



(L) Two enclave dwellers from Gotamari Chhit, Lalmonirhat, displaying their temporary travel-cum-identity passes issued in pursuance of the exchange of enclaves in 2015. (R) A boundary pillar, dating back to the British era, once separated the Indian enclave Banskata from the mainland in Patgram, Lalmonirhat. These pillars, marking enclaves, were subsequently removed after the exchange of enclaves in 2015.

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Forgotten Borders: Tracing the History of the Indo-Bangladesh Enclaves

The Nehru-Noon Agreement (1958) explicitly stated that South Berubari would be divided between India and Pakistan, and the former enclaves would be exchanged. However, opposition from the people of South Berubari and the intervention of the Supreme Court of India halted the progress of the enclave exchange in 1958.

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The existence of enclaves in different continents is a perceptible reality of contemporary world history. Enclaves are generally referred to as land tracts that are detached from the mainland or its ‘home’ and surrounded by another country (host) but politically and mentally attached to the ‘home’ country. Along with the enclaves of Euro-Asian and African countries, the presence of enclaves has been a perpetual feature of the Indo-Bangladesh border.

The Indo-Bangladesh enclaves (popularly called chhitmahals) have a long geo-historical background. They are not only linked to the process of decolonization in South Asia but also the outcome of pre-colonial historical development. The main actor in this history was the development of Cooch Behar (Koch Behar), a kingdom that flourished in the region in the sixteenth century. Under the leadership of Naranarayan (1540-87 CE), this kingdom extended its influence in the entire Tista-Dudhkumar-Brahmaputra basin, i.e., Sub-Himalayan Bengal and Lower Assam. The Koches also established a friendly relationship with the Mughals (1526-1857). However, at the beginning of the seventeenth century, Lower Assam along with Cooch Behar began to face repeated invasions from Mughal-ruled Bengal.

Though the Mughals did not establish direct rule over the conquered territories of the Koches in the seventeenth century, they started occupying some revenue-yielding tracts of the Koch kingdom called chaklas from the beginning of the eighteenth century. Over time, these chaklas were transferred to the Koches with the condition of paying revenue to the Mughals. Boda, Patgram, and Purbabagh tracts were ceded to Cooch Behar. However, direct Mughal rule was established (in 1711) in certain chaklas like Kakina, Fatehpur, and Kajirhat. In 1713, these three chaklas were taken as izara (the right of collection of revenue)

its domination in these tracts since they were located in the Rangpur District of British-controlled Bengal. However, the right of collection of land revenue remained with Cooch Behar’s authority. Hence, the former ‘Mughlans’, situated within the territory of Cooch Behar from the administrative point of view, were transformed into exclaves of the Rangpur District. On the other hand, some tracts of Cooch Behar remained within British territory, particularly in Jalpaiguri of Bengal and Goalpara District of Assam. This administrative arrangement continued in the ‘Cooch Behar-British Bengal frontier’ until the Partition of Bengal in 1947.

However, after the Partition, five police stations of Jalpaiguri District – Tentulia, Boda, Debiganj, Patgram, and Panchagarh – were transferred to East Bengal (East Pakistan) as per the ‘Radcliffe Award.’ East Bengal thus became the principal host of the major

in Lalmonirhat was the ‘home’ of three Bangladeshi enclaves, while Kaliganj Police Station was the ‘home’ of two enclaves of Bangladesh situated in the Dinhat Subdivision of Cooch Behar. Bangladeshi enclaves under Boda, Debiganj, and Panchagarh Police Stations were primarily counter enclaves, totaling 21 in number. Their size ranged from 0.71 acres to 169.37 acres.

