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SIXTY-SIX YEARS SAGA OF BENGAL BOUNDARY-MAKING: A HISTORICAL EXPOSÉ OF BANGLADESH-INDIA BORDER

Abstract

The history of the Bangladesh-India border started with the partition of British India in 1947. The Bengal border was the longest international border to come into existence during the worldwide decolonisation process in the middle of the twentieth century. The process that started to make international boundary through Bengal in 1946 is still ongoing as Bangladesh and India failed to demarcate the entire Bengal border. In addition, there are unresolved border enclave matters which indicate both countries failed to delimit their territory. This paper focuses on six and a half decades' process of Bengal boundary-making under the shadow of politics. This article fills a gap in the literature by examining a geologically slow process of border-making under the shadow of politics. The paper shows how inter and intra-state politics victimised the boundary-making process for over a half-century time while concerns over territorial loss function as an instrument to keep the disputes alive.

1. Introduction

In 1947, the end of British-Indian rule led to a partition of India into two states, India and Pakistan, first and foremost, on the basis of religion. Boundaries of the two newly born states were a combination of three different kinds: "i) border had an international status, ii) previously provincial boundaries that appeared international, and iii) newly drawn borders due to the partition of Punjab, Bengal and Assam."¹ The historical event of partition has cast a powerful shadow over reconstruction or reorganisation of the subcontinent since 1947. The ramifications of partition have continued to leave their mark on the sub-continental politics, even more than a half-century after the event. Notably, the Bengal border was the longest international border to come into existence during the worldwide decolonisation process in the middle of the twentieth century.² Bangladesh inherited many of the disputes and unresolved issues existed between India and Pakistan on the Bengal border. The process that started to make international boundary through Bengal in 1946 is still ongoing as Bangladesh and India failed to demarcate entire Bengal border. In addition, there are unresolved border enclave matters which indicate both countries failed to delimit their territory. This paper focuses on six decades process of Bangladesh-India boundary-making under the shadow of politics.

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¹ A. Tayyeb, *Pakistan: A Political Geography*, London: Oxford University Press, 1966, p. 72.

² W. V. Schendel, *The Bengal Borderland: Beyond State and Nation in South Asia*, London: Anthem Press, 2005, p. 20.

Delimitation and demarcation of political borders are fundamental to both physical and human geography.³ Literature on boundary making mostly consider three themes; such as the guiding principles for boundary making, specific boundary commission's role(s) configuring states' territory and impact of the border on borderlanders quotidian life. The classical work on boundary mainly concentrated on the formula and process of boundary making in the wake of decolonisation in Asia and Africa.⁴ On the other hand, themes on historical or political geography of particular boundary commission include high politics surrounding boundary commissions, legacies of colonial boundary making, disputes over border demarcations and so on. Many of the academic papers highlight on colonial handling and particular boundary commission's role in boundary making; such as Peel, Woodhead and Radcliffe Commissions mandate and consequences in South Asia and the Middle East.⁵ Since this paper is on Bangladesh-India border, the discussion will concentrate on scholarly works on Radcliffe Commission and the process to delimit Bangladesh and India's territory.

Existing literature on Radcliffe Commission explicitly highlight on the local politics, colonial interest and process of partition during 1946-47. Scholars have contributed significantly to show the volatile political atmosphere in the last days of British Empire as well as the technical aspects of boundary making. In this regard, Lucy Chester meticulously focuses on partition procedures and politics surrounding boundary commissions' formation and roles in dividing British India.⁶ Other scholars have made compelling endeavour to show the geographic and economic prospects of divided Bengal and Pakistan⁷, border displacements and socio-economic impacts of colonial cartography⁸ and so on. On the other hand, Joya Chatterji's brilliant work on Bengal boundary making not only sheds light on the partition period politics on Bengal border but also shows immediate consequences and problems implementing

³ Vladimir Kolossov, "Border Studies: Changing Perspectives and Theoretical Approaches", *Geopolitics*, Vol. 10, No. 4, 2005, p. 607.

⁴ For detail see, Douglas W. Johnson, "The Role of Political Boundaries", *Geographical Review*, Vol. 4, No. 3, 1917, pp. 208-213; Stephen B. Jones, *Boundary-Making: A Handbook for Statesmen, Treaty Editors and Boundary Commissioners*, Washington D.C: Carnegie Endowment for International Peace, 1945; Albert P. Brigham, "Principles in the Determination of Boundaries", *Geographical Review*, Vol. 7, No. 4, 1919, pp. 201-219; Anssi Paasi, "Generations and the 'Development' of Border Studies", *Geopolitics*, Vol. 10, No. 4, 2005, pp. 663-671.

⁵ See Lucy Chester, "Boundary Commissions as Tools to Safeguard British Interests at the End of Empire", *Journal of Historical Geography*, Vol. 34, No. 3, 2008, pp. 494-519; Sir Allan Cunningham, "Palestine- The Last Days of Mandate", *International Affairs*, Vol. 24, No. 4, 1948, pp. 481-490; E. W. Said & C. Litchens (ed.), *Blaming the Victims: Spurious Scholarship and The Palestinian Question*, London: Verso, 2001.

⁶ Lucy Chester, 2008, *op. cit.*; L. Chester, *Borders and Conflict in South Asia: The Radcliffe Boundary Commission and the Partition of Punjab*, Manchester: Manchester University Press, 2010.

