

The Land Boundary Agreement between India and Bangladesh: Disputes (not) over yet?

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The genesis of the India-Bangladesh boundary disputes lies in the partition of India in 1947. The border demarcation commissions failed to address many grievances of people from India and Pakistan and as a result, since then the two countries have been engaged in land border disputes, some of which, after 1971, were inherited by Bangladesh. In 1974, India and Bangladesh signed an agreement to resolve their border disputes but they could not be resolved for various reasons. Finally, in 2011 the Land Boundary Agreement (LBA) protocol was agreed, and its implementation treaty was signed in 2015. This article argues that with the implementation of the Land Boundary Agreement the dispute between Bangladesh and India are over but there are other related issues which might be cause of concern for both the countries.

Introduction

In June 2015, India and Bangladesh completed all formalities related to the signing of the Land Boundary Agreement (LBA) protocol, which was pending since 1974. With this the border between the two countries will be demarcated but many related problems will persist. One such problem is the violence near the India-Bangladesh border and in the bordering States.² Conceptually, borders in developing countries are complex because they were not decided by the people or representatives of the countries but demarcated by their erstwhile colonial masters. As a result most of these countries are engaged into irredentist and anti-irredentist disputes with their neighbours. Another problem of such demarcation is the ethnic or religious groups or people sharing primordial identities are spread across

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² West Bengal, Assam, Tripura and Meghalaya share border with Bangladesh.

neighbouring countries, causing people to constantly cross the effective borders for emotional reasons. This negatively encourages 'others' to play an active role³ in the domestic politics of a country. As a result, South Asia too shares similar socio-political experiences. Prior to the partition of India in 1947, the present India, Pakistan and Bangladesh were a single political, physical and cultural territory. In 1947 this entity was divided into two parts in the name of religion, and then in 1971 East Pakistan was liberated, and Bangladesh came into existence. Though divisions have occurred, problems remain as they were in 1947. Among all problems, which gradually erupted between India and Bangladesh, border disputes are primary. After the liberation of Bangladesh in 1971, it was thought that the border disputes, which India had with Pakistan in its eastern sector, would be resolved. It did not happen despite bonhomie between India and Bangladesh and the signing of an accord in 1974 to resolve all such disputes. Initial bonhomie between them was disrupted in 1975 after the assassination of Sheikh Mujibur Rahman. The relationship was put on rail after 1991, though there were a few good moments between the two countries from 1975 to 1991.

In this article an attempt has been made to answer the following (a) why the Border Disputes began? (b) what is the role of political actors in complicating the legal border demarcation issue between India and Bangladesh? and (c) can LBA scuttle down border related political tensions between India and Bangladesh? In the first part, the history of disputes since 1947 has been sketched out. The second part discusses the border disputes between India and Bangladesh since 1971. In this part the treaties between the two countries to resolve the border disputes, the reasons for procrastinations and difficulties in its implementation have also been discussed. The final part of the article highlights the problems and crises due to the existing border disputes between India and Bangladesh.

³ In many African countries the ethnic civil wars had been regulated from the neighbouring country. This is because the ethnic community which is in minority in a particular country is majority in the other. The reasons for such interferences are strong primordial identity based bond and relationship. This phenomenon is also present in South Asia. Not all, but some of the communal violence in India has its repercussions on the Hindus living in Bangladesh and Pakistan.

Legacy of the Border Disputes

The seeds of India-Bangladesh land boundary disputes lie in the partition of India in 1947. As partition of India became an only viable option to pacify the growing restlessness and satisfy individual egos of political leadership,⁴ Boundary Commission (BC) was set up to demarcate territories between India and Pakistan. This Commission was headed by Sir Cyril Radcliffe, who had no prior experience of the work and was also in the Sub-continent for the first time. The other members of the BC were representatives of the Indian National Congress and the Muslim League. Over the issue of composition, M.A. Jinnah was in favour of having three members of the Judicial Committee of the Privy Council to be appointed to each Commission as impartial members. He was persuaded by the Viceroy to drop this idea.⁵ Later, the League insisted on having three non-Indian impartial members with experience of working in America, France and Britain to form each Commission at the behest of the United Nations. They also argued for the appointment of the assessors who would most effectively represent the case of the parties involved in the process.⁶ This too was not accepted by the Viceroy. Finally, both Indian National Congress and Muslim league nominated their representatives, as members of the BC. These members were not very effective and all decisions were taken by Radcliffe. Two members Din Mohammad and M. Munir resigned because they felt humiliated and marginalised in the preparation of the final report that was to shape the future of two sovereign countries.⁷

