup> Interview with Balaram Barman, a former enclave citizen 119 Bashkata Chhit. Barman moved to India after in 2015. Mekhliganj, 26/03/2018.

<sup>11</sup> Interview with Satish Sarkar, Kotbhaji Chhit, Debigonj, Panchagarh District, Bangladesh, 23/03/2018.

future of their lands in the enclaves. It is because none of them has any legal document in support of their ownership. Even the original inhabitants do not have any proper document. The inhabitants of several enclaves on both sides claim that no the settlement, no survey, and no registration have been undertaken in the enclaves in their lifetime. Abu Bakar Sarkar and his fellow dwellers could not show any document of their lands except for a severed portion of a *mouza* map (land survey settlement map) of The 1930s as they claimed.

After the partition, the chit lands were never included in the land settlement survey by either of the states. The landowners in the enclaves have never been provided with any ownership document. However, some purchasers have some non-judicial stamps of registration in support of their purchased ownership, which were registered, in the Indian Land Registry Office in Haldibari (Cooch Bihar).

### **Food Problem:**

Food security exists when all individuals, constantly, have physical and monetary access to adequate, sheltered and nutritious nourishment to meet their dietary needs and sustenance inclinations for a functioning and sound life. However, food insecurity is one of the chronic dimensions in the overwhelming enclave-economy. The scarcity of food was more or less common for the underdeveloped and developing countries. Though the number of the Bangladesh-India enclave dwellers was not remarkable in the total number of two billions of the world's people who live in starvation every day, the degree of their insecurity of food is much higher than that of the others. Factors responsible for food insecurity in the enclaves range from natural disaster to economic, social, demographic and administrative instability, stemming from the absence of state administration. High growth of population in the absence of Family Planning Programme and a large number of unskilled and uneducated populations with no legal connection to markets was enough to cause severe food shortage in the enclaves. Moreover, the enclave population was engaged only in subsistence farming with low agricultural productivity and restricted access to inputs technology.<sup>12</sup> Even they have no permission to buy motorized shallow tube-well. Then there was the prohibition on business. They needed to acquire special permission from the local authority to buy

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<sup>12</sup> Management and Resources Development Initiatives, Bangladesh, *The Once Stateless: A Quick Assessment Survey of People of Former Enclaves*, September 2015, p. 52.

livestock. They could not buy or sell paddy or other commodities in larger quantities- there is a set limit, which could not be exceeded. Moreover, they had to return to their home enclave before the sunsets.<sup>13</sup>

#### **Water, sanitation and Health services:**

The absence of safe drinking water, sanitation, and wellbeing administrations were alongside sustenance frailty as real issues related with the overpopulated nations like Bangladesh and India. Nevertheless, the rate of actual progress achieved by Bangladesh in the recent years is, however, higher than the pace of annual progress required for achieving the social targets set by the MDGs by 2015. But the progress of the MDGs such as access to safe drinking water, a sanitary toilet, health service etc. never covers the enclave dwellers.<sup>14</sup> The residents of the Bangladesh-India enclaves barely approached safe drinking water and clean sanitation. They needed to drink water from open mud wells, which go under surge water in each monsoon, causing regular health problems. Essentially, they never approached essential health administration that causes incessant health dangers. If there should arise an occurrence of any serious and crisis the condition they needed to go to the adjacent clinics of the outsider nation unlawfully, where they get the just secondary significance. Besides, since there is no street and transport in or around the enclaves it was hard to take the patients or casualties to the healing facilities in the event of a crisis.

#### **Communication:**

In the third world, there are so many problems with regard to roads and communication. Nevertheless, an impressive level of improvement had been accomplished in the country streets and correspondence division amid the most recent two decades in both the nations. But, there was not really any street and concrete road in the enclaves. On account of their small sizes, it is rash to expect solid streets and roads in each enclave. In any case, in the bigger enclaves with no legitimate street, it was everyone's case how life would be pathetic during rainy season. The enclave dwellers made some small roads with their own

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<sup>13</sup> Yunuch, *Katatare Abarudhho Chhitmahal*, p. 67

<sup>14</sup> Management and Resources Development Initiatives, Bangladesh, *The Once Stateless: A Quick Assessment Survey of People of Former Enclaves*, September 2015, p. 63.

efforts and resources.<sup>15</sup> No culvert or bridge was found on the canals. They make some temporary bridges with bamboo. Every inhabitant took part in constructing temporary bamboo-bridges and roads by providing either bamboo or corvee labor, while the *Chhit* council if there is any, collects necessary money and supervise the construction.

### **Social System:**

Being detached from the mainland, the enclave people became dependent on their personal relations (social capital) with the neighboring alien people. In fact, except for the communal strife engineered by some rioters, the boundary could make little difference between the so-called '*Chhiter-manush*' (enclave residents) and their very neighbors who suddenly turned into alien people by the partition. It means that the enclave people did not require developing a completely new social network. Rather being abandoned by their states the existing social relations became the only means of their survival. This was to be noted that though they have a good social network, uncertainty also exists there. In the case of any incident that upset the very social relations, the innocent enclave people may suffer since there is no law and order agency or administration in the enclaves. The proverb 'might is right' certainly had a practical value for *Chhitmahali* people. So whatever social relations they had the probability of being harassed or exploited always remains.<sup>16</sup>

By and large, the enclave dwellers were on good terms with the average people of the surrounding the alien community. They had interactions with them. Marriage was an an important way of their reliable linkage to the surrounding community. Henceforth, they mostly tried to make nuptial matches in the surrounding community of the host country.<sup>17</sup> They felt safe to some extent when they have some strong relatives over there. But many times they failed to do so. Many native people denied having marriage relation with the 'subaltern' enclave people.

Sometimes some gentlemen, decline marries off their children in the enclaves. They think that if they marry off their daughters in enclaves (where no administration

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<sup>15</sup> Interview with former enclave dwellers in Mashaldanga, Kotbhaji and Bashkanta chhit, during 20/03/2018-26/06/2018.

<sup>16</sup> Rabbani, 'Statelessness in South Asia', p. 34.

<sup>17</sup> Ibid, p. 35.

exists) it would only invite more problems.<sup>18</sup> It would be a case of constant anxiety and a social liability in the event of possible riot or arson in the enclave. Moreover, the the problem of registration remains in the event of a wedding match. Since the enclave inhabitants are alien people their marriage would not be registered in the host country. In such cases, they used the address (false) of their relatives in the host country. However, this problem was only with the Muslim families living in the enclaves. It was because the Hindu community does not have to go through any registration procedure in their marriage. Since the enclave dwellers did not have any relation to their so-called homeland, they had to go regularly to the host country for their livelihood. It might be noted that except for earning of livelihoods by manual labor the enclave dwellers do not have any other purpose in the host country.

### **Coping with Identity Crisis:**

The citizenship crisis, stemming from the partition rendered the enclave dwellers ever vulnerable in the turbulent aftermath of the partition. As soon as the partition was declared they found them on the horns of a dilemma in respect of citizenship. However, they were in a dilemma not in regard to getting citizenship in the real sense of the term of their own choice but to save their lives, resources or even chastity from the black claws of the rioting ultra-nationalists in both the countries. In such a the situation, the innocent and almost illiterate enclave inhabitants, who were yet to be introduced to the notion of modern citizenship, had to cope with a unique situation. They had to compromise with the citizenship of their forefathers or to proxy as trans-border citizens to protect themselves from the communal barbarism.<sup>19</sup> The more they were identified loyal to the detached motherland as a citizen the more they were targeted by the rioters of the host country and therefore they acted accordingly. On the another hand, the more they tilted to the surrounding country on the ground of religion or under the fear of communal attacks the more they detached themselves from their fellow dwellers in the enclave. With all these consequences, the old identities, based on the neighborhood, kinship, language and culture that they shared with people outside

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<sup>18</sup> Yunuch, *Katatare Abarudhho Chhitmahal*, p. 81.

