

India-Bangladesh Border – Issues and challenges

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ABSTRACT

The Indo-Bangladesh border, which came into existence after India's partition in 1947, gave rise to many questions as to the interpretation and implementation of the boundary so drawn. An effort was made to solve the outstanding border disputes with erstwhile East Pakistan and the Nehru-Noon Accord was signed in 1958. While some of the disputes were solved, many continued to haunt even after Bangladesh came into existence. The paper looks at various dimensions of management of the Indo-Bangladesh border including, challenges to its management and, the internal political and security environment of Bangladesh and recommends measures to improve the border management.

Bangladesh Border: Historical Perspective

Ancient Bengal comprised many human settlements, each carrying the name of a particular clan, like Banga or Vanga, Gauda, Pundra and Rarha. The contours of a separate 'Bengal' started taking shape when Lord Curzon partitioned the erstwhile Bengal Presidency in 1905. However, due to tremendous popular resentment, the British annulled the partition of Bengal in 1911. The concept of a separate state of Pakistan with some parts from eastern India really began to take shape after the Muslim League adopted the Resolution at its Lahore Session on March 23, 1940. The Commission was constituted on June 30, 1947 under Section 3 of the Indian Independence Act, 1947. The Commission was required to prepare a report and submit it to the Governor-General of India before August 15, 1947. The province (Bengal) offers few, if any, satisfactory natural boundaries, and its development has been on lines that do not well accord with a division by contiguous majority areas of Muslim and non-Muslim majorities. While submitting his report to the Governor General of India, Radcliffe desired to find answers to certain basic questions⁵ over Calcutta (now Kolkata) and its claim on the waters of Nadia, Ganges-Padma-Madhumati rivers, Khulna and Jessore, Malda and Dinajpur, Darjeeling and Jalpaiguri, and Chittagong Hill Tracts (CHT). CHT at that time comprised only 3 per cent of the Muslim population and people of the CHT who were non-Muslims did not wish to be included in East Bengal. The Commission submitted its report on August 12, 1947 to the Governor-General. It drew a boundary of 4,056 km between India and East Pakistan. Efforts to Solve Border Disputes Bagge Awards Certain disputes arose during the interpretation and implementation of the Radcliffe Awards. Accordingly, by a special agreement The Indo-Pakistan Boundary Disputes Tribunal was set up in December 1949 under the Chairmanship of Hon'ble Algot Bagge, former member of the Supreme Court of Sweden with a member each from India and East Pakistan for the adjudication and final settlement of the arising out of the interpretation of the Radcliffe Award and for demarcating the boundary. The tribunal looked into disputes related to the boundary between the districts of Murshidabad and Rajshahi, portion of a common boundary between the two Dominions which lay between the point on the River Ganges where the channel of the River Mathabhanga takes off and the northernmost point where the channel meets the boundary of Daulatpur and Karimpur, East Bengal-Assam disputes⁶ Strategic Analysis/Jan-Mar 2004 concerning the Patharia Hill Reserve Forest, and the course of the Kusiara River. Nehru-Noon Accord In 1958, the Prime Minister of Pakistan visited New Delhi at the invitation of Pandit Jawaharlal Nehru. Both the Prime Ministers discussed Indo-Pakistan (including East Pakistan) border problems to reduce tension and establish peaceful conditions along the Indo-Pakistan border. The Nehru-Noon Agreement on India-East Pakistan Border was signed in New Delhi on September 10, 1958, which addressed border disputes related to West Bengal, Assam, and Tripura. The agreements covered the Bagge Awards, Hilli, Berubari Union No 12, 24-Parganas-Khulna and 24-Parganas-Jessore boundary, Bholaganj, Piyain and Surma rivers, Feni river and Cooch-Bihar enclaves. Pandit Jawaharlal Nehru, while making a statement on the enclaves in the Lok Sabha after the signing of the Agreement, stated that, "In regard to exchange of small territories we don't want migration from them, as far as possible, and we advise the people to continue living there and accept the country to which they will now belong." Indo-Bangladesh Border Agreement 1974 The emergence of Bangladesh created a new situation altogether and a need was felt to take a fresh look at border disputes. Mrs. Indira Gandhi entered into an Agreement

with Sheikh Mujibur Rehman and signed the Indo-Bangladesh Agreement of 1974. The Agreement listed in detail the modalities to deal with each of the outstanding border concerns including enclaves and undemarcated boundaries. Under this Agreement, India was allowed to retain Southern Berubari along with the adjacent Muslim enclaves. Bangladesh was left in control of 80 per cent of the Muslim enclaves of Dahagram and Angarpota in exchange. Since the two enclaves were not contiguous to the Bangladesh mainland, India offered to lease in perpetuity to Bangladesh an area of 178 mt. x 185 mt. (Tin Bigha) to connect them with Panbari Mouza of Bangladesh.

