



Research Paper

Land Boundary Agreement, 2015 between India and Bangladesh – a Post-Implementation Analysis from India's Perspective

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ABSTRACT : *Enclaves in India and Bangladesh were the consequence of the historical partition of India in 1947. Inhabitants of enclaves had been unjustly becoming deprived from getting governmental services, essential facilities and basic opportunities from their mother state 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 India and 111 Indian enclaves in Bangladesh were physically transferred to the other country with effect from the midnight of 31 July 2015. The entire population of erstwhile Bangladeshi enclaves and migrated people from erstwhile Indian enclaves 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. But after execution and implementation 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 are still feeling anxious whether 'delay in justice' would ultimately be ended with 'denial of justice' for them or not.*

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

I. INTRODUCTION

Till just one and half years back, there were some flakes of land in independent India and Bangladesh, where country's independence defined its people in different tone, resulting in creation of a separate class of 'stateless people' within these two neighbouring countries. On a fine morning, a country had been divided into two parts just due to political and religious interest of few people, intersecting hearts of a section of marginal people, resulting in design of a porous border which already snatched their childhood days, their adolescent emotions, their youth courage and even their old age peaces making them isolated 'enclaves' people' only. Although these people had no doubt about their own nationality; although they themselves were not at all responsible for their shocking fortune; yet they 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. These fragmented territories within these two countries had created an inhuman situation for the people of these enclaves and they were sustaining their existence under a hardnosed situation of statelessness without support of the state aids and administrations from either country. Inhabitants of enclaves lived year after year without proper constitutional rights and basic amenities for their livelihoods. Being completely surrounded by the territory of a foreign state, they couldn't travel to their 'mother land' without crossing the territory of the foreign state and governmental agencies of the mother state couldn't get any access to these enclaves. In absence of specific international agreements between the states concerned, inhabitants of enclaves had been unjustly becoming deprived from getting governmental services, essential facilities and basic opportunities from their mother land until signing of the historic Land Boundary agreement (LBA) between India and Bangladesh in the year 2015.

Enclave or exclave (*Chhitmahal* in Bengali) means a portion of territory of one country completely surrounded by the territory of another country. In other words, enclave refers to a portion of territory of one state, separated from its mainland, completely surrounded by the territory of a foreign state. "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'¹". As per Report of the India-Bangladesh Joint Field Inspection, 111 exchangeable Indian Enclaves

1. Van Schendel, 2002: 161.

inside Bangladesh and 51 exchangeable Bangladeshi Enclaves inside India had been identified². All these exchangeable 162 enclaves contained a total population of 53,384³. 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 the state of West Bengal. On the other 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 District⁴.

II. BACKGROUND OF THE STUDY

These enclaves in India and Bangladesh were produced for a variety of historical, political and geographical reasons. Creation of the enclaves accompanies a long historical tail, when Shahjahan was the mughal emperor and Raja Pranararyana was the King of Coochbehar. Raja Pranararyana occupied certain portion of territory within the Mughal Empire by defeating Mughals. Thus, the King of Coochbehar ruled over some portion of lands which were completely surrounded by lands belonging to the Mughal Empire. Similarly Mughals also extorted some portion of territory within the Coochbehar Estate which later came under the rule of the Maharaja of Rangpur.⁵ In this context, some opine otherwise. According to an unverified popular legend, these slivers of lands were used as stakes in card or chess games or other gambling centuries ago between two regional kings, the Raja of Coochbehar and the Maharaja of Rangpur⁶. So, these lands were geographically separated from the Coochbehar and Rangpur estate, ruled by one emperor within the geographical jurisdiction of the other estate. The erstwhile Indian enclaves that now lie inside Bangladesh were once the property of the Raja of Coochbehar before India's independence. On the other hand, erstwhile Bangladeshi enclaves that now lie inside India were once 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."⁶ "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 lines cutting across territories".⁷ Accordingly, creation of these slivers of lands in neighbouring country is the consequence of the historical partition of India in 1947. 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".⁸ The combined effect of all these resulted in creation of enclaves of India inside Bangladesh and vice-versa.

