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THE UNIVERSITY OF
MELBOURNE

WAITING FOR THE ESQUIMO

**An historical and documentary study
of the Cooch Behar enclaves
of India and Bangladesh**

Brendan R. Whyte

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Surgeons have been known absent-mindedly to leave behind in the belly they had cut open for an appendix or an ulcer, an odd swab or a towel. Sir Cyril Radcliffe, Chairman of the Boundary Commission in 1947, left a mere 123 Indian enclaves in East Pakistan and 74 Pakistani enclaves in India, which have in recent weeks been the cause of some belligerency.

[...]

When in 1947 Mr Feroz Khan Noon suggested that Sir Cyril Radcliffe should not visit Lahore for he was sure to be misunderstood either by the Muslims or Sikhs, *The Statesman* wrote: "On this line of argument, he (Sir Cyril) would do better to remain in London or, better still, take up residence in Alaska. Perhaps however there would be no objection to his surveying the boundaries of the Punjab from the air if piloted by an Esquimo." Are India and Pakistan still waiting for the Esquimo?

- Nirranjan Majumder, *The Statesman* (Calcutta), 1 May 1965

Abstract

Enclaves are defined as a fragment of one country totally surrounded by one other. A list of the world's current enclaves and a review of the literature about them reveals a geographical bias that has left enclaves outside western Europe almost untouched. This bias is particularly noticeable in the almost complete absence of information on the Cooch Behar enclaves, along Bangladesh's northern border with India. The Cooch Behar enclaves number almost 200. This total includes about two dozen counter-enclaves (enclaves within enclaves), and the world's only counter-counter-enclave. Together, these enclaves represent 80% of the total number of enclaves existing in the world since the 1950s, and have been at the centre of Indo-East Pakistani and then Indo-Bangladeshi boundary disputes since Cooch Behar acceded to India in 1949.

The incredibly complex Cooch Behar sector of the Indo-Bangladesh boundary is investigated in detail for the first time, from historical, political and geographical perspectives. The history of the enclaves is traced, from their origin c.1713 until the present, in an attempt to understand their genesis and survival under a succession of states, from the Kingdom of Cooch Behar and the Mughal Empire in the 1700s, to Bangladesh and the Republic of India today. The difficulties of the enclaves' existence for their residents and the two countries today is contrasted with their peaceful, albeit administratively inconvenient, existence until 1947, to prove that the enclaves themselves are not the cause of border tensions in the area, but are rather a focus for other cross-border disputes.

The current situation of the enclaves is described, highlighting the abandonment of the enclave residents by each country, which refuse to allow the other to administer its exclaves. India's inability to implement a 1958 treaty with Pakistan, and its continued delay in ratifying a subsequent 1974 treaty with Bangladesh to exchange the enclaves is highlighted as the major factor impeding resolution of the enclave dispute. That the delays have been rooted in Indian internal politics is demonstrated.

Highly disparate official and media reports as to the number, area and population of the enclaves are analysed to determine the true extent of the enclave problem, and the first ever large-scale map of the enclaves is published, locating and naming each enclave.

Dedication

To the dead:

Sudhir Roy (d.6/7/1981),
Jiten Roy and Kiten Adhikary (d.26/6/1992),
Sahid-ul-Islam (d. 9/94).

May your fears be nevermore realised,
May your countries find the peace you now know.

Acknowledgments

This research paper, the formal publication of my doctoral thesis, is the product of many years fascination with maps and enclaves, sparked by a list of political anomalies in Wallace *et al* (1983), that I received for Christmas in the early 1980s. The chance discovery of Robinson's 1959 article on exclaves during the course of my BA in Auckland confirmed a number of enclaves that I had suspected from pouring over atlases in my youth, and encouraged me to pursue my interest academically. A lack of supervisory interest in New Zealand forced me offshore, and I wish to express my gratitude to my two supervisors, Professors J.R.V. (Victor) Prescott, and Michael Webber, for taking on both me and my obscure topic. Victor's expertise in particular proved invaluable, and his financial contribution to my endeavours made the large map possible.

My three and a half years of research have turned up much more information than it has been possible to present here, especially on the numerous other enclaves and political fragments around the world. Many people have helped unearth information, maps and facts around the world, and I wish to record my gratitude to all of them. In particular, I wish to thank those who have gone especially out of their way to aid me in my enclave-hunt, and who are listed below in roughly chronological order:

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in rear pocket

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Chapter I

Introduction, literature review and methodology

Introduction

1.1 History and definitions

While the first mention of the word enclave in a European document is the Franco-Spanish Treaty of Madrid of 1526 (Catudal, 1979, 18), the concept dates back to earliest history. When the Twelve Tribes of Israel reached the Promised Land, the half-tribes of Ephraim and Manasseh, descendants of Joseph, were allotted intermingled territories.

- 4 So Manasseh and Ephraim, the descendants of Joseph, received their inheritance.
- 5 This was the territory of Ephraim, clan by clan: The boundary of their inheritance went from Ataroth Addar in the east to Upper Beth Horon
- 6 and continued to the sea. From Micmethath on the north it curved eastward to Taanath Shiloh, passing by it to Janoah on the east.
- 7 Then it went down from Janoah to Ataroth and Naarah, touched Jericho and came out at the Jordan.
- 8 From Tappuah the border went west to the Kanah Ravine and ended at the sea. This was the inheritance of the tribe of the Ephraimites, clan by clan.
- 9 *It also included all the towns and their villages that were set aside for the Ephraimites within the inheritance of the Manassites* (Joshua 16:4-9, NIV; emphasis added)

- 7 The territory of Manasseh extended from Asher to Micmethath east of Shechem. The boundary ran southward from there to include the people living at En Tappuah.
- 8 (Manasseh had the land of Tappuah, but Tappuah itself, on the boundary of Manasseh, belonged to the Ephraimites.)
- 9 Then the boundary continued south to the Kanah Ravine. *There were towns belonging to Ephraim lying among the towns of Manasseh*, but the boundary of Manasseh was the northern side of the ravine and ended at the sea.
- 10 On the south the land belonged to Ephraim, on the north to Manasseh. The territory of Manasseh reached the sea and bordered Asher on the north and Issachar on the east.
- 11 *Within Issachar and Asher, Manasseh also had Beth Shan, Ibleam and the people of Dor, Endor, Taanach and Megiddo, together with their surrounding settlements* (the third in the list is Naphoth). (Joshua 17:7-11, NIV; emphasis added)

According to the *Oxford English Dictionary* (1989, v5, 211 & 508), the first mention of the word enclave in English is 1868, while exclave first appears in 1888, though it seems incredible that the words did not appear in English versions of treaties from the Napoleonic wars, if not those of the eighteenth century, for example in Jenkinson (1785). According to the *OED*, an enclave is

A portion of territory entirely surrounded by foreign dominions. Also *fig[urative]*.

while an exclave is

A portion of territory separated from the country to which it politically belongs and entirely surrounded by alien dominions: seen from the viewpoint of the 'home' country (as opp[osed] to an enclave, the same portion of territory as viewed by the surrounding dominions). Also *transf[erred]* and *fig[urative]*.

The difference, while useful, can also be ambiguous. The Spanish village of Llivia in France is a Spanish exclave, but a French enclave. France is said to enclave it, being the enclaving state. However the phrase 'a French enclave' can mean both a non-French fragment inside France from the French viewpoint, *and* a French fragment inside another country from the viewpoint of that other or a third state. While this could lead to ambiguity, context makes most cases clear. In the present work, where there is no need for distinction between them, enclave will be used as a general term. The words enclave and exclave will be used as defined by the *OED*, but with the added proviso that each is surrounded by only one other dominion. The significance of *one* surrounding state lies in the ability of the enclave to negotiate access, and economic and political rights. If the enclave is surrounded by more than one state, it has increased leverage in such negotiations, while if it has only a single stubborn host state, it is totally at the host's mercy¹. The relative power of the home and host states is important, but *certeris paribus*, a strong home state with an exclave in a weaker neighbour is still likely to have less latitude in negotiating access than a weak home state with an outlying fragment landlocked by two or more neighbours, whom it can play off against each other. At present there is only one land-locked but multi-neighbourled fragment at an international level, Azerbaijan's Nakhichevan. Finally the words enclave and exclave will refer to international-level terrestrial enclaves unless otherwise qualified, as these are the most interesting and

¹ E.g. see Reid, 1992 regarding proposed Canadian enclaves in an independent Quebec versus the "Eastern Townships": Canadian fragments lying between the US and Quebec.

important due to the nature of the boundaries they involve². Real estate owned by one country in another, leased lands (eg Guantanamo Bay), embassies, and other extra-territorial units are excluded from consideration here, as they involve completely separate aspects of international law.

The words enclave and exclave are also found in most other European languages, particularly French (*enclave, exclave*), German (*Enklave, Exklave*), and even Swedish (*enclav, exclav*). From the transferred and figurative uses come ethnic enclaves, colonial enclaves, economic enclaves, geological enclaves, and enclave economies, besides misuse of the term in everyday language and the media to refer to any detached portion of territory. It is not surprising therefore that the geographic literature on enclaves devotes much space to definitions.

Enclaves are a significant subset of a more general set of discontinuous parts of a state, which will be termed (political) fragments³. Non-enclave fragments include islands such as Australia's Tasmania; sections of islands such as the United Kingdom's Northern Ireland; coastal fragments, such as Alaska or Russia's Kaliningrad; and landlocked fragments with more than one neighbour, such as Azerbaijan's Nakhichevan region.

For this study, a part of a political unit, having only one neighbouring unit, and that is connected to its home state only by a single point, *will* be considered an enclave, and thus a fragment. There are at present one probable and three confirmed such cases, which will be termed *singularities*. These are at the Baarle enclave complex where two Belgian exclaves are joined by a single point; in Bavaria where the Austrian commune of Jungholz is connected to mainland Austria by a single point on the summit of a mountain; and on the Indo-Bangladesh boundary at Cooch Behar, where two areas of Bangladesh are each connected to their home state by a single point. Of the latter two, only one is confirmed, the second is assumed to be so from cartographic and toponymic evidence. There are two reasons why these will be considered enclaves in this study. First, such fragments function as true enclaves in all respects, because a single point connection, while technically a connection, is not enough to allow passage of people, goods or even a single telephone or power line. Access has to be negotiated just the same as with any true enclave. Secondly, of the one probable and three confirmed cases of singularities known to me, only one, Jungholz, does not occur as part of a complex of enclaves,

² International land boundaries are usually the most rigorously defined, visible and policed boundaries in the political landscape, as they mark the limits of countries, the most important and emotive type of political, social and territorial units in the world. They also mark the limits of separate sovereign jurisdictions, where different political philosophies, ideologies and systems of laws meet, and so of all boundaries, they have the greatest impact on everyday life for residents on either side, marking the limits of national differences, both visible, as in which currencies can be used or what clothes can be worn, and invisible, as in what business may be done and how.

³ Reid (1992, 104) defines enclaves as the present work does, but differentiates exclaves as "not fully surrounded by the territory of a single other state", providing a way to avoid the ambiguity inherent in the classical geographical definitions. However, the work was discovered too late for reconsideration of the typology of political fragmentation given here.

and even it is next to a similarly anomalous ‘pene-enclave’, Kleinwalsertal. In all four cases the governments involved treat them as enclaves, and number or name them as such. To exclude them would thus confuse the total number of world enclaves at both Baarle and Cooch Behar, and the analysis of the Cooch Behar situation to no advantage.

As shall be seen, the complexity of the enclave situation at Cooch Behar necessitates the coining of two other terms. A group of enclaves forming an administrative or other grouping will be termed an *enclave complex*, for example the Baarle enclave complex or the Shalbari enclave complex. This allows differentiation of the component enclaves from the grouping. Individual enclaves which are composed of several administrative units will be termed *composite enclaves*, to allow differentiation of the individual units from the enclave as a whole. This is particularly important for the Cooch Behar enclaves, where the several administrative units which together form some of the larger enclaves are commonly, but wrongly, termed enclaves themselves, or where one component unit commonly lends its name to the whole enclave.

1.2 Current enclave population

Since 1996, when the Lithuanian enclave of Pogirya in Belarus was exchanged for an equal area of land along the main boundary, the total number of enclaves in the world consists of 223 enclaves, 32 counter-enclaves, and 1 counter-counter-enclave, for a grand-total of 256 enclaves at any level of embeddedness. These enclaves belong to a total of 17 countries and are enclaved in a total of 15 countries, on two continents (see Figs. 1a & 1b).

Literature Review

1.3 Overviews of enclaves

Robinson (1959) wrote what may be described as the seminal article on enclaves, and indeed his definitions and concepts are much quoted both in and outside geography (eg Johnston *et al.*, 1986; Melamid, 1968). He defined a political exclave as “a part of the territory of one country entirely surrounded by the territory of another country” (Robinson, 1959, 283), echoing the *OED*, and all geographic definitions of exclave or enclave are similar. Thus Raton (1958, 186), one year earlier wrote “*on entend par enclave toute portion du territoire d’un Etat entièrement enfermée dans le territoire d’un autre Etat*” [we understand by enclave any portion of the territory of one state entirely enclosed in the territory of another state]. Robinson does not

Table 1: Enclaves of the world since 1996.

<u>Home state</u>	<u>number of enclaves & counter-enclaves</u>	<u>host state</u>	<u>enclave name or location</u>
<i>Western Europe</i>			
Netherlands	1 enclave + 7 ctr-enclaves	Belgium	Baarle-Nassau
Belgium	22 enclaves	the Netherlands	Baarle-Hertog
Germany	5 "	Belgium	Vennbahn enclaves at Rötgen/Monschau
Spain	1 "	France	Llivia
Germany	1 "	Switzerland	Büdingen
Italy	1 "	Switzerland	Campione d'Italia
Austria	<u>1</u> " (point connection)	Germany	Jungholz
32 enclaves + 7 counter-enclaves			
<i>Former USSR</i>			
Russia	1 enclave	Belarus	San'kovo / Medvezh'e
Armenia	1 "	Azerbaijan	Bashkend
Azerbaijan	2 "	Armenia	Upper Askipara, & Barkhudarly
Azerbaijan	1 "	Armenia	Kiarky (north of Nakhichevan)
Tajikistan	1 "	Uzbekistan	Sarvaksoi / Sarvaki-bolo
Tajikistan	2 "	Kyrgyzia	Vorukh, & "Kairagach" ⁴
Uzbekistan	2 "	Kyrgyzia	Kalacha, Sokh
Uzbekistan	2 "	Kyrgyzia	Dzhangail', & Shakhimardan / Jordan
Kyrgyzia	<u>1</u> "	Uzbekistan	Barak ⁵
13 enclaves			
<i>Asia</i>			
Cyprus	4 enclaves	UK's Dhekelia Sovereign Base	Dhekelia power station (2), Ormidhia, & Xylotymbou
Oman	1 enclave	UAE	Madha
UAE	0 enclaves + 1 ctr-enclave	Oman	Nahwa
India	102 enclaves + 3 ctr-enclaves + 1 ctr-ctr-enclave,	Bangladesh	Cooch Behar enclaves
Bangladesh	<u>71 enclaves + 21 ctr-enclaves</u>	India	Cooch Behar enclaves
178 enclaves + 25 ctr-enclaves + 1 ctr-ctr enclave			
<i>TOTAL:</i>	<i>223 enclaves + 32 ctr-enclaves + 1 ctr-ctr-enclave</i>		

⁴ This very small enclave does not appear to contain any named settlement, but is near the Kyrgyz railway station of Kairagach. The enclave has also been referred to as "Western Qalacha" (UNDP, 2000) due to its proximity to the Tajik town of Qalacha.

⁵ Mentioned in a Kyrgyz-Uzbek boundary delimitation memorandum (Uzbekistan Information Directory, 2001) and containing 700 houses, the existence of this 8th Ferghana Valley enclave between Margilan and Ferghana cities has been confirmed by the British Foreign & Commonwealth Office (Horsman, 2001).

reference Raton, nor an even earlier article by Farran (1955, 294) which again uses the same definition. Robinson's work is presumably the geographic classic it is because, unlike Raton, it was published in English, and unlike both Raton and Farran, in a geographic journal rather than a legal one. Further, Robinson investigated enclave-like objects, which he defined and named quasi-exclaves (a term similarly used by Pondaven, 1972):

those exclaves which for one reason or another do not in fact function as exclaves today (Robinson, 1959, 283),

pene-exclaves:

parts of the territory of one country that can be approached conveniently - in particular by wheeled traffic - only through the territory of another country (Robinson, 1959, 283),

temporary exclaves:

created where what was one state has been divided by an avowedly temporary or provisional line, such as an armistice line or occupation-zone limit, which leaves islands of one zone in another (Robinson, 1959, 285-6),

and virtual exclaves:

areas treated as the exclaves of a country of which they are not in the strictest legal sense an integral part (Robinson, 1959, 285).

Robinson described all the international-level enclaves that he knew of, their origins, survival, communications, administration and access. He also compared them to microstates such as Andorra and San Marino, and concluded that enclaves were unimportant, and despite having a home state to fall back upon in time of need, that they were at a disadvantage compared to similarly sized enclaved or microstates. Yet Robinson's article is not as definitive as it should have been. Despite mentioning Dadra and Nagar-Haveli, he inexplicably ignored the 198 enclaves at Cooch Behar along the then India-East Pakistan border, and he also mistook Jungholz's point connection with Austria for a "hundred-yard-wide neck". He mentions neither enclaves at political levels lower than international, nor enclaves formed by borders other than of political units such as private landholdings inside national parks. Considering the existence of county and parish level enclaves in his native England, these omissions are strange. Finally, his classifications, though much quoted, are not rigorous, mutually exclusive nor complete. This is

no way denigrates the importance of the article in raising geographic awareness of the existence and unique features of enclaves, which has been the primary value of this work.

The next general geographic work on enclaves appeared fifteen years later. An American, Catudal, wrote an article based on his doctoral dissertation. He used Robinson's definition of exclave, but emphasised its two parts: "(a) part of one country (b) completely surrounded by the territory of another state" (Catudal, 1974a, 116). This definition was arrived at by negation, appearing ten pages into his article. The first pages took geographic examples of common misuse of the term enclave, and corrected them. Thus he reminds us that divided states, landlocked countries, enclaved states, coastal territories and Robinson's pene-exclaves are not in fact enclaves at all, but only exhibit some similar features. By stressing the two parts to the definition, Catudal showed, for example, that San Marino is not an exclave as it is not a *part* of a larger country. While it may be *enclaved* in Italy, and thus an Italian enclave, it is not an exclave of any state. By the second part, Catudal distinguishes general political fragments from its subset of enclaves. Thus Alaska is not an American exclave any more than Hong Kong was a British one, because each has a coastline. An enclave must be landlocked, and by only *one* other entity. For example Nakhichevan is not an Azerbaijani exclave as it is landlocked by *three* neighbours: Armenia, Iran and Turkey.

The rest of Catudal's article, like Robinson's, described those enclaves existing at that time. He too provided maps (all simple and sometimes incorrect: that of Nagar Haveli missing its Indian counter-enclave), and also photographs. While ignorance of the existence of Madha and Nahwa may be forgiven him, he barely mentions Jungholz, ignores the Dhekelia and Vennbahn enclaves completely, and only mentions the Cooch Behar enclaves in passing, his sole sources being Karan (1966) and a cutting from the *India News*. He concentrated on the four oldest European enclaves and enclave complexes, and tested the hypotheses that enclaves were unstable phenomena and that there was a discernible trend to absorption of enclaves by host states. He concluded that both hypotheses were correct, although, he notes significant qualifications. These were that historical instability of enclaves was related to instability of the times, when boundaries were often changed by wars; that there is increasing respect for international boundaries as a stabilising influence; that in the European cases there are cordial relations between home and host states and that recent stability was related to the low strategic significance of the enclaves, apart from West Berlin. Further he noted that the main question of access had been resolved successfully in the European cases, the economic problems of enclaves stemming from isolation had disappeared, and they had turned their location into an asset through tourism.

Catudal also wrote a small book on enclaves, that seems by its title, *The Exclave Problem of Western Europe* (1979), to present enclaves as somehow 'bad', though exactly why is not made particularly clear. The book is a reworking and slight updating of his 1974 article, still ignoring the Dhekelia and Vennbahn enclaves, but with a little more information on the Cooch Behar enclaves, but only an incorrect locator map for them (1979, frontispiece). He again concentrates on the old European cases, looking at 'problems' associated with access, defence, policing, smuggling and other issues, all also raised by Robinson, although these would seem as much of a problem along 'normal' borders. His conclusion was similar to that of 1974: that the European enclaves have managed to overcome the inherent problems of instability and a trend to enclave absorption by the host state. He added that they have had done so by seeking a solution of benefit to the enclave, not necessarily that desired by the home state, but that home state sovereignty had not been compromised by utility provision or indirect taxation by the host state.

Besides a greater depth of information, the main value of the book is its extensive bibliography, an attempt to compile a definitive listing of all references, from any field, in any language, of direct relevance to enclaves. It lists not only the slight geographical literature, but theses, government documents, reports, atlases, court cases and treaties. This by itself is extremely useful, for, as Catudal explained, enclaves are so small and seemingly unimportant that searching for information on them is extremely time consuming and often unrewarding. He noted the Library of Congress did not even have a keyword entry in its catalogue for them. Twenty years on, computerised searches of on-line newspapers and library catalogues overcome much of the difficulty, but still the literature has not progressed much further than Catudal's list.

Despite the poor volume of literature, enclaves do rate mention in political geography texts (eg Pounds, 1972; Norris & Haring, 1980; Glassner, 1996), and make an interesting interlude, but their positioning as part of discussions of state shape suggests that they are viewed purely as curiosities with no real relevance. Leaving aside Melamid (1968) as little more than a summary of Robinson for an encyclopaedia, the only other articles on enclaves generally appear to both be legal rather than geographic, and both from the 1950s, those of Raton and Farran mentioned above. Raton included historic and internal French examples in an overview of enclaves for a legal audience, that was inspired by two International Court of Justice (ICJ) cases of the time that concerned enclaves (ICJ, 1959; ICJ, 1960) and by the Italian cordon around enclaved San Marino following a 'revolution' against the Sammarinese Communist and Socialist coalition government there. He ignored the Vennbahn and Cooch Behar enclaves, but did mention Chandernagore. Amongst foreign internal enclaves he noted the existence of Shakhimardan and Vorukh, but not Sokh, in the USSR. He concluded that while jurists may

regret the absence of a general theory on enclaves, as the states concerned found the particular individual regimes satisfactory, no theory was needed.

Farran (1955) had also been inspired by the ICJ case between India and Portugal over access to Dadra and Nagar Haveli (ICJ, 1960), and investigated the legality of a servitude for access from the home state to an exclave under international law. In contrast to Robinson, Farran wrote that enclaves had “considerable historical importance, having served on a number of occasions as a *casus belli*” (Farran, 1955, 294). As Catudal noted the lack of geographical literature on enclaves, so Farran noted the lack of legal literature, despite the ICJ case in progress, and the existence of enclaves at internal and ecclesiastical levels necessarily involving local government and canon law. He pointed out that a fragment that has two neighbours may still be an enclave if one neighbour is also enclaved, as the principality of Orange and Avignon were in France until the late 1700s, and that enclaves were unlikely to be deliberately created as their inconveniences were obvious. Farran concluded that a servitude of access did exist, under the principle of law *cuicumque aliquis quid concedit concedere videtur et id sine quo res ipsa esse non potuit* [he who grants something to anyone is deemed to grant also that without which his grant is worthless]. In other words the acknowledgment of the existence of an enclave by a host state implied a right of access to it by the home state to allow exercise of the acknowledged sovereignty. He ended optimistically

The existence of enclaves makes certain acts of international co-operation inevitable. Hence they may be said to have played a small part in the development of international understanding, as well as of international law (Farran, 1955, 307).

1.4 International legal cases involving enclaves

That neither Farran, Raton nor the India-Portugal ICJ case mentioned the Indo-Pakistani enclaves at Cooch Behar is intriguing, especially as the related Berubari affair (see 3.2 & 3.7 *et seq.* below) was making constitutional and legal waves in India at the time. The ICJ case developed from India’s prevention of Portuguese access to quell a rebellion in 1954 in the latter’s exclaves of Dadra and Nagar Haveli inland from Daman. The judgement of 1960 (ICJ, 1960) ran that although the initial Maratha grant of the enclaves to Portugal in the 1600s did not vest sovereignty in the colonial power, this was acquired over time, and was recognised by the British as the successors to the Marathas. When India in turn succeeded the British, she inherited this recognition. Due to the recognition of sovereignty, the host state was duty bound to allow the function of that sovereignty, in other words to allow Portuguese access for official purposes. However, military access and the passage of arms and munitions across the host state’s territory were not part of this right, and international law suggested the two affected

states needed to form an agreement on such passage. The British had allowed the Portuguese access for military personnel as long as it was applied for each time in advance. Portuguese arguments that it was never withheld did not imply an automatic right to such access, nor to only necessitate retrospective application for permission. Thus India was entirely within her rights in refusing Portuguese troops and police access across her territory. However, the judgement was held to refer only to whether Portugal had a right of passage in 1954, and not generally, by which an opportunity was lost for declaring definitively under what circumstances the right is created and held. Of particular interest in the records of the case are two articles presented as part of the pleadings. The first, by Rheinstein (1960), is a comparison of the right of passage to a cadastral enclave between a number of different national legal systems around the world. The second, by Bauer (1960), on the right of passage to international enclaves since 1648, is in French, and is by now somewhat dated. For a summary of the case see Karan (1960); Chacko (1960-61) is heavily biased towards India and passes over all the points the Indians lost, but the official judicial summary is reprinted a few pages later in the same journal issue (*Indian Journal of International Law*, 1960-61b).

The other ICJ case concerning enclaves (ICJ, 1959) was purely an adjudication of ownership of an enclave in the Baarle complex, between Belgium and the Netherlands. It raised no particular points of law, regarding enclaves or otherwise.

1.5 Maritime enclaves

It should be noted that the literature has concentrated on terrestrial examples, because of their historical and political significance, and greater visibility on maps or on the ground. No less real, but much less visible and significant are maritime enclaves, of which there are several sub-types. Possibly the most material are islands belonging to one country that are enclaved in the territorial waters or Exclusive Economic Zone (EEZ) of another. Examples include the Channel Islands in the French EEZ, and French St. Pierre & Miquelon sandwiched between Canada's territorial waters and EEZ. Such enclaves occur not only at sea. Lacustrine territorial waters may also enclave islands of another state, the sole current international example being Malawi's Likoma and Chisamulo islands in Mozambique's waters in Lake Malawi (see Melamid, 1965; Pondaven, 1972, 110-15). A second sub-type is an enclave of high seas within a state's EEZ. With no land in the enclave, there is no enclaved population whose rights need to be protected, and no state with jurisdiction over the enclave, but any state has a right of access to the high seas enclave, including for harvesting fish or seabed resources. It can be a great nuisance for the host state to police its surrounding EEZ to ensure foreign vessels are only

fishing within the high seas enclave and not in the host state's EEZ. Russia, Japan and New Zealand possess high seas enclaves of this type.

Very little has been written specifically on maritime enclaves, except from the legal aspect that either concerns the disputes, negotiation and determination of the exact boundaries of island enclaves (eg McDorman, 1990), or the legality of restricting foreign fishing fleets from accessing a high seas enclave (eg Elferink, 1995). Little wonder that maritime enclaves also rate only a brief mention in more general works on maritime boundaries. Prescott (1975b) noted how such enclaves can form due to the presence of islands or coastal shape, and mentioned Boggs' (1930) suggestion to eliminate these "objectionable pockets" where possible. Prescott also mentioned indentations, akin to Robinson's 'pene-exclaves', where geometry is used to determine whether elimination by a 'closing line' is proper. In a later work, Prescott (1985, 110) again discussed high seas 'enclaves' and gave a map of the world showing all seas more than 200 nautical miles from land to illustrate his description of sixteen such 'enclaves' besides the main Pacific-Indo-Atlantic body of high seas. In fact thirteen of these are not enclaves at all, being bounded by more than one country's territorial waters, leaving probably only three true high seas enclaves: that surrounded by Russia's EEZ in the Sea of Okhotsk, that surrounded by Japan's EEZ between Honshu and Parece Vela, and that surrounded by New Zealand's EEZ south-west of the Chatham Is.

There is also a hybrid terrestrial-maritime enclave type, where a state and its waters enclave the territory and waters of another state, or a fragment of a state. Such enclaves that do not have direct access to the high seas are termed 'zone-locked' or 'shelf-locked'. Monaco is an example of a zone-locked state, enclosed by France on land, and by French waters at sea. Between 1990 and 1994, Namibia similarly enclaved South Africa's coastal fragment of Walvis Bay. Potential examples, because China claims them, and so there are no defined boundaries confirming them as enclaves, are the Taiwanese islands of Quemoy (Chinmen) and Matsu just off the Chinese coast.

Apart from any dispute over the delimitation of a maritime enclave's boundaries, or contestation of the enclaved territory itself, as at Walvis Bay from 1990 to 1994 or Quemoy at present, maritime enclaves are of lesser significance than their terrestrial counterparts. This is due to the wide-ranging rights of navigation held by home, host and even third states under international law. Zone-locked states cannot even be denied the right of their naval vessels to access the high seas through the territorial seas or EEZ of the surrounding state. For this reason, such enclaves are excluded from the present study. However, with the sustainability of oceanic resources becoming a significant international issue, and with seabed prospecting and mining

becoming increasingly feasible, it should be noted that maritime enclaves are of growing importance with respect to issues of resource sovereignty and management.

1.6 Case studies of enclaves

An extensive literature on terrestrial enclaves would seem to exist from the results of a search on a modern computerised index. This is deceiving, as despite Catudal's careful definition of enclave and reasoned breaking down of common misuse of the word, geographers, historians and political scientists continue to use the word inappropriately. For Africa alone, articles on Ceuta, Walvis Bay or Cabinda inevitably refer to these coastal fragments as enclaves (eg Rézette, 1976; Berat, 1990; Dugard, 1991; Simonis *et al.*, 1995; Swaney, 1995; Carr, 1997), let alone such supposedly seminal works as Minghi (1962), Prescott (1985) and Robinson (1953) which only encourage misuse in popular literature (eg Wallace *et al.*, 1983). However, enclaves are important for more than semantic argument, and it should be admitted that many of the problems studied in these articles would apply just as well to true enclaves. This is borne out by those works investigating individual true enclave cases, for example Robinson (1953), Catudal (1974b) and Book (1984, in Swedish) on West Berlin, Bolli (1954, in German) on Büsingen, Pedreschi (1957, in Italian) on Campione, Karan (1966) and Banerjee/Banerji (1966 & 1969) on Cooch Behar, Catudal (1971) on Steinstücken, and Ruiz (1976, in Spanish) on Llívia. Madha and Nahwa in the UAE are mentioned briefly in the PhD thesis of Al-Ulama (1994), while Llívia is covered indirectly in English in an historical study of the Cerdagne by Sahlins (1989). Baarle is covered, in Dutch or French only, by Brekelmans (1965), Malvoz (1986) and Ragas (1999). Both Baarle and the Vennbahn enclaves are discussed briefly by van Wettere-Verhasselt (1966, in French). There are no doubt other non-English sources on many of the European enclaves that this author has not located. No studies in English seem to exist for those enclaves created by the demise of the USSR, or for Jungholz, the Vennbahn or Cyprus enclaves. The Cooch Behar enclave literature is considered below.

These individual case studies all emphasise the history of the enclaves' boundary formation, and the political problems that enclaves 'cause', or rather the tensions for which they provide a focus. West Berlin (existing from 1945 to 1990) is a well known example, although Robinson (1959) correctly notes it was not a true enclave (not being legally a part of West Germany). He, Catudal (1974b) and Book (1984) also discussed the twelve or so exclaves of West Berlin in East Germany. The American-Soviet political machinations over these insignificant plots of land, in several cases uninhabited, border on the absurd, although the consequences of militaristic takeover of any of them could have been disastrous, as Farran (1955) also suggested. Catudal (1971) studied just one of these, Steinstücken, enclosed by a

greater area of barbed wire and minefields than the enclave itself made up! Catudal's article (1974b) on Berlin's boundaries generally, detailed the discussions leading to a resolution of the problem by the Allied abandonment of several enclaves to the East in return for other concessions. Pedreschi points to the economic vulnerability of enclaves, noting that Campione built a casino, now a major revenue source, but was then blockaded by the host state Switzerland until a regulation imposing a five Swiss franc limit on Swiss nationals was decreed. This is ironic given Italy herself blockaded San Marino when a casino there was proposed, until the Sammarinese agreed not to build it. This shows the major political difference between an enclave and an 'enclaved state'. The enclave has a mother country that can bring pressure to bear on the host state, while a nation like San Marino has no equalising motherland, and is almost entirely at Italy's command.

1.7 Work on the Cooch Behar enclaves

Banerjee (1966), Banerji (1969), Karan (1966) and van Schendel (2002) provide almost the only specific information on the Cooch Behar enclaves in the entire literature. Generally, geographies and histories of India, Pakistan, Bangladesh or Bengal have been silent on the issue of these enclaves. Even Indian geographers omit mention of them, or misconstrue the facts in brief references. Rao (1995, v1 202-3; v2, 288 & 307) did not mention them when defining the words enclave and exclave, nor even Tin Bigha when defining the word corridor. Instead he used West Berlin and the Berlin corridors as examples, five years after these had disappeared with German reunification. Adhikari (1997, 186-7) wrongly called the Tin Bigha corridor an enclave, and after noting the existence of 130 Indian and 95 Bangladeshi 'exclaves', repeated Robinson's assertion that enclaves are rare! Indian constitutional commentaries also squeeze in mention of the enclaves and nearby Berubari because the Ninth Amendment to the Constitution of India was enacted to implement a 1958 agreement with Pakistan to exchange the enclaves and divide the Berubari salient. Of non-Indian geographers, Lamb (1968, 96 & 98) provided a map of East Pakistan showing the general location of the enclaves, and mentioned both the agreement to exchange the enclaves of 1958, and subsequent delays in ratification and implementation caused by opposition movements in India. He noted in particular that Pakistan was much more able to implement its side of the agreements because of its dictatorship, compared to India's democratic government which has been rendered helpless by vocal opposition groups. Prescott (1975a, 312 & 316-7) and Prescott *et al.* (1977, 46-7) gave the enclaves brief mention but, like Lamb, only an indication of their general location on maps. East and Prescott (1975, 64) included a map of the enclaves, probably based on Banerji, but this is little more than a sketch map.

Banerjee and Banerji are in fact the same person, the Commissioner of the Presidency Division of West Bengal in the mid-1960s, and a man directly involved in the negotiations from 1958 over the exchange of these enclaves and the related partition of the nearby Berubari salient. His first work was an article on the history of the enclaves in the district handbook for Cooch Behar, a publication from the 1961 Indian census (see Appendix 1-39). It expands greatly on a shorter note on the enclaves in the 1951 census district handbook for Cooch Behar (Mitra, 1953, iii-iv. See Appendix 1-25). Unfortunately, without background knowledge of Bengal's history, it is difficult to follow, and the significance of the various personages, publications and places he mentions is not made clear. The inclusion of a map showing all the enclaves, keyed to tables listing the areas and names of each (see Appendix 3), make up for the shortcomings of the writing. While not the only map of the enclaves published, it is the best until now, despite admitting to be a locator map rather than a proper survey map, and suffering from incompleteness, imprecision and its small scale. Without access to the original enclave demarcation survey maps of the 1930s, Banerjee's map proved vital to the completion of the present research. Banerjee's second article (Banerji, 1969) is a slightly shortened version of the first, published in an Indian journal. However, while enjoying greater worldwide distribution than the first, it is even more confusing, and the accompanying map is of lamentably poor quality, showing blobs for each enclave, without names or numbers, and suffering inexact colour registration. Catudal (1977) made use of one of these two articles, supplied by the Indian Embassy in Bonn, but for which they gave him no bibliographic information. He had supposed the article was an appendix to the Nehru-Noon treaty of 1958 agreeing to exchange the Cooch Behar enclaves, but this has now been shown to be incorrect.

Karan (1966), also Indian but employed at the University of Kentucky, wrote a short piece on the enclaves after passing through the area on the way to do research in Bhutan. Writing soon after one of the Supreme Court case verdicts on the Berubari affair, Karan argued that the resolution of disputes such as the enclaves and nearby Berubari required a "change in the basic emotional attitudes within the two countries". Being published in a western geography journal, Karan's short piece was aimed at a western audience, and is more comprehensible than either of Banerjee's. Unfortunately he plagiarised an article from the Indian newspaper *The Statesman* of 1 May 1965. His map is but a sketch, showing only four enclaves. It locates Dahagram, the largest East Pakistani enclave, but incorrectly locates the contested Indian salient of Berubari.

The next work on the Cooch Behar enclaves is a short political tract by the Indian federal MP for Cooch Behar since 1977, Amar Roy Pradhan (1995). This, like Banerjee, suffers from incomprehensibility to a western reader, and also from lack of editing. Also like Banerjee, the author was a key player in much of the recent history of the saga of these enclaves, so that it

remains a valuable first-hand source. It contains the general history of the enclaves, together with details of several incidents occurring in them in recent years. An appendix lists Indian enclaves in Bangladesh, presumably sourced from Banerjee, but not the Bangladeshi enclaves in India. Two maps are provided, one a sketch map of the area around Dahagram enclave, showing the Tin Bigha corridor leased to Bangladesh in 1992 to allow access to this enclave. This map appears to be sourced from *The Economist* three years earlier (Our Delhi Correspondent, 1992). It is accurate for what it shows, but omits all the other enclaves in the area covered. A second map is a very rough sketch of India's S[h]albari enclave, which Roy Pradhan proposed should be connected by a corridor across Bangladesh in exchange for Tin Bigha across India.

During fieldwork in Cooch Behar in July 2000, locals spoke of another foreigner who had been conducting interviews there. A chance reading of advertising material for a conference led to the identification of this mysterious white man. Van Schendel (2002), a Dutch anthropologist and historian has investigated the enclaves from the point of view of nationalism, in a critique of previous assumptions that nations, like states, were necessarily contiguous. He considered the various options the enclave dwellers have with regard to their own national feelings. Did they identify with the home or host states on grounds of location, or on religious grounds, or, due to the effective abandoning of the enclaves by both states, did the enclave dwellers see themselves as a third state, an 'enclaveland', separate from both India and Bangladesh? He concluded that the absence of state functioning had produced a similar lack of nationalism, as while local organisations in the enclaves had assumed some of the absentee state's functions, they did not possess redistributive functions nor a monopoly on violence. The only true scholarly work on the enclaves to date, van Schendel's maps, like those above, are only sketches, and the article leaves the reader craving a deeper discussion of the creation and history of the enclaves, to better understand the condition of existence there.

1.8 Criticisms

On a theoretical level, Robinson and Catudal in their several works have noted the unimportance of enclaves generally, and thus the reason they are overlooked by politicians and geographers, and hence a reason for their survival. Pounds agrees, citing Spain and France working no less efficiently because of tiny Llvia, compared to Pakistan's pre-1971 division into east and west wings which was a constant regional irritant (Pounds, 1972). Problems of access, defence, policing and service provision, mentioned above, are coupled with a general view that enclaves are unstable and doomed to disappear eventually (when the politicians realise they do exist: Roy Pradhan (1995) decries this very ignorance). There has been no real questioning of this view, though Catudal (1974a, 1979) does qualify it somewhat.

This is strange in that enclaves have not been anomalies very long. Using the Treaty of Westphalia as the standard watershed in the theory and practise of the state and of state geometry, we find that in Europe before 1648 enclaves were the rule, not the exception. They developed from feudal state systems, especially from the ability of a lord to buy and sell his lands, give them as dowry or inherit them. Thus holdings were split and rejoined seemingly at random by political marriages and the inheritance of a lord's lands by his several children (Pounds, 1972, 69). Enclaves and other political fragments were not viewed as problematic in central Europe, as theoretically all the states were components of the Holy Roman Empire, a lingering hope for a united Christendom (Kristof, 1959, 278). This was also the case in India, where the Mughals used feudal relations to control outlying provinces like Bengal that they had little hope of submitting to direct central rule. This explains the intricate borders of the states, including Cooch Behar, fossilised by the British as successors to the Mughals. It is only in the last 300-350 years that enclaves have gradually become the exception, as the state has become an entity in itself rather than an embodiment of the king *a là* "L'Etat c'est moi". However, while all the enclaves on France's borders, except Llivia, were eliminated by 1815, and despite the dissolution of the Holy Roman Empire by Napoleon, Germany remained an empire, a collection of fragmented countries-cum-statelets, slowly losing their independence to Prussian hegemony, finally unified and territorially rationalised under Hitler in 1933-34. Thus fragments and enclaves have become objects of curiosity only in the last 60 years or so.

Catudal and Robinson both also failed to predict further international enclave formation. While Berlin and Mt Scopus have disappeared, as was predicted by Robinson's label of 'temporary exclaves', the break-up of the USSR in 1991 created at least thirteen new ones through the sudden internationalising of internal borders. These include the largest enclave extant today, Sokh in Kyrgyzia, at 234km², larger than at least seven countries. This underlines the curious ignorance of internal enclaves by Catudal and Robinson. Baarle, for example, was also (re-)established at an international level 1830-9 when Belgium seceded from the Netherlands, and the internal borders of the pre-Napoleonic Netherlands were used to divide the two. Besides Baarle and the former USSR enclaves, Llivia, Büsingen, Campione and the Cooch Behar enclaves are all manifestations of ancient internal boundaries raised to international status. Only four works on internal enclaves have been located. The earliest is that of historian Sir Charles Oman (1927) who investigated the history of the enclaves between several English counties. Melamid (1964) wrote a short note of the existence of Ellis and Liberty islands of New York state in the territorial waters of New Jersey. Melamid (1966) and Whiteford (1972) wrote on municipal enclaves in the United States, a subject that, given the plethora of examples and the impact of different municipal zoning, educational and tax regimes, is inexplicably

undocumented by geographers. Apart from the US and UK, internal enclaves exist in Spain, France, Switzerland, Belgium, Germany, Italy, Russia, India and China at the very least. Greater investigation of the scope of internal enclaves, and the reasons for their continued existence are needed. While it is true that internal boundaries differ fundamentally from the international in their functions this has not stopped them from being used as convenient, recognisable dividing lines when a nation does split up (eg since 1990: USSR, Yugoslavia, Czechoslovakia, E.Timor) or wants to (eg Aceh, Chechnya, Quebec, Taiwan, Tibet, ...) (Ratner, 1996, 623).

For the case of Quebec, Reid (1992) has considered the effect of its secession from Canada from the point of view of boundaries, considering different ways in which a possible new international boundary could be drawn to maximise the number of Anglophones left to Canada and the number of Francophones left in an independent Quebec. He considers carefully the utility of leaving enclaves of one nation inside the other, drawing on the examples of Baarle, Büsingen, Campione d'Italia and Livia. He concludes that enclaves are in no way irrational solutions, but should only be created where they are large enough in area or population to be practical, or where their adjacency to a third country provides an alternative means of access (in this case pockets of Quebec-resident Anglophones along the boundary with the USA). He also suggests that sovereign road corridors can be a practical means of physically connecting the enclave with the mother country (and so technically disenclaving it) (Reid, 1992, 119)

Methodology

1.9 The object of the present research

From this overview of the literature on enclaves, a number of gaps and shortcomings are apparent. The most significant is the total omission by Robinson and only brief mention by Catudal of the Cooch Behar enclaves, which comprise the majority of enclaves existing then and now. Given the difficulties of obtaining geographic information on border disputes from either India or Bangladesh, the general ignorance of the geographical community to these enclaves is not surprising, but any work on enclaves that omits 80% of the world's enclave population loses credibility. Thus the main objective of this research paper is to publish, for the first time, a comprehensive history and geography of the Cooch Behar enclaves from their origins until the present, accessible to both Indian and western audiences, together with reproductions of important documents pertaining to the enclaves for the benefit of future researchers. The history is used to explain the survival of the enclaves, and understand why they have become so problematic since Indo-Pakistani independence in 1947. The nature of the enclave problem is analysed, that is whether

the enclaves are problematical in themselves or simply a focus for wider disputes between the affected countries. Given the stated desire of both countries for removal of the enclaves, manifested in a 1958 agreement for exchange between India and Pakistan, and renewed in a 1974 agreement between India and Bangladesh, the reasons for their continued existence are determined. The current situation of the enclaves is then described. The number and total area of the enclaves is confirmed for the first time, and the size of the affected population calculated, correcting inaccurate and exaggerated figures frequently quoted by Indian and Bangladeshi politicians, officials and media. In addition, the first large-scale map of the enclaves is published, showing all the enclaves, current and historic, as accurately as possible.

1.10 Methodology and encountered difficulties

To compile a history and geography of the Cooch Behar enclaves, fieldwork was undertaken in India and Bangladesh from April to August 2000. Pakistan was excluded for reasons of time and cost, and because it was considered that any records pertaining to the East Pakistan period would more likely be available and accessible in Bangladesh than Pakistan. Fieldwork involved archival research and interviews in English with various officials in New Delhi, Calcutta and Dhaka, followed by on-site investigations and interviews with the aid of an interpreter in the enclaves themselves and in the nearby towns of Rangpur, Dinajpur and Panchagarh in Bangladesh, and then Cooch Behar and Jalpaiguri towns in India. The resources of the Nehru Memorial Library, Central Secretariat Library and National Archives of India in New Delhi; the National Library of India, West Bengal State Archives, and West Bengal Secretariat Library in Calcutta; and the Bangladesh Institute of International and Strategic Studies, Supreme Court, Bureau of Statistics, Parliamentary Library, National Library and Archives, in Dhaka proved most useful. India's Parliamentary library was inaccessible during my time in Delhi because Parliament was in session.

Further archival research was subsequently undertaken at the Royal Geographical Society, the Public Record Office and the British Library in London to fill remaining gaps in the enclaves' history, during which it was possible to meet Professor G.W.S (Billy) Robinson, now retired, in Southampton. Lastly, Durham University's International Boundaries Research Unit also provided valuable information.

The original concept for this study was a comparison of Cooch Behar's enclaves with the next most complicated enclave case, at Baarle on the Belgo-Dutch border. Baarle was included partly in case bureaucratic hurdles restricted access to information in India and Bangladesh, or in case security considerations there prevented a visit to the enclaves themselves. Archival

research was therefore undertaken following that in England, at the Foreign Ministries, National Libraries and Archives of Belgium and the Netherlands, in Brussels and the Hague respectively. Five days of fieldwork were then conducted at Baarle itself, including interviews in English with residents and officials, and one with an official of the Dutch cadastral office at Breda. A two day stop was also made in nearby Monschau, Germany, to view the Vennbahn enclaves there, and some research undertaken at the Monschau town hall and library. Once writing began, it was realised that the total material gathered was too copious to do proper justice to each of the enclave cases at Baarle and Cooch Behar within the word limit allowable for a doctoral thesis, the original format of the present research. Rather than severely reduce the material, it was decided instead to concentrate on one of the cases. As Baarle is easily accessible and has been the subject of several articles and books in recent years, albeit not in English, it was decided more useful to concentrate on the Cooch Behar enclaves whose geography and history are yet to be the subject of more than cursory study. It is expected to publish the material collected on Baarle subsequently, to fill a still considerable gap in the literature, as only one study, Ragas (1999, in Dutch), has been made since formal delimitation of Baarle's enclaves in 1995⁶.

Most of the officials spoken to in India and Bangladesh expressed surprise at an Australian taking an interest in the enclaves, given that even in South Asia, almost no one has, apart from occasional journalists. This is partly explained by the political difficulties that a researcher from either India or Bangladesh faces, being viewed with some suspicion in his own country, let alone when seeking information in the other. Academic comment on government policy on boundary issues is also a sensitive matter, especially in India, where questioning the frontiers or the territorial integrity of India is a criminal offence. A foreigner is therefore in a privileged position to be able to access information, and speak with officials and enclave residents in both countries. A number of officials also expressed gratitude for my interest in the enclaves, given the dilatory attitude particularly by the Indian government to resolving the enclave issue (Roy Pradhan, 1995; Calcutta Online 1998; see also 3.15, 3.17, 4.9 & 4.10 below). I hope that the results of my research prove of value to them, in return for their hospitality and assistance. I wish to record my deep gratitude to all those who assisted my research in India, but particularly to Amar Roy Pradhan, MP, for putting himself and his family out so much for me.

The absence of the Cooch Behar enclaves from the literature is primarily due to the difficulties of accessing information, and the present research was no exception. A number of

⁶ Baarle's enclaves were delimited, not demarcated, for reasons of the cost and the complexity of the boundary which cuts through many buildings including shops and homes. Semi-official demarcation for tourist purposes only was being undertaken at the time of fieldwork in October 2000, and is now nearing completion.

officials in India and Bangladesh were contacted by letter in 1998 and 1999 asking for specific information, and requesting an interview during the fieldwork period. Only one replied. Fieldwork itself was delayed six months by the difficulties of obtaining the necessary visas. Both countries issue visas valid for a fixed period from date of issue, not date of arrival in the country. Application was made for six-month multiple-entry research visas from the two countries' High Commissions in Australia. That from Bangladesh was issued without problem, but due to the sensitivity of researching on the subject of, and along, a boundary, the Indian consulate in Melbourne could not themselves process the application. This application was sent to the Home Ministry, New Delhi, for whom further forms had to be completed. After several months wait, a tourist visa was issued, which the Melbourne consulate could have issued in two weeks. By this time the Bangladesh visa had expired, necessitating application for a new one. This was again issued in good time, but fieldwork planned for the cool season had now to be conducted in the hot, monsoon season. Fortunately fieldwork was not affected by flooding in north Bengal, although rain did prevent full utilisation of a hired car on one day.

Once in the sub-continent, access to libraries was not difficult, and staff were generally helpful, although cataloguing is non-computerised and generally poor. Despite laws on legal deposit, even the National Library of India receives only a tiny fraction of the works published in India. Catalogues or indexes for archival records in all institutions visited were out of date, incomplete or missing.

One of the greatest problems for this researcher was political sensitivity. Access to archives about the borders of India are restricted under a British-era law to records before 1913. This date has not been advanced over time, so that the inaccessible period is continually increasing. While in theory *bona fide* researchers can seek permission from the Home Ministry to view closed files, the approval process takes several months. One request to view a British-era report, routed through the New Zealand High Commission in New Delhi, has still not received a reply, despite follow-up requests. Other files are on restricted access. They can be read, but all notes taken from them must be submitted via the archive authorities to the Home Department for censorship. This was the case with a file located in the West Bengal State Archives. After five months a letter was received admitting to delays in censorship because the submitted notes "appear to be illegible and could not be read in full due to frequent use of abbreviations". Despite submission of as full a list of abbreviations as could be remembered, another year has passed without release of the notes or further communication from the Department.

Another difficulty in accessing files is locating them at all. British-era files on Cooch Behar or Bengal's boundary issues may be held by India, Bangladesh or possibly even Pakistan.

In India, records on West Bengal may be in New Delhi, Calcutta, or the concerned district. The approach in each country was top-down, starting at the national capital seeking material and necessary permissions, and moving down to state and then district level.

Language was only a problem for accessing written material in Bangladesh. Most Indian official documents are in English, and even state government files in the West Bengal State Archives were virtually all in English. Only recently has much effort been made to make Bengali the official language of that state, and implementation is still very piecemeal. In East Pakistan, the government used English extensively, both as a legacy of the British and because many civil servants were West Pakistanis who did not speak Bengali. Court records are still published in English, but parliamentary debates have been published only in Bengali since Bangladeshi independence. Together with the fact that Pakistan was under martial law for much of the 1947-71 period, during which no parliament existed, this prevented the analysis of the history of the enclaves from both sides equally. The period of the Pakistani civil war in 1971 resulted in the destruction of many records in Bangladesh, and few newspapers, certainly none in English were published. Therefore Pakistani/Bangladeshi reaction to the dismissal of the last appeal to the Indian Supreme Court in that year was unavailable to me.

Further destruction of records has occurred with fires or floods at both the Cooch Behar and Jalpaiguri record rooms. A fire at the Calcutta archive of the *Ananda Bazar Patrika* newspaper office a few months before fieldwork was less destructive, but prevented access to these files. The Rangpur and Dinajpur district record rooms in Bangladesh do not seem to have suffered from such disasters, but local officials do not know what records they hold, with much interesting material sadly mouldering in storage areas infested with snakes and spiders. Rangpur officials have refused requests to transfer records, some dating back to the 1800s if not earlier, to the Bangladesh National Archives. As a result land record ledger books, cadastral maps and old survey details are slowly disintegrating under the combined effects of humidity, heat and insects. I was allowed access to rummage through some storage areas, and found some valuable maps the staff did not know existed. Given that both districts date to the earliest period of British rule, it is sincerely hoped that efforts can be made to ensure preservation of historically significant material. Bangladesh has more pressing problems of immediate need, but it is truly sad to see its history lost through neglect.

Obtaining interviews with national and state officials when in India was as difficult as trying to arrange them from Australia. I spoke with a couple of parliamentarians in each country, and district officials, but was unable to meet with any Exterior or Home Ministry officials in India, and only with Foreign Ministry officials in Bangladesh. Neither nation's Home Ministry would reply to requests for information or interviews, either written or in

person. State officials in West Bengal were also difficult to contact, let alone meet, because of the Byzantine bureaucracies of sub-continental government.

Coupled with the political sensitivity of the research topic, even requests for simple innocuous information became endless labyrinthine missions to secure the necessary permissions from the superiors of the bureaucrats approached. Three examples illustrate the difficulties encountered:

a) While the Supreme Court in New Delhi was very welcoming to researchers wanting to access documents from past cases, the High Court in Calcutta was much more difficult. It took two weeks to obtain permission to view several old case records. Only after permission was granted was it discovered that only one of the requested cases could be located. To actually view the one case that could be found then involved seeking further permissions, which were only granted on the day of departure for Bangladesh.

b) A request to the State Legislative Assembly for the names and contact details of several Assembly members was met with much hesitation and suspicion. A directory of Members was available, but whether a foreign researcher was permitted to view its contents, let alone record them, took staff some time to ascertain.

c) A request for a map showing Assembly constituencies was answered in the negative. Several bureaucrats and government officials denied such a map existed. The Department of Land Records eventually admitted they had produced one, but even Members were not able to obtain it. I was referred to the Electoral Commission to obtain permission. That office sent me back to Lands Records with verbal permission, but Land Records decided written confirmation was then necessary. With Calcutta gearing up for a municipal election, it proved impossible to obtain the necessary signatures.

Many of the officials who could grant permission to view or obtain documents worked in Writer's Building, the main West Bengal state government offices. Just to gain entry to an official's secretary and waiting room involved waiting up to an hour for clearance on the ground floor. Frustratingly, if the official was unavailable or absent, this was only communicated after the wait.

Unlike the state apparatus, local government officials were much more helpful, although several district officials in both countries were reluctant to extend help without express approval from the Foreign and Home Ministries, partly out of the understandable concern that if anything should happen to me while on the border, they would themselves be held accountable. Indian district police officials refused an interview on the grounds that I had no letter from the Home Ministry asking them to assist me. Instead they questioned me as to why I was conducting research on a tourist visa.

Bangladesh officials at all levels were generally much more welcoming than their Indian counterparts, possibly because the country is smaller and much less visited by tourists, so a foreign researcher has a novelty value. Bangladesh officials were also generally much more willing to discuss the delay in exchanging the enclaves, no doubt because the current 25-year delay is India's. Nevertheless, persons on both sides of the boundary assured me that their own country was actively trying to solve the problem, while the other country was almost entirely to blame for the ongoing troubles and delays. This chauvinism was only partly nationalist bias, and more often simply ignorance of the situation in the other country, as almost no local officials or residents spoken to had visited the other country. Even Indian political figures were unaware that it was Bangladesh and not India that had ratified the 1974 exchange agreement that same year.

Local residents in an around the enclaves on both sides of the boundary were very frank about their situation, and happy to talk with me through my interpreter. Several interviews were also conducted in Cooch Behar with retired officials or other actors in the various court cases and events surrounding the Berubari and Tin Bigha affairs (see respectively 3.2 & 3.7 *et seq.*, and 4.2 & 4.5 *et seq.* below). The All India Forward Block in particular, who have long campaigned for the enclaves' exchange, were very hospitable and willing to discuss the issues. Many contacts for interviews in Cooch Behar and Jalpaiguri were obtained through them. Despite the fears of several local government officials, fieldwork on the boundary was concluded without incident.

With regard to written sources, census records are discussed in Appendix 3. Newspaper and media reports have been relied on to flesh out the history of the enclaves, as other written sources are often very one-sided. Unable to read Bengali, I have not been able to utilise the vernacular press in either country, and have relied on several English papers of good reputation. To maintain consistency I have used only a few newspapers, rather than many. The *Bangladesh Observer* and the *Hindusthan Standard* were chosen for their good temporal coverage. For the most recent history, the Indian *Times of India* and *Statesman*, and the Bangladeshi *New Nation* and *Daily Star* were used for their authority and the fact that they are archived and searchable online which allowed updating of the situation after fieldwork was completed. It is recognised that newspapers anywhere can be very inaccurate on sensitive issues such as border violations, and this is no less true on the sub-continent, but I have attempted to confirm the more important events from a number of sources including official reports, rather than rely on a single media item. The Foreign and Commonwealth Office archives in the Public Record Office in London were an excellent resource for this purpose, although many of the consular records are themselves little more than compilations of newspaper clippings.

Chapter II

The Mughal and British periods, 1500-1950

I cannot help thinking that on discussions of this kind, a great deal of misapprehension arises from the popular use of maps on a small scale. As with such maps you are able to put a thumb on India and a finger on Russia, some persons at once think that the political situation is alarming and that India must be looked into. -- Lord Salisbury

2.1 Setting and ancient history to c. A.D.1500

North Bengal is a very strategic location. It forms part of the northern edge of the Gangetic plain, bordered by the Himalayas to the north, where it controls entry and exit from the Duars, or passes, into Bhutan and ultimately Tibet, long a route of importance for trade, religio-cultural diffusion and communication. To its south is the confluence of the great Ganges and Brahmaputra rivers, the latter emerging from the Assam valley so that North Bengal also controls communications to north-east India. It is not surprising therefore that the region has been a frontier for centuries between the Gangetic Indian states, Hindu and Muslim, the Tibetan Buddhist theocracy and the Assamese kingdoms.

Few records remain of the early kingdoms that did emerge in the area, and the records of the Assamese or the Indians to the east and south respectively are often ambiguous, contradictory or semi-mythological. There was Gupta influence in north Bengal during the fourth to sixth centuries A.D., and from the eighth to twelfth centuries the Pal[a] kings of Kamrupa, an Assamese state sometimes also called Kamata (Ghoshal, 1942, 25; Encyclopaedia Britannica Online, 2001), were supreme. The Pal rule ended, probably due to lack of an obvious heir, and a period of anarchy followed. One of the early kings, probably pre-Pal, was Prithu Raja, who 1200 years ago built the extensive but much eroded ruins of Bhitargarh, a trapezoidal 6 by 4km mud and brick-walled city, 11km NNE of Panchagarh. The ruins were described in 1809 by Dr. Francis Buchanan (see Martin, 1838, v3, 443-6; Hunter, 1877, v10, 265-8; Gruning, 1911, 145).

About A.D. 1200 much of southern and central Bengal was conquered by Muslims, enlarging the Delhi Sultanate. Bengal became an independent Muslim state c.1340 and remained so for 200 years. The influx of Muslims to the south of Bengal no doubt added to the chaos in north Bengal, which was overrun by tribes including the Koch, Mech, Garo and Bhot. The confusion in the north was ended by a commoner who managed to declare himself king under the name of Niladhvaja c.1400, and assumed the title Kam[a]teswar[a], meaning Lord of Kam[a]ta (Majumdar, 1977, 29). The name Kam[a]ru[p] has been used synonymously with Kamata by Muslim chroniclers (Sarkar, 1948, 146; Vas, 1911, 23), but more correctly refers to

the lower half of the Assam valley, east of the Sankosh River. Niladhvaja founded the city-fort of Kamatapur, the extensive ruins of which can still be seen on the eastern bank of the Dharla [Singimari] River 20km SSW of Cooch Behar town (Hunter, 1877, v7, 314). Niladhvaja was succeeded by his son and grandson respectively, Chakradhvaja and Nilambara. The latter, third king in what is called the Khen dynasty, controlled a large kingdom covering all of present day Cooch Behar and Rangpur, and most of Goalpara, Jalpaiguri and Dinajpur.

The ruler of Bengal, Allaudin Hussain Shah, sent an army under Ismail Ghazi to invade Kamata in the 1490s. Dulal Ghazi, who had been placed in charge of the occupying forces, invaded Assam, where the Ahoms, originally from Burma, had established a kingdom in the mid-1200s. The Ahom king retreated east in the face of the Muslim invasion, but sallied forth during the wet season, routing the Muslims, who fled even from Kamata. The area once more fell into anarchy, with many petty chiefs, collectively known as Bara Bhuinyas, founding small, transient states (Majumdar, 1977, 29-30).

2.2 Founding of Cooch Behar and the first Maharaja, Bisva Singh c.1500-c.1540

In this political chaos, the chiefs of the Koch (or possibly Mech (Das Gupta, 1992, 6)) tribe rose to ascendancy. One of them was Hariya Mandal. He married Hira and Jira, two of the daughters of a man named Hajo. Each girl gave birth to sons in the late 1480s or early 1490s, two of whom were named Bisu [Visu] and Sisu [Sis[h]ya] (Gait, 1926, 45; Ghoshal, 1942, 284). Around the period 1510-1515, Bisu rose to prominence, subduing the surrounding chiefs, and gradually extended his rule to cover the area between the Tista (which until the 1700s flowed down what is now the Karatoya, west of its present course) and Bar Nadi rivers (see Fig. 2a). As his rule spread, Brahmins sought him out and declared him the son of the god Shiva and Shiva's wife Parvati who had taken the form of Hariya Mandal and Hira respectively. Bisu is generally considered the first maharaja of a state that would later be called Cooch [Koch, Kuch] Behar [Bihar, Vihar], although some authorities place his step-brother or cousin Chandan as the founder of the dynasty (Imperial Gazetteer, 1908, v2, 409; Devi and Rau, 1984, 38; Almanach de Bruxelles website). Bisu assumed the name Bisva [Visva] Singh [Simha, Sinha], his brother likewise becoming Sib Singh, and their tribe began to call themselves by the caste name Rajbansi, 'of royal race', rather than Koch (Gait, 1926, 45). The name of the new state is given as Kamta in the *Baharisthan-I-Ghabi*, and was presumably a local attempt to claim legitimacy as successor to the previous Khen kingdom of that name. On European maps from the 1600s, the country and its capital are often designated Comotay (Majumdar, 1977, 1) although other authorities attribute the name Comotay to Niladhvaja's Kamata and Kamatapur, which seems more likely (Imperial Gazetteer..., 1908, v2, 419).

Bisva Singh moved his seat of rule to Behar, what is now Cooch Behar town, and made his elder brother both his chief minister and sub-*raja* over a tract in the north-west of his kingdom. Sib Singh had a house near Siliguri, so was given the surrounding lands as appurtenance, becoming the first Raikat, ‘chief of the fort’, of Baikunthapur (Ghoshal, 1942, 287; Kusari *et al*, 1981, 55). Raikat Sib Singh and his descendants became feudatory chiefs of lands around Siliguri and Jalpaiguri, and in later generations would have designs on the Maharaja’s throne.

The Muslims of Bengal again invaded Ahom lands during Bisva Singh’s reign, but were again defeated, the Ahoms pursuing them to the Tista. Koch records do not mention this invasion, possibly because the routes taken by the Muslims and Ahoms were far from the Koch capital and through lands not properly consolidated under Bisva Singh, or because Bisva Singh did not become involved in the war in return for being left alone by both sides (Gait, 1926, 46-7).

On Bisva Singh’s death c.1540 (possibly as early as 1533 or as late as 1555), his two eldest sons, Malla Deb and Sukladhvaj were studying at Varanasi [Benares], and their younger brother Nar Singh seized the throne. He was defeated in battle several times by his brothers when they returned, and Malla Deb was enthroned under the name Nar Narayan, and appointed Sukladhvaj, later known as Chilarai, as his general (Gait, 1926, 47). Also around 1540, the Muslim kingdom of Bengal was conquered by Sher Khan Sur, later known as Sher Shah Sur, an Afghan nobleman from southern Bihar. Sher Shah Sur set up his own governors in the then Bengali capital of Gaur near modern Rajshahi, preparatory to his successful campaign to oust Mughal Emperor Humayun from the empire’s capital at Agra (Indian Empire, 1907, v2, 373).

2.3 Second Maharaja, Nar Narayan, c.1540-c.1585

In 1546 Sukladhvaj led a successful campaign against the Ahoms, and another in 1562. Further campaigns against other surrounding tribes and principalities defeated the armies of, or at least obtained submission from, Jaintia, Kachar, Manipur, and possibly even Sylhet, Tripura and Tippera (see Fig. 2b). The Koch kingdom of Nar Narayan grew rapidly with these conquests, but now it met a more formidable adversary. In 1568 Bengal ruler Sulaiman Kararani (1563-1572) defeated the Kochs and captured Sukladhvaj, though the general was later released (Nath, 1989, 66-71).

Nar Narayan needed good relations with the Ahoms to his east, to face further threats from the Muslims. He released the hostages he had taken in 1562, but covered his motives by playing dice with the highest ranking of them. After losing heavily, he staked the hostage’s freedom on the next roll, which he also lost, and so sent them home with presents and a friendly letter to the Ahom king. It appears Nar Narayan now entered into tributary alliance with the

Muslims, and sent gifts to the Mughal Emperor Akbar the Great in 1578 (Gait, 1926, 51-2). Emperor Humayun had ousted Sher Shah's Sur dynasty from Agra in 1555, while the Karani Afghans had replaced the Surs in Bengal in 1564. Humayun's son Akbar the Great removed the Karanis in turn and added Bengal to the Mughal Empire in 1575-6, possibly with Koch help (Nath, 1989, 72-4).

Nar Narayan did not marry until late in life, so had no immediate heir. He adopted his nephew, Sukladhvaj's son Ragu Dev [Deb], who appeared destined to succeed until his hopes were dashed by the eventual birth of a son to the king. Intrigue by some court officials after Sukladhvaj's death persuaded Ragu Dev to rebel, and he built a fort in the east of the kingdom. Nar Narayan, documented as more peace-loving than his brother, did not attack Ragu Dev, but divided the kingdom in 1581, giving to Ragu Dev the portion east of the Sankosh river, and retaining that to the west himself. In return, Ragu Dev agreed to acknowledge his uncle's suzerainty and to issue coins only in the latter's name. Muslim chronicles refer to the two kingdoms as Kamta and Kamrup, which appear in Persian histories as Cooch Behar and Cooch Hajo (Gait, 1926, 52-3; Sarkar, 1948, 328). The latter names, referring to the respective capitals, Behar and Hajo¹, do not appear to have been contemporary, the name Cooch Behar first appearing in the *Shah Jahan Nama* in the mid 1600s (Majumdar, 1977, 1).

Nar Narayan ruled Cooch Behar during the period of its greatest expansion and extent, although his brother was responsible for the military victories. The maximum extent of the kingdom was the result of tribute by outlying rulers and tribes rather than conquest and administrative assimilation. Therefore it was a fleeting zenith. Once his brother died, Nar Narayan's own peace-loving nature had supremacy, so there were few if any wars as the tributary states broke away from the Koch kingdom.

2.4 Third Maharaja Lakshmi Narayan; Secession of Cooch Hajo c.1585-c.1630

Nar Narayan died somewhere between 1584 and 1588, and was succeeded by his son Lakshmi Narayan. At this time the kingdom, not counting subordinate Cooch Hajo, extended over modern Cooch Behar, along with parts of modern Jalpaiguri, Dinajpur and Rangpur, between the Mahananda and Sankosh rivers (Sarkar, 1948, 241; Kusari *et al*, 1981, 56. See Fig. 2c). Ragu Dev took the opportunity presented by the change in ruler to declare the independence of Cooch Hajo, knowing Lakshmi was not in a position to suppress this insubordination. Lakshmi retaliated by persuading Ragu's own son Parikshit to rebel against his father, but the

¹ Cooch Hajo is somewhat of a misnomer. Its capital under the Koch dynasty was Barnagar. After the Mughal conquest the capital was moved to Hajo c.1615, then to Gauhati in 1638 (Bhattacharyya, 1929, 176 & 288). For simplicity, Cooch Hajo is used here throughout.

counter-rebellion was unsuccessful, and Parikshit was imprisoned, later escaping and fleeing to his cousin Lakshmi's court (Gait, 1926, 59). Ragu Dev died about 1603, and Parikshit succeeded, but proved to be his father's son by refusing to pay tribute to his cousin in Cooch Behar. A short war ensued, both parties courting Ahom support, but the latter kingdom declined involvement (Gait, 1926, 59-60).

Lakshmi had meanwhile renewed Nar Narayan's allegiance to the Mughals in 1596, declaring himself a vassal of Emperor Akbar, and giving a daughter in marriage to the Subahdar of Bengal, Raja Man Singh. He encouraged the Muslims to intervene in his conflicts with Cooch Hajo, which they did, defeating Cooch Hajo that same year, but in turn being bested in 1597 (Ghoshal, 1942, 308). In 1608 Sheik Alauddin Eslam Khan became Subahdar of Bengal, and shifted the capital to Dacca. From 1612 the Mughals again sent troops to assist Lakshmi against Parikshit. The first invasion was defeated but the second succeeded, Parikshit still unable to gain Ahom support. The combined forces of Cooch Behar and the Mughals soundly defeated Parikshit, and he was forced to surrender. He managed to ransom his kingdom from Emperor Jahangir, but died in 1613 on the journey home. The Mughals annexed the now-kingless Cooch Hajo, but rebellions by the Koch people were frequent, abetted by the Ahoms who were unhappy to find themselves next-door neighbours to the Mughals. The Ahoms under Susengpha, better known as Pratap Singh, dislodged the Mughals from Cooch Hajo in 1635, but were in turn themselves ousted two years later, and negotiated peace in 1638. The Mughals kept that part of Cooch Hajo west of the Bar Nadi, and the Ahoms were left in possession of the rest, the present Darrang District, of which descendants of Parikshit continued as sub-rajahs within the Ahom kingdom (Gait, 1926, 60-65; Bhattacharyya, 1929, 286).

Lakshmi Narayan reigned in Cooch Behar until his death in 1627. In his later years he appointed one of his sons, Mahi Narayan, as Nazir, a choice that would bring trouble in the future. He was succeeded by his son Bir Narayan, whose five-year reign was not particularly notable. Bir Narayan was succeeded in turn by his son Pran Narayan in 1633 (Majumdar, 1977, 32).

2.5 Fifth Maharaja Pran Narayan; Mir Jumla's invasion c.1630-1666

By 1657, Emperor Shah Jehan lay dying in Delhi, and the Mughal Empire was about to break into fratricidal war between his several sons. Pran Narayan took this opportunity to enlarge his kingdom at Mughal expense, and occupied the Mughal areas of the erstwhile Cooch Hajo, and campaigned possibly as far south as Dacca (Ghoshal, 1942, 324; Bhattacharyya, 1929, 298 *et seq.*; Majumdar, 1977, 32. See Fig. 2d). The Ahoms aided in the ousting of the Mughal presence from Cooch Hajo, but turned on their Cooch Behar allies, ejecting them in turn by 1660. By then Aurangzeb had defeated his brother Mughal princes and secured the throne at Delhi. He sent Mir

Jumla, his new governor in Bengal, to punish both Cooch Behar and Assam in 1661. Mir Jumla's army was over 40,000 strong, including cavalry, artillery, an armada of warboats, and even some European gunners and sailors (Sarkar, 1948, 345). The army reached the Cooch Behar frontier on 14 December 1661. Pran Narayan fled to Bhutan, leaving the Muslims to freely occupy his capital on 19 December. Renaming the city Alamgirnagar, the Muslims continued into Assam in January 1662. The Ahoms withdrew, defeated in the field and on the rivers, leaving the Muslims in control of the Brahmaputra Valley, but at the end of long and vulnerable supply lines and at the mercy of the elements. Just as Russia defeated the invasions of Napoleon and Hitler with 'General Winter', the Ahoms used 'General Monsoon' to aid them in harassing the supply lines, health and morale of the Muslims (Stewart, 1903, 128-9). Fever caused many Mughal casualties. Outbreaks of pleurisy, the dismemberment of supply chains by the flooding, and constant Ahom raids forced the invaders to begin to withdraw. Meanwhile the oppressive Muslim regime in Cooch Behar had caused a popular revolt there, and Pran Narayan was able to return from Bhutan and drive the invaders out, which worsened Muslim problems in Assam. Mir Jumla managed to secure a treaty with the Ahoms and was on his way back down the Assam valley to Cooch Behar to reinstate Mughal rule there when he was struck by fever and died. The Mughals raised a new expedition in 1664 under Shaista Khan to reconquer Cooch Behar, but Pran Narayan bought it off with tribute and submission to Delhi (Ghoshal, 1942, 325-7; Sarkar, 1948, 345-50, Majumdar, 1977, 32-3). At the time of his death in 1666, Pran Narayan's kingdom extended from Morang in Nepal to Goalpara in Assam, and to the parganas of Tajhat and Baharband in the south of Rangpur (Majumdar, 1977, 33. Vas, 1911, 136 however says Baharband was lost to the Mughals in 1603).

2.6 Internal intrigues, succession problems and Muslim incursions, 1666-1695

The sons of Nazir Mahi Narayan intrigued for the throne. Their father dissuaded them, and duly installed the legitimate heir Mod Narayan, but managed to retain much power for himself. To counteract the Nazir, the Maharaja won over the army, banished or executed a number of the Nazir's followers, and finally sentenced the Nazir himself to death. The Nazir's sons sought Bhutanese assistance. Bhutan, a tributary state of Tibet and ultimately China, had emerged as a Buddhist state under two leaders, one secular and one spiritual, the Dev[a] [Deb] Raja and Dharma Raja respectively. The appeals of Mahi Narayan's sons to Bhutan mark the commencement of an increasing Bhutanese influence on Cooch Behar affairs that would only be removed when replaced by that of the British over a century later. The Dev Raja forced Mod Narayan to terms, who agreed to make Yajna [Jajna] Narayan, one of Mahi Narayan's sons, the new Nazir. Mod Narayan died childless in 1680 (Majumdar, 1977, 33).

The new Nazir, Yajna Narayan, had designs on the throne at this point, and tried to seize it with the support of the Bhutanese, but he and his allies were forced out by the Raikat brothers of Baikunthapur, Jagadeva [Yajnadev, Jag Deo] and Bhujadeva [Bhog or Phoj Deo], who installed the late king's brother, Basudev [Vasudeo] Narayan. When the Raikats returned home from the capital, Yajna Narayan again descended on Cooch Behar town, and in a skirmish in 1683 Basudev was captured and killed. Yajna Narayan again declared himself king, but once more the Raikats defeated him and enthroned Mahendra Narayan, great-grandson of Pran Narayan (Majumdar, 1977, 34).

Mahendra was only five years old at the time of his succession, and not unexpectedly the kingdom began to fall apart as the factions continued to fight and ignored normal administration. The Mughals under Ebadat Khan used the anarchy in the kingdom and the related discontinuance in the payment of tribute as reason to begin to occupy its outlying regions from 1685. The *chaklas* of Kazirhat [Qazirhat, Cazeerhat], Kakina [Kankina] and Fatehpur [Futtehpore], were the first to be so occupied (see Fig. 2e). Being open country with no natural obstacles and fairly well populated there was little resistance to the Mughals (Vas, 1911, 27). The areas of these *chaklas* were approximately 650, 1850 and 365 km² respectively for a total of almost 2900km² (Hunter, 1877, v7, 253-4). Zamindars in these *chaklas* and neighbouring Cooch Behar districts like Panga bought off trouble by abandoning the Koch kingdom and pledging allegiance to the Mughal Emperor, obtaining in return Mughal *sanads* (deeds or decrees) confirming their *zamindaris* (tax farms) (Ghoshal, 1942, 328; Majumdar, 1977, 34). Mahindra Narayan died after a reign of about 10 years in 1693 and no new king was declared. The Raikat brothers appear to have been the effective rulers. The three occupied *chaklas* were annexed by the Mughals around 1698. In the chaos Yajna Narayan as a descendant of a collateral branch of the royal family declared himself king, to which the Raikats again took exception. A brief campaign followed in which the Raikat brothers were killed in battle with Yajna Narayan around 1702, the Nazir either being killed also (Kusari *et al*, 1981, 57) or becoming the new ruler but dying soon after (Ghoshal, 1942, 329 & 522; Majumdar, 1977, 34).

With no surviving descendents, the line of Bir Narayan had died out, and it was left to the line of his brother the first Nazir, Mahi Narayan, to continue the dynasty. Rup Narayan, a nephew of Yajna Narayan, was crowned the new king c.1704, and he appointed close relations as Nazir and Dewan.

2.7 Mughal gains and enclave formation 1695-1713

The Mughals were still unsatisfied with their gains, and renewed their attacks on Cooch Behar, moving on Boda, Patgram and Purvabhag [Purbubhag] *chaklas*, although Vas's account

suggests they had been attacked from 1685 along with the already annexed chaklas, but had made a stouter resistance (Vas, 1911, 27). On his side, Rup Narayan was determined to regain the areas surrendered by his subordinates to the Mughals, and also to reassert control over Baikunthapur which had become almost independent under the late Raikat brothers (Kusari *et al*, 1981, 58). A treaty was concluded in 1711 between Ali Kuli Khan and Rup Narayan, whereby the Mughals would retain only the three initial chaklas annexed: Kakina, Kazirhat and Fatehpur. The Subahdar of Bengal, who now was almost autonomous and had adopted the title of Nawab, disapproved of this treaty and rejected it, dismissing Kuli Khan, whom he replaced with Ali Ijrat Neyamatulla Khan. The latter revised the treaty terms in 1713, demanding revenue from Boda, Patgram and Purvabhag. Rup Narayan rejected this and war broke out again, with Cooch Behar being defeated. The death of Emperor Bahadur Shah in 1712 had created an opening for the Bengalis to force Cooch Behar to terms unilaterally, and as such Mughal suzerainty was obtained over these areas and was recognised by the Koch kingdom in return for peace by the end of 1713. The Koch zamindars were left in place and most had already accepted Mughal rule openly. Maharaja Rup Narayan, himself zamindar of the last three conquered chaklas, considered it derogatory to hold these in farm under the Mughal Foujdar [Fouzdar] of Rangpur. The farm was therefore taken on his behalf by his brother the Nazir, Santa Narayan, who became the new zamindar of Boda, Patgram and Purvabhag (Ghoshal, 1942, 222-3, 331, 523; Majumdar, 1977, 34). By their attacks from 1685 and the treaties of 1711 and 1713, the Mughals reduced Cooch Behar by one third to about its present limits on three sides.

For Baikunthapur the consequences of this period of effective chaos are enigmatic. Chaudhuri (1903, 204) claims it too was ceded to the Mughals, but it seems more likely it became effectively independent of both Cooch Behar and the Mughals. Its borders were approximately the Jaldhaka and Mahananada Rivers, the southern boundary of post-1947 Indian Jalpaiguri, and the Himalayan foothills, thus being approximately equivalent to the western half of the present Jalpaiguri district (Kusari *et al*, 1981, 58).

It is the treaty of 1713 that is credited with creating the many enclaves between Cooch Behar and the Mughals. It is generally held that the Mughals were unable to dislodge some of the more powerful Cooch Behar chieftains from lands in the chaklas of Boda, Patgram and Purvabhag. When these chaklas were granted to the Mughals by the treaty of 1713, the lands still held by loyal Cooch Behar chiefs within the chaklas remained part of Cooch Behar, though detached from that state and enclaved in the newly-Mughal lands. Conversely, disbanded Mughal soldiers had occupied lands inside the remainder of Cooch Behar, and the Maharaja was unable or unwilling to either dislodge them or enforce his sovereignty over those lands, so that the soldiers retained their fealty to the Mughal Empire and the lands they occupied became

Mughal territory, although detached from it and enclaved inside Cooch Behar (Majumdar, 1977, 6; Roy Pradhan, 1995, 7-8). Boda, Patgram and Purvabhag chaklas were only partially integrated into the Mughal administration, due to their being held in farm by the Cooch Behar Maharajas, their position on the Mughal frontier and their distance from Dacca. They remained semi-feudatory estates even under the East India Company until at least the permanent settlement of 1793 (Hunter, 1877, v7, 318). Patgram was coincident with the present Patgram thana (police station). Boda comprised the original thana of Boda that was divided into Panchagarh, Boda and Debiganj sometime around 1900. Purvabhag covered what is now north-western Fulbari [Phulbari] thana in Kurigram district, Bangladesh (see Fig. 5a).

The Mughal Empire, being feudal, did not regard the enclaves as unusual or problematic. The lack of accurate mapping and a well-defined, stable boundary no doubt rendered the enclaves less obvious, but fragmentation of administrative units was not restricted to the border with Cooch Behar. In 1722 Nawab Jafar Khan had scrapped the nineteen sarkars into which Bengal had been divided, replacing them with chaklas. He also mixed up the various parganas, “dismembering and readjusting them, and increasing their number from 684 to 1,660” (Beames, 1896, 450). The old parganas were jumbled up and intermixed so much that the British maps of the early nineteenth century were only able to depict them on 1-inch sheets, not the 1/4 inch series (Beames, 1896, 450-1; see for example, Pemberton’s 1856-60 survey of Rangpur’s parganas, upon which Fig. 5a is based). The deliberate fragmentation of these parganas proves that the enclaves along the Mughal-Cooch Behar border were not considered problematic, given that Cooch Behar State was nominally tributary to the Mughal Empire, and also proves that that degree of fragmentation and enclavement in either the State or Empire was not unusual. However the exact boundaries of the sarkars, parganas and other administrative units only really began to be accurately defined during the East India Company administration.

The Mughal-Cooch Behar treaty of 1713 itself seems to have been lost. I have been unable to locate any transcription, but only references to it. Nevertheless the commonly-held view of disbanded soldiers beyond the main boundary forming the enclaves is probably inaccurate. It seems more likely that due to the feudal system, similar to that of Europe some centuries before, the chaklas taken by the Mughals that remained in the farm of the Cooch Behar Maharaja were not themselves compact units to begin with. Hunter notes:

The fact that, although the Mughuls forced the cession, they never wrested the *chaklās* out of the hands of the Kuch Behar Rájá, accounts for the irregular nature of the boundary which exists between them and Kuch Behar proper. A long narrow strip of Kuch Behar

territory² extends from the north of Pátgrám, crossing the present Tístá, and divides Kázírhat from Bodá. This would no doubt have been included in the ceded tract if the boundary had ever been regularly laid down. In Pátgrám the very fields are intermixed, one forming part of the *chaklá*, the next belonging to Kuch Behar territory, to the great confusion of the administration (Hunter, 1877, v7, 317).

The enclaves were thus not necessarily small areas conquered, held or settled by one side's soldiers beyond the front line, but rather probably already existed at a zamindari or chakla level. The 1713 treaty only raised them from this landlord/landholding level to a quasi-international level for the first time. Fragments of the chaklas ceded to the Mughals existed inside the rump Cooch Behar State and were also transferred along with the main parts of the chaklas, and conversely fragments of the lands remaining with rump Cooch Behar existed in the ceded chaklas but were not themselves ceded.

Despite the fairly definitive acceptance of the treaty as being the origin of the enclaves, several other possibilities have been suggested by various persons spoken to in West Bengal and Bangladesh, showing that the usual explanation is either not believed or more probably, not widely known. One theory, rooted in folklore, has it that the Maharaja of Cooch Behar and the Foudjar of Rangpur frequently played chess together, wagering villages on the outcome. Each man sometimes won and sometimes lost, so that each acquired some lands in the other's estates (Chitkara, 1997, 127). This story has much contemporary belief as West Bengal Chief Minister Jyoti Basu and Forward Bloc Rajya Sabha member Debabrata Biswas suggested the enclaves were the outcome of gambling between the Maharaja and Mughal chiefs, using villages as currency (Basu, 2000; Biswas, D., 2000). While probably fanciful, it does resemble the tale of Nar Narayan wagering the freedom of his Ahom hostages in a dice game with one of them in 1562.

Another explanation of the enclaves' formation claims that Mughal and the Cooch Behar chiefs used to engage in game hunting in the border areas, often in the land of the other. Fights might develop between the hunters and locals, or the hunters would set up camps or even settle in places, which led to the wresting of the enclaves from the home state (Anonymous, 2000). A final myth was that a drunken British officer spilled inkdrops while drawing the main boundary on a map, and other officers took these to be part of the boundary he drew (BBC, 1998a). None of these alternate possibilities, however, effectively explain the many counter-enclaves.

The six Mughal-conquered chaklas, sometimes referred to as Kuchwara or Sarkar Cooch Behar, were named Fakirkundi by their new masters and combined with Pargana Kundi and

² The present Haldibari and Mekhliganj thanas.

Chakla Goraghat to form the Sarkar of Rangpur (Vas, 1911, 101). Kakina survived as a single estate until the early 1900s, while Kazirhat and Fatehpur were broken up when their zamindars fell behind on rents due from the East India Company settlements of the late 1700s. In fact the number of individual estates in Rangpur increased from 29 in 1789 to 183 by 1800 as a result of this process (Khan, 1977, 257-8).

2.8 Internal troubles and the rise of Bhutanese influence 1714-1773

Rup Narayan died in 1714, and was succeeded by his son Upendra Narayan who reigned until 1763, though not without interruption. In the early part of his reign, Upendra Narayan was childless, and groomed Dina Narayan, the son of the Dewan as heir apparent. Recalling that Ragu Dev had been in the same position under Maharaja Nar Narayan, and had lost the succession when the Maharani finally bore a son, Dina Narayan demanded a written promise that he would succeed. Upendra declined, and Dina Narayan began intrigues with the new Mughal Foujdar of Rangpur, and his own father the Dewan. The Mughals, wanting a puppet king in Cooch Behar, invaded eagerly, defeating Upendra and installing Dina Narayan as king in 1736. Upendra called on Bhutan for support, and with a fresh army forced the Mughals and pretender to flee, Dina Narayan dying in exile. A son, Devendra, was later born to Upendra, assuring the succession when Upendra died in 1763.

Meanwhile the fourteenth Raikat of Baikunthapur had died in 1736, leaving two young sons, Vikramadeva and Darpadeva. Being young, they were unable to manage the nominal independence of their state, and sometime before 1739 the Foujdar of Rangpur, Saukat Jung, invaded and captured the boys, making Baikunthapur a pargana under Rangpur. By 1752-3, the chiefs of the state had almost regained their independence, and the new Foujdar Kasim Ali invaded again, subduing the chiefs and making Vikramadeva raikat. Upon Vikramadeva's death in 1758, Darpadeva replaced him, neither ever renouncing Muslim suzerainty, probably due to having spent seventeen years in Mughal captivity (Kusari *et al*, 1981, 59).

The military aid the Koch kings and rebel factions had enlisted from the Bhutanese over the previous century or so gave Bhutan increasing influence at court. While the border with Bhutan had previously been the foothills of the Himalayas, Bhutanese control was creeping south into Cooch Behar proper and it was becoming impossible for the court to administer the country without the assent of the Bhutanese representatives in Cooch Behar.

One of the court officials, the Rajguru, Ramananda Goswari began intrigues against the boy-king Devendra, and the king's mother, as regent, expelled him. In revenge, Goswari approached the ambitious Nazir with a plan to kill the king, oust the Maharani and make the Nazir king instead. A Brahmin with knowledge of the palace was selected as an assassin, and

being known, was able to approach the king without challenge. He drew a sword and decapitated the boy in front of horrified attendants. The assassin was pursued to a temple and hacked to death by the royal guards. The Nazir marched on Cooch Behar town with a military force to try to install his own son as king, while the Dewan set out to oppose him. The other ministers managed to persuade the Nazir that to make his own son king would set all the people against him, and it was agreed to install a son of the Dewan, being a nephew of the previous Maharaja Upendra Narayan, as the new king. The Dewan's eldest son Ram Narayan, in line for the Dewani, was passed over, as was the second son Rajendra Narayan, who had a slight deformity or disease of his fingers. The third son, Dhairyendra [Dhairjendra] Narayan was then selected and crowned in 1765 (Ghoshal, 1942, 238; Majumdar, 1977, 35).

When news of Devendra's assassination reached the Bhutanese Dev Raja, he was furious, and had Goswami captured and executed. The consent of the Bhutanese officers at the Cooch Behar court became more and more indispensable to administration, and the Bhutanese occupation of the plains north of Cooch Behar at the base of the Himalayas looked increasingly like annexation.

The Bhutanese invited Cooch Behar to join them in an attack on Vijaypur near Morang. The Dewan Ram Narayan, eldest brother of the king, was sent to lead the Koch troops, and captured much booty. But because he delivered only a small fraction back to state coffers, and was becoming more interfering in royal household matters, even engaging one of the king's sisters to be married without seeking royal permission, Dhairyendra Narayan became increasingly worried at his growing influence and power. The king dismissed the Dewan from office, confiscated his lands, and forced him to flee to Bhutan. But with Bhutanese help Ram Narayan pressured his way back to his former position. The king then decided to kill his brother himself, and did so in 1769. The murder of his personal friend enraged the Dev Raja, who plotted to capture Dhairyendra Narayan, doing so by inviting him and his officers to a traditional annual feast, where they were disarmed and taken captive to the Bhutanese capital of Punakha (Majumdar, 1977, 36).

The Bhutanese now installed Rajendra Narayan, Dhairyendra's elder brother, as Maharaja, but he died after a nominal reign of only two years, in 1772. The Bhutanese tried to install another puppet, but they were opposed by court officials, who crowned Dharendra Narayan, son of the still-captive Dhairyendra Narayan. The Bhutanese firmly opposed this, forcing the new king, the queen and the dowager queen to flee in the face of 20,000 Bhutanese troops. The Nazir, recalling Cooch Behar's earlier tributary status to the Mughals, called for aid from their successors in Bengal, the British East India Company.

2.9 The origins of British rule in India, 1600-1770

The English East India Company (EIC), created in 1599, was one of a number of European trading enterprises created to bypass the Arab monopoly on Asian trade by utilising Vasco de Gama's discovery of a sea route around Africa. The EIC set up factories (trading posts) in ports along the Indian coast in the 1600s, including Bombay, Madras and Calcutta. The acquisition and survival of factories required careful diplomacy with native rulers, and it was inevitable that all the European trading companies would become involved in local politics, necessitating their own armed forces to defend their own interests and those of their patron rulers against other Indian powers, other trading companies and the Arabs.

By the mid 1750s, the once-dominant Mughal Empire was in decline, and the Portuguese and Dutch were only minor powers, leaving India to Anglo-French rivalries. The Nawab Nazir of now-autonomous Bengal, Siraj-ud-Daula, angered at European profiteering in India, and suspicious of the powerful British and French company armies, ordered that European factories in Bengal be no longer fortified. The British refused, and the Nawab Nazir captured Cozimbazar and Calcutta from the EIC in 1756. The captured British were held overnight in jail, the infamous Black Hole of Calcutta. News of the debacle reached Madras where the EIC forces under Robert Clive had recently defeated French-supported claimants to two local kingdoms. Clive sailed for Calcutta, and defeated Siraj-ud-Daula at Plassey [Palashi] in June 1757. The Nawab's uncle, Mir Jafar was enthroned, and he granted the Company rent-free tenure of Calcutta and the zamindari of the district of the neighbouring 24-Parganas district. Mir Jafar soon fell out with the Company, and was replaced in turn with his son-in-law Mir Kasim Ali, who granted the Company the districts of Burdwan, Midnapore and Chittagong (Chakrabatti, 1918, 10-11; Harrington, 1994, 19-29).

Company supremacy was reinforced by their defeat of the weak Mughal Emperor Shah Alam and the Nawab of Oudh at the battle of Buxar in Bihar in 1764. In 1765 Clive chose to prop up Oudh, in north-west Bihar, as a buffer state against other native incursions on Bengal, as the first link in a ring-fence policy. In return for Company support of Oudh, and continued nominal recognition of the Emperor, the EIC obtained the Dewani or revenue administration, of all Bengal, Bihar and Orissa. This allowed them to collect all taxes and keep whatever remained after the payment of 2,600,000 rupees in tribute to Delhi. With the Bengal Nawab and even the Emperor now little more than figureheads, the Company was no longer a mere trader, but the effective ruler of much of east India (Williamson, 1951, 410-11). The granting of the dewani on 12 August 1765 consequently meant that the enclaves of Cooch Behar and Mughal Bengal created in 1713 were now between the Cooch Behar and the Company as tributary of the

Emperor, who was himself now under 'British protection' in Allahabad. The connection with the Emperor was partially severed in 1772 when Warren Hastings refused to pay the tribute any more after the Emperor decided upon Maratha protection in Delhi in preference to that of the British in Allahabad. At the time the ceased payments were attributed to the effects of a severe famine in Bengal in 1769-70 which had, in fact, killed perhaps a third of the population (Hunter, 1868, 17; Dodwell, 1929, 597; Sever, 1985, 4).

As Mughal authority had declined in Bengal, the Sannyasi, a band of Hindu religious mendicants based in the north, had utilised the power vacuum to commit rampant dacoity, raiding as far south as Dacca. The Sannyasi exploited the complex boundaries in the vicinity of Cooch Behar, using the enclaves to avoid capture by the various authorities, Mughal, Cooch Behari or Company. The Company managed to suppress them by a series of punitive expeditions in the mid-1760s, during one of which in Cooch Behar in 1766, surveyor Major James Rennel was severely injured (Yule & Burnell, 1902, 871-2; Majumdar, 1977, 157).

The boundary between Cooch Behar and the Company's territories in Bengal was first "determined" in 1769 and then "fixed" in 1773 according to Ghoshal (1942, 248 & 525-6) who mentions but does not quote or reference letters between Purling and Hastings to this effect. Given the state of cartographic knowledge of the area, this was presumably a fairly rough allocation, rather than a delimitation. As part of this delimitation, some *taluks* near Gitaldaha in Chakla Kakina were transferred to Cooch Behar (Ghoshal, 1942, 248).

2.10 The first Anglo-Bhutanese War, 1773-4

With the buffer state of Oudh to their west, and the Sannyasis suppressed, the Company were now increasingly worried about the Bhutanese menace to their north. Cooch Behar would be a useful second link in the 'ring fence', and the state's plea for aid against Bhutan was an opportunity to secure it. Even while a treaty detailing the terms of support to Cooch Behar was being drawn up, Charles Purling, the Collector of Rangpur sent troops to the state, which captured Cooch Behar town in December 1772, then forced the Raikat of Baikunthapur, who was supporting the Bhutanese, to withdraw from the rest of the state in the first months of 1773. Despite these successes, Company troops incurred serious losses and the victory was obtained with much greater difficulty than expected. On April 5, 1773, the Treaty between the young Maharaja Dharendra Narayan and the Company was signed (see Appendix 1-1). It was fairly harsh. Cooch Behar was liable for the entire costs of the British expedition against the Bhutanese, and had to pay 50,000 rupees up front. The Maharaja had to acknowledge Company suzerainty over his kingdom, and to "... allow the Cooch Behar country to be annexed to the Province of Bengal". Further, half of the annual revenues of the kingdom were payable to the

Company “for ever”. On the face of it, the treaty was not much stricter than acts of tribute Cooch Behar had made in the past to the Mughals, but the captive Dhairyendra’s shock upon knowing the terms is understandable.

Purling next sent a letter to the Bhutanese warning them against escalation of the war, and demanding the release of the former king Dhairyendra Narayan. He also occupied all the land up to the foothills of the Himalayas. The ensuing military defeat of the Bhutanese forced the Dev Raja out of office and his successor sued for peace (Collister, 1996, 11). A letter of proposals for peace was received by the British on 20 March 1774 (see Appendix 1-2). The Tisu Lama in Tibet, acting on behalf of the minor Dalai Lama, wrote to Calcutta as an intermediary for the Bhutanese Dev Raja, in a letter received a few days later on 29 March 1774. He expressed sorrow that the Bhutanese official had created such a problem and assured the Company that the Dev Raja had been rebuked and would not offend again. He also warned the Company that taking the war into Bhutan would mean “the Lamas and the people of their country will be excited against you” (Ghoshal, 1942, 413). The British were eager to conclude peace, both to secure their northern frontier and to engage Tibet and Bhutan in trade. The final treaty concluded on 25 April 1774 (see Appendix 1-3) copied the Bhutanese proposals almost to the letter. There is no indication of Cooch Behari input. One suspects that the proposals of the Bhutanese were actually the acceptance of proposals put by the Company rather than a Bhutanese proposal out of the blue as is implied by Ghoshal.

The Bhutanese signed the treaty and released their captive, Dhairyendra. The Company did not take up the opportunity to annex Cooch Behar, instead leaving it as a buffer state, like Oudh, between Company territory and the rest of India (see Fig. 2f). The former king was depressed after his long captivity and angry with his son over the terms of the treaty with the Company. He let Dharendra continue to reign until the latter died in 1775, and only then did he take on the reins of government once more, but his heart was not in it. As he was no longer independent and there was no further dishonour in holding land under the Company, he obtained a sanad from the Company in 1776 transferring to himself the zamindari of Sarkar Cooch Behar (see Appendix 1-4). Ghoshal (1942, 431) contends that this is the three southern chaklas of Boda, Patgram and Purvabhag and not the main kingdom of Cooch Behar as Aitchison (1929, v2, 190 & 309) presumes, and this is borne out by Mercer and Chauvet’s report (see 2.11 below). Dhairyendra died in 1783 and was succeeded by his second son, Harendra, who was less than four years old (Majumdar, 1977, 34-5).

The Bhutanese ally Darpadeva, the Raikat of Baikunthapur, was confirmed in his position by the British, but reduced to the status of a zamindar in Rangpur district (Kusari *et al*, 1981, 60), so that Baikunthapur was no longer part of or tributary to Cooch Behar. The Bhutanese

were left in possession of the lands they held before the war, which included the immediate plains to the south of the hills, which were still claimed by Cooch Behar from before the Bhutanese came to power in the state. The British left these lands in Bhutanese hands to appease the latter in the hopes of fomenting trade with Tibet via Bhutan (Ghoshal, 1942, 417 *et seq.*).

2.11 Cooch Behar 1774-1863

With a minor king, the affairs of state were placed in the hands of regents, including the queen mother the Maharani, and the Nazir. Different factions grew up around each regent, intriguing for control, culminating in the kidnapping of the king and the Maharani by the Nazir's aunt. The Company intervened with a royal commission under Lawrence Mercer and John Lewis Chauvet, which tried to untangle the history of the state and its factional disputes, publishing its report in 1788. Amongst its findings, it declared that recent interventions by the Collector of Rangpur had done more harm than good, and appointed a Commissioner for Cooch Behar, to oversee administration until the king reached his majority in 1801.

The 1788 Commission considered the question of the rightful ownership of the three chaklas of Boda, Patgram and Purvabhag. The Nazir had been dismissed in 1784 for misbehaviour and the chaklas repossessed by the king, facts the ex-Nazir did not dispute. Mercer and Chauvet considered that the Nazir had had possession, but not full zamindari rights himself over the chaklas, and the lands were settled on the king (Mercer & Chauvet, 1869, 190). The Government accepted this and among the subsequent resolutions of 13 May 1789 was

4th That he [the appointed Commissioner] collect the revenues of all the land belonging to the Rajah of Cooch Behar including the chucklas of Boda, Patgong and Poorubbhag, and from the amount of the gross receipts that he discharge the Rajah's tribute and the rent of the chucklas, above mentioned, and whatever excess may remain after defraying the charges of collections, he may keep the same in deposit till such time as he shall receive the orders of the Governor General in Council regarding the disposal thereof (Mercer & Chauvet, 1869, 204).

Also enquiring into what was considered vague wording in clause three of the Treaty, that of the annexation of Cooch Behar to Bengal, Mercer and Chauvet reported

It will be admitted, that under a liberal construction of the apparent object and spirit of the treaty no advantage can justly be taken of the loose and undefined expressions of 'subjection' and 'annexation' above mentioned to the prejudice of the less powerful contracting party. That no diminution of the independent rights of the Rajah within his own

Government was intended, is obvious from his having been left in possession of the two great characteristics of sovereignty, the right of coining money impressed with his own name³ and the administration of justice, and from these considerations collectively, our construction of the treaty is, that Cooch Behar was thenceforward to be regarded in the light of a Tributary District, receiving protection from the State to which for that purpose it made a partial and voluntary surrender of its rights; but maintaining in its domestic administration its independence un-impaired (quoted in Ghoshal, 1942, 461).

Ghoshal (1942, 462-3) himself states that by the 1765 grant of the Bengal dewani, “the company did not derive any political rights or power to conquer a new kingdom or annex a new territory to the dominion of the emperor”. The Company government under Lord Cornwallis agreed with Mercer and Chauvet, as did the Court of Directors in England, although later Governments would rankle at this limited interpretation (Ghoshal, 1942, 462-3). The argument over whether Cooch Behar was a native State or a standard district of Bengal was raised even as late as the 1870s. The Government of India in a letter to the Government of Bengal dated 17 June 1873 wrote that practice was just as important as the wording of any treaties, and as the Company had never tried to enforce its regulations in Cooch Behar for the century after the 1774 treaty, usage prevailed (Sever, 1985, 265-7).

The Company seems in general to have been unaware of the Cooch Behar enclaves until around 1814, when a letter from the Acting Magistrate of Rangpur on 9 February records his discovery of the situation.

3. In several of the Police jurisdictions, I found patches (if I may be allowed the expression) of territory, which, though surrounded by such parts of the Cooch Behar Rajah’s Estate, as pay revenue to Government, have, by some unaccountable accident, been long held independent of the Honourable Company.

4. Not even in these isolated spots has the Magistrate’s authority ever been exerted, either in the way of general superintendence, or even on occasion, when public offenders may have evaded the pursuit of the Police, by openly taking refuge in such assylums [*sic.*].

5. The consequences have been but natural. All notorious offenders, originally residents within the limits of this District, when hard pressed by the Police, immediately remove to situations, affording so ready a means of continuing their depredations with impunity, where they openly dwell, much to the encouragement of every species of offence. (Cooch Behar Select Records, 1882, v1, 272)

³ However, during the Commissionership, the Company stopped the coining of the indigenous Narayan rupee, instigated under Nar Narayan late 1500s, in favour of Company coinage.

Given the negative view of the enclaves recorded here, it is surprising that the Company itself would approve the creation of more enclaves, between Bhutan and Cooch Behar, three years later in 1817 (see 2.12 below). However, one of the main reasons EIC officers attempted to reform the Cooch Behar police and court system during the minority of Harendra Narayan (1788-1801) was to remove the threat of the Sannyasi bands still at large in Rangpur, and who had been using the enclaves as dens (Majumdar, 1977, 157).

Harendra Narayan reigned until 1839 and was succeeded by his son Sivendra Narayan, whose reign was relatively uneventful. Sivendra Narayan had no sons, so with Company consent adopted a grandson of his Nazir. This boy died in 1845 and the king adopted another child, Chandra Narayan, who was renamed Narendra Narayan, and succeeded to the throne in 1847 at the age of six upon Sivendra's death (Majumdar, 1977, 39). Narendra was educated in English schools in Krishnagar and Calcutta as Sivendra had wished, and attained his majority in 1859.

