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## India-Bangladesh Land Boundary Agreement:

### Follow-up Concerns Need a Fair Approach

*The recent success of India and Bangladesh in settling the complicated issue of political enclaves in each other's territories could be traced to the spirit displayed by the leaders of the two countries in 2010 through a leap of faith in the promise of shared prosperity. Nonetheless, the latest exchange of enclaves brings in its trail a host of humanitarian, legal and social issues. These need to be addressed through fairness by both sides.*

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The Land Boundary Agreement (LBA) signed by India and Bangladesh, in June 2015, is, without doubt, a substantial development in their bilateral relations. A relevant question is: why has it taken nearly four decades to clinch the agreement, there being no apparent reason for such a time-consuming process? Why have these two neighbours, who share a border of 4096.7 km and have very rarely been openly hostile, allowed an impasse to persist for so long until an accord was reached?

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Indeed, Bangladesh had, for long, complained about the lack of a resolution of the border issues (apart from many other bilateral issues), and India had responded by citing some legislative matter or other. It was argued that, with the border demarcation remaining unresolved, it was not constitutionally possible for India to ratify the Land Boundary Agreement of 1974. Lack of political will on both sides clearly delayed the process, since the various hindrances often cited by both the governments – such as unavailable strip maps, or lack of documents – were all easily overcome once India and Bangladesh mutually decided to address the matter seriously.

Two consecutive partitions, first, the partition of the Indian subcontinent (1947) and the dismemberment of Pakistan and birth of Bangladesh (1971), led to border issues assuming a criticality hitherto unknown in the region. Given the course of history of the Indian subcontinent, India in particular and its South Asian neighbours in general were unable to view borders as mutual space for connectivity and development. Borders in this region are viewed more as barriers than windows of opportunity and possibility. Unfortunately the South Asian experience has not been conducive to perceiving borderlands as “ways of conceptualizing social space and local identity, and the roles these have played in promoting or thwarting the development of modern states”.<sup>2</sup> India and Bangladesh preferred to view the border as a “territorial expression of state sovereignty”, determining state control over it.

The borders between India and Bangladesh post-1971 became a barrier, with the discontinuation of cross-border movements. The official contact points at the borders were rudimentary and inadequate, at best. This adversely affected a large section of the border population whose lives, for a variety of reasons, were closely intertwined with the lands that now belonged to another state. But the worst-affected were those who were confined within the small pockets of land known as ‘enclaves’ inside the neighbour’s territory. Both Indian and Bangladeshi residents in enclaves and areas of ‘adverse possession’ (portion of territory contiguous to a state’s border and within its control, but

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<sup>2</sup> Michiel Baud & Willem van Schendel, “Toward a Comparative History of Borderlands,” *Journal of World History*, Vol. 8, No. 2 (Fall 1997).

without any legal tenet) remained neglected and ignored. Not only were their living conditions poor, given the apathy of the two governments, but these peoples' access to the mainland became severely restricted owing to the peculiar geographic and historic situation.

In the years between 1972 and 2016, the two neighbours from time to time addressed several of the outstanding bilateral issues, namely water, trade, insurgency, and terrorism, but the border issue remained unsettled until just recently. Indeed, unresolved border issues led to several associated problems which assumed critical importance in the last four-and-a-half decades.

## **Disengaged Borders**

While both states may have liked to view the borders as a clearly demarcated space with a clearly defined political limit, reality was quite the converse. The border complexities were many. Even apart from the swathes of un-demarcated borderland (6.1 km), the terrain made it difficult to draw and maintain boundary lines in the delineated border sections; most importantly, the borders were uneven, overlapping and easily permeable, making them a source of continuous bilateral tension. Ironically, irrespective of the official positions, local cross-border transgressions became the new norm. Indeed, until 1971, the residents of these enclaves were allowed to move freely to their mainland; their movements were only restricted following Indo-Pakistan tensions.