⁷ O. H. K. Spate, "The Partition of India and the Prospects of Pakistan", *Geographical Review*, Vol. 38, No. 1, 1948, pp. 5-29; O. H. K. Spate, "Geographical Aspects of Pakistan Scheme", *Geographical Journal*, Vol. 102, 1943, pp. 125-136; Anwar Qureshi, "The Economic basis of Pakistan", *Asiatic Review*, Vol. 43, 1947, pp. 160-165. O. H. K. Spate, "The Partition of Punjab and Bengal", *The Geographical Journal*, Vol. 110, No. 4/6, 1947, pp. 201-218.

⁸ Shelley Feldman, "Bengali State and Nation Making: Partition and Displacement Revisited", *International Social Science Journal*, Vol. 55, No. 175, 2003, pp. 111-121. Willem V. Schendal, "Working though Partition: Making a Living in the Bengal Borderlands", *International Review of Social History*, Vol. 46, No. 3, 2001, pp. 393-421.

the boundary.⁹ Similarly, the politics and ambiguities in partition formula appeared in Van Schendel's book.¹⁰ However, boundary-making of Bangladesh-India has not finished yet and recent scholarship on boundary did not highlight on the half-century long process of territorial delimitation of Bangladesh and India. In this background, this article fills a gap in the literature by examining a geologically slow process of border-making under the shadow of politics.

The paper shows how inter and intra-state politics victimised the boundary-making process for over a half-century time while concerns over territorial loss function as an instrument to keep the disputes alive. In this regard, this paper makes an effort to describe the ambiguity of the border demarcation guidelines and the resulting sufferings involved in implementing the international border through Bengal. Throughout the paper, I argue that the process which involved demarcating the largest international border that appeared in the middle of twentieth century was faulty, and a failure of the elite discourse at the time of partition. The second focus of this paper is on the implementation of and disputes concerning the East Pakistan (later Bangladesh) - India border.

In this paper boundary-making includes the allocation of territory, the process of delimitation and the process of demarcation. This paper begins with the methods, formula and criteria of Bengal border partition in section two. This paper, then, elucidates claims of territory by both Congress and Muslim League and Radcliffe's award in section three. Fourth section, discusses the errors, confusions, practicalities and politics over execution of Radcliffe award in last sixty-six years. Finally the conclusion summarises the paper.

2. Bengal Border Partition: Formula and Process

Deciding to leave India by June 1948, the British Government appointed Lord Mountbatten as the new Viceroy to conduct the final handing over of power. Accordingly, on 03 June, 1947, it was agreed that the United Kingdom would hand over power to two separate states on 14 and 15 August 1947, and initiatives had been taken to determine their boundaries before signing over the power to the state elites of the then India and Pakistan. This announcement is commonly known as the 3rd June Plan.

The 3rd June Plan provided an option for Bengal and Punjab concerning whether they wanted partition of their provinces.¹¹ To decide their future, the members (the representatives of Muslim majority districts and the others representing the rest of province) of the Provincial Legislative Assembly were sitting separately to vote on

⁹ Joya Chatterji, "The Fashioning of a Frontier: The Radcliffe Line and Bengal's Border Landscape, 1947-1952", *Modern Asian Studies*, Vol. 33, No. 1, 1999, pp. 185-242.

¹⁰ See, W. V. Schendel, 2005, *op. cit.*

¹¹ The 3rd June Plan is available in A. C. Johnson, *Mission with Mountbatten*, London: Hale, 1951.

whether or not the province should be partitioned.¹² In addition, two options were in place for some territories to consider about amalgamation with either independent nation. For example, the accession of princely states (the states which did not have direct British rule, but were autonomous like Kashmir, Cooch Behar, etc), was based on the consent of the rulers to amicably settle the issue concerning which country they would like to join. The third method of determining the future for a partitioned India was referendum. The 3rd June Plan decided if the Bengal wanted partition, then a referendum would be made in Sylhet, a district of Assam, which was predominantly Muslim and contiguous to Bengal. A referendum was also applicable to the North-West Frontier Province if the Punjab agreed for partition.

According to the 3rd June Plan, the Bengal Legislative Assembly had divided itself into two parts. The representatives of both the Hindu and the Muslim majority districts had separately conducted votes among members of each community to determine whether a majority of their members had wished to divide their province.¹³ The majority representatives of the 'Hindu majority districts' had voted in favour of religion-based segregation, while representatives of the 'Muslim majority districts' voted to remain undivided. Throughout Bengal, the Hindus dominated this province's power, economy and business. However, the Muslim League won in the 1946 election and Muslims started seizing powers from the Hindus. Above all, the Muslim League's handling of the severe communal riot in the same year scared the Hindu leaders.¹⁴



¹² See, W. V. Schendel, 2005, *op. cit.*; Joya Chatterji, 1999, *op. cit.* O. H. K. Spate, "The Partition of India and the Prospects of Pakistan", *Geographical Review*, Vol. 38, No. 1, 1948, pp. 5-29.

¹³ See Joya Chatterji, 1999, *op. cit.*

¹⁴ *Ibid.*; A. Tayyeb, *Pakistan: A Political Geography*, London: Oxford University Press, 1966, p.72.

