Chapter II

INDO-BANGLADESH BORDER, BORDER DISPUTE AND BORDER MANAGEMENT: ORIGIN AND NATURE
The ‘Indo-Bangladesh border’ is the longest land border that India shares with any of its neighbours. It covers a length of 4,096.7 (Annual Report, MHA 2007) kilometers abutting five Indian states (See the Appendix, No. 14)¹ and five out of six Bangladeshi divisions (See the Appendix No. 14).² Unlike South Asia as a unique region among all the regions of the world, because of its history of formation, the Indo-Bangladesh border is also a unique border because of its history of origin and creation. India’s land borders in general and Indo-Bangladesh border in particular is a different kind in its nature where peoples of both the sides of the border are similar in nature, similar by their socio-cultural and religious practices/matters with a very strong family and marital relationships; but only divided by a political boundary. The Indo-Bangladesh border is not a new border created in 1947 with the partition of Indian subcontinent into two sovereign countries of India and Pakistan. Its origin can be traced into the history of 18th century of British rule in Indian Subcontinent. The Indo-Bangladesh border, thought, conceived and originated in 18th century, got an administrative shape in 1905 and a physical and political shape in 1947 which renewed in 1971-72. In a nutshell it gradually developed with the division and addition of certain areas in Bengal from ancient time to till 1971 with the separation of East Pakistan/Bangladesh from Pakistan.

History of the Origin and Creation of Indo-Bangladesh Border

First Partition of Bengal, 1898: Origin and Conceive of the Border

As history narrates, Bengal, that contents the most important part of the study, came under British control in 1757 with the defeat of the Nawab Siraj-ud-Daula in the battle of Plassey (Harrington 1994: 56-60). The Bengal Province was then consist of Assam, Bengal, Bihar and Orissa divisions of British India. After Plassey, Bengal was put under the administration of Governors, Governor-Generals and Viceroyalty of British Raj. Initially Bengal was politically stable and under control of East India Company. Up to mid-nineteenth century there were no such disturbances in the Bengal Region. However, since the second half of the nineteenth century the Lushai problem seriously engaged the

¹ These states are Assam, Meghalaya, Mizoram, Tripura and West Bengal.
² These five divisions are Chittagong, Dhaka, Khulna, Rajshahi and Sylhet. For the smooth administration Bangladesh has been divided into six Divisions and 36 Districts. The sixth Division is Baraisal.
attention of the Government of British India and, actually speaking, the defence of the eastern frontier from Cachar to Arakan had been a subject of its special and anxious consideration. The Lushais were formidable and their frequent raids on the country between the Cachar and Chittagong districts and to the east of Hill Tippera resulted in a deplorable loss of life and destruction of property. The cruel raids perpetrated by them on various parts of the frontier, more especially on the teagardens in Cachar and Sylhet districts, showed that friendly relations of the Government had not as yet been understood or fully appreciated by many of the tribes (HP 1872). This necessitated the conduct of further operations by the company forces and later, the Lushai Hills had been annexed (1890) and divided into two districts. The North Lushai Hills became part of the Chief Commissionership of Assam while the South Lushai Hills were attached to Bengal (AP 1892).

In 12th January 1890 the Commissioner of Chittagong Division proposed for the amalgamation of the North and South Lushai Hills into one Lushai Hills district (Reid 1997: 28) as well as the consideration of certain questions relating to the civil and military officers of the Lushai Hills became the subjects of discussion at Calcutta on 29 January 1892. This conference was generally known as the Chin-Lushai Conference and recommended that the whole tract of the country known as the Chin-Lushai Hills should be brought under one administration, (HP 1892) also advised that it should be subordinate to the Chief Commissioner of Assam. The dominant trend of the conference was thus in favour of the amalgamation of the North and South Lushai Hills into a single Lushai Hills district (FD 1892).

The Chittagong Hill Tracts (HP 1891)3 should also be transferred from Bengal to Assam as regards the possibility of transferring to Assam the whole of the Chittagong Division including the political charge of Hill Tippera, the Government of Bengal and the Chief Commissioner of Assam were to be consulted. About the transfer of the North Arakan Hill Tracts from Burma to Assam, the recommendation of the Chin-Lushai Conference of 1892 was fully approved. Some two years later (8 September 1896) the Government of India again reviewed the situation which had meanwhile greatly

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3 Chittagong Hill Tracts was reduced to the status of a subdivision of the Chittagong District in 1891 and was placed under the charge of an Assistant Commissioner.
improved in both North and South Lushai as well as in the Chin Hills. The Government of Bengal agreed to its inclusion in the Lushai Hills (Cronin 1977: 4) through a proclamation by the Government of India Act, 1854 (17 to 18 Vict. 77) on 1 April 1898. This transfer of Lushai Hills from Bengal was yet another partition of Bengal. The whole of the Lushai Hills was constituted into one solid and compact administrative area under the Chief Commissioner of Assam. Talks of further transfer of territories from Bengal to Assam were already under way (Reid 1997: 43). Write something

**Second Partition of Bengal, 1905: Converted to an Administrative Border**

Renewed discussion of the question of rearranging Bengal came about indirectly, the result of discussions over the possible reversion to Oriya as the language of Government in the Central Provinces district of Sambalpur, instead of the Hindi adopted for official convenience in 1895. In October 1901, Sir Andrew HL Fraser, the then officiating Chief Commissioner of the Central Provinces, raised the question to one of urgency when he concluded, following a personal investigation, that the change to Hindi as the language of Government had produced a serious inconvenience to the people of the district and a danger to the public good. Fraser urged the Government of India to reinstate Oriya as the court language and to transfer Sambalpur to the Orissa Division of Bengal, “to which it really belongs.” The proposal to transfer Sambalpur to Orissa raised the question of even wider territorial changes and sparked a heated debate among the departments. The main argument centered on a suggestion that should Sambalpur be added to Orissa, the added administrative burden to Bengal might justify transferring the enlarged Orissa Division to the Central Provinces (Cronin 1977: 7).

Proposal to partition Bengal had been discussed during different administrations since the 1860s. But, during Curzon’s Viceroyalty the question was brought forward when the Nizam of Hyderabad agreed to transfer Berar to British India. The boundaries of Bombay or the Central Provinces would have to be redrawn to incorporate Berar: it seemed a good opportunity to consider other territorial adjustments as well. Besides giving Berar to Bombay or the Central provinces, the Secretaries had proposed to take Sind from Bombay and give it to the Punjab, and to transfer Chota Nagpur or Orissa from Bengal to
the Central Provinces. Although Curzon was not consulted about these proposals, he may have decided independently of the Government Secretaries that the boundary between Bengal and Assam ought to be redrawn (NC 1902).

In dealing with the question of Bengal Curzon was aided by his protégé, AHL Fraser, then on special duty as Chairman of the Police Commission. Writing from Lahore in early 1903, Fraser proposed not only the transfer of the Chittagong Division but the Dacca and Mymensingh districts of the Dacca Division as well. Impressed by what he had heard of the result of the earlier transfer of Sylhet district, he believed “that Dacca and Mymensingh would give far less trouble if they were under Assam (NC 1903).” Curzon preferred Fraser’s proposal to transfer Dacca and Mymensingh and the Chittagong Division to Assam. In defence of his proposal the Viceroy first cited administrative, economic and geographical considerations, and lastly, as an argument “which cannot be absent from our consideration,” Fraser’s political argument. Curzon’s ordering of objectives cannot be accepted at face value, nor were all of his arguments valid. The most obvious inconsistency was the argument that Orissa’s long historical association with Bengal ought not to be broken while Bengal proper could be divided without regard for Bengali sentiment (NP 1905).

Curzon’s broad territorial reorganization scheme received the assent of his Council on July 19, 1903 (OC 1903). Following the return of the government from Simla in the fall the case moved forward in earnest. In November 1903 HH Risley submitted a draft letter to the Bengal Government which would become the basic public document on the scheme. However, Risley’s initial draft letter followed the Viceroy’s minute too closely, and Curzon objected. Should Risley’s draft be published “in its present form? However, Curzon revised the draft “from beginning to end,” and the Bengal letter which issued on December 3, 1903, omitted all mention of the political advantages to be gained from severing Dacca and the eastern districts from Calcutta (RCS 1903). The letter was printed in the Gazette of India of December 12, 1903, and in its reply to Seraj-ul-Islam, the Bengal government referred him to that morning’s Gazette (GBHD 1904).

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4 The assent of His Majesty, the British King or Parliament.
Many prominent Bengalis, who had large property and commercial interests both in Calcutta and Eastern Bengal called upon Fraser. They strongly opposed the partition scheme, but they made Fraser to understand that much greater harm would come to their interests if only Dacca and Mymensingh, rather than all of the Dacca Division were transferred. However, certain eminent Muslim leaders in Eastern Bengal came to grasp the advantages inherent in the creation of a new province in which their coreligionists would constitute a majority (Macpherson 1905: 155-167).

Undaunted by failure at the meeting with Bhadraloks in 11th January 1904, the Nawab (a Muslim) continued his efforts to drum up support for an enlarged partition. This time he maneuvered in a way that did not require the approval of the "popular party." In anticipation of Lord Curzon's upcoming visit to Eastern Bengal, the Nawab and the District Magistrate, JT Rankin, secured a joint address from the district Board and Dacca Municipality which urged the Viceroy to accept an expanded partition scheme (Dacca Prakash 1904).

Though Curzon and his officials advanced administrative arguments to justify the decision against a territorial readjustment following logical geographical and linguistic lines and these arguments were dubious. Curzon, for instance, laid stress on the necessity of creating a self-contained service in Assam. Neither he nor his subordinates, however, could rebut Fuller's contention that the new service would contain fatal disabilities. The decision to create predominantly Muslim province represented an important refinement of the original "divide and rule" objective. While the territory involved in the initial scheme contained a Muslim majority, this fact was at first incidental. More pertinent to British thinking at the time was the desire to separate centers of Bhadralok power at Dacca and Mymensingh from Calcutta. The addition, the balance of the Dacca Division, a step suggested by the landowners who met Fraser in December 1903, would not have significantly changed the nature of the scheme (Fuller 1930: 124-125).

