

1

**STANDING COMMITTEE
ON EXTERNAL AFFAIRS
(2014-2015)**

SIXTEENTH LOK SABHA

MINISTRY OF EXTERNAL AFFAIRS

**THE CONSTITUTION (ONE HUNDRED AND
NINETEENTH AMENDMENT) BILL, 2013**

FIRST REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

December, 2014/ Agrahayana, 1936 (Saka)

FIRST REPORT
STANDING COMMITTEE ON
EXTERNAL AFFAIRS
(2014-2015)
(SIXTEENTH LOK SABHA)

MINISTRY OF EXTERNAL AFFAIRS

**THE CONSTITUTION (ONE HUNDRED AND NINETEENTH
AMENDMENT) BILL, 2013**

Presented to Lok Sabha on 1st December, 2014
Laid in Rajya Sabha on 1st December, 2014



LOK SABHA SECRETARIAT
NEW DELHI

December, 2014/ Agrahayana, 1936 (Saka)

COEA NO. 112

Price : Rs.

© **2014 by Lok Sabha Secretariat**

Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fourteenth Edition).

CONTENTS

	PAGE NO.
COMPOSITION OF THE COMMITTEE (2014-2015).....	(ii)
INTRODUCTION.....	(iii)

REPORT

CHAPTER I Introductory.....	1-4
CHAPTER II The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013	5-18

APPENDICES

I. Minutes of the Second sitting of the Committee held on 7 th October, 2014.....	19-20
II. Minutes of the Fifth sitting of the Committee held on 29 th October, 2014.....	21-23
III. Minutes of the Sixth sitting of the Committee held on 25 th November, 2014.....	24-25

ANNEXURES

I. Land Boundary Agreement, 1974.....	26-28
II. 2011 Protocol to the Land Boundary Agreement.....	29-33
III. The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013	34-41
IV. Details of the Enclaves.....	42-50
V. Details of the Adverse Possessions.....	51

COMPOSITION OF THE STANDING COMMITTEE ON EXTERNAL AFFAIRS (2014-2015)

Sl. No.	<u>Name of Members</u>	
1.	Dr. Shashi Tharoor, Chairperson	
Lok Sabha		
2.	Shri Sirajuddin Ajmal	
3.	Prof. (Dr.) Sugata Bose	
4.	Shri Ranjit Singh Brahmpura	
5.	Shri Arka Keshari Deo	
6.	Shri Rahul Gandhi	
7.	Shri Anantkumar Hegde	
8.	Shrimati Rakshatai Khadse	
9.	Shri Raghav Lakhnarpal	
10.	Shri Jose K. Mani	
11.	Shri Feroze Varun Gandhi*	
12.	Shri A. Anwhar Raajhaa	
13.	Shri Maganti Venkateswara Rao (Babu)	
14.	Md. Salim	
15.	Dr. Mamta Sanghamita	
16.	Shri P.R. Senthilnathan	
17.	Shri Ram Swaroop Sharma	
18.	Shrimati Supriya Sule	
19.	Shri Sharad Tripathi	
20.	Shri Shivkumar Udasi	
21.	Vacant [#]	
Rajya Sabha		
22.	Shri Satyavrat Chaturvedi	
23.	Shri H.K. Dua	
24.	Shri Chunibhai Kanjibhai Gohel	
25.	Shrimati Kanimozhi	
26.	Shri Ram Kumar Kashyap	
27.	Dr. Karan Singh	
28.	Shri D. P. Tripathi	
29.	Shri Pavan Kumar Varma	
30.	Vacant [@]	
31.	Vacant ^{##}	
Secretariat		
1.	Shri Cyril John	- Joint Secretary
2.	Dr. Ram Raj Rai	- Director
3.	Smt Rita Jaikhani	- Additional Director
4.	Shri Janmesh Singh	- Committee Officer

*Shri Feroze Varun Gandhi, Member of Parliament, Lok Sabha has been nominated *vice* Dr. K.C. Patel, Member of Parliament, Lok Sabha who has been nominated to the Committee on Information Technology *w.e.f.* 11.09.2014.

[#] Shri Vijay Sampla ceased to be Member of the Committee consequent upon his appointment as Minister *w.e.f.* 09.11.2014.

[@] Shri Y. S. Chowdary ceased to be Member of the Committee consequent upon his appointment as Minister *w.e.f.* 09.11.2014.

^{##} Shri Murli Deora, Member of Parliament, Rajya Sabha had been nominated *vice* Shri Anand Sharma, Member of Parliament, Rajya Sabha who had been nominated to the Committee on Chemicals and Fertilizers *w.e.f.* 25.09.2014. Vacancy arose *w.e.f.* 24.11.2014 due to his sad demise.

INTRODUCTION

I, the Chairperson, Standing Committee on External Affairs (2014-2015) having been authorized by the Committee to submit the Report on their behalf, present this First Report (Sixteenth Lok Sabha) on 'The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013'.

2. The Bill was introduced in Rajya Sabha on 18th December, 2013 and was initially referred to the Standing Committee on External Affairs on 31st December, 2013 for examination and Report. The examination could not be completed in view of announcement of General Elections, 2014 and the dissolution of 15th Lok Sabha. The Bill was again referred to the Committee on 16th September, 2014.

3. In the process of examination of the Bill, the Committee were briefed by the representatives of the Ministry of External Affairs on 7th October, 2014. The Committee also took oral evidence of the representatives of the Ministry of External Affairs, Ministry of Home Affairs, Ministry of Rural Development (Department of Land Resources) and the State Government of West Bengal on 29th October, 2014. The Committee also sought written information on various aspects relating to the Bill from the Ministry of External Affairs.

4. The Committee considered and adopted this Report at their sitting held on 25th November, 2014. The Minutes of the sittings of the Committee are appended to the Report.

5. The Committee wish to express their gratitude to the representatives of the Ministry of External Affairs who appeared before the Committee and placed their considered views and also for furnishing background information and written replies to the points raised by the Committee in connection with the examination of the Amendment Bill. The Committee would also like to thank the representatives of Ministry of Home Affairs, Ministry of Rural Development (Department of Land Resources) and the State Government of West Bengal who also deposed before the Committee.

6. For facilitation of reference and convenience, the observations and recommendations of the Committee have been printed in bold in the body of the Report.

NEW DELHI
28th November, 2014
7 Agrahayana, 1936 (Saka)

DR. SHASHI THAROOR,
Chairperson,
Standing Committee on External Affairs.

REPORT
CHAPTER 1
INTRODUCTORY

India and Bangladesh have a common land boundary of approximately 4096.7 kms. The India-East Pakistan land boundary was determined as per the Radcliffe Award of 1947. Disputes arose out of some provisions in the Radcliffe Award, which was sought to be resolved through the Bagge Award of 1950. Another effort was made to settle these disputes by the Nehru-Noon Agreement of 1958. However, the issue relating to division of Berubari Union addressed in the Nehru-Noon Agreement, 1958 was referred to the Supreme Court for an advisory opinion by the President under Article 143(1) of the Constitution. To comply with the opinion rendered by Supreme Court, the Ninth Constitutional Amendment Act was introduced in 1960. Due to the continuous litigation and other political developments at that time, the Ninth Constitutional Amendment Act could not be notified in respect of territories in former East Pakistan.

I. THE LAND BOUNDARY AGREEMENT, 1974

1.2 The Land Boundary Agreement, 1974 (1974 LBA) was signed on May 16, 1974, soon after the independence of Bangladesh to find a solution to the complex nature of border demarcation. This Agreement was ratified by the Bangladesh Government in 1974. However, though the Cabinet had granted approval in 1974, this Agreement was not ratified by India as it involved cession of territory. Since this required a Constitutional amendment before ratification, it was essential to indicate precise areas on the ground, which had to be ceded. Bangladesh had earlier insisted that ratification should precede the actual demarcation on the ground. However, Bangladesh later on agreed to resolve the demarcation and dropped their insistence on prior ratification. The Land Boundary Agreement is given in **Annexure I**.