Since then, neither India nor Bangladesh has had any administrative control or access to their enclaves. India could neither establish a *modus vivendi* with Bangladesh to look after its population nor find an alternative site for their relocation. The same held true for Bangladesh. The border populations, not used to movement restrictions, were prone to running into legal and political problems with border security forces. All this led to a worsening of relations on the ground, compounding the difficulties for the border populations.

Thus, citing the heavy flow of illegal migration through the permeable and unmanned borders, and its perceived association with growing violence and terror attacks, India hardened its position and started fencing its international borders with Bangladesh in 1987. Even though the entire fence-construction was well within India's territory, the fencing became a controversial bilateral issue, with various officials and non-governmental circles in Bangladesh opposing it; periodic border clashes increased. More significantly, while the barbed wire might have deterred the migrant flow to some extent, the core issue of the push- and pull-factor is yet to be addressed by India or Bangladesh.

The long-standing Indian allegations of the infiltration of Bangladeshi labour migrants into India, and the Bangladeshi counter-arguments, have never been comprehensively addressed by the two neighbours. Indeed, Bangladesh has long remained in denial about this phenomenon. It is only recently that some sections of the Bangladeshi intelligentsia have acknowledged the trend. India on its part refused to acknowledge the contribution of these labourers to the Indian economy. Unilaterally India came up with some vaguely-conceptualised ideas to address the issue, including the issuing of identity cards for the border population, which remain incomplete and mired in controversy.

### **The Land Boundary Agreement: a Step Forward**

With the improvement in bilateral political ties, India and Bangladesh have been able to overcome past distrust and hostility to establish border haats (local periodic markets) and examine more fully the possibilities of border developmental programmes including transport and trade. The LBA is one such positive bilateral move towards closer cooperation.

With the signing of the LBA, the un-demarcated land boundary (6.3 km) in three sectors, viz. Daikhata-56 (West Bengal), Muhuri River-Belonja (Tripura) and Dumabari (Assam), has been delineated. It facilitated India's handing-over of 111 enclaves (17,160.63 acres) to Bangladesh (in the districts of Panchagarh, Lalmonirhat, Kurigram and Nilphamari in

Rangpur division) and in turn receiving from Bangladesh 51 enclaves (7,110.02 acres) in West Bengal's Cooch Behar. An estimated total of 51,549 people (37,334 in Indian enclaves within Bangladesh and 14,215 in Bangladesh enclaves within India),<sup>3</sup> can now look forward to an existence free from the uncertainties and fears that had plagued the enclave residents for decades. While there is much to rejoice about the signing of the India-Bangladesh LBA (2015) there are also fault-lines to watch out for.

## **The Ground Position**

An examination of the underlying issues that existed before the agreement is important for the understanding of what the LBA can actually achieve. Some of the inherent problems on the ground are unlikely to be resolved without clear policy, planning and intervention. First, years of neglect and deprivation in the enclaves will make it a challenge to deliver on the promises made, especially given the slow pace of implementation and the lack of accountability on either side.

The porous nature of land- and maritime-borders is convenient for an extensive illegal trade between the two countries. From arms and ammunition to a whole range of commodities including jute and rice, besides cattle as well human capital, are being smuggled across the Indo-Bangladesh borders. Likewise, cattle has been a prominent in the informal trade, with moderate estimates of about 20,000 to 25,000 cattle heads worth US\$ 81,000 from India being smuggled daily into Bangladesh.<sup>4</sup> It has been pointed out often that the smuggling of people, goods and the illegal rendering of services takes place through the hard-to-defend river borders and not across the land borders. Hence, critics

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<sup>3</sup> Cooch Behar, a Princely State in pre-partition India had acceded to India after independence in 1947. It had a number of enclaves spread over the Jalpaiguri, Dinajpur and Rangpur districts. The Radcliffe line divided Bengal between India and East Pakistan with most of Jalpaiguri district being granted to India and half of Dinajpur and the entirety of the Rangpur districts going to Pakistan. The Cooch Behar enclaves got separated, with India losing access to the Cooch Behar enclaves in East Pakistan