<sup>19</sup> Chaki, *Brattyajoner Brittanto*, p. 93.

the enclaves did not suddenly vanish but were now at odds with an ascendant identity (citizenship).<sup>20</sup>

After the emergence of independent Bangladesh in 1971, life became easier for the enclave peoples in both sides because of the disappearance of armed vigilance. During 1971-72 the border virtually disappeared in the wake of the Liberation War of Bangladesh. The borders and frontier areas between the two countries appeared to have been free and flexible, perhaps, because of the then friendly relations. In fact, the sufferings of the enclave dwellers were reduced to many extents by friendly measures. A historic agreement between the two countries was signed in May 1974 to resolve the enclave and other border issues persisting from the previous regimes. It might be noted that there was an agreed time to take into account the opinion of the enclave people regarding their national identity, while their nationality would also be changed with the exchange of the enclaves. In this regard, there might be an option of rehabilitation of the enclave people in the respective country of their chosen nationality. It was no surprise that there was no such provision in the Agreement. Nevertheless, the exchange of the enclaves then seemed to be a matter of time. But due to the legal issues took place in India, there had been a deadlock in the exchange process. And in the meantime, the enclave-dwellers in the absence of any state executed administration re-established some connections with the surrounding society. In this way, the stateless enclave dwellers had coined out a unique way of survival in the midst of statelessness.

#### **Chitmahal Nagorik Committee:**

This is to be noticed that not at all like all other oppressed and deprived societies in the history of humanity the enclave individuals would never be organized and held up in either of the legislatures for their rights which they are entitled by uprightness of birth. In fact, the enclave residents did not have any degree to accumulate and sort out themselves with the reason for seeking after their rights and objectives. Because they were scattered over different districts of an alien country where these people were under *de jure* restriction to move outside their home enclaves. However, some individuals of the Indian enclaves formed the *Chhitmahal* Nagorik Committee (Enclave People Committee)

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<sup>20</sup> Yunuch, *Katatare Abarudhho Chhitmahal*, p. 83.



in a public meeting on 26<sup>th</sup> January 1972, soon after the independence of Bangladesh.<sup>21</sup> It is pertinent to note that the objective of the Committee was to lodge complains to the governments and to procure their rights and privileges as it was mentioned in the bulletin of the meeting.

By this time some individuals who had migrated to India from the Indian enclaves, started to lodge the enclave issue with the Indian Government. Bimal Kumar Chakravorty, for instance, had formed a committee for the enclave people in West Bengal. He had placed many demands and memoranda to the local administration of India. But the Indian government never paid any heed to them. However, they could not advance their movement due to the lack of proper organization and support from the political parties. Nevertheless, they could procure a permission of entering into India for the inhabitants of the Indian enclaves particularly for land-related official purposes. Consequently, *Chhit* committee or council came into existence in some of the Indian enclaves in Bangladesh. Thereafter the enclave dwellers could go to India for 2 to 3 days for selling lands or any other works after being certified as the an inhabitant of Indian enclave by the *Chhit* council. The *Chhit* committee used to provide they with a certificate of citizenship of Indian enclave and then they could enter into India showing the certificate at the border checkpoint.<sup>22</sup>

In order to ensure social order and peace the stateless peoples of some larger enclaves have formed one kind of *Chhit* Council like the Union Parishad (unit of local government) of Bangladesh. This Council is, in fact, one kind of social administration. The enclave dwellers form *Chhit* Council through the election. Like the Union Parishad elections in Bangladesh they elected one Chairman and nine Members for the Council. The area of the *Chhit* Council was divided into three wards, having three Members from each ward in the Council. Only the males were enlisted in their voter the list, enumerated by themselves. An election council, made of the well-meaning persons from enclave and surrounding community, headed by one Ex-chairman of the nearby Bangladeshi Union conducts the election. It was to be noted that the local leaders came to conduct the election on the invitation of the enclave leaders on the

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<sup>21</sup> Rabbani, 'Statelessness in South Asia', p.39.

<sup>22</sup> Interview with Satish Sarkar, whose late father Mahesh Sarkar was once a member of the union at Kotbhajni. Kotbhajni, Panchagarh, Bangladesh, 23/03/2018.

the ground of social cooperation. In taking part in such an election on their own the enclave dwellers felt proud and try to take the taste of that of a modern state, which they had been deprived of for generations. But the elections were held very irregularly. In some relatively small sized enclaves, the *Chhit* Councils were formed on the basis of selection and the well-meaning persons therein became the Chairman and Members of the Council.

However, the *Chhit* Council dealt with the overall social affairs of the enclave with an the approach of social cooperation. They took initiatives to resolve the disputes among the enclave dwellers through *shalish* (social arbitration). If the Council itself failed to settle any dispute, they invited the Bangladeshi local leaders like the Chairman of the surrounding Bangladeshi union or Ex-chairman whom they could rely on to settle the dispute. The *Chhit* Council had no recognition of or relation with any government. The existence of such a *Chhit* Council was found in the largest Indian enclave Shalbari (A composite enclave, made of four contiguous *Chhit* namely Shalbari, Nataktoka, Beoladanga and Kajoldighi, located in Debigonj under Panchagarh district).<sup>23</sup>

Registration is very important both in selling and purchasing of land. But the inhabitants of the enclaves had no scope of having registration in respect of buying and selling land. Formerly, the enclave dwellers were allowed to go to the local land registry office of India for registration purpose. Then they had to show them ownership deeds of Indian *Chhit* land in the border checkpoint along with the citizenship certificate, issued by the *Chhit* Council. Because having deeds of land ownership in the enclaves was considered as an authentic identity of Indian citizenship. However, then they would go to Haldibari of India for buying or selling land. But later as it was impossible to go to India, they used to have registration through the brokers without going to India. As noted earlier, since there was no scope in the the process to identify whether the deeds are true or fake, the almost illiterate enclave dwellers had been beguiled by the trans-border network of frauds time and again. Under the circumstances, the enclave people have introduced one kind of social a registration system that varies from enclave to enclave. In the smaller enclaves lands were being sold orally, having only some witnesses. In some larger enclaves where *Chhit* Council existed, one kind of non-governmental land registration system was found.

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<sup>23</sup> Proceedings of the Chhitmahal nagorik Committee and Public Meeting, 26/01/1972.

The *Chhit* Council issued the land registration deeds, which had no legal value in either of the countries. Thereby the buyers of land in the enclaves could not have any a legal document in support of their ownership. Hence the price of the enclave lands several times were lower than that in the surrounding areas.

**Bharat Bangladesh Enclave Exchange Coordination Committee:**

After the Tin Bigha Corridor had been leased to Bangladesh, the question of exchanging those enclaves and the role of Indian government regarding this was repeatedly asked by Indian politicians in the Parliament and mostly by those people who had been compelled to live in such a stateless condition for nearly four decades. Though the enclave residents learned to live with all kinds of odds, they also developed their own ways to handle such statelessness. But it was never sufficient. Whenever, it had come to childbirth, other medical treatments, education, ration facilities and the participation in the democratic right of selecting the government, they had been deprived of.

