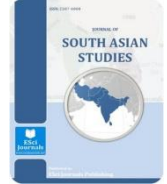




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RETHINKING BORDER CROSSING NARRATIVES: A COMPARISON BETWEEN BANGLADESH-INDIA ENCLAVES

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ABSTRACT

Bangladesh and India share 198 enclaves between them with a population of about 52,000. The enclave dwellers have to cross the international border of two different sovereign states each and every day merely to survive. While under normal circumstances this crossing should have been treated as 'illegal', it is not and what should have been 'legal' is treated as 'illegal'. This paper attempts to explain how and why these crossings are atypical by comparing an enclave of Bangladesh named Dahagram-Angorpota with some other enclaves and exclaves of both India and Bangladesh. Both empirical and secondary data have been used for the analysis. Finally it argues that the existing border crossing narratives should be rethought if the border crossing of the enclave population is to be understood.

Keywords: Enclave, Exclave, Border Crossing, Bangladesh, India.

INTRODUCTION

'No matter how clearly borders are drawn on official maps, how many custom officials are appointed, or how many watch towers are built, people will ignore borders whenever it suits them' (Baud and Van Schendel, 1997: 211). While Baud and Van Schendel (1997) clearly state that people would continue to ignore borders, it is not hard to imagine how often and common it would be for the borderlanders of Bangladesh and India to ignore borders. Historically these dwellers are not used to with geo-political boundaries and it is only a recent phenomenon for them to be compelled to restrict themselves within a border. Although this border divides a population that speaks the same language and has almost the same traditions, over the sixty years the border was only surveyed and marked with stones. By the end of 2008, India was able to fence large section of the border (Jones 2009a; Kabir, 2005; Sulivan, 2007). Rahman and Van Schendel (2003) showed that it was not before 1952 that passport and visa (A modern system of immigration control) were introduced between India and Pakistan as well as Bangladesh (then East Pakistan) and people hardly used them. The history

of the Bengal borderland also provides support for this argument. In 1947 Cyril Radcliffe was given the charge to decide where the border between India and Pakistan was to be located. But the *Radcliffe Commission* was given only six weeks for this mammoth task (Van Schendel, 2005). The creation of the border did not follow any pre-existing political or physical boundaries when it was first created in 1947 (Chatterji, 1999; Chatterji, 1947). The demarcation of Bengal borderland was neither a well-planned job nor it was done by discussing or informing the borderlanders. So it was not surprising that the inhabitants did not, perhaps could not realize the significance of a newly created international border. Violating the border for different purposes remained a very common phenomenon which is still as same in the enclaves of the Bangladesh and India. Almost a same example of such border dividing history can be found between Malaysia and Indonesia. The arbitrary border between West Kalimantan, Indonesia and Sarawak, Malaysia was drawn in the mind of the colonial administrator not on actual facts, is argued by Eilenberg and Wadley (2009). As a result; people continue their normal interaction across borders ignoring the dividing line. This paper aims to explore and compare how and why the enclave dwellers of Dahagram-Angorpota and some other India and

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Bangladesh enclaves ignore the border. It also aims to explore why they tend to cross it and whether it should be termed as 'illegal' or 'legal'.

METHODOLOGY

This study involves data both from field work and from secondary sources mainly consisting newspaper and journal articles. The field work was conducted during the month of June, 2010 in Dahagram-Angorpota enclave of Bangladesh as part of an undergraduate research monograph. The reasons behind choosing this enclave are numerous. First of all this is the biggest enclave among all of Bangladesh and India, secondly this enclave represents a situation that is totally different from all others enclaves and that is, it has a direct connection with its mainland through a piece of land commonly known as *Tin Bigha Corridor* leased by the Government of Bangladesh from India. As a result, these dwellers do not have to cross the international border between India and Bangladesh like all other enclave dwellers of Bangladesh and India. Finally, the reason behind choosing this enclave is that while all other 197 enclave dwellers must cross the border illegally each and every day merely to survive, Dahagram-Angorpota dwellers don't. Still to explore, whether they ignore the border or not, if yes, why and how, are the rationale behind choosing this enclave.