1.3 The 1974 LBA provided that India would retain half of Berubari Union No. 12 and in exchange Bangladesh would retain the Dahagram and Angarpota enclaves. The Agreement further provided that India would lease in perpetuity to Bangladesh a small area near Dahagram and Angarpota (the 'Tin Bigha' corridor) for the purpose of connecting Dahagram and Angarpota with Bangladesh. This part of 1974 Agreement was implemented on 26 June 1992. This was done through exchange of letters on 26 March 1992. The implementation relating to exchange of letters is already complete. Therefore, these letters do not require any further action and hence are not reflected in the proposed Bill.

1.4 The agreement was implemented in its entirety with the exception of three issues pertaining to (i) un-demarcated land boundary of approximately 6.1km in three sectors, viz. Daikhata-56 (West Bengal), Muhuri River-Belonia (Tripura) and Lathitila-Dumabari (Assam); (ii) exchange of enclaves; and (iii) adverse possessions.

A. Enclaves

1.5 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 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.

1.6 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.

1.7 The details of enclaves have been jointly compared and reconciled with records held by India and Bangladesh and signed in April, 1997. Areas in respect of enclaves that would be acquired by India are placed at the Third Schedule of the Bill.

B. Adverse Possessions

1.8 An adverse possession is a portion of territory that is contiguous to India's border and within Indian control, but which is legally part of Bangladesh. Residents of these adverse possessions are Indian citizens. The same applies to Bangladeshi adverse possessions.

1.9 The Ministry has informed that in respect of adverse possessions, India will receive 2777.038 acres of land and will transfer 2267.682 acres of land to Bangladesh. As in the case of

enclaves, however, the reality is that the area to be transferred is 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 will now be formally transferred to India with the implementation of the 2011 Protocol.

II. 2011 PROTOCOL TO THE LAND BOUNDARY AGREEMENT

1.10 After extensive consultations, both India and Bangladesh have resolved the aforementioned outstanding issues by signing the 2011 Protocol. This Protocol, which was signed by the two countries on September 6, 2011 during the visit of the then Prime Minister to Bangladesh after obtaining approval of the Cabinet, forms an integral part of the Land Boundary Agreement, 1974 and paves the way for a settlement of the long pending Land Boundary issues between the two countries. The concerned State Governments were integrally involved in conducting the joint survey of finalization of adverse possessions and demarcation of pending segments. The written concurrence of the concerned State Governments to the draft Protocol was obtained. In implementation of the agreement people living in the border areas will not be dislocated.

1.11 The Ministry has informed that the 1974 Land Boundary Agreement was approved by the Indian Cabinet prior to its signature in 1974; however, the Agreement was not ratified as it required a Constitutional amendment for which it was necessary to indicate the precise areas on the ground which had to be ceded on both sides. The exact details of these areas were finalized through detailed negotiations, joint visits to the concerned areas and land surveys and these were formalized in the form of the 2011 Protocol. The Protocol forms an integral part of the LBA 1974 and serves the purpose of addressing only the unresolved issues of the 1974 LBA. It does not depart from the 1974 LBA on any point other than the maintenance of status quo on adverse possessions and only adds details on some other aspects of the 1974 LBA. Details of the 2011 Protocol are given in **Annexure II**.

1.12 Regarding adverse possessions of Pallathal and Nayagaon in Assam the interests of tea and betel-leaf 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.

1.13 The Ministry has further informed that as per Article 2 of the LBA 1974, 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.

1.14 The Committee are aware that the non-implementation of the 1974 Land Boundary Agreement between India and Bangladesh has led to the perpetuation of the land boundary dispute between the two countries and has also led to the continuation of the miserable plight of the people living in the enclaves on both the sides. The Committee would like to express their happiness, that ultimately the Protocol agreement has been signed and it will usher a new beginning in the Indo-Bangladesh relationship while addressing the humanitarian implications of the actual implementation of the Accord.

CHAPTER II

THE CONSTITUTION (ONE HUNDRED AND NINETEENTH AMENDMENT) BILL, 2013

In order to implement the 1974 LBA and the 2011 Protocol to the LBA, the Government has proposed that the 1974 LBA as well as 2011 Protocol are ratified. Since the exchange of enclaves as well as retaining the *status quo* on adverse possessions involves acquisition and cessation of territory, a Constitutional amendment is required to implement the same.

2.2 The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013 is to implement 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 and the Protocol to the Agreement between the Government of the Republic of India and the Government of the People's Republic of Bangladesh. The Bill is given in Annexure III.

I. AMENDMENTS

2.3 The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013 seeks to further amend the Constitution of India to give effect to the acquiring of territories by India and transfer of certain territories to Bangladesh in pursuance of the Agreement and its Protocol entered into between the Governments of India and Bangladesh.

2.4 The provisions in the Amendment Bill seek to incorporate modifications in territories of the State of Assam, West Bengal, Meghalaya and Tripura by making the following additions in the First Schedule of the Constitution:

- a) Assam: In the paragraph relating to the territories of the State of Assam, the words, brackets and figures “and the territories referred to in Part I of the Second Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013, notwithstanding anything contained in clause (a) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part I of the Second Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end.
- b) West Bengal: In the paragraph relating to the territories of the State of West Bengal, the words, brackets and figures “and also the territories referred to in Part III of the First Schedule but excluding the territories referred to in Part III of the Second Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013, notwithstanding anything contained in clause (c) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part III of the First Schedule and the territories referred to in Part III of the Second

Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013 shall be added at the end.

- c) Meghalaya: In the paragraph relating to the territories of the State of Meghalaya, the words, brackets and figures “and the territories referred to in Part I of the First Schedule but excluding the territories referred to in Part II of the Second Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end.
- d) Tripura: In the paragraph relating to the territories of the State of Tripura, the words, brackets and figures “and the territories referred to in Part II of the First Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013, notwithstanding anything contained in clause (d) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part II of the First Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end.

2.5 The Committee deliberated on the various provisions of the Bill and commend the Bill for enactment with the modifications/suggestions as given in the succeeding paragraphs.

II. OTHER ISSUES

A. Role of the State Governments

2.6. The Ministry in their written reply has stated that the Protocol has been prepared with full support and concurrence of the concerned State Governments (Assam, Meghalaya, Tripura and West Bengal). All Bangladeshi enclaves are located in the district of Cooch Behar in West Bengal and all Indian Enclaves are located in four Bangladeshi districts of - Panchagarh, Lalmonirhat, Kurigram and Nilphamari- which are close to the border with West Bengal. By exchange of Enclaves, only the State of West Bengal is expected to be affected.

2.7. The Ministry has further informed the Committee that the concerned State Governments were closely associated with the process of determination of Adverse Possessions and Enclaves. 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.

2.8 The Committee have been convinced by the Ministry that all the concerned State Governments were consulted at various stages of reaching a settlement on the boundary

dispute with Bangladesh. Closer consultations at the highest political level between the Central Government and State Governments would have been desirable. The Committee while appreciating the efforts to keep the State Governments on board would, therefore, suggest the Government to effectively coordinate with them on all matters and resolve the lacuna (if any) related to actual implementation of the Accord on the ground. Such a close working and synergy would be indispensable when the actual territory is exchanged and the demographic situation might be affected. The Committee are of the opinion that such consultations should be carried out as an integral part of the process leading to the exchange of the instruments of ratification between India and Bangladesh and the notification of the agreement. Such a consultation process would go a long way in ensuring the smooth implementation of the Accord.

