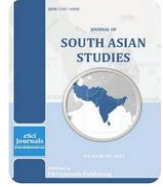




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## COMPARATIVE IMPACT OF EXECUTION OF LAND BOUNDARY AGREEMENT, 2015 BETWEEN INDIA AND BANGLADESH ON THE STATUS OF ERSTWHILE ENCLAVES' PEOPLE

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### ABSTRACT

Création of enclaves in India and Bangladesh was the consequence of historical partition of India in 1947. Inhabitants within these enclaves were forced to live in 'no man's land' as 'nowhere people' till 67 years after India's independence just due to scorn of historical and political destiny and unjustly deprived from getting basic facilities, rights, opportunities and governmental support for their livelihood until signing of the historic Land Boundary Agreement (LBA) between India and Bangladesh in the year 2015. As per LBA, 2015, 51 Bangladeshi enclaves in Indian territory and 111 Indian enclaves in Bangladesh territory were actually transferred to the other country with effect from the midnight of 31 July 2015. A comparative study has been undertaken through extensive field survey at the erstwhile enclaves in both the countries to witness the post-execution impact of LBA, 2015 on the status of livelihoods of these enclaves' people. A questionnaire containing series of effective questions has been set out to gather information from enclaves' people, Govt. officials, representatives of enclaves' union, public representatives etc. For the theoretical part of this study, various journals, periodicals, newspapers, reference books, Govt. Reports, published articles, published reports of previous researchers, reports of electronic media etc. have been extensively consulted. The entire population of erstwhile Indian and Bangladeshi enclaves covered under the study cordially welcomed exchange of enclaves through LBA, 2015, as they get rid of their exiled life of long 67 years in enclaves by virtue of LBA, 2015. But even after execution of LBA, 2015, major problematic issues of these erstwhile enclaves have not yet been resolved; nor could enclaves' people enjoy the quality of life enjoyed by their neighbours living just around these enclaves. All these erstwhile enclaves' people, especially people of erstwhile Bangladeshi enclaves in India and migrated people of Indian enclaves from Bangladesh, are still feeling anxious whether 'delay in justice' would ultimately be ended with 'denial of justice' for them or not.

**Keywords:** Enclaves, Enclaves Settlement Camps, Exchange of Enclaves, Land Boundary Agreement (LBA).

### INTRODUCTION

Enclave or exclave (*Chhitmahal* in Bengali) means a portion of the territory of one country, separated from its mainland, completely surrounded by the territory of another country. "From the point of view of the state in which it is located, is termed as an 'enclave' and the state to which it belongs to is an exclave" (*Van Schendel, 2005*). Till almost two years back, there were some slivers of land in independent India and Bangladesh, where country's independence defined its people in a different manner, resulting in the creation of a separate class of

'stateless people' within these two neighbouring countries.

As per Report of the India-Bangladesh Joint Field Inspection, 1996, 111 exchangeable Indian Enclaves inside Bangladesh and 51 exchangeable Bangladeshi Enclaves inside India had been identified. All these exchangeable 162 enclaves contained a total population of 53,384. These included a few '2nd-order enclaves' or 'counter-enclave' (*i.e.* enclave within an enclave) as well as a '3rd-order enclave' or 'counter-counter enclave' (*i.e.* a Bangladeshi enclave surrounded by an Indian enclave, which itself surrounded by another Bangladeshi enclave). In India, all these slivers of Bangladesh were situated in the District of Coochbehar of West Bengal. On the other

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hand, in Bangladesh, these flakes of India were located in four Districts under its Rangpur Division, of which 59 were in Lalmonirhat District, 36 were in Ponchogarh District, 12 were in Kurigram District and 4 were in Nilphamari District. These fragmented territories within these two countries had created an inhuman situation for the enclaves' people and they were compelled to sustain their existence under a hard-nosed situation of statelessness without any governmental support from either country. Inhabitants of enclaves lived year after year without constitutional rights and basic amenities for their livelihoods. Being completely surrounded by the territory of a foreign state, they couldn't even travel to their 'motherland' by crossing the territory of the foreign state and governmental support system of the mother state couldn't get any access to these enclaves. Thus, inhabitants of enclaves had been unjustly becoming deprived of getting governmental services, essential facilities and basic opportunities from their motherland until the signing of the historic Land Boundary agreement (LBA) between India and Bangladesh in the year 2015.