The Chitmahal Nagorik Committee for quite some time had done some effective works for the betterment of the *chitmahal* dwellers. But in 1994, along with the demand of implementing Indira-Mujib Agreement as soon as possible, under the leadership of Dipak Sengupta of Dinhata, The Bharat Bangladesh Enclave Exchange Coordination Committee became the political platform for the enclave dwellers in both sides of the border. The sole demand of this organization was the implementation of the Land Boundary Agreement of 1974 with immediate effect. They send their memorandum to Indian President also demanding such quick exchange. But what made the Exchange Coordination Committee different from other previous committees active among the enclave residents was its nature and working mechanism. Unlike the others, this committee has formed both sides of the border. Dipak Sengupta was the founder of the committee, but he chooses its president and secretary from Bangladesh, Mainul Haque, and Golam Mostafa respectively. The organization, acted as a political body, divided its units per districts and selected from each enclave an elected representative. The selection of the representative had been taken place through an enclave level election organized by the committee itself and the winning candidate called as ‘enclave president’.<sup>24</sup> Every elected enclave presidents formed the district committee and maintained tight relation with the other district committees. Any programme of activity had been sanctioned by the general secretaries of both the countries. Having such close

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<sup>24</sup> Interview with Diptiman Sengupta, Cooch Behar, 26/12/2017.

relation with the enclaves, the committee could easily engage itself with any kind of enclave level problems.

From the very beginning, the organization demanded the quick exchange. After the death of Dipak Sengupta, his son Diptiman Sengupta became the brain of the organization. From this time, the committee not only limited itself in raising its demands or electing the representatives but also engage in various matters. The committee started celebrating independence day on every 15<sup>th</sup> August in the Indian enclaves, and 26<sup>th</sup> March in the Bangladeshi once. Previously, there had been the sentiment of statelessness among the enclave dwellers. But the committee tried to mobilize the residents and bind them up to the national framework.<sup>25</sup> Thus the organization proved itself not only to be a border centric one but celebration of the Indian independence programme along the people who were Bangladeshi in nature but living within India. Such nature helped the organization in the census and survey operations to represent its ideas and knowledge of ground level to the higher Governmental authorities during the time of exchange in 2015.

Land ownership issue one of the vital ones in the enclaves, as there had no government office and working force been presented there. The committee understood the issue and took some effective unique measure to sort out the land issues in a rational way. Whenever, there was a sell or buy of land took place in the enclaves, the committee body of that enclave arranged white sheet or on a blank stamp paper to documented the details of the land (position, ownership, rate of the land etc.) and with the presence of 10-12 witnesses, the handover of the land had been taken place. Previously there had been several incidents of forceful land occupations by the local land mafias or the politically connected criminals in the enclaves. Moreover, as there had been no governmental survey or sanction of the land in the enclaves, frequent land occupation or harvest loot was very common in nature, sometimes by the other enclave residents.<sup>26</sup>

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<sup>25</sup> Interview with Diptiman Sengupta, Cooch Behar, 26/12/2017.

<sup>26</sup> Interview with Satish Sarkar, Kotbhajni, Panchagarh, Bangladesh, 23/03/2018.

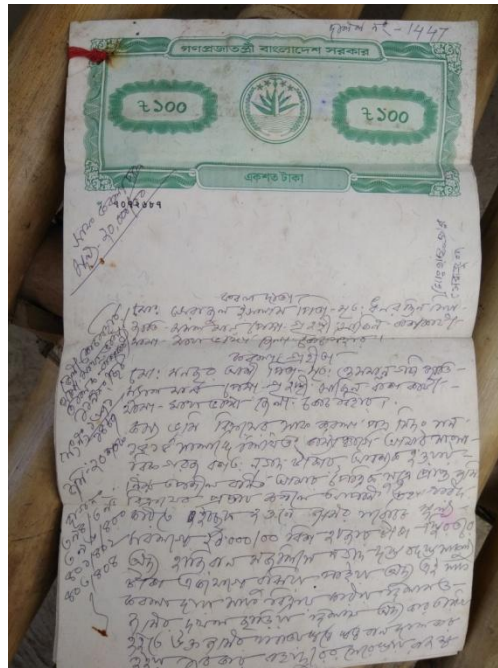


Photo.1:3: The land record of Md. Hafizar Serajul of 119, Bashkata *Chhit*, Patgram, Lalmanirhat, Bangladesh. The picture is taken by the author on 19/03/2108.

The safety of enclave residents and enforcing law and order in the enclaves was another demand of the Bharat Bangladesh Enclave Exchange Coordination Committee. As we have talked it before, with the absence of police and state authorities, these enclaves were the safe heavens for criminals, smugglers and anti-social elements. One such incident happened in 2008 when a dead body was dumped in Dasiarchara *Chhit* and it remained there for more than thirty hours as the Bangladesh police did not want to enter Indian *Chhit* and Indian police could not go there as it was within Bangladesh. Though the body was later cremated, the criminals remained unknown. To protect themselves, the committee tried to provide the youths of every enclave the basic training of martial arts, basic wrestling, first-aid and use of fire extinguisher etc. Eighteen boys and six girls from every enclave had been enlisted for their ten days training to form the 'Surksha Bahini'.<sup>27</sup>

In 1999, the members of the committee meet L.K.Advani, the Home Minister of India and requested him for the quick solution of the enclave problem.<sup>28</sup> The committee submitted their memorandums and letters to various departments of both state and central government. In

<sup>27</sup> Report of Anandabazar Patrika, 26/01/2015, p. 6.

<sup>28</sup> Interview with Diptiman Sengupta, Cooch Behar, 26/12/2017.

2006, the committee sends their memorandum to the President of India describing the harsh living condition in enclaves and also presented their three temporary demands:

1. No enclave resident should be arrested and judged under the ‘Foreigner’s Act’.
2. If any resident of the enclave remained imprisoned, he/she should be freed effective immediately and he/she should not be ‘pushed in’ to Bangladesh.
3. The identification certificate, issued by the Bharat Bangladesh Enclave Exchange Coordination Committee should be taken granted as a valid identity card.

That same year, five residents of Mashaldanga *Chhit* on their way to Delhi in search job had been arrested by the Indian Border Security Force and handed over to police. They had been charged with ‘illegal infiltration’ and jailed for two years in 2008. But even after the completion of their pronounced period, they had been kept in jail.<sup>29</sup> The district administration argued that as they were foreign nationals and Bangladesh did not contact the concerned authorities for their return, the five persons could not be released. The committee presented this matter to the district administration and to the state government, but it was fruitless. Finally, nearly 8000 residents of Mashaldanga started fasting for 48 hours on the road of Dinhata-Shalmara from 26<sup>th</sup> June 2011. They demanded the immediate release of those five persons and their safe return to Mashaldanga itself, not to Bangladesh. Finally, they got released from prison on 15<sup>th</sup> August that year and were returned to South Mashaldanga. For the first time, the committee and its effective mobilization hindered the government from pushing in imprisoned enclave residents in Bangladesh.<sup>30</sup>

For a long period, the *Chhit* people lived stateless lives and without the facilities of the welfare state. Nevertheless, they coped with such living by adopting tricky methods associated with the host country. As we have discussed already, for gaining medical or educational facilities, the enclave residents used proxy identities of their relatives or near ones in the host country. But the Enclave Coordination Committee mobilized them to identify not as ‘stateless people’, but as Indians or Bangladeshis, regarding the position of their enclaves. As a result, when Asma Bibi, the pregnant wife of Shahjahan Saikh was admitted to the government hospital at Dinhata, they used their original name and address. The hospital denied admitting Asma Bibi as she was a citizen of the enclave and informed the police. They even advised them to give false name and address, as it happened in previous enclave related

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<sup>29</sup> Interview with Diptiman Sengupta, Cooch Behar, 26/12/2017.