The Secretary of State's acceptance of the necessity of a territorial reorganization in Bengal, communicated in Lord St. John Brodrick's dispatch of June 9, 1905, initiated the final Phase of the task of creating a new administration out of Assam and the eastern Bengal districts. Much remained to be resolved. Decisions were required on the question
of the date for the commencement of partition, on interim financial arrangements prior to
the beginning of the new financial year, on the size and composition of the new
Legislative Council, and on the name of the man to be the first Lieutenant-Governor. The
step had been taken, however, and as of October 16, 1905, the Government of India’s
prestige and the responsibility for executing its policy rested with the impetuous JB
Fuller (Bourdillon 1905: 112).

The province of Bengal and Assam was divided under the auspicious authority of the
then Viceroy, Lord Curzon, into two provinces: (1) Eastern Bengal and Assam with
Dacca as its capital and (2) Western Bengal with Calcutta as its capital. The newly-
created province of Eastern Bengal and Assam included Assam and the following
districts of the old province of Bengal and Assam: (i) Dacca, (ii) Mymensingh, (iii)
Chittagong Hill Tracts, (ix) Rajashahi, (x) Dinajpur, (xi) Jalpaiguri, (xii) Rangpur, (xiii)
Bogra, (xiv) Pabna and (xv) Malda. Western Bengal included the remaining districts of
the old Province of Bengal and Assam with the addition of the district of Sambalpur
which was transferred from Central Provinces to Western Bengal (Ambedkar 1945;
GIGN 1905: 4). ⁵

It proclaimed that the districts of Dacca, Mymensingh, Faridpur, Bakarganj, Tippera,
Naokhali, Chittagong Hill Tracts, Rajshahi, Dinajpur, Jalpaiguri, Bogra, Pabna and
Malda, which formed the part of the Bengal Division of the Presidency of Fort William,
'shall cease to be subject to or included within the limits of that Division, and shall
thenceforth be subject to or included within the limits of the Lieutenant-Governorship of
the Province of Eastern Bengal and Assam' (HP 1905). ⁶

Several covering developments brought a sudden and unexpected end to the province
of Eastern Bengal and Assam. The overt cause of the ill-fated province’s demise was the
desire of the new King-Emperor George V, to re-visit India and, as expected on such
auspicious occasion, confer a magnanimous boon on his Indian subjects. The underlying
reasons for the destruction of Curzon’s edifice, as first, rejected then reconsidered, the
idea grew ever more attractive as a new Liberal Secretary of State, the new Viceroy, Lord

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⁵ The two provinces became separate administrative units from 16th October 1905. See the Map No. 21.
⁶ See the Bengal Division Map of 1905-12, Map No. 21.

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Hardinge, and senior officials surveyed the widening cracks in the wall of British authority as a consequence of five years of chaos. Having been created after several years of prolonged official discussion, the province of Eastern Bengal and Assam was undone following a few months of secrete correspondence and discussions at the highest level, of which not even the Lieutenant-Governors of the Bengals were advised. The province of Eastern Bengal and Assam was officially disestablished on April 1, 1912 with the reunion of two pasts of Bengal. However, this end was a central piece in the border play of Imperial strategy (Eustis 1964: 171-184).

**Third Partition Bengal, 1947: Creation of a Geographical, Physical or Political Border**

Though, the two parts of Bengal was reunited but the crack done in 1905 was grown wider and sharpened and reached in its zenith with the partition of the subcontinent in 1947. All the three parties—the British administration, the Bengali Hindu Bhadraloks (Gordon and Inden 1868; McLane 1969: 5-2039-77), and the Muslims Clergies—are equally responsible for the creation of a physical boundary/border between Hindus and Muslims in Bengal. The hasty and radical politics of both Aristocrat Hindus and the Muslims for their “two nation theory”—with the establishment of the All India Muslim League in 1906—with British administration’s “divide and rule” policy gave birth to the Indo-(East Bengal) East Pakistan land border which got renewed into Indo-Bangladesh land border later.

The words of Lord Curzon became true. In his farewell speech at the Byculla Club, Bombay, Curzon predicted that the “Bengali patriots” who then denounced him for giving them that boon would one day bless his name for it; and I think he will live to see the day, for the Bengalis have for too much intelligence to be unwilling to own when they have been in the wrong (Fraser 1911: 392). Even under the Mughal and early British regimes, Bengal had undergone frequent changes in its territorial boundaries. But all these changes and transfigurations had aroused little public curiosity until the partition of

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7 The term Bhadralok, Leonard and Ronald have suggested, was invented by the British and was not often used by Bengali speakers. During the period under discussion, however, the term appeared with increased frequency in Bengali-Language newspapers. The term was used loosely by Bengalis and Englishmen to distinguish the more cultured and gentile Bengalis from cultivaters,labourers, and others who did manual labour.
Bengal by Curzon in 1905. The measure stirred so much public controversy that it had to be annulled in 1911 in order to keep the imperial control undiminished. Within 36 years from the annulment of the first partition of Bengal, in the year 1947 the province came too divided into two halves along the same geographical lines mainly on communal consideration. The carving up of India in line with Jinnah’s two-nation theory affected the second partition of Bengal. The Hindu-majority West Bengal became a part of the Indian Union, with the Muslim-majority East Bengal a part of Pakistan (PB 1947).

It may be noted that the Hindus by and large opposed the 1905-partition and most Muslims rendered their support to it; but it was the Hindus, especially the Hindu Mahasabha, who proposed the partition of Bengal in 1947 and Muslim leadership first opposed and later accepted the proposal sullenly. The rapid change in the political mood of the Hindus and Muslims of the province ought to be measured by the complex politics of communalities, communalism, and imperialism of the time. HS Suhrawardy, Chief Minister of Bengal, made a last moment attempt to transcend the limits and keep Bengal united with the status of an independent state. However, his move for a United Independent Bengal floundered (Chatterji 1999: 197-98; Chatterji 1995).

Since 1906 both the Hindu and Muslim rightwing politicians have been exerting excess pressure on the government to make separate arrangement for Hindus and Muslims. The All India Muslim League have been demanding a separate home land for Muslims which got fuel from the Hindu fanatics to separate Muslim areas from the Hindu majority areas which was ultimately conversed to the partition of Indian subcontinent. However, it may noted that the idea of partitioning India in some form, to safeguard British strategic interests, had started to circulate in Whitehall in Churchill’s time. Defence and security considerations were therefore uppermost in the minds of British leaders as they considered withdrawal from India. There was also America’s interest in the same manner from the British withdrawal from Indian subcontinent. If the British Commonwealth and the United States of America are to be in a position to defend their vital interests in the Middle East, then the best and the most stable are from which to conduct this defence is from Pakistan territory. Pakistan [is] the key stone of the strategic arch of the wide and vulnerable waters of the Indian Ocean (Sarila 2005: 21-29). And
another factor was, according to British strategists, the Soviet Russia as their sole enemy of spreading of communism, which was however strongly denied by Russian Strategists (Yapp 1987: 647-665).

All these above mentioned reasons encouraged and tempted by the communal politics by Hindu Mahasabha supported by the Indian Congress and the Muslim League to divide the land. After the Lahore Resolution of 1940 the separate Muslim homeland was growing stronger day by day. The Lahore Resolution of the Muslim League demanded an independent status for “areas in which Muslims are numerically in a majority, as in the north-western and eastern zones of India.” These consist of five provinces: Sind, Baluchistan, North-West Frontier Province, and the Punjab in the northwest and Bengal in the east (Spate1948: 5-29).

In a nutshell, Decades of Indian Nationalist pressure on British Government and by the rise of civil unrest in the subcontinent, with Britain’s precarious economic position in the aftermath of the Second World War, along with, American anxiety to de-colonize the subcontinent influenced both international and British domestic opinion to transfer the power into Indian hands (Cain 1993). However, the official view of the British departure was of course that it was not a defeat, but in a real sense the fulfillment of the Raj’s tutelage (Talbot 2000: 134). For the result, the new British Prime Minister Clement Attlee made the surprise announcement on 20 February 1947 that “England would transfer power to responsible Indian hands by June 1948” (Mullar and Bhattacharjee 1988: 157). His Majesty’s Government in its 20 February announced, that there must be formed a constitution based on the Cabinet Mission Plan through a fully representative Constituent Assembly by June 1948. If it will not possible, His Majesty’s Government will have to consider to whom the power of British India should be handed over on the due date, whether as a whole or to some form of Central Government for British India (Menon 1957: 353)

The partition of India is customarily described in surgical metaphors, as an operation, an amputation, a vivisection or dismemberment. By extension, the new borders created in 1947 are often thought of as incision scars. The most important work of division of territory was assigned to the last Viceroy of India Lord Mountbatten. But, it was really
unfortunate that Mountbatten, who considered the award of independence to India as his act of crowning glory, was in such a desperate hurry. His ambition was to achieve this “superhuman” task in record time. Mountbatten came to India in March, 1947 and this left him just about sixteen months to complete such a gigantic task. In reality, he achieved it in five months, on 15th of August, 1947 for which he was given so much credit (Khisha 1996) (Appendix, No. 1).

**Mountbatten, Radcliffe and the Boundary Commission**

Meanwhile, in Bengal, the demand for the creation of the separate province of Bengal was gaining its popularity. At this stage, Husyn Saheed Suhrawardy (the then Premier of East Bengal) came out with a proposal for ‘a sovereign, independent and undivided Bengal in a divided India’. However, it received little support from either the Muslim League or the Congress (Menon 1957; Chand 19832: 88-318, 353). The Bengal Provincial Muslim League was deeply divided by this time and the two main factions, led by Suhrawardy and Khwaja Nazimuddin respectively, were on the bitterest of terms. But these differences did not affect the Muslim League case before the Commission, because only Nazimuddin’s party took any interest in it. It will be recalled that Suhrawardy and Abul Hashim had co-authored a proposal for a united and sovereign Bengal, independent of both India and Pakistan. Having made public their opposition to the partition of Bengal, the two men were not disposed to sit down to work out the details of a division they had already rejected. And for obvious reasons, Congress-minded Muslims (such as Ashrafulddin Ahmed Chowdhury), who were staunchly opposed to partition in any form, took no part in the Boundary Commission’s proceedings (Chakrabarty 2003: 193-212). Even there was other alternative proposals given by eminent personalities and Br Ambedkar’s proposal was one of the important. He gave some important suggestive proposal as the alternative to partition (Ambedkar 1945: 383-403).