As the majority of the West Bengal Assembly voted for partition, a referendum was held in the Sylhet district to decide whether they would join the East Pakistan or to remain within Assam, a province of India. A majority of the population voted to be annexed with East Bengal. Therefore, Sylhet was the only portion of Indian territory where the people themselves had the choice to decide their preferred nation-state by votes.¹⁵ Taking the determination to adopt partition into account, initiatives had been taken to set up a Boundary Commission. Both Jinnah and Nehru offered two different proposals in this regard, but Mountbatten agreed with Nehru's proposal, which suggested, "each Commission (Punjab and Bengal) should consist of an independent Chairman and four other persons, of whom two would be nominated by the Muslim League and two by the Congress."¹⁶ The Secretary of State recommended to Lord Mountbatten the name of Sir Cyril Radcliffe as Chairman of both of the Commissions because of his high integrity, legal reputation and wide experience. Mountbatten was decisive enough to appoint Radcliff despite Nehru's suspicion, to some extent, concerning the neutrality of his impartial stance.¹⁷ Although Radcliffe was widely respected for his intellectual abilities, he had never been to India. But finally, this fact made him a more attractive candidate, on the theory that ignorance of India would equal impartiality.¹⁸ There was also suspicion about the freedom of the Commissions in creating the border, despite Mountbatten's assurance that Radcliffe would be free from official influence. Although Mountbatten did not influence the fine print of the award, he undoubtedly inspired some of its broader features. For example, Mountbatten advised Radcliffe to compensate each party's gains on one border with losses on the other.¹⁹

The Bengal Boundary Commission was set up on 30 June, 1947, and Radcliffe arrived in India on 08 July, 1947. Lucy Chester argues that Radcliffe learned in his first day's meeting, apparently for the first time, that the boundary decisions must be completed by 15 August.²⁰ She also claims that Radcliffe protested, and warned that time restriction could wreck the final result; but Mountbatten, Nehru, and Jinnah stood firm. Similarly, Jalil explains, "... before Sir Cyril Radcliffe could express his astonishment and dismay, Nehru interrupted," If a decision could be reached in advance of five weeks, it would be better for the situation."²¹ Both Nehru and Jinnah strongly wanted transfer of power within the declared date, and therefore agreed to accept the result of the Boundary Commission whatever decision is made. However, it

¹⁵ A referendum was also held in the North West Frontier Province, as per the 3rd June Plan, but the Congress boycotted that referendum. Therefore, it was obvious that the province would go to Pakistan.

¹⁶ Joya Chatterji, 1999, *op. cit.*, p.191.

¹⁷ Congress had initially objected to Radcliffe, apparently under the impression that he was a conservative and therefore likely to favour the Muslim League. See, Joya Chatterji, 1999, *op. cit.*

¹⁸ Lucy Chester, "The 1947 partition: drawing the Indo-Pakistan boundary", *American Diplomacy*, Vol. 7, No.1, 2002, available at http://www.unc.edu/depts/diplomat/archives_roll/2002_0103/chester_partition/chester_partition.html, accessed on 02 March 2007.

¹⁹ H. V. Hodson, *The Great Divide: Britain-India-Pakistan*, Karachi: Oxford University Press, 1985.

²⁰ Lucy Chester, 2002, *op. cit.*

²¹ A. Jalil, "Lines on a Map: India Partitioned", *Star Weekend Magazine*, 22 September 2006, p.07.

is still obscure why they were in so much of a hurry to conclude everything before 15 August. As Joya Chatterji argues, "fifty years on, it is still impossible for the historian to comprehend the mad haste with which these decisions were taken", but she hints that they were all probably eager to avert a communal holocaust.²² Conversely, we can also consider either that the leaders wanted to take over power as early as possible, or that the Congress in particular, was anxious to conclude everything while a friendly Viceroy, Mountbatten, was in command.

However, I prefer to argue that a delay in the transfer of power might have caused loss of territory, which alarmed the leaders so that they pushed the whole process to be accomplished before the declared date. Delay in the transfer of power could raise public opinion from different communities about their annexation to their desired parts, which could be avoidable through early withdrawal. Joya Chatterji (emphasis added) quotes Nehru²³,

When the two states have been formed, those states will mutually consider modifications and variations of their frontiers so that a satisfactory arrangement is reached. *This was likely to be a fairly lengthy process involving the ascertainment of the wishes of the people concerned in those areas.* If this was left to the Boundary Commission, its work would be heavy and prolonged.

Nehru's argument not to include "peoples wish in the concerned areas" before taking the partition decision supports the notion that they were in fear of territorial loss. In this way both the representatives of millions of Muslims and Hindus ignored or refused to consider their people's wish to choose their own homeland. While the British rulers considered people's wishes in the 3rd June Plan, the two popular leaders who declare themselves the voices of the people arbitrarily ignored the peoples' rights. Accordingly, Nehru and Jinnah actively contributed to creating a flawed demarcation of the border.

