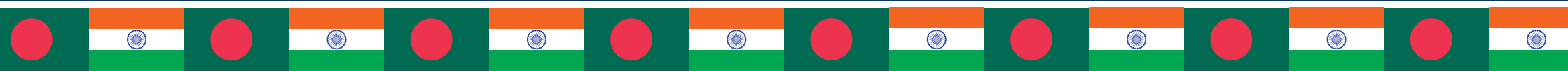




Ministry of External Affairs  
Government of India

# INDIA & BANGLADESH

Land Boundary Agreement



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## EXECUTIVE SUMMARY

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Attempts have been made to arrive at a comprehensive settlement of the land boundary between India and Bangladesh (the erstwhile East Pakistan) since 1947. The Nehru-Noon Agreement of 1958 and the Agreement Concerning the Demarcation of the Land Boundary between India and Bangladesh and Related Matters of 1974 (referred to as 1974 LBA) sought to find a solution to the complex nature of the border demarcation involved. However, three outstanding issues pertaining to an un-demarcated land boundary of approximately 6.1 km, exchange of enclaves and adverse possessions remained unsettled.

The Protocol (referred to as the 2011 Protocol) to the 1974 LBA, signed on 6th September 2011 during the visit of the Prime Minister to Bangladesh, paves the way for a settlement of the outstanding land boundary issues between the two countries. This historic agreement will contribute to a stable and peaceful boundary and create an environment conducive to enhanced bilateral cooperation. It will result in better management and coordination of the border and strengthen our ability to deal with smuggling, illegal activities and other trans-border crimes.

In building this agreement, the two sides (India and Bangladesh) have taken into account the situation on the ground and the wishes of the people residing in the areas involved. As such, the 2011 Protocol does not envisage the displacement of populations and ensures that all areas of economic activity relevant to the homestead have been preserved. The 2011 Protocol has been prepared with the full support and concurrence of the State Governments concerned (Assam, Meghalaya, Tripura and West Bengal).

In planning the agreement, an elaborate process of consultation with people in the areas involved was carried out, including through the visit of an India–Bangladesh delegation to some of the enclaves and Adverse Possessions in May, 2007. The feedback received indicated that the people residing in the areas involved did not want to leave their land and would rather remain in the country where they had lived all their lives. The views of the concerned State Governments in favour of realigning the boundary to maintain status quo in respect of territories in adverse possession were also taken into account. Although this was contrary to the 1974 LBA, which stipulated the exchange of territories in adverse possession, both sides decided that to avoid large scale uprooting and displacement of populations against their wishes, it would be necessary to preserve the status quo and retain the adverse possessions as would be determined through joint surveys. The 2011 Protocol accordingly departs from the 1974 LBA in seeking to maintain the status quo of adverse possessions instead of exchange of territories in deference to the wishes of the people to remain in their land.

The 2011 Protocol will result in a fixed demarcated boundary in all the un-demarcated segments, exchange of 111 Indian enclaves in Bangladesh with 51 Bangladesh enclaves in India and a resolution of all adversely possessed areas.

In the exchange of enclaves, India will transfer 111 enclaves with a total area of 17,160.63 acres to Bangladesh, while Bangladesh would transfer 51 enclaves with an area of 7,110.02 acres to India. While on paper, the exchange of enclaves between India and Bangladesh may seem like a loss of Indian land to Bangladesh, the actual scenario is quite different as the enclaves are located deep inside the territory of both countries and there has been no physical access to them from either country. In reality, the exchange of enclaves denotes only a notional exchange of land as the Protocol converts a de facto reality into a de jure situation.

The inhabitants in the enclaves could not enjoy full legal rights as citizens of either India or Bangladesh and infrastructure facilities such as electricity, schools and health services were deficient. Further, due to lack of access to these areas by the law and order enforcing agencies and weak property rights, certain enclaves became hot beds of criminal activities. A number of Parliament Questions, representations from Members of Parliament, inhabitants of the enclaves, NGOs and political parties received over the years have urged Government to carry out an expeditious exchange of enclaves. In the implementation of the 2011 Protocol, the exchange of enclaves will have fulfilled a major humanitarian need to mitigate the hardships that the residents of the enclaves have had to endure

for over six decades on account of the lack of basic amenities and facilities that would normally be expected from citizenship of a State.

In respect of Adverse Possessions, India will receive 2777.038 acres of land and will transfer 2267.682 acres of land to Bangladesh through implementation of the 2011 Protocol. As in the case of enclaves, however, the reality is that the area to be transferred was already in the possession of Bangladesh and the handing over of this area to Bangladesh is merely a procedural acceptance of the de facto situation on the ground. Similarly, areas in adverse possession of India in Bangladesh will now be formally transferred to India with the implementation of the 2011 Protocol. More important, the 2011 Protocol will allow people living in the adversely possessed areas to remain in the land to which they have deep-rooted ties, sentimental and religious attachments.

No constitutional amendment is envisaged for resolution of un-demarcated sectors under the 2011 Protocol as this is within the competence of the Executive Wing of the Government. However, exchange of enclaves and the drawing of boundaries to maintain status quo of adverse possessions involving transfer and de jure control of territories requires a constitutional amendment. Article 368 of the Constitution states that “an amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall

be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill.”

A settled boundary is an essential prerequisite for effective cross-border cooperation. It reduces friction, helps neighbours consolidate mutually beneficial exchanges and promotes confidence in building better relations. The 2011 Protocol will ensure that the India-Bangladesh boundary is permanently settled with no more differences in interpretation, regardless of the government in power. This also helps on issues of security concern, including security cooperation and denial of sanctuary to elements inimical to India.

Ratification of the 2011 Protocol would represent a historic step culminating in the resolution of the long pending land boundary issues between India and Bangladesh. The Agreement has been widely welcomed by the people of both countries, particularly in the areas involved. Its implementation will allow India and Bangladesh to focus on unlocking the full potential for mutually beneficial bilateral cooperation through enhanced security, trade, transit and development.

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## NOTE ON LAND BOUNDARY AGREEMENT

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India and Bangladesh signed a Protocol (referred to as the 2011 Protocol) to the Agreement concerning the demarcation of the Land Boundary between India and Bangladesh and related matters, during the visit of Prime Minister Dr Manmohan Singh to Dhaka, on September 6, 2011. The Protocol, along with the Agreement between India and Bangladesh concerning the demarcation of the Land Boundary between India and Bangladesh and related matters (referred to as 1974 LBA), signed on May 16, 1974, has facilitated the resolution of the long pending land boundary issues between the two countries. The 2011 Protocol addresses the unresolved issues pertaining to the un-demarcated land boundary of approximately 6.1 km; exchange of enclaves; and adverse possessions. Maps indicating location of un-demarcated segments and Adverse Possessions (Annexure I) and Enclaves in India and Bangladesh (Annexure II) are attached.

## 2. BACKGROUND

- (a) After the partition of India in 1947, the Radcliffe Line became the border between India and East Pakistan and following the liberation of Bangladesh in 1971, the same line became the border between India and Bangladesh. Although the demarcation of the border between India and the then Pakistan had started soon after the partition, progress was slower than expected, due in part to the difficulties in determining precisely where the border ran. Even though some of these boundary disputes were sought to be settled by the Nehru-Noon Agreement of 1958, subsequent hostilities between the two countries left the task unaccomplished. Even after the creation of Bangladesh, the boundary dispute between the two countries inherited the legacy of history and fractured politics.
- (b) Both countries were able to conclude the Land Boundary Agreement in 1974, soon after the independence of Bangladesh, to find a solution to the complex nature of border demarcation. The agreement has been implemented in its entirety, except for three outstanding issues pertaining to (i) undemarcated land boundary of approximately 6.1 km in three sectors viz. Daikhata-56 (West Bengal), Muhuri River-Belonia (Tripura) and Lathitila-Dumabari (Assam); (ii) exchange of enclaves; and (iii) adverse possessions. Although the Agreement was not ratified by India, its implementation, except for the issues mentioned above, represents significant progress, given

the fact that both the countries share an approximately 4,096.7 km long land boundary. In respect of Dahagram and Angarporta enclaves of Bangladesh, Article 1(14) of the 1974 LBA provides for access to these enclaves by leasing in perpetuity an area of 178 metres X 85 metres near Tin Bigha. This was implemented through Letters of Exchange on October 7, 1982 between the then Foreign Minister of India and the then Foreign Minister of Bangladesh and on March 26, 1992 between the Foreign Secretary of India and the Additional Foreign Secretary of Bangladesh.

- (c) During the visit of Prime Minister Sheikh Hasina of Bangladesh to India in January 2010, India and Bangladesh expressed the desire to reach a final resolution to the long-standing problem and agreed to comprehensively address all outstanding boundary issues keeping in view the spirit of the 1974 Land Boundary Agreement. Subsequently, detailed negotiations, joint visits to the concerned areas and land surveys were undertaken, resulting in the Protocol concluded in September 2011.
- (d) In finalising the 2011 Protocol, the situation on the ground and wishes of the people residing in the areas involved were taken into account and the written consent of the concerned State Governments was obtained.

### 3. DOCUMENTS

A summary of the documents relevant to the boundary demarcation issue between India and Bangladesh is given below:

- (a) Agreement between the Government of the Republic of India and Government of the People's Republic of Bangladesh concerning the demarcation of the land boundary between India and Bangladesh and related matters, May 16, 1974 (Annexure –III):

The Agreement provided meticulous guidelines for an early and amicable delineation of the hitherto un-demarcated portions of the boundary in 13 sectors as well as for an expeditious resolution of related matters like the exchange of the enclaves and adverse possessions. The two Governments also agreed to give people citizenship rights of the State they were staying in, pending which status quo was to be maintained. Any dispute on account of interpretation or implementation of this Agreement was to be settled peacefully through mutual consultations.

- (b) Terms of Lease in perpetuity of Tin Bigha - Area, October 7, 1982 and Implementing Tin Bigha Lease, 26 March, 1992 (Annexure –IV):

In terms of clause 14 of Article 1 of the Agreement between the Government of 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, signed in New Delhi on 16th of May 1974, India agreed to lease in perpetuity to Bangladesh, an area of 178 m x 85 m, or approximately 3.74 acres to connect these two enclaves with Panbari Mouza of mainland Bangladesh at a Token price of BD Taka 1 per annum which has since been waived off. The stipulated lease in perpetuity finally came into effect on June 26, 1992, with the Exchange of Letters. The lease connected the Bangladesh enclaves of Dahagram and Angarpota and mainland Bangladesh at alternate hours during the daylight period. Twenty-four hour access for Bangladesh nationals through Tin Bigha to the enclaves was acceded to during the Prime Minister's visit to Bangladesh in September 2011, thus fulfilling a long standing request of Bangladesh.