The total population of this enclave is 14,664 and the land area is 22.68 square kilometers (Field work, 2010). Data were collected from 80 adult enclave dwellers among whom 58 were males and 22 were females. Face to face interview was the major tool of data collection, while one FGD, and a couple of KII were also conducted. But the sample was not randomly selected due to lack of time and resources. This field work was conducted as partial fulfillment of the author's undergraduate research monograph. As a result, the data that are collected are not being generalized here but would be used to explain and complement some of the major issues regarding border crossings in Bangladesh and India enclaves. Comparison between or among different enclaves would be done based on secondary resources collected from journal and newspaper articles.

ENCLAVE

An enclave can be defined as a portion of one state completely surrounded by the territory of another state. From the point of view of the state in which it is located it is termed as an enclave and the state to which it belongs is an exclave (Van Schendel 2002: 161). But both

enclave and exclave would be termed as enclave in this paper as this is the most commonly used term. According to Van Schendel (2002), there are about a total of 250 enclaves now surviving in the world in three major regions. These are Western Europe, former Soviet Empire and South Asia. But the majority of the enclaves are situated in the third region. And the total numbers of enclaves are 197 shared by both Bangladesh and India (Van Schendel 2002: 117). But there is a clear confusion about the number of the enclaves shared by Bangladesh and India. While Van Schendel (2002: 117) argues the number to be 197 among which 123 are Indian, and 74 are Bangladeshi enclaves, Jones (2009: 373) argues the number to be 198 among which 106 belong to India and 92 belong to Bangladesh. Whyte (2002: 5) presents more detail about the number of these enclaves. According to him, India has 102 enclaves, 3 counter enclaves and 1 counter-counter enclave while Bangladesh has 71 enclaves and 21 counter enclaves. That is Bangladesh and India share 198 enclaves between them. On the other hand, according to the Daily ProthomAlo (August 18, 2011) and Khan (June 13, 2011) Bangladesh and India share 162 enclaves between them among which 111 belong to India, and 51 belong to Bangladesh.

The total population currently in these enclaves is 51,549 among whom 37,334 Indian enclave dwellers are living inside Bangladeshi enclaves and 14,215 Bangladeshi enclave dwellers are living inside India (The Daily ProthomAlo October 12, 2011). And the total amount of land area shared is 24,268 acres. India and Bangladesh respectively own 17,158 acres and 7,110 acres (The Daily ProthomAlo August 18, 2011).

EXPLAINING ILLEGAL BORDER CROSSINGS IN INDIA-BANGLADESH

'The literature on enclaves is highly statist. It contains very little information on how social life in enclaves evolves, what identities are created by enclave people, or their ways of coping with ideologies of the nation and citizenship' (Van Schendel 2002: 116). The lack of enough literature on enclave and different issues of enclave dwellers is also acknowledged by many others like Jones (2009) and Vinokurov (2007). So it will be very obvious that there is hardly any literature available on the issues like why and how the people of Bangladesh-India Enclaves tend to cross the international border. Although Baud and Van Schendel (1997) provide some reasons behind these border

people crossing the border so frequently, these reasons mainly focus on smuggling and these are:

- State's restriction on border trades not accepted by the borderlanders
- Direct results of restriction policies that make certain goods attractive, scarce or expensive
- Preexisting networks like kinship, friendship or entrepreneurial partnership
- Failure of the government to integrate the border economy into the larger national economy
- More than a prescribed amount of commodities forbidden to carry
- Market near the border closer than the mainland
- Taxation over certain goods. (Baud and Van Schendel 1997: 229-231)

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

- Those which share ethnic ties across the border as well as with those residing at their own state's geographical core
- Those who are differentiated by cross-border ethnic bonds from other residents of their state.
- Those who are the member of the national majority in their state and have no ethnic ties across states border (Wilson and Donnan 1998: 14).