After the setting up of the Bengal Boundary Commission, the Commission tried to fix the methods by which the partition would be carried out. The first method to demarcate the border was to define an area on the basis of religion and other factors. It established that the demarcation of the Bengal border would be held on the basis of ascertaining contiguous majority areas of the Muslims and non-Muslims; also taking 'other factors' into account. Secondly, it defined the administrative unit on which the partition could be held. Muslim members of the Boundary Commission insisted that the unit of partition should be either a Union (lowest administrative unit) or, more appropriately, a subdivision which was a self-contained administrative unit rather than a *Thana* (second lowest administrative unit), which were the smallest units defining criminal jurisdictions. On the other hand, non-Muslim members pointed out that the census population figures were only available at the Thana level and not at the Union

²² Joya Chatterji, 1999, *op. cit.*, p.203.

²³ *Ibid.*, p.193.

level, thus making it difficult to accede to the Muslim League definition. However, Mountbatten favoured the non-Muslim members' argument. The third and final method entailed that the whole Bengal border demarcation would be accomplished only on the basis of maps, surprisingly, without any verification on the ground. Regrettably, none of the actively participating parties asked for any physical validation.

The above discussion suggests that Mountbatten formulated the whole partition process with Nehru and Jinnah's full consent. Nehru and Jinnah were so eager to capture power that they agreed to an arbitrary line on the map. As well as the exclusion of the people's wishes gave them liberty to prepare their argument to claim as much territory as they wanted without any hindrance, which is further elucidated in the following section.

3. Allocation of Territory and the Process of Delimitation: Claims, Counter Claims and the Radcliffe Award

Following the constitution of the Boundary Commission, both the Congress and the Muslim League presented their arguments for their demanded territory. The Muslim League was the sole representative of the Muslims. Both the leading parties, especially the Muslim League, tried to achieve as much territory as possible with their reasoning based either on 'communal' or 'geographic contiguity' or on the 'other factors' ground.²⁴ The Muslim League demanded 75 per cent of the area and 83 per cent of the population.²⁵ They used the term 'contiguity' to claim Hindu-majority areas which were not contiguous to other Hindu-majority areas in Bengal to go with East Bengal. Following those criteria, the Muslim League claimed Chittagong Hill Tracts, Darjeeling and Jalpaiguri, Gopalpara and Garo hills where Muslim majorities were comparatively lower. Similarly, it claimed the industrial part of Calcutta which contained only 23 per cent Muslims in the local population. Overstretching the communal criteria, the Muslim League, thus, tried to utilise all available grounds to achieve as much territory as possible. Differences existed among the spokesmen for the Hindu interests, including the Congress, jointly presented the Hindu case before the Boundary Commission.

The Congress claimed 50 per cent of the area and 47 per cent of the population, which was relatively modest considering the Muslim League's demand.²⁶ They claimed all of the Hindu majority areas including the western part of Faridpur, Jessor, Nadia, Murshidabad and the greater part of Dinajpur districts, abjuring the Muslim

²⁴ During the time of partition, the whole Bengal was economically integrated. West Bengal was the industrial centre, while East Bengal was its hinterland. It possessed nearly a third of all of India's major industry, concentrated in Hooghlyside. On the other hand, there was no industry in East Bengal and no significant resources for industrial development except raw jute. With such economic consideration, both the Congress and the League were desperate to obtain Calcutta port and the Hooghly industrial area. Similarly, the Muslim League claimed the northern part of Bengal because of its rich tea gardens. See O. H. K. Spate, 1948, *op.cit.*, for detail on Bengal partition and economic prospects.

²⁵ *Ibid.*

²⁶ Joya Chatterji, 1999, *op. cit.*

majority there, to secure a broad protecting belt for the Calcutta-Burdwan industrial districts of West Bengal.²⁷ Again, Murshidabad was strategically quite important since the Ganges River flows through it, and its distributaries, the Hooghly River, originates from there. Thus, not only for the retention of the Hooghly River and its adjacent industrial areas and Calcutta port, but also to have greater access and control over the Ganges water, the Congress wanted this district to merge with India. Likewise, both the Muslim League and the Congress claimed the Chittagong Hill Tracts (CHT) which are inhabited by tribal people and had neither a Muslim nor Hindu majority.

The Muslim League's demand in Bengal undoubtedly signals that its goal was to achieve as much territory as possible. Moreover, the Muslim League's demand for communal territorial sovereignty was replaced with the demand for economically strong territory and strategic benefit. Therefore, the Hindu and Muslim cases presented before the Boundary Commission reflected concerns and aspirations that had little to do with a communal vision of the welfare of the 'communities'. However, such preferences or economic aspirations of the Congress and the Muslim League could result in a partition demand, if there was any priority given to expressing the wishes of the people.

Throughout, the Boundary Commission's members tried to establish the claims of the respective political parties, as two of each were nominated by the Congress and the Muslim League. Ultimately, the Commission failed to agree upon the best way to divide the united Bengal which, eventually, led Radcliffe, the Chairman of the Commission, to take the responsibility of bisecting Bengal.²⁸ Astonishingly, Radcliffe drew almost 4000 km of international border within six weeks which had never been an international border. Although the Award was prepared on 12 August, it was not announced until the 17 August, after the independence of India and Pakistan.

Beginning from the south-west, Radcliffe allotted non-Muslim Calcutta, Hooghly and 24 Pargona (name of a district) to India. However, Muslim majority areas like Murshidabad, part of Nadia, and Jessore were also added to India, thus, more than a million of Muslims were segregated from Pakistan.²⁹ In contrast, non-Muslim majority Khulna and part of Malda were included with East Bengal. In the North-West, Dinajpur district was divided into two parts where the non-Muslim part was left to India. However, giving a portion of Dinajpur to East Bengal, Radcliffe disrupted West Bengal's connectivity with Darjeeling, Jalpaiguri and other North-Eastern parts of India.