- (c) The Protocol (2011 Protocol) to the Agreement between Government of India and Bangladesh concerning the Demarcation of Land Boundary between India and Bangladesh and Related Matters (Annexure–V):

The 2011 Protocol was signed on September 06, 2011, between the External Affairs Minister of India and the Foreign Minister of Bangladesh in the presence of the Prime Ministers of the two countries to address long pending land boundary issues between India and Bangladesh. The Protocol forms an integral part of the LBA 1974 and is subject to exchange of instruments of Ratification by the Governments of India and Bangladesh.

#### 4. DIFFICULTIES IN RESOLUTION OF THE LAND BOUNDARY DISPUTE

##### (a) Berubari Dispute:

- (i) In the standard model of geopolitics, international borders are clearly delineated, one-dimensional lines that absolutely separate sovereign states. In practice, however, borders are often contested and sometimes indistinct - and few are as fraught as the boundary separating India from Bangladesh. The Berubari dispute was one such, arising from an omission in the written text of the Radcliffe Award and erroneous depiction on the map annexed therewith. Radcliffe had divided the district of Jalpaiguri between India and Pakistan by awarding some thanas to one country and others to the other country. The boundary line was determined on the basis of the boundaries of the thanas. In describing this boundary, Radcliffe omitted to mention one thana, Thana Boda. Berubari Union No. 12 lies within Jalpaiguri Thana, which was awarded to India. However, the omission of the Thana Boda and the erroneous depiction on the map referred to above enabled Pakistan to claim that a part of Berubari belonged to it.
- (ii) The dispute was resolved by the Nehru-Noon Agreement of 1958 whereby, inter alia, half of Berubari Union No. 12 was to be given to Pakistan and the other half adjacent to India was to be retained by India. To implement this Agreement, the Constitution 9th Amendment Act and Acquired Territories (Merger) Act were adopted in 1960.

This legislation was challenged in the courts by a series of writ petitions, which prevented the implementation of the Agreement. The Supreme Court decision on March 29, 1971, finally cleared the way for the implementation of the Agreement. This, however, could not be done because of the Pakistani Army crackdown in East Pakistan and the subsequent events which led to the emergence of Bangladesh as an independent country. Following the independence of Bangladesh, the LBA 1974 was signed to address the issues of border demarcations.

##### (b) Enclaves:

- (i) The hasty partition of the subcontinent was flawed in several respects which left unresolved the fate of hundreds of 'enclaves' of both the countries. There are 111 Indian enclaves in Bangladesh (17,160.63 acres) and 51 Bangladesh enclaves in India (7,110.02 acres). The Indian enclaves in Bangladesh are located in four districts - Panchagarh, Lalmonirhat, Kurigram and Nilphamari. All of Bangladesh's enclaves lie in West Bengal's Kochbehar district.
- (ii) The LBA 1974 agreement enabled Bangladesh to retain the Dahagram and Angarpota enclaves; India retained Berubari, which was contiguous. Article 1(12) of LBA 1974 states that enclaves should be exchanged. Further Article 3 stipulates that when areas are transferred, the people in these areas shall be given the right of staying



on where they are, as nationals of the State to which the areas are transferred. While the LBA of 1974 has stated that the territory has to be exchanged, it had not specified any administrative procedures with respect to the people living in such territories till the exchange process was completed. India was keen to exchange enclaves in accordance with the LBA. There were, however, procedural issues that first needed to be addressed, including the determination of the number of people living in enclaves in both sides.

**(c) Adverse Possessions:**

- (i) The Adverse Possessions have been a bone of contention between successive governments in India and Bangladesh and had impeded the final resolution of the boundary issue. Unlike enclaves, there was no jointly compiled and accepted list of adversely possessed territories or lands (except in South Berubari in West Bengal). The situation had been compounded by changes in the course of rivers and even encroachments, over the decades.
- (ii) It also became difficult to implement Article 2 of the 1974 LBA, which states that the two countries are expected to exchange the territories in Adverse Possessions in already demarcated areas after signing boundary strip maps by Plenipotentiaries. People living in the Adverse Possessions are technically in occupation and possession of land beyond the boundary pillars, but are administered by the laws of the country of which they are citizens and they enjoy all legal

rights, including right to vote. They have deep-rooted ties to their land which goes back decades and are categorically unwilling to be uprooted. Many local communities had sentimental or religious attachments to the land in which they lived. It thus became extremely difficult to implement the terms of LBA 1974 as it meant having to uproot people from the land in which they had lived and developed sentimental and religious attachments to.

## 5. JUSTIFICATION

- (a) Un-demarcated Segments: Though the issue of the un-demarcated land boundary was addressed in the 1974 LBA, it could not be implemented due to differences of perception in the interpretation of the LBA and in view of the ground realities. The lack of clarity on the boundary between the two countries caused tensions and disrupted the lives of people living in these areas.
- (b) Enclaves: The inhabitants in the enclaves could not enjoy full legal rights as citizens of either country and infrastructure facilities such as electricity, schools and health services were deficient. Further, due to lack of access to these areas by the law and order enforcing agencies and weak property rights, certain enclaves became the hot bed of criminal activities. A number of Parliament questions and representations were received from Members of Parliament, inhabitants of the enclaves, NGO's and political parties urging that the exchange of enclaves be expedited.

**(c) Adverse Possessions:**

- (i) Despite the limited nature of dispute on the border, the non-settlement of Adverse Possessions has led to tension between the border guarding forces of the two countries. Muktapur, Pyrdivah and Naljuri along the Meghalaya-Bangladesh border had witnessed firing incidents in the recent past. In Dumabari area (Assam) firing took place between the two security agencies as early as in 1962 and again in 1965. In Muhuri river area (Tripura), 10 incidents of firing were reported between BSF and BGB, the last reported in 1999. In Boroibari (Assam), in a firing incident in 2001, 16 BSF personnel were killed. Thus, the adverse possession areas have been flashpoints between India and Bangladesh exacerbating the tensions along the border and between the two neighbouring States. The issue got further complicated with the increasing population pressure in Bangladesh, use of Bangladesh soil for anti-India terrorist activities, and refuge for terrorists, militants and criminals. All of this necessitated the need for an early settlement of the outstanding land boundary issues between India and Bangladesh.
- (ii) During the joint visit of an India-Bangladesh delegation in May, 2007 to the Adverse Possession in South Berubari, the people residing there expressed an unusually strong view that they would not accept an exchange of Adverse Possessions.

- (iii) The Government of West Bengal in 2002 had suggested that the boundary be realigned with the line of actual possession, thus converting de facto control into de jure control. Similarly, the Government of Meghalaya was also reluctant to give up the territories in adverse possession and had requested that status quo be maintained along the adverse possessions.

## 6. EFFORTS TOWARDS A COMPREHENSIVE PACKAGE SOLUTION

- (a) It was evident that a comprehensive resolution of the boundary issue was necessary at the earliest in the larger interest of the country's security, furtherance of bilateral relations and regional stability and prosperity.
- (b) In resolving the issue of enclaves, a list of the enclaves, along with maps was jointly reconciled, signed and exchanged in April 1997.
- (c) Keeping in mind the objective of seeking a viable solution, India and Bangladesh established the Joint Boundary Working Group (JBWG) in 2001 to address the outstanding land boundary issues, namely, the border dispute comprising 6.1 km of an un-demarcated stretch, enclaves and adverse possessions. The JBWG met four times over the last ten years. The mandate given to the JBWG was to evolve a comprehensive package proposal to resolve all pending issues pertaining to the boundary dispute.

- (d) During the 4th Meeting of the JBWG, India and Bangladesh agreed to take into account the situation on the ground and the wishes of the people residing in the areas involved in trying to find an expeditious solution to all outstanding issues. The two sides also decided to jointly survey the adverse possessions to come to a final determination about its status based on ground realities.
- (e) A headcount was conducted jointly by both sides from 14-17 July, 2011 according to which the total population in the enclaves was determined to be around 51,549 (37,334 in Indian enclaves within Bangladesh and 14,215 in Bangladesh enclaves within India).
- (f) The concerned State Governments were closely associated with the process of determination of Adverse Possessions. Land records were scrutinized, the wishes of the people in possession of the lands were ascertained and land survey and index maps of the adversely held areas prepared by State Government surveyors. Similarly, the joint surveys of the boundary demarcation in the three un-demarcated segments were carried out by the State Survey Departments in their respective areas of the boundary with Bangladesh. There was close coordination between the Central and State authorities.

- (g) In building this agreement, the two sides have taken into account the situation on the ground and the wishes of the people residing in the areas involved. As such, the Protocol does not envisage the dislocation of populations and ensures that all areas of economic activity relevant to the homestead are preserved
- (h) A comprehensive package proposal was evolved to settle the outstanding boundary issues, in consultation with the Bangladesh side. This resulted in the signing of the 2011 Protocol.

## 7. IMPLICATIONS

- (a) In the exchange of enclaves, a de facto reality gets converted to a de jure situation. The areas in respect of enclaves that would be acquired by India and transferred to Bangladesh are placed at Annexure VI & Annexure VII, respectively. 111 Indian enclaves with a total area of 17,160.63 acres in Bangladesh are to be transferred to Bangladesh, while 51 Bangladesh enclaves with an area of 7,110.02 acres in India are to be transferred to India. While on paper, the exchange of enclaves between India and Bangladesh may seem like a loss of Indian land to Bangladesh, the actual scenario on the ground is quite different. These enclaves are located deep inside Bangladesh and there has hardly been any direct

access to them from India since 1947. Similarly, Bangladesh has had minimal, if any, access to its enclaves located deep inside India. In effect, the exchange of enclaves denotes only a notional exchange of land.

- (b) A joint headcount conducted from 14-17 July, 2011 determined the total population in the enclaves to be around 51,549 (37,334 in Indian enclaves within Bangladesh and 14,215 in Bangladesh enclaves within India). In respect of enclaves, the 1974 LBA states that the people in these areas shall be given the right of staying where they are as nationals of the State to which the areas are transferred. Feedback from a visit jointly undertaken by an India–Bangladesh delegation to some of the enclaves and adverse possessions in May 2007 revealed that the people residing in Indian enclaves in Bangladesh and Bangladesh enclaves in India did not want to leave their land and would rather be in the country where they had lived all their lives. Movement of people, if any, is therefore expected to be at a minimum level.
- (c) In respect of Adverse Possessions, it must be noted that in reality the transferred area has already been in possession of Bangladesh and the handing over of these areas to Bangladesh is merely a procedural formal acceptance of a de facto reality on the ground. The same applies to Indian Adverse Possessions within Bangladesh that would be transferred to the Indian Union in implementation of the

2011 Protocol. In the implementation of the Protocol, India will receive 2777.038 acres of land and transfer 2267.682 acres of land to Bangladesh. Adverse Possession areas that would be acquired by India and transferred to Bangladesh are placed at Annexure VIII & Annexure IX respectively.