The Indo-Bangladesh Agreement was subject to ratification by the two governments. Bangladesh ratified it in November 1974. However, India has still not ratified it. The Government of India argued that ratification needed Border Management: India-Bangladesh Border parliamentary approval, which could not be obtained until the entire border had been demarcated, and the areas to be exchanged are identified on the ground. However, Avtar Singh Bhasin argues in *India-Bangladesh Relations 1971- 1994 Documents Volume One* that under the Constitution of India ratification of an agreement or treaty is an executive prerogative and no legislative approval is required.

Problems of Border Management:

One of the problems of border management is the myopic view about the BSF being synonymous with border management. Other issues that are of concern in border management include the following: -

- Porous nature of Border — Wide inter-BOP gap in the face of dense population residing near the boundary, allows free movement of nationals including criminals, of both the countries. This problem gets severely compounded in the riverine and jungle areas where patrolling is difficult. Withdrawal of the forces for other duties (counter-insurgency operations, election work for prolonged period), further worsens the problem.

- Difficulty in Identifying Bangladeshi Nationals — Indians of the bordering states and Bangladeshis look alike, speak the same language (Bengali and/or Assamese), wear the same dress and have similar set of cultures and traditions, thus making it difficult to identify a Bangladeshi national in the absence of identity cards in the border areas. Connivance of the locals with infiltrating Bangladeshis — for a payment — makes the task of detection more difficult.

- Passive/Indifferent Attitude of Border Population — All border crimes take place in an organised manner. The population residing in the border areas is either dependent on the kingpins or are scared to speak against such criminals. This sometimes happens due to indifferent attitudes of the administration where some of them are also part of the nexus.

- Over-population in the border areas — Density of population in the border areas at some places is approximately 700-800 persons per square km on the Indian side and about 1,000 persons on the Bangladesh side. Such an over-populated area with a porous border poses problems in detection and apprehension of criminals who have the option of crossing over to the other side to evade arrest. Since many villages are located so near the border — there are approximately 187 villages in South Bengal where houses are located within 150 yards of the international border — the density of population is far more than the rest of the country. It has also been observed that some children of such villages study in Bangladesh.

- Deportation of Bangladeshi nationals — Bangladeshi nationals caught on the border or in the interior areas are to be deported back to Bangladesh. Certain problems arise in their deportation, such as nonreceipt of lists from state police organisations in advance of the persons to be deported, state police forces bringing in the Bangladeshi nationals without waiting for confirmation, no response from BDR after handing over of the list, lack of awareness of rules and procedures on the part of state police officials at junior levels, and so on, resulting in mishandling of the issue. The problem of feeding the apprehended Bangladeshi nationals and accommodating them till they are deported is an issue that causes serious administrative problems.

Fencing — The primary aim of fencing along the Indo-Bangladesh border was to check the ingress of criminals, prevent smuggling and provide a sense of security to the border population. There are wide gaps as fencing is not complete. This is due to slow progress in acquisition of land, resistance by the locals, flaws in conceiving the project and lack of sincerity. The fencing however, has not resulted in curbing the menace to significant degree. By itself, the fencing is not a barrier. It can be effective only when it is vigorously patrolled and kept under surveillance round the clock. The terrain, climatic conditions, dense vegetation, improper design and alignment without taking into consideration the traditions and culture of the border population, has further led to its repeated breaching. The BSF, deployed to guard the border, is stretched too thin along the border, resulting in large unmanned/unguarded gaps, which are exploited by the criminals.

Cutting of barbed wire by smugglers — Smugglers have invented a very ingenious way of dealing with the security forces who try to obstruct their activity — by cutting the barbed wire. Barbed wire spreads over a longer distance and passes through no man's land which may not be under direct observation of security forces. Since a

breached wire invites disciplinary action against the respective commanders and troops, smugglers resort to such acts to force commanders either to connive with them or face the consequence of an inquiry for dereliction of duty.

- **Criminal-Administration-Police Nexus** — The trans-border crimes in the border regions flourish due to the connivance and close nexus of the criminal-police-administration triumvirate. It has been found in certain cases that before the illegal migrants enter India, certain important documents like ration cards, gas connection papers, etc., showing them as Indian citizens are all prepared and handed over to them to allow them escape detection on the border. These illegal migrants are then helped to reach any part of this country, including crossing over to Pakistan if required. A glaring instance of connivance can be seen from the fact that the cattle smuggled from India to Bangladesh reach the Bangladesh border from places as far as MP, UP, Bihar, Orissa, etc., on the basis of fictitious documents and bribing the officials at respective checkpoints.