Although the demand of Muslim League was to carve away a country for Muslims, the partition line was drawn not only on the basis of religion but "other factors" like water canals and railways communication lines were also taken into consideration by Sir Cyril Radcliffe.⁸ In some cases, Radcliffe gave these considerations more weightage than what he gave to the other determinants like religious composition or administrative set up.⁹ In Punjab, Ferozepur award was entirely in consideration

⁴ H.M.Seervai, *Partition of India: Myth and Legend*, (New Delhi: Oxford University Press, 2005).

⁵ Bidyut Chakrabarty, *The Partition of Bengal and Assam, 1932-1947: Contour of Freedom* (London & New York: Routledge Curzon, 2004), 156.

⁶ (Chakrabarty, 2004, 157), see note 4 above.

⁷ Ibid.

⁸ Lucy P. Chester, *Borders and conflict in South Asia: The Radcliffe boundary commission and the partition of Punjab*, (Manchester and New York: Manchester University Press, 2009), 77.

⁹ Ibid.

of 'other factors'.¹⁰ Another significant fact not discussed in many literatures related to the partition of Bengal, is that 'non-Muslims' does not mean "Hindus". The non-Muslim stretches of the West Bengal border were all Hindu dominated while in Assam there were no Hindu dominated areas facing Muslim dominated areas in East Pakistan. Garo Hills/Khasi and Jaintia Hills (now in Meghalaya) stretch was Christian-dominated.¹¹

In Bengal, the "other factors" made Radcliffe recommend the transfer of almost 6000 square miles from East to West Bengal and the districts of Murshidabad, Nadia, Jessore, Malda and Dinajpur. The loss made was compensated for by assigning the sparsely populated district of Chittagong Hill Tracts with a Buddhist majority to East Pakistan.¹² Radcliffe line bore a certain resemblance to Curzon's line of 1905. It divided Bengal into West Bengal, which covered 28,000 square miles and had a population of just over 21 million people, and East Bengal, a territory of 49,000 square miles with a population of 39 million people. Over 5 million Muslims in West Bengal and about 11 million Hindus found themselves stranded in the eastern wing of Pakistan.¹³ In the eastern side Pakistan received the largest part of its territory (64 percent) and the majority of its population (65 percent).¹⁴ One of the most bizarre outcomes of the Partition of India was the creation of 197 enclaves in north Bengal. It meant the end of effective citizenship for the people residing in those enclaves. In a band of 100 km there are 123 Indian enclaves that lay surrounded by Pakistan and 74 Pakistani enclaves that lay dispersed in Indian territory.¹⁵ After 1971 Bangladesh possessed Pakistani enclaves, and became a party to disputes with India over them. In Assam, keeping in mind the outcome of the referendum, Radcliffe recommended the transfer of the entire district of Sylhet to East Pakistan with the exception of three thanas of Badarpur (47 square miles), Ratabari (240 square miles), Patharkandi (277 square miles) and a portion

10 Alloys Arthur Michel, *The Indus Rivers: A Study of the Effects of Partition* (New Haven and London: Yale University Press, 1967), 178.

11 Willem van Schendel, *The Bengal Borderland: Beyond State and Nation in South Asia* (London: Anthem South Asian Studies, 2005), 46-47.

12 (Chakrabarty, 2004, 168), see note 4 above.

13 Joya Chatterjee, *The Spoils of Partition: Bengal and India, 1947-1967* (Cambridge, New York, New Delhi: Cambridge University Press, 2007), 57.

14 William Van Schendel, *A History of Bangladesh* (Cambridge, New York, New Delhi: Cambridge University Press, 2009), 96.

