

# Statelessness and Struggle for Existence: Reflection on the Indian Enclave Dwellers (1950-2017)

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## *Abstract*

*Democratic countries of contemporary world are very much concerned about the fundamental rights of their citizens. In this context, 'the Constitution of India' (adopted in 1950) and 'the Constitution of Bangladesh (adopted in 1972) are very much significant. These Constitutions have enshrined fundamental rights, equality, justice and liberty for all the Indian and Bangladeshi citizens respectively. But it was almost impossible for both India and Bangladesh till 2015 to extend these political, economic and cultural rights to the inhabitants of their enclaves (or chhitmahals). Physical and mental torture, eviction, murder, theft and persecution on the ground of religious and cultural identity had transformed the enclave dwellers as 'stateless people'. Statelessness, chaotic condition and lack of security had generated a trend of 'forced migration' among the Indian enclave-dwellers. On the other hand, they tried to survive in their 'island like tracts' by their own initiative. Along with the historical background, this paper has analysed the demands and movements of the enclave-dwellers for freedom from statelessness in the human rights perspective.*

**Key words :** Stateless citizens, enclaves, human rights.

'Violation of human rights' and 'movement for protection of human rights by various organizations' are common phenomena of recent times in almost all across the world. Adoption of several international human rights covenants, involvement of various International-Governmental and Non-Governmental organizations and 'human rights' as an 'academic discipline' have contributed to the development of an 'international human rights regime'.<sup>1</sup> At the same time, all democratic countries of contemporary world have enshrined fundamental rights in their Constitutions for their citizens. It is after all the 'people' with whom democracy is associated. In this context, the Constitution of India (adopted in 1950) is a pioneering one. It has enshrined fundamental rights, equality, justice and liberty for all the Indian citizens. Being the owner of the largest written Constitution and as the practitioner of successful democracy since the last seven decades, the people of India can feel proud. Similarly, the Constitution of Bangladesh (adopted in 1972) has also ensured all the democratic rights to all Bangladeshi citizens. Simultaneously, movement for cultural rights of the 'people' of Bangladesh

[especially the 'linguistic rights'] got international recognition. But it was almost impossible for both India and Bangladesh till 2015 to extend these political, economic and cultural rights to the inhabitants of their enclaves (or *chhitmahals*).

Physical and mental torture, eviction, murder, theft and persecution on the ground of religious and cultural identity had transformed the enclave dwellers as 'stateless people'. Statelessness, chaotic condition and lack of security had generated a trend of 'forced migration' among the Indian enclave-dwellers. On the other hand, they tried to survive in their 'island like tracts' by their own initiative. As a means of survival, they formed a few organizations which attempted to resolve their own problem by their own initiative. They tried to draw the attention of the Governments (both Bangladesh and India) for peaceful resolution of the enclave problem. Simultaneously, the forced migrants from the India enclaves have tried their best to resettle in Indian mainland as Indian citizens. Along with the historical background, this paper has analysed the demands and movements of the enclave-dwellers for freedom from statelessness in the human rights perspective.

### Background of the Study

Enclaves are generally referred to those land tracts which are detached from the mainland or its 'home' and surrounded by another country or countries (host) but politically and mentally attached to 'home' country. Enclaves are just like islands surrounded not by water but by the territory of other country or countries. Geographers have conceptualized the enclaves as 'a portion of territory entirely surrounded by foreign domination' (Whyte 2004:2) On the other hand, an enclave is a 'portion of territory separated from the country to which it politically belongs and entirely surrounded by alien domination'.<sup>2</sup> It means the enclaves are situated beyond the mainland of a country and for maintaining relations with the 'home' they require assistance and permission of the 'host country'. If the people of the enclaves are not allowed to enter into the boundary of the 'host country' they will not be able to survive. If they are not allowed to visit the 'home country' they will not be able to enjoy the taste and rights of citizenship. Along with the enclaves of Germany, Switzerland, Spain, Italy and States of former Soviet Union, the Indo-Bangla enclaves have also received attention of the geographers, historians, social scientists, human rights' activists and politicians all across the world.

The enclaves of European and Asian countries have been originated for various reasons including war, military expedition, partition of country, de-colonization and international agreements. All these factors are equally applicable for the origin of enclaves of India Bangladesh which are popularly called *chhitmahals*.<sup>3</sup> History of origin of these *chhitmahals* is closely associated with the evolution of Cooch Behar kingdom (c1515-1949). In the pre-colonial period, Cooch Behar had several detached land tracts in the territory of Bengal called '*Rajwara*' or '*Kuchwara*' or '*Chbits*'. On the other hand, Bengal had a few isolated detached tracts called '*Mughlan*' or '*Chhitmahals*'. Cooch Behar came under the British control in 1773 and transformed into a 'Native State' having internal sovereignty. So the *chhitmahals* of Cooch Behar and Bengal were a matter of 'Cooch Behar State-British India relations'. People of *chhitmahals* were the subjects

of either British India or Cooch Behar State. Because of close and friendly relationship between Cooch Behar and British Bengal, people of *chhitmahals* had no trouble. But after the birth of East Bengal/East Pakistan through the partition of Bengal (in 1947), '*chhitmahal* issue' appeared as a subject of tripartite relations between 'India and Cooch Behar State' and 'Cooch Behar State and Pakistan' and 'India and Pakistan'. *Chhitmahal* issue was transformed into a matter of true international affair with the merger of Cooch Behar State with India in 1949. Henceforth, the Cooch Behari *chhitmahals* in Pakistan have been transformed into Indian enclaves. Similarly, the *chhitmahals* of former Bengal have been transformed into East Pakistani enclaves (and later Bangladeshi enclaves) in Cooch Behar.