<sup>4</sup> Joyeeta Bhattacharya, "Indo-Bangladesh Border Management the Challenge of Cattle Smuggling," *Meghalaya Times*, November 13, 2015 available at <http://meghalayatimes.info/index.php/writer-s-column/20960-india-bangladesh-border-management-the-challenge-of-cattle-smuggling>

argue, except for antagonising Bangladesh, border structures have had no efficacy; they will not prevent smuggling. A long-standing Bangladeshi demand for the ratification of the boundary line has been addressed, but the expectation of resolving border-related issues faced by both the states may not find an immediate fulfilment. The spirit of the agreement will be fully implemented only when these associated border problems are addressed.

Moreover, years of governmental indifference, the lack of administrative and security structures, and the ignorance of citizen rights and duties, had rendered many of the exchanged lands into zones of neglect and conflict. This applies to their inhabitants, too. To ensure the citizens a secure life and livelihood, measures to address the difficulties on the ground will be critical. Also the signing of the LBA is unlikely to wish away all the problems at the borders. A brief history of Indo-Bangladeshi relations will throw some light on the issues under discussion.

### **Indo-Bangladeshi Relations: a Summary**

As is now well-documented, India played a critical role in Bangladesh's War of Liberation. The friendship that India's then leader Indira Gandhi shared with Bangladesh's *Bangabandhu* Sheikh Mujibur Rahman resulted in the Indo-Bangladesh Treaty of Friendship, Peace and Cooperation. Despite the initial phase of bilateral friendship the Bangladeshis began to show resentment against what was termed as 'Indian exploitation'.<sup>5</sup> With the assassination of Sheikh Mujib, bilateral ties deteriorated significantly. Indian motives and intentions were openly questioned, and two parallel developments led to India losing its special relationship with Bangladesh: the frequent military interventions and the rise of an Islamic identity in Bangladesh. With the return of parliamentary democracy in 1991, there was an attempt by both sides to address the downward slide in relations.

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<sup>5</sup> Ishtiaq Hossain, "Bangladesh-India Relations: Issues and Problems," *Asian Survey*, Vol. 21, No. 11. (Nov. 1981), pp. 1115-1128.

But the real transformation began with Sheikh Hasina, daughter of Sheikh Mujib, assuming the office of Prime Minister in 1996. The signing of the bilateral Ganges Water Treaty (1996) and the Bangladesh Awami League Government's agreement with the Chakmas (1997), with their subsequent repatriation from India, removed the two main irritants that had plagued Indo-Bangladeshi relations for years. Although the two neighbours still grappled with unresolved issues, bilateral relations were finally on a firm footing.

Unfortunately, this momentum was lost, with the elected BNP alliance government taking over in 2001. Bilateral ties reached their nadir during this phase which ended in 2006. Apart from the anti-Hindu violence and corresponding influx of refugees into India in the aftermath of the 2001 election violence, the overriding perception of security threats posed to India clouded the bilateral relations in this period.

A perceptible shift occurred, with the Caretaker Government taking over in 2006. India and Bangladesh moved away from hostile posturing and tried to stabilise bilateral ties. Although the thawing began during this phase, the ninth *Jatiya Sangsad* (national parliament) 2008 elections that brought Sheikh Hasina to Dhaka transformed the bilateral ties. By addressing Indian core security concerns, her Awami League Government sent a positive signal, leading to greater cooperation.

### **Signing of the Land Boundary Agreement (LBA)**

The joint communiqué that was signed during the historic visit of Bangladeshi Prime Minister Sheikh Hasina to India in January 2010 was clearly a leap of faith by the two neighbours. The promise of shared prosperity became the cornerstone of the bilateral relations. Amongst many other issues, both sides agreed to resolve the outstanding boundary issues. The signing of the Protocol (September 2011) paved the way for a

settlement of the long-pending Land Boundary issues.<sup>6</sup> India and Bangladesh moved closer to addressing the unresolved issues pertaining to the un-demarcated land boundary of approximately 6.1 km; exchange of enclaves; and adverse possessions. Earlier records pertaining to enclaves were exchanged and reconciled in 2005. However, the ground for a broader understanding was laid by the joint Land Record and Survey teams which, in May 2007, undertook surveys in two phases for the first time.<sup>7</sup> Thus, the process of the Land Boundary Agreement, set in motion many years ago, picked up momentum only from 2007 onwards.