- (d) The 2011 Protocol provides for redrawing of boundaries to maintain the status quo of adverse possessions and has dealt with them on an ‘as is where is’ basis by converting de facto control into de jure recognition. People living in the Adverse Possessions are technically in occupation and possession of land beyond the boundary pillars, but are administered by the laws of the country of which they are citizens and where they enjoy all legal rights, including the right to vote. They have deep-rooted ties to their land which goes back decades and are categorically unwilling to be uprooted. Many local communities have sentimental or religious attachments to the land in which they live. Over time, it became extremely difficult to implement the terms of 1974 LBA as it meant uprooting people living in the adverse possessions from the land in which they had lived all their lives and to which they had developed sentimental and religious attachments. A joint visit by an India–Bangladesh delegation to some of the enclaves and adverse possessions undertaken in May 2007 revealed that the people residing in the areas involved did not want to leave their land and would rather be in the country where they had lived all their lives. Some of the concerned State Governments also had views on the issue.

These and other inputs from the people involved made it evident to both sides that retention of status quo of adverse possessions seemed the only option. In any democracy, the will of the people must remain significant, and the 2011 Protocol has accorded highest priority to it - every effort has been made to preserve all areas of economic activity relevant to the homestead and to prevent dislocation of people living in the border areas. Both India and Bangladesh agreed to maintain the status quo in addressing the issue of adverse possessions instead of exchanging them as called for in the LBA, 1974.

- (e) The demarcation of un-demarcated boundary in the three pending segments has followed ground realities, created a fixed boundary and resolved a problem that has eluded solution for decades. The boundary strip maps would have to be jointly prepared and signed by the Plenipotentiaries of the two countries to implement the understanding reached in the Protocol.
- (f) Signing of the Strip Maps pertaining to Adverse Possessions would set the stage for exchange of land of the Adverse Possessions as well as exchange of land records and enclaves between the two sides.
- (g) The implications pertaining to the concerned State Governments are given below with regard to adverse possessions and demarcation of boundary:

- (i) West Bengal: South Berubari, with a population of 15,000, is a sensitive area because of a temple regarded as one of 51 Shakti Peeths in the Indian subcontinent and an important pilgrimage spot for Hindus. The boundary in this sector has been drawn keeping in mind this sentiment and the agreement reached in the joint demarcation conducted in 1998 as a result of which South Berubari will be retained in India. In other areas too, such as Bousmari, old records, actual position on the ground and the people's wishes were kept in mind while determining the extent of adverse possessions. With regard to demarcation of Daikhata 56, natural/geographical boundary in this region has been made the international boundary between the two countries, which is a normal practice in the demarcation of international boundary.
- (ii) Meghalaya: The state government's views on adverse possessions were accommodated through verification of actual position on the ground and wishes of the people. As a result of the joint survey in Pyrdivah, the Adverse Possession has been recognized on the Indian side by Bangladesh. In Muktapur/Dibir Hawor area, the Protocol facilitates the visit of Indian nationals to Kali Mandir, drawing of water and exercise of fishing rights from the water body of Muktapur has been accepted. In other areas too, the homesteads and economic activities of Indian citizens has been protected.

- (iii) Tripura: As agreed in the Protocol, the boundary shall be drawn along the course of Sonaraichhera River as per ground realities. With regard to demarcation of the Muhuri River/Belonia Sector, keeping in mind the ground realities as well as wishes of the people, the boundary in this sector has been finalised according to the local demand; the cremation ground area has been allotted to the Indian side and boundary has become a fixed boundary. Further, the Protocol has provisions of raising embankments by both the sides to stabilize the course of the river. To India's advantage, fencing on zero line has also been agreed. Government of Tripura, while agreeing to the demarcation in this sector, has conveyed that compensation for the loss of private land may be provided on account of demarcation.
- (iv) Assam: The interests of tea and pan planters have been protected while finalizing the border between India and Bangladesh in this sector. With regard to demarcation of the Lathitilla and Dumabari sector, the line drawn by Radcliff and actual position on the ground has been followed.

## 8. ADVANTAGES

The major features of the 2011 Protocol regarding the India-Bangladesh boundary are also its advantages. These are as follows:

- As the Protocol is the outcome of bilateral negotiations, it is mutually acceptable and durable and paves the way for settlement of the long pending land boundary issues;

- It takes into consideration the situation on the ground and the wishes of the people;
- It takes into account the views of the concerned State Governments and has their written consent;
- The exchange of enclaves will mitigate major humanitarian problems as the residents in the enclaves and others on their behalf had often complained of the absence of basic amenities and facilities;
- The settlement of Adverse Possessions will lead to tranquillity and peace along the border;
- The Protocol provides for a comprehensive package solution involving "give and take" on both sides;
- It represents a permanent solution to a decades old issue;
- The newly demarcated boundaries are a fixed boundary, thereby adding to certainty regarding the future;
- A settled boundary reduces friction, helps neighbours consolidate mutually beneficial exchanges and promotes confidence in building better relations.
- It paves the way for closer engagement and mutually beneficial relations between India and Bangladesh and the region;
- This also helps on issues of strategic concern, including security cooperation and denial of sanctuary to elements inimical to India.
- While land will be exchanged, the Protocol does not envisage the displacement of populations;
- The Protocol ensures that the India-Bangladesh boundary is permanently settled and there should be no more differences in interpretation, regardless of the government in power.

## 9. CONSTITUTIONAL AMENDMENT

No constitutional amendment is required for a resolution of the un-demarcated segments of the land boundary by an Agreement as this is within the competence of the Executive Wing of Government. However, the issue of exchange of enclaves and redrawing of boundaries to maintain status quo in areas of adverse possessions involves the transfer of territories from one State to another and therefore requires a constitutional amendment. Article 368 states that “an amendment of this Constitution may be initiated only by the introduction of a Bill for the purpose in either House of Parliament, and when the Bill is passed in each House by a majority of that House and by a majority of not less than two-thirds of the members of that House present and voting, it shall be presented to the President who shall give his assent to the Bill and thereupon the Constitution shall stand amended in accordance with the terms of the Bill”.

## 10. CONCLUSION

The effective management of our borders is the first essential step to creating a defined and peaceful boundary that will provide a stable and tranquil environment for cross-border cooperation with Bangladesh. The Protocol to the 1974 Land Boundary Agreement, signed on 6 September 2011 by the Foreign Ministers of India and Bangladesh in the presence of the Prime Ministers, paves the way for a settlement of the long pending land boundary issues between the two countries. This includes demarcation of the remaining un-

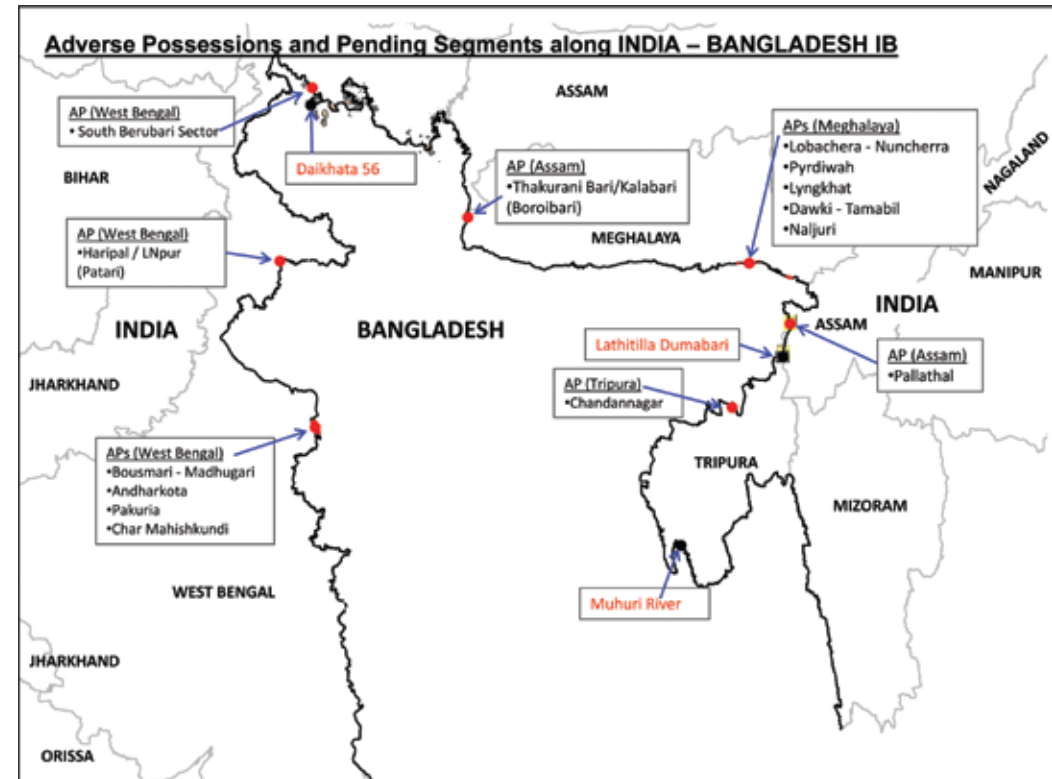
demarcated areas, territories under adverse possession and exchange of enclaves. In building this historic agreement, the Government has received the full support and concurrence of the State Governments concerned. In implementing the agreement, people living in the border areas will not be dislocated.

The ratification of the Protocol to the 1974 Land Boundary Agreement would be a historic step culminating in the demarcation of the land boundary between India and Bangladesh, a task that has remained unresolved for decades, and not replicated elsewhere along our borders in recent times. Both sides have arrived at this Agreement in a spirit of friendship, mutual understanding and a desire to put these issues behind us. The Agreement has been welcomed by the people of both countries and will lead to easier management of the International Border by the border guarding forces. The implementation of the 2011 Protocol and 1974 LBA will lead to the India-Bangladesh boundary becoming stable and peaceful. It will ensure that people living along the border live in peace, amity and harmony. This will enable both countries to focus on other bilateral issues, including development of mutually beneficial cooperation and pave the way to realization of a common destiny through enhanced cooperation, growth and development of both nations.