In 1950, the isolated location of the *chhitmahals* appeared as a great problem for India and Pakistan. Again additional tension was generated in the *chhitmahals* when Pakistan claimed Berubari Union No 12 (having a few Indian enclaves) as its integral part relying on the map of Redcliff Award.<sup>4</sup> It was agreed by India and Pakistan in 1958 (by concluding the Nehru-Noon Agreement, 10<sup>th</sup> September, 1958) that Berubari Union No. 12 'will be divided between India and Pakistan' and enclaves would be exchanged. This agreement was challenged by the people of Berubari as well as by several political parties. The honourable Calcutta High Court and the Supreme Court of India had clearly stated in 1960 that transfer of 'Indian territory' to a foreign country is illegal. At the same time, relationship between India and Pakistan deteriorated due to the outbreak of the Indo-Pak war in 1965 and the liberation war in East Pakistan in 1971. Thus the Berubari issue was not resolved. Talks over exchange on enclaves were not materialised. Berubari remained connected with the concept of 'adverse possession'.<sup>5</sup>

Emergence of Bangladesh in 1971 opened a new episode for the fate of the *chhitmahals*. By the Indira-Mujib Pact (Land-Boundary Agreement, 16<sup>th</sup> May 1974) of 1974 India and Bangladesh had agreed to exchange their enclaves. They were also agreed that 'India will retain southern half of South Berubari Union No.12 and the adjacent

enclaves (2.64 sq. Miles) and Bangladesh will retain Dahagram and Angarpota enclaves and India will lease in perpetuity to Bangladesh an area of 178 meters X 85 meters at Dahagram with Panbari Mouja, P.S Patgram of Bangladesh (Barman, Rup Kumar 2014). But this pact was not implemented. Only the 'Tin Bigha' has been given lease to Bangladesh in 1992 to create a link between Dahagram-Angarpota and the mainland of Bangladesh. But other enclaves have remained isolated from the host country. It is only in 2015 that India and Bangladesh have exchanged their enclaves by concluding the Land Boundary Agreement (LBA June 2015).

There were around 111 exchangeable Indian enclaves situated in the territories bordered by Bangladesh and Bangladesh had 51 enclaves in India. The Indian enclaves were mainly distributed in four northern districts of Bangladesh such as Kurigram, Lalmonirhat, Nilphamari and Panchagarh. Bangladeshi enclaves, on the other hand, were located in Cooch Behar district of West Bengal. Theoretically, the dwellers of Indian enclaves located in Bangladesh were the citizens of India. But they have been deprived from the basic rights of the citizens. For them, democracy was a matter of distant dream. In the next section, I will discuss about the nature of their statelessness.

### Statelessness of Indian Enclave Dwellers

#### 1950-2015

Late Amar Pradhan, a member of Lower House of the Indian Parliament (elected from Cooch Behar 1977-1999); had published a monograph in 1991 regarding the condition of the Indian enclaves. He illustrated that: *"about one lakh fifty thousand Indian citizens living in Indian enclaves surrounded by Bangladesh (previously by East Pakistan) are denied of minimum necessities of life, food, clothing, health-care, education and life security for the last 44 years. There is no law and order. Hundred of Indian citizens were butchered and enclaves were treated as slaughterhouses..... the citizens of Indian enclaves have neither the constitutional rights nor are they under the purview of general human rights"* (Roy Pradhan 1995:i)

This comment of Amar Roy Pradhan indicates that the people of Indian enclaves in Bangladesh spent their days in absolute

statelessness. Let us have a look on the condition of the Indian enclave dwellers before the conclusion of the Land Boundary Agreement (2015).

#### Indian enclaves in Kurigram District

Dashiarchhara (1643.44 acres) was a major enclave of India in Kurigram district of Bangladesh. According to the census of 1951, total population of Dasiarchhara was 1,750. But no census was conducted in the subsequent period. However, Mr. Pratap Chandra Barman (50), an Indian inhabitant of Dasiarchhara has estimated (in 2015) that total population of this enclave is between 7000 and 8000 (Barman, Pratap Chandra 2013). But most people of this enclave (before the exchange in 2015) were/are immigrants of the neighbouring Bangladeshi villages. Majority of the original inhabitants of this enclave (mostly Rajbanshi Hindus) had migrated to the mainland of India or to the Bangladeshi soil. Around 70% of the total population of Dasiarchhara had their fake Bangladeshi identity. With their 'proxy citizenship' they could enjoy medical, educational and economic facilities in Bangladesh. A handful of them, however, could participate in the political process of Bangladesh as Bangladeshi citizens. (Islam 2013)