#### **THE STUDY BACKGROUND**

Enclaves in India and Bangladesh were structured due to a variety of historical, political and geographical reasons. Formation of these enclaves accompanies a long historical background when Shahjahan was the Mughal emperor and Raja Pranatarayana was the King of Coochbehar. Raja Pranatarayana occupied a certain portion of territory within the Mughal Empire by defeating Mughals. Thus, the King of Coochbehar wrested some portion of lands which were completely surrounded by lands belonging to the Mughal Empire. Similarly, Mughals extorted some portion of lands within the Coochbehar Estate, which later came under the rule of Maharaja of Rangpur. Thus, these lands were geographically separated from the Cooch Behar and Rangpur estate, ruled by one emperor within the geographical jurisdiction of the other state. Erstwhile Indian enclaves that now lie inside Bangladesh were the property of the Raja of Coochbehar before India's independence. Similarly, erstwhile Bangladeshi enclaves that now lie inside India were the property of the Maharaja of Rangpur prior to India's independence. "As per historical records, such little territories were apparently the result of a confused outcome of a 1713 treaty between the Kingdom of Coochbehar and the Mughal Empire. Possibly, the Kingdom and the Mughals ended a war without determining a single

boundary for what territories had been gained or lost" (*Vinokurov, 2005*). In this context, some opine otherwise. According to an unverified popular legend, these slivers of land were used as stakes in a card or chess games or other gambling centuries ago between two regional kings, the Raja of Cooch Behar and the Maharaja of Rangpur. "In 1947, when the British finally left India after almost two centuries, they created two countries, India and Pakistan, out of one. In order to partition the country, they brought in a lawyer, Cyril Radcliffe, to demarcate the boundary between India and what was to become Pakistan, who demarcated the India-Pakistan border in straight-line cutting across territories" (*Butalia, 2002*). The fact that the two States of Coochbehar and Rangpur chose not to join either India or Pakistan at the time of Independence also played a significant role in the process of creation of these enclaves. In 1949, Cooch Behar joined India and in 1952, Rangpur chose to be part of Pakistan. "What posed a problem was the fact that over the time, they had been conquering each other's territories" (*Kaur, 2002*). The combined effect of all these thus resulted in the formation of enclaves of India inside Bangladesh and vice-versa.

The endeavour to "de-enclave" these enclaves of both the countries was firstly manifested in 1958 Agreement (Nehru-Noon Agreement) for the exchange of enclaves between India and the then Pakistan, but the matter then dangled for a Supreme Court case in India. With reference to said 1958 agreement, negotiations were resumed after East Pakistan became an independent country as Bangladesh in 1971. In 1974, soon after the independence of Bangladesh, Indira-Mujib Treaty of Friendship deal with three kinds of land border disputes between Bangladesh and India, who shared a 4,096.7 km long porous border, including the exchange of enclaves between the two countries. Both the countries were agreed to find out an ultimate resolution to this complex nature of border demarcation by virtue of Land Boundary Agreement (LBA), 1974 (Indira-Mujib Agreement) except for the three outstanding issues pertaining to (i) Exchange of enclaves;(ii) Settlement of adverse possession;(iii) un-demarcated land boundary of approximately 6.1 km. in three sectors, viz. Daikhata-56 in West Bengal, Muhuri River-Belonia in Tripura and Lathitila-Dumabari in Assam (*MEA, 2011*).

Exchange of enclaves redrawing of the international boundary and to maintain status quo of adverse possessions, India required a constitutional amendment according to Article 368 of the Constitution. Although

Bangladesh ratified said the agreement, India then failed to pass a necessary constitutional amendment to its Parliament to ratify the said agreement. In September 2011, Governments of India and Bangladesh announced, by virtue of Monomohan-Hasina Land Boundary Agreement, an intention to resolve the issue by means of swapping 162 enclaves, giving enclaves' dwellers their sole choice of nationality. As a consequence, India would have received 51 Bangladeshi enclaves inside India covering an area of 7,110.02 acres, while Bangladesh would have got 111 Indian enclaves inside Bangladesh covering an area of 17,160.63 acres. In India, 119th Constitution Amendment Bill, 2013 put forward to give effect to this proposed land exchange. But India again failed to pass a necessary constitutional amendment to its Parliament to approve the said agreement.

After several postponements and delays in settlement of the awful destiny of the people of these enclaves, their bleak saga of long almost seven decades came to an end when India ratified the Land Boundary Agreement with Bangladesh by its 119th Constitutional Amendment in May, 2015 in both the houses of its Parliament. Immediately thereafter, aforesaid 111 Indian enclaves in Bangladesh and 51 exchangeable Bangladeshi enclaves in India along with 35 Indian Lands under Adverse Possession of Bangladesh and 42 Bangladeshi Lands under Adverse Possession of India had been exchanged between the two countries by virtue of historic Land Boundary Agreement(LBA) accorded between the Govt. of Republic of India and the Govt. of Peoples' Republic of Bangladesh on 6th June, 2015 with only one exception. Dohogram-Angarpota, the twin Bangladeshi Enclave situated within Mekhligunj Block under Cooch Behar District of West Bengal, India, covering a total area of 18.68 sq. km. has not been exchanged and it still remains as an integral part of Bangladesh as per LBA, 1974 Protocol.

As per LBA, 2015, 111 Indian enclaves in Bangladesh and 35 Indian Lands under Adverse Possession of Bangladesh henceforth be considered as own lands of Bangladesh; whereas 51 exchangeable Bangladeshi enclaves in India and 42 Bangladeshi Lands under Adverse Possession of India henceforth be considered as own lands of India with effect from the midnight of 31 July 2015. Thus, India received 2,777.038 acres of adverse land and 7,110.02 acres of Bangladeshi enclaves' land from Bangladesh; whereas it transferred 2,267.682 acres of adverse land and 17,160.63 acres Indian enclaves' land to Bangladesh.