But this categorization is not wide enough to explain the enclave dwellers of Bangladesh and India. Some of the enclave dwellers of Bangladesh and India have ethnic ties across and within the border but what makes them different is that *across the border* and *within the border* mean reverse to them from that of the first category shown above. Here *across the border* means the country to which they belong and *within the border* means the country in which they live, but don't belong. So it becomes very much normal and desirable for these people to cross the border. The second category also gets reverse while applied on the enclave dwellers of Bangladesh and India. These dwellers are not differentiated by cross-border ethnic ties rather they possess a strong tie with the resident of the state they live in but cannot identify themselves as resident of this

state. Rather they have to identify themselves as the across border country citizen. And each time they want to go to their home country they must cross an international border. Jones (2009b) provides a new concept on the Bengal borderlands which helps explaining the border crossings in a different way. Jones (2009b) argues that the border of Bangladesh with India is a permanent *space of exception*. A state of exception is an emergency situation when a sovereign authority suspends legal protection to individuals while wielding the violent power of the state against them. In this situation the border population becomes a *homo sacer* who is the embodiment of the state of exception as an individual, is no longer protected by the law although still is subject to the violent consequences of it (Jones 2009b). The BSF (Border Security Force) of India is one of the major agents of the state of exception and are the *pettysovereigns* of government according to Jones (2009b). 'It is an exceptional space where the 'normal' laws of the state do not apply and where the BSF border guards are given the authority to make the decision to kill people without consequences' (Jones 2009b: 894). But it appears that killing is not only the supreme power BSF practices, they also play a vital role in the illegal border crossings. Pohit and Taneja (2000) support this argument in their work. They argue that the BSF officials take this as an opportunity to raise their personal income that is they take bribe from the smugglers and let them do their jobs. Moreover, the frequent change of duty station encourages them to maximize their personal income. Van Schendel (2005: 160) also cites an interesting example in this regard. In 1992, a study revealed that BSF personnel provided informal passes that assigned authority to the smugglers to carry on their jobs without any disturbance in the West Bengal border. To have this pass each smuggler had to pay Rs. 3000 a month. A similar system of token was also reported to be in operation in Bangladesh. That is both BSF and BGB (Border Guard Bangladesh) play their role in illegal border crossings.

BORDER CROSSINGS IN BANGLADESH-INDIA ENCLAVES: A COMPARISON

This part of the paper compares the reasons and patterns of border crossings of the Dahagram-Angorpota enclave dwellers of Bangladesh with some other enclaves and exclaves of both India and Bangladesh. Dahagram-Angorpota can be assumed as a naturally

control variable here and others as experimental variables. The reasons Dahagram-Angorpota is assumed as control variable are that the enclave dwellers here can access to their host land twelve hours a day through the Tin Bigha Corridor (the corridor has been kept open for twenty four hours a day from September 8, 2011. During the period of fieldwork the gate was only kept open from 6 am to 6 pm). This enclave has 4 primary schools, 1 community school, 1 high school, 1 Madrasa, 2 local markets, 1 hospital and a police investigation center and cell phone connection (Fieldwork, 2010). While no other Indo-Bangladesh enclaves has all these facilities. Dahagram-Angorpota being an enclave is not disconnected from its motherland, Bangladesh. But all other enclaves are fully disconnected. The dwellers of all other enclaves have to depend fully on the host land for their daily activities but the Dahagram-Angorpota dwellers do not have to. So the pattern of border crossings must be different here. Below some major reasons and patterns of border crossings in different enclaves of Bangladesh and India are compared with Dahagram-Angorpota. The comparison is done based on numerous reasons like land registration, police service, health care, education, access to market and labor sell. For each of these purposes, the enclave dwellers have to go to their host land and that means each time they cross the international border without any legal documents. But this violation of the border is not treated as illegal, without doing this any of the enclave dwellers can survive. But if they want to obtain all these facilities from their motherland (which is expected and is their right as citizens), they become illegal border crossers and are either harassed or arrested by their own country officials as the BSF or the BGB.

Land Registration: Registration of land forms the backbone of the enclave dwellers to continue their connection with their parent state (Van Schendel 2002: 129). Van Schendel (2002), cites an example of the problem of the Garati enclave dwellers of India situated in Bangladesh regarding land registration. When a piece of land is sold the dwellers have to get to their motherland to registrar it officially. But land registration has become a local affair in this enclave now because to registrar the land, the dwellers have to cross the boundary between their host land and homeland which is not always possible. As a result, the land is now registrar locally with the local registration form. Hossain and Alam (2011), provide same evident from another

enclave of India situated in Bangladesh named Votmarino no. 16. This enclave is under the administrative rule of Cooch Behar, India. These dwellers used to registrar their land during the 80s going themselves physically to India. From 1990 to 1998 they stopped going to India but used Indian stamps to registrar their lands. But now they use Bangladeshi stamps to registrar their lands. Now in this case the dwellers cannot go to their own country to registrar land because they would have to cross the border illegally. It would be illegal because being the citizen of India they don't have any passport except the voting identity card which does not permit them to enter their country. On the other hand, they are using another sovereign state's stamp (Bangladesh) to sell and buy other sovereign state's (India) lands which is also not legal in strict legal sense. But for this purpose they don't cross the border usually. They settle it within themselves.