Main problem in Dashiarchhara till 2015 was the lack of law and order. There was no security of the ordinary people, children and women. However, the enclave-dwellers had set up their own administrative system for maintaining peace, judiciary and defense. Head of 'Dashiarchhara Enclave Committee' was called Chairman (*Pradhan*). There were Vice-Chairman (*Upa-Pradhan*) and village security force (*Gram Rakbhi Bahini*) too. But factional disputes and distrust had worsened the functioning of the Committee. (Islam 2013)

Although small in size, other Indian enclaves in Kurigram were equally vulnerable in terms of statelessness. The dwellers of Baro Gaochulaka and Gaochulka I were allowed to visit Nazirhat market (Dinhata, India) for their economic purposes till the end of the twentieth century. They lost this freedom with the beginning of the twenty first century. They were thus looking for

'right to passage' or 'unique identity card' by which they could enter India as Indian citizens. On the other hand, the original inhabitants of Dighaltari, Dighaltari II and Guraljhora II enclaves (mainly the Rajbanshis) had migrated to the Indian mainland in Cooch Behar district. A few of them took shelter at Purba Masaldanga (a former Bangladeshi enclave situated in Dinhata). So these two enclaves have been occupied by the Bangladeshi citizens. They have thus enjoyed Indian land with Bangladeshi identity.

#### Indian enclaves at Lalmonirhat and Nilphamari Districts

Although India had 58 enclaves in Lalmonirhat district, unlike Dashiarchhara these were small in size. The Indian enclaves at Lalmonirhat Police station like Banspachai and Banspachai Bhitarkuthi were far away from the Indo-Bangladesh border and the first one was not suitable for human habitation. The latter one had around 50 families in the 1930s. According to the census of 1951, total population of Banspachai Bhitarkuthi enclave was 273. But the original agriculturist families have mostly migrated to India or to the mainland of Bangladesh. Before the exchanges of enclaves, the people of Banspachai Bhitarkuthi were mostly landless farmers who spent their lives without minimum facility.

Like Banspachai Bhitarkuthi, Indian enclave called Gotamari I and Gotamari II were full with people. According to the census of 1951, total population at Gotamari (I+II) was 239. They were mostly Rajbanshis. They had close economic and emotional attachment with the Cooch Behar State. But under Pakistani rule in East Bengal (1947), people of Gotamari, being afraid of persecution; left their ancestral home. They mostly took shelter in Indian mainland particularly in Cooch Behar district.

However, people of 'Banskanta enclave cluster' (total 19 parts) had more pathetic condition as stateless citizens. Before the merger of Cooch Behar with India (1949), the dwellers of this cluster had close relations with the Cooch Behar State. Even till 1958, Cooch district authority could maintain its official link with Banskanta cluster without much trouble.

Similarly, enclave dweller of Banskanta had enjoyed right to visit Indian offices at Mathabhanga and Mainaguri for registration of land. But from 2006 to 2015 they have been deprived from all kinds of facilities as Indian citizens.

On the other hand, land of 'Banskanta enclave cluster' has been used by Bangladesh for its economic and administrative purposes. Around 1km long metal road has been constructed at 115 Banskanta by Bangladesh. Bangladesh has also constructed around 4km long dam at the Dharla River at 119 No Banskanta (Chaki, 2011:14). But the enclave-dwellers of Banskanta were not allowed to enjoy the dam and road. They remained as *de facto* stateless people. Thus they had no security of their lives. The Hindu Rajbanshis of Banskanta were often forced by the Bangladeshi majority community to migrate elsewhere particularly to the mainland of India. So most of the original land-owners of 'Banskanta cluster' had preferred to migrate to Mathabhanga, Haldibari, Siliguri and other places of Jalpaiguri, Cooch Behar and Darjeeling districts. They took shelter in India only with their lives without minimum provision of survival. During our field survey, we met Mr. Balaram Barman (60) who migrated from 112 No Banskanta enclave.<sup>6</sup> His experience can give us an idea about the condition of Indian enclaves in Bangladesh. In his own words: "On 18<sup>th</sup> January 2010, the Bangladeshi goons had attacked my house around 9 am. After plundering everything, they set fire on my house. They assaulted my wife (Swapna Barman, who is a Bangladeshi citizen by birth). They captured my son and forced him to eat beef. Later my wife and son were admitted to hospital by the President of Awami League of Jongra Union. My wife had lodged a complaint against the accused. So they tried to kill me. In such a situation, I preferred to migrate to the Indian mainland along with my son and two daughters. The (Bangladeshi) took the possession of my land and house by showing fake land deeds made on fake Indian stamps." (Barman, Balaram 2013)

Experience of Balaram Barman, is undoubtedly a bitter side of statelessness of Indian enclave dwellers. Such inhuman experience of the Indian citizens at Banskanta was quite common. The forced migrants from Banskanta did not get proper treatment in Indian mainland too.