Such exchange of lands is basically a switch from a *de-facto* situation to a *de-jure* one, since these enclaves and adverse lands were already occupied by each country. As per LBA, 2015 Protocol, people residing in these enclaves were free to choose their nationality as per their own will. If they decided to stay in their birth soil by altering their citizenship (*e.g.* if a person of Indian enclave residing in Bangladesh opted to stay in Bangladesh as a Bangladeshi Citizen), they would get all benefits of citizenship of the concerned state where they opted to stay. Conversely, if they wished to migrate themselves into their mother state (*e.g.* if a person of Indian enclave residing in Bangladesh opted to migrate in Indian mainland), they would also get all benefits of citizenship of the mother state in the concerned mainland. The concerned mother state would offer adequate rehabilitation packages to such people in its mainland. It had been highly expected from all corners that "this long overdue exchange would endeavour to harmonize India's land boundaries and, more importantly, would improve the lives of all those residents of the enclaves who, by an unfortunate twist of fate, had been living without any national identity" (*Das, Raju, 2013*).

#### **RESEARCH QUESTIONS**

Following were the basic research questions of the study:

- i. How the people of erstwhile Bangladeshi enclaves and Indian enclaves accept exchange of enclaves through LBA, 2015?
- ii. To what extent rehabilitation packages are actually implemented by the Indian and Bangladeshi State so far for the erstwhile enclaves' people.
- iii. Comparative analysis of rehabilitation packages implemented by the Indian and Bangladeshi State for the erstwhile enclaves' people.

#### **AREA OF STUDY**

For the purpose of research study, I had randomly chosen twenty erstwhile Bangladeshi enclaves in Indian territory situated in Mekhligunj, Sitalkuchi, Mathabhanga and Dinhata Blocks under Coochbehar District, West Bengal, India and all three Enclave Settlement Camps (Rehabilitation Camps) set up for temporary resettlement of migrated erstwhile Indian enclaves' people from Bangladesh at Haldibari, Mekhligunj and Dinhata Blocks under Coochbehar District, West Bengal, India. On the other hand, I had randomly chosen thirty erstwhile Indian enclaves in Bangladesh territory situated in Lalmonirhat, Ponchogarh and Kurigram Districts of Bangladesh.

**METHODOLOGY AND MATERIALS**

My study involved both primary and secondary data collected from various sources including the empirical analysis of field survey data through questionnaire survey and literature survey. The data used for empirical analysis had been collected from a field survey in form of personal interaction, interviews, group discussion and answers to the questionnaires, and also from Govt. reports/press releases, relevant reports of previous researchers, concerned experts' opinions, articles etc. A questionnaire containing series of effective relevant questions had been set out to collect information from erstwhile enclaves' people, Govt. officials, representatives of erstwhile enclaves' union, public representatives, local administrative personnel, local residents around enclaves and from all other concerned persons/authorities, including previous researchers/academicians/ experts in relation to the matter of undergoing study. Out of total fifty-one erstwhile

Bangladeshi Enclaves in Indian territory, twenty enclaves were chosen for field sample survey purpose conducted in June, 2016 and May, 2017 (i.e. after execution and implementation of Land Boundary Agreement, 2015), which included large, medium and small size enclaves in Mekhligunj, Mathabhanga, Sitalkuchi and Dinhata Blocks under Coochbehar Districts of West Bengal, India. Personal interaction, group discussion, questionnaire survey had been carried out with the enclaves' people, leaders of the enclaves' union, BSF Personnel and local administration. The survey had been conducted with all ages, genders and religions of enclaves' people. Adequate video and still photographs were taken of the people and the location. As many portions of the geographical area within the chosen sample enclaves as possible were physically covered and examined.

During said field survey, twenty erstwhile Bangladeshi enclaves in Indian territory were selected for sample field survey purpose, details of which are shown below in Table 1.

Table 1. Details of Bangladeshi Enclaves in India visited during the Field Survey.