Also in 1859, a survey by J.J. Pemberton produced the earliest regular map of Cooch Behar now existing which shows a number of the larger enclaves. Some are also shown in Pemberton's 1856 map of Rangpur which depicts the fragmented parganas into which the district was divided, including those of the Chaklajat estates, Boda, Patgram and Purvabhag.

Meanwhile, the Indian mutiny of 1857-8 had erupted. While it did not affect Cooch Behar at all, possibly because the ruler was in minority, and only affected the Jalpaiguri area, still part of Rangpur district, in a couple of minor incidents (Kusari *et al*, 1981, 62), it did result in the demise of the Company. Control of India was formally replaced by the British government, who also deposed the elderly titular Mughal Emperor at Delhi, Bahadur Shah II, and exiled him to Rangoon, extinguishing the Mughal Empire. The British realised that outright annexation of Indian States was increasingly resented, and so changed their policy, promising to respect the rights of native rulers and their States (Biswas, 1999, 215). They dropped an earlier policy of annexation of heirless States, recognising the traditional rights of adoption to the Indian princes. In 1862 a sanad, conferred in perpetuity on Narendra and his successors, allowed the right of adoption on condition of continuing loyalty to the Crown and to their engagements with the British Government (Das, 1990, 102; text in Aitchison, 1929, v2, 309-10).

Narendra died aged in his mid-twenties in 1863 (Majumdar, 1977, 39), leaving a one-year old son, Nripendra Narayan. A British commissioner, Colonel J.C. Haughton, was vested with full administrative powers during the new minority. A deputy, H. Beverage, was appointed soon after, and both instituted many reforms.

2.12 EIC-Bhutan-Cooch Behar relations, and more enclaves 1775-1863

The rivers of Bengal have constantly changed their courses over time. Two important changes occurred in the late eighteenth century. The course of the Brahmaputra was probably changed by an earthquake in 1772, which raised the old course through Mymensingh, so that by the 1830s the main course was the present channel, the Jamuna, flowing into the Ganges rather than the Meghna. Likewise a large flood in 1787 forced the previously south-flowing Tista into a new course between Haldibari and Mekhliganj, meeting the Brahmaputra about 30km south of Kurigram, leaving the old course as the much reduced Karatoya and Atwari rivers. The new Tista channel had been a course for the river in much more ancient times, but when it had left this course for the Karatoya channel is unknown (Hunter, 1877, v7, 165).

The ninety years from the first Bhutanese war of 1774 to the second in 1865 was a period of constant difficulties between Cooch Behar and Bhutan, with the British trapped between the two as intermediaries. The Company was eager to encourage trade with Tibet, which required good relations with Bhutan. A series of Bhutanese civil wars made it difficult for the British to find a central authority to deal with. A mission led by George Bogle had set out for Tibet through Bhutan in 1775, to take advantage of the contact initiated by the Tibetans during the first war, but it was prevented access to Tibet, partly because the deposed Dev Raja had rebelled against his replacement. However, Bogle did manage to secure access for Indian, but not European, traders (Collister, 1996, 32). The disturbances in the central Bhutanese government gave a dangerous independence of action to the officials in its further-flung provinces, especially those along the frontier with Cooch Behar. Like the British, the Bhutanese considered the Duars, the passes from the mountains and the Bengal plains immediately below them, to be unhealthy areas. They preferred not to settle these areas themselves, so that besides Nepalese immigrants, a mixture of poor and criminal elements formed the population here. Official postings to the area were regarded as almost exilings, compensated only by the opportunity for a high degree of autonomy and corruption. Bhutan needed the rice and other crops grown on the plains below the Duars and increasingly resorted to land claims under the 1774 treaty besides allowing, if not actively encouraging, forays into Cooch Behar for forcible harvesting of crops, kidnapping and other crimes.

That the British had returned the lowlands at the foot of the hills to Bhutan was a source of frustration to Cooch Behar, which had always considered its boundary as running along the northern edge of the plain. Further, the Company seems at times to have agreed with this. During the course of the war, on 13 and 25 January 1773, Purling had told the President of the council in Calcutta that according to the Nazir, for 60 years the Bhutanese had held the lands

only through the tributary payment of five Tangan horses, a local breed of mountain pony. The lands being fertile, the Company had ordered Purling to occupy them:

Sir, I am commanded to signify to you the orders of the Board in reply to your Sunday letters of the 25th Jan and the 15th, 17th and 27th ultimo that in your operations regarding Cose Beyhar [Cooch Behar] you are to assume the possessions of all the cultivated country extending to the foot of the hills at the frontier line of Bengal on that side. (Bengal Secret Consultations, 1773, Letter dated Fort William, 11 March 1773 from Mr J. Stewart, secretary, to Mr Charles Purling. Quoted in Ghoshal, 1942, 421 fn).

Even immediately after the treaty, quarrels began over the return of the lands promised to Bhutan in the treaty of 1774. The Bhutanese complained that the Cooch Behar Maharaja and the Baikunthapur Raikat had not allowed them to reoccupy these lands. The Dinajpur Council judged some of these disputes in 1777, based on the 1774 treaty and the 1773 *hastabud* of Cooch Behar settled by Mr Purling under clause six in the Cooch Behar treaty (Ghoshal, 1942, 423). The Dinajpur Council decided “The Talooks [taluks] of Chichakotta, Paugula Hat, Luckeeduar, Kyranty and Maraghat are to be held by the Bhootias in the same manner as they possessed them before the war” (Letter from the Dinagepore [Dinajpur] Council to the Governor General, 28 May 1777, Cooch Behar Select Records, v1, p1, in Ghoshal, 1942, 423). A Bhutanese officer and an Indian officer for the Company fixed the boundaries of these taluks. Ghoshal suggests this was nowhere near impartial as the Indian officer, Hararam Sen was later accused of abetting local oppression by an Indian zamindar and was imprisoned then expelled from Rangpur and Dinajpur. There was also apparently no Cooch Behar involvement in the delimitation (Ghoshal, 1942, 424).

The Company’s position in the border dispute was complicated by the ability of Cooch Behar to use her 1773 treaty to insist upon Company intervention on her behalf, and the Company’s own desire to placate Bhutan for trade purposes, its *raison d’être*. The Bhutanese were certainly not always to blame for the incessant incidents, but the British slowly came to the conclusion that the only way to secure the frontier was to annex the Duars themselves, which could be achieved by paying annual compensation to the Bhutanese for their loss of direct control. Yet the treaty with Bhutan in 1774 had specified that Bhutan was to retain certain areas on the plains, and reconciling Cooch Behar to this was increasingly difficult. With no agreed frontier, no boundary markers could be erected, apart from a partial pillaring of the Baikunthapur frontier. The British insisted on Bhutanese officials being present at any demarcation, and the Bhutanese never sent any, probably because demarcation would limit them to a boundary with which they were not happy (Collister, 1996, 77).

Maraghat was one particularly contentious area, near present Dhupguri. It contained “roads, temples, office buildings, tanks, etc. constructed by the king of Cooch Behar within it” (Ghoshal, 1942, 428). The Commissioner in Cooch Behar in 1809, Mr Digby, supported the claims of the Maharaja to it, and the government made Maraghat over to Cooch Behar, but Bhutan refused to surrender it. In March 1811, Bhutanese forces in the area wounded 27 Cooch Behar police, and threatened worse if Cooch Behar took possession. The British sent up a battalion of troops under Captain Bird. The Bhutanese forces dispersed, and the British withdrew in June. There were further hostilities in November. Digby then proposed a boundary further south, along the Gilandi River (north-east of Dhupguri town) but Bhutan refused the compromise. Within a few years, however, a new commissioner, David Scott, reversed Digby’s 1809 arbitration. In Scott’s opinion, only Mouza Maraghat, the village, and not Gerd Maraghat, the division or pargana, belonged to Cooch Behar. In 1816 he sent a proposal to the government for making over 3065 *bighas* (410 ha) to Cooch Behar and giving the rest of the Gerd surrounding these to Bhutan.⁴ This was accepted by the government and carried out in 1817, moving the boundary of Bhutan between six and eleven kilometers southward, and leaving a number of new exclaves of Cooch Behar in Bhutanese territory (Chaudhuri, 1903, 265; Ghoshal, 1942, 430 & 437; Collister, 1996, 50). This is the origin of the 27 exclaves shown on Survey of India maps 78-B-14 & 78-F-2 which were listed as 30 chhits at Magurmari, Gosairhat and Godang when merged into Jalpaiguri district in India in 1955. The Cooch Behar-Bhutan boundary was moved to a similar latitude along all of its length in this period, reducing Cooch Behar finally to its present limits, half the area the state had claimed after the losses of 1713. The boundary was “fixed” (demarcated?) by Ensign Brodie in 1832 (Chaudhuri, 1903, 265).

Despite these concessions, in excess of the lands agreed to be Bhutanese by the 1774 treaty, depredations continued, and it was increasingly obvious that the central Bhutanese government had little control over its outlying provincial officers. From the late 1790s, the Chinese had forbidden any Indian travellers and merchants access to Tibet, on the mistaken grounds that the British had supported a Nepalese invasion of Tibet in 1792 (Collister, 1996, 42). The reason for cultivating friendship with Bhutan, trade with Tibet, was disappearing, although the necessity of preventing costly wars for the Company remained. Company territorial gains elsewhere in India had also given larger markets for British goods that replaced in reality those of Tibet which had never been realised.

⁴ The exact area of land retained by Cooch Behar differs in the various records (Ghoshal, 1942, 430) but appears to be “28 challas (parcels)” (Chaudhuri, 1903, 265) [the text of Chaudhuri (1903, 265) says 28, a footnote on the same page says 22. This latter figure is wrong]. At the Settlement of Pargana Mekhliganj by Beckett in 1875, the area of Baxes Chola jote land in Maraghat, held by individual rent-paying farmers, was given as 3009 bighas 16 kattas 15 dhurs (403 ha) (Government of Bengal, 1875), a figure not too far off the 398ha areas of Magurmari, Gosairhat & Godang summed from Mitra (1953).

In 1826, the Company annexed Assam after the first Anglo-Burmese war, in response to the earlier Burmese conquest of the Ahoms. Goalpara was transferred to Assam from Bengal that same year, although Assam would still be administratively part of Bengal for 50 years more.

At the end of 1837 a new mission led by Captain R. Boileau Pemberton set out for Bhutan, but it achieved little. With the annexation of Assam, the fear of attacks on Bengal from the east was eliminated, so that Bhutan was no longer necessary as a buffer state. In 1841 the Assam Duars were occupied as was Ambari Falakata in 1842. This latter area, 9837.37 acres (39.793km²) was supposedly promised to Bhutan by the Raikat of Baikunthapur as payment for support against Cooch Behar in 1774. This promise was kept by the Company when they made Baikunthapur a zamindari, and the Bhutanese gained an exclave within Bengal. This was a cause of trouble given the lack of strong Bhutanese government, so the company had occupied it along with the Assamese Duars to secure the frontier, but had not annexed it, instead paying Bhutan a compensatory rent for it. In 1856, Lord Dalhousie considered it desirable to permanently occupy Ambari Falakata and Jalpes, another similar area nearby, but the outbreak of the Mutiny had prevented implementation of this plan. In 1859 the Agent of the North-eastern Frontier Provinces requested the Government to annex the Duars entirely, as he had some years earlier (Ghoshal, 1942, 444-5).

2.13 Ashley Eden's mission and the second Anglo-Bhutanese, 1863-5

Growing concern that the compensation for the Duars and Ambari Falakata was not reaching the Dev Raja, and that even correspondence was not reaching him, encouraged the preparation of another mission into Bhutan in 1863 to negotiate the release of kidnap victims and the restoration of looted property. The mission was postponed during a series of revolts in Bhutan that resulted in a new Dev Raja, but the new incumbent, in a very insecure position, was exceedingly reluctant to allow the mission to come to him. The Bhutanese placed many obstacles in its way, so that the journey to Punaka took two and a half months, but the mission's leader, Ashley Eden, struggled onwards despite poor weather, physical threats and further revolts. Eden, like Pemberton in the 1830s, was less sympathetic to the Bhutanese than Bogle had been. The failure of his mission was caused not only by the insults the Bhutanese inflicted upon him, but also by his own arrogance and stubbornness of attempting to treat with a fragile government still trying to secure its position in the midst of open revolt. His party was abused when they finally met the Dev Raja, and forced to sign a document retroceding the Assam Duars. Eden only signed in order to secure leave to exit the country, and he was very lucky to have only lost two men, and those to exhaustion crossing a snow-covered pass, in the entire three month duration. The forced treaty was immediately disavowed by the Indian government

and after fresh overtures in June 1864 (see Appendix 1-5), including the annexation of Ambari Falakata, received only an evasive reply, on 12 November 1864 a proclamation was issued (see Appendix 1-6) permanently annexing all the Bengal Duars north of Cooch Behar: “The future boundaries between the territories of the Queen of England and those of Bhootan will be surveyed and marked off, and the authority of the Government of Bhootan within this boundary will cease forever.”

In late November troops began to occupy the Duars, moving towards Bhutan. The Bhutanese counterattacked and drove the British away from the mountains: Eden’s report had badly underestimated the military abilities of the Bhutanese. Reinforcements from Lucknow, Calcutta and elsewhere doubled the number of troops from 3500 to 7000. The British were now strong enough to recapture their earlier gains, and when poised to strike deeper into Bhutan, the Dev Raja agreed to peace. In the Treaty concluded 11 November 1865 (see Appendix 1-7), the entirety of the Duars were permanently annexed in return for an annual compensation of 25,000 rupees, with the possibility of a doubling of this amount if the Bhutanese behaved themselves. Free trade and extradition arrangements were also included. The annexation was formally proclaimed on 4 July 1866 (see Appendix 1-8). Thus the Duars became British, leaving the northern exclaves of Cooch Behar created in 1817 inside British territory, as the other exclaves had been since 1765, and Cooch Behar as a whole was now totally enclaved within British territory, completely surrounded by Bengal (see Fig. 2g).

2.14 Indian administrative changes, and the Maharajas 1854-1947

The area that had been the parganas of Baikunthapur and Boda was renamed the Sookanee subdivision of Rangpur district in 1854. When the subdivision headquarters moved to Jalpaiguri military cantonment in 1857 the subdivision was renamed as Jalpaiguri. This subdivision together with the Western Duars district formed from the lands annexed from Bhutan in 1864, was elevated into a separate district over the period 1867-70 through the progressive transference of the criminal, revenue and civil jurisdictions from Rangpur. The *thana*, or police-station, of Patgram was also progressively transferred from Rangpur to Jalpaiguri, despite its separation from the rest of the new district by a thin neck of Cooch Behar. This addition was presumably for administrative convenience, as Patgram was closer to Jalpaiguri town than Rangpur town. Additionally the revenue demand of the Chaklajat estates of Boda, Patgram and Purvabhag was paid in a single sum at Jalpaiguri, so it was sensible after the transfer of Boda to transfer Patgram as well to Jalpaiguri district, leaving only the much more distant 12,000 ha of Purvabhag juridicially in Rangpur but on the Jalpaiguri rent roll. The piecemeal transfer of Patgram to Jalpaiguri over three years caused administrative confusion for

some time as did the inefficiency in which it was carried out. “Rangpur seems to have been tardy in passing relevant rent rolls and papers” (Government of Bengal, 1871). In other changes, Goalpara was transferred from Assam back to Bengal proper in 1867. The easternmost Duars were added to Goalpara in 1872 making the Sankosh river the boundary between both Cooch Behar State and Jalpaiguri district on the west, and Goalpara on the east. In 1874 Goalpara was transferred back to Assam, which was separated from Bengal and elevated into a separate Chief Commissionership, giving Cooch Behar a new administrative neighbour to her east (Hunter, 1877, v7, 252; Chakrabatti, 1918, 71; Gait, 1926, 318; Kusari *et al*, 1981, 62). Cooch Behar now had exclaves in, and enclaves of, Jalpaiguri and Rangpur districts of Bengal and Goalpara district of Assam. To complicate matters, the administration of Goalpara district was moved west from Goalpara town to Dhubri in 1879, but the district was not renamed.

In a notification dated 13 September 1876 and published in the *Calcutta Gazette* on 27 September, 19 village chhits of Dinajpur were transferred to their host district of Rangpur. Also notified but not transferred were 20 chhits of Rangpur in Cooch Behar (see Appendix 1-9). Attached letters in the *Proceedings* have a third list of Goalpara chhits in Rangpur which were not notified because that boundary was to be rectified to a “straight line” next cold season which would remove them anyway. Also, this latter change, being inter-, not intra-provincial, required the sanction of not only the Bengal Government, but those of Assam and India (Government of Bengal, 1876).

In 1897, the British gave 190 bighas 10 kattas 12 dhurs (25ha) of land in six plots, being Taluk Kishamat Shibprasad Mustafi, Thak 16, of Chakla Purvabhag, Rangpur district to Cooch Behar. This land lay in Dinhata thana, next to or near Bhitari Khuti enclave also called Sibprasad Mustafi (#67⁵), and was either part of this Rangpur enclave in Cooch Behar or was a nearby smaller enclave. The land was formed into a new taluk called Kishamat Mokalari part II (Chaudhuri, 1903, 382). Kishamat Mokalari today is a village of Dinhata thana adjacent to the south-western flank of Sibprasad Mustafi enclave.

Maharaja Nripendra Narayan attained his majority in 1883, after an education in England which necessitated his breaking the Hindu prohibition on sea voyages. The effects of both gave him a very modern and western outlook by the time he attained his majority. He continued the reforms initiated by the Commissioners during his minority, including rebuilding Cooch Behar town along contemporary ideas of town planning and public health, with street lighting, sewers, wide roads, and large tanks. Many of the civic buildings of the town date from this reign, including the palace, built in 1887. He opened the Cooch Behar State Railway in 1894, ceding

⁵ For an explanation of the enclave numbering used in the present research paper, see Appendix 3.

its operation to the Eastern Bengal State Railway⁶ from 1903 (Aitchison, 1929, v2, 191-2 & 311-6). He declared ‘Cooch Behar’ to be the official English spelling of the State’s name in 1896 (see Appendix 1-11. Ghoshal, 1942, 538; Roy Pradhan, 1995, 22). Despite the small size of the State, Cooch Behar’s Maharajas enjoyed a 13-gun salute, one of only 118 of the 600 or so Princely States granted salutes (Ghosh & Bhattacharyya, 1986, 63). The westernisation of the Maharaja and his family and his entertaining of many Europeans as guests at his palace gave the family a reputation for “unorthodox and wild behaviour” that was disapproved of by many other Princely families (Devi and Rau, 1984, 34). Nevertheless, the Maharaja was much mourned when he died at Bexhill-on-Sea in England in 1911 (Burl, 2000).

Meanwhile, in 1905 the Government of India decided that the Presidency of Bengal, which still included Bihar and Orissa, was too large to govern as a single unit, and split it into two with effect from 16 October 1905 (see Fig. 2h). The western half retained the name Bengal, while the eastern half was united with the Chief Commissionership of Assam to form the Lieutenant-Governorship of Eastern Bengal & Assam, with its capital at Dacca, which city had declined much since its Mughal heyday. Rangpur and Jalpaiguri districts were included in the new eastern province, while Cooch Behar remained administratively attached to Bengal, and so was enclaved within Eastern Bengal & Assam (Government of India, 1905a, 146 & 1905b, 148). The division of the original Hindu-majority Bengal left the new Bengal with that religion in majority, but put Muslims in majority in Eastern Bengal & Assam. The division was highly unpopular with the Indian people, and it is considered to have given birth to the communal politics that has raked the sub-continent ever since (Hardinge *et al*, 1911, 152; Biswas, 1999, 103). The discontent the partition evoked was such, that it was annulled by a second reorganisation on 1 April 1912. Bihar and Orissa were formed a new province, Assam regained its separate status, and Bengal comprised the remaining Bengali-speaking divisions, largely the area covered by modern West Bengal and Bangladesh (see Fig. 2i). Cooch Behar was once more sandwiched between Bengal on three sides and Assam on the fourth as it had been from 1865 to 1905. Simultaneously, a new capital for India was declared at Delhi, moved from Calcutta. The change was made partly for the greater centrality it provided, and partly in an attempt to symbolically legitimate British rule as a successor state to the Mughals by imitation, in reaction to increasing local antipathy to foreign rule, which had increased due to the 1905 Bengal partition (Spate, 1954, 492).

⁶ The EBSR had already been granted “exclusive power and jurisdiction of every kind” over lands it acquired for its own operations on Cooch Behar territory in 1901, following a similar cession of jurisdiction by Cooch Behar over land held by the Bengal Dooars [Duars] Railway in 1899 (Aitchison, 1929, v2, 192 & 310-11. For the location of these railways, see Fig 6a).

Cooch Behar had had no problems conducting the 1901 census in its chhits in India, but in 1911 the Government of Eastern Bengal & Assam initially objected to Cooch Behar officials trying to enumerate the Cooch Behar chhits. This was rapidly cleared up by March of that year, although between January and July, a series of letters by that provincial government questioned the existence of the chhits (Government of Bengal, 1911. See Appendix 1-12). The confusion may have resulted from the 1905 partition and Cooch Behar remaining tied administratively to Bengal rather than Eastern Bengal & Assam which surrounded it. The necessary records may not all have been transferred from Calcutta, so that the confusion in Dacca had to be cleared up by reference to Calcutta. The revocation of the partition the next year, 1912, no doubt eliminated the problem.

Proposals to exchange the enclaves were mooted during the 1910s. Milligan (1919, 4) records that the enclaves made administration “troublesome” although there is no suggestion of them being a haven for criminals as they had been in the eighteenth and nineteenth centuries. Several times exchange was mooted in Bengal, to “constitute Cooch Behar a ring-fence state and to make Jalpaiguri a similarly compact district”. Milligan claims, wrongly, that the areas of exchange were “nearly equal”, when in fact Cooch Behar would have lost a greater area than she gained. As a sweetener, Milligan continues, it was suggested to retain the Maharaja as zamindar over those areas he would cede. However, nothing came of these proposals.

Nripendra’s eldest son, Raj[a]rajendra succeeded his father, but died only two years later at Cromer, England, in 1913. He was succeeded by his brother Jitendra Narayan, who had married Srimati Indira Devi, daughter of the Gaekwar [Maharaja] of Baroda only three weeks before, and much against her parents’ wishes, due to the reputation of his family. Jitendra died of pneumonia in London on his thirty-sixth birthday, 22 December 1922, leaving his minor son Jagaddipendra Narayan to succeed, and his wife to act as regent. Jagaddipendra would be the penultimate Maharaja of Cooch Behar.

In 1936, Cooch Behar, and Tripura, were transferred from the administration of Bengal to join the Eastern States Agency, set up in 1933 for the various small States located between Orissa and Bihar.

In 1941, Notification 2434 Pl. dated 19 July 1941 listed the villages that appertained to Patgram police station in Jalpaiguri district (see Appendix 1-19). The reason for this notification is not immediately apparent, although it is probably a renumbering of the villages after a series of transfers in and out. For example until at least the 1935 demarcation of the Rangpur-Cooch Behar enclaves, Angarpota had been part of Dimla thana, Nilphamari subdivision, Rangpur district (see Hartley, 1940, 142), but had been transferred to Patgram thana by 1941 as can be seen in the notification.

Cooch Behar, like most of the Princely States, saw little agitation for independence before 1947, as it was not directly ruled by the British (Todd, 1947). Nevertheless, evidence exists of at least some support for the nationalist movements and the Congress Party by the Maharajas, who donated funds to them from 1886. Organisations such as the All India States People's Congress, or Prajamandal Samiti, were regarded as an extension of the Congress in the States, and which were working for democratisation and abolition of the monarchies in the States. As this was ultimately aimed at the Maharajas, it is not surprising that support was less forthcoming for these organisations from the Cooch Behar Durbar. Political activism was prohibited in the State, under threat of banishment, to maintain internal peace and good relations with the British (Ghosh & Bhattacharyya, 1986, 64-66). The civil disobedience movement and other nationalist struggles had little success in Cooch Behar due to the benevolent despotism of the Maharajas. Unlike the traditional absolutist rulers in many other States, especially Rajasthan, Cooch Behar's rulers from Nripendra onwards were Westernised, and modernist in outlook. They realised the needs of their people and instigated reforms (Bhattacharyya, 1995, 4).

2.15 The Chaklajat Estates in the late British period, 1930s-1940s.

In 1876 the Chaklajat estates had comprised Boda at 241,366 acres (976.36km²), Patgram at 60,986 acres (246.70km²) and Purvabhag at about 20,000 acres (81km²) for a total of around 322,500 acres (1305km²) (Dutt, 1876). By 1940-41 the estates comprised 76 properties for a total of 687 square miles (1779km²) (Administration Report, 1940-41, 29). Pertaining to the State, rather than to the Maharaja as personal property, by this time they included not only the original three chaklas, less some individual properties no doubt, but also other properties bought subsequently so that the estates included lands not only in Rangpur and Jalpaiguri, but also Dinajpur and Bogra districts. The estates of the Raja of Panga, a collateral branch of the family who held Panga chakla in Rangpur, had been willed in half-share to the Maharaja in 1887 upon the extinction of the Raja's line, further increasing the Chaklajat estates (Chaudhuri, 1903, 398-9). The Durbar also owned 39 houses and 43 sites in Darjeeling (Administration Report, 1941-42, 41).

2.16 Customs and Excise between Cooch Behar and British India, 1911-47

As with other enclaves around the world, one of the administrative problems of the Cooch Behar enclaves was the enforcement of customs and excise laws, despite in general there being no customs duties or transit dues between Cooch Behar and India (Imperial Gazetteer, 1907-9, v.10, 387). The presence of the enclaves allowed a proliferation of licensed shops selling dutiable goods in the border areas in and around Cooch Behar, encouraged the smuggling and consumption of excisable items, and decreased the ability of each side to regulate the trade.

Licence fees were collected for the sale of fresh datepalm juice, country spirit shops, denatured spirit shops, imported liquor shops, ganja shops, opium shops, medicated wine shops, chemist and druggist permits as well as duty being charged on ganja, opium and imported spirits. In Cooch Behar, opium cultivation was stopped in 1867 and ganja cultivation in 1871 by agreement with Bengal. State officials purchased supplies duty-free from the public warehouse at Naogoan in Rajshahi district, and on-sold them with duty to vendors in the State. Opium and ganja duties were the same in Cooch Behar, Rangpur and Jalpaiguri, which removed opportunities to exploit differences in rates by smuggling. Chemist and denatured spirit licence fees were also the same as in Bengal, while bhang was excisable in British districts, but not in Cooch Behar where it grew wild (Administration Report, 1943-44, 25-6).

In 1911 a joint India-Cooch Behar inquiry was set up to investigate the location of excise and opium shops within two miles of Cooch Behar's boundaries with Jalpaiguri, Rangpur and Assam. During meetings from 16 January to 19 February 1911, it was agreed to abolish ten State and two Government shops and remove six State shops. The Government also wanted the State to abolish three shops in Kajaldighi chhit (#36/36), known as the Dinbazar Shops, while the State urged their continuance (Administration Report, 1911-12, 13). However the Government of Bengal considered the arrangements "far from ideal" in letter No.10855P of 18 November 1914 and explored other options in letter No.12143P dated 1 November 1915 (Administration Report, 1916-17, 3). As a result, the following agreement was came into effect from 1 April 1917.

Subject to the annual payment of compensation to the Cooch Behar durbar, the excise administration of all isolated Chhits of Cooch Behar territory, including British Chhits with[in] them, has been made over to the Government of Bengal with effect from the 1st April, 1917, and that of all other isolated Chhits of British territory has been transferred to the State authorities from the same date.

The effect of the arrangement is that for Excise purposes, the boundary of the Cooch Behar State is the continuous boundary; all persons residing within that boundary must obtain their supplies of excisable articles and opium [from] shops in Cooch Behar State; all persons residing beyond it from shops in British territory. The conveyance of excisable articles or opium across the continuous boundary amounts to import or export, whether the persons so conveying it, are subjects of the State or British subjects, and is illegal. But licensed vendors of shops in the Cooch Behar State are permitted to take excisable articles or opium through British territory under cover of passes.

The Railway lands falling within the continuous boundary⁷, are regarded as British chhits in Cooch Behar and their Excise administration has been handed over to the State (Administration Report, 1943-44, 25).

Offences punishable under the Excise and Opium Laws of Cooch Behar and committed in the isolated Chhits of Cooch Behar State are to be tried in the courts of the Cooch Behar State, and offences punishable under the Excise and Opium Laws of Bengal and committed within the Chhits belonging to the British Government and situated within the continuous boundary of the Cooch Behar State are to be tried in British Courts. All fines imposed and realised in such cases are to be handed over to the authority responsible for the Excise Administration (this paragraph added in Administration Report, 1941-42, 23-4).

It has been further agreed that no new shop shall be opened by either party within three miles of the common continuous boundary and that the site of any existing shop within three miles of such boundary shall not be removed more than 440 yards [$\frac{1}{4}$ mile, 400m] from the site which it occupied at the time of the Agreement without the consent of the other party. All shops are to have permanent sites and not be allowed to open branches (Administration Report, 1943-44, 25).

Thus the Indian and Cooch Behar enclaves at Cooch Behar were exchanged for excise administration purposes, to reduce the mutual boundary to only that of the main body of Cooch Behar. Residents of Cooch Behar's exclaves had to buy their dutiable items from Bengal shops and residents of Bengal's exclaves had to buy their items from Cooch Behar shops. Nevertheless, the laws of Bengal and Cooch Behar still applied in their own exclaves, so that offences under their respective Excise Acts would be tried in their own courts, but fines realised would be surrendered to the side exercising excise administration.

Presumably because Cooch Behar had more exclaves of a larger area with a greater population, and was thus losing net income from this agreement, Bengal annually compensated the State (see Appendix 1-13). Cooch Behar authorities were to calculate the compensation due by 31 August each year, from a choice of two methods:

A. Multiply the population of the Cooch Behar chhits in Jalpaiguri by the gross excise revenue per head in Jalpaiguri, and add to it the population of Cooch Behar chhits in Rangpur multiplied by the gross excise revenue per head in Rangpur. From this total, then subtract the population of the British chhits in Cooch Behar multiplied by the gross excise revenue per head in Cooch Behar.

Or

⁷ See 2.14 fn 6 above.

B. Multiply the population of Cooch Behar chhits in British India by the gross excise revenue per head in Cooch Behar and subtract both the population of Jalpaiguri chhits in Cooch Behar multiplied by the gross excise revenue per head of Jalpaiguri, and the population of the Rangpur chhits in Cooch Behar multiplied by the gross excise revenue per head of Rangpur (Administration Report, 1917-18, 24).

This excise agreement would seem to be the reason for the compilation of maps and data on the enclaves given in Appendix 1-10. Figures for the number of licensed shops prior to the above agreement have not been located, but in 1944 Cooch Behar had 23 country spirit shops, 80 ganja shops, 58 opium shops, and 2 imported liquor shops, a total of 163 (Administration Report, 1943-44). The status of this agreement upon Indian independence has not been ascertained.

2.17 Revenue Surveys and Settlements in north Bengal, 1850s-1955

Under the Mughals, and the Maharajas of Cooch Behar, land rent, the mainstay of administrative revenue, was collected in coin or kind several times a year. Sir Francis Buchanan described the situation in Baikunthapur c.1800:

Originally the farms were let by what is called Guzbandi or guess, and by Haldori or plough, that is a farm was estimated to contain as much as could be cultivated by a certain number of ploughs, and paid a fixed sum for each, a custom which once probably extended all over Kamrup. About the year 1788, land measure was introduced (quoted in Taniguchi, 2000, 173-4).

However, rates varied according to the needs of the state, and the greed of zamindars and other intermediaries. Under the Company, attempts were made to settle rents at a fixed and scientific rate for increasingly long periods to encourage agricultural stability and welfare. However, the first attempts, like the 1793 Permanent Settlement of Bengal under Lord Cornwallis were, especially in Rangpur, “arrived at mainly by conjecture” (Vas, 1911, 106). Reforms begun in Cooch Behar under the Resident Mr Douglas, and continued by Mr Ahmuty, during the minority of Maharaja Harendra were stopped by the ruler upon his majority in 1801. Real reform had to await a second minority, that of Nripendra in 1864. Colonel Haughton, the Commissioner of Cooch Behar at the latter date, understood that a complete survey of the State was necessary, recording the rights and ownerships of all the levels of cultivators. Previously there had not even been maps, so that the tax-farmers knew only the names of landholders from whom they had contracted to collect the rent, but neither the extent nor exact locations their holdings, which were

not necessarily compact. Haughton applied to the Bengal government for a survey, and J.H.O'Donel, the Deputy Superintendent of Revenue Survey was deputed to undertake it. Previously in 1858-60, J.J.Pemberton had completed a topographical survey of the State at 1" scale (1:63,360), mapping it in detail for the first time since Major James Rennel's medium-scale maps of the Bengal in the 1770s. O'Donel divided the State into six parganas, which survived until at least the 1970s as land revenue divisions. These were Mekhliganj, Mathabhanga, Dinhata and Tufanganj entirely in the current subdivisions of the same name; Sadar [Cooch Behar], mainly in Sadar subdivision with 11 taluks in Tufanganj subdivision; and Lalbazar, mainly in Mathabhanga subdivision, with the remainder in Dinhata subdivision. The parganas were divided into taluks (in 1903 there were 1202 taluks: Chaudhuri, 1903, 49). The jotes that comprised each taluk were demarcated, and the undertenures noted as comprising so many fields within each jote, but these were not surveyed themselves. Each jote was mapped at 16" to the mile (1:3960) and taluks at 8" to the mile (1:7920). The plots were numbered and listed in numerical order, with their relative positions, length of sides, area and soil class noted in columns.

Like the taluks and jotes, mauza were also often fragmented and caused much complexity (Chaudhuri, 1903, 50). Such fragmentation was coupled with up to six levels of subinfeudation below the level of jotedar, who were originally the cultivators of the jotes, but had increasingly become landlords through sub-letting. It is perhaps not surprising that all six levels of subtenure existed in Dinhata and Mekhliganj parganas, the most enclaved, and presumably the most fragmented in terms of cadastre, although only four levels existed in Tufanganj, compared to five in the other parganas (Chaudhuri, 1903, 509). In the British period, Cooch Behar did not have landless agricultural labourers as did other parts of India, with every family having at least some land of its own. This fortunate condition was lost from the 1950s onwards with the influx of refugees from East Pakistan, Indian immigrants, and a sharp rise in natural population increase (Majumdar, 1977, 142-53).

The survey was completed west of the Tista, in what is now Haldibari thana but was then called Rahimganj, over an extraordinarily long period from 1864-9 by Babu Iswar Chandra Sen, Deputy Collector. Here taluks and jotes were surveyed and recorded as Sen found them, leaving them fragmented. The remainder of the State, the majority, east of the Tista, was surveyed by O'Donel himself from 1868-70. O'Donel removed much of the geographical complexity of fragmentation by making the taluks he surveyed compact, which affected the tax-farmers rather than the cultivators. Some taluk fragments were retained, elevated into separate taluks, retaining the same name to which an adjective or number was appended. Examples of such names are Bansraja Part 1 and Part 2, or Kamat Fulbari and Andaran Fulbari. Where possible, natural

boundaries were also sought for taluks (Chaudhuri, 1903, 50). O'Donel did not resurvey Rahimganj/Haldibari, so that it retained fragmented taluks.

In 1870, on the basis of O'Donel's survey, Haughton established the six revenue parganas as administrative subdivisions. Lalbazar and Tufanganj were, however, abolished after a few years, but Tufanganj was re-established in 1892 with a part of Sadar subdivision (Chaudhuri, 1903, 50), creating the subdivisions that survive to this day.

Once the survey was completed, a reasonably scientific revenue settlement could be made by Settlement Officer W.O.A.Beckett. The first settlement, work on which finished around 1877, was of 7-13 years duration ending in 1883-4, and was extended on the same terms for five years to 1888-9. Meanwhile, from 1886-7, a new, second settlement was started. A petty settlement of lands no longer under fallow in 1884-6 was used to augment the records of the first settlement, to calculate the second. No new survey was made, but changes in possessions and land classification were noted, and tax rates based on land use recalculated.

This second settlement, which specified the rates to be paid by each of the six levels of undertenure, expired over 1918-20, and towards this date, a new survey was deemed necessary, undertaken from 1912. The second settlement was extended until the third was able to be implemented in 1927, as the original survey of 1912-19 had to be revised 1920-27 due to deficiencies and errors (Ganguli, 1930, 23). Taluks were ascribed *thak* numbers (see below) which comprised a continuous series within the main body of Cooch Behar. Chhits were given separate serial numbers. A total of 186 sheets at 16" to the mile were needed to cover the Cooch Behar chhits. Mekhliganj had 84 chhits on 108 sheets, Mathabhanga 52 on 52 sheets, Lalbazar 3 on 3 sheets, Dinahata 16 on 18 sheets, Sadar none, Tufanganj 3 on 5 sheets, for a total of 158 on 186 sheets. In total 1334 taluks, chhits, towns and bunders were covered on 2623 sheets, a phenomenal effort (Ganguli, 1930, 42). Maharaja Jitendra Narayan had desired the new settlement to be for 99 years, but he died in London in 1922 before he had informed the settlement officer H.J.Twyman (Administration Report, 1920-21, 38). A period of 30 years was decided upon in 1925-6 (Administration Report, 1922-23, 38). The third settlement organised from 1913-27 was thus due to expire around 1956. About this time, as the beginnings of new land reforms in independent India, the West Bengal Estates Acquisition Act 1953 was enforced in Cooch Behar, and operations for a revisional settlement were commenced in 1955.

In summary, Cooch Behar had quinquennial settlements in the late 1700s, a topographic survey 1858-60, and the first scientific survey and settlement undertaken 1858-77 which remained in force until 1888-9. The second settlement, without resurvey, was made 1886-7 and in force until 1927. The third settlement, with resurvey, was made 1912-27 and was in force until the mid 1950s. Each of these surveys and settlements produced reports which provide

much information on the agricultural situation as well as the various surveys, topographic, revenue and boundary, that preceded them.

Similar surveys and settlements were conducted in Jalpaiguri and Rangpur districts. The first Rangpur revenue survey was conducted by Pemberton in 1855-8, producing maps at 4" to the mile, at which time the district included the non-Duars portion of Jalpaiguri. O'Donel began a revenue survey of the Duars within six weeks of their annexation from Bhutan in 1864, producing a topographic survey at 2" and a boundary survey with Bhutan at 4", 1864-8 (Milligan, 1919, 37). After the separation of Jalpaiguri district, Rangpur was resurveyed and resettled in 1874-5. The revenue survey followed a *thakbust* survey, named for the earth or mud (*thak*) pillars erected at important points. The thakbust surveys were rapid ascertainment of basic village and estate boundaries. They made no measurements, apart from the boundaries of enclaves of one village within another. Such chhits were marked on the sketch maps drawn up, together with notes on villages in the estate and holdings outside inside other villages (Vas, 1911, 106; Siddiqui, 1972, 252-3). Another survey and settlement was made 1931-38 by A.C.Hartley, which utilised aerial survey. Hartley produced 16" village maps and 4" and 2" thana maps, the 2" sheets being later reduced to 1" scale (Hartley, 1940, 94).

Jalpaiguri was generally surveyed and settled in two parts, the Duars in the east and the 'permanently settled' ex-Rangpur portion in the west. The first settlement of the Duars took effect in 1871, after O'Donel's survey, and a second in 1880. A third settlement and new survey were made by Sunder 1888-95, and a fourth settlement under Milligan 1906-16 (Sunder, 1895; Milligan, 1919, 37; Kusari *et al*, 1981, 204-7). The Duars were rapidly deforested and populated in the late 1800s due to their excellent climate for cultivation of tea. Jalpaiguri's western half was presumably settled several times between separation from Rangpur about 1870 and 1920, probably coincident with the Western Duars surveys above, but information has only been found about the last of these, that of Milligan in 1906-16 (Milligan, 1919; Kusari *et al*, 1981, 204). Milligan's maps included 16" cadastral maps of settled and arable areas, 16" tea gardens surveys, 4" topographic forest maps, 4" topographic tea grant maps, and 16" topographic maps of the Cooch Behar enclaves.

During the 1920s and early 1930s, one-inch topographic mapping on a South Asia-wide standard was completed in first (preliminary) and second editions. These maps, together with 1/2" and 1/4" series are the latest large-scale mapping of the area available today, as both India and Bangladesh have prohibitory restrictions on mapping.

Post-independence, the West Bengal Estates Acquisition Act of 1953 brought all cultivators into direct relations with the state, eliminating the zamindars. Former intermediary landlords could retain up to 25 acres of agricultural land or 15 acres of non-agricultural land for

their own cultivation, the ceilings also applying to tenants. Excess lands were vested in the state for distribution to the landless and those with very small holdings. The West Bengal Land Reforms Act of 1955 and an amendment of 1971, which lowered the ceilings, regulated the redistribution. After 1955 a new survey and settlement were undertaken. However litigation against the 1971 amended ceilings impeded the completion of this until at least 1980 (Kusari, 1981, 211).

On the other side of the new international boundary, the East Bengal State Acquisition and Tenancy Act of 1951 had a very similar effect to its West Bengal equivalent. Acquisition of estates started with the largest and best registered, presumably including Boda, Patgram and Purvabhag held by the Maharaja of Cooch Behar, and proceeded through to 1956 when general acquisition was made (Khan, 1977, 282-3).

The settlements and surveys improved mapping, administrative capacities and knowledge of the region, allowing better governance and more accurate mapping and demarcation of Cooch Behar's boundary. However, disputes continued due to errors, discrepancies between surveys, and especially the meandering and wholesale course changes of rivers and streams each monsoon.

2.18 Boundary and enclave demarcation, 1919-41

The Cooch Behar-Jalpaiguri boundary which had been a source of difficulty for many years was readjusted by a boundary commission 1919-20, following Milligan's survey and settlement of Jalpaiguri ending in 1916. The terms of adjustment were given in letter No.1057-TR of 11 August 1919 from the Revenue Department, Bengal to the Cooch Behar State Council (see Appendix 1-17). Major, later Lt.-Col. F.C.Hirst, IA, a previous Director of Surveys, Bengal was nominated for the work.

A similar commission on the Cooch Behar-Assam boundary operated 1922-23, with Hirst representing Cooch Behar and C.Gimson, ICS, for the Government of Assam. Pakyntein (1965, i) notes a previous survey of the western Goalpara boundary by O.E.C.Judd in 1912-14 (see also Government of Bengal, 1912a, 1912b, 1913). Transfer of land in accordance with Judd's demarcation of Cooch Behar's enclave of Bara Laukuthi (#140/-) was made in 1914-5, resulting in a gain to the State of 216 bighas 19 kathas 6 dhurs (29.0ha) above the area recorded in the first settlement of 3908 bighas 6 kathas 18 dhurs (522.9ha) according to the Dewan's letter No.1377 of 3 November 1914 (Administration Report, 1914-15, 4), bringing it close to the current figure of 546.75ha (Census of India, 1997, 36). Both of the Cooch Behar boundary commissions of the 1920s produced detailed reports, including the history of previous boundary surveys. Formal exchange of possession took place in 1926-7 and 1925-6 respectively. Along the Goalpara border, Cooch Behar's claim to "the whole or part of village Baniaguri", which lay between the State and its enclave of Bara Laukuthi, remained unsettled according to "Chapter

III, page 14 of the printed report of of [*sic*] the Cooch Behar-Assam Boundary Commission” (Ganguli, 1930, 47). A proposal by the State Regency Council to the Government of Assam to hold the claim over until the majority of Maharaja Jagaddipendra Narayan was apparently accepted by the latter in its letter No.13152-P of 8 November 1929 to the Government of Bengal (Administration Report, 1929-30, 5). The Cooch Behar claim was subsequently either dropped or disallowed, as Baniaguri remains Assamese. Interestingly, a claim to this same area was made by Bhutan before 1864, and appears on a two-inch map of 1850-1 (Map of the Boundary..., 1850-1). The claimed area is about 16km south of the general east-west line of Cooch Behar’s northern boundary, which was Bhutan’s southern boundary until 1864-5. Presumably there was some connection with early Cooch Behar court factional politics that allowed Bhutan to make the claim, such that Cooch Behar took it up herself the next century.

The Cooch Behar-Rangpur boundary remained, and was to be finally adjusted when Rangpur was cadastrally (re)surveyed. According to paragraph 10 on page 6 of the Cooch Behar-Jalpaiguri Boundary Commissioners’ Report, the Jalpaiguri-Cooch Behar enclaves were omitted from the Jalpaiguri operations but their demarcation was to be considered with the adjustment of the Cooch Behar-Rangpur boundary (Ganguli, 1930, 48). Likewise, the Cooch Behar-Assam Boundary Commissioners stated that the chhits of Goalpara inside Cooch Behar had not been mentioned in their instructions, so these also remained undemarcated, but “certain proposals” regarding these chhits were made on pp.18-9 of their report according to Ganguli (1930, 48). These enclaves were not taken up during the Rangpur operations, so when, if ever, they were demarcated remains undetermined.

On 8 December 1931 in letter 14506-Jur, the Government of Bengal informed the Government of India, Foreign and Political Branch, that there were 20 chhits of Cooch Behar in Rangpur and 32 of Rangpur in Cooch Behar, against 127 and 71 respectively of Cooch Behar in Jalpaiguri and of Jalpaiguri in Cooch Behar (see Appendix 1-14). This was a large increase on the 20 chhits of Rangpur in Cooch Behar notified in 1876 (Appendix 1-9). The Bengal government asked the Indian government for the estimated Rs14,400 cost of demarcation, hoping that the demarcation could be completed with the Rangpur revenue survey due to start in early 1932, as a separate demarcation would involve greater expense. The Indian government reply of 19 December 1931 regretted that due to financial stringency the funding was not available.

Nevertheless, the Rangpur survey and settlement was taken up by M.O.Carter, ICS, in 1932, with resurvey and demarcation of the main Rangpur-Cooch Behar boundary proving necessary (Hartley, 1940,1). A Boundary Commission was requested in August 1932 to demarcate the boundary while the settlement officers were in the field, and at the same time, a request was made by the Director of Land Records, Bengal to the Revenue Department, Bengal,

to commence "... negotiation for exchanging the enclaves on valuation, if possible. If this exchange can be effected, each of the districts and the State concerned will have a compact area and from the administrative point of view it would be of great advantage..." (Letter 3272, in Hartley, 1940, 140. See Appendix 1-17). Any negotiations do not seem to have been recorded, but the matter was dropped in response to a reply almost two years later in March 1934, that described "strong local objections to the proposed exchange" (Letter 2949-Jur, in Hartley, 1940, 141).

The Boundary Commission itself was formed under the same terms of reference as the Jalpaiguri-Cooch Behar Commission of 1919-20. A.C.Hartley, I.C.S., had replaced Carter as Rangpur Settlement Officer, so the commission consisted of Hartley for the Government of Bengal and Srijut Nirmal Chandra Mustafi, BL, Naib Ahilkar, Mathabhanga for Cooch Behar. Work was completed during the 1933-34 cold season, along the main boundary, and the eastern (Rangpur) side of the large enclave comprising the chhits of Balapara Khagrabari, Kot Bhaj[i]ni and Dahala Khagrabari (#3/42, 2/43, 1/47) that straddled the Jalpaiguri-Rangpur boundary. The easternmost $5\frac{3}{4}$ miles (9.25km) section of the main boundary had been relayed by O'Donel in 1924, and was to be linked up with the Commission's work, rather than be replaced by it. The total length of boundary to be demarcated was 177miles (285km) including the eastern side of the large enclave. Financial stringency delayed the embedding of pillars during the Commission's work, but the delimitations were made anyway. Additionally, Cooch Behar requested three enclaves be surveyed as well, despite the lack of funding for pillars. Of these, Batrigach (#59) and Uttar Bansjani (#91) of Rangpur in Cooch Behar, were resurveyed to rectify previous survey errors or outward encroachment. The other, Dakurhat Dakinir Kuthi (#156/118) of Cooch Behar in Rangpur, had been diluviated in 1882 and since its reformation the State had been unable to relocate it. The 177-mile boundary was to be marked with 340 new ferro-concrete pillars, 21 for the large enclave and 319 on the main boundary. This was much fewer than expected because 118 old pillars discovered *in situ* from previous surveys could be utilised, most of which were not marked on existing maps. The three other enclaves were to be demarcated with 32 new ferro-concrete pillars. Due to Bengal's inability to fund the pillars immediately, Cooch Behar paid for and embedded them itself the next year, subsequently recouping half the cost from Bengal.

With the enclave exchange proposal sunk by local opposition, the remaining 50 or so Rangpur-Cooch Behar enclaves could now be demarcated, and funds were forthcoming from the Indian Government (File 494-P, 1934. See Appendix 1-16). Orders were received in late 1934 and work was undertaken February and March 1935. One chhit, Amjhol (#57/57), was inadvertently overlooked, and had to be demarcated in June. The oversight is perhaps not surprising as it is only 1.25acres (0.51ha) in area, and does not appear on the 1930 edition of the

one-inch sheet 78-F-8, nor even the current 1983 metric edition (Survey of India, 1921-31; Survey of Bangladesh, 1972-93). Over the total of 93 miles (150km) of boundary, 190 pillars were delimited by the embedding of bamboo pegs, and 70 pillars from previous surveys, mainly cadastral, were utilised. Hartley (1940, 142-8) gives a description of the boundary of each chhit. The bamboo pegs were replaced with pillars in the 1935-36 season. Note that because only the Rangpur chhits were being demarcated, Angarpota was, but Dahagram, an adjacent Jalpaiguri chhit, was not.

A total of 110 map sheets were produced depicting the main Rangpur-Cooch Behar boundary, including the eastern side of the large enclave, and 47 for the 52 Rangpur-Cooch Behar chhits. Of the three chhits demarcated in 1933-34, only Batrigach seem to have been mapped, but the other two are presumably on insets on other sheets. The report of both the main boundary and the chhit demarcations appear as appendices to Hartley's 1940 report on the Rangpur settlement and survey operations. The original report and maps were deposited with the Director of Surveys, Bengal, and copies sent to the Rangpur Collectorate and Cooch Behar Durbar (Hartley, 1940, 125). Today, copies of these now restricted maps are apparently no longer held in Cooch Behar or Rangpur, but by the Indo-Bangladesh Boundary Commission's offices in Dhaka and Calcutta.

During the Rangpur settlement it had also been discovered that Rangpur still had enclaves in Dinajpur and Jalpaiguri, and vice versa. Hartley was amazed that those affecting Jalpaiguri had not been surveyed and exchanged during that district's survey and settlement by Milligan ending 1916. It was nevertheless decided to exchange them all immediately, despite the Dinajpur settlement and survey not having been taken up yet. Rangpur chhits in Dinajpur were transferred across for Dinajpur settlement authorities to eventually survey, and those in Jalpaiguri were surveyed with maps and records made over to the Deputy Commissioner, Jalpaiguri, while the chhits of Dinajpur and Jalpaiguri in Rangpur were transferred to Rangpur and incorporated into those district records. Of the Rangpur-Jalpaiguri chhits, all but one were located in the vicinity of the Patgram-Rangpur boundary, and were thus associated with the Jalpaiguri-Cooch Behar and Rangpur-Cooch Behar chhits in this area (Hartley, 1940, 3 & 118-19. See Appendix 1-17 and Fig. 5b). Due to the local opposition already mentioned, the Cooch-Behar enclaves were not exchanged, but a list of the Rangpur-Cooch Behar chhits was made (see Appendix 1-15).

In March 1936, with the Rangpur-Cooch Behar chhits demarcated and pillars embedded, the Bengal government again approached the Indian government for funding to demarcate the Jalpaiguri-Cooch Behar chhits, but had applied too late for the 1936-37 budget. New Delhi requested a revised estimate for the 1937-38 budget, which was sent in October 1936, but on 26

November 1936, informed Bengal that the project could not be funded even in that year (File 151-IA/36, 1936. See Appendix 1-16). However, the demarcation *was* approved in February 1937 and funding finally made available that September (Bell, 1941, 79-80. See Appendix 1-18). With the Rangpur settlement completed, and that of Dinajpur underway, the office of Boundary Commissioner was given to F.O.Bell, the Dinajpur Settlement Officer for the Government, and Mustafi was again appointed for Cooch Behar.

Work was undertaken from December 1937 through to April 1938. It was described as relatively easy, with the most difficult being the southern side of Dahagram, where the boundary was across *chars* and the Tista river bed. Four small chhits created slight problems. Three, belonging to Mauza Nazirganj, J.L. No.109 (#8-10) within Cooch Behar Chhit No.37 of Pargana Mekhliganj (Shalbari, #37/35) were not shown in the revenue survey maps or the Cooch Behar cadastral maps, but were shown on Jalpaiguri cadastral maps. It was decided that the revenue survey had taken no account of chhits, so that their absence was not unexpected. The other problem was nearby in Bewladanga (#34/39), within which Cooch Behar maps showed a chhit of Debottar Saldanga mauza, J.L.No.133 of Boda thana. Jalpaiguri cadastral maps showed it as contiguous to that village. Here the revenue survey maps were accepted, cementing the existence of the chhit of Debottar Saldanga (#11), which was demarcated with four pillars (Bell, 1941, 2).

A total of 324.83 miles (522.65km) of boundary was demarcated around the 221 chhits. As with the Rangpur-Cooch Behar chhits, existing pillars were used where found, otherwise bamboo pegs were embedded and the next season, 1938-39, replaced with ferro-concrete pillars. Pillars were placed generally 400-800m apart on prominent bends in village boundaries, only two in opposite corners being needed for smaller chhits. Reference pillars were embedded a little distance back from the boundary where it fell in areas likely to be affected by flooding or erosion. In all a total of 839 pillars, 814 boundary and 25 reference pillars, were used, in addition to existing pillars. Total cost, at Rs12-8 per pillar, was Rs10,487-8. However, when embedding the pillars the next season, four pillars were left over because of the erosion of their sites by the Tista (Administration Report, 1937-38, 7; 1938-39, 22; Bell, 1941, 1). After the demarcation and embedding of pillars, and once both governments had accepted the reports and maps, correction of all affected village maps was necessary, as well as adjustment of 1279 tenants' records of rights. This was completed by mid-1941 (Administration Report, 1939-40, 25; 1940-41, 23).

The enclaves of Cooch Behar and those of its neighbouring districts in Cooch Behar, with the possible exception of the three Goalpara enclaves, were now properly demarcated for the first time. Previous cadastral, topographic and revenue surveys had increasingly defined the

existence, location and area of the enclaves, but it took the specific boundary demarcations of the 1930s to reconcile the various survey maps, arbitrate disputes and embed pillars, in order to make the boundary entirely defined and permanent.

With these adjustments, Cooch Behar had an official area of 1318.55 square miles (3413.57km²), up from 1307 square miles (Administration Report, 1941-42, 1). The State comprised 1165 taluks, on average just over one square mile each, with average land holdings of 12bighas (1.6ha), and plots of 1bigha 2kathas (1470m²) (Ganguli, 1930, 51-2) A plot was defined as a piece of land within one periphery, possessed by one person or set of persons under one title, consisting of one class of land, even if divided by bunds for ease of cultivation (Ganguli, 1930, 41). Of the 158 Cooch Behar chhits, two were assessed as first class land, 69 as second class and 87 as third class, a ratio of 2:69:87. This compares to 1154 taluks rated 419:602:133 respectively (Ganguli, 1930, 51-2), showing Cooch Behar's exclaves to have been poorer quality land than the rest of the State. At the time the State's cultivated land was 76% under rice, 9% tobacco, 7% jute, 6% mustard and 1% pulses. Wheat, potato and sugarcane made up most of the other 1%. In Mekhliganj, jute replaced mustard.

2.19 Independence and Partition, 1947

Indian clamourings for independence from British rule had only grown stronger as a result of a series of proposals put forward for a shift to responsible government. The Government of India Act of 1935 proposed a Federation of British India and the Princely States, but little urgency was sensed by the Government or the princes themselves, so that at the outbreak of the Second World War negotiations remained unfinished. The war paralysed further progress as the British had more pressing concerns, but they were effectively forced to concede Indian independence as the price for Indian support in the global conflict. Finally, the British Prime Minister, Clement Atlee, announced on 20 February 1947 that the British would transfer power to an independent Indian government no later than June 1948 (Atlee, 1947, 392). The Princely States would be expected to join, with no opportunity for their own separate independence. The threat of communal violence, with Muslims pushing for their own state free of Hindu dominance, necessitated an acceleration of the process of transfer to mid-1947. In a policy statement dated 3 June 1947, the demands of Muslim separatism were acknowledged (Proposal ..., 1947), and Lord Mountbatten announced shortly thereafter that the British Government would relinquish power to two Dominion governments, India and Pakistan, at midnight on 14 August, barely two and a half months thence. The attitude towards the Princely States remained unchanged (Menon, 1985, 80). Pakistan would comprise the various Muslim-majority provinces in the west and possibly Bengal and the Punjab. The hope of some Bengali

Muslims for a separate and independent Bengal was ruled out. The province of Bengal was nominally divided into Hindu majority districts and Muslim majority districts (see Fig. 2j). Rangpur and Dinajpur were provisionally included in Muslim East Bengal, with Darjeeling and Jalpaiguri remaining in non-Muslim West Bengal (Indian Independence Act, 1947, 411). The Bengal Legislative Assembly representatives of the districts in each part were asked to vote on whether the province should be partitioned along religious lines or not. If either group of representatives voted in favour of partition, a commission would be set up to delineate the boundary within the province. If partition was voted down, the province as a whole would go to Pakistan, as Bengal at the time had a 55% Muslim majority (Chatterji, 1999, 199). It is not therefore surprising that on 20 June 1947 only the Hindu-majority district representatives, not necessarily all Hindus themselves, voted for partition by 58 to 21. The Muslim-majority district representatives voted 106 to 35 against (Keesings, 1947, 8679). The procedure and outcome in the Punjab was the same. The temporary division on the basis of district-wise communal majorities was confirmed in the first schedule to the Indian Independence Act of 18 July as the nominal basis of partition until the results of the boundary commissions were published.

The composition of the boundary commission for both provinces being partitioned had been the subject of some debate between Mountbatten, the Secretary of State for India the Earl of Listow, Jawarharlal Nehru of the Congress Party and Mohammed Ali Jinnah of the Muslim League. Jinnah favoured UN-picked non-Indians, which Nehru thought would delay the process and Listow feared would suggest the British were incapable of sorting things out themselves (Chatterji, 1999, 190-1). Mountbatten finally accepted Nehru's proposal of an independent chairman and four members, two each selected by the Congress and Muslim League. With the members chosen on 30 June, Mountbatten then chose Sir Cyril Radcliffe, an English jurist as chair of both the Punjab and Bengal Boundary Commissions. Radcliffe had no experience of India, and with the chairmanship of both commissions in opposite parts of the country and the accelerated date of independence, he was unable to attend the sessions of either commission, Bengal's starting on 16 July in Calcutta. Radcliffe was forced into being based in New Delhi and limited to reading the session minutes of each commission. His inability to visit the areas he was to partition was not a decision he made, as time constraints prevented him. But subsequent complaints by Indians and Pakistanis in this regard have no strength given that Firoz Khan Noon, who would become Prime Minister of Pakistan in the late 1950s, warned Radcliffe not to visit the Punjab because he was sure to be misunderstood by Muslims and Sikhs. To this threat, the Indian newspaper *The Statesman* wrote "On this line of argument, he would do better to remain in London or, better still, take up residence in Alaska. Perhaps however there would be

no objection to his surveying the boundaries of the Punjab from the air if piloted by an Esquimo?" (Majumder, 1965; Karan, 1966, 24-5).

Both Congress and the Muslim league had strong views on how the provinces should be partitioned, Congress arguing for the minimum area to fall to Pakistan, the League pushing for a maximum in an attempt to make each wing of Pakistan economically viable and defensible. Neither Commission was able to come to a decision, both locked in a two-all Muslim versus non-Muslim debate. The actual partition in both cases fell squarely on the shoulders of Sir Cyril, who gave his own decision rather than use his casting vote to accept either of the proposals given him, which were both clearly excessive. Given the pressures on him, and the fact that both sides would condemn whatever line was drawn, the results were surprisingly fair, if marred by the haste in which they were made. The Commission's recommendations were dated 12 August, three days ahead of Mountbatten's deadline of the 15th, but to avoid disruption of the actual independence celebrations on that day, the new boundaries were not made public until the 17th.

The Bengal Commission had been instructed to "demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous areas of Muslims and non-Muslims. In doing so, it will also take into account other factors" (Radcliffe, 1947,167). East Pakistan as delimited by the Award conformed fairly well to the notional division laid out in the Independence of India Act. However, instead of following solely district boundaries as had the notional division, Radcliffe used thanas, the smallest administrative units for which 1941 census figures on religion had been published. Radcliffe also diverted the partition line along major rivers, allowing him to take into account the "other factors" of his terms of reference, which included *inter alia* transportation links, and an economic hinterland for Calcutta (Radcliffe, 1947, 168. See Fig. 2k).

In regard to Cooch Behar and its enclaves, Annexure A of the Award gave to East Bengal in Pakistan the four southern thanas of Jalpaiguri district (Tetulia, Pachagarh, Boda, Debiganj) and the detached thana of Patgram, a total of 672 miles² (1740km²), together with all of Rangpur and the north-eastern thanas of Dinajpur district (see Figs. 4b & c). By awarding parts of Dinajpur and Jalpaiguri to East Pakistan, Radcliffe left the northern majority of Jalpaiguri, and Darjeeling, with West Bengal, but detached from the main section of that state. The award described its line of division not by listing which thanas or districts should be in each Dominion, but as following the boundaries of the various thanas and districts. For the partition in the vicinity of Cooch Behar:

Annexure A

1. A line shall be drawn along the boundary between the thana of Phansidewa in the district of Darjeeling and the thana Tetulia in the district of Jalpaiguri from the point where that boundary meets the province of Bihar and then along the boundary between the thanas of

Tetulia and Rajganj; the thanas of Panchagarh and Rajganj, and the thanas of Panchagarh and Jalpaiguri, and shall then continue along the northern corner of the thana of Debiganj to the boundary of the State of Cooch Behar. The district of Darjeeling and so much of the district of Jalpaiguri as lies north of this line shall belong to West Bengal, but the thana of Patgram and any other portion of Jalpaiguri district which lies to the east or south shall belong to East Bengal. (Radcliffe, 1947, 169).

In Jalpaiguri district, Muslims were in the minority overall, making up but 23.08% of the population at the 1941 census, which despite its incompleteness due to the war was used as the benchmark for Partition. However, Muslims formed a majority in three of Jalpaiguri's 17 thanas: Tetulia, Panchagarh and Boda. None of these thanas was contiguous to Domar, the nearest Muslim-majority thana in Rangpur. Yet these three plus the two non-Muslim majority thanas of Debiganj and Patgram were awarded to East Pakistan (Mukherjea & Biswas, 1947, 192).

In Rangpur the district as a whole was of Muslim majority, and had formed part of East Bengal in the viceroy's nominal division. Within the district, two thanas were non-Muslim majority, Dimla and Hatibandha. Yet the entire district was awarded to East Pakistan. In Dinajpur district, the Muslims were in the majority, but only barely at 50.20%. Of its 30 thanas, exactly half had a Muslim majority. Of these fifteen Muslim-majority thanas, six were in the west and nine in the east, separated by a compact block of the fifteen non-Muslim majority thanas. The district headquarters of Dinajpur was only barely a Muslim majority thana. The eleven westernmost thanas were awarded to West Bengal and the remaining nineteen including Dinajpur town to East Bengal (Mukherjea & Biswas, 1947, 194; Biswas, 1999, 517).

In all three districts, contiguity of religious majority areas was the main basis of Partition. Where a substantial Muslim pocket existed in Jalpaiguri district, separated from the rest of the Muslim area by only a couple of isolated non-Muslim majority thanas, it was given to East Bengal along with the non-Muslim thanas in between. Where a pocket was separated by a greater distance or by non-isolated thanas, as in western Dinajpur, it was not included. The isolated non-Muslim majority pockets of Patgram, Dimla and Hatibandha were awarded to East Pakistan on the basis of contiguity and the problem of Cooch Behar. Cooch Behar's position in being surrounded on three sides by Jalpaiguri and Rangpur made Radcliffe's award almost a case of chicken-and-egg. The Maharaja was understandably waiting to see what the results of the Partition would be before making his choice of accession to India or Pakistan. Yet by not acceding to one side or the other before partition, he forced the awarding of Patgram, Debiganj, Dimla and Hatibandha to Pakistan, as they would otherwise be enclaved in Pakistan if Cooch Behar then joined the new Muslim state.

The Radcliffe awards were announced on 17 August 1947 and published in the *Gazette of India* the same day. Simultaneously, notification 55 G.A. constituted the districts and rump part-districts of erstwhile Bengal that were not awarded to East Bengal, into districts of West Bengal, with the one exception of the West Bengali section of Jessore which was merged into 24-Parganas. As Jalpaiguri had lost around 1740km² of territory comprising five thanas to East Bengal, the district and the affected Sadar subdivision were redefined as the sum total of the remaining districts in notifications 64 G.A. and 65 G.A. on the same date. Notifications 9483 Jur. and 9484 Jur. of a month later, 27 September 1947, again constituted Jalpaiguri as a district, and as part of the Presidency Division, one of two Divisions of West Bengal, with effect from 17 August. These latter notifications were for judicial purposes, while the former were for general administration. On 19 August 1947, it is probable that similar Pakistani notifications were made, absorbing Tetulia, Panchagarh, Boda and Debiganj thanas into the rump of Pakistani Dinajpur, and reincorporating Patgram thana into Rangpur, 77 years after it had been transferred to Jalpaiguri. Copies of these Pakistani notifications have not been located, but the map of Rangpur district in the rear of Khan (1977) has a small note “P.S.Patgram of District Jalpaiguri (prepartition) is included in Rangpur District in accordance with Government Notification No.6 C.E. Dated 19.8.1947”. Unfortunately no similar note is included with the Dinajpur district map in the rear of Siddiqui (1972).

As expected, when published, the Bengal and Punjab partitions attracted strong attacks in the press of both India and Pakistan, but editorials in newspapers from more distant parts of India, particularly the south, were much more balanced, accepting that it was Indians themselves who had forced the issue of partition (High Commissioner..., 1947a). The world’s largest ever migration began with Hindus and Muslims alike fleeing to ‘their’ side of the boundary. There was horrific violence along the way, with great losses of property and life, but more particularly in the Punjab than in Bengal. Yet despite the ‘loss’ of Pakistan, from the accessions of the various Princely States India gained a greater area and a greater population than she ‘lost’ (Sukhwil, 1971, 77).

2.20 Accession of the Princely States 1947-49

Besides partition, India and Pakistan had also to grapple with the issue of the Princely States, which were expected to merge with one or other of the new Dominions upon the lapse of ‘British paramountcy’, a term which “has never been exactly defined” (High Commissioner..., 1946). In July 1947 Mountbatten assured the princes that they were now independent but that that independence was not total.

... Now, the Indian Independence Act releases the States from all their obligations to the Crown. The States have complete freedom - technically and legally they are independent. Presently I will discuss the degree of independence which we ourselves feel is best in the interests of your own States. ... But when I say that they are at liberty to link up with either of the Dominions, may I point out that there are certain geographical compulsions which cannot be evaded. Out of something like 565 States, the vast majority are irretrievably linked geographically with the Dominion of India. (Mountbatten, 1947, 437-8)

Both the British and independent Indian governments were adamant that no State would be allowed to assert its independence on the world stage (Secretary of State, 1947). All States were expected to accede to one or other Dominion as soon as possible. By August 1947 most did so, but several held out or caused problems. Kashmir is the best-known of these, falling on the dividing line between India and Pakistan. Although the Hindu Maharaja acceded to India, Pakistan claimed the State on the basis of its Muslim majority population. Since a war over the issue in 1948, the State has been divided into Pakistani and Indian controlled areas, with each side continuing to claim the entirety.

Junagadh, a Hindu-majority State in modern Gujerat had a Muslim ruler who initially chose to join Pakistan. India was outraged, but while clearly on the Indian side of the boundary, Junagadh was a coastal State, so no more illogically Pakistani than East Pakistan itself. Junagadh was not compact, with exclaves inside India, as well as Indian enclaves inside itself. To the Indian government this was confirmation of Junagadh's "geographical compulsions". Local sentiment amongst the Hindu-majority population appeared to agree with the Indian Government. Uproar in the State at the ruler's decision 'forced' India to send in police and troops as the Maharaja fled. Despite appearing on Pakistani maps until 1971 as part of Pakistan, the State has been part of India ever since.

Hyderabad was a third case. It had an 85% Hindu population, but a Muslim ruler, who wanted to remain independent in preference to joining India. It was the largest Princely State in area and population, 213,099km² (about the size of Great Britain) and with 17 million people. Like Junagadh, it hosted some Indian enclaves and India hosted some of Hyderabad's. The State dated to Mughal times and styled itself an ally of, rather than subordinate to, the British. It was landlocked, and if independent would have been enclaved entirely in India. This would not necessarily be a problem, as proven today by Lesotho, San Marino and the Vatican, but being so centrally located in India, and so large, besides the possibility of it being hostile, the Indian government would not allow it to hold out. With an extremist group beginning to take hold of the government of Hyderabad, India instigated a 'police action' that forced its accession in 1948

(Spear, 1986, 241). Pakistani and even Russian maps continued to show Hyderabad as independent well into the 1950s (e.g. [India, Pakistan and Ceylon], 1953).

2.21 Cooch Behar's Accession to and Merger with India, 1947-1949

When Maharaja Jagaddipendra Narayan wrote to Sardar Vallabhbhai Patel, who would be the first Deputy Prime Minister of India, on 12 August 1947 offering congratulations on India's independence, he referred to 'our country'. Patel's reply of 17 August thanks the Maharaja "...for so readily agreeing to accede to the Indian Dominion" (Das, 1973, v5, 436-7). This implies that before Indian independence some 'standstill' arrangement was made that covers the two year gap until Cooch Behar formally acceded to India by the 1949 Cooch Behar Merger Agreement (see Appendix 1-20). The Secretary of the States Department, V.P.Menon (1985, 120) wrote that "The rulers of all the States geographically contiguous to India, with the exception of Junagadh and two small States under Muslim rulers in Kathiawar, had signed the Instrument of Accession and the Standstill Agreement by 15 August [1947]". A list of 130 States having signed and returned the Instrument of accession given as an attachment to a letter from the UK High Commissioner to the Commonwealth Relations Office, London places Cooch Behar as number 39, although the order, neither chronological nor alphabetical, seems arbitrary. A second list gives nine States holding out but likely to accede (High Commissioner..., 1947b). Yet I have found no other mention of Cooch Behar signing either the Standstill Agreement nor the Instrument of Accession, let alone a date. If Cooch Behar had held out on either, given its strategic position on the border of India and Pakistan, this would have caused comment by Menon at least. Thus there seems to have been at least a personal agreement between the Maharaja and Indian leaders, if not a formal signing of the Instrument of Accession and the Standstill Agreement (Ghosh, 1993, 407). The Standstill Agreement signed by other States provided for the maintenance of the *status quo*, with full autonomy for the States except for three matters surrendered to India, defence, foreign affairs and communications, which passed to India the most immediate and practical results of the lapse of British paramountcy. It also meant that the States were not independent in their own right as a result of that lapse.

Cooch Behar was certainly one of the last States to accede to India when it finally signed the "Cooch Behar Merger Agreement" in August 1949. Its status in the intervening two years has been described as that of "a feudatory State in political relations with Government of India" (Ray, 1966, 45). Only the fact that it had not formally acceded can explain Indian fears of it joining East Pakistan in 1948 (eg Das, 1973, v7, 551-2).

If the State itself was in a limbo, even more so were its exclaves, some of which were within India which controlled the State's defence, communications and foreign affairs. These

enclaves were presumably not much affected by Indian independence in a practical sense. Its exclaves on the boundary of India and Pakistan were still connected with India, and so little, if any, worse off. However exclaves in Pakistan, and those of Pakistan in Cooch Behar were in a much more vulnerable position. Luckily, India and Pakistan respected the status quo, as detailed in the standard standstill agreement that Cooch Behar had presumably signed. However, local officials did occasionally attempt to interpret the situation for themselves. By January 1949, when Cooch Behar seemed set to accede formally to India, Pakistani police and paramilitary personnel in Dinajpur proclaimed Pakistani law in some Cooch Behar enclaves in Pakistan. Cooch Behar authorities protested, to which the local Pakistani police chief replied "I do not think you have any independence in Pakistan as you have acceded to India". Cooch Behar's officials wrote to Dacca and the officer was officially rebuked (van Schendel, 2002, 123).

No real information on why Cooch Behar seemingly remained outside of both Dominions for so long appears to exist or have been released (Ghosh & Bhattacharyya, 1986, 64). Possible explanations include: first, that it was on the border of Pakistan and India in both the nominal and real partitions, so needed to delay its decision until after the partition hysteria had calmed down; second, that there were pro-Pakistan elements in the State Council and that at around 40%, Muslims made up no small minority of the population, so that the Maharaja did not want to make any decision precipitously; and third, the existence of a tug of war for its possession by both Assam and West Bengal needed to be decided first (Bhattacharyya, 1995, 3; Devi, 2001). The Maharaja appears to have been worried that the State would be swallowed up and lose its identity if merged with West Bengal, so he may have preferred merger with Assam in the hope of retaining some degree of autonomy. The Resident for the Eastern States, H.J.Todd advised the Maharaja to continue his reforms in the State to induce a local patriotism in favour of the preservation of the State as a separate administrative unit (Todd, 1947). Pakistani authorities brought much pressure to bear on Tripura to accede to them, not India (Army Headquarters India, 1947), so it is possible that similar pressure was placed on Cooch Behar, although there is no direct evidence of this. That Tripura, also claimed by West Bengal, was under Pakistani pressure, may explain Indian fears that Cooch Behar might join Pakistan, even if Pakistani pressure on the latter did not exist. There was even some consideration of Cooch Behar, Tripura and some minor Khasi States in Assam (now Meghalaya) forming a Union amongst themselves, despite the geographical discontinuity and lack of ethnic affiliation (Nye, 1949).

For reasons of geographical proximity the Governor of Assam, Sir Akbar K. Hydari, was named as the conduit through which India's relations with Cooch Behar would proceed after independence (Das, 1973, v9, 34). This in itself raised fears among West Bengali politicians that the State would be merged with Assam and not West Bengal (Deputy High

Commissioner..., 1948). Hydari wrote to Patel on 29 June 1948 warning of increasing anti-Bengali feeling in Cooch Behar due to aggressive tactics by Bengali Congressmen. Bengalis comprised only 30,000 of Cooch Behar's population of c.650,000, the bulk of which was Rajbansi (Das, 1973, v7, 549). During 1948 there were reports of Pakistani "infiltration" and some elements took exception to an increasing division, real or perceived, between the 86% of the population who were Rajbansis and the other 14% of mainly non-indigenous Hindus termed Bhatias (outsiders) (Ghosh, 1993, 410-2). As Jalpaiguri and Darjeeling were discontinuous with the rest of West Bengal, there had been calls for these districts to be made a separate non-Bengali state along with Cooch Behar under the name of Uttarakhand Pradesh (Das, 1973, v9, 33). The Maharaja seemed suspiciously ambiguous in his attitude towards the divergent political opinions in the State, and even towards India. One pamphlet distributed in the Duars in the lead-up to India's independence called for a deputation of peasants to plead with the Maharaja for the incorporation of the Duars back into Cooch Behar, separate from India. Another pamphlet claimed that "the Maharaja has demanded the restoration of our ancestral land - the Duars area [to Cooch Behar]" (Das Gupta, 1992, 253-5). Such rumours further inflamed Bengali passions, and extremists called for Cooch Behar to be immediately merged with West Bengal (Das, 1973, v7, 551-2). Assured that the claims that Cooch Behar was moving towards merger with Pakistan were only local propaganda, the Home Minister K.N.Katju in a letter to Deputy Prime Minister Patel, dated 4 October 1948, noted again that Cooch Behar had acceded to India (Das, 1973, v7, 554). West Bengali demands for the incorporation of Cooch Behar and even Tripura were matched by those of Assam. The sensitivity of India to the West Bengal-Assam debate over who should get Cooch Behar is evidenced by a specific item in the Calcutta agreement of 14 April 1948, in which India and Pakistan agreed, *inter alia*, to "discourage any propaganda for the amalgamation of Pakistan and India, or of East and West Bengal or of Assam and Cooch Behar" (Keesing's, 1973, 37). Delhi appears to have been unwilling to force Cooch Behar to integrate with West Bengal against the wishes of its people. Yet Patel's assurance on 8 May 1949 to Subhas Chandra Bose, the pro-Japanese leader of the Indian Nationalist Army of World War Two and founder of the socialist Forward Bloc party, that Cooch Behar's merger with Assam was out of the question left no other option (Das, 1973, v9, 15). The Assamese Congress executive, stung by this slight, urged for a plebiscite to settle the issue, on the basis that Nehru had promised that the Cooch Behar people's wishes would be the basis of any decision (Das, 1973, v8, 520-1). Nehru himself, in a speech at Calcutta, seemed to feel a plebiscite was necessary due to the division of opinion in Cooch Behar (Weekly Report, 1949). The Indian Government did not agree to this. On 28 August 1949, Maharaja Sir Jagaddipendra Narayan signed the Cooch Behar Merger Agreement, and two weeks later, on 12 September, Cooch

Behar was incorporated in the Indian Union as a Chief Commissioner's Province, with a Chief Commissioner, Mr V.I. Nanjappa, ICS, answering direct to Delhi replacing the Maharaja in all respects (Majumdar, 1977, 138-9). The Maharaja was allotted a privy purse of 850,000 rupees, with his successors to get 700,000, one of only 284 Princes to be granted a purse, out of the 600 or so States in total (Ghosh & Bhattacharyya, 1986, 63). The Maharaja was reported as saying he did not personally care whether the State went to West Bengal, to Assam or was centrally administered, but that his people wanted the State run by the Centre and not West Bengal (Hindusthan Standard, 1949a). This was countered by Subrata Roy Choudhury, the President of the Cooch Behar State Employees Association, who said there was no anti-Bengal campaign in progress, and that the people were more worried about economic conditions than mergers (Hindusthan Standard, 1949b).

The enclaves of Cooch Behar in East Pakistan and vice versa were now a truly international affair. Those of Assam and West Bengal in Cooch Behar and vice versa were inter-state affairs within India. Many other inter-state enclaves existed as India absorbed the 600 or so Princely States, some of which were incredibly fragmented. Many of the smaller States were merged into Unions, others were merged into neighbouring or surrounding provinces and States, and only the larger States were left intact. Despite the reduction of administrative units from 600 to about 25 by unions and mergers of Princely States, many province-level enclaves remained. Menon (1985, 312-13) describes how not only was administration still affected by the remaining enclaves and fragments, even though they were all subsumed under the umbrella of the Dominion of India, but also trade and commerce were "inconvenienced". In one unnamed state the interlaced jurisdictions allowed a gang of communists to escape apprehension by hopping from one jurisdiction to another. The States Department found that the Government of India Act 1935 made it easier to remove the enclaves than the incoming Constitution would, so it was decided to work on the problem immediately to finish it before early 1950 when the Constitution would take effect. Further, acting while the administrative situation was still fluid would eliminate the 'problem' before any *status quo* set in to paralyse the will of those involved. Representatives of the affected provincial and Union governments were told to prepare maps of their exclaves, then meetings were arranged with these governments. Menon comments on his disbelief at the tenacity which the new provincial governments clung to their exclaves, refusing to cede or exchange them, despite most of the provinces and Unions being new creations. The government of Bombay State, today's Maharashtra, refused to cede three of its exclaves obtained from erstwhile Baroda to Saurashtra, today's Gujerat, in which they were located. Neither would Madras, now Tamil Nadu, cede exclaves in Travancore-Cochin, now Kerala. Nearly all the enclaves were removed after much negotiation, although pressure to

exchange was not made where larger enclaves existed whose loss would be significant in terms of revenue to the home state. Menon noted “Exchange of territories often entails much heart-burning and political bitterness”, and was glad when it was accomplished without residual unpleasantness (Menon, 1985, 313).

It is surprising therefore that the central Indian Government did not press for the removal of the Cooch Behar enclaves in Assam and West Bengal, especially during the four months that Cooch Behar remained a Chief Commissioner’s province under direct Delhi control. Presumably an implicit promise had been made to Cooch Behar that India would respect its territorial integrity, so that breaking it so soon to remove the enclaves, even the small ones within West Bengal, would have been seen as bad faith and eliminating goodwill. The Maharaja had alluded to such a situation in his letter of 12 August 1947 to Sardar Patel when he wrote “The apprehensions of most Indian States were, as you know, the natural outcome of the feeling that by sheer weight of population the provinces may submerge and swamp them. The policy of fair play and sympathetic understanding which you have initiated towards the States is, if I may say so, a very happy augury for the future of our country” (Das, 1973, v5, 436).

2.22 Merger with West Bengal, 1950

By the States’ Merger (West Bengal) Order 1949, issued 31 December 1949 under section 290A of the Government of India Act 1935, Cooch Behar was transferred to and merged with the province of West Bengal on 1 January 1950. Chief Commissioner Nanjappa handed over the administration to West Bengal Premier Dr B.C.Roy in a ceremony at Cooch Behar town. The Maharaja did not attend “which is hardly surprising. He preferred to watch the Test Match in Calcutta” (Davies, 1950).

The controversy over whether Cooch Behar should join Assam or West Bengal had subsided sufficiently on the Assamese side to allow its transfer to West Bengal. However, it appears the promise to consult the local people was kept by consulting only the local branch of the Congress party. Sadar Patel wrote to Nehru on 28 December 1949.

As regards consulting the people of Cooch Behar, I have already stated that the local Congress has approved of the merger. There is a local Hitasadhini Sabha, which is partly Muslim with its sympathies definitely with the neighbouring areas of East Pakistan and partly consisting of some members of hill tribes who are looking to Sikkim, Nepal and Bhutan for the formation of an “Uttarakhand Pradesh.” I feel certain that we should do nothing to encourage this kind of organisation in its mischievous tendencies.

...

Bengalees [*sic*] would never have allowed Cooch Behar to remain away from them for long. Cooch Behar itself is a Bengali area. Assam's intention towards Cooch Behar was directed only because, on account of its geographical isolation from the main area of West Bengal, I had to entrust the supervision over its administration to the governor of Assam. Otherwise, they have never bothered about it. In any case, organisationally, in regard to Cooch Behar, we have to be guided by what the Cooch Behar Congress feels rather than what the Assam Congress tells us to do. (Das, 1973, v9, 33-4).

The West Bengal government kept Nanjappa on as Magistrate and Collector until 30 June before appointing a Deputy Commissioner to replace him. The title of Deputy Commissioner was a reminder of Cooch Behar's semi-independent past. In British India regulated districts to which Government of India regulations applied *in toto* were headed by District Magistrates, while unregulated districts, usually frontier or tribal tracts where regulations could be modified for local circumstances, had Deputy Commissioners. Commissioners were also the face of British Government in many of the Princely States. Despite the abolition of the difference between regulated and unregulated districts under the Constitution of India in 1950, the title of Deputy Commissioner was retained in Cooch Behar, Jalpaiguri and Darjeeling for historical sentiment until, in Cooch Behar at least, 22 May 1985 when the title was changed to District Magistrate in line with other districts (Kusari *et al*, 1981, 193; Biswas, 1999, 219).

A series of notifications dated 1 January 1950 recognised the various lower level administrative units of Cooch Behar as being their Indian and West Bengali equivalents. Under Notifications 9 Pl. through 16 Pl., the eight thanas were defined as comprising certain villages, chhits and thaks, with no changes from the existing situation (see Biswas, 1999, 322-33). By Notification 7018J., the thanas were then grouped 2-2-2-1-1 into the five subdivisions they already comprised; and by notifications 3509 G.A., 3549 G.A and 3550 G.A., Cooch Behar was defined respectively as a district in West Bengal comprising the eight thanas, the five subdivisions, and as being included in the Presidency Division, which also included Darjeeling and Jalpaiguri districts (Biswas, 1999, 319-21). Subsequently Cooch Behar, Dinhata and Mathabhanga thanas were subdivided into two Community Development Blocks each, which bear the names Dinhata I , Dinhata II etc (Majumdar, 1977, 141), and for completeness, it is added that by Notification 3339-PI/PB/4P-1/87, dated 28 April 1987, Ghoksadanga thana was created from villages between the Jaldhaka and Torsa rivers in Mathabhanga thana.

India's constitution, under construction since 1946, was signed and passed by the President of the Assembly on 26 November 1949 and came into force on 26 January 1950. India became a republic on that day, replacing its Governor-General with a President. Therefore by late January 1950, the Republic of India had emerged, with Cooch Behar reduced to the status

of a district in West Bengal. The enclaves of Cooch Behar now comprised three groups. Enclaves of and in Jalpaiguri district including Cooch Behar exclaves straddling the boundary with Dinajpur district in East Pakistan, were now all at Indian district level; enclaves of and in Assam's Goalpara district were enclaves at Indian state level; and enclaves of and in Dinajpur and Rangpur districts of East Pakistan were at international level.

2.23 Conclusion

Cooch Behar occupies a strategic location at the mouth of the Brahmaputra valley in Assam and the foot of the Himalayas. It is not surprising that the area was much fought over by the empires and kingdoms of the Gangetic plains, the Brahmaputra valley and the Bhutanese section of the Himalayas. The kingdom of Cooch Behar grew from humble beginnings in the early sixteenth century to conquer much of north and eastern Bengal, and southern Assam within 50 years. The state's zenith was brief and it rapidly shrank, then split into two, the eastern Cooch Hajo kingdom soon falling to the Ahoms and Mughals. The rump Cooch Behar proved resistant to constant Mughal attacks. It maintained its autonomy by paying tribute to the Mughal Emperors, although it was quick to reassert its own sovereignty whenever Mughal rule weakened. The majority of the Cooch Behar enclaves of today were formed by the treaties of 1711 and 1713 by which the Maharaja of Cooch Behar again bought his autonomy after a long war with the Mughals. Three outer districts of Cooch Behar were annexed by the Mughals, but another three they coveted were only incompletely detached, the Maharaja maintaining his zamindari over them, but holding it under Mughal sovereignty. Feudal holdings in India, as in Europe, were very fragmented, due to the personal rather than territorial nature of sovereignty. Therefore when the peace treaties of 1711 and 1713 referred to districts, rather than general territory bounded by a single defined perimeter, this created a fragmented boundary. Cooch Behar retained some lands belonging to non-ceded districts that were enclaved in the Mughal conquests, while the Mughals gained not only the main sections of the districts they conquered, but also the fragments of those districts embedded beyond their front line inside the remainder of the Cooch Behar kingdom. The Mughals were probably unperturbed by the presence of the enclaves, as they served to knit Cooch Behar into Mughal Bengal, where administrative fragmentation was normal.

Within 50 years of the creation of the enclaves, the British East India Company had supplanted the Mughals in Bengal. They respected the Mughal boundaries with Cooch Behar, desiring to maintain the kingdom as a buffer state against incursions from the north-east. However, Cooch Behar was plagued by Bhutanese interference in its affairs, and the kingdom called upon the Company, as the inheritors of Mughal suzerainty, to remove the Bhutanese. The Company was placed in a dilemma, trying to balance its desire for trade with Tibet, which

necessitated good relations with Bhutan, with its obligations to support Cooch Behar and ensure Bhutan did not absorb the kingdom. In a brief war it helped Cooch Behar shake off Bhutanese dominance, but tended to favour Bhutan in adjudicating a boundary between the two. In 1817 the Company moved the Bhutanese boundary south in several taluks but left Cooch Behar in possession of various land parcels containing physical evidence of Cooch Behar sovereignty, such as temples, inscriptions and ruins.

The Company added Assam to its holdings in 1824, and a second war with Bhutan in 1865 ended with the annexation of all Bhutanese lands below the Himalayas. This left Cooch Behar entirely enclaved within British India as a Princely State. When the surrounding area was unstable, the Cooch Behar enclaves proved a haven for criminal and rebel elements, but once the British established full control over the area after the 1860s, and the Cooch Behar Maharajas were in firm internal control, this problem all but disappeared. Warm relations between British authorities and the Cooch Behar rulers provided a mutual interest in stability and cooperation in this regard.

Enclaves were common in British India, not only between British and Princely State territories, but also between British Indian districts and provinces. The overriding British paramountcy removed much of the difficulty they might otherwise have created. Nevertheless, to reduce administrative problems, particularly smuggling and criminal activities connected with dutiable goods, the Cooch Behar enclaves were exchanged for the purposes of excise administration and jurisdiction in 1917. Full exchange was a more politically sensitive issue, as Cooch Behar would lose net area from it. The first and only known proposal for exchange prior to independence came from the British, and rather surprisingly the views of the enclave residents were considered, probably as a condition of Cooch Behar's agreement. When the residents of enclaves on both sides of the border expressed their desire to retain the *status quo*, the British complied; the matter was dropped, enabling the first full demarcation of the enclaves during the 1930s.

Radcliffe's partition of Bengal in 1947 left Cooch Behar sandwiched between the two new Dominions of India and Pakistan. Although the majority of its people were Hindu, as was the Maharaja, it took two years to formally accede to India. The accession reduced about 50 of the enclaves, mainly those created in 1817, to internal Indian level, but left about 200, those created in 1711-13, at an international level with Pakistan. Distrust and outright hostility between India and Pakistan, apparent well before independence, did not augur well for continued stability in the enclave region, no longer an isolated Bengali backwater, but straddling the new international boundary.

Chapter III

The Indo-Pakistani period, 1950-1971

In the same way, whenever a massacre of Armenians is reported in Asia Minor every one assumes that it has been carried out "under orders" from somewhere or another; no one seems to think that there are people who might like to kill their neighbours now and then.

-- Saki, "Filboid Studge, the story of a mouse that helped"

3.1 Border problems from 1947

Perhaps because of the rush to complete the partition, but certainly because of increasing antipathy between the two countries, the Radcliffe award resulted in disputes over several very minor areas, that resulted in a number of deaths. On 14 December 1948, both countries agreed to put the Bengal disputes to a Boundary Disputes Tribunal, comprising a judge from each side and as chairman, the Swedish judge, the Hon. Justice Algot Bagge. The tribunal met in December 1949 and January 1950 to consider two disputes between the Bengals and two on the Sylhet-Assam boundary. Its report is dated 26 January 1950. As the Tribunal was constituted before Cooch Behar officially joined India, the problem of the enclaves was not given to it for consideration (Prescott, 1975a, 314-5, AIR 1959 Calcutta 507).

Once Cooch Behar was part of India, however, it began to share India's problems. It had already experienced an influx of non-Muslim refugees fleeing East Bengal for India, but being far in the north, it had escaped the worst of the refugee movements. Increasing persecution of non-Muslims in the East continued to force the victims to flee to an already overcrowded and poorly equipped West Bengal. Calcutta and other large cities were the main destinations of these migrants, but many ended their flight in smaller towns once they had crossed the boundary itself. Tensions naturally developed between the Pakistani Hindu refugees and Indian Hindus on one side, and Indian Muslims in border areas on the other, the latter being increasingly looked on as subversive or traitorous elements. This situation was not helped by the central government in both countries taking the attitude that persons of 'their' religion in the other country were under their own protection. The tensions reached as high as the West Bengal Chief Minister, Dr B.C.Roy who wanted to seal the border completely, even to Hindu refugees, and forcibly remove Indian Muslims from the border areas to be replaced with 'loyal' Hindus. Nehru was adamantly against this plan and it was never officially adopted (Chatterji, 1999, 240). Nevertheless, local people, often with the connivance of local officials, sometimes took matters into their own hands. In March 1950, Muslim residents of the Dinhata area of southern Cooch Behar were forced to flee from Hindu thuggery and threats. Some made it across the border into East Bengal, while perhaps 1500 Muslims crowded into East Bengal's Masaldanga enclaves in

Cooch Behar. Towards the end of March the Bangiya Jatiya Rakshi Dal [Bengal National Protection Brigade], a semi-military organisation set up by the West Bengal government in border districts, began a siege of the enclave. According to an Indian government file, on March 28 the enclave inhabitants decided upon a mass break-out, aiming to cross the main border to East Bengal and paid a Hindu ‘mercenary’ for protection in their dash to the check point. At the main boundary the local Congress secretary and excise inspectors were waiting for them and insisted on searching them and their belongings. Pakistani Muslims watching from the other side of the boundary were infuriated and forced their way across, inciting a riot. The Congressman drew a dagger and stabbed a Muslim, whereupon he was despatched with his own weapon by the mob. His body was dragged into Pakistan to deny him the dignity of cremation (Chatterji, 1999, 238-9). The two Prime Ministers worked hard to eliminate such incidents, but local passions in border areas, and especially along such a complicated border as Cooch Behar’s, were beyond control. As a result of this and other incidents, Pakistani Prime Minister Liaquat Ali Khan, in Karachi telegraphed Nehru on 16 April:

...petty border conflicts and skirmishes must be stopped. The best way of doing this would be to issue strict instructions to all officers on East Bengal West Bengal Assam and Tripura border that status quo must be respected and force must not be used to settle any border dispute. In the event of a dispute arising parties must immediately refer matter to their own District Magistrate concerned who should contact his opposite number across the border and arrange a joint enquiry with minimum delay to settle dispute. While dispute is unsettled the area in dispute will remain under authority of whatever party is at present in control. [...] I should like to add that in accordance with an existing agreement between Chief Secretaries of East Bengal West Bengal and Assam District Magistrates on both sides of border have already been authorised in the case of all border disputes to contact each other direct and to take action promptly without waiting for authorisation by their respective governments [...] trespass by armed volunteers on March 28th into two East Bengal enclaves in Cooch Behar one named Mustafi under Patgram Police Station¹ and the other named Moshaldanga [Masaldanga] under Bhujigamari [Bhurungamari] Police Station Rangpur District. Muslims in these enclaves were attacked with deadly weapons and driven wholesale into East Bengal and Congress flags hoisted on their houses. Full details of damage and casualties are still not available because not only have Cooch Behar not yet agreed to a joint enquiry but have even refused District Magistrate Rangpur permission to pass through Cooch Behar territory in order to visit these enclaves. I had refrained from troubling you about this matter earlier

¹ There are two enclaves named Sibprasad Mustafi, #67 and #68, both under Phulbari thana. Perhaps Mahishmari, #49, under Patgram thana was meant.

because East Bengal Government were hoping to settle it locally but since their efforts have failed. May I seek your intervention? (Das, 1973, v10, 114-15).

Nehru followed this up, but despite the goodwill of the central governments and the agreement referred to above allowing the District Magistrates to intervene, incidents continued and local officials and even the ambassadors to and from East Bengal proved unable or unwilling to exert themselves to calm the situation and follow up incidents (e.g. see Nehru to Patel, 16 April 1950 in Das, 1973, v10 p113-4). Cooch Behar, for so long a quiet backwater, had found itself a 'frontline state', with a border so complex that the rights and liberties of the border inhabitants were trampled by local, state and national forces determined to sustain the blood-feud that communal politics required to survive.

Despite its boundaries having been demarcated as recently as the 1930s, Cooch Behar suffered from the same problems as other districts on the new international boundary. Villagers had taken little notice of district or state boundaries before 1947 so that settlements, individual landholdings or even a house might be split by the boundary. Peasants crossing the boundary to harvest the crops in their own fields were sometimes beaten or killed for 'smuggling' as both countries placed embargos on the export of basic foodstuffs. Peasants might also enlist the help of their local police to protect them, resulting in complaints of 'forcible harvesting' from the other country. The partition also fragmented the invisible economic linkages of virtually all the area along the boundary. Farmers found themselves cut off from traditional markets, so that in order to buy necessities or sell crops, they had to travel a much greater distance to markets on their side of the boundary. Commodity prices rose with the greater transportation costs, and aggravated price differences on either side of the boundary, encouraging smuggling, or at the very least, making what had previously been an innocent journey to sell rice into an illegal and dangerous international expedition.

Until March 1948 a standstill agreement had provided for joint Indo-Pakistani administration of currency and trade. This lapsed without renewal, each country introducing its own currency and customs regimes, and almost proscribing the export of many basic foodstuffs and commodities. Smuggling became a way of life for many farmers unable to otherwise survive and for many of the refugees who could find no other work. Military and police on either side of the border either cracked down viciously on the smugglers, or connived at the practice, raking off protection money. Policy emanating from the centre or state governments was thus subverted at the borders by corrupt local officials, who either violently overreacted to very minor technical breaches of the law, or who venally allowed smuggling, kidnapping, cattle theft and other more serious crimes in order to profit from it themselves or to settle old political

scores (Chatterji, 1999, 225-36). This situation survives to this day in both countries (van Schendel, 1993, 194-5, 197-8 & 204-5), because national hatreds and intolerance have become cemented in the minds of the people through 50 years of corruption and the central and state governments' indifference to the plight of the border inhabitants.

Despite the complexity of the international boundary at Cooch Behar, most of the disputed lands along the border were located elsewhere, especially where Radcliffe had defined the line as following rivers. Bengali rivers were notoriously liable to sudden meanderings, every year producing new *chars*, for cultivation rights over which peasants and border guards sometimes fought pitched battles (eg Chatterji, 1999, 223-4). The enclaves remained undisputed because they had been only recently demarcated by joint British Indian-Cooch Behari commissions and the boundary was well-known to the local populace, and because symmetry of the situation also prevented disputes: each country had exclaves and counter-enclaves inside the other, so that any unilateral decision to dispute the existence of enclaves within one country would undoubtedly trigger an equivalent response by the other. Given that the communal nationalism of each country was heavily based in territorial ideology, the idea of losing part of the motherland in this way was anathema. Therefore the *status quo* held, each country officially recognising the legitimacy of all the enclaves (van Schendel, 2002, 122).

By recognising the legitimacy of existence of the enclaves, each government was necessarily forced to recognise the right of access of the other state to its enclaves, and mutual interest produced an access agreement in August 1950 after lengthy negotiations. District officials could visit the enclaves if they had an identity card with a photograph, and telegraphed their intention at least 15 days in advance. The advance notice allowed time to arrange an escort for the portion of the journey across the host country. Police were further regulated, having to be in uniform but unarmed. A list of goods that could be imported to the enclaves once a month was agreed on, which included mustard oil, kerosene, oil, sugar, matches, cloth, medicines, and medical appliances. Tax revenues could be repatriated every six months, but the agreement is startling in that the produce of the enclaves could not be exported, and no arrangement for the movements of private citizens in or out was made. However, this seeming anomaly is explained by the fact that unlike the West Pakistan boundary, civilian movement across the East Bengal boundary was unregulated until 1952 (van Schendel, 2002, 123 esp. fn 22).

In 1951 India and Pakistan both held their first post-independence censuses, continuing the decennial census tradition begun by the British. With the need for as much detail as possible for the governments to understand the situation of their countries, the results were published at village level for the first time, allowing statistics for individual enclaves to be known. All previous censuses had only published statistics to the thana level, subsuming the enclaves. India

was able to access her exclaves but it was to be their first and last post-1947 census. Pakistani authorities gave up on attempts to count their own exclave dwellers after their enumerators were hassled and arrested by Indian police and border guards. Nevertheless, the 1951 censuses in each country remains the most complete population data for the enclaves. Despite negotiations every ten years as census time approached, neither country has given, nor been able to obtain, access to the enclaves. Just as pig-headedly, neither has been able to count the residents in the enclaves within itself. Unenumerated for 50 years, the exclave dwellers have had their plight reduced to the anecdotal, as no complete official statistics exist².

3.2 The Berubari Affair begins; enclaves transferred to Jalpaiguri: 1952

Although according to Nehru, the issue “had been raised previously, but rather vaguely”, 1952 saw the first definite Pakistani claim to South Berubari Union No. 12³ (AIR 1959 Cal 506; Appadorai, 1981, 188; Rajya Sabha, 1960, 3205. See Fig. 5c). The union comprised the villages in the southernmost section of Jalpaiguri thana of Jalpaiguri district, between Haldibari town and Cooch Behar exclaves Binnaguri, #61/11, and Daikhata, #39/13. The connection with the rest of Jalpaiguri thana and district was less than 500 metres wide. Due to the narrowness of the connecting neck, the union was sometimes shown disconnected from the rest of Jalpaiguri on medium scale maps, and sometimes is not shown at all. The area of the union was 8.74 square miles (22.58km²), with a mainly Hindu population of perhaps 12,000, of whom 8000 were refugees from East Bengal (Nehru, 1961, 497; Keesings, 1961, 17884; Government of India, 1992). Jalpaiguri thana was bordered by Pakistani Panchagarh thana for most of the length of its western boundary, except for the southern edge, at Berubari, which was bordered by Boda thana, then Debiganj thana for a very small section east of that before Jalpaiguri met Cooch Behar (see Fig. 4b). Pakistan’s claim to Berubari was based on Radcliffe’s map of the partition, and an oversight in the partition text. Radcliffe had forgotten to mention the Jalpaiguri-Boda boundary section. To recall, the Radcliffe line ran

...along the boundary between...the thanas of Panchagarh and Jalpaiguri, and shall then continue along the northern corner of the thana Debiganj to the boundary of the State of Cooch Behar. ... so much of the district of Jalpaiguri as lies north of this line shall belong

² For an analysis of post-independence census data for the enclaves, see Appendix 3.

³ The first Pakistani claim appears to date from a letter of 28 May 1948 in which Pakistan alleged the area had been administered from Boda thana immediately prior to partition. It was not referred to the Bagge tribunal later that year. The Indian Surveyor General took up the matter with Pakistan in September 1950 (Hindusthan Standard, 1960b).

to West Bengal, but the thana of Patgram and any other portion of Jalpaiguri district which lies to the east or south shall belong to East Bengal (Radcliffe, 1947, 169).

The award did not continue the line from between Jalpaiguri and Panchagarh thanas to Jalpaiguri and Boda, and then to Jalpaiguri and Debiganj before joining Cooch Behar. Neither did it mention the enclaves of Cooch Behar that sat astride the boundary between Jalpaiguri and Panchagarh thanas.

The map accompanying the award was equally ambiguous. Never made public, the only accessible copy is in the case records for AIR 1959 Cal 506 in the Calcutta High Court archives⁴. This map is not Radcliffe's original, but a certified copy. It is an outline political map of Bengal showing divisions, districts and police stations, on one enormous sheet at 8" to the mile (1:506 880). The bulge of Berubari is shown on the map, and is shown as connected to the rest of Jalpaiguri thana, but the thick red line added to show Radcliffe's award runs through the neck of Berubari, straight to the Cooch Behar border due west of Haldibari town then drops south to meet the north-east corner of Debiganj, where it stops (see Fig. 5e). Berubari is therefore depicted as falling to Pakistan. Pakistan argued that the map clearly showed Berubari as Pakistani. The Indians disagreed, and noted the caveat in the preamble to Radcliffe's award "The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail" (Prescott, 1975a, 319). Pakistan then disclosed the ambiguity in the text, and claimed that according to Radcliffe's award, the boundary could only be drawn as far as the end of the Jalpaiguri-Panchagarh boundary at Shakati enclave, (#63/9). In

⁴ Original copies may be in London, possibly in the parliamentary libraries or the PRO. PRO file DO 133/59 Political, Boundary Commission Awards Punjab and Bengal and Communal Disturbances resulting therefrom, Part A, contains two documents suggesting this. Document 1, a copy of telegram #579, dated 1335h 16 August 1947, from the Commonwealth Relations Office, London to the High Commissioner for the UK in New Delhi, paragraph 4 reads:

4. Please send urgently four copies of the awards of the boundary commissions as soon as these are available. Presumably these will contain relevant maps. In meantime if it is practicable please send confidentially one copy of map for Punjab and one for Bengal showing

(a) boundaries given in first and second schedule to the independence act and

(b) boundaries as given in the Viceroy's telegram 3409-5 of 14 August. It has not proved very easy on maps readily available here to trace the boundary as given in that telegram.