15 Ibid., 97-98.

of Karimganj (145 square miles).¹⁶ Moreover the Assamese did not want Sylhet to be with them because of its Bangla speaking population. The Assam Provincial Congress Committee (APCC) election manifesto had pledged to the electorate in 1945-46 that the Party would work for separating Sylhet from Assam, though the party did not disclose this openly.¹⁷ The result of the referendum was a life time opportunity for the Assamese leadership 'to get rid of Sylhet' and carve out a linguistically homogenous province. There was a feeling of relief in the Brahmaputra valley over the result.¹⁸

Though the Muslim League and Indian National Congress were not fully satisfied with the award of the BC, they accepted it. As a result, soon after the departure of the British from the sub-continent, India and Pakistan embroiled into dispute over land territories.¹⁹ In 1965, the Kutch issue was resolved through international arbitration.²⁰ Further many disputes emerged in the Northern and Eastern borders which could not be resolved between 1947-1971 because of political animosity between India and Pakistan. A few of them were resolved after Bangladesh came into existence in 1971. For example in the 1950s, India and East Pakistan prepared their report to use Ganges river water. The Indian Project was named "Project for the preservation of the port of Calcutta" while East Pakistan prepared three major development projects (i) The Ganges Kobadak (G.K) Irrigation project (Kushtia unit) on the Ganges, (ii) The Teesta Barrage Irrigation Project on the Teesta, and (iii) The Karanfulli river in the Chittagong hill tracts. After these projects were approved by the Government of Pakistan, the work started in 1950's.²¹ Both the

16 (Chakrabarty, 2004, 196), see note 4 above

17 Amlendu Guha, *Planter-Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam 1826-1947* (New Delhi: Indian Council of Historical Research, 1977) 319

18 Ibid., 320

19 One of the major territorial disputes between India and Pakistan since 1947 is on Kashmir valley. Since then the two countries have fought wars over it and also engaged in negotiations but have not been able to resolve this issue. For Pakistan Kashmir is the 'core' issue between India and Pakistan. Gradually, many such disputes like over Siachen, Sir Creek Estuary emerged. See Uma Singh, "Kashmir: the 'core issue' between India and Pakistan" In P. Sahadevan (Ed.), *Conflicts and peacemaking in South Asia*, (New Delhi: Lancers Book, 2001), 214; Bilkenberg, L. (1998). *India-Pakistan: The history of unsolved conflicts (vol. II): Analyses of some structural factors*, (Odense University Press, 1998) and Sumantra Bose, *Kashmir: Roots of Conflict, Paths to Peace* (New Delhi: Vistaar Publications.), 48-50.

20 Farooq Bajwa, *From Kutch to Tashkent: The Indo-Pakistan war of 1965* (New Delhi: Pentagon Press, 2014); Alok Kumar Gupta, in P. Sahadevan, *Conflict and Peacemaking in South Asia* (New Delhi: Lancers Book, 2001), 272-295.

21 B.M. Abbas, *The Ganges Water Dispute* (New Delhi: Vikas Publishing House Private Ltd, 1982), 10.

Ganges Kobadak and Karnafuli projects faced big hurdles. India objected to the Karanfuli project on the ground of likely submergence of Indian Territory by the projected Kaptai dam. It objected to the GK project for the use of the Ganges water.²² This project was completed after Bangladesh came into existence in 1971.

The signing of the Land Boundary Agreement

In South Asia many border related disputes have been resolved over the years but some have been challenged or have not been implemented because of political reasons. After the liberation of Bangladesh in 1971, India and Bangladesh signed an agreement on Land Boundary on 16th May, 1974 to resolve their border disputes. It was signed by Mrs Indira Gandhi, the then Prime Minister of India and Sheikh Mujibur Rahman, the then President of Bangladesh. In that agreement the two sides presented their arguments and proposed solutions to the various border related disputes like : Mizoram-Bangladesh sector, Tripura Sylhet, Bhagalpur Railway line, Sibpur-Gaurangala sector, Muhuri(Belonia) sector, remaining portion of the Tripura-Noakhali / Comila sector, Fenny River, Rest of Tripura-Chitagong Hill Tract, Beanibazar-Karimganj sector, Hakar Khal, Baikari Khal, Enclaves , Hilli, Berubari, Lathitilla-Dumabari.²³

At that time, it was predicted that most of the solutions would result into exchange of land, which may affect the people living there. This has been addressed in Article 3 of the agreement which states that the Governments of Bangladesh and India agree that when areas are transferred, the people in these areas shall be given the right to stay on where they were, as nationals of the State to which the areas were transferred.²⁴ Including people from these areas into a sovereign territory, despite inclusion of their lands, is a contested issue as the border areas of India were not very receptive to Muslims coming from the other side of the border and becoming citizens. This has resulted in violence over the years.²⁵

²² Ibid., 17

²³ Avtar Singh Bhasin, *India-Bangladesh Relations: Documents-1971-2002, Volume 4*, (New Delhi: Geetika Press, 2004), 1891.