Ever since the bilateral cooperative framework was set in motion, the Indian leadership has shown interest to resolve amongst other issues the land boundary dispute. After the signing of the Protocol 2011 the Indian government tried to table the relevant Bill in the Parliament in 2013, although unsuccessfully in wake of opposition by some political parties. Disagreements with the Assam and West Bengal governments, although with varied *raison d'être*, stifled the process. Ironically the same political parties namely the Bharatiya Janata Party (BJP) and the Trinamool Congress (TMC), under different circumstances, changed their stances. Indeed the Parliamentary Standing Committee that recommended the passage of the Bill included the TMC member on the panel. The display of political expediency, in the face of the foreign policy, and especially the neighbourhood thrust, of the National Democratic Alliance (NDA) Government that assumed power in 2014 was clearly evident. Prime Minister Narendra Modi too the initiative to “reverse the BJP’s position in the last years of the UPA, that the LBA was ‘unconstitutional’ and ... [for] building a national political consensus in favour of the boundary settlement”.<sup>8</sup> Their earlier demand about Assam being delinked from the Bill, on grounds of its ‘emotive’ issues with Bangladesh, was no longer a consideration, as

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6. The strip maps were signed in July 2011

7. In May 2007, the Joint Survey teams went to the Shyamnagar border, Satkhira and inspected the standard of the border demarcation pillar at Bhetkhali, a border village in Shyamnagar upazilla. The second team, during April 2008, surveyed the Tripura-Habibganj area to demarcate the Tripura-Bangladesh border along the 20 border pillars from the Bangladesh territory, to review and finalise the draft demarcation along the Bangladesh-Tripura borders.

<sup>8</sup> C Raja Mohan, “South Asia’s Berlin Wall,” *Indian Express*, 5 June 2015 at <http://indianexpress.com/article/opinion/columns/south-asias-berlin-walls>



building bridges with the neighbourhood assumed priority. The West Bengal Government, which too had serious reservations with the Centre in the past including over its bilateral commitment to Bangladesh, now rescinded its earlier position. Possibly the prospects of fiscal support by the Modi Government has helped facilitate the process.

Thus, pragmatism by Indian leadership paved the way for the relevant agreement to be finally signed during Prime Minister Modi's visit to Bangladesh (6 June 2015). Earlier the Constitutional (119th Amendment) Bill, 2013, on LBA, was approved by both Houses of the Indian Parliament (Rajya Sabha, 6 May 2015, and Lok Sabha, 7 May 2015), facilitating India's handing-over of 111 enclaves (17,160.63 acres) to Bangladesh (in districts of Panchagarh, Lalmonirhat, Kurigram and Nilphamari in Rangpur division) and in turn receiving 51 enclaves (7,110.02 acres) in West Bengal's Cooch Behar. As it stands on the ground, India lost around 40 sq km/10,000 acres to Bangladesh. However, with the adjustment of adverse possessions India will receive 2777.038 acres of land and transfer 2267.682 acres of land to Bangladesh.<sup>9</sup>

After the exchange of instrument of ratification, 75 teams and 30 observers jointly examined (from 6-16 July 2015) the matter of citizenship of the enclave residents. The earlier feedback from joint visits (May 2007) to some of the enclaves and adverse possessions had revealed that the populace living in the enclaves were largely well-integrated with the areas where they lived and did not wish to leave that land. As far as the adverse possession of lands was concerned, the residents were administered directly by the state occupying the land; they enjoyed legal rights including voting rights; and above all, the residents were unwilling to move. The residents were given the option to choose their nationality and where they would want to live. The majority of them expressed their wish to remain where they were. At midnight on 31 July 2015, the exchange of enclaves was finalised, with the demarcation of 6.1 kilometres of the