On the other hand, Jinnah issued a statement that the proposal for the partition of Bengal and the Punjab was ‘a sinister move actuated by spite and bitterness’. He said that

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8 He boasted that before accepting the post of Viceroy he had told King George VI, who was his cousin: “I am prepared to accept the job only on one condition. India must be granted independence by July, 1948 and I will not stay there a day longer”.

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the principle underlying the Muslim demand for ‘Pakistan’ was that Muslims should have a ‘national home’ a home state in their homelands comprising six provinces.\footnote{These Provinces are the Punjab, Sind, the North-Western Frontiers Province, British Province of Baluchistan, Bengal and Assam.} He finally demanded the division of the defense forces and stressed that the States of Pakistan and Hindustan must be absolutely free, independent and sovereign. Even he told to move to the UN with the issue, which could be created problem for British strategists of their incapability of transfer of power (Chatterji 1999: 185-242).

Mountbatten remarked that where as it seemed to him that it would be a fairly easy matter, assuming His Majesty’s Government agreed, to transfer power at a very early date on a “dominion status basis” to the union of India. Surprisingly, there would for some time to come be no authorities in Pakistan to whom power could be transferred. On the other hand, Nehru explained his own reaction that it was very desirable that there should be a transfer of power as quick as possible on the basis of dominion status of the religious majorities. The basic reason for wanting an early transfer of power, apart from the desire of the Indians to control their own affairs, was that development in India would not otherwise take place, as they thinks (Menon 1957: 404-417).

Mountbatten had also a clear-cut directive from His Majesty’s Government to explore the options of ‘unity and division’ until October 1947, after which he was to advice His Majesty’s Government on the form of which the transfer of power should take place. Mountbatten’s formula was “to divide India but retain maximum unity (Chandra 1988: 497) (Appendix, No. 1).”

The legal framework and guidelines relating to the partition of Bengal, which announced by the Prime Minister Attlee in the British Parliament on 3 June 1947, were (Banarjee 1948) (PP 1949):\footnote{Also see Appendix, No. 2 & 3.}

“A Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation of those concerned. It will be instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also instruct to take into account “other factors”. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the appendix will be used.”

It was furthermore extended by the Indian Independence Act, 1947 promulgated on 18 July 1947, stipulated, inter-alia (Banarjee 1948) (Appendix, No. 2).

For the purpose of transfer of power and the division of the territory, a very practical and resourceful man was necessary to shuffle the cards for equally distributed among the players. This scheme is known as the ‘Cabinet Mission Plan of 1947’ on the basis of which the political power was transferred to both the communities of Hindus and Muslims (Banarjee 1948) (HP 1872). Sir Cyril Radcliffe (Black and Nicholls 1986: 696-7)\(^ {11}\) was appointed for divide the territory of British India into two sovereign units.

The body responsible for delineating the boundaries—between India and Pakistan—through the province of Punjab and Bengal, is popularly known as, the “Radcliffe Boundary Commission” and its report is known as the “Radcliffe Award” of 1947 (Chatterji 1999 Das1982: 185-242, 156).

The story of Radcliffe Award centers on a small group of individuals: Radcliffe, the man who had the responsibility for delineating the boundary lines; Mountbatten, the then Viceroy of India; JL Nehru and VB Patel, leaders of Indian National Congress; and Jinnah, head of the Muslim League (Cain and Hopkins: 1993). Secondly, Viceroy kept himself distance from the commission for the fair and independent judgement but appointed an administrative staff to communicating him. This staff included one Superintendent (a secretary from the Indian Political Service) named Christopher Beaumont; five stenographers; one junior clerk; five typists; and eight other such officials as well as assistant secretary Rao Sahib VD Ayer (Ilahi 2003: 77-102).

On the other hand, before delineating the boundaries some important points were instructed to be remembered. The points to be noted are that all the legal guidelines clearly stipulated the Muslim majority districts which are contained as an appendix to the 3 June (1947) (PP 1949: 2) (Appendix, No. 1)\(^ {12}\) statement of His Majesty’s Government

\(^ {11}\) Sir (later Vicount) Cyril John Radcliffe (1899-1977) was, by 1938, ‘the outstanding figure at the Chancery bar’. His ‘Meteorically Legal Career’ was interrupted only by the Second World War, when he joined the Ministry of Information, becoming its Director-General in 1941. This had been his only experience of administration when, in 1947, he was called upon to chair the boundary commissions in India. Subsequently, however, he chaired so many public inquiries in Britain that one critic was led to denounce ‘government by Radcliffe’!

\(^ {12}\) ‘Statement by His Majesty’s Government, dated the 3\(^ {rd} \) June 1947’.
and as the schedule to the Indian Independence Act, 1947. Those Muslim majority areas were as follows: (PP 1949: 3)

1. In the Chittagong Division, the districts of Chittagong, Noakhali Tippera.
2. In the Dhaka Division, the districts of Bakerganja, Dhaka, Faridpur and Mymensingh.
3. In the Presidency Division, the districts of Jessore, Murshidabad and Nadia.
4. In the Rajshahi Division, the districts of Bogra, Dinajpur, Malda, Pabna, Rajshahi and Rangpur.
5. It should also be noted that the districts of Khulna and the Chittagong Hill Tracts were not included in East Bengal earlier.

All in all, however, the central parties agreed on all aspects of the Boundary Commission—one for Bengal, in the North-East India and another for Punjab, in the North-West. According to the plan, each Commission would consist of four judges, two selected by Congress and two by the League (Manserh 1976) (Appendix, No. No.3). Thereafter, two Boundary Commissions were set up with Muslim and non-Muslim members (PP 1950: 8). However, in the end, this two-versus-two format and the judges with strong political biases produced deadlock, leaving Radcliffe the responsibility to make all the most important and most difficult decision himself. The Commission’s terms of reference directed it to “demarcate the boundaries of the two parts of the Punjab and Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims (PP 1950: 8).

The announcement of His Majesty’s Government, dated the 3rd June 1947 (Banarjee 1947), (Appendix, No. 1)14 and provided inter-alia for determination of the question of partition of the province of Bengal and Punjab through Assemblies of both the provinces. Each assembly was directed to meet in two parts, one representing the Muslim majority districts and the other the rest of the province, and decide whether or not the province should be partitioned. For the purpose of arriving at a decision on the question of

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13 The Muslims and non-Muslim members of the Bengal Boundary Commission were- Mr. Justice Bijan Kumar Mukharjee, Mr. Justice CC Biswas, Mr. Justice Abu Salem Mohammed Akram, and Mr. Justice SA Rehman. Similarly, the Muslim and non-Muslim members of the Punjab Boundary Commission were- Mr. Justice Meher Chand Mohajan, Mr. Justice Teja Singh, Mr. Justice Din Mohammed, and Mr. Justice Mohammed Munir.

14 Statement by His Majesty’s Government, dated 3rd June 1947'.
partition, the whole of Bengal was nationally divided into Muslim and non-Muslim majority districts. The basis of division was the census figure of 1941 (CRI 1941: 28-29). This, as the statement itself indicated, was “only a preliminary step of a purely temporary nature”; and for the purpose of a final partition “a detailed investigation of boundary questions” was considered to be necessary which required the setting up of a Boundary Commission. It is necessary to note from the very beginning that the same Bengal Boundary Commission members were also sat for the separation of the Sylhet district of Assam.

In this connection there is one of the most important facts which we must not ignore, namely, that the division that is to be made is not an administrative or internal division between two provinces, or between two units of a federation. The boundary will be an International Boundary, separate two independent sovereign states. Such boundary marks the limits of the region within which a state can exercise its sovereign authority, and with its location, various matters relating to immigration and restriction on visitors, imposition of custom duties and prevention of smuggling and contraband trade, are bound up. In addition to these peacetime functions, the requirements of military defense will also have to be considered. Natural boundaries are certainly to be preferred, but when they are not available recourse cannot but be had to artificial boundaries. After clarifying the grounds, it would be pertinent to proceed to consider what areas had assigned to the Muslim and non-Muslim parts of Bengal (Prasad 1946; Joya 1999: 207-153, 185-242).

**Blunder Award and Unscientific Boundary Demarcation of Radcliffe**

On the other side, Lord Mountbatten also had a clear directive from His Majesty’s Government to explore the options of ‘unity and division’ until October 1947, after which he had to advice His Majesty’s Government on the form in which the transfer of power should take place. Mountbatten’s formula was “to divide India but retain maximum unity (Chandra 1988: 497).” The body responsible for delineating the boundaries between India and Pakistan, through the provinces of the Punjab and the Bengal, came to be popularly known as, the “Radcliffe Boundary Commission” and its report the “Radcliffe Award” after its chairman, Sir Cyril Radcliffe. However, the whole boundary-making effort came
to a naught for its failure in providing political cover to all sides (Das 1982: 156). The story of Radcliffe Award centers on a few individuals: Radcliffe, the man who had the responsibility for delineating the boundary lines; Mountbatten, the then Viceroy of India; Jawaharlal Nehru and VB Patel, leaders of Indian National Congress; and MA Jinnah, head of the Muslim League (Das 1982: 156).

However, after the final boundary decision or the Radcliffe Award was announced, there were misgivings in all quarters that Radcliffe did not consider many “other factors”. The Radcliffe’s efforts were further hampered by the fact that he was almost completely ignorant of the information and procedures necessary to draw a boundary line, procedures that were well established by 1947. Moreover, he lacked any advisers versed in even the basics of boundary making, and only his Private Secretary, Christopher Beaymont, was familiar with the realities of administration and everyday life in the Punjab and Bengal (Jones 1945). Mountbatten announced the Radcliffe Boundary Award on the evening of August 17, 1947 (The Statesman 1947). Whatever the reservations, both the Governments (India and Pakistan) were bound to accept the terms of the Award. It was received with mixed feelings on both sides (Modern Indian Series 1948: 3).

In consonance with the already agreed conditions, it was accepted by the leaders of Pakistan that the country would consist of the areas of contiguous Muslim majority people. In addition, it included the eastern and some northern districts of Bengal and most of district of Sylhet in Assam. The boundary line thus demarcated between India and Pakistan later gave rise to a number of boundary/border disputes between India and Bangladesh. The origin of the problem started with the Radcliffe Commission’s ‘blunder lines’ (Indian Express 1988). While the Indo-Bangladesh border became a sensitive one, in the course of time, the historians, political analysts and the political leaders of both the countries neglected the issue since long (Appendix, No. 3).