B. Benefits of the Bill

2.9 The outstanding border issues contributed to tension and instability along the border and adversely impacted on the lives of people 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 the 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.

2.10 While elucidating the likely benefits of the accord, the Foreign Secretary during the briefing held on 7th October, 2014 informed the Committee as under:

"...We are convinced that implementation of the Agreement and its Protocol will ensure that the India-Bangladesh boundary is permanently settled with no more differences in interpretation. It will reduce potential for friction between border guarding forces and address security issues. It will thus allow both countries to focus on beneficial bilateral cooperation through enhanced

security, trade, transit and development. It is in our national interest to move ahead on this matter and settle the boundary once and for all...."

2.11 The Foreign Secretary further added that:

"....Apart from these benefits highlighted, there is another issue to be considered. The support extended by Bangladesh regarding security and connectivity issues despite the impact on local infrastructure, the support in restoring old rail links and connectivity are repeatedly highlighted by Bangladesh especially in the media there. This is contrasted with the delay on our part in ratifying the Land Boundary Agreement, which is being perceived as the touchstone of our sincerity in dealing with it. It is our belief that progress on the Land Boundary Agreement will help deepen cooperation with India in a number of other areas, including investment and joint ventures, and the very important issue of connectivity for North East of India...."

2.12 While advocating an early settlement of the boundary issue, Foreign Secretary made following submission before the Committee during the briefing to the Committee:

"....Now, there were some very important questions raised and the humanitarian problem. Permit me to submit that the situation of our people and their people in the enclaves is already so bad because they do not have access to civic services, and they do not have access to police services. The best thing that we can do to help them is to pass the Land Boundary Agreement Bill as quickly as possible so that they are no longer Stateless persons in effect, but are nationals of a particular country and can avail of the services that each country can offer to its citizens. This is the ground reality....."

2.13 On being asked about the likely benefits of the implementation of 1974 LBA and the 2011 Protocol, the Ministry has stated in a written reply as under:

"There are no negative fallouts anticipated from the implementation of the 1974 LBA and its 2011 Protocol. Rather, the following benefits are expected to accrue from the implementation of the Agreement and protocol:

- A fixed demarcated boundary will be finalized in all un-demarcated segments. This represents a permanent solution to a decades-old issue as it is based on mutual agreement.

- The exchange of enclaves 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 will legalize a situation which already exists de facto.

- It will allow India and Bangladesh to focus on unlocking the full potential for mutually beneficial bilateral cooperation through enhanced security, trade, transit and development.
- 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 contribute to tranquility and peace along the border.
- A settled boundary is an essential prerequisite for effective cross-border cooperation. It reduces friction, helps neighbors consolidate mutually beneficial exchanges and promotes confidence in building better relations.
- This will also help address issues of security concern, including illegal migration, smuggling and other crimes and denial of sanctuary to elements inimical to India."

2.14 During the briefing held on 07.10.2014, Foreign Secretary elaborated as under:-

"....Sir, permit me to observe that this is indeed one of the rare cases where it is a win-win situation. Each of us stands to gain something, each of us stand to lose something. But in the process, we get a settled boundary which means a boundary that is more amenable to effective policing by our Border Security Forces where smuggling will go down, illegal migration will go down and where people along the border whether they are in India or in Bangladesh will be more settled and will be more secure. Most important of all hon. Members, Bangladesh will feel more inclined to give us what we have been requesting it for several years now in terms of better connectivity for our eight States in the North East....."

2.15 The Committee are of the strong opinion that the Constitution (One Hundred and Nineteenth Amendment) Bill, 2013 is in the overall national interest as it would pave the way for broader bilateral ties with one of our closest neighbours, Bangladesh. The Committee are of a considered opinion that delays in the passage of the Bill have needlessly contributed to the perpetuation of a huge humanitarian crisis. However, the Committee are also sure that the difficulties of the people living in the enclaves of both the countries would come to an end after the Act is passed by the Parliament. The Committee would, therefore, urge the Government to take urgent steps for presenting the Bill to Parliament without any further delay.

C. Implications of the Bill

2.16 As per the submission made by the Ministry, in the exchange of enclaves, the *de facto* reality gets converted to a *de jure* situation. 111 Indian enclaves with a total area of 17,160.63 acres in Bangladesh are to be transferred to Bangladesh; 51 Bangladesh Enclaves with an area of 7,110.02 acres in India are to be transferred to India. The details of these enclaves are given in **Annexure IV**. 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 access to its enclaves located deep inside India. In effect, the exchange of enclaves denotes only a notional exchange of land with no substantial change in the nation's external boundaries.

2.17 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. Adverse possession areas that would be acquired by India and transferred to Bangladesh are placed at **Annexure V**.

2.18 The Ministry has provided following justification for maintaining the status quo on adverse possessions:

"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."

2.19 The Committee fully endorse the decision taken by the Government to maintain the status quo on adverse possessions. The literal adherence to the provisions of the Land Boundary Agreement, 1974 would have created another chain of displacement and sufferings. Similarly, the exchange of enclaves is a logical step in bringing these areas within the ambit of governance. The Committee understand that much like Indian enclaves, the Bangladeshi enclaves being acquired by India would be deficient in infrastructure and amenities. Therefore, the Committee strongly recommend that a blueprint should be kept ready for development of these areas after due consultations with the concerned State Governments, so that the developmental work can be initiated immediately after this Bill is made an Act and Agreement is ratified.

2.20 As per the Ministry, the implications pertaining to the concerned State Governments with regard to adverse possessions and demarcation of boundary are as under:

(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 Sonarichhera 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 finalized 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. 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 Radcliffe and actual position on the ground has been followed.

2.21 The Ministry has further clarified that 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 adoption of the Constitution Amendment Bill is expected to lead to the ratification of the Protocol and exchange of Instruments of Ratification followed immediately by implementation of the Protocol.

2.22 On being asked by the Committee about the next steps to be taken after the Bill is passed by the Parliament, Foreign Secretary elucidated as under during the evidence of the Ministry held on 29.10.2014:-

"I would like to inform you that once the Constitution (Amendment) Bill is passed, we will seek approval of the Cabinet for ratification of the agreement and its protocol following which the instruments of ratification will be exchanged by India and Bangladesh. Simultaneously an inter-Ministerial team comprising representatives of the Ministry of External Affairs, Ministry of Home Affairs and the Ministry of Rural Development will work with the representatives of the Government of West Bengal to finalise the compensation package for the expected returnees from the Indian enclaves in Bangladesh. The execution of compensation package by the concerned departments of the State

Government and Central Government will commence after ratification of the agreement. This would include the process of inclusion of enclave residents into the electoral rolls and other government welfare schemes and action by the district administration to provide services like schools, health care, roads, electricity, etc. in Indian enclaves. Simultaneously, the Joint Boundary Working Group between India and Bangladesh will hold its meeting to finalise the un-demarcated segments of the boundary and the maps. Border guarding forces will be re-deployed along the finalised boundary....."

D. Compensation and Rehabilitation

2.23 As per the Ministry, the issue of compensation to returnees from Indian enclaves in Bangladesh that may arise upon implementation of the Land Boundary Agreement has been discussed and dealt with appropriately in consultation with the State Governments concerned.