The 'Viceroy's telegram', document 16A in the same file, described Radcliffe's final boundaries.

Document 5 in the file, a typed Minute Sheet, 466/47/P/28, dated 19 August 1947, presumably written by a member of the High Commission's staff, reads:

The award and copies of the map have already been sent to the UK by air mail [...] Lord Ismay's ill but I passed on the message contained in the first paragraph to the Governor-General's staff yesterday, and obtained from them copies of the map indicating the partition boundaries.

The word 'map' has a handwritten 'x' above it, pertaining to a note below the typing: "copy in the box", and is signed "Shattock".

between this and the “northern corner of Debiganj” there was a gap due to Radcliffe’s omission of reference to the Jalpaiguri-Boda boundary. Pakistan argued that while the written description may have precedence over the map, when the former was ambiguous or incomplete, as in this case, the map should be used to help clarify the intent of the description. In this case the map showed all of Berubari falling to Pakistan, the red line of Radcliffe heading east from the end of the Jalpaiguri-Panchagarh boundary until it hit Cooch Behar, then running south along the Berubari-Cooch Behar boundary to the northern corner of Debiganj. The obvious and most fair recourse to delineate the boundary in the gap left by Radcliffe’s text, according to Pakistan, was not to make a wide detour west around Berubari following the thana boundary in a path that was not described in the text nor shown on the map, but to use the map to interpret the text. This was not an unreasonable interpretation. Pakistan was asking for no more than what the map showed, not in opposition to the text, but as clarification of an obvious error. However, the Pakistani argument overlooked the fact that nowhere else in the Award had Radcliffe’s line used such a low-level administrative boundary as that of a union. With no census data published for units below thana level, his terms of reference to base the division on religious majorities had not let him use administrative units below this. He had used only the higher-level district and thana boundaries for which census information was available, with occasional stretches of river used so as not to leave any salients of territory of one of the new nations bisected by an unbridged river. Insisting on a division along the union boundary was a strange deviation from the pattern of the rest of the award. Radcliffe would have surely been explicit if he had intended such a deviation from the rest of the pattern. India raised this counter-argument, but Pakistan was adamant. The map and the text together did not specify a boundary around Berubari leaving it to India. The map clearly showed Berubari as Pakistani, and the text was ambiguous, but together the implication was clear, at least to Pakistan (AIR 1959 Cal 510-1; AIR 1960 SC 853).

It was probably as a result of the claim to Berubari that the Government of West Bengal issued notification 2427 Pl./Pl J-4/52 dated 27 June 1952 (see Appendix 1-21). Under this notification seventeen chhits of Cooch Behar’s Haldibari thana, forming fourteen exclaves, were transferred to Jalpaiguri district’s Jalpaiguri thana⁵. Listed basically north to south in the notification, the chhits were all those of Cooch Behar in the vicinity of Berubari, either enclaved

⁵ It is not clear why Banerjee (1966) retains chhits 39/13, 40/12, 43/130, 61/11, 62/10, 63/9, 68/8 and 81/14 in his listing of enclaves, given that they were transferred nine years before the 1961 census, and seventeen years before publication of the Cooch Behar district census handbook. They are noted as having been transferred, but no explanation is given of why only these eight are included in his list while the other nine transferred chhits are not. It is suspected that these eight chhits were disputed by Pakistan until the Nehru-Noon agreement of 1958. The fate of the six southernmost was tied to Berubari, while the two others to the north were separately claimed by Pakistan, possibly on the basis of a majority of their perimeter bounding Pakistan rather than India.

in Jalpaiguri thana or straddling the international boundary between Jalpaiguri and Panchagarh or Boda thanas.

The transferral came two and a half years after Cooch Behar's merger into West Bengal, and three years after it had joined India. It could be argued that as Cooch Behar had been promised its territorial integrity if it joined India, an immediate transferral of enclaves would have been bad faith, but that after two years it was in the interests of both the districts concerned as well as the inhabitants to simplify the administrative situation. Such an argument does not explain why a further 39 enclaves within Jalpaiguri would remain untransferred for another three years. With only the year and not an exact date for the first time Pakistan claimed Berubari, any linking of the claim with the chhit transferral can be only speculative. Nevertheless the coincidence of year suggests that the transferral of these chhits was in direct response to the Pakistani claim, or to rumours of the claim. It would seem India made the transferral to allow greater administrative and politico-military control of the area, as Jalpaiguri became at once the police station, subdivision, district and division headquarters for the chhits, as it was already for Berubari. It also removed the chhits from the equation should an agreement to exchange Cooch Behari enclaves be made. Several of the chhits sat on the boundary, but with a greater length of their perimeter bordering Pakistan than India. Thus it is possible that their transfer to Jalpaiguri was an attempt to pre-empt any Pakistani claim to them as part of an enclave exchange, a claim likely to highlight the tenuous connection of these chhits to India, and that Pakistani control would shorten the boundary, reducing friction and administrative inconvenience.

3.3 Passports and visas introduced, 1952

On 9 April the same year, Pakistan had advised India of its intention to introduce a passport and visa system. While a permit system had been in force on the West Pakistan border since 1947, travel was free of restrictions across the East Bengal-India boundary. India asked for reconsideration of the move, but Pakistan was adamant that it was necessary (High Commissioner..., 1952). Pakistan claimed that free travel in the East had been permitted due to rioting and refugee crises in 1950 but as these were no longer a problem, the free regime was now unnecessary (Government of Pakistan, 1952). On 15 October 1952, Pakistan introduced its scheme, and India reciprocated in kind the same day. This effectively locked the residents of the enclaves into their small islands of territory, because border crossings could now only be made at designated crossing points, with the appropriate certification. As none of the enclaves had border crossing points, it was legally impossible to either leave them, or to enter the surrounding state. Any enclave resident attempting to do so became a criminal in both countries. There were also very few border crossing points along the main boundary, so that a chhitmahali had either

to make an illegal crossing into his own country near to his enclave, or make a long detour, entailing much expense and time, to one of the few crossing points. To this was added the necessity of a passport and visa to leave the host state and to prove he was a citizen of his own state. To obtain the passport meant a long and expensive trip to the nearest passport office, which was likely beyond his means, and even more expense to obtain the visa. The system totally ignored the needs of the enclave residents, as had the 1950 enclave access agreement which had only made provision for officials.

The abolition of zamindari rights in East Bengal also occurred in 1952. This step on the road to land reform, taken under the East Bengal State Acquisition and Tenancy Act, 1951, provided for direct payment of land revenue by the tillers. All intermediary rent-collectors were bought out by the Government, receiving a lump sum in compensation for the lost revenue (Siddiqui, 1972, 258). The Maharaja of Cooch Behar lost his landholdings in East Bengal, namely the chaklajat estates of which he was zamindar. No longer were the exclaves of Cooch Behar connected to India by Pakistani lands owned by the Maharaja. Another link in the connection of the enclaves to their motherland was severed.

The year 1952 also saw the loss of voting rights by the enclave dwellers (Roy Pradhan, 1995, 1). Exactly how and when this happened is not clear, but it would seem that with the introduction of the passport and visa system, the 1950 access agreement became unworkable, and officials were increasingly unable to access the enclaves to enrol voters, let alone party cadres wanting to encourage enrolments. With no census to count them, and no enrolment to vote, there was not only no political representation for the enclave residents, but also no political interest in their plight. Unable to access their home countries, the enclave dwellers found themselves effectively imprisoned and forgotten. Due to these events, and increasing hostility between India and Pakistan, which almost led to war in both 1950 and 1951, the situation of the enclaves became so difficult that both governments effectively gave up on trying to administer them (van Schendel, 2002, 125). Apart from the Berubari area, neither country laid claim to the enclaves of the other, but neither did they allow the other to administer them. Only the largest Pakistani enclave of Dahagram-Angarpota, being less than 200 metres from the main Pakistan boundary, was able to function with any degree of normality. This sad stalemate has continued ever since, the enclaves abandoned to a political and geographical limbo.

3.4 Negotiations on enclave exchange, 1953-4

At the Indo-Pakistan Passports Conference held in New Delhi from 28 January to 1 February 1953, agreement was reached on a number of issues relating to the complexities of instituting the

visa and passport systems between the two countries. Interestingly, the first item in the Summary of Agreed Decisions (see Appendix 1-22) is specifically directed at enclave residents.

1. *Travel facilities for residents of enclaves.*

Residents of the enclaves in both countries will on application be granted Category 'A' visas valid for an unlimited number of journeys within the thana or thanas contiguous to the enclave, and also for an unlimited number of journeys in transit along one or more specified routes between the enclave and the mainland of the country to which the enclave belongs. The specified route for transit need not be through an established checkpost. In addition, the holder of a Category 'A' visa may also obtain any other visa to which he may be entitled under the rules (Ministry of External Affairs, 1994-7, v2, 65).

While this specifically solved the problem of visa category, and removed the necessity to use checkpoints which were few and far between, it did not explain how an enclave dweller was to obtain the visa, as despite the agreement requiring each country to open additional visa offices in specified places, these were still a long way for a poor and illiterate chhitmahali to travel.

A meeting of Indian and Pakistani Trade delegations in New Delhi in March 1953 (see Appendix 1-23) produced four main decisions on inter-Dominion trade, updating agreements signed in 1949, 1951 and 1952 (q.v. Ministry of External Affairs, 1994-7, v1, 154-8, 364-72 & 497-504). The delegations had formulated arrangements for resuming or regulating border trade between inhabitants along the Indo-East Bengal border. Pending government approval, it was hoped to meet again in April to put them into practice. However, no such approval or meeting appears to have been made. It would not be until a whole new trade agreement was hammered out in 1957 that border trade was put on a legally regulated basis.

Pakistani Prime Minister Mohammed Ali hosted Nehru in Karachi at the end of July 1953, and paid him a return visit in New Delhi from 17-20 August. At both meetings, Kashmir was the main item on the agenda, but while an impasse was reached on that topic, both meetings produced an agreement to exchange the Cooch Behar enclaves (Hindusthan Standard, 1953a & c). A joint communique released after the New Delhi talks stated

5. At their meeting in Karachi the Prime Ministers had agreed that the Cooch-Bihar enclaves in East Bengal should be exchanged with East Bengal enclaves in Cooch-Bihar. It was accordingly decided that a conference should be held in Calcutta as soon as possible to work out the necessary details. The conference should also consider travel and trade facilities and other issues, especially relating to East Pakistan, West Bengal and Assam. This conference should be attended by the representatives of East Pakistan, West Bengal and Assam and the two Central Governments (Hindusthan Standard, 1953c).

The issue of the enclaves was discussed in the media during and immediately after the August meeting. With India having a larger area of exclaves, there were calls for part or all of Patgram thana to be ceded to India as compensation for the net areal loss to India of outright enclave exchange. Patgram was a Hindu-majority area at the time of partition, and attached to East Bengal only because with Cooch Behar's choice of Dominion unknown, it was considered difficult to give it to India in case the princely state opted for Pakistan, which would have left Patgram enclaved itself. However, its protrusion into Cooch Behar cut communication between the western wing and the rest of that state, which created a problem for India after the introduction of travel restrictions in October 1952. Muslims in Patgram voiced their protests at the rumours of the thana's transfer in public meetings (Hindusthan Standard, 1953b) while residents of Mekhliganj, facing a long detour around Patgram since their direct road to Mathabhanga and Cooch Behar towns was cut in 1952, held a public meeting on August 21.

On the eve of the working out of the details of exchange of Indian and Pakistan enclaves on the basis of an understanding between the Prime Ministers of India and Pakistan, at Karachi, this meeting unanimously resolves:-

(a) As the total area of Indian enclaves is much larger than that of the Pakistan enclaves and as the Patgram P.S. in Rangpur district, which is boarded [*sic*] on almost all sides by Indian Union territory excepting for a narrow corridor, is as good as an enclave and also as Pakistan enclaves together with the Patgram P.S. will constitute an area which will very nearly correspond with the area constituted by the Indian enclaves, the people of Mekhliganj Sub-Division emphatically demand that the Patgram P.S. be ceded to India together with the other Pakistan enclaves in exchange of the Indian enclaves.

(b) As most of the Indian enclaves, both in number and extent, fall within the jurisdiction of the Mekhliganj Sub-Division the people of this Sub-Division further demand, in view of the above, that the Patgram P.S. be incorporated in this Sub-Division (Hindusthan Standard, 1953d).

An article appearing in the Madras newspaper *The Hindu* at this time detailed the origin of the enclaves.

The Cooch Behar enclaves originated as the result of a truce signed after a war between the Moghul Empire and the kingdom of Cooch-Bihar, whereby each retained the territories then held by its armies. When the British took over the Moghul Empire the *status quo* remained in force, the former Moghul enclaves inside Cooch-Bihar becoming British. In the partition of 1947 these fell under the control of Pakistan. The introduction of the

passport system in October 1952 created a very difficult situation for the inhabitants of the *enclaves*, some of whom needed visas to visit the nearest market or post office. There are 95 Pakistani enclaves inside West Bengal, with an area of 18.3 square miles and a population of 11,000, and 129 Indian enclaves in East Pakistan, with an area of 26.8 square miles and a population of 12,600, the majority of the population in both cases being Moslems (Keesings, 1953, 13128).

Another daily, the *Hindusthan Standard*, also published a piece on the enclaves, including a list of them all, with areas and population figures (Hindusthan Standard, 1953e. See Appendix 1-24 and discussion in Appendix 3). These media reports, unfortunately neither accompanied by maps, gave a fairly accurate historical summary of the origin of the enclaves and the contemporary plight of the *chhitmahalis*. The reports appear to have formed an important source for later official reports such as Mitra (1953, iii-iv. See Appendix 1-25) and probably also Banerjee (1966) and Banerji (1969). Future reports (eg Daily Star, 1999b discussed at 4.9 below) would not be so accurate.

The proposed Calcutta conference was held from 30 September to 3 October 1953, and resulted in the settlement of two disputes over the Bagge award of 1950, the findings of which India had previously refused to accept. Both sides also agreed on the need for increased ease of travel between East Bengal and India, but Pakistan rejected India's proposals for abolition or simplification of the visa system as "the time was not yet ripe for any radical change". The exchange of the Cooch Behar enclaves was discussed as anticipated, but the talks ran aground on the issue of compensation to West Bengal for the net loss of area this entailed (Keesings, 1954, 13840; *Hindusthan Standard*, 1953f).

The day after the conference, Nehru declared that French and Portuguese "pockets" in India had to be removed. Surprisingly, no mention was made of India and Pakistan's mutual "pockets" around Cooch Behar, but given that the conference to discuss the practicalities of their exchange had just finished, and despite the hiccup over compensation to West Bengal, Nehru can perhaps be forgiven for thinking at this juncture that they would be soon removed (*Hindusthan Standard*, 1953g. For an overview of French, Portuguese and Omani political fragments in India and Pakistan, see Appendix 2e).

In April 1954 Pakistan suffered demonstrations and strikes over the issue of language. Urdu had been the only official language, but as over half of Pakistan's population was in East Bengal, and spoke Bengali, they demanded equal status for their tongue. Demonstrations in Karachi, the national capital until 1960, demanded Bengali not be recognised, but the Constituent Assembly passed a bill recognising both languages in May 1954 (Keesing's, 1973, 32-3). The anti-Bengali sentiment in the west was an omen for events sixteen years later.

Mid-year Nehru paid a return visit to Mohammed Ali in Karachi. The exchange of the Cooch Behar enclaves again featured in their discussions on 25 and 26 July, as did easing of travel restrictions between East Bengal and India, but nothing more concrete emerged than agreement on the need for both to happen (Keesing's, 1973, 40).

The same year, while Pondicherry passed peacefully to India, the Portuguese were evicted from Daman by a local uprising and India refused further passage to that enclave for Portuguese personnel, armed or not, on the grounds that it would inflame tensions in neighbouring Indian districts.

3.5 East Bengal becomes East Pakistan; more enclaves transferred to Jalpaiguri: 1955

In March 1955 Pakistan renamed East Bengal as East Pakistan, presumably to remove psychological links with Indian West Bengal, and replace them with greater attachment to Pakistan as a whole. The provinces and Princely States of the western half were then merged in October into a single province of West Pakistan, to balance that of East Pakistan, which contained 54% of the population in 15% of the area of the whole country.

On 5 April 1955, railway authorities in East Pakistan and West Bengal/Assam reached agreement on the resumption of rail traffic between Indian stations via East Pakistan, utilising *inter alia* the rail border-crossings at Chilahati and Mogalhat. India also requested access to the isolated Pakistani track section between Bamanhat and Sonahat, but Pakistan had not yet repaired earlier flood damage to the Raidak river bridge, and in fact never appears to have done so. The agreement was accepted by senior railway officials on 14 April and attached as Appendix A to a similar agreement on resumption of rail links in the west, signed at Karachi on 15 April (see Appendix 1-26). The agreement came into effect on 18 May 1956 through governmental ratification. Whether it was in fact implemented subsequent to ratification, and how long this implementation lasted has not been ascertained. It seems certain it would have been a casualty of the 1965 war, which resulted in the cessation of the remaining cross-border rail traffic (Public Opinion Trends..., hereafter POT, 2000b), even if it survived that long. Despite the emergence of Bangladesh in 1971, rail *transit* and passenger services have never been resumed in the East although cross-border rail freight *movement* has re-emerged through Darsana and Benapol especially, but not Chilahati or Mogalhat, where the lines have been lifted. In the late 1980s, Bangladesh lifted the unused Bamanhat-Sonahat section, so that it is unlikely that this connection to Assam will ever be restored. All Indo-Pakistan passenger rail links were cut after 1965, and it was only in 1999 that both sides began to consider restoring them (Daily Star, 1999e).

Also in 1955, the West Bengal Government transferred the remaining exclaves of Cooch Behar in Jalpaiguri into the latter district by means of Notification 2114 Pl. J-2/53, dated 20

May 1955 (Appendix 1-27). These included three groups of enclaves, Magurmari, Gosairhat and Godang, formed in 1817 when the British determined the surrounding lands to be Bhutanese. Also transferred to Jalpaiguri were four tiny enclaves, two each in Maynaguri and Alipur Duars thanas in Jalpaiguri which were no doubt also created by the adjudication of lands to the Bhutanese by the British before 1865. After 1865 the Bhutanese lands surrounding all five clusters of enclaves had been annexed by the British and added to Jalpaiguri district.

3.6 Pakistan becomes a republic; West Bengal de-fragmented, 1956

After a series of political crises over the previous two years, including the dismissal of the Constituent Assembly and the declaration of a state of emergency, Pakistan finally adopted a constitution on 29 February 1956 to replace the Government of India Act 1935. It became an Islamic Republic and replaced the post of Governor-General with that of President, although Major-General Iskander Ali Mizra slipped comfortably from the one hat to the other. The allocation of equal numbers of seats in the parliament to both West and East Pakistan, despite the East's greater population fuelled the flames of discontent slowly building in the eastern part of the country (Keesings, 1973, 61-64).

While the integration into India of the Princely States by merger and creation of Unions had been successful, there was a growing need for a total overhaul of state boundaries, and it was decided to do this on linguistic lines, allowing each state to provide education to its people in one language. This together with historic, economic and political rivalries sparked a deluge of claims and counter claims. The West Bengal-Assam tussle for Cooch Behar prior to 1950 re-emerged in the public debate on state reorganisation around 1955, with Assamese claims for Cooch Behar soon extending to cover Jalpaiguri as well. Bihar laid claim to Darjeeling, Jalpaiguri and Cooch Behar, mainly on the basis of their discontinuity from the rest of West Bengal, as well as claiming Malda and West Dinajpur. West Bengal counter-claimed for Goalpara in Assam, and Orissa leapt in with a claim on Oriya-speaking parts of West Bengal's Midnapore (Hindusthan Standard, 1955a-c). West Bengal also highlighted the need for the territorial connection of its northern and southern parts, whose detachment resulted from the Radcliffe Award. Bihar countered that "no great importance need be attached to geographical contiguity, in view of the fact that the constitution of India contains adequate provision to facilitate inter-state cooperation..." (Report of the States Reorganisation Committee, 1956, 227). Yet as we have seen the removal of various enclaves between states had been very important to Menon around independence. The States Reorganisation Committee also felt this way,

We attach great importance to the geographical compactness of administrative units, because we are of the view that the physical integration of such units is vital to their political and administrative integration. Apart from the inconvenience of administering geographically detached areas we must take note of the fact that the continued isolation of the northern districts from the rest of West Bengal will tend to foster and accentuate separatist trends in these districts (Report..., 1956, 228-9).

It was not just internal administrative convenience that mattered:

West Bengal will also acquire control of the Indo-Pakistan border in this region along its entire length. From an administrative point of view this would be both convenient and desirable (Report..., 1956, 229).

The discontinuity of West Bengal was therefore rectified on 1 September 1956 by the addition of area from the Purnea district in Bihar (see Fig. 2k). The problems of communication links were to be solved by new road and rail bridges crossing the Ganges to replace the former links now in East Pakistan. Unlike the Radcliffe partition which had used district and thana boundaries, the area ceded to West Bengal from Bihar basically used thanas and also a line generally parallel to a highway to define the minimum area necessary to return West Bengal to compactness (Bihar and West Bengal (Transfer of Territories) Act, 1956). The other states of India were also reconstituted, on a linguistic basis, by the States Reorganisation Act, 1956. Both acts came into force from 1 November that year.

A series of border incidents also occurred in this year, each country blaming the other. In response, the Pakistani Prime Minister since 1955, Chaudhri Mohammed Ali, announced on 19 March 1956 a proposal to set up a joint boundary commission and to repudiate war as a means of settling differences with India. Nehru welcomed these proposals the next day. Despite further accusations of troop concentrations along the border, on 12 April it was announced that demarcation would begin immediately along the Indo-Pakistani boundary. Out of a total length of 2463 miles (3963km), 1500 miles (2400km) of the East Pakistan border had not yet been demarcated (Keesings, 1973, 42-3).

In 1957, a trade agreement was signed between India and Pakistan (see Appendix 1-28), following on from those signed in 1949, 1951, 1952, and 1953. The 1957 Agreement was valid for a period of three years. Unable to find any evidence for any previous follow-up to that of 1953, it is presumed that this agreement included the results of the 1953 promise to facilitate border trade. Specific provision is made for border trade by persons resident within 10 miles (16km) of the boundary, with different commodities and allowances for different sectors of the

border. Enclave residents and their neighbours would have been affected by the fifth part of the annexure, which listed the commodities and quantities allowable across the boundary in the Jalpaiguri/Cooch Behar/Assam sector. Additionally, a few of the westernmost Indian exclaves would have been within 10 miles of the western East Pakistan boundary and been able to avail themselves of slightly different allowances under part six, 'Rest of West Bengal - Rest of East Pakistan'. Interestingly, the allowances are not symmetric, different goods being allowed across in one direction compared to the other in each sector. It has not been determined whether this reflects agricultural geography, or is an imposed asymmetry based on politico-economics. Although not specified, the distance of 10 miles from the boundary was no doubt measured only from the main boundary, and not from those of the enclaves as well. Nevertheless, all the international enclaves were within the 10 mile zone. The agreement was valid for three years until 31 January 1960 and was succeeded by a new agreement in that year.

3.7 Nehru-Noon and Berubari, 1958-59

By 1958 India's relations with Pakistan had deteriorated significantly. Tensions along the borders, particularly with East Pakistan, heightened, and frequent incidents of shooting and alleged border violations occurred. On 4 June at his monthly press conference, Nehru said that the several boundary disputes were minor and that "any two reasonable persons on behalf of the two Governments could sit together and decide them in a day or two". He said India had informed Pakistan that it was willing to negotiate these issues at any level, even the highest, but that coercions would not work (High Commissioner ..., 1958a). Subsequently a meeting between the Chief Secretaries of Assam and East Pakistan was arranged, but at his next press conference, Nehru said this "cannot be described as brilliantly successful". A meeting of Commonwealth Secretaries was then arranged (High Commissioner ..., 1958b). The two prime ministers, Nehru and Malik Firoz Khan Noon [Nun], exchanged correspondence that resulted in a cease-fire from 26 August. The Pakistani Foreign Secretary, M.S.A.Baig, met with the Commonwealth Secretary of the Indian Ministry of External Affairs, M.J.Desai, from 30 August to 2 September in Karachi. A communique was issued on 3 September, deploring the recent border incidents, agreeing to a mutual release of prisoners, and that as "A clearly defined and clearly recognisable international boundary was a primary requirement of establishing peaceful conditions in the border regions", demarcation should be expedited. The boundary was divided into sectors, and each field season the survey teams were to work inwards from each end point of the sector taken up. Any disputes arising during demarcation were to be "presented cartographically as far as possible and in writing to the two Central Governments for settlement and decision. The demarcation work should be carried on uninterruptedly from the agreed point,

the disputed areas being demarcated later in accordance with the settlement of decision reached". Proposals for settlement of the existing disputes would be placed before the respective Prime Ministers during their meeting the following week. Unsolved disputes were to be referred to an impartial tribunal per a decision of the Indo-Pakistan Steering Committee of March 1955. For the full text of the communique see Lok Sabha Secretariat, 1966, 378-9.

The next week, from 9 to 11 September, Nehru and Desai hosted Noon and Baig in Delhi (see Photo 1). Two communiqués were issued. The first on 10 September dealt with the latest meeting of the Foreign Secretaries (see Appendix 1-29), and gave details of the various settlements of most of the boundary disputes between India and East Pakistan. In particular, it had been decided that the Indian and Pakistani exclaves should be exchanged without compensation for the net territorial loss to West Bengal, that two Cooch Behar chhits⁶ (probably #68/8 & 63/9) measuring about two square miles on the boundary with Pakistan should remain Indian, and that to solve the Berubari problem, that union would be divided half and half, by a line from the north-east corner of Debiganj drawn in a horizontal direction to meet the southern end of the Jalpaiguri-Panchagarh boundary (see Fig. 5c). Of the six Cooch Behar chhits forming three exclaves adjoining Berubari, those adjoining that part of Berubari falling to Pakistan would be ceded to Pakistan. While not explicitly stated, this appears to have meant chhits 81/14, 43/130, 39/13 and 40/12.

The second communique issued on 12 September (see Appendix 1-30) summarised the outcome of the Prime Ministers' meeting, confirming the territorial agreement reached by the Secretaries and making general agreements for resolving troubles in the future. The result of the two simultaneous meetings in Delhi, but particularly the specific agreements on the boundary disputes reached by the Foreign Secretaries, became known as the Nehru-Noon Agreement. Noon flew back to Karachi, and Nehru faced the Lok Sabha the next day, 12 September. Both now had to sell the Agreement to their parliaments and people.

Noon had some trouble in this regard, with a Muslim League member of the Pakistani National Assembly, Fazlur Rahman, calling the agreement a "betrayal of Pakistan" and warning India that future governments "will not be bound by whatever commitments, overt or covert, Mr Noon may have made". Rahman also suggested "surrender" of territory to India would require a two-thirds majority in Parliament and in the affected Provincial assemblies (Hindustan Standard, 1958c). Noon's government was dismissed by President Iskander Mirza on 7 October after a number of internal crises including East-West Pakistani tensions after a cabinet reshuffle, agitation after the suppression of the armed wing of the Muslim League, and the murder of the East Pakistani Assembly Deputy-Speaker during a fight in the Assembly. The President

⁶ These chhits, and those adjoining Berubari, were amongst those transferred to Jalpaiguri in 1952, and were no longer exclaves of either Cooch Behar or India.

abrogated the Constitution, abolished the national and provincial assemblies, banned political parties and declared martial law, making General Ayub Khan the Chief Martial Law Administrator. On October 24 he made Ayub Khan Prime Minister, then on 28 October also made over the office of President to him (Keesing's, 1973, 72-3; Encyclopedia Britannica, 1997,v25,44; Mahmood & Shaukat, 1996,4-5). Martial law continued until mid-1962. Exactly when or how Pakistan ratified the Nehru-Noon Agreement has not been able to be determined, as martial law meant there was no longer a parliament and thus no parliamentary debates for the 44 months to mid-1962. Certainly the lack of a constitution from late October 1958 would have made it simple for Ayub Khan to ratify the Nehru-Noon Agreement himself, if Noon had not already passed it through parliament. It is also likely that if Ayub Khan did ratify the Agreement, he did it less out of international duty and more from a political angle. As will be shown, Nehru experienced more and more controversy over his accession to the agreement. Pakistan thus had a perfect opportunity to take the moral high ground, and publicly chastise India for not implementing an agreement made in good faith. Pakistan's military government could suddenly appear the aggrieved party, wishing to resolve the border disputes, while India stalled. It was partly for this reason, that Pakistan would make much of India repudiating the agreement, that a number of Indian MPs opposed to the agreement supported the eventual Indian ratification in 1960 (eg Kripalani, 1960, 760).

Like Noon, Nehru also ran into great controversy over the Agreement. On 12 September, and again on 9 December 1958, he spoke in both the Rajya Sabha and Lok Sabha to explain the settlement of the various disputes (for partial texts see Nehru, 1961, 491-4 & 496-8). By the enclave exchange, India would give up about 28 square miles (72 km²) and 11,000 people in return for 17 square miles (44km²) and about 9000 people. In reply to questions, Nehru opined that the adjustments were merely interpretations of the Radcliffe and Bagge awards and so would not require parliamentary sanction (Keesing's, 1958, 16417). This, and the other dispute settlements seemed all fair and reasonable, each Prime Minister happy to compromise a little to solve all the disputes in one fell swoop, through a *quid pro quo*. With regard to the populations residing in the affected areas, and this applied especially to Berubari and the enclaves, Nehru reiterated that

...we do not want migration from them, as far as possible, and we advise the people to continue living there ...

interruption by a member: It is impossible.

... and accept the country to which they will now belong. In any event, it is not a question of large numbers. But we see no reason why this idea of people migrating should be encouraged there (Bhasin, 1996, 1513-4).

For a moment it seemed that a calm rational discussion between the Prime Ministers could solve the several minor and petty boundary disputes that had somehow resulted in increasingly violent border incidents. Yet Indian opposition to the agreement appeared almost instantaneously. It centred on several issues. First, what right had the Prime Minister to make an agreement with a foreign country, then present it to parliament as a *fait accompli*? Many MPs were angered that there was no parliamentary input, let alone public discussion, so that parliament was reduced to a rubber stamp. Secondly, the Prime Minister was claiming to have the power to give away Indian land to a foreign country, also without parliamentary or popular mandate. This appeared to be unconstitutional. Third, he was claiming the power to deprive Indian citizens of their citizenship, and practically force them to become Pakistanis, whether they wanted to or not. To these legal issues was added the moral issue that Berubari was one of several areas where the West Bengal Government had funded resettlement schemes for refugees from East Pakistan. How could Nehru possibly conscience giving them and the land they had been resettled on back to the very country from which they had fled?

West Bengal's Opposition and even its Congress Government under Dr B.C.Roy were both staunchly opposed to the Berubari transfer. Eight West Bengal Congress members made representations to Nehru over the exchanges, worried at having to re-house 10,000 refugees who had already fled East Pakistan once, and also over concerns that India was losing more than she gained by ceding half of Berubari, on top of the net loss of land in the enclave exchange (Hindusthan Standard, 1958b). A resolution in favour of Berubari remaining Indian was passed unanimously by the state's Legislative Assembly and Legislative Council. The Opposition-tabled motion claimed that it was unclear if Indian territory could be legally transferred to a foreign country, that the centre has been discourteous in not consulting the West Bengal Government in advance, and that nobody had bothered to consult the people of Berubari itself (Deputy High Commissioner ..., 1959). The vocal and violent bipartisan stand was partly the result of lingering Bengali resentment of the 1947 Partition, and anger that it had taken 10 years for the central government to grant West Bengal land to connect the southern and northern sections of the state that had been disconnected by the formation of East Bengal. West Bengal had also endured great numbers of refugees both at Partition and in frequent subsequent waves whenever the East Bengal economy had floundered, and during heightened tensions between East and West Pakistan or between India and Pakistan. The refugees had overwhelmed Calcutta's infrastructure creating great problems for the state's budget and economy. The state government had paid for a resettlement scheme for some refugees in Berubari, and so was understandably resentful that, without consultation, the Prime Minister was demanding the state hand the refugees and the land

they lived on back to Pakistan, a country that had been viewed almost consistently as ‘the enemy’. Nevertheless, Dr Roy countered some claims in the central and state parliaments that Nehru’s ‘capitulation’ on Berubari was due to his only having seen inaccurate or wrong maps supplied by the Pakistanis. Dr Roy noted that the West Bengal Government had itself supplied maps of the area to New Delhi (Keesing’s, 1961, 17884; Appadorai, 1981, 190).

While the Berubari affair gained much attention, some parts of the Nehru-Noon Agreement were quietly implemented. In several places, Pakistan had agreed to the *status quo*. The territories disputed after the Bagge award were likewise exchanged as required. All of these were pure interpretations of the Bagge and Radcliffe awards, or withdrawals from adversely-held areas, so required no cession and no legislation (Bhasin, 1996, 1519-20).

The Berubari issue highlighted geopolitical problems. The three salients of East Pakistan into northern West Bengal at Tetulia, Patgram and Bhurungamari, although following pre-1947 thana or district boundaries, had resulted in a frustrating dismemberment of Indian road and rail connections to North Bengal and Assam (for the rail network see Figs. 6a & 6b). Atal Behari Vajpayee of the Hindu-nationalist Janata Party (later of the Bharatiya Janata Party or BJP), who would himself become Prime Minister in 1996, complained “we gave some land to Pakistan in Tripura for a railway passage, but we did not demand some land from Pakistan for going to North Bengal from West Bengal and for going to Assam via East Bengal?” (Chitkara, 1997, 124). This was a reference to longstanding demands for a rail access agreement, if not a corridor, through East Pakistan to Assam from Calcutta, and for use of the road and rail lines through the northern three East Bengali salients (see Tayyeb, 1966, 89 & map p90). Pakistan had herself wanted a corridor or rail access agreement to connect its East and West wings across India. India had refused this. So Pakistan in turn refused to countenance access for India across East Pakistan. Of further annoyance to India was the loss of the Bamanhat-Sonahat rail section, connecting southern Cooch Behar state with Dhubri and other parts of Assam, not to mention the loss of the northern section of the main road from Calcutta to Siliguri and Darjeeling up the eastern bank of the Mahananda River in the Tetulia salient, which necessitated the building of a new road further west. The road connecting Mekhliganj in Cooch Behar with Cooch Behar town through Patgram was also cut, and a long detour past Changrabandha was required. With so many dislocations in the transport network, Vajpayee and others such as A.C.Guha were frustrated that Nehru had not come to some arrangement to provide transit concessions (for Guha’s comments, see Lok Sabha, 1960, col 6324).

Opposition to the division of Berubari was not only a governmental issue. The Working Committee of the Bengal Provincial Hindu Mahasabha opposed even the exchange of the enclaves, claiming that the enclaves contained over 10,000 Hindu refugees from East Pakistan,

and Nehru had “no right to create further refugees for the sake of appeasing Pakistan”. It called on the people in the territories to be exchanged to organise a resistance movement against Nehru’s “play with the life and property of such large number of Hindus”(sic.) (Hindusthan Standard, 1958a). The reference to 10,000 refugees was most probably a confusion of the enclaves and the Berubari issue, not uncommon given the paucity of maps available for public debate.

The people of Berubari also were aroused by the publication of the Nehru-Noon Agreement, and rallied against the division. On 26 September 1958, Dr Roy came to Berubari, to view the area for himself. A number of local political figures including Amar Roy Pradhan, Prafulla Tripathi, Satvia Joti Sen, Niranjana Dutta, Manoranjan Guha and Rama Prasanna Roy led a demonstration in front of him (Roy Pradhan, 2000). Local people founded the Berubari Pratiraksha Samiti [Berubari Protection or Defence Committee] under political scientist Professor Nirmal Bose⁷ to publicise their cause and oppose the transfer (Sanyal, 2000). At first they had been inclined to resign themselves to their fate, but only one Hindu resident went as far as exchanging land with a Muslim, so that each would be left in the country he desired. Within a short time any resignedness was replaced with grim determination to fight the government’s decision. They appealed to all political parties to support their struggle, requesting funds and physical support for a *dharna* when the demarcation itself happened. One young man, Ravi Chaudhury, and a dozen friends came from Calcutta to propose Berubari declare itself independent. “When the government of India does not want Berubari and you do not want to go to Pakistan, this is the only right step. You can then even ask for UN assistance to protect yourselves from both India and Pakistan!”. The Samiti rejected the proposal as “improper, unprofitable and subversive to the nation’s unity” (Deshmukh, 1961, 4).

Concrete action was not long in coming. Professor Nirmal Bose brought a petition for a Writ of Mandamus in the Calcutta High Court in late 1958, directed against the government, attempting to halt it from implementing the Nehru-Noon Agreement. The court issued an injunction to India and West Bengal restraining them from effecting the transfer while the petition was *sub judice* (Bhowmick, 1960, 726). In its judgement of 8 April 1959 the court rejected the petition, not on its merits, but on insufficiency of materials. It found that not enough evidence had been presented that the process had been unconstitutional. It held that it had no jurisdiction over the first two respondents, the Union of India, and the Secretary of the Ministry of External Affairs, as they were located in Delhi, not West Bengal. It added that it did have jurisdiction to issue a writ against the Government of West Bengal to prevent it implementing any parts of the Agreement,

⁷ Bose was a native of Jalpaiguri and taught at Uluberia College, Howrah, near Calcutta. He later became a Minister in the West Bengal government, and was elected to the Rajya Sabha, dying in office (Majumdar, 2000; Roy Pradhan, 2000).

for example surveying of the line to divide Berubari. However, as no evidence had been presented to show that the central government had ordered West Bengal to take any action towards implementing the Agreement, apart from keeping the peace in border regions, no writ could be issued. The court rejected the argument of the respondents that the agreement was an ‘Act of State’ and beyond the purview of the courts. The court held that this would be the case for acquisition of territory, which did not affect the rights of the citizens of India,

But where territory is ceded, not only his property right, but all his rights, including even life and liberty are affected. It seems to me unthinkable that the Constitution contemplated that a citizen should wake up one morning and find that he and all that he possessed have been bodily handed over to a foreign power, without his knowledge and consent. In such matters individual consent may not be necessary, but the democratic process of Parliamentary sanction, which means sanction through his chosen representatives is necessary. In my opinion an ‘Act of State’ does not arise in the case at all (AIR 1959 Cal 515).

The Attorney General then argued that the agreement was “merely an adjustment of the boundary between two foreign States and therefore there is no question of cession of territory and consequently no sanction of Parliament is necessary” (AIR 1959 Cal 515). The Court took up this point, noting that if the division of Berubari was “a mere determination of what was given under the ‘Radcliffe Award’ and in terms thereof” then it would be a case of adjustment, with no parliamentary sanction necessary. On the other hand, the two countries

... might think it that it was useless to go into details as to what belonged to either party under the ‘Radcliffe Award’ and the best way to settle the dispute was to divide the Berubari Union into two parts [...] It is plain that under such circumstances, an adjustment of boundaries might involve either cession of territory or acquisition thereof. Such an adjustment would require the sanction of Parliament (AIR 1959 Cal 516).

The Court declared that determining which of these the division of Berubari was, was beyond its capability in the current case. While the case failed in its intent to prevent implementation of the Agreement, it did buy time for the opponents of the Berubari transfer, and raised the question of whether Berubari, if not the other parts of the Nehru-Noon Agreement, involved cession or not, and so whether Parliamentary sanction was needed after all.

While the court case was underway, the Berubari Pratiraksha Samiti held public meetings, including one in Calcutta on 21 February 1959 and another at Manikganj High School in Berubari itself on 21 March 1959. The attendees at both meetings included Hemunta Basu, a

Forward Bloc MLA, as chairman, N.C. Chatterjee, an independent MP from Calcutta, and Dilip Choudhuri, RSP, MP for Barampore as chief guest. Other speakers included Professor Nirmal Bose, Amar Chakraborty, an advocate from the Calcutta High Court, Amar Roy Pradhan of the Forward Bloc who had been student and later a principal at the school, and Rama Prasanna Roy, the president of South Berubari Union No.12.

Berubari took attention away from the purpose of the Nehru-Noon Agreement: to remove disputes and so end border incidents. With no implementation of the agreement by India, the incidents continued. On 19 March, the Indian High Commissioner in Pakistan presented a list of East Pakistan border incidents to the Pakistani Ministry of Foreign Affairs. These included several occurring in or near the Cooch Behar enclaves.

10. Dangapara⁸, PS Haldibari, Cooch Behar. 13/11/58. Pakistani national raided the house of an Indian national and took away 6 heads of cattle and utensils after assaulting an old Indian national who died later.

[...]

14. Shaheganj⁹ enclave West Bengal, 12/1958. One Pak constable of Bhurungamari PS Rangpur (E.Pak) accompanied by one dafadar and one chaukidar trespassed into Indian enclave and collected some names off the persons who possess land in the adjoining territory. Seven EPR personnel also trespassed into the said Indian Chhit and they forced 10 Indian nationals to reap paddy from the adjoining Pak lands belonging to them. A road was constructed forcibly employing some Indian nationals of the said Chhit in Pakistan leading from that area towards Rangpur (High Commissioner ..., 1959).

The list was also tabled in a question in the Lok Sabha on 27 April, when 30 MPs asked the extent and number of border raids and the government's response, and another Cooch Behar incident added.

20. Baragarol Jhara¹⁰, JL No.754, PS Dinhat, district Cooch Behar. 10/4/1959. At about 1400 hours about 250 Pak nationals armed with swords, daggers and other weapons raided the village, set fire to 11 houses and decamped with 36 head of cattle. One Indian national, Chandra Mohan Barman, died as a result of serious injuries. East Pakistan authorities have since returned 23 cattle (Lok Sabha, 1959).

⁸ This mauza has not been identified.

⁹ Shaheganj, #153/120, between Dinhat and Bhurungamari towns.

¹⁰ This mauza is a small Indian salient directly north of Indian exclave Chhoto Guraljhara II, #149/128, east of Bangladesh exclave Purba Masaldanga #87.

3.8 The Presidential Reference, 1959-60

By this time, the legality of cession of half of Berubari to Pakistan was enough in question to require a judicial answer. The President of India, Rajendra Prasad, referred the matter on 1 April 1959 to the Supreme Court in New Delhi (Keesing's, 1961, 17884). The President asked the Court to answer three questions:

- (1) Is any legislative action necessary for implementation of the agreement relating to Berubari Union?
- (2) If so, is a law of Parliament relatable to Article 3 of the Constitution sufficient for the purpose or is an amendment of the Constitution in accordance with Article 368 of the Constitution necessary, in addition or in the alternative?
- (3) Is a law of Parliament relatable to Article 3 of the Constitution sufficient for implementation of the agreement relating to the exchange of Enclaves or is an amendment of the Constitution in accordance with Article 368 of the constitution necessary for the purpose, in addition or in the alternative? (AIR 1960 SC 848).

Article 3 of the Constitution allowed Parliament to create new states, alter the boundaries or names of states and increase or decrease the area of any state, but required that any bill for these purposes be referred to the affected states for their comments. Article 368 allowed Parliament to amend the Constitution but required the approval of half the total membership of each House and of two-thirds of the members present and voting. Therefore for each of the parts of the Nehru-Noon agreement relating to Berubari and the Cooch Behar enclaves, the President was asking whether a law to change the boundaries of West Bengal was necessary, and/or whether a full amendment of the Constitution was necessary. As a preliminary to this, he asked whether any act of Parliament was necessary at all in the case of Berubari. In other words, he asked the question raised by the Calcutta High Court in the case of Nirmal Bose: was the division of Berubari a cession of territory, or mere adjustment?

The addition of the Cooch Behar enclaves to the Reference was a result of all the other sections of the Nehru-Noon Agreement being merely adjustments of the boundary, *interpreting* the Radcliffe or subsequent Bagge awards. For the enclaves, exchange meant cession of land which India rightfully owned, in exchange for cession of rightful Pakistani land by that country, and so the Indian action required Parliamentary sanction. Unlike Berubari, there was no real objection to the enclave exchange locally or nationally, as exchange would make the border situation much easier for both inhabitants and officials. Like Berubari however, there was concern for the effect on the inhabitants, whether they would be able to choose to return to their country of nationality or whether they would be forced to remain in a new country.

The judgement of the Supreme Court on the Presidential Reference came after almost a year, on 14 March 1960. It held that the Berubari transfer and Cooch Behar enclave exchange both involved cession of territory. It rejected a claim by the Attorney General on behalf of the Government that the agreement should be considered as a whole as no more than a determination of the Radcliffe Award. It held that a law relating solely to Article 3 of the Constitution as it stood, which allowed Parliament to change state boundaries, would be insufficient, by ruling that Article 3 only applied to changes in state areas *within* India, and not to changes that resulted from cession to a foreign power. The court held that an amendment of the Constitution per Article 368 was necessary, or alternatively, an amendment of Article 3 by means of Article 368, followed by a law under the amended Article 3.

We would accordingly answer the three questions referred to us as follows:

Q.1. Yes.

Q.2. (a) A law of Parliament relating to Article 3 of the Constitution would be incompetent;

(b) A law of Parliament relating to Article 368 of the Constitution is competent and necessary;

(c) A law of Parliament relating to both Article 368 and Article 3 would be necessary only if Parliament chooses first to pass a law amending Article 3 as indicated above; in that case Parliament may have to pass a law on those lines under Article 368 and then follow it up with a law relating to the amended Article 3 to implement the agreement.

Q.3. Same as answers (a), (b) and (c) to Question 2 (AIR 1960 SC 862).

Later authorities have questioned the correctness of this ruling, claiming a law relating to Article 3 would have been sufficient, and no Constitutional Amendment was necessary (eg Seervai, 1991, v1, 308-9). This may have repercussions for the future ratification of the 1974 Land Boundary Agreement by India.

3.9 Further agreements, 1959-1960

At least nationally, much of the furore over Berubari was less about the legality of cession, but more concerned with relations with Pakistan, which had plummeted with the imposition of martial law under General Ayub Khan. Nehru himself termed the new regime in Pakistan a “naked military dictatorship” (Nehru, 1961, 494), and rising tension produced many of the border incidents and the exaggerated press reports that followed them. Initial reactions were nevertheless tempered by the practical necessities of the neighbouring countries. In August 1959, the Chief Secretaries of West Bengal, Assam and East Pakistan met to discuss the eastern borders, at which the spirit was much improved, despite continual border firing, than at a similar

conference for the western borders in February. In September, a year after the Nehru-Noon Agreement, Ayub Khan met Nehru briefly in Delhi en route from West to East Pakistan. Nehru began to realise that Ayub Khan was after all a leader with whom he could treat and unlike the Pakistani's parliamentary predecessors, could himself implement agreements he made. The leaders agreed to set up high-level border conferences. The first on 23 October 1959, covering the East Pakistan boundary, reaffirmed the intentions of both countries to implement the Nehru-Noon Agreement of 1958 "as expeditiously as possible", and required both countries to carry out all preparatory work so that "as soon as the requisite legal procedures are devised" demarcation and transfer of territories could occur without delay (Indian Journal of International Law, 1960-1a, 135). Demarcation progress was to be reviewed every quarter, and a target date of 30 June 1960 was set for the exchange of demarcated areas, subject to the legal hurdles in India. The two remaining disputes outstanding from the Bagge award of 1950 were settled, while a dispute in Tripura was to be investigated further. It was also agreed to refer any other disputes to an impartial tribunal whose decision would be binding. Finally, the 'Ground Rules' for peaceful demarcation and the resolution of border incidents were laid down. As part of these Ground Rules, prior to transfer of territories, an inventory of populated and farmed areas was to be compiled to help local commanders provide protection to the populace affected by transfers. A working boundary was to be agreed on by local commanders in areas where demarcation had not been completed, without prejudice to either side's claims. A buffer zone of 150 yards on either side of the real or working boundary was created into which armed civilians were to be prevented from moving. Defensive works within the total 300 yard wide buffer were to be removed or filled in, and no new works would be permitted (for full text see: Indian Journal of International Law, 1960-1a, 134-146; Prescott, 1975a, 333-335 does not include the Ground Rules).

The second conference also produced an agreement, on 11 January 1960, following up the seemingly successful resolution of the East Pakistan boundary disputes by solving four out of five disputes on the West Pakistan boundary, leaving only a dispute in the Kutch-Sind¹¹ sector unresolved. Ground Rules for border guards were also agreed upon, in the vein of those implemented by the 1959 agreement for East Pakistan (for full text see Indian Journal of International Law, 1960-1a, 146-53; Prescott, 1975a, 305-7 does not include the Ground Rules).

A new trade agreement signed at New Delhi on 21 March 1960 (see Appendix 1-33), replaced that of 1957 upon its expiry, and continued the basic provisions of the 1957 agreement. The new agreement was valid for two years, until 21 March 1962. It was later extended until the date of a succeeding agreement signed on 1 September 1963. The provisions of the 1960

¹¹ For a comparison of the Berubari and Kutch disputes with regard to Indian Centre-State relations, see Appadorai (1981, 187-201), who overlooks the geometric similarities of the Berubari and Nagar Parkar salients.

Agreement were essentially similar to those of 1957, although this time Pakistan insisted on the removal of the border trade provisions as they “did not lead to increase in bona fide trade, but led to a number of difficulties” (Ministry of External Affairs, 1994-7, v3, 363), although Article VI allowed for future arrangements to be made.

Within West Bengal, two final district-level enclaves overlooked during the transfers of 1952 and 1955 to Jalpaiguri from Cooch Behar were found, possibly because in the wake of the Nehru-Noon controversies, many Indian officials were studying the maps of Cooch Behar’s vicinity with increased attention. In 1955 the transfer to Jalpaiguri district of 34 enclaves of Cooch Behar located in Jalpaiguri district had included two at Panisala and two at Chikliguri. At each of these locations there also existed one tiny enclave of Jalpaiguri in Cooch Behar. By Notifications 765 Pl. and 766 Pl., dated 1 March 1960 (see Appendices 1-31 & 1-32), each was transferred to Cooch Behar in the same manner as the transfers of 1952 and 1955. The enclaves now remaining were those at international level pending exchange between Pakistan and India, and four at state level between Cooch Behar in West Bengal and Goalpara district in Assam. As the exchange of the Pakistani (now Bangladeshi) enclaves has still not been effected at the time of writing, 40 years on, the situation after 1 March 1960 has remained unchanged with regard to the number of enclaves, internal and international, remaining at Cooch Behar.

On 14 April 1960, a month after the Supreme Court reply to the Presidential Reference, Forward Bloc MLA Hemunta Basu took an oath at Manikganj Hat not to let Berubari fall to Pakistan even at the cost of his life. A monument to the oath-taking was erected in the village around 1978-9 (Roy Pradhan, 2000. See Photos 3 & 4). Local feeling was again running high as the Government of India moved quickly to draft two bills to implement the Nehru-Noon Agreement of 1958 and the boundary agreements of 1959 and 1960. Although the Supreme Court had held that cession was an intrinsic ability of a sovereign state, public opinion had been that as the Constitution did not specifically allow for cession, the transfer would be dropped. The idea of amending the Constitution to allow cession of Indian territory, especially to Pakistan, was shocking to many (Bhowmick, 1960, 726).

3.10 Constitutional Amendment, 1960

The two draft bills were the Constitution (Ninth Amendment) Bill and the Acquired Territories (Merger) Bill. The Ninth Amendment used Article 368 of the Constitution to amend Schedule 1 of Article 1 of the Constitution, which described the extent of the states and territories of India (see Appendix 1-35). With regards to South Berubari Union No.12 and the Cooch Behar enclaves, the amended schedule would exclude the ceded areas from West Bengal, referring to the descriptions made in the Nehru-Noon Agreement. It is important to realise that

the amendment would only take effect on an “appointed day” which was to be notified in the “Official Gazette”, and that this notification would only be made once the territories to be ceded had been demarcated.

Interestingly, the Government decided not to amend Article 3. At the time, Nehru said this was because it would make cession too easy in future, only requiring a simple majority, whereas by amending Article 1 of the Constitution any time a cession was made, this ensured a two-thirds majority was necessary. Yet it has been noted that the Government only came to this decision *after* West Bengal had announced its opposition to the Berubari transfer (Appadorai, 1981, 196). Could it be that the Government was trying to avoid the necessity of consulting with the affected state as required by Article 3? Several MPs including Shri A.C.Guha decried changing the Constitution to “accommodate the Executive” and the agreements the Executive made (Lok Sabha, 1960, 6482; Kripalani, 1960, 772).

While the Ninth Amendment excluded areas ceded under the three boundary agreements of 1958, 1959 and 1960, the Acquired Territories (Merger) Bill provided for the incorporation of Pakistani territories, including the Pakistani enclaves in Cooch Behar, acquired under the same three agreements, (see Appendix 1-36).

Before introduction to Parliament in New Delhi, the bills were sent to Calcutta for comment. On 29 November 1960, the West Bengal Legislative Assembly reaffirmed its stand on Berubari, by again unanimously passing a resolution moved by Chief Minister Dr B.C.Roy, similar to that of 28 December 1958, that

... any adjustment of boundary which may result in the transfer of any part of the territory of Berubari Union in Jalpaiguri to East Pakistan will adversely affect the economic life and security of the people of the area and that the Government of West Bengal has spent large sums of money for the area where a large number of refugees from East Bengal have been settled, the Assembly is of the opinion that the said Berubari Union should remain part of the territory of the Union of India (Appadorai, 1981,191).

During the debate, Dr Roy alleged that at no time had the Central Government sought the opinion of the West Bengal Government on the proposed transfer, and that without West Bengal’s approval, no transfer of Berubari could be made. Nehru denied both assertions the next day, claiming that only consultation with West Bengal and not its consent was necessary. He also confirmed that West Bengal officials were present during the 1958 talks, that the External Affairs Ministry had consulted them on the issues affecting their state, and that they had agreed to the transfer. On 1 December Dr Roy admitted that consultation had taken place on the details of the division, but remained adamant that the decision to divide Berubari had been made *in*

camera by the Prime Ministers. He sent a strong letter to Nehru listing about twelve grounds on which he felt the bills before the central parliament were unconstitutional and inconsistent with the Supreme Court ruling (Keesing's, 1961, 17884; Appadorai, 1981, 192-3). The Assembly declared the bills unconstitutional on 1 December (Hindusthan Standard, 1961g).

The same day Ayub Khan revealed publicly that he had been approached by Nehru as to whether Pakistan would be willing to receive some alternative area of land equivalent to Berubari, in view of the emotional response the division had aroused in West Bengal, and the hardship it would cause the refugees already there. Ayub Khan rebuked Nehru in a press interview at an airport: "If an agreement cannot be implemented, what guarantee is there that alternatives will be implemented? If the writ of the Central Government of India does not prevail in West Bengal and Assam, can any alternative or other arrangement be implemented?" (Keesing's, 1961, 17884). The comments embarrassed Nehru, who had approached Ayub Khan unofficially through the Pakistani High Commissioner in New Delhi (Bhasin, 1996, cli). Members of the Lok Sabha such as M. Khuda Bukhsh were incensed by Ayub Khan's public remarks and refusal to compromise

But the unfeeling Pakistanis true to their own interpretation of the Islamic culture tradition, spirit and heritage, have come and demanded their pound of flesh; this pound of flesh they must have. They must have their pound of flesh in Kashmir; they must have their pound of flesh in the Canal Waters Treaty; they must have their pound of flesh in Berubari. This pound of flesh attitude on the part of Pakistan has got to be actively resisted; this has got to be sternly discouraged. We are not going to have our Prime Minister's name bandied about in airports and mentioned lightly [...] It is time someone got up and told Pakistan where they got off (Lok Sabha, 1960, 6306-7).

Nehru himself replied to the criticisms of Dr Roy and President Ayub Khan in the Lok Sabha on 5 December and during debates on the Merger and Ninth Amendment Bills later that month. He noted that the Government had followed the procedure outlined by the Supreme Court, and that by Article 3 of the Constitution, only consultation with West Bengal was required, not consent. Further, the West Bengal Government had been "kept in the picture" from the beginning, and that senior officials from the state were present throughout the negotiations on Berubari. Neither the central nor the state governments had proposed the Berubari division, instead it had been one of several Pakistani counter-proposals. The central government had discussed it with West Bengal officials before a decision was reached. "There was no communication at any time from the West Bengal Government that the decisions were not acceptable to them. So also in all subsequent correspondence, even after the West Bengal

Legislature had passed a resolution disapproving of this". Nehru admitted that the major responsibility was on himself and the Government of India, but stressed it was in no sense correct to say West Bengal had not been consulted as "tacit approval" had been shown throughout the proceedings. Nehru pleaded that the settlement as a whole was to the advantage of both West Bengal and India, because it would produce a peaceful frontier. He noted that if the Berubari dispute had been referred to arbitration, the whole area might have been awarded to Pakistan¹². It was for this reason that India had not submitted it to the Bagge Commission in 1949 when it was first raised "rather vaguely" by Pakistan. The award had been negotiated as a whole so had to be accepted as a whole. He admitted he was unaware at the time of the Agreement that the population of Berubari was overwhelmingly non-Muslim, and of the presence of 5-6000 refugees there, but stated that the Government would consider it a duty to help those people if the need arose. He admitted also that he had approached Ayub Khan over the possibility of substituting another area for Berubari, but in reply had received "a relatively brief letter but not a very pleasant one". After that Nehru had considered it "our business and our duty to put through the agreement that we had arrived at". Nehru ended with a plea that

having agreed to it, we gave our word to the Government of Pakistan and I signed the document. I need not remind the house that if I function it is not in any individual capacity but in the capacity which Parliament has given me as Prime Minister of India... The word of the Prime Minister of India, apart from the individual concerned, is not a light thing... An agreement arrived at on behalf of the Government of India is not only an important matter, but there is a sacredness about it as the word of the Government and the country. I do not want anyone in the wide world to say that we do not honour our pledges and undertakings... (Keesing's, 1961, 17884).

The Opposition made much of the fact that 6000 refugees were to be sacrificed to save Nehru's honour and prestige:

In a democratic country what is more valuable? - the prestige of the Prime Minister or the fortunes of the people? It is true that the prestige of the Prime Minister means the prestige of the country. But what is the prestige of the country at the cost of its people? Is this democracy or a masked dictatorship? Is this not dictatorship masquerading in parliamentary form, the Parliament rubber-stamping whatever the Executive does in the name of the Prime Minister's prestige? (Bose, 1960, 763).

¹² As were two similar Indian salients in the Rann of Kutch arbitration of 1966-8. See p.120 below.

On 12 December Dr Roy told the West Bengal Assembly that although he felt Berubari should remain with India, he would support Nehru. "It is our Prime Minister who has entered into this international agreement... we on this side of the House cannot possibly take any step which may be regarded in the outside world as lowering his dignity". The state Opposition was not convinced, and on 15 December during further debate on the issue, a fistfight broke out in the Legislative Council, two Ministers and two Opposition members being injured in a struggle for the Speaker's mace. The Chairman adjourned the session, and the Assembly was also prorogued as a precautionary measure by the state Governor that afternoon when tempers flared there too (Berubari Union and Cooch Behar Enclaves, 1965; Lane, 1968; Hindusthan Standard, 1960a. Keesings, 1961, 17884 gives the date as 14 Dec.).

With Dr Roy finally, but reluctantly, backing him, Nehru had the bills introduced to Parliament in New Delhi on 16 December. Debated in the Lok Sabha on 19 and 20 December, the Ninth Amendment was passed by 328 votes to 47, and the Acquired Territories bill unanimously. Opposition had subsided in the Centre, but the emotion continued in West Bengal. A *hartal* in Calcutta supported by all parties except Congress brought the city to a standstill. Even the Delhi-based *The Times of India* damned the outcome, reporting on 22 December that

The majority which the ruling party was able to muster in the House could not, however, convert what was in truth a moral defeat into victory for the Government. The success of the general strike in Calcutta on the very day the two Bills seeking to put the seal of parliamentary approval on the transfer of territory were passed shows that the general public is still unreconciled to the transfer. [...] The whole affair has been an essay in ineptitude. The Government cannot argue, as its spokesman tried to, that the transaction was in the larger interests of the country when, on the Prime Minister's own admission, even the full implications of the agreement were not clear to the negotiators at the time they put their signature to it. In fact at the time the agreement was concluded the Government did not even know that it would involve the cession of so much territory. And even when it found that the agreement would involve the cession of a large chunk of territory, it did not fully realise the impact it would have on public opinion in West Bengal. If the Government had any inkling of the strength of public feeling on the issue and had consulted the West Bengal Government at every stage of the negotiations, it would have refused to agree to so inequitable a settlement. As it was, it failed to take into account, even after the searing experience of partition, the human aspect of the problem in the areas to be transferred (Appadorai, 1981, 195-6. For a similar editorial in *Vigil*, see Appendix 1-34).

The Centre carried on regardless. The Rajya Sabha debated both bills on 22 and 23 December, passing the Ninth Amendment 172 to 15 and the Acquired Territories Bill

unanimously (Keesing's, 1961, 17884). Both bills were then sent to the President for his assent, which he gave, passing them into law on 28 December 1960.

Although Berubari was the main issue of debate on the bills, as it was the only section of the Nehru-Noon Agreement to meet much opposition, the exchange of the Cooch Behar enclaves was also discussed, centring on Nehru and Desai's waiving of compensation for the net loss of area to Pakistan. Viewing outright exchange as a positive benefit, Shri Anil K. Chandra, the Deputy Minister of Works, Housing and Supply, claimed Pakistan's enclaves in India were surrounded by an Indian Muslim population, so that "having a friendly hinterland, the Muslim citizens of the Pakistan enclaves in our territory could reach to their administration or go over to their mainland. But so far as our enclaves are concerned, the people are all Hindus surrounded by a sea of unfriendly Muslims of Pakistan". India had wanted compensation for the net loss in area, but came around to an "en bloc" exchange because "we have at least saved these people from the uncertainty of living without any administration" (Lok Sabha, 1960, 6496-7). But Chandra was speaking too soon. Over 40 years too soon.

3.11 Reaction in Berubari, 1960-62

The legal procedures were now in place for the division of Berubari, the exchange of the Cooch Behar and Pakistani enclaves and lands held adversely by each side. Demarcation was underway, to be followed by the actual transfers and exchanges. Demarcation, however, proved much harder to implement than the necessary Acts had been. A variety of factors held matters up, including popular resistance to any survey of Berubari, freshly deteriorating relations with Pakistan, and petty frictions amongst Pakistani and Indian border guards and survey parties, which all combined to slow demarcation to a crawl.

The non-resolution of the issue for over two years told on the development of the Union. Berubari had eight primary schools and one secondary school, but no hospital. Residents had raised 2500 rupees for the purpose in 1957 and given the money to the Government, but after three years nothing had happened. India was not going to build a hospital in land it might be giving away (Deshmukh, 1961, 2). On one hand, some sections of the media chastised the Government for abandoning the people of Berubari thus, even before transfer. On the other, other sections chastised the Government for continuing to spend money there, including sinking a tubewell (Hindusthan Standard, 1961a). The Government was in a no-win situation. Nevertheless, having been caught out on the moral dimension of the transfer, Nehru was determined to ensure his Government would not be so accused again, and changed his tack on resettlement.

The people who are living there and want to come over to our side, we propose to settle them around that area ... Houses will be constructed for them there and land will also be given ... in fixing the actual date, the ‘appointed day’ as it is called, we want all these preliminaries to be done before the appointed day comes on (Bhasin, 1996, 1595-6).

In fact the day after the Ninth Amendment and Transfer of Territories Acts became law, New Delhi had asked Calcutta to make an immediate start on a house building project in Jalpaiguri district (Hindusthan Standard, 1960c).

Yet the people of Berubari, and their supporters elsewhere in India were not conceding defeat. Another petition was filed on 7 February 1961, this time by Bimal Kumar Dutta in the Punjab High Court Circuit Bench in Delhi, asking for a writ against the Union of India directing against the transfer of Berubari. The petition claimed the Ninth Amendment was not prepared in accordance with the Supreme Court Reference. This was dismissed within two days, and a similar petition calling the amendment *ultra vires* was also dismissed by the Supreme Court as premature (Hindusthan Standard, 1961b & c). A third petition was filed in the Supreme Court on 8 March 1961 by Satish Chandra Roy Pradhan and Dharani Mohan Roy of Berubari and Professor Balraj M. Madhok of New Delhi. It again contested the constitutional validity of the two acts passed in late 1960, claiming they denied the fundamental rights of Berubari residents to reside, settle, travel or hold property anywhere in India. It also challenged the right of the Agreement, the Executive and Parliament to transfer or cede territory without reference to the people. The Supreme Court dismissed this petition also, on 21 March (Hindusthan Standard, 1961g & h).

The demarcation of Berubari, which seemed so simple from the Nehru-Noon agreement, stalled over conflicting Indian and Pakistani methods for determination of the line. Pakistan insisted on a particularly complicated method: A triangle was to be drawn with the north point of Berubari as its apex, to cover the “entire disputed area” of Berubari. The base of the triangle was then to be bisected and the point of bisection connected to the apex. Mathematically this created two equal area triangles. The line from the apex to the bisector was then to have a perpendicular constructed, that would meet the north-east corner of Debiganj thana. This perpendicular was to be the new dividing line. The West Bengal State Government opposed this on several grounds: that the line was not “horizontal” as required by Nehru-Noon, but inclined to the north-west, that it did not divide Berubari into two equal halves, that the Agreement was to divide all of South Berubari Union No.12 and not just the disputed part, that if the Pakistani method was used on all Berubari, the perpendicular was even more inclined to the north-west, that the point Pakistan used as the north-east corner of Debiganj was not the actual north-east corner, and that the departures in the methods used could not be made at the administrative

level¹³. The whole Berubari issue was thus left off the agenda of the next quarterly meeting of survey officials of both countries, scheduled for Dacca on 22 February 1961. Delhi had instructed Calcutta to continue the survey work at Berubari regardless, but Calcutta responded that it was impossible in the current situation (Hindusthan Standard, 1961d). Nevertheless, Berubari was back on the agenda for the next meeting of the Directors of Survey in Calcutta on 24 April 1961 (Hindusthan Standard, 1961f).

Farmers in the area resigned themselves to a long wait and began to cultivate their next crops. Professor Nirmal Bose led a three-man delegation to New Delhi, to discuss the issue with ministers and MPs (Hindusthan Standard, 1961e). By early April, rehabilitation plans for the 1000 families or 5000 people expected to leave the Pakistani half of Berubari for India were finalised. Each family would receive 15 bighas (2ha) of land and a two-room house (Hindusthan Standard, 1961i & j). Later that month in a meeting in Darjeeling, Nehru, Dr Roy and West Bengal officials including R.N.Banerjee, the Director of Land Records and Surveys and Special Officer (Home), discussed a “new approach” to the division line proposed by Banerjee, which was hoped to retain for India more land but still do the Nehru-Noon Agreement justice. Officials stated that the Government did not want to have to resort to transit camps for the inhabitants and so hoped the people would remain where they were for as long as possible. Berubari was to be vacated in the third week of April (Hindusthan Standard, 1961k). Meanwhile, 113 members of the Berubari Pratiraksha Samiti were arrested at Siliguri as they tried to reach Darjeeling to picket the meeting (Hindusthan Standard, 1961l). In July, after another conference of the national survey teams in Dacca had failed to resolve the impasse, Professor Nirmal Bose said defiantly that even if India and Pakistan had agreed on a method to divide it, “the people of Berubari had signed a pledge with their blood [...] to resist any attempt of survey in Berubari or any other move designed to give effect to the proposed transfer [...] More than 1000 determined volunteers of Berubari Pratiraksha Committee are ready for it” (Hindusthan Standard, 1961s). However, “technical questions” continued to plague the survey conferences, and the issue seemed set to drag on for a long time (Hindusthan Standard, 1961q, t-w).

As relations between Pakistan and India deteriorated in 1961, reports of Pakistani misdeeds in the border region featured more frequently in the papers. The reports included dacoities, intrusions by Pakistani police and possible spies, and the arrest by India of a Pakistani survey team carrying maps showing Indian villages as Pakistani (Hindusthan Standard, 1961m-o).

¹³ Unfortunately no sketchmap of the proposed Pakistani method was provided in the newspaper that reported this further impasse. Without knowing both exactly what comprised the “entire disputed area”, and which point Pakistan was using as the “north-east corner of Debiganj”, no accurate reconstruction can be made. However, Fig. 5f is given as an illustration of the *method* proposed.

3.12 Indo-Pakistan Relations 1960-66

Communal disturbances in India in 1961 and 1962 sparked similar rioting in Pakistan. Pakistan made frequent complaints that Indian Muslims were being expelled from Assam and Tripura into East Pakistan. India countered that those expelled were illegal economic migrants from Pakistan, not Indians. The last Indo-Pakistani trade agreement before 1971 was signed on 1 September 1963 (see Appendix 1-37), replacing that of 1960. As in 1960, no reintroduction of border trade provisions was made, but Article VI again left room for future arrangements in this regard.

The theft of a relic of the prophet Mohammed from a shrine in Kashmir in January 1964 sparked the worst disturbances in East Pakistan since 1950. Hindu refugees poured into India, provoking further trouble which spread to neighbouring states as India tried to disperse the refugees. A conference between Ayub Khan and Nehru in Delhi on 7 April 1964 produced no agreement, and Nehru died on 27 May 1964 after seventeen years as Prime Minister (Keesing's 1973, 87-8). Armed clashes along the length of the East Pakistan boundary, which had occurred with increasing frequency since 1962, reached a peak in early 1965. As was usually the case, the border incidents were a symptom rather than a cause of bad relations (Walker, 1960). Other sources of friction were a dispute over Kutch, still unresolved despite the intentions of the 1960 boundary agreement, and the intractable Kashmir issue. Fighting at Kutch broke out from 9 April 1965, until a British-mediated cease-fire was agreed to on June 30. Pakistani militants crossed into Indian Kashmir on 5 August and fighting between regular forces erupted in mid-August after several border violations. An unannounced Indian offensive into the Punjab led Ayub Khan to declare war on 6 September. The UN brokered a cease-fire for 22 September, but it took about a week to become effective. The war of 1965 was purely a West Pakistan-India affair (Barman, 2000). India did not even make plans to attack East Pakistan, as, according to one general "Why kill the East Pakistanis who hate the West Pakistanis anyway?" (Brines, 1967, 233). The two countries held peace talks in Tashkent under the aegis of the Soviet Prime Minister Alexei Kosygin from 4 to 10 January 1966. Within hours of the signing of an agreement, Indian Prime Minister Shastri died of a heart attack. He was replaced by Mrs Indira Gandhi. Tensions resurfaced in August 1966, again over Kashmir, but a meeting in September between leaders of the armed forces in Delhi calmed the situation somewhat. As a consequence of Indo-Pakistani war of 1965, both countries confiscated all real estate and much other 'enemy-owned' property. This eliminated any lingering cross-boundary property ownership, the rent collection and farming of which had provoked many violent border incidents.

3.13 Survey hiccoughs, 1962-63

An agreement between India and Pakistan made some time in 1962, provided for the transfer of the enclaves as soon as Berubari was divided, but as late as March 1965, the demarcation had not started due to further injunctions as a result of a string of court cases brought by Berubari residents (New York Times, 1965, 26) and long delays in the legal system. These delays were perhaps not unexpected given that in May 1966 there were reported to be 30,000 cases pending in the Calcutta High Court alone, rising to 50,000 by September 1967 (Hindusthan Standard, 1966a & 1967c).

Attempts had been made to do the survey work. Nehru mentioned in the Lok Sabha on 4 March 1961 that some work had already been done, but at that time the Government was concentrating on demarcation in the Punjab (Bhasin, 1996, 1595). In July 1961, a meeting of officials agreed on the principles for the Berubari demarcation, but the work was “obstructed by ‘toughs’ allegedly hired by the West Bengal government, or at least at their connivance” (High Commissioner ..., 1964). At another meeting of officials in August 1963 in Calcutta, Pakistan signed the map of the proposed Berubari dividing line¹⁴ and agreed to expedite demarcation in this and the other sectors, with the expectation of completing demarcation along all the East Pakistan boundary by April 1964 (High Commissioner ..., 1964; Berubari Union and Cooch Behar Enclaves, 1965). On 17 August, the Lok Sabha was informed of a build-up of Pakistani troops along the border of Jalpaiguri and Cooch Behar districts, and four days later Nehru himself informed the House that about 100 acres (40ha) of land in South Berubari had been forcibly occupied by Pakistan (Nehru, 1989, 522 fn16). This occupation seems to have been brief.

The Deputy Minister for External Affairs reported to the Lok Sabha on 29 November 1963 on incidents during attempted surveys. He noted that the survey season had begun on 9 November, but on the 10th, large numbers of men and women had assaulted the joint survey party in Berubari. Police had arrested 33 persons and that “a pretence of force with lathis was made and the crowd melted away”. It was stated that reports of firings and excessive force in West Bengal newspapers were baseless. Instructions to the survey parties were to run a near-horizontal line westwards from the north-east corner of Debiganj thana to divide the 8.75 square miles (22.65km²) of Berubari Union No.12 into two near-equal halves. The status of Chilahati (see below) was confirmed as Pakistani and nothing to do with Berubari. It was hoped to complete demarcation by March 1964. At another meeting in September 1964 Pakistan insisted on a firm date for the completion of the Berubari demarcation, but by this stage India could only refer to a High Court injunction (see

¹⁴ This map is referred to in a file covering the Berubari affair, in the West Bengal State Archives. No response has been received to an application to the Indian Home Ministry to see the map. Notes taken from the file itself, including its title and number, were submitted for censorship but have not been returned.

below) against further work, so the meeting was adjourned. The injunction against survey work was not lifted until 2 February 1965 (Berubari Union and Cooch Behar Enclaves, 1965).

3.14 A new court case, 1963-64

In 1963, Ram Kishore Sen and five others chosen by the Forward Bloc brought another case against the Union of India in the Calcutta High Court (Roy, G., 2000). Sen and another petitioner were originally residents of villages within Berubari Union No. 12. Two more petitioners were also residents of the Union, but had been born in Boda thana, moving to Berubari upon partition in 1947. The final two petitioners were residents of nearby Chilahati. Chilahati was the name of a town in Domar thana, Rangpur, Pakistan, and the name also applied to many small villages in the vicinity of Domar, as well as in adjacent areas to the west in Debiganj and Boda thanas of Dinajpur¹⁵. The petitioners came from these latter Chilahatis, 512 acres [207ha] of which, immediately south of Berubari, was under India's adverse possession at the time. The case was a petition to prevent India demarcating the division of Berubari and making it and Chilahati over to Pakistan. It was filed a month after officials of the two countries came to Berubari and Chilahati to begin demarcation work (AIR 1966 SC 644), and appears to have been a desperate and flimsy bid to prevent the petitioners being made either Pakistani or homeless. A privately-produced map of dubious provenance was offered as proof that the division of Berubari, to be "horizontal starting from the north-east corner of Debiganj" according to the Nehru-Noon Agreement, would in fact either miss Berubari entirely or would give more than half to Pakistan. This was rejected by the judge in his judgement of 17 November 1964 after viewing official maps produced by the Government. The judge also stated that 'horizontal' was not to be read as 'due east-west' but rather as opposed to 'vertical', and that it signalled general intent, not a specific mathematical line. The judge rejected a claim that the Supreme Court's 1960 answer to the Presidential Reference of 1959 was wrong, and held that the procedure the Government had followed since was correct and legal. Regarding Chilahati, the petitioners claimed that it was part of thana Jalpaiguri and was being made over to Pakistan illegally, along with Berubari. The judge rejected this also, on the basis of official maps and statements of the late Prime Minister Nehru. In a speech to the Lok Sabha on 29 November 1963, informing the house of the progress of implementing the Nehru-Noon Agreement, Nehru had said that in 1957 West Bengal had informed the central government that

¹⁵ This phenomenon was noted by Captain Money during the 1872 census of Jalpaiguri "Many villages have no names, but simply take that of the *jot*[e] on which they are situated. Owing to this, an enumerator had sometimes to travel over a dozen villages before he could collect statistics for all the hamlets called by a single name. For instance, Shikárpur, a village in Chaklá Bodá, [...] On enquiry, it turns out that the portions of Shikárpur are in seventeen or eighteen different places, distant from each other from five to seven miles" (Hunter, 1877, v7, 247).

512 acres of Chilahati, a village in Debiganj thana of Pakistan, was held adversely. As this was adjacent to the previously disputed Berubari, it was proposed to return it along with the southern half of Berubari after demarcation of the division of the union. The Calcutta High Court judge rejected suggestions that India had acquired Chilahati by prescription since 1947. He noted that the Indian Government acknowledged that the area was rightfully Pakistan's and that India was obligated to return it. Although he rejected the petition, the judge retained the interim restraining orders for six weeks to allow time to appeal, and also acknowledged the plight of the petitioners:

I might add that I have come to this result without any enthusiasm. To uproot one human being from his hearth and home without his consent is bad enough, but to do so in regard to thousands of people borders on the tragic. Some day the united conscience of the civilised world might evolve a better way of solving human problems like these (AIR 1965 Cal 282).

On 2 February 1965, as a result of the filing of Ram Kishore's appeal, the Supreme Court passed a restraining order preventing the Government of India from passing any final order in connection with the transfer of Berubari and Chilahati. It ordered the appeal to be heard in the last week of April, but that in the meantime, demarcation could continue (Eastern Region Monthly Summary, 1965; Lane, 1968).

3.15 The Dahagram Incident, 1965

The Cooch Behar sector remained subject to the frequent incidents that occurred elsewhere along the East Pakistan border in 1965. On 4 March, Pakistani raids were reported at Berubari, Sitai, Sitalkuchi and Jamaladaha Kuchlibari. On 11 March when armed police were sent to Berubari after 600 bighas [80ha] of land were occupied by the EPR who dug trenches and installed lights. Professor Nirmal Bose MLC, and five MLAs, Kamal Guha, Amar Roy Pradhan, Sunil Das Gupta, Bijoy Roy and Sunil Basunia, released a press statement calling attention to the increasing border problems (Hindusthan Standard, 1965a). The External Affairs Minister, Swaran Singh later said the Berubari trouble was caused by "one Kartik Paharia and his people" who had recently cleared an area of jungle and there had been a dispute over its cultivation. A Pakistani national had laid claim to the land and tried to prevent Paharia's cultivation (Hindusthan Standard, 1965c). This and other incidents resulted in contradictory accounts in the press and from each government.

An incident at Dahagram-Angarpota that featured in the international press (eg New York Times, 1965) exemplifies this. India claimed that on 13 March 1965 Hindu residents had been driven out of Dahagram, the largest Pakistani enclave, and that Pakistani police had fired on

West Bengal police in the area (Keesing's, 1965, 21066). Conversely Pakistan alleged that on 14 March Indian troops had forcibly occupied Dahagram, killing 12 people and driving the other 5000 residents into mainland Pakistan (New York Times, 1965, 26). Further firing broke out on 17 March, continuing for two weeks, when a cease-fire agreement reached between the countries' Chief Secretaries came into effect (Keesing's, 1965, 21066). A third opinion claims that the Dahagram trouble started not because of Indo-Pakistan or Hindu-Muslim differences, but because of friction between the original inhabitants, known as Bahe Muslims, and immigrants from elsewhere in East Pakistan, called Bhatia Muslims. According to this account, rioting between the two groups broke out in Dahagram in March 1965, with the Hindu residents fleeing, and Pakistan sent police to pacify the situation, but the need for them to illegally cross Indian soil to get to Dahagram caused a stand-off with Indian troops (Karan, 1966, 24; High Commissioner ..., 1965b; Hindusthan Standard, 1965b). Majumder (1965. See Appendix 1-38) alleges that Pakistani police had had an outpost in Dahagram for 17 years, although why this is a bad thing is left to the (Indian) reader's imagination; he simply states that "perhaps for the first time, India resisted and asserted her rights". Two months later, on 13 May, East Pakistan alleged that Indian authorities had built a wall between Dahagram and mainland Pakistan to prevent free movement of Pakistanis civilians across the 178m of intervening Indian territory, and were concentrating troops in contravention of the April Chief Secretaries' agreement. In reply India claimed the wall was only an embankment to protect an all-weather road running south through the Indian territorial isthmus to the Kuchlibari area to the south. India demanded Pakistan withdraw its own troop concentrations in the area. By 11 July India reported that the Pakistani troops had been withdrawn, but each side continued to level accusations of border raids in the area as tensions between the two nations in Kutch, Punjab and Kashmir continued to rise (Keesing's, 1965, 21066).

An fourth version of the Dahagram incident emerged from a chat between an official of the UK High Commission in Pakistan, presumably Dacca, and the Commanding Officer of the 14th Division (EPR?), Major-General Fazal Muqem. Muqem said that transit to Dahagram had been relatively free, although persons had to report to the Indian Police Post at Tin Bigha, where they were charged an "unofficial fee" of 8 Annas (half a rupee) per man and one rupee per woman. Muqem said a argument had erupted one day between the Police and a Dahagram resident over the fee, and an angry Pakistani crowd grew. The Indian police had refused transit, and had called for backup, which came in the form of 50 armed police. Tensions grew even more when a group of soldiers passed by. The subsequent Indian blockade resulted in a shortage of grain and cooking oil in the enclave, and "a shemozzle took place". Indian police probably entered Dahagram, and certainly opened fire. The Pakistani populace fled Dahagram, and the

EPR came up, responding to the firing coming from within Dahagram (Anonymous, 1965). An interesting diplomatic perspective on the confused situation and the many versions of what happened is available in PRO file DO/196/359 “Border Incidents & Boundary Disputes between India and Pakistan, 7/12/64 - 15/5/65”.

A British diplomat in India felt that the Dahagram situation was “regarded as nothing more than consequence of a complicated and un-demarcated border” (High Commissioner ..., 1965c), a sentiment shared by at least one journalist: “it is noteworthy that the demarcated sectors of the border are no longer heated up by Pakistan” (Sen, 1965). The British and the West Bengal governments felt that the delays in the Berubari transfer were the main provocation for the local border incidents, and urged the central Indian government to expedite the Supreme Court case, but even if the appeal against transfer was dismissed, the West Bengal government’s lawyers insisted that demarcation would have to precede the enclave exchange, a stance the British called a “patent absurdity” (High Commissioner ..., 1965d).

Pakistani frustration at the delays over Berubari was apparent when Muqem expressed disbelief that an international agreement could be held up for so long in Indian courts (Anonymous, 1965). Indian officials were no less exasperated. Acting Commonwealth Secretary Dayal was fed up with the situation in Berubari and nearby areas, and said it would have been long settled were it not for the lawyers: “It makes one wonder whether rule of law is as valuable as it is said to be” (High Commissioner ..., 1965g).

3.16 Enclave Access, 1965

Until March 1965, movement from Patgram to Dahagram had been easy, because the gap across India was so narrow. Dahagram was “in fact if not in theory, freely accessible from East Pakistan” (Norris, 1965). Five years previously, in 1960, frontier policing had begun to be entrusted to the West Bengal Frontier Police due to the inefficiency and corruption of the local police. A few months before March 1965, the West Bengal Frontier force took over on the Cooch Behar sector. There was a tightening of control to stop illegal immigration and the smuggling out of foodgrains. India had price fixing and government procurement, so local farmers could get more by selling into East Pakistan, which was less risky than using the local black market. This crackdown was resented on both sides of the border, by Indians unable to sell to the East and Pakistanis unable to travel between Dahagram and Patgram. By not warning Pakistan officials or Indian locals of the new controls, India “contrived to be legally right but morally wrong” (Norris, 1965).

As mentioned above, the Chief Secretaries met on 9 and 10 April 1965, in Dacca, though not without controversy. Pakistan had initially demanded access to Dahagram to survey damage before any meeting would take place, while India insisted the meeting be held first. Besides

negotiating a cease-fire at Dahagram, the Conference discussed access to the enclaves for officials and residents. On 23 March, soon after the initial Dahagram incident erupted, an Indian government press release stated that at the 17th West Bengal - East Pakistan Chief Secretaries' Conference, probably in 1950, it had been agreed that photo IDs issued by district officers would allow officials access to their exclaves, given 15 days notice of the date, time and route of the visits to allow for an escort to be provided; but the 25th Conference had decided that while the 1950 agreement did hold, it was now superseded by the Indo-Pakistan travel agreement of 1953 requiring all travellers to have valid documents (Ministry of External Affairs, 1965). In 1963 India had asked Pakistan to re-implement the 1950 agreement, desiring a safety-valve so that officials could judge the truth of press reports of enclave atrocities, and refute them with evidence as necessary. At the time, Pakistan had refused. External Affairs Minister Swaran Singh had said in the Lok Sabha on 22 March 1965 that Pakistan would not honour the access agreement (High Commissioner ..., 1965d-f). At the April 1965 conference, Pakistan appeared to concede to arrangements similar to those of 1950 and 1953. Enclave residents would be issued "A" category visas on proper passports, valid for unlimited journeys to and from the enclaves, with no requirement to travel via checkpoints on the main boundary. Officials would be issued "double transit visas", presumably valid for one return trip, with the possibility of multiple transit visas to be examined at a later date. These procedures were to come into force on 1 May 1965. Interim arrangements would be made by the District Commissioners of Cooch Behar and Rangpur, meeting at Tin Bigha on 17 April. Despite the agreement, Dacca papers reported that the Indian Deputy High Commission continued to make visa issuance difficult.

The Chief Secretaries also envisaged completion of demarcation in the 1965-66 season, and transfer by the end of May 1966, although the British High Commission regarded this as too optimistic (High Commissioner ..., 1965h & i). As of April 1965, 1079 miles, 80%, of the 1349 miles West Bengal - East Pakistan boundary had been demarcated, and only 1686 miles, 67%, of the whole Indo-East Pakistan boundary (Keesing's, 1965, 21066; Bhasin, 1996, 1602-3).

While it had been hoped to implement the access agreement from 1 May 1965 (Hindusthan Standard, 1965d), the first Indian delegation of twenty officials were unable to reach "Calabar" and "Kajalbari" [Shalbari & Khajal Dighi?] on 5 May, because there was no checkpoint or Pakistan official to endorse their visas. Pakistani officials at Danakata offered transit, but the Indians refused this as a violation of the instructions in their visas. Nevertheless, a 19-man team which included N.K. Sengupta, the Deputy Commissioner of Cooch Behar, was able to access the Dahala Khagrabari composite enclave, #1/47, 2/43 & 3/41, without trouble (Hindusthan Standard, 1965e). Another visit was made on 11 May to the Shalbari composite enclave, #38/34 to 32/37, and Sengupta spoke of the area's "sad neglect", "rule of the jungle" and "scenes of total chaos and

lawlessness". He said the residents considered themselves Indian, maintained contact with India proper, and hoped Indian administration could be gradually restored (Hindusthan Standard, 1965f). The third group of seventeen officials and twenty non-officials were finally able to access other enclaves on 30 June after a three week delay. Three batches of Pakistani officials had meanwhile visited their exclaves (Hindusthan Standard, 1965g).

The breakthrough on enclave access was ephemeral, hijacked by rising tensions on the West Pakistan boundary. On 30 July India accused Pakistan of robbing Indian chhitmahalis when they left to visit the mainland. Two cases of dacoity, at Dahala Khagrabari #1/47 and Kot Bhajni #2/43, were specified in a protest note sent by the Ministry of External Affairs to the Pakistan High Commission in Delhi: "... it is obvious that the serious crimes committed by Pakistani nationals are part of a systematic campaign to harass and terrorise the residents of these Indian enclaves with a view to pushing them out of their homes" (Hindusthan Standard, 1965j).

3.17 Continued legal challenges and demarcation attempts, 1965-71

Ram Kishore's appeal to the Supreme Court against the Calcutta High Court verdict had originally been scheduled for April 1965, but hearings were delayed until 28 and 29 July. On 11 August the appeal was rejected. No new evidence had been brought, and the judge reviewed and upheld the conclusions of the High Court (AIR, 1966 SC 644; Lane, 1968; Hindusthan Standard, 1965h & i).

Despite the injunctions preventing demarcation at Berubari, work proceeded in other sectors, albeit very slowly. "[I]t is difficult to say whether India or Pakistan has been more dilatory and procrastinating in carrying out this very important task... India and Pakistan have in common bureaucracies whose capacity for not doing anything, however urgent, expeditiously is endless. Meanwhile, ordinary folk suffer" (Majumder, 1965). Yet even as late as 3 September 1965, survey officials confirmed plans to complete the demarcation of the West Bengal-East Pakistan boundary by May 1966 (Keesing's, 1965, 21066).

As the British had noted, this was far too optimistic. Since the 1965 war, there were no direct transport links between Calcutta and Dacca, even for Government delegations, so to attend meetings in either city, the other side had to fly via Bangkok, a 3000km detour (Hindusthan Standard, 1966b). Complications arose, and at meeting in Dacca from 26-28 May 1966 it was agreed to resume work on 9 June and complete demarcation at Berubari by 23 July erecting 100 pillars. Critics said that although Pakistan insisted on immediate work, cloudy skies would make stellar observations impossible for the traverse survey and the monsoon would make embedding the pillars very difficult (Hindusthan Standard, 1966c; Lane, 1968).

On 2 June, a petition was sent by the Berubari Pratiraksha Samiti to Prime Minister Indira Gandhi requesting her to halt the demarcation because “miscreants” would infiltrate the area in the period between demarcation and handover, and because the demarcation would disrupt farming and damage standing crops. The petition was signed by Sudhansu Majumdar, Satish Roy Pradhan, Suresh Deb Adhikary, Bhaboni Deb Adhikary and Dinanath Roy (Hindusthan Standard, 1966d).

On 7 June 1966¹⁶, Sudhan[g]su Majumdar, a teacher at Manikganj Hat high school 1952-81, and other residents of Berubari filed another suit in the Calcutta High Court against the Union of India through its Commonwealth Secretary, the State of West Bengal, the Commissioner of the Presidency Division of West Bengal and the Collector of Jalpaiguri. An injunction was issued in their favour, suspending announcement of the ‘appointed day’ and the embedding of pillars, but allowing other survey work to proceed, pending the hearing set for 15 June (AIR Cal 1967 216; Hindusthan Standard, 1966e; Lane 1968). The survey did start on Saturday 11 June, but one Pakistan team didn’t turn up and another forgot its maps. Indian government assessors worked with the surveyors to pay compensation for crop damage as it happened. Unsurprisingly, the surveyors were unable to find many of the pegs from the previous year. The next day, Sunday 12 June, one of the three survey parties was forced to abandon its work when one farmer, Kendu Pahari, refused to let the party enter his fields and damage his crops, while at Chilahati 200 men demonstrated against the survey. On Tuesday 14, farmers Adya Roy and Nilkantha Roy halted another survey team by demanding immediate cash compensation for crop damage. On Wednesday 15, more cultivators objected to the survey, and considerable damage to crops did occur at Khalpara. A demand to delay the survey a month to allow harvesting was made, but the area was generally peaceful. On Thursday 16 June Majumdar’s case was adjourned until 23rd, but the injunction continued. In reply to some farmers demanding written assurances of compensation for crop damage, the Jalpaiguri Divisional Commissioner telegraphed the Chief Minister’s assurances, but the obstructions continued with demands that no crops at all be damaged. The illness of one Indian surveyor, sidelining his party, increased the delays (Hindusthan Standard, 1966f - n).

On 24 June, Majumdar moved for contempt of court as despite the injunction “... the opposite parties committed overt acts by raising vertical structures of wood, earth and wood, commonly said as pillars and as such violated the interim order of the court”. The original petition and contempt hearing were rescheduled for 28 June. Survey work continued to be held up, with some farmers fencing their crops. Then heavy rain and flooding delayed work throughout July.

¹⁶ The subsequent Supreme Court appeal wrongly gives the date as 11 June 1965, not 1966 (AIR 1971 SC 1594). As the 11th was a Saturday in 1966, both the case and appeal must be wrong on that too. Luckily, Lane (1968) and the *Hindusthan Standard* (1966e) agree on 7 June 1966.

The contempt petition was eventually heard on 21 and 22 July, then dismissed on 25 July for being unable to establish a prima facie case, but the injunction was modified to restrain the respondents from any survey work until further orders, and to maintain the status quo. The main application was rescheduled again to 1 August. Pakistan's charge officer at Berubari withdrew his teams about 20 July exasperated at the situation (Hindusthan Standard, 1966, p-u).

At the hearing of the main petition, of ten grounds listed, eight questioning the validity of the Ninth Amendment and India's right of cession were struck out. Of the remaining two grounds, one argued against the cession on the grounds of deprivation of citizenship. This was also rejected, for not being a fundamental right guaranteed by the Constitution. The final ground, arguing against cession without just compensation, was upheld as the judge decided that an argument existed that compensation was guaranteed under Article 31(2) of the Constitution, notwithstanding that the residents were being transferred along with their land and not being necessarily deprived of it. The judge pointed out that while Pakistan had agreed to take the territory, it was under no obligation to take the residents, so that they could be rendered stateless, or, if returning to India, would have a state but no property. The judge rejected a plea by the Attorney General that the petition be rejected for its vagueness. While agreeing that the wording was "not very happy" in his judgement of 4 October 1966, the judge allowed the petitioners until 30 November to amend the petition, and a rule nisi would then be issued on the respondents preventing demarcation and survey work until legislation had been passed to provide compensation to the residents (AIR 1967 Cal 216; AIR 1971 SC 1594).

The court thus recognised "the precarious position in which the petitioners have been abandoned", because if Pakistan did not recognise the property rights of the ceded Berubari residents, neither India nor the residents could seek redress in the Pakistani courts, nor even the ICJ because "the Ninth Amendment Act, is conspicuous in its silence as to any safeguard to protect the Petitioners either as to their citizenship or rights of property". The judge noted an observation of the American Supreme Court that "it is the usage of civilised nations of the world, when territory is ceded, to stipulate for the property of its individuals", especially so when the cession was "a voluntary renunciation of territory made to purchase the friendship of a neighbouring State, apparently because it was boisterous" (*sic.*) (AIR 1967 Cal 216).

Pakistan was infuriated by the constant delays that it felt could have been overridden if New Delhi had been willing. It withdrew its survey teams from along the entire West Bengal boundary in late March 1967, refusing to work with India on any further demarcation until the Berubari case was resolved (Hindusthan Standard, 1967a).

West Bengal politics now also changed. In March 1967, twenty years of Congress rule was replaced by a United Front coalition including break-away Congress faction the Bangala Congress, with Ajoy Kumar Mukherjee as Chief Minister. At a meeting on 29 May, called by the Berubari Pratiraksha Samiti at Manikganj Hat, Mukherjee asserted he would resist the transfer. Professor Nirmal Bose MLC and Amar Roy Pradhan MLA also spoke, with Satish Roy Pradhan presiding. A memorandum passed by the meeting demanded amongst other things improvement of the Manikganj Hat High School and for construction of two health centres for Berubari. Ten years previously, Rs2500 and 6 bighas [1ha] of land had been donated for this. At a similar meeting in Haldibari the same day, locals asked to be merged with Jalpaiguri district for administrative convenience, given the distance to Cooch Behar town compared with the short bus ride to Jalpaiguri (Hindusthan Standard, 1967b).

The rule nisi issued in the Majumdar High Court case was made absolute in a judgement delivered in part on 3 December 1967 and completed on 3 January 1968¹⁷. A law allocating compensation for transferred property had to be enacted before surveying could proceed (Deputy High Commissioner ..., 1968; Sukhwal, 1971, 221; Lane, 1968; Hindusthan Standard, 1968a). The Government of India promptly appealed. For Pakistan, Berubari was now regarded as “a touchstone of India’s sincerity in talking about wanting friendly relations with Pakistan” (High Commissioner ..., 1968). As for the exchange of enclaves, Pakistan declared this conditional on the successful division of Berubari (Lane, 1968).

The seeming success of the Berubari residents in halting the transfer encouraged others to try to rectify perceived faults in the Radcliffe Award. On 19 July 1967, one Ramendra Kumar Bisnu applied to the Calcutta High Court for the reinstatement of Khulna district to India. On 15 January 1968, “His Lordship directed the petitioner to serve notice upon respondent No.1, Sir Cyril Radcliffe and the State of West Bengal and the matter will be placed for hearing thereafter” (Hindusthan Standard, 1968b). The case disappeared without trace.

In February 1968 the award of the international boundary tribunal on Kutch, set up in 1966 after the war of 1965, came down, granting around 300 square miles to Pakistan, a fraction of its initial claim. *Inter alia* the award gave two small Indian salients to Pakistan, to ease Pakistani access to its much larger salient of Nagar Parkar, around which the Indian salients had formed a bottleneck (Prescott *et al*, 1977, 40-1). India reacted badly. M.C. Chagla, a former Minister for External Affairs declared that the award was based on political rather than judicial grounds, and need not necessarily be binding. In the *Hindusthan Standard* on 26 February, Indian author Nirad Chaudhuri wrote

¹⁷ February according to Sukhwal (1971, 221).

It is my conviction that Jawarhalal Nehru, if left to his own judgement, would have settled all the frontier disputes on a basis of give and take but was thoroughly frightened by the clamour over Berubari and had no further strength to get the loose ends tied up (Chaudhuri, 1968).

Feeling India had been intransigent far too long on most of the border questions, but that this was due to Hindu culture, he continued

It began with Duryadhana's famous defiance 'Not even as much land as can be covered by the point of a needle!' when the Pandavas said that they would abandon their claim to a share of the kingdom and rest satisfied with five villages. The Hindus venerate the Mahabharata [...] Anyone who has anything to do with landed property in India knows this. For a piece of land to be in a Hindu's possession is virtually to be in mortmain. It will be regarded as inalienable (Chaudhuri, 1968).

With feelings in India running high over the loss of territory to Pakistan in Kutch, atrocities at Berubari and the enclaves again featured symptomatically in the press. At a conference of senior border officials at Tin Bigha in late February, India accused Pakistan of atrocities at Dahagram, including one where two Hindus were put in a sack and sent through Indian territory to mainland Pakistan (Hindusthan Standard, 1968c).

A month later, on 28 March, Mrs Gandhi met a delegation of chhitmahalis led by Professor Nirmal Bose, and told them the Government was anxious to solve their problems as soon as possible. The delegation demanded full exchange of enclaves, maintenance of law and order, safe passage to the mainland and the recognition of chhitmahalis as a 'scheduled caste' for rehabilitation purposes. The day afterwards the delegation met the Home Minister, Y.B. Chavan. Thirteen Opposition MPs urged the Government to ensure enclave access (Hindusthan Standard, 1968d & e).

3.18 The last injunction is removed, 1968-71

The Supreme Court judgement on India's 1968 appeal against the High Court decision in the Majumdar case was finally handed down on 29 March 1971. The court upheld the appeal, stating that as India was not requisitioning the land of Berubari, but rather transferring the residents and their land directly to another country, this did not fall under the provisions for compensation as outlined in the Constitution. The court noted that Pakistan did not have to recognise the residents' property rights, and that this would be uncontestable in a Pakistani court, but held that there was no case for compensation from India either (AIR 1971 SC 1594). Ironically this final judgement, which appeared to exhaust the legal avenues the residents could

take, came too late for Pakistan. Bangladesh had declared independence and Pakistan, which had indirectly won the court battle, was about to lose a war.

3.19 The Creation of Bangladesh, 1966-1972

Dissatisfaction with General Ayub Khan's rule in Pakistan increased from 1966 to 1969 in both wings of the country. In 1966 Sheikh Mujibur Rahman, president of the Awami League, called for increased autonomy for the East under a federal government that would have only defence and foreign relations powers. Ayub Khan denounced Rahman, declaring Pakistan would accept the challenge of a civil war if necessary. Agitations in West Pakistan in November 1968 spread to the East in December where political demands were coupled with economic ones after massive flooding. Strikes and rioting in both wings forced Ayub Khan's resignation on 25 March 1969. Martial law was proclaimed, General Agha Mohammed Yahya Khan being appointed Chief Martial Law Administrator, and assuming the Presidency on 31 March. In November 1969 Yahya Khan announced plans for elections in October 1970 for a new National Assembly which would frame a new constitution, granting greater autonomy to the East, and reinstating the four provinces of the West. The election, the first to include women, was held in December 1970, after severe flooding in East Pakistan forced a delay. It was agreed to have been free and fair, and enjoyed a high turnout. The Awami League under Sheikh Mujibur Rahman won 151 seats in the East, a majority of both the 162 East Pakistani seats and the overall 300 general seats. Of thirteen further seats reserved for female candidates, the seven in the East were expected to fall to the Awami League, who were also expected to win all of nine other seats in the East where voting was delayed by flooding until January 1971. The League was thus expected to have 167 of the total of 313 seats, and be able to dictate the framing of the new constitution. Zulfikar Ali Bhutto, the leader of the Pakistan People's Party (PPP), which was the next largest party with 81 seats, demanded that all the provinces must assent to the new constitution. The result of the five Provincial Assembly elections on 17 December 1970 produced similar results to the national election, the Awami League enjoying an overwhelming majority in East Pakistan. The PPP and the Muslim League refused to attend the National Assembly unless they could have a greater say in framing the constitution. Yahya Khan was therefore forced to postpone the inaugural Assembly. By the middle of March, East Pakistan was in its third week of strikes demanding an end to martial law and a summoning of the Assembly. Rahman continued to demand the revocation of martial law, and directed East Pakistanis to ignore it. Yahya Khan and Bhutto met with Rahman but were unable to find a compromise. An ongoing build up of West Pakistani troops continued in the East as its secession became increasingly imminent.

Civil war broke out on 26 March 1971 when a radio broadcast announced the proclamation of the “sovereign independent people’s republic of Bangladesh”. The same day Yahya Khan outlawed the Awami League. The Pakistan army occupied all major towns after heavy fighting in Dacca, and gained control of the province by 18 April. India accused the Pakistan army of “suppressing the people of East Pakistan”. Alleged incidents along the East Pakistani borders heightened tensions between the two countries, as did the influx of perhaps six million refugees into India. Guerrilla activities in Bangladesh intensified in August, concentrated in border areas with easy escape routes to safety in India. These included the areas of the three northern salients of Tetulia, Patgram and Bhurungamari. The Pakistani army and paramilitary groups responded to the resistance by unleashing a savage campaign of reprisal against civilians in the affected areas. Flooding in August and the effects of a cyclone in November 1971 added to the misery of the population. India was eventually forced into action. Poor Indian labourers resented Bangladeshi refugees who worked for lower wages, and were granted Indian governmental aid. The burden of maintaining so many refugees was also beginning to strain the Indian economy. Mrs Gandhi toured Europe and the USSR seeking support, and Pakistan was increasingly criticised by many countries. Tensions reached a climax in late November when Indian troops entered Bangladesh to silence artillery they claimed was targeting Indian towns. A surprise attack on Indian airfields by the Pakistan Air Force on 3 December provoked outright war. India recognised Bangladesh on 6 December, and Pakistan broke off diplomatic relations. Indian forces linked up with the Bangladeshi guerrillas. The enclave area saw Indian thrusts from Dinhata towards Kurigram town on 7 December, and from Jalpaiguri towards Panchagarh and on to Thakurgaon on 8 December. Pakistani forces began a barbaric programme of massacring intellectuals, technicians and professionals to deny human capital to the now-inevitable Bangladesh state. The Governor of East Pakistan called for a cease-fire on 10 December, but Yahya Khan revoked it and fighting continued until Pakistan surrendered on 16 December. Violent demonstrations against the military regime in West Pakistan from 18 December forced Yahya Khan to resign, to be succeeded as President by Bhutto on 20 December. Mujibur Rahman, who had been arrested by Pakistan on 25 March 1971 was released on 8 January 1972, becoming Prime Minister of Bangladesh (Keesing’s, 1973, 94-124; Khan and Hossain, 1993, 25).