Be that as it may, the process of negotiations and the formal agreements (The Radcliffe Award of 1947, the Bagge Award of 1950, the Nehru-Noon Agreement of 1958, the Land Boundary Agreement of 1974 and other small agreements) emerged and

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15 Those areas including the provinces of Sind, North Western Frontiers Provinces, Baluchistan, and the western districts of Punjab.
the long-term effects, if any, of these agreements on the border plan-work of Indo-Bangladesh relations should be taken into account.

However, with the deadlock of the two-versus-two Boundary Commission Lord Mountbatten announced the Radcliffe Boundary Award (The Statesman 1947). Whatever might be the reservations, both the governments were bound to accept the terms of the Award. According to the report of the Award the boundary line which was drawn along the East and West Bengal was clear (PP 1950: 119-120) (See the Map, No. 9 & 8). These were some of the pressures and counter-pressures that Radcliffe had to weight against each other while making his Award. He had to appear to be evenhanded to all sides, while keeping in mind the imperatives of the British policy for the future of the sub-continent. Inevitably, his award pleased no one entirely, but there is little doubt that it displeased some less than others.

The Award gave West Bengal an area of 28,000 square miles, containing a population of 21.19 million people of which nearly 5.3 million (or 29%) were Muslims. East Bengal got 49,000 square miles for a population of 39.11 million, of which 29.1% (11.4 million) were Hindus (Chakrabarty 1974: 59-60). West Bengal got 36.36% of the land to accommodate some 35.14% of the people, while East Bengal got 63.6% of the land to accommodate 64.85% of the population.

These figures make it immediately obvious that Radcliffe accepted the two 'cardinal principles' of the congress case: firstly, that the two parts respectively were to contain as large a proportion as possible of the total Muslim and non-Muslim population of Bengal, and secondly that 'the ratio of Muslim to non-Muslim in one zone must be as nearly equal as possible to the ratio of non-Muslims to Muslims in the other' (MPB 1947: 30). Radcliffe's Award created two states in which the ratio of the majority to the minority population was almost exactly the same. Radcliffe also conceded the congress argument that Thanas (Police Station), as the smallest units of partition.

He also accepted the Congress argument about the importance of the Murshidabad and Nadia River system for the survival of the Hooghly and gave the whole of Murshidabad to West Bengal. Khulna went to Pakistan except foe those parts of it that fell to the east of the River Mathabhanga. It goes without saying that Calcutta went to West Bengal. The
tea-producing districts of Darjeeling and Jalpaiguri also went to West Bengal, with the exception of five Muslim majority Thanas of the Bada-Debiganj-Pachagarh area. In awarding these areas to west Bengal, Radcliffe rejected the first principle of the Muslim league’s case: namely that the scope of the term ‘contiguity’ was to be limited to areas within Bengal (Gupta 1992: 237-9) (Telegram 1947) (See the Map, No. 12, 13, 14).

In its broad principles, therefore, the Radcliffe Plan looked remarkable like the congress scheme. The only major point that the congress did not win was its insistence that the boundary must be continuous. Radcliffe would not allow this, so there were in effect two Radcliffe lines. A continuous boundary would have given west Bengal a corridor connecting the two north Bengal districts with the rest of the province: as it was, the two havels were separated from each other by a substantial stretch of foreign (and for the most part), hostile, territory. This awkward arrangement was not put right until 1956, when the state recognition committee awarded a narrow piece to West Bengal (Gupta 1992: 237-9).

Nor would Radcliffe allow the principle of contiguity to be compromised too much: so the Thana of Boalia in Rajshahi, the four Thanas in Bakarganj and the areas of Faridpur claimed for West Bengal by the Congress, all went to East Bengal. Despite this, Radcliffe’s package was very similar, on the whole, to the Congress proposal. The Award placed 71% of the Muslim population in East Bengal and 70.8% of the Hindu population in West Bengal. Had the congress scheme been followed in its entirety, the figures would have been 73% and 70.67%, respectively (Eustis 1964: 4).

This should be noted that, there was also another controversy on the eastern boundary that is the Sylhet dispute of Assam. The same judges of the same Boundary Commission (Bengal Boundary Commission) also did the partition of Sylhet separately. The basis of the division was the Census Report of 1941 CRI 1941: 21-22).

The Sylhet boundary lies within a small compass. Though Assam was predominantly a non-Muslim province, the district of Sylhet, which was contiguous to Bengal, was predominantly Muslims. There had been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, when it was taking place a referendum in Bengal to partition Bengal, a referendum also
held in Sylhet district under the aegis of the Governor-General and in consultation with the Assam Provisional Government to decide whether the district of Sylhet should continue to form part of the Assam province or should be amalgamated with the new province of Eastern Bengal. It was also decided that, if the referendum results in favour of amalgamation with Eastern Bengal, a boundary commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majority areas of Sylhet district and contiguous Muslim majority areas of adjoining districts, which will then be transferred to eastern Bengal (Chatterji 1999: 185-242).

Both for Sylhet and Bengal the terms of reference as embodied in His Excellency’s announcement of June 1930, follow the state paper of 3rd June 1947. But in both these documents there was noticed a difference in the language used in the case of Sylhet and in that of Bengal. As regards Bengal, the direction was that the commission will “demarcate the boundaries of the two parts” of the province “on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims”, and in doing so, “it will also take into account other factors”. In the case of Sylhet, all that was said is that “the commission will demarcate the Muslim majority areas of that district and the contiguous Muslim majority areas of the adjoining districts”. No express direction was given (as in case of Bengal) for demarcation of the boundaries of two parts of the district, nor was anything said as to the “basis” on which the demarcation was to be made.

Taking all above mentioned arguments into consideration, Radcliffe gave his decisions (PP 1950: 153-155). It is remembered here that prior to Partition of undivided India a referendum was held in Sylhet district to give a verdict on whether or not to join Pakistan. The people gave an overwhelming verdict in favour of Pakistan, although Jamaat-e-Ulama-Hind, under the leadership of Moulana Madani, opposed vigorously without success. It may be mentioned here that Sylhet district at the time consisted of 5 sub-divisions namely, Sadar Sylhet, Sunamganj, Moulvi Bazar, Habiganj and Karimganj but later became part of India although linguistically, culturally and geographically it was an essential part of Sylhet district. So much the district of Sylhet as lies to the west and north of this line detached from the province of Assam and transferred to the province of East Bengal. No other part of the province of Assam was transferred to East Bengal. For
However, after the final boundary decision or Radcliffe Award was announced, all complained that Radcliffe did not consider the right "other factors". The Radcliffe's efforts were further hampered by the fact that he was almost completely ignorant of the information and procedures necessary to draw a boundary line, procedures that were well established by 1947. Moreover, he lacked any advisers versed in even the basics of boundary making, and only his Private Secretary, Christopher Beaymont, was familiar with the realities of administration and every day life in the Punjab and Bengal (Jones 1945).

It is very interesting to note that for the above reasons the Commission had to revise its decisions regarding certain areas. Among those areas the dispute of River Mathabhanga in Nadia (See Map, No. 12, 13, 14) district of West Bengal and the Sylhet Award of Assam itself are the most important. On close examination of the Radcliffe Award the most outstanding fact that emerged out, was that the Mathabhanga River-line from Padma-Ganges point to the imaginary point of junction where the course from the river Jalangi was completed to meet, had to be interpolated on the Radcliffe map to delineate the boundary (according to the descriptions in paragraph 5 and 6). Leaving aside the question of actual state of things as it existed were irrelevant, this point of junction was never depicted in any map ever published (RA 1947: 3-15)?

Secondly, it was come to the limelight after a report published in the "Hindustan Standard" about the decision of the Government of India to move for re-opening the Radcliffe Award on Sylhet. In this case the execution of the Radcliffe Award and the interpretation on which it is based had been challenged by the Sylhet Partition Committee demanding the restoration to the Indian Union of 12 Thanas of Sylhet wrongly included in East Bengal (Bhattacharya 1948: 9-10).

As per the prior conditions, the Award was accepted by the leaders of Pakistan that the country (Pakistan) would consist of the areas of contiguous Muslim majority people, the areas including the provinces of Sind, North Western Frontiers Provinces, Baluchistan, the western districts of Punjab. In addition, it included the eastern and some northern
districts of West Bengal and the district of Sylhet in Assam as constituted the Muslim Zone as according to the dominion status of contiguous majority of religious groups (Muslims) (Prasad 1946: 297-256) (See Maps, No. 2-8).

At last it was quite clear that the episode drama of the partition, transfer of power and boundary delineation award were all dramas done by the British officials. None of the work had done correctly by them where all these works were so much important. It can be observed by the statement given by Mountbatten latter about his disagreement with the Radcliffe Award and his argument of the “deeper reasons” and “thumb rule” theory of partition (Chatterji 1999: 185-242). Until his death, Mountbatten staunchly defended his actions in 1947, making it unlikely that he would openly question himself (Ziegler 1985: 527-528). But the history was written for ever and the damage and enemy was created for ever between both the countries of India and Pakistan and later added to the new created nation Bangladesh.

Fourth Partition and Demarcation of Bengal, 1971: Political Renew of the 1947 Border

History repeats itself; the division and separation task started by Lord Curzon in 1905 had not any specific time bound. Though, it stopped in 1912 with the reunion of two parts of Bengal the crack done at that time ended not with the partition of the subcontinent in 1947 but with the partition of Pakistan with the separation and creation of Bangladesh in 1971. The farewell speech of Lord Curzon was proved true when the East Pakistani people raised voices for their separation from the union of Pakistan. This time the slogan was not the “Center Periphery theory” it was said of ‘colonialism’ theory, as the West Pakistan exploited the East Pakistan. It was more heinous and bloody war between East and West Pakistanis than between India and British Raj.

Pakistan, which got separated from India, was a geographical incongruity. The two halves of Pakistan were around 1,200 miles apart and had little in common (BD 1971), Bangladesh Documents, Ministry of External Affairs, Government of India, New Delhi, 1971: 1). The “seeds” of the current crisis might go back as far as the early 1960s or just prior to Ayub’s ouster (March 1969) depending upon whose method of counting is accepted (Ali 1970). At any rate, with the downfall of Ayub (Wilcox 1970; LaPorte 1969;
the whole issue of regional economic disparities emerged. This issue, however, was not the only issue faced Pakistan. In fact, the broader one of developing a “suitable” governmental form to replace the bankrupt Ayub presidential scheme appeared to have more visibility. This is not to say that these were separate issues; East Pakistani leaders such as Sheikh Mujibur Rahman of the Awami League maintained at the time of Yahya Khan’s ascent to power that any new governmental form would have to accommodate the autonomous demands of the eastern half of the country (Rashiduzzaman 1970) (BD 1971: 13).