<sup>30</sup> Interview Saddam Hussain, South Mashaldanga, 17/03/2018.

medical cases. But both Asma Bibi and her husband stuck to their decision of giving their upcoming child an identity which would have based on truth. In such a crucial time, thousands of residents of Mashalanga started protesting outside the hospital. The issue got media attention and several teachers and lawyers from Cooch Behar raised their voice in favor of Asma Bibi. Finally, with the intervention of district administration, the hospital agreed to take the admission and after two hours, Asma Bibi delivered a baby boy. People of Mashaldanga named the boy Jihad and rallied with joy after their release from the hospital.<sup>31</sup> For the first time, any newborn child got its real identity.

Apart from its political activities, the real endeavor of the committee was to grow confidence among the dwellers of enclaves and to teach them mobilization and combined action. In 2008, the BBCCEE<sup>32</sup> organized a rally at Dinhata demanding a quick exchange of the enclaves. In 2010, they organized a mass meeting at Cooch Behar's Rasmela Ground with the same demand and send a memorandum to the then Chief Minister of West Bengal, Buddhadeb Bhattacharya. On 26<sup>th</sup> June 2010, people from both sides of the border had been gathered at Tin Bigha under the banner of BBCCEE.<sup>33</sup> They gathered to celebrate the 'martyr day' on 26<sup>th</sup> June as it was the day of Tin Bigha transferred and on this very day two people had lost their lives after police firing. Such gathering attracted media coverage from both India and Bangladesh. In September 2011, when the meeting between Indian Prime Minister Manmohan Singh and Bangladeshi Prime Minister Sheikh Hasina could not succeed to solve the enclave issue again, the committee organized a protest demonstration in every enclave. That same year, when the then Chief Minister of West Bengal Mamata Banerjee announced that she would not allow the government to exchange those enclaves. It made the enclave of people enraged and they organized 28dayd fasting in both sides of the border (Dinhata and Dasiarchara).<sup>34</sup>

During the exchange period, the committee once again engaged itself with the census, survey and other works to help the government in understating the real geo-economic condition of the enclaves and its people. In 2010, before the joint census one year later, the committee made a survey of all the 162 enclaves and enlisted 51849 people were living in these

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<sup>31</sup> Interview with Asma Bibi, South Mashaldanga, 17/03/2018.

<sup>32</sup> Bharat Bangladesh Enclave Exchange Coordination Committee

<sup>33</sup> *Anandabazar Partika*, 27/06/2010, p. 5.

<sup>34</sup> Interview with Diptiman Sengupta, Cooch Behar, 25/12/2017.

enclaves.<sup>35</sup> When the government introduced a joint census in 2011, the committee helped the officials as much as possible and 51584 had been counted living in these 162 enclaves.<sup>36</sup>

The committee representatives joined all the meetings regarding Indo-Bangladesh enclave exchange and expressed their ground-level knowledge to the concerned authorities. During the exchange days, the committee was extremely active in dealing with threats of the land mafias and tried their best to protect the rights of every *Chhitmahalbasi*. After, the exchange the BBEECC changed itself into Nagorik Adhikar Rokhha Committee and started working in former enclaves.<sup>37</sup> It is the same committee who raise their voice again and again whenever there had been fewer government aids or development projects etc. Till to date, the Nagorik Adhikar Rakhya Committee is associated with former enclave people in all odds of their lives.

### **Indian Enclave Refugee Association:**

As we have discussed before, in 1972, an organization had been established under the leadership of Bimal Chakraborty at Haldibari, Cooch Behar named Enclave People's Committee. The committee was active till 1995 and issued identity cards to the enclave citizens to access mainland facilities in India. But when it was noted that some members of the committee issued Bangladeshi nationals identity cards by taking bribes from them, the district administration made the committee stop from issuing such identity certificates.<sup>38</sup> Though the committee could not do much rather than issuing identity certificates for border crossing, it was the first organization that had been set up by the enclave people. It also subsequently helped in forming *Chhit* Councils in various large enclaves.

In general, statelessness means “losing existing nationality without at the same time acquiring a new nationality. The loss of existing nationality may be due to international or national events or due to the deprivation of nationality by the state of which the individual was a national.<sup>39</sup> Thus ‘nationality’ is an essential part of ‘statelessness’. According to C.G.Fenwick, by nationality, we understand “the both which unites a person to a given state which constitutes his membership in a particular state, which gives him a claim to the

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<sup>35</sup> Interview with Diptiman Sengupta, Cooch Behar, 25/12/2017.

<sup>36</sup> Interview with Golam Mostafa, 22/03/2018.

<sup>37</sup> Ibid.

<sup>38</sup> Interview with Biren Roy, Haldibari, 18/03/2018.

<sup>39</sup> U.N.Gupta, *The Human Rights: Conventions and Indian Law*, Atlantic Publishers and Distributors, New Delhi, 2004, p. 73.



protection of that state, and which subjects him to the obligations created by the law of that state.”<sup>40</sup> It means nationality is a kind of qualifications what entitles the person to enjoy the protection of the state. The International Court of Justice has also recognized the legality of the bond between nationality and state.<sup>41</sup> So, a state cannot expel out its own nationals from its own territories. At the same time, nationality does not affect by the lapse of time. Every national is thus entitled to get back his own country and it is the duty of the state to receive its own nationals. The ‘International Covenant on Civil and Political Rights’ (1966), in its article 12 has clearly stated that “no one shall be arbitrarily deprived of the right to enter to his own country.”<sup>42</sup> The denial of protection by the state to its own nationals abroad is regarded to be inhuman or cruel behavior on the part of the concerned state. But ‘national’ and ‘citizen’ are not interchangeable. While nationality is ‘continuing relationship’ between a person and its state, the citizenship, on the other hand, is ‘the legal status of a nation under the domestic laws that entitle him to enjoy constitutional and statutory rights’. So, the citizens in general condition of a democratic state do enjoy the right to equality, life, and personal liberty, religion or constitutional and legal remedies. But the question of ‘statelessness’ arises when a citizen of a state does not enjoy the rights as enshrined by the constitution in his own country for geographical, political or other reasons.

The people living in the Indo-Bangladesh enclaves for 68 years, had to spend their lives in a ‘stage of struggle for survival’ because of stateless leading to violation of human rights. Amar Roy Pradhan stated the living condition of these enclave dwellers, “About one lakh fifty thousand citizens living in Indian enclaves surrounded by Bangladesh (previously by East-Pakistan) are denied of minimum necessities of life, food, clothing, health-care, education and life security for the last 44 years. There is no law and order. Hundred of Indian citizens were butchered and enclaves were treated as slaughterhouses. There is nobody to look after them. Bangladesh Government is having no difficulty in maintaining a link with their enclaves with the help of India, it is a mystery why the Indian Government is apathetic to maintain the minimum civic norms in these Indian enclaves and uphold its territorial sovereignty. It is

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<sup>40</sup> Charles G. Fewick, *International Law*, 3<sup>rd</sup> Edition, Appleton-Century Crofts, New York and London, p. 253.

<sup>41</sup> U.N.Gupta, *The Human Rights*, p.75.