The enclaves in and of Cooch Behar were thus, from the declaration of Bangladeshi independence on 26 March 1971, or more specifically from India’s recognition of the new state on 6 December, now no longer an issue for India and Pakistan but rather India and Bangladesh.

3.20 The end of the Maharajas, 1970-71

HH Sir Jagaddipendra Narayan Bhup Bahadur, Maharaja of Cooch Behar died on 11 April 1970, aged 54. He had married an Englishwoman, Gina Egan in the 1950s, but they had no children. Even if they had had, a son of this marriage would not have been accepted as Maharaja by the people of Cooch Behar. Sir Jagaddipendra was succeeded by his nephew Virajendra Narayan, the son of his younger brother Indrajitendra Narayan (Devi and Rau, 1984, 310; Almanach de Bruxelles website). A month later, on 18 May 1970, Mrs Gandhi's government introduced a bill in the Indian Parliament to amend the constitution and abolish the privy purses of all Indian princes. Despite highly charged emotional debate, the bill was passed by the Lok Sabha, by eight votes more than the two-thirds majority required, 336 to 155. It was then sent to the Rajya Sabha where it was defeated by just one-third of a vote, 149 to 75. The government responded by inducing the President to sign a decree not only abolishing the privy purses, but de-recognising the princes altogether. This 'Act of State' was challenged in the Supreme Court, and quashed as unconstitutional on the grounds that "There can be no Act of State against its own citizens by the State". All titles, privileges and purses were restored. Mrs Gandhi then dissolved parliament and called elections a year early in February 1971. Under the gathering clouds of the Bangladeshi war, the Twenty-sixth Amendment of the Constitution was introduced to the Lok Sabha in August 1971, and passed by both houses in December, 381 to 6 and 167 to 7, receiving the President's assent on 28 December. The Maharajas of Cooch Behar, along with all their princely brethren, were no more (Devi and Rau, 1984, 319-23; Sever, 1985, 738-48).

3.21 Conclusion

The Cooch Behar enclaves became a problem only after the birth of the new countries of India and Pakistan. Arguments over the interpretation of the Radcliffe award in Bengal affected a number of areas along the new international boundary. Most of these were eventually decided either by arbitration or by agreement between the two governments. The enclaves were not among these disputes because demarcation in the 1930s had clearly defined their boundaries, and each country recognised their existence and the sovereignty of the other over them. The Bagge Tribunal was not given the issue of Berubari to consider because it had not yet emerged as a full dispute. By 1952 however, Pakistan was adamant that Berubari was rightfully Pakistani. In response, realising the enclaves would eventually need to be exchanged, India asserted its claims to former Cooch Behar enclaves connected to India along the Indo-Pakistan boundary in the vicinity of Berubari by transferring them to Jalpaiguri district. The remaining internal Indian enclaves of the former Princely State were merged with Jalpaiguri by 1960.

Despite Pakistani disappointment that Cooch Behar had acceded to India, the two countries proved able to draw up an agreement regulating official access to each other's enclaves. Freedom of movement for civilians across the Indo-East Pakistan boundary was maintained until 1952, removed only when Pakistan unilaterally introduced a passport and visa system, forcing India to reciprocate. The enclave problem commenced from this issue. The bureaucracies of each government made obtaining visas a laborious process. Chhitmahalis were free of the necessity to use the established border-crossing points, but for an illiterate population, far from passport offices or consulates, obtaining the required documents was almost impossible. With the enclaves now problematised by the new regulations, both countries desired to exchange the enclaves and simplify the boundary. But negotiations stalled on the issue of compensation to West Bengal for the net loss of area.

As access restrictions tightened, the consequences snowballed. Economic protectionism in each country, especially India, severely disrupted the economies of communities in the border region, wiping out the few markets existing in the enclaves, and criminalising the use of nearby host-state facilities. Access restrictions and the sheer distances involved prevented use of home country markets. Education stopped when teachers left the enclaves, unable to collect their pay from the home state. Access restrictions also prevented policing, tax-collection, and developmental assistance. North Bengali settlement geography further disadvantaged the enclaves. European and other Asian enclaves are generally self-contained nucleated villages, but that type of settlement pattern was rare in north Bengal, where apart from the infrequent towns, there were no clustered settlements, but only scattered farmsteads, increasing the vulnerability of the population both economically and politically.

With no police, the enclaves became unprotected targets for *goondahs* seeking easy victims in constant tit-for-tat cross-border incidents. Indian chhitmahalis fled or were pushed out of the enclaves into India proper by Pakistanis, who then obtained the land and livestock left behind. The Indian government perhaps felt less sympathy over time for residents of Indian exclaves, who were increasingly Pakistani settlers.

Alone of all the enclaves, Dahagram-Angarpota managed to retain some degree of normality because of its size and generally convex shape, compared to the largest Indian enclaves, and because of the short distance between enclave and home state, less than 200 metres. Despite the technical illegality of access, Pakistan appears to have maintained a police presence in the enclave, which brought stability, and reinforced the patriotism of its populace who did not desire exchange.

The enclaves became a problem because each country insisted on proving its sovereignty and independence to the other, and to itself. Neither country was a nation, but rather a collection of diverse nationalities and linguistic groups, that needed to develop a sense of national identity if it was to hold together and develop and not break apart. Each country fostered unity on the basis of the

partition's dichotomy. Pakistan was defined as a state for Muslims, although ancient tribal or sectarian rivalries threatened to override the common faith. Unity was achieved by presenting India as a rival, if not an enemy. Likewise in India, the Pakistani threat was used to unify an even more diverse country. Each country almost required the other to justify its own existence. Conflicting state ideologies, however useful internally, could not coexist peacefully at the border, and are ultimately responsible for the problems along the entire boundary. More immediate reasons for skirmishes included adverse possessions, particularly in the Berubari area where the main boundary was both contested and ill-defined, overzealous enforcement of regulations without regard for local circumstances, and corruption within the police and border guards. Enclave residents were unable to seek redress for any wrongs, as they were outside the jurisdiction of host-state courts, and their persecutors were outside that of the home state. Corruption and bureaucracy prevented moderating influences from the central government reaching the border.

The Berubari dispute and the problem of the enclaves were technically solved along with most other East Pakistani boundary disputes by Prime Ministers Nehru and Noon at a personal meeting in 1958. In a statesmanlike manner they adjudicated all the disputes together, each compromising on individual claims, for mutual benefit. Berubari was to be divided in half, and the enclaves exchanged without compensation for India's net loss of area. In return Pakistan dropped its claim to two enclaves straddling the boundary. The agreement was a remarkable step towards improving relations, but the leaders had underestimated the human aspect of the border problem. A large refugee population had been resettled in Berubari, and together with native residents, were understandably upset at the proposed division, and the prospect of being forced into Pakistan. Nehru admitted being unaware of the refugees, and was even initially against their resettlement within India. West Bengali opposition to the division of Berubari was total, but eventually the Congress state government reluctantly acceded to the greater political necessity of implementing an international agreement made in good faith. Legislation legalising the division and exchange was passed easily by parliament in 1960, despite a very divisive debate. But Opposition parties in West Bengal rallied local opponents and stalled implementation of the agreement in Indian courts for ten years, to the disbelief and anger of Pakistan, who in response refused to exchange the enclaves until Berubari was divided. All legal avenues for continued opposition were eventually exhausted, but only by 1971, in the midst of a Pakistani civil war which resulted in Bangladesh's independence. With Pakistani rule of the former East Bengal replaced by an independent government, the emotional baggage partition had brought to the enclave problem appeared to be removed. The path seemed clear for a final resolution of the enclave and Berubari issues between now-friendly neighbours, without further opposition.

Chapter IV

The Indo-Bangladeshi period, 1971-2001

Their remarks on each other's conduct and character have hitherto been governed by the fact that only 4oz. of plain speaking can be sent through the post for a penny. -- Saki, "The Hen"

4.1 Trade agreements, 1972

Relations between India and the new country of Bangladesh were very friendly at first. Bangladesh had much for which to be grateful to India, as India had intervened in the Pakistani civil war despite much initial international opinion being pro-Pakistani and condemning India. The various boundary problems inherited from the non-implementation of much of the Nehru-Noon Agreement were initially of very low importance to Bangladesh, whose first priority was to recover from the bestial brutality of the independence war. While now free of Pakistani domination, the country had to contend with the situation of being a brand new nation with little industry and a highly impoverished population.

A trade agreement between India and Bangladesh came into effect upon signature on March 28, 1972 (see Appendix 1-40). It was virtually a copy of the 1957 Indo-Pakistan Agreement, and included provisions for border trade essentially similar to those of 1957 which Pakistan had revoked around 1960. The 10-mile border trade zone was replaced by its metric 16-kilometre equivalent, and weights in seers converted to the same number of kilograms, an effective 7% increase. Border traders also required "special permits", rather than Category 'A' visas as before. As no mention of visas is made in the agreement, it is unclear whether the permits were in addition to or instead of visas. Regulations for the "special permits" were not made explicit in the agreement, but the division of the entire border into the same six sectors each with its own list of allowable goods for border trade was given. Traders could cross the border for trade once a day, and up to twice a week. The allowable cash limit was increased to 100 rupees, and crossing points were restricted to those "as may be authorised" which did not make clear whether these were to be a subset of regular border crossing points, or if they would include other places besides those crossing points. The agreement was initially valid for a period of one year, but appears to have been suspended during an anti-smuggling campaign smuggling later that year. (Chakravarty, 1972). It is not known whether it was reinstated before a new Agreement was signed in 1980.

4.2 The Indira-Mujib Land Boundary Agreement, 1974

Sheikh Mujibur Rahman paid a State visit to New Delhi on 12-16 May 1974, meeting with Mrs Gandhi to discuss many economic and political issues (see Photo 2). During this visit the

boundary questions were reopened and an agreement revisiting that of Nehru-Noon was signed on the last day, becoming variously known as the Indira-Mujib Pact, the Land Boundary Agreement or the Delhi Treaty (see Appendix 1-41). It specified how the remaining sectors of the boundary were to be demarcated. After demarcation, strip maps were to be prepared and signed by plenipotentiaries, so that transferral of adversely held areas could take place by a target date of 31 December 1975 for areas already demarcated, and six months after signature for remaining areas. In contrast to the Nehru-Noon Agreement, and presumably as a result of judicial comment in the several Berubari court cases, one article of the 1974 Agreement specified that residents of transferred territory were to have the right to remain *in situ* as nationals of the country obtaining their land. Instructions were to be issued to ensure peaceful conditions in these areas. Finally the Agreement was to come into force upon exchange of ratifications by the two countries. The main body of the Agreement listed fifteen sectors of the boundary to be demarcated. There was no use of the word ‘claim’, but rather a less emotive and much more practical description of the course of the boundary to be demarcated, or the principles of demarcation where these had been agreed or were in progress under the previous Pakistani regime. With regard to the enclaves it was agreed, as under Nehru-Noon, to exchange these “expeditiously” with no compensation to West Bengal for its net area loss. On the subject of Berubari, despite the final 1971 Indian Supreme Court ruling that cleared the way for its demarcation and division, Bangladesh was willing to give up its claim to the 11.29km² southern half, leaving the entirety of the Union to India. This also meant that the four chhits connected to the southern half of Berubari, formerly forming two exclaves of Cooch Behar, and that were also to have gone to Pakistan would now remain with India. These enclaves, incorporated in Jalpaiguri by the 1952 Notification were thus no longer enclaves, and would not form part of the exchange of enclaves proper. In return for abrogating its claim to half of Berubari and the four chhits, a total of 18.13km², Bangladesh would be allowed to retain its largest enclave in India, comprising the two chhits of Dahagram and Angarpota, a total of 18.68km². India would lease Bangladesh an access corridor, 178x85m, through uninhabited paddy fields at the narrowest point between Dahagram and Bangladesh, an area known as Tin, or Teen, Bigha [Bengali for ‘three *bighas*’].

Exactly which side proposed this arrangement remains somewhat obscure, although it seems most likely to have been an Indian offer. The Indian White Paper on Tin Bigha (Government of India, 1992) says that India proposed it to Bangladesh, while BJP broadsheets attacking the Tin Bigha transfer suggest Bangladesh initiated the idea (eg BJP, 1992b).

The Agreement was a practical process of demarcation and a resolution of the Berubari dispute which had caused so much angst for all concerned from 1958 to 1971. By swapping Berubari for retention of Dahagram-Angarpota, Bangladesh minimised the population transfers necessary under the Agreement, which was beneficial all around. Unlike Nehru-Noon, the

Agreement received positive coverage in both Bangladesh and Indian press, mainly because it looked set to tie up all the loose ends remaining from 1958 (eg Bangladesh Observer, 1974a).

Yet despite good Indo-Bangladesh relations and the benefits of the new Agreement, not everyone was happy. Within four days of the signing of the Indira-Mujib Agreement, a Bangladeshi named Kazi Mukhlesur Rahman had applied to the Dhaka High Court for an injunction against Bangladesh and Prime Minister Mujibur Rahman, claiming that the Agreement involved the cession of the southern half of Berubari and the adjacent enclaves, which was without lawful authority and therefore illegal (26 DLR (SC) (1974), 44). The High Court dismissed the application on the grounds that the petitioner had no *locus standi* [right to be heard] as he was not a resident of the affected areas, but it granted leave to appeal to the Bangladesh Supreme Court on 20 May 1974. The Supreme Court in its judgement of 3 September 1974 granted the appellant standing as the appeal was an “exceptional and extraordinary constitutional issue” (26 DLR (SC) (1974), 52). The Court held that the Agreement did indeed involve cession of the Bangladeshi part of Berubari, even if Bangladesh and Pakistan before it had never been in actual possession of the land. By passing the Ninth Amendment Act 1960, India had explicitly recognised Pakistani right to the territory, which now fell to Bangladesh as successor state. As the Agreement involved cession, the appellant’s rights to move and reside within Bangladesh would be curtailed by loss of that territory, and so the appellant was in good standing. The Court heard the case on merits, then dismissed the appeal as premature, because the Agreement required ratification, and would not come into effect until that time. However, it also noted that an amendment of Article 2(a) of the Bangladesh Constitution would be required to redefine the territory of Bangladesh before the cession could take place. This situation was very much like that which India faced in 1960 when it also had to amend its constitution.

The speed with which the Bangladesh courts and government dealt with the challenge are quite remarkable, compared to the endless delays in the court system in India 1958-71. This is even more remarkable considering that as happened in India, there was a massive backlog of cases. In June 1974, Parliament was informed that as of 31 May, 9573 cases were pending before the High Court Division of the Supreme Court. This even included 12 civil suits filed in 1956 and still awaiting adjudication (Bangladesh Observer, 1974b).

The Government of Bangladesh rapidly introduced a bill to amend the Constitution (see Appendix 1-42) on Thursday 21 November. Debate on the bill was short. Oddly, it mirrored the debate in India over the Nehru-Noon agreement. The Opposition felt strongly against the cession of territory, while the Government argued it would solve the boundary problems “once for all” (Bangladesh Observer, 1974d). Law Minister Dhar said if the Bill was not passed, it

would “humiliate and embarrass the Prime Minister before the eyes of the world” (Bangladesh Observer, 1974d), echoing Nehru’s 1960 plea about his own prestige. Six Opposition and Independent MPs spoke against the Bill: Aaur Rahman, Syed Quamruddin Mohammed Salahuddin, Mainuddin Manik, Manobendra Larma, Abdus Sattar and Abdullah Sarkar. One member suggested it should be put to the public for comment, and went as far as calling for a referendum. Another asked whether it was proper to discuss the bill without maps, but as no maps accompanied the original Agreement, this point of order was denied by the Speaker. It seems a strange decision to allow discussion and a vote upon a Bill to amend the Constitution and change the boundaries of the country, but not allow maps to illustrate the implications of the Bill to the members. Presumably members had been able to request maps if they so wished, or view them in the Parliamentary library in the preceding weeks, as was the case in India in 1960. It is also interesting that several members raised the issue of the rights of the people living in Berubari. It was claimed that the bill ignored the ‘fundamental rights’ of the people living in Berubari, but this point was incorrect. Like Pakistan before it, Bangladesh had never governed Berubari, so that the ‘cession’ of land and people that had never been under Bangladeshi control and did not desire to be so, could hardly be problematic. These points were corrected by the Foreign Minister, Dr Kamal Hossain. The Bill was easily passed by Parliament by 261 votes to seven after four and a half hours of debate on 23 November 1974, and received the assent of the President on 27 November 1974. By passing the bill, the Government in effect ratified the Indira-Mujib Pact (Bangladesh Observer, 1974c-e). The original and amended versions of Article 2 of the Constitution read:

Original:

2. *The territory of the Republic.* The territory of the Republic shall comprise-
- (a) the territories which immediately before the proclamation of independence on the 26th day of March, 1971 constituted East Pakistan; and
 - (b) such other territories as may become included in Bangladesh.

Amended:

2. *The territory of the Republic.* The territory of the Republic shall comprise-
- (a) the territories which immediately before the proclamation of independence on the 26th day of March, 1971 constituted East Pakistan and the territories referred to as included territories in the constitution (Third Amendment) Act, 1974, but excluding the territories referred to as excluded territories in that Act; and
 - (b) such other territories as may become included in Bangladesh. (Islam, 1995, 630).

It is important to note the final paragraph in the Amendment Act itself:

Upon the completion of the demarcation of the land boundary between Bangladesh and India in pursuance of the Agreement such included territories shall, and such excluded territories shall not, form part of the territory of Bangladesh with effect from such date as the Government may, by notification in the official Gazette, specify. (27 DLR (1975), 49-50).

India has yet to ratify the 1974 Agreement. In 1980 External Affairs Minister Narasimha Rao stated the Indian Government's position on ratification in reply to a question in the Rajya Sabha.

Prior to ratification of the 1974 Land Boundary Agreement by India, a Constitution (Amendment) Bill has to be adopted by the Parliament. Prior to drafting of this Bill, it has been considered advisable to demarcate the border so as to know precise areas or territories being ceded/acquired. The Government of Bangladesh have agreed for demarcation pending ratification of the Agreement by India (Bhasin, 1996, 797).

As of 1978, 435 miles (700km) of the Bangladesh boundary, much of it river boundary, remained un-demarcated. Of this, 77 miles (124km) was along the West Bengal sector (Khandker, 1978, 1). This demarcate-then-ratify argument was in direct opposition to India's position on the 1958 Nehru-Noon Agreement, when ratification by means of the Ninth Amendment was required *before* demarcation could proceed. The rationale for the change in policy has never been explained.

4.3 Politics in Bangladesh, 1975-2001

Internal chaos in Bangladesh led to further amendment to the Constitution in December 1975, making Mujib Rahman President, with the power to rule by decree. In August 1975 the military staged a coup, killing the President and 16 members of his family. Only Mujib's daughter Hasina, on holiday in Europe, survived. In November the army took control, with General Zia-ur Rahman becoming Prime Minister. Zia became President when the incumbent civilian, Abu Sadat Mohammed Sayem resigned on 21 April 1977. Martial law, in force since 1975, was lifted in 1979, but Zia was in turn assassinated by the army on 30 May 1981. In March 1982, a bloodless coup by army chief Hossain Mohammed Ershad reproclaimed martial law which lasted until 1986 (Compton's Encyclopedia, 2001). Not surprisingly, Indo-Bangladeshi relations cooled substantially after Mujib's assassination, as India found its neighbour turning into a military dictatorship, and later an Islamic republic. Some historians see the assassination as a successful

coup by anti-India forces, who removed Rahman for being beholden to India. He had after all been freed from a Pakistani jail by Indira Gandhi. It is also interesting that China, which had condemned India for interference in Pakistan's 'internal affairs' in 1971, and considered Bangladesh an Indian client, only recognised the new state after Rahman's demise.

Zia's government began to act as that of East Pakistan had done before 1970. Recognition of Bangladesh by Pakistan in 1974 and China in 1976 also worried India, as Chinese relations with Bangladesh threatened to surround India's north-east, where India had been unable to contain a Chinese invasion in the early 1960s. Tribal insurgencies in Bangladesh's Chittagong Hill Tracts and agitations in India's north-east produced claim and counter-claim of alleged involvement by each state. The frigid relations between the two governments produced fresh tensions along their mutual boundary. Tensions were also increased by the threat of India's Farraka barrage reducing vital river flows on the Ganges in Bangladesh, by rival claims to South Talpatty/New Moore Island that had formed just offshore between the two countries, and by ongoing illegal immigration of Bangladeshis into north-east India. Assamese massacres of Bengalis attempted to frighten the immigrants into returning home. The Assamese had never liked it, but immigration into Assam from Bengal was no new phenomenon, but one pre-dating partition (Ziring, 1992, 130-4).

At the 1991 elections, the BNP won government, led by Begum Khaleda Zia, widow of General Zia. But good-neighbourliness returned to the Indo-Bangladesh relationship only with the election in 1996 of the Awami League under Sheikh Hasina Wajed, 21 years after her father, Mujib Rahman's, assassination (Roychoudhury, 2000). Begum Zia and the BNP returned to power at the October 2001 elections.

4.4 Politics in India, 1975-2001

India's political scene witnessed a sudden change with the 1977 defeat of the Congress party, under Mrs Gandhi, by Morarji Desai's Janata Party. Congress had held power for the entire 30-year post-independence period. The new government was unstable, and Mrs Gandhi and Congress were returned to power at the next election, held two years early in 1980. Mrs Gandhi was assassinated by her own Sikh bodyguards in 1984 as a result of her authorisation of an army assault on Sikh militants in the Sikh Golden Temple in Amritsar. She was succeeded by her son, Rajiv Gandhi. In the 1989 elections, after a corruption scandal, Congress was ousted for the second time, with the Janata Dal forming a minority government supported by the BJP. The new government proved too unstable, and early elections in 1991 returned Congress yet again, but under the leadership of P.V. Narasimha Rao, after Rajiv Gandhi was assassinated at an election rally. The Nehru-Gandhi dynasty was over. Barely completing a full term in office, in

1996 Congress lost power for the third time, to a BJP-led coalition who were able to claim government in their own right after further early elections in both 1998 and 1999. The next election is due in 2004.

4.5 The Tin Bigha Affair begins, 1974-82

Once more, media reports of border atrocities increased. In 1977, Amar Roy Pradhan, newly-elected MP for Cooch Behar, told the Lok Sabha that on 3 July that year, up to 87 houses were torched in a mass looting which resulted in 17 people being burnt alive in the enclave area (Roy Pradhan, 1995, 37-8). With the down-turn in cross-border relations, India's will to demarcate the boundary and settle the decades-old disputes along it evaporated. Official conferences reiterated the intention of both sides to honour the 1974 Agreement, but little progress was made on the ground.

One of the reasons for delay in implementation was the issue of Tin Bigha. Soon after the announcement of the Indira-Mujib Pact in 1974, the issue of the potential enclavement of the Indian area of Kuchlibari south of Dahagram and Tin Bigha was raised. While Dahagram and Angarpota formed an enclave within India, the Indian area west of the enclave, and the western part of Dahagram itself, were covered by the wide Tista River (see Fig. 5d). The Kuchlibari area south of Dahagram had access to the rest of India only by passing along the road through the Tin Bigha area to the east of Dahagram. The river left no dry land on the western side. Tin Bigha was thus vital not only for Dahagram's access to Bangladesh proper, but also for Kuchlibari's access to the rest of India. Residents in the Indian area were worried that a lease of Tin Bigha to Bangladesh, while disenclaving Dahagram, would simultaneously enclave Kuchlibari. Local concerns led to the formation of two committees, the Forward Bloc-led Tin Bigha Sangram Samiti (Tin Bigha Resistance Committee) and the more hardline Kuchlibari Sangram Samiti, comprising "disgruntled Congressmen and state BJP leaders" (Biswas, 1991, 83). The Indian and Bangladeshi governments also discussed the issue at a number of conferences, attempting to thrash out an acceptable compromise. Shri Samarendra Kundu, Minister of State in the Ministry of External Affairs told the Rajya Sabha on 23 February 1979 that "it is our intention that the Agreement will not be brought into effect until satisfactory arrangements to this effect have been reached with the government of Bangladesh" (Bhasin, 1996, 793).

Concern was not only centred on the enclavement of Kuchlibari, but also, as with Berubari before, there was controversy over whether the lease of Tin Bigha was no less than cession. On 2 April 1981 in the Lok Sabha, in response to a question from Atal Bihari Vajpayee of the BJP, External Affairs Minister Narasimha Rao stated that sovereignty over Tin Bigha

would remain with India and that passage to Kuchlibari would be protected. “There is thus no question of ‘disconnecting’ any part of Indian territory” (Lok Sabha, 1981, 43-4).

Even with the 1974 Agreement to exchange the enclaves, and mutual pledges to ratify and honour it, normal administration of the enclaves remained a pipe-dream. Amar Roy Pradhan asked Narasimha Rao in the Lok Sabha on 20 August 1981 about facilities for census work in the enclaves by both sides. The Minister replied that India had not even made a proposal to Bangladesh about access to its enclaves. Bangladesh, though, had requested permission to cross Tin Bigha to access Dahagram and Angarpota for census work on 6 July 1981, and the Minister said that “we have allowed Bangladesh provisional facilities to transit through Tin Bigha to their enclaves on several occasions for normal administrative purposes” (Bhasin, 1996, 802-3). Protests by the Kuchlibari Sangram Samiti at the grant of passage to Bangladeshis resulted in police firing on the protesters, killing one Sudhir Roy. A memorial to him now stands at the side of the road at the south-east corner of the corridor (see Fig. 7e; Photos 5 & 6). However, Rao’s statement was contradicted by a report in the government-owned *Bangladesh Observer* of 11 August, dateline Rangpur, 9 August, wherein India was accused of refusing passage for census takers to Dahagram, who were assaulted and driven back. “What happened on July 6 when Bangladesh officials in their third bid went to conduct census inside these enclaves was a naked attempt by India to foil census and show the world that people of these enclaves no more want to remain with Bangladesh” (BJP, 1992b; Chaudhuri, 1992a; Chakrabarti, 1992a).

The *Observer*’s report continued that essential supplies and medicine at Dahagram had run out, with several people having died of starvation or lack of medical treatment. The Indian Border Security Force (BSF) and private individuals were accused of enforcing the blockade since 6 July. The same paper reported on 12 August that while the Tin Bigha Sangram Samiti had consented to the lease of Tin Bigha, it only did so on four conditions, including acknowledgment of Indian sovereignty over the corridor, all Bangladeshis using the corridor having to carry ID cards with photos, any offences in the corridor to be tried in Cooch Behar district, and no Bangladeshi police or armed forces being able to use the corridor. Further fuel was added to the propaganda fire by claims that a Red Cross team trying to reach Dahagram was forced by India to use a very circuitous route (Bhasin, 1996, 803 fn1 & 808).

The Bangladeshi reports of a blockade were not entirely untrue, as a conference between the District Magistrates of Rangpur and Cooch Behar on 19 September proved. The conference ended with the signing of an agreement allowing Dahagram residents access to the Bangladesh mainland or to Indian territory for day to day business. India agreed to sell medicine to Dahagram residents and ensure no Indian national obstructed their movement to the mainland (Bhasin, 1996, 808-9). The transit access for Dahagram-Angarpota residents was necessary

since the lapse of the 1972 trade agreement between the two countries. A new trade agreement had been signed in 1980, but had not mentioned border trade, not even as a subject for future consideration (Ministry of External Affairs, 1994-7, v10, 493-6).

A series of talks at various levels between India and Bangladesh continued through 1980, 1981 and 1982, covering many of the boundary issues, including Tin Bigha, South Talpatty Island, the sharing of river waters and the maritime boundary. Narasimha Rao fielded another question in the Rajya Sabha on 30 April 1982 regarding the progress of demarcation. He replied that 3315km of the 4000km boundary had been demarcated as at 30 June 1981. He said progress in demarcation had not been hampered because of disagreement on ground rules, but because especially in the Mizoram sector, the terrain was more difficult than anticipated, and because Bangladesh had been unable to supply enough survey teams to operate in several sectors simultaneously (Bhasin, 1996, 815).

In May 1982, technical experts from the two countries met in Dhaka, followed by a ministerial meeting in Delhi in June, and then a visit by General Ershad to New Delhi on 6-7 October. The South Talpatty Island issue remained unresolved, but by an exchange of letters on 7 October 1982, an agreement was reached covering the leasing of the Tin Bigha corridor to Bangladesh (see Appendix 1-43) (Keesing's, 1982, 31386). The agreement defined the terms of the lease mentioned in the 1974 Agreement, stating that the purpose was to allow Bangladeshis "free and unfettered" access to and from Dahagram-Angarpota, and Bangladesh would have "undisturbed possession" of the corridor. Sovereignty, however, would remain vested in India. India affirmed that the terms of the lease would be implemented as soon as possible even prior to the ratification of the 1974 Agreement.

4.6 Struggle for Tin Bigha, 1982-1992

Despite making the terms of the lease much more explicit, the 1982 agreement did not lessen the concerns of the people of Kuchlibari. In March 1983 (Government of India, 1992), Sugandha Roy, a resident of Mekhliganj and possibly also of Kuchlibari, petitioned the Calcutta High Court challenging the validity of both the 1974 and 1982 Indo-Bangladesh agreements. The court heard this case along with two others with similar claims, C.O. 4696 Nirmal Sen Gupta v. Union of India, and C.O. 4537 Subrata Chatterjee v. Union of India. Sen Gupta was a Secretary of the Forward Bloc. On 24 May, with the Agreement threatening to be put on hold by litigation as Berubari had been, General Ershad called for the immediate transfer of Tin Bigha to Bangladesh (Keesing's, 1984, 32921). The delays in India's ratification of the 1974 Agreement were increasingly seen in Bangladesh as a loss of interest in the rest of the Agreement now that India had what it wanted: Berubari (Bhasin, 1996, clii & cliv).

In his case, Sugandha Roy claimed that by Nehru-Noon and the Ninth Amendment, all formerly Pakistani exclaves had been Indian since 1960. Thus the granting of Dahagram-Angarpota and the leasing of Tin Bigha were both cession by India and so required constitutional amendments. The judgement came relatively quickly, on 1 September the same year, and was against the petitioners. The judge noted that as no 'appointed day' had ever been notified, the Ninth Amendment of 1960 had never come into effect for Berubari, or the enclaves, so that Dahagram-Angarpota had always been Pakistani then Bangladeshi, never Indian. Therefore there was no question of India ceding Dahagram-Angarpota. Likewise southern Berubari and the Indian exclaves in Bangladesh had always remained Indian. The court also ruled that the exchange of enclaves was exactly that, one simultaneous exchange, and therefore not two separate cessions, one by each country. On the question of Tin Bigha, the judge noted the 1982 Agreement specifically stated sovereignty remained with India, and that Bangladesh's right to "undisturbed possession and use" did not mean exclusive or legal possession, only that India would not interfere with the exercise of rights that the Agreement conferred. He held that Bangladeshi rights had to be read in the background of the phrase "for the purpose of connecting Dahagram and Angarpota with Panbari Mouza". In other words, the lease was for a specific purpose only. It did not give occupational rights, but merely allowed for passage of Bangladeshis to and from the enclave of Dahagram-Angarpota to enable Bangladesh to exercise its sovereignty over the enclave, which access was a necessary result of India recognising Bangladeshi sovereignty of the enclave (AIR 1983 Cal 468).

The news of the defeat of Roy's case was greeted with great rejoicing in Dahagram:

Entire 12 thousand people of Dahagram Angarpota enclaves burst with cheers on hearing news about dismissal of writ petition by Calcutta High Court which was filed by Indians against execution of Tin Bigha lease agreement. Enclave people of all ages came out of their houses and rejoiced by beating drums and paraded different roads shouting slogans urging both India and Bangladesh to execute lease agreement without delay. Several hundred peace loving citizens of India living around the enclaves welcomed processionists and expressed solidarity with their demands with a view to restoring lasting peace in these areas (Bangladesh Observer, 1983).

Following the ruling, the West Bengal Government started acquisition of sixteen private plots at Tin Bigha covering 3.17 acres (1.28ha), by the issuance of a *Gazette* notification on 6 August 1984 under the Land Acquisition Act, 1984 (Government of India, 1992). It is not clear whether these were in the proposed corridor or nearby.

In late 1983 and early 1984, relations between Bangladesh and India soured again when the Indian Government announced plans to begin fencing the border, ostensibly to prevent illegal immigration by Bangladeshis which was causing significant unrest in Assam and neighbouring states. Fencing was not a new issue, having been mooted for the Assam-East Pakistan border in September 1965 (Hindusthan Standard, 1965k). The erection did not begin until April 1984, but a Bangladeshi border guard was killed trying to prevent the fencing, and it was soon postponed. The slow erection of fencing along the entire border with Bangladesh has continued on a spasmodic basis since.

From 1982 to 1984, the subdivisions of Bangladeshi districts were upgraded to full districts, so that there were now 64 small districts in place of the previous twenty or so. Rangpur and Dinajpur were replaced as administrative units by their subdivisions of Kurigram, Gaibandha, Rangpur, Nilphamari, and Lalmonirhat; and Dinajpur, Thakurgaon and Panchagarh respectively (see Fig. 21). Of these, Panchagarh, Nilphamari, Lalmonirhat and Kurigram are involved in the enclave question. This brought administrative savings with the removal of one level of bureaucracy and also improved local access to government services. A similar reorganisation happened at some point in the 1980s in Assam (Nag, 1999, 12-3), where each old district was replaced with two to four new districts, upgraded from subdivisions. The four Cooch Behar-Goalpara enclaves now involved two of the new Assamese districts, with the single Cooch Behar exclave falling in the new Kokrajhar district, and the three Assamese exclaves belonging to the new Dhubri district.

Boundary survey work in the vicinity of Tin Bigha had commenced on 28 January 1986, but soon ran into problems. On 26 February K.R. Narayan, Minister of State in the Ministry of External Affairs gave the Indian version of events to the Lok Sabha. He claimed that on 29 January the surveyors found their last marker from the day before uprooted and a crowd of agitators in Angarpota protesting against demarcation. As the Indian forces present could not guarantee the Bangladeshi surveyors' safety, work was postponed at the request of the Bangladeshi team. The *Bangladesh Observer* had a different angle. In a report from Rangpur on 20 February it alleged that Indians had forcibly possessed themselves of a dozen chars in the Tista belonging to Dahagram. Other Bangladeshi papers accused India of forcibly entering the enclave, and the Bangladesh Government of appeasement and weakness. Finally, on 27 February the Deputy Commissioner of Lalmonirhat and the local Bangladesh Rifles (BDR) commander requested India release seventeen Bangladeshis arrested on 17 February. Bangladesh press reports accused India of violating the 1981 local agreement by arresting persons from Dahagram shopping in Mekhliganj (Bhasin, 1996, 910-11).

Despite his loss before a single judge of the Calcutta High Court, Sugandhu Roy appealed to the Division Bench of the Court on 12 April 1984. The appeal reiterated his protest that the 1982 and 1974 agreements were inconsistent with that of 1958 and therefore unimplementable, that the 1974 agreement required ratification before it could be implemented even in part, and that India's surrender of criminal jurisdiction over Bangladeshis in the corridor amounted to dilution of sovereignty (Government of India, 1992). In their judgement of 19 September 1986 the Division Bench affirmed the original judgement that there had been no automatic exchange of enclaves resulting from the Ninth Amendment, due to the absence of a notified 'appointed day' (AIR 1990 SC 1692; Government of India, 1992). However it was also held that an amendment to the Constitution would be required to change the relevant Schedules describing the territories of the affected states, namely West Bengal, Tripura, Mizoram and Assam. Specifically:

The respondents before implementation of the said agreements of 1974 and 1982 are directed:

- (a) To amend the Constitution of India suitably so that the Berubari Union is not transferred to Bangladesh along with the other territories as contemplated by the 9th Amendment of the Constitution. The agreements of 1974 and 1982 are directed to be suitably noted or recorded in the relevant Schedules to the Constitution authorising the transfer of the territories of Bangladesh and not Pakistan.
- (b) To take steps for acquisition and acquire the land owned by Indian citizens in the said area in accordance with law;
- (c) To consider and effect suitable amendment of Indian Law and in particular, the Indian Penal Code and the Criminal Procedure Code as presently applicable in the said area of Teen Bigha (AIR 1990 SC 1692).

Meanwhile on 21 June 1986, the Bangladesh Home Minister, Mahmudul Hasan, and other officials visited Dahagram. In a speech to the assembled residents, Hasan said that he could not understand the delays in the leasing of Tin Bigha given the friendly relations with India. He compared the present difficulties of access for Bangladesh police to the Pakistan period, when a police post at Dahagram was able to obtain free access despite the poor relations between Pakistan and India. He promised that a health centre would be set up in the near future for the residents, that 20 tube-wells would be constructed, and that under a food-for-work programme, the residents could develop their own roads. This visit prepared the way for that of President Ershad on 8 July, the first head of state on either side to visit any of the enclaves since

Partition in 1947. This proof of the Government's concern for their plight "evoked a great emotional response", both from the people and the President (Bhasin, 1996, 916-8).

Now it was the Indian Government's turn to use the courts. On 18 December 1986 the Union of India filed for Petition to Appeal to the Supreme Court over the recent Sugandhu Roy case. The appeal was on the basis that the directives of the Division Bench of the Calcutta High Court were extraneous to the original petition. Leave to appeal was granted in October 1987 (Government of India, 1992). The Government argued that with no 'appointed day' notified with respect to the erstwhile East Pakistani boundary, not only was the Ninth Amendment not implemented, but the schedules to the Constitution specifying Indian territory had not been changed either, so there was no need for a further amendment to change them again. The Supreme Court upheld this argument in its judgement of 3 May 1990, judging that the High Court Division Bench had erred in regard to clause (a) of its order, given above. The Supreme Court also held that clause (b) of the order was also unnecessary, as there was "no land owned by the Indian citizens which was required to be acquired". It is not clear if this meant that there was no privately-held land left in the corridor to be acquired, or that the lease to Bangladesh did not require any land so existing to be forcibly acquired. Clause (c), which ordered modifications to laws and legal procedure in light of Clause 9 of the 1982 agreement, was noted as being undertaken by the Government, but the Court ruled that implementation of the agreements of 1974 and 1982 was not dependent on this being done. The Court summed up with the remarks that

While we modify the judgement and order of the division Bench, we must observe that this was really a fight over a non-issue. The Division Bench categorically held that there was no cession of territory and no lease in perpetuity. If that is so, without the change in the law or change in the Constitution, the agreement should have been implemented fully and we hope that will be done for the restoration of the friendly relations between India and Bangladesh. Before we conclude, we must observe that Mr. Khanduja, counsel for respondent submitted that if the will of the people expressed that such agreement should be implemented then his client has no objection to such implementation. That is the good attitude to adopt (AIR 1990 SC 1692).

Responding to the verdict, a spokesman at the Indian High Commission in Dhaka was reported in Bangladesh newspapers as claiming that the transfer of Tin Bigha and the enclaves would only be made after demarcation of the entire boundary, of which 58km remained uncompleted. Only then could the 1974 Agreement be ratified by India and the transfer subsequently made. The High Commission issued a press release the next day alleging the spokesman had been inaccurately quoted. The transfer of Tin Bigha would have had to await

ratification of the 1974 Agreement only if the Constitution had had to be amended. As this was not the case for Tin Bigha, “the administrative procedures necessary to implement the 1982 Lease Agreement, held in abeyance because the matter was subjudice, is now being put in train in India” (Bhasin, 1996, 929-30).

In November 1991, a further case, relating to land acquisition in the corridor, was rapidly rejected of by the Calcutta High Court (Anonymous, 1992; Government of India, 1992).

It is interesting to note that the Government of India admitted that private land was acquired for the corridor, and yet denied this in an affidavit before the courts in the 1990 case. The BJP made much noise about this, but the exact truth remains unknown. It certainly seems likely that apart from the Mekhliganj-Kuchlibari road already in existence through the corridor, the rest of the land was in private hands around 1982, and therefore had to be acquired. This fits with BJP and Government statements, but not with the Government affidavit accepted by the Supreme Court (AIR 1990 SC 1692; BJP, 1992b; Government of India, 1992). Was it a lie or an oversight?

With the litigation hurdles now overcome, the West Bengal State Government came under some pressure from the Centre to take steps for implementation of the transfer of Tin Bigha “without delay”. It was impressed upon Jyoti Basu’s Left Front administration that the matter was of “considerable importance”, and would help in resolving other issues with Bangladesh. The State Government’s views were also considered (Anonymous, 1992). Basu, like Dr Roy in 1960, fell in with the Centre’s line, despite the vocal opposition of many in his coalition government. The West Bengal Chief Minister visited Mekhliganj to allay the fears of the residents of Kuchlibari. The two Sangram Samitis were opposing the transfer with increasing bluster. Despite the Forward Bloc being part of his ruling coalition, Jyoti Basu reiterated his support for the transfer, trying to quiet the jingoistic cries of the Sangram Samitis by reasserting that sovereignty of the corridor would remain Indian and that he was against unregulated passage of Bangladeshis. Basu’s attempts to counter the rhetoric of the Samitis only made it worse. Sunil Roy, chairman of the Kuchlibari Sangram Samiti declared “We are not budging an inch from our stand against the transfer even if there is bloodshed”. Such irresponsible calls only heightened the fears of local residents (Biswas, 1991, 83).

In a debate in the Lok Sabha on 15 December 1991, L.K. Advani, by now leader of the opposition, asked whether the lease would mean “increasing the border of India, [...] added area which we will have to guard”. Eduardo Faleiro asked him to “please see that when there is no human problem, no legal problem, it is [not] politicised unnecessarily”. The government continually rebutted the claims of the opposition that security would be compromised and Kuchlibari cut off from India at Bangladesh’s mercy by the lease. The Government, Congress since June 1991, reminded the House that during the various Janata administrations since 1977,

the ruling parties had not raised the question of reviewing the 1974 Agreement, so could hardly raise it now from the opposition benches (Lok Sabha, 1991b).

Since late 1991, the socialist Forward Bloc and the Hindu-nationalist BJP had been fomenting agitation against the Tin Bigha transfer. Their reasons for opposing the lease came from completely different directions. In Parliament, Amar Roy Pradhan continued to press for the full exchange of all the enclaves, as he had since 1977. “The Central Government did nothing for these people [of the enclaves] but on the other hand, the Indian Government is very much eager to give a passage to Bangladesh enclaves” (Lok Sabha, 1991a). He wanted all the Bangladesh boundary disputes, especially the enclave exchange, solved together in one fell swoop, rather than in a drawn-out piecemeal fashion, afraid that leasing Tin Bigha to Bangladesh would reduce that country’s interest in exchanging the remaining enclaves.

The BJP on the other hand, using nationalist themes, argued that the 1958 Nehru-Noon agreement to split Berubari was declared illegal by the Supreme Court, but that Congress had used its large parliamentary majority to circumvent the judicial ruling by changing the constitution, an interesting twist on the facts. Although claiming this ploy was ultimately halted by the people of Berubari themselves, the BJP also alleged that the government was again trying to cede land by means of a lease of such long duration as to circumvent changing the constitution again. The people of Kuchlibari would allegedly “get cut off and possibly at a later date may have to flee as refugees” (Bagchi, 1992, 3). BJP pamphlets called for “all the Indians, all its valiant fighters for national integrity to stand up, face the situation squarely and remove the danger of 50,000 people of Kuchlibari becoming Refugees at some point of time in the future” (BJP, 1992c). Yet even in its own propaganda, the impending ‘danger’ was not the transfer itself, but only a future possibility (Bagchi, 1992; BJP, 1992a, 1992b, 1992c. For BJP 1992c, see Appendix 1-45). With a further twist of reality, the BJP demanded the full implementation of the 1958 Nehru Noon Agreement, as that would obviate the need for Tin Bigha, as Dahagram would fall to India in the enclave exchange. This argument deliberately overlooked the fact that Nehru-Noon involved the cession of half of Berubari, which the BJP had opposed at the time. Critics were scathing: “From those who believe in putting the clock back, such solutions are not surprising” (Ramachandran, 1992). The BJP claimed that early waves of Hindu refugees from East Pakistan to West Bengal tended to vote Congress, so the state and central Congress governments turned a blind eye to their illegal entry. Hindu refugee numbers have since dwindled, replaced by the immigration of Muslim economic refugees, who tend to vote Marxist, and so support the ruling Left Front coalition (Sikdar, 2000). By appealing to Hindu nationalism over the transfer, the BJP hoped to halt the flow of Marxist-voting Bangladeshis into West Bengal and increase its own visibility. By raising the spectre of an

eventual Muslim majority it built a foundation of support in a state where it had little presence previously (Economist, 1992).

4.7 Tin Bigha transfer imminent, March-June 1992

By an exchange of letters on 26 March 1992, the Governments of India and Bangladesh agreed on the modalities for the leasing of Tin Bigha to Bangladesh, which would take effect three months later on 26 June (see Appendix 1-44). Informing the Lok Sabha of the agreement the same day, External Affairs Minister Madhav Singh Solanki reminded them that India was fulfilling an “international commitment” and expressed his hope that “Given time and goodwill, the Tin Bigha corridor which unfortunately generated so much controversy and tension in the past will turn into a crossroads of friendship between India and Bangladesh”. An unnamed member interjected: “the Honourable Minister has betrayed the people of West Bengal and the West Bengal people will never accept it” (Bhasin, 1996, 935-6).

The Indian Government clarified the agreement in several places, as a result of points raised mainly by the Forward Bloc, noting that existing legal arrangements would be continued for dealing with offences in the corridor, and that the modalities regulating movement of traffic, a retreat from the “free and unfettered” terms of access in the 1982 agreement, implied that Indian checkpoints either side of the corridor would always remain informed of the movement of Bangladesh military personnel. Full implementation of the 1974 Land Boundary Agreement was declared to be under way. It was again reiterated that Kuchlibari would not be isolated, and that developmental works were being undertaken there, and that the BSF was being strengthened in the area (Anonymous, 1992; Chaudhuri, 1992a). In response to further queries from the Left Front coalition in West Bengal, the Centre stated that there would be no free passage of Bangladesh military or paramilitary personnel without Indian permission (Chaudhuri, 1992a).

In West Bengal, Jyoti Basu welcomed the new arrangement of March 1992, and the Forward Bloc agreed to stop its agitations after its general secretary, Chitta Basu, MP, was convinced by Prime Minister Narasimha Rao that the movement of Kuchlibari residents would be as free as it had always been, and that their interests would be protected. This decision to withdraw the agitation led to a split in the Forward Bloc, with former state minister Kamal Guha, MLA being suspended from the party on 10 May for defying a party directive against agitation, and forming a breakaway group, Forward Bloc Socialist (FB(S)). This group was joined by Lok Sabha MP Amar Roy Pradhan¹, and supported by the BJP and the Socialist Unity Centre of India (SUCI). Roy Pradhan was particularly adamant that the corridor should not be

¹ It has also been suggested that Guha and Roy Pradhan broke with the AIFB over the security of their positions as Minister and MP respectively (Majumdar, 2000).

leased in isolation. Even if Dahagram and Angarpota were to be left to Bangladesh in exchange for Berubari's retention by India, the rest of the enclaves should be exchanged at the same time as the Tin Bigha lease. With Bangladesh in possession of Tin Bigha, he argued that that country would have received what it wanted and would no longer be pressing India for exchange of the rest of the enclaves. However this argument overlooked the fact that some Bangladeshis had expressed similar feelings towards India in 1974. Roy Pradhan also feared the enclave residents might now be conveniently forgotten by Delhi, as they could not easily travel to India proper, so were unable to voice their opinions as vocally as the people of Berubari had done, or as the Kuchlibari Sangram Samiti was doing. There certainly seems to have been no real reason that the enclaves could not be exchanged at the same time as Tin Bigha's leasing, and Roy Pradhan's fears have not proved ungrounded, as the enclaves remain unexchanged ten years on.

The Tin Bigha question was hijacked by other issues besides the supposed enclaving of Kuchlibari and the lack of full enclave exchange. The BJP in particular was adamant that Tin Bigha would become a conduit for large scale illegal Bangladeshi immigration into India, that it would encourage encroachment by Bangladeshis on Indian land and that transport of Bangladeshi military personnel across the corridor endangered Indian's national security. The BJP even claimed they had identified a suitable piece of land "the population of which wishes to stay with Bangladesh" to cede in place of Tin Bigha, but its exact location was never revealed (BJP, 1992a). Another option raised was to insist Bangladesh construct a flyover or tunnel at Tin Bigha, or bridge the Tista to reach Dahagram from Domar thana. A third suggestion was to construct an entirely new treaty.

All of these arguments and suggestions were flawed. Arguments over the dangers of Tin Bigha as a conduit for illegal migration or smuggling were unfounded, as India retained control over the corridor which was to be guarded. An increased guard around Dahagram as a consequence meant that the corridor would become less of a risk for such activities. The access of Bangladeshi military through the corridor was also a non-issue. While the necessity for India to provide access to the foreign military to its enclaves is not established in law, by itself, given the small length of the corridor and the lack of settlement therein, there was no practical loss of sovereignty or increased danger from military access to Dahagram. If anything it protected Dahagram from Indian encroachment and from internal disorder, which was to India's advantage. It removed a military no-man's land, and thus a possible location for smugglers or other illegal activities.

Like the objections to the agreement, the other proposed alternative solutions were based on incomplete information and wishful thinking. Dahagram-Angarpota has always been pro-Pakistani or pro-Bangladeshi, not pro-India. While other more remote, smaller enclaves may well have wished to merge with their host state, Dahagram was large enough in area and

population to be viable. Its compactness, compared particularly to the Indian Balapara Khagrabari and Shalbari enclave complexes (see Figs. 5a & 5b), and its proximity to Bangladesh rendered it immune from secessionist feeling. It was also predominantly Muslim. It seems highly unlikely that the BJP had found another 18km² area on the Bangladesh border that would have been happy to go to Bangladesh. It also seems unbelievable that, had such a cession had been proposed by the government, the BJP would have acceded to it more willingly than it did to Muslim Dahagram remaining with Bangladesh. The shape of the corridor would make it more practical for India, rather than Bangladesh, to construct a flyover to prevent “intermixing” of traffic streams. India would have to bridge 85m compared to 178m for Bangladesh, or even only the width of the Bangladeshi access road, perhaps 10 to 20m. A bridge over the Tista to Dahagram is utterly impractical given its width of more than one mile, its flooding and meandering history, and the small population at Dahagram such a bridge would connect. The idea of making Bangladesh bridge the Tista may have originated in poor quality sub-continental mapping that has often shown the enclaves incorrectly. Several official Pakistani and Bangladeshi maps have shown Dahagram not as an enclave, but as a salient connected to Dimla thana across the Tista (eg Survey of Pakistan, 1954 & 1962; Survey of Bangladesh, 1978). The Indian and West Bengal governments countered and rejected all of these arguments (Government of India, 1992; Government of West Bengal, 1992).

In the month preceding the handover, heavy security was introduced to the Tin Bigha area. Three companies of the Central Reserve Police, including one female company were deployed by early June, and were needed when 3000 protesters tried but failed to disrupt surveying of the corridor on 14 and 15 June, less than two weeks out from the agreed transfer date. Police resorted to tear gas, lathi charges and live ammunition (Press Trust of India, 1992; Silvera, 1993, 25). The BJP promised suicide squads, using the tensions “to do what it does best: whip up a nationalist frenzy... top BJP leaders made Siliguri [...] their second home, solely to meet newsmen stationed there and make inflammatory statements” (Guha, 2000). One of these was BJP president Dr Murli Manohar Joshi. On June 23, in the midst of massive police arrangements he arrived at Siliguri to visit Kuchlibari. With police enforcement of Section 144 of the Criminal Procedures Code prohibiting public gatherings, he was unable to address a public meeting but after “heated argument” with the Cooch Behar District Magistrate, was able to meet the people to hear their grievances (Chakrabarti, 1992a). With such tension in the air, the panic-stricken people of Kuchlibari rallied to his call, announcing they would lay down their lives rather than allow the transfer to occur. Bangladeshi banners were visible across the main boundary congratulating Jyoti Basu and Bangladeshi Prime Minister Begum Zia for implementing the transfer. Slogans were also shouted across the border “We have got Tin

Bigha, now we will take Kuchlibari” (Chakrabarti, 1992a). Complaints were made of heavy-handed tactics and even looting by the State and Central Police forces. Rations had supposedly been cut and the residents’ freedom to move about curtailed. Several hundred residents (Chaudhuri, 1992b quotes a local official as saying 10,000) had fled to Mekhliganj town and beyond in fear, and the lack of confidence in the future was mirrored in the price of gold in the local market, down to a third of its price elsewhere. Dr Joshi visited Tin Bigha and laid a wreath at the memorial to Sudhir Roy, killed in the police firing of 1981 (Chaudhuri, 1992b; Chakrabarti, 1992a).

Dr Joshi described the transfer as a “great fraud” perpetrated on the people of Kuchlibari and Mekhliganj. He called on Begum Zia to “take back the 15 million Bangladeshi infiltrators in India and we will give her Tin Bigha”. He stated that all treaties, including that of Tin Bigha, that went against “national interest” would be reviewed if the BJP came to power, and that the BJP was against leasing out any part of India to a foreign country (Chakrabarti, 1992b). He claimed 20,000 BJP workers had been arrested for coming to West Bengal to protest the transfer. Further, 26 were alleged to be in hospital in Jalpaiguri after being assaulted by police and CPI(M) workers. A further 94 were claimed to be being held as hostages by CPI(M) goondahs in Jalpaiguri and Cooch Behar districts (Chakrabarti, 1992b). When asked exactly what the BJP would do to prevent the implementation of an international treaty, he replied “If the entire universe can be created in just three minutes, a lot of things can happen in 48 hours” (Guha, 2000)².

Also on 23 June, Kamal Guha, who had “vowed to shed the last drop of his blood” to prevent the transfer (Chaudhuri, 1992a), Amar Roy Pradhan, Forward Bloc MLA Bimal Bose, Professor Hitan Nag, and 35 other Forward Bloc workers were arrested for violating prohibitory orders by proceeding towards Tin Bigha. With these arrests, Guha’s Tin Bigha Sangram Samiti ran out of steam. Meanwhile BJP and Opposition leader L.K. Advani arrived at Siliguri with plans to visit Tin Bigha the next day.

On the same day, a writ petition was filed in the Calcutta High Court by Manmohan (Manoranjan) Roy, president of the Kuchlibari Sangram Samiti. He challenged the validity of the forcible acquisition of land by the West Bengal Government from a private citizen at Tin Bigha. The petition was dismissed immediately by the Court on the grounds of delay. The judge said that no challenge had been made to the requisition notice nor to subsequent proceedings, and that the land in question had been vested in the State six months previously. Further, the land had not been requisitioned to be part of the Tin Bigha corridor, but was only contiguous to it, and was required for construction of roads for the use of Indians, not Bangladeshis. The judge

² An obscure reference to astro-physicist Steven Weinberg’s book *The First Three Minutes*, that only reporter Pathik Guha appears to have recognised.

upheld the correctness of the Supreme Court verdict of 1991 that no private lands were affected in the corridor itself (K.C., 1992, 126). Roy appears to have appealed on 25 June but that too was rapidly dismissed (Chakrabarti, 1992b). The exact status of land in the Tin Bigha area prior to 1992 remains unclear. Bangladeshi newspaper reports in 1983 claimed that the corridor area comprised 16 privately owned plots, and could not understand why the Indian Government had not used the Land Acquisition Act to acquire them immediately after signing the 1982 agreement (Bhasin, 1996, 816).

On 24 June at Tin Bigha, L.K. Advani called for the Government to delay the transfer for a month, to allow Prime Minister Narasimha Rao to personally visit Kuchlibari and talk with its residents. Recalling the clauses in the Tin Bigha agreement allowing for a tunnel or flyover in the corridor, he urged the government to explore the flyover idea again, to assure Kuchlibari residents of free access. His one hour visit was short and unremarkable, and was marred by the arrest of several BJP leaders, including the party's state president and its only West Bengal MP, Tapan Sikdar, for trying to squat in the corridor. Advani reminded the residents at Kuchlibari that the date of the handover was that same as that of the imposition of the hated state of emergency by Mrs Gandhi 17 years previously. He described the transfer as a similar outrage. He also saw political machinations in the alliance of the CPI(M) and Congress on the transfer issue, pointing to their alliance in the upcoming presidential election (Chakrabarti, 1992c).

Despite these last minute delay attempts by the Opposition parties, the Bangladesh and Indian governments managed to keep the deadline of 26 June for the transfer. Fencing and lighting of the Tin Bigha corridor was complete, and Bangladesh was metalling the road from Patgram to the corridor, and from the corridor into Dahagram (Bangladesh Observer, 1992a). Both governments were determined to implement this agreement, and on the evening of 25 June, police arrested a further 2000 FB(S) supporters near Dinhata (Chakrabarti, 1992e).

4.8 Tin Bigha transferred, June 1992

On Friday 26 June 1992, the day of the transfer, before the ceremony could begin, police were forced to resort to lathi charges and firing to disperse groups of protesters. Around 125 (Chakrabarti, 1992e says 500, Chaudhuri 1992b says 2500) protesters were arrested. These included Kuchlibari Sangram Samiti members, SUCI and BJP workers and Barang Dal volunteers from as far away as Bihar, Madhya Pradesh, Uttar Pradesh and Andhra Pradesh. More were arrested as they assembled at Changrabandha and Mekhliganj. Two men, 25-year old Jiten Roy, a resident of Upon Chauki village in the Kuchlibari area, and Kiten Adhikary were killed by the firing in Kuchlibari (New York Times, 1992; Chakrabarti, 1992d-f), "hundreds of people were injured and some of them losing their limbs" (Roy Pradhan, 1995, 16).

The whole scene seems unreal as the placid calm of the morning in the pastoral surrounding was disturbed by sounds of gunfire and bursting of tear gas shells. White clouds of smoke rose from the green jute fields as police fired more than hundred rounds of tear gas shells to disperse knots of several hundred strong demonstrators who sometimes attacked the police with stones and arrows (Times of India, 1992).

At 10:30 a.m. sharp, Indian time³, the formal ceremony of transfer got underway amid heavy security, with only officials and the media present on the Indian side. Indian flags were raised at the four corners of the corridor to the sounding of bugles by BSF Special Guard in ceremonial uniforms. Then the gate in the fence on the Bangladeshi side was opened to allow the Deputy Commissioner of Lalmonirhat, Mr Khalilur Rah[a]man, and Additional Commissioner of Rajshahi Division, Mr Sirajul Haque to enter the corridor, where they received bouquets from the District Magistrate of Cooch Behar, Mr S. Gopal Krishna. Hundreds of Bangladeshis then poured through the corridor to Dahagram, elated at the final transfer, eighteen years after it was first agreed upon. The corridor was open for one hour only due to the security problem on the day, but would be open for three hours, 7-8 a.m., 12-1 & 5-6 p.m., in the first week to assess traffic volumes, to be reviewed after 2 July, with hopes that it would be soon open for the full six one-hourly daylight intervals as per the agreement. This occurred within a week or so, once the political situation eased (Bhasin, 1996, 937-8).

A *bandh* called by the BJP and FB(S) in Cooch Behar district left the markets in Mekhliganj and Kuchlibari totally deserted (Bangladesh Observer, 1992b; Chaudhuri, 1992b; Chakrabarti, 1992d; Times of India, 1992). A further 12-hour bandh was called for the 27th in Darjeeling, Jalpaiguri and Cooch Behar districts by the BJP and SUCI in protest at the police firings. The CPI(M) opposed the bandh, and the Congress(I) remained silent about it. Three FB(S) supporters were killed in a clash between rival CPI(M) and FB(S) processions in Salmara village in Dinhata thana on the 26th (Chakrabarti, 1992f).

In Calcutta, Jyoti Basu's announcement of the transfer to the Legislative Assembly on the afternoon of 26 June was "cheered by members amid the thumping of desks", while Congress members were absent in protest at the "partisan attitude" of the Speaker. Members acclaimed the transfer in their speeches and criticised the BJP and sections of the Congress(I) parties for trying to sabotage the transfer. SUCI member Dr D.P. Sarkar was almost a lone voice in condemning the transfer by "imposing [an] undeclared [state of] emergency" (Bangladesh Observer, 1992b). In Dhaka, the jubilation over the final transfer was tempered by criticism of the government for "appeasement" and "conceding the sovereign right on Tin Bigha" by opposition parties such as

the Bangladesh Muslim League and Jatiya Ganotantrik, who had demanded full Bangladesh sovereignty over the corridor (Bangladesh Observer, 1992c; Bhasin, 1996, 940).

Numerous residents of Dahagram were not jubilant either. The arson of several houses in Dahagram, presumably by Indians, had raised their fears of trouble. One resident said that due to rising tensions, Dahagram residents had been unable to access the Mekhliganj market for about three months. With the corridor open, it was feared access might be lost altogether (Chakrabarti, 1992f), as it subsequently was.

Within a week of the transfer, those who had not seen through the BJP scaremongering and had fled their homes returned to Kuchlibari. The stature of Jyoti Basu and the CPI(M) increased as both were seen to be keen to improve relations with neighbouring countries and honour India's commitments. The BJP and Kamal Guha's threats to "shed the last drop of blood" (Chaudhuri, 1992c) to halt the transfer came to nothing, leaving them looking stupid on the sidelines.

The promised violence did eventually come, though not as expected. On 31 August 1992, 67 Indian residents, including women and children, of an unnamed enclave were murdered and their houses torched by a group of Bangladeshis. The survivors fled to the Indian mainland, penniless and landless. After a year, a delegation led by two of them, Sahid-ul-Islam and Tahid-ul-Islam, was arranged by Amar Roy Pradhan to meet Jyoti Basu in Calcutta on 16 November 1993. Little came out of the meeting, and in frustration, a number of the residents returned to the enclave in September 1994. The next day Sahid-ul-Islam was murdered too (Roy Pradhan, 1995, 17-8; Chakrabarti, 1997a).

4.9 No follow-through on enclaves, 1992-2001

On 25 November 1992, Ram Badan, the independent Lok Sabha member for Lalganj, Uttar Pradesh, asked what progress had been made on exchanging the enclaves. Minister of State for External Affairs, Eduardo Faleiro replied

The issue figured in discussions held during the visit of Bangladesh Prime Minister to India [May 26-28, 1992] and Foreign Secretary's visit to Dhaka [August 21-23, 1992]. Both sides agreed that the time was opportune, after the leasing of Tin Bigha, to move towards the resolution of outstanding issues with regard to the implementation of the Indo-Bangladesh Land Boundary Agreement, 1974 (Lok Sabha, 1992).

Nine months later, on 25 August 1993, Dr Jinendra Kumar Jain (BJP, Madhya Pradesh) and Ram Jethmalani (independent, Maharashtra) asked in the Rajya Sabha what had happened

³ Bangladesh time is half an hour ahead of India.

in the year since the Tin Bigha lease. R.L Bhatia, Minister of State for External Affairs replied, that the “Government remain committed to the early implementation of the outstanding issues related to the Indo-Bangladesh Land Boundary Agreement, 1974” and noted this had been reiterated in Parliament on 26 March 1993. “Efforts are underway” and “necessary action is being taken” (Rajya Sabha, 1993), but what exact “efforts” and “action” was not specified.

On 19 December 1994, Amar Roy Pradhan asked again when the Indira-Mujib pact would be ratified and the reasons for the delay. As usual, the answer from R.L Bhatia was less than encouraging. “The concerned agencies of the Central and relevant State Governments are seized of the requisite formalities for completion of this process. It is, however, not possible to indicate a time-frame at this stage since some legal, constitutional and administrative procedures are to be completed” (Roy Pradhan, 1995, 27).

Again on 20 March 1995, Roy Pradhan asked what action the Government had taken to prepare voter lists for enclave residents, and the arrangements for the exercise of their franchise. The answer was similarly obfuscatory “Government of India have no administrative control or access to these enclaves lying within Bangladesh. Government have also no reliable figures of population in these enclaves” (Roy Pradhan, 1995, 28). In the same year Ashis Das, a Forward Bloc leader, petitioned the National Human Rights Commission (NHRC) in India about the plight of the enclave dwellers. The NHRC ordered the West Bengal Government to submit a report on conditions in the enclaves, but it was admitted that the order was “not worth the paper it is written on”, as the central government had frequently admitted “The Government of India has no administrative control or access to these enclaves” (Namboodiri, 1996a).

The West Bengal secretary of the AIFB, Asok Ghosh, admitted in 1996 that the party had taken the wrong stance in following Jyoti Basu’s line on Tin Bigha. Ghosh said that as no further progress had been made on full enclave exchange, the lease was an “appeasement” of Bangladesh. This admission made room for to MP Amar Roy Pradhan and West Bengal MLA Biral Basu to rejoin the AIFB from the breakaway FB(S), leaving Kamal Guha and Paresh Adhikary as the main FB(S) leaders. Adhikary was resoundingly defeated by AIFB candidate Ramesh Roy for the Mekhliganj MLA seat, leaving only Guha in the West Bengal Assembly (Roy Pradhan, 2000).

In May 1996, the BJP won power in the eleventh Indian elections. Despite their rhetoric of 1992, they have never rescinded the Tin Bigha lease, nor attempted to exchange remaining enclaves, although relations with Bangladesh have remained positive.

On 11 December 1996, while Prime Minister Sheikh Hasina of Bangladesh was in Delhi, Amar Roy Pradhan again addressed Parliament, reminding the Government that nothing had happened over the exchange of enclaves in the five years since Tin Bigha. He repeated calls he had made on previous occasions for Bangladesh to lease a 2.5 bigha [Arai Bigha] corridor at

Daikhata to connect the perhaps 40,000 people of Shalbari exclave (chhits 38/34 to 32/37), the second largest Indian exclave, to India (see Fig. 5c). Arai Bigha was Roy Pradhan's suggestion to reciprocate Tin Bigha with a similar corridor allowing retention of a large Indian enclave. However, his claim that this would connect "about 17 sq. miles" of Indian chhits and allow "approximately fifty percent of the Indian citizens of Indian enclaves... to visit India in a smooth manner" (Roy Pradhan, 1995, 14; Lok Sabha, 1996) is wildly exaggerated, as the entire exclave is less than 5.5 square miles (14km²). Other corridors were also demanded as a "natural reciprocal gesture" for Tin Bigha. The BJP wanted a corridor through Bangladesh's Tetulia salient to connect West Dinajpur and Jalpaiguri districts (for location see Fig. 6b). With the use of decent maps so rare in the Indian media, the enormous difference in scale and purpose between Tin Bigha and the proposed Tetulia corridor would not be apparent to most Indian readers of the BJP's party organ, in which the demand appeared (BJP Today, 1997).

The now-legal official access to Dahagram through Tin Bigha allowed Bangladesh's Local Government Engineering Department (LGED) to build two bridges over the Sakwa Nadi (river) in Dahagram, improving access for the enclave residents to the mainland (Daily Star, 1997a). However, a 10-bed hospital at Dahagram, constructed in 1995 at a cost of 3,500,000 taka, was facing a severe funding crisis by late 1997. At that time there was no money to purchase medicines, nor fuel for the ambulance which was sitting idle. Salaries for the 17 staff including four doctors and four nurses were also in arrears (Daily Star, 1997b), and the hospital has remained closed since.

Despite the ongoing political difficulties, border cooperation did occur. In late 1997, an Indian delegation from the Joint River Commission crossed into Bangladesh at Burimari en route for Rangpur. On the way they visited Dahagram to view flood protection work on the Tista undertaken by the Bangladesh Water Development Board (Daily Star, 1997c). On 2 December 1997, the Tin Bigha corridor remained open all day to allow for the holding of a Union Parishad (council) election in Dahagram Union. The corridor was to remain open for Bangladeshis from 6 a.m. until the return of polling officials from the enclave (Daily Star, 1997d).

On 8 March 1998, in reply to a question in Parliament, Bangladesh Home Minister Rafiqul Islam revealed that the enclave residents may be given an option to choose their citizenship. "Either the enclaves will be exchanged or the residents of the enclaves will be given an option to choose the citizenship [of India or Bangladesh]. A mechanism will be worked through by discussion". Islam said that discussions were in progress with India on the enclaves issue and he hoped a solution would be reached that year (Daily Star, 1998a).

On 31 March 1998, a letter from the BJP's only West Bengal MP, Tapan Sikdar of Dum Dum constituency in Calcutta, was delivered to BJP Prime Minister Atal Behari Vajpayee,

implored an immediate resolution of the enclave problem. "Please look into the issue and solve it once and for all to the satisfaction of Indian citizens living in fear without any protection from India". Mr Sikdar deplored the 1974 Indira-Mujib Pact handing over Tin Bigha, claiming Kuchlibari was now enclaved. "More than 50,000 Indians there were deprived of any access to the Indian mainland". Despite the restricted hours of access for Bangladesh, these times were supposedly "utilised to the hilt by the smugglers" carrying coal, onions, potatoes, kerosene and bicycles. The 'loss' of that local trade was supposedly dwarfed by the "threat to the country's security". He claimed that the corridor offered very safe passage for illegal immigrants to India and also to the arms trade. The smuggling allegedly led to artificial shortages with rampant theft of cattle, crops, cycles and valuables, and a local law and order problem (Mukarji, 1998; Calcutta Online, 1998). Sikdar's plea for the enclave exchange is reasonable, but his comments on the dangers of Tin Bigha are pure hyperbole. The BJP has never explained why the corridor giving access to Dahagram makes illegal border crossing more of a problem there than anywhere else along the border. Surely it actually reduces problems as Dahagram residents now have fairly free access to the mainland, so the surreptitious crossings they used to make are a thing of the past. Likewise, smuggling is only a problem because trade is so heavily regulated and restricted by both countries. With a freer market, price differentials and therefore the reason for smuggling would disappear, along with the rampant official corruption smuggling generates.

By late 1998, only 6.5km of the Bangladesh-India border remained un-demarcated, but despite plans to complete the demarcation by May 1999 (Daily Star, 1998b), the work had not been completed at the time of fieldwork by this author in July 2000. Shrimati Vasundhara Raje, Minister of State for External Affairs replied to more questions by Amar Roy Pradhan on 9 December 1998 in the Lok Sabha. She reiterated the Government's position that "exchange of enclaves could take place only after the demarcation is complete and necessary legal and constitutional formalities are completed". One survey team was employed in each of the West Bengal, Assam, Tripura and Meghalaya sectors, with the number of men in the West Bengal sector teams being increased since 1997 to quicken the pace of work. As a result of this "the instrumental work by theodolite traverse was completed along the un-demarcated portion of the boundary including those along the periphery of adversely possessed areas. In addition, instrumental observations have been completed for accurate calculation of areas of adverse possessions in South Berubari, Khudipara and Singpara areas" (Lok Sabha, 1998).

Also in late 1998, West Bengal announced plans to build a tourist centre near Tin Bigha, but in November the plan was shelved after the BDR objected. This upset local Indian sentiment, as the state government was seen to be kowtowing to the BDR about a purely internal issue. For several months residents of Dahagram and Angarpota also picketed the

corridor demanding the removal of the two BSF posts there. Kamal Guha, amongst others, expressed annoyance in early 1999 at the shelving of the tourist site plan. He further complained, and the district administration admitted, that Bangladeshis still entered Mekhliganj “at will” (Chakrabarti, 1999a).

In early January 1999 West Bengal declared it would fence half the state’s border with Bangladesh to prevent infiltration and smuggling. Hindu nationalists in Bombay and Delhi had lambasted West Bengal for turning a blind eye to illegal Bangladeshi immigration. The state government had argued that West Bengalis and Bangladeshis were all Bengalis together, but when the BJP began to reap political mileage from the issue, the West Bengal government made a visible effort to prevent further immigrants (BBC, 1999).

The BJP itself came under political attack over the enclaves in the Lok Sabha. On 16 April 1999, Amar Roy Pradhan accused the BJP government of hypocrisy over the enclaves, for raising the issue when in Opposition, but dropping it upon becoming Government.

They are encouraging communalism; they are encouraging casteism; and at the same time they are encouraging regionalism. ... The Hon. Home Minister is here. Let me ask him one question. Shri Advaniji knows that there are 126 Indian enclaves. When he was on this side [the Opposition] and Shri Narasimha Rao was the Prime Minister, he raised this question. I supported that question. What is going to happen to these 126 Indian enclaves? [...] It is Question No.205, dated 5th December 1991 of this Lok Sabha [see Lok Sabha, 1991b]. The Question was raised by Shri L.K. Advani and Shri Amar Roy Pradhan. [...] But my question to you, Hon. Home Minister is this. When you were in the Opposition, you spoke loudly about these Indian citizens. But in the last 13 months, you did not take care of any of them. Why is it so? It is because you know very clearly that 80 per cent of these people who are living in that part of Indian enclaves surrounded by Bangladesh is Muslim and the rest 20 per cent is Scheduled Caste and Scheduled Tribe people. That is why, you are not taking any care. At that time when you were in the Opposition you only shed crocodile tears. [...] Do you know that there is starvation death of 64 people? Do you know that? Have you enquired about it? [...] your earlier decision that they are Indian citizens was only to take some political mileage. That is why, you spoke for these people. But while you are in the administration for the last 13 months, you forgot them. Certainly you forget them. Is it because of the fact that you know that these people are Muslims, these people are Scheduled Caste people and if they once come to the country, to India, then, the Muslims and the Scheduled Castes people will be more? [...] I can endure your brutality but not your hypocrisy. I charge the government. I charge the Government, this hypocrite Government that they shed crocodile tears for those people. But they did nothing for the people. They have got good relations with Bangladesh. Why did they not do it? Can the Government tell me? (Lok Sabha, 1999).

Talks between the Forward Bloc and the breakaway FB(S) under Kamal Guha had begun in early 1999, with a view to reuniting the dissident faction with the parent party. The split in the party over the Tin Bigha issue had severely hampered it in recent polls, with even veteran MP Amar Roy Pradhan's majority slipping 6% in the 1998 Lok Sabha election. With mid-term West Bengal Assembly elections approaching and the calling of a snap Parliamentary election for 1999, pressure on the two factions to reunite was strong. On 22 May they announced plans for reunion (Hindustan Times, 1999; Calcutta Online, 1999).

Jyoti Basu, who was a prime mover in improving relations with Bangladesh, spoke in Dhaka on 27 June 1999 arguing for expeditious transfer of the enclaves between the two countries. He reinforced that India needed to enact legislation to do this, but hoped it would happen as soon as possible. However, the caretaker government in Delhi was awaiting elections in September-October, so he hoped it would be taken up by the new government after that (Ganashakti, 1999).

In August, villagers on the southern boundary of Jalpaiguri had formed a committee to resist efforts to fence the border in their region. The situation was exploited by local political parties as elections drew closer. The Jalpaiguri district administration issued notices to acquire land for the border fence. From a confusing news report, it seems that an un-demarcated section of the Indian Bangladesh border remains near Berubari because of disputes over the ownership of four mauza. The villagers have been in India's adverse possession and most do not want to go to Bangladesh. They thus resisted efforts to erect the border fence, as it would leave them on the Bangladeshi side. Two years previously, in 1997 they had stoutly resisted efforts to survey the boundary in the area. Local Congress, Forward Bloc and CPI(M) units joined the villagers' committee, while units of the BJP supported the issue but remained separate. Kamal Guha, back in the Forward Bloc fold, took a delegation of the villagers to meet Jyoti Basu on 2 August, after the district administration had been forced to stop land acquisition due to the resistance. Guha claimed that the people had voted in Indian elections, considered themselves Indian and did not want to be pushed into Bangladesh. He urged Basu to take the matter up with Delhi. He also claimed that if the mauzas did go to Bangladesh, they would enclave the people of Daikhata (#39/13), in Bangladesh. This is incorrect, although the Indian connection to Daikhata is quite narrow. The BJP accused Guha of politicising the issue, but was itself quick to blame the previous Congress governments which "never showed any genuine interest the (*sic.*) addressing the larger issue of exchange of enclaves between India and Pakistan or Bangladesh" (Chakrabarti, 1999b).

With the elections impending, the media reported the plight of enclave inhabitants still unable to vote after 50 years of Indian independence. The BJP promised to enrol all enclave dwellers if it was returned to power (Free Press Journal, 1999). Meanwhile, in a not infrequent

occurrence, two BDR privates were killed by the BSF on 21 September in Lalmonirhat district, to which the BDR replied with high alert, reinforcement, and increased defences (Daily Star, 1999a).

A report on 3 October said that “groundwork” for the exchange of enclaves had been going on for around six months after being started again after a long gap in 1998. “Transfer of enclaves is likely to materialise if the governments of the two countries so want”. The article continues that the enclaves are “a legacy of British colonial rule [...] British rulers left the issue of enclaves unresolved for reasons best known to them. The Radcliffe Boundary Commission in 1947 decided not to award the enclaves to any of the new countries and opted to keep those as tiny isolated islands in another country” (Daily Star, 1999b). As with many local media reports, this is a distortion of the facts. Radcliffe made no such decision as he only partitioned British India, while the enclaves were a Princely State issue. Further, as we have seen, the British made attempts to exchange the enclaves in the 1930s but gave up after local opinion was against the move. That opinion has changed since 1947, but India in particular is to blame for the politicisation of the issue and the subsequent 50-year delay.

In late October, figures for adverse possession were published. Although they do not add up exactly, from the total given of 3218 acres (1302ha) held by India and 2685 acres (1086.5ha) by Bangladesh, 1400.96 acres (566.95ha) were held by India on the Dinajpur and Jalpaiguri border. Bangladesh appears to hold no land adversely in Dinajpur/Jalpaiguri, but mostly along its southwestern border at Nadia. The article says most of the 73 Bangladeshis killed along the border in the previous four years were killed in or over adversely held lands. Of the 73 dead, 13 were killed in 1996, 11 in 1997, 23 in 1998 and 26 in the first 10 months of 1999 (Daily Star, 1999d).

In early April 2000, 4-day talks between the BDR and BSF ended in an agreement to help each other curb smuggling, especially in women, children and drugs. The BDR reiterated demands for ratification of the 1974 Delhi agreement, “there was no scope to back down, India should now endorse it without delay”. On the enclave issue, the BDR director said India had asked for a census in the enclaves, but Bangladesh rejected this, as “the population of the enclaves would be given option to decide on which country they wanted to belong to. So, there was no need of any census”. India in turn reiterated its stand, of demarcation before ratification (POT, 2000a).

The *New Nation* reported on 5 May that Bangladesh was to enter into discussions with New Delhi over access to 12 enclaves in India. Bangladesh was to compile new voter lists from 15 May, and needed to secure permission to access the enclaves to enrol voters who “have not been able to become voters for the past ten years for not having Indian permission to cross its territory” (POT, 2000c). By 5 June, enrolment of enclave residents, prison detainees and Bangladeshis overseas was still uncertain, although the Electoral Commissioner Abdur Rahman

Chowdhury said that the deadline for house-to-house enrolment of 14 June did not apply to these other groups (POT, 2000l).

Another report on 16 May, said that Bangladesh had suggested to India that BSF forces on the Indo-Bangladesh border be drawn from Bengalis, rather than Hindus from Jammu, Kashmir and Ladakh. “These trigger-happy BSF officials appear to equate the sensitive Line of Control in Kashmir with the border between India and Bangladesh”, said a Home Ministry official. It was hoped that personnel of Bengali origin would create fewer misunderstandings and therefore fewer shootings. Official sources said from 25 January to 3 March, at least 12 Bangladeshis were killed in border shootings, in 22 incidents. Thirteen were abducted by armed Indians including BSF personnel in the 6 months ending in March, and Indians intruded into Bangladesh 18 times (POT, 2000d). The resentment against non-Bengali border guards was evident during fieldwork along the northern boundary in Bangladesh.

Also in May another enclave invasion was reported, this time internationally. A BDR complaint, lodged with the BSF claimed that on 18 May the BSF helped a mob invade one of the Masaldanga enclaves (#73 to 90) “near Rongpur” [actually in northern Kurigram], “only 125 feet” inside India. According to the complaint, 55 houses were torched, four Bangladeshis abducted and ten or more injured. The BSF expressed their ignorance of the incident. A subsequent report from the BBC claimed that a Bangladeshi Muslim boy, Mozammel Huq Mandol, had fled to the enclave with his Indian Hindu fiancée, Sheema Rani Sarker, after her family disapproved of their match. “Thousands” of people surrounded the enclave, demanding the girl’s return. Mixed marriages are often controversial in the subcontinent, leading to local trouble. Bangladeshi officials were quoted as saying they had been unable to access the enclave to assess the situation due to a refusal of permission by Indian authorities, and that the BSF had also refused requests for a ‘flag meeting’. A few residents of the enclave had managed to reach the mainland, to report shortages of food and essential items. The Bangladesh Opposition attacked the Government for its soft attitude to India and its failure to protect border residents. A further 11 Bangladeshis were claimed to have been abducted from the enclave by the BSF on 23 May. The lack of accurate information on the enclave is evidenced by newspaper reports of the population of this one enclave ranging from 200 to 15,000. A flag meeting was finally held on 26 or 27 May between the CO, 24 Rifle Battalion, BDR and the CO, 52 BSF Battalion, after nine protest notes from the BDR. Residents were reported to have petitioned the BDR CO to negotiate a 125-foot corridor to the mainland. One Bangladeshi report suggested that such incidents were created by the BSF and the Indian External Intelligence Agency to ensure greater funding. Residents were able to return to the enclave about 30 May (BBC, 2000; POT, 2000e-i & k; Telegraph, 2000).

Reports in the *Independent* on 4 June alleged a Bangladeshi was shot and two others wounded in an BSF invasion of one of the Karala enclaves (#63 to 65), near Gitaldaha. Residents fleeing the enclave said ten to twelve BSF troops chasing potato smugglers entered the enclave, then began to beat the residents who were asleep at the time. When villagers resisted, the BSF fired around 14 rounds, killing one and injuring two more. The BDR demanded a flag meeting and joint investigation. Bangladeshi reports again claimed the protests were ignored by the BSF, who had besieged the Sibprasad Mustafi enclaves (#67 & 68) further north of the three Karala enclaves. A subsequent report in the *Daily Star* on 8 June said the flag meeting held on 7 June had failed, with the BSF denying killing or injuring any Bangladeshis. The Indians insisted they had opened fire on smugglers at an Indian village and then were assaulted by the enclave residents (POT, 2000m-o).

The eighth anniversary of the Tin Bigha lease, 26 June 2000, was accompanied by political posturing on both sides of the border. Bangladeshi papers reported that in India BJP and extremist demonstrators demanded the annulment of the lease, while in Dahagram itself, rallies, sports and discussion meetings marked the anniversary. Speakers at the rallies demanded full 24-hour access through the corridor (Daily Star, 2000a).

Another two Bangladeshis were shot dead by the BSF near pillar 934 in the vicinity of the Karala enclaves on 11 July. The brothers were reported to be working their field in Bangladesh when the BSF crossed into Bangladesh, ordered them to stop work, then shot them when they refused (Daily Star, 2000b).

An article in *Holiday* on 14 July said that in the three years to June 1999 that the Awami League had been in power, the BSF traded fire with the BDR on 130 occasions along the entire boundary, injuring 73 Bangladeshis, while 54 Bangladeshis, including 3 BDR *jawans* were killed. This almost equalled the total from the year June 1995 to June 1996, a politically troubled twelvemonth for Bangladesh (POT, 2000q).

Not all incidents were justifiable by the BSF. In August 2000 BSF shot an Indian villager during an altercation over smuggling in Sitalkuchi district. According to Cooch Behar police, the BSF raided a house in Nagargopalganj and seized four cows on the grounds that they were about to be smuggled to Bangladesh. Neighbours rallied to the man's defence, and in the altercation that ensued, 35-year old Khachumuddin Miya was killed by the BSF. Indian police were to pursue murder charges against the soldiers (Statesman, 2000b).

Both countries held their decennial censuses in early 2001. During preparations in August 2000, it was admitted that none of the enclaves would be enumerated by either country, although talks on the issue were ongoing (Statesman, 2000a). The same month, Amar Roy Pradhan asked the government for details on the facilities available to enclave residents and

reasons for their neglect “for the last over 50 years”. The replies were typically dismissive “India has no administrative control or access to the Indian enclaves in Bangladesh” (Lok Sabha 2000a & 2000b). Apart from Dahagram-Angarpota, the enclave residents remain uncounted, unenrolled as voters, and politically invisible despite the speeches of long-serving Opposition MP Amar Roy Pradhan.

In late December 2000, after joint Foreign Ministry discussions, it was agreed to set up joint working groups to “work on the completion of the demarcation and exchange of enclaves held by the other side. It was agreed that the group of officials would systematically address matters relating to demarcation of the border and report to the Foreign Secretaries on a regular basis. They agreed to an early resolution of the matters pending to the Indian-Bangladesh Land Boundary Agreement of 1974” (Pioneer, 2000a; see also Asian Age, 2000a). Will this be a move towards rapid resolution, or another agreement that results in nothing, as have been so many similar statements before?

This history of the Cooch Behar enclaves ends on two positive notes. Firstly, after many media reports of urging from Dhaka (eg Independent, 2001; India Abroad New Service, 2001a), agreements to ease the visa regime between the two countries and relax restrictions on Tin Bigha were made at a meeting of the Indo-Bangla Joint Working Group that concluded on 17 February 2001. Within two days of the meeting, the corridor was open for two hour stretches with an hour’s closure in between (Daily Star, 2001c). This was then increased to three hour stretches (India Abroad News Service, 2001b), and the time of writing, July 2001, the corridor seems to be open from 7:30 a.m. until 6:30 p.m. Bangladeshi time with only a single one hour break from 12:30 to 1:30 p.m. While this is an excellent development, residents still hope for uninterrupted 24-hour access (Daily Star, 2001d & e).

Finally, a symposium on the problems of chhitmahals and adverse possessions was held in Calcutta on 14 and 15 September 2001, organised by Calcutta’s Centre for Development Activities and Oxfam’s Violence Mitigation and Amelioration Project. It also featured representation from the Association for Citizens Rights for the Indian Chhitmahals Residents and Oustees (ACRICRO). A variety of speakers including academics, social workers and former enclave residents publicised the plight of chhitmahalis, and called upon the state and national governments to fulfil their obligations to the affected people (Centre for Development Activities, 2001a & b). The nexus of an international charity together with a local social work groups and guests from across India allows at least a spark of optimism that the enclave problem will be given higher priority by the national governments, but it is as yet too early to say.

4.10 Conclusion

The replacement of Pakistan by Bangladesh in former East Bengal initially improved cross-border relations substantially. The two countries, united against Pakistani excesses, could negotiate border and other disputes from a clean slate. Bangladesh was grateful to India for assistance in its struggle against West Pakistan, and was eager to remove the border quarrels which had become entrenched by Indo-Pakistani hostility. It also desired to remove distractions from the enormous tasks of repairing the damage of the civil war and mastering its own destiny. India in turn now had an opportunity to develop genuine friendly relations with the new country, which would stabilise volatile Assam. In 1974 Prime Ministers Rahman and Mrs Gandhi revised the Nehru-Noon accord. Bangladesh abandoned Pakistan's claim to half of Berubari, and in return, India allowed it to keep Dahagram-Angarpota enclave, which had not suffered the same isolation and difficulties of the other enclaves, and whose residents desired to remain Bangladeshi. The other enclaves would be exchanged, as agreed in 1958 without compensation to India for its net loss of area. In addition, to guarantee Bangladeshi access to Dahagram-Angarpota, India would lease Bangladesh a corridor of land at Tin Bigha.

As in 1958, the agreement was equitable and attempted to solve all the border disputes in one hit. As in 1958, each side made compromises for their mutual benefit. Unlike 1958, account was taken of the wishes of the residents, as much for pragmatic reasons as humanity. The fewer persons needing resettlement the easier and cheaper the process would be. But as in 1958, both sides were surprised by the opposition the agreement provoked. Some groups in Bangladesh felt that relinquishing the claim to Berubari was cession. This was a distortion of the facts, as Pakistan had never controlled Berubari, because India had never implemented the 1958 Nehru-Noon agreement that ceded half the union. A court challenge to the agreement was rapidly dismissed, and the Bangladeshi legislature, dominated by the Awami League, amended the nation's constitution as ratification of the agreement by the end of the year.

But the momentum of the post-Liberation War period had been lost. In early 1975 Rahman was assassinated, by forces fearful that his close relations with India made Bangladesh an Indian satellite and not truly independent. An Islamic republic was proclaimed, and Bangladesh returned to the anti-India rhetoric of the Pakistani years. Despite the religious, ethnic and linguistic homogeneity of Bangladesh, the new nation was struggling for identity as had India and Pakistan in the late 1940s. Like Pakistan, it defined itself in opposition to India, as an assertion of its independence. Rapprochement with Pakistan and with China followed. Indian opposition parties were quick to capitalise on the new international tensions, which only increased them.

In 1982 India and Bangladesh clarified the leasing of the Tin Bigha corridor, but despite the assertion that Indian sovereignty would remain intact, the next year the Indian government was

once more challenged in the courts by local residents and their supporting political parties, fearful of the enclavement of the Kuchlibari salient. Just as after 1958, Bangladesh was exasperated by the length of time it took the Indian courts to hear and decide the case and its appeals. A final verdict was not delivered until 1991, by which time Bangladesh had swung back towards democracy. As the case neared decision, India felt it possible to begin implementation negotiations. An agreement in early 1992 set 26 June as the date for the corridor leasing. As the date neared, the BJP provoked fear in local Indian residents with irresponsible rhetoric and talk of bloodshed. The state government, a coalition, had initially opposed the lease, but, as in 1958-60, yielded to the necessity of implementing the agreement. A split in the Forward Bloc over the issue did not deter Chief Minister Jyoti Basu, and a large police and army presence at Tin Bigha in June ensured Opposition rhetoric did not turn into real violence, although police firing caused several deaths.

Despite the fears stoked by the BJP and others, the Tin Bigha lease has not cost India sovereignty, and has not increased smuggling or illegal immigration. Nine years after the initial lease, the national governments have even been able to increase the hours of operation of the corridor with hardly a murmur from its former opponents. Yet the other enclaves remain unexchanged, 27 years on from the Indira-Mujib agreement. This has vindicated the stance of the Forward Bloc (Socialist) faction who opposed the lease on the grounds that the lease and enclave exchange should happen together, and the lease alone would be a disincentive to full exchange. Conditions in the enclaves are still as difficult as they were during the Pakistani period, and residents in the enclaves attract the same hostility from host state officials and local residents.

Exchange appears no closer than it did in 1974. India has changed its policy on exchange from that espoused by Nehru in 1958. At that time, ratification of the exchange agreement was to be followed by necessary demarcations and then actual transfer of territory. Since 1974 this policy has been replaced with one requiring demarcation before ratification. Despite the Tin Bigha lease, and the recent increase in the corridor's operational hours, full enclave exchange, and the full implementation of the Indira-Mujib accord awaits Indian ratification, which will involve another constitutional amendment, and this in turn requires demarcation of a 6.5km section of boundary in the vicinity of Berubari. The issue of adverse possession in the several territorial salients in this area is believed to be the main factor delaying the entire process.

Chapter V

The Cooch Behar Enclaves in the year 2000

Now when I was a little chap I had a passion for maps. I would look for hours at South America, or Africa, or Australia, and lose myself in all the glories of exploration. At that time there were many blank spaces on the earth, and when I saw one that looked particularly inviting on a map (but they all look like that) I would put my finger on it and say, "When I grow up I will go there". -- Joseph Conrad, "Heart of Darkness"

...I do so want to see what Corsica's like, it looks so silly on the map. -- Saki, "The Brogue"

5.1 Introduction

The enclaves are invisible in the physical landscape. Apart from the special case of Dahagram-Angarpota, which since its legal connection to the Bangladeshi mainland in 1992 has been treated as part of that mainland, there are no physical barriers, and no obvious markers, signs, pillars or changes in agricultural or settlement patterns. The pillars erected during the enclave demarcations of the 1930s still exist, in the main, although some have been removed or destroyed over the years both by nature and man. Only by asking local farmers can one easily locate them and thus the enclave boundaries. Government officials in both countries do not deny unofficial access to the enclaves, provided one has the necessary visas for both countries, but they were less than encouraging, partly out of the understandable concern at the complexities that would arise if any incident occurred. Generally though, a tourist can just walk into an enclave without any problem. I was warned, however, not to visit some of the enclaves because of tensions due to political murders there prior to my fieldwork. Due to the lack of quality mapping and driver knowledge of minor roads, only those enclaves within a short walk of known roads were able to be visited. Flooding from the monsoons was not encountered, but heavy rain did hinder work in a hired car on one day. Besides Dahagram-Angarpota, Tin Bigha and Berubari, a number of enclaves belonging to each country were visited, and interviews were conducted with residents in most of these, together with local host state officials. A brief description of these enclaves is followed by media-sourced descriptions of three others, and of the four Cooch Behar-Assam enclaves, then a discussion of general aspects of the boundary and the situation in the enclaves concludes the chapter.

5.2 Descriptions of individual international enclaves

Dahagram-Angarpota composite enclave

#27 & 28

Bangladeshi

area: 4616.85 acres (1868.375ha)

population (1991): 9,157

The largest Bangladeshi enclave in India, Dahagram-Angarpota sits only 178m from the Bangladesh proper, and since 1992 has been legally accessible through the Tin Bigha corridor at the end of a sealed road from Patgram (see Figs. 5d, 7e & 7f, Photos 5, 6, 9-11). The road initially follows the old Patgram-Mekhliganj road due west from Patgram, until close to the closed Indian border. It then turns south on a new section, and winds down to the corridor, ending at the Indian border gate.

At the time of fieldwork, the corridor was open for Bangladeshi traffic on alternate hours from 6 a.m. to 7 p.m. Indian time. After years of pleading from the Bangladesh government, India has since agreed to extend the hours of opening so that the corridor is now open constantly during the day except for a break at around midday (Daily Star, 2001d). However, at the time of fieldwork, the Mekhliganj Subdivisional Officer (SDO) was unaware Bangladesh even desired 24 hours access through Tin Bigha (Kar, 2000). The corridor remains shut at night, except for emergencies, usually medical, and looks set to remain so for some years yet. Even during the opening times for Bangladeshis, Indian traffic is allowed to pass through, and the gates are closed temporarily to prevent Bangladeshis 'intermixing' while the Indian traffic passes by (Chaudhuri, 1992b). Traffic in both directions is light, and only the Mekhliganj-Kuchlibari road features regular public transport in the form of buses, there being no scheduled public transport from Patgram to Dahagram-Angarpota, but only trucks, motorbikes and flatbed goods rickshaws. Residents are currently demanding the government provide a bus service (POT, 2000j).

The corridor is fenced on all four sides, though more heavily on the Bangladesh sides, where the road through it is barred by large gates at either end. A sign just inside the gates lists the hours of opening, in Indian time, and another warns that photography is not permitted. On either side, the jute, rice paddies, not-infrequent clumps of bamboo and small wooded homesteads stretch over the flat landscape, disappearing into the murky humid air. On the Bangladeshi side, a small guardhouse and waiting room with a neat lawn and large flagpole regulates the behaviour of those waiting to cross. The guards are friendly, and a couple of locals have set up a small kiosk in the waiting room, selling snacks and serving tea. A similar set up exists on the Dahagram side.

Only the occasional boundary 'pillars', white-painted concrete dragon's teeth, mark the convoluted boundary itself. The Indian guards do not allow the corridor to be photographed, either from India or from Bangladesh. The Bangladesh guards have no such qualms, and were fairly relaxed, but prevent photography also, on the grounds that the Indians will otherwise lodge an official complaint, forcing a flag meeting and bureaucratic complications.

The Indian guards, whose main guardhouse is in the north-east of the corridor, were not as friendly as their counterparts, as if fearing invasion. A small embankment appears to protect the north-south Indian road through the corridor from observation or small-arms fire from the Patgram side. On top of the embankment is an upright concrete slab with a painted outline map of the area showing Kuchlibari, Dahagram-Angarpota and the corridor. Not all of the other enclaves are shown. A list of statistics comparing Kuchlibari and Dahagram-Angarpota was appended to the map, but copying these down was disapproved of.

In the quadrants formed by the junction of the roads sit several concrete picnic tables, similar to those found at official Indian tourist sites. The West Bengal tourist office in Calcutta, and that in Siliguri, insist there is nothing to see here, and only the latter had any information on Cooch Behar. It would thus appear that the reported Bangladeshi objections to making the corridor a tourist site have been heeded (Chakrabarti, 1999a), although given the attitude of the Indian guards compared to the Bangladeshis, the objections seem more likely to have come from the BSF.

The Indian sides of the corridor are fenced, but loosely, and are without gates. The four corners of the corridor fly Indian flags on flagpoles, and the sides are lined with floodlights on poles to illuminate the corridor at night. A generator shed in the corridor supplements power lines from Mekhliganj.

When crossing to Dahagram, the Bangladeshi guards warn travellers not to dawdle. There are no passport or customs checks, nor any paperwork for those crossing, as the corridor is for transit to and from Dahagram only. There is no provision for entering or leaving India proper at the corridor, and a sign in Bengali at the actual intersection warns Bangladeshis not to turn left or right but to proceed straight through. On the Dahagram side, the road continues to the northern end of Angarpota, from where Mekhliganj town is visible, but no longer legally accessible. A side road loops around the south-west of the enclave. Thirty-eight watchtowers, common along the entire Indo-Bangladesh boundary, surround the enclave on the three sides not guarded by the Tista River. There is no border fence except that at Tin Bigha itself, and the enclave is demarcated with the same modern concrete dragon's teeth as the main boundary.

Dahagram village centre is a row of small shops and kiosks along the road, with a post office, high school, hospital and some other basic infrastructure spaced out around a larger grassed maidan on the eastern side. The high school has 12 teachers and 300 students, fed from the four

primary schools in the enclave. The hospital is currently closed from lack of funding (Daily Star, 1997b). The ambulance, a panel van which operated from 1996-98 until involved in an accident, sits rusty and dusty next to the hospital, a large patch on one tyre attached with nuts and bolts, and what look like bullet holes, but were presumably caused by loose road metal, in the windscreen. Several people live in the medical housing in the compound behind the hospital building. In July 2000 there were six medical workers, some of whom were locals, the others having relocated from the mainland. GPs from Patgram and Hatibandha visit almost daily. At the time of fieldwork, a family-planning woman was also in residence. The staff mainly undertake pre- and ante-natal care and midwifery (Dahagram residents, 2000). A sanitary latrine programme has met with great success (New Nation, 1999b). The hospital, like the enclave as a whole, has no electricity. Power lines exist, but have never been in operation. A generator was built in the hospital grounds, but it was also never used, due to the funding problems. The post office is open Saturday to Thursday, as per the mainland. There are no telephones. Due to the formal connection to their mainland, the residents of this enclave use Bangladeshi taka rather than Indian rupees. There are 18 mosques and one temple in the Union, and locals report no communal problems.

Politically, the 28 hamlets of the two mauzas of Dahagram and Angarpota form Dahagram Union. Until elevated into a separate union sometime between 1981 and 1991, the enclave had formed part of Kuchlibari Union, which included the a large section on the mainland opposite Dahagram, together with the other small Bangladeshi enclaves in India's Kuchlibari salient. The Union has a council of 12, currently nine men including its chairman, and three women, elected every five years by the approximately 5000 voters over 18. The chairman in July 2000 was Mohammed Habibur Rahman, enjoying his second term. The union is responsible for roads, schools, and irrigation culverts. It also adjudicates local disputes, with litigants having recourse to higher courts in Patgram if necessary. Despite having further to go to market, especially from Angarpota, where the distance has increased from one or two miles to perhaps ten, the people feel freer than before 1992.

The leasing of Tin Bigha to Bangladeshi in 1992 has been a mixed blessing, although mostly positive. There is no longer difficulty in selling land in the enclave, so that both in and out migration occur and prices are higher than in other, legally-inaccessible, enclaves. The uncertainty about the future that hindered the enclaves economically, and affected the morale of the inhabitants, has been replaced since 1974, and in particular since 1992, with greater local confidence. Legalised access has enabled NGOs and organisation such as Rotary International to provide developmental assistance.

Residents are enrolled for parliamentary elections, and appear to have voted since at least the Presidential election of June 1978. Electoral candidates visit the enclave to seek the 5000

votes on offer. However, the worldwide complaint of forgotten promises tempers enthusiasm for national elections. While President Ershad, currently jailed on corruption charges, visited the enclave, Prime Minister Hasina has never done so, despite her husband coming from Rangpur.

The main disadvantage of Tin Bigha has been the end of access to Mekhliganj town for supply and marketing purposes. Until 1992, Dahagram residents holding a permit could visit Mekhliganj to buy up to 5kg of supplies (a total restriction, not per commodity). There was no limit on selling, but they were not allowed to take vehicles with them. After June 1992, this access was removed. For virtually all the enclave's residents, particularly those in Angarpota, Mekhliganj was closer than Patgram is now, so that access to the mainland has meant a greater distance to market (Rahman, M.H., 2000; Dahagram residents, 2000). Lowered earnings due to the longer distance to Patgram town as well as price differentials in that market compared to Mekhliganj have forced many farmers to become day labourers to supplement their earnings (Biswas, A.K., 2000b). The restriction on access to Mekhliganj after 1992 is admitted to have resulted in an economic slowdown in the town, which especially hurt Indians who had invested in Dahagram tobacco farms (Adhikari, 2000). The Mekhliganj SDO does allow emergency medical cases in the enclave to come to Mekhliganj hospital, so that humanitarian needs are not totally overridden by the new rule (Kar, 2000).

Bangladesh continues to demand 24-hour access through Tin Bigha, the Foreign Ministry raising the issue at various levels with India, but no specific talks had been held at the time of fieldwork (Hussain, I., 2000). The AIFB and BJP oppose this, on the grounds that it will create greater opportunities for smuggling of cattle from India, as well as increasing dacoity into India (Sikdar, 2000; Roy, R., 2000). These assertions are not backed up with any detail of how this would actually occur, and seem counter-intuitive, because if enclaves are a base for dacoits, then full Bangladeshi police access to Dahagram would surely reduce the ability of criminal elements to operate there.