Like the Banskanta cluster, other smaller Indian enclaves of Lalmonirhaat district [such as Lotamari in three parts (453.30 acres), Panishala in two parts (292.88 acres), Barakhangir in two parts (137.93 acres), Kharkharia in two parts (112.36 acres), Kamat Changrabandha in two parts (58.51 acres) and Dwarikamari] had similar experience. Because of scattered location, people of these enclaves had faced atrocities in different ground. Like the dwellers of Banskanta enclave, many of them preferred to migrate to India for survival with proper dignity (Roy, Biren 2013, Ray, Hriday Nath 2013). However, Indian enclaves in Nilphamari district had different scenario than the Banskanta cluster. Here India had only four enclaves which were basically no man's land.

#### Indian Enclaves in Panchagarh District

Unlike the enclaves at Niphamari, Indian enclaves of Panchagarh district was full with people since major enclaves of India were situated in this district. Truly speaking, India had 15696.39 acres of land in Nilphamari district consisting its major enclaves [such as- Garati (1121.17 acres), Sakati (130.85 acres), Binnaguri (763.30 acres), Daikhata (2108.59 acres.), Najirganj (358 acres), Kajaldighi (1188.93 acres), Nataktaka (933.7 acres), Bewladanga (862.86 acres) and Salbari (499.29 acres), Balapara Khagrabari (1765.44 acres), Kotbhajani (2012.27 acres) and Dahala Khagrabari (2650 acres)]. According to the land records of Cooch Behar State of 1932, main *jotedars* at Sakati were Purna Chandra Mitra, Charukamal Barmani, Ajimuddin Sarkar, Safiruddin Muhammad, Raibahadur Sarju Prasad Singha Ray and Sarbati Bewa (The Cooch Behar Gazette 1932). In 1951, total population of Garati was 352 while it was 300 and 307 at Sakati and Binnaguri respectively. Population composition of these enclaves has been changed considerably after the birth of Bangladesh. We can get an idea about the population of Garati from the population of Bangladeshi counter enclaves called Teldhar (1+2) situated at Garati. Here 70 heads used to live in 14 acres of land. So the population at Garati was around 2000 in 2014. However, most of the original habitants of Garati have migrated

to Indian mainland. There was an administrative council at Garati. It dealt with the internal administration of the enclaves. However, enclave-dwellers of Garati have been deprived from all kinds of opportunities and rights as citizens of either India or Bangladesh.

The condition of Sakati and Binnaguri was not different. From 1932 to 1947, *jotedars* of Sakati were Purna Chandra Mitra, Akshyay Narayan Bakshi, Hemanta Kumar Naha, Babedali Muhammed, Tajlimuddin Pradhan, and Amirulla Pramanik. On the other hand, Sibendra Narayan Nandi, Brajendra Narayan Nandi and Gopal Prasad Chakraborty were the *jotedars* of Binnaguri (The Cooch Behar Gazette 1947). Main *jotedars* of Daikhata were – Shyammohun Biswas, Samiruddin Pramanik, Gamiruddin Pramanik, Guruprasad Chakraborty and Mahunimohun Dutta. Cultivators were basically Rajbanshi Hindus. People of Sakati, Binnaguri and Daikhata enclaves had maintained close relations with Indian mainland till 1960. They had access to Indian offices too. But with the outbreak of Indo-Pak war in 1965 (and after the birth of Bangladesh) they lost these facilities.

According to census of 1951, population of Kajaldighi was 789. They were mostly Rajbanshi Hindus. *Jotedars* of this enclave in the late colonial period were Thakur Shew Mangal Prasad Singha, Saryu Prasad Singha, Krishnamohun Das, Mathura Das, Chitramohun Roy, Bhagwan Ray, Dhaneswar Paul, Dharendra Narayan Barman. Dacoity, theft, physical torture and pressure of Bangladeshi goons had transformed Kajaldighi into a slaughterhouse without any law and order. So the original cultivators and landholders of this enclave were forced to migrate to the Indian mainland. In an interview Mr. Biren Roy (50), dwellers of Kajaldighi; has described the miserable condition of the Indian people at Kajaldighi (Ray, Biren 2013). According to him “murder, torture, destruction of houses and properties and eviction have become common feature at Kajaldighi”. Condition of Bewladanga was almost similar to Kajaldighi. Thus experience of Mr. Hriday Nath Ray (50), a former dweller of Bewladanga, was no way better than the people of Kajaldighi. In an interview Mr. Ray told us that, ‘mental,

physical, political and religious atrocities are compelling the enclave-dwellers to migrate from their land of ancestors' (Ray, Hriday Nath 2013). Condition of Salbari was more acute. 67 persons were murdered only in 1995. Around 3000 persons took shelter in Indian mainland from Salbari (Whyte 2004:174).

According to the census of 1951, population of Balapara Khagrabari, Kotbhajani and Dahala Khagrabari was 363, 864 and 1446 respectively. However, it is a notable fact that the successors of *jotedars* of Balapara Khagrabari [like Shibmohini Debya, Bipradas Chakraborty, Dharanidhar Chakraborty, Motilal Chakraborty, and Monmohun Singha] could not maintain their ownership in these tracts. The cultivators (mostly the Rajbanshis) did not agree to migrate to Indian mainland. But they lost their hope and dreams of happy days.