²⁴ Ibid

²⁵ Antara Datta, *Refugees and Borders in South Asia : The Great Exodus of 1971* (London And New Delhi : Routledge, 2013).

Under the 1974 agreement, it was decided that the two sides would exchange land to provide corridor to each other. Bangladesh handed over 7.39 sq km south Berubari corridor to India to which India did not reciprocate. India transferred Tin Bigha corridor, on lease, to Bangladesh in 1992. Reacting over India's delay, the then Foreign Minister Humayun Rasheed Chowdhury said "handing over of Berubari to India was a blunder without getting in exchange the Tin Bigha corridor."²⁶ On June 26, 1992 India leased to Bangladesh an area of 1510 square meters near 'Tin Bigha' in order to enable Bangladesh to have access to Dahagram and Angarpota enclaves. This was part of the package which allowed India to retain the southern half of South Berubari Union No. 12 and adjacent enclaves, and which allowed Bangladesh to retain the Dahagram and Angarpota enclaves. The Agreement of 1982 referred above, clearly stipulated that sovereignty over the leased area would continue to vest in India. It also provided:²⁷

1. The lease in perpetuity of the Tin Bigha shall be for the purpose of connecting Dahagram and Angarpota with Panbari *Mouza* (P.S. Patgram) of Bangladesh to enable the Bangladesh Government to exercise her sovereignty over Dahagram and Angarpota.
2. Sovereignty over the leased area shall continue to vest in India. The rent for the leased area shall be Tk. 1/- only per annum. Bangladesh shall not, however, be required to pay the said rent and the Government of India hereby waives its right to charge such rent in respect of the leased area.

One of the major bones of contention between India and Bangladesh is the sovereignty over the enclaves. The problems started in 1949, after the Princely State of Koch Bihar acceded to India and merged with West Bengal, bringing along these enclaves. Due to the animosity between India and Pakistan, bilateral agreements on visas and a territory swap proved politically impossible, so the people of the enclaves lived stateless.²⁸ They were cut off from the government services and trapped on these patches of land. A person from a Pakistani enclave who set foot on Indian territory could be arrested and deported (and vice-versa). Further children from

²⁶ (Bhasin, 2004, 2031), see note 21 above.

²⁷ Ibid., 1948

²⁸ Matthew Philips, "Resolving the Absurd Indo-Bangladesh Border Complexities," *The Diplomat*, September 26, 2014.

these enclaves could not legally cross the borders to attend school and the sick could not legally exit to receive medical treatment. Despite the 1974 agreement between India and Bangladesh, the status of enclaves is as it was in 1952.²⁹

At present, there are 119 (17,157.72 acres) Indian exchangeable enclaves in Bangladesh and Non-exchangeable enclaves are 11 (3,799.35 acres). Similarly there are 72, (7,160.85 acres) Bangladeshi exchangeable enclaves in India and the non-exchangeable enclaves are 23(5,128.52 acres).³⁰ Technically, non-exchangeable enclaves stand for enclaves within enclaves or areas which were earlier thought to be enclaves, but which after demarcation of boundary have become continuous and thus can no longer be considered as enclaves.³¹

Finally after four decades, India and Bangladesh signed the Land Boundary Agreement (LBA) in 2011 to exchange the enclaves and resolve the disputes over them. This agreement deals with exchange of enclaves, involving 51,000 people, spread over 111 Indian enclaves in Bangladesh and 51 Bangladeshi enclaves in India. In most of the cases the implementation is just a legal and procedural formality because the land is already under the possession of respective states. This agreement could not come into effect because, according to amended Article 3 of the Indian Constitution, any agreement to transfer land by the Union government has to be ratified by the Parliament. This agreement could not come into an immediate effect because, according to amended Article 3 of the Indian Constitution any agreement to transfer land by the Union government has to be ratified by the Parliament. This amendment was made in 1960 to implement Nehru-Noon (Pandit Jawaharlal Nehru and Feroze Khan Noon) pact to transfer lands to East Pakistan. That agreement over Berubari was challenged by the West Bengal assembly and a newly formed Berubari Defence Committee. On an application made under Article 22B of the Constitution, Mr Justice Sinha issued an injunction on the State of West Bengal and the Union of India restraining them from giving effect to the proposed transfer.³² It was also referred to the Supreme Court (SC) by the President of India

²⁹ Ibid.