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9. India and Bangladesh Land Boundary Agreement Booklet, Public Diplomacy Division, Ministry of External Affairs, Government of India, (2015), available at [http://www.mea.gov.in/Uploads/PublicationDocs/24529\\_LBA\\_MEA\\_Booklet\\_final.pdf](http://www.mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf)

border.<sup>10</sup> The process of demarcation of the land in “adverse possessions”, which is scheduled to be completed by 30 June 2016, began this December 2015 (as per the Article III of 2011 Protocol) for the States of West Bengal, Assam, Meghalaya and Tripura.<sup>11</sup> Clearly, the signing of the LBA was a cause for much celebration on 15 August 2015, India’s Independence Day. However, there remain issues on the ground which need attention. While the larger issue has been resolved, the ground situation remains mired in difficulties. Associated with the poor living conditions, myriad problems come to the fore. It is an exciting moment for the citizens, who will finally be directly linked to their mainland, but the transition process will be beset by many challenges. Some of them are being flagged here.

## **Problems on the Ground**

As previously stated, the porous nature of the land borders between India and Bangladesh has always been congenial for extensive smuggling activities between the two countries. There clearly are strong economic motives. Cattle, prominent in this informal trade, with India ‘exporting’ 1.7 million cattle annually to Bangladesh, is indeed one of the main causes of border violence. These issues were often discussed at various levels, and a general consensus existed that the demarcation of the border would address some of these problems. Bangladesh on several occasions pointed out the fatalities caused by firing by India’s Border Security Forces. While a few measures have been implemented, like the use of non-lethal pellets and a greater sensitising of the security forces, Bangladesh never agreed to the offer of ‘no movement’ past dusk at the borders. Typically, given the relentless cross-border smuggling, many of the violent incidents occurred after sunset. The lowering of tariff and non-tariff trade barriers may have reduced the non-official trading of some goods, but cattle and contraband items continue to find their way across

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10. The physical exchange of enclaves is being undertaken, in phases, between 1 August 2015 and 30 June 2016 in a time-bound manner, while the transfer of the residents, scheduled for completion by 30 November 2015, appears to have been extended.

11 Suvojit Bagchi, “India Bangladesh begin land survey,” *The Hindu*, December 17, 2015 at <http://www.thehindu.com/todays-paper/tp-national/india-bangladesh-begin-land-survey/article7997923.ece>

the borders. No delineation of state boundaries will be able to prevent that. Discussions leading to pragmatic solutions addressing local realities are urgently required.

So far as the enclave areas and their populations are concerned, the Indian Government has made promises of "orderly, safe and secure passage" along with their "personal belongings and movable property" to Bangladesh or India on the basis of proper "travel documents".<sup>12</sup> But given the prevailing local conditions, this looks fraught with difficulties. At the same time both India and Bangladesh have announced packages for the enclave citizens.<sup>13</sup> The Hasina government had promised to provide electricity to 14,500 residents of 111 enclaves in Bangladesh within 2015,<sup>14</sup> with the West Bengal Government promising 38 new infrastructure-related projects and the establishment of private colleges and a government medical college as well.<sup>15</sup> But as the enclaves had barely any facilities beyond the basic infrastructure, providing the citizens with access to electricity, education, and healthcare access, by either India or Bangladesh, will not be an easy task.