Life in the Chhitmahals

With an approximate population of seventy thousand, the Indo-Bangladeshi enclaves witnessed the statelessness of multiple individuals. During our fieldwork in 2012-2014, it was observed that the majority of inhabitants of Bangladeshi enclaves located in Mekhliganj and Mathabhanga Subdivisions of Cooch Behar acquired Indian citizenship by purchasing a small piece of land in any

state systems. These committees maintained law and order, ensured the security of the enclaves, issued land deeds, and attempted to negotiate with neighboring villagers in case of internal disputes. However, this system was insufficient for their survival. As a result, most Bangladeshi enclave-dwellers sought an exchange of enclaves as a solution to their statelessness.

The dwellers of the Indian enclaves held various opinions on the matter. Some argued for their right to access the Indian mainland for official purposes. Despite disagreements and differences in opinions, it appeared that the exchange of enclaves was the most viable option for resolving the statelessness of the enclave inhabitants.

Exchange of Enclaves

The Indo-Bangladeshi enclaves played a significant role in bilateral relations between India and Bangladesh (formerly East Pakistan). Additionally, the demarcation of the border at Berubari in Jalpaiguri District and the issue of ‘Adverse Possession’ were prominent topics in the exchange process of the Indo-Bangladeshi enclaves. Despite India and Pakistan experiencing massive population migration immediately after their independence, both countries were able to conduct population censuses in their respective enclaves in 1951, which legitimized the existence of enclaves in India and Pakistan.

However, the residents of these enclaves encountered challenges related to their free movement from their place of origin. The introduction of the Passport System between India and Pakistan in 1952 turned the enclaves into truly isolated areas, particularly for their inhabitants. As a result, enclave-dwellers found themselves trapped in their own land, as they were only allowed to enter their ‘host’ and ‘home’ countries through specific crossing points. Nevertheless, the enclaves of India and Pakistan remained part of the Indo-Pakistan talks in 1953 and 1954.

On the other hand, a controversy arose in Jalpaiguri regarding the demarcation of the border at South Berubari Union No.12, where the former Cooch Behar State had a few enclaves. Pakistan claimed that South Berubari should be part of East Pakistan according to the ‘Radcliffe Line’. Talks between Jawaharlal Nehru (Prime Minister of India, 1947-1964) and Firuz Khan Noon (Prime Minister of Pakistan, 1957-1958) in early September 1958 added to the anxiety of the people of Berubari. The Nehru-Noon Agreement (1958) explicitly stated that South Berubari would be divided between India and Pakistan, and the former enclaves would be exchanged. However, opposition from the people of South Berubari and the intervention of the Supreme Court of India halted the progress of the enclave exchange in 1958. Although India amended its Constitution (9th Amendment, 1960) for this purpose, the demarcation of the boundary at Berubari was further delayed by the Indo-China War outbreak in 1962, the death of Nehru in 1964, and the India-Pakistan War in 1965.

However, the emergence of Bangladesh as a nation-state in 1971 through the Liberation War marked a new phase in the history of the enclaves. As the successor state of Pakistan, Bangladesh inherited the territories and boundaries of East Pakistan, transforming the border and enclaves into matters of India-Bangladesh relations. The relationship between India and Bangladesh began on a cordial note and gained solid ground with the conclusion of the Land Boundary Agreement, popularly known as the ‘Indira-Mujib Pact’, on May 16, 1974.

This pact aimed to peacefully resolve the border disputes between India and Bangladesh. The agreement

clearly stated that South Berubari would be adjusted to India, and in return, Dahagram and Angarpota, two enclaves of Bangladesh, would be connected to the mainland through a narrow corridor of India called Tin Bigha Corridor. Other enclaves would be exchanged in due course.