<u>Garati enclaves</u>	<u>Teldhar counter-enclaves</u>
<u>#75/6 to 77/4 & 78/1 to 80/3</u>	<u>#1 & 2</u>
<u>Indian</u>	<u>Bangladeshi</u>
<u>area: 968.66ac (312.14ha)</u>	<u>area: 14.48ac (5.86ha)</u>
<u>population (1991): several hundred</u>	<u>population (1991): 61</u>

The Garati enclaves have formed their own unofficial union council. The current chairman is Haji Majibur Rahaman, selected, not elected, and whose main residence is

actually in Bangladesh proper. The chitmahalis have ID cards that allow them to visit India. There are no schools, electricity or government facilities in the Garati enclaves, but the enclave children attend schools in Bangladesh without problem or discrimination. Law and order is acknowledged as a problem, due to the inability of Bangladeshi police to legally enter the enclave. The residents used to vote in Bangladeshi elections until Prime Minister Zia prevented this.

The market of Garati Hat in the enclave, depicted on the 1931 edition of Survey of India map 78-B-11, no longer exists, and appears to have disappeared shortly after independence, although locals can still point out its location.

One of Garati's elder residents came to the area around 1965 from Bombay, but is a Pathan, born in Swat state, now in Pakistan. His son was born in Peshawar. The elder worked for Firestone in Bombay, then moved to his wife's home village inside the ruined Bhitargarh fort in 1965. From there he purchased land in the adjacent Garati enclave because it was cheap. The other residents of the enclave include migrants mainly from the Panchagarh area, and the population is now almost totally Muslim, replacing the previously Hindu population who have moved to India. Whether this movement was forced or voluntary could not be elicited, nor whether the Muslim immigrants took over abandoned land, bought it, or coerced the original occupants to leave. The immigrants are not excessively poor.

Inside the main Garati enclave (#78/1) are two small Bangladeshi counter-enclaves, together known as Teldhar, which form a separate and official mauza within Bangladeshi Haribhasa Union which surrounds Garati. The western-most of the two Teldhar counter-enclaves (#1, see Fig 7a) has 40 people in 7 families and a tube-well.

Unlike Dahagram-Angarpota which has been redemarcated by India and Bangladesh since 1974, the other enclaves have not been resurveyed since the original demarcation of the 1930s, except possibly at a purely cadastral level. Apart from the remaining crumbling boundary-pillars, there is no indication to the visitor that he has either entered the enclave or the counter-enclave. However, the residents of both Garati and Teldhar know the local property boundaries and those of the enclaves, and were able to point out the pillars (Garati residents, 2000. See Photos 15 & 16).

Putimari enclave

#59/18

Indian

area: 122.80ac (49.70ha)

population (2000): c.200

Locals report a population of 200 people in 50-60 families in this enclave (see Fig. 7b). It is claimed that tax-collectors from Mekhliganj came until as recently as 1971. Two of the residents interviewed owned land both inside the enclave and out, but lived inside. One boundary pillar remains on the northern side of the enclave, to the west of the road, and possibly another in the south-west corner (see Photos 17-19). Others were reportedly uprooted by outsiders who thought they contained, or marked the location of, a powerful magnet. There are no Indian or Bangladeshi government services in the enclave. A two-room school was built by an NGO just outside the enclave's north-east corner, but is now abandoned. There is no reported law and order problem (Putimari residents, 2000).

Before partition, a motorable road ran north from Boda to Panchagarh, passing through Putimari. Today that road forms part of the Bangladesh National Highway that connects to the Banglabandha goods-transshipment point at the northern tip of the country, in the Tetulia salient. This border crossing is used for transshipment of Nepalese goods imported to Bangladesh or destined for export through Chalna or Chittagong ports. The border at this northern tip is fenced on the Indian side, and lined with watchtowers, which also guard the Indian side of the Mahananda river, which forms the western boundary of the salient. Neither vehicles nor people can cross at the transit point, so goods are unloaded from Nepalese trucks and placed on Bangladeshi ones. The sealed road on the Bangladeshi side starts a hundred metres or so south of the large gates in the Indian fence, at a sentry box and boomgate, next to a large concrete milestone proclaiming the distance to Teknaf, the furthest point away in Bangladesh. This is a fairly popular tourist point for Bangladeshis, although there are no tourist facilities. There were no Bangladeshi guards present when I visited, although there was a friendly BDR outpost in a small camp a couple of kilometres south.

The road from the transshipment point connected Siliguri with Calcutta before 1947, but the old bridge south of Tetulia town crossing into now-Indian West Bengal has been removed, although the side stream here would be easy to wade across. Another British-era road, from Tetulia east to Jalpaiguri, is still fully passable, although equally illegal to use east of the Tetulia salient's neck, where it crosses into India. The boundary here is unfenced and invisible apart

from the presence of Indian watchtowers in the distance and occasional BDR outposts along the main road. The Bangladesh highway then turns south, leaving Bhitargarh's ruins to the east, and after Panchagarh town, passes through Putimari enclave a few kilometres south of this, on its way towards Boda and eventually Dinajpur and Rangpur. The highway is thus the main road to Panchagarh from the rest of Bangladesh, and has been sealed even through the enclave by the Bangladesh government. There are no signs indicating the presence of the enclave, nor breaks or changes in the seal at its boundaries. There is no electricity in the enclave, but the main powerlines supplying Panchagarh pass through it, next to the road. India's seeming acquiescence in allowing constant Bangladeshi vehicular passage through Putimari on the highway indicates a certain degree of practicality, contrasting with the usual obstinate nationalism that prevents even the access of census enumerators on either side. Presumably the pre-partition existence of the road and its short traversal of the enclave would make any Indian insistence of a bypass in defence of its 'territorial integrity' ridiculous. Any such bypass would be an unnecessary kink in an otherwise straight road, but would be simple to construct if necessary. The Panchagarh Deputy Commissioner claims a clause in the 1974 Land Boundary agreement gives responsibility for enclave road maintenance to the host state (Islam, 2000). There is no such clause, but he may be referring to (a liberal interpretation of) Article 3 regarding maintenance of the *status quo*.

<u>Balapara Khagrabari enclave complex</u>	<u>Dahala Khagrabari fragment, ctr-ctr-enclave</u>
<u>#3/42 to 1/52</u>	<u>#1/51</u>
<u>Indian</u>	<u>Indian</u>
<u>area: 6415.06ac (2596.08ha)</u>	<u>area: 1.70ac (0.69ha)</u>
<u>population (1991): several thousand?</u>	<u>population (1991): uninhabited</u>
<u>Upan Chowki Bhajni 110, counter-enclave</u>	<u>Debidoba counter-enclave</u>
<u>#19</u>	<u>#21</u>
<u>Bangladeshi</u>	<u>Bangladeshi</u>
<u>area: 110.97ac (44.91ha)</u>	<u>area: 7.46ac (3.02ha)</u>
<u>population (1991): several hundred?</u>	<u>population (1991): uninhabited</u>

The largest enclave on either side of the boundary is the Balapara Khagrabari complex, comprising the three mauzas of Balapara Khagrabari, Kot Bhaj[i]ni and Dahala Khagrabari (see Figs. 5c, 7c & 7d). A number of small enclaves are dotted along the irregular western side,

while the eastern side is much smoother in shape. Relatively good roads encircle the enclave complex, but those passing through are very rough. The complex contains a number of Bangladeshi counter-enclaves, of which visits were made to two, Upan Chowki Bhajni 110, and the nearby Debidoba mauza fragment. The former is only barely inside the Indian enclave, a hundred metres or so, and accessible by a vehicle track that branches off the road heading north from Debiganj, next to the Buri Tista river. Upan Chowki Bhajni 110 contains numerous wooded homesteads and a small primary school, which flies the Bangladesh flag. The school was fairly well equipped, with three pukka classrooms, steel-framed chairs and desks, and posters and mural on the walls. Indian children from the enclave have attended this and other nearby Bangladeshi schools, and until recently have had little problem in this regard apart from being ineligible for new books. They have instead received secondhand books as available. However, teachers said a recent Bangladesh government directive has barred Indian enclave children from Bangladeshi schools. Responding to questions about this, an official in Debiganj stated that Bangladeshi parents objected to schooling for the Indian enclave children, on the basis that it would legitimise them or their parents as Bangladeshis and thus voters. He managed to calm the protests, and still keep the children in school, appreciating that it was important for all the children, enclave dwellers or not, to receive education. He tries to ensure photocopied books are available for them. The problem appears to have only been at primary school level, as no such protest has been made about any of the enclave children who have gone on to secondary or tertiary education in Bangladesh. Any official directive to exclude enclave residents from local schools would seem shortsighted, being bound to cause resentment in the enclaves among parents, as well as forming a disadvantaged youth more likely to resort to crime.

The counter-enclave of Upan Chowki Bhajni 110 is also the location of the world's only counter-counter-enclave, a tiny 0.69ha fragment of Dahala Khagrabari. The road into and through Upan Chowki Bhajni 110 passes the counter-counter-enclave after three or four hundred metres. The counter-counter-enclave consists of one low-lying jute field, and is uninhabited (see Photos 21 & 22). It is surrounded by trees, with a couple of small houseplots between it and the road. Its two boundary pillars still exist, at opposite corners of the field. It is apparently owned by its cultivator, Kiri Prashad Babu.

The counter-enclave and counter-counter enclave do not appear to have any major problems. Bangladeshi officials can and do visit the former, though are circumspect about crossing the hundred-metre section of track through the surrounding Indian enclave. The enclave itself is a source of some trouble, due to its relative size and population. The size of the 'foreign threat' it represents may explain the protests of the Bangladeshi parents against the education of its children, with smaller, less populated enclaves being less threatening and inconvenient to the host

state. The cultivation of ganja or cannabis in this enclave is a cause of concern for Bangladesh officials, as the size of the Indian enclave provides protection from observation from Bangladesh soil (Hussain, M.M., 2000; TNO Debiganj, 2000; Upan Chowki Bhajni residents, 2000).

A small fragment of Bangladeshi mauza Debidoba forms another counter-enclave in the south-east of the Balapara Khagrabari enclave complex. This counter-enclave is a row of rice paddies in a fairly open portion of the Dahala Khagrabari section of the enclave. The eastern end of the counter-enclave is marked by the eroded remnants of two pillars, one partly hidden by a bush (see Photo 20). Several people, both Indian chhitmahalis and Bangladeshis own the various paddies in the counter-enclave. As this counter-enclave is also uninhabited, nearby Indian residents of the surrounding enclave were interviewed. The father of one had been killed in a land dispute in the enclave, but no case could be filed with police, as the location was outside Bangladeshi jurisdiction, and inaccessible to Indian officers from Haldibari. There is less crime than there used to be, but life is still insecure. The only advantage to life in the enclaves was the absence of tax. Unlike other enclaves visited, residents here talked of the many problems they faced, with no law enforcement, no security, lack of communications, no medical facilities, no electricity, and no markets. They confirmed that they had recently been informed that their children could no longer attend Bangladeshi schools. Because of their legal limbo, they complained of exploitation, as those who secured work in Bangladesh were paid lower wages than Bangladeshis. Nevertheless, working in Bangladesh as labourers was common. Some bought a small plot of land in Bangladesh to give them legitimacy as Bangladeshis. Land in the Indian enclave was cheaper than in Bangladesh because of these problems, making it difficult for enclave residents to sell up and move in times of trouble. While they can and do travel freely in Bangladesh, they feel they are outsiders there.

Begum Zia once owned over 300 bighas (40ha) of land in the Indian enclave, but has since sold some to her tenants (Debidoba residents, 2000).

Ba[n]skata enclave

#119/93

Indian

area: 413.81ac (167.46ha)

population (1991): unknown

This enclave together with its neighbours in the narrow neck of the Patgram salient, make a series of Indian ‘stepping stones’ across the neck such that a line joining the two sides of the

neck traverses Indian enclaves for a greater distance than it does Bangladesh proper. Like Putimari, the enclaves here are traversed in places by the main road to Patgram town and the Burimari border crossing beyond, a parallel railroad, and power lines. As in Putimari's case, both transport links pre-date partition, and there is no visual indication that the enclaves exist. This particular enclave is reachable from the main road only by bicycle along a path on top of a levee. The northern boundary was at one time formed by the Dharla river, but this has since meandered away.

Residents often own land both inside the enclave and out. The enclave contains an allegedly Bangladesh-funded primary school, and has some Hindus among its mainly Muslim population. Residents insisted there is no communal tension, nor a law and order problem. The only evident boundary pillar was on the eastern flank of an embankment. A cow tethered on the embankment was contentedly grazing on the paddy below, across the enclave's boundary.

At least one resident is on the Cooch Behar electoral register, but getting to India to vote is another question. Of half a dozen men spoken with, only one had been to mainland Cooch Behar. Residents said the BDR occasionally visit the enclave, but never the BSF. The residents are able to travel freely in Bangladesh and have no trouble with the BDR (Banskata residents, 2000).

Dhabalsati Mirgipur enclave

#29

Bangladeshi

area: 173.88ac (70.37 ha)

population (1991): unknown

This Bangladeshi enclave (see Fig. 5d) sits hard on the eastern flank of Mekhliganj town, and prevents the small town of 8000 people (Census of India, 1997) growing much in that direction. Before 1947, a road from Mekhliganj to Patgram, Mathabhanga and Cooch Behar towns ran due east through the enclave, without problem. On both sides of the main international boundary that now bisects the road between Mekhliganj and Patgram, each country's section now bends south, the Bangladeshi, as described under Dahagram above, heads to Tin Bigha and Dahagram, while the Indian section passes through Tin Bigha to Kuchlibari. The Indian road thus replaces a pre-partition link to Kuchlibari and Hatibandha that ran south-south-east from Mekhliganj, straight through Dahagram. The two new national roads are sealed, while the remaining section in between that crosses the international boundary remains unsealed, and is used only for local farmer's access, as well as by the BSF. Like Putimari and

Banskata, Dhabalsati Mirgipur is without electricity, although Mekhliganj town next door has power, and power lines along the road through the enclave carry electricity to the Tin Bigha corridor and on to Kuchlibari village.

Due to its location astride a strategic road and next to a town, the enclave has been “completely captured” by India. The Mekhliganj SDO (Sub-Divisional Officer) did not appear aware of its existence, and although relatively large, it does not feature on current Bangladeshi topographic mapping and was not even listed in the 1991 Bangladesh census. Another official said that apart from the lack of electricity, its residents were able to freely access Indian hospitals, schools and policing (Adhikari, 2000; Kar, 2000; Roy, R., 2000).

Berubari, and Binnaguri & Daikhata former enclaves

#62/10, 61/11, 81/14, 39/13, 43/130 & 40/12

Indian

area (chhits only): 2648.87ac (1071.96ha)

population (chhits only, 1991): unknown

The enclaves of Cooch Behar in pre-partition Jalpaiguri that were not totally enclaved within East Pakistan in 1947, were all transferred to the control of the rump Jalpaiguri district in the two separate notifications in 1952 and 1955. The fate of the southernmost of the former enclaves hung in the balance during the Berubari affair, as it was decided that these were to go to Pakistan along with the southern half of South Berubari Union No.12 (see Fig. 5c). They nevertheless remained in Indian possession during the affair, and their fate was finally determined in 1974 when Bangladesh abandoned its inherited Pakistani claim to Berubari. The village of Manikganj Hat is still the focal point of the area. The local high school was used for public meetings during the struggle, and the town square contains a monument commemorating the Forward Bloc-led resistance (see Photos 3 & 4). The people remain staunch in their desire to be Indian, and warmly welcome the Forward Bloc leaders, such as Amar Roy Pradhan, when they visit. Once past the village, the proximity of the main boundary with Bangladesh is obvious. The boundary of southern Jalpaiguri is quite tortuous, with salients of both countries. Indian watchtowers are visible, as is the presence of a number of BSF BOPs (border outposts). Like their Bangladeshi counterparts, the outposts are miniature forts, with a central barracks-office-kitchen, a small parade ground, all enclosed by a six-foot raised earth rampart, with reinforced machinegun posts at each corner, like small castle towers. From these bases the BSF patrols the boundary, which is still unfenced in this

sector. As at Tin Bigha, there is a concrete slab painted with a basic outline map of the area at each BOP. In this sector the maps indicate in general terms the adversely-held areas, which for India seem to comprise the larger Bangladeshi salients, in particular, that between the chhits of Binnaguri 61/11 and Daikhata 39/13. Currently an unsealed Indian road runs through the adversely-held area, connecting the two chhits, and is presumably maintained by the BSF and Border Roads Organisation. Demarcation of these areas has been delayed by resistance from residents in land held adversely by India, who wish to remain with India. They want the boundary to detour around their land. The official government position is that the boundary must follow the Radcliffe line, as modified by subsequent agreements, and that deviation is not possible. For this reason, surveyors demarcate the line through houses, because even a small detour around a building would encourage other residents to build on the boundary line itself and cause greater problems. Some AIFB leaders support the residents of these adverse possessions, claiming that as they are treated as Indians currently, able to vote and access Indian facilities, they and their land should be made legally Indian, with the border redrawn.

The overall effect of the adverse possessions in this area is to somewhat smooth out the otherwise chaotic boundary line, which may well be a good thing. A possible reason for the lack of fencing here is that the fence legally has to be 150 yards behind the zero line, and adverse possessions are in front of that line, so that a fence would in effect remove the ability to maintain and defend that possession, and indicate an acknowledgment of its rightful ownership by Bangladesh. Adversely held areas are to be demarcated along with the rest of the main boundary and exchanged when demarcation is complete. Of the 6.5km of Indo-Bangladesh boundary still undemarcated and holding up the exchange, most seems to be in this sector of southern Jalpaiguri thana, where the main boundary is so convoluted. One undemarcated section is opposite the Shalbari enclave, to connect which Amar Roy Pradhan proposed that in return for Tin Bigha, Bangladesh should lease India the "Arai Bigha corridor". Shalbari is certainly close, an easy walk across the paddy fields, but officially inaccessible from mainland India.

A report in April 2001 quoted "top Government sources" as giving four options with regard to adverse possessions. One was to implement the border as per Radcliffe, whatever the ground situation, and deprive citizens of one country from their lands in the other. Second, to keep the Partition boundary sacrosanct, but let villagers cultivate their lands on the other side of the boundary on a 99 year lease or similar. Third, to allow persons in the affected areas to choose their citizenship, and then to provide compensation for their lands in the other country, which would be forfeited. A fourth option was to redraw the Radcliffe line to include

adverse possessions in the occupying country. However, for the enclaves themselves, the only option suggested was full exchange as per Indira-Mujib (Hindustan Times, 2001).

The following enclave descriptions are from secondary sources, not first-hand fieldwork.

Kismat Batrigach enclave

Bangladeshi

#58

area: 209.95ac (84.96ha)

population (1991): 487

In an Bangladeshi newspaper article on 7 December 1992 (Bangladesh Observer, 1992c), the situation of Kazirhat Batrigacha enclave was described. Unfortunately the statistics the articles gives are incredibly exaggerated. The article describes “Kazirhat Batrigach” as being “the biggest enclave next to Dahagram-Angarpota”, that it is 45 square kilometres, 15km long and 3km broad, and that it has a population of 15,000, only 90 of whom are Muslim. Further, 1100 acres of land in the enclave is owned by Indians. All of these are quite wrong, raising serious doubts about the veracity of the rest of the article, although the following does not seem unreasonable.

The article reports that the enclave has no school. One was established during the Pakistani regime, with two teachers, who “risked their lives” crossing to mainland East Pakistan to receive their salary. The danger forced them to give up the job. The school’s fence was later removed by the inhabitants, and only a tin shed on wooden poles remains. To satisfy their educational thirst, the resident children attend Indian schools, but in India they cannot get jobs because they are Bangladeshis, while in Bangladesh their Indian school certificates are not recognised. There are no medical facilities, with only “quacks” treating the sick. Likewise there are no water facilities, neither government able or willing to install tubewells. As is the case in other enclaves, there is no market, the residents having to brave the BSF to attend Indian markets, to buy and sell. Eighty percent of the workforce are labourers, unable to command normal wages, because of their illegal status in India. There are no law enforcement agencies, a village council, together with “Indian leading persons” deciding punishment for crimes. The presence of the Singimari river on the south side of the enclave blocks access overland to the nearest part of mainland Bangladesh. Not only does the river make access to the home state difficult, but it is also eating into the enclave.

Shalbari complex enclave

Indian

#38/34, 37/35, 36/36, 35/41, 34/39, 34/40, 33/38 & 32/37

area: 3485.39ac (1410.48ha)

population(1991): unknown

There are reports of 67 murders in this enclave complex in 1995, which resulted in 3000 residents fleeing to India to escape the violence. One resident, Sahidul Islam aged 48, fled with one of his two wives, but when the second tried to join them in India she was caught by the BDR, “and is still believed to be in jail in Bangladesh” (Chitkara, 1997, 126-7).

Seortikursha enclave

Indian

#142/121

area: 45.63ac (18.47ha)

population (1991): unknown

This enclave is only 19 feet (5.8m) from the Indian mainland, a fact corroborated by the demarcation description of Hartley (1940, 147). A resident of this enclave, Mohammed Atab Ali, arranged the marriage of his daughter to a mainland Indian boy from Sehabgan [Sahebganj?] in 1994. But on the “appointed day”, meaning that chosen by astrologers for its auspiciousness, the BDR happened to be patrolling more intensively and the boy could not come. Ali’s daughter remains unmarried (Chitkara, 1997, 126-7).

5.3 The four West Bengal-Assam enclaves

In July 2000, Mr A.K. Jain, the Jalpaiguri Divisional Commissioner wrote to Mr Indevar Pandey, the Cooch Behar DM, enquiring as to whether the three Assamese enclaves in Cooch Behar and one Cooch Behar enclave in Assam depicted on some maps still existed. If still existing, and the local residents so desired, Jain proposed exchanging them. The enclaves do still exist, and cause no real difficulties, unlike the Indo-Bangladesh enclaves (Jain, 2000; Sen, 2000). They are not problematic for policing, despite that being a state and not a federal matter, as extradition or arrest can easily be made by one state’s police in another state. The enclaves suffer

no real language barrier as much of the Assamese area bordering Cooch Behar and Jalpaiguri is Bengali-speaking. The greatest inconvenience is probably access to government, for example, having to visit the appropriate thana headquarters to register changes in land ownership or file legal suits. However the inconvenience is caused mainly by the presence of the Raidak river, on the Cooch Behar-Assam boundary, interrupting direct communication from each enclave to its home district. The exchange proposal has been dropped for the present, but may be reconsidered in the future, and it is still intended to ascertain local opinion as part of any such future proposal (Jain, 2002). The four inter-state enclaves therefore currently remain, uncontested and unproblematic.

5.4 Border fencing

The fences are 150 yards back from the boundary itself, in line with bipartisan agreements to construct no defensive works within a total 300 yard buffer on the boundary. They are perhaps 10' high, with a second fence, perhaps 5' high, behind (see Photo 8). They use barbed wire, and contain lockable doors, which provide access for BSF patrols and for the farmers whose fields are between the fence and the boundary line (Keesing's, 1984, 32921; 1985, 34052). Farmers behind the fences still report stolen cattle, and seem willing to continue to blame this on Bangladeshis. Those with fields between the fence and the boundary must retire behind the fence before sundown and cannot return to their fields before sunrise. At night the land beyond the fence can be illuminated by searchlights from nearby guardtowers.

Not unexpectedly, it proved impossible to find a map of the current extent of Indian border fencing. However, statistics are occasionally released in the Bangladeshi media. Of the 4156km border with Bangladesh, longer than that with Pakistan, India had fenced 541km by late 1999, including 9km at "Rangpur" (presumably Nilphamari in the vicinity of the Chilahati-Haldibari crossing), 23km at Lalmonirhat and 102.5km at Kurigram (Daily Star, 1999c). Local resistance, difficulties in land acquisition or the lie of the ground have prevented erection in some places (Chakrabarti, 1997b). The boundary has never been a no-man's land, with villages divided by it, or expanding to meet it. In Tripura, the BSF proposed to shift all persons living within 500 yards of the border to allow fencing to proceed, as at present the actual boundary runs through houses in the area (Rahman, 1997, 38; Times of India, 2000). At the same time, residents in Malda were protesting at plans to demolish 500 houses along the boundary there to enable the placement of barbed wire (Pioneer, 2000b), and plans have been made to illuminate the boundary in some places, as the Indian boundary with Pakistan is, in the Punjab and Rajasthan (Rahman, 1997, 40; Asian Age, 2000b).

Some AIFB leaders oppose fencing, as it is inimical to their long-term desire for a confederation of India, Pakistan and Bangladesh (Ghosh, 2000), as well as being a waste of money as it will be circumvented by tunnelling, as it is in the Punjab, and the fact that many Bengali rivers cannot be fenced (Nag, 2000). Others are in favour, but want it on the zero line, not set back, so that it protects all Indians and their land, including those in currently adversely possessed areas (Sanyal, 2000). The BJP view opposition to the fences as connivance at the illegal immigration of Bangladeshi Muslims, who tend to vote socialist (Sikdar, 2000). Naturally all Bangladeshi political parties consider the fences as an insult to their country.

5.5 Roads, railways and border crossings

Railways provided the main means of transport in Cooch Behar from the opening of Haldibari station in 1876 until at least World War Two, because roads were generally only suitable for jeeps or bullock carts until improved by military necessity in the 1940s. Prior to the construction of the Cooch Behar State, Eastern Bengal, and Bengal Duars Railways, local transport was generally by river. District officers used elephants on tour (Hartley, 1940, 126 & 142; Majumdar, 1977, 118-19).

At partition, the road network joined towns and thana headquarters, but did not extend into the villages. The main problems at partition were caused by the presence of the three East Pakistani salients at Tetulia, Patgram and Bhurungamari, which severely disrupted east-west travel, particularly the Mekhliganj-Mathabhanga and Mekhliganj-Sitalkuchi roads. The main Siliguri-Calcutta road on the eastern side of the Mahananda river was also cut. India rebuilt the latter road on the western side of the river, and has connected its towns between the salients by constructing roads around them. It was also necessary to reconstruct sections of road that traversed even small boundary protrusions, such as the old Mekhliganj-Changrabandha road which was rebuilt several hundred metres west. The two countries were never able to reach agreements on goods or passenger transit on the old roads, even where these passed through the other for only a short section.

The Border Roads Organisation (BRO) is charged with constructing roads in border areas of India particularly for use by the BSF or army. It has constructed a road along much of the border in Cooch Behar, immediately in front of which the fences are built. Some of the road is sealed, and like other roads in the region, it is elevated above the surrounding rice paddies as protection against flooding. Given the poor quality of available mapping, even topographic maps of boundary areas do not show the BRO roads.

Partition severely disrupted Bengal's railway network even more than the roads, particularly Indian access to northern Bengal, and Assam (see Figs. 6a & 6b). The main route to

Assam had previously been through Lalmonirhat and Cooch Behar state, passing through two or three enclaves, #70 to 72. The Cooch Behar State Railway branched off this line at Gitaldaha, and ran north to Jalpaiguri district tea estates via Cooch Behar and Alipur Duars towns. At Lalmonirhat, a branch ran north-west up through two enclaves, #112/97 & 113/96, to Patgram town, crossed briefly through Cooch Behar State, and continued north via Barnes Ghat ferry opposite Jalpaiguri town, to tea estates around Mal. The main broad-gauge line ran north through Chilahati, into Cooch Behar state at Haldibari, then through Jalpaiguri town to meet the Darjeeling-Himalayan Railway (DHR), famous for its narrowgauge 'toy' train to Darjeeling, at Siliguri. At Partition, all these lines were severed, although standstill agreements ensured this did not happen overnight. Siliguri, the isthmian connection to Assam, became a vital strategic location for India, and with the severance of the three lines from East Pakistan to Jalpaiguri, Cooch Behar and Assam, a new all-Indian Assam Link was built via Siliguri by January 1950. Sections of the two-foot gauge DHR were regauged to the standard metre-gauge, and connected to the rump Indian sections of the severed North Bengal lines: across the Tista river to Mal, across the Torsa to the Alipur Duars line, and across the Sankosh into Assam (Kusari *et al*, 1981, 166-70). Until this occurred, the Cooch Behar State railway was all but useless, although for some time, Pakistan appears to have allowed Indian running rights through Patgram and Lalmonirhat, and the isolated Pakistani Bamanhat-Sonahat section of the old Assam main line (Survey of India, 1955). A second, broad-gauge, line was opened in January 1964 running north-east into Siliguri, then south-east to Jalpaiguri, bridging the Tista to Barnes Ghat, through Dhupguri, swinging south close to Cooch Behar town, then swinging back north to Alipur Duars town and paralleling the earlier metre-gauge connection from there into Assam. With the opening of the broad-gauge link, most of the Indian section of the Lalmonirhat-Mal line, from Lataguri to Changrabandha was mothballed. The old Cooch Behar State line to Gitaldaha, and the Indian section of the old Assam main line from Gitaldaha to Bamanhat remain in use.

East Pakistan-Bangladesh has built no new lines in the north, except to extend a narrowgauge line a few miles towards Panchagarh, and to regauge and extend a branch from Kurigram to the Brahmaputra river at Chilmari. The Bamanhat-Sonahat section in East Pakistan appears to have been used by India for a short time after partition, but after flood damage to the Raidak bridge at Bhurungamari in the early 1950s, seems to have been abandoned. The rails were lifted in the 1980s for use elsewhere on the Bangladeshi rail network, and the formation is now used as a minor local road.

Unlike Pakistan, with which it has only one legal border crossing, India has perhaps ten crossings with Bangladesh. Only some of these are physically, let alone legally, accessible to vehicles. Only in the last year has a direct Calcutta-Dhaka bus been reintroduced, and there are

still no international passenger trains, although talks on resurrecting a Dhaka-Calcutta train are in progress (Daily Star, 2001f). In the north of Bangladesh, between the Tetulia and Bhurungamari salients, there are three legal border crossings, all in the vicinity of the enclaves. West to east, and with the Bangladesh locality listed first, these are: Chilahati-Haldibari, Burimari-Changrabandha and Mogulhat-Gitaldaha. All are at the three disused railway border-crossings and are open to foreigners as well as locals.

The Chilahati-Haldibari crossing is midway between the two towns, at which immigration procedures are made near the respective railway stations, which sit at the end of their national lines. Crossing the border entails hiring a rickshaw or other local transport to travel the local roads in between. From Chilahati, this will take one to within a mile of the boundary, the last leg is then completed on foot along the grassy railway embankment (see Photo 13). A couple of flatbed rickshaws assist in carrying baggage. The boundary is fenced at this crossing, but there is no gate on the old rail embankment, so there is a detour of a couple of hundred metres west of the embankment to the nearest gate, which is reached by wading through rice paddies as there is no path. After knocking on the gate, the BSF guards open it, documents are checked and forms filled in at their small hut, and a rickshaw hired for the couple of kilometres to the immigration and customs office proper in Haldibari town. Neither of the guards I met were Bengalis, one was Bihari and the other from Madhya Pradesh. Despite the isolation of this crossing, after the Calcutta-Dhaka crossing at Benapol in south-west Bangladesh it is probably the second-most popular of all the Indo-Bangladesh crossings for foreigners, due to its proximity to Siliguri, the access point for Darjeeling (Newton *et al*, 1996, 91-2).

The Burimari-Changrabandha crossing is much less remote, and can be reached by train on the Bangladeshi side, followed by a short rickshaw ride. Goods lorries do cross here, although when I visited, none were moving and there was a large backlog as some seemed to have bogged down on the muddy road crossing, which used to be the rail line (see Photo 14). On the Indian side, the town of Changrabandha sits up against the boundary, so transport on this side is easy. The border is not fenced here. This crossing has much more business than that at Chilahati-Haldibari, one reason why India is rebuilding the mothballed rail section from Lataguri to Changrabandha, for goods and passengers. As of August 2000 this was supposed to be operational by December 2000, although the embankment was still being formed. There is no intention to connect with the Bangladeshi line to remove the necessity for transshipment. The local Indian MLA is opposed to any international rail connection, saying it would benefit businessmen only, not the local farming population (Roy, R., 2000).

The Mogulhat-Gitaldaha crossing is even less likely to have the rail link restored, as the bridge over the Dharla river was destroyed some time ago, apparently washed out by floods in

1988. Freight trains ran until 1978, but passenger trains ceased much earlier, probably in 1965 if not before. The border crossing itself was closed after 1965, but reopened to pedestrians in 1975 (Gitaldaha officials, 2000; Singh 2000). On the Bangladesh side, Mogulhat is easily reached by local transport from Lalmonirhat, which is a rail station, but a combination of rickshaws and a small ferry are necessary to cross to Gitaldaha in India. Probably once forming the boundary of Cooch Behar, the Dharla river is now entirely in India at this point, so that any reconstruction of the bridge is an Indian affair, not international. No-one I spoke to saw any reason for it to be rebuilt, due to the small number of persons crossing, possibly as low as ten per day. One Indian official opposed a rebridging on the grounds that Bangladeshis coming across would either refuse to return home, or would loot local villages. From Gitaldaha, passenger trains run through Dinhat to Cooch Behar and along the old Assam main line as far as Bamanhat. The crossing is open 8am to 6pm, seven days a week (Gitaldaha officials, 2000). A Calcutta NGO investigated re-opening the rail link here at one point, but this appears to have been dropped (Bhutia, 2000).

5.6 Health and water

The only health facility in any enclave is the hospital in Dahagram-Angarpota, and that was only established after the Tin Bigha lease. No other enclaves have guaranteed access to health facilities. Vaccination programmes in Bangladesh are sometimes extended to the Indian enclaves, either by direct entry of health workers, or by setting up on the boundary of the chhit and encouraging the chhitmahalis to come out (TNO Debiganj, 2000).

The lack of facilities extends even to the provision of wells for drinking water. The many streams, ponds, tanks and marshes provide some water, but apart from occasional counter-enclaves, like Teldhar above, Government funding or construction of tube-wells is only conducted in the home states, not the enclaves (Biswas, A.K., 2000a).

5.7 Law and order

Smuggling remains rife along the entire border, not just in the enclaves and environs. Items smuggled from India into Bangladesh, where prices are higher, include everyday necessities like kerosene, salt, fertilisers and bicycles (Dasgupta, 2000; Dutta, 2000). Cattle, eaten by Muslims but not Hindus, are also rustled, much to the chagrin of Hindu politicians. The BJP in particular see Tin Bigha as a conduit to Bangladesh for Indian cattle smuggled into Dahagram (Sikdar, 2000) although quite how and why the trade is worse at Dahagram compared to anywhere else along the border is not explained. Alcohol is banned in Muslim Bangladesh, but this does not stop a large smuggled importation of alcohol-based cough-mixture Phensedyl. In the other direction, due to its more liberal economy and lower tariffs,

Bangladesh is the source for smuggling of imported and luxury goods, for example electronics, into India. This trade is decreasing as India has been lowering her import restrictions since 1990, but smuggling of petrol and oil into India remains, contrary to expectation given the proximity of India's own oilfields in Assam (Dasgupta, 2000; Dutta, 2000). The enclaves themselves, out of range of police, are a source of ganja (TNO Debiganj, 2000). Smuggling is abetted along the entire border by corruption in the BSF and BDR, which take a cut of the proceeds in exchange for turning a blind eye (van Schendel, 1993).

Where there have been disturbances of law and order, officials consider the enclaves problematic because of the political difficulties in reacting to the situation. Some officials have been fortunate enough to have had no great disturbances during their tenure, so that the enclaves are not all a constant source of unrest, but problems do flare up from time to time. The enclaves are easy targets for goondahs in times of internal or cross-border tension, but by and large, there is no longer, if there ever was, a religious divide across the enclave boundaries. Given the increasingly Islamified population of the enclaves on both sides of the main boundary, any terror in the enclaves can no longer be easily classified as religious, but rather based on misguided nationalism.

India fears that groups like the separatist United Liberation Front of Assam (ULFA), possibly funded by the Pakistani Inter-Services Intelligence (ISI), will find followers in the enclaves, or use the enclaves as training or base camps (Biswas, A.K., 2000a). In January 2001, the *Times of India* (2001) alleged that Bangladesh's Sanwar group and the Kamtapur Liberation Organisation (KLO) had set up training camps in "Dahala, Khagrabari and Basuniapara enclaves" in Debiganj, forcing residents to flee. While enclave thuggery may be sensationalised in the media for nationalistic ends, much of it may be purely base criminality, and not instigated attacks from the other state. The enclaves have often been, and remain, a haven for criminals, who use the enclaves as a base or hide-out almost immune from either country's law. This phenomenon is by no means recent, dating back to the Sannyasi dacoities of the 1760s (see 2.9 & 2.11 above).

Most enclaves have some form of village council, akin to official village councils, which resolve local disputes, and work together with neighbouring union and village councils in the host state where necessary (TNO Debiganj, 2000). The enclave councils have taken charge of their own law enforcement where necessary, deciding on punishments for offences, and forming patrols to guard their lands and property during times of heightened tension. While protocols for police access to the enclaves seem to exist, they are unknown to, or ignored by, the constabulary on the ground. "No police even in times of worst violence because the force has to take permission from Bangladeshi authorities to travel across to the

trouble spot. In the best of circumstances, Indian policemen are not known to be as enterprising” (Chakrabarti, 1997a).

5.8 Access

Only since 1947 has access to the enclaves been problematic. As a result of the unworkability of the passport and visa rules for chhitmahalis, around 1975, the United Front government of West Bengal set up Enclave Citizens’ Committees in each enclave. The local Subdivisional Officers selected the committee members for each enclave under their jurisdiction. The same men continued to hold office until at least 1996. The president and secretary of each committee issued identification documents to the residents of their enclave that could be used in lieu of passports to cross to the mainland (Choudhuri, 1996, Sikdar, 2000). However, with most Hindu residents of Indian exclaves having migrated to India proper, and the inflow to the exclaves of Bangladeshi Muslim settlers, India has been less and less willing to continue to recognise certificate holders as Indians. Adhir Sinha, a Forward Bloc leader from Haldibari, claimed the Committees were charging up to 1000 rupees for the certificates, and that “Sometimes Bangladeshis with dubious antecedents sneak in with such passes”. The BSF and district administration confirmed this, and the passes are no longer honoured (Chakrabarti, 1997a).

Access for chhitmahalis to their home state is therefore impeded by both the home and host states’ border forces, not just the host state’s as might be expected. Access is tied to the state of international relations between the two countries and the attitudes of individual border force commanders and men (Hussain, I., 2000). Paresh Adhikari an AIFB leader has said that the BSF exploit Indian chhitmahalis, legally their own people, only allowing them to cross to the mainland for a few hours to buy or sell. In exchange the chhitmahalis had to give free labour at the BSF camps or supply them with produce, a situation confirmed by at least one chhitmahali (Free Press Journal, 1999).

Access is not only a problem for the residents of the enclaves. Official access also remains very difficult, with none of the officials spoken to in the area having made official visits to their enclaves in the other country, but at least officials are not subject to overt exploitation and corruption by the border guards. Despite lobbying India, Bangladesh was unable to obtain permission to access its enclaves to conduct its 2001 census. Newspapers reported that “some five lakh” (500,000) people in “51 enclaves” in Kurigram and Lalmonirhat districts were unable to be counted. Residents in 12 of the “51 enclaves” had been enrolled to vote in 1990, but when fresh lists were prepared in 2000, India denied permission for access by electoral officials (Daily Star, 2001a). Later reports clarified that of “51 enclaves”, 49 were unenumerated, only Angarpota and Dahagram being accessible (Daily Star, 2001b; Islam, 2001). Amar Roy Pradhan

had asked his government whether India would be able to conduct its census in the enclaves in 2001, but was told that demarcation would have to occur first (Roy Pradhan, 2000). The Bangladeshi Foreign Ministry says officials on both sides have informal working arrangements to access the enclaves upon prior notification to the other side so that the other side's border forces can escort them. This working agreement would appear to be a continuance of the 1950 access agreement. However, this arrangement is obviously hostage to the state of Indo-Bangladesh relations at any particular time, just as is access by chhitmahalis themselves (Hussain, I., 2000). Further, no local official in the border region admitted that such an informal agreement exists, even less that he has utilised it. Instead most stated that they had no contacts with their counterparts in the other country (Islam, 2000). The only regular contact is once or twice a year between the Cooch Behar and Jalpaiguri District Magistrates on one side, and the Panchagarh, Nilphamari, Lalmonirhat and Kurigram Deputy Commissioners on the other. Indian Subdivisional or Thana officers do not have any regular communication with their Bangladeshi counterparts, and only if instructed by Delhi (Bhutia, 2000). While any far-reaching initiatives would obviously have to be routed through the Foreign Ministries, it seems incredible that local government areas so intertwined and with so many common problems, do not contact each other more regularly, except after major border incidents. The insistence by Dhaka that an agreement exists and the ignorance of local officials of one would suggest that either contacts do occur that local officials feel unable to discuss, or that the central governments have little idea of the actual situation in the border regions, or both.

Officials on both sides say that in times of flooding or other disasters, humanitarian assistance is provided to enclave residents. Sometimes this assistance even originates in the home state, and is passed on via the two border forces. However in general, neither side provides direct assistance to the enclaves of the other, out of consideration for a combination of jurisdictional politics and the obviously great needs of their own people. If there is an urgent problem, the border forces will contact each other via their usual protocols, but reaction time is therefore quite slow, particularly if one side does not agree that there is a problem.

Access for chhitmahalis to the host states is much less restricted. Although technically illegal, neither country polices the boundaries of the enclaves to stop chhitmahalis entering the host state, except when the enclave is particularly close to the main boundary, or in times of particular tension. Enclave residents are in general free to access markets, post offices, and other facilities in the host state (Bhutia, 2000), although as mentioned, access for the people of Dahagram-Angarpota to Mekhliganj town has been severely curtailed since the 1992 Tin Bigha lease.

5.9 Citizenship issues

Technically, each chhitmahali is a citizen of the country possessing sovereignty over his enclave. In practice, the benefits of citizenship are denied, as the chhitmahali is unable to easily access his home country, while officials from that country are usually unable to visit the enclave. With no officials in the enclaves, it is also difficult for a chhitmahali to prove he is a citizen of his own country, because it is almost impossible to obtain a birth certificate, passport, or other identifying document. With the recent refusal of the Indian government to recognise the certificates of the Enclave Citizens Committees, the Indian chhitmahalis in particular have effectively been abandoned by their own country into a stateless limbo.

Neither country allows dual nationality, so that even if he did become a citizen of the host country, a chhitmahali would lose his original citizenship. Many chhitmahalis become *de facto* residents, if not *de jure* citizens, of the host country by buying land outside the enclave and building a house there, or even building a house astride the enclave boundary (van Schendel, 2002, 134). Technically, even owning land in the other country is illegal, but many circumvent this by having a relative in the host country buy the land for them. Because most chhitmahalis have relatives in the host state, the host governments cannot isolate the enclaves. Land purchases in the enclaves technically need to be registered at the thana headquarters, but due to problems of access, some enclaves have resorted to producing their own land registers and deeds of title (van Schendel, 2002, 129). Despite the restrictions, enclave dwellers do own land in the host states, and host state citizens are sometimes landlords in hosted enclaves. Overall, however, land ownership and changes in ownership are very problematic in the enclaves, which traps chhitmahalis on low-priced land they cannot afford to sell (Kar, 2000).

Denied access to their home countries, chhitmahalis generally have freedom to travel in the host state, but they do not have the rights of that state's citizens, which leaves them very vulnerable to exploitation by private individuals and the host government. They cannot legally vote in the host state (Dakua, 2000), although some do manage to become enrolled, often through relatives, the use of false addresses, or by owning land in the host state (Hussain, M.M., 2000). Those that are enrolled to vote in the home state must travel to that state to vote, because access restrictions prevent polling stations setting up in the enclaves themselves. It is virtually impossible for politicians to visit exclave of their own electorate. Some politicians will, however, meet with the foreign chhitmahalis enclaved within their electorate if these people come to the MP. The Indian Electoral Commission has ordered that the Indian chhitmahalis be enrolled on the electoral rolls of both India and West Bengal, but no effort has been made locally to implement this (Namboodiri, 1996a). As mentioned above, India also denies access for electoral workers to enroll Bangladeshi enclave residents. Chhitmahalis resident in counter-

enclaves are able to enrol and vote in their home state without problem, although politicians are wary of visiting the counter-enclaves because this involves crossing a foreign enclave.

Chhitmahalis are also unable to receive the ration cards they would otherwise be entitled to as citizens of their own country. Their children can enrol in home state schools, but the difficulties of access and the distances involved generally prevent attendance. Some manage to enrol in host state schools, using the same methods as they use to enrol to vote in that state. As with access, on each side the administrators claim that their country is more lenient and the other country more strict. Nevertheless contradictions occur. While some officials claim chhitmahalis cannot enrol in host-state schools, and will be expelled if they do (eg Bhutia, 2000; Kar, 2000), others claim enrollment is possible, although not encouraged, and that there is no discrimination (eg Sengupta, 2000; TNO Debiganj, 2000).

The marriage of a chhitmahali to someone from the home country is very difficult, again because of access, but also because of the political limbo of the enclaves, which gives chhitmahalis very low status. Even marriage to someone from the host country is not easy. "Because of our vague status, no Bangladesh or Indian villager is easily willing to negotiate marriages with us. So, we try to make do with whoever we can find in the enclaves" said Khan Goshto, an chhitmahali from near Berubari (Namboodiri, 1996a). Official marriage in the home or host state also requires documents of identification, which few chhitmahalis have (Bhutia, 2000).

5.10 Tourism

The Calcutta branch of the West Bengal's tourist office had no information on Cooch Behar district at all, and the Siliguri branch had only one small pamphlet advertising the historic palace and a few of the older temples. This is a shame given the beauty and tranquillity of Cooch Behar town, its historic town planning, palace, and civic buildings including Jenkin's School and Victoria College. The palace front has been repainted and it is illuminated at night, but otherwise work restoration work there has been slow, and only the grounds are open at present. Apart from postcard sellers outside the palace, and one or two western-standard hotel-restaurants, there is no visible tourist economy in Cooch Behar at all. With so little information in country on sites of potential tourist interest, it is no surprise that western tourist guides to India ignore Cooch Behar entirely, and those covering India or Bangladesh all ignore the enclaves and Tin Bigha, even if they describe the border crossings at Chilahati and Burimari, or the pleasantly quiet Tetulia salient (eg Newton *et al*, 1996). Apart from locals visiting Bangladesh's most northerly point at Banglabandha, or possibly the Bhitargarh ruins, there is no tourist promotion of anywhere in northern Bangladesh outside of the old temples and buildings of Rangpur and Dinajpur towns. Tourism is therefore non-existent at the enclaves. Certainly neither country officially encourages

tourism there, due in part to security concerns, the ambiguities of access, and the lack of facilities. Available maps being so poor, even a tourist wanting to visit the area is hard-pressed to locate an enclave. And once there, there is nothing to see. Apart from the remaining boundary pillars, which require the assistance of local farmers to locate, there are no other signs of the enclave's existence. Unlike European enclaves or even the Omani/UAE enclaves of Madha and Nahwa, the lack of administration and of any form of development or urbanisation mean there are no postboxes, telephone booths, flags, police uniforms, vehicle licence plates, road signs or other trappings of sovereignty or national difference that attract interested tourists to boundaries and political fragments. Even the most accessible enclaves, such as Putimari #59/18 are nothing but another few houses with rice or jute fields, and most of the other enclaves are well off motorable roads.

There are, nevertheless, two exceptions. Manikganj Hat in Berubari has the Berubari Pratiraksha Samiti monument which can be visited by local public transport from Haldibari. However, there is no advertisement of the monument in any tourist literature, and the monument is inscribed in Bengali, not Hindi or English. The other exception is Tin Bigha and Dahagram. As already mentioned, Tin Bigha has picnic tables and a map painted on a concrete slab, but Indian news reports claim that the opening of a tourist information booth proposed by West Bengal in response to visits by Indian tourists was vetoed by the BDR. Despite this, an advertisement posted on an internet site suggests at least one Bangladeshi is enterprising enough to attempt enclave tourism, offering a tour including Burimari, Tin Bigha and Dahagram (see Appendix 1-46). Unfortunately, no reply has been received to enquiries for further information from this operator.

Potential certainly exists for tourism, given the Cooch Behar enclaves form the world's most complex boundary, and include the world's only counter-counter-enclave. Timothy (1996, 103-4) argues that "travellers tend to be fascinated with smallness", in considering the numbers of tourists who visit European micronations and enclaves each year. There is also a touristic fascination with the unusual, and with boundaries. This is not a purely Euro-centric phenomenon as demonstrated by the crowds who travel daily to watch the lowering of the flags at the only Indo-Pakistani border crossing at Wagah/Attari between Lahore and Amritsar (Rahman, 1997, 36-7 & 41). Cross-border shopping is also of significant importance in many border communities around the world.

If enclave exchange is not forthcoming, and India and Bangladesh can agree to allow each other to administer the enclaves, then enclave inhabitants and surrounding host state towns would benefit economically from encouraging tourism. Possible attractions include farm-stays in or near the enclaves, cycling tours, and motorised tours to Tin Bigha and Dahagram. Maintenance of historic boundary pillars and an increase in the visible trappings of national difference mentioned above would strengthen the curiosity value of the enclaves. Differences in

excise duties on various goods, and in the status of alcohol (illegal in Bangladesh) offer further potential to attract visitors, just as these factors do in the European enclaves and in American fragments such as Point Roberts (Timothy, 1996, 104). Such factors are also important in internal Indian tourism. Goa and Pondicherry, former foreign enclaves in India, for example, thrive on tourism generated in part by low or no duties on alcohol, and the cultural differences the Portuguese and French brought to these possessions. If India can manage such differences between its states and among its communities, international cross-border management should also be possible.

Radical changes to visa regulations or boundary crossings to tap this potential may not be necessary if, for example, Bangladeshis and foreign tourists within Bangladesh were permitted visa-free entry to India's exclaves in Bangladesh, and vice-versa. This would solve the objection each side might have to the problem of regulating Indians or foreigners abusing any right of access to cross from India to Indian exclaves, or conversely for Bangladeshis. With imagination a workable solution could be found. Increased access to the other country, of which border and enclave tourism is a part, would also help dispel the chauvinistic and prejudiced notions that are held by many persons on each side of the boundary who have not had the opportunity to visit the other country. Moves towards a freer visa regime in 2001 are a positive start (Daily Star, 2001b), and if more border crossings can be opened, and bureaucratic hurdles eased, both sides will benefit both economically, and from a decline in the criminality and corruption that excessive border regulation encourages.¹

5.11 Lack of information

A large part of the impasse and rhetoric over enclave exchange, and the Berubari and Tin Bigha affairs, results from lack of information. Atindranath Bose, in a speech to the Rajya Sabha on 23 December 1960, complained at the lack of information that even the House suffered from regarding the provisions of the Nehru-Noon agreement. The decision to ratify the agreement and only then demarcate and transfer lands, meant that Parliament did not know exactly what was being ceded or gained.

The two Bills are like blank cheques which we are required to sign. [...] We are going to give our consent to giving away our territory without knowing exactly what amount of territory in what area we are giving [...] There is not even a map of the area showing the territory along which the demarcation will follow. [...] Further, there is going to be an exchange of enclaves. What are these enclaves? We do not know how many enclaves are

¹ For further research on boundary and enclave tourism, see for example Timothy & Butler, 1995; Timothy, 1995a&b; 1998a&b; 1999a&b; 2000; 2001a-c.

there in India and how many in Pakistan. Furthermore is Berubari an enclave? Is it encircled by Pakistani territory? (Bose, 1960, 763).

Similar complaints were made by Bangladeshi MPs in 1974 debating the Indira-Mujib agreement (Bangladesh Observer, 1974e). In both cases the governments countered that maps were provided in the parliamentary libraries. But the people in Berubari and the rest of West Bengal suffered an even greater lack of information. One journalist tried to equip himself with thana maps of the Berubari area, and went to the Calcutta survey office. “I was surprised to learn here that the sale of maps of Jalpaiguri District had been forbidden by the Government!” (Deshmukh, 1961, 1). Whether this ban was the direct result of the Berubari affair seems doubtful, as India had long had a ban on public access to official maps and documents relating its borders, especially in the ‘sensitive’ areas ². The same journalist published two British-period sketch maps of Berubari, labelled “the false map” and “the correct map” (Deshmukh, 1961, 1-2). He portrayed the possible dividing lines on each, explaining how Nehru had supposedly used an incorrect map and had given away too much territory. However, from the judgement of the Ram Kishore Sen cases (AIR 1965 Cal 282; AIR 1966 SC 644), it is obvious that his labels are wrong. His ‘false’ map is actually correct, and his ‘correct’ map is the wrong one. With no other information available to the public, no wonder so much heat was generated over the dispute. Presumably inadvertently, Deshmukh muddied the waters of the debate with his incorrect information. Ram Kishore Sen had the same problem in the court system. Using locally-published maps, the Berubari division seemed either impossible or inequitable. From Sen’s map, it seemed as if India had to give up much more than half of Berubari. The case forced the government to produce the official maps to back their defence, but only in court. Even the map of the dividing line, signed by Pakistan, remained secret, as it does to this day. The unfortunate residents of Berubari were all left wondering which of them would be forced to become Pakistani.

The problem is not just lack of geographical information. More than one newspaper has incorrectly blamed the entire problem on the British. The Bangladeshi paper *New Nation* (1999a) claimed “The two neighbours have inherited the enclave problem from the British rulers...It were (*sic*) the British rulers who had created the discord” and continued that the mission of “Redclif” (*sic*) was constituted “for proper exchange of these enclaves” (New Nation, 1999a). Even the delay over ratification of the 1974 Land Boundary Agreement is not understood. Several Cooch Behar AIFB leaders and even a West Bengal government minister

² It is a problem across the sub-continent. Kant (1988, 229), who researched Punjabi administration, contacted every Punjabi government department. “It was startling to find how much of the administrative machinery was functioning without any reference to maps. This amounted to being practically blind to the setting on which one is operating”. For a plea for cartographic liberalisation, see Shrikantia (1999).

were unaware that Bangladesh had ratified the Agreement in 1974 and that it was India that was stalling the exchange (eg Dakua, 2000; Nag, 2000).

With such high level officials incorrectly advised on the situation, rogue politicians can easily stir up mobs with the idea that India is ceding or leasing vital territory at Berubari or Tin Bigha. By issuing copies of correct maps, India in particular could have saved its people much anguish, prevented at least one of the court cases over Berubari, and settled the whole issue much quicker, surely the best solution. By suppressing available information, even from MPs, the Government only made life more difficult for itself and its citizens, encouraging rumour, speculation and overreaction from fear, and playing into the hands of the agreements' opponents.

5.12 Politics of exchange

“Political forces, not purely legal texts, ultimately shape political decisions” (Appadorai, 1981, 197). This statement about Berubari is no less true today about the long-awaited enclave exchange. Centre-state relations in India and bureaucratic regulation are as central to exchange today as they were to ratification of Nehru-Noon in 1960. West Bengal state ministers claimed that while their state government is all for the exchange, they can do nothing as it is an international matter (eg Basu, 2000; Dakua, 2000). This is not very convincing given the furore the state government made over Berubari in 1958-60, and in which the then current Chief Minister Jyoti Basu was himself involved³. If the state government had the means to derail an international agreement, it can surely apply pressure to have another ratified. Concern over the 10,000 Indians whose land was to be ceded to East Pakistan in 1958 should surely induce at least as much concern for the 30,000 to 50,000 Indians over whom India has effectively washed its hands for the last 50 years. The state may not be involved in the process of exchange *per se*, but it will be responsible for the rehabilitation of any Indians who migrate to the mainland upon exchange, as well as any Bangladeshis electing not to return to their home country (Sengupta, 2000).

By comparison with Indian officials, a number of whom solely blamed Bangladesh for the impasse, Bangladeshi officials are fully aware that their government ratified the 1974 agreement that same year, and that the process awaits India's pleasure. Despite there being only 6.5km of main boundary remaining to be demarcated, there is no timetable to complete this (Hussain, I., 2000), so exchange is held up by intransigence over the exact course of a tiny section of boundary adjacent but unrelated to the enclave problem itself.

Nevertheless, exchange is no longer the perfect solution for everyone involved. One Bangladeshi MP said that in the enclaves, opinions are divided, with some chhitmahalis wanting to be exchanged, but not others (Rahman, A.K.M.M., 2000). This may be because the exact

³ Basu retired in November 2000, soon after fieldwork was completed.

method of dealing with the citizenship of the people affected has not been spelt out. Those exchanged and not wanting to be part of the host state will have to move, uprooted from their homes, families, and the area they know. The Indian landlords of one Indian exclave, Bans Pachai Bhitarkuthi #152/116, N.C. and D.N. Chatterjee, are said to oppose exchange because it will end their personal fiefdom over the exclave, and they will become subject to tax (Sengupta, 2000).

Other persons are against exchange as the conditions stand. They claim that not only is India losing in terms of net land area under the exchange, but the population shift will be against her too. They suggest that Indian chhitmahalis in Bangladesh will return to mainland India, few if any remaining with Bangladesh, while conversely Bangladeshi chhitmahalis in India will want to remain with India as well (Kar, 2000; Sengupta, 2000). Another line of opinion holds that exchange of territory on a map is one thing, and questions the ability of the countries to do this without further disadvantaging the affected people on the ground (Kar, 2000).

Alternative proposals to full exchange have been made. One official suggested that if full exchange was not forthcoming, the enclaves closest to the boundary could be disenclaved by exchange of access corridors, as at Tin Bigha, but with full transfer of sovereignty not just a lease. This idea was admitted to be controversial, and would not be practicable for enclaves far from the boundary, but it could be one way around the seeming impasse. The official thinks that a partial solution in this manner would necessitate relocation of fewer people and create a more congenial atmosphere for overall resolution. Given opposition to the Tin Bigha lease such a solution appears unlikely. The proposal makes an interesting contrast with the views of veteran MP Amar Roy Pradhan, who has long campaigned for full and immediate exchange, and who protested the Tin Bigha lease *because* it was only a partial solution. Another proposal of Roy Pradhan's was to disenclave the Shalbari composite enclave by the lease to India of a corridor reciprocating that at Tin Bigha. It is proposed here in Appendix 3 that if both the Shalbari and Balapara Khagrabari composite enclaves could be retained by India, then not only do the exchangeable areas cancel out, but about half the Indian exclave population could remain unaffected *in situ*.

It has been said that in India, all political parties need an agitation to remain relevant (Roychoudhury, 2000). The AIFB have the enclaves and remain a potent force in Cooch Behar and Jalpaiguri, but are much less strong elsewhere. Does this mean that if solved, the AIFB would lose one of its main support systems? Was this a factor in the party's split in 1992?

A senior BSF official said "since there is no vote bank, nobody is interested in these Chitmahalis" (Times of India, 2001). Apart from the long-standing policies of the AIFB, no other party has genuinely attempted to resolve the enclave problem since Nehru in 1958. Those that have raised it, like the BJP, have done so only while in Opposition, and have forgotten the issue

once in power. Bangladeshi and West Bengal MPs and MLAs say the delays in exchange are entirely due to Delhi, the enclaves receiving low priority because the issue is so small in comparison to India's other problems, and so far away from the capital (eg Rahman, A.K.M.M., 2000). Others see the problem as one of internal politics. "No [Indian] political leader has the guts to implement it" (Nag, 2000). The trouble Nehru ran into over Berubari in 1958 scared not only him, but most other parties since. While the kudos to be gained from implementing the exchange would be great, the dangers of a Hindu-nationalist backlash against the loss of territory to an 'enemy' Muslim state are perceived to outweigh this. Even the BJP are not willing to take up the issue, despite calls from the West Bengal wing of their own party and the much improved relations with Bangladesh over the last few years. The sad irony is that while on paper India does lose territory, what she appears to lose, she has never had administrative control over. Therefore India, like Bangladesh, would be giving up land she never really had, in return for sovereignty and control over the enclaves she hosts, whose foreign sovereignty she recognises, and which create administrative inconvenience on a daily basis. The chhitmahalis themselves may lose a theoretical citizenship, but they would gain access to education, medical facilities, development aid and police protection. Looked at in this manner, each side loses nothing and gains much. But given the strength of opposition to the Tin Bigha lease, barely 1.5ha of uninhabited land in a remote corner of India, which resulted in at least three deaths, the prospects for India's opposition parties allowing the government of the day to peacefully cede a net 40km² of enclaves, even as part of a full enclave exchange, are regrettably not good.

Chapter VI

Conclusion

Il n'y a pas de problèmes de frontières. Il n'est que des problèmes de Nations.

-- J. Ancel, "Les Frontières", 1938.

There are no intrinsically good or bad boundaries.

-- Stephen B. Jones, "Boundary-making", 1945

Since the Second World War, the Cooch Behar enclaves between India and Pakistan, and later India and Bangladesh, have comprised 80% of the world's terrestrial international-level enclaves. Yet apart from brief mention in a couple of overview studies of enclaves, and a recent sociological study (van Schendel, 2002), the Cooch Behar enclaves have been ignored in the literature. This ignorance was in one case due to lack of knowledge that they even existed (Robinson, 1999), but more generally due to the difficulty of obtaining information from the governments concerned (eg Catudal, 1974a & 1979). The present research has been an attempt to remedy this lack of knowledge by investigating the origins of the enclaves, and the reasons for their surviving Indian independence and partition in 1947. Knowing that the enclaves are one of the major outstanding international issues between India and Bangladesh, the nature and extent of, and reasons for, the enclave problem were investigated in order to ascertain whether the enclaves are problematic in themselves, or are a symptom of wider cross-border tensions. The non-implementation of long-standing agreements to exchange the enclaves also required explanation. Finally, wide discrepancies in commonly quoted figures for the number, area and population of the enclaves were analysed to determine true values as accurately as possible.

The general origin of the enclaves has been confirmed as a result of peace treaties in 1711 and 1713 between the kingdom of Cooch Behar and the Mughal Empire, ending a long series of wars in which the Mughals wrested several districts from Cooch Behar (Mitra, 1953, iii-iv; Banerjee 1966; Banerji, 1969). However, it would seem unlikely that they formed solely as land on which the Mughal armies settled upon demobilisation as previous commentators have suggested, but rather that the districts ceded by Cooch Behar were already fragmented and interlocked, as feudal territories in India and Europe generally were. Therefore the enclaves were not viewed as problematical by either party to the treaty, nor by the British East India Company when it succeeded the Mughals. In fact the Mughals may have approved of the enclaves as the interlocking territories knitted Cooch Behar tighter into the Mughal administration than its tributary status might otherwise suggest. The number and extent of the enclaves no doubt changed

over time, as it did for example in the Belgo-Dutch enclaves at Baarle (Malvoz, 1986, 36), until finally demarcated permanently by Cooch Behar-British joint commissions in the 1930s. Apart from the early British period, when north Bengal was politically unstable, and the enclaves were havens for criminals and rebels, the enclaves, although administratively inconvenient, were unproblematic due to British paramountcy and good relations with Cooch Behar. Only one serious attempt at exchange was made, initiated by the British, but it was dropped when it was discovered that chhitmahali opinion was opposed to the proposal.

The enclaves survived Bengal's partition in 1947 because Radcliffe's mandate was only to divide British Bengal. Cooch Behar, as a Princely State, was subsequently to decide whether to accede to India or Pakistan, and chose India in 1949, resulting in most of the enclaves becoming truly international, the rest being reduced to internal level within India.

The enclaves were never disputed between India and Pakistan. Bangladesh and India continue to recognise the sovereignty of the other over their respective enclaves. The accession of Cooch Behar to India was also undisputed, unlike for example Kashmir. The enclave problem is thus not a border dispute in the normal sense of overlapping territorial claims. Rather it resulted from centralised bureaucracies in each country that attempted to assert their own authority and prove their independence by isolating each country from the other, politically and economically. This affected all communities along the border, but most had a hinterland towards which they could reorientate. The enclaves in contrast became totally isolated. The bureaucratic governance that had to develop a national identity and sense of national unity in each of the ethnically and linguistically diverse countries allowed no modification of laws and regulations for local circumstance. Increasing hostility between the countries over many issues, but particularly Kashmir, entrenched opposition to any compromise that would benefit the 'enemy' or that could be seen as a sign of weakness. Each country demanded full access to its own exclaves, but was unwilling to allow reciprocal access to the other. The symmetry of the enclave border topology, which had facilitated agreement on access to the enclaves in the early 1950s, was equally able to bring about a stalemate, and as relations deteriorated, it did.

This stalemate has continued from the mid-1950s, with neither side allowing the other to administer or service the enclaves in any way, nor willing to provide any services itself. This attitude is evident from central government right down to residents of each host-state surrounding the enclaves, although some officials and locals are aware that this administrative siege of the enclaves has negative effects on surrounding host-state areas by creating a legal vacuum for goondahs and criminals, and a reservoir of discontent in the enclave populations.

The enclaves are thus not a problem in themselves, but victims of circumstance, a focus for political rhetoric about territorial integrity, and an obvious and defenceless target for thugs

to seek vengeance for the perceived wrongs of the other country.

Negotiations on enclave exchange began in 1953 after Pakistan had ended free Indo-East Pakistan cross-boundary movement by introducing a passport and visa system, but talks stalled on West Bengali demands for compensation for net areal loss. In 1958, Prime Ministers Nehru and Noon reached agreement on solving all the Indo-East Pakistan boundary disputes together, but a decision to divide the Pakistani-claimed Berubari salient, nestled amongst a number of Indian exclaves, derailed the entire agreement. Opposition to the overall agreement appeared immediately in both countries, but was quashed in Pakistan by the imposition of martial law. In India, West Bengal's parliament was united in opposing the Berubari division on humanitarian grounds, as it affected several thousand refugees resettled there by the state. When Nehru admitted he had been unaware of the refugee presence, the outrage only increased. But opposition was also political, West Bengal resentful that it had not been fully consulted. The issue revived West Bengal's sense of neglect by Delhi.

Although India ratified the agreement in 1960, opposition parties and the populace of Berubari managed to prevent implementation by a string of legal challenges. Pakistan demanded its agreed half of Berubari before it would implement enclave exchange, cementing the impasse. Although finally dismissed by the courts, the challenges ultimately succeeded because the last judgement came during the Pakistani civil war of 1971 that gave birth to Bangladesh. Mutual hatred of Pakistan and Bangladeshi gratitude for Indian aid in the war forged a new friendship, that sidestepped local Indian emotion over Berubari by negotiating a new agreement in 1974. This too met with opposition in both countries, but in Bangladesh, a legal challenge was rapidly dismissed and the necessary laws changed ready for implementation. However Indian opposition was then aided by a coup in Bangladesh that brought an anti-Indian government to power. Poor relations until the 1980s prevented further progress towards implementing the 1974 agreement, and once more, Indian opponents brought legal challenges. This time there was no humanitarian factor, and apart from the FB(S), Indian opposition was based on anti-Bangladesh and anti-Muslim rhetoric for a domestic political audience. As Bangladesh returned to democracy and relations improved, India was able to implement part of the agreement, the leasing of the Tin Bigha corridor, as a goodwill gesture in 1992. But for unknown reasons, it reversed its 1958 policy to ratify the exchange agreement before demarcation, and India has ever since insisted that demarcation of the entire main Indo-Bangladesh boundary must precede ratification. A continuing delay in the demarcation of the final 6.5km remaining appears to hinge on negotiations over predominantly Indian adverse possession in the vicinity of this section around Berubari.

The enclaves themselves number 198 in total, 106 exclaves of India in Bangladesh and 92 of Bangladesh in India (see Diag. 1). These totals include 3 Indian and 21 Bangladeshi counter-enclaves inside the exclaves of the other country, and one Indian counter-counter-enclave inside a Bangladeshi counter-enclave. West Bengal and Assam possess a further four enclaves between them, the final survivors of 61 enclaves of Cooch Behar and British India that became internal Indian enclaves after 1949. Indian exclaves total nearly 70km², all but the 17ha of counter-enclaves to eventually be exchanged. Bangladeshi exclaves total almost 50km², but Dahagram-Angarpota and 21 counter-enclaves will remain Bangladeshi, leaving only 29km² of enclaves to exchange. When finally implemented, India will ‘lose’ just under 41km² in net exchange. With no census conducted in the enclaves since 1951, the population of the enclaves has been the subject of increasingly exaggerated estimates, but this study has shown that figures for Indian and Bangladeshi exclaves of about 12,000 and 10,000 respectively in 1951 are likely to have risen to no more than 30,000 and 25,000 by 1991, and are still certainly less than 100,000 in total today.

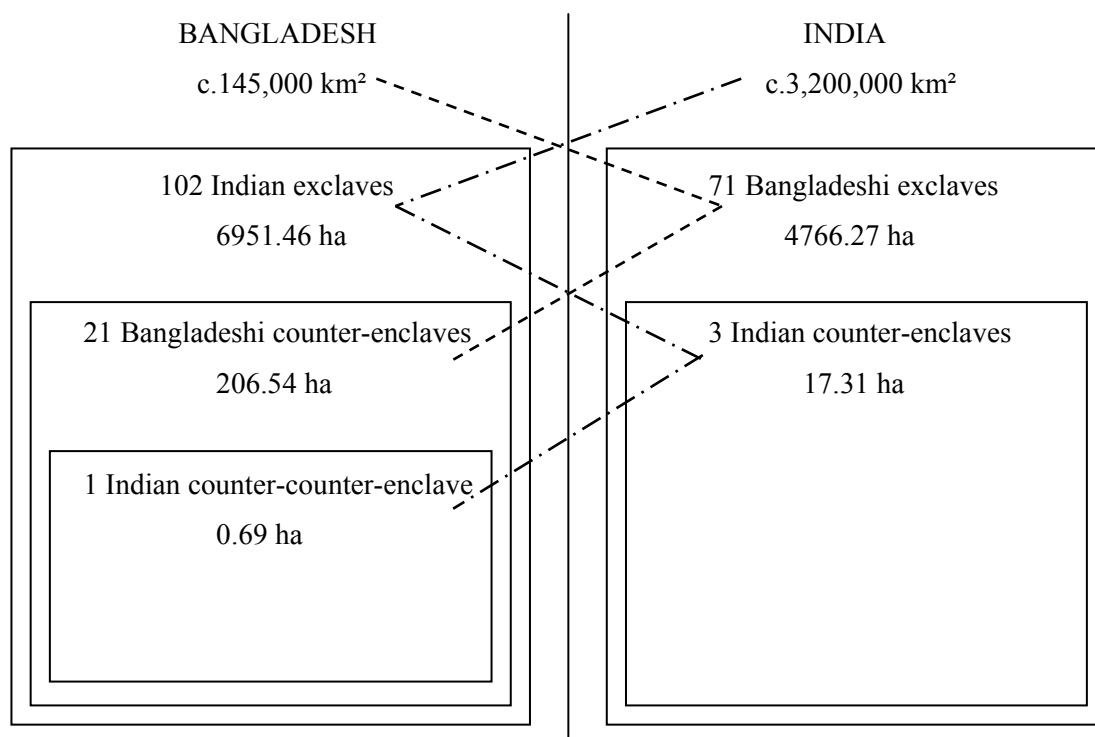


Diagram 1. Diagrammatic representation of the topology, number and area of the Cooch Behar enclaves.

It is surprising that the Cooch Behar enclaves have not attracted more research than they have, given their number and complexity. But the realities of researching such a sensitive topic in the Subcontinent have hampered interest. The present work has suffered from the difficulties of obtaining information and access to officials in both countries, and so is in no way a definitive study. A number of documents have proved unobtainable. These include most notably an official map of the proposed division of Berubari, and maps of individual enclaves compiled by the demarcation surveyors in the 1930s. The latter would allow confirmation of the point connections of Jote Nijama #36, and Bara Saradubi #50 to mainland Bangladesh, and of the actual enclave count, as the figures given above may be out by one or possibly two. Discrepancies and uncertainties are described more fully in the compilation notes on the separate map of the enclaves accompanying the present volume. Other material that was accessible has been effectively unobtainable because notes taken from it have yet to be returned by the censors. This has affected analysis of the Indian government's response to the continual court cases over Berubari during the 1960s.

This study has also been limited by reliance on English-language sources, resulting in an imbalance in coverage favouring India. I have been unable to utilise extensive Bengali sources, including Bangladeshi parliamentary records, and vernacular newspapers in both West Bengal and Bangladesh. As local papers in North Bengal are only in Bengali, and English papers are published far away in Dhaka and Calcutta, this has no doubt impacted understanding of local opinion and politics. Operational restraints have also prevented a search of records and sources held in Pakistan itself, which may cover gaps in Bangladeshi sources resulting from the civil war.

There is thus much scope for further research on the enclaves, particularly by local researchers who would not only be able to utilise vernacular sources, but who would also be better able to understand and analyse the internal political factors in the Berubari and Tin Bigha affairs. The relative importance of internal domestic politics versus humanitarian concern in the response of West Bengal to the Nehru-Noon accord, and the politics behind the AIFB split over Tin Bigha would both be worthwhile topics. Exactly how and when Pakistan ratified Nehru-Noon remains undetermined, and a comparison of the problems Nehru faced in democratic India with the personal ability of General Ayub Khan to implement Pakistan's side of the agreement would be very interesting; as would the degree to which India or West Bengal's governments attempted to ease passage of the continual court cases of the 1960s through the courts, or the possibility of their complicity in delaying the cases for political reasons. As mentioned in Appendix 2e, the near coincidence of Pakistan's purchase of Gwadar, the Nehru-Noon agreement, and the Chinese invasion of Sikkimese and Bhutanese enclaves in Tibet seems remarkably coincidental, and a full investigation of each country's attitudes to each of these enclave cases should be undertaken, but it

is suspected most documents will still be restricted. Less related to the enclaves, the politics behind Cooch Behar's delay in acceding to India is still not fully understood.

The Cooch Behar enclaves should also be compared with the more successful enclave cases in Europe, especially those with whom they share a feudal origin. It has already been mentioned that this study was originally intended to make such a comparison with the next most complex case, at Baarle, but word limit restrictions did not allow this. It is intended to publish the material gathered on Baarle as soon as possible, and a subsequent full comparison of problematic Cooch Behar with Baarle would be extremely useful to understand the degree to which sovereignty needs to be compromised, if at all, to enable the enclaves to function normally. Like the Cooch Behar enclaves, Baarle is an otherwise unexciting area on the economic and geographic periphery of its home and host states, yet it has turned its unique border situation into a tourist attraction, bringing economic benefit to the area, and replacing smuggling with legitimate business. While Cooch Behar's enclaves have a very different settlement geography, tourist potential exists there too, and could provide an economic incentive to improved relations if the enclave exchange delays continue. A comparison of the two enclave cases may even encourage the possibility of India and Bangladesh abandoning the unimplemented exchange agreement, and coming to a *modus operandi* over administration and development in the enclave region. The Spanish exclave of Llívia in France offers another interesting comparison. The 1970s "war of the stop signs" over Spanish right of way along the 'neutral road' to Llívia (see Sahlins, 1989, 298) has intriguing parallels with negotiations over the need for an overpass or tunnel at Tin Bigha to avoid 'intermixing'.

The complexity of the Cooch Behar enclave situation has also highlighted a need for a terminology or coding for the various types of enclaves and other political fragments. Indeed, it was necessary to coin the phrase 'political fragment' for the present research to describe the set of discontinuous parts of a political unit, usually a country, of which the term enclave correctly describes only a fraction¹. The lack of a suitable vocabulary has forced other authors to use 'enclave' or 'exclave' far too loosely, which has only resulted in confusion. A systematic classification of different types of fragments is needed, to distinguish fragment subtypes, as topological characteristics directly affect political characteristics, and help identify likely advantages and disadvantages each type may face. Some potential variables are: degree of landlockedness (a fragment can be an island, a coastal fragment or totally landlocked); number of neighbouring political units; number of political subunits comprising the fragment; and whether the fragment is part of a larger political subunit, or a subunit unto itself. For this study the terms singularity, composite enclave and enclave complex have also been coined to describe

¹ As noted in 1.1 fn 3 above, Reid has used 'exclave' in the sense 'fragment' has been used here.

fragments attached to each other by a single point, enclaves made up of several administrative subunits, and groups of administratively related enclaves respectively. But a comprehensive and systematic typology or coding system is necessary for proper comparison of enclaves and other fragments without confusion. Even the geographical definition of enclave may need to change, as at present, there is no word to describe two adjacent countries both enclaved within another. While there are no current international examples, Avignon and Orange were just so situated in pre-Revolutionary France.

The Cooch Behar enclaves, like the other enclaves around the world, are not problematic in themselves, although the sheer complexity of their case is obviously administratively inconvenient and inefficient at the best of times. Poor infrastructure and physical communications in the area accentuate this. The enclaves certainly offer opportunity for undesirable activities such as smuggling. But the enclaves are only a focus for such difficulties, not the cause. Smuggling, for example, is encouraged much more by the corruption of border-guards and police in both countries, and by political and economic policies that assume that the two adjacent countries can isolate themselves against the impacts of policy in the other (van Schendel, 1993). Wider hostilities between India and Pakistan, and later India and Bangladesh, found an easy target at the enclaves, which came to be seen as a physical aspersion on the more abstract concept of territorial integrity. At the present, the enclaves still await their final fate. Bangladesh ratified the 1974 exchange agreement 28 years ago. But India, it seems, is still waiting for the Esquimo.

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I make it a point never to give references. A very old-fashioned idea to my mind.

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 - Schedule of chhits "Chits of Rangpur district situated in Jalpaiguri district"
 - "Schedule (Rangpur and Jalapiguri)"
 - Plastic map of Jalpaiguri/Rangpur chhits. Most along the Patgram border. 1 in the SE of Jalpaiguri itself.
 - Draft notification for Rangpur/Dinajpur chhit exchange
 - List of Dinajpur chhits in Rangpur (19 total)
 - List of Rangpur chhits in Dinajpur (31 total)
 - Plastic maps of Dinajpur/Rangpur chhits. Dinajpur's all in S corner of PS Saidpur, Rangpur's opposite in PS Parbatipur & some to the South.
 - Map of PS Saidpur with Dinajpur chhits added in yellow
 - Map of PS Hatibandha with Rangpur & Jalpaiguri chhits added in red and yellow respectively. All are already outlined on the map except 1 to S of 'A', 1 to S of 'E' and 5 in Northmost part of Nilphamari.
 - Map of PS Badarganj with chhits of Rangpur in Dinajpur added in yellow
 - Map of PS Nilphamari with a single chhit of Dinajpur added in yellow
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APPENDIX 1-1

Peace Treaty between the East India Company and Cooch Behar **5 April 1773**

Articles of Treaty between the Honourable East India Company and Durrinder Narain, Rajah of Cooch Behar - 1773

Durrinder Narain, Rajah of Cooch Behar, having represented to the Honourable the President and Council of Calcutta the present distressed state of the country, owing to its being harassed by the neighbouring independent Rajahs, who are in league to depose him, the Honourable President and Council, from a love of justice and a desire of assisting the distressed, have agreed to send a force, consisting of four companies of sepoy and a field piece for protection of the said Rajah and his country, against his enemies, and the following conditions are mutually agreed on:-

1st.- That the said Rajah will immediately pay into the hands of the Collector of Rungpoor 50,000 Rupees, to defray the expenses of the force sent to assist him.

2nd.- That if more than 50,000 rupees are expended, the Rajah will make it good to the Honourable the English East India Company, but in case any part of it remains unexpended that it be delivered back.

3rd.- That the Rajah will acknowledge subjection to the English East India Company upon his country being cleared of his enemies, and will allow the Cooch Behar country to be annexed to the Province of Bengal.

4th.- That the Rajah further agrees to make over to the English East India Company one half of the annual revenues of Cooch Behar forever.

5th.- That the other moiety shall remain to the Rajah and his heirs for ever provided he is firm in his allegiance to the Honourable United East India Company.

6th.- That in order to ascertain the value of the Cooch Behar country, the Rajah will deliver a fair hushabod of his districts into the hands of such person, as the Honourable President and Council of Calcutta shall think proper to depute for that purpose, upon which valuation the annual malguzary, which the Rajah is to pay, shall be established.

7th.- That the amount of the malguzary, settled by such person as the Honourable the East Indian Company shall depute, shall be perpetual.

8th.- That the Honourable English East India Company shall always assist the said Rajah with a force when he has occasion for it for the defence of the country, the Rajah bearing the expense.

9th.- That this treaty shall remain in force for the space of two years, or till such time as advise may be received from the Court of directors, empowering the President and Council to ratify the same for ever.

This Treaty signed, sealed, and concluded by the Honourable the President and Council at Fort William, the fifth day of April 1773, on the one part, and by Durrinder Narain, Rajah of Cooch Behar, at Behar Fort, the 6th Maug 1179 Bengal style, on the other part.

(Aitchison, 1929, v2, 308)

APPENDIX 1-2

Bhutanese peace proposals **1774**

Proposals from the Bhootan Deputies for a Treaty of Peace

1st- That, they have the land from the south edge of the Jungle under the Hills, to the north bank of the Soondunga [Saraidanga] river.

2nd- That, they have the lands of Kirmutee (Kyranti), Luckipore and Dalimcote, all which adjoin the Jungle under the Hills and always belonged to them.

3rd- That, they will deliver up Dhairjendra Narayan, Raja of Cooch Behar, together with his brother, who is confined with him.

4th- That, being merchants, they shall have the same privilege of trade as formerly, without payment of duties, and their caravan be allowed to go to Rungpore annually.

5th- That they will not make any incursions into the country nor molest the Ryoats [ryots], that have come under the Company's subjection.

6th- That, if any Ryot or inhabitant whatever shall desert from the Company's territories, they will deliver them up upon application being made for them.

7th- That, in case they or those under their government shall have any demands upon disputes with any inhabitant of those or any part of the Company's territories, they shall prosecute them only by an application to the Magistrate, who shall reside here for the administration of justice.

8th- That, in case the company shall have occasion for cutting timbers from any part of the woods under the Hills, they shall do it duty-free, and the people whom they send shall be protected.

9th- That, there shall be a mutual exchange of prisoners.

(Ghoshal, 1942, 414)

APPENDIX 1-3

Peace Treaty between the East India Company and Bhutan **25 April 1774**

Articles of a Treaty of Peace between the Honorable East India Company and the Deb Rajah [Deva Raja] or Rajah [Raja] of Bhootan [Bhutan].

1st.- That the Hono[u]rable Company, wholly from consideration for the distress to which the Bhootans [Bhutias] represent themselves to be reduced, and from the desire of living in peace with their neighbours, will relinquish the lands which belonged to the Deb Rajah before the commencement of the war with the Rajah of Cooch Behar, namely, to the eastward [of] the lands of Chitchacotta [Chichakhata] and Pangola-haut [Paglahat], and to the westward [of] the lands of Kyruntee [Kyranti], Marragaut [Maraghat] and Luckypoor [Luckeepore].

2nd.- That for the possession of the Chitchacotta Province, the Deb Rajah shall pay an annual tribute of five Tangun {Tangan} horses to the Honorable Company, which was the acknowledgment paid to the [Cooch] Behar Rajah.

3rd.- That the Deb Rajah shall deliver up Dhujinder Narain [Dhairjendra Narayan], Rajah of Cooch Behar, together with his brother, the Dewan [Diwan] Deo, who is confined with him.

4th.- That the Bhootans, being merchants shall have the same privilege of trade as formerly, without payment of duties, and their caravan shall be allowed to go to Rungpoor [Rungpore] annually.

5th.- That the Deb Rajah shall never cause incursions to be made into the country, nor in any respect, whatever, molest the ryots that have come under the Honorable Company's subjection.

6th.- That if any ryot or inhabitant whatever[,] shall desert from the Honorable Company's territories, the Deb Rajah shall cause him to be delivered up immediately upon application being made to him.

7th.- That in case the Bhootans, or any one under the government of Deb Rajah, shall have any demands upon, or disputes with any of the inhabitants of these or any part of the Company's territories, they shall prosecute them by an application to the Magistrate who shall reside here for the administration of justice.

8th.- That whatever Sunnyasies [Sannyasis] are considered by the English as an enemy, the Deb Rajah will not allow any body of them to take shelter in any part of the districts now given up, nor permit them to enter into the Honourable Company's territories, or through any part of his, and if the Bhootans shall not of themselves be able to drive them out, they shall give information to the Resident on the part of the English in Cooch Behar and they shall not consider the English troops pursuing the Sunnyasies into these districts as any breach of this treaty.

9th.- That in case the Honourable Company shall have occasion for cutting timbers from any part of the woods under the Hills, they shall do it duty-free, and the people they send shall be protected.

10th.- That there shall be a mutual exchange of prisoners.

This treaty to be signed by the Honourable President and Council of Bengal, etc., and the Honourable Company's Seal to be affixed on the one part, and to be signed and sealed by the Deva Raja on the other part.
Signed and ratified at Fort William, the 25th April 1774.

Warren Hastings.

William Aldersey.

P.M. Dacres.

J. Laurell.

Henry Goodwin.

J. Graham.

George Vansittart.

(Aitchison, 1929, v14, 89-90; Ghoshal, 1942, 415-6. There are several minor spelling differences between these two versions. Aitchison's is followed here, as the more likely to follow the original document, with Ghoshal's corrected spellings given in square brackets where these differ.)

APPENDIX 1-4

**Sanad confirming the zamindari of Sarkar Cooch Behar on
the Maharaja of Cooch Behar
13 February 1776**

Translation of a SUNNUD under the seal of the HON'BLE ENGLISH COMPANY, dated the 13th of February 1776 A.D., corresponding with the 4th of Fagoon 1182 Bungla, and the 22nd of Zilhijeh of the 17th year of His Majesty's reign.

Be it known to all mutsuddies at present holding important trusts, or who may be hereafter appointed thereto, and to all kanongoos and moqudums and ryots and cultivators and other inhabitants and natives of Surkar Cooch Behar, in the Soubah of Bengal, the paradise of countries, that as the orders of the gentlemen in Council have been issued, that a Sunnud for the zemindaree of the above Surkar should be granted to Dhujinder Narain, accordingly (the above person), having agreed to pay the peshcush of Government of fifty gold-mohurs agreeably to the order, the office of zemindar of the above Surkar, vacated by (the death of) Durrinder Narain, has been granted, confirmed to, and bestowed upon Dhujinder Narain; that observing the duties and usages of the office and the rules of the truth and dignity, he depart not in the minutest particular from a vigilant and prudent conduct, but avoiding sloth and consulting the interest of the ryots and inhabitants, and conciliating their affections, that he so conduct himself that his utmost endeavours may be exerted for the increase of cultivation and the improvement of the revenue. He must further pay great attention to expelling and punishing offenders, so that the least vestige of thieves and robbers may not be found within his limits; and take particular care of the highways, so that travellers and strangers may go and come with perfect confidence and safety. God forbid that the property of anyone should be stolen or plundered: but should such a case occur, he must seize the thieves or robbers and the property, delivering up the goods to the owner and the offenders to justice; and if he cannot find (the thieves and the goods), he must answer for the party himself. He must also take care that no one indulge in forbidden practices within his limits. He must pay the revenue, regularly year after year at the stated period; and at the end of the year according to custom, he will receive credit for his payments. He will further abstain from the collection of all exactions or (*sic*) forbidden by Government. You are hereby required to acknowledge the above person as zemindar of the above Surkar, and to consider him as vested with the powers and appendages thereof. On this point paying the strictest obedience, you will act as above directed.

On the 17th of February 1776 A.D., corresponding with the 8th Fagoon 1182 Bungla, and the 26th of Zilhijeh in the 17th year of His Majesty's reign, the copy was received in the Dufter.

(Aitchison, 1929, v2, 309)

APPENDIX 1-5

Letter to the Dev Raja of Bhutan 9 June 1864

KHUREETA to HIS HIGHNESS the DEB RAJAH- (dated Simla, the 9th June 1864).

You are well aware that for many years past wanton outrages have been committed by your subjects within the territories of the British Government and within the territories of the Rajah of Sikkim and Cooch Behar, who are under British protection. Men, women, and children have been kidnapped and sold into slavery; some have been put to death; others have been cruelly wounded; and much valuable property has been carried off or destroyed. These outrages, it is well known, are not the act of individual criminals, who set the laws of Bhootan at defiance; they are perpetrated with the knowledge and at the instigation of some of the leading Chiefs of Bhootan. Over a period of thirty-six years these aggressions have extended. Many remonstrances have been in vain addressed to the Bhootan Government, and the British Government has been compelled, in its own defence and the defence of its protected and subordinate allies, to have recourse to measures of retribution. In 1828 and 1836 the British Government were most reluctantly forced to occupy the Booree Gooma and the Banksa Dooars, but these districts were subsequently restored to the Bhootan Government in the hope that the Bhootan Government would fulfil the offices of friendship towards their neighbour by restraining their subjects from the commission of such aggressions for the future.

This hope proved illusory, and after the British Government had in vain endeavoured to secure a better understanding with the Bhootan Government by means of a friendly mission, it became necessary in 1841 to annex permanently to the British dominions the seven* Assam Dooars, a measure which, it was believed, would convince the Bhootan Government that British territory cannot with impunity be persistently and wantonly violated. Nevertheless, the British Government, willing to believe in the friendship of your Government, and careful only to secure an undisturbed frontier and to live at peace with the people of Bhootan, paid to your Government annually a sum of Rupees 10,000 from the revenues of these Dooars.

But even its moderation on the part of the British Government, this sign of its anxiety above all things for peace, was misunderstood. Outrages did not cease. Precautions had to be taken for the defence of the British frontier, and not only the Deb and Dhurma Rajahs, but the local Governors on the frontier particularly the Tongso Pillo, had to be distinctly warned that unless these insults to the British Government were put a stop to the British Government would have no alternative but to resort to further measures of retribution.

These warnings were ineffectual; it is unnecessary to repeat the numerous acts of aggression to which the British Government patiently submitted, and the further remonstrances which were addressed

* Ghurkola, Banksa, Chappo Goonee, Chappakhamar, Bijnee, Booree Gooma, Kulling.

to your Government before they carried their threats into execution by the stoppage of the rent of Rupees 2,000 a year for the Ambaree Fallacottah, which the British Government held in farm. Of the reasons which forced the British Government to this measure, your government were duly informed, and you were warned that the rents of Ambaree Fallacottah would not be paid until full reparation should be made, captives released, and the guilty parties punished. These measures also proved ineffectual, and as the British Government were unwilling to be committed to a course of retributive coercion, it was determined to make one effort more by peaceful negotiation and the despatch of a friendly mission to explain fully the demands of the British Government and to put the relations of the two Governments on a satisfactory footing. Of this intention the Bhootan Government were informed in 1862 by a special messenger, who carried letters to the Deb and Dhurma Rajahs and by more recent letters addressed to you by the Honourable the Lieutenant Governor of Bengal. The mission, under the conduct of the Honourable Ashley Eden, a high functionary of the British Government, and my Envoy and plenipotentiary, reached your court at Poonakha on 13th March 1864. Mr. Eden was the bearer of a Draft Treaty which he was instructed to negotiate with you. The terms of that Treaty were so just and reasonable, and so favourable to the best interests of both Governments, that I did not anticipate its rejection, more especially as Mr. Eden had full discretion to modify any of the details not inconsistent with the principles of the treaty to meet the wishes of the Bhootan Government. It was, of course, optional with you to accept or reject this Treaty in whole or in part, and had you received my Envoy in the manner suited to his rank as my representative, and as by the usages of nations he ought to have been received, but declared your inability to accede to the demands of the British Government, this rejection of my proposals, however much to be regretted as forcing the British Government to coercive measures for the protection of the persons and property of its subjects, would not in itself have been an offence.

But you are aware that not only have the just demands of the British Government been refused, but they have been refused in a manner disgraceful to yourself and to your Durbar and insulting to the British Government. Not only has the envoy deputed to your Court not been received with the dignity due to his rank; he has not even received the protection from personal insult and violence which is extended to an Envoy by the laws of all nations save the most barbarous. By the Tongso Pillo and his coadjutors in Council the letter addressed to you on the part of the British Government has been treated with contumely; my Envoy was publicly insulted and derided in your own presence, and has been compelled under threats of personal violence to sign an engagement agreeing to restore the Assam Dooars.

This engagement I entirely repudiate, not only because it was beyond Mr. Eden's instructions to agree to any such terms, but because the engagement was extorted from him by personal violence and threats of imprisonment. The treatment to which the mission which was deputed to your Court to remove all causes of dispute by peaceful negotiation was subjected, has been so disgraceful that the British Government cannot allow the Government of Bhootan to go unpunished.

I am aware that your authority has been usurped by the Tongso Pillo and other Chiefs, but it cannot be permitted that, for the insubordination of your chiefs, and the internal distractions which weaken the Government of Bhootan the subjects of the British Government should suffer and the Envoy of the British Government should be insulted and maltreated.

I therefore inform you that the district of Ambaree Fallacottah, heretofore held in rent from the Bhootan Government, is permanently annexed to the British dominions, and that all payments of rent from that district and of revenues from the Assam Dooars to the Bhootan Government have ceased forever. You have been informed both in writing and by my Envoy that all British subjects of Cooch Behar and Sikkim, of whom there are said to be more than three hundred, who are now held captive by your Chiefs and in your monasteries, or are detained in Bhootan against their will, must be released, and that the property which has been carried off from British territory, or Cooch Behar, or Sikkim within the last five years, must be restored. I now warn you that, unless these demands are fully complied with by the 1st day of September next, that is, three months from this date, I shall take such further measures to enforce these demands as may seem to me to be necessary.

John Lawrence

The same to the Dharma Rajah.

(Aitchison, 1929, v14, 91-3)

APPENDIX 1-6

Proclamation of the annexation of the Bengal Duars 12 November 1864

Proclamation

For many years past outrages have been committed by the subjects of the Bhootan Government within British territory, and in the territories of the Rajahs of Sikkim and Cooch Behar. In these outrages, property has been plundered and destroyed, lives have been taken, and many innocent persons have been carried off into and are still held in captivity.

The British Government, ever sincerely desirous of maintaining friendly relations with neighbouring States, and specially mindful of the obligations imposed on it by the treaty of 1774, has endeavoured from time to time by conciliatory remonstrances to induce the Government of Bhootan to punish the perpetrators of these crimes, to restore the plundered property, and to liberate the captives. But such remonstrances have never been successful, and, even when followed by serious warning, have failed to produce any satisfactory result. The British Government has been frequently deceived by vague assurances and promises for the future, but no property has ever been restored, no captive liberated, no offender punished, and the outrages have continued.

In 1863 the Government of India, being averse to the adoption of extreme measures for the protection of its subjects and dependent allies, despatched a special mission to the Bhootan Court, charged with proposals of a conciliatory character, but instructed to demand the surrender of all captives, the restoration of plundered property, and security for the future peace of the frontier.

This pacific overture was insolently rejected by the Government of Bhootan. Not only were restitution for the past and security for the future refused, but the British Envoy was insulted in open durbar, and compelled, as the only means of ensuring the safe return of the mission, to sign a document which the Government of India could only instantly repudiate.

For this insult the Governor-General in Council determined to withhold for ever the annual payments previously made to the Bhootan Government on account of the revenues of the Assam Dooars and Ambarree Fallacottah, which had long been in the occupation of the British Government, and annexed those districts permanently to British territory. At the same time, still anxious to avoid an open rupture, the Governor-General in council addressed a letter to the Deb and Dhurma Rajahs, formerly demanding that all captives detained in Bhootan against their will should be released, and that all property carried off during the last five years should be restored.

To this demand the Government of Bhootan has returned an evasive reply, from which can be gathered no hope that the just requisitions of the Government of India will ever be complied with, or that the security of the frontier can be provided for otherwise than by depriving the Government of Bhootan and its subjects of the means and opportunity for future aggression.

The Governor-General in Council has therefore reluctantly resolved to occupy permanently and annex to British territory the Bengal Dooars of Bhootan, and so much of the Hill territory, including the forts of Dallingkot, Panakha and Dewangiri, as may be necessary to command the passes, and to prevent hostile or predatory incursions of Bhootanese into the Darjeeling districts or into the plains below. A Military Force amply sufficient to occupy this tract and to overcome all resistance has been assembled on the frontier, and will now proceed to carry out this resolve.

All Chiefs, Zamindars, Munduls, Ryots, and other inhabitants of the tract in question are hereby required to submit to the authority of the British Government, to remain quietly in their homes, and to render assistance to the British troops and to the Commissioner who is charged with the administration of the tract. Protection of life and property and a guarantee of all private rights is offered to those who do not resist, and strict justice will be done to all. The lands will be moderately assessed, and all oppression and extortion will be absolutely prohibited.

The future boundaries between the territories of the Queen of England and those of Bhootan will be surveyed and marked off, and the authority of the Government of Bhootan within this boundary will cease forever

By order of the Governor-General in Council

Fort William,

The 12th November 1864.

H. M. Durand, Colonel, Secy. to the Government of India.

(Aitchison, 1929, v14, 93-5)

APPENDIX 1-7

Peace Treaty between Great Britain and Bhutan **11 November 1865**

Treaty between His Excellency the Right Honourable Sir John Lawrence, G.C.B., K.C.S.I., Viceroy and Governor-General of Her Britannic Majesty's possession in the East Indies, and Their Highnesses the Dhurm and Deb Rajahs of Bhootan concluded on the one part by Lieutenant-Colonel Herbert Bruce, C.B., by virtue of full powers to that effect vested in him by the Viceroy and Governor-General, and on the other part by Samdojry Deb Jimpey and Themseyrensen Donai according to full powers conferred on them by the Dhurm and Deb Rajahs, -1865.

Article 1

There shall henceforth be perpetual peace and friendship between the British Government and the Government of Bhootan.

Article 2

Whereas in consequence of repeated aggressions of the Bhootan Government and of the refusal of that government to afford satisfaction for those aggressions, and of their insulting treatment of the officers sent by His Excellency the Governor-General in Council for the purpose of procuring an amicable adjustment of differences existing between the two States, the British Government has been compelled to seize by an armed force the whole of the Doars and certain Hill Posts protecting the passes into Bhootan and whereas the Bhootan Government has now expressed its regret for past misconduct and a desire for the establishment of friendly relations with the British Government, it is hereby agreed that the whole of the tract known as the eighteen Doars, bordering on the Districts of Rungpoor, Cooch Behar, and Assam, together with the Talook of Ambaree Fallacottah and the Hill territory on the left bank of the Teesta up to such points as may be laid down by the British Commissioner appointed for the purpose is ceded by the Bhootan Government to the British Government for ever.

Article 3

The Bhootan Government hereby agree to surrender all British subjects as well as subjects of the Chiefs of Sikkim and Cooch Behar who are now detained in Bhootan against their will, and to place no impediment in the way of the return of all or any such persons into British territory.

Article 4

In consideration of the cession by the Bhootan Government of the territories specified in Article 2 of this Treaty, and of the said Government having expressed its regret for past misconduct, and having hereby engaged for the future to restrain all evil-disposed persons from committing crimes within British territory or the territories of the Rajahs of Sikkim and Cooch Behar and to give prompt and full redress

for all such crimes which may be committed in defiance of their commands, the British Government agree to make an annual allowance to the Government of Bhootan on a sum not exceeding fifty thousand rupees (Rupees 50,000) to be paid to officers not below the rank of Jungpen, who shall be deputed by the Government of Bhootan to receive the same. And it is further hereby agreed that the payments shall be made as specified below:-

On the fulfilment by the Bhootan Government of the conditions of this Treaty, twenty-five thousand Rupees (Rupees 25,000).

On the 10th January following the 1st payment, thirty-five thousand rupees (Rupees 35,000).

On the 10th January following forty-five thousand rupees (Rupees 45,000).

On every succeeding 10th January, fifty thousand rupees (Rupees 50,000).

Article 5

The British Government will hold itself at liberty at any time to suspend the payment of this compensation money either in whole or in part in the event of misconduct on the part of the Bhootan Government or its failure to check the aggression of its subjects or to comply with the provisions of this Treaty.

Article 6

The British Government hereby agree, on demand being duly made in writing by the Bhootan Government, to surrender, under the provisions of Act VII of 1854, of which a copy shall be furnished to the Bhootan Government, all Bhootanese subjects accused of any of the following crimes who may take refuge in British dominions. The crimes are murder, attempting to murder, rape, kidnapping, great personal violence, maiming, dacoity, thuggee, robbery, burglary, knowingly receiving property obtained by dacoity, robbery or burglary, cattle stealing, breaking and entering a dwelling house and stealing therein, arson, setting fire to village, house or town, forging or uttering forged documents, counterfeiting current coin, knowingly uttering base or counterfeit coin, perjury, subornation of perjury, embezzlement by public officers or other persons, and being an accessory to any of the above offences.

Article 7

The Bhootan Government hereby agree, on requisition being duly made by or by the authority of, the Lieutenant-Governor of Bengal, to surrender any British subjects accused of any of the crimes specified in the above Article who may take refuge in the territory under the jurisdiction of the Bhootan Government, and also any Bhootanese subjects who, after committing any of the above crimes in British territory, shall flee into Bhootan, on such evidence of their guilt being produced as shall satisfy the Local Court of the district in which the offence may have been committed.

Article 8

The Bhootan Government hereby agree to refer to the arbitration of the British Government all disputes with, or causes of complaint against, the Rajahs of Sikkim and Cooch Behar, and to abide by the decision of the British Government; and the British Government hereby engage to enquire into and settle all such

disputes and complaints in such manner as justice may require, and to insist on the observation of the decision by the Rajahs of Sikkim and Cooch Behar.

Article 9

There shall be free trade and commerce between the two Governments. No duties shall be levied on Bhootanese goods imported into British territories nor shall the Bhootan Government levy any duties on British goods imported into, or transported through, the Bhootan territories. Bhootanese subjects residing in British territories shall have equal justice with British subjects, and British subjects residing in Bhootan shall have equal justice with the subjects of the Bhootan Government.

Article 10

The present Treaty of ten Articles having been concluded at Sinchula on the 11th day of November 1865, corresponding with the Bhootea year Shim Lung 24th day of the 9th month, and signed and sealed by Lieutenant-Colonel Herbert Bruce, C.B., and Samdojey Deb Jimpey and Themseyrensey Donai, the ratifications of the same by His Excellency the Viceroy and Governor-General in Council and by Their Highnesses the Dhurm and Debb Rajahs shall be mutually delivered within thirty days from this date.

H. Bruce, Lieut.-Col., Chief Civil and Political Officer,

In Dabe Nagri.

In Bhootea language.

This Treaty was ratified on the 29th November 1865 in Calcutta by me.

John Lawrence,

Governor-General.

(Aitchison, 1929, v14, 96-8)

APPENDIX 1-8

Further proclamation of the annexation of the Bengal Duars
4 July 1866

Proclamation

Whereas in the Proclamation issued on the 12th November 1864, His Excellency the Viceroy and Governor-General in Council announced his resolution of occupying permanently and annexing to British territory the Bengal Duars of Bhootan and so much of the Hill territory, including the forts of Dalimkote and Diwangiree, as might be necessary to command the passes and to prevent hostile or predatory incursions of Bhootanese into the Darjeeling district, or into the plains below;

And whereas, in pursuance of that resolution, the British Government, under Article 2 of a Treaty concluded on the 11th day of November 1865, has obtained from the Government of Bhootan for ever the cession of the whole of the tract known as the eighteen Duars bordering on the districts of Rungpoo, Cooch Behar and Assam, together with the Talook of Ambaree Fallacottah and the Hill territories on the left bank of the Teesta, up to such point as may be laid down by the British Commissioner appointed for the purpose;

It is hereby declared that the territory ceded by the Bhootanese Government as aforesaid is annexed to the territories of Her Most Gracious Majesty the Queen of England.