The desire to "de-enclave" these enclaves of both the countries was firstly manifested in 1958 Agreement (Nehru-Noon Agreement) for exchange of enclaves between India and the then Pakistan, but the matter then hanged for a Supreme Court case in India. With reference to said 1958 agreement, negotiations were restarted after East Pakistan became an independent country as Bangladesh in 1971. In 1974, soon after the independence of Bangladesh, the Indira-Mujib Treaty of Friendship was supposed to address all kinds of land border disputes between Bangladesh and India, who shared a 4,096.7 kms⁹ long porous border, including exchange of enclaves between the two countries. Both countries were able to conclude the Land Boundary Agreement (LBA), 1974 (Indira-Mujib Agreement) to find out an ultimate resolution to this complex nature of border demarcation except for the three outstanding issues pertaining to : (i) Exchange of enclaves; (ii) Settlement of adverse possession; (iii) Undemarcated land boundary of approximately 6.1 kms. in three sectors, *viz.* Daikhata-56 in West Bengal, Muhuri River–Belonia in Tripura and Lathitila-Dumabari in Assam¹⁰.

As an effect of LBA, 1974, between India and Bangladesh, India was to hand over the sovereignty of the Tin Bigha Corridor, a strip of Indian land covering an area of 178 by 85 metres (584 ft × 279 ft) and thereby

2. Report of the India-Bangladesh Joint Field Inspection, 1996.

3. Ministry of External Affairs (MEA), "Exchange of enclaves between India and Bangladesh," (Press Release, November 20, 2015).

4. Report of Jugantor (2015), Bangladeshi Newspaper, August 1.

5. <https://studycacer.com/problem/chhit-mahals-of-india-and-bangladesh-2787393>

6. https://en.wikipedia.org/wiki/India%E2%80%93Bangladesh_enclaves

7. <http://www.india-seminar.com/2002/510/510%20urvashi%20butalia.htm>

8. Kaur, Naunidhi (2002), *Frontline*, Volume 19 - Issue 12, June 8-21.

9. *Land Boundary Agreement Protocol between India and Bangladesh (2011)*, Ministry of External Affairs, Govt. of India.

10. *Land Boundary Agreement Protocol between India and Bangladesh (2011)*, Ministry of External Affairs, Govt. of India.

allowing access to the Dahagram–Angarpota Bangladeshi enclave¹¹. On the other hand, Bangladesh was to hand over the South Berubari area covering an area of 7.39 sq. kms. (2.85 sq mi).¹¹ Bangladesh did hand over the sovereignty of the smaller South Berubari to India instantly in 1974. India, however, could not transfer the Tin Bigha Corridor to Bangladesh till 1992, as it required constitutional amendment which could not be done due to political reasons¹¹. Finally on 26th June, 1992, as a counterpart of the 1974 LBA package, the Tin Bigha Corridor had been leased out by India in perpetuity to Bangladesh, giving her access to Dahagram-Angorpota Enclave in order to enable her to exercise sovereignty on this twin enclave. The twin Dohogram-Angorpota Bangladeshi enclave inside Indian territory, is administrated by Patgram Upozila of Lalmonirhat District under Rangpur Division of Bangladesh and geographically located within Mekhligunj Block under Coochbehar District of West Bengal, India. It is the largest Bangladeshi Enclave and is separated from the contiguous area of Bangladesh at its closest point by 178 metres (584 ft).

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 agreement, but India then failed to pass necessary constitutional amendment to its Parliament to ratify said agreement.¹² 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 residents a 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, One Hundred and Nineteenth Constitution Amendment Bill, 2013 put forward to give effect to this proposed land exchange. But India again failed to pass necessary constitutional amendment to its Parliament to approve said agreement¹².