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

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

Dahagram-Angorpota dwellers enjoy a higher privilege regarding this issue. The enclave has a police investigation center within it. They can go to this center for any kind of support. They also have access to the legal system of Bangladesh.

Health Service: When it comes to access to health service, the situation becomes even worse. The host land hospitals or health service providing institutions do not provide any service to the enclave dwellers. They have to use a fake identity of the host land citizen to access health service. Zahid and Khan (2011), provide an example of Kalahati enclave of India located in Kurigram, Bangladesh. Untrained nurses are the only option for them while a baby is born. If the situation gets much complicated they go to the hospitals of Bangladesh disguising their real identity of enclave dwellers. In the Bangladeshi enclaves like Moshaldanga, the situation is exactly the same. The quacks are the only option for these dwellers to get some health service. And they assume the same trick as their counterpart when they have to go to the Indian hospitals (Saha, 2011).

But the Dahagram-Angorpota dwellers don't have to bother so much. Though there is a hospital in this enclave, only primary health services like first aid is available there. There is trained nurse and during birth the mother is provided saline and injection from the hospital. But in most of the cases they can go to the government hospitals of Patgram or Lalmonirhat and they do not have to face any problem of identity as other enclave dwellers have to.

Education: Whyte (2002: 168) provides an example of a Bangladeshi counter enclave named Upan Chawki Bahjni 110, which is inside an Indian enclave in Debiganj, Panchagar, Bangladesh. Within this counter enclave there is a primary school which flies Bangladeshi flag and the counter enclave children (who are Bangladeshi by birth) can easily receive education from this school. But the Indian enclave within which this counter enclave is situated faces problems regarding sending their children to the school. The Bangladeshi Government had barred the Indian enclave children from a Bangladeshi school and because the parents of Bangladeshi children raised objection, the Indian enclave children were barred. The school is situated in a Bangladeshi enclave, and this enclave is a counter enclave of an Indian enclave, but the counter enclave children cannot go to this school. They also can't go to any school of their home country due to the international border. Saha (2011), showed the same problem of a Bangladeshi enclave situated in India named Moshaldanga. These dwellers have to make fake voter identity card to send their children at the Indian schools. But at Dahagram-Angorpota the dwellers have

got four primary schools, one high school, one madrasa (religious educational institutions recognized by the Government of Bangladesh). If their children want to go for higher education they simply send them to the motherland: Bangladesh. During the field work a family was found, in which one of their children was going to a reputed University of Bangladesh which is beyond imagination for any other enclave dwellers of Bangladesh and India.

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

But in Dahagram-Angorpota there are two local markets within the enclave, they can go to the mainland whenever they want to buy all their necessities. The market is only thirty minutes away from the enclave. They sell all their agricultural products to Bangladeshi businessmen. The products are sold to the local businessmen and they sell these to the mainland businessmen. Trucks and other vehicles can enter the enclave as it has a pitch road and access in the form of the *Tin Bigha Corridor*. Sometimes the dwellers also sell their products directly by coming into the markets of their mother land.

Migrant Labor: Like many of the poor people of both Bangladesh and India, selling labor is one of the major means of income for the enclave dwellers. They either work as day laborers or as agricultural workers. But they have to depend on the mercy of their neighbors to get a job. If the host land's people accept them and let them work in their fields they get a job for the day, if not,

they don't get any. Sometimes they also cross border to go to their homeland to sell their labor. Zahid and Khan (2011) provide an example of an Indian enclave dweller Alimuddin, who sometimes goes to India to find work. But getting to India is not an easy task. He has to depend on the mercy of the BSF to let him in. Sometimes the BSF let him enter India and sometimes not. It is risky as well because no one knows whether he will be arrested or not. Still the enclave dweller seeks job in India because it is profitable. They can earn in Indian rupees that is a stronger currency than Bangladeshi taka. In this case, BSF is working as an agent of exception as discussed earlier. But the Dahagram-Angorpota dwellers do not have to do so, and they can sell their labor in Bangladeshi market.