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12. "People in Indian enclaves in Bangladesh want compensation package", *The Economic Times*, 23 July , 2015 available at [http://articles.economictimes.indiatimes.com/2015-07-23/news/64773244\\_1\\_indian-enclaves-land-boundary-agreement-lba](http://articles.economictimes.indiatimes.com/2015-07-23/news/64773244_1_indian-enclaves-land-boundary-agreement-lba)

13. Government of India announced a package of Rs 3,008 crore to West Bengal for rehabilitation of an estimated 35,000 Indian nationals, and Bangladesh Finance Minister's proposed allocation of Tk. 200 crore for development in the enclaves is commendable in fiscal year 2015-16

14. "Steps taken to provide electricity to enclave people", *The Financial Express*, August 30, 2015 available at <http://www.thefinancialexpress-bd.com/2015/08/30/105810>

15. "Land Boundary Agreement: Mamata claims credit, lays foundation of longest bridge over Teesta river", *The Indian Express*, August 7, 2015 available at: <http://indianexpress.com/article/cities/kolkata/land-boundary-agreement-mamata-claims-credit-lays-foundation-of-longest-bridge-over-teesta-river/#sthash.BPtZzCrF.dpuf>

## Property Ownership

The legal complication surrounding land rights looks complex. The fear of losing ownerships seems palpable. Land-owners and residents who possess no details of their ownership records and specifications of their land/property, let alone registration, are now apprehensive. Apparently, it was not unusual to buy and sell land without proper registration and valid documents. Limited access across the border to land offices for registration or legal documents was part of the problem, apart from the fact that vested groups allowed such laxity to continue. According to one account, ‘more than 60 percent of the population do not have valid documents of their lands’ in Dashiar Chhara, Kurgram district.<sup>16</sup> Without these official documents, their ability to apply for voter- and *adhaar* (identity)-cards will be further complicated.

The issue of the land mafia looms large. The problem of “land grabbing by powerful stake holders” in the enclaves has remained unchallenged for years. Moreover, many of these gang operators have remained outside the interest and control of the states. In Banshpacha, Lalmonirhat district (Bangladesh), the residents claim that 160 acres out of the total 217 acres of land in the former enclave were in the illegal possession of 15 identified land grabbers.<sup>17</sup> Similar stories are replete in several of the enclaves. With the latest developments, the prospect of a rise in property prices has risen. Thus the land mafia and criminal elements wielding significant influence in these areas will expect a windfall. But for those who have been able to sell their properties, banking facilities have been arranged for easy conversion of their Bangladeshi taka into Indian currency.<sup>18</sup> The past lax administration in the enclave areas on both sides had fostered criminal activity

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16. Mustafizur Rahman, “Fear of losing land grips enclave people”, *New Age*, May 12, 2015, available at <http://www.24livenewspaper.com/site/index.php?url=www.newagebd.com>

17. Editorial, “Land grabbing in former enclave: Government must tackle with a strong hand”, *The Daily Star*, August 4, 2015, available at <http://www.thedailystar.net/editorial/land-grabbing-former-enclave-121189>

18 Gautam Sen, “For Successful Implementation of the Land Boundary Agreement with Bangladesh,” *IDSA Comment*, IDSA December 29, 2015 at [http://www.idsa.in/idsacomments/implementation-land-boundary-agreement-with-bangladesh\\_gsen\\_291215](http://www.idsa.in/idsacomments/implementation-land-boundary-agreement-with-bangladesh_gsen_291215)

including smuggling, arson, and violence on both sides of the enclaves. Invariably, fleeing criminals would find shelter there, beyond the reach of law or administration.<sup>19</sup>

## Incomplete Enumeration List

The 2011 census had listed the population in the 111 enclaves as 37,369, and 14,215 in the 51 enclaves, but it appears incomplete, given the several media reports about the names missing from the 2011 census.<sup>20</sup> Many of the non-governmental organisations engaged with the enclaves echo the same concern. Not only is the enumeration list not exhaustive, but the residents fear that their legitimate demands of compensation or claims of citizenship may not be settled. As per one report, most of the 30,000 people in Indian enclaves were not included in the census and, therefore, are not eligible for compensation.<sup>21</sup> The absence of any published resident list prompted a writ petition to be filed citing discrepancies in the enumeration of the enclave.<sup>22</sup> Indeed, given the problems of illegal migration in these border areas, many of those without any valid documents to prove their identity would be viewed as “trying to take advantage of the situation”<sup>23</sup> Apprehensions about application for official documents including voter- and *adhaar* (identity)-cards without address proof continue to haunt sections of the populace.