2.24 The Ministry has furnished the following information with regard to the compensation package and rehabilitation facilities to be provided to the people shifting from one place to another in these areas:

"For augmenting the infrastructure and other facilities in those localities and also for rehabilitation of the people shifting from one place to another, a suitable compensation package for residents of Indian enclaves was discussed during External Affairs Minister's meeting with Chief Minister of West Bengal in New Delhi on May 3, 2012. Subsequently, an inter-Ministerial delegation consisting of representatives of the Ministries of External Affairs, Home Affairs and Rural Development held consultations with the Government of West Bengal in Kolkata on 11 June 2012. They reached an "in principle" understanding/ arrangement on the compensation issue and a central government assistance package in this regard. Based on the maximum expected figure provided by the Government of West Bengal of those who may choose to return to India upon the implementation of the Protocol to LBA of 3,500 persons (700 families @ 5 persons per family), a package of Central Government financial assistance to include inter alia immediate relief on arrival and services to Bangladeshi enclaves in India was proposed. Government of West Bengal is yet to confirm the approval of this proposed package by the Chief Minister. Once such confirmation is received, this Ministry will move for formal approval for the overall package."

2.25 The Ministry has further submitted that:

"The issue of suitable compensation for the residents of Indian Enclaves choosing to return to India upon implementation of the 1974 LBA was discussed during EAM's meeting with Chief Minister of West Bengal and subsequently this matter was discussed in detail by an inter-Ministerial team (comprising of officers from MEA, Ministry of Home Affairs (Border Management Division, Freedom

Fighters & Rehabilitation Division and Office of the Registrar General and Census Commissioner), Rural Development Ministry with the Government of West Bengal in June 2012. The discussions centered around the numbers of those expected to avail of the option of relocating to India from Indian Enclaves in Bangladesh, the means of accurately verifying bonafide residents of Indian Enclaves, their entry into India (West Bengal) and the means of their resettlement and rehabilitation. MEA has offered a compensation package to West Bengal to cover immediate relief on arrival of returnees from the enclaves in Bangladesh and provision of civic services to Bangladeshi enclaves in India to which Government of West Bengal has not yet responded."

2.26 When asked about the role of the State Government of West Bengal in providing rehabilitation to the returning Indian citizens, Foreign Secretary submitted as under:

" To my understanding, it is a State Government's decision because they are the ones who have to approve what they will finally give to the people who choose to come back. The Central Government would probably assist them with financial package, but ultimately it would be the State Government that would deliver on the ground....."

2.27 The Committee understand that the execution of a compensation package by the concerned departments of the State Government of West Bengal and the Central Government will commence after ratification of the Agreement and exchange thereof between India and Bangladesh. Although the issue of providing suitable rehabilitation and compensation to the people who will be returning from Indian enclaves in Bangladesh is not related to the main body of the Constitution Amendment Bill, the Committee are of the opinion that the same should also be addressed immediately by the Government. The Committee expect that the Central Government and the State Government of West Bengal will arrive at a consensus on the issue related to rehabilitation package. All the humanitarian issues should be resolved in advance, including assistance from the Central Government in this regard. The Committee also recommend that the Government should institute a suitable monitoring mechanism for coordinating with the West Bengal Government over all issues related to rehabilitation.

The Committee also desire that a status report on rehabilitation of the returning Indian citizens should also be presented to the Parliament/Committee within six months after the agreement comes into force.

E. Citizenship

2.28 As per the Ministry, the inhabitants of the Bangladeshi Enclaves in India, which will be transferred to India under the Protocol, can be granted Indian citizenship under Section 7 of the Indian Citizenship Act, 1955 (by incorporation of territory). As per this provision, if any territory becomes part of India, the Central Government may by order notified in the Official Gazette, specify the persons who shall be citizens of India with effect from the date to be specified in the order.

2.29 On being specifically asked by the Committee about the security dimensions of the Bangladeshi residents being given the Indian citizenship after exchange of enclaves, the Ministry submitted the following through a written reply:

"The Bangladeshi Enclaves are deep within Indian territory with no fencing or any other means to physically demarcate them. It is only by means of land records that the fact that they are enclaves is known to the local administration and residents. As such, the population there is practically free to mingle with the rest of the Indian population. However, the law enforcement authorities are not able to carry out their duties in the enclaves since, technically, they are not Indian territory. Due to this lack of access to these areas by the law and order enforcing agencies and weak property rights, certain enclaves have become hot beds of criminal activities. This anomalous situation will be corrected once the LBA and its Protocol are ratified and implemented."

2.30 The Home Secretary had further added during the course of the evidence held on 29th October, 2014:

".....Now as far as the Indian population living in Bangladesh is concerned, they are our citizens and they have every right to come back. How many of them decide to exercise this right, we will find out once a decision is taken. But when they come back, we intend to take the biometric details of all of them and carry out the entire exercise to ensure that we know who all are coming. Then in close cooperation and consultation with the Government of West Bengal, they will be taken to the respective places where they are proposed to be settled and there we will keep a close watch for some time. We will also set up our Police Stations/Police Posts and generally keep a close watch on what is going on. Since they are Indian citizens returning to India, there really should

not be a very serious security problem but as a matter of abundant caution, we will take all measures that are required to be done."

2.31 On being asked whether Government of India has assessed the impact of implementation of LBA with Bangladesh on the Internal Security scenario on India in terms of demands from secessionist groups, the Ministry of External Affairs submitted in a written reply as under:

"Yes. A settled boundary is an essential prerequisite for effective cross-border cooperation. The settlement of the border is expected to reduce friction. This will also help address issues of security concern, smuggling and other crimes and denial of sanctuary to elements inimical to India. The completion of border demarcation would help our border guarding forces in better management of the border. Further, due to lack of access to the Enclave areas by the law and order enforcing agencies and weak property rights, certain enclaves have become hot beds of criminal activities. 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, health services and land rights etc since 1947. These basic 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 is expected to have fulfilled a major humanitarian need to mitigate the hardships that the residents of the enclaves have had to endure for over six decades. This will help in improving the socio-political and law and order situation in these areas. It is therefore expected that the internal security situation would improve as a result of the implementation of the Protocol."

2.32 A modest demographic change in both countries is expected to take place after this Agreement comes into force. Not only would some Indian citizens return to the mainland from the previously held enclaves, but a number of currently Bangladeshi nationals would also be given Indian citizenship after the area is ceded to India. The Committee are of the opinion that the security dimensions of this influx of population should be considered seriously by the Government. The Committee, therefore, desire that the law and order machinery in the affected area should be suitably augmented in consultation with the State Government of West Bengal and an appropriate method should be arrived at in order to check the *bonafides* of the Bangladeshi residents who shall be extended Indian citizenship upon incorporation of the territory.

2.33 When specifically asked whether the safeguards for Indian citizens staying back in the Indian Enclaves which will be transferred to Bangladesh after coming into force of this Accord have been discussed with the Bangladesh Government, the Ministry of External Affairs submitted in a written reply as under:

"Yes, this has been discussed. Indeed such an understanding is the basis of the 2011 Protocol and the fundamental premise on which exchange of enclaves would take place. As per the LBA, citizens of Indian Enclaves in Bangladesh are given the right of staying where they are as nationals of the State to which the areas are transferred. If they choose to exercise this right, they would voluntarily acquire Bangladeshi citizenship and all rights of Bangladeshi citizens would accrue to them."

2.34 In response to a pointed query whether there is any possibility of arriving at an arrangement with the Bangladeshi Government, wherein the Indian citizens in our enclaves inside the Bangladesh territory can have the option of retaining their Indian Passports and continue to live as foreigners on their own land in Bangladesh with the work permit? The Ministry of External Affairs furnished the following reply:

"No, there is no such possibility. As per Article 3 of the 1974 LBA, regarding the residents of Enclaves, 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. Those residents of Indian Enclaves within Bangladesh who choose to exercise this right to stay can stay as Bangladeshi citizens. It would not be possible for such residents to retain their Indian nationality and continue to live as foreigners on their own land in Bangladesh with a work permit. A visit jointly undertaken by an India–Bangladesh delegation 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 remain in the country where they had lived all their lives. Movement of people, if any, is therefore expected to be minimal."