RETHINKING THE TERM 'ILLEGAL' BORDER CROSSING

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

All the enclave dwellers except Dahagram-Angorpota have to cross the international border each and every day of their life for numerous purposes. Without doing so, they would not be able to survive a single day. They have to enter their host land every day for different services like education, health, legal and police protection, selling labor, selling products and so on. In strict sense this should have been termed as 'illegal' border crossing as they enter a sovereign state without prior documentation and permission. But it is not termed as 'illegal'. Rather this has become normal and legal (as they are not arrested by the host land officials and the government allows them to do so). But if the Dahagram-Angorpota enclave dwellers try to do so, this will be termed as illegal and none of the 80 respondents said that they cross the border for any of these purposes. Most probably they will be shot by the BSF if they try to cross the border to send their children at Indian schools, to sell their labor and their products at Indian market. All other enclave dwellers are entering their host land crossing the border of their enclaves, the Dahagram-Angorpota dwellers can't. While in all the 197 enclaves this is as normal as anything else, in Dahagram-Angorpota this is illegal. It has been found that the

enclave dwellers become illegal border crossers when they enter into their own country and sometimes get arrested but they don't face no such difficulties entering another sovereign state i.e. their host land, of which they are not a citizen. A citizen becomes an illegal border crosser when he/she tries to enter his/her country of citizenship. But in case of Dahagram-Angorpota the reverse is true, and we are accustomed to it being normal.

Now if this is analyzed from the perspective of Baud and Van Schendel (1997) discussed earlier, most of the enclave dwellers should be termed as smugglers as they violate state's restriction on border trade, carry more than the certain amount allowed by the government, go to the market of another sovereign state. But they are not. On the other hand, the Dahagram-Angorpota dwellers would certainly be termed as smugglers if they behave like all the 197 enclave dwellers. During the fieldwork it was found that 20 of the 58 respondents of Dahagram-Angorpota were involved in smuggling cows. They were termed as smugglers because they carried more than the number of cows allowed to take to the market each week. 10 cows were allowed to be taken at the market during a haat day (a day in which a bigger market seats) and there are two market days in a week. That is, they were allowed to take 20 cows out of their enclaves to the motherland. But the respondents who were found to be involved in smuggling carried more than this amount of cows. They violated the rule in two ways. First they carried more than the acceptable number; second, they brought cows from India to Bangladesh without any legal documents. This proves one of the reasons behind smuggling shown by Baud and Van Schendel (1997) which is the restriction on carrying certain amount of things. But the reason behind this was extreme poverty. All these 20 respondents had a monthly income less than 5000 BDT (about US \$60). Here for the same activities while the Dahagram-Angorpota enclave dwellers are being termed as smugglers, they become illegal border crossers, all other 197 enclave dwellers are not. Rather they become illegal border crossers if they try to enter their mother land.

CONCLUSION

Under different circumstances the same phenomenon is perceived in totally opposite ways by the same people. The border crossing narratives of Bangladesh-India enclave dwellers is a prime example of that. In this paper what we have tried to show can be divided into three

major parts. First we have discussed briefly about the enclaves, number of enclave dwellers and land area of the enclaves of India and Bangladesh. Second, we showed so far how the border crossings of the border people and the enclave dwellers have been explained in the existing literature. Finally, we have presented data and facts from different sources both primary and secondary and compared the border crossing of the enclave dwellers. In doing so we have tried to show that what should be treated as 'illegal,' under normal circumstances is 'legal' for the 197 enclave dwellers while, for Dahagram-Angorpota dwellers, it remains 'illegal'. Again, when it comes getting to the own state of citizenship, the 'legal' becomes 'illegal' for the 197 enclave dwellers of Bangladesh and India but not for Dahagram-Angorpota dwellers. So we would argue that it is time the border crossing narratives should be given new thoughts when it comes to Bangladesh-India enclaves.

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