Being a big enclave of Cooch Behar, Kotbhajani had drawn wide attention in the early twentieth century. There was a police outpost of Cooch Behar State at Kotbhajani. Except Bibi Tarimunnisha, Gayesuddin Patwari and Tasilmamud, all other *jotedars* of this enclave were Hindus (Brahmins). But the cultivators were Rajbanshis and local Muslims. The Rajbanshis however, have been evicted from their ancestral home. So a trend of forced migration has developed at Balapara Khagrabari, Dahala Khagrabari and Kotbhajani. During our field survey we met several people of these enclaves who have migrated to Haldibari and Siliguri.<sup>7</sup>

### Struggle for Survival

Dwellers of Indian enclaves had multiple locations as stateless citizens before the conclusion of the LBA. Although a few Indian enclaves were not suitable for human habitation, but around 111 enclaves with an approximate 50,000 (37,334 according to official source) population had to go through chaotic lives. Since the enclave-dwellers were not allowed to enjoy the rights as the Indian citizens, their standard of living (and status as human being) was largely dependent on the 'host country', i.e. Bangladesh. For education, health care and daily transactions they were completely dependent on Bangladesh. Since, fertilizers and modern agricultural

implements are available only to the Bangladeshi citizens in Bangladesh, the Indian enclave-dwellers had to pay higher price for these materials. In the market, they were often discriminated in selling their products and purchasing essential items.

Being failed to tolerate physical, mental and cultural persecution, the enclave-dwellers of minority community (particularly the Rajbanshis) had migrated slowly to the Indian mainland for survival. They were often evicted from their lands and homes by the Bangladeshi land-mongers. So a noticeable change took place in the population composition and ownership of land in the Indian enclaves.

While the original land holders (*jotedars*) have mostly migrated to India or acquired Bangladeshi citizenship, the cultivators and new occupiers of land had tried to attach themselves with Bangladesh. Most of them (particularly the Muslim inhabitants because of close social relations) have acquired Bangladeshi citizenship. They could enjoy educational and health facilities in Bangladesh with their Bangladeshi identity.

However, political rights, was a matter of great question for the dwellers of the Indian enclaves. They hardly had any opportunity to participate in election as voter or as electoral candidate. They were not associated with the Panchayat system of West Bengal in practice.

Most significant problem in the Indian enclaves was the lack of law and order. The Indian dwellers hardly had any expectation from the Indian administration since it was beyond their reach. They were thus dependent on Bangladesh and its people what was not legally possible. In such a situation, the Indian enclaves had become the paradise of the criminals, goons and smugglers. But enclave-dwellers did not always tolerate the chaotic condition in the Indian enclaves. Big enclaves like Dasiarchhara, Garati, Shalbari and Kotbhajani had developed their own administrative system by their own. Administrative Council, executive, judiciary, defence, all these features of the enclaves had transformed them into mini-states dependent on Bangladesh. Let us have a look at their organized movement.

### The Shitmahal United Council (SUC)

Among the organizations which took positive role for Indian enclave-dwellers 'Shitmahal United Council' (SUC) or 'Chhitmahal Parishad' was a notable one. Under the initiative of Mohammad Golam Matin Rumi of Barakhangir enclave, the inhabitants of the Indian enclaves situated at Patgram had established the SUC on 18<sup>th</sup> November 2015 for the protection of their lives, properties and basic human rights. The SUC set up an 'executive committee' of seven members [on the basis of qualification, efficiency and experience] to look after the interests of the Indian enclave-dwellers (SUC 2005).

**Table :1. Executive Committee of the SUC.**

Sl.No	Portfolio	Name of the Person	Enclave no / Name.
1	President	Mojharul Islam	16,(Bhotbari)
2	Vice President	Golam Matin Rumi	4,(Barakhangir),
3	Secretary, Law and Order and Defence	Md. A.K. Pradhan	12,(Bagdokra)
4	Secretary, Land Control and Finance	Ukil Chandra Barman	119, Banskata
5	Secretary, Education and Information	Ramesh Chandra Shil	120, Banskata
6	Secretary, Agriculture, Health and Cooperative	Balaram Barman	112, Banskata
7	Secretary, Sports, Culture and Coordination	Matiar Rahaman	109 No. Chhit

*Source : Papers collected through fieldwork (2012-2014).*

The executive council of the SUC was empowered to deal with the different problems of the Indian enclave dwellers in Bangladesh including law and order, land control, education, healthcare, agriculture, sports and culture. The SUC had noticed that the Bangladeshi goons were very much active to displace the dwellers of Indian enclaves [particularly of 119 no Banskanta, 115 no Banskanta, Upan Chowki Kuchlibari (enclave no 7), Kharkharia (enclave no 13), Lotamari (enclave no 14), Barakhengir (enclave no 4), Chhat Bhothat (enclave no 24), 112 no Banskanta, Ratanpur (enclave no 11), Jamaldaha Balapukhuri (enclave no 6), 121 no Banskanta, Bhotbari (enclave no 16), Chhat Bhothat (enclave no 24) and Bagdokra (enclave no 12)]. The SUC had thus submitted a memorandum to the District Magistrate of Cooch Behar in 2005 (24<sup>th</sup> December) explaining their helpless and depressed condition. It again

sent its appeal for proper justice to the District Magistrate of Cooch Behar, Sub-divisional Officer of Mekhliganj and Sub-divisional Officer of Mathabhanga in 2009. Main demands of the SUC were:

1. To arrange easy and free movement of the Indian enclave-dwellers.
2. Easy communication of the enclave-dwellers with the Border Secretary Force (BSF).
3. To ensure their right to vote and issuing identity cards to them.
4. To take steps for land reforms, land records and agricultural development in the Indian enclaves.
5. To restore agricultural lands from the illegal persons and to return them to the genuine owners.
6. To build temples, mosques, schools, madrasahs and hospitals in the enclaves.
7. To arrange regular supply of ration,

agricultural implements, fertilizers, high yielding seeds, etc.

8. To empower the SUC for the maintenance of law and order in the Indian enclaves (in Bangladesh).

The SUC had adopted a resolution (12<sup>th</sup> January, 2009) to take the charge of registration of lands of Indian enclaves in Indian stamps since it was stopped in 2000 and they were not allowed to enter India. The SUC argued that this measure would ensure the genuine ownership of land in the enclaves. Moreover, the Government of India would earn profit. Thus the SUC had tried to mobilize the Indian officials to legitimise its demands including issuing identity cards (with photograph) and land records.

SUC, no doubt, was a positive gesture of struggle of the Indian enclave-dwellers in Bangladesh. Most positive outcome of the SUC was the foundation of a few schools for elementary education for the children of Indian-enclave dwellers. Some of them are still in existence in the former Indian enclaves at Patgram.

#### **Indian Enclaves Refugee Association (IERA)**

It has been already observed that lack of law and order, physical and cultural torture and well-founded fear of persecution had generated a trend of forced migration among the dwellers of Indian enclaves since the 1950s. The forced migrants from Indian enclaves particularly of 'enclaves cluster of Patgram', Boda, Debiganj and Panchagarh have founded an organization called 'Indian Enclaves Refugee Association' (IERA) at Haldibari in Cooch Behar district of West Bengal in 1972. It transformed into a registered organization in 1981. Under the leadership of Mr. Falin Roy and Biren Roy (along with the migrants from the Indian enclaves) the IERA had been very much active in the early years of the twenty-first century at Haldibari. Main objectives of this organization were/are:

- (a) Rehabilitation of forced migrants (refugees) to India those who migrated from Indian enclaves.
- (b) Establishment of the 'Right to passage' for the Indian enclave dwellers through the 'Derbigaha Corridor'.

- (c) Issuing ration cards for the Indian enclave-refugees.
- (d) To arrange administrative and medical facilities for the enclave refugees.
- (e) To arrange education for the children of the enclave refugee families.
- (f) To ensure jobs to the enclave refugees.
- (g) To ensure their Indian citizenship (Roy, Falin 7th August 2012).

The IERA has frequently raised its voice against the atrocities committed on the people of Indian enclaves. It has also regularly organized 'sit-in demonstration' in front of different administrative offices of Cooch Behar District against the proposal for exchange of enclaves in the first decade of the 21<sup>st</sup> century. In the early 2012, the demonstration of the IERA had drawn wide attention of the District Magistrate of Cooch Behar, SDOs and BDOs of different subdivisions and Blocks of Cooch Behar. The DM of Cooch Behar informed the matter to the Additional Chief Secretary, Government of West Bengal to consider the demands of the IERA.

The IERA has strongly condemned the talks of exchange of enclave between India and Bangladesh in 2013 because it felt that 'the exchange of enclaves' means deprivation of rights of the enclave refugees from their properties (Roy, Falin 2012). It also prepared a list of forced migrants from the Indian enclaves who have been passing their days in utter hardship (Barman, Rup Kumar 2014). Due to the movement of the IERA, around 400 migrant families (from Indian enclaves) have been rehabilitated in different places of Jalpaiguri, Cooch Behar and Darjeeling districts of West Bengal. However, a major portion of these families are still moving from place to place for survival.

#### **The Chhitmahal Binimay Samanyay Committee : Demand for exchange of enclaves**

In the recent years, 'Bharat-Bangladesh Chhitmahal Binimoy Samanyay Committee' (Indo-Bangladesh Enclaves Exchange Coordination Committee or IBEECC) has received considerable attention of media and the Governments (of both India and Bangladesh) for its role for resolving the problems of the enclaves. The IBEECC got its public appearance in 2008.



However, it has a long historical background. According to Mr. Diptiman Sengupta, Indian leader of this committee, the movement of the enclave-dwellers under the banner of the IBEECC or Binimoy Committee is connected with the history of 'Teenbigha Corridor Agreement of 1992' (by which Bangladesh got the lease of '178 meters × 85meters land area' called Teenbigha (Sengupta 2012). While the 'Teenbigha Agreement' was implemented by the Congress-led Union Government of India and the Left Front Government of West Bengal, the Bharatiya Janata Party (BJP) as well as the non-Congress and non-Left people of Cooch Behar had strongly opposed this agreement. Later, the enclave-dwellers (except Dahagram-Angarpota) had also opposed it because there was no mention about the exchange of other enclaves.