2.35 The Committee understand that a number of Indian nationals who are living in the Indian enclaves in Bangladesh territory are going to be adversely affected by the terms of the Agreement in that they would lose their claim to Indian citizenship. This is likely to lead to some displacement of population. The Committee are of the firm opinion that it is the bounden duty of the Governments of India and Bangladesh to minimize the humanitarian costs of this Accord. The Committee would, therefore, like the Government of India to discuss with the Government of Bangladesh the steps that would be taken to ensure adequate safeguards for the Indian nationals who would be staying back so that

**MINUTES OF THE SECOND SITTING OF THE STANDING COMMITTEE
ON EXTERNAL AFFAIRS (2014-15) HELD ON 07th OCTOBER, 2014**

The Committee sat on Tuesday, 07th October, 2014 from 1500 hrs. to 1630 hrs. in Committee Room ‘C’, Parliament House Annexe, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

Members

Lok Sabha

2. Shri Ranjit Singh Brahmura
3. Shri Arka Keshari Deo
4. Shri Anantkumar Hegde
5. Shri Jose K. Mani
6. Shri Magantti V. Rao (Babu)
7. Md. Salim
8. Shri Vijay Sampla
9. Dr. Mamta Sanghamita
10. Shri Ram Swaroop Sharma
11. Shri Sharad Tripathi

Rajya Sabha

12. Shri Satyavrat Chaturvedi
13. Shri Y.S. Chowdary
14. Shri Shri H.K. Dua
15. Shri Chunibhai Kanjibhai Gohel
16. Shri Ram Kumar Kashyap
17. Shri Pavan Kumar Varma

Secretariat

- | | | | |
|----|---------------------|---|---------------------|
| 1. | Dr. Ram Raj Rai | - | Director |
| 2. | Smt. Rita Jaiikhani | - | Additional Director |

Representatives of the Ministry of External Affairs

- | | | | |
|----|--------------------------------|---|----------------------------------|
| 1. | Smt.Sujatha Singh | - | Foreign Secretary |
| 2. | Shri T. Darlong | - | Joint Secretary (Parl. & Coord.) |
| 3. | Shrimati Sripriya Ranaganathan | - | Joint Secretary (BM) |
| 4. | Shrimati Pratibha Parkar | - | Director (BM) |

2. At the outset, the Chairperson welcomed the Members of the Committee and representatives of the Ministry of External Affairs to the sitting of the Committee to have a briefing on the Constitution (One Hundred and Nineteenth Amendment) Bill, 2013.

3. Thereafter, the Foreign Secretary explained the background and rationale of the Amendment Bill and dwelt in detail upon the issues related to land boundary demarcation between India and Bangladesh. She further delineated the salient features of the 1974 Land Boundary Agreement, 1974 and the 2011 Protocol signed between the two countries in this regard.

4. The Members of the Committee raised various queries relating to the exchange of territories and expressed their concern about the problems of citizens who would be returning to the Indian territory from the respective enclaves. The main issues which attracted the attention of the Committee included the security dimensions, provisions for compensation, humanitarian impact *viz* civic services and police services etc., rehabilitation and effective policing of the boundary.

5. The Foreign Secretary replied to various queries raised by the Members of the Committee. In view of participation of other agencies in the rehabilitation of returning citizens the Committee decided to invite the representatives of the Ministries of Rural Development and Home Affairs as well as the Government of West Bengal also for an extensive discussion on the issue. The Chairperson, Committee on External Affairs directed the Ministry to furnish written replies on the points raised by the Committee during the discussion and other points arising out of that.

The Committee then adjourned.

A verbatim record of the proceedings has been kept.

**MINUTES OF THE FIFTH SITTING OF THE STANDING COMMITTEE ON
EXTERNAL AFFAIRS (2014-15) HELD ON 29th OCTOBER, 2014**

The Committee sat on Wednesday, 29th October, 2014 from 1500 hrs. to 1700 hrs. in Room No. 139, Parliament House Annexe, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

Members

Lok Sabha

2. Prof. (Dr.) Sugata Bose
3. Shri Arka Keshari Deo
4. Shri Anantkumar Hegde
5. Shrimati Rakshatai Khadse
6. Shri Jose K. Mani
7. Shri Magantti V. Rao (Babu)
8. Md. Salim
9. Shri Vijay Sampla
10. Dr. Mamtaz Sanghamita
11. Shri Ram Swaroop Sharma
12. Shri Sharad Tripathi
13. Shri Shivkumar Udasi

Rajya Sabha

14. Shri Satyavrat Chaturvedi
15. Shri Y.S. Chowdary
16. Shri Shri H.K. Dua
17. Shri Chunibhai Kanjibhai Gohel
18. Shrimati Kanimozhi
19. Shri Ram Kumar Kashyap
20. Shri Murli Deora
21. Dr. Karan Singh
22. Shri D.P. Tripathi
23. Shri Pavan Kumar Varma

Secretariat

1. Dr. Ram Raj Rai - Director

MINISTRY OF EXTERNAL AFFAIRS

- | | | | |
|----|---------------------------|---|-------------------|
| 1. | Smt. Sujatha Singh | - | Foreign Secretary |
| 2. | Smt. Sripriya Ranganathan | - | JS (BM) |
| 3. | Smt. Nutan Kapur Mahawar | - | JS (Parl.) |
| 4. | Smt. Pratibha Parkar | - | Dir.(BM) |

MINISTRY OF HOME AFFAIRS

- | | | | |
|----|-------------------|---|----------------|
| 1. | Shri Anil Goswami | - | Home Secretary |
|----|-------------------|---|----------------|

MINISTRY OF RURAL DEVELOPMENT (DEPARTMENT OF LAND RESOURCES)

- | | | | |
|----|--------------------------|---|-----------|
| 1. | Smt. Vandana Kumari Jena | - | Secretary |
| 2. | Shri K. Unnikrishnan | - | Director |

STATE GOVERNMENT OF WEST BENGAL

- | | | | |
|----|-----------------|---|---------------------------------|
| 1. | Shri R.D. Meena | - | Principal Resident Commissioner |
|----|-----------------|---|---------------------------------|

2. At the outset, the Chairperson welcomed the Members of the Committee and the representatives of the Ministry of External Affairs, Ministry of Home Affairs, Ministry of Rural Development and the State Government of West Bengal to the sitting of the Committee to take evidence on the subject 'The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013'.

3. Thereafter, Foreign Secretary, Home Secretary and Secretary, Ministry of Rural Development and the State Government of Bengal, presented their views on the issues relating to their respective Ministries and informed the Committee about the efforts made by them in resolving the issues involved in the Agreement and also about the steps that they propose to take after the Constitutional Amendment Bill is passed, ratified and exchanged between both the countries. It was also discussed about the manner in which the Government of India would handle the issue of compensation to Indian enclave dwellers who choose to return to India. Members expressed their concern about the rehabilitation of returnees and stressed upon the need of advance preparedness for providing a relief in a time bound manner. The representatives of

the Ministries and State Government of Bengal replied to all the queries raised by the Members in this regard. The Committee also expressed their hope that all the issues regarding compensation package and rehabilitation schedule etc. between the Central Government and the State Government of West Bengal would be resolved amicably well in advance. All the Members of the Committee desired an early passage of the Bill.

The committee then adjourned.

A verbatim record of the proceedings has been kept.