The rise of Bengali sub-nationalism within Pakistan, however, had its origin in a number of factors-political, economic, cultural, and sociological etc. that had been operating since the creation of Pakistan in 1947. Of all the provinces which constituted Pakistan, it was Bengal which gave the most solid support to Mohammed Ali Jinnah in his struggle for the establishment of a separate Muslim state in the sub-continent. Yet, within a very short period, the Bengalis began to have second thoughts (Choudhury 1972: 242-249).

Although they were the majority group in Pakistan, they suffered from a deep-rooted fear of domination by the minority group of West Pakistan. The emergence of these all-powerful ruling elites had a great impact on the separatist movement in East Bengal. The ruling elites were composed of senior bureaucrats and none of them were East Bengali. Up to 1958 they were supported indirectly by the army; after 1958, army support was direct and open. There was a cabinet and a parliament, but the political order in Pakistan could be called ‘an oligarchy under a democratic constitution’. It was a ‘modernising oligarchy’ in which Bengalis had no share. Except during the short interval of thirteen months of HS Suhrawardy’s cabinet in 1956-57, the Bengalis had hardly any role in national affairs. Every vital decision, whether it related to political or defence or economic or diplomatic matters, was in the final analysis made by the ruling elites, composed of West Pakistani civil and military officers (Almond and Coleman 1960: 572).

In provincial matters, the situation was no better for the Bengalis. Even in their own province, all the key posts in the administration were held by West Pakistanis whom had
direct access to the central ruling clique. The country had, in theory, a federal constitution, but in practice the provincial government was entirely subordinate to the centre, particularly in financial and administrative matters. The Bengalis found a new ruling group set over them in place of the former British officials. The civil and military officials from West Pakistan stationed in East Bengal never bothered to develop any real bonds with the local population who looked upon them as aliens. There were few social contacts; the West Pakistani officials considered themselves to be socially superior to the Bengali Muslims, who were regarded as converts from lower-caste Hindus. The result was bitterness and a widening gap (BD 1971: 11-12).

Subsequently the Martial Law regime of 1958 which was a powerful attempt of military Generals to perpetuate West Pakistani political and economic domination on the majority of the people living in East Pakistan. The Bengali leaders, who were demanding maximum regional autonomy and wanted to establish a new balance of political and economic power between the Center and the Provinces, became suspect in the eyes of military rulers. Sheikh Mujibur Rahman, then General Secretary of the Awami League, Maulana Abdul Hamid Khan Bhasani and Khan Abdul Ghaffar Khan, along with many other prominent political leaders was arrested (BD 1971: 1-2).

Now turning to cultural factors, it should be noted that when Jinnah declared that by every definition and standard the Muslims of India constituted a separate nation from the Hindus,' his two-nation theory was probably more applicable to Northern India than to Bengal. The Bengali Muslims and Hindus had many differences; the Muslims of undivided Bengal had many grievances against the upper-class Bengali Hindus, or Bhadralok of Bengal, as they were called. But the majority of Bengali Muslims and Hindus also had many things in common: their way of life, social customs and behaviour-patterns. The Bengali Muslims' support of Jinnah’s demand for the establishment of Pakistan was based on a negative attitude. Jinnah’s demand for a state appealed to the Bengali Muslims, not because of the two-nation theory, but because they looked upon it as a protective wall against the wealthy and privileged Hindus (Choudhury 1972: 242-249).
When Sheikh Mujibur Rahman formulated his six-point programme soon after the war of 1965, a large section of his followers seemed to have opted for a separate state. The six points were ambiguous and capable of more than one interpretation. The first said that Pakistan should be a truly federal state, which implied, no doubt, a united Pakistan. But it is very doubtful whether the programme as a whole could be described as a scheme for a true federal union; it was more a veiled scheme for secession. The powers of the central government, for instance, were strictly limited to two or three—defence, foreign affairs, and, with many reservations, a common currency. When the six-point programme was formulated early in 1966, Mujib might have been willing to make some adjustments and amendments, but Ayub preferred to meet the challenge with 'the language of weapons' rather than by political negotiations. That was a fatal mistake. But the worst mistake was to implicate Mujib in a highly controversial conspiracy case known as the ‘Agartala Conspiracy Case’ when he was already under arrest (Choudhury 1972: 242-249).

Pakistan’s December 1970 elections, the first free democratic elections for the National Assembly in Pakistan’s history, saw Sheikh Mujibur (Mujib) Rahman’s East Pakistan-based Awami League party (AL) win 167 out of 169 seats contested in Pakistan’s Eastern flank, giving the AL a majority and control of the 313-seat National Assembly. This was the first time that political power in Pakistan would be concentrated in its Eastern half (Anderson and Clifford 1973: 214). Mujibur Rahman made it very clear that Pakistan’s future Constitution would be based on the six points of regional autonomy. Serious deadlock arose mainly because West Pakistani Punjabi politicians led by Mr. ZA Bhutto of Pakistan’s Peoples’ Party found it impossible to come to terms with Sheikh Mujib’s programme. Yahya Khan moved in and acted in the interest of the ruling Military Junta and bureaucracy of West Pakistan. He postponed the session of the National Assembly indefinitely on the pretext that there were serious differences between leaders of both the major political parties on the question of draft constitution of Pakistan (BD 1971: 3).

West Pakistan’s loss of political power over East Pakistan was devastating. Threatened by this development, on March 1, 1971, with the Assembly set to open in two days, the military dictator General Agha Muhammad Yahya Khan (Yahya), postponed
the opening indefinitely. Outraged by the West’s disregard for their political rights, the ethnically Bengali East Pakistanis took to the streets demanding that Yahya and West Pakistan respect the election results (Norman 1972: 217).

The edge of the peoples’ resistance got sharpened and they resolved to fight and die for the restoration of their basic rights. Yahya announced that the assembly would meet on March 25, 1971, but Sheikh Mujibur Rahman put four conditions for participating in the National Assembly’s deliberations. He asked for (1) Immediate end of Martial Law regime, (2) Withdrawal of troops from East Pakistan, (3) an inquire into the killings of the strikers and (4) Immediate handing over of power to the Peoples’ representatives.

Bhutto and other West Pakistani leaders were summoned to Dacca by Yahya Khan. The meetings were on and the impression was deliberately created that a compromise had been reached under which Yahya agreed to accept “Sovereign Independent Bengal” as a unit of Confederation of Pakistan. “Sovereign Independent Bengal” or “Bangladesh” was in keeping with the spirit of the Muslim League’s Lahore Resolution of 1940 which unambiguously envisaged sovereign autonomous units in Pakistan (Norman 1972: 3-5).

The 1971 War erupted on 3 December and culminated in the Indian dismemberment of Pakistan in order to form Bangladesh. The origins of the conflict can be traced to the drift between East and West Pakistan under Ayub Khan’s military government, and its disruption of the delicate constitutional arrangement between the two. When an election in December 1970 gave the Awami League, a predominantly East Pakistani party, an absolute majority in the assembly, the military government of General Yahya Khan reacted with a military crackdown on 25th March 1971 that led to widespread disruption and a wave of refugees fleeing to India. India, as argued, seized this rare opportunity to intervene in Pakistani affairs.

On March 25, 1971, West Pakistani forces, commanded by General Yahya and the Martial Law Administrator, Lt. General Tikka Khan began a self-destructive course of repressive actions against their fellow Pakistanis in the East. The Martial Law Administrators did not discriminate, targeting anyone from Awami Leaguers to students. Large numbers of Bengalis—Muslims and Hindus, businessmen and academics—were
killed during this period of martial law. The final tally of the dead, as reported by Mujib was nearly three million.

Denial of democracy of majority of the people of Pakistan (living in East Pakistan) by West Pakistani vested interests could no longer be tolerated. This was the end of Pakistan, as far as the people of East Pakistan were concerned. They declared themselves independent on March 26, 1971 (LaPorte 1972: 97-108).

**Physio-Geographical and Environmental Nature of the Indo-Bangladesh Border**

Indo-Bangladesh border is the longest land border that India shares with any of its neighbours. It covers a length of 4,096.7 kilometers abutting five Indian states (Assam, Meghalaya, Mizoram, Tripura and West Bengal) and five out of six Bangladeshi divisions (Chittagong, Dhaka, Khulna, Rajshahi and Sylhet). The region includes desert lands, plains, numerous mountain ranges, rivers, wetlands, jungle terrain, agricultural lands, national parks, sanctuaries, reserve forests, desert areas, large estuaries, Char lands, enclaves and has various climates, with a remarkable biological diversity. The subservient groups their movements and the spreading of the net of arms and ammunitions with the uneasy entry and exit points by illegal migrants are making the situation worsen. The border, which was carved out by the Radcliffe Line, was not fully demarcated on the ground. As a result, the border cuts through the middle of several villages, rivers, mountains, charlands, agriculture lands, public institutions and has become the reason of emerging many enclaves on the region.

The second part of this chapter deals with the ‘Nature of Indo-Bangladesh Land Border’. India and Bangladesh share a Land Border of 4,096.7 Kms. and a Maritime Border of 180 Kms; out of which (Land Border) the share of West Bengal is 2,216.7 Kms, Tripura 856 Kms, Meghalaya 443 Kms, Mizoram 318, and Assam 362 Kms (Jamwal 2004: 5-36) (Annual Report 2007). It passes through five states of India viz., West Bengal, Assam, Meghalaya, Tripura and Mizoram. India’s International Border with Bangladesh is a unique intermix of plains, riverine, hilly, maritime and jungle

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16 Reviewing of several Districts and Divisions maps of Indo-Bangladesh Border States.

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terrain with varying degree of habitation and ethnic mix—residing as close as on the boundary itself and having relations across the border also. The entire stretch of border can be categorised as—plains in West Bengal, Assam-Barak valley, and Tripura; riverine which is about 200 Kms. of southern extremity of West Bengal and 50 Kms. of Assam; and hilly and jungle in Meghalaya.