³⁰ (Bhasin, 2004,2073), see note 23 above.

³¹ Then Minister for External Affairs of India Mr. I. K.Gujral explained the difference between exchangeable and non-exchangeable enclaves in the lower house of Parliament. Ibid., 2073.

³² 'Storm over Berubari,' *The Economic and Political Week*, Volume XII No. 50 (December 10, 1960), 1785-1786.

Dr. Rajendra Prasad under Article 143 (1) of the Indian Constitution. Delivering its verdict the SC judges maintained: "We cannot accede to the argument urged by the learned Attorney-General that it does no more than ascertain and determine the boundaries in light of the Award. It is an Agreement by which a part of the territory of India has been ceded to Pakistan and the question referred to us in respect of this Agreement must therefore be considered on the basis that it involves cession or alienation of a part of Indian Territory".³³

The SC also expressed its displeasure over the argument by the Government that Berubari was never included in Indian Union in finality. The court said: "We are not impressed by this argument either. As we have already indicated, since the award was announced, Berubari Union has remained in possession of India and has always been treated as part of the West Bengal and governed as such".³⁴ To meet this legal challenge, the ninth Amendment Act was inserted into the Indian Constitution and Acquired Territories (Merger) Act was adopted in 1960.³⁵ Yet the agreement could not be implemented because of a series of petitions filed against the agreement in the SC. Finally, on March 29, 1971 the Supreme Court cleared the way for implementation of the agreement but it could not be done because of the on-going civil war in Pakistan during that time.

To implement the LBA, the United Progressive Alliance (UPA) government in India introduced a constitutional amendment bill in the Rajya Sabha (Upper House) in December 2013 but could not guide it further because of a general election in 2014, in which it lost power to the Bhartiya Janata Party (BJP) led National Democratic Alliance (NDA). Under the new dispensation it was suspected that the bill would not be passed because the BJP had opposed the bill in the past. However it was cleared when the Indian Prime Minister Narendra Modi assured, in his public speech in Guwahati, that his government would utilise the LBA to provide security to Assam.³⁶ As a result on 7 May 2015 this bill has been passed by the parliament as the hundredth amendment to the Indian Constitution.

³³ 'The Saga of Berubari' Retrieved from <http://swapsushias.blogspot.in/2013/08/the-saga-of-berubari-east-pakistan.html#>, last accessed on 14th April, 2015

³⁴ Ibid.

³⁵ Government of India, Ministry of External Affairs, *India Bangladesh Land Boundary Agreement*, Retrieved from http://mea.gov.in/Uploads/PublicationDocs/24529_LBA_MEA_Booklet_final.pdf, last accessed on 14th April, 2015

³⁶ Sushanta Talukdar, "Land Swap to ensure Assam security: Modi", *The Hindu* December, 1 2014.

Under the Agreement, India will receive 2777.038 acres of land and transfer 2267.682 acres of land to Bangladesh. In Assam there is opposition to this Agreement, as the State will lose about 268.39 acres of land without getting any land in return. The opposition in Assam is led by Asom Gana Parishad (AGP), a regional political party. There were also protests in the bordering state of Meghalaya over the Agreement.³⁷ The opposition by these two bordering states raises the probability of increase in the ethnic violence against the settled migrants in India's northeast.

Legal and Humanitarian Problems Due to the Border Disputes

Existing border disputes between India and Bangladesh have created legal problems and humanitarian crisis over spatial movement of people. Legally, it is not permissible to cross into another country's sovereign space without legal documents, yet people do cross because of different reasons. This often creates a humanitarian crisis.

People's movement across the border

As there is no complete data with the Indian Home Ministry on the approximate number of Bangladeshi citizens present in India, different numbers are being presented by different agencies. According to the United Nations estimate in 2013 around 3.2 million Bangladeshis were residing in India.³⁸ The migrants can be categorised into two groups: (i) those who crossed the border before or after 25 March 1971 as refugees³⁹ and (ii) those who cross the border at regular intervals for various purposes including affective reasons⁴⁰ etc. Though India claims about the

37 Natrajan, Sukanya, "Land Swap: can a deal be clinched?", *The Hindu* 26 March 2015.

38 Malini Sur, "Divided Bodies: Crossing the India-Bangladesh Border," *Economic and Political Weekly* 49, 13(March, 2013): 31-35.