**MINUTES OF THE SIXTH SITTING OF THE STANDING COMMITTEE ON
EXTERNAL AFFAIRS (2014-15) HELD ON 25th NOVEMBER, 2014**

The Committee sat on Tuesday, 25th November, 2014 from 1500 hrs. to 1610 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Dr. Shashi Tharoor – Chairperson

Members

Lok Sabha

2. Prof. (Dr.) Sugata Bose
3. Shri Arka Keshari Deo
4. Shrimati Rakshatai Khadse
5. Shri Raghav Lakhnapal
6. Shri A. Anwhar Raajhaa
7. Shri Magantti V. Rao (Babu)
8. Md. Salim
9. Dr. Mamtaz Sanghamita
10. P.R. Senthilnathan
11. Shri Sharad Tripathi
12. Shri Shivkumar Udasi

Rajya Sabha

13. Shri Shri H.K. Dua
14. Shri Chunibhai Kanjibhai Gohel
15. Shrimati Kanimozhi
16. Shri Ram Kumar Kashyap
17. Dr. Karan Singh
18. Shri Pavan Kumar Varma

Secretariat

1. Shri Cyril John - Joint Secretary
2. Dr. Ram Raj Rai - Director
3. Smt. Rita Jalkhani - Additional Director

2. At the outset, the Chairperson welcomed the Members to the sitting of the Committee.

3. Thereafter, the Chairperson informed the Committee about sad demise of Shri Murli Deora, MP, Rajya Sabha and Members of the Committee and adopted Condolence Resolution followed by silence.

4. The Committee then took up for consideration the Draft Report on ‘The Constitution (One Hundred and Nineteenth Amendment) Bill, 2013’. The Chairperson invited the Members to offer their suggestions, if any, for incorporation in the draft Report. The Members suggested some minor modifications. The Committee adopted the draft Report with minor modification.

5. *****

6. The Committee then authorized the Chairperson to finalize the Reports incorporating the suggestions made by the Members and present the same to the Parliament.

The Committee then adjourned.

LAND BOUNDARY AGREEMENT, 1974

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. Tripura-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.
4. Sibpur-Gaurangala 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 Ckakla- 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 M/15, Ist 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.

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-Karimganj 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 Khal : The boundary should be demarcated in accordance with the Nehru-Noon Agreement of September, 1958, treating Hakar 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.

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.

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.

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
Sd/-

(INDIRA GANDHI)
Prime Minister of India

For the Government of the
People's Republic of Bangladesh
Sd/-

(SHEIKH MUJIBUR RAHMAN)
Prime Minister of Bangladesh.

2011 PROTOCOL TO THE LAND BOUNDARY AGREEMENT

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.

(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 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 the 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-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- Noonchera, 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 Pyrdivah 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.

(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/ Moulvi 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.

(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

-sd-
(S.M. Krishna)
External Affairs Minister

(-sd-)
(Dipu Moni)
Minister for Foreign Affairs

**THE CONSTITUTION (ONE HUNDRED AND
NINETEENTH AMENDMENT) BILL, 2013**

A BILL

further to amend the Constitution of India to give effect to the acquiring of territories by India and transfer of certain territories to Bangladesh in pursuance of the agreement and its protocol entered into between the Governments of India and Bangladesh.

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:-

1. This Act may be called the Constitution (One hundred and Nineteenth Amendment) Act, 2013 Short title.
2. In this Act,- Definitions.
 - (a) “acquired territory” means so much of the territories comprised in the India-Bangladesh agreement and its protocol and referred to in the First Schedule as are demarcated for the purpose of being acquired by India from Bangladesh in pursuance of the agreement and its protocol referred to in clause (c);
 - (b) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint as the date for acquisition of territories from Bangladesh and transfer of the territories to Bangladesh in pursuance of the India-Bangladesh agreement and its protocol, after causing the territories to be so acquired and transferred as referred to in the First Schedule and Second Schedule and demarcated for the purpose;
 - (c) “India-Bangladesh agreement” means 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 dated the 16th day of May, 1974, Exchange of Letters dated the 26th day of December, 1974, the 30th day of December, 1974, the 7th day of October, 1982, the 26th day of March, 1992 and protocol to the said agreement dated the 6th day of September, 2011, entered into between the Governments of India and Bangladesh, the relevant extracts of which are set out in the Third Schedule;

- (d) “transferred territory”, means so much of the territories comprised in the India-Bangladesh agreement and its protocol and referred to in the Second Schedule as are demarcated for the purpose of being transferred by India to Bangladesh in pursuance of the agreement and its protocol referred to in clause (c).

3. As from the appointed day, in the First Schedule to the Constitution,-

Amendment of First Schedule to the Constitution.

- (a) in the paragraph relating to the territories of the State of Assam, the words, brackets and figures “and the territories referred to in Part I of the Second Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013, notwithstanding anything contained in clause (a) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part I of the Second Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end;
- (b) in the paragraph relating to the territories of the State of West Bengal, the words, brackets and figures “and also the territories referred to in Part III of the First Schedule but excluding the territories referred to in Part III of the Second Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013, notwithstanding anything contained in clause (c) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part III of the First

Schedule and the territories referred to in Part III of the Second Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end;

- (c) in the paragraph relating to the territories of the State of Meghalaya, the words, brackets and figures “and the territories referred to in Part I of the First Schedule but excluding the territories referred to in Part II of the Second Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end;
- (d) in the paragraph relating to the territories of the State of Tripura, the words, brackets and figures “and the territories referred to in Part II of the First Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013, notwithstanding anything contained in clause (d) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part II of the First Schedule to the Constitution (One hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end.

THE FIRST SCHEDULE
[See sections 2 (a), 2(b) and 3]

PART I

The acquired territory in relation to Article 2 of the agreement dated the 16th day of May, 1974 and Article 3 (I) (b) (ii) (iii) (iv) (v) of the protocol dated the 6th day of September, 2011.

PART II

The acquired territory in relation to Article 2 of the agreement dated the 16th day of May, 1974 and Article 3(I) (c) (i) of the protocol dated the 6th day of September, 2011.

PART III

The acquired territory in relation to Articles 1(12) and 2 of the agreement dated the 16th day of May, 1974 and Articles 2 (II), 3 (I) (a) (iii) (iv) (v) (vi) of the protocol dated the 6th day of September, 2011.

THE SECOND SCHEDULE
[See sections 2(b), 2 (d), and 3]

PART I

The transferred territory in relation to Article 2 of the agreement dated 16th day of May, 1974 and Article 3 (I) (d) (i)(ii) of the protocol dated 6th day of September, 2011.

PART II

The transferred territory in relation to Article 2 of the agreement dated the 16th day of May, 1974 and Article 3(I) (b) (i) of the protocol dated 6th day of September, 2011.

PART III

The transferred territory in relation to Articles 1(12) and 2 of the agreement dated the 16th day of May, 1974 and Articles 2 (II), 3(I) (a) (i) (ii) (vi) of the protocol dated the 6th day of September, 2011.

THE THIRD SCHEDULE

[See section 2(c)]

I. EXTRACT FROM 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, DATED 16 MAY 1974

Article 1:

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.

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.

II. EXTRACT FROM THE 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, DATED 06 SEPTEMBER 2011

Article 2:

(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.

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 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 the 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-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- Noonchera, 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.

(i) 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.

(ii) 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.

(iii) 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.

(iv) 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/ Moulvi 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.

(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.