After several postponements and delay in settlement of the shocking fortune of the people of these enclaves, their hopeless saga of long almost seven decades seemed to come 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 (covering an area of 17,160.63 acres) and 51 exchangeable Bangladeshi enclaves in India (covering an area of 7,110.02 acres) along with 35 Indian Lands under Adverse Possession of Bangladesh (covering an area of 2267.682 acres) and 42 Bangladeshi Lands under Adverse Possession of India (covering an area of 2,777.038 acres)¹³ 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 in Mekhligunj Block under Cooch Behar District of West Bengal, India, covering a total area of 18.68 sq. kms.¹⁴ with a combined population of around 20,000, has not yet been exchanged and it still remains as an integrated part of Bangladesh, although completely surrounded by Indian Territory, as per settlement made in LBA, 1974.

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. Accordingly, 51 Bangladeshi enclaves in India and 111 Indian enclaves in Bangladesh were physically transferred to the other country 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 2267.682 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 possessions were already occupied by both the countries. By virtue of LBA, 2015 Protocol, people residing in these enclaves were free to choose their citizenship 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 concerned 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 the 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 and without enjoying or ever knowing the quality of life enjoyed by their neighbours living just around these enclaves.”¹⁵

11. https://www.revolvy.com/main/index.php?s=Teen%20Bigha%20Corridor&item_type=topic

12. <http://self.gutenberg.org/articles/eng/Chitmahal>

13. *India-Bangladesh Land Boundary Agreement, 2015 (Published by Ministry of External Affairs, Govt. of India).*

14. https://en.wikipedia.org/wiki/Tin_Bigha_Corridor

15. Das, Rukmini & Raju, Deepak (2013). ‘A long settlement overdue’, The Hindu, August 13.

III. RESEARCH QUESTIONS

Following were the basic research questions of the project :

- (i) How did the people of erstwhile Bangladeshi enclaves and migrated people from erstwhile Indian enclaves accept exchange of enclaves through LBA, 2015 ?
- (ii) To what extent rehabilitation packages implemented by the Indian State for the erstwhile enclaves' people.
- (iii) How far they are satisfied with the exchange deal and rehabilitation packages ?

IV. AREA OF STUDY

For the purpose of study, I had randomly chosen twenty three erstwhile Bangladeshi enclaves in Indian territory situated in Mekhligunj, Sitalkuchi, Mathabhanga and Dinhata Blocks under Coochbehar District, West Bengal, India and all the 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.

IV. METHODOLOGY AND MATERIALS

The study undertaken is based on both primary and secondary data collected from various sources, such as empirical analysis of field survey data including questionnaire survey and literature survey. The data used for empirical analysis is collected from 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 questions had been set out to collect information from erstwhile enclaves' people, Govt. officials, representatives of erstwhile enclaves' union, public representatives, representatives of political parties, 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 three enclaves were chosen for field sample survey purpose conducted in mid of 2016 (*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. Survey had been conducted with all ages and genders of enclaves' people. Adequate video and still photographs were taken of the people and the location. As many portion of the geographical area within the chosen sample enclaves as possible was physically covered and examined. Positive cooperation had duly been received from all corners during said field survey.

During said field survey, twenty three erstwhile Bangladeshi enclaves in Indian territory were selected for sample survey purpose, details of which are given below under Table – 1 :

TABLE 1 : Details of Bangladeshi Enclaves 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
1. Dhabalsati Mirgipur	Mekhligunj	Patgram, Lalmonirhat	15	173.88	24
2. Balapukhari	Mekhligunj	Patgram, Lalmonirhat	21	331.64	25
3. Chhit Kuchlibari	Mekhligunj	Patgram, Lalmonirhat	22	370.64	23
4. Chhit Panbari	Mekhligunj	Patgram, Lalmonirhat	18	108.59	7
5. Chhit Dhabalsati	Mekhligunj	Patgram, Lalmonirhat	14	66.58	6
6. Dhabalsati	Mekhligunj	Patgram, Lalmonirhat	13	60.45	5
7. Jotto Nijjama	Mekhligunj	Patgram, Lalmonirhat	3	87.54	9
8. Chhit Land of Kuchlibari	Mekhligunj	Patgram, Lalmonirhat	24	1.83	0
9. Chhit Land of Panbari No. 2	Mekhligunj	Patgram, Lalmonirhat	20	1.13	0
10. Bamandal	Mekhligunj	Patgram, Lalmonirhat	11	2.24	0
11. Mahishmari	Sitalkuchi	Patgram, Lalmonirhat	54	122.77	14
12. Palanpur	Sitalkuchi	Patgram, Lalmonirhat	64	506.54	31
13. Chhit Land of Jagatbar 3	Mathabhanga	Patgram, Lalmonirhat	37	69.84	9
14. Chhit Bhanderdeha	Mathabhanga	Patgram, Lalmonirhat	67	39.96	8
15. Poaturkuthi	Dinhata	Lalmonirhat, Lalmonirhat	37	589.94	32