| Name of erstwhile Bangladeshi enclaves visited           | Physically located in the Block of Coochbehar District, WB, India | Under the jurisdiction of Bangladeshi Police Station & District | DL No. | Area in acres | Interacted with No. of persons in the enclave |
|--|---|---|--------|---------------|---|
| Dhabalsati Mirgipur                                      | Mekhligunj  | Patgram, Lalmonirhat  | 15     | 173.88        | 24  |
| Balapukhari  | Mekhligunj  | Patgram, Lalmonirhat  | 21     | 331.64        | 25  |
| Chhit Kuchlibari   | Mekhligunj  | Patgram, Lalmonirhat  | 22     | 370.64        | 23  |
| Chhit Panbari  | Mekhligunj  | Patgram, Lalmonirhat  | 18     | 108.59        | 7   |
| Chhit Dhabalsati   | Mekhligunj  | Patgram, Lalmonirhat  | 14     | 66.58         | 6   |
| Dhabalsati   | Mekhligunj  | Patgram, Lalmonirhat  | 13     | 60.45         | 5   |
| Jotto Nijjama  | Mekhligunj  | Patgram, Lalmonirhat  | 3      | 87.54         | 9   |
| Mahishmari   | Sitalkuchi  | Patgram, Lalmonirhat  | 54     | 122.77        | 14  |
| Palanpur   | Sitalkuchi  | Patgram, Lalmonirhat  | 64     | 506.54        | 31  |
| Chhit Land of Jagatbar                                   | Mathabhanga   | Patgram, Lalmonirhat  | 37     | 69.84         | 9   |
| Chhit Bhanderdeha  | Mathabhanga   | Patgram, Lalmonirhat  | 67     | 39.96         | 8   |
| Poaturkuthi  | Dinhata   | Lalmonirhat, Lalmonirhat  | 37     | 589.94        | 32  |
| Paschim Bakalir Chhara                                   | Dinhata   | Bhurungamari, Lalmonirhat                                       | 38     | 151.98        | 11  |
| Madhya Bakalir Chhara                                    | Dinhata   | Bhurungamari, Lalmonirhat                                       | 39     | 32.72         | 4   |
| Madhya Masaldanga  | Dinhata   | Bhurungamari, Lalmonirhat                                       | 3      | 136.66        | 18  |
| Batrigachh I & II  | Dinhata   | Kaligunj, Lalmonirhat   | 81     | 577.37        | 34  |
| Purba Masaldanga I & II                                  | Dinhata   | Bhurugamari, Lalmonirhat  | 11     | 153.89        | 14  |
| Kismat Batrigachh  | Dinhata   | Kaliganj, Lalmonirhat   | 82     | 209.95        | 15  |
| Paschim Masaldanga I&II                                  | Dinhata   | Bhurangamari, Lalmonirhat                                       | 04     | 29.49         | 06  |
| Dakshin Masaldanga I to VI                               | Dinhata   | Bhurangamari, Lalmonirhat                                       | 06     | 571.38        | 33  |
| Total No. of persons interacted with during field survey |   |   |        |               | 328   |

During said field survey conducted in June, 2016 and May, 2017, three Enclaves Settlement Camps (Rehabilitation Camps) set up in Haldibari, Mekhligunj and Dinhata Blocks under Coochbehar Districts of West Bengal, India,

for temporary resettlement of the migrated erstwhile Indian enclaves' people from Bangladesh were also physically visited, details of which are given below as Table 2.

During said field survey conducted during May 2017, thirty erstwhile Indian enclaves in Bangladesh were selected for sample field survey purpose, details of which are shown below in Table 3.

Table 2. Details of Rehab Camps set up for the migrated Indian Enclaves' people visited during the Field Survey.

| Name of the Rehab Camp visited                           | Physically located in Block & District of WB, India | No. of families accommodated in the camp | Erstwhile Indian enclaves wherefrom they were migrated                            | Religion of Migrants  | Interacted with No. of persons |
|--|---|--|---|-----------------------|--------------------------------|
| Haldibari Rehab Camp                                     | Haldibari, Cooch Behar                              | 96                                       | Dohola-Khagrabari, Balapara-Khagrabari, Najirganj, Salbari                        | All Hindus            | 45                             |
| Mekhliganj Rehab Camp                                    | Mekhliganj, Cooch Behar                             | 46                                       | Banskata, Lotamari, Kharkharia, Gotamari Chhit, Kajaldighi                        | All Hindus except one | 31                             |
| Dinhata Rehab Camp                                       | Dinhata, Cooch Behar                                | 201                                      | Dohola-Khagrabari, Balapara-Khagrabari, Chhota Garal Jhora I & II, Dashier Chhora | MostlyHindus          | 58                             |
| Total No. of persons interacted with during field survey |   |  |   |                       | 134                            |

Table 3. Details of Indian Enclaves in Bangladesh visited during the Field Survey