<sup>42</sup> ‘International Covenant on Civil and Political Rights’, ratification and accession by General Assembly resolution 2200A(XXI) of 16<sup>th</sup> December, 1966, entry into force 23<sup>rd</sup> March, 1976, in accordance with Article 49.

deplorable that the Indian citizens of Indian enclaves have neither the constitutional rights nor they are under the purview of general human rights’’.<sup>43</sup>

The forced migrants of Indian enclave formed an organization named ‘Indian Enclave Refugee Association’ in 1981 at Haldibari. The members of the association were previously associated with Enclave People’s Committee. But to put their demand as stateless refugees, the migrated people, under the leadership of Falin Roy and Biren Roy established this separate organization. The main demands of the IERA<sup>44</sup> were:

1. Rehabilitation of forced migrants to India those who, migrated from Indian enclaves.
2. ‘Right to Passage’ for the people of Indian enclaves through the Derbiga Corridor.
3. Issuing Ration cards for the enclave refugees.
4. To arrange administrative and medical facilities for the enclave refugees.
5. To arrange education for the children of the enclave refugee families.
6. To resolve the unemployment problem of the refugees.
7. To ensure Indian citizenship for the enclave refugees.<sup>45</sup>

The IERA has frequently raised its voice against the atrocities committed against the people of Indian enclaves. It has also frequently organized ‘sit-in demonstration’ in front of different administrative offices of Cooch Behar. According to IERA, the 112 No Banskanta *Chhit* was only one foot away from Upanchowki Kuchlibari of Mekhliganj and the distance between 199 Banskanta *Chhit* and Nalnibari village of Mathabhanga is only 100 feet. The organization raised the issue of granting Tin Bigha Corridor to Bangladesh to connect with the later’s enclave Dahargarm-Angarpota and demanded that there should be corridors of India to connect with its enclaves for the sake of the enclave residents. During the exchange period, the association protested against such exchange. According to IERA, the most of the lands in the enclaves belonged to the people who had been compelled to leave those lands forcefully and by any such exchange, the occupiers would be benefitted by getting the lands. After the exchange, the association once again complained that the government has taken several programmes for the rehabilitation of the people of Indian enclaves who choose to come to India after the exchange, but no scheme has been mentioned about them though they were come to India many years before the later ones. The United *Chhit* Council, established in

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<sup>43</sup> Amar Roy Pradhan, *Rule of Jungl*, p. 3.

<sup>44</sup> Indian Enclave Refugee Association.

<sup>45</sup> Letter of Falin Roy, General Secretary of IERA to the District Magistrate of Cooch Behar, 07/08/2012.

2005, by some enclave residents of 119 no. Banshkata *Chhit*, under the leadership of Balaram Barman, Ukil Barman had a cordial relationship with the IERA and they also demanded such corridors from Bangladesh.

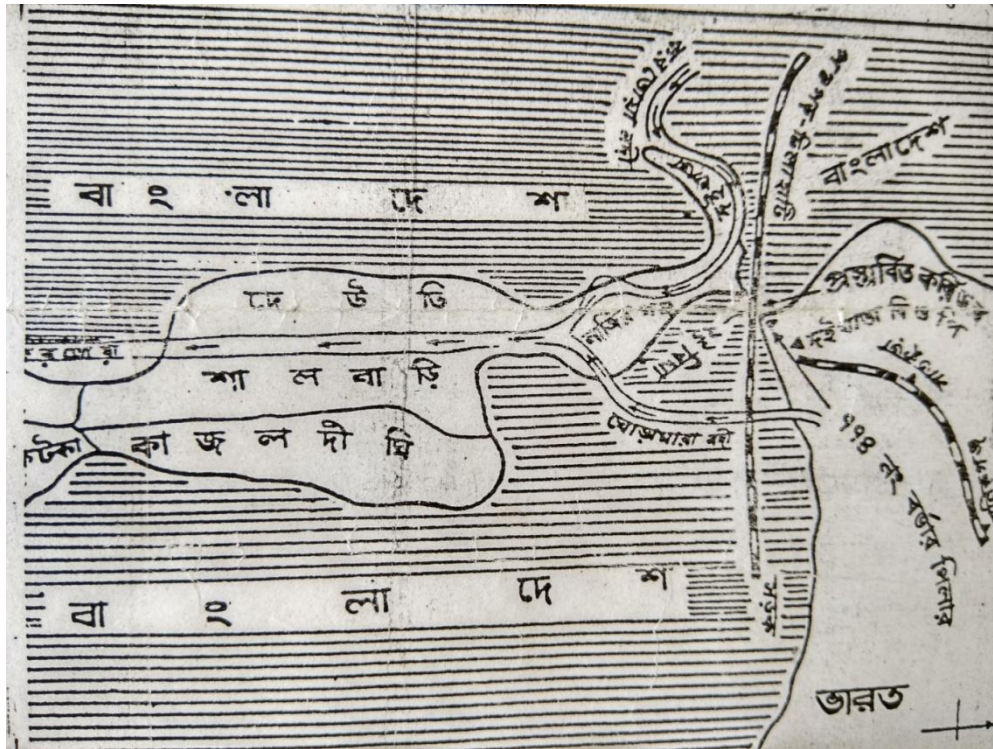


Photo. 2:3: Proposed map of Adhai Bigha Corridor by IERA.

### Life of Enclaves During Exchange

After the 2011 joint census and demarcation, it was quite clear that the exchange of the Indo-Bangladesh enclaves was only a matter of time. In fact, joint census teams had been welcomed overwhelmingly by the enclave dwellers. People started to count for their long-awaited citizenship rights. But along with happy times, evil elements also entered into these *Chhitis*. In India, the opposition parties started their war of domination over the Bangladeshi enclaves in India. On the other hand, land *mafia* became active to take control of these lands illegally. Communal threats had been spread by these forces at Dasiar chara, Kajaldighi, Shalbari and other enclaves and the Hindu populace had been told to leave their lands and go

to India. On 7<sup>th</sup> June 2015, the ‘liberation march’ of the people of Mashaldanga *Chhit* had been attacked and later that night several houses of this enclave had been set on fire.<sup>46</sup>

It was once said, that thousands of people, residing at Indian enclaves inside Bangladesh would have migrated to India during the exchange. But in reality, only 1,127 people choose to go to India, and later 148 of them changed their decision. Only 979 people took the migrated to India after having Indian citizenship. On the other hand, out of the total population of 14,215 of Bangladeshi enclave inside India, not a single person moved to Bangladesh. Here we can see a completely unique identity question of the enclave people. They were fighting for their national identity and rights, but one can easily ask when it came to select the country, why most of the people did not want to go their mainland and choose to reside in the host country. The answer lies in the land-people relationship. Most of the enclave people were either agriculturalists or sharecroppers. The land was the central factor of their very existence. So when it came fro them to choose between their country and the land with which they had been associated it, the answer for them was easy. Satish Sarkar, once a resident of Kotbhajini *Chhit*, now a Bangladeshi citizen described the issue in a very simple way-

Most of my relatives and neighbors had gone to India. But I did not want to go there. I have my land here, which is ours for generations. My forefathers were the subjects of Cooch Behar Maharaja. After partition, the situation had changed here and we faced lots of problems. Despite that, I still hold some land here, and it is sufficient for the survival of my family.<sup>47</sup>

It can also be noted that those families who choose to come to India, had lost most of their lands either to land mafias there or soil erosion caused much to their lands and for which reason they preferred to come to their mainland India. Balaram Barman, who was the resident of 119 no. Bashkanta *Chhit*, an enclave of India withing Patgram, Bangladesh, came to India after enclave exchange in 2015 and currently living at Mekhliganj camp for the former enclave residents, described the reason for their coming in these words-

We had no choice but to come to India. Our forefathers were the subjects of Cooch Behar Maharaja. But after partition, we became enclave people and had been denied all kind of facilities. A good amount of our land had been captured by the land mafias and we could not complain, as we didn’t have that option. Moreover, the Dharala river erosion damaged the rest of our land. From 2005, we formed the *Chhit* United Council to fight for our rights and we demanded a safe corridor for passing to the mainland, like Tin Bigha. We celebrated the independence day of India and hoisted the Indian national flag there. But,

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<sup>46</sup> Anandabazar Patrika, 08/06/2015, p. 5.