So a sense of deprivation had generated among the people of enclaves of both India and Bangladesh. This feeling was realized by Mr. Dipak Sengupta, a veteran Forward Bloc (FB) leader of Dinhata.<sup>8</sup> Mr. Dipak Sengupta felt that the problems of the enclaves could not be resolved under the banner of any political party. So he began to unify the people of enclaves who have been demoralised because of statelessness since the 1950s. At the same time, progress in border fencing in the 1990s appeared as a significant problem for the people of enclaves. So Mr. Dipak Sengupta along with a few prominent FB leaders of Dinhata had organized the enclave-dwellers under the banner of an 'enclave exchange committee' in 2006. The exchange committee was working silently. In 2008, this committee had drawn attention of the Government. On 14<sup>th</sup> April 2008 around 2000 inhabitants of different enclaves had organized a demonstration in front of the Office of the District Magistrate of Cooch Behar demanding to stop atrocities on them and to resolve their problems.

In the meantime, Hussain Muhammad Ershad, former President of Bangladesh (1983–1990) and the leader of National Party, had visited Dinhata (December 2009) that generated a hope among the enclave-dwellers about the possibility of exchange of enclaves. A similar trend had developed among the people of Indian

enclaves in Bangladesh too.

After the death of Dipak Sengupta (2009), his son Mr. Diptiman Sengupta took the leadership of the movement of the enclave-dwellers.<sup>9</sup> In Bangladesh, he got active cooperation from Anwar Hussain, Hussain Muhammad Ershad and a few political activists who wanted the implementation of the Indira-Mujib Pact of 1974. With a long experience of corporate house, Mr. Diptiman Sengupta realized the importance of media to draw attention about the controversial issue like the exchange of enclaves. He organized the condolence of his father (in 2009) under the banner of the 'Indo-Bangladesh Enclaves Exchange Coordination Committee' (IBEECC).

The movement of the IBEECC was properly started in 2010 with media coverage. Under the leadership of this organization, Bangladeshi National flag was hoisted at Dashiarchra, an Indian enclave situated in Phulbari Police Station of Kurigram District (26<sup>th</sup> January, 2012) to draw the attention of the Governments. Bangladeshi Flag was also hoisted at Garati, Kajaldighi, Kotbhajni and other notable Indian enclaves. Similarly the IBEECC had encouraged the Bangladeshi enclave-dwellers to hoist Indian National Flag in different Bangladeshi enclaves (Sengupta 2012). This organization has also organized demonstration, public meeting to draw attention of the Government of India and the Government of Bangladesh. Main objectives of the IBEECC were:

(i) to expedite the process of exchange of enclaves of India and Bangladesh as per the Indira-Mujib Pact (1974); (ii) to estimate total population of enclaves along with cultivable lands; (iii) to protect the people of enclaves from any discrimination till the exchange of enclaves is completed; and (iv) to ensure minimum provisions for livelihood (including drinking water, medical facility, etc.) to the people of enclaves with the help of 'host' and 'home' countries (Sengupta 2012).

Since 2010, the IBEECC has organized several demonstrations and processions in front of the office of District of Cooch Behar as well as the District Offices of Kurigram, Lalmonirhat and Panchagarh with its various demands. However, the 'enclaves exchange process' has been a matter

of bilateral relations of India and Bangladesh. Thus the IBEECC had to wait till the conclusion of the LBA. However, it cannot be denied that this organization has been felicitated by the Bangladesh government for its positive role to continue the propaganda for exchange of enclaves.

### Post LBA Scenario

With the conclusion of the LBA no Bangladeshi enclave-dweller has opted for Bangladeshi citizenship. However, a section of dwellers of the former Indian enclaves had opted for Indian citizenship. Thus these optees started their voluntary migration to Indian mainland especially to Cooch Behar district. Temporary camps have been constructed at Haldibari, Dinahata and Mekhliganj. First batch of 65 people reached Mekhliganj on 19<sup>th</sup> November, 2015. They have been provided with shelter at the agricultural farm at Mekhligunj (Uttarbanga 22 Nov 2015). The *Bhorer Kagaj*, a Bangladeshi daily, reported on 20<sup>th</sup> November 2015 that 60 people from the former Indian enclaves located at Hatibandha have migrated to India (20<sup>th</sup> November 2015).

However, a very big batch of 991 people reached Dinahata on 22<sup>nd</sup> November, 2015. For them, the Government of India provided temporary shelter including 75 tin-thatched rooms, 30 toilets with water and electric supply. According to the media reports 46 immigrant families arrived at Indo-Bangladesh gate located at Sahabganj who have been provided shelter and job cards (100 days works at per the MNAREGA) on 25<sup>th</sup> November 2015 (Uttarbanga Sambad 20<sup>th</sup> November 2015). Between 23<sup>rd</sup> and 27<sup>th</sup> November 2015, two batches of 177 people (31 families) and 149 people (29 families) from the former Indian enclaves located at Debiganj area have migrated to India while a batch of 108 people (23 families) from Boda area have migrated to India (Bangladesh Pratidin 2015).