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19. “Enclave people rally against drug smugglers,” *24livenewspaper.com*, September 17, 2014 available at <http://www.24livenewspaper.com/site/index.php?url=www.newagebd.com>

20. Arshad Ali, “Illegal immigrants or enclave residents: 10 families told to ‘come up with proof,’” *The Indian Express*, July 16, 2015 available at <http://indianexpress.com/article/cities/kolkata/illegal-immigrants-or-enclave-residents-10-families-told-to-come-up-with-proof/#sthash.P2wV4azq.dpuf>

21. “Bangla enclaves: NHRC slaps notice on Centre, states for ‘atrocities on Indians,’” *The Indian Express*, August 5, 2015 available at <http://indianexpress.com/article/cities/kolkata/bangla-enclaves-nhrc-slaps-notice-on-centre-states-for-atrocities-on-indians/#sthash.zkGuLUSN.dpuf>

22. “Enclave dwellers plan to move SC over rehabilitation,” *The Hindu*, August 14, 2015 available at [www.thehindu.com/news/cities/kolkata/enclave-dwellers-plan-to-move-sc-over-rehabilitation/article7538348.ece](http://www.thehindu.com/news/cities/kolkata/enclave-dwellers-plan-to-move-sc-over-rehabilitation/article7538348.ece)

23. Arshad Ali, “Illegal immigrants or enclave residents: 10 families told to ‘come up with proof,’” *The Indian Express*, July 16, 2015, available at <http://indianexpress.com/article/cities/kolkata/illegal-immigrants-or-enclave-residents-10-families-told-to-come-up-with-proof/#sthash.P2wV4azq.dpuf>

## Lack of Clarity

Despite the government packages announced, there seems to be little clarity on individual or family packages that will be made available. For those who fear their inability to sell their land and other properties in Bangladesh, given the lack of documents, the uncertainties surrounding the issue pose further problems.<sup>24</sup> Possibly to ease the relocation problems, India had decided on a “recce” period between 1 August and 31 October, to examine the area of relocation. Subsequently, the physical exchange of enclave dwellers was scheduled to take place in the month of November.<sup>25</sup>

Unavoidably the issue of transfer of enclave populations is mired in communal tension too. A case in point is the outbreak of violence in some districts of Bangladesh.<sup>26</sup> Many of the nearly 980 families migrating to India from Bangladesh are Hindus, including a majority from the Debigunj area. The whispers of political pressure to prevent migration, especially for Muslim families to India, are spreading.<sup>27</sup> Residents have voiced fears of local bullying tactics by their neighbours in the face of relocation plans of some families. Apart from these glitches, there are going to be some emotional problems to deal with too. Some non-governmental surveys had suggested that 1,057 people of 223 families in 99 of the 111 Indian enclaves inside Bangladesh territory wished to move to India. But even amongst these families, prospects of an impending split exist. While the younger generation, in search of better economic opportunities, are moving to India, their senior

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24. “People in Indian enclaves in Bangladesh want compensation package,” 23 July , 2015, *The Economic Times*, available at [http://articles.economictimes.indiatimes.com/2015-07-23/news/64773244\\_1\\_indian-enclaves-land-boundary-agreement-lba](http://articles.economictimes.indiatimes.com/2015-07-23/news/64773244_1_indian-enclaves-land-boundary-agreement-lba)

25. Arshad Ali, “India-Bangladesh land swap: Over 14,000 people await new identities, recognition,” *The Indian Express*, August 1, 2015, available at <http://indianexpress.com/article/india/india-others/much-awaited-india-bangladesh-enclave-exchange-to-happen-at-midnight-tonight/#sthash.iptchCMC.dpuf>. See n. 17

26. August 2, 2015: a day after India and Bangladesh swapped enclaves, Dasiar Chhara in Kurigram district of Bangladesh turned volatile over the control of agricultural land.