It is further declared that the ceded territory is attached to the Bengal Division of the Presidency of Fort William, and that it will accordingly be under the immediate control of the Lieutenant-Governor of Bengal, but that it shall not be subjected to the general regulations.

By order of the Governor-General in council.

W. Muir, Secy. to the Government of India.

Simla, The 4th July 1866.

(Aitchison, 1929, v14, 99)

APPENDIX 1-9

List of Rangpur enclaves in Cooch Behar
13 September 1876

List of enclaves of Rangpur in Cooch Behar per Government of Bengal, 1876:
notification dated 13 September 1876.

No.	Name of village	Thakbust Pergunnah		Remarks
		No.	Name	
1	Butreegach Kismut	552	Kazeerhaut	Thana Kaleegunge of District Rungpore
2	Do.	560	Do.	Do.
3	Do.	66*	Do.	Do.
4	Seebpershad Mustophee	640	Foorubhag	Thana Burobaree of District Rungpore
5	Korlo	654	Do.	Do.
6	Bakalee Chara	706	Gaibaree	Thana Nagessuree of District Rungpore
7	Do.	705	Do.	Do.
8	Do.	704	Do.	Do.
9	Mosaldanga	800	Do.	Do.
10	Do.	799	Do.	Do.
11	Do.	801	Do.	Do.
12	Do.	802	Do.	Do.
13	Do.	803	Do.	Do.
14	Do.	798	Do.	Do.
15	Do.	797	Do.	Do.
16	Do.	804	Do.	Do.
17	Kochoa	795	Do.	Do.
18	Kantnuggur	796	Do.	Do.
19	Bansjanee	805	Do.	Do.
20	Paoturkotee	683	Do.	Do.

* = Survey Number.

(Government of Bengal, 1876)

APPENDIX 1-10

Survey of Rangpur enclaves in Cooch Behar 1869-70

The following statistics come from a volume entitled "Traced 15/8/1917. Traced for annexed map to Commissioner's [letter] No.2563R. of 1.8.17 regarding the transfer of British chitmahals lying in Cooch Behar territory and vice versa (Collection XII(a)-1 of 1917) for Police administration". This would appear to refer to the 1917 exchange of British Indian and Cooch Behar enclaves for excise administration purposes only. The volume is a series of maps bound together with a red softback cover, somewhat larger than A3. The 20 pages each consist of a map and some statistics. The maps are hand drawn and coloured, and cover one chhit each at a scale of 4" to the mile, or 1:15,840. They depict buildings and vegetation by pictures rather than symbols. The maps and statistics appear to be taken from the 1869-70 revenue survey. The statistics give the name and mauza number of each chhit, a breakdown of land use by area, in acres, the number of houses, wells and ploughs, and the population. The data table has spaces for both kutcha and pukka houses and wells, but in all cases only kutcha existed. A couple of the population and area totals are incorrect, and I have noted them as such below. Also bound into the volume is a cloth map of most of the Cooch Behar, Rangpur and Jalpaiguri enclaves, supposedly at 1-inch scale (1:63,360), but more correctly 1/4-inch (1:253,440).

It should be noted that the 19 maps and data cover all but one of the 20 Rangpur enclaves listed in Appendix 1-I, so are presumably a 1917 compilation of surviving 1876 records. For this reason it is doubtful that similar volumes exist for the enclaves of pre-partition Jalpaiguri in Cooch Behar, or those of Cooch Behar in Jalpaiguri or Rangpur. Certainly no similar volumes were traceable.

Banerjee's serial numbers have been included with each chhit for ease of identification, although the mauzas have been listed here in Thakbust numerical order. [C]heels or jeels, also known as bheels or bils, are marshy areas or small lakes often oxbow lakes or still water-covered remnants of previous river courses.

Banerjee's #59, the larger of the two chhits of Batrigachh

Thakbust Thakbust No.552

Mouzah Butreegach Kismut

No. of houses: 35

Details of Land

No. of wells: 35

Cultivation area 521.86

No. of ploughs: 150

High grass 19.75

No. of people:

Roads and hats 1.50

Hindoos: 266

Heels and tanks 15.00

Muslims: 216

Village sites 45.00

Total 482

Total 603.11

Banerjee's #58, Kismat Batrigachh

Thakbust No.560

Mouzah Butreegach Kismut

No. of houses: 84

Details of Land

No. of wells: 15

Cultivation area 173.57

No. of ploughs: 111

Village sites 19.00

No. of people:

High grass 15.50

Hindoos: 109

Roads 1.00

Muslims: 111

Total 209.07

Total 120 [sic.]

Banerjee's #67, the larger of the two chhits of Sibprasad Mustafi

Thakbust No.640

Mouzah Seebpershad Mustophee

No. of houses: 49

Details of Land

No. of wells: 21

Cultivation inc. fallow 266.84

No. of ploughs: 16

High grass 22.00

No. of people:

Heels 48.50

Hindoos: 100

Village site 43.00

Muslims: 55

Total 380.34

Total 155

Banerjee's #62, the largest of the three chhits of Karala

Thakbust No.654

Mouzah Korlo

No. of houses: 30

Details of Land

No. of wells: 10

Cultivation inc. fallow 219.84

No. of ploughs: 25

High grass 12.00

No. of people:

Roads etc 0.30

Hindoos: 153

Cheels 6.00

Muslims: 0

Village site 10.50

Total 153

Total 248.64

Banerjee's #69, Poaturkuthi

Thakbust No. 683

Mouzah Paoturkotee

No. of houses: 5

Details of Land

No. of wells: 0

Cultivation inc. fallow 569.01

No. of ploughs: 4

Village sites 28.00

No. of people:

Total 597.01

Hindoos: 0

Muslims: 30

Total 30

Banerjee's #70, Paschim Bakalir Chhara

Thakbust No.704

Mouzah Bakalee Chara

No. of houses: 4

Details of Land

No. of wells: 0

Cultivation inc. fallow 121.92

No. of people:

Cheels 11.80

Hindoos: 25

Village site 4.30

Muslims: 0

Barren waste etc 15.20

Total 25

Total 153.22

Banerjee's #71, Madhya Bakalir Chhara

Thakbust No.705

Mouzah Bakalee Chara

No. of houses: 1

Details of Land

No. of wells: 0

Cultivation land 29.07

No. of people:

Village site 1.00

Hindoos: 6

Total 30.07

Muslims: 0

Total 6

Banerjee's #72, Purba Bakalir chhara

Thakbust No.706

Mouzah Bakalee Chara

No. of houses: 1

Details of Land

No. of wells: 0

Cultivation 11.00

No. of people:

Village site 1.00

Hindoos: 4

Total 12.00

Muslims: 0

Total 4

Banerjee's #81, Kachua

Thakbust No.795

Mouzah Kochoa

No. of houses: 8

Details of Land

No. of wells: 7

Cultivation area 73.87

No. of ploughs: 32

High grass 48.60

No. of people:

Cheels etc 0.50

Hindoos: 25

Village sites 7.30

Muslims: 19

Total 130.27

Total 46 [sic.]

The next mauza, being the south-east corner of the enclave comprised of Banerjee's #74 Dakshin Masaldanga and #81 Kachua, was amalgamated with Kachua some time between 1869/70 and the census of 1951.

Thakbust No.796

Mouzah Kantnugur

No. of houses: 11

Details of Land

No. of wells: 11

Cultivation 47.79

No. of ploughs: 33

High grass 4.40

No. of people:

Village site 3.30

Hindoos: 15

Total 55.49

Muslims: 40

Total 55

Banerjee's #89, Madhya Masaldanga

Thakbust No.797

Mouzah Mosaldanga

No. of houses: 8

Details of Land

No. of wells: 7

Cultivation land 125.91

No. of ploughs: 30

Village site 14.00

No. of people:

Total 139.91

Hindoos: 40

Muslims: 0

Total 40

Banerjee's #74, the largest chhit of Dakshin Masaldanga

Thakbust No.798

Mouzah Mosaldanga

No. of houses: 25

Details of Land

No. of wells: 10

Cultivation 318.44

No. of ploughs: 70

High grass 84.60

No. of people:

Heels 59.00

Hindoos: 120

Village sites 25.80

Muslims: 15

Total 487.84

Total 135

Banerjee's #86&87, Purba Masaldanga

Thakbust No.799

Mouzah Mosaldanga

No. of houses: 12

Details of Land

No. of wells: 0

Cultivation area 133.35

No. of ploughs: 22

Village sites 23.00

No. of people:

Total 156.35

Hindoos: 62

Muslims: 12

Total 74

Banerjee's #79&80, Paschim Masaldanga

Thakbust No.800

Mouzah Mosaldanga

No. of houses: 3

Details of Land

No. of wells: 0

Cultivation area 22.53

No. of ploughs: 5

Village sites 5.00

No. of people:

Total 27.53

Hindoos: 13

Muslims: 0

Total 13

Banerjee's #83&84, Purba Chhit Masaldanga

Thakbust No.801

Mouzah Mosaldanga

Details of Land

Cultivation area 32.30

Village sites 2.30

Total 34.60

No. of houses: 1

No. of wells: 0

No. of ploughs: 5

No. of people:

Hindoos: 9

Muslims: 0

Total 9

Banerjee's #82, Madhya Chhit Masaldanga

Thakbust No.802

Mouzah Mosaldanga

Details of Land

Cultivation area 11.51

Total 11.51

No. of houses: 1

No. of wells: 0

No. of ploughs: 3

No. of people:

Hindoos: 6

Muslims: 0

Total 6

Banerjee's #85, Paschim Chhit Masaldanga

Thakbust No.803

Mouzah Mosaldanga

Details of Land

High grass 1.70

Cultivation area 5.92

Total 7.62

Banerjee's #88, Uttar Masaldanga

Thakbust No.804

Mouzah Mosaldanga

Details of Land

Cultivation area 25.29

Total 25.29

Banerjee's #91, Uttar Bansjani

Thakbust No.805

Mouzah Bansjaneer

Details of Land

Heels etc 0.50

Out of cultivation 4.30

Cultivation area 40.18

Village sites 1.26

Total 46.18 [sic.]

No. of houses: 1

No. of wells: 0

No. of ploughs: 3

No. of people:

Hindoos: 70

Muslims: 30

Total 100

(Traced..., 1917)

APPENDIX 1-11

Official spelling of Cooch Behar
13 April 1896

Notice dated 13th April, 1896
Issued by the Superintendent
Of the Cooch Behar State

His Highness The Maharaja Bhup Bahadur having signified his approval of the use of the spelling "Cooch Behar" all other spellings of the word should be dropped.

Sd/- D.R. Llyall
Superintendent of the State
Cooch Behar

(Roy Pradhan, 1995, 22)

APPENDIX 1-12

Enquiries over existence and extent of enclaves 1911

File (C/22)1 Proceeding 36 p47 Political Dept, Political Branch, February 1911.

Letter No.54P, dated Shillong, 25 January 1911.

From B.C.Allen, Esq, ICS, Officiating Secretary to the Government of Eastern Bengal and Assam,
Revenue and General Departments,

To the Chief Secretary to the Government of Bengal.

I am directed to say that the Commissioner of the Rajshahi Division in this Province, has brought to the notice of Government that the Cooch Behar Darbar claims to exercise jurisdiction over 14 "chhits" or parcels of land situated within the district of Rangpur, as shown in the annual statement, on the ground that they form part of the Cooch Behar State. The thakbust maps in the office of the Collector of Rangpur show some of these lands as appertaining to Cooch Behar while others have not yet been traced in the maps. There is however a considerable difference between the areas as shown in the maps and as entered in a list of "chhits" supplied to the Collector of Rangpur by the Superintendent of the State.

2. No papers can be traced either in this office or in the office of the Commissioner of the Rajshahi Division which throw any light upon the history of these "chhits". I am accordingly to request that with the permission of His Honour the Lieutenant-Governor of Bengal, this Government may be supplied with copies of any papers bearing on the matter in the possession of your Government. In the event of no such records being available, I am to request that, if there be no objection, the Cooch Behar Darbar may be invited to state the grounds on which they base their claim to exercise jurisdiction over small parcels of land lying in British territory.

Comparative statement of areas as given by the thak and by the Cooch Behar authorities

<u>As given by the Cooch Behar authorities:</u>		<u>As per thak:</u>		
<u>Name of chhit</u>	<u>Area in acres</u>	<u>Thana</u>	<u>Mauza</u>	<u>Area in acres A. R. P.¹</u>
Bara Khangī	36.73			
Bara Khangī known as Kharija Gitaldaha	8.34			
Bara Khangī	32.72	Dimla	Taluk Khureebari	25 2 37
Kharkharia known as Nagar Jikabari	32.70		(chak Nos. 13,15 & (6)	
	<u>110.49</u>			
Gothamari	146.36	Kaliganj	Taluk Gothamaree (chak No.1) (area has been calculated from the thak as it is not given therein)	18.53
Boshpechai	163.09	Lalmonirhat	Bash Pachai (entire mauza belongs to CBS)	110
Dakurhat Dakimirkuti	14.81	...	This land cannot be traced in the thak. We have not got thak maps of pargana Chakla Parabbhag	
Boshpechai Bhitorkuti	76.47	...	This land cannot be traced in the thak	
Seoti Kursā	43.41	Nageswari	Pathar Doobee (chak No.3)	42 3 0
Bara Gaochulka	19.24	Do.	Taluk Bhothat (chak No.1)	18 2 21
Do.	37.83	Do.	Buragaon Chulka (entire mauza belongs to CBS)	42 acres
Gaochulka	9.69	Do.	Taluk Bansjani (chak Nos.1,2 & 3)	30 2 10
Chhit of Madnakura (Thak No.552)	37.42	Do.	Pathar Doobee (chak No.4)	32 0 16
Dasiar Chhara	1,598.72	Lalmonirhat	Dasiar Chhara (entire mauza belongs to CBS). Further enquiries will be made about Dakurhat Dakimirkuti and Bospechai Bhitorkuti which have not been found out in the thak.	1,760 acres.

¹ Acres, roods, (sq.)perches

File (C/22)2 Proceeding 37 p48 Political Dept, Political Branch, February 1911.

Letter No.1309P, dated Calcutta, the 20th February 1911

From H.T.Cullis, esq, ICS, Under-Secretary to the Government of Bengal, Political Department

To the Superintendent of the Cooch Behar State

I am directed to forward the accompanying copy of a letter No.54P, dated the 25th February 1911, from the Government of Eastern Bengal and Assam, and of its enclosure regarding certain "chhits" or parcels of land situated within the district of Rangpur over which the Cooch Behar Darbar [*sic.*] claim to exercise jurisdiction, and to request that with the permission of His Highness the Maharaja, this Government may be favoured with a report on the subject.

File (C/22)3 Proceeding 15 p17 Political Dept, Political Branch, July 1911.

Letter No.82D, dated Darjeeling, the 30th June 1911

From A.W.Dentith, Esq, ICS, Superintendent of the Cooch Behar State

To the Chief Secretary to the Government of Bengal

With reference to your letter No.1309P., dated the 20th february 1911, forwarding a copy of letter No.54P, dated the 25th January 1911, from the Government of Eastern Bengal and Assam, and of its enclosure, regarding certain "chhits" or parcels of lands situated within the district of Rangpur which belong to the Cooch Behar State, I have the honour to state that these "chits" have formed part and parcel of the Cooch Behar State from time immemorial representing as they do those portions of the old kingdom of Cooch Behar which were not taken possession of by the Moghuls, just as certain British "chits" in the Cooch Behar State were formerly outlying portions of the Moghul Empire. These "chits" were censused by the state without protest in the census of 1901, they were also censused by the State in the recent census, the Government of Eastern Bengal and Assam having subsequently abandoned an objection thereto raised by them at the beginning of March. Out of the 14 "chits" in the Rangpur district over which the Cooch Behar State has jurisdiction, no less than 12 have already been traced out by the Collector of Rangpur in his thakbust maps, in which they are shown as appertaining to Cooch Behar. The Durbar would further point out that there are several Cooch Behar "chits" in the district of Jalpaiguri and that the jurisdiction of His Highness the Maharaja over these lands has not been challenged by the Government Settlement officers who are now employed in the cadastral survey of that district.

2. It would at first sight appear from paragraph 1 of the Eastern Bengal and Assam Government letter that the real point at issue is a dispute as to the precise area of these "chits" and if this be the case the various points of difference can be satisfactorily settled in the course of the cadastral survey of the Rangpur district by representatives of the Eastern Bengal and Assam Government and the Cooch Behar Durbar. But if paragraph 2 of the above letter be construed to be the assertion of a claim by the Eastern

Bengal and Assam Government to the "chits" in question, which are shown in the Government revenue survey and thakbust maps as belonging to the Cooch Behar State, then the Cooch Behar Durbar, having been in possession of these "chits" for centuries, do not feel called on to state in greater detail the grounds on which they base their claims to these "chits" as they are of the opinion that such onus should be thrown on to the claimants to the "chits" and not on the party which is admittedly in possession thereof.

File (C/22)4 Proceeding 16 p17 Political Dept, Political Branch, July 1911.

Letter No.4229P., dated Calcutta, the 27th July 1911.

From H.T.Cullis, Esq, ICS, Under-Secretary to the Government of Bengal, Political Department

To the Secretary to the Government of Eastern Bengal and Assam, Revenue and General Departments.

With reference to your letter No.54P., dated the 25th January 1911, regarding certain "chits" or parcels of land situated within the district of Rangpur over which the Cooch Behar Durbar claims to exercise jurisdiction, I am directed to say that no papers bearing on the history of the "chits" could be traced in this office. A reference was accordingly made to the Superintendent of the Cooch Behar State, a copy of whose reply* is herewith forwarded for the information of His Honour the Lieutenant-Governor.

*No.82D., dated the 30th June 1911.

(Government of Bengal, 1911)

APPENDIX 1-13

**Compensation received by Cooch Behar under 1917 excise agreement with Bengal
1919/20 - 1943/44**

<u>Year</u>	<u>Rupees-Annas-Pies</u>		
1919-20	3212- 15-11	1931-32	4715- 0-10
1920-21	2906- 11- 9	1932-33	2982- 7- 5
1921-22	3172- 7-10	1933-34	2058- 11- 8
1922-23	4251- 11-11 *	1934-35	2295- 10- 3
1923-24	4251- 11-11 *	1935-36	2016- 5- 7
1924-25	4005- 2-11	1936-37	1058- 5- 0
1925-26	3969- 0- 6	1937-38	2338- 0- 6
1926-27	4052- 0- 3	1938-39	2523- 15- 5
1927-28	4721- 10- 9	1939-40	2857- 6- 1
1928-29	7052- 11- 3	1940-41	2547- 14- 1
1929-30	4758- 12- 4	1941-42	3122- 8- 3
1930-31	5309- 7- 4	1942-43	2316- 4- 2
		1943-44	2779- 1- 1

(Administration Reports, 1919-20 through 1943-44)

**It seems incredible that these two years have exactly the same figure. I suspect that of 1923-24 is in error.*

APPENDIX 1-14

Funding request for enclave demarcation 1931

File 672-P/31, (1931), Government of India, Foreign and Political Department, Political Branch.

Question of the provision of funds for the demarcation of the enclaves of the Cooch Behar State in the districts of Rangpur and Jalpaiguri and the enclaves of Rangpur and Jalpaiguri in Cooch Behar

From Philpott, H.C.V., Secretary to the Government of Bengal, Revenue Department, Jurisdiction Branch,
Letter No.14506-Jur

To Secretary for the Government of India, Foreign and Political Department.

Calcutta, 8 December 1931,

Subject: Question of the provision of funds for the demarcation of the enclaves of the Cooch Behar State in the districts of Rangpur and Jalpaiguri and the enclaves of Rangpur and Jalpaiguri in Cooch Behar

I am directed by the Governor in Council to address the Government of India on the subject mentioned above.

2. The boundary between the Cooch-Bihar State and the districts of Jalpaiguri and Rangpur was for a long time under dispute and it was finally settled except as regards the enclaves of the Cooch-Bihar State in the districts of Rangpur and Jalpaiguri and the enclaves of Rangpur and Jalpaiguri in Cooch-Bihar. There are in all 250 enclaves as detailed below, which are to be demarcated.

- (a) 127 enclaves of the Cooch Behar State in the district of Jalpaiguri
- (b) 20 enclaves of the Cooch Behar State in the district of Rangpur
- (c) 71 enclaves of the district of Jalpaiguri in the Cooch Behar State
- (d) 32 enclaves of the district of Rangpur in the Cooch Behar State

Although these enclaves are small in area it is important that they should be demarcated in order to determine the boundaries of this province and Cooch-Bihar State and it was decided that their demarcation should be taken up at the time when the district of Rangpur is cadastrally surveyed. The Director of Land Records and Surveys, Bengal, therefore proposes to carry out the demarcation of the enclaves in item (a) above on the basis of the last cadastral maps and records of Jalpaiguri and those in items (c) and (d) on the basis of the cadastral maps of Cooch-Bihar. Item (b) will be taken up by him after the cadastral survey maps of Rangpur are made ready by the Settlement Officer of Rangpur.

3. It is estimated that the total cost of demarcation will amount to Rs.14,400/- including Rs.11,040/- on account of cost of pillars. Of the estimated amount, Rs.7,200/- will be required during the year 1932-33 and the balance (Rs.7,200/-) in the year 1933-34. I am accordingly to request that the

Government of India may be moved to make necessary provision for the purpose in the "29-Political (Central)" budget for the years 1932-33 and 1933-34.

4. [*not reproduced here. Cooch Behar to pay half the cost, recovery to be made after the work is completed*]

5. The Cadastral Survey of the area of Rangpur, in which the enclaves of Cooch-Bihar lie and near which the enclaves of Rangpur and Jalpaiguri in Cooch-Bihar lie, is being taken up now and will be completed in the following season. Unless the demarcation of the enclaves is done along with the survey and settlement of Rangpur it will have to be done later by a special party and will be more expensive. The Governor in Council, therefore, hopes that, in spite of the acute financial stringency the Government of India will find it possible to provide funds for the work.

From The Government of India, Foreign and Political Department, Political Branch,

Letter No. D.3634-P/31

To The Government of Bengal

New Delhi, 19 December 1931

Sir, With reference to your letter No.14506-Jur, dated the 8th December 1931, on the above subject, I am directed to say that owing to the acute financial stringency the Government of India are unable to provide for any new expenditure which it is possible to postpone. They therefore regret that the proposal contained in your letter can not be sanctioned.

(File 672-P/31, 1931)

APPENDIX 1-15

Lists of Rangpur-Cooch Behar enclaves 1933

List of Cooch Behar Chits Situated in Rangpur

Serial No.	Name of the Chit	Chit No.	Name of Rangpur Village in which Chit is situated	J.L.No. (new)	J.L. No. (old)	Police Station	B.	K.	D. ²	Remarks
1	Kalamati	141	Bhothat	36	25	Bhurungamari	64	3	4	
2	Seuti Kursa	142	Pathordubi	32	23	Do.	138	10	12	
3	Dara Gaochulka	143	South of Maidan	29	---	Do.	120	19	8	
4	Digaltari Part I	144	Dakshin Bansjani	94	9	Do.	37	4	15	
5	Do. Part II	145	Do.	9	9	Do.	26	13	0	
6	Gaochulka Part I	146	Do.	9	9	Do.	26	19	13	
7	Do. Part II	147	Taluk Maidan	29	20	Do.	2	14	9	
8	Chota Garal Jhora Part I	148	Ittar Chat Gopalpur	26	17	Do.	108	2	5	
9	Do. Part II	149	Katgir	12	13	Do.	53	19	18	
10	Dasiarchara Kuthi Chandakhona	150	South of	23	27	Fulbari	4971	8	2	*
11	Banspochai	151	South of Kharua	6	63	Lalmonirhat	657	6	1	**
12	Banspochai Bhitari Kuthi	152	Bonagaon	9	65	Do.	247	3	9	
13	Saibganj	153	Pathardubi	32	23	Bhurungamari	95	10	12	
14	Chit Seoraguri	154	Madya Masaldanga	3	3	Do.	7	11	17	
15	Chit Madankura	155	Batrigach	81	121	Kaliganj	107	9	11	
16	Dakurhat Dakinirkuthi	156	Lakhi Kanta	50	66	Kurigram	43	3	7	
17	Gothamari	135	Uttar Gothamari	50	24	Hatibandha	342	18	14	
18	Gothamari	136	Do.	50	24	Do.	60	11	4	
19	Chit Bara Khangir	28	Paschim Kharibari	19	45	Dimla	85	4	0	
20	Chit Bara Khangir Kharija Gitaldaha	29	Do.	19	45	Do.	93	5	0	
21	Do.	30	Do	19	45	Do.	23	4	8	
22	Chitnagar Jikabari	31	Dakshin Kharibari	25	45	Do.	46	9	0	
							7360	12	9	= 2433 acres

* This is an independent village with a separate J.L.No.24(new) 28(old).

** This is an independent village with a separate J.L. No.7(new) 61(old)

(Maps Showing the Interchange..., 1933)

² Bighas, kattas, dhurs

List of Rangpur Chhits Situated in Cooch Behar

Serial No.	Name of Cooch Behar Taluk in which Rangpur chhit is situated	Taluk No.	Name of Settlement Village	J.L. No. (new)	J.L. No. (old)	Police Station	Area (acres)	Remarks
1	Daribash (sheet no.4) (Chhit of Panga, Rangpur)	620	Bansua Khamar Gital Daha	1	Nil	Lalmonirhat	24.54	Pargana Dinhata
2	Taluk Chomta (sheet No.4)	529	Taluk Dulali	79	119	Kaliganj	0.80	P. Lalbazar
3	North of Singimari Madankura	553	Batrigach	81	121	Kaliganj	803.98	P. Dinhata
4	Singimari Madnakura (sheet No.4,3)	553	Do.	81	121	Kaliganj	23.65	Do.
5	Do. Sheet No.3&4	553	Durgapur	83	123	Kaliganj	22.22	Do.
6	South of Taluk Panaguri	562	Batrigach (Kismat)	82	122	Kaliganj	209.95	Do.
7	North of Salmara	749	Uttar Masaldanga	2	2	Bhurungamari	27.29	Do.
8	North of Gaochulka	754	Madya Masaldanga	3	3	Do.	136.66	Do.
9	Digaltari	752	Madya Chit Masaldanga	8	10	Do.	11.72	Do.
10	Gaochulka	754	Paschim Masaldanga	4	4	Do.	29.49	Do.
11	Digaltari	752	Paschim Masaldanga	7	7	Do.	7.60	Do.
12	South of Gaochulka	754	Dakshin Masaldanga	6	6	Do.	550.04	Do.
13	Taluk Monsasheoraguri	745	Do.	6	6	Do.	3.36	Do.
14	Taluk Balaram	943	Do.	6	6	Do.	8.21	Do.
15	Taluk Gaochulka	754	Do.	6	6	Do.	8.89	3 chhits within Gaochulka 754
16	Taluk Khochabari	785	Do.	6	6	Do.	0.88	P. Dinhata
17	Digaltari	752	Purba Masaldanga	11	11	Do.	153.89	Do.
18	Digaltari	752	Purba Chit Masaldanga	10	12	Do.	35.01	Do.
19	West of Lota Fala	748	Uttar Pansjani	1	1	Do.	52.54	Do.
20	Bala Bhut	1105	Chat Telai	17	Nil	Do.	81.56	P. Tufanganj
21	Jhaljali	1084	Uttar Dhaldanga	14	14	Do.	2.89	Do.
22	Chengmari	1085	Do.	Do.	Do.	Do.	10.60	Do.
23	Taluk Krishnapur	1086	Do.	Do.	Do.	Do.	10.54	Do.
24	Kalamati	691	Madya Bakalir Chara	39	58	Do.	32.72	P. Dinhata
25	Do.	do.	Paschim Bakalir Chara	38	59	Do.	151.98	Do.
26	Do.	do.	Purba Bakalir Chara	40	57	Do.	12.23	Do.
27	North Khutamari	682	Poatar Kuthi	37	60	Do.	589.94	Do.
28	Karala	655	Karala	9	13	Fulbari	0.95	Do.
29	Kismat Karala	665	Taluk Karala	9	13	Do.	20.38	2 chits within Kismat Karala, P. Dinhata
30	Desirchara	150	Chandrakona	20	22	Do.	35.48	Do.
31	South of Banirdaha	703	Sib Prosad Mustafi	8	12	Do.	373.20	Do.
32	Mahishmuri	413	Bara Saradubi	13	1	Hatibandha	34.73	P. Lalbazar
33	South of Mekhliganj	---	Angarpota	4	Nil	Dimla	<u>431.28</u>	P. Mekhliganj

3870.20 acres

(Maps Showing the Interchange..., 1933)

APPENDIX 1-16

Funding requests for enclave demarcation
Rangpur - Cooch Behar: 1934
Jalpaiguri - Cooch Behar: 1935

File 494-P, Government Of India, Foreign and Political Branch
Demarcation of the enclaves of Cooch Behar State in the district of Rangpur
and those of Rangpur in the Cooch Behar State

Government of Bengal, Revenue Department, Jurisdiction Branch, No.1410-TR

From O.M. Martin, Secretary to the Government of Bengal

To Deputy Secretary to the Government of India, Foreign and Political Department

Darjeeling, 5 October 1934

I am directed by the Governor in Council to address the Government of India on the subject mentioned above.

In this Department's letter No.14506-Jur, dated the 8th December 1931, a proposal was submitted to the Government of India for the demarcation of the enclaves of the Cooch Behar State in the district of Rangpur and Jalpaiguri and those of Rangpur and Jalpaiguri in Cooch Behar State at an estimated cost of Rs14,400, but the Government of India in their letter No. D.3634-P/31 dated 19th December 1931 expressed their inability to sanction the proposal owing to acute financial stringency. It is now recommended by the boundary Commission whose appointment to demarcate the boundary between the district of Rangpur and Cooch Behar State was reported to the Government of India in this Department's letter No.770-TR dated the 21st October 1933³, that it is desirable that the enclaves of the Cooch Behar State in Rangpur and those of Rangpur in the Cooch Behar State should be demarcated next cold weather. The Director of Land Records and Survey, Bengal, supports the recommendation of the Commission and suggests that at least the enclaves of Rangpur in the Cooch Behar State and those of the Cooch Behar State in Rangpur should be demarcated, as there will be considerable saving in expenditure if the work is done along with the cadastral survey of the district of Rangpur. The cost on account of boundary pillars is estimated at Rs2,496/- half of which will, as usual, be recovered from the Cooch Behar State on completion of the work. I am to request that the Government of India may be moved to sanction the expenditure and allot funds for the purpose at a very early date in order that the work may be commenced in the beginning of December 1934.

³ See Appendix 1-14 above

D.Y. No.3301-P/34

[re:] Letter from the Government of Bengal No.1410-TR, dated the 5th (received 9th) October 1934.

In their letter No.14506-Jur, dated the 8 December 1931, the Government of Bengal explained that there were only 20 enclaves of Cooch Behar in Rangpur and 32 of the latter in Cooch Behar, as against 127 and 71 enclaves respectively of Cooch Behar in Jalpaiguri and vice versa. This accounts for the small amount of Rs2,496 now required by the Local Government as against the cost of Rs14,400 estimated in 1931.

In the circumstances explained, the sanction applied for may perhaps be accorded. The Local Government have not clearly indicated whether they would not be able to meet the expenditure by re-appropriation from this budget. The Financial Department may see with reference to their notes in File No. F.672-P/31, pages 2-3, and be asked kindly to agree to the expenditure being sanctioned subject to the Local Government endeavouring to meet the amount by re-appropriation from their Budget, and reporting the balance, if any, which cannot be met, in December 1934. Draft letter and endorsements submitted for approval. A. Branch may see.

F494-P/34, New Delhi, 3 November 1934

To The Secretary to the Government of Bengal, Revenue Department

Sir, With reference to your letter No.1410-TR, dated 5 October 1934, I am directed to state that, in the circumstances explained therein, the Government of India are pleased to accord sanction to an expenditure of Rs2,496 for the construction of boundary pillars, a moiety of the cost being recovered from the Cooch Behar State. I am to request that endeavour should be made to meet the expenditure by re-appropriation, the balance, if any, which cannot be so met being reported to the Government of India in December next.

From O.M. Martin, Secretary to the Government of Bengal. No.12931-Jur.

To The Deputy Secretary to the Government of India, Foreign and Political Department

Calcutta, 5 December 1934.

Sir, I am directed to refer to your letter No.F494-P/34, dated the 3rd November 1934, conveying the sanction of the Government of India to an expenditure of Rs2,496/- for the construction of boundary pillars in connection with the demarcation of the enclaves of Cooch Behar State in the District of Rangpur, and those of Rangpur in Cooch Behar and to say that it is possible to meet a portion of the charge viz. Rs770/- only from the savings anticipated in the provision made in the current year's budget under "29-Political (Central) K4(3) Other charges - Construction of boundary pillars on the Cooch Behar-Rangpur boundary". As no other savings are anticipated in the sanctioned allotment under "29 Political (Central) for 1934-35 I am to request that the Government of India may be moved to sanction an additional grant of Rs1,726/- for meeting the balance.

From Government of India, Finance Department. No.D/429-B/35

To The Accountant-General, Bengal

Audit Order

Subject: Provision of funds in the Appropriation under "29-Political" for 1934-35

New Delhi 24 January 1935

The Accountant-General, Bengal, is informed that the Government of India has sanctioned the following allotment in the Appropriation under "29-Political" for 1934-35 to meet excess due to the construction of boundary pillars in connection with the demarcation of the enclaves of Cooch Behar State in the District of Rangpur and those of Rangpur in Cooch Behar.

<u>Sub-head</u>	<u>Amount</u>
Account II - Other Expenditure Heads:	Rs.
K - Miscellaneous:	
K.4. - Other charges:	
K.4(3) - Other expenses	1,726

(signed) K. Sanjiva Row,
Budget Officer.

Foreign and Political Department, Political Branch. No.F494-P/34

To Secretary to the Government of Bengal, Revenue Department

New Delhi, 4 February 1935

Sir, With reference to your letter No.12931-Jur., dated the 5th December 1934, I am directed to forward, for information, a copy of the Government of India, Finance Department, Audit Order No.D.429-B/35, dated the 24th January 1935, sanctioning an additional allotment of funds for meeting the expenditure for the construction of boundary pillars in connection with the above matter.

(File 494-P, 1934)-

File 151-1A/36 Government of India, Foreign and Political Department, Internal A Branch.
Demarcation of the enclaves of Cooch Behar State in the district of Rangpur
and those of Rangpur in Cooch Behar State

From Government of Bengal, Revenue Department, Jurisdiction Branch, No.3865-Jur

J.B.Kindersley, Secretary to the Government of Bengal

To Secretary to the Government of India, Foreign and Political Department.

Calcutta, 9 March 1936

Subject: Demarcation of the enclaves of Cooch Behar State in the district of Rangpur
and those of Rangpur in Cooch Behar State

Sir, I am directed by the Governor in Council to address the Government of India on the subject mentioned above.

2. In this Department letter No.14506-Jur, dated the 8th December 1931, a proposal was submitted to the Government of India for the demarcation of the marginally noted* enclaves of the Cooch Behar State in the districts of Rangpur and Jalpaiguri and those of Rangpur and Jalpaiguri in the Cooch Behar State at an estimated cost of Rs.14,400, but the Government of India in their letter No.D3634-P/31, dated the 19th December 1931, expressed their inability to sanction the proposal owing to financial stringency. Subsequently in consideration of the circumstances explored in this Department's letter No.1410-TR, dated the 5th October 1934, the Government of India were pleased to sanction the demarcation of the enclaves of Rangpur in the Cooch Behar State and those of Cooch Behar in the district of Rangpur at an estimated cost of Rs.2,496. The demarcation of these enclaves was taken up and completed during the

year 1934-35 and the demarcation of the remaining enclaves viz. The enclaves of Cooch Behar in Jalpaiguri and vice versa, is still pending.

- * 1. 127 enclaves of the Cooch Behar State in the district of Jalpaiguri
- 2. 20 enclaves of the Cooch Behar State in the district of Rangpur
- 3. 71 enclaves of the district of Jalpaiguri in the Cooch Behar State
- 4. 32 enclaves of the district of Rangpur in the Cooch Behar State

3. The Cooch Behar Durbar desire that the remaining work of demarcation of the enclaves should now be taken up. The cost of this work as estimated in 1931 amounted to Rs.11,094/- but after checking the old estimate it has been found that it will not be possible to carry out the pending demarcation at the cost previously estimated. The estimate has, therefore, been revised and it now comes to Rs.18,664. A statement showing the details is enclosed. The estimate is considerably higher but this is due to the fact that the work will now have to be done by a special party. It is regretted that through oversight this proposal was not submitted in time for inclusion in the budget for 1936-37, but in view of the fact that the Durbar desire that the work should be taken up as early as possible, I am to request that the Government of India may be moved to make necessary provision of funds for the purpose from the 29 Political Central budget for the year 1936-37 so that the work may be taken up during the cold weather of 1936-37.

4. I am to add that the Cooch Behar Durbar have agreed to pay Rs.9,332/- representing half of the cost of demarcation. Recovery will be made from the State after the work is completed.

Revised Estimate

(a) Cost of 1200 pillars and embedding @ Rs.12/8/- per pillar. There are 198 chits of 44.26 square miles, taking an average of 6 pillars per chit =198x6=1198 =1200	15,000
(b) Payment of Settlement Officer @ Rs.1/8/- of pay and Travelling allowance for 6 months Pay Rs.1200/- plus travelling allowance Rs.225/- =Rs.1425 per mensem	1,070
(c) Pay of kanungo @ Rs.250/- per mensem for 6 months	1,500
(d) Pay of 1 Bandar Amin @ Rs.40/- per mensem for 6 months	240
(e) Pay of 3 peons @ Rs.13/- per mensem for 6 months =39x6 =234	234
(f) Pony allowance of kanungo @ Rs.20/- for 6 months	120
(g) Railway fees and cost of carriage and transport of pillars	<u>500</u>
	18,664/-

From Government of India, Foreign and Political Department, Internal A Branch, Letter No.F.151-IA/36
To Government of Bengal, Revenue Department, Jurisdiction Branch

New Delhi, 6 April 1936

Sir, I am directed to refer to your letter No.3865-Jur dated the 9th March 1936, and to state that the proposal was received too late to enable provision to be made in the budget of 1936-37. The work does not, however, seem to be of a very urgent nature and the proposal will be considered again in about November next when, if re-appropriation is not possible, steps will be taken to arrange for budget provision for 1937-38.

From Government of Bengal, Letter No.641-TR
To Government of India

Darjeeling, 29 May 1936

Sir, I am directed to refer to the correspondence resting with your letter No.F.151-IA/36 dated the 6th April, 1936, and the subject mentioned above and to say that it is reported by the Director of Lands Records and Surveys, Bengal, that it will not be possible for the Settlement Officer, Rangpur, to supervise the work if it is done in 1937-38 as he will no longer be in that locality. It is further stated by the Director of Lands Records and Surveys that he can spare more kanungos in the field season of 1936-37 than in 1937-38. In the circumstances the Government of Bengal consider that it will be convenient if the work is taken up during the cold weather of the current financial year. I am accordingly to enquire whether preliminary arrangements can be made now to start the work in November next in anticipation of allotment of funds. I am to request that the orders of the Government of India may be passed at a very early date as it will be difficult for the Director of Lands Records and Surveys, Bengal, to make necessary arrangements unless the orders are communicated to him by the 3rd week of June at the latest.

From The Government of India, Letter No.151-IA/36
To The Government of Bengal

Simla, 13 July 1936

Subject: Demarcation of the enclaves of the Cooch Behar State in the district of Jalpaiguri and those of Jalpaiguri in Cooch Behar

Sir, I am directed to refer to the correspondence resting with your letter No.641-TR dated the 29th May, 1936, and to state that as the expenditure cannot be met from the grant under the head "29-Political" for 1936-37, the Government of India regret that they are unable to agree to the preliminary arrangements

being made for the execution of the work in the current financial year. I am to add that necessary provision on this account will be made in the budget for 1937-38.

The remaining letters, below, have not been reproduced verbatim

A 2nd letter dated Simla, 1 September 1936, requests a revised estimate for the costs to be incurred in 1937-38.

The revised estimate was received in Government of Bengal, Revenue Department, Jurisdiction Branch, Letter No.14010-Jur to the Government of India, dated Calcutta, 2 October 1936:

<i>Pay of officers: Settlement officer,</i>	<i>900</i>
<i>Pay of establishment: executive subordinates</i>	<i>1,500</i>
<i>Allowances, honoraria etc: Travelling allowance Rs.170x2</i>	<i>340</i>
<i>Supplies and services: Job- works</i>	<i>560</i>
<i>Contingencies: Office expenses and Miscellaneous:</i>	<i><u>15,700</u></i>
	<i>Total: Rs.19,000</i>

A final reply from the Government of India, dated New Delhi, 26 November 1936 was sent to Bengal:

"in view of the decision communicated in the letter from the Government of India in the foreign and Political Department No.D.872-Fed.II/36⁴, dated the 10th November 1936, it is not proposed to make provision for the demarcation of the enclaves of the Cooch Behar state in the District of Jalpaiguri and those of Jalpaiguri in Cooch Behar in the Central Budget estimates for the financial year 1937-38."

(File 151-1A/36, 1936)

⁴ Note: Letter No.D.872-Fed.II/36 of 10 November 1936 is held in the National Archives of India in New Delhi, but is restricted, requiring Home Ministry approval to view. Under Archive rules, files dealing with the North East of India and Assam after 1913 are restricted, and this letter is apparently held in such a file.

APPENDIX 1-17

Appendices from A.C.Hartley's Final Report of the Rangpur Survey & Settlement Operations 1931-1938. 1940

Hartley's 1940 "Report...", contains little of relevance to the enclaves themselves in its main sections. The appendices, however, consist of the various boundary notifications regarding the district boundaries, including the transferral of various enclaves between Dinajpur, Jalpaiguri and Rangpur, and the Report of the Cooch Behar-Rangpur Boundary Commission. The contents of the appendices, and their page numbers in Hartley (1940) are:

APPENDIX I Boundary Notifications (pp117-9):

- a) Cooch Behar boundary
- b) Assam boundary
- c) Mymensingh boundary
- d) Dinajpur-Rangpur-Jalpaiguri boundaries

APPENDIX II Report of the Cooch Behar-Rangpur Boundary Commission (pp120-50)

- Part I
- | | | |
|----------------------|-------------------------|------------------------------|
| 1.Introduction | 2.Preliminary procedure | 3.Field work |
| 4.Large rivers | 5.Small rivers | 6.Boundaries across fields |
| 7.Discrepancies | 8.Demarcation of chits | 9.Pillars |
| 10.Office procedures | 11.Financial statement | 12.Recommendations(pp120-26) |

Part II Description of the boundary sheet by sheet (pp126-38)

[sheets 1-8 cover large enclave, 9-110 the main boundary]

Part III (pp138-41):

Appendix i Previous surveys and boundary marks (pp138-9)

Appendix ii Letter 1057TR, 11 August 1919. (pp139-140)

Appendix iii [5 Letters re set up of commission and enclave exchange] (pp140-141)

Part IV [Report re demarcation of chits] (pp141-2)

Part V (pp142-50)

A. Rangpur chits within Cooch Behar (pp142-6 covering 23 chits)

B. Cooch Behar chits lying within Rangpur (pp146-8 covering 17 chits)

Appendix A [4 letters re chit disputes] (pp146-50)

The appendices are fully reproduced below, except for the Assam and Mymensingh boundary notifications, and the main boundary descriptions between pillars 21 & 279, and between pillars 292 & 340.

APPENDIX I.
Boundary Notifications

(a) Cooch Behar Boundary

No. 364T.R., dated Darjeeling, the 7th June 1935.

From - O.M. Martin, Esq., I.C.S., Secretary to the Government of Bengal, Revenue Department,

To - The Director of Land Records and Surveys, Bengal.

I am directed to refer to your letter No. I/6-2284, dated the 17th July 1934, submitting a copy of the Report of the Rangpur-Cooch Behar Boundary Commission with a set of 16" maps, in original, of the boundary in two volumes.

2. In reply, I am to say that the Governor in Council is pleased to adopt the report and the maps, as showing the correct boundary for the portions dealt with therein. The Regency Council, Cooch Behar, have also signified their adoption of the report and maps in similar terms.

3. I am also to say that with the concurrence of the Government of Assam, the Government of Bengal accept the recommendation made in the concluding portion of the report that Major Macdonald's pillar of 1875 should be adopted as representing the true trijunction of Cooch Behar, Rangpur and Goalpara.

4. I am to add that the Governor in Council desires that the thanks of Government should be conveyed to the Boundary Commissioners for bringing the matter to an early close though it entailed heavy and strenuous work in the field all along the boundary.

5 The maps received with your letter are returned herewith.

No.3230 Jur., dated Calcutta, the 16th March 1936.

From - Rai N. C. Sen Bahadur, Assistant Secretary to the Government of Bengal, Revenue Department.

To - The Director of Land Surveys and Records, Bengal.

I am directed to refer to your letter No. I/43-3609, dated the 12th September 1935, submitting a copy of the report of the Boundary Commission on the demarcation of the chit lands or enclaves of Cooch Behar in Rangpur and thoses [*sic.*] of Rangpur in Cooch Behar together with a volume of maps, in original, of the said demarcation.

2. In reply, I am to say that the Governor in Council is pleased to adopt the report and the maps as showing the correct boundary of the enclaves dealt with therein. The Regency Council, Cooch Behar, have also signified their adoption of the report and maps in similar terms.

3. I am to add that it is reported by the Cooch Behar State that the copy of the report and maps received by them does not bear the signature of the Boundary Commissioners and that the cost incurred by the State has not been included in the financial statement of the report. I am to request that a signed

copy of the report and maps may be forwarded to the State as early as possible. The cost incurred by the State may also be included in the copy of the report.

4. The maps received with your letter are returned herewith.

[*(b) Assam Boundary*]

[*(c) Mymensingh Boundary*]

(d) Dinajpur-Rangpur-Jalpaiguri boundaries

NOTIFICATIONS

[*Dinajpur-Rangpur - No.317Pl. - 31st January 1935*]

[*Rangpur-Dinajpur - No.316Pl. - 31st January, 1935*]

Rangpur-Jalpaiguri - No.314Pl. - 31st January 1935

In exercise of the power conferred by section 4(1)(s) of the code of Criminal Procedure, 1898 (Act V of 1898), and in modification of all previous notifications published in the *Calcutta Gazette* relating to the area included in the Hatibandha police-station in the district of Rangpur and to the boundaries of that area, the Governor in Council is pleased to declare that the chit lands specified in the following schedule, which have hitherto been included in that police-station, shall be included in the Patgram police-station in the district of Jalpaiguri:-

Thak Chak No. of chit lands	Name of village to which appertains	General J.L. No. of thana <u>Kaliganj</u>	Remarks
3, 4, 8, 9, 10, 11, 12, 13, 14, 16, 17, 14,16,17, 19, A & B	Bara Saradubi	13	All these chit lands are situated within the village "Sibram", J.L.No.56, police-station Patgram, district Jalpaiguri
6	Gotamari	24	

[*Rangpur-Dinajpur - No.315Pl. - 31st January, 1935*]

Jalpaiguri-Rangpur - No.318Pl. - 31st January 1935

In exercise of the power conferred by section 4(1)(s) of the code of Criminal Procedure, 1898 (Act V of 1898), and in modification of all previous notifications published in the *Calcutta Gazette* relating to the area included in the Patgram police-station in the district of Jalpaiguri and to the boundaries of that area, the Governor in Council is pleased to declare that the chit lands specified in the following schedule, which have

hitherto been included in that police-station, shall be included in the Hatibandha police-station in the district of Rangpur:-

Thak Chak No. of chit lands	Name of village to which <u>appertains</u>	J.L. No. of thana Patgram	General Remarks
1	Sibram	56	This chit land is situated within the village "Dalapara", J.L. No.11, police-station Hatibandha, district Rangpur.
[2]	ditto	56	This chit land is situated within the village "Ramaniganj", J.L.No.10, police-station Hatibandha, district Rangpur.
5	ditto	56	This chit land is situated within the village "Dolapara", J.L.No.15, police-station Hatibandha, district Rangpur.
7 and 8	ditto	56	These two chit lands are situated within the village "Purba Fakirpara", J.L.No.14, police-station Hatibandha, district Rangpur.
10,11,12,13 and 14	ditto	56	All these chit lands are situated within the village "Bara Saradubi", J.L.No.13, police-station Hatibandha, district Rangpur.
15,16 and 17	Sibnath	59	These chit lands are situated within the village "Bara Saradubi", J.L.No.13, police-station Hatibandha, district Rangpur.
18,20 and 22	ditto	59	These chit lands are within village "PurbaFakirpara", J.L.No.14, police-station Hatibandha, district Rangpur.
2	Jamgram	57	This chit land is within village "Thengjhara", J.L.No.1, police-station Hatibandha, district Rangpur.
1	Kuchlibari	23	ditto.

Jalpaiguri-Rangpur - No.319Pl. - 31st January 1935

In exercise of the power conferred by section 4(1)(s) of the code of Criminal Procedure, 1898 (Act V of 1898), and in modification of all previous notifications published in the *Calcutta Gazette* relating to the area included in the Debiganj police-station in the district of Jalpaiguri and to the boundaries of that area, the Governor in Council is pleased to declare that the chit lands specified in the following schedule, which have hitherto been included in that police-station, shall be included in the Nilphamari police-station in the district of Rangpur:-

Thak Chak No. of chit lands	Name of village to which appertains	General J.L. No. of thana <u>Boda</u>	Remarks
45	Sonahar	327	This chit land is situated within the village "Gorgram", J.L. No.4, police-station Nilphamari, district Rangpur.

E.N. Blandy

Chief Secretary to the Government of Bengal (offg.)

APPENDIX II
Report of the Cooch Behar-Rangpur Boundary Commission

PART I

1. *Introductory.*- After the cadastral survey of Cooch Behar State had been completed, it was decided by the Government of Bengal in letter No.1057-T.R. of the 11th August 1919, that so far as the Rangpur-Cooch Behar boundary was concerned, the Cooch Behar sheets should be finally inked up with a note to the effect that the boundary would be liable to readjustment when Rangpur district had been cadastrally surveyed.

By the end of field season 1931-32, the Rangpur cadastral survey had been completed of the whole boundary, with the exception of thanas Dimla and Domar, which fell in the next season's block. As however, it was considered possible to survey the boundary of these two thanas by the end of December 1932, it was proposed to the director of Land Records that a Boundary Commission might be appointed to start work in January 1933; and the Director of Land Records addressed Government accordingly in letter No.3272 of the 22nd August 1932. It was pointed out that the presence of a settlement field party along the boundary would greatly facilitate the work and that it was important to incorporate the Boundary Commission's findings in the maps and record as early as possible. The main object of this was that recovery of settlement costs might not be delayed.

It was not, however, till June 1933, that any orders were received. In letter No.472-T.R. of the 19th June 1933, Government proposed to appoint a Boundary Commission, consisting of the Settlement Officer, Rangpur, and a representative of the Cooch Behar State; but it was then too late to take up field work. Further orders were issued in letter No.766-T.R. of the 21st October 1933; but this letter contained no instruction to the Commission, and left unsettled, pending further orders from the Government of India, the proposal of the Cooch Behar State that the initial cost of erecting ferro-concrete pillars should be borne entirely by the State, and that half the amount should be refunded later on, when financial provision had been made by the Government of India. Subsequently the State's proposal was accepted, but it was then too late to have the pillars manufactured and embedded while the field work was in progress.

As regards the instructions to the Boundary Commission, a further reference was made, and in letter No.14992-Jur, of the 22nd December 1933, it was ordered that the same principles were to be followed as those laid down for the Jalpaiguri-Cooch Behar Commission in letter No.1057-T.R. of the 11th August 1919.

These were:-

- (1) The *de jure* boundary is that of O'Donel's Revenue Survey of Cooch Behar 1868-70.
- (2) Differences between cadastral maps should be examined on the ground and in cases of appreciable difference should be compared with the Revenue Survey maps of 1868-70, necessary corrections being made in terms of the latter maps.
- (3) Present possession should be maintained as far as possible.

(4) Where minor differences between the two cadastral maps exist, due to divergences of survey, the Commission should use its discretion in deciding which set of maps should be corrected.

(5) In cases of unstable river boundaries, steps might be taken to straighten out the boundary, or adopt zig-zag boundaries so long as in the aggregate neither side lost or gained in the adjustment by comparison with the Cooch Behar Revenue Survey of 1868-70.

(6) The boundary finally decided upon will be considered permanent, and will be demarcated by the Commission in such a way that it can easily be identified in the future.

2. *Preliminary Procedure.*- During the cadastral survey along the Cooch Behar boundary, the Rangpur maps were compared with those of Cooch Behar State, and each discrepancy in survey was noted and numbered. Each case was then enquired into locally by the Kanungo or Revenue Officer concerned and a report submitted.

In addition to the above discrepancies, 19 boundary disputes with Cooch Behar Taluks were filed by Rangpur zemindars. These had to be kept pending until the work of the Boundary Commission was completed, as the Survey Act (V of 1875) has no application to Cooch Behar State, and as the dispute would automatically be decided by the Boundary Commission. Each case was, however, locally enquired into by a gazetted officer, in order that the facts might be elucidated.

With this information, it was possible to start preliminary discussion before the commencement of field work, and the Government representative therefore visited Cooch Behar on August 7th. During the next three days, the procedure to be followed was discussed with the Revenue Officer, and each discrepancy of survey was examined with the Sadar Kanungo. As a result of the discussion the following principles were agreed upon:-

1) The discrepancies between Cooch Behar State and Mauza Chatnai (a Khas Mahal Estate of Rangpur) would be adjusted according to the demarcation of Mr Judd in 1911 which was accepted by both the State and the Government of Bengal.

2) Discrepancies regarding roads on the common boundary would be decided in favour of the State as the roads had been in the State's possession since 1864 and had been maintained by the State.

3) The large discrepancy in the common boundary of the Teesta river block would be adjusted according to the Revenue Survey of O'Donel, though the State would have no objection if Pemberton's Revenue Survey were followed in this particular case.

4) Where smaller rivers such as the Kharpa and Malda form the boundary and their position differed in the Rangpur maps from that shown in the Cooch Behar maps, the latter would be followed.

5) Minor differences due to errors in survey, discrepancies in survey, and small changes of possession, would be decided on the basis of the Rangpur maps, they being more up

to date, after they had been checked on the ground by the Commission, with the provision that in certain cases joint local enquiries would be held before the Commission commenced field work.

(6) It was decided that three enclaves would have to be specially demarcated, viz. Batrigach and Uttar Bansjani, which are Rangpur enclaves lying in Cooch Behar; and Dakurhat Dakinir Kuthi, a Cooch Behar enclave, lying in Rangpur district. In the case of the first two enclaves, there was a considerable difference between present possession, and O'Donel's Revenue survey of 1868-70. In the last case, the State had been unable to locate the enclave since the year 1882, when it was diluviated by the Dharla river.

During the work of the Boundary Commission the only variation of these decisions was made in the case of small rivers such as the Kharpa and Malda. The reasons for this are given in section 5.

3. *Field work.*- Our instructions were that the work of the Boundary Commission should begin on the 1st January 1934, but the date had to be postponed as the State was not then ready, and as the Government representative was in charge of the Settlement Training Camp. The first meeting was held at Haldibari on January 15th where details of procedure were discussed. A start with the field work was made on January 21st but the Government representative was unavoidably compelled to interrupt the work in order to carry out previously arranged inspections in the first half of February and for a few days in the middle of March.

The actual dates on which field work proceeded were:-

	Days.
January 21 st to January 24 th	4
February 19 th to March 11 th	21
March 18 th to March 27 th	10

The start of the Commission's work appeared rather unpropitious, as it was heralded by an earthquake, followed by a violent thunderstorm which lost us a whole day, but apart from this the weather was good though exceedingly hot and dry in the last stages, and there was no sickness.

In addition to Mr. N. C. Mustafi and myself, the staff employed on the Boundary Commission consisted of Babu J. C. Das Gupta, Sadar Kanungo of Cooch Behar State; the Subdivisional Kanungo of each Cooch Behar Subdivision for his own portion of the boundary; one Badar Amin, chainman and coolie peon; and for running traverse across the Teesta, one Sub-Traverser for 5 days.

The total length of the boundary between Rangpur and Cooch Behar is 182¾ miles, of which the last 5¾ miles, forming the boundary between Mauza Tilai of Rangpur district, and Taluk Jhaukuthi of Cooch Behar, had been demarcated by Renny in 1873-4 and the boundary relaid in 1924 by Mr. O'Donel, Officer in charge of the Bengal Traverse Party. Our instructions were that the last 5¾ miles were simply to be incorporated in our maps. The boundary to be demarcated therefore consisted of 177 miles.

We have been over the entire length, our progress averaging about 5 miles a day. Though we encountered difficulties, none of them were of a very serious nature, and we are able to report that we are in complete agreement as to the boundary to be adopted. Consequently it has not been necessary to refer any point to the Director of Land Records, who was appointed by letter No.766 T.-R. of the 21st October 1933 as arbitrator in the event of any difference of opinion between the Commissioners.

The boundary commences with a large enclave of the Cooch Behar State adjoining the western side of police-station Domar from Mauza Betgara J.L.No.18 in the south to mauza Nij Bhogdabri J.L.No.4 in the north. It recommences from the trijunction of Jalpaiguri, Rangpur and Cooch Behar at the north-west corner of police-station Domar and runs mainly east across the Teesta to Thengjhora J.L.No.1 in the north-west corner of police-station Hatibandha. Here there is a break of some miles, where a portion of police-station Patgram of Jalpaiguri intervenes. The boundary recommences from Mauza Bura Saradubi J.L.No.13, police-station Hatibandha, and continues unbroken along thanas Hatibandha, Kaliganj, Lalmonirhat, Fulbari, Nageswari and Bhurungamari to our finishing point which was O'Donel's pillar No.II. A concise but detailed description of the boundary is given sheet by sheet, in Part II of this report; but the following points require special mention.

4. *Large rivers.*- The boundary crosses four large rivers - the Teesta, Singimari, Dharla and Kaljani twice. Between the high banks of these rivers there are large sandy chars, or chars covered with coarse grass, on which it would be useless to embed pillars. They would either be washed away or covered with a deposit of sand. In the case of the last three rivers we have endeavoured to place boundary pillars, and at some points, reference pillars, in such a way that they will be safe from erosion, and will serve to relay the boundary should the need arise in the future. In many cases they are intervisible, so that they can serve as the basis for triangulation, by which points can be obtained, and the boundary off-setted with approximate accuracy.

The Teesta presents a different problem owing to the great distance between the high banks. Here we considered it advisable to follow the *de jure* boundary of the State - O'Donel's Revenue Survey line, in preference to Pemberton's line. The latter would be difficult to relay, while the former is almost a straight line across the river bed, over the greater portion of its length. The distance between the pillars on either bank being too great for relay by ordinary methods, we have had a traverse line run across the river bed and chars close to O'Donel's Revenue Survey line, and connected with Rangpur traverse stations on either bank.

It should also be mentioned that in crossing the Khaljani we have straightened out the boundary on the eastern side of the river. The char land here is fairly high, and is uncultivated besides [*sic.*] the river, but leased out to tenants further east. The proposed line approximates O'Donel's Revenue Survey, but by straightening it between pillars 339 and 240, the boundary will be more intelligible to the tenants.

5. *Small rivers.*- Over the major portion of Hatibandha and Kaliganj thanas small rivers such as the Kharpa and Malda, and partially silted up old river beds such as the Kutimari form the boundary. Here we have followed the Cooch Behar maps as regards possession, because settlements of the fishing rights have been made by the State for many years. As regards discrepancies in survey, however, we decided to modify our original proposal to retain the Cooch Behar line intact.

In some sections of the course of these rivers, the stream passes between high banks, with possession on either side clearly defined by field boundaries. Their courses are extremely tortuous, and since the Cooch Behar Survey, there has been slight erosion, generally at the points where the rivers form a loop, consequently there are corresponding discrepancies between the two sets of maps. In these sections we considered it advisable not to disturb present possession where it was clearly defined. The changes are very slight, and as neither side stands to lose or gain an appreciable area, we considered that we should demarcate the boundary as it now stands.

In other sections, however, the rivers flow through low-lying marshy land, which was still partially under water at the end of February. Though plots are shown in the maps on either bank, there are no field boundaries on the ground, and in some places the tenants themselves could not indicate precisely where the boundaries lay. Under these circumstances we decided to follow the Cooch Behar line, and this has been relaid on the Rangpur sheets.

Over these low-lying sections, the actual boundary cannot be determined except by relay. We have therefore endeavoured to follow the same method as in the case of large rivers, viz., to post boundary pillars, and in a few cases reference pillars, in such a way that the boundary can be relaid with their help should the need arise in future.

6. *Boundaries across fields.*- At some points, notably in Mauza Paschim Chatnai J.L.No.1 of police-station Domar, and Mauza Durgapur J.L.No.83 of police-station Kaliganj, the boundary instead of following *ails*, cuts across fields. Wherever practicable, the tenants have been instructed to build new *ails* along the boundary shown to them, but this was not possible in these two mauzas, the length of the boundary being too great. There should be no difficulty, however, in finding the boundary in Mauza Durgapur by joining the boundary pillars which we have posted; and in Paschim Chatnai with the help of Judd's pillars and the new boundary pillars.

Near the finishing point in Mauza Uttar Tilai J.L.No.16, police-station Bhurungamari, it was found that the *ail* which had been built to demarcate the boundary between O'Donel's pillars II, IV and V had been demolished at the instigation of a Naib of the Kasimbazar Estate. Formerly the boundary at this point cut across fields, and the *ail* was built after Renny's pillars had been relaid in 1926. Though this was actually just beyond our finishing point, the matter has been reported to the Superintendent of the Kasimbazar Estate, and the tenants were instructed to rebuild this *ail*.

7. *Discrepancies.*- The discrepancies encountered between the two sets of maps were of three classes:-

- (1) Discrepancies due to possession.
- (2) Discrepancies due to differences in survey.
- (3) Discrepancies of scale or orientation.

The first class had been enquired into and reported on before the field work commenced, and in most cases an agreement had been reached. There were, however, a few remaining cases which necessitated further enquiry, cases, for example, where a plot had been included in both sets of maps. These cases were decided on the principle that possession should be followed unless dispossession was

clear, i.e., unless we could infer that the tenant on one side had dispossessed or encroached upon the land of tenants on the other side. The tenants were called on to produce the Terij (final khatian) of the Cooch Behar Settlement, and the parcha (not final khatian) of Rangpur Settlement. Such disputes over possession were very few and we think that our decisions are equitable to both sides.

The second class of discrepancies, those due to differences in survey presented little difficulty and were of a minor character. Here again we followed the same principle in deciding which set of maps should be corrected. We also came across one or two isolated cases, where both surveys differed slightly from present possession, and in these cases both sets of maps have been corrected.

There remains the third class of discrepancy in scale or orientation. This requires a little explanation.

In a cadastral survey the maximum allowable error is 1:200, so that over a distance of one mile, the allowable maximum is 40 links plus or minus. Assuming that over this distance a Cooch Behar sheet has an error of 25 links plus, and a Rangpur sheet an error of 25 links minus, the net difference between the two maps is 50 links or half a chain. Thus when the two boundaries are plotted together there is an apparent discrepancy, although the configuration is the same, and there is no difference in the boundary on the ground.

The same holds good in the case of discrepancies of orientation. The configuration of the two sheets is the same, but when the two boundary lines are super-imposed, one of them apparently shifts slightly to one side or the other. Another reason for this class of discrepancies is that a certain amount of correction has to be given in every traverse survey. Thus, when two separate traverse surveys are linked together by common stations, a certain amount of adjustment is necessary. Consequently it may happen that the cadastral boundaries of the two surveys may agree exactly when sectionally compared by graphical methods, but when plotted out from their respective traverse data, may show a difference.

These discrepancies are unavoidable, and it is impossible to force the maps to agree, without introducing further errors. We think that in such cases the map should not be altered, but it will be enough to mention any noteworthy cases, in the description of the sheet concerned.

8. *Demarcation of chits.* - The three chits, or enclaves, which the State wished to have specially demarcated, were Batrigach and Uttar Bansjani of Rangpur and Dakurhat Dakinir Kuthi of Cooch Behar. Besides these there are numerous enclaves on both sides of the boundary which have not been demarcated. We did not take up the demarcation of all the chit lands, as a proposal was under the consideration of the Government of Bengal for the interchange of the chit lands of Rangpur and Jalpaiguri with those of Cooch Behar. The Government of Bengal in view of the strong local objection to the proposed exchange decided to abandon the proposal and the order was communicated to the Director of Land Records and surveys, in Government of Bengal, Revenue Department, Jurisdiction Branch, No. 2949 Jur., dated the 21st March 1934, and a copy was sent by the Director of Land Records and Surveys to the Settlement Officer, Rangpur, in memorandum No. 1/6-1392, dated the 24th March 1934. The chit lands in our opinion should now be demarcated. Lt.-Col. Hirst in his report of the Jalpaiguri Boundary Commission, paragraph 10, page 6, remarked that this should be taken up during the adjustment of the Cooch Behar-Rangpur boundary. As the decision of the Government of Bengal was received very late, nothing could be done during the present Boundary Commission. We suggest that the boundaries of these

chits in Rangpur and Jalpaiguri may be taken up during the next cold weather, If this suggestion be approved the work should commence not later than the beginning of December next.

Batrigach J.L. No.81, police-station Kaliganj.- The most important demarcation concerned Batrigach, a Rangpur enclave lying in Cooch Behar about 4 miles north of the north-east corner of police-station Kaliganj. The mauza belongs to Tauzi No. 270 of the Rangpur Collectorate and is held by the Tushbhandar Court of Wards Estate, whose representative attended the demarcation.

A large strip on the western side of the mauza had been included in Batrigach during the Rangpur Survey on the basis of possession. This was now claimed by the Cooch Behar State on the basis of O'Donel's Revenue Survey map. The area concerned covers an area of 238.69 acres, and consists partly of cultivated land in the north and partly of high char, covered with tall grass in the south.

The cause of this dispute is the difference between the Revenue Survey maps of Pemberton and O'Donel. Pemberton surveyed Rangpur district in 1856-58 and O'Donel surveyed Cooch Behar in 1868-70. During both surveys the river Singimari flowed past the western side of Batrigach, but after Pemberton's survey, its course shifted considerably to the east. The difference between the two Revenue Survey lines thus represents the area claimed by the State. At the present time it has shifted a long way to the south-west.

As O'Donel's Revenue Survey line was to be the *de jure* boundary of the State, it was relaid on the Rangpur sheet and has been demarcated by six pillars on the ground, with very slight modifications. Between pillars B II and B III we propose to follow the old high bank of the river, which is a clear and natural boundary as the relay runs very close to it. Between the other pillars, we have straightened out very slight bends, so that the boundary will be more clearly intelligible.

As a result of this demarcation, the Tushbhandar Estate loses an area of 238.69 acres, which the Cooch Behar State has agreed to offer in settlement to Tushbhandar as a tenure. There will thus be no change of possession, or demand for selami. The Raiyats will continue to pay rent as before to the Tushbhandar Estate.

Uttar Bansjani J.L. No.1, police-station Bhurungamari.- Uttar Bansjani is a small mauza belonging to the Kasimbazar Court of Wards Estate, under Tauzi No.200. It lies in Cooch Behar about two miles south-west of the north-west corner of police-station Bhurungamari. The Cooch Behar State claimed an area of 5.87 acres which was said to have been lost by encroachment on the north and west of the mauza, on the south there was no dispute, and on the south-east corner one plot was claimed by the State.

This dispute was rather complicated by the fact that the Cooch Behar cadastral map does not agree with O'Donel's Revenue Survey. Both lines were relaid on the Rangpur sheet, and it appeared from the relay that the intention during the Cooch Behar cadastral survey had been to follow the Revenue Survey line. The question then arose which line should be demarcated. We decided that in this case it would be better to follow the cadastral line in preference to the Revenue Survey. The former is easier of relay and is not quite so unrelated to present cultivation as the latter. Moreover, the area which will be lost by the Kasimbazar Estate is smaller than it would be if the Revenue Survey were followed.

On the northern side of the enclave, we found that part of the boundary was still in dispute. The tenants stated that even after the Rangpur Survey, there had been encroachment, and *ails* had been altered. We propose therefore that the proposed boundary may finally be fixed as now demarcated by pillar [*sic.*] UB I to UB XVI.

As in the case of Batrigach there will be no change in possession. The Cooch Behar State will offer settlement of the area it has gained to the Kasimbazar Estate.

As regards the plot in the south-eastern corner, we decided that it should remain in Uttar Bansjani. We found an old buried masonry pillar on the south-east corner of this plot, indicating that the plot falls within the enclave. The existence of this pillar was previously not known.

Dakurhat Dakinir Kuthi.- This is a small enclave of the Cooch Behar State lying in Mauza Lakshmi Kanta J.L. No.50 of police-station Kurigram, about 8 miles inside the Rangpur district boundary. It was diluviated by the Dharla river in 1882, and since its reformation, the State has been unable to locate its position. During the Rangpur Survey it had been relaid with the help of the Cooch Behar map, but a small portion was reported to have been dispossessed.

On local enquiry it was found that the major portion of this enclave consists of uncultivated grazing land, and the remainder of cultivated land. The area being semi char in character, there are frequent changes in cultivation, and we found that even since the Rangpur Survey, a number of *ails* had been altered. This caused some difficulty in relaying, but we are satisfied that the chit has been correctly demarcated by pillars DI - DX, and where its boundary crosses cultivated land, the tenants have been instructed to build new *ails*.

The estate affected by the small changes resulting from this demarcation, is the Kasimbazar Estate. The area being very small, it would be simplest for the State to adjust rents on the basis of new areas, otherwise the tenants will have to come up under section 105, Bengal Tenancy Act, when Case work commences.

9. *Pillars.*- In order that ferro-concrete pillars might be prepared and embedded during the Commission's progress along the boundary, it was proposed that the entire cost of preparing the pillars should be borne by the Cooch Behar State, and that one half of the cost should be refunded later by the Government of India, no provision under this head having been made in financial year 1933-34. In letter No.D.3971-p/33 of the 15th December 1933, the State's proposal was accepted by the Government of India, but there was then insufficient time to have the pillars prepared. Stout bamboo pegs have therefore been embedded, and marked by cutting circles on the earth around them. The pillars have now been prepared, and it is hoped that they will be embedded before the rains set in, otherwise the low-lying areas will have to wait until after the next cold-weather, and in the meantime there is every likelihood of the bamboo pegs being lost. Since writing the above we have learnt that the Cooch Behar State has replaced the bamboo pegs by ferro-concrete pillars.

The number of pillars proposed for 177 miles of boundary was 531, or three to a mile; and the cost, including cartage was estimated at Rs.12-8 per pillar, in all Rs.6,637-8, of which half is payable by the Government of India, and half by the State.

We have actually fixed the positions for 340 pillars on the boundary, and for 32 pillars in the demarcations of Batrigach (6), Uttar Bansjani (16) and Dakirhat Dakinir Kuthi (10). The total number of pillars to be embedded is thus 372 and the estimated cost will be decreased to Rs.4,650.

The reason for this considerable difference is that we found along the boundary a great variety of pillars belonging to previous surveys, many of which we have been able to utilise. In some cases, where we found masonry pillars that were beyond repair, we have fixed the position of new pillars on the same site, as the cost of repair would exceed that of a new pillar. In all cases, however, the positions of these pillars have been shown in the maps and boundary traces. Pillars which were found to be in a fair state of repair have been used as boundary marks. Many of them were overgrown with jungle or roots of trees and these have been cleared, others were buried, and have been uncovered and shown to the tenants. One masonry pillar, for example, was found in a perfect state of preservation under two feet of silt. A good many of them had not been shown in either set of maps.

With a few exceptions, we found that all of these pillars are on the true boundary; and in those exceptions, there was generally a reason for embedding them off the boundary. The pillars found broken may be repaired.

We found pillars of the following surveys:-

(a) *Revenue Survey*.- These are brick masonry pillars about 3'-6" feet square [*sic.*] surmounted by a blunt pointed top of cement. Some are in good condition, others consist of a heap of broken bricks.. They are thought to have been put down by the State after the Revenue survey of 1868-70.

(b) *Cooch Behar Survey pillars*.- These are similar in type to the Revenue survey pillars, though rather smaller. It is not certain when they were embedded, but it is thought that they date back to the first State survey of 1875 which was carried out by Beckett.

(c) *Cooch Behar trijunction pillars*.- These are similar in type to (b) and are embedded in some cases on the junction of two Cooch Behar Taluks with Rangpur. It is not known why some trijunctions were so demarcated and others not.

(d) *Judd's pillars*.- These are in good condition. They were embedded in 1911 by Judd, who demarcated the boundary between Cooch Behar and mauza Paschim Chatnai of police-station Dimla.

(e) *Jalpaiguri pillars*.- We found four square cement pillars which had been posted during the Jalpaiguri Settlement; and one hexagonal stone prism.

(f) *Rangpur Δ stones*.- These had been posted during the Rangpur operations at the trijunction of two Rangpur mauzas with a Cooch Behar Taluk. Some were found to be missing and will be replaced; and in one or two cases, they were not on the true trijunction, and were altered. As they are very small stones we did not use them as boundary marks.

(g) *Unauthorised pillar*.- In Mauza Singjhar J.L.No.41, police-station Bhurungamari, we found one unauthorised pillar. The tenants said that it had been posted by a big jotedar of the Kasimbazar Estate. As it was on the correct boundary we allowed it to stand.

Our own pillars will be of ferro-concrete, 8' in length, of which 3' will project above the ground. They will bear the letter BP and in the case of reference pillars, RP.

A note on the previous surveys on the Rangpur-Cooch Behar boundary, is included in Appendix I.

10. *Office procedure.*- To indicate the boundary which we propose should be finally adopted, a set of boundary sheets has been prepared in the following manner. The Bengal drawing office supplied a set of plots on a 4" scale, showing the traverse stations of the Cooch Behar cadastral survey and those of the Rangpur traverse in their relative position to the Cooch Behar stations. These were then plotted out on 16" scale on p. 70 sheets. The cadastral boundaries were then transferred on the basis of the traverse stations. The Cooch Behar boundary has been shown by a continuous red line, and the Rangpur boundary by a continuous black line. Where the two lines coincide, the black boundary only has been shown; where there is a difference both lines have been shown, and the boundary which we propose to follow has been indicated by small black hatchings. In cases where we have straightened out the boundary, or departed from both lines, the new boundary has been shown by a green line, with black hatchings.

In the Teesta river block, the traverse stations across the river and those connecting them on either bank are shown in blue.

The resulting sheets are 110 in number, and a concise but detailed description of them is given, sheet by sheet, in Part II of this report.

In additions to the above set of boundary maps, two sets of traces have been prepared, and bound in book form, as have the original boundary maps in order to prevent them being lost or damaged. It is proposed that the original boundary maps, which are forwarded with this report to the Revenue Secretary through the Director of Land Records, should be permanently retained in the office of the Director of Surveys. Of the two sets of traces, it is proposed that one should be sent to the Vice-President of the Cooch Behar Durbar, and the other made over to the Collector of Rangpur.

11. *Financial statement.*-

	Cooch Behar		Rangpur		Total	
	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
1. Establishment	1,475	15 9	1,047	12 6	2,523	12 3
2. Travelling allowance	679	6 0	520	15 0	1,200	5 0
3. Contingent charges	<u>370</u>	<u>8 9</u>	<u>293</u>	<u>0 9</u>	<u>663</u>	<u>9 6</u>
Total	<u>2,525</u>	<u>14 6</u>	<u>1,861</u>	<u>12 3</u>	<u>4,387</u>	<u>10 9</u>

12. *Recommendations.*- For the sake of convenience, our recommendations are summarised below. As the Cooch Behar State has already agreed to offer settlement to the Tushbander and Kasimbazar Estates for the areas which it has gained as a result of the demarcation of "Chits", no recommendation is necessary on this point-

(1) As the Boundary Commissioners are in complete agreement and there has been no difference of opinions between them, it is recommended that the boundary proposed may be accepted as final by the Government, and orders passed as early as possible.

(2) With reference to the concluding portion of Part II regarding the Cooch Behar, Goalpara, Rangpur trijunction, we think it advisable that Government should pass orders declaring which of the existing two trijunction pillars is to be regarded as the correct trijunction.

(3) Where the boundary runs through char land, or swamp and is not identifiable on the ground, relay may be necessary in the future. In such cases it should be relaid either by compass survey or by triangulation. The latter method based on the boundary or reference pillars which have been posted should provide points from which the boundary can be off-setted [*sic*] with fair accuracy.

(4) The above recommendations will be important if char areas which are at present fallow should become culturable and settled with tenants. In such cases we think that cultivation should not be commenced until the opposite party has been notified, and the boundary demarcated by representatives of both parties. In the event of disagreement, an independent surveyor may be appointed to act as supervisor.

If this proposal is approved, notice may be issued to this effect on the zemindars of the Rangpur Estates concerned.

(5) In transferring the boundaries of both cadastral surveys to the final boundary sheets we recommend that very small discrepancies of 20 links or so may be ignored. We also think that where there are larger discrepancies due to difference in scale, orientation, or adjustment in the connection of traverse data, it is useless to attempt to force the maps to agree, as this would simply introduce errors on the ground, which do not exist.

(6) There should be a regular inspection of the boundary pillars by responsible officers. As the length of the boundary and the number of pillars is very considerable, it might be most convenient if an annual inspection is made alternately by the Cooch Behar State authorities, and by officers of the Rangpur Collectorate. The State might divide the work between the five Subdivisional Kanungos, and the Collector of Rangpur between the Circle Officers concerned.

A certificate should be given that all the pillars are in good condition, and any case of broken or damaged pillars should be reported.

(7) It is proposed that the original final boundary sheets should be retained, with a copy of this report in the office of the director of Surveys, Bengal. Of the two sets of boundary traces, one set together with a copy of the report, should be made over to the Collector of Rangpur, and the other set, with a copy of the report to the Cooch Behar State.

(8) We have not notified our changes in the boundary to the Surveyor-General of India, because our boundary is not authoritative until it has been notified. It is presumed that any changes from the existing boundary will be notified to the Surveyor-General in due course.

(9) The undemarcated chits of Cooch Behar and Rangpur may be demarcated next cold weather.

Before concluding this report we should like to express our thanks to the Cooch Behar State for the loan of four elephants throughout our field work, and for the provision of tents and camp equipment. We also commend especially the work of Babu Jyotish Chandra Das Gupta, Sadar Kanungo, whose accurate knowledge and untiring energy contributed greatly to the rapid progress of our work.

PART II

Description of the Boundary sheet by sheet

Sheet 1.- The boundary commences with a large enclave of the Cooch Behar State lying on the west of police-station Domar, and extending from Mauza Betgari J.L.No.18 in the south to Mauza Nij Bhogdabri J.L.No.4 in the north - a distance of about 12 miles.

Pillar No.1 is posted at the trijunction of Rangpur, Jalpaiguri and the Cooch Behar enclave, 10 links south of a large Jika tree growing from a grassy mound. From this trijunction the boundary runs north besides an old road, now a cart track overgrown with grass. The level of the land on the Rangpur side is about two feet higher than that of the Cooch Behar side. Pillar No.2 is on the site of a Rangpur traverse station. The boundary here passes through a good deal of fallow land and is not easily identifiable. From pillar 2 it continues north along a bank, the level of the land on the Cooch Behar side being appreciably lower than that on the Rangpur side.

Sheet 2.- The boundary continues north along the bank to pillar 3, where it turns due east and follows a cart track covered with grass through fallow land to a Revenue Survey masonry pillar, which was found completely buried in the middle of the road. Pillar 4 was posted 20 links south of the masonry pillar, at the point where the boundary turns north and follows a ditch, till it meets a road, along which it runs to pillar 5. At this point the boundary turns north-west, leaving the road, and runs along the edge of high land, with lower paddy land on the Cooch Behar side.

The discrepancies in this sheet are due to errors in survey probably caused by the tenants showing the boundary incorrectly.

The Rangpur line has been followed here,

Sheet 3.- The boundary continues along the edge of high land to pillar 6 beside a road, which it follows north until it turns off west along a ditch, with bamboo and a homestead to the north of it. Pillar 7 was posted 60 links north of the point where the boundary turns north again, and follows the edge of high land, rejoining the road.

Sheet 4.- The boundary continues along the road to pillar 8, where it turns west, and runs along *ails*, and through some fallow land to pillar 9. Here it makes a sharp bend back to the north-east, and returns to the road through similar country and by a village road. Pillar 10 is posted a short distance north of a road junction. It follows the road north-east, and by *ails* to a Rangpur Δ stone; then runs along a strip of low-lying paddy land into uncultivated waste. The boundary at this point is not identifiable and will require relay. Pillar 11 is posted at a point where the boundary makes a bend through uncultivated land, and a little further on, follows identifiable field boundaries through low paddy land.

Sheet 5.- The boundary follows *ails*, and bends northward round a strip of water to pillar 12 on a high *ail*: thence along the edge of high land to pillar 13, where it runs into lower land, and follows well-defined *ails* to a Rangpur Δ stone on the Chilahati road.

Sheet 6.- The boundary follows the Chilahati road north to pillar 14, which is beside a second Rangpur Δ stone. Here it turns along *ails* into fallow land, to a Rangpur Δ stone, then north along the edge

of high fallow to pillar 15, where it turns east and runs through fallow and then along *ails*, to pillar 16. Here it turns north along the Chilahati road and then straight north by a well-defined *ail*.

Sheet 7.- Pillar 17 is posted at the point where the *ail* rejoins the Chilahati road. The boundary then follows the road; with small diversions along *ails*, to pillar 18 beside a Rangpur Δ stone, where it turns north-west along a village road.

Sheet 8.- The boundary runs north-west along the village road, until shortly before pillar 19, it leaves the road, and bends round three Rangpur plots back again along the side of the road; then crosses the road to pillar 19 and turns west along the road. About 25 chains further on, it leaves the road, and runs south-west by a large *ail*, running south through fallow to pillar 20. From here it runs west through bamboo, and along *ails*; then south and then west again through fallow grazing land to pillar 21, beside a road.

This concludes the demarcation of the enclave. Pillar 21 stands at the northern trijunction of Rangpur, Jalpaiguri, and the Cooch Behar enclave.

[Hartley's boundary description continue from the trijunction of Rangpur, Jalpaiguri and Cooch Behar proper, crossing the Moghalhat-Sitalkuchi-Dinhata road at pillar 78, the Kaliganj-Sitai road just after pillar 135, and the Moghalhat-Gitaldaha railway about pillar 180. The southernmost point of the boundary is near the Dinhata-Fulbari road, about pillar 200. The Bengal-Assam railway is near pillar 237, and the Chhota Garajhora pene-enclave comprises pillars 280-290. The boundary in the "bottleneck" is "about three chains wide", c.60m and is described below]

Sheet 94.- From the masonry pillar in the last sheet the boundary follows *ails* north-east to pillar 279 to a masonry pillar, and thence mainly east to pillar 280. The boundary here passes through a narrow bottle neck, and runs round in a rough circle about four miles in circumference, returning to a point about 3 chains from pillar 280. From pillar 280 it starts its circuitous route in a south-westerly direction, to pillar 281.

Sheet 95.- From pillar 281 the boundary continues west and south for a short distance, then turns east to pillar 282 and south to pillar 283. Here it turns east along the side of a low-lying "jola" to a buried masonry pillar. Thence east to pillar 284 continuing south and east to a buried masonry pillar. From this pillar it turns north along *ails* to pillar 285.

The discrepancy beyond pillar 283 is due to a slight difference in survey along the jola. The Rangpur line has been accepted.

Sheet 96.- From pillar 285 the boundary runs mainly along *ails*, across the dried up bed of the Gorajhora river. It then turns north, and follows the left bank to pillar 286, and north-east to a masonry pillar: thence north-west along the river bank, leaving it by an *ail* and running north to pillar 287. A short distance north of this pillar it turns west and follows *ails* to pillar 288.

The discrepancies north and south of pillar 286 are differences in survey due to the thick jungle and wild rose bush which cover the bed of the Gorajhora. The Cooch Behar line was found to be correct here. From the masonry pillar, the boundary runs through water for a short distance and then along the bank. Here again the Cooch Behar line was followed.

Sheet 94.- From pillar 288 the boundary comes back into sheet 94. It follows *ails* westward to pillar 289, from which it runs along the dried up bed of a khal and turns south-west through jungle and along *ails* to pillar 290. Here it turns west to a masonry pillar, from which it goes north-west by various bends along the bottle neck to pillar 291 on the site of a buried masonry pillar. From pillar 291 it runs about 5 chains west, straight to another buried masonry pillar, and then turns south to a third buried masonry pillar. From this pillar it turns west along the bank of a khal, until it turns north to pillar 292, which stands in low-lying land near the edge of Chakli Beel. From this pillar the boundary runs through marshy land north-west for about 10 chains, then turns due north and runs through low-lying marsh to a broken masonry pillar. At the point where the boundary turns due north a bamboo peg was posted to indicate the boundary to the tenants. Relay will be necessary over this section of the boundary.

The principle discrepancy in this sheet lies between pillars 291 and the masonry pillar west of it. The boundary here is not easily identifiable and it seems probable that the existence of both the pillars was not known during the two surveys. We decided that a new line, shown in green, should be adopted, running straight from pillar 291 to the masonry pillar.

There is also a slight discrepancy at pillar 289 where the Rangpur line was adopted.

[The most northerly point of the boundary is pillar 317. Pillar 340 is the last of Hartley's, the next being Renny's No.II, relaid by O'Donel in 1924]

Sheet 107. - From pillar 339 to pillar 340 the boundary has again been straightened out. The line now follows along the boundary of plot in high char land, which has been leased out, but which has no visible boundary on the ground. Pillar 340 is posted on an *ail*, just beyond the point where the boundary leaves char land and runs into high culti-⁵ by Renny. This is the terminating point of our demarcation. The point where the boundary meets Renny's line and turns south-west, is a field corner, 33 links south-west from Renny's Pillar No. II.

The discrepancy between pillar 340 and the closing point is due to errors of survey in the Rangpur sheet. There is no doubt that the traverse station near Renny's Pillar No. II was wrongly plotted, as there was a serious error in the distance between pillars II and III. This traverse error has been corrected, and the boundary between pillar 340 and the closing point has been resurveyed. This is shown in green (and in black where it tallies with the former line) and represents the correct boundary according to present possession. There is some discrepancy in the Cooch Behar map also, and this will be corrected according to the line as resurveyed.

From Renny's Pillar No. II the boundary up to the trijunction of Cooch Behar, Goalpara and Rangpur has been demarcated by Renny. Our instructions were that this section was to be incorporated in this report.

This sheet shows the boundary between pillars II and XIV. Of these pillars IX and X have been washed away.

⁵ There has been a compositing error, and one or more lines have been left out of the original.

Sheets 108, 109 and 110.- These three sheets continue the boundary between Jhaukuthi and Tilai, as surveyed by Renny and demarcated by Mr. O'Donel in 1923-24.

Sheet 108 covers the boundary from pillars XV to XIX; sheet 109 from pillars XIX to XXX and sheet 110 from pillars XXX to XLI, and thence to the Cooch Behar-Goalpara-Rangpur trijunction. Of these pillars, Nos. XVIII, XIX and XX have been washed away.

The trijunction pillar, at which Mr O'Donel has terminated his demarcation, is that of MacDonald's survey of 1875. It will be noticed that there is a second pillar 2.70 chains [54.3m] to the west. This is the pillar built by Col. Hirst as the trijunction, in the course of the Cooch Behar-Goalpara Boundary Commission. It represents Renny's trijunction as relaid by Col. Hirst and is described in detail in Appendix C of Col. Hirst's report.

Mr O'Donel apparently accepted MacDonald's pillar, and from this pillar the boundary between Rangpur and Goalpara commences on the Cadastral map of Rangpur. There are thus two inter-provincial trijunction points.

Although strictly speaking, this section of the boundary is outside the scope of this Commission, we think it advisable that Government should declare which of these two pillars is the true trijunction.

Leaving aside technical questions concerning the correctness of these relays, we should like to put forward two points in favour of retaining MacDonald's pillar as the true trijunction.

In the first place, Renny's survey was a compass survey, and however carefully a compass survey is made, it cannot be as accurate as a traverse survey. Such as MacDonald's, [*sic.* Read: ", such as Macdonald's."] Col. Hirst was not engaged in discovering the true trijunction of Cooch Behar, Goalpara and Rangpur: as he states clearly in Appendix C of this [*sic.* Read "his"] report, he was demarcating the trijunction shown in Renny's map. It follows that any accuracy [*sic.* Read "inaccuracy"] which there may have been in the compass survey, would not be corrected during Col. Hirst's demarcation of the Cooch Behar-Goalpara boundary.

The second reason for adhering to MacDonald's pillar is that it has been accepted as the true trijunction both during the Cooch Behar and the Rangpur cadastral surveys, and the boundary of the two surveys agrees. In the Cooch Behar 16" sheet, the boundary runs east from Col. Hirst's pillar to MacDonald's pillar and then back south-west along the common Rangpur boundary forming an acute angle at MacDonald's pillar. In this angle, and along the Rangpur boundary the plots are recorded in possession of Cooch Behar tenants.

It seems, therefore, desirable that the two sets of maps should be retained as they are, otherwise possession will be disturbed.

In the Rangpur cadastral map MacDonald's pillar is not only the trijunction point, but the starting point of Mr O'Donel's award line between the Kasimbazar Estate of Rangpur and the Gauripur Estate of Goalpara. This was demarcated in 1925-26 and accepted by both parties. Commencing from MacDonald's pillar, this boundary runs south, and is demarcated by a number of pillars along its course. If MacDonald's pillar is not now accepted as the true trijunction this award line will be upset.

In the Cooch Behar 16" sheet, Col. Hirst's pillar has been treated as a boundary pillar between Goalpara and Cooch Behar, and not as the inter-provincial trijunction. We consider that this is the correct solution, and recommend that MacDonald's pillar of 1875 should be declared to be the trijunction of Cooch Behar, Goalpara and Rangpur.

PART III

Appendix I - Previous Surveys and Boundary Marks

A note on the previous surveys on the Cooch Behar-Rangpur boundary.

Pemberton's.- The first survey of Cooch Behar State was a Topographical Survey made by Mr Pemberton, the Revenue Surveyor, in 1858.

O'Donel's R. S.- When Government took charge of the State in 1864 during the minority of His Highness the late Maharaja Sir Nripendra Narayan Bhup Bahadur, Colonel Haughton carried out a Survey of the State to a scale of 4" to a mile, under Mr O'Donel, Deputy Superintendent of Revenue Survey, who was specially deputed by Government for the purpose in 1868-70. This survey fixed the limits of taluks and defined the parganas as they now are. Pillars (103 in number) were also constructed along the common boundary line. Colonel Haughton's object was to create a middle class in the State akin to the zamindars and talukdars of Bengal who would, to quote his words, "from [sic. Read "form"] the bones and sinews of the country". He, therefore, proposed in 1864 that a Talukdari Settlement should be carried out in the State of Cooch Behar. Government, however, approved of a raiyatwari settlement, for which a 16" survey became indispensable.

First Settlement in Cooch Behar.- Following the order of Government, Babu Issor Chandra Sen, a Deputy Collector of Bengal, was deputed to make a Settlement in Cooch Behar. Rahimganj, a tract, west of the Teesta, was selected to commence with, as being under Khas management. The survey was made to a scale of 16" to a mile and the settlement concluded for 16 years from 1869 A.D. The commencement of the operation unsettled the public mind and it was then resolved to push on the work with the utmost possible speed. In 1870 Mr W. O. A. Beckett was appointed Assistant Commissioner and placed in charge of Settlement. The work was concluded in 1875. The measurements were made with chain and compass and the areas computed to standard bighas, cottas and dhurs. The settlement was made pargana by pargana, the jote being taken as the unit. This is known as the first settlement of the State.

Renny.- After the Revenue Survey of 1868-70 there were some discrepancies on the Cooch Behar-Gayabari (Rangpur) boundary. Mr H. R. Renny, Extra Assistant Commissioner, was specially empowered by the Government of Bengal for the determination of the boundary between Cooch Behar and Gayabari (Rangpur) which he did in 1873-4. His finding was accepted both by the State and the Government. He embedded 108 pillars during the course of his operations.

Price.- Later, a dispute arose near Durgapur of police-station Kaliganj from a petition submitted by certain Upanchowkidars of Rangpur in which they stated that they had been dispossessed by the Cooch Behar raiyats of lands appertaining to their Upanchouki mahals. Mr Moran in 1874-75 relaid this boundary but his findings in some places were not accepted by Government and subsequently Mr Price, a Surveyor to the Government of India, was deputed to relay this disputed boundary. He took up the boundary in 1889-90. Boundary pillars were erected along the line relaid by Mr Price. Six pillars are

found to have been embedded. A part only of his relay was accepted. Thus the demarcation made by him is not of much importance.

Judd.- In 1906 a dispute arose over the Chatnai boundary, police-station Dimla, and it became necessary to ascertain the real boundary. A conference was held in the Collector's bungalow at Rangpur at his request to ascertain the real position. As neither party would accept the other's views, it was decided that the matter should be referred to an expert - preferably the Surveyor-General of India for decision as to whether the Bura Torsa (old) was included or excluded from the district of Rangpur by Mr Pemberton. The Assistant Surveyor-General considered the west bank to be the boundary. The State accepted the above decision and proposed that the boundary should be relaid with the help of the traverse data received from the Surveyor-General's Office. The relay was undertaken by Mr Judd, Assistant Superintendent of Surveys, in 1911 and interchange of possession took place as a result. Eleven permanent pillars were constructed along the common boundary of the State.

In connection with the boundary dispute between Maniram Das of Jhaukuthi (Cooch Behar) and the Maharajah of Cossimbazar in respect of Tilai in Rangpur district and at the request of the State authorities Mr O'Donel relaid the disputed portion of the boundary as surveyed by Mr R. H. [*sic.*] Renny in 1874 from the trijunction of Cooch Behar, Goalpara and Rangpur to Mr Renny's pillar No.9, a distance of about 5¾ miles in 1924 and the line was marked with 4 masonry and 34 ferro-concrete pillars.

Appendix II

No. 1057-T.R., dated Ramna (Dacca), the 11th August 1919.

From- The Hon'ble Mr M. C. McAlpin, I.C.S., Secretary to the Government of Bengal, Revenue Department,

To- The Vice-President, State Council, Cooch Behar.

I am directed to refer to the correspondence ending with your letter No.1394, dated the 22nd March 1919, on the subject of the adjustment of boundaries between Cooch Behar State and the districts of Jalpaiguri, Rangpur and Goalpara.

2. As regards the boundary between the Cooch Behar State and Jalpaiguri, I am to observe that Mr O'Donel surveyed the Jalpaiguri district in 1865-66 and Cooch Behar in 1868-70. In 1892 Mr Sunder, Settlement Officer of the Western Duars, made in survey for a Settlement of the Duars. The boundary between Jalpaiguri and the Cooch Behar State as laid down by Mr Sunder, was objected to by the Cooch Behar State on certain points and it was, therefore, agreed that the boundary should be relaid on the basis of Mr O'Donel's survey of Cooch Behar of 1868-70. It seems, therefore, that both Government and Cooch Behar State have accepted Mr O'Donel's maps of Cooch Behar of 1868-70 as showing the *de jure* boundary.

3. It is stated in paragraph 1 of your letter referred to above that the discrepancies between the cadastral maps of Cooch Behar and those of Jalpaiguri are of three kinds, namely, (1) over-lapping, (2) total omission of small areas from both maps, (3) minor divergences such as are bound to occur when two independent surveyor's map on [*sic. Read "surveyors map an"*] undemarcated line even though the line they are attempting to map is the same in both cases. The Governor in Council accepts your suggestion that the 3rd kind of difference should be disposed of by making the maps of Cooch Behar coincide with those of Jalpaiguri, but he sees no reason why a compulsory use of the Jalpaiguri cadastral maps should be made wherever cadastral maps are used. As regards the 1st and 2nd kinds of difference you suggest that they should be examined on the ground in the light of Mr O'Donel's maps, the Jalpaiguri maps and the Cooch Behar maps, and that the actual boundary should be determined and marked on the ground. Both sets of maps should then be made to accord with this ascertained boundary. Where it is not possible or practicable to ascertain and mark on the ground the true *de jure* boundary, i.e., that of Mr O'Donel's Survey of 1868-70, you suggest that a boundary by agreement should be settled and marked and mapped in both sets of maps; and the maps thus brought into harmony should be the last word in the matter for the future. In this connection I am to say that the Governor in Council would agree to straight lines of zig-zags being substituted for river boundaries, where practicable, so that in the aggregate neither side gained nor lost by comparison with the *de jure* boundary. You further suggest that if the above proposals are accepted, a boundary commission should be appointed to settle these differences. Subject to the above remarks His Excellency in Council accepts these proposals and agrees to the appointment of a Boundary Commission as suggested. The Commission should be composed of Major Hirst, Director of Surveys, Bengal, and a representative of the Cooch Behar State. The cost of incidental expenses such as demarcation, will be borne in equal shares by this Government and the Cooch Behar State. The Boundary Commissioners should be empowered to use the cadastral maps of Jalpaiguri and Cooch Behar wherever necessary, so that the operations should not cause friction and unnecessary disturbance of present possession.

A set of comparative maps of the Jalpaiguri-Cooch Behar boundary have been prepared by the Director of Surveys, Bengal. These will be placed at the disposal of the Commission.

4. The boundary between Goalpara and Cooch Behar State referred to in paragraph 3 of your letter is the subject of a separate correspondence at present.

5. As regards the Rangpur boundary, the Governor in Council accepts your proposal that the Cooch Behar maps be inked up now and a note recorded thereon that the boundary is liable to readjustment when Rangpur is cadastrally surveyed.

Appendix III

No. 3272, dated Alipur, the 22nd August 1932.

From- Rai Bijay Mukherji Bahadur, Director of Land Records and Surveys, Bengal,

To- The Secretary to the Government of Bengal, Revenue Department.

I have the honour to refer to the Secretary to the Government of Bengal's (Revenue Department) letter No. 1057T.R., dated the 11th August 1919, to the Vice-President, State Council, Cooch Behar, a copy of which letter was forwarded to the Director of Surveys, Bengal, with Revenue Department memorandum No.1089T.R., dated 11th August 1919, regarding the re-adjustment of the boundary between Cooch Behar State and the districts of Jalpaiguri, Rangpur and Goalpara.

The readjustment of the boundary between the Cooch Behar State the Jalpaiguri district was made by a Boundary Commissioner appointed in 1919, with Major Hirst, the then Director of Surveys, Bengal, as a representative of the Government of Bengal as also of the Cooch Behar State. The report of the Boundary Commission together with a set of maps prepared in this connection which were submitted to Government for consideration and order, with Director of Surveys, Bengal's letter No.3766, dated the 23rd December 1920, were adopted both by Bengal Government and the Cooch Behar State, *vide* Government order No.196 T.R., dated the 9th May 1923.

2. As regards the boundary between the State and the district of Rangpur it was stated in paragraph 5 of Revenue Secretary's letter of 11th August 1919, referred to above that it should be readjusted when the cadastral survey of Rangpur was taken up. As the cadastral survey has already covered a large part of the boundary it is necessary from the point of view of economy and convenience of work (as the services of the expert staff now working in the district can be utilised for the purpose) to readjust the boundary at once. I therefore suggest that a Boundary Commission be appointed for the purpose with the Settlement Officer, Rangpur, and a representative from Cooch Behar State as Boundary Commissioner to represent the interest of the Bengal Government and the Cooch Behar State respectively.

3. In paragraph 12, chapter 1 of Major Hirst's report on the Cooch Behar-Jalpaiguri boundary submitted with the Director of Surveys, Bengal's letter of 23rd December 1920 referred to above, it was suggested that the demarcation of the chits or enclaves of Jalpaiguri in Cooch Behar and of Cooch Behar in Jalpaiguri which was omitted from the operation of the Boundary Commission might be considered along with the adjustment of the Rangpur-Cooch Behar boundary. Accordingly a proposal was submitted to Government in the office letter No.274, dated the 4th November 1931, for demarcation of the above enclaves along with those of Rangpur in Cooch Behar and Cooch Behar in Rangpur. But Government in reply informed this office in their memorandum No.243-Jur., dated the 11th January 1932, that on account of financial stringency no provision for the work which is required to be made under "29-Political (Central)" could be made for the current financial year. Though it would be possible to carry on the demarcation work later on it would be uneconomical. The Settlement Party is doing the cadastral work of the area of Rangpur in Cooch Behar boundary in which the enclaves of Cooch Behar lie and near which the enclaves of Rangpur

and Jalpaiguri in Cooch Behar lie. Survey and demarcation of the enclaves, therefore, if done now can be done along with the ordinary settlement operation and the additional cost of the boundary pillars only. If the work is now postponed a special party will have to be sent to do the work later on at a much larger expense. The order referred to therefore may be reconsidered. If, however, demarcation be put off, the determination of the boundary by the Boundary Commission should be carried out.

Quite a number of boundary disputes has [*sic.*] been held up for want of decision; to complete the work there it is necessary that the boundary should be determined by a Boundary Commission at the earliest possible date.

4. Though unconnected with the strict question of determining the boundary I would like the consideration of the question of starting negotiation for exchanging the enclaves on valuation, if possible. If this exchange can be effected, each of the districts and the State concerned will have a compact area and from the administrative point of view it would be a great advantage both to the State and to this Government.

5. As it is essential that the decision of the Boundary Commission should be incorporated in Settlement maps and records, early orders of the Government may be passed in this matter.

No.472-T.R., dated Darjeeling, the 19th June 1933

From- H.C.V.Philpot, Esq., I.C.S., Secretary to the Government of Bengal, Revenue Department,

To- The Vice-President, Regency Council, Cooch Behar.

I am directed to refer to the correspondence ending with your letter No.89, dated the 12th April 1933, on the subject of adjustment of the boundary between the Cooch Behar State and the district of Rangpur.

2. In reply, I am to say that the maps and records have already been prepared for all the villages on the boundary and the final publication of the maps of these villages will not be possible until the boundary has been settled. If the settlement is delayed it will cause delay in the recovery of settlement costs and therefore from the point of view of this Government it is of great importance that the boundary should be settled as early as possible. Further, unless the work is completed while the settlement party is available there will be extra cost as a special party will have to be sent to do the work.

3. As regards the point raised in paragraph 2 of your letter I am to say that if a special officer is appointed to conduct the enquiries it will entail extra cost. This Government therefore would prefer that the Boundary Commission should consist of the Settlement Officer of Rangpur who will be able to do the work in addition to his own duties and a representative of the State. The Government of Bengal have, however, no objection, if the State so desire, that these officers should be instructed to refer any point on which they do not agree or which they consider to be of special difficulty to the director of Land Records and Surveys, Bengal, as representing the interests of both the Government and the State.

4. As regards the boundary line between Jhaukuthi (Cooch Behar) and Telai (Rangpur) from the trijunction of Cooch Behar and the districts of Goalpara and Rangpur, I am directed to say that

Government agree with your suggestion that it is not necessary to adjust it as it has already been re-adjusted by Mr. O'Donel in 1924 and that its incorporation in the map on the completion of the work is sufficient.