However, resettlement in India was no way a simple task for the migrants as they had dreamt of. Although the Government of India had announced a package of Rs 3300 crores for the rehabilitation of the migrants from the former Indian enclaves, this amount could not save the

lives of all these people. The media report shows that out of 921 enclave immigrants 5 lost their lives while many of them were looking for return to their former home (Sabuj Bangladesh 2015).

### Conclusion

Enclaves of India and Bangladesh have appeared as the matter of bilateral relations and prestige of these nation states of South Asia. While Bangladesh was very much interested to exchange the enclaves considering its territorial and diplomatic gains, Government of India was facing questions from different corner against the exchange of enclaves. For the opponents, exchange of enclaves means 'degradation of prestige and territorial integrity of India'. Moreover, there was an apprehension among the people of Cooch Behar (particularly among the forced migrants those who migrated from Indian enclaves) that exchange would legalize the unlawful occupiers of land in Indian enclaves.

In such a dilemma and confrontations of arguments, the people of enclaves have been suffering from statelessness leading to violation of their rights as human beings. So the 'enclave-dwellers' had tried to survive by their own initiative before the exchange of enclaves in 2015. Even after the conclusion of the LBA, the resettlement of the voluntary migrants from the former Indian enclaves has appeared as a very difficult challenge.

### Notes

1. Since its inception, the United Nations Organizations (UNO) has been very much active for maintaining world peace, resolving conflicts and ensuring human rights for promoting a prosperous society. Universal Declaration of Human Rights (UDHR, 1948), International convention for reduction of stateless persons (1961) and political, economic and cultural rights (1966) and other international humanitarian laws and guidelines have gradually established an "international human rights regime". Almost all members of the UN have set up national level human rights commission in their respective countries.
2. There are several geographical studies which have dealt with the definitions of enclaves. Here we can mention the works of Honore Mark Catudal (Sreinstuken: *A study in Cold War politics*, (New York, Vantage Press, 1971); *idem*: "Berlins New Boundaries", *Cahiers de Geographic de Quebec* 18(43)1974: 213-36; *idem*: *The Exclave problems of Western Europe* (Alab,

- University of Alabama Press, 1979); C.D.O Farran (International Enclaves and the Question of State Servitudes, *International and Comparative Law Quarterly*, 49 (April 1955), pp.297-307); P.P.Karan (A Free access to Colonial Enclaves, *Annals of the Association of American Geographers*, 50 (June, 1960), 188-90; The India –Pakistan Enclave problem, *Professional Geographer* 18(1966), 23-25); G.W.S Robinsen (G.W.S: Robinson: West Berlin: *The Geography of an enclave, Geographical Review*, 43(1953), pp. 540-57; Exclaves: *Annals of the American geographers*, 49(September) 1959, pp-283-95); Brendan R. Whyte: *Waiting for the Esquimo: A Historical and documentary Study of the Cooch Behar Enclaves of India and Bangladesh* (Melbourne, University of Melbourne Press, 2004).
3. Although the English term of the ‘Chhitmahals’ is enclave but India and Bangladesh have retained the old nomenclature as Chhitmahals. So I have used the term chhitmahals as the Bengali meaning of enclave.
  4. For demarcation of boundary and mapping the border between East Bengal and West Bengal in 1947, a Boundary Commission was constituted on 30 June 1947 under the chairmanship of Sir Cyril Radcliffe (with Justice Bijan Kumar Mukherjee, Justice C.C. Biswas, Justice Abu Saleh Mohammad Akram and Justice S.A. Rahman as members). This Commission was ‘instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous areas of Muslims and non-Muslims.’ The Radcliffe Award was published on 17 August 1947 two days after the Independence. It drew a dividing line between the two parts of Bengal.
  5. ‘Adverse possession’ means Bangladeshi land held by India and Indian land held by Bangladesh.
  6. 112 No Banskata was an Indian enclave situated in Bangladesh within Patgram sub-district of Lalmonirhat District. On 18<sup>th</sup> February, 2013, I met Mr. Balaram Barman (at Gate no 2 of the University of North Bengal, Darjeeling;) where he used to run a motor bike repairing stall for his lively hood.
  7. Interview with Mr. Biren Roy (on 8<sup>th</sup> July 2013), Mr. Hriday Nath Ray (on 8<sup>th</sup> July 2013), Mr. Jagadish Ray Pradhan (on 8<sup>th</sup> July 2013), Mr. Pramod Barman (on 1<sup>st</sup> August 2013) and Mr. Subal Chandra Barman (on 31<sup>st</sup> July 2013). All interviews were conducted by Ankan Ray.
  8. Mr. Dipak Sengupta was the Member of Legislative Assembly of West Bengal from Sitai constituency. Because of difference of opinion he left the FB and formed the Janabadi Forward Bloc.
  9. Dipak Sengupta died on 3<sup>rd</sup> October, 2009. His son Mr. Diptiman Sengupta took the leadership of the ‘IBEECC.’
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