<sup>47</sup> Interview with Satish Sarkar, Debiganj, Panchagarh district, Bangladesh, 23/03/2018.

after the exchange, we feared that all these past demands and deeds of ours might cause problems for us, as the enclave was going to become Bangladeshi land then. That's why, when we were given the option whether to go to India or reside in Bangladesh, we choose India.<sup>48</sup>

The people of enclaves had been compelled to live statelessly for 68 years. During this long period, they were denied the basic rights. They did not have a state for their protection. There were no health or educational facilities. The children of these enclaves had to live on fraud identities from the very beginning of their lives. They had no role to play in electoral politics. In spite of all these hardships, the people of the enclaves developed their own way of living. The relation with the host country and its people and coping with alternative identity made them able to fight against that odds. The people who lived in these enclaves formed organizations like *Chhitmahal* Nagorik Committee, Bharat Bangladesh Enclave Exchange Coordination Committee, etc., for mass mobilization among the enclave dwellers and to fight against the common hardships unitedly. They practiced their voting rights by electing enclave level committee or union members. The committees issued identity cards for the enclave residents to cross-border movement. These organization also worked as the local administration in the enclaves as there was no state's administration was present. The people strongly stood during the time of exchange when facing threats and showed their unity. However, there were different organizations with their different demands and interests. They had their sharp differences on the question of exchange. But it is crystal clear for the people of the enclave who had been living there for the 68 long years, the exchange brought major changes in their lives. Those who continued to live there got their national identity, but it started a new chapter for those who wanted to change the previous identity and came to a land which is new for them.

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<sup>48</sup> Interview with Balaram Barman, Mekhliganj, Jalpaiguri district, West Bengal, 26/03/2018.

## Conclusion

For a long period, it was believed that the enclaves were the result of chase or hunting game, played between the Maharaja of Cooch Behar and the Fauzdar of Rangpur. Nevertheless, it is still believed by some people of the region. But from our study, we can state that it was not the chase game, but the political scenario along with territorial expansion during the Mughal period that led to the formation of such enclaves. During the East India Company's occupation of Bengal, half of the enclaves had existed there already. The two Anglo-Bhutan war created more enclaves and finally, during the colonial period Cooch Behar, though was a princely state, became an enclave surrounded by British territories. Cooch Behar state had its enclaves within British territories and vice versa. These *Chhits* had attracted the government's attention during the last of the 19<sup>th</sup> century and the later termed these enclaves as 'parcels of land'. Later the enclaves had been demarcated and identified by concrete pillars or bamboo boundary. The idea of the demarcation was to define the area of jurisdiction between the government and the Cooch Behar state. But during all these centuries, from Mughal to the British, the people living in these enclaves had never faced any kind of discrimination regarding their area of living. As there had been no boundary or fence between the territory of British India and Cooch Behar State, it was not a matter for the people to be worried about. The only difference that these enclaves made was the payment of land revenue. The residents of the Cooch Behar's enclave within British territory had to pay their annual revenue to the office of State, and the dwellers of British enclaves within Cooch Behar's territory had to pay their revenue to the officials of colonial government.

But the whole scenario had been changed after the partition in 1947. The national movement, which tried to uproot the colonial regime for gaining the independence, were not able to handle the demand of separate state for the Muslims. Finally, when it came to independence, the subcontinent had been divided into two nations on religious line, India, and Pakistan (East and West). The people of such a diverse land had been told to change their identity overnight. For the people, who had no idea of border or boundary before, had been compelled to leave their birthplace or workplace for a search of a new settlement. The people of border areas had faced most of the problems, as they did not understand how, all of a sudden their neighbourhood village could become another nation, how the river became the boundary overnight, how they were not allowed to attend the hat (village market) next to the village as

it had fallen to the 'other' country now. The ongoing riots and mass displacement along with the 'border' identity were all became very confusing who had been chopped off by the sharp blow of 'Radcliffe Line'.

But, the enclave people were the ultimate victim of this partition. Till then, they were the revenue subjects of either the Maharaja of Cooch Behar or British India. But after 1947, their very identity was at stake. Though Cooch Behar remained a Princely State till 1949, there had been several demands regarding its merger with India or Pakistan or as a separate 'independent state'. But finally in 1949, the Maharaja of the State Jagdipendra Narayan signed the Merger Agreement with Government of India and thus Cooch Behar became a Commissionerate and later a district of West Bengal. Till 1952, both the Government of India and Pakistan maintained status quo regarding the enclaves, as both the states had their own inside other's territory. But in 1952, 'passport' and 'visa' system had been introduced between India and Pakistan. This system along with border check-posts, fencing and the presence of security personnel made it extremely difficult for the enclave residents to access the mainland. Thus they had been 'landlocked' inside the foreign territory, detached from their country. Now they were supposed to have official documents to access their own country and they were not citizens in their host country. If they accessed the host country for their livelihood or any other reasons, they had been charged with illegal infiltration and arrested. So, they could not go to the country they belong to, and they could not access the country they had been actually living. Moreover, there were laws related what kind of products they could buy or sell to the markets and limitations of what kind of food, medic or other necessary materials they could take to their enclave in what quantity.

It was not that the enclave issue did not attract the Governments of both the nations. Visa provisions had been made for the enclave residents for unlimited entry and exit, but they could not able to understand the real problems of these *Chhit* people who were illiterate and poor and how could it be possible for them to access a long distance in their country to get those passport and visa papers. Moreover, the Pakistani claim over the South Berubari which was a result of negligence by the Radcliffe Award made the situation more complex. Finally, in 1958, an agreement had been signed between Prime Ministers of Pakistan and India, better known as 'Nehru-Noon Agreement' which dealt with the enclave exchange issues and transfer of Berubari to East Pakistan. The agreement created a heated debate in both the countries. But in India, it was attracted more controversies and criticism than its neighbor. West Bengal and its Legislative Assembly was against such decision and stated it as a blow to

the Federal Governance system to make such treaty without proper discussion. The people of Berubari, mostly Hindu who had fled from Pakistan during the partition and after, challenged the agreement. They formed an organization, named Berubari Pratirakhshya Samiti and started organizing public meetings against such decision. They also appeared to the Calcutta High Court against the Union Government's decision of transfer. The R.S.S and Hindu Mahasabha made the issue a national one that any kind of such surrender of land to Pakistan should not happen. Finally, the issue went to the Supreme Court of India where the Court stated that any such decision could be grounded without the Constitutional Amendment. In 1960, the Ninth Amendment of Indian Constitution had been made which cleared the way for Berubari transfer to Pakistan. But once again a petition had been filed to Delhi High Court related such transfer and the fate of residents at Berubari. Finally, when the decision came out in 1971, in favor of the Union Government, India and Pakistan were in a position of war once again.

From the very beginning, India and Pakistan shared a cold relation regarding the border issues, especially in Kashmir. Till, 1971, the nations already fought two wars. In the meantime, East Pakistan started raising its demand for more autonomy and language freedom. In spite of having a greater number of population, East Pakistan had a very little contribution to the nation's policies. In March 1971, the popular leader of East Pakistan asked the Bengali people to wage war against the Pakistani Government and demanded separate Bangladesh nation and thus the civil war started. During this war, the border enclaves between India and Pakistan played a crucial role. As these territories were under Indian domain, the freedom fighters of Bangladesh took these *Chhitmahals* as shelter and training ground. With the growing barbaric suppression by Pakistani armed forces, millions of people had been compelled to take shelter in the border district of India. Such influx of refugees which affected the Indian economy which finally compelled Indira Gandhi to wage war against Pakistan. In December, with the surrender of Pakistani forces, Bangladesh got independence.