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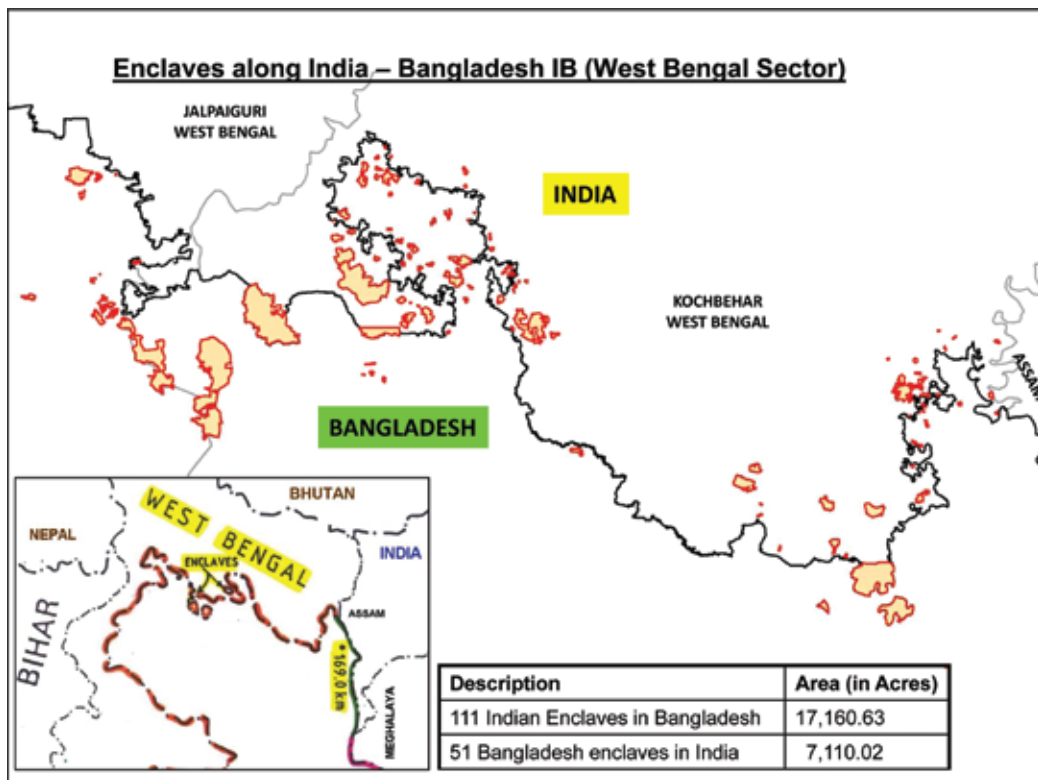
ANNEXURE - I

ANNEXURES





ANNEXURE - II



ANNEXURE - III

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.

The Government of the Republic of India and the Government of the People's Republic of Bangladesh, Bearing in mind the friendly relations existing between the two countries, Desiring to define more accurately at certain points and to complete the demarcation of the land boundary between India and Bangladesh, Have agreed as follows: -

Article 1

The land boundary between India and Bangladesh in the areas mentioned below shall be demarcated in the following manner:

1. Mizoram-Bangladesh Sector  
Demarcation should be completed on the basis of the latest pre-partition notifications and records.
2. Tripurra-Sylhet Sector  
Demarcation which is already in progress in this area on the agreed basis, should be completed as early as possible.
3. Bhagalpur Railway Line  
The boundary should be demarcated at a distance of 75 feet parallel to the toe of the railway embankment towards the east.

*(Handwritten signature)*

## ANNEXURE - III

4. Sibpur-Gaurabkela Sector

The boundary should be demarcated in continuation of the process started in 1951-52 on the basis of the District Settlement Maps of 1915-1918.

5. Muhuri River (Belonia) Sector

The boundary in this area should be demarcated along the mid-stream of the course of Muhuri River at the time of demarcation. This boundary will be a fixed boundary. The two Governments should raise embankments on their respective sides with a view to stabilising the river in its present course.

6. Remaining portion of the Tripura-Noakhali/Comilla Sector

The demarcation in this sector should be completed on the basis of Chakla-Roshanabad Estate Maps of 1892-1894 and the District Settlement Maps of 1915-1918 for areas not covered by the Chakla-Roshanabad Maps.

7. Fenny River

The boundary should be demarcated along the mid-stream of the course at the time of demarcation of that branch of the Fenny River indicated as the Fenny River on Survey of India Map Sheet No.79  $\frac{N}{15}$ , 1st Edition 1935, till it joins the stream shown as Asalong C on the said Map. From that point on, downstream, the boundary should be demarcated along the mid-stream of the course of the Fenny River at the time of demarcation of the boundary. The boundary in this sector will be a fixed boundary.

*ms/1/12*

....3/-

## ANNEXURE - III

8. Rest of Tripura-Chittagong Hill Tracts Sector

The boundary will follow the mid-stream of that branch of the Fenny River, referred to in para 7 above, upto Grid reference 009779 ( map sheet as in para 7 above ) from where the boundary will follow the mid-stream of the eastern-most tributary. From the source of this tributary, the boundary will run along the shortest distance to the mid-stream of the stream marked Bayan Asalong, on the map referred to above, and thence will run generally northwards along the mid-stream of this river till it reaches its source on the ridge ( indicated by grid reference 046810 on the map referred to above ). From there it will run along the crest of this ridge upto Boghoban Trig Station. From Boghoban Trig Station upto the tri-junction of the Bangladesh-Assam-Tripura boundary ( Khan Talang Trig Station ), the boundary will run along the watershed of the river systems of the two countries. In case of any difference between the map and the ground, the ground shall prevail. The boundary will be a fixed boundary in this sector.

9. Beanibazar-Karimgani Sector

The undemarcated portion of the boundary west of Umapati village should be demarcated in accordance with the agreed basis of demarcation, leaving Umapati village in India.

10. Hakar Khai

The boundary should be demarcated in accordance with the Nehru-Noon Agreement of September, 1958,

*ms/1/12*

.....4/-

## ANNEXURE - III

treating Bakar Khal as a geographical feature distinct from the Ichhamati River. The boundary will be a fixed boundary.

11. Baikari Khal

In the Baikari Khal, the boundary should be demarcated on the agreed basis and principles, namely, that the ground shall prevail, i.e. as per the agreement reached between the Directors of Land Records and Surveys of West Bengal and erstwhile East Pakistan in 1949. The boundary will be a fixed boundary.

12. Enclaves ✓

The Indian enclaves in Bangladesh and the Bangladesh enclaves in India should be exchanged expeditiously, excepting the enclaves mentioned in paragraph 14 without claim to compensation for the additional area going to Bangladesh.

13. Hilli

The area will be demarcated in accordance with Radcliffe Award and the line drawn by him on the map.

14. Berubari

India will retain the southern half of South Berubari Union No.12 and the adjacent enclaves, measuring an area of 2.64 square miles approximately, and in exchange Bangladesh will retain the Dahagram and Angarpota enclaves. India will lease in perpetuity to Bangladesh an area of 178 metres x 85 metres near 'Tin Bigha' to connect Dahagram with Panbari Mouza (P.S. Patgram) of Bangladesh. ✓

....5/-

## ANNEXURE - III

15. Lathitilla-Dumabari

From point Y (the last demarcated boundary pillar position), the boundary shall run southwards along the Patharia Hills RF boundary upto the point where it meets the western boundary of Dumabari Mouza. Thence along the same Mouza boundary upto the tri-junction of Mouzas Dumabari, Lathitilla and Bara Putnigaon through the junction of the two Mouzas Dumabari and Lathitilla. From this point it shall run along the shortest distance to meet the mid-stream of Putni Chara. Thence it shall run generally southwards along the midstream of the course of Putni Chara at the time of demarcation, till it meets the boundary between Sylhet (Bangladesh) and Tripura (India).

Article 2

The Governments of India and Bangladesh agree that territories in adverse possession in areas already demarcated in respect of which boundary strip maps are already prepared, shall be exchanged within six months of the signing of the boundary strip maps by the plenipotentiaries. They may sign the relevant maps as early as possible and in any case not later than the 31st December, 1974. Early measures may be taken to print maps in respect of other areas where demarcation has already taken place. These should be printed by 31st May 1975 and signed by the plenipotentiaries thereafter in order that the exchange of adversely held possessions in these areas may take place by the 31st December, 1975. In sectors still to be demarcated, transfer of territorial jurisdiction may take place within six months of the signature by plenipotentiaries on the concerned boundary strip maps.

....6/-

## ANNEXURE - III

Article 3

The Governments of India and Bangladesh agree that when areas are transferred, the people in these areas shall be given the right of staying on where they are, as nationals of the State to which the areas are transferred. Pending demarcation of the boundary and exchange of territory by mutual agreement, there should be no disturbance of the status quo and peaceful conditions shall be maintained in the border regions. Necessary instructions in this regard shall be issued to the local authorities on the border by the two countries.

Article 4

The Governments of India and Bangladesh agree that any dispute concerning the interpretation or implementation of this Agreement shall be settled peacefully through mutual consultations.

Article 5

This Agreement shall be subject to ratification by the Governments of India and Bangladesh and Instruments of Ratification shall be exchanged as early as possible. The Agreement shall take effect from the date of the exchange of the Instruments of Ratification.

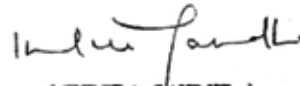
...7/-

## ANNEXURE - III

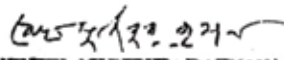
( 7 )

Signed in New Delhi on May 16, 1974, in two originals each of which is equally authentic.

For the Government of  
the Republic of India

  
(INDIRA GANDHI)  
Prime Minister of India

For the Government of the  
People's Republic of Bangladesh

  
(SHEIKH MUJIBUR RAHMAN)  
Prime Minister of Bangladesh  
20/5/74

## ANNEXURE - IV

**Letters Exchanged between the Indian Foreign Secretary and the Bangladesh Additional Foreign Secretary on the transfer of Tin Bigha.****New Delhi, March 26, 1992****Letter of the Indian Foreign Secretary :**

Excellency,

I have the honour to refer to item 14 of Article 1 of the Agreement of 16th May, 1974,<sup>1</sup> signed by the Prime Ministers of India and Bangladesh concerning the demarcation of the land boundary between India and Bangladesh and related matters, and the Exchange of Letters dated 7th October, 1982,<sup>2</sup> between the Minister of External Affairs of India and the Minister of Foreign Affairs of Bangladesh regarding the terms of lease in perpetuity of the Tin Bigha area. This is to confirm that in the subsequent discussions regarding the modalities for leasing out the above mentioned area, the following understanding has been reached :

1. Indian flags will fly at the four corners of the Tin Bigha corridor as a manifestation of India's sovereignty over the area;
2. An East-West road to connect Dahagram (Bangladesh) with Patgram (Bangladesh) will be constructed by India before 26th June, 1992 roughly at right angles to the existing North-South road. The new East-West road is to conform to the specifications and width of the existing North-South road;
3. Landscaping (horticulture) protected by fencing, on both sides of the proposed road, is to be carried out and maintained by India, so as to prevent the possibility of encroachment and infiltration, keeping adequate provision for drains, laying of cables, water-supply etc., in future;
4. Two check points each are to be set up at both ends of the East-West road where it touches the Bangladesh boundary. They will be separately manned by Indian and Bangladesh authorities with a view to regulating the movement of traffic;
5. Traffic in the corridor will be regulated by the Indian authorities, and the opening and closing of the check points on the East-West road will be coordinated accordingly in such a manner that there is no intermixing of Indian and Bangladeshi streams of traffic;
6. At the intersection, i.e., the specific point where East-West road will cross the North-South road, there will be an Indian traffic Police control to direct the traffic movement;

## ANNEXURE - IV

7. Indian traffic movement on the North-South road will continue as heretofore. Bangladesh traffic will use the East-West road in the corridor at alternate hours during the day-light period. However, exceptions will be made at the local level to the above arrangements in cases of emergency, such as natural calamities, movement of civil administrators and medical emergencies;
8. Suitable lighting arrangements will be made for the entire corridor in order to facilitate monitoring by security agencies on both sides;
9. Differences, if any, regarding modalities for implementing the terms of lease will be resolved in the first instance through consultations between the Deputy Commissioner of Cooch Behar (India) and the Deputy Commissioner of Lalmonirhat (Bangladesh). Remaining differences, if any, will be referred to their respective Governments for resolution;
10. India and Bangladesh will provide mutual judicial assistance to each other to the extent necessary, in all matters relating to the prosecution, trials, etc. concerning incidents constituting offences in the leased area;
11. Agreed arrangements will come into effect from 26th June, 1992. I shall be grateful if your Excellency could confirm that the above sets out correctly the understanding reached between our two Governments.