16. Paschim Bakalir Chhara	Dinhata	Bhurungamari,Lalmonirhat	38	151.98	11
17. Madhya Bakalir Chhara	Dinhata	Bhurungamari,Lalmonirhat	39	32.72	4
18. Madhya Masaldanga	Dinhata	Bhurungamari,Lalmonirhat	3	136.66	18
19. Batrigachh I & II	Dinhata	Kaligunj, Lalmonirhat	81	577.37	34
20. Purba Masaldanga I & II	Dinhata	Bhurugamari, Lalmonirhat	11	153.89	14
21. Kismat Batrigachh	Dinhata	Kaliganj, Lalmonirhat	82	209.95	15
22. Paschim Masaldanga I&II	Dinhata	Bhurangamari,Lalmonirhat	04	29.49	06
23. 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 mid of 2016, three Enclaves Settlement Camps (Rehabilitation Camps) set up in Haldibari, Mekhligunj and Dinhata Blocks under Coochbehar Districts of West Bengal, India, for resettlement of the migrated erstwhile Indian enclaves' people from Bangladesh were also physically visited, details of which are given below under Table – 2 :

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
1. Haldibari Rehab Camp	Haldibari, Cooch Behar	96	Dohola-Khagrabari, Balapara-Khagrabari, Najirganj, Salbari	All Hindus	45
2. Mekhliganj Rehab Camp	Mekhliganj, Cooch Behar	46	Banskata, Lotamari, Kharkharia, Gotamari Chhit, Kajaldighi	All Hindus except one	31
3. Dinhata Rehab Camp	Dinhata, Cooch Behar	201	Dohola-Khagrabari, Balapara-Khagrabari, Garati, Nataktoka, Daikhata, Kotbhajni, Beuladanga,	Mostly Hindus	58
Total No. of persons interacted with during field survey					134

V. Findings :

Twenty three 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 10 erstwhile 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 Dinhata 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 under Table – 3 and 4 :

Table 3 : Age and Gender-wise classification of the inhabitants of erstwhile Bangladeshi enclaves interacted with during 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 4 : Religion and Gender-wise classification of the inhabitants of erstwhile Bangladeshi enclaves interacted with during field survey

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

During said field survey, all the three Rehabilitation Camps (Enclave Settlement Camps) set up in India for resettlements 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 ages and genders were interacted with, the details of which are given below under Table – 5 and 6 :

Table 5 : 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 6 : 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 erstwhile Bangladeshi enclaves and migrated people from erstwhile Indian enclaves covered under the field survey were 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 enclaves' inhabitants is concerned, I got 100% 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 implementation and execution of LBA, 2015. On the other hand, it had also been studied during said field survey 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 after resettling in Indian mainland. Govt. of India arranged temporary accommodations for them by setting up three Enclaves Settlement Camps in the District of Coochbehar, West Bengal, India, with free electricity facility and also provided essential food commodities for them through rationing system. As per opinion of camps' dwellers, those food commodities provided by the Govt. of India were really insufficient for maintenance of their family. Some of the enclaves' people were also engaged in '100 days work' program.