5. I am to add that as the Government of India are not prepared to provide funds for boundary pillars at present, it is proposed that the boundary as decided should be shown on the finally published 16" maps of the Rangpur Settlement and the pillars should be posted later, where necessary, according to these maps which can easily be relaid as they are all connected with permanent trijunction marks on the ground. Further special pegs of bamboo surrounded by tin *chongas* may be embedded as the cost is negligible.

6. The favour of an early reply is requested.

No.14992-Jur., dated Calcutta, the 22nd December 1933

From- O.M.Martin, Esq., I.C.S., Secretary to the Government of Bengal, Revenue Department (offg.),

To- The Director of Lands Records and Surveys, Bengal.

I am directed to refer to your letter No.1/6-359, dated the 25th November 1933, and to say that Government accept your suggestion that the instructions issued in this department letter No.1057-T.R., dated the 11th August 1919, in connection with the adjustment of boundary between Cooch Behar State and the district of Jalpaiguri should be followed by the Boundary Commission appointed in Government order No.766-T.R., dated the 21st October 1933, to adjust the boundary between the Cooch Behar State and the district of Rangpur.

No.D.3971-P/33, dated New Delhi, the 15th December 1933.

From- The Deputy Secretary to the Government of India, Foreign and Political Department,

To- The Secretary to the Government of Bengal, Revenue Department.

Construction of boundary pillars on the Cooch Behar-Rangpur boundary.

With reference to the correspondence ending with your letter No.14357-Jur., dated the 8th December 1933, I am directed to convey sanction to the payment to the Cooch Behar Darbar in 1934-35 of a sum of Rs.3,318-12 being a moiety of the cost to be incurred by them for the construction of boundary pillars on the Cooch Behar-Rangpur boundary. Steps are being taken to provide necessary funds in the budget estimates of 1934-35 under "29-Political (Central)".

No.2949-Jur., dated Calcutta, the 21st March 1934.

From- Rai J. N. Sircar Bahadur, Assistant Secretary to the Government of Bengal, Revenue Department,
To- The Director of Land Records and Surveys, Bengal.

I am directed to refer to paragraph 4 of your letter No. 1/10-3272, dated the 22nd August 1932, regarding the proposal for exchanging the enclaves of the Cooch Behar State in the district [sic] of Rangpur and Jalpaiguri with those of Rangpur and Jalpaiguri in the Cooch Behar State and to say that in view of the strong local objections to the proposed exchange Government have decided to abandon the proposal.

N.C. Mustafi

Commissioner for the Cooch Behar State

M.O. Carter

Commissioner of the Government of Bengal.

PART IV

In Part I of the Report the Boundary Commissioners explained that they were unable to take up the demarcation of the chit lands of Cooch Behar and Rangpur in 1933-34 and recommended that this work together with the demarcation of the Jalpaiguri chits should be completed in 1934-35. Orders to take up the work in Rangpur and Cooch Behar were received by memorandum No. 1/6-419 of 27th November 1934, from the Director of Land Records and surveys, Bengal. In the meantime the personnel of the Commission was changed. Mr M. O. Carter, I.C.S., was transferred from Rangpur and Mr. A.C.Hartley, I.C.S., was appointed in his stead. On account of their routine duties, the Commissioners were unable to commence demarcation until the first week of February [*sic.*]. The work was completed as follows. One small chit was inadvertently omitted from the 1st operation but was demarcated on June 6th:-

Days.

3-2-1935 to 22-2-1935 ...	20
2-3-1935 to 15-3-1935 ...	14
6-6-1935 ...	1

The weather was exceptionally good, though hot, and only one day was lost on account of storms. Owing to the scattered nature of the chits the progress was necessarily rather slow and on many occasions a full day had to be spent in moving from one chit to the next-

Financial Statement-

	Cooch Behar			Rangpur			Total		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
1. Establishment	970	1	8	880	12	6	1,850	14	2
2. Travelling allowance	418	9	0	357	11	0	776	4	0
3. Contingent charges	<u>325</u>	<u>12</u>	<u>9</u>	<u>200</u>	<u>0</u>	<u>0</u>	<u>525</u>	<u>12</u>	<u>9</u>
Total	<u>1,714</u>	<u>7</u>	<u>5</u>	<u>1,438</u>	<u>7</u>	<u>6</u>	<u>3,152</u>	<u>14</u>	<u>11</u>

Pillars.- Pillars exactly similar to those embedded on the main boundary have been utilised. With the grant available it was obviously impossible to embed pillars at every main bending of each of the chit boundaries. We therefore decided to embed pillars on the boundary at points which would facilitate any relay, if relay should be necessary. Thus where the boundary was disputed or indeterminate, pillars have been more freely embedded than where the boundary was clearly defined and recognised by both Cooch Behar and Rangpur tenants. In all cases (except two diara areas described in Part V) the pillars provide points for a relay of the entire boundary. Generally we found that the boundaries were undisputed and widely known. In all, 190 pillars were embedded over 93 miles of boundary. In addition to these we utilised existing pillars where possible. The existing pillars were either Revenue Survey pillars, Cooch Behar trijunction pillars, Cooch Behar Survey pillars or Rangpur trijunction stones. Cooch Behar

trijunction pillars and Cooch Behar Survey pillars have been classed as masonry pillars (M. P.'s) in Part V and Revenue Survey pillars as R. S. pillars. In one or two cases where these pillars were found slightly off the boundary they have been plotted *in situ* and the fact noted in Part V.

Difficulties of survey.- The problems which arose were similar to those which have been elaborately discussed in Part I of the report. In general the maps agreed very well and except in the few cases dealt with in detail in Part V the discrepancies in the maps were slight and did not represent any real discrepancy on the ground. The *ails* of a field, however, do tend to shift very slightly over a number of years and as the Rangpur survey was the most recent the Rangpur line was adopted as the boundary in cases where discrepancies were negligible. Where the discrepancies were considerable each case was decided on its merits. As a general rule present possession was maintained and in the one or two cases where there had been clear encroachment and alteration of *ails* the tenants agreed to reconstruct their old *ails*.

Office procedure.- The office procedure was simple. As both sets of chits were mapped by both cadastral surveys, the two surveys were compared and traces made of all discrepancies; these discrepancies were reconciled locally by the Commissioners.

1. *Recommendations.*- As the Boundary Commissioners are in complete agreement and there has been no difference of opinion between them, it is recommended that the boundary proposed and demarcated may be accepted as final and orders passed as early as possible.

2. Recommendations 6 and 7 of Part I.

3. In conclusion we should like again to express our thanks to the Cooch Behar State for the loans of four elephants throughout our field work and for the provisions of tents and camp equipment. We also commend especially the work of Babu Jyotish Chandra Das Gupta, Sadar Kanungo, whose accurate knowledge and untiring energy contributed greatly to the rapid progress of our work.

The chits have been described in detail in Part V.

PART V.

A. Rangpur chits lying within Cooch Behar

1. *Angarpota J.L.No.4, police-station Dimla (2 sheets) maps 1 and 2.*-There are discrepancies only in two places. Pillar A. P. I. is on the west boundary of the chit. Here three plots were included in both the Rangpur and Cooch Behar surveys. The plots are shown as part of Cooch Behar in the Revenue Survey maps and the maps of 1864. Present possession is also in favour of Cooch Behar and so the plots have been excluded from Rangpur though the Rangpur survey line has been followed as the Cooch Behar line was inaccurately plotted. From A. P. I. the boundary runs south to A. P. II on the edge of a road, then east to a Revenue Survey pillar in patit land. Here the boundary has been straightened to conform to present possession. From here to A. P. III the boundary marches with Jalpaiguri, and thence runs generally east to a road and north past a Revenue Survey pillar to A. P. IV at the north-east corner. The country is open and the boundary well-defined. From the north-east corner it runs west to A. P. V on the side of a road and then west again along a wooded tract to A. P. VI, north to a Revenue survey pillar, west again over *ails* and then south down the west bank of a jola past A. P. VII to A. P. VIII. Here the boundary crosses the jola and continues down the east bank to A. P. IX, re-crossing and continuing west along a cart tract [*sic.*] to a Revenue Survey pillar. Here a portion is diluviated and O'Donel's line, differing from both the Cooch Behar line and the Rangpur line has been relaid. The boundary then continues south along a Cooch Behar road to A. P. I.

2. *Bara Sarodubi J.L.No13, police-station Hatibandha, map 3.*- There was no discrepancy between the surveys. From a Revenue Survey pillar at the north-west corner, the boundary runs south-east through bamboo jungle, then south and west to B. S. I on the edge of a village road and then south and east along well marked *ails* to B. S. II on the trijunction of Cooch Behar, Rangpur and Jalpaiguri. An explanation is necessary here. The measurement on the ground from the trijunction to the west corner of the *ail* on which it stands is 563 links; on the map it measures only 526 links. This is due to the fact that the Cooch Behar maps were corrected, before 1919 in terms of the Jalpaiguri maps, where the discrepancies did not exceed 40 links. As the Government of Bengal has adopted this point as a trijunction there can be no objection now to using it as the site of a boundary pillar. From here and the river has been included within the bank of a khal and then west along the khal to the first Revenue Survey pillar [*sic.*].

3. *Amjhol J.L.No.57, police-station Hatibandha, map 4.*- No discrepancy the chit is demarcated by two pillars A. I. and A. II.

4. *Bansua Khamar Gitaldaha J.L.No.1, police-station Lalmonirhat, map 5.*-There was no discrepancy between the surveys. From B. K. G. I at the south-west corner of the chit, the boundary runs east and north along well-marked *ails* and a road to B. K. G. II. The northern portion of the chit has been diluviated.

5. *Karala J.L. No.9, police-station Fulbari, map 6.*- There are three detached chits of this village. The boundary of the largest chit runs from the south-east corner at a Revenue survey pillar north along well marked *ails* past a buried Revenue Survey pillar to K. I. thence north past a Revenue Survey pillar to another Revenue Survey pillar at the north-east corner. From here the boundary runs west across open country and through a patch of jungle to K. II near the edge of a beel (the pillar was placed on the boundary, a few chains back, to prevent it being silted over) then across the beel and through patit land to K. III in the site of a broken Revenue Survey pillar. The western boundary runs south from here through jungle and then along the high bank of a river, which is subject to erosion, to the Revenue Survey pillar at the south-east corner. It was not possible to place a pillar safely along the western boundary and so a reference pillar (K. IV) was embedded a few chains from the bank of the river, half-way between K. III and the south-west corner. There are slight discrepancies due to difference of survey on the south-east boundary. The Rangpur line has been followed here.

The boundary of the larger of the remaining two chits runs north from K. V at the south-east corner. Both lines were found incorrect for some chains and a new line plotted and then the Cooch Behar line was followed as appertaining more closely to present possession. From the north-east corner there is no discrepancy. The boundary runs west along open *ails* to K. VI then south along a Cooch Behar road and over open country to the south-west corner and then east to K. V. On the south boundary there was a slight survey discrepancy and the Rangpur line was followed.

The smallest chit is one field demarcated by pillar K. VII at the south-east corner.

6. *Sib Prasad Mustafi J.L.No.8, police-station Fulbari, maps 7 and 8.*-The boundary runs from pillar S. P. M. I in patit land near north-west corner [sic] across a beel to Rangpur Δ in thick jungle near a large masonry pillar. The M. P. was wrongly plotted in the Rangpur maps as on the boundary. Thence the boundary runs east along the bank of a jola to S. P. M. II and turns north and east through thick jungle to S. P. M. III on a high river bank. A small detached portion to the north is well demarcated by two Revenue Survey pillars. From S. P. M. III the boundary runs south and then east past a Revenue Survey pillar across a river to S. P. M. IV in patit land on the site of a missing Revenue Survey pillar. Then south again across the same river to S. P. M. V on a high *ail* and south-west along well-marked field boundaries to a Revenue Survey pillar, turning west a few chains on till it reaches another Revenue Survey pillar at the south-west corner of the chit. The boundary then runs north through open country past an M. P. to S. P. M. I.

7. *Poatur Kuthi J.L.No.37, police-station Bhurungamari, map 9.*- The boundary runs from a Revenue Survey pillar near the north-east corner along *ails* to P. K. I in a bamboo clump. There were some discrepancies and the Rangpur line was followed as agreeing with present possession. From P. K. I the boundary runs west along the bank of a beel to a Revenue Survey pillar, visible only at low water, and then turns south to P. K. II on an *ail* on the edge of the beel, thence south to a Rangpur Δ now half under water. The boundary leaves the beel here continuing south to P. K. III on a high *ail* by the bank of a dry river bed, and then swings south-east and then east along the edge of the bed, past a Revenue Survey

pillar, to another Revenue survey pillar at the south-east corner of the chit. The boundary the runs north through open country to the Revenue Survey pillar at the starting point.

8. *Paschim Bakalir Chhara J.L.No.38 police-station Bhurungamari, map 10.*- There were considerable discrepancies here in the low-lying beel area. The Rangpur line was found to agree with present possession and was followed throughout. Pillar P. B. I is on an *ail* in low swampy ground on the south and from here the boundary runs south for a few chains and then west to a Revenue Survey pillar, then north along *ails*, across a beel and across the Railway line to P. B. II and then generally north-east through open country to an M. P. at the north-east corner, then south across the Railway line to an M. P. in low swampy ground at the south-east corner. From here the boundary runs west to P. B. I.

9. *Madhya Bakalir Chhara J.L.No.39, police-station Bhurungamari, map 11.*-The maps agree. The boundary runs along well-marked *ails* through open country and is demarcated by pillar M. B. I at the north-west corner.

10. *Purba Bakalir Chhara J.L.No.40, police-station Bhurungamari, map 12.*-The maps agree. The boundary runs along well-marked *ails* through open country demarcated by pillar P. B. I at the north-east corner.

11. *Durgapur sheet No.3 J.L.No.83, police-station Kaliganj, map 13.*- A small chit of which the southern half has been diluviated by the river Dharla. There is a slight discrepancy between the maps but the Rangpur line has been followed as agreeing with present possession. The boundary is demarcated by pillar D. I at the north-east corner.

12. *Batrigachh J.L.No.81, police-station Kaliganj, maps 14 and 15.*- This is a large chit consisting of two detached portions and enclosing a small fragment of Cooch Behar.

The three portions are dealt with separately.-

(a) *Larger fragment.*- The western boundary was demarcated in 1933-34 by six pillars. For the rest of the boundary the maps agree. From reference pillar B. IV [*sic.* Read "B. VI"] the boundary runs east across low sandy char land to B. VII on an old river bank and then circuitously to B. VIII near the river bank, and then east, through open country to an M. P. at the south-east corner of the chit and then north to another M. P. a few chains off. From here it runs north-west through open country to B. IX and north again along *ails* and through *bastis* and bamboos to an M. P. and thence to B. X in patit land near a clump of bamboos at the north-east corner. Then west along a Rangpur road to an M. P. in patit land and west again to B. XI on the site of a broken Cooch Behar Δ and west again past an M. P. to pillar B. I, embedded in 1933-34.

(b) *Smaller fragment.*- This chit consists of a stretch of waste sand reformed from the Dharla. The eastern corner was relayed from permanent points on the neighbouring *kayen* land and demarcated by

pillar B. XII. As the whole char is subject to diluvion no further pillars were embedded. If a relay of the boundary is thought necessary it can be done from the pillar B.XII and fixed points on the *kayen* land.

(c) *Madnakura Chit No.155, paragana Dinjata*.- This is a small chit of Cooch Behar within the Rangpur chit is well demarcated by seven M. P.'s and one pillar M. I.

13. *Kismat Batrigach J.L. No.82, police-station Kaliganj, map 16*.- The maps agree. The boundary runs from pillar K. B. I on the north westward over *ails* to K. B. II at north-west corner and then south past an M. P. to the south-west corner close to another M. P. and then east over well marked *ails* to K. B. III and on through open country to another M. P. near the south-east corner and then north to K. B. IV in open country. From here it continues north and then west to an M. P. through bamboos and then along a Rangpur village path to K. B. I. There had been some encroachment on the road by Cooch Behar tenants. They however agreed to reconstruct it.

14. *Purba Chit Masaldanga J.L.No.10, police-station Bhurungamari, map 17*.- The maps agree. The chit consists of two detached portions. The boundary of the larger portion runs from pillar P. C. M. I situated in open country at the south-west corner, east to P. C. M. II at south-east corner and north along a road and the side of a beel to P. C. M. III in low-lying land and south again to P. C. M. I.

The smaller portion is a tiny plot in the middle of a beel. The boundaries were not locally known and it was relaid with some difficulty and demarcated by pillar P. C. M. IV and P. C. M. V at the south-west and north-west corners respectively. The remainder of the plot was under deep water.

15. *Madhya Chit Masaldanga J.L.No.8, police-station Bhurungamari, map 18*.- A large portion of the chit lies in beel land and errors were found in both sets of maps. Possession was not disputed and so the new line was plotted involved very little change in area or general configuration. The boundary runs from pillar M. C. M. I in low land at south-east corner, northwards M. C. M. II [*sic.*] at north-east corner, then west through open country to M. C. M. III then circuitously through open country to M. C. M. IV on the edge of a bamboo clump and thence south and east to M. C. M. I.

16. *Paschim Chit Masaldanga, J.L.no. 7, police-station Bhurungamari, map 19*.-The maps agree. The chit was demarcated by pillars P. C. M. I at south-west and P. C. M. II at the north-west.

17. *Purba Masaldanga J.L. No.11, police-station Bhurungamari, map 20*.-The discrepancies were of a minor nature except in the south-west pillar P. M. I on the south boundary is on the edge of a beel on the site of an old masonry pillar. The boundary runs south-east through pundi jungle along the edge of a beel and then north to P. M. II and north and then west following the Rangpur line, which agrees with present possession, to an M. P. Then north and east through open country to P. M. III and north again through open country and west through jungle to P. M. IV at the north-west corner. Then south and west through jungle and open country to P. M. V on the edge of a stretch of jungle and then south through jungle and over open *ails* to P. M. VI on a high *ail*. From here the boundary runs south through dense

jungle to the edge of a beel where it turns west running along the edge of the beel to P. M. VII and then south to P. M. VIII at the south-west corner of the chit. Here the discrepancies were large owing to change in the configuration of the beel since the Revenue Survey and Cooch Behar surveys. The previous surveys, however, show that at all times the water was in Rangpur and the land in Cooch Behar. Present possession, on the basis of which the Rangpur maps were made, recognises this also. The water in the beel no longer flows and so future changes will be inconsiderable. In view of these facts the Rangpur line, embodying present possessions, was accepted.

18. *Uttar Masaldanga J.L.No.2, police-station Bhurungamari, map 21.*- Pillar U. M. I is in open country at the south-west corner. From here the boundary runs north to U. M. II and east through bamboo and open country to U. M. III, following the Rangpur line which agrees with present possession. The Cooch Behar maps show a chit of Taluk Salmara within the Rangpur chit. This was found to be an integral part of Salmara and so was not demarcated. From U. M. III the boundary runs circuitously to U. M. IV at the north-east corner and then south and west through marshy land to U. M. V and west again to U. M. I.

19. *Dakshin Masaldanga J.L.No.6, police-station Bhurungamari, maps 22 and 23*

Kachua J.L.No.5, police-station Bhurungamari, map 24.- This consists of one large chit and six detached fragments of Dakshin Masaldanga and of Kachua which is joined to the large chit of Dakshin Masaldanga and has been demarcated along with it.

(a) Pillar D. M. I is on the side of a road on the east boundary of the main chit. The boundary runs circuitously north-west and east along well-marked *ails* to D. M. II following the Rangpur line, past two masonry pillars, to D. M. III on the side of a broken masonry pillar. From here it runs north again to a masonry pillar on a well-marked *ail* and then west through bamboo and open country to D. M. IV. Then south and west following the Rangpur line over open country to D. M. V and then south-west over well-marked *ails* to D. M. VI and then south, by a tortuous course to D. M. VII. From here it runs south for a few chains and then north-east to the edge of a beel. At this point a plot was included wrongly in Cooch Behar maps. It has always been possessed by Rangpur and is not included in Cooch Behar in the Revenue Survey map. It has now been included in Rangpur. From here the boundary runs south along the edge of the beel to pillar K. I at the trijunction of Dakshin Masaldanga, Cooch Behar and Kachua and then continues south-west along Kachua over well-marked *ails* to K. II and then north-west by circuitous *ails* to K. III, following the Rangpur line. Then north then west and then south through open country and jungle to K. IV on a well-marked *ail* and then east to K.V on the edge of a dead river. Then for some distance the boundary follows the north bank of the river. The river is in possession of tenants who pay rent to nobody. It was included in Cooch Behar by the Cooch Behar cadastral maps and in Rangpur by the Rangpur cadastral maps. The Rangpur maps were based on the Rangpur Revenue Survey of 1857 and the Cooch Behar maps on the basis of O'Donel's survey of 1868-70. Government has accepted O'Donel's line as the "*de jure*" boundary. Since it does not upset present possession it has been accepted here the boundary runs east and north to Cooch Behar. Leaving the river bed, the boundary runs east to an M. P. and north-east to another M. P. on the edge of a beel, north and east through open country to D. M. IX.

- (b) Fragment I is demarcated by D. M. X on the south boundary.
- (c) Fragment II is demarcated by D. M. XI at the south-east corner.
- (d) Fragment III is demarcated by D. M. XII on the western boundary and D. M. XIII at the north-east corner.
- (e) Fragment IV is demarcated by D. M. XIV on north and D. M. XV at the south-east corner.
- (f) Fragment V is demarcated by D. M. XVI at the north-east corner.
- (g) Fragment VI is demarcated by D. M. XVII at the south-west corner in bamboo jungle, D. M. XVIII in bamboo jungle at the north-west corner, D. M. XIX at the north-east corner and D. M. XX at the south-east corner.

20. *Madhya Masaldanga J.L.No.3, police-station Bhurungamari, map 25, including Cooch Behar Chit Mansab Seoraguri No.154, pargana Dinhat.*- The maps agree except for minor discrepancies and the Rangpur line has been followed. Pillar M. M. I is in open country at south-west corner. From here the boundary runs circuitously north through low land to M. M. II. This pillar was relaid in a field the *ails* of which had been altered since the last survey. The tenants were instructed to rebuild the original *ails*. The boundary then runs north and north-east across *ails* and along the side of a jola and then south across the jola to an M. P. in a bamboo clump. Then south again through bamboo and jungle to M. M. III on the edge of a large beel and then south across the beel to M. M. IV on kayem land, south-east to M. M. V and directly west to M. M. I.

Chit Mansab Seoraguri is demarcated by pillar M. S. I at north-east corner and M. S. II on south boundary.

21. *Paschim Masaldanga J.L.No.4, police-station Bhurungamari, map 26.*-This consists of a main chit and a detached plot.

In the main chit, the maps agree. The boundary runs from pillar P. M. I at the junction of a bamboo plot and a jola on the south-west corner, east and north over open country to P. M. II, then north to P. M. IV at north-east corner and west to P. M. V at north-west corner.

In the detached plot, demarcated by P. M. III, the Cooch Behar maps agreed with present possession and were followed.

22. *Uttar Dhaldanga J.L.No.14, police-station Bhurungamari, map 27.*- This consists of three detached portions.

(a) Portion I is a beel and some surrounding uncultivated lands and the two maps vary considerably. The tenants, however, were able to show the remains of the four masonry pillars which demarcated the chit in the Cooch Behar Survey of 1875. Present possession is not affected if these boundaries are followed, nor is the total area involved much affected. These pillars have therefore been followed and pillars U. D. Nos. I, II and III embedded on the side of the old pillars at the north-east, north-west and south-west corners respectively. The M. P. at south-east corner [*sic.*] was in good condition and was left.

(b) In portion II the maps agree. The chit is a partially dried up jola, with well-marked banks and is demarcated by U. D. IV on a high bank at the north-west corner, U. D. V across the jola at the north-east corner, U. D. VI at south-east corner and U. D. VII across the jola again at south-west corner.

(c) In portion III the maps agree except for minor discrepancies in the east which has been diluviated by the Gadahar river. The chit has been demarcated by pillars U. D. VIII and U. D. IX at the north-west and south-west corners respectively. The east portion has not been demarcated as it is subject to diluvion.

23. *Chit Tilai J.L.No.17, police-station Bhurungamari, map 28.*- The east boundary of the chit was previously demarcated as part of the Cooch Behar-Goalpara (Assam) boundary. From the pillar at the north-east the boundary runs west over open country to C. T. I, then south to C. T. II at the foot of the high bank of a dead river, then west to C. T. III in patit land, south to C. T. IV and south-east to a Bengal, Assam, Cooch Behar Δ stone. All the points had to be relaid and the tenants were instructed to build fresh ails.

B. Cooch Behar chhits lying within Rangpur.

1. *Chit Bara Khankibari No.28, pargana Mekhliganj, map 29.*- From pillar B. K. I the boundary runs east to B. K. II and north to B. K. III. There was a small discrepancy and the Rangpur line was followed according to present possession. Then east through patit, to a Rangpur Δ and south, through low swampy ground to B. K. IV following the Rangpur line according to present possession, then west to B. K. V following first the Rangpur line and then the Cooch Behar line according to present possession. The boundary then runs south to a stone pillar and then west following a new line between the two surveys and then again north following the Rangpur line to B. K. VI and then west over open country, past an M. P. to B. K. VII and north to B. K. VIII.

2. *Chit Bara Khanki Kharija Gitaldaha No.29, pargana Mekhliganj, map 30.*- The maps agree. The chit was demarcated by pillars B. K. I - IV.

3. *Chit Bara Khanki Kharija Gitaldaha No.30, pargana Mekhliganj, map 31.*- The maps agree. The chit was demarcated by pillars B. K. V - VIII.

4. *Chit Nagarjikabari No.31, pargana Mekhliganj, map 32.*- From pillar N. J. I at the north-west corner the boundary runs south and west to the bank of a river. Here a plot was omitted in both surveys. The tenant claims the plot as [*sic.* Read "is"] in possession of Rangpur and Cooch Behar does not claim the plot, so present possession was followed. The boundary then runs south following the relay of the Revenue Survey and then east to N. J. II following the Cooch Behar line according to present possession and then north to N. J. III and N. J. IV is open country.

5. *Chit Gotamari Nos.135 and 136, pargana Lalbazar, map 33.*-The chit consists of two detached portions. The maps agree in both portions. The boundary of the north portion runs from pillar G. I at north-west corner, eastwards through open country to G. II and G. III and then south along a road and back by well defined boundaries past G. IV to G. I.

The southern portion is demarcated by G. V and G. VI. The boundary between these pillars runs through jungle and can be relaid when necessary by an inter-pillar line.

6. *Chit Banspachai Bhitarkuthi No.152, pargana Dinhata, map 34.*- The boundary runs from pillar B. I on a high *ail* near the south-east corner, south-wards down the centre of an old river bed, past a Rangpur Δ to B. II by the side of a road at the S end of the chit. Then N. past and R. S. pillar to B. III and from there to the edge of the river. The boundary then runs south and east close to the bank of the river. Present possession of Cooch Behar extends up to the river and as this agrees in general configuration with the Cooch Behar line it was adopted as the boundary. The shifting from the Cooch Behar line is accounted for by alluvion and diluvion, but change on this account would be negligible in the future as the river is shrinking in volume. We therefore considered that present possession was the most satisfactory basis on which to proceed.

7. *Chit Banspachai No.151, pargana Dinhata, map 35.*- The chit has been almost entirely diluviated and has reformed as low-lying uncultivated sandy char. We decided it was useless to embed pillars in the sand which was still subject to diluvion. The western extremity is on Kayem land and a pillar B. I has been embedded here.

8. *Chit Dasiar chhara No.150, pargana Dinhata, maps 36, 37, 38 and 39.*- This is a large chit, containing a small Rangpur chit. The discrepancies are considerable in places.

(a) Pillar D. C. I is on a high *ail*. From here the boundary runs east for a few chains and then south through a beel to D. C. II. In the beel possession is indeterminate and so the boundary was straightened and the new line explained to the tenants. The new boundary runs just between the two lines and forms a basis for easy recognition of possession, and easy relay. From here the line runs south to an M. P. near the bank of a dead river. The Cooch Behar line was followed here according to present possession. From a few links south of the M. P. the boundary runs north-east along the bank of the dead river to a Rangpur Δ and south along the foot of the high bank, following the Rangpur line according to present possession to D. C. III and thence continues south-west to D. C. IV. Here it turns west and runs through open country well demarcated by M. P.'s finally turning north at a Rangpur Δ to an M. P. on the southern bank of the Nilkumar river. From this point past D. C. V up to D. C. VI both sets of maps show the river to be in Rangpur. Cooch Behar, however, claims the river on the basis of the Revenue Survey maps. The subject was broached with the Bengal Government by letter No. I (Appendix A) to the Commissioner, Rajshahi Division. In letter No. II the Commissioner forwarded the opinion of the Collector of Rangpur that according to the Revenue Survey and thak maps this portion of the river fell within Cooch Behar. The Commissioner in his letter (II) asked the State if they accepted this or preferred to have the matter

examined by the Boundary Commission. In letter No. III the Revenue Officer of the State recommended to the Regency Council that the opinion of the Collector be accepted. In letter No. IV the Commissioner was informed of this and it was also suggested that the demarcation should be made by the Boundary Commission. From this it is clear that this portion of the river (from the M. P. to D. C. VI) should be included in Cooch Behar. We have done this as it does not affect the present possession, since the State has zemindary right in the adjacent Rangpur mauza. The state has also undertaken not to upset present possession which is clear and undisputed. At D. C. VI the boundary recrosses the river and runs north along the bank to D. C. VII, following the Rangpur line according to present possession then west to a Rangpur Δ then north and east along the bank of the river to D. C. VIII and on to a Rangpur Δ and M. P. and so back to D. C. I.

(b) In the small chit of Chandrakona J. L. No.20, police-station Phulbari, there is no discrepancy of importance. The chit is demarcated by three pillars C. I - III.

9. *Chit Kalamati No.141, pargana Dinhat, map 40.*- The maps agree. Pillar K. I is at the north-west corner on the bank of a dead river. The boundary runs south through open country to K. II on a high *ail* and along the side of a beel, through jungle, to K. III in low land. Here the *ails* have been altered since the two surveys and tenants have been instructed to rebuild the old *ails*. The boundary then runs north and then west to K. I.

10. *Chit Sahebganj No.153, pargana Dinhat, map 41.*- The maps agree. Pillar S. I is at the south-west corner in open country. From here the boundary runs north to S. II and then circuitously to S. III. This area was jungle at the time of the Revenue Survey and the boundary does not correspond to the present *ails*. It can however be relaid by a line from S. II to S. III. From S. III the boundary runs along the edge of high land to S. I.

11. *Chit Seutikursa No.142, pargana Dinhat, map 42.*- The maps agree. Pillar S. K. I is in open land near south-west corner. From here the boundary runs north through open land to S. K. II and then south-east to S. K. III, then through jungle to the south-east corner (near a masonry pillar on the main boundary) and then west to S. K. I.

12. *Chit Bara Goachulka No.143, pargana Dinhat, map 43.*- The maps agree. Pillar B. G. I lies in open country near the south-west corner. The boundary runs east and then north through open country to B. G. II, just south of a road, then west and north again across the road to B. G. III on the edge of jungle, then west to north-west corner and south and east to B. G. IV.

13. *Chit Gaochulka Nos.146 and 147, pargana Dinhat, map 44.*- This consists of two detached portions. In the first portion pillar G. I lies in open country at north-east corner. The boundary runs west through open country to G. II, following Rangpur line. Then south through jungle to the bank of a dead river, south-east along the high bank and east to G. III, then further east through jungle and north to G. I.

The second portion is demarcated by pillars G. IV and G. V at the north-east and north-west corner respectively. The boundaries follow the Rangpur line according to present possession. The southern portion is in jungle and hence no pillar has been embedded.

14. *Chit Dighaltari 2nd portion No.145, pargana Dinhata, map 44.*- Pillar D. I is at the south-west corner. The Rangpur map appears to have been prepared by relaying the Cooch Behar line, thus both maps agree with each other but do not agree with present possession. If the western boundary is shifted slightly east the maps agree with present possession and with the old *ails* on the ground. This has been done. The boundary runs east through bamboo north and then east to D. II, on the edge of a bamboo clump, then north through bamboo and patit and west again to D. III. Here both maps agree, but disagree with long standing possession. Again the Rangpur map appears to be a mere relay of the Cooch Behar line. In this case too we have followed present possession. From here the boundary runs south and then west and south again to D. I.

15. *Chit Digaltari 1st portion No.144, pargana Dinhata, map 45.*- The maps agree. Pillar D. I is at the south-east corner opposite an old M. P. The boundary runs north to an M. P. then west to D. II on a high *ail*, then west and south to D. III and east to D. I.

16. *Chit Chhota Garaljhora Part I, No.148, pargana Dinhata, map 46.*- The boundary runs north from a masonry pillar on south-west corner, following Rangpur line[*sic.*] according to present possession, and then east to an M. P., north to C. G. I and along the centre of a jola, past C. G. II, back to the south-west corner.

17. *Chit Chhota Garaljhora Part II, No.149, pargana Dinhata, map 47.*- The discrepancies are slight and the Rangpur line has been followed. From pillar C. G. I on the east the boundary runs south and west to C. G. II, then north through open country to C. G. III, on the edge of jungle, then east and south again to C. G. I.

N.C.Mustafi,

Commissioner for Cooch Behar State.

A.C.Hartley,

Commissioner for the Government of Bengal.

Appendix A.

I.

No.811, dated Cooch Behar, the 30th July 1931.

From- K.Evans-Gordon, Esq., Vice-President, Regency Council,

To- The Commissioner, Rajshahi Division, and Political Agent for the Cooch Behar State, Jalpaiguri.,

I have the honour to forward a copy of letter No.795/32-16, dated the 12th June 1931, of the Revenue Officer of the State (with enclosures) on the subject of the inclusion of the Nilkumar Nadi (a dead river) in the State chit or enclave named Dasiarchhara within pargana Purbabhag of the Rangpur district.

It will be seen from the Revenue Officer's report that the upheaved bed of the Nilkumar Nadi or river which forms the western, southern and partly the eastern boundary of the Dasiarchhara chit or enclave has been settled in jote right by the Manager of the Chaklajat Estates belonging to His Highness the Maharaja Bhup Bahadur of Cooch Behar as forming part of the adjoining taluka in Pargana Purbabhag (Rangpur). In the Thak and Revenue Survey maps the Nilkumar Nadi was included in the State chit, Dasiarchhara, but as according to a subsequent private survey made by the Chaklajat Estates in 1878-79 the river had been included in the adjoining mauzas of the Purbabhag Tahsil, the upheaved bed of the river was settled by the Manager with the tenants of the estates on the basis of this private survey, as forming part of the zemindari of His Highness.

As the Revenue Survey map of the State does not clearly show the position of the whole of the Nilkumar river in respect of the Government taluks adjoining it, copies were obtained of the Revenue Survey maps of those taluks, viz., Kishamatkuti Chandrakhana, Chandrakhana and Sujanerkuti. These maps clearly show that at the Revenue Survey the Nilkumar Nadi was excluded from these taluks. There can be no doubt, therefore, that this river was surveyed as forming part of the State chit Dasiarchhara at the Revenue Survey.

In the State Survey maps of 1870-75 the whole of the river was excluded from the chit. The private survey made by the Chaklajat Estates in 1878-79 followed this line. Again in the Cadastral Survey of the State concluded in 1927 only a part of the river forming the eastern boundary of the Dasiarchhara chit was included in the chit. It seems very probable, as stated by the Revenue Officer that no objection was raised at these surveys to the inclusion of State lands in the Chaklajat Estates, as the river though excluded from the State still remained the property of His Highness, as part of his zemindari.

In the circumstances, as the Revenue Survey map is the only authoritative map subsequently prepared, the Regency Council are of the opinion that the boundary of the Dasiarchhara chit should be relaid according to the Revenue Survey map of 1856-57 so that all future complications may be avoided.

A comparative map of chit Dasiarchhara showing the different survey lines is enclosed for easy reference. I would request that you will be so good as to move the Government of Bengal to take necessary action in this matter.

True copy,

S.C. Chowdhuri, *Superintendent, Revenue Office, Cooch Behar.*

II.

No.4534J., dated Jalpaiguri, the 21st November 1931.

From- The Commissioner of the Rajshahi Division and Political Agent for the Cooch Behar State

To- The Vice-President, Regency Council, Cooch Behar.

With reference to your letter No.811, dated the 30th July 1931, regarding inclusion of the Nilkumar Nadi (dead river) in the State chit or enclave named Dasiarchhara within pargana Purbabhag of the Rangpur district, I have the honour to forward herewith for information a copy of letter No. 7276G., dated the 6th November 1931, from the Collector of Rangpur, together with 4 maps and a copy of the report submitted by the Khas Mahal Officer on the subject. The Collector has agreed with the Khas Maghal Officer.

I would request that you let me know if the State accepts this finding or would like to have the point further examined by the Settlement Officer of Rangpur, the Survey and Settlement having now commenced.

2. The maps sent herewith should please be returned with your reply.

No.1591, dated Cooch Behar, the 8th December 1931.

Memo. by - Mahim Chandra Mukherjee, Esq., Registrar, Regency Council, Cooch Behar.

Copy, with copies of enclosures and the maps in original, forwarded to the Revenue Officer of the State for favour of a report, with the request that the maps may be returned when done with.

No.7276G., dated Rangpur, the 6th November 1931.

From- T.M.Dow, Esq., I.C.S., Collector of Rangpur,

To- The Commissioner of the Rajshahi Division.

With reference to your memorandum No.2923J., dated the 6th August 1931, I have the honour to send herewith a copy of the report by my Khas Mahal Officer, regarding the position of the river Nilkumar together with a copy of the Revenue Survey map and 2 copies of the Thak maps. The report covers all the points under enquiry and I agree with him.

The Thak maps may be returned to this office when done with.

The enclosures received with your memorandum No.2923J., dated 6th August 1931, are returned herewith.

I have seen the Revenue Survey sheet (main circuit No.10, sheet No.26). A copy of the map chit Dasiarchhara showing the position of the mauzas surrounding it and of the river Nilkumar is enclosed for easy reference. In the Revenue Survey map the boundaries of the mauzas within pargana Purbabhag belonging to the Government have been shown in yellow shade and those of the Cooch Behar State mauzas with blue shade. The river Nilkumar has been shown in green colour, i.e., it is neither within the yellow shade nor within blue shade. This fact at the first sight of the map leads to a confusion as to the position of the river but a careful examination of the map will show that a part of the river was included within Kismat Koti Chandrakhana and Taluk Chandrakhana belonging to the Government at the Revenue Survey.

In the Revenue Survey map the mauza boundaries are generally shown by black lines. The line A,B,C,D,E as marked by me in the copy of the map enclosed is clearly a black line and is therefore the boundary line between chit Dasiarchhara belonging to the Cooch Behar State on the east and Kismat Kooti Chandrakhana and Taluk Chandrakhana belonging to the Government on the west. So that part of the river Nilkumar which lies on the west on the line A, B, C, D, E entirely belongs to the Government and the remaining portion of the river, i.e., the portion lying along the lines F, G, H, I, J, K appears to belong to the Cooch Behar State.

To be more definite on the point it was thought necessary that we should refer to the Thak map. Copies of the Thak maps of Kismat Kooti Chandrakhana and Taluk Chandrakhana were obtained from the office of the Board of Revenue. The Thak maps fully corroborate the Revenue Survey map and the above conclusion.

It will appear from the Thak maps also that the portion of the river Nilkumar lying on the west side of the Cooch Behar State mauza Chit Dasiarchhara is entirely included within the Government mauzas Kismat Kooti Chandrakhana and Taluk Chandrakhana.

In the circumstance the inclusion in the Cooch Behar State of the dried up bed of the river lying along the west side of the line A,B,C,D,E as proposed by the Cooch Behar State will affect the rights of Government as Cooch Behar State will naturally apply for remission of the present revenue. As the remaining portion of the river appears to belong to the Cooch Behar State both according to the Revenue Survey and Thak maps its inclusion in that State will naturally lead to the similar application for remission of revenue. But as State is entitled to it there cannot be any good objection to such remission.

The copies of the Thak maps of Kismat Chandrakhana and Taluk Chandrakhana may be sent to the Commissioner for favour of his perusal with the request that they may be returned to this office when done with.

Submitted to Collector.

C.C.Bhattacharjee, *Khas Mahal Officer.*

III.

No.1738/32-10, dated Cooch Behar, the 12th August 1932

From- Srijut Jatindra Mohan Sen Gupta, B.L., Revenue Officer, Cooch Behar State,

To- Her Highness the President, Regency Council, Cooch Behar.

With reference to the Regency Council memorandum No.884, dated the 9th July 1932, asking for a report on the letter No.4534J., dated 21st November 1931 from the Commissioner, Rajshahi Division, and Political Agent, Cooch Behar State, containing the findings of the Collector of Rangpur in respect of the position of the Nilkumar Nadi between Dasiarchhara chit No.150 of the Cooch Behar State and taluks Kismat Kootee Chandrakhana No.136, Chandrakhana No.139 and Kismat Sujanerkuti No.131 of Rangpur, I have the honour to state that I have carefully gone through the maps and the report and am of the opinion that the findings of the Collector of Rangpur in respect of the boundary between Dasiarchhara chit No.150 and Taluks Kismat Kootee Chandrakhana No.136, Chandrakhana No.139 and Kismat Sujanerkuti No.131 may be accepted.

In this connection I beg to point out that from the report of the Settlement Officer, Rangpur, it appears that there are some discrepancies between the Cooch Behar State and the Rangpur Cadastral maps in respect of the boundary of Azoatari J.L.65 of Nageswari thana and Dasiarchhara. No other reports have yet been received from the Settlement Officer in respect of the boundaries between Dasiarchhara and other neighbouring taluks of Rangpur.

From the Government of Bengal, Revenue Department, Jurisdiction Branch, letter No.1057T.R., dated the 11th August 1919, to the address of the Vice-President, State Council, Cooch Behar, it appears that the boundary between Cooch Behar and Rangpur is liable to re-adjustment when Rangpur is cadastrally surveyed. As such I recommend that the demarcation of the boundary between Dasiarchhara and the neighbouring British Taluks may be postponed for the present and may be taken up when the boundary Commission for the re-adjustment of Cooch Behar-Rangpur boundary takes place.

True copy,

S.C.Chowdhuri, *Superintendent, Revenue Office, Cooch Behar.*

IV.

No.1310, dated Cooch Behar, the 17th August 1932.

From- K.A.G. Evans-Gordon, Esq., Vice-President, Regency Council, Cooch Behar State,

To- The Commissioner of the Rajshahi Division and Political Agent for the Cooch Behar State

Inclusion of Nilkumar Nadi in the State chit called Dasiarchhara within the pargana Purbabhag of the Rangpur district.

With reference to your memorandum No.2452J., dated the 20th June 1932, forwarding a copy of letter No.2995G. of the 8th idem, from the Collector of Rangpur on the above subject, I have the honour to forward herewith a copy of a letter No.1738/32-10, dated the 12th August 1932, from the Revenue Officer of the State and to state that as recommended by the Revenue Officer the Regency Council accept the findings of the Collector of Rangpur in respect of the boundary between Dasiarchhara chit No.150 and Taluks Kismatkuti Chandrakhana No.136, Chandrakhana No.139 and Kismat Sujanerkuti No.131.

For reasons stated by the Revenue Officer in the last 2 paragraphs of his enclosed letter I am to request that the demarcation of the boundary between Dasiarchhara and the neighbouring British Taluks may be postponed for the present and may be taken up when the Cooch Behar-Rangpur boundary is re-adjusted.

True copy,

S.C.Chowdhuri,

Superintendent, Revenue Office, Cooch Behar.

(Hartley, 1940, 117-150)

APPENDIX 1-18

Letters pertaining to demarcation of Jalpaiguri-Cooch Behar enclaves 1937-40

Partially reproduced appendices from

F.O.Bell's 1941 Report on the Cooch Behar - Jalpaiguri Boundary Commission - Demarcation of Chhits

Appendix A

No.4185-Jur, dated Calcutta, 25 February 1937.

From J.B.Kindersley, Esq, DSO, MC, ICS, Officiating Secretary to the Government of Bengal,
Revenue Department, Jurisdiction Branch

To Director of Land Records and Surveys, Bengal

With reference to the correspondence ending with your letter No. I/48-3606, dated the 19th September 1936, I am directed to accord the administrative approval of Government to the scheme for the demarcation of the enclaves of the Cooch Behar State in the district of Jalpaiguri and those of Jalpaiguri in Cooch Behar at an estimated cost of Rs.19,000.

2. The work should not however be taken up until necessary provision is made in the provincial budget through the Schedules.

3. I am to add that half the cost of demarcation will be recovered from the Cooch Behar State.

Appendix B

Letter No.18172-Jur, Calcutta 23 September 1937.

[The Bengal Government found Rs.19,000 under head "7-Land Revenue - Survey, Settlement and Record Operations - Major Settlement Operation"]

Appendix C

Letter No.I/9-188, Calcutta, 1 November 1939.

From The Director of Land Records and Surveys, Bengal

To The Secretary, Board of Revenue, Bengal.

[The report of the demarcation is submitted, the cost being Rs.20,003-9-3. A suggestion is made that each party bears its own staff costs and half the pillar and mapping costs, rather than a half and half split of the total costs. Pillars and mapping were 15,563-13-6, so half is 7,781-14-9. Suggests 20 copies of the report be printed]

Appendix D

Letter No.8832-Jur, Calcutta 4 September 1940.

From N.V.H.Symons, Esq, MC, ICS, Secretary to the Government of Bengal,
Revenue Department, Jurisdiction Branch

To Secretary to the Board of Revenue, Calcutta.

[Government sanctions the above cost suggestions]

Memo No.10547-S&S, Calcutta, 7 September, 1940,

A memo by the Secretary to the Board of Revenue, Bengal

[The original Report and maps were forwarded to the Director of Land Records and Surveys, Bengal]

(Bell, 1941, 79-80).

APPENDIX 1-19

Notification of villages pertaining to PS Patgram, Rangpur District
19 July 1941

Notification 2434 Pl. dated 19.07.1941

Patgram police station shall include in it the villages bearing Gen. J.L. Nos. 1 to 73 of the same police station. Notification made under section 4(1)(s) of the Criminal Procedure Code, 1898 (Act V of 1898).

Name of villages with General Jurisdiction List number.

Jhalangi	1	Bengkanda	28
Kriparam	2	Mukta Jaladhar	29
Jote Nijama	3	Ram Krishna	30
Kismat Nijama	4	Pran Krishna	31
Radhanath	5	Tepurgari	32
Jote Bholapanda	6	Rup Chand	33
Jote Mahatap Rai	7	Jagatber	34
Srirampur	8	Chhitland of Jagatber No.1	35
Khengti	9	Chhitland of Jagatber No.2	36
Burimari	10	Chhitland of Jagatber No.3	37
Bamandal	11	Pachabhandar	38
Upharmara	12	Bhothatkhata	39
Dhabalsati	13	Dharakanta	40
Chhit Dhabalsati	14	Jote Santiram	41
Dhabalsati Mirgirpur	15	Ghonabari	42
Dahagram	16	Banglabari	43
Panbari	17	Bhandardaha	44
Chhit Panbari	18	Nazir Gumani	45
Chhitland of Panbari No.1	19	Kokoabari	46
Chhitland of Panbari No.2	20	Chhit Kokoabari	47
Bala Pukhari	21	Gurupara	48
Chhit Kuchlibari	22	Ramkanta	49
Kuchlibari	23	Jongra	50
Chhitland of Kuchlibari	24	Puthimari	51
Kottali	25	Dhabalguri	52
Sohagpur	26	Chhit Dahabalguri	53
Nagar Debiganj	27	Mahishmari	54

Kharija Jongra	55	Nalgram	65
Sibram	56	Chhit Nalgram	66
Jamgram	57	Chhit Bhandardaha	67
Chhitland of Jamgram	58	Chhitland of Dhabalguri No.1	68
Sibnath	59	Chhitland of Dhabalguri No.2	69
Chhitland of Sibnath No.1	60	Chhitland of Dhabalguri No.3	70
Chhitland of Sibnath No.2	61	Chhitland of Dhabalguri No.4	71
Topamari	62	Chhitland of Dhabalguri No.5	72
Chhitland of Topamari	63	Angarpota	73
Falnapur	64		

(Biswas, 1999, 312 & 316)

APPENDIX 1-20

Cooch Behar Merger Agreement **28 August 1949**

Agreement made this Twenty-eighth day of August 1949 between the Governor-General of India and His Highness the Maharaja of Cooch Behar.

Whereas in the best interests of the state of Cooch Behar as well as of the Dominion of India it is desirable to provide for the administration of the said State by or under the authority of the Dominion Government;

It is hereby agreed as follows:-

ARTICLE 1

His Highness the Maharaja of Cooch Behar hereby cedes to the Dominion Government full and exclusive authority, jurisdiction and powers for and in relation to the governance of the State and agrees to transfer the administration of the State to the Dominion Government on the 12th day of September 1949 (hereinafter referred to as "the said day").

As from the said day the Dominion Government will be competent to exercise the said powers, authority and jurisdiction in such manner and through such agency as it may think fit.

ARTICLE 2

His Highness the Maharaja shall continue to enjoy the same personal rights, privileges, dignities and titles which he would have enjoyed had this agreement not been made.

ARTICLE 3

His Highness the Maharaja shall with effect from the said day be entitled to receive for his life-time from the revenues of the State annually for his privy purse the sum of Rupees eight lakhs fifty thousand free of all taxes. After him the privy purse will be fixed at Rupees seven lakhs only. The amount is intended to cover all the expenses of the Ruler and his family, including expenses on account of his personal staff, maintenance of his residences, marriages and other ceremonies, etc., and will neither be increased nor reduced for any reason whatsoever.

The Government of India undertakes that the said sum of Rupees eight lakhs fifty thousand shall be paid to His Highness the Maharaja in four equal instalments in advance at the beginning of each quarter from the State Treasury or at such Treasury as may be specified by the Government of India.

ARTICLE 4

His Highness the Maharaja shall be entitled to the full ownership, use and enjoyment of all private properties (as distinct from State properties) belonging to him on the date of this agreement.

His Highness the Maharaja will furnish to the Dominion Government before the 15th September 1949, an inventory of all the immovable property, securities and cash balances held by him as such private property.

If any dispute arises as to whether any item of property is the private property of His Highness the Maharaja or State property, it shall be referred to a judicial officer qualified to be appointed as a High Court Judge and the decision of that officer shall be final and binding on both parties.

ARTICLE 5

All the members of His Highness' family shall be entitled to all the personal privileges, dignities and titles enjoyed by them whether within or outside the territories of the State, immediately before the 15th day of August, 1947.

ARTICLE 6

The Dominion Government guarantees the succession, according to law and custom, to the *gaddi* of the State and to His Highness the Maharaja's personal rights, privileges, dignities and titles.

ARTICLE 7

No enquiry shall be made by or under the authority of the Government of India, and no proceedings shall lie in any court in Cooch Behar, against His Highness the Maharaja, whether in a personal capacity or otherwise, in respect of anything done or omitted to be done by him or under his authority during the period of his administration of that State.

ARTICLE 8

(1) The Government of India hereby guarantees *either* the continuance in service of the permanent members of the Public Services of Cooch Behar on conditions which will not be less advantageous than those on which they were serving before the date on which the administration of Cooch Behar is made over to the Government of India *or* the payment of reasonable compensation.

(2) The Government of India further guarantees the continuance of pensions and leave salaries sanctioned by His Highness the Maharaja to servants of the State who have retired or proceeded on leave preparatory to retirement, before the date on which the administration of Cooch Behar is made over to the Government of India.

ARTICLE 9

Except with the previous sanction of the Government of India no proceedings, civil and criminal, shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duties as a servant of the State before the day on which the administration is made over to the Government of India.

In confirmation whereof Mr. Vapal Pangunni Menon, Adviser to the Government of India in the Ministry of States has appended his signature on behalf and with the authority of the Governor General of

India and Lieutenant Colonel His Highness the Maharaja Jagaddipendra Narayan Bhup Bahadur, Maharaja of Cooch Behar, has appended his signature on behalf of himself, his heirs and successors.

Jagaddipendra Narayan
Maharaja of Cooch Behar

V.P.Menon
Adviser to the Govt. of India,
Ministry of States

(Biswas, 1999, 217-9)

APPENDIX 1-21

Notification of transfer of Cooch Behar chhits to Jalpaiguri (I) 27 June 1952

Notification No. 2427 Pl. dated the 27th June, 1952:

In exercise of the Power Conferred by Clause(s) of Sub-section (I) of section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898), and in partial modification of all previous notifications relating to the areas included in and the boundaries of police-stations Haldibari in the district of Cooch-Behar and Jalpaiguri in the district of Jalpaiguri, the Governor is pleased to declare that the areas comprised in the *Chhits* shown in the schedule hereto, which have hitherto been included in Haldibari police-station in the district of Cooch Behar, are transferred to, and shall be included in, the Jalpaiguri police-station in the district of Jalpaiguri.

THE SCHEDULE

<u>Serial. No.</u>	<u>Name of the Chhit</u>	<u>Chhit No.</u>
1.	Shingimari	71
2.	Shingimari, (Part I)	72
3.	Shingimari, (Part II)	74
4.	Shakati	62
5.	Do	63
6.	Do	64
7.	Do	65
8.	Do	66
9.	Do	67
10.	Do	68
11.	Do	69
12.	Do	70
13.	Binnaguri	61
14.	Do	81
15.	Daikhata	39
16.	Do	40
17.	Do	43

(Ray, 1966, 8; Ray, 1969, 10; Majumdar, 1977, 3. Roy Pradhan (1995, 10-1) also transcribes the notification, but spells the first three chhits as 'Singimari'. Biswas (1999, 321 &333) gives an abbreviated version with the schedule separately)

APPENDIX 1-22

Indo-Pakistan passport conference agreement **9 July 1953**

Summary of Agreed Decisions at the Indo-Pakistan Passport Conference

New Delhi, 28 January to 1 February 1953

As Ratified on 9 July 1953

The Governments of India and Pakistan have ratified the decisions reached at the Indo-Pakistan Passports Conference held at New Delhi from 28th January to 1st February, 1953 and during subsequent discussions.

A summary of the agreed decisions is given below. The two Governments are taking steps to give immediate effect to these decisions.

1. *Travel facilities for residents of enclaves.*

Residents of the enclaves in both countries will on application be granted Category 'A' visas valid for an unlimited number of journeys within the thana or thanas contiguous to the enclave, and also for an unlimited number of journeys in transit along one or more specified routes between the enclave and the mainland of the country to which the enclave belongs. The specified route for transit need not be through an established checkpoint. In addition, the holder of a Category 'A' visa may also obtain any other visa to which he may be entitled under the rules.

[*Decisions 2. - 28. omitted*]

(Ministry of External Affairs, 1994-7, v2, 65)

APPENDIX 1-23

Indo-Pakistani trade agreement
20 March 1953

Agreed Decisions following discussions between
the Leaders of the Indian and Pakistan Trade Delegations
New Delhi, 20 March 1953

(a) To enable Pakistan to plan her production of raw jute, India has indicated that, according to the best estimates, she will need at least 18 lakhs of bales per year from Pakistan. Government of India have agreed to give import licences for this amount in each of the three jute years commencing July 1, 1953. Should, however, larger quantities be required by India, Pakistan will facilitate the export of raw jute up to 25 lakhs bales in a year. The trade will be through normal channels.

(b) India will provide improved facilities for the export of coal to Pakistan and the movement of coal by rail to West Pakistan will be increased.

(c) The problem of trade between the inhabitants of the areas adjoining the Indo-Pakistan border between East Pakistan on the one hand, and West Bengal, Assam and Tripura of the other, was recognised as needing special treatment. Certain principles to regulate such trade have been formulated and on approval by the respective Governments, there will be a further Conference before the end of April to translate them into practice.

(d) It was agreed that at a later date, there should be further discussions between the two Governments with a view to widening the scope and expanding the volume of trade between the two countries.

(Ministry of External Affairs, 1994-7, v2, 27).

APPENDIX 1-24

Article & list of enclaves in *Hindusthan Standard* 1 September 1953

Exchange of Indo-Pakistan Enclaves

Overall picture of problem

From Our Own Correspondent

Cooch Behar, Aug, 29- Recently, Prime Minister of India and Pakistan have agreed to effect an exchange of chit lands (enclaves) that are scattered in Rangpur, Dinajpur, Cooch Behar and Jalpaiguri. Total number of Pakistan enclaves in Cooch Behar is 95. Their total acreage and population is 12,151.90 and 10,954 respectively. Whereas total number of Cooch Behar enclaves in Pakistan is 131, their total acreage and population being 20,463.05 and 12,601 respectively.

Thus we find that Cooch Behar has a surplus acreage of 8,311.15 and a surplus population of 1,647 persons in all.

The problem of an equitable and reasonable exchange has caused a headache to many interested persons. For there are big areas like Dakala Khagrabari (2650.35) and small areas like 153/P chit Panisala (.27) scattered all over the border. Most of the big Indian chits are situated in Pak Dinajpur District. A complete list of enclaves of both the States with their acreage and population is given below. From this it will be evident how perplexing is this knotty problem of exchange.

Experienced local people desire that in exchange of India's surplus acreage of 8311.15, Rangpur portion under P.S.Patgram may be joined with Cooch Behar. Including Patgram Road, they point out, the whole north area of that road, will perhaps cover this excess acreage of India. If this be done, they point out, both the States will get benefit. Formerly this Hindu dominant area belonged to Jalpaiguri. By awarding Patgram P.S. to Rangpur Radcliffe created a big administrative problem. Formerly this Patgram Road was the only connecting line between Mathabhanga and Mekligunge Subdivisions of Cooch Behar. When this road was lost Mekhligunge got practically separated from Cooch Behar and her position was not better than an enclave. With her a difficult communication has been maintained through Jalpaiguri. On the other hand a glance at the map will convince even a lay man that this area of Patgram P.S. which looks like a bottleneck and is surrounded on three sides by Cooch Behar constitutes a constant administrative headache to Pak authority in Rangpur.

Past history

How this conglomeration of numerous enclaves came into existence is a point which many will like to know. The present Cooch Behar district is a big fragment of the famous Kamatapur of old. Maharaja Nara Narayan of legendary fame who is also known as the Bikramadi of Assam, with the help of his able general Sukladhwaj, expanded the limits of his kingdom from Ahom to the east to Tirhut to the west and up to Ghoraghat to the south. Later taking advantage of the internal quarrel of the Royal families, Bhutias, Pathans and Moghals led repeated attacks on Cooch Behar which shrank her boundary

to a great extent. The last attack came from the Moghals and later in a treaty parts, occupied by the soldiers of both the Moghals and State army went to respective sides. These occupied areas came to be known as "chits" or enclaves. Later under the East India Company a treaty maintaining the "status quo" was signed. After partition enclaves under British Government went to the Pakistan Government.

Originally Cooch Behar had 158 enclaves. One of them is situated in Goalpara District and 44 others in Jalpaiguri District. Main products of these enclaves are tobacco, paddy, jute, mustard seed etc. These are entirely agricultural areas with no factory or industry. Local inhabitants are "Rajbanshis" and belong to the Scheduled Caste. They are the original inhabitants of the soil. Later landless peasants from Mymensingh came and settled in these lands. Their number is not also negligible.

Condition deplorable

Condition of the inhabitants on these enclaves of both the States is very deplorable. Surrounded by a different State these inhabitants are living like Robinson Crusoe in isolated islands. The only difference is the Robinson Crusoe has no neighbours to disturb him. Whereas these chitlanders are daily persecuted and harassed by neighbours of the majority community. As there is no power to enforce law and order (for communication difficulty) "Might is right" there. For this reason these chit lands have become dens for all sorts of miscreants. None of the neighbouring States can collect more than ten per cent of their land revenue from these chitlanders though the total amount extorted from them by neighbours of the majority community in the name of various "funds" is not negligible. These chitlanders are not acquainted with the vices or blessings of a modern State, i.e. controls, rations, etc. For lack of marketing facilities these people have got to buy all essential commodities at blackmarket rate. For the same reason they are forced to sell their agricultural products at a very low rate.

After the creation of Pakistan there was movement of population from these enclaves which increased just before the introduction of Passport. As a result small enclaves have become no man's land. The present list of population is collected from old records, hence this is not likely to tally exactly with the present condition.

These people are entitled to have passport under A-category. But so far only 43 passports have been issued to them. For it required 6-7 months to get a Visa from Rangpur. After repeated deputations the system has improved much at present. Riddled with various problems of communication, administration, food, cloth, education and health these chitlanders are living like the real underdogs of the world.

It was the late Dr. Syamaprasad Mookerjee¹ who voiced their grievances first on the floor of the Indian Parliament and for redress demanded immediate exchange of these enclaves.

Today, just before exchange of these enclaves, these chitlanders are with love and respect, remembering his honoured memory, who stood for them but could not live to see his idea fulfilled.

¹ Dr S[h]yama[]prasad Mookherjee [Mukherjee], 1900-1953, lawyer, politician & educationalist. Vice-Chancellor of Calcutta University at age 33. Elected to Bengal Legislative Council as Congress then independent member. Interim Federal Minister for Industry and Supply. Founded Bharatiya Jana Sangh (BJS) 1951. Under BJS elected to 1st Lok Sabha 1952. Arrested 11 May 1953 for defying Kashmir Govt order that Indians visiting Kashmir had to have a permit. Died mysteriously in a Kashmir jail 23 May.

Exchange of Enclaves
Haldibari People's Demand
From Our Own Correspondent

Haldibari (Cooch Behar) Aug. 31 - At a public meeting held here on Aug. 27 in the local Town Hall, a resolution was adopted demanding at the time of exchange of Indo-Pak enclaves, special consideration should be given to claims of Haldibari area as the enclaves to be exchanged with Pakistan form nearly one-third of Haldibari police station.

The meeting opined that while exchanging the enclaves India should try to retain her nearest bigger enclaves inhabited by almost cent per cent Hindus such as, Kajaldighi, Salbari, Bauladanga and Natoktoka.

In view of the fact that the famous Hindu "Pithasthan" of Devi Brahmani stands adjacent to the said enclaves the Government of India was urged upon to try to include Pakistan taluks of Bodaswari, Vitargarh, Arajee Maraha and some portions of No.8 Barashashi taluk and Chitahati No.1 taluk which would be almost equal in area to the excess lands that Pakistan would get if there was an exchange of existing enclaves between Indian and Pakistan.

Cooch Behar Enclaves in Pakistan (Rangpur)

<u>J.L.No.</u>	<u>Taluks</u>		<u>Area (in acreage)</u>	<u>Population</u>
Mathabhanga Police station:-				
112-132	Baskata		1041.68	600
133	Bhogramguri		1.44	--
Dinhata Police Station:-				
148	Choto Garoljhora	Part I	35.74	--
149	Do.	Part II	17.85	--
143	Bara Gaochulka		39.99	23
142	Sheotikura		45.63	38
150	Dashiarchara		1643.44	1735
151	Banshpachai		217.29	--
152	Do. Bhitarkuthi		81.71	245
141	Kalamati		21.21	7
144	Dhighaltari	}	21.12	--
145	Do.			
146	Goalchuka	}	9.82	--
147	Do.			
153	Shahebgunj		31.58	--
154	Monsaf Seoraguri		2.51	--
155	Madankura Chit		35.53	59
156	Dakurhat Dakinirkuthi		14.27	--

Sitalkuchi Police Station:-

422	Gotamari	20.02	74
135	Do.	126.59	186
136	Nalgram } Do. }	4.73	--

Mekhligunj Police station:-

25	Dwarikamari	45.73	65
22	Lotamari	98.85	50
20	Do.	283.53	58
19	Panishala	64.63	176
21	Do.	51.40	--
17	Do.	137.66	137
18	Dwarikamari Khasbas	36.50	15
17(a)	Kamatchangrabandha	16.01	22
23	Dwarikamari	39.52	73
16	Bhotbari	205.46	102
16(a)	Kamatchangrabandha	48.80	
15	Kharkharia	60.74	52
13	Do.	51.62	
14	Lotamari	110.92	55
12	Bag Dogra	25.49	58
11	Ratanpur	58.91	19
10	Chhat Bagdogra	41.70	21
9	Bara Khangir	87.42	76
8	Bhotbari	36.83	43
7	Upanchowki Kuchli Bari	44.04	21
7	Bara Khangir	50.51	47
5	Balapukari	55.91	30
6	Jamaldaha Balapukari	5.24	
26	Kuchlibari	5.78	--
27	Do.	2.04	--
24	Chhat Bothat	56.11	--
134	Chhenkata	7.81	--
<u>Thak No.</u>			
153/O	Chhit Panisala	18.01	--
153/P	Do.	0.27	--
101/J	Chhit Fulkudabri	0.88	--

115/L	Chhit Upanchowki Kuchlibari	0.32	--
107/K	Chhit Kuchlibari	4.35	--

Haldibari (Dinajpur) Police Station

59	Putimari	112.80	52
61	Binnaguri	763.30	238
71	Singimari	6.07	--
75-80	Garati	1111.17	614
81	Binnaguri	11.50	--
28	Bara Khangir	30.53	16
29	Bara Khangir Karija Gitaldaha	36.83	60
30	Do.	7.71	--
31	Nagarjikabari	33.41	15

Chhit No.

1	Dhalakhagrabari (1-6)	2650.35	1877
2	Koatbhajni (7-10)	2012.27	1657
3	Balapara Khagrabari	1752.44	1265
32	Natatoka	162.52	212
33	Do.		
34	Bewaldanga (14-15)		
35	Chhat Do.	363.29	494
36	Kazaldighi	771.44	805
37	Salbari	1188.93	521
38	Daikhata	499.28	
39	Do.	1640.11	
40	Do.	34.19	
43	Do.	2.63	

J.L.No.

62	Sakati	197.24	--
41-42, 44-58, 59	Nazirganj	792.29	264
63	Sakati	1012.38	}
68	Do.	95.23	

Pakistan Enclaves in Cooch Behar

<u>J.L. No.</u>	<u>Taluks</u>	<u>Area (in acreage)</u>	<u>Population</u>
1	North Bansjani	49.96	47
20	Chhit Chandrakona	34.68	32

17	Chhit Tilai	81.83	85
14	North Dhaldonga (I,II,III Part)	23.86	12
10	East Chhit Masaldanga (Bara)	35.09	24
10	Do. (Chhota)		
8	Middle Chit Masaldanga	11.57	1114
7	West Do.	7.70	
11	East Do.	151.92	
2	North Do.	27.06	
6	South Masaldanga (1,2,3,4,5,6 Parts)	562.96	
3	Middle Masaldanga.	132.57	
4	West Do.	27.99	
4	Do. Do.		
5	Kachua	107.86	97
81	Bara Batrigath	570.75	662
81	Chhota Do.		
82	Kismat Batrigath	179.33	196
83	Durgapur	20.96	12
38	West Bokalirchara	156.48	160
39	Middle Do.	32.86	
40	East Do.	12.14	
37	Poatoorkuthi	588.55	583
8	Sibprasad Mustafi	354.93	360
1	Basua Khamar Gitaldaha	24.55	13
57	Amjhoal	1.25	--
9	Karta Part I	272.57	267
9	Do. II		
9	Do. III		
13	Barachardubi	34.96	30
4	Angar Pataf	652.34	671
50	Jongara	8.25	--
68	Bhandardaha	41.59	52
47	Chhit Kokabari	27.24	12
53	Do. Dhabalguri	22.55	9
52	Dhabalguri	12.50	62
69	Do.	26.24	
70	Do.	13.92	
71	Do.	1.21	
72	Do.	4.43	
73	Do.	3.80	

54	Mahismuri	121.23	117
65	Falnapur	500.63	479
67	Nalgram Chit	65.52	53
67	Do.		
66	Nalgram		
66	Do.	1392.80	1397
66	Do.		
35	Chhit Jagthir	30.28	
36	Do.	27.60	126
37	Do.	69.67	
22	Chhit Kuchlibari	358.39	380
21	Balapukuri	314.21	315
24	Chhit Kuchlibari	2.08	--
18	Do. Ponbari	108.87	83
20	Do.	0.74	--
13	Dhabalsuthi	62.05	24
13	Do.		
11	Bamandaha	2.19	--
14	Dhabal Suthi	66.50	43
15	Do. Mirgipur	175.60	132
16	Dahagram	3934.94	2979
8	Chhit Srirampur	1.05	--
3	Kismat Nizzama	84.28	57
6	Teldhar	14.93	4
23			
23(a,b,c)	Teldhar	50.4	24
68	Nazirgunj	1.11	--
101	Do.	1.11	--
109	Nazirgunj Part I	1.52	
109	Do. Part II	0.72	5
109	Do. Part III	19.74	
133	Debuttar Saldanga	6.10	--
122	Debi Doba	7.46	3
111-114	Upanchowki Bhajni		
116-119	Do.	415.11	273
121	Do.		

(Hindusthan Standard, 1953e)

APPENDIX 1-25

Description of enclaves from the 1951 census' district handbook 1953

This district is peculiarly situated in respect of certain areas which now form isolated islands so to say in the territory of East Pakistan and has, on the other hand, isolated territories belonging to East Pakistan within its own boundaries. These isolated pockets or territories are called enclaves or *Chhitmahals*. There are enclaves of Cooch Behar district in East Pakistan territory and enclaves of East Pakistan territory in Cooch Behar and Jalpaiguri districts. The principal enclaves are as follows:

(1) The *Baishchala tracts*, comprised within three Taluks named Magurmari, Gosaihat, and Gadong, in Pargana Maraghat of the Jalpaiguri District, lying at a distance varying from six to eight miles from the northern frontier near Moranga and Ksheti;

(2) *Teldhar*, formerly known as Gerd Teldhar, forming twelve Taluks, and the *Kotbhajni chhits*, comprising six taluks, within Chakla Boda, in the district of Jalpaiguri, lying west and south-west of Pargana Mekliganj, at a distance varying from five to twelve miles from the western frontier near Haldibari.

(3) The *Patgram chhits*, belonging to Pargana Mekliganj, situated in Pargana Patgram in the Jalpaiguri district;

(4) *Banshkata chhits*, within Pargana Patgram lying very close to the south-west borders of Pargana Mathabhanga;

(5) The *chhits* in Pargana Purvabhadra in the district of Rangpur, very close to the south-east borders of Dinhat, the chief of which are Bashpechai, Dakurhat and Dasiarchhara;

(6) The *chhits* in Pargana Bhitaband in the same district, lying near the eastern borders of Dinhat, and comprising the taluks Maidam, Gaochulka, and Baghbunder; and

(7) *Chhit Bara Laukuthi*, a Cooch Behar Taluk, lying within the Guma Duars in the district of Goalpara in Assam, within two miles from the Baxigunj Bunder near the eastern frontier.

The *Hindusthan Standard*, a Calcutta newspaper, has recently (on the 1st September 1953) drawn pointed attention to the problem of Cooch Behar enclaves in Pakistan and Pakistan enclaves in Cooch Behar and Jalpaiguri. According to this newspaper, the total number of Pakistan enclaves in Cooch Behar is 95, covering a total area of 12,151.90 acres and having a population of 10,954 persons. The total number of Cooch Behar enclaves in East Pakistan, according to the same paper, is 131, their total area being 20,463.05 acres, and the total population being 12,601 persons. Thus Cooch Behar has 8,311.15 acres of territory more than Pakistan has in West Bengal, with a corresponding excess of 1,647 in favour of Cooch Behar. These *Chhitmahals* vary from such a big area as Dahala Khagrabari (2,650.35 acres) to such a small *chhit* as Panishala 0.27 acre (No. 153/P-Chhit). These *Chhitmahals* are scattered all over the border with the East Pakistan, but the largest cluster is in the south-west of Cooch Behar, where the old

Dinajpur district digs into Cooch Behar. These enclaves are fragments from the dismemberment of the famous Kamrupa kingdom which had, at one time, Kamotapur as its capital. In the 17th and 18th centuries, taking advantage of the internal quarrels of the royal family of Cooch Behar, Bhutanese, Pathan and Moghul armies made repeated attacks on Cooch Behar and the Moghul army succeeded in wresting bits of territory from the Cooch Behar kingdom in which the Moghul armies were settled on demobilisation. Similarly, enclaves of Cooch Behar in Moghul territory continued to be held by the Cooch Behar Rajas. When the East India Company came to hold the State of Cooch Behar as a feudatory State, they preferred to let the arrangement of the enclaves continue as a measure of expediency and statesmanship. Originally Cooch Behar had 158 enclaves, of which one was, as mentioned above, in the district of Goalpara in Assam, and 44 others were in the pre-partition district of Jalpaiguri. The Radcliffe award of August 1947, portion of which relating to the district of Jalpaiguri and Cooch Behar is reproduced below, placed the larger *chhits* formerly in the thanas of Tetulia, Pachagar, Boda, Debiganj and Patgram, now gone to East Pakistan, in Pakistan, besides those which before 1947 were embedded in the districts of Rangpur and Dinajpur. The portion of the Radcliffe award that affected the district of Cooch Behar, is reproduced below:

A line shall be drawn along the boundary between the thana of Phansidewa in the district of Darjeeling and the thana Tetulia in the district of Jalpaiguri from the point where that boundary meets the province of Bihar and then along the boundary between the thanas of Tetulia and Rajganj; the thanas of Panchagar and Rajganj, and the thanas of Panchagar and Jalpaiguri, and shall then continue along the northern corner of the thana of Debiganj to the boundary of the State of Cooch Behar. The district of Darjeeling and so much of the district of Jalpaiguri as lies north of this line shall belong to West Bengal, but the thana of Patgram and any other portion of Jalpaiguri district which lies to the east or south shall belong to East Bengal.

A statement of Cooch Behar enclaves in Pakistan and Pakistan enclaves in Cooch Behar, giving the Jurisdiction List numbers, the names of the Taluks, the area of each *chhit* and the population, obtained by courtesy of the *Hindusthan Standard* of Calcutta, will be found in Appendix I of this volume. Since 1950, the Governments of India and Pakistan have had a series of conferences on the subject of exchanging the India-Pakistan enclaves. In recent months a great measure of agreement has been achieved, and it is expected that a satisfactory exchange will take place shortly.

[In Appendix I, pp.lxv-lxvi, Mitra reproduces the enclave list of the *Hindusthan Standard* (1953e, reproduced in the present research paper as Appendix 1-24 above) but without the population figures. For most of the *chhits* these were given only in the main statistical section of Mitra, and are reproduced in the tables of Appendix 3 in the present paper.]

(Mitra, 1953, iii-iv)

APPENDIX 1-26

Indo-Pakistani agreement to resume rail transit
15 April 1955

Agreement between the Government of Pakistan and the Government of India
regarding Resumption of Rail Traffic
Karachi, 15 April 1955

Minutes of a meeting held in Pakistan Secretariat Office on the 12 April 1955 at 11.00 hours

[covers West Pakistan-India]

(Signed) Dr. Khan Sahib,
H.M. Communications (Pakistan)
15-4-55

(Signed) Mehr Chand Khanna,
H.M. Rehabilitation (India)
15-4-55

Appendix A

Goods Traffic from India to India via Eastern Bengal Railway (Pakistan)

(i) The above traffic will be resumed in accordance with the conditions mentioned in the minutes (copy attached) of the meeting held at Calcutta on 4th and 5th April 1955 between the Railway and Customs officials concerned of India and Pakistan. It is further agreed that to attract traffic and to enable the Indian Railways to allocate regularly an agreed quota of traffic to the above route, the E.B. Railway shall quote special rates via border station to via border station which will be derived by giving a special rebate of 30% over their existing rates between the border stations concerned, with such exemption as may be necessary in the case of any particular commodity to conform to what the traffic can bear.

(ii) The cross traffic over the E.B. Railway will be resumed from the 1st May, 1955. As the examination of exceptions may take time, the E.B. Railway will quote, as an immediate measure, special rates on the basis of 30% reduction mentioned in (i) above. Exceptions, if any, will be made later.

(Signed) K.B.Mathur Member Transportation Railway Board (India) 14-4-55

(Signed) S.M.Hasan

Director General Railways (Pakistan) 14-5-55

Minutes of Meeting Held in Eastern Railway Headquarters, Calcutta on 4th and 5th April, 1955
to discuss the feasibility of restoration of cross traffic across the Eastern Bengal Railway

Present

Pakistan Officials

1. Mr. M.J. Chughtai,
General Manager,
Eastern Bengal Railway.
2. Mr. M.K. Mohiuddin,
Chief Traffic Manager,
Eastern Bengal Railway.
3. Mr.S.M.Haza,
Financial Adviser and Chief Accounts Officer,
Eastern Bengal Railway.
4. Mr.S.M.Abbas,
Collector of Central Excise and Land Customs.

Indian Officials

1. Mr.B.Arora
General Manger,
North Eastern Railway.
2. Mr. B.C.Malik,
Director, Rail Movements, Railway Board.
3. Mr.P.K.Sarkar,
Financial Adviser and Chief Accounts Officer,
Eastern Railway.
4. Mr.J.S.Mathur,
Chief Operating Superintendent,
North Eastern Railway.
5. Mr.S.K.Guha,
Deputy Chief Commercial Superintendent,
North Eastern Railway.
6. Mr.H.P.Sen Gupta,
Assistant Collector, Land Customs.

It was recognised that all the three modes of transport, viz. :

- (i) All India Link route to and from North Bengal and Assam,
 - (ii) Steamer route through Indian and Pakistani waters to and from North Bengal and Assam, and
 - (iii) Route across the Eastern Bengal Railway
- should be availed of.

In regard to movement by the route across the Eastern Bengal Railway, the following agreements were reached:

- I. *Routes over which cross traffic will be permitted to move through the Eastern Bengal Railway*
 - (a) Via Darsana - via Chilhati.
 - (b) Via Darsana - via Mogalhat (goods to be transhipped at Santahar).
 - (c) Via Biral - via Mogalhat.
 - (d) Via Latu - via Darsana.
 - (e) Via Latu - via Biral.

The Indian representatives enquired whether it would be possible for the Eastern Bengal Railway to move traffic on the Bhurungamari-Sonahat Section so that traffic via Mogalhat can also move directly to Golakganj. The Eastern Bengal Railway representatives stated that a bridge on this section was

damaged during the floods and it will take considerable time to repair it. If, however, substantial traffic was expected to move that way, they would consider the restoration of the Section. The Indian representatives stated that most of via Mogalhat traffic could pass over this section.

II. *Volume of traffic*

1. The Indian representatives roughly estimated that the traffic will amount to:

(a) One Broad Gauge train-load a day of about 60 Broad Gauge wagons from via Darsana to via Mogalhat (goods to be transhipped at Santahar); and

(b) About 15 Broad Gauge wagon loads a day from via Darsana to via Chilhati. The traffic is expected to develop to about 30 Broad Gauge wagons a day as soon as adequate transhipment facilities are provided at Haldibari by the North Eastern Railway.

Substantial traffic is not expected to materialise on the other routes.

2. All traffic to North Bengal and Assam is at present planned and co-ordinated by the director, Rail Movement, Railway Board, in consultation with the Governments of West Bengal and Assam and other important users in the area. This arrangement will continue and the Director, Rail Movements will now also plan for traffic across the Eastern Bengal Railway and in doing so, will consult the Chief Traffic Manager, Eastern Bengal Railway as and when necessary.

In allocating the traffic to the three modes of transport, the Eastern Bengal Railway will be allotted a reasonable share of high-rated traffic.

3. The Eastern Bengal Railway representatives enquired what the traffic in the reverse direction would be. It was explained by the Indian representatives that even on the North Eastern Railway traffic *to* North Bengal and Assam is considerably heavier than return traffic and empties are worked to certain points in the reverse direction. The position will substantially be the same in respect of the new routes via the Eastern Bengal Railway. There was, however, a possibility of a substantial amount of timber in logs being offered in the reverse direction if facilities for transhipment could be provided at Santahar. The Eastern Bengal Railway representatives promised to examine this and advise the North Eastern Railway and the director, Rail movements of the position. There may also be a possibility of bamboos moving from the hill section via Latu and Darsana.

[III. *Operating arrangements*]

[IV. *Commercial matters*]

[V. *Financial settlement*]

[VI. *Customs procedure*]

VII. *Ratification*

The agreements recorded above are subject to ratification by the representative Governments.

M.J. Chughtai
General Manager
Eastern Bengal Railway
5th April, 1955

S.M. Abbas
Collector of Central Excise & Land Customs
Chittagong
5th April, 1955

B. Arora
General Manager
North Eastern Railway
5th April, 1955

H.P. Sen Gupta
Assistant Collector
Representing Collector of Central Excise &
Land Customs
Calcutta
5th April, 1955

(Ministry of External Affairs, 1994-7, v2, 332-43).

APPENDIX 1-27

Notification of transfer of Cooch Behar chhits to Jalpaiguri (2)
20 May 1955

Notification No. 2427 Pl. dated the 20th May, 1955:

In exercise of the Power Conferred by Clause(s) of Sub-section (I) of section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898), and in partial modification of all previous notifications relating to the areas included in and the boundaries of police-stations Mekliganj, Mathabhanga and Tufanganj in the district of Cooch Behar, and Maynaguri, Dhupguri and Alipur Duars in the district of Jalpaiguri, the Governor is pleased to declare that the areas comprised in the *Chhits* described in Columns 1 and 2 of the Schedule hereto annexed, which have hitherto been included in the police-stations of the district of Cooch Behar, specified in the corresponding entries in Column 4 of the said Schedule, are transferred to and shall be included in the police stations of the Jalpaiguri district, shown against each in Column 5 of that Schedule:-

THE SCHEDULE

1	2	3	4	5
Serial No.	Name of the <i>Chhit</i>	<i>Chhit</i> No.	Name of the police station in Cooch Behar district <u>from which transferred</u>	Name of the police station in Jalpaiguri district <u>to which transferred</u>
1	Panisala, Thak No. 152	<u>152</u> M	Mekliganj	Maynaguri
2	Ditto	<u>152</u> N	Do	Do
3	Magurmari	82	Mathabhanga	Dhupguri
4	Do	83	Do	Do
5	Do	84	Do	Do
6	Do	85	Do	Do
7	Do	86	Do	Do
8	Do	87	Do	Do
9	Do	88	Do	Do
10	Gossairhat	89	Do	Do
11	Do	90	Do	Do
12	Do	91	Do	Do
13	Do	92	Do	Do
14	Do	93	Do	Do
15	Do	94	Do	Do
16	Do	95	Do	Do

17	Do	96	Do	Do
18	Do	97	Do	Do
19	Do	98	Do	Do
20	Do	99	Do	Do
21	Do	100	Do	Do
22	Do	101	Do	Do
23	Do	102	Do	Do
24	Godang	103	Do	Do
25	Do	104	Do	Do
26	Do	105	Do	Do
27	Do	106	Do	Do
28	Do	107	Do	Do
29	Do	108	Do	Do
30	Do	109	Do	Do
31	Do	110	Do	Do
32	Do	111	Do	Do
33	Chikliguri (Part I)	138	Tufanganj	Alipur Duar
34	Chikliguri (Part II)	139	Do	Do

(Majumdar, 1977, 4-5; Ray, 1966, 8; Ray, 1969, 10-11. Biswas (1999, 321 & 333-4) gives an abbreviated version with the schedule separately, and uses the spellings 'Gosairhat' and 'Mainaguri'. Majumdar uses 'Alipur Duars' and 'Matabhanga')

APPENDIX 1-28

Indo-Pakistani trade agreement
22 January 1957

Trade Agreement between India and Pakistan
New Delhi, 22 January 1957

The Government of India and the Government of Pakistan being desirous of strengthening and developing commercial relations between their respective countries have agreed as follows:-

[Articles I-VII]

Article VIII

In order to meet the day-to-day requirements of the people living within a ten mile belt of the border between West Bengal, Assam and Tripura on the one hand and East Pakistan on the other and with a view to providing facilities to these people to dispose of their goods, border trade shall be allowed in the commodities specified in accordance with Schedule 'D' to this Agreement.

Article IX

In order to facilitate the implementation of this Agreement the two Governments shall consult with each other as and when necessary and in any case review the working of the Agreement every six months.

Article X

Subject to the approval of the Governments of India and Pakistan this Agreement shall come into force with effect from the 1st February 1957. It shall remain in force up to the 31st January 1960, provided that after the expiry of the first year it may be terminated by either party giving six months notice in writing to the other. The schedules attached to the Agreement will be subject to revision by mutual consultation before the commencement of the years 1958 and 1959.

Done at New Delhi this Twenty-second day of January, 1957.

S.Ranganathan
For the Government of India.

Aziz Ahmed
For the Government of Pakistan.

[Schedule 'A' Exports from India to Pakistan]

[Schedule 'B' Exports from Pakistan to India]

[Schedule 'C' Special arrangements]

Schedule 'D'

Provisions relating to border trade referred to in Article VIII of the Agreement

These facilities shall apply only to the trade across the Land Customs frontiers between West Bengal, Assam and Tripura on the one hand and East Pakistan on the other.

2. Those facilities shall be available only to persons holding 'A' category visas.

3. As from the expiry of a period of six months from the date of entry into force of this Agreement, however, all such persons may cross the border for this purpose only once a day in each direction and only through such routes as may be authorised in this behalf. Each Government will, after such consultation with the other as may be necessary, be free to prescribe an adequate number of such routes having regard to the requirements of *bona fide* border trade.

4. The carriage of goods covered by the Schedule shall be free from import, export and exchange control restrictions as well as customs duties and customs formalities except those required for purposes of paragraph six below.

5. The persons engaged in border trade may carry in cash a sum not exceeding Rs.5 in Indian currency when going from India to Pakistan and a similar amount in Pakistan currency when going from Pakistan to India.

6. Either Government may maintain such checks and such preventative measures, including the right to search, as are considered necessary to ensure that these concessions are not exceeded or abused.

Annexure

[I. Lushai Hills - Chittagong Hill Tracts Sectors]

[II. Khasi Jaintia and Garo Hills - Sylhet, Mymensingh Sector]

[III. Cachar - Sylhet Sector]

[IV. Tripura - East Bengal Sector]

V. Rangpur (East Pakistan) - Assam (bordering district of Rangpur)/Cooch Behar/Jalpaiguri (West Bengal) Sector

Export from Assam (Bordering district of Rangpur), Cooch Behar, Jalpaiguri (West Bengal) to Rangpur (East Pakistan)

Name of Commodities	Quantity allowed to be carried
1. Fresh fruits	Head load
2. Vegetables (including potatoes)	Do.
3. Spices	2 seers
4. Fire wood	Head load
5. Milk	5 seers
6. Milk products (excluding ghee)	2 seers
7. Tobacco	1 seer
8. Washing soap	1/2 seer
9. Bamboo	Head load
10. Thatching grass	Head load

Export from Rangpur (East Pakistan) to Assam (Bordering district of Rangpur), Cooch Behar, Jalpaiguri (West Bengal)

Name of Commodities	Quantity allowed to be carried
1. Fish, fresh	10 seers
2. Fish, dried	5 seers
3. Poultry	Four
4. Eggs	One dozen
5. Milk	5 seers
6. Milk products (excluding ghee)	2 seers
7. Gur	Head load
8. Tobacco	1 seer
9. Coconuts	1 dozen
10. Betel nuts	1 seer
11. Betel leaves	5 seers
12. Spices	2 seers
13. Salt	1 seer
14. Fodder for cattle	Head load
15. Bamboo	Do.
16. Thatching grass	Do.
17. Hogla leaves	Do.
18. Firewood.	Do.

VI. Rest of East Pakistan-Rest of West Bengal

Export from Rest of West Bengal to Rest of East Pakistan

Name of Commodities	Quantity allowed to be carried
1. Fresh fruits	Head load
2. Vegetables (including potatoes)	Do.
3. Spices	2 seers
4. Milk	5 seers
5. Milk products (excluding ghee)	2 seers
6. Gram	5 seers
7. Pulses	5 seers
8. Firewood	Head load
9. Bamboos	Do.
10. Thatching grass	Do.
11. Simul cotton	Do.
12. Washing soap	1/2 seer

Export from Rest of East Pakistan to Rest of West Bengal

Name of Commodities	Quantity allowed to be carried
1. Fish, fresh	10 seers
2. Fish, dried	5 seers
3. Poultry	Four
4. Eggs	One dozen
5. Coconuts	One dozen
6. Spices	2 seers
7. Betel leaves	5 seers
8. Betel nuts	1 seer
9. Bamboo	Head load
10. Thatching grass	Do.
11. Fodder for cattle	Do.
12. Golpatta	Do.
13. Milk	5 seers
14. Milk products (excluding ghee)	2 seers
15. Fresh fruits	Head load
16. Vegetables	Do.
17. Hogla leaves	Do.
18. Tobacco	Do.
19. Gram	5 seers
20. Pulses	5 seers
21. Broomsticks	Head load
22. Simul cotton	Do.

Letters

[No.1 Government of India, Ministry of Commerce and Consumer Industries
New Delhi, the 22nd January, 1957. With enclosure]

[No.2 Delegation of Pakistan
New Delhi, the 22nd January, 1957]

[No.3 Government of India, Ministry of Commerce and Consumer Industries
New Delhi, the 22nd January, 1957]

[No.4 Delegation of Pakistan
New Delhi, the 22nd January, 1957]

No.5 Government of India

Ministry of Commerce and Consumer Industries
New Delhi, the 22nd January, 1957

My Dear Aziz Ahmed,

During the course of the discussions between our two delegations which resulted in a fresh Trade Agreement between India and Pakistan, the difficulties being experienced by the persons residing in the border areas between India and East Pakistan, resulting from the non-issue of 'A' category visas in sufficient numbers and the present complicated procedure followed in issuing them were discussed. It was agreed that these questions should be discussed at an early date between representatives of the two Governments, with a view to resolving these difficulties.

I should be grateful if you would kindly confirm that the foregoing correctly sets out the understanding reached between us.

Yours sincerely,
(Sd.) S. Ranganathan

Aziz Ahmed, *Esqr.*,
Secretary, Ministry of Commerce,
Government of Pakistan,
Camp: New Delhi.

No.6 Delegation of Pakistan

New Delhi, the 22nd January, 1957

My Dear Ranganathan,

I write to acknowledge receipt of your letter of today's date which reads as follows:

(not reproduced)

I confirm that that foregoing correctly sets out the understanding reached between us.

Yours sincerely,
(Sd.) Aziz Ahmed.

Shri S.Ranganathan, I.C.S,
Secretary to the Government of India,
Ministry of Commerce and Consumer Industries,
New Delhi.

(Ministry of External Affairs, 1994-7, v.2, 599-613)

APPENDIX 1-29

Nehru-Noon Agreement 10 September 1958

In accordance with the directives issued by the two Prime Ministers, the Secretaries discussed this morning the following disputes.

West Bengal - East Pakistan

- (1) Bagge Awards in disputes I and II.
- (2) Hilli.
- (3) Berubari Union No. 12
- (4) Demarcation of Indo-Pakistan frontier so as to include the two Chitlands of old Cooch Behar State adjacent to Radcliffe line in West Bengal.
- (5) 24-Parganas - Khulna } Boundary disputes.
24-Parganas - Jessore }

Assam - East Pakistan

- (6) Pakistan claims to Bholaganj.
- (7) Piyain and Sumra - Boundary disputes.

Tripura - East Pakistan

- (8) Tripura land under Pakistan railway and Tripura land to the west of the railway line at Bhagalpur
- (9) Feni river - Boundary dispute.

West Bengal - East Pakistan

- (10) Exchange of enclaves of the old Cooch Behar State in Pakistan and Pakistan enclaves in India. Claim to territorial compensation for extra area going to Pakistan.

2. As a result of the discussions, the following agreements were arrived at:

- (1) Bagge awards on disputes I and II.

It was agreed that the exchange of territories as a result of demarcation should take place by 15 January, 1959.

- (2) Hilli.

Pakistan Government agrees to drop this dispute. The position will remain as it is at present in accordance with the Award made by Sir Cyril Radcliffe and in accordance with the line drawn by him on the map.

(3) Berubari Union No. 12.

This will be divided as to give half the area to Pakistan, the other half adjacent to India being retained by India. The division of Berubari Union No. 12 will be horizontal starting from the north-east corner of Dobiganj thana. The division should be made in such a manner that the Cooch Behar enclaves between Pachagar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain in India. The Cooch Behar enclaves lower down between Boda thana of East Pakistan and Berubari No. 12 will be exchanged along with the general exchange of enclaves and will go to Pakistan.

(4) Pakistan Government agree that the two chitlands of the old Cooch Behar State adjacent to Radcliffe Line should be included in West Bengal and the Radcliffe line should be adjusted accordingly.

(5) 24-Parganas - Khulna }
24-Parganas - Jessore } Boundary disputes.

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute (Ichhamati river).

(6) Pakistan Government agrees to drop their claim on Bholaganj.

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both of these rivers.

(8) Government of India agrees to give in perpetual right to Pakistan the land belonging to Tripura State to the west of the railway line as well as the land appurtenant to the railway line at Bhagalpur.

(9) The question of the Feni river to be dealt with separately after further study.

(10) Exchange of old Cooch Behar State enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

3. The Secretaries also agreed that the question of giving effect to the exchange of territory as a result of the demarcation already carried out, should be given early consideration.

M.S.A. Baig
Foreign Secretary
Ministry of Foreign Affairs
and Commonwealth Relations
Government of Pakistan

M.J. Desai
Commonwealth Secretary
Ministry of External Affairs
Government of India

New Delhi, 10th September, 1958

(Ministry of External Affairs, 1994-7, v3, 72-3; Bhasin, 1996, 1508-10)

APPENDIX 1-30

Prime Ministers' communique on Nehru-Noon Agreement 12 September 1958

Text of Second India-Pakistan Joint Statement on Border Disputes

[Issued in New Delhi on September 12, 1958]

On the invitation of the Prime Minister of India, the Prime Minister of Pakistan visited New Delhi from September 9 to 11. During this visit, the Prime Ministers of Pakistan and India discussed various Indo-Pakistan border problems with a view to removing causes of tension and establishing peaceful conditions along the Indo-Pakistan border areas.

The Prime Ministers had frank and friendly discussions about these border problems. They arrived at agreed settlements in regard to most of the border disputes in the eastern region. They also agreed to an exchange of enclaves of the former Cooch-Bihar State in Pakistan and Pakistani enclaves in India.

Some of the border disputes, namely, two regarding the Radcliffe and Bagge awards in the eastern region and five in the western region, require further consideration.

The Prime Ministers agreed to issue necessary instructions to their survey staff to expedite demarcation in the light of the settlements arrived at and to consider further methods of settling the disputes that are still unresolved. In regard to the Hussainiwala and Suleimanke disputes, the Foreign Secretary of the Pakistan Government and the Commonwealth Secretary of the Government of India, will, in consultation with their engineers, submit proposals to the Prime Ministers.

The Prime Ministers agreed that, when the areas are exchanged, on agreed dates, as a result of the settlement and demarcation of these disputed areas, an appeal should be made to the people in areas exchanged to continue staying in their present homes as nationals of the State to which the areas are transferred.

The Prime Ministers further agreed that, pending settlement of unresolved disputes and demarcation and exchange of territory by mutual agreement, there should be no disturbance of the *status quo* by force, and peaceful conditions must be maintained in the border regions. Necessary instructions will be issued to the respective States and to local authorities on the border.

The Prime Ministers agreed to keep in touch with each other with a view to considering various steps to be taken to further their common objective of maintaining and developing friendly and co-operative relations between their two countries.

(Lok Sabha Secretariat, 1966, 380-1)

APPENDIX 1-31

Notification of transfer of Jalpaiguri chhits to Cooch Behar (1)
1 March 1960

Notification No. 765 Pl. dated the 1st March, 1960:

In exercise of the Power Conferred by Clause(s) of Sub-section (I) of section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898), and in partial modification of all previous notifications relating to the areas included in and the boundaries of police-stations Mekhliganj in the district of Cooch Behar, and Mainaguri in the district of Jalpaiguri, the Governor is pleased to declare that: the areas specified below shall be included in the Mekhliganj police station in the district of Cooch Behar, being excluded from the Mainaguri police station in the district of Jalpaiguri:

Brahmapur Chhit (C.S. plot nos. 2443 to 2446 of 1931-33 survey), a fragment of Gen. J. L. No. 58.

(The italicised text is extrapolated from abbreviated versions in Biswas, 1999, 314 & 322)

APPENDIX 1-32

Notification of transfer of Jalpaiguri chhits to Cooch Behar (2)
1 March 1960

Notification No. 766 Pl. dated the 1st March, 1960:

In exercise of the Power Conferred by Clause(s) of Sub-section (I) of section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898), and in partial modification of all previous notifications relating to the areas included in and the boundaries of police-stations Tufanganj in the district of Cooch Behar, and Alipurduar in the district of Jalpaiguri, the Governor is pleased to declare that: the areas specified below shall be included in the Tufanganj police station in the district of Cooch Behar, being excluded from the Alipurduar police station in the district of Jalpaiguri:

Purbbachikliguri chhit (C.S. plot nos. 1346 to 1350 of 1932-34 survey), a fragment of Gen. J. L. No. 174.

(The italicised text is extrapolated from abbreviated versions in Biswas, 1999, 315&322)

APPENDIX 1-33

Indo-Pakistani trade agreement
21 March 1960

Trade Agreement between the Government of India and the Government of Pakistan
New Delhi, 21 March 1960

The Government of India and the Government of Pakistan with a view to developing, extending and consolidating trade and economic relations between the two countries have resolved to enter into the following Agreement:

[Articles I-V not reproduced]

Article VI

The two Governments further agree to enter by means of Protocols to this Agreement, into such Special Arrangements, including arrangements relating to Border Trade as may be considered by them to be necessary from time to time during the period of the validity of this Agreement to facilitate the movement of goods from one country to the other.

[Article VII not reproduced]

Article VIII

In order to facilitate the implementation of this Agreement, the two Governments shall consult with each other as and when necessary, and also review the working of the Agreement at least once a year.

Article IX

This Agreement shall come into force from the date of signature, and shall remain in force for a period of two years. The Agreement will be extended for a further period of one year unless either party gives to the other notice for its termination three months before the expiry of the said period of two years.

Done at New Delhi this twenty-first day of March, 1960 A.D. in two original copies in English language, both of which are equally authentic.

Sd./- K.B.Lall

For the Government of India

Sd./- I.A. Khan

For the Government of Pakistan

[Schedule 'A' Exports from India to Pakistan]

[Schedule 'B' Exports from Pakistan to India]

[Protocol No. I]

[Annexure I]

[Annexure II]

[Protocol No. II]

Letters

[No. 1 Government of India]

Ministry of Commerce and Industry

New Delhi, the 21st March, 1960]

[No. 2 [Pakistan Trade Delegation]

New Delhi, the 21st March, 1960]

[No. 3 Government of India]

Ministry of Commerce and Industry

New Delhi, the 21st March, 1960]

[No. 4 [Pakistan Trade Delegation]

New Delhi, the 21st March, 1960]

[No. 5 Government of India]

Ministry of Commerce and Industry

New Delhi, the 21st March, 1960]

[No. 6 [Pakistan Trade Delegation]

New Delhi, the 21st March, 1960]

No. 7 Government of India

Ministry of Commerce and Industry

New Delhi, the 21st March, 1960

Dear Mr. Khan,

During the course of the discussions resulting in the conclusion of the Trade Agreement between the two countries, it was suggested by India that the border trade arrangements set out in the Schedule 'D' to the Trade Agreement which expired on the 31st January, 1960, should be recast, with such

modifications in respect of commodities as may be mutually agreed upon in the form of a Protocol under Article VI of the new Trade Agreement.

The Pakistan Delegation was of the view that border arrangements did not lead to increase in bona fide trade, but led to a number of difficulties. Nevertheless, they were prepared to consider the continuance of border trade arrangements in a modified form in respect of specially difficult areas only.

It is agreed that further consultations will take place between the two Governments in an attempt to find a mutually acceptable solution.

I shall be grateful if you will confirm that the above correctly sets out the understanding that was reached between us.

Yours sincerely,
Sd/- K.B. Lall

Mr. I.A. Khan,
Leader,
Pakistan Trade Delegation,
New Delhi.

No. 8 Pakistan Trade Delegation

New Delhi, the 21st March, 1960

Dear Shri Lall,

I write to acknowledge the receipt of your letter of today's date which reads as follows:-

(Letter No.7 not reproduced)

I confirm that the foregoing correctly sets out the understanding reached between us.

Yours sincerely,
Sd/- I.A. Khan

Shri K.B.Lall, I.C.S.
Leader, Indian Trade Delegation,
New Delhi

*[No.9 Government of India
Ministry of Commerce and Industry
New Delhi, the 21st March, 1960]*

*[No.10 Pakistan Trade Delegation]
New Delhi, the 21st March, 1960]*

(Ministry of External Affairs, 1994-7, v3, 350-365)

APPENDIX 1-34

Berubari editorial from *Vigil* **17 December 1960**

Disgrace All Round

India, it seems, is determined to derive the maximum possible damage to herself from the Berubari affair. From a dispute with Pakistan India's progress to bitter infighting with a mountainous accumulation of political, legal and constitutional squabbles has a truly nightmarish quality about it. The ineptitude and inefficiency exhibited at almost every stage by the authorities, both at the Centre and in West Bengal, have been simply astounding. At the time of making the agreement, the human aspects and the possible political consequences of the proposed transfer of territory were not taken into consideration. Whether even after such consideration the deal might be regarded as justifiable is another question. But there can be no doubt about the fact of this crucial omission for which there is no excuse. There is evidence that at the time of the agreement the authorities had not even equipped themselves with information as to the number of people resident in the area who would be affected by the transfer.

The responsibility for the default must be shared between the Prime Minister and the Chief Minister of West Bengal. The later argument between them over the question as to whether the West Bengal Government had agreed to, or had been consulted about, the proposed transfer of territory only revealed another alarming aspect of the politico-administrative set up in the country: The West Bengal Government's later opposition to the proposed transfer was surely dictated more by electoral than any other considerations but finally that opposition, too, broke down as it had to, completing a picture of colossal political inanity combined with weak-kneed opportunism that led nowhere.

The situation was bound to be exploited by the Opposition parties. Up to a point it would be not only allowable but a duty for the latter to expose all the acts of commission and omission on the part of the Central and the West Bengal Government. Up to a point it would be permissible to reap electoral advantage from the situation but the Opposition parties have overstepped all limits and the abrupt ways in which the two Houses of the West Bengal Legislature reached the end of their winter session showed what a situation of all round disgrace it had come to be.

Calcutta's disgrace, however, should not cover the wrongdoing of Delhi. True, it would not be good for the country to let the world have the impression that an agreement made by the Prime Minister was capable of repudiation but it would be dangerous, also, to accept the position that the Prime Minister can with impunity make a deal of this kind and in this manner.

Shri Nehru has not so far spoken even a word of apology. And, then, he has then shown a rather odd attitude regarding his prestige which in his Prime Minister's capacity he would equate with the prestige of the country. Why, if he cared so much for the country's prestige, did he expose it to a further blow by requesting a variation of the agreement at a date when even if the request were granted by Pakistan it would have looked like an act of condescension on her part so that in the eyes of the world it would have been just as humiliating for India as to have been begged and been refused has been humiliating?