Please accept, Excellency, the assurances of my highest consideration.

Sal-  
(J. N. Dixit)  
Foreign Secretary

His Excellency Mr. A.H. Mahmood Ali,  
Additional Foreign Secretary,  
Ministry of Foreign Affairs,  
Government of People's Republic of Bangladesh.

**Letter of Bangladesh Foreign Secretary :**

Excellency,

I have the honour to refer to item 14 Article 1 of the Agreement of 16th May, 1974 between the Government of the People's Republic of Bangladesh and the Government of the Republic of India concerning the Demarcation of the Land Boundary between Bangladesh and India and Related Matters; the Exchange of Letters dated 7 October, 1982, between the Minister of Foreign Affairs of Bangladesh and the Minister of External Affairs of India regarding the terms of

## ANNEXURE - IV

lease in perpetuity of the Tin Bigha Area; and to acknowledge your letter dated 26th March, 1992, setting out the modalities for leasing out the Tin Bigha Area to Bangladesh.

I have the honour to confirm that the following correctly sets out the understanding reached between our two Governments regarding the modalities for leasing out the Tin Bigha Area :

1. Indian flags will fly at the four corners of the Tin Bigha corridor as a manifestation of India's sovereignty over the area;
2. An East-West road to connect Dahagram (Bangladesh) with Patgram (Bangladesh) will be constructed by India before 26th June, 1992 roughly at right angles to the existing North-South road. The new East-West road is to conform to the specifications and width of the existing North-South road;
3. Landscaping (horticulture) protected by fencing, on both sides of the proposed road, is to be carried out and maintained by India, so as to prevent the possibility of encroachment and infiltration, keeping adequate provision for drains, laying of cables, water-supply etc., in future;
4. Two check points each are to be set up at both ends of the East-West road where it touches the Bangladesh boundary. They will be separately manned by Bangladesh and Indian authorities with a view to regulating the movement of traffic;
5. Traffic in the corridor will be regulated by the Indian authorities, and the opening and closing of the check points on the East-West road will be coordinated accordingly in such a manner that there is no intermixing of Bangladeshi and Indian streams of traffic;
6. At the intersection, i.e., the specific point where East-West road will cross the North-South road, there will be an Indian traffic Police control to direct the traffic movement;
7. Indian traffic movement on the North-South road will continue as heretofore. Bangladesh traffic will use the East-West road in the corridor at alternate hours during the day-light period. However, exceptions will be made at the local level to the above arrangements in cases of emergency, such as natural calamities, movement of civil administrators and medical emergencies;
8. Suitable lighting arrangements will be made for the entire corridor in order to facilitate monitoring by security agencies on both sides;
9. Differences, if any, regarding modalities for implementing the terms of lease will be resolved in the first instance through consultations between the Deputy

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## ANNEXURE - IV

Commissioner of Lalmonirhat (Bangladesh) and the Deputy Commissioner of Cooch Behar (India). Remaining differences, if any, will be referred to their respective Governments for resolution;

10. Bangladesh and India will provide mutual judicial assistance to each other to the extent necessary, in all matters relating to the prosecution, trials, etc. concerning incidents constituting offences in the leased area;
11. Agreed arrangements will come into effect from 26th June, 1992. Please accept, Excellency, the assurances of my highest consideration.

Sd/-  
(A.H. Mahmood Ali)  
Additional Foreign Secretary

His Excellency Mr. J.N. Dixit,  
Foreign Secretary  
Ministry of External Affairs,  
Government of Republic of India,  
New Delhi

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## ANNEXURE - V

**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**

The Government of the Republic of India and the Government of the People's Republic of Bangladesh,

Bearing in mind the friendly relations existing between the two countries,

Desiring to define more accurately at certain points and to complete the demarcation of the land boundary between India and Bangladesh,

Having regard 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, May 16, 1974 and Exchange of Letters dated December 26, 1974; December 30, 1974; October 7, 1982; and March 26, 1992 (hereinafter referred to as the 1974 Agreement),

Have agreed as follows:

**ARTICLE 1**

The provisions of this Protocol shall form an integral part of the 1974 Agreement.


**ARTICLE 2**

(I) **Article 1 Clause 5 of the 1974 Agreement shall be implemented as follows:**

**Muhuri River (Belonia) sector**

Boundary in this segment shall be drawn westwards from the existing Boundary Pillar No. 2159/48-S along the agreed line as depicted in the index map prepared jointly till it meets the southern limit of the Burning Ghat as shown in jointly surveyed map of Muhuri river area in 1977-78. Thereafter it shall follow the external limit of the Burning Ghat in South-West direction and then turn northwards along the external limit of the Burning Ghat till it meets the centre of the existing Muhuri River. Thereafter it shall run along the mid stream of the existing Muhuri River upto Boundary Pillar No. 2159/3-S. This boundary shall be the fixed boundary. The two Governments should raise embankments on their respective sides with a view to stabilising the river in its present course as stipulated in the 1974 Agreement. The Parties agree to fencing on 'zero line' in this area.



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## ANNEXURE - V

(II) **Article 1 Clause 12 of the 1974 Agreement shall be implemented as follows:**

**Enclaves**

111 Indian Enclaves in Bangladesh and 51 Bangladesh Enclaves in India as per the jointly verified cadastral enclave maps and signed at the level of DGLR&S, Bangladesh and DLR&S, West Bengal (India) in April 1997, shall be exchanged without claim to compensation for the additional areas going to Bangladesh.

(III) **Article 1 Clause 15 of the 1974 Agreement shall be implemented as follows:**

**Lathitilla and Dumabari**

Line drawn by Radcliffe from Boundary Pillar 1397(point Y) i.e. the last demarcated boundary pillar position, straight southward to the tri-junction of Mouzas Dumabari, Lathitilla and Bara Putnigaon i.e upto iron bridge, and thence it shall run generally southwards along the midstream of the course of Putni Chara as already demarcated on the ground, till it meets the boundary between Sylhet (Bangladesh) and Tripura (India) i.e. Boundary Pillar No. 1800.

(IV) **The land boundary in the area mentioned below shall be demarcated in the following manner:**

**Daikhata 56 (West Bengal-Jalpaiguri) / Panchagarh**

Boundary in this segment shall be drawn as fixed boundary from existing Boundary Pillar 774/32-S in the strip sheet 444/6 along the mouza boundary of Daikhata-56 as surveyed in 1997-98 and thereafter will follow the southern boundary of Daikhata-56 (from east to west) upto Point No 18 and therefrom it will follow the western boundary of Daikhata-56 (from south to north) till it meets the center of River Sui at Point No 15 and thereafter, will run along the center of the River Sui upto Point No 1, the points as depicted in the sketch map jointly prepared and mutually agreed on August 3, 2011. Thereafter the International Boundary shall follow the already delineated boundary through Main Pillar (MP) 775.

**ARTICLE 3**

(I) **Article 2 of the 1974 Agreement shall be implemented as follows:**

The Government of India and the Government of Bangladesh agree that the boundary shall be drawn as a fixed boundary for territories held in Adverse Possession as determined through joint survey and fully depicted in the respective adversely possessed land area index map (APL map) finalized by the



 Page 2 of 6

## ANNEXURE - V

Land Records and Survey Departments of both the countries between December 2010 and August 2011, which are fully described in clause (a) to (d) below.

The relevant strip maps shall be printed and signed by the Plenipotentiaries and transfer of territorial jurisdiction shall be completed simultaneously with the exchange of enclaves. The demarcation of the boundary, as depicted in the above-mentioned Index Maps, shall be as under:-

**(a) West Bengal Sector****(i) Bousmari – Madhugari (Kushtia-Nadia) area**

The boundary shall be drawn from the existing Boundary Pillar Nos. 154/5-S to 157/1-S to follow the centre of old course of river Mathabanga, as depicted in consolidation map of 1962, as surveyed jointly and agreed in June 2011.

**(ii) Andharkota (Kushtia-Nadia) area**

The boundary shall be drawn from existing Boundary Pillar No 152/5-S to Boundary Pillar No 153/1-S to follow the edge of existing River Mathabanga as jointly surveyed and agreed in June 2011.

**(iii) Pakuria (Kushtia-Nadia) area**

The boundary shall be drawn from existing Boundary Pillar No 151/1-S to Boundary Pillar No 152/2-S to follow the edge of River Mathabanga as jointly surveyed and agreed in June 2011.

**(iv) Char Mahishkundi (Kushtia-Nadia) area**

The boundary shall be drawn from existing Boundary Pillar No 153/1-S to Boundary Pillar No 153/9-S to follow the edge of River Mathabanga as jointly surveyed and agreed in June 2011.

**(v) Haripal/ Khutadah/ Battoli/ Sapameri/ LNpur (Patari) (Naogaon-Malda) area**

The boundary shall be drawn as line joining from existing Boundary Pillar No 242/S/13, to Boundary Pillar No 243/7-S/5 and as jointly surveyed and agreed in June 2011.

**(vi) Berubari (Panchagarh-Jalpaiguri area)**

The boundary in the area Berubari (Panchagarh-Jalpaiguri) adversely held by Bangladesh, and Berubari and Singhapara-

## ANNEXURE - V

Khudipara (Panchagarh-Jalpaiguri), adversely held by India shall be drawn as jointly demarcated during 1996-1998.

**(b) Meghalaya Sector****(i) Lobachera-Nuncherra**

The boundary from existing Boundary Pillar No 1315/4-S to Boundary Pillar No 1315/15-S in Lailong - Balichera, Boundary Pillar No 1316/1-S to Boundary Pillar No 1316/11-S in Lailong- Nooncherra, Boundary Pillar No 1317 to Boundary Pillar No 1317/13-S in Lailong- Lahiling and Boundary Pillar No 1318/1-S to Boundary Pillar No 1318/2-S in Lailong- Lubhachera shall be drawn to follow the edge of tea gardens as jointly surveyed and agreed in Dec 2010.