- **Change of Profile of Border Areas** — Continuous influx of illegal migrants has resulted in a change of profile of the border areas. Mosques and madrasas have come up in border areas, Bangladeshi dress and culture is visible in the border belt and one can see a perceptible difference in the demographic profile compared to as it was 10 years ago.

- **Criminals in Enclaves** — Enclaves pose a problem of a peculiar nature. Since police cannot enter the enclaves, the local heads act as per their whims without attracting any retribution from either country. People from Indian enclaves in Bangladesh have already migrated to India — either due to sale of their land or to escape persecution. Bangladeshi criminals are taking shelter in these enclaves.

- **Cheap Labour** — It is a win-win situation for the labour as well as the contractor in India. Bangladeshi labour can be hired at cheaper rates and also it is profitable for them to work in India due to the wages they earn in Indian rupees (the value of Indian rupee being more than Bangladesh taka). There are many places where Bangladeshi labour comes to India, e.g., Karimganj in Assam, Agartala in Tripura.

- **Circuitous International Boundary** — The international boundary follows a non-linear pattern. It passes through villages, fields, houses, rivers, and jungles in an uneven manner and at places forms big loops. If one is to follow the proper route along such loops, it is timeconsuming. The pattern of demarcation is so tedious that people in the border areas find it tempting to trespass and violate the international border as shortcuts.

- **Public Distribution System (PDS)** — Border areas on the Indian side are covered under the public distribution system whereby items like sugar, wheat, rice, etc., are made available to villagers at subsidised rates. The PDS shops are normally located in the rear and the items are sold to the villagers either in the godowns or the local salesmen carry the items to the villages near the boundary according to the population of the villages. While carrying such items the courier normally shows a chit to the BSF officials, mentioning the quantity being carried in a particular trip, if questioned. Invariably, such couriers make a number of trips in a day, distributing rations exceeding the quantity required for the village population. The excess quantity so carried is smuggled across the boundary at night or when the opportunity arises. The PDS chits in possession of the courier specifies the amount of the item but it does not mention the number of trips a courier has to make, resulting in a person making many trips and selling rations to Bangladesh.

- **Char Lands** — Char lands are the areas that emerge in riverine border areas as the rivers change their course due to floods. People (who come first) occupy and settle in these char lands leading to claims and counter-claims. The problem is alive in Dhubri district of Assam where the Brahmaputra crosses to Bangladesh forming char lands.

- **Missing Border Pillars** — Border pillars show the alignment of the boundary on the ground. There are various types of border pillars like main, minor, and subsidiary. These pillars sometimes get stolen or removed by criminal elements with a view to create tension on the border or nibble ground.

- **Firing Across the Border** — Though not as intense as on Indo-Pakistan border (J&K), both Indian and Bangladeshi troops resort to firing across the International Border at the slightest provocation, causing tension and problem of management.

- **Lack of Development** — The produce in the border areas does not find any market on the Indian side for want of communication facilities, and the items produced are of a perishable nature. So, the Indians have to perforce resort to selling it in Bangladesh. But, in case of the Meghalaya border, the boundary lies on the foothills towards Bangladesh while the plains are in India where the vegetables, etc., produced, are consumed by Indians.

Conclusion

Without peaceful borders with its neighbours, India can hardly play its legitimate role in global affairs at this time of seminal global change. Since borders are with neighbors and neighbours are people, we have to take into consideration the people and the state when we talk about borders and its management. The Indo-Bangladesh border is a long one and heavily inhabited and the inhabitants have a common history of growth, culture, language and rich

heritage. Today, most of the problems are the manifestation of this fact. The problem of border management on this border is not just one of securing the borders but of doing so without causing harm to the economic interest of the people, long dependent on mutual trade and various other forms of interdependence. Being on the extreme corner of the country, the border areas have remained underdeveloped and were economically and politically ignored for a long time. The negligence by the mainland forced the people of the border area to indulge in and depend on the traditional systems for their survival and this gave rise to cross-border movements.

To integrate the border with the mainland, economic and infrastructure development of the border areas must be done. It is also equally important to ensure political satisfaction of the border people, provision of adequate security, closing the cultural and communication gaps between the border people and the national mainstream and developing friendly relations with their border people.⁴⁵ Though, a lot has been done, much more remains to be done.

It would be in the interest of both the nations to streamline and institutionalise the movement of people by issuing work permits and identity cards to migrants. Such people should go back after the expiry of the term. Contractors employing such labour should also remain accountable for movement of labour so employed. Detection of illegal migrants by the BSF should also be upgraded through computerisation and fingerprinting. To check inflow of illegal migrants, armed intruders and illegal trade, particularly cattle smuggling, trafficking of women and children, the completion of fencing should be expedited.