DETAILS OF THE ENCLAVES**I. 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	Garati	75	Pochagar	Haldibari	58.23
2	Garati	76	Pochagar	Haldibari	0.79
3	Garati	77	Pochagar	Haldibari	18.00
4	Garati	78	Pochagar	Haldibari	958.66
5	Garati	79	Pochagar	Haldibari	1.74
6	Garati	80	Pochagar	Haldibari	73.75
7	Singimari Part-I	73	Pochagar	Haldibari	6.07
8	Nazirganja	41	Boda	Haldibari	58.32
9	Nazirganja	42	Boda	Haldibari	434.29
10	Nazirganja	44	Boda	Haldibari	53.47
11	Nazirganja	45	Boda	Haldibari	1.07
12	Nazirganja	46	Boda	Haldibari	17.95
13	Nazirganja	47	Boda	Haldibari	3.89
14	Nazirganja	48	Boda	Haldibari	73.27
15	Nazirganja	49	Boda	Haldibari	49.05
16	Nazirganja	50	Boda	Haldibari	5.05
17	Nazirganja	51	Boda	Haldibari	0.77
18	Nazirganja	52	Boda	Haldibari	1.04
19	Nazirganja	53	Boda	Haldibari	1.02
20	Nazirganja	54	Boda	Haldibari	3.87
21	Nazirganja	55	Boda	Haldibari	12.18
22	Nazirganja	56	Boda	Haldibari	54.04
23	Nazirganja	57	Boda	Haldibari	8.27
24	Nazirganja	58	Boda	Haldibari	14.22
25	Nazirganja	60	Boda	Haldibari	0.52
26	Putimari	59	Boda	Haldibari	122.80
27	Daikhata Chhat	38	Boda	Haldibari	499.21
28	Salbari	37	Boda	Haldibari	1188.93
29	Kajal Dighi	36	Boda	Haldibari	771.44

30	Nataktoka	32	Boda	Haldibari	162.26
31	Nataktoka	33	Boda	Haldibari	0.26
32	Beuladanga Chhat	35	Boda	Haldibari	0.83
33	Balapara Khagrabari	3	Debiganj	Haldibari	1752.44
34	Bara Khankikharija Gitaldaha	30	Dimla	Haldibari	7.71
35	Bara Khankikharija Gitaldaha	29	Dimla	Haldibari	36.83
36	Barakhangir	28	Dimla	Haldibari	30.53
37	Nagarjikabari	31	Dimla	Haldibari	33.41
38	Kuchlibari	26	Patgram	Mekliganj	5.78
39	Kuchlibari	27	Patgram	Mekliganj	2.04
40	Bara Kuchlibari	Fragment of J.L.107 of P.S Mekliganj	Patgram	Mekliganj	4.35
41	Jamaldaha-Belapukhari	6	Patgram	Mekliganj	5.24
42	Uponchowki Kuchlibari	115/2	Patgram	Mekliganj	0.32
43	Uponchowki Kuchlibari	7	Patgram	Mekliganj	44.04
44	Bhotbari	8	Patgram	Mekliganj	36.83
45	Balapukhari	5	Patgram	Mekliganj	55.91
46	Bara Khangir	4	Patgram	Mekliganj	50.51
47	Bara Khangir	9	Patgram	Mekliganj	87.42
48	Chhat Bagdokra	10	Patgram	Mekliganj	41.70
49	Ratanpur	11	Patgram	Mekliganj	58.91
50	Bagdokra	12	Patgram	Mekliganj	25.49
51	Pulkar Dabri	Fragment of J.L.101 of P.S Mekliganj	Patgram	Mekliganj	0.88
52	Kharkharia	15	Patgram	Mekliganj	60.74
53	Kharkharia	13	Patgram	Mekliganj	51.62
54	Lotamari	14	Patgram	Mekliganj	110.92

55	Bhotbari	16	Patgram	Mekliganj	205.46
56	Kamat Changrabandha	16 A	Patgram	Mekliganj	42.80
57	Kamat Changrabandha	17 A	Patgram	Mekliganj	16.01
58	Panisala	17	Patgram	Mekliganj	137.66
59	Dwarikamari Khasbash	18	Patgram	Mekliganj	36.50
60	Panisala	153/P	Patgram	Mekliganj	0.27
61	Panisala	153/O	Patgram	Mekliganj	18.01
62	Panisala	19	Patgram	Mekliganj	64.63
63	Panisala	21	Patgram	Mekliganj	51.40
64	Lotamari	20	Patgram	Mekliganj	283.53
65	Lotamari	22	Patgram	Mekliganj	98.85
66	Dwarikamari	23	Patgram	Mekliganj	39.52
67	Dwarikamari	25	Patgram	Mekliganj	45.73
68	Chhat Bhothat	24	Patgram	Mekliganj	56.11
69	Baskata	131	Patgram	Mathabhanga	22.35
70	Baskata	132	Patgram	Mathabhanga	11.96
71	Baskata	130	Patgram	Mathabhanga	20.48
72	Bhogramguri	133	Patgram	Mathabhanga	1.44
73	Chenakata	134	Patgram	Mekliganj	7.81
74	Banskata	119	Patgram	Mathabhanga	413.81
75	Banskata	120	Patgram	Mathabhanga	30.75
76	Banskata	121	Patgram	Mathabhanga	12.15
77	Banskata	113	Patgram	Mathabhanga	57.86
78	Banskata	112	Patgram	Mathabhanga	315.04
79	Banskata	114	Patgram	Mathabhanga	0.77
80	Banskata	115	Patgram	Mathabhanga	29.20
81	Banskata	122	Patgram	Mathabhanga	33.22
82	Banskata	127	Patgram	Mathabhanga	12.72
83	Banskata	128	Patgram	Mathabhanga	2.33
84	Banskata	117	Patgram	Mathabhanga	2.55
85	Banskata	118	Patgram	Mathabhanga	30.98
86	Banskata	125	Patgram	Mathabhanga	0.64

87	Banskata	126	Patgram	Mathabhanga	1.39
88	Banskata	129	Patgram	Mathabhanga	1.37
89	Banskata	116	Patgram	Mathabhanga	16.96
90	Banskata	123	Patgram	Mathabhanga	24.37
91	Banskata	124	Patgram	Mathabhanga	0.28
92	Gotamari Chhit	135	Hatibandha	Sitalkuchi	126.59
93	Gotamari Chhit	136	Hatibandha	Sitalkuchi	20.02
94	Banspachai	151	Lalmonirhat	Dinhata	217.29
95	Banspachai Bhitarkuthi	152	Lalmonirhat	Dinhata	81.71
96	Dasiar Chhara	150	Fulbari	Dinhata	1643.44
97	Dakurhat- Dakinirkuthi	156	Kurigram	Dinhata	14.27
98	Kalamati	141	Bhurungamari	Dinhata	21.21
99	Shahebganj	153	Bhurungamari	Dinhata	31.58
100	Seotikursa	142	Bhurungamari	Dinhata	45.63
101	Bara Goachulka	143	Bhurungamari	Dinhata	39.99
102	Gaochulka II	147	Bhurungamari	Dinhata	0.90
103	Gaochulka I	146	Bhurungamari	Dinhata	8.92
104	Dighaltari II	145	Bhurungamari	Dinhata	8.81
105	Dighaltari I	144	Bhurungamari	Dinhata	12.31
106	Chhoto Garaljhora II	149	Bhurungamari	Dinhata	17.85
107	Chhoto Garaljhora I	148	Bhurungamari	Dinhata	35.74
108	1 chhit without name & JL No at the southern end of JL no 38 & northwestern end of JL no 39 (Asokbari)	157	Patgram	Mathabhanga	3.50
B. <u>Enclaves with fragmented chhits</u>					
109	(i) Bewladanga	34	Haldibari	Boda	862.46
	(ii) Bewladanga	Fragment	Haldibari	Debiganj	
110	(i) Kotbhajni	2	Haldibari	Debiganj	2012.27

	(ii) Kotbhajni	Fragment	Haldibari	Debiganj	
	(iii) Kotbhajni	Fragment	Haldibari	Debiganj	
	(iv) Kotbhajni	Fragment	Haldibari	Debiganj	
111	(i) Dahala	Khagrabari 1	Haldibari	Debiganj	2650.35
	(ii) Dahala	Fragment	Haldibari	Debiganj	
	(iii) Dahala	Fragment	Haldibari	Debiganj	
	(iv) Dahala	Fragment	Haldibari	Debiganj	
	(v) Dahala	Fragment	Haldibari	Debiganj	
	(vi) Dahala	Fragment	Haldibari	Debiganj	
Total Area :				17160.63	

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.