| Name of erstwhile Indian enclaves visited                | Physically located in the Police Station & District in Bangladesh | Under the jurisdiction of Indian Police Station & District | DL No. | Area in acres | Interacted with persons in enclave |
|--|---|--|--------|---------------|------------------------------------|
| Balapukhari  | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 5      | 55.91         | 15                                 |
| Barakhangir  | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 4      | 50.51         | 12                                 |
| Ratnpur  | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 11     | 58.91         | 14                                 |
| Bagdogra   | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 12     | 25.49         | 08                                 |
| Kharkharia   | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 15     | 60.74         | 14                                 |
| Kharkharia   | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 13     | 51.62         | 10                                 |
| Lotamari   | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 14     | 110.92        | 16                                 |
| Bhot bari  | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 16     | 205.46        | 18                                 |
| Panisala   | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 17     | 137.66        | 13                                 |
| Panisala   | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 21     | 51.40         | 09                                 |
| Lotamari   | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 20     | 283.53        | 21                                 |
| Lotamari   | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 22     | 98.85         | 15                                 |
| Dwarikamari  | Patgram, Lalmonirhat  | Mekhligunj, Coochbehar                                     | 23     | 39.52         | 08                                 |
| Banskata   | Patgram, Lalmonirhat  | Mathabhanga, Coochbehar                                    | 112    | 315.04        | 24                                 |
| Banskata   | Patgram, Lalmonirhat  | Mathabhanga, Coochbehar                                    | 113    | 57.86         | 07                                 |
| Banskata   | Patgram, Lalmonirhat  | Mathabhanga, Coochbehar                                    | 119    | 413.81        | 27                                 |
| Banskata   | Patgram, Lalmonirhat  | Mathabhanga, Coochbehar                                    | 120    | 30.75         | 06                                 |
| Garati   | Ponchogarh, Ponchogarh  | Haldibari, Coochbehar                                      | 75     | 58.23         | 11                                 |
| Garati   | Ponchogarh, Ponchogarh  | Haldibari, Coochbehar                                      | 78     | 958.66        | 31                                 |
| Nazirganja   | Boda, Ponchogarh  | Haldibari, Coochbehar                                      | 41     | 58.32         | 12                                 |
| Nazirganja   | Boda, Ponchogarh  | Haldibari, Coochbehar                                      | 42     | 434.29        | 26                                 |
| Putimari   | Boda, Ponchogarh  | Haldibari, Coochbehar                                      | 59     | 122.80        | 17                                 |
| Salbari  | Boda, Ponchogarh  | Haldibari, Coochbehar                                      | 37     | 1188.93       | 35                                 |
| Balapara Khagrabari                                      | Debiganj, Ponchogarh  | Haldibari, Coochbehar                                      | 03     | 1752.44       | 33                                 |
| Gotamari Chhit   | Hatibandha, Lalmonirhat   | Sitalkuchi, Coochbehar                                     | 135    | 126.59        | 14                                 |
| Banspachai   | Lalmonirhat, Lalmonirhat  | Dinhata, Coochbehar  | 151    | 217.29        | 18                                 |
| Dasiar Chhora  | Phulbari, Kurigram  | Phulbari, Coochbehar                                       | 150    | 1643.44       | 38                                 |
| Chota Garaljhora I                                       | Bhurangamari, Kurigram  | Dinhata, Coochbehar  | 148    | 35.74         | 12                                 |
| Chota Garaljhora II                                      | Bhurangamari, Kurigram  | Dinhata, Coochbehar  | 149    | 17.85         | 05                                 |
| Kotbhajni  | Debigunj, Ponchogarh  | Haldibari, Coochbehar                                      | 02     | 2012.27       | 22                                 |
| Total No. of persons interacted with during field survey |   |  |        |               | 511                                |

**FINDINGS**

**From the perspective of the people of erstwhile Bangladeshi Enclaves in India:** Twenty erstwhile Bangladeshi enclaves in Indian territory had been randomly chosen for field sample survey purpose on the basis of area and population of enclaves, which included 07erstwhile Bangladeshi enclaves in Mekhligunj Block, 02 erstwhile Bangladeshi enclaves in Sitalkuchi Block, 02 erstwhile Bangladeshi enclaves in Mathabhanga Block and 09 erstwhile Bangladeshi enclaves in Dinhatata Block under Coochbehar District of West Bengal, India. During said field survey, total 328 inhabitants of erstwhile Bangladeshi enclaves of different age, gender and religion were interacted with, the details of them are shown below in Table 4 and 5.

Table 4. Age and Gender-wise classification of the inhabitants of erstwhile Bangladeshi enclaves interacted with during the field survey.

| Age group of persons | Male | Female | Total |
|----------------------|------|--------|-------|
| Above 75 years       | 21   | 09     | 30    |
| Above 60 to 75 years | 30   | 17     | 47    |
| Above 45 to 60 years | 36   | 21     | 57    |
| Above 30 to 45 years | 46   | 29     | 75    |
| Above 20 to 30 years | 39   | 25     | 64    |
| 10 to 20 years       | 31   | 24     | 55    |
| Total                | 203  | 125    | 328   |

Table 5. Religion and Gender-wise classification of the inhabitants of erstwhile Bangladeshi enclaves interacted during the field survey.

| Religion-wise persons interacted | Male | Female | Total |
|----------------------------------|------|--------|-------|
| Hindu                            | 119  | 80     | 199   |
| Muslim                           | 84   | 45     | 129   |
| Total                            | 203  | 125    | 328   |

The entire population of erstwhile Bangladeshi enclaves in Indian territory covered under the field survey cordially accepted exchange of enclaves through LBA, 2015, as they got rid of their exiled life of long 67 years in enclaves through LBA, 2015. It is evident that all 14,863 residents of the Bangladesh enclaves in India opted for Indian nationality and opted to stay in India as Indian citizen by altering their citizenship. It is significantly observed that not a single person from erstwhile Bangladeshi enclaves in India opted to go back to

Bangladesh. As per acceptance of exchange of enclaves by virtue of LBA, 2015 among the enclaves’ inhabitants is concerned, I received cent percent highly positive feedback from the sample population that I surveyed.