In the extreme North, Rangpur was a Muslim majority area and Jalpaiguri a Hindu majority district, even though five southern Thanas of Jalpaiguri were included

²⁷ *Ibid*; A. Tayyeb, 1966, *op.cit.*

²⁸ Partition Proceedings, 1950, Archive, British Library.

²⁹ W. V. Schendel, 2005, *op. cit.*

with East Bengal. In this region, the boundary did not follow any 'communal criteria' and some Hindu majority areas were included to East Bengal, hence creating three meanders in the border without significant importance. However, the eastern border followed quite logically although at the eastern edge the boundary excluded a small Muslim majority portion of Sylhet to India without any rationale. The southward boundary from Sylhet logically followed the communal ground. At the southeast, the CHT was given to East Bengal, even though its inhabitants were tribal people.

Radcliffe did not follow any criteria of communal majority and geographical contiguity in a noticeable portion of the bordering areas. Only 26 per cent of the borderline separated a Muslim majority area in East Pakistan from a Hindu majority one in India, and an additional 15 per cent separated a Muslim majority area in East Pakistan from a Christian or Buddhist majority area in India.³⁰ Again, Hindu majority areas in East Bengal and Muslim majority areas in West Bengal are examples of imprecise use of the guidelines for partition and of neglect of the socio-spatial milieus of those areas. Hence, the tactical term 'other factors' was vague, which not only helped the Congress and the Muslim League to generate litigious territorial claims, but also allowed the Chairman to have enormous leeway. Nevertheless, the reaction to Partition was furious. Not only political parties were angry with the award, the mass people were also frustrated, especially in both Punjab and Bengal. People were leaving due to uncertainty, a large number of killings took place and the minority communities of both sides were uprooted and forced to seek refuge elsewhere. It is probable that Mountbatten knew how unpopular the award would be, and therefore did not immediately declare it until 17 August while Radcliffe completed his job on 12 August. Similarly, Radcliffe knew what he had done and started to pack his bags and leave with equal haste. Jalil quotes Radcliffe's letter to his stepson on 14 August, "There will be roughly 80 million people with grievance who will begin looking for me. I don't want them to find me."³¹ He was so worried about being assassinated that a complete search of the aircraft had to be conducted before it took off with Radcliffe on board on 15 August, hours after India achieved its independence.

This paper argues that the partition process was not a systematic procedure according to concrete principle, but rather developed haphazardly through makeshift procedures. Above all, creation of the Bengal border was a collective error by Mountbatten, Radcliffe, Jinnah and Nehru. Although partition had been considered as the solution of communal crisis, ultimately it aggravated the communal clash by creating a border unacceptable to all. In the end, about 12 million people fled the borders as the partition became a reality, a migration dominated by terror and violence.³² Approximately one million people died in the initial weeks of independence.

³⁰ *Ibid.*

³¹ A. Jalil, 2006, *op.cit.*

³² *Ibid.*

I also argue that the Radcliffe award was old fashioned, unscientific and full of flaws, which is explained in the next section.

4. The Execution of the Radcliffe Award: 1947-2013

There were number of general and fundamental problems with the award, which emerged gradually with the first efforts to implement and administer it. Indeed Spate rightly articulates, "it is not too much to say that technically the new boundary appears both curious and impracticable"³³ Certain disputes arose out of the interpretation of the award³⁴, while in contrast, some disputes arose as a result of misinformation and mapping error³⁵. Besides, the border followed both land and water courses, and the borderline drafted by Radcliffe lacked proper instructions to demarcate the border physically. In a broad category, two problems occurred in establishing the border on the ground: firstly the term of defining the border and secondly in implementing the border. Following the errors, cooperation was required to accurately demarcate this long border on ground.

4.1 Errors and Confusions over Radcliffe's Award

A large portion of the Bengal border runs through water. In this context, it is worth to cite some of the points from Stephen Jones's handbook on boundary making where he strongly recommended for very careful considerations on different aspects of rivers before adopting them as boundary. Jones (emphasis added) stresses that *neither two rivers are alike nor two parts of the same river are similar*.³⁶ He also argues that a largest scale map may not show a river with complete accuracy; hence only recent maps should be used in this regard.³⁷ However, his strong emphasis is on fieldwork; as he says, "A river should be examined in the field, by competent observer, before it is defined irrevocably in a treaty."³⁸ On the contrary, the Bengal Boundary Commission had omitted to specify their definition of a river border, which created uncertainty in the minds of the state officials who were required to establish the border.³⁹ It created different types of problems. Firstly, it defined river channels as boundaries without defining whether the political boundary would follow any particular bank of the river, or its mid-stream, or the deepest line (*thalweg*) of the channels. Secondly, rivers of this deltaic plain follow a wandering nature of excessive zigzagging and meandering.

³³ O. H. K. Spate, "The Partition of the Punjab and of Bengal", *the Geographical Journal*, Vol. 110, No. 4/6, 1947, pp. 201-218.