**(ii) Pyrdiwah/ Padua Area**

The boundary shall be drawn from existing Boundary Pillar No 1270/1-S as per jointly surveyed and mutually agreed line till Boundary Pillar No 1271/1-T. The Parties agree that the Indian Nationals from Pyrdiwah village shall be allowed to draw water from Piyang River near point No 6 of the agreed Map.

**(iii) Lyngkhat Area****(aa) Lyngkhat-I / Kulumcherra & Lyngkhat-II/ Kulumcherra**

The boundary shall be drawn from existing Boundary Pillar No. 1264/4-S to Boundary Pillar No 1265 and BP No 1265/6-S to 1265/9-S as per jointly surveyed and mutually agreed line.

**(ab) Lyngkhat-III/ Sonarhat**

The boundary shall be drawn from existing Boundary Pillar No 1266/13-S along the nallah southwards till it meets another nallah in the east-west direction, thereafter it shall run along the northern edge of the nallah in east till it meets the existing International Boundary north of Reference Pillar Nos.1267/4-R-B and 1267/3-R-I.



## ANNEXURE - V

(iv) Dawki/ Tamabil area

The boundary shall be drawn by a straight line joining existing Boundary Pillar Nos 1275/1-S to Boundary Pillar Nos 1275/7-S. The Parties agree to fencing on 'zero line' in this area.

(v) Naljuri/ Sreepur Area(aa) Naljuri I

The boundary shall be a line from the existing Boundary Pillar No 1277/2-S in southern direction upto three plots as depicted in the strip Map No 166 till it meets the nallah flowing from Boundary Pillar No 1277/5-T, thereafter it will run along the western edge of the nallah in the southern direction upto 2 plots on the Bangladesh side, thereafter it shall run eastwards till it meets a line drawn in southern direction from Boundary Pillar No 1277/4-S.

(ab) Naljuri III

The boundary shall be drawn by a straight line from existing Boundary Pillar No 1278/2-S to Boundary Pillar No 1279/ 3-S.

(vi) Muktapur/ Dibir Hawor Area

The Parties agree that the Indian Nationals shall be allowed to visit Kali Mandir and shall also be allowed to draw water and exercise fishing rights in the water body in the Muktapur / Dibir Hawor area from the bank of Muktapur side.

(c) Tripura Sector(i) Chandannagar-Champarai Tea Garden area in Tripura/ Mouvi Bazar sector

The boundary shall be drawn along Sonaraichhera river from existing Boundary Pillar No 1904 to Boundary Pillar No 1905 as surveyed jointly and agreed in July 2011.

(d) Assam Sector(i) Kalabari (Boroibari) area in Assam sector

The boundary shall be drawn from existing Boundary Pillar No 1066/24-T to Boundary Pillar No 1067/16-T as surveyed jointly and agreed in August 2011.

## ANNEXURE - V


(ii) Pallathal area in Assam sector

The boundary shall be drawn from existing Boundary Pillar No. 1370/3-S to 1371/6-S to follow the outer edge of the tea garden and from Boundary Pillar No. 1372 to 1373/2-S along outer edge of the pan plantation.

ARTICLE 4

This Protocol shall be subject to ratification by the Government of the Republic of India and the Government of the People's Republic of Bangladesh and shall enter into force on the date of exchange of Instruments of Ratification.

Signed at Dhaka on the Sixth day of September, 2011, in two originals in the English language.

  
For the Government of the  
Republic of India

  
For the Government of the  
People's Republic of Bangladesh

## ANNEXURE - VI

## Annexure VI

## EXCHANGEABLE BANGLADESH ENCLAVES IN INDIA WITH AREA

## A. Enclaves with independent chhita

Sl. No.	Name of Chhita	Lying within Police Station W. Bengal/ Bangladesh	J.L.No.	Area in acres	
1	2	3	4	5	
1.	Chhit Kuchlibari	Nekliganj	Patgram	22	370.64
2.	Chhit Land of Kuchlibari	-do-	-do-	24	1.83
3.	Balapukhari	-do-	-do-	21	331.64
4.	Chhit Land of Panbari No.2	-do-	-do-	20	1.13
5.	Chhit Panbari	-do-	-do-	18	108.59
6.	Dhebalwati Mirgipur	-do-	-do-	15	173.88
7.	Bamandal	-do-	-do-	11	2.24
8.	Chhit Dhebalwati	-do-	-do-	14	66.58
9.	Dhebalwati	-do-	-do-	13	60.45
10.	Srirampur	-do-	-do-	8	1.05
11.	Jote Hijjama	-do-	-do-	3	87.54
12.	Chhit Land of Jagatbar No.3	Hathibhanga	-do-	37	69.84
13.	-do- No.1	-do-	-do-	35	30.66
14.	-do- No.2	-do-	-do-	36	27.09
15.	Chhit Kokosbari	-do-	-do-	47	29.49
16.	Chhit Bhandardahe	-do-	-do-	67	39.96
17.	Dhebalguri	-do-	-do-	52	12.50
18.	Chhit Dhebalguri	-do-	-do-	53	22.31
19.	Chhit Land of Dhebalguri No.3	-do-	-do-	70	1.33
20.	-do- No.4	-do-	-do-	71	4.55
21.	-do- No.5	-do-	-do-	72	4.12
22.	-do- No.1	-do-	-do-	68	26.83
23.	-do- No.2	-do-	-do-	69	19.95
24.	Nehishmari	Sitelkuchi	-do-	54	122.77
25.	Bura Saradubi	-do-	Hatibandha	13	34.96
26.	Falnapur	-do-	Patgram	64	506.56
27.	Amjhol	-do-	Hatibandha	57	1.25
28.	Kismet Batrigachh	Dinhata	Kaliganj	82	209.95
29.	Durgapur	-do-	-do-	83	20.96
30.	Bensua Khamar Gitaldahe	-do-	Lalmoirhat	1	24.54
31.	Posturkuchi	-do-	-do-	37	589.94
32.	Paschim Bakalir Chhara	-do-	Bhurungamari	38	151.98
33.	Madhya Bakalir Chhara	-do-	-do-	39	32.72
34.	Purba Bakalir Chhara	-do-	-do-	40	12.23
35.	Madhya Masaldanga	-do-	-do-	3	136.66
36.	Madhya Chhit Masaldanga	-do-	-do-	8	11.87
37.	Paschim Chhit Masaldanga	-do-	-do-	7	7.60
38.	Uttar Masaldanga	-do-	-do-	2	27.29
39.	Kachua	-do-	-do-	5	119.74
40.	Uttar Bansjani	-do-	-do-	1	47.17
41.	Chhit Tilei	-do-	-do-	17	81.56

Contd...2

## ANNEXURE - VI

( 2 )

## B. Enclaves with fragmented chhita

42.	(i) Nalgrom	Sitelkuchi	Patgram	65	1397.34
	(ii) -do- (Fragment)	-do-	-do-	65	
	(iii) -do- -do-	-do-	-do-	65	
43.	(i) Chhit Nalgrom	-do-	-do-	66	49.50
	(ii) -do- (Fragment)	-do-	-do-	66	
44.	(i) Botrigachh	Dinhata	Kaliganj	81	577.37
	(ii) -do- (Fragment)	-do-	-do-	81	
45.	(i) Kerala	-do-	Phulbari	9	269.91
	(ii) -do- (Fragment)	-do-	-do-	9	
	(iii) -do- -do-	-do-	-do-	9	
46.	(i) Sibprasad Mustafa	-do-	-do-	8	373.20
	(ii) -do- (Fragment)	-do-	-do-	8	
47.	(i) Dakshin Masaldanga	-do-	Bhurungamari	6	571.38
	(ii) -do- (Fragment)	-do-	-do-	6	
	(iii) -do- -do-	-do-	-do-	6	
	(iv) -do- -do-	-do-	-do-	6	
	(v) -do- -do-	-do-	-do-	6	
	(vi) -do- -do-	-do-	-do-	6	
48.	(i) Paschim Masaldanga	-do-	-do-	4	29.49
	(ii) -do- (Fragment)	-do-	-do-	4	
49.	(i) Purba Chhit Masaldanga	-do-	-do-	10	35.01
	(ii) (Fragment)	-do-	-do-	10	
50.	(i) Purba Masaldanga	-do-	-do-	11	153.89
	(ii) -do- (Fragment)	-do-	-do-	11	
51.	(i) Uttar Dhalanga	-do-	-do-	14	24.98
	(ii) -do- (Fragment)	-do-	-do-	14	
	(iii) -do- -do-	-do-	-do-	14	

Total Area : 7,110.02

The above given details of enclaves have been jointly compared and reconciled with records held by India and Bangladesh during the Indo-Bangladesh Boundary Conference held at Calcutta during 9th-12th Oct. 96 as well as during joint field inspection at Jalpaiguri (West Bengal) - Panchagarh (Bangladesh) sector during 21-24 Nov. 96.

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## ANNEXURE - VII

## Annexure VII

## EXCHANGEABLE INDIAN ENCLAVES IN BANGLADESH WITH AREA

## A. Enclaves with independent chhits

Sl. No.	Name of Chhits	Chhit No.	Lying within Police Station Bangladesh/ W.Bengal	Area in acres	
1.	2.	3.	4.	5.	
1.	Garati	75	Pochagar	Haldibari	58.23
2.	-do-	76	-do-	-do-	0.79
3.	-do-	77	-do-	-do-	18.00
4.	-do-	78	-do-	-do-	958.66
5.	-do-	79	-do-	-do-	1.74
6.	-do-	80	-do-	-do-	73.75
7.	Singimari Part-I	73	-do-	-do-	6.07
8.	Nezirganja	41	Boda	-do-	58.32
9.	-do-	42	-do-	-do-	434.29
10.	-do-	44	-do-	-do-	53.47
11.	-do-	45	-do-	-do-	1.07
12.	-do-	46	-do-	-do-	17.95
13.	-do-	47	-do-	-do-	3.89
14.	-do-	48	-do-	-do-	73.27
15.	-do-	49	-do-	-do-	49.05
16.	-do-	50	-do-	-do-	5.05
17.	-do-	51	-do-	-do-	0.77
18.	-do-	52	-do-	-do-	1.04
19.	-do-	53	-do-	-do-	1.02
20.	-do-	54	-do-	-do-	3.87
21.	-do-	55	-do-	-do-	12.18
22.	-do-	56	-do-	-do-	54.04
23.	-do-	57	-do-	-do-	8.27
24.	-do-	58	-do-	-do-	14.22
25.	-do-	60	-do-	-do-	0.52
26.	Futimari	59	-do-	-do-	122.80
27.	Daikhata Chhat	38	-do-	-do-	499.21
28.	Salbari	37	-do-	-do-	1188.93
29.	Kajal Dighi	36	-do-	-do-	771.44
30.	Hataktoka	32	-do-	-do-	162.26
31.	-do-	33	-do-	-do-	0.26
32.	Beuladanga Chhat	35	-do-	-do-	0.83
33.	Belapara Khagrebhari	3	Debiganj	-do-	1752.44
34.	Bara Khanikherija				
	Gitaldaha	30	Dimia	-do-	7.71
35.	-do-	29	-do-	-do-	36.83
36.	Barakhangir	28	-do-	-do-	30.53
37.	Hagerjikabari	31	-do-	-do-	33.41
38.	Kuchlibari	26	Patgram	Hekliganj	5.78
39.	-do-	27	-do-	-do-	2.04
40.	Bara Kuchlibari	Fragment of J.L. 107 of P.S. Hekliganj	-do-	-do-	4.35
41.	Jamaldaha-Belapukhari	6	-do-	-do-	5.24
42.	Uponchowki Kuchlibari	115/2	-do-	-do-	0.32