During said field survey, it had been observed that people of erstwhile Bangladeshi enclaves duly got their Voter ID Card and Aadhar Card in support of their Identity as Indian Citizen after execution and implementation of LBA, 2015. Most of them got their Ration Card from the Govt. Some of them got Job Card so far. Some of the erstwhile Bangladeshi enclaves’ people were also engaged in 100 days work program of the Govt. No other problems of erstwhile Bangladeshi enclaves’ people have yet been resolved. No infrastructural developmental works within these enclaves have been noticed during my field survey. Two major problematic issues of the erstwhile Bangladeshi enclaves’ people had been identified during field survey works. First and the foremost identified problem that they are still facing with is a settlement of their land records within these erstwhile enclaves. A large number of enclave dwellers anxiously brought the issue of their land record settlement before us when we interacted with them during the said field survey. We scrutinized that many enclave dwellers didn’t possess the original title deeds of their lands issued by Bangladesh Land Settlement Authority, although all these lands were under their possessions. During long 67 years of their exiled life in enclaves, many original land deed holders already sold out their lands to other enclaves’ dwellers on the basis of mutual written agreement just on a white paper. Accordingly, such transferee land occupiers do not possess original land deeds in their name, although they are occupying such lands for a number of years after such transfer took place with consideration. Now, big question is that whether such mutual written agreement just on white paper would be considered or not at the time of disposal of land records and settlements by the Govt. of India. Enclaves’ dwellers are really afraid about the settlement of their land record issue, which is the only source of generating economic resources of most of the enclaves’ people till date. The second important identified problem of enclaves’ people is a job opportunity for them. No job reservation has since been made for the erstwhile enclaves’ dwellers, nor has any alternative job opportunity yet been initiated for them. Even for admitting their children into an Indian School or College, enclave dwellers have still been facing with lots of troubles, as no reservation has so far been made for the admission of their children. MrP. Ulganathan, IAS, the then

District Magistrate of Coochbehar District, admitted to me that the major challenge to resolve erstwhile Bangladeshi enclaves' problem was the disposal of land records and settlements.

**From the perspective of the people of erstwhile Indian Enclaves from Bangladesh temporarily resettled at Rehabilitation Camps (Enclave Settlement Camps) in India:** As per the report of the joint survey conducted by India and Bangladesh in erstwhile enclaves of both the countries, it had been evident that 989 persons, out of total 38,521 residents of erstwhile Indian enclaves in Bangladesh, opted to retain their original nationality of Indian citizenship and migrated to Indian mainland from Bangladesh. During said field survey conducted in June, 2016 and in May, 2017, all the three Rehabilitation Camps (Enclave Settlement Camps) set up in India for resettlement of the migrated erstwhile Indian enclaves' people from Bangladesh were also visited. These camps were located in Haldibari, Mekhligunj and Dinhata Blocks under Coochbehar District of West Bengal, India. In these camps, total 134 migrated inhabitants of erstwhile Indian enclaves of different age, gender and religion were interacted with, the details of which are given below under Table – 6 and 7.

Table 6. Age and Gender-wise classification of inhabitants of erstwhile Indian enclaves temporarily resettled in Enclaves Settlement Camps interacted with.

| Age group of persons | Male | Female | Total |
|----------------------|------|--------|-------|
| Above 75 years       | 03   | 02     | 05    |
| Above 60 to 75 years | 11   | 06     | 17    |
| Above 45 to 60 years | 21   | 15     | 36    |
| Above 30 to 45 years | 17   | 15     | 32    |
| Above 20 to 30 years | 18   | 15     | 33    |
| 10 to 20 years       | 07   | 04     | 11    |
| Total                | 77   | 57     | 134   |

Table 7. Religion and Gender-wise classification of inhabitants of erstwhile Indian enclaves temporarily resettled in Enclaves Settlement Camps interacted with.

| Religion-wise persons interacted | Male | Female | Total |
|----------------------------------|------|--------|-------|
| Hindu                            | 69   | 54     | 123   |
| Muslim                           | 08   | 03     | 11    |
| Total                            | 77   | 57     | 134   |

The entire population of migrated people from erstwhile Indian enclaves from Bangladesh covered under the field survey too cordially accepted exchange of enclaves through LBA, 2015, as they got rid of their exiled life of long 67 years in enclaves through LBA, 2015. As per acceptance of exchange of enclaves through LBA, 2015 among the migrated Indian enclaves' inhabitants is concerned, I got 100% highly positive feedback from the sample population.