Except Punjab, most of the Border States of India are under-developed. They are also physically isolated from India in various degrees because of the relatively poor infrastructure of transport and communication. Culturally, most of the border regions are different from the core of the Indian Union. Slow economic development has sharpened the border people’s sense of alienation and demands for autonomy or self-determination. Such a mix of ethnic composition with similar language, culture, tradition, religion, etc. cares little about the man made artificial boundary (*The Economics Time*, 2002).

Another feature of the Indo-Bangladesh border is the cross-border Rivers across the border. There are fifty-four rivers, small and big, flows across the Indo-Bangladesh border. They are viz., Ganges, Jamuna, Brahmaputra, Mahananda, Surma, Meghan, Teetsa, Ichamati, Muhuri, Mathabhanga, etc. When the velocity drops, sedimentation rates increase, and the river changes its courses, braiding into multiple channels. The river border pose a different kind of problem because the sifting river roots, soil erosion or frequent floods. This makes it difficult to demarcate borders, especially when they form numerous islands and chars. River border lines tend to change course periodically leading to a host of disputes, associated with the difficulties in establishing ownership of the newly created territories (Chars and Islands); for example, in the 1980s controversies surrounding sovereignty over New Moore Island (South Talpatty) dominated Indo-Bangladeshi relations. However, India enjoys its sovereignty over it (Dutta 2004: 128).

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

Similarly, India's Maritime Boundary with Bangladesh has also not been finalised. Unlike, Pakistan, Bangladesh also favours the 'equitable' rather than the 'equidistant' principle preferred by India to fix these frontiers. The former involves the determination of the Median Line on the basis of equal distances from shore while the latter means adjustments of the Median Line, taking into account the physical characteristics of the coastline. Furthermore, India and Bangladesh claims a three-kilometer island in the estuary of the river Hariabhanga and Raimongal in the Bay of Bengal. The island known in India as New Moore and Purbhasa Island, and in Bangladesh as South Talpatty, has been the subject of several rounds of talk since it has been seen. The outcome has considerable economic consequences for both the countries, as the disputes concern the extent of Maritime Zone rather than the Island itself.

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

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

Another most important problem of the Indo-Bangladesh border is the 6.5 Kms of undemarcated borders. These non-demarcations of land borders are firstly, on Daikhata in Berubari area of West Bengal. The International Boundary in Berubari Sector of West Bengal at Mouza Daikhata-56 Khudipara-Singhpara, about 1.5 km, around 56 acres, has not been yet demarcated due to differences of opinion between the governments of both the countries. Secondly, on the Muhuri River Belonia sector in Tripura. On the Muhuri River of the Belonia Sector is part of Tripura Naokhali/Commila sector of the India Bangladesh boundary. The dispute in this area could not be solved due to the change in the course of Muhuri River and the formation of a char (approximately 46 acres). The dispute involves demarcation of the boundary over a stretch of 2.5 Kms. Thirdly, on the Lathitila/Dhumabari area of Assam. The dispute on this area involves the stretch of about 2.5 Kms. lengths (approximately 135 acres of land). This is the most important issue, which makes the border question unresolved (MEA 2002).

Enclaves form the most important component of the border dispute. There are a number of enclaves on the Indo-Bangladesh border, which are in adverse location (the Maps, No. 5, 18-20). These enclaves are also divided into exchangeable and non-exchangeable by its nature. While India has 111 enclaves in Bangladesh (17,258.24 acres), the latter has 51 enclaves (7,083.72 acres) inside India. These are again divided into exchangeable and non-exchangeable by its nature. The ownership of 65 enclaves on the West Bengal-Bangladesh border are disputed; and of them, 35 are in adverse possession (Indian enclaves in Bangladesh), and 31 in reverse possession (Bangladeshi enclaves in India) (Gupta and Chanda 2003). Adverse possession takes place due to the riverine nature of the border at certain places those leaves Chars after the floods. There are 2,853.50 acres of Indian land under adverse possession of Bangladesh and 2,154.50 acres of Bangladeshi land is under adverse possession of India (See Maps, No. 18-20).

The enclaves in Assam Meghalaya-Bangladesh border covering an area of 755 acres is with India and the remaining with Bangladesh. A major conflict was continuing due to the denial of the West Bengal Government not to give the permission of the Bangladeshi
authorities to entry into the Bangladeshi enclaves of Dahagram and Angorporta, although, the permission was granted through the Tin Bigha Corridor Lease Agreements of 1982 and 1992 (see the Appendix, No. 7). However, it was solved in July 2001, after prolonged delays and hesitation of the west Bengal Government agreed to granting round-the-grant access for Bangladeshis to Tin Bigha corridor (an area between two Bangladeshi enclaves of Dahagram and Angorporta) thus breaking the deadlock that existed from 1974 (Daily Star, 2001).

From India’s point of view, the above border question poses a number of serious problems. Frequent border clashes between the border security forces of both the countries partly emanate from this feeling. In 2001, it witnesses alone 50 Indians and 41 Bangladeshi had killed in border clashes. The clashes between border security forces (BSF and BDR) of both the countries in the disputed enclaves in the Assam Meghalaya-Bangladesh border in April 2001 had seen by some as a calculated move by the military to flare of anti-Indian sentiments (Dixit 2000: 214-15).

These border stretches are further complicated with states having problems of insurgency, terrorism, hostile neighbours, and state-sponsored terrorism, which making the border a complex landscape to manage. In recent years the Indian insurgent groups are using the Bangladesh soil as their base. The porous borders and easy accessibility has made Bangladesh very conducive for various Indian insurgents to operate from Bangladesh. According to the Government of India estimates, at present there are 99 camps of northeastern insurgent groups operating from Bangladesh and 88 insurgent leaders who are housed in different parts of Bangladesh. The insurgent groups those are operating from the Bangladesh soil are like the NSCN, ULFA, NDFB, Meitei extremist groups; ATTF and NLFT have developed trans-border linkages in Bangladesh. It has become more sensitive after the September 9/11, 2001, and especially after America’s war against terrorism. After Pakistan came under the American pressure the Pakistani and the Pakistani supported Taliban terrorists has taken shelter in these border areas of Bangladesh side (Annual Report 2001-2002).

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

Similarly, along the Indo-Bangladesh border, while there are 905 Mosques and 439 Madarassas on the Indian side, there are 960 Mosques and 449 Madarassas on the Bangladesh side within 10 Kms. of the border (The Hindu 2002). What is alarming is the source of funding for the construction of these Madrassas and Mosques and some of these are involved in fundamentalist activities (Godbole 2001). This is the real and typical nature of the Indo-Bangladesh land border. The above-discussed problems make the management process of the border most difficult one. These are affects the bilateral relations between the two countries worse. These are also gives rise to several border disputes between the two countries, which will be discussed, detailed in the subsequent chapters.

**Indo-Bangladesh Border/Boundary Disputes: Origin, Nature and Reasons**

The nature of border and the partition of India through Radcliffe Award have given rise to numbers of problems and border disputes between India and Bangladesh. The border dispute is the most important issue than any others. Since the partition of India, the issue of border dispute has been become a major bone of content in between two countries (Dixit 2000: 214-15).

Though East Bengal got divided in 1905 the real border dispute started just after the partition of 1947 between India and East Pakistan regarding certain territorial claims. Some of these disputes were solved by the Bagge Awards of 1950 while other disputes were discussed and resolved by Nehru-Noon Agreement of September 1958, and the Sworan Singh-Ahemmad Sheikh Agreement of October 1959 between East Pakistan and India. The Land Boundary Agreement (LBA) of 1974 also tried its best to solve the rest (Gupta 2001: 113).
India and Bangladesh (Razvi 1971: 46) (Map, No. 2 and 22)\(^{17}\) share a land border of 4,096.7 Kms. and a maritime border of 180 Kms; out of the land border, the share of West Bengal is 2,216 kms, Tripura 856 kms, Mizoram 318, Meghalaya 443 kms, and Assam 362 kms. The un-demarcation of 6.5 kms of border on Commila-Tripura sector is one of the big problems. As long as the question of demarcation is not resolved India would be unable to ratify the Indira-Mujib Agreement of 1974, which laid the basis for Indo-Bangladeshi friendship (MEA 2002).

The border dispute between India and East Pakistan started just after the partition of the British-India into two sovereign states of India and Pakistan. The state Pakistan was formed in two parts—one part in east and other part in the west of the Indian Union with a distance of thousands of miles (BD 1971). After the announcement of the Radcliffe Award there were four major disputes on Indo-East Pakistan border (two on the East Pakistan-West Bengal border and two on the East Pakistan-Assam border).\(^{18}\) The first major border incident occurred in the beginning of 1948—in the area of the Patharia Reserve Forest. While India accused Pakistan of seizing portion of its territory in Assam; Pakistan accused Indian forces of trespassing into its territory. In order to avoid further armed clashes on the East Pakistan-India border both countries i.e. Pakistan and India concluded an agreement in New Delhi on December 14, 1948. It has decided to set up a Tribunal not later than January 31, 1949, for the adjudication and final settlement of disputes and also for demarcating the boundary between East Pakistan and India. It was mutually decided to appoint Justice Algot Bagge, an ex-member of the Supreme Court of Sweden, as Chairman of the tribunal. The Tribunal in its first meeting at Calcutta on

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\(^{17}\) To have an idea of the land borders of Bangladesh—Bangladesh is like a promontory surrounded by Indian territories. Except of a small stretch of border with Myanmar in the extreme southeast and with the further exception of Tripura State in the east, all of Bangladesh land boundaries are those of the Radcliffe Award. Bangladesh was carved out of the provinces of Bengal and Assam. Bangladesh inherited the erstwhile East Pakistan’s border with India. It has been discussed that its borders with Bengal and Sylhet district of Assam were fixed by the Radcliffe Award of 1947. With the exception of Tripura in the east, Radcliffe determined all of East Pakistan’s land boundaries. The Bay of Bengal forms the southern frontier of Bangladesh. Also see India and Bangladesh.