27. Pratim Ranjan Bose , “Bangladesh Enclaves: Immigrant songs and relocation woes,” *Business Line* August 3, 2015 available at <http://www.thehindubusinessline.com/news/bangladesh-enclaves-immigrant-songs-and-relocation-woes/article7496194.ece> A total of 284, including 136 Muslims opted for Indian citizenship from Dasiar Chhara in Kurigram enclave of Bangladesh.

family members are reluctant to make the transfer. The inevitable family separation will add to the woes, along with adjustments to the different examination schedule for the students.<sup>28</sup>

The full implementation of the LBA abounds with such complexities, including the issue of the unresolved Muhurichar boundary demarcation in the state of Tripura.<sup>29</sup> The past unhappy history of India's inordinate delay in providing Bangladesh access through the Tin Bigha border<sup>30</sup> has been a source of severe criticism and remains fresh in the memory. A mishandling of the present issues will reverse the positive spinoff that the recent bilateral engagements have generated. To sum up, the LBA, a political-legal agreement between two countries, cannot be expected to solve all the problems of the involved populace. The governments on both sides need to look beyond the achievement of signing the landmark agreement. The associated socio-economic issues will need imaginative solutions; but the issues of cross-border smuggling and related violence need another set of solutions, beyond what has been identified. The settlement of the enclave issues begs more attention and greater administrative sensitivity and intervention. Thus, proper and timely implementation of the promises is the key to the success of the land borders agreement. Arguably, Indo-Bangladeshi ties have seen a breakthrough in the last few years.

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28. "Testing times for enclaves' students," *The Hindu*, September 18, 2015 available at <http://www.thehindu.com/news/national/other-states/testing-times-for-enclaves-students/article7663181.ece>

29. Tripura has requested for fresh surveys. See "An Enclave in Limbo," *The Financial Express*, September 12, 2015 available at <http://www.thefinancialexpress-bd.com/2015/09/12/107658>

30. As per the, Article 1(14) of the LBA of 1974 India had promised Bangladesh access to Dahagram and Angarporta enclaves by leasing in perpetuity near Tin Bigha. It was only in July 2001 that the West Bengal government allowed access through the Tin Bigha corridor, although a formal agreement was signed in 1992. India announced 24-hour access finally after September 2011.

## Moving to Greater Convergence

The resolution of outstanding bilateral issues including the question of the border points towards strong political will on both sides. The bilateral assurance of the neighbours being cognisant of each other's interests led to the deepening of state-to-state relations. At the same time the present Indian leadership's ability to build domestic consensus by including the opposition and also overcoming the past reservations of the BJP, through strategic manoeuvres and prioritising the bigger gains, was evident. In the past, tension-ridden centre-state relations did not allow the fulfilment of India's Teesta promise to Bangladesh. During the recent round of border negotiations West Bengal, eager to please the central leadership, came on board, as did Assam, and the differences were ironed out to move towards the final resolution of the land border problem. The Modi-led government, keen to develop a wider political support base, appears eager to reach positives outcomes by addressing differences through sops and incentives.

The signing of the boundary agreement has put to rest an issue that clouded the India-Bangladesh bilateral table for long. While there still remain a few outstanding bilateral issues, especially the sharing of the common rivers and specifically the Teesta River, the resolution of the land boundary and maritime boundary issues has led to a lessening of palpable tension that existed between the two countries. The clearing of past cobwebs are bound to have a beneficial effect on the overall bilateral relations. India, now, no longer seems indifferent, and the positive bilateral atmospherics will lead to a lessening of tension while negotiating tricky matters in the future. Interestingly, contemporary regional developments have also led to a greater rationale for the convergence of India-Bangladesh interests. The sub-region is awash with infrastructure-, trade-, and energy-related possibilities. Maximising the developmental opportunities that are now evolving in the sub-regional context will strengthen further the bilateral cooperation. Finally, Bangladesh seems convinced about being positively engaged with India. Any mishandling of the issues on hand will allow the relations to deteriorate, something that neither of the neighbours would desire.

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