39 As the Pakistani Army started Operation Searchlight in Bangladesh killing, torturing and raping many people, many Bangladeshi citizens, especially from border areas, crossed into Indian borders. At that time, as refugees, they were welcomed, but problem started after the war ended and the number of refugees 'crowded' into the cities. The Government of India decided that those who entered into Indian territory before 25 March 1971 to be as Indian citizen. This had been contested by the All Assam Students Union (AASU). The Government of India set up Illegal Migration (Determination Tribunal) in 1983 to tackle the issue but it was challenged in the Supreme Court, which in 2005 struck down the Act. The main problem is that the Hindu right wing groups have issues with the Muslims and not with the Hindu migrants. See Datta, 2013) note 25 above.

40 Border is not effective (physical) in nature; they also have affective values. Many people in south Asia cross into other side of the border because he/she has a relative there. In case one does not

presence of 'illegal' migrants from Bangladesh in India, Bangladesh government denies it. There is also statistics that around 500,000 Indians are illegally working in Bangladesh.⁴¹ The cross border movements also create severe humanitarian crises which include indiscriminate firing and killing of people making a plea to cross the border. In 2013, there was a strong protest in Bangladesh against India's new border fence, "shoot to kill" policy and indiscriminate firings at the international boundary. In September, that year, Amiya Ghosh, an Indian border force constable who had shot 15 year old Felani Khatun at the India-Bangladesh border three years ago was acquitted.⁴² Further, the porous border is also used for engaging in criminal activities, such as human trafficking and smuggling.

Not only in border States but in other parts of India also, where Bengali speaking Muslims and some Bangladeshi citizens have migrated, the political groups have raised voices against the 'illegal' migrations. At some places even violent means have been used against them. Many who are alleged to be 'illegal' migrants turned to be Muslim migrants from *Chars* in Assam, which are densely populated (690 persons per km). Further, more than two million Muslims have been displaced from these places due to erosion of the chars and river banks, leading them to migrate to cities within Assam as well as other Indian cities.⁴³ They are being alleged for changing demographic statistics, eating away jobs, occupying resources, and radicalisation of the society. As a result they are being targeted by the dominant groups. Nellie massacre in 1983 when more than 2,000 migrants were killed is just an example of the tensions that remain.⁴⁴ After that incident, the number of clashes has constantly increased which resulted in many innocents losing their lives.

have documents to do so he/she crosses physical border by any available means.

41 Syed Munir Khusru, "Deal From the top of the Deck with Dhaka," *The Hindustan Times*, 26 June, 2012.

42 (Sur, 2013), see note 38 above.

43 Kaustubh Deka, "Census Figures Demolish the Myth of Bangladeshi Infiltration in India," *Caravan*, 1 September, 2014.

44 (Datta, 2013, 86), see note 25 above.

Tensions between the border guards

These existing border disputes and their non-accepted demarcation has created tensions between the border guards of the two countries. In 1999 tensions erupted on frontier areas of the Feni district over the dispute of land at Mahurir Char. The security forces of the two countries agreed to maintain *status quo* on the "disputed" land, and signed a memorandum of understanding in this regard at a flag meeting on November 4, 1999.⁴⁵ But not all tensions were amicably resolved. Border Security Force (Indian border guards) personnel were attacked in Bangladeshi enclave of South Mashaldanga in 2000 near the international border demarcation pillar No.974.⁴⁶ Then in April 2001 mutilated bodies of BSF soldiers were found in the Bangladeshi side of India-Bangladesh border. The peace between the two sides were made after a telephonic conversation between Indian Prime Minister Atal Bihari Vajpayee and his Bangladeshi counterpart Sheikh Hasina. During the conversation, the latter emphasised that the border incident had once again highlighted the urgent need to complete the unfinished tasks of full implementation of the Indira-Mujib accord of 1974 which she believed would help both sides from the recurrence of such unfortunate incidents.⁴⁷ These sorts of skirmishes at India-Bangladesh border take place at regular intervals.

Rise of violence

The LBA cannot dilute the embedded hatred or fear from the 'other'. Particularly, in Assam and Meghalaya where the opposing groups are very strong, substantive presence of violence against the migrants cannot be completely ruled out, after the implementation of the LBA. In Bengal the age old differences between *Gothi* and *Bangla* still exist, and is based on the notion of 'outsider'. There is Nikhil Bangla Nagrik Sangha (All Bengal Citizen's Committee) which is very active in opposing India's connectivity with Bangladesh.⁴⁸

An important factor contributing to the increase in violence in the region is the rise of radicalism in Bangladesh. The Indian government had intelligence inputs way back in 2005 about radicals from Bangladesh infiltrating into the country. The released cable by wiki leak states that, "The (Indian) authorities are concerned that

45 (Bhasin, 2004, 2089), see note 23 above.