³⁴ Nafis Ahmed, "The Indo-Pakistan Boundary Disputes Tribunal, 1949-1950", *Geographical Review*, Vol. 43, No. 3, 1953, pp. 329-337.

³⁵ Joya Chatterji, 1999, *op. cit.*; W. V. Schendel, 2005, *op. cit.*

³⁶ Stephen B. Jones, 1945, *op. cit.*, p. 108.

³⁷ *Ibid.*, p. 111.

³⁸ *Ibid.*, p. 108.

³⁹ Nafis Ahmed, 1953, *op. cit.*

Because of frequent river course change, it was almost impossible to identify the exact location of a water course on the ground with a decade old map. Thirdly, Radcliffe did not elucidate the fate of *chars*, which are a common feature of all large rivers of Bengal. The River Padma, which divided Murshidabad and Rajshahi, was dotted with silt banks and islands that are inherently unstable and which are known as *chars*. One day a small char may appear in the middle of a river and grow rapidly, surprisingly, next year it may be washed away. Both the countries were very much concerned to establish control over the undemarcated *chars*. For example, *Taradharchar* in the *Ichamati* river became a flash-point as each side forcibly tried to claim it. Even now, river borders are a major source of multiple problems, confusions and border skirmishes in different parts of the whole Bangladesh-India border either at local or state level. Conflicting claim over Muhuri river *char* caused 66 gun battles between the years 1965-1999.⁴⁰

Radcliffe neither visited the border areas nor used any accurate and updated maps. Besides, in some places, settlement map differed from crime maps used by local police stations to establish their jurisdiction. Radcliffe had settled on the *Thana* as the smallest unit of partition, but used settlement maps (rather than crime maps) to distinguish the border.⁴¹ The written description of the Radcliffe award on the boundary at Berubari Union was found to be defective. The line drawn by Radcliffe on the map did not correspond to the description, and even the description was not clear. The dispute over Berubari begun in 1950s which is resolved in 2011 with round the clock access of Dhagram to Bangladesh.

The above discussion suggests that the 4000 km long international border was created with only consideration of a boundary needed to be made within one and half months. Different studies of the partition show that Radcliffe did not have even any technical assistant who could help him in technical issues, for example the technical issues required to create a border in an active delta where the river system is a vital factor.⁴² Therefore, mapping errors were not the primary reason for the problems, rather it was ignorance, lack of sincerity and above all a failure to conduct physical surveys. Furthermore, Radcliffe did not opt for an aerial or a hydrographic survey; hence, a decision only based on outdated land taxation maps contains huge flaws. The presence of political nominees came at the expense of the use of the necessary geographical experts, but satisfied the demands of the Congress, the Muslim League, and of course the British Government to have their own man in the commission.

4.2 Unresolved Disputes

The unresolved border issues include the enclave, adversely possessed land and demarcation of 6.5 kilometer border. Isolated territories of one state completely

⁴⁰ W. V. Schendel, 2005, *op. cit.*

⁴¹ Joya Chatterji, 1999, *op. cit.*

⁴² See L. Chester, 2010, *op. cit.*

surrounded by another, known as enclaves, constitute an unusual feature in political geography. Currently, 123 Indian enclaves are situated in Bangladesh and 74 Bangladeshi enclaves are in India. The history of enclaves in this region began in the late seventeenth century, when the Mughal Empire failed to occupy the Cooch Behar kingdom.⁴³ At the time of the Boundary Commission's deliberation, Cooch Behar and Tripura, adjoining to East Bengal, were princely states and were not a part of British India.⁴⁴ The Radcliffe award did not mention the fate of these enclaves. Following the merger of Cooch Behar with India in 1949, all enclaves became international. After independence, India and Pakistan never made any serious attempt to extend their administration to the enclaves locked in one another's territory.⁴⁵ Unfortunately, it ignored economic activities, medical and education facilities, security of enclave people and restricted their movement off the enclaves. Therefore, enclaves' people are surviving isolated as inhabitants of islands in the ocean of another state's territory.⁴⁶ Unquestionably, delay in exchange of enclaves, administrative problems, and the movement of enclaves' people's across the borders provoke border incidents. Alternatively, such dilemmas are also visible due to hostile relations between the state elites.

Bilateral relations affected smooth demarcation. Demarcation of the border required the performance of two tasks, firstly, defining or fixing the exact location of borders between the neighbouring states. Secondly, the most complicated task comprises the physical constructions of boundary markers. In December 1948, the Prime Ministers of India and Pakistan gave the formal go-ahead for demarcation. However, difficulties arose in agreeing on the actual location of the border. Some of these cases turned into persistent trouble spots, but in many others the states

⁴³ Powerful landlords from that kingdom retained possession of their lands in the area dominated by the Mughal state, either by holding out against the invading troops or by entering into alliances with them. Similarly, landlords from the Mughal area were able to retain landed estates within Cooch Behar. Like most estates in Bengal, these were fragmented into many scattered plots. Such holdings, detached from the parent estate, were then known as *chhit mohol* in Bengali and as enclaves in English. More on history of Cooch Behar enclaves available in B. R. Whyte, *Waiting for the Esquimo: An Historical and Documentary Study of the Cooch Behar Enclaves of India and Bangladesh*. Melbourne: University of Melbourne, 2002; Willem V. Schendel, "Stateless in South Asia: The Making of the India-Bangladesh Enclaves", *The Journal of Asian Studies*, Vol. 61, No. 1, 2002, pp. 115-147.