\(^{18}\) Those were (i) between Rajshahi district (East-Pakistan) and Murshidabad (West-Bengal); (ii) between the point on the Ganga River where the channel of the Mathabhanga took off and the northern most point where the channel met the boundary between the Thanas of Daulat Pur (East Pakistan) and Karim Pur (India); (iii) concerned to the Patharia Hill Reserve Forest; and (iv) arose from the changing course of the Kusiyara River, Pakistan and Assam. Decisions of The Indo-Pakistan Boundary Disputes Tribunal headed by the Hon’ble Lord Justice Algot Bagge, Govt. of India, 1958.
December 3, 1949, decided to designate itself as “The Indo-Pakistan Boundary Disputes Tribunal, 1949-1950”. The Tribunal published its report on February 5, 1950. It had settled the disputes which were fortunately went in favour of India and was instructed by the Tribunal that Indian and Pakistani experts should demarcate the boundary lines within one year from February 5, 1950, and that no unilateral action should be taken in the interim by either side (Hambro 1957 and Ahmad 1953: 589-607, 329-37) (the Appendix, No. 4). 19

Thus the Bagge Award, which was given in February 1950, was able to solve satisfactorily only two disputes relating to the border between Assam and East Pakistan (the Patharia forest and the Surma-Kushiyara River an area near karimganj), but the differences of other two persisted in spite of the Award (Tayeb 1966: 91-95). The situation further deteriorated with the occurrence of border incidents like border clashes and illegal movements of peoples. Most important of them were of Khashi-Jayantiya Hill areas, and the occupation of the Tukergram village in the Surma River sector on August 6, 1958 by Pakistan. Two days before this occupation Pakistan had sealed off the Tripura border (Trivedi 1977: 63-64). This led to the meeting of the two Prime Ministers, Jawaharlal Nehru and Firose Khan Noon, at New Delhi on September 9, 1958, known as the Nehru-Noon Agreement (Nehru 1958: 492-493) (the Appendix, No. 9).

In pursuance of the decisions taken in a meeting on 1st September 1959 Swaran Singh, the then India’s Minister of Steel, Mines, and Fuel and Lt. Gen. KM Saikh, Pakistan’s Minister of Interior, met at Dacca and New Delhi between 15 to 22 October to consider Indo-Pakistani border disputes (both eastern and western side). In these meetings, the two Ministers discussed the disputes unresolved by the Bagge Award and a strategy was made to solve all the disputes in a spirit of “give and take” (JC 1960: 394-401) (Appendix, No. 10). The agreement also provided a procedural to be adopted for the settlement of disputes arising in the future and the rules for the conduct of border disputes.

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19 The Honorable Algot Bagge, former member of the Supreme Court of Sweden, and members of several international tribunals, was appointed chairman, and two high-court judges, the Honorable C. Aiyar and the Honorable M. Shahabuddin, were nominated by India and Pakistan respectively. It was laid down as a part of the Delhi Agreement that “after the Tribunal had adjudicated upon the disputes, the boundaries shall be demarcated jointly by the experts of both the Dominions.

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patrolling. Despite the above settlements, still there were some existing disputes (IPJC 1966: 383-393).

Although, two agreements of 1958 and 1959—were instrumental in resolving disputes at the political level it was waiting for its implementation on the ground. The implementation of the border agreements have suffered on the grounds that the controversy over the transfer of the Berubari Union (FAR 1960: 449-56). It should be noted that the agreement provided for the transfer of 4.37 miles of the Indian held Berubari Union, in Jalpiguri district of West Bengal to Pakistan. The West Bengal Government opposed the transfer on the ground that the area to be transferred to Pakistan was predominantly Hindu populated and therefore was in disregard to the public welfare. Further the agreement was defended by Nehru, who gave all the authority left for the Tribunal if any political settlement is impossible (FAR 1960: 456). This exchange was done with the very difficult circumstances after the decision of Supreme Court on March 14, 1960 to transfer of the area of Berubari Union needed constitutional amendments (The Statesman: 1965).

There were some important disputes relating to the border between India and East Pakistan. This border was the scene of much friction during the period from September 1960 to September 1965. The agreement of September 1958 and October 1959 regarding this sector were hardly implemented. Those problems were as (I) Controversy over the Berubari Union (Singh 1965); (II) Incidents relating to Pakistani enclave of Dahagram and the Indian enclaves in Pakistan; (III) Dispute on the Border between Assam and East Pakistan concerning Lathitilla-Dumabari group of five villages; (IV) Dispute in the Feni River area on the Border between Tripura and East Pakistan (Pakistan Times: 1965); (V) Border between West Bengal and East Pakistan (The Hindu: 1965); and (VI) Demarcation of the frontier between India and East Pakistan (NR 1961).

The dispute over the interpretation of the Nehru-Noon Agreement regarding 24-Praganas and the Jesore-Khulna border remains pending. Pakistan had laid claim to twenty acres in Nafarchndra Pura village of Nadia district of West-Bengal. The length of the boundary between Sylhet and Assam is 620 miles. The demarcation work in 430 miles was done jointly by the Directors of Land Records of Assam and East Pakistan,
while a total of 190 miles in the Mizo Hills border East Pakistan was done jointly by the Survey of India and East Pakistan Survey Team (Sharma 1971: 120-121).

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

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

Meanwhile, in 1971 East Pakistan became Bangladesh and inherited the same border problem with India. However, in 1974, an agreement (Land boundary Agreement (LBA) of 1974) was concluded between Bangladesh and India, allowing for the transfer of a portion of Berubari (the Appendix, No. 6). A special Leave Petition of the Union of India against the Division Bench Judgment of the Calcutta High Court has been admitted, as late as 4 November 1987. The agreement of 1974 and 1982 are directed to be suitable noted or recorded in the relevant schedules to the constitution authorizing the transfer of territories to Bangladesh and not to Pakistan (the Appendix, No. 9).

Regarding the six and a half kilometers of undemarcated borders, which are in three sectors, firstly, of Belonia, which is in Tripura, it is 1.6 km long. Then there is Lathitila-Dumabari, which is in Assam, it is about three kms long. Then there is Daikhata-56, which is one-and-a-half km long and it is in West Bengal. These three have not yet really been completed because the two survey teams of India and Bangladesh are unable to arrive at an agreement as to where does the line actually run. There is Joint Boundary Working Groups (JBWGs) formed to see all the issues relating to the border dispute, including border demarcation and fencing. The JBWGs meetings are frequently being
holding on to discuss the border disputes including the 6.5 kms undemarcated borders (Bhasani 2003: 2205-2213). (I) Daikhata in Berubari area of West Bengal 1.5 kms (II) Muhuri River (Belonia Sector 2.5 kms (III) Lathiita-Dumabari area 2.5 kms 135 acres Assam sector.

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

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

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

However, the government of India is keeping on an early settlement of all boundary-related matters with Bangladesh in accordance with the terms of the India-Bangladesh
Land Boundary Agreement (LBA) of 1974. It had been agreed by both the Government to constitute a (JBWGs) to address all the matters including the pending matters, relating to the border. The first meeting of the India-Bangladesh JBWGs on border demarcation of enclaves and adversely possessed territories was held in Dhaka from July 2 to 4, 2001, and the second meeting of the JBWGs (I and II) was held in New Delhi on 26 to 27 March, 2002 (Bhasani2003: 2194 2204).

The blunder award and unscientific boundary demarcation of Radcliffe gave rise to several kinds of enclaves and exclaves on the Indo-East Pakistan/Indo-Bangladesh border. The major bone of contention is the adverse location of enclaves in both sides of the two countries. There are 111 Indian enclaves (locally known as Chits) in Bangladesh territory covering 17,258.24 acres of area. On the other side, there are 52 Bangladeshi enclaves in Indian Territory, measuring 7,083.72 acres of area. Of these disputed enclaves, 65 are along the West Bengal and Bangladesh border (35 Indian enclaves in Bangladesh territory and 31 in the reverse) (Gupta and Chanda 2003).20

India has no control over or access to its enclaves, exchangeable or non-exchangeable in Bangladesh. The rightful exchange of enclaves between the two countries has been held hostage due to non-ratification of the LBA. As a result the resident of the disputed enclaves suffer from a serious identity crisis (Hindustan Times: 2001).

The issue was not resolved till 1971, when East Pakistan became Bangladesh, and inherited the same border problem. The residents of these enclaves were initially free to move to their respective mainland. Over the years, the Bengali Muslims in the enclaves in India have migrated to other parts of the state (West Bengal), and the Hindus have migrated to India. Although, under the Nehru-Noon Agreement of September 1958 the exchange of Cooch Behar enclaves in East Pakistan and East-Pakistani enclaves in Cooch Behar had been agreed to exchange between the two countries, it did not come about

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20 The problem of enclaves is a legacy of the dissipated lifestyle of the rulers of the two erstwhile princely states of Cooch Behar in North Bengal and Rongpur in South Bengal (present day Bangladesh). The Rajas of these princely states routinely staked pieces of their estates over a game of cards, and thus, the two came to acquire pockets of land in each other’s territory.
owing to certain constitutional difficulties in India (Basu 2001: 67-72).21 In the Pakistani enclaves of Dahagram particularly alarming situation developed in 1965.

The 1974 and 1982 agreement on Tin Bigha corridor had also brought more advantage to Bangladesh than to India. Since the signing of Indira-Mujib pact of 1974, the most controversial Indian enclaves which was in Bangladesh's possession handed over to India. But India, owing to constitutional difficulties could not implement the 1974 pact and eventually did not hand over the Tin Bigha corridor to Bangladesh. According to the Joint Communiqué (Appendix, No. 11 and 12), the agreement on Tin Bigha supplemented the 'Land Boundary Agreement of 1974' and it would be implemented even before the ratification of that agreement (Saha 2001: 155) (Appendixes, No. 10).

The Tin Bigha corridor is the name of a strip of measuring 178 Mtrs x 85 mtrs in the district of Cooch Behar in West Bengal. In accordance with the agreements signed in 1974 and 1978 with the Government of Bangladesh, Government of India had lease in perpetuity the above strip of land to Government of Bangladesh under agreed terms and conditions. This in particular, fully ensures that India's sovereignty over the area and Indian nationals' right to access through the corridor remain intact.

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

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

21 Giving or adding any portion of territory the Parliamentary recommendation is most. Unity and integrity of Indian Territory.
depiction on the map referred to above, enabled Pakistan to claim that a part of Berubai belonged to it.