Joint Indo-Bangladesh Guidelines — 1975 for the border guarding forces be revised as some of its provisions have become irrelevant. Bangladesh needs to be told that fencing and roads along the border do not pose any security threat to them. Rather, it is an economic loss to India as a minimum of 150 yards of our fertile land and people between fencing and the International Border are virtually at the mercy of Bangladeshi criminals.

That these guidelines were framed at a time when trans-border crimes, illegal migration and movement of armed insurgents across this border were virtually non-existent. Over the years many changes have taken place along the border including the demographic profile and movement of armed insurgents (despite these border guidelines). Many villages (built up areas) already existed and many came later within 150 yards of the International Border. Bangladesh's objection of not allowing the fencing and construction of roads along the International Border under the cover of these border guidelines, is illogical and lacks merit, as fencing poses no security threat to Bangladesh.⁴⁶ Actually, fencing should accordingly be extended up to the boundary line.

Similarly, illegal trade due to differences in tariffs and trade restrictions has given rise to vested interest groups who benefit by indulging in smuggling. The earlier a mechanism is set to open and liberalise the border trade the better it would be for the economy of the border areas and both the countries. Domestic reforms are required to address policy distortions in the public distribution systems to check informal trade. Over the years, in order to cater to the growing demand for security forces to meet the threat to internal security, particularly in the North-East, Jammu & Kashmir and earlier Punjab, the BSF has been taken away from the Bangladesh border and deployed elsewhere, leaving this border porous and prone to cross-border infiltration. Increase in population along the border areas has further complicated the problem and has also increased the requirement of additional BSF personnel. Thus, even after restoring the BSF personnel who were withdrawn for operations elsewhere, considerable augmentation of the forces is required. Each BSF battalion should guard an area not more than 40 km. A total of approximately 100 units would be required for guarding the entire border effectively.

In border management, some other agencies are also involved in addition to the BSF. These agencies should play an active role in strengthening the basic infrastructure on the borders like police outposts, communications, roads, legalising border trade as per local traditions, issue of identity cards to the border population, providing employment to local youth, simplification of legal procedures, strengthening the local legal bodies, and so on. These measures would augment the efficiency of the BSF and also make law enforcement more effective. The BSF by virtue of being present along the boundary through-out the year, also feels the pulse of the population. It can not only develop cordial relations and inculcate the sense of security among the population but also bridge the gap between the public and government machinery, if civil authorities responsible for development of the border areas are put under the supervision of the BSF as part of the BADP.

The IMDT Act has not served the purpose of detecting and deporting illegal migrants from Assam. The futility of the provisions of this Act stands substantiated by the fact that after more than 15 years of this Act coming into force, only a handful of Bangladeshis against whom action could be taken, are in Assam, a state worst affected by illegal immigration that saw agitations due to this problem. It needs no emphasis that this Act only helps Bangladesh in denying that there are any Bangladeshis in India. The IMDT Act should be repealed and all illegal immigrants should be dealt with under the Foreigners Act as applicable throughout the country. Insurgent camps in Bangladesh are a cause of worry for India. Insurgents supported by the ISI and the fundamentalist parties are a deadly combination for activities against India. Western countries and international agencies are to be prevailed upon to link the foreign aid and donations to Bangladesh with the dismantling of terrorist training camps in a fixed

time-frame. There is every possibility of some of the aid being utilised for promoting terrorism by the fundamentalist parties who are part of the government, not only against India but other nations as well.

One of the tasks for the BSF is to inculcate a sense of security amongst the border population. This means putting an end to trans-border crimes and defending the border population in case of a threat from across the border. As long as there is no mutual trust between the border population and the BSF, it cannot be achieved. BSF needs the people's assistance for identifying and apprehending the trans-border criminals and illegal migrants. BSF personnel, by virtue of their operational requirements, are rotated after two/ three years. These troops come from different parts of the country and hardly understand the language and culture of the border areas. As such, there always remains a gap between the force and local people. By the time the BSF gets into the grid of intelligence gathering and understands the local conditions, they are due for rotation and a vacuum is created. The population has to be used as a force multiplier. A continuous liaison with the population is inescapable. It is recommended that locals of the border areas be recruited in the BSF who maintain continuity particularly for intelligence gathering and better integration. These people should remain in the area even when the units move out and they stand posted in the new unit.

Last, but not the least, the morale and motivation of those guarding the borders has to be ensured in terms of welfare, incentives and promotions. These men work under the most trying conditions, in inhospitable terrain, remain away from their families throughout the year and are under constant mental stress. If these men are not motivated, no amount of instructions and measures towards border management will yield the desired results.

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