No other problems of erstwhile Bangladeshi enclaves have yet been resolved. No infrastructural developmental works within these enclaves have been initiated so far. Two major problematic issues of the erstwhile Bangladeshi enclaves' people have been identified during the field survey works. First and foremost identified problem that they are still facing with is settlement of their lands within these erstwhile enclaves. A large number of enclave dwellers anxiously brought the issue of their land settlement before us when we interacted with them during 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 for a long time. Such incidences occurred as a good number of 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 during long 67 years of their exiled life in enclaves,. Accordingly, such transferee land occupiers do not possess original land deeds on his/her name, although he/she is occupying such lands for a number of years after such transfer took place with consideration. Now, mighty 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 scared about settlement of their land issue, which is still the only source of generating economic resources of most of enclaves' people for their livelihood. Second important identified problem of erstwhile Bangladeshi enclaves' people is the creation of job opportunity for them. No job reservation has since been made for the erstwhile enclaves' dwellers, nor has any alternative job opportunity yet been procured 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 admission of their children.

On the other hand, 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 created for these migrated erstwhile Indian enclaves' people temporarily residing at Enclave Settlement Camps in Indian mainland; 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 lands for cultivation and they could move to Bangladeshi lands in the hunt for their bread and butter. According to them, they can hardly get any opportunity for finding any suitable job after migrating in Indian mainland, where they are completely 'landless' as well as 'jobless'. "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."¹⁶ According to PTI, "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."¹⁶ 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 Hon'ble District Magistrate, District of Coochbehar, Mr. P. Ulganathan, IAS, while we met him in June, 2016. Mr. Ulganathan admitted that the major challenge to resolve erstwhile Bangladeshi enclaves' problem was disposal of land records and settlements. Although, he assured us that adequate funds would be released by the Govt. of India for resettlement of migrated and non-migrated erstwhile enclaves' people and for infrastructural development within erstwhile enclaves.

VI. CONCLUSION

The looming territories within these two countries created an inhuman situation for the co-citizen of our loving world and they were victimized for sustaining their existence during past 67 years in an inhuman situation of statelessness without support of the mother state just due to mockery of historical and political fate. A porous political border already snatched many golden days from their lives making them just 'nowhere people' only. In the mean time, 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 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 Bangladesh¹⁷. On the other hand, 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 citizenship¹⁷. It is significantly observed that not a single person from erstwhile Bangladeshi enclaves in India opted to go back to Bangladesh so far; whereas, 989 people staying at Indian enclaves in Bangladesh have already been migrated in Indian mainland. Sons and daughters of River Tista have started to forget their days of nightmare that they passed on. But, apart from affirmation of national citizenship identity, no other fundamental rehabilitation program has yet been initiated by the Govt. of India for the erstwhile Bangladeshi enclaves' people till date. Neither land record and settlement problem of erstwhile Bangladeshi enclaves' people has yet been resolved; nor has any job reservation policy or alternative job opportunity yet been procured for them; nor has any educational reservation system yet been introduced for their children; nor has any infrastructural activity been set up within erstwhile Bangladeshi enclaves as yet. On the other hand, apart from issuance of Indian national identity proofs, arrangement of temporary accommodation and partial rationing system, no other permanent rehabilitation package has yet been implemented by the Govt. of India during this one and half year after signing LBA, 2015 for the migrated erstwhile Indian enclaves' people who came from Bangladesh territory. Neither any permanent shelter has yet been provided to them; nor has any job reservation policy or alternative job opportunity yet been procured for them; nor has any educational reservation system been adopted for their children as yet. In Indian enclaves inside Bangladesh where they lived in earlier, they had their own land for cultivation and they could move to Bangladeshi land for seeking job opportunity; but after migrating in Indian mainland, they are completely 'landless' as well as 'jobless'. All these erstwhile enclaves' people are 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. Still they do not know when the ray of new sunlight will embrace them with a colorful lovely morning !!!

16. The Indian Express (2017); "Failed promises : A year on, some enclave dwellers want to return to Bangladesh", 23rd January.

17. Ministry of External Affairs, Govt. of India, "Exchange of Enclaves between India and Bangladesh" (Press Release November 20, 2015).