Contd...2

## ANNEXURE - VII

( 2 )

43.	-do-	7	-do-	-do-	44.04
44.	Shotbari	8	-do-	-do-	36.83
45.	Belapukhari	5	-do-	-do-	55.91
46.	Bara Khangir	4	-do-	Hekliganj	50.51
47.	-do-	9	-do-	-do-	87.42
48.	Chhat Bagdokra	10	-do-	-do-	41.70
49.	Ratanpur	11	-do-	-do-	58.91
50.	Bagdokra	12	-do-	-do-	25.49
51.	Fulker Dabri	Fragment of J.L. 101 of P.S. Hekliganj	-do-	-do-	0.88
52.	Kherkheria	15	-do-	-do-	60.14
53.	-do-	13	-do-	-do-	51.62
54.	Lotamari	14	-do-	-do-	110.92
55.	Shotbari	16	-do-	-do-	205.46
56.	Kamat Changrebandha	16A	-do-	-do-	42.80
57.	-do-	17A	-do-	-do-	16.01
58.	Panisala	17	-do-	-do-	137.66
59.	Dwarikamari Khasbashi	18	-do-	-do-	36.50
60.	Panisala	153/P	-do-	-do-	0.27
61.	-do-	153/O	-do-	-do-	18.01
62.	-do-	19	-do-	-do-	64.63
63.	-do-	21	-do-	-do-	51.40
64.	Lotamari	20	-do-	-do-	283.53
65.	-do-	22	-do-	-do-	98.85
66.	Dwarikamari	23	-do-	-do-	39.52
67.	-do-	25	-do-	-do-	45.73
68.	Chhat Bhotat	24	-do-	-do-	56.41
69.	Banskata	131	-do-	Hathabhang	22.35
70.	-do-	132	-do-	-do-	11.96
71.	-do-	130	-do-	-do-	20.48
72.	Bhogramguri	133	-do-	-do-	1.44
73.	Chanskata	134	-do-	Hekliganj	7.81
74.	Banskata	119	-do-	Hathabhang	413.81
75.	-do-	120	-do-	-do-	30.75
76.	-do-	121	-do-	-do-	12.15
77.	-do-	113	-do-	-do-	57.86
78.	-do-	112	-do-	-do-	315.04
79.	-do-	114	-do-	-do-	0.77
80.	-do-	115	-do-	-do-	29.20
81.	-do-	122	-do-	-do-	33.22
82.	-do-	127	-do-	-do-	12.72
83.	-do-	128	-do-	-do-	2.33
84.	-do-	117	-do-	-do-	2.55
85.	-do-	118	-do-	-do-	30.98
86.	-do-	125	-do-	-do-	0.64
87.	-do-	126	-do-	-do-	1.39
88.	-do-	129	-do-	-do-	1.37
89.	-do-	116	-do-	-do-	16.96
90.	-do-	123	-do-	-do-	24.37
91.	-do-	124	-do-	-do-	0.28
92.	Cotamari Chhit	135	Hathabhang	Sitalkuchi	126.59
93.	-do-	136	-do-	-do-	20.02
94.	Bansapechei	151	Lalmoirhat	Dinhata	217.29
95.	Bansapechei - Dhitarkuthi	152	-do-	-do-	81.71

## ANNEXURE - VII

## ANNEXURE - VIII

## ADVERSE POSSESSION

## Territory to be transferred to India (in acres)

## West Bengal

Berubari and Singhpara-Khudipara (Panchagarh- Jalpaiguri)	1374.99
Pakuria (Khustia-Nadia)	576.36
Char Mahishkundi	393.33
Haripal/ LNpur (Patari)	53.37
<b>Total</b>	<b>2398.05</b>

## Meghalaya

Pyrdiwah	193.516
Lyngkhat I	4.793
Lyngkhat II	0.758
Lyngkhat III	6.94
Dawki / Tamabil	1.557
Naljuri I	6.156
Naljuri III	26.858
<b>Total</b>	<b>240.578</b>

## Tripura

Chandannagar (Moulvi Bazar-Uttar Tripura)	138.41
<b>Total</b>	<b>138.41</b>
<b>Grand Total (APs)</b>	<b>2777.038</b>

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96. Dasiar Chhara	150	Fulbari	-do-	1643.44
97. Dakurhat	156	Kurigram	-do-	14.27
98. Dakinirkuthi				
98. Kalemati	141	Bhurungamari	Dinhata	21.21
99. Shahebganj	153	-do-	-do-	31.58
100. Seotikurua	142	-do-	-do-	45.63
101. Sara Coachulka	143	-do-	-do-	39.99
102. Gaochulka II	147	-do-	-do-	0.90
103. Gaochulka I	146	-do-	-do-	8.92
104. Digheltari II	145	-do-	-do-	8.81
105. Digheltari I	144	-do-	-do-	12.31
106. Chhoto Garaljhara II	149	-do-	-do-	17.85
107. Chhoto Garaljhara I	148	-do-	-do-	35.74
108. 1 Chhit without name 1st and 2nd JL No. at the southern end of JL No. 38 and 39 and 39 (Ashokbari)	157	Porgram	Mokliganj	4.00350

## B. Enclaves with fragmented chhite.

109. (i) Bewladanga	34	Maldibari	Boda	862.46
(ii) Bewladanga	Fragment	-do-	Debiganj	
110. (i) Kotbhajni	2	-do-	Debiganj	2012.2
(ii) Kotbhajni	Fragment	-do-	-do-	
(iii) Kotbhajni	-do-	-do-	-do-	
(iv) Kotbhajni	-do-	-do-	-do-	
111. (i) Dehale Khagrabari I		-do-	-do-	2650.3
(ii) -do-	Fragment	-do-	-do-	
(iii) -do-	-do-	-do-	-do-	
(iv) -do-	-do-	-do-	-do-	
(v) -do-	-do-	-do-	-do-	
(vi) -do-	-do-	-do-	-do-	

Total Area

The above given details of enclaves have been jointly compared and reconciled with records held by India and Bangladesh during the Indo-Bangladesh Boundary Conference held at Calcutta during 9th-12th Oct.96 as well as during joint field inspection at Jaipalguri (West Bengal) Panchagarh, (Bangladesh) sector during 21-24 Nov.96.

## Note

Name of enclave in Sl.No.108 above has been identified as "Ashokbari" by joint ground verification during field season 1996-97.

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## ANNEXURE - IX

<b>ADVERSE POSSESSION</b>	
<b>Territory to be transferred to Bangladesh (in acres)</b>	
<b>West Bengal</b>	
Bousmari-Madhugari (Khustia-Nadia)	1358.25
Andharkota	338.79
Berubari (Panchagarh- Jalpaiguri)	260.55
Total	1957.59
<b>Meghalaya</b>	
Lobachera-Nuncherra	41.702
Total	41.702
<b>Assam</b>	
Thakurani Bari- Kalabari (Boroibari) (Kurigram-Dubri)	193.85
Pallathal (Moulvi Bazar -Karimganj)	74.54
Total	268.39
Grand Total (APs)	2267.682

## FREQUENTLY ASKED QUESTIONS

**Q. Is Bangladesh in illegal occupation of Indian land?**

- A. There is no illegal occupation of Indian land by Bangladesh. Since independence, there have been pockets along the India-Bangladesh border that have traditionally been under the possession of people of one country in the territory of another country. These are known as Adverse Possessions. During the visit of the Prime Minister to Bangladesh in September 2011, a Protocol to the 1974 Land Boundary Agreement between India and Bangladesh was signed. The Protocol addresses outstanding land boundary issues, including the issue of adverse possessions, between the two countries.

**Q. We understand that an Agreement on land boundary issues has been signed between India and Bangladesh during the visit of the Prime Minister to Bangladesh in September 2011. What are the main elements of this agreement?**

- A. India and Bangladesh concluded a Land Boundary Agreement in 1974, soon after the independence of Bangladesh, to find a solution to the complex nature of border demarcation. The agreement was implemented in its entirety with the exception of three issues pertaining to (i) un-demarcated land boundary of approximately 6.1 km in three sectors, viz. Daikhata-56 (West Bengal), Muhuri River-Belonia (Tripura) and Lathitila-Dumabari (Assam); (ii) exchange of enclaves; and (iii) adverse possessions. Although the Agreement was not ratified by India, its implementation, except for the outstanding issues mentioned above, represented significant progress, given the fact that the two countries share an approximately 4,096.7 km long land boundary.

The outstanding issues, however, contributed to tension and instability along the border and adversely impacted on the lives of people living in the areas involved. Those living in the enclaves could not enjoy full legal rights as citizens of either country and infrastructure facilities such as electricity, schools and health services were deficient. For those in adverse possessions, it meant an unsettled existence between two countries without the certainty of being able to cultivate their lands or lead normal lives. The need for a settlement of the outstanding land boundary issues between India and Bangladesh was, therefore, acutely felt and articulated by the people involved, the concerned state governments and others. Several attempts have been made to address the outstanding land boundary issues. It was, however, only with the signing of the Protocol to the 1974 LBA during the visit of the Prime Minister to Bangladesh on 6th September 2011 that a settlement to the outstanding land boundary issues between the two countries was achieved. The 2011 Protocol will result in a fixed demarcated boundary in all the un-demarcated segments, exchange of Indian enclaves in Bangladesh with Bangladesh enclaves in India and a resolution of all adversely possessed areas. This historic agreement will remove a major irritant in relations between the two neighbouring countries. It will contribute to a stable and peaceful boundary and create an environment conducive to enhanced bilateral cooperation. It will result in better management and coordination of the border and strengthen our ability to deal with smuggling, illegal activities and other trans-border crimes.

In concluding the Protocol, the two sides (India and Bangladesh) have taken into account the situation on the ground, the wishes of the people residing in the areas involved and the views of the concerned State Governments. As such, the Protocol does not envisage the dislocation of populations and ensures that all areas of economic activity relevant to the homestead have been preserved. The Protocol has been prepared with the full support and concurrence of the concerned State Governments (Assam, Meghalaya, Tripura and West Bengal).