With the coming of Bangladesh as a new nation on the global map, the enclave issue had become the matter of India and Bangladesh. In a friendly atmosphere, a treaty had been signed between Prime Ministers Indira Gandhi and Mujibur Rahman regarding the boundary settlements. It was stated in the provision of the 'Indira-Mujib Agreement' that the enclaves between the two countries would be exchanged and Berubari would have divided into two parts and half of it would remain with India. In exchange for that, Bangladesh would gain access to its largest exclave Dahagram-Angarpota and a corridor. But like the previous one, the issue again got media and public attention. The issue of Tin Bigha attracted a great debate



in India and the political parties like Bharatiya Janata Party, Forward Block, Socialist Unity Centre of India and the residents of Kuchlibari and other enclaves got involved in it. On the day of the transfer of Tin Bigha to Bangladesh in 1992, people fired on protest gathering caused two deaths. But the corridor had been leased to Bangladesh. From then, Dahagram-Angarpota, the largest Bangladeshi enclave within Indian territory became a partly-enclave which had an access time of twelve hours for its residents.

After the Tin Bigha transfer, the issue of enclave exchange had been sent to cold storage. It was in 2011, that the Prime Minister of India and Bangladesh signed a protocol in Dacca conference which finally led the exchange talk. In the same year, a joint survey team of both countries demarcated and enrolled the population of these enclaves. But it took four years more to materialize the enclave exchange. And finally, in July 2015, the enclaves had been exchanged between India and Bangladesh. The people who had to suffer for 68 years in statelessness, finally got their identity and statehood.

The residents of the former enclaves between India and Pakistan and then India and Bangladesh were people without a nation for more than half a century. During this long course of time, they had been deprived of everything that a citizen of any welfare state should have gotten. There was no governmental authority in these *Chhits*, thus making them safe heaven for the smugglers and criminals. The police could not inspect the enclaves as they were inside the foreign territory. The residents had no medical facilities or health centers, even there was no 'Polio Campaign' in these enclaves for all these years. The children of the *Chhit* people had to live in a false identity to get education and job. There were no concrete road or electricity in these enclaves. In fact, the enclaves had seemed like forsaken by any light of the modern world.

But having all these odds against them, the enclave dwellers learned to live in these enclaves. As they could not access to the country they belong, the *Chhit* people had a unique relationship with the host country and its people. For their daily life, the enclave people were dependent on the host country. As most of the enclave residents were peasants, the land was the basis for their existence. They had even invented a unique way to deal with land-related issues; for example, with the presence of 10-12 people, the residents made land transferred documents on a stamp paper. Though it had no legal ground, the enclave residents dealt with land buying or selling in their cooperative way. Whenever there had been any quarrel or disputes related to land, the well-known persons from nearby host country had been invited to

solve the matter. When it came to the education of the children of these people, again they took the help and support of their neighbors of the host country. In this way, though the people of the enclaves were stateless in nature, yet they coupled the identity with the host country.

In the year 1972, the people of enclaves for the first time established an organization to fight for their own rights. Enclave People's Committee had been founded that year in Haldibari, Cooch Behar under the leadership of Bimal Chakraborty. It issued identity cards to the residents of Indian enclaves to access the mainland for medical ground, marketing or land registration issues. The committee, active till 1995, had done mobilization among the enclave people. Inspired by the works of the committee, the enclave dwellers introduced *Chhit* Council to practice their democratic rights. As the *Chhit* people were not the citizens of any country, they could participate in the general elections neither in India nor in Bangladesh. Hence, they elected representatives from each enclave and thereby made the *Chhit* Council which was most likely present-day 'gram-panchayat' (village council) in India. The council took initiatives in building mud roads, bamboo bridges, health centers, schools by collecting funds from the residents. They even solved any kind of land dispute in the enclaves. In 1994, a new organization named Bharat Bangladesh Enclave Exchange Coordination Committee under the leadership of Dipak Sengupta came into existence to fight for the rights of the enclave people. This organization was different from the previous one, as it included both types of enclaves, i.e., the Indian enclaves in Bangladesh and the Bangladeshi enclaves within India. Though the committee had its sole demand of exchanging those enclaves, it also took initiatives to spread the idea of 'nationality' among the enclave people. Unlike the previous ones, BBEECC did not promote the identity of 'statelessness', but it mobilized the enclave people to identify themselves as Indians (for Bangladeshi enclave people) or Bangladeshis (for Indian enclave people). The committee thereby encouraged the residents of the *Chhitmahals* to celebrate national programmes like Independence day or Republic day. Such kind of initiatives clearly showed the politics of nationalism. The BBEECC and its leadership wanted the enclave dwellers to come into the national framework. But did not mean that the committee was not aware of the real situations of the enclave residents. The committee sometimes organized cultural programmes where its members recited poems about their identityless life and performed dramas about their own lives and sufferings. The committee had been formed by the elected representatives from each enclave, like the *Chhit* Council. The committee formed in one district had a cordial relation with other district's committees. Any

programme of protest or deputation had been organized on the same day in both countries. The During the time of enclave census in 2011 and 2015 the members of helped the government officials a lot in their understanding of the enclaves. They also engaged themselves in solving any kind of land-related disputed in the enclaves. When the exchange of enclaves discussion began, the enclave people had been attacked, their houses set on fire and there had been efforts from local land mafias to occupied those lands. In that situation, the committee organized martial arts camps for the youth to train them in several arts of defense. Even after the exchange in 2015, the former BBEECC transformed into Nagorik Adhikar Rakhhya Committee and still continue their fight for the betterment of the people of former enclaves.

But it is not that the people who were living in the enclaves for more than a decade had to face discrimination. There were others also who had been driven out of their land in the enclaves and became landless nationals in their country. During the turmoil condition of partition and after, there were several riots all over India and Pakistan. The Ansars assisted by security personnel attacked the enclaves after partition and again such incidents happen in the 1960's. Residents of those enclaves had to flee for saving the lives of their families and thereby took shelter in West Bengal's districts like Jalpaiguri and Cooch Behar. An organization named Indian Enclave Refugee Association had been set up in 1981 by such landless people at Haldibari, Cooch Behar. The basic demand of the organization was complete rehabilitation package from the Government of India. The IERA also demanded the Adhai Bigha Corridor to access the enclaves from mainland India. They organized several public gatherings, deputation programme to Cooch Behar district administration, but the Government has never taken any steps to deal with the problems of these people. In spite of having proper land records during the time of Princely State of Cooch Behar, they are now living a life of landless laborers. The exchange of enclaves could do no benefit in the life of these landless people. They are even excluded from the rehabilitation package and development. These people opposed the exchange proposal because for them such an exchange programme would legitimate the land to forceful occupiers who once drove them out from those lands. For the former enclave people, the exchange marked the end for their long 'statelessness', on the other hand, these landless people completely lost those lands which feed their forefathers. Here, the concept of land is not only about the agricultural land, but their very identity is related to those lands. These people are still waiting for the government aids for or compensation.