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

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

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

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

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

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

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

The Land Boundary Act 1974 was ratified by the Bangladesh Parliament. But, as the implementation of the Pact involved some constitutional amendments it could not be immediately ratified by the Indian Parliament. Though Bangladesh handed over Berubari to India, the transfer of Tin Bigha to Bangladesh could not taken place till 1992 for this reason.
Similarly, there are about 52 pieces of land (2,154.50 acres) which actually belong to Bangladesh but are in the adverse possession of India and about 49 (2,853.50 acres) pieces of land belonging to India which are in the adverse possession of Bangladesh. These are small pieces of land varying in size from 5 to 500 acres which, due to historical or other reasons, remain in the possession of one country even though by physical demarcation they should be handed over to the other. Presently, the main agreement relating to the Indo-Bangladesh border is the Indira-Mujib Pact of 1974. Article 2 of this pact envisages that all the areas in adverse possession of each country would be measured and demarcated at the earliest. Following this, India would exchange the area in adverse possession within six months, but yet to be functionalising due to the non-ratification of the LBA of 1974 (Krisna 2001: 665).

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

Since December 2001 the Indo-Bangladesh relations have taken a negative turn. New Delhi became critical of Bangladesh on two crucial issues, accusing Dhaka of not cooperating on the pending issues with them. The first was about Bangladesh being a base for terrorist and subversive activities against India, sponsored by Pakistan’s Inter-Service Intelligent (ISI). The second was about Dhaka not taking any meaningful action to prevent illegal migration of Bangladeshis to India. As far as Bangladesh being sanctuary for separatist terrorist movements in the northeast is concerned. It is phenomenon stretching back to over a decade. New Delhi has definite and full-proof information about training camps being run by the ISI in collaboration with some segments of the Bangladesh Intelligent Agencies (Dixit 2003).
Keep continuing the confrontation, the Indo-Bangladesh border hit the national headlines twist last year (2003). On 31st January, a patrol party of Border Security Forces’ (BSF), 91 Battalion intercepted 313 Bangladeshi nationals on Zero Point near Boundary Pillar no. 867/8-c at Satgatchi Out-Post in Cooch Behar. The elders in the group (both men and women) begged the BSF to let them cross over into India, for if they returned, BDR men would beat them up. Again, in 8 February, a Sangabari Border Out-Post (BOP) patrol party in Cooch Behar saw a group of 500-600 civilians near border post 886/ 1-s on the Bangladeshi side. BDR (Bangladesh Rifles) men were seen coercing the group to cross over in to India (The Statesman: 2003). Therefore, it is very clear that the Government of Bangladesh is totally reluctant to solve the border dispute. It is also clear that it is encouraging the illegal migration in to India.

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

The riverine border, on the other hand, poses a different kind of problems because of the sifting river routes, soil erosion and frequent floods make it difficult to demarcate especially when they form numerous ‘Islands’ and ‘Chars’. River border lines tend to change course periodically leading to a host of disputes, associated with difficulties establishing ownership of newly created territories; for example in 1980s controversies surrounded sovereignty over New-Moore/South Talpathy island in the estuary of the border river Hariabhanga, dominated Indo-Bangladesh relations. However, India is enjoying its own sovereignty over it (Dutta 2004: 128).
Indo-Bangladesh Border Management: Origin of Political and Physical Border

Since ancient times, India fought several wars—small and big—with its neighbouring countries. Even after independence India fought with its neighbouring countries at least seven times. The root of most conflicts and the mutual hatred lies in the dispute over the mountainous region of Kashmir and in the manner in which its political alignment was decided by the two countries following partition in 1947. When the war was ended by a UN ceasefire, India had managed to secure just under three-fifths of Kashmir and importantly the most fertile part of it including the Kashmir Valley. Sino-Indian War (1962)—Border war between China and India. The Second Kashmir War began with Pakistan infiltrating into and starting a rebellion in Jammu and Kashmir. The plan was a non-starter and India retaliated by launching an attack on Pakistan thus igniting the war. The third war was unique in that it did not involve the issue of Kashmir, but was rather precipitated by the crisis brewing in East Pakistan. After months of internal conflict, India decided to help the Bengalis in East Pakistan—much to the consternation of West Pakistan. Within just a fortnight the Indian Military had defeated Pakistan with the aid of the rebels and forced Pakistan to surrender. This war, despite lasting only a fortnight, saw the highest number of casualties in any of the India-Pakistan conflicts, as well as the largest number of Prisoners of War since the Second World War after the surrender of nearly 100,000 Pakistani troops and civilians. The latest war, the Kargil War, is considered a minor war because fighting was limited to a single front in Kashmir; though it produced stirring emotions between the two nations involved, coming at a time of increased media and electronic coverage. This was the first ground war between the two countries after they had developed nuclear weapons.

Apart from the aforementioned wars, there have been skirmishes between the two nations from time to time. Some have bordered on all-out war, while others were limited in scope. The countries were expected to fight each other in 1955 after warlike posturing on both sides, but full-scale war did not break out. In 1984 there was a flashpoint as both nations attempted to control the Siachen Glacier. Further clashes erupted in the glacial area in 1985, 1987 and 1995 as Pakistan sought without success to oust India from their
stronghold. Between November 1986 and March 1987, India conducted Operation Brasstacks. This military exercise - the largest of its kind in South Asia - raised eyebrows in Pakistan and it was feared that it would lead to another war between the two neighbours. Tensions were high again in 1990 after militancy in Indian-administered Kashmir greatly increased. A terrorist attack on the Indian Parliament on December 13, 2001, blamed by India on the Pakistan-based terrorist organizations Lashkar-e-Toiba and Jaish-e-Mohammed, prompted the 2001-2002 India-Pakistan standoff and brought both sides close to war.

The story of India and Indian border management policy is a different narrative in the record of world history. India’s strategic culture tells the story of India’s past/historical relations with her neighbours and the outside world. India’s border management policy and foreign policy have been revolved around its national security and economic development, which getting boost/encouraged by its historical strategic culture and prompted by its strategic and geo-political location and extended/furthered by the spirit of making it a global power that has become more easier through the policies of globalization, liberalization of trade, commerce, and economic integration and interdependence across the national borders which can be realized by the help of India’s great neighbours through a effective border management policy.

From Kautilya’s *Arthasastra* to the “Gujural Doctrine” and India’s active participation in regional and international affairs along her close relationship with the great powers constitute India’s foreign and border management policies. India is a big land mass with a large man power, one of the largest economies with a mighty military power which according to some scholars is/would be a major power. The major power status along with its geo-political location, strategic vision, meddling of extra-regional powers in the region that threat to the national security and national interests, compels India to rethink her border management policy. Interestingly, the geography says most of the countries of India’s neighbourhood do not shares land borders with each other except with and through India. This geo-strategic and geo-political location promotes India to pursue some strategic and diplomatic bilateral multilateral relations them. However, India’s relations/policies with/towards her neighbours have been uncultured and
undemocratic and mostly dominated and concentrated on Indo-Pakistan and Indo-Chinese relations and bilateral disputes and conflicts.

In a nutshell, continued nuclear and missile tests with political upheavals, underdeveloped economies, cross border illegal migration, growing of subversive movements—terrorism, insurgency, fundamentalism, left wing extremism—trafficking of human, animal and narcotics, proliferation of small arms, border disputes and socio-cultural, political, economic and ecological problems and unscientific management of borders in the region compels/prompts/force India to rethink/reinvestigate/reexamine her border management policy.

Indians have historically not thought consistently and rigorously about strategy of national security and border management policy. At the very least, Indians have not recorded their strategic thinking in written texts, the only exception being the ancient classic, the *Arthasastra* (Bajpai 2002: 246). However, Kautilaya’s *Arthasastra* is probably and perhaps the first comprehensive study of India’s border management policy and strategies for safeguarding the frontiers and national security. He taught us the strategic culture of India and explained politics, sovereign authority, military, statecraft, socio-cultural, political and economy, foreign policy and the cooperation and coordination among them, though in a very realistic manner (Ramswamy 1962). His suggested to building of forts surrounding the empire, a hierarchical military official, diplomatic relations with its neighbouring states. He gave three important theories to defend the country i.e., when you are strong must lead; when you are weak must make alliance; but if you are neither powerful nor weak must be neutral.

Survival of the fittest was the only policy of the world order. All the states were often fighting with each other and ‘power’ was the only means of statecraft. The lack of nationalistic spirit of Indian as a nation or nation-state kept India for a long time to be united (Ramusack 2004; James 1998). This effort and movement was perhaps furthered by Moguls and in the long way by Britishers later on. Moguls got huge resistance from foreign powers from all of the four sides of their country. But British defeated and brought/united all the small and big countries/powers under a single suzerainty, through a policy of ‘anyhow at any cost’ (realist and cunning) (Gommans 2002; Sarkar 1972).
Britishers had the policy of using the neighbouring countries as buffer states to resist the
West Asians and the communists Russia and China to influence the socio-cultural,
political and economic life of British-India (Mahajan 2001).

However, India was badly exploited by British Raj before given independence in
1947. But, Britishers taught us many strategies which reflect in our socio-cultural,
political and economic life and even in our foreign policy and national security strategies.
To rule all over India, Britishers not only united all the scattered, unorganized small and
big political powers also developed transportation and communication networks. They
developed educational system, reformed bad traditional socio-cultural and political laws
and superstitions, though exploited economically draining the natural resources for their
industries and ruined India’s agricultural society (Mahajan 2001).

India liberated from all the external dominance on 15th August 1947, in a very critical
juncture of Cold War politics, when the whole world was polarized and divided into two
military zones—north and south—led by United States and Soviet Union respectively.
India’s great/intelligent leaders especially Jawaharlal Nehru took some strategic decisions
not to be part of any group/zone (Brian 1992: 234-237). He visualized India through a
historical speech given in the parliament regarding her strategic location, destiny, future
plans and the important role to be played in the world affairs (Brown 1966; Kahin 1956:
517-527, 64-72). In her earlier phases of independence India adopted a unilateral and self
reliance border management policy up to 1990; as Building strong army, and armed
forces. After 1990s onward India has been taken the strategy of integrated and
cooperative methods of border management policies; as guarding the borders, developing
border regions, educating and training border people regional organization and border
management, Seminars conferences workshops, Cultural cooperation, Flexible and liberal
bi- and multi- lateral trade policies, Integrated security policies, Integrated intelligence
sharing policies, and Integrated and cooperative army and security exchanges and
exercises.