Note: Name of enclave in Sl.No. 108 above has been identified as “Ashokabari” by joint ground verification during field season 1996-97.

Sd/-9.4.97
 Brig. J R Peter
 Director Land Records & Survey
 (Ex-Officio) West Bengal, India
 & Director, Eastern Circle,
 Survey of India, Calcutta.

Sd/-9.4.97
 Md. Shafi Uddin
 Director General, Land Records
 and Surveys, Bangladesh

II. EXCHANGEABLE BANGLADESH ENCLAVES IN INDIA WITH AREA

A. Enclaves with independent chhits

Sl.No.	Name of Chhits	Lying within Police Station W.Bengal/ Bangladesh		J.L. No.	Area in acres
1	Chhit Kuchlibari	Mekliganj	Patgram	22	370.64
2	Chhit Land of Kuchlibari	Mekliganj	Patgram	24	1.83
3	Balapukhari	Mekliganj	Patgram	21	331.64
4	Chhit Land of Panbari No.2	Mekliganj	Patgram	20	1.13
5	Chhit Panbari	Mekliganj	Patgram	18	108.59
6	Dhabalsati Mirgipur	Mekliganj	Patgram	15	173.88
7	Bamandal	Mekliganj	Patgram	11	2.24
8	Chhit Dhabalsati	Mekliganj	Patgram	14	66.58
9	Dhabalsati	Mekliganj	Patgram	13	60.45
10	Srirampur	Mekliganj	Patgram	8	1.05
11	Jote Nijjama	Mekliganj	Patgram	3	87.54
12	Chhit Land of Jagatber No.3	Mathabanga	Patgram	37	69.84
13	Chhit Land of Jagatber No.1	Mathabanga	Patgram	35	30.66
14	Chhit Land of Jagatber No.2	Mathabanga	Patgram	36	27.09
15	Chhit Kokoabari	Mathabanga	Patgram	47	29.49
16	Chhit Bhandardaha	Mathabanga	Patgram	67	39.96
17	Dhabalguri	Mathabanga	Patgram	52	12.50
18	Chhit Dhabalguri	Mathabanga	Patgram	53	22.31
19	Chhit Land of Dhabalguri No.3	Mathabanga	Patgram	70	1.33
20	Chhit Land of Dhabalguri No.4	Mathabanga	Patgram	71	4.55
21	Chhit Land of Dhabalguri No.5	Mathabanga	Patgram	72	4.12
22	Chhit Land of Dhabalguri No.1	Mathabanga	Patgram	68	26.83
23	Chhit Land of Dhabalguri No.2	Mathabanga	Patgram	69	13.95
24	Mahishmari	Sitalkuchi	Patgram	54	122.77

25	Bura Saradubi	Sitalkuchi	Hatibandha	13	34.96
26	Palnapur	Sitalkuchi	Patgram	64	506.56
27	Amjhol	Sitalkuchi	Hatibandha	57	1.25
28	Kismat Batrigachh	Dinhata	Kaliganj	82	209.95
29	Durgapur	Dinhata	Kaliganj	83	20.96
30	Bansua Khamar Gitaldaha	Dinhata	Lalmonirhat	1	24.54
31	Paoturkuthi	Dinhata	Lalmonirhat	37	589.94
32	Paschim Bakalir Chhara	Dinhata	Bhurungamari	38	151.98
33	Madhya Bakalir Chhara	Dinhata	Bhurungamari	39	32.72
34	Purba Bakalir Chhara	Dinhata	Bhurungamari	40	12.23
35	Madhya Masaldanga	Dinhata	Bhurungamari	3	136.66
36	Madhya Chhit Masaldanga	Dinhata	Bhurungamari	8	11.87
37	Paschim Chhit Masaldanga	Dinhata	Bhurungamari	7	7.60
38	Uttar Masaldanga	Dinhata	Bhurungamari	2	27.29
39	Kachua	Dinhata	Bhurungamari	5	119.74
40	Uttar Bansjani	Tufanganj	Bhurungamari	1	47.17
41	Chhat Tilai	Tufanganj	Bhurungamari	17	81.56

B. Enclaves With Fragmented Chhits

42	(i) Nalgram	Sitalkuchi	Patgram	65	1397.34
	(ii) Nalgram (Fragment)	Sitalkuchi	Patgram	65	
	(iii) Nalgram (Fragment)	Sitalkuchi	Patgram	65	
43	(i) Chhit Nalgram	Sitalkuchi	Patgram	66	49.50
	(ii) Chhit Nalgram (Fragment)	Sitalkuchi	Patgram	66	
44	(i) Batrigachh	Dinhata	Kaliganj	81	577.37
	(ii) Batrigachh (Fragment)	Dinhata	Kaliganj	81	
45	(i) Karala	Dinhata	Phulbari	9	269.91
	(ii) Karala (Fragment)	Dinhata	Phulbari	9	
	(iii) Karala (Fragment)	Dinhata	Phulbari	9	

46	(i) Sibprasad Mustafi	Dinhata	Phulbari	8	373.20
	(ii) Sibprasad Mustafi (Fragment)	Dinhata	Phulbari	8	
47	(i) Dakshin Masaldanga	Dinhata	Bhurungamari	6	571.38
	(ii) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(iii) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(iv) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(v) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(vi) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
48	(i) Paschim Masaldanga	Dinhata	Bhurungamari	4	29.49
	(ii) Paschim Masaldanga (Fragment)	Dinhata	Bhurungamari	4	
49	(i) Purba Chhit Masaldanga	Dinhata	Bhurungamari	10	35.01
	(ii) Purba Chhit Masaldanga (Fragment)	Dinhata	Bhurungamari	10	
50	(i) Purba Masaldanga	Dinhata	Bhurungamari	11	153.89
	(ii) Purba Masaldanga (Fragment)	Dinhata	Bhurungamari	11	
51	(i) Uttar Dhaldanga	Tufanganj	Bhurungamari	14	24.98
	(ii) Uttar Dhaldanga (Fragment)	Tufanganj	Bhurungamari	14	
	(iii) Uttar Dhaldanga (Fragment)	Tufanganj	Bhurungamari	14	

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.

Sd/- 9.4.97

Brig. J R Peter

Director Land Records & Survey
(Ex-Officio) West Bengal. India

&

Director, Eastern Circle
Survey of India, Calcutta

Sd/- 9.4.97

Md. Shafi Uddin

Director General, Land Records
and Surveys. Bangladesh

DETAILS OF THE ADVERSE POSSESSIONS**Adverse Possession areas to be acquired by India**

West Bengal	Areas in Acres
Berubari and Singhpara-Khudipara (Panchagarh-Jalpaiguri)	1374.99
Pakuria (Khustia-Nadia)	576.36
Char Mahishkundi	393.33
Haripal/LNpur (Patari)	53.37
Sub Total	2398.05
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 II	26.858
Sub Total	240.578
Tripura	
Chandannagar (moulvi Bazar-Uttar Tripura)	138.41
Sub Total	138.41
Total	2777.038

Adverse Possession areas to be transferred to Bangladesh

West Bengal	Area in Acres
Bousmari-Madhugari (Khustia-Nadia)	1358.25
Andharkota	338.79
Berubari (Panchagarh-Jalpaiguri)	260.55
Sub Total	1957.59
Meghalaya	
Lobachera-Nuncherra	41.702
Sub Total	41.702
Assam	
Thakurani Bari-Kalabari (Baroibari) (Kurigram-Dubri)	193.85
Pallathal (Maulvi Bazar – Karimganj)	74.54
Sub Total	268.39
Total	2267.682