During said field survey, it had been observed that the migrated people of erstwhile Indian enclaves from Bangladesh duly got their Voter ID Card and Aadhar Card in support of their identity as Indian Citizen in Indian mainland. Govt. of India arranged temporary accommodations for them by setting up three Enclaves Settlement Camps with free electricity facility and also provided some essential food commodities (Rice, Mustard Oil, Kerosene, Salt, Milk and Pulse) for them at free of cost. Most of them also got Job Card and Ration Card from the Govt. Some of the migrated Indian enclaves' people are also engaged in 100 days work program. The land has been identified by the Govt. for permanent resettlement of these people. But, migrated people of Indian enclaves, who came from Bangladesh, were really scared about their permanent settlement in Indian mainland. No job reservation has since been made for these migrated erstwhile Indian enclaves' people temporarily resettled at said Enclave Settlement Camps; nor has any alternative job opportunity yet been initiated for them. They were feeling confused about their decision for migrating Indian mainland. In erstwhile Indian enclaves, where they lived in during last 67 years, they had their own land for cultivation and they could move to Bangladeshi land in search of their bread and butter. According to them, they can hardly get any opportunity for finding any suitable job after migrating to Indian mainland, where they are completely 'landless' as well as 'jobless'. Many of them couldn't even sell their property that they had in Indian enclaves in Bangladesh. "A year after enclave dwellers got Indian citizenship, several of these people want to go back to Bangladesh as they are miffed over the lack of job and other opportunities in India. Those who have come from Indian enclaves which were situated in Bangladesh are feeling alienated here. They don't have either any job opportunities or any proper source of income. How will they secure their future? So they feel that going back to Bangladesh is the best option to secure their future" (Failed promises: A

year on, some enclave dwellers want to return to Bangladesh, 2017). We also witnessed above feelings of the migrated erstwhile Indian enclaves' people during our field survey. No permanent shelter has yet been provided to them; nor has any permanent job opportunity been procured for them so far in Indian mainland. As no reservation has since been made, migrated erstwhile Indian enclaves' people had been facing with lots of problems for admitting their children into an Indian School or College. Although, procurement of permanent shelter for the migrated erstwhile Indian enclaves' people is under process as reported by the then District Magistrate, District of Coochbehar, Mr P. Ulganathan, IAS. He assured me that adequate funds would be released by the Govt. of India for resettlement of migrated and non-migrated erstwhile enclaves' people and infrastructural development within the erstwhile enclave.

**From the perspective of the people of erstwhile Indian Enclaves in Bangladesh:** Thirty erstwhile Indian enclaves in Bangladesh territory had been randomly chosen for field sample survey purpose on the basis of area and population of enclaves, which included 19 erstwhile Indian enclaves in Lalmonirhat District, 08 erstwhile Indian enclaves in Ponchogarh District and 03 erstwhile Indian enclaves in Kurigram District in Bangladesh. During said field survey, total 511 inhabitants of erstwhile Indian enclaves of different age, gender and religion were interacted with, the details of them are shown below under Table 8 and Table 9.

Table 8. Age and Gender-wise classification of the inhabitants of erstwhile Indian enclaves in Bangladesh interacted with during field survey.

| Age group of persons | Male | Female | Total |
|----------------------|------|--------|-------|
| Above 75 years       | 25   | 10     | 35    |
| Above 60 to 75 years | 46   | 21     | 67    |
| Above 45 to 60 years | 86   | 49     | 135   |
| Above 30 to 45 years | 81   | 44     | 125   |
| Above 20 to 30 years | 51   | 33     | 84    |
| 10 to 20 years       | 45   | 20     | 65    |
| Total                | 334  | 177    | 511   |

During the field survey conducted in May, 2017, it had been observed that the people still staying in erstwhile Indian enclaves in Bangladesh duly got their Citizenship Identity Card in support of their Identity as Bangladeshi Citizen from the Govt. of Bangladesh.

Table 9. Religion and Gender-wise classification of the inhabitants of erstwhile Indian enclaves in Bangladesh interacted during the field survey.

| Religion-wise persons interacted | Male | Female | Total |
|----------------------------------|------|--------|-------|
| Hindu                            | 36   | 28     | 64    |
| Muslim                           | 298  | 149    | 447   |
| Total                            | 334  | 177    | 511   |

Lands in erstwhile Indian enclaves had duly been recorded by the Bangladesh Land Record Authority in the name of respective owners of lands. Enough infrastructural development works within erstwhile Indian enclaves have been noticed during my field survey. The electricity supply line had been extended up to the doorstep of the enclaves' dwellers in almost all the erstwhile Indian enclaves. Schools and Madrasas had already been established in all large and medium-size Indian enclaves in Bangladesh. Roads within these enclaves had been demarcated and measured, and construction works had already been initiated in many enclaves. Boring Tube well had been installed for supplying drinking water and water for agricultural purpose in most of the enclaves. Latrine within residential house had been constructed by the Bangladesh Govt. at free of cost in many enclaves. Most of the senior enclaves' dwellers having 55 years or more age were getting old age pension @ Bangladeshi Taka 500/= per month from Govt. of Bangladesh. Govt. of Bangladesh has already sanctioned funds for setting up Health Centre and School for Physically Challenged Persons in some of the large size erstwhile Indian enclaves. But no job reservation has since been made for these erstwhile enclaves' dwellers, nor has any alternative job opportunity yet been initiated for them by the Govt. of Bangladesh.