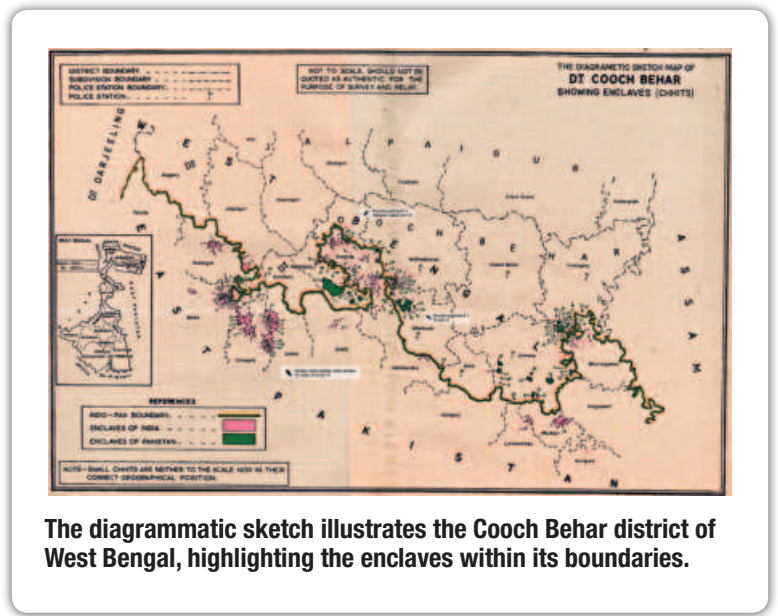
However, the implementation of the Indira-Mujib pact was hindered by the assassination of Sheikh Mujibur Rahman in 1975 and the political changes that occurred in India during the 1970s. Nevertheless, Bangladesh expressed interest in implementing Article 1.14 of the Indira-Mujib Pact (1974) to establish a direct connection with Dahagram and Angarpota at the expense of India’s claim of non-enclave land (South Berubari).

In a discussion held in New Delhi, P.V. Narasimha Rao (the Minister of External Affairs of India) and A.R. Shams-Ud-Doha (the Minister for Foreign Affairs of Bangladesh) finalized the draft of the ‘Tin Bigha Corridor’ on October 7, 1982. However, due to opposition from the people and domestic politics in India, the draft could not be signed in 1982. Finally, through an exchange of letters on March 26, 1992, the Government of India and the Government of Bangladesh confirmed the modalities for leasing out the Tin Bigha area, which came into effect on June 26, 1992. As a result, the people of Dahagram and Angarpota enclaves in Bangladesh were relieved from the curse of statelessness.

Since the problems of the Indo-Bangladesh enclaves and the issue of Adverse Possession in Berubari were not resolved in the late twentieth century, the people living in these fragmented land tracts continued their movement for a peaceful resolution of their century-old difficulties. India and Bangladesh persistently made efforts at the bilateral level to complete their mutual international boundary. This effort took a significant step when India and Bangladesh established the Joint Boundary Working Group (JBWG) in 2001, with the objective to “address the outstanding land boundary issues, namely the border dispute comprising 6.1 km of an undemarcated stretch, enclaves, and adverse possessions.” The JBWG held four meetings by 2010. In September 2011, Bangladesh and India signed a “Protocol concerning the Demarcation of the land Boundary between India and Bangladesh and related Matters.” However, the exchange of “Indian enclaves in Bangladesh and Bangladesh enclaves in India” as specified in Article 1.2 of the Indira-Mujib Agreement remained unrealized until June 2015. The final step was taken in 2015 when Narendra Modi, the Prime Minister of India, visited Dhaka on June 6, 2015, to meet Sheikh Hasina, the Bangladeshi Prime Minister, and officially announce the adoption of “the Land Boundary Agreement (LBA, 2015).”

During the period between July 6 and July 16, 2015, Indian and Bangladeshi officials conducted a survey to gather the opinions of the enclave-dwellers. Finally, on July 31, 2015, the terms for the exchange of enclaves were officially implemented, along with the option of determining the “nationality” of the enclave-dwellers. This conversion from de facto to de jure became a reality regarding the exchange of enclaves. A total of 111 Indian enclaves, covering an area of 17,160.63 acres, were officially transferred to Bangladesh, while India received 51 Bangladeshi enclaves with an area of 7,110.02 acres located in India. Additionally, India acquired 1,374.99 acres of adverse possession in the Berubari sector, while Bangladesh retained its possession over 260.55 acres of adverse possession. With the Land Boundary Agreement (LBA), the long-standing enclave issue found a peaceful resolution.