**Q. Will signing of the Protocol to the 1974 Land Boundary Agreement lead to surrender of Indian land to Bangladesh?**

A. The implementation of the Protocol will result in the exchange of 111 Indian enclaves in Bangladesh with 51 Bangladesh enclaves in India and preservation of the status quo on territories in adverse possession. In implementing the Protocol, 111 Indian enclaves with a total area of 17,160.63 acres in Bangladesh are to be transferred to Bangladesh, while 51 Bangladesh enclaves with an area of 7,110.02 acres in India are to be transferred to India. Moreover, with the adjustment of adverse possessions in the implementation of the Protocol, India will receive 2777.038 acres of land and transfer 2267.682 acres of land to Bangladesh.

In reality, however the exchange of enclaves and adverse possessions denotes only a notional exchange of land. The actual situation on the ground is that the enclaves are located deep inside the territory of both countries and there has been

no physical access to them from either country. Thus the exchange of enclaves will legalise a situation which already exists de facto. Similarly, in the case of adverse possessions, the reality is that the area to be transferred was already in the possession of Bangladesh and the handing over of this area to Bangladesh and India respectively. The exchange of adverse possessions confirms that each country will legally possess the territories it is already holding.

**Q. How will the three un-demarcated segments be demarcated?**

A. With the signing of the Protocol, the un-demarcated land boundary in three sectors, viz. Daikhata-56 (West Bengal), Muhuri River-Belonia (Tripura) and Dumabari (Assam) have been demarcated. The demarcation of boundary in Daikhata-56 is based on status quo; in Belonia, demarcation has taken place along the Muhuri River charland while retaining the traditional cremation grounds on the Indian side of the boundary; and in Lathitila-Dumabari, demarcation has followed a mutually acceptable line. Joint survey of the boundary demarcation in the three un-demarcated segments was carried out by the Survey Departments of the respective State Governments. The demarcation has been carried out keeping in view the situation on the ground and the wishes of the people involved.

**Q. How was the area of land involved in exchange of Enclaves determined?**

A. An agreed list of 111 Indian enclaves in Bangladesh and 51 Bangladesh enclaves in India was jointly prepared and signed at the level of Director General, Land Records & Surveys, Bangladesh and Director, Land Records and Survey, West Bengal (India) in April 1997. All Bangladesh enclaves in India are located in the state of West Bengal.

**Q. How were the areas in Adverse Possession determined?**

A. The concerned State Governments were closely associated with the process of determination of Adverse Possessions. Land records were scrutinized, the wishes of the people in possession of the lands were ascertained and land survey and index maps of the adversely held areas prepared by State Government surveyors. Joint surveys of the adverse possessions were carried out by the State Survey Departments in their respective areas of the boundary with Bangladesh. There was close coordination between the Central and State authorities.

**Q. Has the Protocol deviated from the Land Boundary Agreement (LBA), 1974, and, if so, why?**

A. Article 2 of the LBA 1974 states that the two countries are expected to exchange territories in Adverse Possession in already demarcated areas. The 2011 Protocol provides for redrawing of boundaries so that the adverse possessions do not have to be exchanged; it has dealt with them on an 'as is where is' basis by converting de facto control into de jure

recognition. People living in territories in adverse possession are technically in occupation and possession of land beyond the boundary pillars, but they are administered by the laws of the country of which they are citizens and where they enjoy all legal rights, including the right to vote. They have deep-rooted ties to their land, which go back decades and are categorically unwilling to be uprooted. Many local communities have sentimental or religious attachments to the land in which they live. Over time, it became extremely difficult to implement the terms of 1974 LBA as it meant uprooting people living in the adverse possessions from the land in which they had lived all their lives and to which they had developed sentimental and religious attachments. Both India and Bangladesh, therefore, agreed to maintain the status quo in addressing the issue of adverse possessions instead of exchanging them as was earlier required for in the LBA, 1974.

**Q. How will signing of Protocol help settle the boundary issue?**

A. With the signing of the Protocol, the outstanding and long pending land boundary issues between India and Bangladesh stand settled. The un-demarcated boundary in all three segments, viz. Daikhata-56 (West Bengal), Muhuri River-Belonia (Tripura) and Dumabari (Assam) has been demarcated. The status of the 111 Indian enclaves in Bangladesh with a population of 37,334 and 51 Bangladesh enclaves in India with a population of 14,215 has been addressed. The issue of Adversely Possessed lands along the India-Bangladesh border in West Bengal, Tripura, Meghalaya and Assam has also been



resolved. The implementation of the Protocol is expected to result in better management and coordination of the border and strengthening of our ability to deal with smuggling, illegal activities and other trans-border crimes.

**Q. What will happen to people living in the areas involved once land is exchanged?**

- A. In building this agreement, the two sides have taken into account the situation on the ground and the wishes of the people residing in the areas involved. In territories in adverse possession, status quo will be maintained so that there is no change for the people where they are located. The territories in adverse possession, will now become legally part of the State holding them. In respect of enclaves, the LBA 1974 states that the people in these area shall be given the right of staying where they are as nationals of the State to which the areas are transferred. Feedback from a visit jointly undertaken by an India–Bangladesh delegation to some of the enclaves and adverse possessions in May 2007 revealed that the people residing in Indian enclaves in Bangladesh and Bangladesh enclaves in India did not want to leave their land and would rather be in the country where they had lived all their lives. As such, the Protocol does not envisage the displacement of populations and ensures that all areas of economic activity relevant to the homestead are preserved.

**Q. Does the Protocol take into account the wishes of the people?**

- A. The Protocol has been prepared in keeping with the wishes of the people living in the areas involved and in close consultation with the concerned State Governments. A joint visit by an India–Bangladesh delegation to some of the enclaves and Adverse Possessions in May 2007 revealed that the people residing in the areas involved did not want to leave their land and would rather be in the country where they had lived all their lives. These and other inputs from the people involved made it evident to both sides that retention of status quo of adverse possessions seemed the only option. With regard to enclaves, a number of Parliament questions and representations were received from Members of Parliament, inhabitants of the enclaves, NGO’s and political parties urging that the exchange of enclaves be expedited. In any democracy, the will of the people must remain significant, and the 2011 Protocol has accorded highest priority to it. In implementing the Protocol, every effort has been made to preserve all areas of economic activity relevant to the homestead and in ensuring that people living in the border areas are not dislocated.

**Q. What does the Protocol envisage for enclaves?**

- A. The Protocol envisages that 111 Indian Enclaves in Bangladesh and 51 Bangladesh Enclaves in India, as per the jointly verified cadastral enclave maps and signed at the level of Director General Land Records & Surveys, Bangladesh and Director Land Records & Surveys, West Bengal (India) in April 1997, shall be exchanged.

**Q. Why was the exchange of enclaves not undertaken earlier as stipulated in the LBA?**

A. India was keen to exchange enclaves in accordance with the LBA. There were, however, procedural issues that first needed to be addressed, including determination of the number of people living in enclaves in both sides.

**Q. How have people living in the enclaves on both sides been identified? Do we have any indication of number of people living in the enclaves?**

A. A headcount was conducted jointly by both countries from 14-17 July, 2011, and this revealed that the total population in the enclaves was 51,549 (37,334 in Indian enclaves within Bangladesh and 14,215 in Bangladesh enclaves within India).

**Q. What will be the citizenship status of inhabitants of enclaves once they are exchanged?**

A. As per Article 3 of the LBA 1974, when the enclaves are transferred, people living in these areas shall be given the right of staying on where they are as nationals of the State to which the areas are transferred.

**Q. Do we expect a large scale transfer of people between the enclaves on either side following implementation of the Protocol**

A. A joint headcount conducted from 14-17 July, 2011 determined the total population in the enclaves to be around 51,549 (37,334 in Indian enclaves within Bangladesh and 14,215 in

Bangladesh enclaves within India). In respect of enclaves, the 1974 LBA states that the people in these areas shall be given the right of staying where they are as nationals of the State to which the areas are transferred. Feedback from a visit jointly undertaken by an India–Bangladesh delegation to some of the enclaves and adverse possessions in May 2007 revealed that the people residing in Indian enclaves in Bangladesh and Bangladesh enclaves in India did not want to leave their land and would rather be in the country where they had lived all their lives.

**Q. How would people in the enclaves benefit from the exchange of enclaves?**

A. In the exchange of enclaves, India will transfer 111 enclaves with a total area of 17,160.63 acres to Bangladesh, while Bangladesh would transfer 51 enclaves with an area of 7,110.02 acres to India. The Protocol converts a de facto reality into a de jure situation. The inhabitants of the enclaves have not been able to enjoy full legal rights as citizens of either India or Bangladesh and proper facilities with regard to electricity, schools and health services since 1947. These facilities will accrue to them once the issue of enclaves is resolved with the ratification of the Protocol and its implementation. As such, implementation of the Protocol by way of the exchange of enclaves will have fulfilled a major humanitarian need to mitigate the hardships that the residents of the enclaves have had to endure for over six decades.

**Q. What is the timeline for implementation of the Protocol?**

- A. The Protocol was signed on September 06, 2011 to address the outstanding land boundary issues between India and Bangladesh. The Protocol shall be subject to ratification by the Government of the two countries and shall enter into force on the date of exchange of Instruments of Ratification. The Government of India proposes to introduce a Constitution Amendment Bill in Parliament as the issue of exchange of enclaves and redrawing of boundaries to maintain status quo in territories in adverse possessions involves the transfer of territories from one State to another necessitates a constitutional amendment. The adoption of the Constitution Amendment Bill is expected to lead to ratification of the Protocol and exchange of instruments of ratification followed immediately by implementation of the Protocol.

**Q. What are the advantages of signing the 2011 Protocol?**

- A. The 2011 Protocol paves the way for settlement of the long pending land boundary issue by taking into consideration the situation on the ground and the wishes of the people involved. Its implementation, through the exchange of enclaves, will mitigate a major humanitarian issue as the residents of the enclaves have had to endure the absence of basic amenities and facilities for many decades in the absence of any such settlement. The settlement of Adverse Possessions will lead to tranquillity and peace along the border. A settled boundary would pave the way the way for a closer engagement and mutually beneficial relationship between India and Bangladesh.

**Q. Why did H.E. Sheikh Hasina, Prime Minister of Bangladesh visit Tin Bigha on October 19, 2011?**

- A. During the visit of the Prime Minister to Bangladesh in September 2011, India announced 24-hour access for Bangladesh nationals through the Tin Bigha corridor with immediate effect, thereby fulfilling a longstanding request of Bangladesh. Prime Minister Sheikh Hasina visited the Dahagram and Angarpota enclaves that are connected to the Bangladesh mainland by the Tin Bigha corridor. She personally witnessed access through the corridor and turned on the electricity connection to the enclaves facilitated by India.

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