Comparative Analysis of the Status of the People of Erstwhile Bangladeshi Enclaves in India and Erstwhile Indian Enclaves in Bangladesh: Analyzing the status of the people of erstwhile Bangladeshi enclaves in India and erstwhile Indian enclaves in Bangladesh during the post-execution period of LBA, 2015 the following comparative conclusions have been drawn:

- ✓ Both the countries have duly provided Citizenship Identity Card to the erstwhile enclaves' people opted to stay within the territory of the concerned state.
- ✓ Govt. of India has provided Ration Card and Job Card to the people of most of these erstwhile Bangladeshi enclaves; whereas, Govt. of Bangladesh has not yet taken any such step in erstwhile Indian enclaves.



- ✓ Govt. of Bangladesh has already set up a number of Schools and Madrasas in erstwhile Indian enclaves; whereas, Govt. of India couldn't yet establish any School or Madrasa in erstwhile Bangladeshi enclaves.
- ✓ Govt. of Bangladesh has already set up Boring Tube Well for supplying drinking water and water for agricultural purposes in erstwhile Indian enclaves; whereas, Govt. of India has not yet shown any such activity in erstwhile Bangladeshi enclaves.
- ✓ Govt. of Bangladesh has started to provide direct financial assistance @ Bangladeshi Taka 500/= per month to the senior people having 55 years of age or more of the erstwhile Indian enclaves in form of old age pension; whereas, Govt. of India has not yet sanctioned any such direct financial assistance for the people of erstwhile Bangladeshi enclaves.
- ✓ No job reservation has since been made for their erstwhile enclaves' people by the concerned Govt. of both the countries nor has any alternative job opportunity yet been initiated for them by both the concerned state.
- ✓ Govt. of Bangladesh has already settled the issues relating to lands records in erstwhile Indian enclaves; whereas, Govt. of India couldn't yet resolve the issues relating to lands records in erstwhile Bangladeshi enclaves.
- ✓ Govt. of Bangladesh has already demarcated and measured roads with erstwhile Indian enclaves and construction works had already been initiated in most of the erstwhile Indian enclaves.; whereas, Govt. of India has not yet been completed demarcation and measurement works for construction of roads in erstwhile Bangladeshi enclaves.
- ✓ Govt. of Bangladesh has already sanctioned funds for setting up Health Centre and School for Physically Challenged Persons in some of the large size erstwhile Indian enclaves; whereas, Govt. of India has not yet sanctioned any such things in erstwhile Bangladeshi enclaves.
- ✓ Govt. of Bangladesh has already started to construct Latrine within the residential house in erstwhile Indian enclaves; whereas, Govt. of India has not yet shown any such activity in erstwhile Bangladeshi enclaves.

#### **CONCLUSION**

These looming territories within India and Bangladesh created an inhuman situation for the people lived in for almost seven decades after India's independence and

they were sustaining their existence in a ruthless situation of statelessness without any Governmental support and basic amenities for their livelihoods during past 67 years. A porous political border already seized golden moments from their lives making them just 'nowhere people' only. In the meantime, plenty of water has blown down the river Tista. LBA, 2015 had been accorded between the two concerned nations for settlement of this long overdue problem. As per the report of the joint survey conducted by India and Bangladesh in erstwhile enclaves of both the countries, it had been evident that 989 persons, out of total 38,521 residents of erstwhile Indian enclaves in Bangladesh, opted to retain their original nationality of Indian citizenship and migrated to Indian mainland from Bangladesh. On the other hand, all 14,863 residents of the Bangladeshi enclaves in India opted for Indian nationality and opted to stay in India as Indian citizen by altering their citizenship as per Press Release of the Ministry of External Affairs, Govt. of India. Both the countries have already provided Citizenship Identity Card to the erstwhile enclaves' people opted to stay within the territory of the concerned state. Govt. of Bangladesh has initiated lots of infrastructural developmental works within erstwhile Indian enclaves; whereas Govt. of India could do little infrastructural developmental works within erstwhile Bangladeshi enclaves so far. No job reservation has since been made for their erstwhile enclaves' people by the concerned Govt. of both the countries nor has any alternative job opportunity yet been initiated for them by both the concerned state. Migrated people of Indian enclaves from Bangladesh have been sustaining their lives with the anxiety of uncertain future resettlement in Indian mainland.

Finally, at the end of the hard-hearted era of long 67 years of exiled life, enclaves' people have started to forget those days of the nightmare that they passed on. But, all the problematic issues in erstwhile enclaves, especially in erstwhile Bangladeshi enclaves in India and in case of migrated people of Indian enclaves from Bangladesh, have not yet been resolved by the concerned state. State-supported job opportunity has not yet been made by either state for their neglected erstwhile enclaves' people. All these erstwhile enclaves' people are still feeling anxious whether 'delay in justice' would ultimately be ended with 'denial of justice' for them or not. A ray of hope is still blinking on their hazy eyes dreaming for their luminous future in the long run.

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