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The diagrammatic sketch illustrates the Cooch Behar district of West Bengal, highlighting the enclaves within its boundaries.

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by Cooch Behar. Since then, these tracts had transformed into isolated parts of Cooch Behar from an economic point of view, but politically they remained loyal to the Mughals. Although the Mughals had surrendered these chaklas to Cooch Behar in 1737, many Mughal servants living permanently in these tracts showed their loyalty to the Nawab of Bengal (1717-72). As a result, these tracts became known as Mughlans, eventually appearing as isolated parts of the Rangpur district after the establishment of the East India Company’s rule in Bengal (1772). At the same time, Boda, Patgram, and Purbabagh (known as Rajwara) came under the control of the Koch kings.

After the conclusion of the ‘Anglo-Cooch Behar Treaty’ in 1773, the East India Company attempted to establish

enclaves of the Cooch Behar State. Through the merger of the Cooch Behar State with India in 1949, the enclaves of Cooch Behar automatically transformed into Indian enclaves in Pakistan. The enclaves of Eastern Bengal had been transformed into inseparable parts of Pakistan (and later Bangladesh).

Distribution of the Indo-Bangladeshi enclaves

The enclaves of India and Bangladesh were associated with a few districts in the North Bengal region. Available official records show that the Indian enclaves were mainly distributed in four districts of Bangladesh: Kurigram, Lalmonirhat, Nilphamari, and Panchagarh. In the Kurigram District, India had 23 enclaves with a total area of 1,778.85 acres, located within Kurigram, Phulbari, and Bhurungamari Police Stations.

The largest number of Indian enclaves were located in Lalmonirhat District, with 58 tracts covering a total of 2,787.19 acres of land within Lalmonirhat, Hatibandha, and Patgram Police Stations. However, Panchagarh District was the main host of Indian enclaves in terms of territorial size. These enclaves were distributed within Panchagarh, Boda, and Debiganj Police Station limits, covering an area of 15,696.86 acres.

On the other hand, the enclaves of Bangladesh belonged to Kurigram and Lalmonirhat Districts. Enclaves in Kurigram were distributed within the Tufanganj and Dinhat Subdivisions of Cooch Behar. Patgram in Lalmonirhat District was home to the largest number of Bangladeshi enclaves, hosted by the Mathabhanga and Mekhliganj Subdivisions of Cooch Behar. The Hatibandha Police Station

Indian village or by presenting forged documents with Indian addresses. In addition to this common process, enclave dwellers in Dinhat adopted a different approach to attaining Indian citizenship. The children of the enclave-dwellers were formally adopted by Indian citizens, enabling them to obtain Indian citizenship. As a result, they became ‘proxy citizens’ of both their ‘home’ and ‘host’ countries.

However, the practical reality for many tenants of Bangladeshi enclaves was one of extreme poverty. They lived their daily lives in utter misery, lacking basic civil, cultural, political, and economic rights. Furthermore, the people residing in Bangladeshi enclaves situated in the Dinhat and Tufanganj subdivisions faced severe hardships due to their contested identity. They were neither recognized as Indians nor as Bangladeshis. They were simply seen as human beings devoid of dignity and rights, struggling to access educational, medical, political, and administrative facilities.

Similarly, statelessness in the Indian enclaves in Bangladesh had been a common phenomenon since 1947. The enclave-dwellers endured atrocities and persecution on various grounds, resulting in the Indian enclaves becoming chaotic zones. Forced migration from the Indian enclaves had been a prevalent trend. In India, these individuals were not recognized as Indian citizens and were often labeled as ‘infiltrators’ or Bangladeshi ‘proxy citizens’.

Since India and Bangladesh were unable to allow their state agencies to enter their respective isolated land tracts, the inhabitants of many enclaves established ‘enclave protection committees’ that functioned as mini-