REFERENCES

- [1]. Press Release By Ministry Of External Affairs, Govt. Of India (2015), "Exchange Of Enclaves Between India And Bangladesh".
- [2]. Public Diplomacy Division, Ministry Of External Affairs, Govt. Of India (2015), 'India Bangladesh Land Boundary Agreement'.
- [3]. 'Bangladesh India Land Boundary Agreement' (2011).
- [4]. 'Bangladesh India Land Boundary Agreement' (1974).
- [5]. 'Protocol To The Agreement Between The Government Of The Republic Of India And The Government Of The People's Republic Of Bangladesh Concerning The Demarcation Of The Land Boundary Between India And Bangladesh And Related Matters' (2011).
- [6]. Bill No. Xv Of 2013, - 'The Constitution (One Hundred And Nineteenth Amendment) Bill, 2013.
- [7]. Report Of The Faculty Of Studies, Bsf Academy (2001), Surveillance & Security Of Borders.
- [8]. Report Of The India-Bangladesh Joint Field Inspection (1996).
- [9]. Chakravarty, Pinak Ranjan (2015). 'Land Boundary Agreement - New Catalyst In Bangladesh-India Ties'. Observer Research Foundation.
- [10]. Bhattacharya, Debarshi (2017). 'A Rarely Told Gloomy Saga Of Resurrected Nowhere People Earlier Lived In No-Man's Land'. *Iosr Journal Of Humanities And Social Science (Iosr-Jhss)*, Volume 22, Issue 2.
- [11]. Dash, Jayadev (2013). 'Indo-Bangladesh Enclave Exchange : A Study With Special Reference To Human Security', [Http://Aisc-India.In/Aisc2013_Web/Papers/Papers_Final/Paper_63.Pdf](http://Aisc-India.In/Aisc2013_Web/Papers/Papers_Final/Paper_63.Pdf).
- [12]. Chatterjee, Shib Shankar (2011). 'International Border Disputes & Adverse-Possessions Of India-Bangladesh International Border', [Www.Newsblaze.Com](http://www.newsblaze.com).
- [13]. Cons, Jason (2014); 'Impasse And Opportunity: Reframing Postcolonial Territory At The India-Bangladesh Border', *South Asia Multidisciplinary Academic Journal*, [Http://Samaj.Revues.Org/3791](http://Samaj.Revues.Org/3791) ; Doi : 10.4000/Samaj.3791.
- [14]. Rahaman, M Atiqur, Murshed, Md. Mahbub, Sultana Nahid (April 2013). 'Lives Outside The Map: The Case Of Angorpota-Dohogram Enclave, Bangladesh', *Iosr Journal Of Humanities And Social Science*, *Iosr Journal Of Humanities And Social Science*, (Iosr-Jhss) Volume 9, Issue 1 (Mar. - Apr. 2013), Pp 71-76.
- [15]. Ferdoush, Md. Azmeary (2014). 'Rethinking Border Crossing Narratives: A Comparison Between Bangladesh-India Enclaves', *Journal Of South Asian Studies*, [Http://Escijournals.Net/Index.Php/Jsas/Issue/View/41](http://Escijournals.Net/Index.Php/Jsas/Issue/View/41).
- [16]. Butalia, Urvashi (2002). 'The Nowhere People', [Http://www.India-Seminar.Com/2002/510.Htm](http://www.India-Seminar.Com/2002/510.Htm).
- [17]. Das, Rukmini & Raju, Deepak (2013). 'A Long Settlement Overdue', *The Hindu*, August 13, 2013.
- [18]. Report Of Prothom Alo (2015), *Bangladeshi Newspaper*.
- [19]. Report Of Jugantor (2015), *Bangladeshi Newspaper*.
- [20]. *The Telegraph* (2015), 'Borders, Enclaves And Progressive Exchanges'.
- [21]. Dristhiias (2015), 'India Bangladesh Land Swap Deal And 119th Constitutional Amendment'.
- [22]. [Https://En.Wikipedia.Org/Wiki/Tin_Bigha_Corridor](https://en.wikipedia.org/wiki/Tin_Bigha_Corridor)
- [23]. [Https://En.Wikipedia.Org/Wiki/India%E2%80%933_bangladesh_enclaves](https://en.wikipedia.org/wiki/India%E2%80%933_bangladesh_enclaves)