⁴⁴ In the mid-eighteenth century, the border with Cooch Behar marked the northernmost limit of British territory. In 1772, however, a British expedition invaded and conquered Cooch Behar. The kingdom was incorporated into the province of Bengal, but the British decided to rule indirectly. The Maharaja and his administration were retained under the control of a British political agent. In this way, Cooch Behar survived as a Princely State, surrounded by directly ruled districts. See P. P. Karan, "India-Pakistan Enclave Problem", *The Professional Geographer*, Vol. 18, No. 1, 1966, pp. 23-25.

⁴⁵ Under this agreement, district officials were allowed to visit enclaves if they had a photograph identity card and if their visit was announced by telegram no less than fifteen days in advance. They would then be escorted back and forth across foreign soil. Police officials also could visit the enclaves, provided they wore uniforms and went unarmed. Certain goods could be transferred into the enclaves once a month and tax revenues could be collected once every six months. See, Willem V. Schendel, 2002, *op. cit.*

⁴⁶ More on enclave life is available in Hosna J. Shewly, "Abandoned Spaces and Bare Life in the Enclaves of the India-Bangladesh Border", *Political Geography*, Vol. 33, No.1, 2013, pp. 23-31; Reece Jones, "Sovereignty and Statelessness in the Border Enclaves in India & Bangladesh", *Political Geography*, Vol. 28, No.6, 2009, pp. 373-381.

were able to resolve their differences.⁴⁷ Uneasy and hostile relations between the two states were the foremost factor that obstructed the demarcation process. Moreover, quarrels between the survey teams of both countries on contradictory territorial claims interrupted the demarcation process. For example, Van Schendel explains, during demarcation operations on the Assam border in 1951, while the representatives of the Assam Survey were leaving Sunamganj sector, after a joint survey with the Pakistan Survey team, they obliterated 14 boundary marks and demolished 5 out of 14 pillars in the northern border of Sunamganj.⁴⁸ Eventually, this escalated tensions between the states, resulting in suspension of border demarcation in the Assam-East Pakistan segment for a year. Also, whenever the survey teams went to the borderland, they felt the full weight of local public opinion and they could not work without the protection of armed guards. On the other hand, when a group of West Bengal surveyors, escorted by the East Pakistan police, were proceeding along the Rajshahi border, villagers assaulted them and refused to let them take the goods they were carrying back to India.⁴⁹ Therefore, only 20 per cent and 66 per cent of the total borders were demarcated, respectively, within 6 and 18 years of independence. Undeniably, as mentioned, the preceding delay of border demarcation was a result of thorny bilateral relations between India and Pakistan, which many times was reflected by local officials in the borderland areas.

It was considered that the ‘friendly governments’ of Bangladesh and India would sincerely resolve all the differences and disputes in implementing the Radcliffe award and demarcating the border. Indira Gandhi and Shekh Mujibur Rahman, the then leaders of India and Bangladesh, also signed an agreement concerning the demarcation of the land boundary and related matters which is widely known as the 1974 Land Boundary Agreement (LBA) and a Joint India-Bangladesh Guidelines for Border Authorities. In spite of this, contradictory technical positions between India and Bangladesh have affected demarcation of these stretches. It is noteworthy that despite the high priority set on accomplishing border demarcation, only 3315 km border had been demarcated from 1972 to 1981 i.e. just 245 km of border had been demarcated within 10 years of Bangladesh’s independence.⁵⁰ However, 6.5 kms remained to be demarcated. The un-demarcated border is spread over three sectors:

- | | | |
|----|---|--------|
| 1. | Daikhata in West Bengal-Bangladesh sector | 1.5 km |
| 2. | Muhuri River (Belonia) in Tripura-Bangladesh Sector | 2.5 km |
| 3. | Lathitilla-Dumabari area in Assam-Bangladesh Sector | 1.5 km |

⁴⁷ W. V. Schendel, 2005, *op. cit.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ A. S Bhasin, (ed.), *India-Bangladesh relations: documents 1971-2002*, Vol. 1, New Delhi: Geetika Publications, 2003.

4.3 *Bilateral Relations, Domestic Politics and Unimplemented Border Treaties*

Border issues between Bangladesh (Pakistan) and India are victims of domestic and bilateral irritations. In 1958, India and Pakistan signed an agreement widely known as the Nehru-Noon Agreement for the exchange of some of the enclaves between the then East Pakistan and India. Accordingly, the then Indian parliament adopted the necessary constitutional amendments in December 1960 without the entire boundary being demarcated.⁵¹ It was West Bengal's disapproval to the agreement which took the issue to the court and resolved after a decade.⁵² However, India and Pakistan could not finally resolve the enclave issues prior to the independence of Bangladesh. In a very friendly relation after the independence of Bangladesh in 1971, both the countries signed a fresh agreement that addressed all border disputes. The 1974-Land Boundary Agreement (LBA) is the second scheme towards the resolution of all border disputes, the exchange of the enclaves and the Berubari controversy. Like the 1958 agreement, this agreement was subject to ratification. The agreement supposed to implement by 1974 was delayed for a case filed in Bangladesh challenging the cessation of Berubari and strong opposition in the Parliament against the cessation of territory.⁵³ It was almost the same situation that Nehru faced after signing the 1958 agreement. However, Bangladesh resolved the disputes very quickly and ratified the agreement in November 1974 and left control over Southern Berubari; yet India never ratified the agreement. In changed political circumstances in 1975, India declined to ratify the agreement and exchange the enclaves until the border demarcation and Adversely Possessed Land (APL) issues were entirely resolved.⁵⁴ In contrast, India amended the constitution to ratify the 1958 Agreement prior to completion of the demarcation. Though the Nehru-Noon Agreement took only two years to be ratified by the constitutional amendment, unfortunately, the 1974-LBA agreement had not seen the day. Therefore, the delay in ratification is related to bilateral politics and not to legal constraints.