## **The Delay in Exchange:**

The exchange of the Indo-Bangladesh enclaves could have different types of appreciation, but one question was certain: why did it take so long to exchange these adverse possessions? It has seen in Indian cases regarding enclave settlement judiciary got involved every time. Previously the case regarding Daman and Diu had been solved in International court as Daman and Diu were Portuguese exclaves within Indian territory and after India got independence, the Portuguese did not withdraw their power from them. In the Indo-Bangladesh issue, repeated legal appeals wasted a lot of time to exchange those enclaves. At least 3 cases had been filed dealing with Berubari exchange. The political development was another reason that the exchange got so much delayed. The wars between India and Pakistan in 1965 and 1971, hindered all the bilateral relations between these neighbors.

In India, the centre-state relations and the bureaucratic regulations was another reason that took the issue of enclave exchange too long. During the Leftist government in West Bengal, the state leaders and ministers claimed that though they were ready for the exchange, being an international issue, they could not anything on their own.<sup>1</sup> For Diptiman Sengupta, the reason West Bengal government never raised its voice in favor of exchange was the fear of an imaginary number of new refugees who could come to the state after enclave exchange and resultantly government had to engage with rehabilitation projects.<sup>2</sup> Even among residents, opinions regarding enclave exchange were different. Those residents who did not to hold citizenship of the host country, had no option but to move to the main country, leaving all their lands and belongings behind. They preferred to get a corridor rather than the exchange.<sup>3</sup>

As the enclave people could not allow voting, and there were no vote banks, the political parties in India hardly touched the issue of enclaves. But, as the enclave exchange could have given Pakistan and late to Bangladesh a more land than gaining, the issue got political attention. Since, 1958, with the coming of the Nehru-Noon agreement, All India Forward Block, which had a stronghold in Cooch Behar and Jalpaiguri districts, opposed the treaty. During Berubari transfer and Tin Bigha issue, Bharatiya Janata Party as a major opposition party in the center raised the issue of surrendering more land to a Muslim majority country and tried to gather Hindu sentiment over the issue. But when it came as ruling party in the center, it also followed the same tendency of ignoring just like its predecessors. In fact, as the

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<sup>1</sup> Whyte, *Waiting for the Esquimo*, p. 189.

<sup>2</sup> Interview with Diptiman Sengupta, Cooch Behar, 25/12/2017.

<sup>3</sup> Interview with Ukil Barman, Mekhliganj, 26/03/2018.

boundary and land transfer was the issue regarding those enclave exchange, political powers did want to touch the issue. After the coming of Mamata Banerjee led Trinamool Congress in power, the West Bengal Chief Minister argued that if the central government could not take the full responsibility of sanctioning rehabilitation and development programmes in the enclaves, the state government would oppose the decision of exchange. Such kind of political game along with the sentiment of ‘motherland’, had compelled thousands of enclave residents to remain stateless for more than half a century.

### **Life After Exchange**

After a long waiting of 68 years, the largest number of enclaves had been exchanged in 30<sup>th</sup> July 2015. For, the people, living in those lands, it was no less than an independence day. The day had been celebrated at all the enclaves with cultural programmes, victory march and mass dining. The Indian government announced a huge fund of 3000 crores (175 crores for the development of former enclaves within India, 400 crores for the bridge between Mekhliganj and Haldibari, 2445 crores for the rehabilitation programmes for those who choose to come to India from its enclaves within Bangladesh).<sup>4</sup> After the exchange, the enclave people got electricity, roads, health centres, primary and secondary schools. But there has been agitation for not gaining the land records.<sup>5</sup> On the other hand, Bangladesh in this matter had done a very quick job. The people got their land records two months after the exchange. The people of the former enclaves got primary and secondary schools, community centres in every large enclave, primary health centre, schools for differently abled children, concrete roads, electricity and all those things that had not been available there previously.<sup>6</sup> In India, again the centre-state tug of war regarding the funding and expenditure cause much delay in the former enclaves. The children who had to use fake identities for their educational purposes are now demanding for their real identities. The government also understand the feelings of those young minds and has started providing them their certificates with real parental identity.<sup>7</sup>

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<sup>4</sup> *Anandabazar Patrika*, 30/07/2015, p. 6.

<sup>5</sup> Interview with Saddam Hussain, Mashaldanga, 17/03/2018.

<sup>6</sup> Field trip to the former enclaves located in Bangladesh from 19/03/2018-26/03/2018.

<sup>7</sup> Interview with Diptiman Sengupta, Cooch Behar, 25/12/2017.



*Figure.* Development project on river Dharala, former 119 no. Bashkanta Chhit, Patgram, Bangladesh.



*Figure.* Secondary School at former enclave Dashiara chara, Kurigram, Bangladesh.

### **Enclaved Again**

A total number of 201 families moved to India after the exchange. They had been given temporary houses at three different refugee camps at Dinahata, Mekhliganj, and Haldibari. The people mostly Hindus now find themselves enclaved again. The camps which are provided to them are covered with fencing which reminds them of the border which created so much

trouble for them.<sup>8</sup> They have been given 30 kg of rice, 5-liter mustard oil, 5-liter fuel, 1.2 kg salt and 1 kg of dry milk per month.<sup>9</sup> Flats are under construction for their permanent residence.



Figure. The Mekhliganj Camp for the former enclave residents.

But all these artificial facilities could not satisfy the residents of these camps. The fencing, temporary rationing system and no permanent job security makes them worried about their decision to come to nations they belong. Ukil Barman, a resident of Mekhliganj camp describes their condition in these words-

When we were in Bangladesh, people used to point us as Indians, and we accepted that identity. As our enclave was an Indian one, we were Indian too. That's why we choose to come here to India when we had been told to put our opinions during enclave survey. But after coming here, we have no feeling of being at home. It seems that the country does not want us, either our fellow countrymen. We are living by ration. We have no permanent jobs or lands to be cultivated. When we go to the local market in search of work, we are paid less than the locals. They point us as Bangladeshis. Every time, we are

<sup>8</sup> Interview with Usman Gani, Dinhata, 18/03/2018.

<sup>9</sup> In reply to the author against the RTI F. No. 36/12/2018-R & SO, Ministry of Home Affairs, Government of India.

facing political pressure, and during elections, it gets to vile and strong. It seems to us that we have committed a sin to leave our lands and come to the place which does not want us.<sup>10</sup>

The people finally formed an organization in 2017 named ‘Asthayi Shibirer Purno-Basan O Adhikar Raksha Committee’ and wrote several letters to the Sub-Divisional Officers of Mekhliganj and Dinhata and District Magistrates of Cooch Behar and Jalpaiguri demanding permanent residence, job security and fair wages for fair works. In the same year, the organized a ‘hunger strike’ as a part of a protest at Mekhliganj SDO office but had been brutally thrashed by the police.<sup>11</sup> Their letters to the Prime Minister’s Office is still not answered. They are also against the plan of flats but want separate housing for each family. Still, they are waiting for the government’s response to address them properly.

Thus, we can clearly see that there are several groups related to the enclaves. All of them have their different kind of opinions and demands. Where the former enclave people want more development projects to their areas, the people who left their home and came to a new land want the government to listen to their needs and demands, so that they can’t feel the statelessness again. On the other hand, the people who left their enclave residents years ago to save their families, demand the status of a refugee and thereby want the facilities that the people are getting who came after 2015. The exchange of enclaves may solve a long statelessness problem, but it also creates some new phenomenon which seeks serious attention from both the government and civil society.

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<sup>10</sup> Interview with Ukil Barman, a former resident of Bashkata Chhit, Bangladesh, came to India after July 2015, currently a resident of Mekhliganj Camp, Mekhliganj, 26/03/2018.

<sup>11</sup> Anandabazar Patrika, 17/06/2017, p. 5.



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