46 Ibid., 2092

47 Ibid., 2132

48 Ibid.

these elements (radical Islamists) have a strategic, long-term plan to take advantage of the porous border to infiltrate into India and provide support to insurgent groups." The cable further states "The three terrorist organizations of primary interest to Indian authorities monitoring the border are Jamat-ul-Mujahideen (JUM) (now JMB), Jagrata Muslim Janata, Bangladesh (JMJB) and Harkat-ul-Jehadi Islami (HuJI)."⁴⁹ In 2010 and 2011, several JMB members crossed over to India. They took great effort to mix with the local populace, to fulfil their interests. They set up hubs to provide trainings to prospective militants in manufacturing explosives and to establish links with international terror outfits. Facts uncovered by the Intelligence Bureau (IB) and National Investigation Agency (NIA) show that the JMB had begun operations in 2010 at Beldanga and Lalgola with around 10 to 25 men. Within four years, the group successfully recruited 180 men spread across seven districts of central and north Bengal, Howrah and Kolkata, from where it drew logistical support to carry out their operations in India and Bangladesh.⁵⁰ In 2014, the group hatched a plot to kill the Bangladeshi Prime Minister Sheikh Hasina, but their plot was foiled by the security agencies. Shahnur Alom alias "doctor Ilias", a top JMB operative after his arrest by the Assam police confirmed that several top leaders from JMB had visited at least one madrasa in the state and conducted motivational training there.⁵¹ The presence of these groups in the border areas will keep the Indian border states in the mode of riots and violence.

To address these issues the Government of India, from a long time, planned to erect a barbed-wire fence along its 4096 kms border with Bangladesh, which is being opposed by the latter. In 1998, when this plan was at nascent stage, the Bangladeshi foreign minister Abdus Samad Azad said that India's plan to erect barbed-wire fence along the 4000 kms border with Bangladesh would affect the existing friendly relations between the two countries.⁵² Later on the SC of India has taken up the issue of border fencing. In December 2014 the SC, delivering its verdict on a petition filed by Assam Sammalita Mahasangha, Assam Public Works and All-Assam Ahom Association, ordered that the Union will take all effective

49 TNN, '2005 intel revealed Bangladesh radicals plan for India: Wiki leaks' <http://timesofindia.com/india/2005-intel-revealed-Bangladesh-radicals-plan-for-India-Wikileaks/articleshow/44921152>. Accessed on December 20, 2014.

50 Dwaipayana Ghosh, 'Boundary of Terror' *The Times of India*, October 31, 2014.

51 Samudra Gupta Kashyap 'Burdwan blast: JMB tried to induct boys from Assam madrasa to create modules' *Indian Express*, December 7, 2014.

52 (Bhasin, 2004, 2076), see note 25 above.

steps to complete the fencing [double coiled wire fencing] in such parts of the Indo-Bangla border [including Assam] where presently the fencing is yet to be completed.⁵³ But despite fencing of border after the implementation of LBA, political tensions in states bordering Bangladesh will remain due to the above reasons.

Conclusion

This article has discussed that the border disputes between India and Bangladesh is a legacy of partition of India in 1947. After Bangladesh came into existence in 1971, agreements had been signed but were not implemented. Ratification of LBA was possible because both sides were ready to make compromises and adjustments to address the other's concerns.

Though the issue of demarcation of border has been resolved, the problem of borderland people remains. Politically to make its territory secure, India is fencing its border with barbed wires, but can it check the people's movement across the border? Those who have resources and documents can move legally but many living near the border areas will discover new methods to get inside the 'other' side of the border. This is simply because of affective reasons and dependence of people living near the border areas.

Finally, it is yet to see what trajectory the ancillary issues related to border disputes follow. How the actors engaged in shaping those issues behave? How the state manages the violence in that part of India? Answers to these questions are possible only after an empirical observation of the emerging situation.

⁵³ K. Rajagopal 'Supreme Court: Why is the eastern border still porous', *The Hindu*, December 18, 2014.