To break almost four decades of deadlock over border disputes, the third and recent initiative to resolve the enclave problem was taken in September 2011. As announced by the official press release, there was high hope on enclave elimination during Indian Premier's visit in Bangladesh in September 2011. However, the visit did

⁵¹ See the Nehru-Noon Agreement of 10 September 1958.

⁵² Nehru faced unprecedented opposition from the WB state government over the resolution on a segment of the border, Berubari, where Radcliffe's interpretation was flawed. To demarcate the border at this point, the agreement decided to divide Berubari Union (lower administrative unit) into two equal parts horizontally, the southern part going to Pakistan. The main concern on Berubari was that it was one of the several areas where the WB Government had funded for resettlement schemes for refugees from East Pakistan. It can be argued that the WB opposition was political marked by popular emotions following the damage of partition. For more detail see, A. Appadorai, *The Domestic Roots of India's Foreign Policy 1947-1972*, Delhi: Oxford University Press, 1981.

⁵³ B. R. Whyte, 2002, *op. cit.*

⁵⁴ A. V. Bhasin, (ed.), *India-Bangladesh Relations Documents 1971-1994*, Delhi: Siva Exim Pvt Ltd, 1996; V. Sikri, "The Future of India-Bangladesh Relations". Key note address at the Department of International Relations, Dhaka University, 07 May 2006 available at <<http://www.hcidhaka.org/Speeches/>>, accessed on 21 December 2008; B. R. Whyte, 2002, *op. cit.*

not eliminate the enclaves but signed a Land Boundary Protocol (LBP) demonstrating the strong will to exchange the enclaves without mentioning any specific timeframe.⁵⁵ Like the 1974-LBA, this protocol is subject to the parliamentary approval. Two years on, the exchange procedure is still hanging in uncertainty. Thus, Bilateral political approval of the protocol is accomplished but the material execution is still undecided. This time as well the border protocol is the victim of domestic politics as the Central Government of India failed to raise the issue for Parliamentary approval with huge opposition from Bharatya Janata Party (BJP) and Trinomul Congress. BJP is worried about territorial loss, as BJP representative considers, "...India will have to forego 13,000 acres of land while Bangladesh will have to forego 3,000 acres only. The government is not answering how it will compensate for this loss of 10,000 acres of land."⁵⁶ Like the 1958 Agreement, this LBP has become the victim of Central and Provincial Governments' disagreement.

5. Conclusion

The 'end-game' of the British, Muslim league and Congress, and accordingly the devolutionary settlement of 17 August 1947 was a combination of power thrust, clumsy moves and collective error. Although Mountbatten was given a June 1948 deadline by which to disentangle Britain from India, within a few months he decided to bring the decolonisation deadline forward to 15 August 1947. Thereby, apart from the imperial legacy, restive state elites of undivided India were also responsible for an 'incomplete and vague' demarcation procedure. In the end, Mountbatten's boundary-making effort was a failure in terms of boundary-making, but a striking success in terms of providing political cover to all sides. Possibly, it is the unique example of 'map based', more accurately, 'laboratory', partition where only one person divided a huge area within six weeks time despite his ignorance concerning the spatial reality of the region. Staying in Delhi, without any physical survey and only using some outdated maps, Radcliffe decided the fate of voiceless millions.

The border making history tells us how the state elites generated many border disputes which are yet to be resolved. On the other hand, Nehru and Jinnah did not end up with a mutual solution over the unresolved issues. The high hope that Nehru and Jinnah expressed during time of partition to resolve border matters through mutual dialogue has been missing since 1947 up until the present. Regrettably, the unreceptive relationship between the Muslim League and the Congress in united India was ultimately transferred to Pakistan and India following their independence. As such, hostile relations between India and Pakistan hindered implementation of the Radcliffe Award even two decades further on. Nonetheless, the emergence of Bangladesh could not resolve the problems. As mentioned elsewhere, the saga of the border demarcation may be drawing to a close – but do not hold your breath while wait!⁵⁷

⁵⁵ *The New Age*, 2011; *The Hindu*, 2011.

⁵⁶ "BJP won't Support Bill to Ratify India-Bangladesh Border Pact", *The Hindu*, 03 March, 2013, available at <http://www.thehindu.com/news/national/bjp-wont-support-bill-to-ratify-indiabangladesh-border-pact/article4469794.ece> accessed on 10 May 2013.

⁵⁷ Hosna J. Shewly, "The Borderland Enclaves of Bangladesh & India: A View from the Ground", *Borderlines*, Issue 11, 2012, p. 3.