(*Vigil*, 1960, 725 & 737)

APPENDIX 1-35

The Constitution (Ninth Amendment) Act, 1960 **28 December 1960**

Statement of Objects and Reasons

Agreements between the Governments of India and Pakistan dated 10th September, 1958, 23rd October, 1959, and 11th January, 1960, settled certain boundary disputes between the Governments of India and Pakistan relating to the borders of the States of Assam, Punjab and West Bengal, and the Union Territory of Tripura.

According to these agreements, certain territories are to be transferred to Pakistan after demarcation. In the light of the Advisory Opinion of the Supreme Court in Special Reference No. 1 of 1959, it is proposed to amend the First Schedule to the Constitution under a law relating to article 368 thereof to give effect to the transfer of these territories.

New Delhi, Jawaharlal Nehru.

The 12th December, 1960.

THE CONSTITUTION (NINTH AMENDMENT) ACT, 1960

An Act further to amend the Constitution of India to give effect to the transfer of certain territories to Pakistan in pursuance of the agreements entered into between the Governments of India and Pakistan.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:-

1. Short title. - This Act may be called the Constitution (Ninth Amendment) Act, 1960.
2. Definitions. - In this Act,-
 - (a) "appointed day" means such date as the Central Government may, by notification in the Official Gazette, appoint as the date for the transfer of territories to Pakistan in pursuance of the Indo-Pakistan agreements, after causing the territories to be so transferred and referred to in the First Schedule demarcated for the purpose, and different dates may be appointed for the transfer of such territories from different States and from the Union Territory of Tripura;
 - (b) "Indo-Pakistan agreements" mean the Agreements dated the 10th day of September, 1958, the 23rd day of October, 1959 and the 11th day of January, 1960, entered into between the Governments of India and Pakistan, the relevant extracts of which are set out in the Second Schedule;
 - (c) "transferred territory" means so much of the territories comprised in the Indo-Pakistan agreements and referred to in the First Schedule as are demarcated for the purpose of being transferred to Pakistan in pursuance of the said agreements.
3. Amendment of the First Schedule to the Constitution. - As from the appointed day, in the 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 First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end;

(b) in the paragraph relating to the territories of the State of Punjab, the words, brackets and figures "but excluding the territories referred to in Part II of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end;

(c) in the paragraph relating to the territories of the State of West Bengal, the words, brackets and figures "but excluding the territories referred to in Part III of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end;

(d) in the paragraph relating to the extent of the Union Territory of Tripura, the words, brackets and figures "but excluding the territories referred to in Part IV of the First Schedule to the Constitution (Ninth Amendment) Act, 1960" shall be added at the end.

The First Schedule

[See Sections 2(a), 2(c) and 3]

Part I

The transferred territory in relation to item (7) of paragraph 2 of the Agreement dated the 10th day of September, 1958, and item (i) of paragraph 6 of the Agreement dated the 23rd day of October, 1959.

Part II

The transferred territory in relation to item (i) and item (iv) of paragraph 1 of the Agreement dated the 11th day of January, 1960.

Part III

The transferred territory in relation to item (3), item (5) and item (10) of paragraph 2 of the Agreement dated the 10th day of September, 1958, and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

Part IV

The transferred territory in relation to item (8) of paragraph 2 of the Agreement dated the 10th day of September, 1958.

The Second Schedule

[See section 2(b)]

1. Extracts from the Note containing the Agreement dated the 10th day of September, 1958

2. As a result of the discussions, the following agreements were arrived at:-

(3) Berubari Union No. 12

This will be so divided as to give half the area to Pakistan the other half adjacent to India being retained by India. The division of Berubari Union No. 12 will be horizontal, starting from the north-east corner of Debiganj thana.

The division should be made in such a manner that the Cooch Behar enclaves between Pachagar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain with India. The Cooch Behar enclaves lower down between Boda thana of East Pakistan and Berubari Union No. 12 will be exchanged alongwith the general exchange of enclaves and will go to Pakistan.

(5) 24 Parganas---Khulna 24 Parganas---Jessore Boundary disputes.

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute (Ichhamati river).

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

(8) Government of India agree to give in perpetual right to Pakistan the land belonging to Tripura State to the west of the railway line as well as the land appurtenant to the railway line at Bhagalpur.

(10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

(Sd.) M.S.A. BAIG, Foreign Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.

(Sd.) M.J. DESAI, Commonwealth Secretary, Ministry of External Affairs, Government of India.
New Delhi, September 10, 1958.

2. Extracts from the Agreement entitled "Agreed Decisions and Procedures to end Disputes and Incidents along the Indo-East Pakistan Border Areas", dated the 23rd day of October, 1959.

4. West Bengal-East Pakistan Boundary Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, It was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record-of-rights.

6. Assam-East Pakistan Boundary.

(i) The dispute concerning Bagge Award III has been settled by adopting the following rational boundary in the Patharia Forest Reserve region:

From a point marked X (H522558) along the Radcliffe Line BA on the old Patharia Reserve Boundary as shown in the topographical map sheet No. 83D/5, the boundary line shall run in close proximity and parallel to the cart road to its south to a point A (H531554); thence in a southerly direction up the spur and along the ridge to a hill top marked B (H523529); thence in a south-easterly direction along the ridge down the spur across a stream to a hill top marked C (H532523); thence in a southerly direction to a point D (H530517); thence in a south-westerly direction to a flat top E (H523507); thence in a southerly direction to a point F (H524500); thence in a south-easterly direction in a straight line to the mid-stream point of the Gandhai Nala marked G (H540494); thence in south-westerly direction up the mid-stream of Gandhai Nala to point H (H533482); thence in a south-westerly direction up a spur and along the ridge to a point I (H517460); thence in a southerly direction to a point on the ridge marked J (H518455); thence in a south-westerly direction along the ridge to a point height 364 then continues along the same direction along the same ridge to a point marked K (H500428); thence in a south and south-westerly direction along the same ridge to a point marked L (H496420); thence in a south- easterly direction along the same ridge to a point marked M (H499417); thence in a south-westerly direction along the ridge to a point on the bridle path with a height 587; then up the spur to the hill top marked N (H487393); then in a south-easterly and southerly direction along the ridge to the hill top with height 692; thence in a southerly direction down the spur to a point on Buracherra marked O (H484344); thence in a south-westerly direction up the spur along the ridge to the trigonometrical survey station with height 690; thence in a southerly direction along the ridge to a point height 490 (H473292); thence in a straight line due south to a point on the eastern boundary of the Patharia Reserve Forest marked Y (H473263); along the Radcliffe Line BA

The line described above has been plotted on two copies of topographical map sheets Nos. 83D/5, 83D/6 and 83D/2.

The technical experts responsible for the ground demarcation will have the authority to make minor adjustments in order to make the boundary alignment agree with the physical features as described.

The losses and gains to either country as a result of these adjustments with respect to the line marked on the map will be balanced by the technical experts.

(Sd.) J.G. KHARAS, Acting Foreign Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Karachi.

(Sd.) M.J. DESAI, Commonwealth Secretary, Ministry of External Affairs, New Delhi.
New Delhi, October 23, 1959.

3. Extracts from the Agreement entitled "Agreed Decisions and Procedures to end Disputes and Incidents along the Indo-West Pakistan Border Areas", dated the 11th day of January, 1960.

1. West Pakistan-Punjab border.-Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

(i) The Sarja Marja, Rakh Hardit Singh and Pathanke (Amritsar- Lahore border).- The Governments of India and Pakistan agree that the boundary between West-Pakistan and India in the this region should follow the boundary between the Tehsils of Lahore and Kasur as laid down under Punjab Government Notification No. 2183-E, dated 2nd June, 1939. These three villages will in consequence, fall within the territorial jurisdiction of the Government of Pakistan.

(iv) Suleimanke (Ferozpur-Montgomery border).-The Governments of India and Pakistan agree to adjust the district boundaries in this region as specified in the attached Schedule and as shown in the map appended thereto as Annexure I.

(Sd.) M.J. DESAI, Commonwealth Secretary, Ministry of External Affairs, Government of India.

(Sd.) J.G. KHARAS, Joint Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.

New Delhi, January 11, 1960.

(Parliament of India website, 2001a)

APPENDIX 1-36

The Acquired Territories (Merger) Act, 1960 **28 December 1960**

Statement of Objects and Reasons

Agreements between the Governments of India and Pakistan dated 10th September, 1958, 23rd October, 1959 and 11th January, 1960, settled certain boundary disputes between the Governments of India and Pakistan relating to the borders of the States of Assam, Punjab and West Bengal, and the Union territory of Tripura.

2. According to these agreements, certain territories are to be transferred to Pakistan after demarcation. In the light of the Advisory Opinion of the Supreme Court in Special Reference No. 1 of 1959, it is proposed to amend the First Schedule to the Constitution under a law relatable to Article 368 thereof to give effect to the transfer of these territories.

NO.64 OF 1960

An Act to provide for the merger into the States of Assam, Punjab, and West Bengal of certain territories acquired in pursuance of the agreements entered into between the Governments of India and Pakistan for matters connected therewith.

Be it enacted by Parliament in the Eleventh Year of the Republic of India as follows:-

1. Short title.- This Act may be called the Acquired Territories (Merger) Act, 1960.
2. Definitions.- In this Act, unless the context otherwise requires,
 - (a) "acquired territories" mean so much of the territories comprised in the Indo-Pakistan agreements and referred to in the first Schedule as are demarcated for the purpose of being acquired by India in pursuance of the said agreements.
 - (b) "appointed day" means such date as the Central Government may, by notification in the Official Gazette, appoint for the merger of the acquired territories under section 3, after causing the territories to be so acquired demarcated for the purpose, and different dates may be appointed for the merger of such territories into different States;
 - (c) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950 (43 of 1950);
 - (d) "Indo-Pakistan agreements" mean the Agreements dated the 10th day of September 1958, the 23rd day of October, 1959 and the 11th day of January 1960 entered into between the Governments of India and Pakistan the relevant extracts of which are set out in the Second Schedule;
 - (e) "law" includes any enactment ordinance, regulation order, bye-law, rule, scheme, notification or other instruments having the force of law in the whole or in any part of the acquired territory;

(f) "sitting member" in relation to either House of Parliament or of the Legislature of a State, means a person who, immediately before the appointed day, is a member of that House;

(g) "State concerned" in relation to the acquired territories referred to in Part I, Part II and Part III of the First Schedule, means, respectively, the State of Assam, the State of Punjab and the State of West Bengal; and "State Government concerned" shall be construed accordingly;

(h) "Union purposes" mean the purposes of Government relating to any of the matters mentioned in List I of the Seventh Schedule to the Constitution.

3. Merger of acquired territories.-

(1) As from the appointed day, the acquired territories referred to in Part I, Part II and Part III of the first Schedule shall, respectively be included in, and form part of, the States of Assam, Punjab and West Bengal.

(2) As from the appointed day, the State Government concerned shall, by order in the Official Gazette, provide for the administration of the acquired territories included in that State by including them or any part of them in such district, sub-division, police station or other administrative unit as may be specified in the order.

4. Amendment of the First Schedule to the Constitution.- As from the appointed day, in the First Schedule to the Constitution -

(a) in the paragraph relating to the territories of the State of Assam, after the words "the Assam Tribal Areas", the words, figures and brackets "and the territories referred to in Part I of the First Schedule to the Acquired Territories (Merger) Act, 1960", shall be inserted.

(b) in the paragraph relating to the territories of the State of Punjab after the words and figures "the States Reorganisation Act, 1956" the words, figures and brackets "and the territories referred to in Part II of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted;

(c) in the paragraph relating to the territories of the State of West Bengal, after the words, brackets and figures "the Bihar and West Bengal (Transfer of Territories) Act, 1956" the words, figures and brackets "and the territories referred to in Part III of the First Schedule to the Acquired Territories (Merger) Act, 1960" shall be inserted.

5. Construction of references to existing constituencies.- As from the appointed day,-

(a) any reference in the Delimitation of Parliamentary and Assembly Constituencies Order, 1956-

(i) to the State of Assam or Punjab or West Bengal, shall be construed as including that part of the acquired territory which is included in that State;

(ii) to any district, shall be construed as including that part of the acquired territory, if any, which is included in that district, by order made under sub-section (2) of section 3;

(b) any reference in the Delimitation of Council Constituencies (Punjab) Order, 1951-

(i) to the State of Punjab, shall be construed as including that part of the acquired territory which is included in that State;

(ii) to any district, shall be construed as including that part of the acquired territory, if any, which is included in that district, by order made under sub-section (2) of section 3.

(c) any reference in the Delimitation of Council Constituencies (West Bengal) Order, 1951-

(i) to the State of West Bengal, shall be construed as including that part of the acquired territory which is included in that State;

(ii) to any division or district, shall be construed as including that part of the acquired territory, if any, which is included in that division or district, by order made under sub-section (2) of section 3.

6. Provisions as to sitting members.-

(1) Every sitting member of the House of the People representing any parliamentary constituency the extent of which has been altered virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to that House by that constituency as so altered.

(2) Every sitting member of the Legislative Assembly of the State of Assam or Punjab or West Bengal representing any assembly constituency the extent of which has been altered by virtue of the provisions of this Act, shall, notwithstanding such alteration, be deemed to have been elected as from the appointed day to the Legislative Assembly by that constituency as so altered.

(3) Every sitting member of the Legislative Council of Punjab or West Bengal representing any council constituency the extent of which has been altered by virtue of the provisions of this Act, shall, notwithstanding such alteration be deemed to have been elected as from the appointed day to the said Legislative Council by that constituency as so altered.

7. Property and assets.-

(1) All property and assets within the acquired territories which, immediately before the appointed day, are vested in Pakistan or in the provinces of East Pakistan or West Pakistan shall, as from that day,-

(a) where such property and assets are relatable to Union purposes vest in the Union;

(b) in any other case, vest in the State concerned in which the acquired territories are included.

(2) A Certificate of the Central Government signed by a Secretary to that Government shall be conclusive as to whether the purposes for which any property or assets are held, immediately before the appointed day, are Union purposes.

8. Appropriation of moneys for expenditure in acquired territories.-

(1) As from the appointed day, any Act passed by the Legislature of the State of Assam or Punjab or West Bengal before that day for the appropriation of any moneys out of the Consolidated Fund of that State to meet any expenditure in respect of any part of the financial year 1960-61, shall have effect also in relation to the acquired territories included in that State and it shall be lawful for the State Government concerned to spend any amount in respect of those territories out of the amount authorised by such Act to be expenditure for any service in that State.

(2) The Governor of the State concerned may, after the appointed day, authorise such expenditure from the Consolidated Fund of that State as he deems necessary for any purposes of services in the acquired territories included in that State for a period of not more than three months beginning with the appointed day pending the sanction of such expenditure by the Legislature of that State.

9. Extension of laws.- All laws in force in the acquired territories immediately before the appointed day shall, as from that day, cease to be in force in those territories and all laws in force generally in the State concerned in which the acquired territories are included shall, as from that day, extend to, or as the case may be come into force in, those territories;

Provided that anything done or any action taken before the appointed day under any law in force in the acquired territories shall be deemed to have been done or taken as from the appointed day, under the corresponding law extended to, and in force in, those territories.

10. Power to name authorities for exercising statutory functions.- The State Government concerned, as respects the acquired territories included in that State may, by notification in the Official Gazette, specify the authority, officer or person who, on or after the appointed day, shall be competent to exercise such functions exercisable under any law in force on that day in those territories, may be mentioned in that notification and such law shall have been accordingly.

11. Power to remove difficulties.-

(1) If any difficulty arises in relation to the transition from any corresponding law of any law which by virtue of section 9 shall as from the appointed day, extend to, or come into force in, the acquired territories, the Central Government may, by order notified in the Official Gazette, make such provisions as appear to it to be necessary or expenditure for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from any corresponding law) or in connection with the administration of the acquired territories as part of the State in which they are included the State Government concerned may, by order in the Official Gazette, make such provisions not inconsistent with the purposes of this Act, as appear to it to be necessary or expenditure for removing the difficulty.

(3) No power under sub-section (1) of sub-section (2) shall be exercised by the Central Government or, as the case may be, the State Government after the expiry of three years from the appointed day.

(4) Any order made under sub-section (1) of sub-section (2) may so made as to be retrospective to any date not earlier than the appointed day.

The First Schedule

[See section 2(a), 2(g) 3 and 4]

Part I

The acquired territory in relation to item (7) of paragraph 2 of the Agreement dated the 10th day of September, 1958.

Part II

The acquired territory in relation to item (ii) and item (iii) of paragraph 1 of the Agreements dated the 11th day of January 1960.

Part III

The acquired territory in relation to item (5) and item (10) of paragraph 2 of the Agreements dated the 10th day of September, 1958 and paragraph 4 of the Agreement dated the 23rd day of October, 1959.

The Second Schedule

[See section 2 (d)]

1. Extracts from the Note containing the Agreement dated the 10th day of September, 1958

2. As a result of the discussions, the following agreements were arrived at:-

(5) 24 Parganas---Khulna 24 Parganas---Jessore Boundary disputes.

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute (Ichhamati river).

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

(10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

(Sd.) M.S.A. BAIG, Foreign Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.

(Sd.) M.J. DESAI, Commonwealth Secretary, Ministry of External Affairs, Government of India.

New Delhi, September 10, 1958.

2. Extracts from the Agreement entitled "Agreed Decisions and Procedures to end Disputes and Incidents along the Indo-East Pakistan Border Areas", dated the 23rd day of October, 1959.

4. West Bengal-East Pakistan Boundary Over 1,200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, It was agreed that demarcation will

be made in accordance with the latest cadastral survey maps supported by relevant notifications and record-of-rights.

(Sd.) J.G. KHARAS, Acting Foreign Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Karachi.

(Sd.) M.J. DESAI, Commonwealth Secretary, Ministry of External Affairs, New Delhi.
New Delhi, October 23, 1959.

3. Extracts from the Agreement entitled "Agreed Decisions and Procedures to end Disputes and Incidents along the Indo-West Pakistan Border Areas", dated the 11th day of January, 1960.

1. West Pakistan-Punjab border.-Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation:

(ii) Chak-Ladheke (Amritsar-Lahore border) The Government of India and Pakistan agree that the delineation of the boundary will be as shown in the map of the Kasur Tehsil by Sir Cyril Radcliffe and Chak Ladheke will in consequence fall within the territories jurisdiction of the Government of India.

(iii) Ferozepur (Lahore-Ferozepur border) - The Government of India and Pakistan agree that the West Pakistan-Punjab (India) boundary in this region is along the district boundaries of these districts and not along the actual course of the river Sutlej.

(Sd.) M.J. DESAI, Commonwealth Secretary, Ministry of External Affairs, Government of India.

(Sd.) J.G. KHARAS, Joint Secretary, Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.

New Delhi, January 11, 1960.

(Zeenext website)

APPENDIX 1-37

Indo-Pakistani trade agreement
1 September 1963

Trade Agreement between the Government of India and the Government of Pakistan
New Delhi, 1 September 1963

[...]

Article VI

The two Governments further agree to enter into such Special Arrangements including arrangements relating to Border Trade as may be considered by them to be necessary from time to time, during the period of the validity of this Agreement to facilitate the movement of goods from one country to the other.

[...]

(Ministry of External Affairs, 1994-7, v4, 406-29)

APPENDIX 1-38

Majumder's article on the enclaves

1 May 1965

Cooch Behar Enclaves, their past and future

The urgency of demarcation and exchange

By Niranjan Majumder

Surgeons have been known absent-mindedly to leave behind in the belly they had cut open for an appendix or an ulcer, an odd swab or towel. Sir Cyril Radcliffe, Chairman of the Boundary Commission in 1947, left a mere 123 Indian enclaves in East Pakistan and 74 Pakistani enclaves in India, which have in recent weeks been the cause of some belligerency.

It is instructive to recall the breathtaking pace of the formidable operation 18 years ago. On June 3 H.M.'s Government made its historic announcement. On June 30 two Boundary Commissions were appointed for Bengal and the Punjab. The Chairman was not selected until a few days later. The Bengal Commission, consisting of two Hindu judges and two Muslim, held its first public sitting in Calcutta on July 16. On seven major questions the Commissioners could not reconcile the claims of the Congress with those of the Muslim League: after the final public session, on July 24 it was clear that there would have to be two separate reports, necessitating an award by the Chairman. Sir Cyril Radcliffe signed his award in New Delhi on August 12 1947, three days before the two Dominions actually came into being. The all-important Annexure A, laying down where lines "shall be drawn", contains no more than eight short paragraphs.

Neither the brevity of the document nor the short time taken in its preparation really explain the existence of so many contentious enclaves in West Bengal and East Pakistan. (In the west of the subcontinent the problem never arose.) To begin with, it has to be remembered that at the time of the Boundary Commission's deliberations Cooch Behar and Tripura were Princely States and not part of British India. Secondly, even in the British days there were anomalous enclaves which presented no serious problems of administration because of Paramountcy; this lapsed on August 15. Thirdly, although Sir Cyril Radcliffe displayed the highest wisdom in taking into consideration natural borders such as river systems, it was "quite impossible" to draw a boundary that would upset nothing and hurt nobody. Finally, Bengal rivers are notorious for seasonal changes in course and direction; and disputes over char land are as old as Bengal itself.

Basis not communal

The popular belief that the boundary was drawn solely on the basis of Muslim and non-Muslim majorities needs to be corrected: if that were the only principle, the fate of Murshidabad on the Indian side and that of Jessore on the Pakistani would have been different. Be that as it may, it was inevitable that on either side there would remain unconnected pockets with psychological and social connexions with one mainland of the other. Wisely, both India and Pakistan, while maintaining their juridical claims,

never seriously tried to extend their administration to the enclaves locked in one another's country. With the passage of time, the demographic complexion of the enclaves has materially changed. There have been migrations and other natural and unnatural shifts of population. In Dahagram, for instance, trouble first started not over Indo-Pakistani or Hindu-Muslim differences but over those between the original inhabitants the Bahe Muslims, and immigrants from other parts of East Pakistan, the Bhatia Muslims. It has been said that rioting actual [*sic.*] broke out around March 12-13 this year. Despite many futile Indian paper protests, there had apparently been injected into Dahagram a police force, perhaps for the previous 17 years. This could have come only from the Pakistan mainland; and the force could have entered Dahagram only through Indian territory - illegally. This March, perhaps for the first time, India resisted and asserted her rights.

It is not necessary to go back to the Moghul days when the enclaves originated under Delhi's treaty with the kingdom of Cooch Behar; the British maintained the status quo. Even the events of 1947 presented no great difficulties, for movement was unrestricted. The real problem arose in October 1952 when Pakistan introduced passports and visas. In August, 1953, the Prime Ministers of India and Pakistan met in New Delhi; but Kashmir dominated the talks, the Cooch Behar enclaves receiving only casual attention. The Prime Ministers, this time Mr Firoz Khan Noon representing Pakistan, met again in the Indian capital in September, 1958; at this meeting it was decided that the territories covered by the Bagge Award, which supplemented the Radcliffe Award, would be exchanged by January 15, 1959. This could not be done without demarcation, which had been completed in only a few areas; among these was Berubari, now the subject of an action before the Supreme Court of India.

Bureaucratic Delay

Demarcation of the border according to available land records and local customs and claims has to be carried out by the survey officials of the two countries; and it is difficult to say whether India or Pakistan has been more dilatory and procrastinating in carrying out this very important task. It is true that, in the particular instance of Berubari, the Government of India has come up against legal difficulties. Even after the Supreme Court has given its verdict, upholding or rejecting the official view that treaties with foreign Powers cannot be justiciable, there will remain a formidable number of areas which cannot be exchanged, as agreed, without demarcation, thus prolonging uncertainties which benefit neither India nor Pakistan but provide both with potentially dangerous sources of irritation and worse. India and Pakistan have in common bureaucracies whose capacity for not doing anything, however urgent, expeditiously is endless. Meanwhile, ordinary folk suffer.

The suffering of the people was within bearable proportions because of widespread corruption in the police forces of the two countries. It is no secret that both Indian and Pakistani policemen have done well out of the illegal movement of both Hindus and Muslims whom circumstances compelled to pass through unfriendly territory in order to buy or sell in the customary market. Even among the Muslims, caste is in this part of the world perhaps the most important fact of life; in spite of partition and boundaries, a bride from the old village and one's own community is still preferred to "strangers" in the new place where one has migrated, legally or otherwise. This traffic has always gone on and will perhaps never be wholly stopped. It may not always be necessary even to try to stop it, although regulated it has to be.

The recent Dacca conference of the Chief Secretaries of West Bengal and East Pakistan was successful as far as it went. This is far from saying that India and Pakistan have no more to do than execute agreements already reached and pursue further accords on specific points of difference. At present neither West Bengal nor East Pakistan has a viable border; both need one, and in equal measure; and a viable border is perfectly attainable on a basis not of morality or any such abstraction but of reciprocity and self-interest. Even as India has need to examine legal and constitutional ways and means of expediting the Berubari issue, Pakistan has to understand once and for all that India does not propose to tolerate or ignore border pinpricks. Pins will continue to prick, in India as in Pakistan, until the two countries give themselves a sensible border. If Sir Cyril Radcliffe could draw a border in just about three weeks, seventeen years should surely have been enough for free India and Pakistan to impart to their border confrontations a sense of reality.

When in 1947 Mr Feroz Khan Noon suggested that Sir Cyril Radcliffe should not visit Lahore for he was sure to be misunderstood either by the Muslims or Sikhs, *The Statesman* wrote: "On this line of argument, he (Sir Cyril) would do better to remain in London, or better still, take up residence in Alaska. Perhaps however there would be no objection to his surveying the boundaries of the Punjab from the air if piloted by an Esquimo." Are India and Pakistan still waiting for the Esquimo?

(Majumder, 1965)

APPENDIX 1-39

Banerjee's history of the enclaves 1966

APPENDIX II

AN ACCOUNT OF ENCLAVES – ORIGIN AND DEVELOPMENT

by

R Banerjee, I.A.S.

Commissioner, Presidency Division and Special Officer, Chief Minister's Secretariat, West Bengal

The Indian enclaves in Pakistan and Pakistani enclaves in (West Bengal) India are unique and confusing. Nowhere in the recorded history of the World are such large number of 'Island Territories' of one country inside another. Still more queer are enclaves within some of the enclaves.

It was not unnatural for chroniclers and gazetteer compilers to avoid reference to them. Contemporary historians like Buchanan Hamilton, Martin might not have noticed them. Sir William Hunter in his Statistical Account of Bengal makes a passing reference. There are references to them in the Final Reports of Survey and Settlement of Jalpaiguri by Milligan and Saunders, and in the Rangpur Report of Hartley (1937).

After Partition and the subsequent merger of the ex-Princely State of Cooch-Bihar with West Bengal, there were 130 Enclaves measuring more or less, 20,957.07 acres or 32.745 square miles. Of these, eight enclaves (Serials 8 to 14 and 130) were amalgamated with the partitioned district of Jalpaiguri (India) under West Bengal Government Notification No. 2427-PL/PIJ-4/52 dated 27.6.52. Three enclaves, viz., Serials 111, 114 and 127, measuring 42.77 acres, are Indian enclaves inside Pakistani enclaves in India.

Of the 95 Pakistani enclaves in India, measuring 12,289.37 acres or 19.202 sq. miles, three enclaves, serials 3, 4 and 5 ceased to be enclaves, following the incorporation of the surrounding Indian enclaves under the notification referred to in the previous paragraph. The area of these three enclaves within enclaves was 52.00 acres. Another 21 enclaves serials 1 and 2 and serials 6 to 21 both inclusive and serials 33, 41 and 66, measuring 511.67 acres or 0.799 sq. miles are Pakistani enclaves inside Indian enclaves in Pakistan, and as such are not exchangeable.

Cadastral survey maps on the scale 16" to a mile were prepared and jointly certified by Mr N C Mustafi as Commissioner for the State of Cooch Behar and Mr A C Hartley for the British Government in 1937.

The question of exchange of these Cooch Behar enclaves (now Indian enclaves in Pakistan) and Indian enclaves in Cooch Behar (now Pakistani enclaves in India) was raised years ago. But because of strong local opposition, Government of Bengal in Revenue Department in their letter No. 2949-Jur dated 21.3.34 directed the Director of Land Records to drop the proposal.

Under the Nehru-Noon Agreement of September 1958, "Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra areas going to Pakistan was agreed to". As there was differences of opinion regarding legality of transfer of Indian territory to another, President of India referred the matter to the Supreme Court of India for opinion under Article 143 of the

Indian Constitution. The Supreme Court held that territories could not be transferred without amending the Constitution. Accordingly, Ninth Amendment was passed which legalised the proposed transfer.

As previously stated, historians and chroniclers made no attempts to trace the origin of the enclaves. Study of old documents reveal that conquest of Cooch Behar by Mir Jumla in 1661 A.D. was incomplete. The Maharaja sought asylum in Bhutan, guerrilla warfare by the Koch continued, in which the Mughal arms were worsted, leading to a treaty by Nawab Saista Khan in 1665. But, the Koch subjects continued the resistance to Mughal domination, leading to yet another attack on Cooch Behar by Ebadat Khan in 1687 A.D. He could advance only eight miles inside Cooch Behar and occupied the Chakla (Revenue Unit) of Kakina which was incorporated in the Mughal dominion. The Raikats, who were disputing the Cooch Behar Kingship joined the Cooch Behar, which specified the limits of the Kingdom of Cooch Behar. The three Chaklas of Fatehpur, Kakina and Kajirhat were permanently incorporated in the Mughal territory, and Cooch Behar Raj retained the Chaklas of Boda, Patgram and Purbabhag in the territory said to have been conquered by the Mughal Army. All Cooch Behar enclaves are situated in the Chaklas of Boda, Purbabhag and Patgram. These were incorporated in the British District of Jalpaiguri, which was constituted on 1st January 1863. Under Radcliffe Award, Jalpaiguri was partitioned, the three Chaklas are in that part of the British District of Jalpaiguri which has gone to Pakistan.

Ali Kuli Khan's treaty was disapproved by the Nawab Nazim of Bengal. He was replaced by Niamatullah Khan in 1711. Niamatullah revoked the treaty and demanded revenue from the three Chaklas of Boda, Patgram and Purbabhag from Cooch Behar Raj. Fresh war broke out. Sheikh Yar Muhammad Khan attacked Cooch Behar, conquering the three chaklas. Yar Muhammad's demobilised soldiers started settling in Cooch Behar near about the border. The excesses of these soldiers led to a peasant revolt. In 1712 Khan Jahan Khan, Nazim of Bengal Khan Jahan was apparently convinced that it would cost the exchequer heavily to retain possession of these three Chaklas because of the recalcitrance of the Koch subjects. He agreed to lease out the Chaklas to Cooch Behar Raj. As a Maharaja could not agree to be a lessee, his Chatra Nazir Santanu Narayan took the *Ijara* (lease) from the Nawab Nazim, on behalf of Cooch Behar King.

Bits of Cooch Behar territories near the border were occupied by demobilised Muhammadan soldiers, who continued their allegiance to the Nawab. These are Pakistani enclaves and are still called 'Moglam'. Similarly, in the three Chaklas of Patgram, Purbabhag and Boda, some powerful Cooch Behar tenants continued their allegiance to the Maharaja. These are called 'Rajgirs'. Sakalu Prodhan of Haldibari and Madhab Roy of Tapa were such loyal subjects of the Maharaja.

In 1765, Shah Alam the Mughal Emperor by 'Farman' granted the Diwani (Revenue Administration) to the East India Company. The Company officials attempted to streamline the Revenue Administration. Between 1789 and 1800, the Company managed the three Zamindari Chaklas of the Maharaja, Patgram, Purbabhag and Boda, on behalf of the minor Maharaja Barendra Narayan. The tenants of Chit Mahals, (Cooch Behar enclaves in these Zamindaries), however were excluded from the *Hast-o-Bud* (assessment) of Revenue by the Company. This was a '*de jure*' recognition of the sovereign status of Cooch Behar over these enclaves.

The country in and around these chaklas was the scene of depredations of the Sannyasis and Fakirs at close of the eighteenth century. The fight of the Sannyasis against East Indian Company has been

characterised as a national rising and immortalised by Bankim Chandra, the author of 'Bande Mataram' in the 'Anandamath', whose principal characters 'Devi Chaudhurand' and 'Bhabani Pathak' are household names in both Bengals.

The Fakirs according to the author of Sair-Ul-Matakhari (1, page 244) were of indigenous Indian origin. But the author of 'Dabvistan' calls them a marauding sect of Madari Fakirs who like 'Abadhut Sannyasis' have their hair tangled, body covered with wood ash, carrying from chains round their necks, black flag and wearing black turban. According to Crookes' 'Cast and Tribes of North-West Province', the Madari sect was founded by Zinda Shah of Madar of Makhanpur near Kanpur in Uttar Pradesh. According to Buchanan Hamilton, a contemporary chronicler, the Fakirs lived in amity with the Sannyasis (Journals of Asiatic Society of Bengal, 1903). Anyway, the Sannyasis and Fakirs made things hot for the East India Company and thus revenue administration continued to be extremely loose in North Bengal.

The East India Company being still essentially a trading body had their seats of interest in Calcutta, Patna, Dacca, Murshidabad, where they organised and usurped the police jurisdiction of the Nawab Nazim. But in North Bengal, the country was still administered by large Zamindars, who were subject to casual supervision by the *Foujdar*. The only civil officers, the *Darogas*, according to O'Malley's 'History of Bengal' had limited powers. Under the Muhammadans, the Revenue units were compact, but the jurisdiction of Revenue Collectors depended more upon convenience of the *Darogas* than on his territorial jurisdiction, the extreme case being payment of Revenue of a Mymensingh Touzi at Murshidabad. In the midst of these complexities, the company officials got confused and accepted whatever was paid in Muhammadan times.

The affairs of Cooch Behar were equally, if not more messed up. In 1766 AD the infant maharaja then under the protection of the 'Bhutias' was murdered at the instigation of one Ramananda Goswami, leading to a conflict between the 'Bhutias' and Nazir Deo Rudranarayan, the hereditary Commander-in-Chief who was a contender for the throne. Sannyasis were hired by the Bhutiyas against the Nazir Deo, who was supported by the East India Company.

Thus the unsettled condition in North Bengal and Cooch Behar were led to the formation of enclaves causing confusion all round.

The confusion persists. Dahagram is policed administered by Pakistan and Salbari an Indian enclave though still *de jure* Indian territory is *de facto* a part of Pakistan.²

II

The question of exchange of Cooch Behar enclaves with Rangpur and Jalpaiguri enclaves, as has been said earlier, was once raised years ago. But because of strong local opposition, Government in the Revenue Department directed that the proposal be dropped vide their letter No. 2949-Jur., dated Calcutta, the 21st March 1934, which is reproduced below:

² This paragraph was printed in the original, but before publication was covered by a square of paper pasted over it, indicating official sensitivity to the issue.

No. 2949-Jur., dated Calcutta, 21st March 1934 from Rai J. N. Sircar Bahadur, Assistant Secretary to the Government of Bengal, Revenue Department to the Director of Land Records and Surveys, Bengal.

I am directed to refer to paragraph 4 of your letter No. 1/10-3272, dated the 22nd August 1932, regarding the proposal for exchanging the enclaves of the Cooch Behar State in the district of Rangpur and Jalpaiguri with those of Rangpur and Jalpaiguri in the Cooch Behar State and to say that in view of the strong local objections to the proposed exchange Government have decided to abandon the proposal.

The trijunction of the boundary lines of Cooch Behar, Rangpur and Goalpara was fixed by Major Macdonald's pillar of 1875. A series of notifications were issued namely, 317 P.L., dated 31.1.35, 314 P.L., and 318 P.L. of the same date in which the enclaves or chits were transferred from one Police Station to another.

Unfortunately, neither the Jalpaiguri-Cooch Behar Commission nor the Cooch Behar-Rangpur Boundary Commission attempted any scientific and detailed demarcation of the enclaves. The first Commission was ordered by Government in their letter No. 1057 T.R., dated the 11th August, 1919, to follow Mr. O'Donnel's Survey of Cooch Behar as the *de jure* boundary maintaining the existing position as far as possible. They were, however, directed to straighten out the boundary in cases of unstable rivers, so long in the aggregate neither side gained nor lost by adjustment. Cooch Behar-Rangpur Survey adopted a similar principle namely, discrepancy of the common boundary in the Tista River Block were to be adjusted according to Revenue Survey of O'Donnel. The Cooch Behar State, had no objection if Revenue Survey were followed. It was also decided that the three enclaves namely, Batrigachh, Uttarbashjani, which are Rangpur enclaves in Cooch Behar and Dakurhat Dakinirkuthi which is Cooch Behar enclave in Rangpur would also be demarcated. It was noted that in the first two enclaves there was considerable difference between the ground position and O'Donnel's Revenue Survey. The last one could not be located since 1882 when it was said to have been diluviated by sudden dereliction of the Torsa.

The name of the diluviated enclave is interesting. It means market place of the dacoits. *Dakinirkuthi* means the house of the female dacoit. Apparently, Bhabani Pathak and Devi Chaudhurani or their followers were in possession of these chits, hence these names. Rangpur-Cooch Behar Boundary Commission did not demarcate the chits, as according to para 8 of the report proposal was under consideration of Government of Bengal for interchange of Chit lands of Rangpur and Cooch Behar. They, however, opined that the chit lands should be demarcated.

A detailed report on the different Cooch Behar chits lying within Rangpur and vice-versa has been given in the Final Report of the Survey and Settlement Operations, 1931-38 by A. C. Hartley.

The changing geo-physical configuration of this tract by the unstable rivers flowing into the Brahmaputra from the Bhutan hills caused considerable confusion and continues to do so. An illustration details of the Nilkumar, a non-existing river is given below.

The Nilkumar was included in a Cooch Behar enclave Dasiarchhara in pargana Purbabhog of Rangpur. It circumscribed the boundary of the enclave on the west, south and part on the east. The

alluvium was settled in Jote right by the Manager of Chaklajat estate as part of Purbabhag, *i.e.*, it went out of the chit, although in the thak and revenue survey the entire river was shown included in the chit. But in the subsequent private survey made by the Chaklajat estates in 1878-79, the river had been included in the Purbabhag Tahsil. The Cooch Behar State's Survey Map (1870-75) excluded the entire river from the enclave. The Chaklajat Survey of 1878-79 apparently followed the same line. Another interesting development regarding this chit is that Mr. Evans-Gordon, Vice-President, Regency Council, Cooch Behar claimed that the western part of the river belonged to the enclave, but Mr Bhattacharjee, the Khas Mahal officer, Rangpur, stated that he had checked the Thak map and was satisfied that the western portion of the Nilkumar is entirely included in the Government Mouza of Kismat Koti Chandrakhana and Taluk Chandrakhana. In the midst of all these confusions there was a tendency on the part of the revenue officials of British India and on the ineffective and colourless administration of Cooch Behar, to encroach and connive at the encroachment by the British Government on the territories of the Native State. This tendency was also noted in the hill Tripura.

When Jalpaiguri was constituted an administrative unit on 1st January, 1869 with Jalpaiguri subdivision of Rangpur, the revenue records became more confused. The part of the district to the west of the Tista was a subdivision of Sookanee, which was constituted in 1854. Thereafter, the military cantonment was set up at Jalpaiguri and the subdivisional headquarter was moved there. The Western Duars district was formed in 1864 after the treaty of Chinchula. The boundary of the Jalpaiguri district has undergone continuous change, the earliest being the boundary between the Patgram and Cooch Behar in Taluk Shibram. There was a long-standing dispute between Cooch Behar and British which was subsisting at the time of Milligan's settlement 1906-1916 of Jalpaiguri. Milligan also noted confusion all-round for instance Baikantapur, borne entirely on the tauzi roll of Jalpaiguri, over-lapped the notified boundary between Jalpaiguri and Darjeeling.

The two Chaklas of Boda and Patgram constitute the southern portion of the permanently settled part of the district. They are separated from each other by a strip of Cooch Behar territory strewn with multitude of enclaves. Things were further complicated by a number of the chaklas within the periphery of the State. Mr Milligan's attempted explanation is reproduced below:

“At the beginning of the 18th century the Muhammadans made a partial conquest of the Koch kingdom. Some patches of land fell into the physical possession of outlying representatives of the Koch kings. In 1711 Raja Rup Narain made a treaty recognising the status quo. The lands of which the Muhammadans had obtained possession were settled with the Koch kings as a subordinate zemindari, while the lands of which the Koch kings had retained possession were confirmed as part of their kingdom. In the settlement with the Muhammadans the Koch kings took the zemindari benami in the name of the “Nazir Deo”; but at the time of the permanent settlement the British Government settled the zemindari with the Raja in his own name. The zemindari is still composed of many patches, but it consists of three main chaklas – two are now in Jalpaiguri, namely, Boda and Patgram, and one is now in Rangpur, namely, Purbabhag. The zemindari is known by the name of “Chaklajat” which is of course the plural of chakla”.

Mr. Milligan also noted that the scattered territory namely the enclaves caused endless and unnecessary difficulties to the administration of Cooch Behar State and Jalpaiguri. The proposed

exchange suggested that the Maharaja should retain the position of zamindar in the areas ceded by him and get recognition of his sovereignty over the areas ceded by the Government of India.

This, then, is the short account of the enclaves, which have caused confusion over two centuries and has been resolved by Nehru-Noon Agreement.

A sketch map showing the Cooch Behar enclaves in Pakistan and Pak enclaves in Cooch Behar and a list of the enclaves have been appended.

(Banerjee, 1966, being pp128-31 of Ray, 1966)

APPENDIX 1-40

Indo-Bangladeshi trade agreement
28 March 1972

Trade Agreement between the Government of India and the Government of the People's Republic of Bangladesh.
New Delhi, 28 March 1972

The Government of India and The Government of Bangladesh,
Conscious of the urge of their two peoples to enlarge areas of mutual cooperation;
Desirous of strengthening economic relations between the two countries on the basis of equality and mutual benefit;

Recognising that the common people of both countries should be the beneficiaries of close cooperation between the two Governments in the fields of trade and development;

Aware that this objective can best be secured by organising trade between the two countries on a State-to-State basis as far as possible;

Have agreed as follows:

[Articles I -III]

Article IV

In order to meet the day-to-day requirements of the people living within a sixteen kilometre belt of border between West Bengal, Assam, Meghalaya, Tripura and Mizoram on the one hand and Bangladesh on the other, and with a view to providing facilities to these people to dispose of their goods, border trade shall be allowed in specified commodities in accordance with Schedule 'B' attached to this Agreement.

[Articles V-X]

Article XI

This Agreement shall come into force from 28th March 1972 and shall remain in force, in the first instance, for a period of one year.

Sd./-

L.N.Mishra

Minister of Foreign Trade

Government of India

28.3.1972.

Sd./-

M.R.Siddiqui

Minister of Trade and Commerce

Government of Bangladesh

[Schedule 'A']

Schedule 'B'

Provisions relating to Border Trade referred to in Article IV of the Agreement

1. These facilities shall apply to the trade across the Land Customs frontiers between West Bengal, Assam, Meghalaya, Tripura and Mizoram on the one hand and Bangladesh on the other.
2. Those facilities shall be available only to persons living in areas, other than municipal areas, within sixteen kilometres of the land customs frontiers and holding special permits issued by their respective competent authority.
3. Every person holding such a special permit may carry across the border in each sector only such goods and commodities and in such quantities as are specified, in the annexure to this schedule and for this purpose may cross the border only once a day in each direction on any two specified days of a week and only through such routes as may be authorised in this behalf. If market conditions in a locality justify relaxation of the number of days in a week on which persons holding special permits may cross the border in that locality, the additional days shall be mutually agreed between the concerned competent authorities in the two countries.
4. The carriage of such goods shall be free from import, export and exchange control restrictions as well as customs duty and customs formalities.
5. Each person may carry in cash a sum not exceeding rupees one hundred in Bangladesh or Indian currency when crossing the border from either country into the other.
6. Either Government may maintain such checks and take such preventative measures including the right to search as are considered necessary to ensure that these concessions are not exceeded or abused.
7. These arrangements shall be subject to review after a period of six months to consider whether they should be extended or amended in any way. If even before the expiry of this period of six months either country feels the need to withdraw or modify the facilities under this Agreement, it would enter into immediate consultations with the other country taking such measures as it may consider necessary.

Annexure to Schedule 'B'

[I. Mizoram - Chittagong Hill Tracts Sectors]

[II. Khasi Jaintia and Garo Hills - Sylhet Mymensingh Sector]

[III. Cachar - Sylhet Sector]

[IV. Tripura - Bangladesh Sector]

V. Rangpur (Bangladesh) - Assam (bordering district)/Cooch Behar/Jalpaiguri (West Bengal) Sector

Export from Assam (bordering district to Rangpur), Cooch Behar, Jalpaiguri (West Bengal) to Rangpur (Bangladesh)

Name of Commodities	Quantity allowed to be carried
1. Fresh fruits	Head load
2. Vegetables (inc. potatoes)	Do.
3. Spices	2 Kilograms
4. Fire wood	Head load
5. Milk and milk products	Do.
6. Tobacco	1 Kilogram
7. Washing soap	1/4 Kilogram
8. Bamboo	Boat load, raft or cart load.
9. Mustard oil	1 Kilogram
10. Mustard seed/rape seed	Head load
11. Coconut oils	1 Kilogram

Export from Rangpur (Bangladesh) to Assam (bordering district to Rangpur), Cooch Behar, Jalpaiguri (West Bengal)

Name of Commodities	Quantity allowed to be carried
1. Fish	Head load
2. Poultry and eggs	Do.
3. Tobacco	1 Kilogram
4. Coconuts	Head load
5. Betel leaves	Do.
6. Spices	2 Kilograms
7. Salt	1 Kilogram
8. Fodder for cattle	Head load
9. Bamboo	Head load, raft or cart load
10. Thatching grass	Do.
11. Hogla leaves	Head load
12. Firewood	Do.
13. Gur	Do.
14. Channa and sweetmeats	Do.

VI. Rest of Bangladesh-Rest of West Bengal

Export from Rest of West Bengal to Rest of Bangladesh

Name of Commodities	Quantity allowed to be carried
1. Fresh fruits	Head load
2. Vegetables	Do.
3. Spices	2 Kilograms
4. Milk and Milk products	Head load
5. Gram and pulses	Do.
6. Gur	Do.
7. Firewood	Boat load raft or cart load
8. Bamboo	Do.
9. Thatching grass	Do.
10. Simul cotton	Head load
11. Mustard oil	1 Kilogram
12. Mustard seed/rape seed	Head load
13. Coconut oil	1 Kilogram

Export from Rest of Bangladesh to Rest of West Bengal

Name of Commodities	Quantity allowed to be carried
1. Fish	Head load
2. Poultry and eggs	Do.
3. Coconuts	Do.
4. Spices	2 Kilograms
5. Betel leaves	Head load
6. Fodder for cattle	Do.
7. Golpatta	Do.
8. Channa and sweetmeats	Do.
9. Fresh fruits	Do.
10. Vegetables	Do.
11. Hogla leaves	Do.
12. Firewood	Do.
13. Broomsticks	Do.
14. Simul cotton	Do.
15. Gur	Do.
16. Bamboo	Boat, raft or cart load
17. Thatching grass	Do.

[Protocol]

(Ministry of External Affairs, 1994-7, v7, 199-214)

APPENDIX 1-41

Land Boundary Agreement (a.k.a. Indira-Mujib Pact) **16 May 1974**

Agreement

Between the Government of the People's Republic of Bangladesh and the Government of the Republic of India concerning the Demarcation of the Land Boundary between Bangladesh and India and related matters.

The Government of the People's Republic of Bangladesh and the Government of the Republic of India,
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 Bangladesh and India,
Have agreed as follows:-

Article 1

The land boundary between Bangladesh and India 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 73 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. The boundary will be a fixed boundary. The two Governments should raise embankments on their respective sides with a view to stabilising the river in its present course.
6. Remaining portion of the Tripura-Noakhali/Comilla Sector.- The demarcation in this sector should be completed on the basis of Chakla-Roshanabad Estate Maps of 1892-1894 and the District Settlement Maps of 1915-1918 for areas not covered by the Chakla-Roshanabad Maps.
7. Fenny River.- The boundary should be demarcated along the mid-stream of the course at the time of demarcation of that branch of the Fenny River indicated as the Fenny river on Survey of India Map sheet No. 79 M/15, 1st Edition 1935, till it joins the stream shown as Asalong C on the said map. From that point on, downstream, the boundary should be demarcated along the mid-stream of the course of the Fenny River at the time of demarcation of the boundary. The boundary in this sector will be a fixed boundary.

8. Rest of Tripura-Chittagong Hill Tracts Sector.- The boundary will follow the midstream of that branch of the Fenny River, referred to in para 7 above, up to 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 up to Boghoban Trig Station. From Boghoban Trig Station up to the trijunction 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 differences 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 Patheria Hills RF boundary up to the point where it meets the western boundary of Dumabari Mouza. Thence, along the same Mouza boundary up to 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 mid-stream 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 Bangladesh and India 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 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 Bangladesh and India 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 Bangladesh and India 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 Bangladesh and India 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 People's Republic of Bangladesh
Sheikh Mujibur Rahman
Prime Minister of Bangladesh.

For the Government of
the Republic of India
Indira Gandhi
Prime Minister of India

(27 DLR (1975), chapter "Bangladesh Statutes", pp49-50)

On 28 December 1974, the second sentence of Article 2 was amended from

"They may sign the relevant maps as early as possible and in any case not later than the 31st December, 1974",
to read

"They may sign the relevant maps as early as possible after the Agreement has been ratified by the two Governments".

(Khandker, 1978, 3; also quoted in amended form in AIR 1983 Cal 468).

APPENDIX 1-42

Constitution (Third Amendment) Act, 1974
27 November 1974

Act No. LXXIV of 1974

An Act to further amend certain provision of the Constitution of the People's Republic of Bangladesh to give effect to the Agreement entered into between the Government of the People's Republic of Bangladesh and the Republic of India.

Whereas it is expedient further to amend certain provision of the Constitution of the People's Republic of Bangladesh to give effect to the Agreement entered into between the Government of the People's Republic of Bangladesh and the Republic of India;

It is hereby enacted as follows:-

1. Short title and commencement.-

(1) This Act may be called the Constitution (Third Amendment) Act, 1974.

(2) It shall come into force at once except section 3 which shall come into force on the date specified in a notification under section 4.

2. Definitions.- In this Act-

(a) "Agreement" means the Agreement between the Governments of the People's Republic of Bangladesh and the Republic of India entered into on the 16th day of May, 1974, as set out in the Schedule;

(b) "excluded territories" means the territories which are excluded from the territory of Bangladesh in pursuance of the Agreement;

(c) "included territories" means the territories which are included in the territory of Bangladesh in pursuance of the Agreement.

3. Amendment of article 2 of the Constitution.- In the Constitution of the People's Republic of Bangladesh, in article 2, in clause (a), for the semi-colon and word "; and" the words, brackets, commas, figures and semi-colon "and the territories referred to as included territories in the Constitution (Third Amendment) Act, 1974, but excluding the territories referred to as excluded territories in that Act; and" shall be substituted.

4. Notifications for inclusion and exclusion of territories.- Upon the completion of the demarcation of the land boundary between Bangladesh and India in pursuance of the Agreement such included territories shall, and such excluded territories shall not, form part of the territory of Bangladesh with effect from such date as the Government may, by notification in the official Gazette, specify.

SCHEDULE

[See section 2(a)]

[here was inserted the text of the Indira-Mujib Pact, which is given as Appendix 1-35 above]

(27 DLR (1975) Chapter entitled "Bangladesh Statutes", p49-50)

APPENDIX 1-43

Tin Bigha lease terms agreement **7 October 1982**

Agreement regarding Tin Bigha Lease, reached by exchange of letters on 7 October 1982 between P.V. Narasimha Rao, Minister of External Affairs, India and A.R. Shams-ud-Doha, Minister of Foreign Affairs, Bangladesh.

1. The lease in perpetuity of the aforementioned area shall be for the purpose of connecting Dahagram and Angarpota with Panbari *Mouza* (P.S.Patgram) of Bangladesh to enable the Bangladesh Government to exercise her sovereignty over Dahagram and Angarpota.

2. Sovereignty over the leased area shall continue to vest in India. The rent for the leased area shall be Bangladesh Tk. 1/- (Bangladesh Taka One) only per annum. Bangladesh shall not, however, be required to pay the said rent and the Government of India hereby waives its right to charge such rent in respect of the leased area.

3. For the purposes stated in para. 1 above Bangladesh shall have undisturbed possession and use of the area leased to her in perpetuity.

4. Bangladesh citizens including paramilitary and military personnel along with their arms, ammunition, equipment and supplies shall have the right of free and unfettered movement in the leased area and shall not be required to carry passports or travel documents of any kind. Movement of Bangladesh goods through the leased area shall also be free. There shall be no requirement of payment of customs duty, tax or levy of any kind whatsoever or any transit charges.

5. Indian citizens including police, paramilitary and military personnel along with their arms, ammunition, equipment and supplies shall continue to have the right of free and unfettered movement in the leased area in either direction. Movement of Indian goods across the leased area shall also be free. For the purposes of such passage the existing road running across it shall continue to be used. India may also build a road above and or below the surface of the leased area in an elevated or subway form for her exclusive use in a manner which will not prejudice free and unfettered movement of Bangladesh citizens and goods as defined in paras 1 and 4 above.

6. The two governments shall cooperate in placing permanent markers along the perimeters of the leased area and put up fences where necessary.

7. Both India and Bangladesh shall have the right to lay cables, electric lines, water and sewerage pipes etc. over or under the leased area without obstructing free movement of citizens or goods of either country as defined in paras 4 and 5 above.

8. The modalities for implementing the terms of the lease will be entrusted to the respective Deputy Commissioners of Rangpur (Bangladesh) and Cooch Behar (India). In case of differences, they will refer the matter to their respective Governments for resolution.

9. In the event of any Bangladesh/Indian national being involved in an incident in the leased area, constituting an offence in law, he shall be dealt with by the respective law enforcing agency of his own country in accordance with its national laws. In the event of an incident in the leased area involving nationals of both countries, the law enforcing agency on the scene of the incident will take necessary steps to restore law and order. At the same time immediate steps will be taken to get in touch with the law enforcing agency of the other country. In such cases, any Indian national apprehended by a Bangladesh law enforcing agency shall be handed over forthwith to the Indian side and any Bangladeshi national apprehended by an Indian law enforcing agency shall be handed over forthwith to the Bangladesh side. India will retain residual jurisdiction in the leased area.

(Bhasin, 1996, v1, 816-20)

APPENDIX 1-44

Tin Bigha lease modalities **26 March 1992**

Understanding regarding the modalities for leasing out the Tin Bigha area, 26 March 1992.

1. Indian flags will fly at the four corners of the Tin Bigha corridor as a manifestation of India's sovereignty over the area;

2. An East-West road to connect Dahagram (Bangladesh) with Patgram (Bangladesh) will be constructed by India before 26th June, 1992 roughly at right angles to the existing North-South road. The new East-West road is to conform to the specifications and width of the existing North-South road;

3. Landscaping (horticulture) protected by fencing, on both sides of the proposed road, is to be carried out and maintained by India, so as to prevent the possibility of encroachment and infiltration, keeping adequate provision for drains, laying of cables, water-supply etc., in future;

4. Two check points each are to be set up at both ends of the East-West road where it touches the Bangladesh boundary. They will be separately manned by Indian and Bangladesh authorities with a view to regulating the movement of traffic;

5. Traffic in the corridor will be regulated by the Indian authorities, and the opening and closing of the check points on the East-West road will be coordinated accordingly in such a manner that there is no intermixing of Indian and Bangladeshi streams of traffic;

6. At the intersection, i.e., the specific point where the East-West road will cross the North-South road, there will be an Indian traffic Police control to direct the traffic movement;

7. Indian traffic movement on the North-South road will continue as heretofore. Bangladesh traffic will use the East-West road in the corridor at alternate hours during the day-light period. However, exceptions will be made at the local level to the above arrangements in cases of emergency, such as natural calamities, movement of civil administrators and medical emergencies;

8. Suitable lighting arrangements will be made for the entire corridor in order to facilitate monitoring by security agencies on both sides;

9. Differences, if any, regarding modalities for implementing the terms of lease will be resolved in the first instance through consultations between the Deputy Commissioner of Cooch Behar (India) and the Deputy Commissioner of Lalmonirhat (Bangladesh). Remaining differences, if any, will be referred to their respective Governments for resolution;

10. India and Bangladesh will provide mutual judicial assistance to each other to the extent necessary, in all matters relating to the prosecution, trials, etc. concerning incidents constituting offences in the leased area;

11. Agreed arrangements will come into effect from 26th June, 1992.

Ratified by an exchange of letters on 26 March 1992, by J.N.Dixit, Foreign Secretary, India and A.H. Mahmood Ali, Additional Foreign Secretary, Bangladesh.

(Bhasin, 1996, 931-4)

APPENDIX 1-45

BJP anti-Tin Bigha lease tract 1992

SAVE TIN BIGHA, SAVE KUCHLIBARI

1. The scar of 1947 partition is still lingering. In 1947, Congress reluctantly signed on the dotted line and accepted division of India on communal basis. The Communists too favoured creation of Pakistan dividing India. That way the misery of partition of India is due to the actions of both the Congress and the Communists. BJP or for that matter its predecessor Jansangh were not there in 1947 to resist that evil design, but today, in 1992, things have changed. Today we, the general people, refuse to be a mute party to the sinister design of transferring Tinbigha Corridor to Bangladesh by Rao Govt.-Jyoti Basu combine. Like 1947, now also, if the people irrespective of their religion - occupation- status do not stand up, the day is not far when as a consequence of the said Tinbigha transfer, some 50,000 people of 22 villages of Kuchlibari will be forced to flee their homes and take refuge in India as Refugees. This will add to the partition scar and would even spoil the relationship with our next door neighbour - Bangladesh.

2. 999 years' Lease is a clever legal ploy to avoid Constitution amendment. Transforming Kuchlibari people as enclave residents to facilitate the movement of Bangladeshis to their enclave, is a repetition of the same appeasement politics for which we had to pay dearly in 1947.

3. When Pakistan and Bangladesh turned Islamic, India remained secular because of its time-tested cultural ethos. Britishers tried to communalize it on religious lines and for the sake of the block vote, Congress and the CPI(M) are bent on perpetuating it. Minorityism played havoc with the Indian psyche earlier and now the time has come to resist actively the political use of this Minority Card.

4. Power or no power, India is one, its people are one, and will remain so in future too. So we appeal to all the Indians, all its valiant fighters for national integrity [*sic.*] to stand up, face the situation squarely and remove the danger of 50,000 people of Kuchlibari becoming Refugees at some point of time in future. Spoil the politically manipulative designs of Delhi and Writers', show solidarity with the other suffering brethren to honour the blood and culture we have all inherited. Refrain from assisting in any way the transfer of Tinbigha at all cost.

5. Save Tinbigha, save Kuchlibari, save another Division of India in the camouflaged garb of Leasing.

Appeal by:

Colonel Sabyasachi Bagchi (Retd.) Air Vice-Marshal Samir Roy (Retd.)

Lt. Col. J.N. Chatterjee (") Shri Ramen Bhattacharya, IPS (")

Gr. Captain Monoj Ghose (") Sri S. Banerjee, IAS (")

Sri Chitta Ranjan Guha Mazumdar, IAS.(") Sri Tathagata Roy, IRSE (")

Published by Dr. A.G., Mitra secretary, Bharatiya Janata Party, W.B., Printed by PRINT, Cal-6

(BJP, 1992c)

APPENDIX 1-46

Dahagram tour advertisement 2001

BANGLADESH IS REALLY BEAUTIFUL TOURIST PLACE

rtncy@netscape.net, aeronaut@saudia.com

Tour 8 : Dahagram - Angorpota : history of a part of Bangladesh
Dhaka - Lalmonirhat - Dahagram - Angorpota - Rangpur - Dhaka

Just beyond the boundary is another country. But there too is physical Bangladesh. Her national flag flutters here with pride. How amazing it is. On the extreme north of Bangladesh is Lalmonirhat. A small landscape of this district is Chhit Mahal which is known as Dahagram - Angorpota. Its connection with the mainland is a three - bigha corridoor through the Indian soil. Apparently 16,000 people live on this pocket. They talk in mixed language, have okayed an amalgamation of tradition and culture of two neighbours. Pleasing all along to witness is a country within a country. On way back are seen as bonus the deserted aerodrome used the second World War, Tista Barrage Project, Burimari Check Post(India-Bhuttan-Nepal border intersections), river Tista with high tide and other running rivers like Dharla, Ratnai and Saniqjan rivers. All these may rest as a refreshing story in the memory of the beholders.

Date Entered: - Wednesday April 18, 2001 at 21:07:36

(Tourism, 2001. The text has been reproduced without correcting spelling errors)

APPENDIX 2a

Glossary of abbreviations & Indian terms

AIFB	All India Forward Block, a West Bengal political party. Also abbreviated <i>FB</i> .
Ail	The raised bund between paddy fields.
AIR	“All India Reporter”, a journal of Indian law cases
Awami League	Leading political party in Bangladesh.
Bandh	General strike. Also <i>hartal</i> .
Bar[a]	Bengali for large/big. Also spelled Boro.
BCS	Bengal Civil Service.
BDR	Bangladesh Rifles. Bangladesh border guards. Successor to <i>EPR</i> .
Bheel	Marsh/lagoon formed by flooding, or previous river courses. Also bhil or jeel.
BJD	Bangladesh Jatiyotabadi Dal. See <i>BNP</i> .
BJP	Bharatiya Janata Party. Hindu-nationalist Indian political party.
BNP	Bangladesh Nationalist Party. Leading political party. Also abbreviated BJD.
BSF	Border Security Force. Indian border guards.
Cal	Calcutta.
Chakla	A landholding or administrative unit within a <i>subah</i> . A circle, or <i>district</i> .
Chakladar	Owner of a <i>chakla</i> .
Char	Fertile but often temporary island in a river, formed by flood deposits.
Chaukidar	Watchman, village policeman.
Chhit(mahal)	Bengali term for a detached piece of village land, often used as a synonym for enclave in a general sense.
Chhitmahali	Resident of a <i>chhit(mahal)</i> .
Choto	Bengali for small/little.
Congress	Leading Indian political party.
CPI(M)	Communist Party of India (Marxist). Main West Bengal political party.
CSP	Civil Service of Pakistan.
Dafadar	Police corporal.
Dakshin	Bengali for South.
DC	Deputy Commissioner. Head official of a district. Equivalent to <i>DM</i> .
Debottar	Rent-free lands granted to a temple (Nath, 1989, 124).
Dev[a] Raja	Secular ruler of Bhutan, together with <i>Dharma Raja</i> . Also spelled Deb Raja.
Dewan	Financial minister of Princely <i>State</i> , or Mughal <i>subah</i> .
Dewani	The office of <i>dewan</i> .
Dharma	Peaceful demonstration.
Dharma Raja	Spiritual ruler of Bhutan, together with <i>Deb Raja</i> .

District	Basic administrative unit of British India and its successor states.
Division	Administrative unit between a province/state and a district.
DLR	“Dhaka Law Reports”, a journal of Easat Pakistani/Bangladeshi law cases.
DM	District Magistrate. Head official of a district. Equivalent to <i>DC</i> .
Durbar	Royal court.
EIC	East India Company. Effective rulers of India 1757-1858.
EPCS	East Pakistan Civil Service.
EPR	East Pakistan Rifles. Pakistani border guards. Replaced by <i>BDR</i> .
FB	see <i>AIFB</i> .
FB(S)	Forward Block (Socialist). Splinter group of <i>AIFB</i> in 1990s.
Foujdar	Sheriff of an area within a <i>subah</i> in Mughal India.
Goladar	A state official.
Goondah	Hired political thug.
Hartal	General strike. Also <i>bandh</i> .
Hastabud	A revenue <i>settlement</i> .
IA	Indian Administration.
ICS	Indian Civil Service.
ICJ	International Court of Justice.
Jawan	Lowest rank in the army/police: a private.
Jeel	see <i>bheel</i> .
Jote	Individual revenue-paying tenancy. Often sublet.
Jotedar	Owner of a <i>jote</i> .
Kuthi	Grouping of 3 or 4 villages in early Cooch Behar (Nath, 1989, 127).
Lathi	Bamboo cane used for crowd control by police.
Madhya	Bengali for Middle/Central.
Mauza	A village for revenue and administrative purposes.
MLA	Member of Legislative Assembly, the lower house of parliament in West Bengal.
MLC	Member of Legislative Council, the now-abolished upper house of parliament in West Bengal.
MP	Member of Parliament.
Nawab	Title assumed by rulers of Bengal in 1700s.
Nazir	Chief minister of a Princely <i>State</i> . Also a princely title.
Pargana	Administrative unit within a <i>Subah</i> . A <i>district</i> .
Paschim	Bengali for West.
Police Station	Revenue and administrative unit within a district. Also called a <i>thana</i> .
PRO	Public Records Office, London.
Province	British Indian administrative unit. Equivalent to present Indian states.
Purba	Bengali for East.

Raikat	Leading noble in Cooch Behar, based near present Siliguri.
RSP	Revolutionary Socialist Party. West Bengal political party.
Ryot	Peasant cultivator.
Sanad	Official decree or deed.
Sadar	Name given to the chief <i>thana</i> or <i>subdivision</i> of a district, eg Rangpur <i>thana</i> , and Rangpur <i>subdivision</i> may be referred to as Sadar <i>thana</i> or Sadar <i>subdivision</i> , to avoid confusion with Rangpur district or town. Also spelled Sadr or Sudder.
Sarkar	Subdivision of a <i>subah</i> .
SC	Supreme Court. <i>Scheduled Caste</i> .
Scheduled Caste	Lower caste granted special status in India. Abbreviated SC.
Scheduled Tribe	Backward tribe granted special status in India. Abbreviated ST.
Settlement	Official calculation and ascription of land rents. Often but not always accompanied by a cadastral survey of the land to be settled.
SDO	Subdivisional Officer. Head official of a <i>subdivision</i> .
state	Main administrative unit of independent India.
State	Princely State of British India.
Subah	Mughal administrative unit. A province.
Subahdar	Head official of a <i>subah</i> . Provincial governor.
Subdivision	Administrative unit between <i>district</i> and <i>police station</i> .
SUCI	Socialist Unity Centre of India. Minor political party.
Taluk	Landholding similar or subordinate to a <i>zamindari</i> .
Talukdar	Owner of a <i>taluk</i> .
Thak	An earth or mud pillar.
Thakbust	A revenue survey involving erection of <i>thak</i> pillars at important boundary points.
Thana	see <i>police station</i> .
TNO	Thana Nirbahi Officer. Head official of a Bangladeshi thana.
union	Administrative grouping of <i>mauza</i> within a <i>police station</i> .
Union	<i>state</i> -like groupings of Princely <i>States</i> in India 1947-56.
Uttar	Bengali for North.
Village	see <i>mauza</i> .
Zamindar	Holder of a <i>zamindari</i> . A leading landlord and rent-collector.
Zamindari	A large rent farm or landholding, the owner acting as rent collector for the government.
Zila	Bengali term for a <i>district</i> .

(partial source: Yule & Burnell, 1902)

APPENDIX 2b

Mughal & (British) Indian administrative hierarchies

Mughal administrative hierarchy

Empire
Subah (province)
Sarkar
Pargana/Chakla/Zamindari
Taluk
Jote
?Kuthi
?Mauza

Indian administrative hierarchy (British, Indian, Pakistani, Bangladeshi)

Colony/country
Province/state/Union*
Division
District
Subdivision*
Police Station/Thana
union
Mauza/Village

* not used at present in Bangladesh.

APPENDIX 2c

Summary chronology of the Cooch Behar enclaves

- 1510s Bisu (Bisva Singh) founds the Koch kingdom
- 1560s? Under Nar Narayan, Cooch Behar attains its greatest extent.
- 1581? Nar Narayan divides kingdom with his nephew creating Cooch Behar and Cooch Hajo.
- 1661 Mughal general Mir Jumla conquers Cooch Behar, but dies soon after
- 1685 Mughals occupy chaklas Fatehpur, Kazirhat and Kakina
- 1690-1710 Mughals occupy chaklas Boda, Patgram and Purvabhag
- 1711 Cooch Behar cedes Fatehpur, Kazirhat and Kakina to Mughal Empire by treaty
- 1713 Mughals demand Boda, Patgram and Purvabhag. Cooch Behar rejects this, but defeated in short campaign. New treaty forces Maharaja to hold them in farm from the Mughals, creating the enclaves.
- 1757 Clive defeats Bengal Nawab Siraj-ud-Daula at Plassey
- 1765 East India Co. granted *diwani* of Bengal, Bihar and Orissa by Mughal Emperor.
- 1769 Boundary between Cooch Behar and East India Co. territories first determined
- 1773 Cooch Behar acknowledges EIC suzerainty in return for East India Co. aid against Bhutan
- 1787 Flood changes the course of the Tista river
- 1817 Maraghat (Baishchala) enclaves formed when EIC moves Bhutanese boundary southward, but retains certain lands for Cooch Behar
- 1827 East India Co. conquers Assam from Burmese
- 1858 British Government replaces East India Co. after Indian Mutiny
- 1865 British conquer the Duars from Bhutan; British India now encircles Cooch Behar
- c.1870 Jalpaiguri district formed from NW part of Rangpur district and Western Duars
- 1905-12 Partition of Bengal. Although enclaved by Eastern Bengal and Assam province, Cooch Behar under Bengal province's administration
- 1912-14 Cooch Behar-Assam main boundary and enclaves demarcated
- 1917-47? British and Cooch Behar enclaves "exchanged" for excise purposes
- 1919-20 Cooch Behar-Jalpaiguri main boundary demarcated
- 1933-34 Cooch Behar-Rangpur main boundary demarcated
- 1933-36 Cooch Behar-Rangpur enclaves demarcated
- 1936 Cooch Behar administration passes from Bengal to the Eastern States Agency
- 1937-39 Cooch Behar-Jalpaiguri enclaves demarcated

- 1947 India and Pakistan independent. Bengal partitioned. Rangpur and southern Jalpaiguri fall to Pakistan. Cooch Behar left between them with enclaves in and from both.
- 1949 Cooch Behar merges with India, becoming a Chief Commissioner's Province
- 1950 Cooch Behar becomes a district of West Bengal
- 1950s Chaklajat estates nationalised under East Pakistani land reforms
- 1952 First Pakistani claims to Berubari. India transfers several former Cooch Behar enclaves along the Pakistani border to Jalpaiguri district.
- 1955 Remaining Cooch Behar enclaves within Jalpaiguri transferred to the latter.
- 1958 Nehru-Noon agreement to exchange all international enclaves and give half of Berubari to Pakistan. Probable Pakistani ratification of agreement.
- 1958-71 Court cases, vocal opposition and poor relations obstruct Indian implementation of Nehru-Noon.
- 1960 India amends constitution to legitimise Nehru-Noon agreement. Two Jalpaiguri enclaves transferred to Cooch Behar.
- 1965 Dahagram incident. Indo-Pakistan war over Kashmir & Punjab. Confiscation of enemy-owned land. Most cross-border communications cut.
- 1971 East Pakistan independent as Bangladesh after bloody civil war and Indian intervention.
- 1974 Indira-Mujib agreement to exchange all enclaves, except Dahagram-Angarpota. India to retain Berubari and lease Tin Bigha corridor to Bangladesh. Bangladeshi court challenge dismissed; Bangladesh amends Constitution & ratifies agreement. Indian court challenges continue until 1992.
- 1982 Agreement on Tin Bigha lease terms.
- 1992 Tin Bigha leased to Bangladesh (26 June).
- 2001 Tin Bigha opening hours extended.
- 2002 6.5km of boundary remains undemarcated. India yet to amend Constitution to ratify & implement Indira-Mujib agreement.

APPENDIX 2d

Rulers, politicians & government officers of the various political units concerned with the Cooch Behar enclaves

The following tables provide data on the various offices of political units territorially responsible for the Cooch Behar enclaves. These range from the Maharajas of Cooch Behar to the Foreign Ministers of Bangladesh, MPs and local government officers. The tables have been compiled from a variety of sources, but are not guaranteed to be totally accurate or complete. They are intended as a guide to the politics and changes in political geography of the North Bengal region, to allow the reader to place the various names and offices in the text in their historical context, and also as a starting point for further research. Unfortunately the tables for local officers, particularly district magistrates and local MPs are highly incomplete.

Starting with the Cooch Behar royalty and its branches, the tables are then given by country: India, national then state, Pakistan to 1971, Bangladesh from 1971, and Bhutan to 1866. Divisional and District officials are treated at the end, due to these offices overlapping both the British Indian and post-Independence periods.

COOCH BEHAR

Maharajas of Cooch Behar a comparison of authorities

	<u>Almanach</u>	<u>Gait</u>	<u>Bhattacharyya</u>	<u>Ganguli,</u> <u>Das</u>	<u>Ghoshal</u>	<u>Nath</u>
Chandan	1511-24	*	*	1510-1523	*	*
Bisva Singh	1524-55	1515-40	1529-55	1523-54	1496-1533	1515-40
Nar Singh	*	*	*	*	1533	1540
Nar Narayan	1555-88	1540-84	1555-87	1554-87	1533/34-87	1540-87
Lakshmi #	1588-1622	1584-1622	1587-1627	1587-1621	1587-1627	1587-1627
Bir	1622-27	1622-33	1627-33	1621-26	1627-32	**
Pran	1627-66	1633-66	1633-66	1626-65	1632-65	
Mod	1666-81	**	1666-80	1665-80	1665-80	
Basudev	1681-83		1680-82	1680-82	1680-82	
Mahendra	1683-95		1682-95	1682-94	1682-93	
Yajna	*		*	*	1693-1704	
Rup	1695-1715		1695-1715	1694-1714	1704-14	
Upendra	1715-64		**	1714-63	1714-63	
Debendra	1764-66			1763-65	1763-65	
Dhairyendra	1766-71			1765-70	1765-70	
Rajendra	1771-73			1770-72	1770-72	
Dharendra	1773-80			1772-75	1772-75	
Dhairyendra	1780-83			1775-83	1775-83	
Harendra	1783-1839			1783-1839	1783-	
Sivendra	1839-47			1839-47	**	
Narendra	1847-63			1847-63		
Nripendra	1863-1911			1863-1911		
Rajendra	1911-13			1911-13		
Jitendra	1913-22			1913-22		
Jagaddipendra	1922-70			1922-		
Virajendra	1970-71***			**		

Das gives the same dates as Ganguli except for Dhairyendra's second reign, starting it one year earlier in 1774; Das also finishes his list with Jagaddipendra's accession to India in 1949.

- # Lakshmi and subsequent maharajas all have the surname Narayan.
- * Not listed in this authority.
- ** Maharajas hereafter not listed.
- *** Abolition of title and privy purse, 26th Amendment, 28 Dec 1971.
Virajendra died during the 1970s without issue and the male line is extinct.

(Gait, 1926, 345; Bhattacharyya, 1929, 403; Ganguli, 1930, app ii; Ghoshal, 1942; Nath, 1989, 207; Das, 1998, 10-11; Almanac de Bruxelles website)

Rulers of Cooch Hajo

Ragu Dev Narayan 1581 -1603

Parikshit Narayan 1603 -1612*

Conquest of Cooch Hajo by Mughals and Ahoms.

* Gait says 1613, Bhattacharyya says 1618 but this is probably a typographic error for 1615.

(Gait, 1926, 345; Bhattacharyya, 1929, 403; Nath, 1989, 207)

Raikats of Baikunthapur

	<u>Milligan</u>	<u>Ghoshal</u>
Sisu Singh	?-?	?-?
Manahar Dev	?-?	*
Manikya Dev	?-?	?-?
Maruti Dev	*	?-?
Shiva Dev	?-?	?-?
Ratna Dev	?-?	*
Mahi Dev	1621-67	?-?
Bhuja Dev	1667-87	?-?
Jaga Dev	*	?-?
Vishnu Dev	1687-1709	?-?
Dharma Dev	1709-24	?-?
Bhup Dev	1724-36	?-?
Vikram Dev	1736-58	?-?
Darpa Dev	1758-93	1771-?
Jayanta Dev	1793-1800	?-?
Sarba Dev	1800-47	?-1848
Raj Rajendra Dev	1847-49	*
Makaranda Dev	1849-52	1848-53
Chandrashekar Dev	1852-65	1853-65
Jogendra Dev	1865-77	1865-78
Jagadindra Dev	1877-85	1878-85
Fanindra Dev	1885-95	1885-95
Prasanna Dev	1895- (1920+)	1895- (1936+)

* not listed, or not formally entitled

(Milligan, 1919, 8-9; Ghoshal, 1942, 284-9)

INDIA

27 May	1526	Babur founds the Mughal Empire
17 May	1540	Mughals expelled by the Afghan Sur dynasty
23 Jul	1555	Mughal rulers restored
29 Mar	1858	Mughals deposed by British
1 Nov	1858	U.K. Parliamentary Act annexes the Empire, creating British India
15 Aug	1947	British India and acceded states are partitioned into two Dominions
26 Jan	1950	Dominion of India becomes a republic

Mughal Emperors

1526 -	1530	Babur, Timurid ruler of Transoxiana, captured Delhi 1526.
1530 -	1540	Humayun

Sur Emperors

1540 -	1545	Shir Shah Sur
1545 -	1553	Islam Shah
1553 -	1555	Muhammed Adil
1555		Ibrahim III
1555		Sikander III

Mughal Emperors (restored)

1555 -	1556	Humayun
1556 -	1605	Akbar I, the Great
1605 -	1627	Jahangir
1628 -	1658	Shah Jahan I
1658 -	1707	Aurangzib Alamgir I
1707 -	1712	Bahadur Shah I
1712 -	1713	Jahandar Shah
1713 -	1719	Farrukhsiyar
1719		Rafi al-Darajat
1719		Shah Jahan II
1719 -	1748	Muhammed Shah
29 Apr 1748 -	3 Jun 1754	Ahmad Shah, died 1773
3 Jun 1754 -	29 Nov 1759	Alamgir II
25 Dec 1759 -	10 Nov 1806	Shah Alam II
18 Nov 1806 -	28 Sep 1837	Akbar II
29 Sep 1837 -	29 Mar 1858	Bahadur Shah II. Deposed, died 1862.

(Morby, 1994, 211; Rulers website)

Governors-General (of the British East India Company)

20 Oct	1774 -	1 Feb	1785	Warren Hastings	
1 Feb	1785 -	12 Sep	1786	John Macpherson	(acting)
12 Sep	1786 -	28 Oct	1793	Charles Cornwallis, Earl Cornwallis	(1 st time)
28 Oct	1793 -	Mar	1798	Sir John Shore	
Mar	1798 -	18 May	1798	Sir Alured Clarke	(acting)
18 May	1798 -	30 Jul	1805	Richard Colley Wellesley, Baron later Marquess Wellesley	
30 Jul	1805 -	5 Oct	1805	Charles Cornwallis, Marquess Cornwallis	(2 nd time)
10 Oct	1805 -	31 Jul	1807	Sir George Hilario Barlow	(acting)
31 Jul	1807 -	4 Oct	1813	Gilbert Elliot-Murray-Kynynmound, Baron Minto	
4 Oct	1813 -	9 Jan	1823	Francis Rawdon-Hastings, Earl of Moira later Marquess of Hastings	
9 Jan	1823 -	1 Aug	1823	John Adam	(acting)
1 Aug	1823 -	13 Mar	1828	William Pitt Amherst, Baron, later Earl, Amherst	
13 Mar	1828 -	4 Jul	1828	William Butterworth Bayley	(acting)
4 Jul	1828 -	20 Mar	1835	William Henry Cavendish-Bentinck, Lord Bentinck	
20 Mar	1835 -	4 Mar	1836	Sir Charles Theophilus Metcalfe	(acting)
4 Mar	1836 -	28 Feb	1842	George Eden, Baron, later Earl of, Auckland	
28 Feb	1842 -	Jun	1844	Edward Law, Baron Ellenborough	
Jun	1844 -	23 Jul	1844	William Wilberforce Bird	(acting)
23 Jul	1844 -	12 Jan	1848	Henry Hardinge, Viscount Hardinge	
12 Jan	1848 -	28 Feb	1856	James Andrew Broun Ramsay, Earl, later Marquess, of Dalhousie	
28 Feb	1856 -	1 Nov	1858	Charles John Canning, Viscount Canning	

Viceroy of India

1 Nov	1858 -	21 Mar	1862	Charles John Canning, Viscount, later Earl, Canning	
21 Mar	1862 -	20 Nov	1863	James Bruce, Earl of Elgin	
21 Nov	1863 -	2 Dec	1863	Sir Robert Cornelis Napier	(acting)
2 Dec	1863 -	12 Jan	1864	Sir William Thomas Denison	(acting)
12 Jan	1864 -	12 Jan	1869	Sir John Laird Mair Lawrence	
12 Jan	1869 -	8 Feb	1872	Richard Southwell Bourke, Earl of Mayo	
9 Feb	1872 -	23 Feb	1872	Sir John Strachey	(acting)
24 Feb	1872 -	3 May	1872	Francis Napier, Baron of Ettrick	(acting)
3 May	1872 -	12 Apr	1876	Thomas George Baring, Viscount Baring of Lee	
12 Apr	1876 -	8 Jun	1880	Robert Bulwer-Lytton, Baron Lytton	
8 Jun	1880 -	13 Dec	1884	George Frederick Samuel Robinson, Marquess of Ripon	
13 Dec	1884 -	10 Dec	1888	Frederick Hamilton-Temple-Blackwood, Earl of Dufferin	
10 Dec	1888 -	11 Oct	1894	Henry Petty-Fitzmaurice, Marquess of Lansdowne	
11 Oct	1894 -	6 Jan	1899	Victor Alexander Bruce, Earl of Elgin	
6 Jan	1899 -	18 Nov	1905	George Nathaniel Curzon	
18 Nov	1905 -	23 Nov	1910	Gilbert John Elliot-Murray-Kynynmound, Earl of Minto	
23 Nov	1910 -	4 Apr	1916	Charles Hardinge, Baron Hardinge of Penshurst	
4 Apr	1916 -	2 Apr	1921	Frederic John Napier Thesiger, Baron Chelmsford	
2 Apr	1921 -	10 Apr	1925	Rufus Daniel Isaacs, Baron Reading of Erleigh	
10 Apr	1925 -	3 Apr	1926	Victor Alex. George Robert Bulwer-Lytton, Earl of Lytton	(acting)
3 Apr	1926 -	29 Jun	1929	Edward Frederick Lindley Wood, Baron Irwin	
29 Jun	1929 -	18 Apr	1931	George Joachim Goschen, Viscount Goschen of Hawkhurst	
18 Apr	1931 -	18 Apr	1936	George Freeman Freeman-Thomas, Earl of Willingdon	
18 Apr	1936 -	1 Oct	1943	Victor Alexander John Hope, Marquess of Linlithgow	
1 Oct	1943 -	21 Feb	1947	Archibald Percival Wavell, Viscount Wavell	

21 Oct 1943 - Aug 1945 Subhas Chandra Bose (Head of State of Provisional Government of Free India proclaimed at Singapore, recognized by Axis powers)

21 Feb 1947 - 15 Aug 1947 Louis Francis Mountbatten, Viscount Mountbatten of Burma

Governors-General

15 Aug 1947 - 21 Jun 1948 Louis Francis Mountbatten, Earl Mountbatten of Burma (1900 - 1979*)

21 Jun 1948 - 26 Jan 1950 Chhakravarthi Rajagopalachari (1878 - 1972)

Presidents

26 Jan 1950 - 13 May 1962 Rajendra Prasad (1884 - 1963)

13 May 1962 - 13 May 1967 Sarvapalli Radhakrishnan (1888 - 1975)

13 May 1967 - 3 May 1969 Zakir Husain (1897 - 1969)

3 May 1969 - 20 Jul 1969 Varahagiri Venkata Giri (1st time) (acting) (1894 - 1980)

20 Jul 1969 - 24 Aug 1969 Muhammad Hidayat Ullah (acting) (1905 - 1992)

24 Aug 1969 - 24 Aug 1974 Varahagiri Venkata Giri (2nd time) (s.a.)

24 Aug 1974 - 11 Feb 1977 Fakhruddin Ali Ahmed (1905 - 1977)

11 Feb 1977 - 25 Jul 1977 Basappa Danappa Jatti (acting) (1912 -)

25 Jul 1977 - 25 Jul 1982 N. Sanjiva Reddy (1913 - 1996)

25 Jul 1982 - 25 Jul 1987 Zail Singh (1916 - 1994)

25 Jul 1987 - 25 Jul 1992 Ramaswamy Venkataraman (1910 -)

25 Jul 1992 - 25 Jul 1997 Shankar Dayal Sharma (1918 - 1999)

25 Jul 1997 - K.R. Narayanan (1920 -)

Prime Ministers

15 Aug 1947 - 27 May 1964 Jawaharlal Nehru (1889 - 1964) C

27 May 1964 - 9 Jun 1964 Gulzarilal Nanda (acting, 1st time) (1898 - 1998) C

9 Jun 1964 - 11 Jan 1966 Lal Bahadur Shastri (1904 - 1966) C

11 Jan 1966 - 19 Jan 1966 Gulzarilal Nanda (acting, 2nd time) (s.a.) C

19 Jan 1966 - 24 Mar 1977 Indira Gandhi (f) (1st time) (1917 - 1984*) C

24 Mar 1977 - 28 Jul 1979 Morarji Desai (1896 - 1995) J

28 Jul 1979 - 14 Jan 1980 Charan Singh (1902 - 1987) LD

14 Jan 1980 - 31 Oct 1984 Indira Gandhi (f) (2nd time) (s.a.) C(I)

31 Oct 1984 - 2 Dec 1989 Rajiv Gandhi (1944 - 1991*) C(I)

2 Dec 1989 - 10 Nov 1990 Vishwanath Pratap Singh (1931 -) JD

10 Nov 1990 - 21 Jun 1991 Chandra Shekhar (1927 -) JD(S)

21 Jun 1991 - 16 May 1996 P.V. Narasimha Rao (1921 -) C(I)

16 May 1996 - 1 Jun 1996 Atal Bihari Vajpayee (1st time) (1924 -) BJP

1 Jun 1996 - 21 Apr 1997 H.D. Deve Gowda (1933 -) JD**

21 Apr 1997 - 19 Mar 1998 Inder Kumar Gujral (1919 -) JD**

19 Mar 1998 - Atal Bihari Vajpayee (2nd time) (s.a.) BJP

(f) Female

BJP Bharatiya Janata Party

C, C(I) Congress

J Janata

JD Janata Dal

JD(S) Janata Dal, Socialist faction

LD Lok Dal

* Assassinated

** Leading party in United Front coalition

(Political Leaders website; Rulers website)

Foreign Ministers

1947 - 1964	Jawaharlal Nehru		(1889 - 1964)
1964	Lal Bahadur Shastri		(1904 - 1966)
1964 - 1966	Sardar Swaran Singh	(1st time)	(1907 - 1994)
1966 - 1967	Mohomedali Currim Chagla		(1900 - 1981)
1967 - 1969	Indira Gandhi (f)	(1st time)	(1917 - 1984*)
1969 - 1970	Dinesh Singh	(1st time)	(1925 - 1995)
1970 - 1974	Sardar Swaran Singh	(2nd time)	(s.a.)
1974 - 1977	Yashwantrao Balwantrao Chavan		(1913 - 1984)
1977 - 1979	Atal Bihari Vajpayee	(1st time)	(1924 -)
1979 - 1980	Shyam Nandan Mishra		(1920 -)
1980 - 1984	P.V. Narasimha Rao	(1st time)	(1921 -)
1984	Indira Gandhi (f)	(2nd time)	(s.a.)
1984 - 1985	Rajiv Gandhi	(1st time)	(1944 - 1991*)
1985 - 1986	Bali Ram Bhagat		(1922 -)
1986	Punjala Shiv Shanker		(1929 -)
1986 - 1987	Narain Dutt Tiwari		(1925 -)
1987 - 1988	Rajiv Gandhi	(2nd time)	(s.a.)
1988 - 1989	P.V. Narasimha Rao	(2nd time)	(s.a.)
1989 - 1990	Inder Kumar Gujral	(1st time)	(1919 -)
1990 - 1991	Vidya Charan Shukla		(1927 -)
1991 - 1992	Madhav Sinh Solanki		(1927 -)
1992 - 1993	Raghunandan Lal Bhatia		(1921 -)
1993 - 1995	Dinesh Singh	(2nd time)	(s.a.)
1995 - 1996	Pranab Kumar Mukherjee		(1935 -)
1996	Atal Bihari Vajpayee	(2nd time)	(s.a.)
1996	Sikander Bakht		(1918 -)
1996 - 1998	Inder Kumar Gujral	(2nd time)	(s.a.)
1998	Atal Bihari Vajpayee	(3rd time)	(s.a.)
1998 -	Jaswant Singh		(1938 -)

(f) Female

* Assassinated

(Rulers website)

ASSAM

24 Feb	1826	ceded to U.K. by Burma
	1826	part of province of Bengal
	1874	province of Assam
16 Oct	1905	province of East Bengal and Assam
1 Apr	1912	chief commissionership of Assam
3 Jan	1921	province of Assam
15 Aug	1947	state of Assam

Commissioners

1874 -	1878	Col. Richard Harte Keatinge	
1878 -	1881	Sir Stuart Colvin Bayley	
1881 -	1885	Sir Charles Bletterman Elliott	
1885 -	1887	Sir William Erskine Ward	(1 st time)
1887 -	1889	Sir Dennis Fitzpatrick	
1889 -	1891	James Wallace Quinton	
1891 -	1896	Sir William Erskine Ward	(2 nd time)
1896 -	1902	Sir Henry John Stedman Cotton	
1902 -	1905	Joseph Bamfylde Fuller	

Lieutenant Governors of East Bengal and Assam

1905 -	1906	Sir Joseph Bamfylde Fuller
1906 -	1911	Sir Lancelot Hare
1911 -	1912	Sir Charles Stuart Bayley

Chief Commissioners

1912 -	1918	Sir Archdale Earle
1918 -	3 Jan 1921	Sir Nicholas Dodd Beatson Bell

Governors

3 Jan	1921 -	2 Apr	1921	Sir Nicholas Dodd Beatson Bell
3 Apr	1921 -	10 Oct	1922	Sir William Sinclair Marris
10 Oct	1922 -	28 Jun	1927	Sir John Henry Kerr
28 Jun	1927 -	11 May	1932	Sir Egbert Laurie Lucas Hammond
11 May	1932 -	4 Mar	1937	Sir Michael Keane
4 Mar	1937 -	4 May	1942	Robert Neil Reid
4 May	1942 -	15 Aug	1947	Sir Andrew Gourlay Clow

Chief Minister

1 Feb	1946 -	15 Aug	1947	Srijut Gopinath Bardoloi
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(Gait, 1926, 359; Rulers website)

Governors

	1947 - 28 Dec	1948	Sir Muhammad Salid Akbar Hydari	(1894 - 1948)
Dec	1948 - 16 Feb	1949	Sir Ronald Francis Lodge	(acting) (1889 - 1960)
16 Feb	1949 -	1950	Sri Prakasa	(1890 - 1971)
	1950 - May	1956	Jairamdas Daulataram	(1891 - 1979)
May	1956 -	1960	Sir Saiyid Fazl Ali	(1886 - 19...)
	1960 -	1961	Vishnu Sahay	(1 st time)
	1961 - 7 Aug	1962	Satyavant Mallannah Srinagesh	(1903 -)
7 Aug	1962 - 11 Apr	1968	Vishnu Sahay	(2 nd time)
11 Apr	1968 - 19 Sep	1973	Braj Kumar Nehru	(1909 - 2001)
19 Sep	1973 - 10 Aug	1980	Lallan Prasad Singh	(1912 - 1998)
10 Aug	1980 -	1985	Prakash Chandra Mehotra	(1925 -)
	1985 -	1989	Bhishma Narain Singh	(1933 -)
	1989 -	1991	Harideo Joshi	(1921 - 1995)
	1991 - 15 Mar	1991	D.D. Thakur	
15 Mar	1991 - 1 Sep	1997	Loknath Mishra	
1 Sep	1997 -		S.K. Sinha	(1926 -)

Chief Ministers

15 Aug	1947 - 6 Aug	1950	Srijut Gopinath Bardoloi	(1891 - 1950)
Aug	1950 - Jan	1958	Bishnuram Medhi	(1888 - 19...)
Jan	1958 - 6 Nov	1970	Bimali Prasad Chaliha	(1912 - 1971)
6 Nov	1970 - 9 Jan	1972	Mahendra Mohan Choudhury	(1908 - 1983)
9 Jan	1972 - 12 Mar	1978	Sarat Chandra Singh	(1916? -)
12 Mar	1978 - 4 Sep	1979	Golap Borbora	
4 Sep	1979 - 11 Dec	1979	Jogendra Nath Hazarika	(1924 - 19...)
6 Dec	1980 - 29 Jun	1981	Anwara Taimur (f)	(1936 -)
13 Jan	1982 - 19 Mar	1982	Keshav Chandra Gogoi	(1922? - 1998)
27 Feb	1983 - 22 Dec	1985	Hiteshwar Saikia	(1 st time) (1934? - 1996)
22 Dec	1985 - 27 Nov	1990	Prafulla Kumar Mahanta	(1 st time) (1952 -)
30 Jun	1991 - 22 Apr	1996	Hiteshwar Saikia	(2 nd time)
22 Apr	1996 - 15 May	1996	Bhumidhar Barman	
15 May	1996 - 18 May	2001	Prafulla Kumar Mahanta	(2 nd time) (s.a.)
18 May	2001 -		Tarun Gogoi	(1936 -)

(Rulers website)

BENGAL

	1493	Hussain Shahi dynasty replaces violent Abyssinian dynasty
	1539	Sher Shah Sur conquers Bengal
	1564	Karrani Afghans replace Shahi dynasty
	1574	Mughal conquest of Bengal
2 Feb	1634	first English settlements, subordinate to Madras
3 Sep	1681	Bengal a separate agency
26 May	1700	Presidency of Bengal
20 Oct	1774	direct rule by central government of British India
	1854	Bengal, Bihar and Orissa Province created
16 Oct	1905	partitioned into Bengal, and Eastern Bengal & Assam
1 Apr	1912	partition annulled, Bihar & Orissa made a separate province
15 Aug	1947	Indian independence and partition into West Bengal and East Bengal.

Hussain Shahi dynasty

1493 -	1519	Ala-ud-din Hussain Shah
1519 -	1532	Nasiruddin Abul Muzaffar Nushrat Shah
1532 -	1533	Alauddin Firoz
1533 -	1538	Ghiyasuddin Mahmud Shah

Suri Dynasty

1539 -	1545	Sher Shah
1545 -	1553	Islam Shah
1553 -	1555	Shamsuddin Muhammad Shah Ghazi
1555 -	1556	<i>Shahbaz Khan: rival claimant</i>
1555 -	1560	Ghiyas-ud-din Bahadur Shah
1560 -	1563	Jalal Shah (Ghiyas-ud-din II)
1563 -	1564	Ghiyas-ud-din III

Karani Dynasty

1564 -	1565	Taj Khan Karrani
1565 -	1572	Sulaiman Karrani
1572 -	1574	Daud Khan Karrani

Mughal Viceroys

1574 -	1575	Munim Khan (Khani-I-Khanan)
1575 -	1578	Hussain Quli Beg (Khan-I-Jahan)
1578 -	1580	Muzaffar Khan Turbati
1580 -	1582	Raja Todar Mal
1582 -	1583	Khain-I-Azam (Mirza 'Aziz Kokah)
1583 -	1585	Shabaz Khan
1585 -	1586	Sadiq Khan
1586 -	1587	Wazir Kahn
1587 -	1594	Said Kahn
1594 -	1606	Raja Man Singh Kachhwa
1606 -	1607	Qutb-ud-din Khan Kokah (Shaikh Khub an)
1607 -	1608	Jahangir Quli Khan/Beg
1608 -	1613	Alau-d din Islam Khan (Saikh' Ala-ud-din Chisti)
1613 -	1617	Qasim Khan Chisti (Muhtasham Khan)
1617 -	1622	Ibrahim Khan Fathjang
1622 -	1625	Dorab Khan (rebel prince, Shah Jahan's nominee)

	1625 -		1626	Mahabat & Khanezad Khan, father & son	
	1626 -		1627	Mukarram Khan	
	1627 -		1628	Fidai Khan	
	1628 -		1632	Qasim Khan Juyini	
	1632 -		1637	Azam Khan	
	1637 -		1639	Islam Khan Mashhadi	
	1639 -		1660	Sultan Muhammad Shuja	
	1660 -		1663	Mir Jumla	
	1664 -		1677	Shaista Khan	
	1677 -		1678	Fidai Khan	
	1678 -		1679	Sultan Muhammad Azam	
	1679 -		1688	Shaista Khan	
	1688 -		1689	Khan-I-Jahan Bahadur	
	1689 -		1697	Ibrahim Khan	
	1697 -		1704	Azim-ud-din (Azim-ush-shan)	
	1704 -		1725	Murshid Quli Khan	
	1725 -		1739	Shuja-ud-din Khan	
	1739 -		1740	Sarfaraz Khan	
	1740 -		1756	Aliverdi Khan	
	1756 -		1757	Siraj-ud-daula	
	1757 -		1760	Mir Jafar (1 st time)	
Oct	1760 -	Jul	1763	Mir Kasim	
Jul	1763 -	Jan	1765	Mir Jafar (2 nd time)	
Jan	1765 -	May	1766	Najm-ud-daula.	Nawab now but a figurehead.
May	1766 -	Mar	1770	Sief-ud-Daula	
Mar	1770 -	Sep	1793	Mubaric-ud-Daula	
Sep	1793 -	Apr	1810	Nazir-al-Moolk	
Apr	1810 -		?	Zyn Adin Ali Khan	
	? -			???	

(Stewart, 1903, xvi-xvii & 609-10; Bhattacharyya, 1929, 403; Dodwell, 1929, 657; Sarkar, 1977; Nath, 1989, 207-8; Harrington, 1994, 33, 84 & 92)

Governors

Oct	1756 -	28 Jan	1760	Sir Robert Clive	(1 st time)
28 Jan	1760 -	27 Jul	1760	John Zephaniah Holwell	(acting)
27 Jul	1760 -	3 Dec	1764	Henry Vansittart	
3 Dec	1764 -	3 May	1765	John Spencer (acting)	
3 May	1765 -	29 Jan	1767	Robert Clive, Baron Clive of Plassey	(2 nd time)
29 Jan	1767 -	26 Dec	1769	Harry Verelst	
26 Dec	1769 -	13 Apr	1772	John Cartier	
13 Apr	1772 -	20 Oct	1774	Warren Hastings	

1774-1854 see Indian Governors-General

Lieutenant Governors

	1854 -	1 May	1859	Frederick James Halliday	
1 May	1859 -	24 Apr	1862	John Peter Grant	
24 Apr	1862 -		1866	Sir Cecil Beadon	
	1867 -	1 Mar	1871	William Grey	
1 Mar	1871 -	9 Apr	1874	George Campbell	
9 Apr	1874 -	8 Jan	1877	Richard Temple	
8 Jan	1877 -	15 Jul	1879	Ashley Eden	

15 Jul	1879 -	24 Apr	1882	Stuart Colvin Bayley	(1 st time) (acting)
24 Apr	1882 -	11 Aug	1885	Augustus Rivers Thompson	
11 Aug	1885 -	2 Apr	1887	H.A. Cockerell	(acting)
2 Apr	1887 -	17 Dec	1890	Sir Stuart Colvin Bayley	(2 nd time)
17 Dec	1890 -	30 May	1893	Charles Alfred Elliot	
30 May	1893 -	18 Dec	1895	Anthony Patrick MacDonnell	
18 Dec	1893 -	23 Jun	1897	Alexander Mackenzie	
23 Jun	1897 -	7 Apr	1898	Sir Charles Cecil Stevens	(acting)
7 Apr	1898 -	23 Nov	1902	John Woodburn	
23 Nov	1902 -	2 Nov	1903	James Austen Bourdillon	(acting)
2 Nov	1903 -	10 Apr	1906	Arthur Henderson Leith Fraser	
10 Apr	1906 -	16 Aug	1906	Lancelot Hare	(acting)
16 Aug	1906 -	1 Dec	1908	Sir Francis Alexander Slacke	
1 Dec	1908 -	14 Jul	1911	Sir Edward Norman Baker	
14 Jul	1911 -	1 Apr	1912	Sir Frederick William Duke	

Governors

1 Apr	1912 -	26 Mar	1917	Thomas David Gibson-Carmichael, Baron Carmichael of Skirling	
26 Mar	1917 -	28 Mar	1922	Lawrence John Lumley Dundas	
28 Mar	1922			Henry Wheeler	(acting)
28 Mar	1922 -	28 Mar	1927	Victor Alexander George Robert Bulwer-Lytton, Earl of Lytton	
28 Mar	1927 -	29 Mar	1932	Francis Stanley Jackson	
29 Mar	1932 -	10 Aug	1934	Sir John Anderson	(1 st time)
10 Aug	1934 -	1 Apr	1937	John Ackroyd Woodhead	(1 st time) (acting)
1 Apr	1937 -	27 Nov	1937	Sir John Anderson	(2 nd time)
27 Nov	1937 -	23 Feb	1939	Michael Herbert Rudolph Knatchbull-Hugessen, Baron Brabourne	
24 Feb	1939 -	12 Jun	1939	Robert Neil Reid	(acting)
12 Jun	1939 -	18 Nov	1939	John Ackroyd Woodhead	(2 nd time)
18 Nov	1939 -	6 Sep	1943	John Arthur Herbert	
6 Sep	1943 -	22 Jan	1944	Thomas George Rutherford	(acting)
22 Jan	1944 -	19 Feb	1946	Sir Richard Gardiner Casey	
19 Feb	1946 -	15 Aug	1947	Sir Frederick John Burrows	

Chief Ministers

	1937 -	Jul	1943	A.K. Fazlul Huq
Jul	1943 -	Aug	1945	Hwaja Nazim ad-Din

Chief Minister of East Bengal

Jun	1946 -	15 Aug	1947	Husayn Sahid Suhrawardi
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Chief Minister of West Bengal

3 Jul	1946 -	15 Aug	1947	Prafullah Ghosh
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(Rulers website)

WEST BENGAL

Governors

	1947 -	21 Jun	1948	Chhakravarthi Rajagopalachari	(1878 - 1972)
21 Jun	1948 -	1 Nov	1951	Kailash Nathi Katju	(1887 - 1968)
1 Nov	1951 -		1956	Harendra Kumar Mukherjee	(1877 - 1956)
	1956 -	Jun	1967	Padmaju Naidu (f)	(1900 - 1975)
Jun	1967 -	Sep	1969	Dharma Vira	(1906 - 2000)
Sep	1969 -	21 Aug	1971	Shanti Swaroop Dhavan	(1905 -)
21 Aug	1971 -	Mar	1977	Anthony Lancelot Dias	(1910 -)
Mar	1977 -	12 Sep	1981	Tribhuvana Narayana Singh	(1904 - 1982)
12 Sep	1981 -	Oct	1983	Bhairab Dutt Pandey	(1912 -)
Oct	1983 -		1985	Anand Prasad Sharma	(1919 - 1988)
	1985 -		1986	Umar Shankar Dikshit	(1901 - 1991)
12 Aug	1986 -	20 Mar	1989	Nurul Hasan	(1 st time) (1921 - 1993)
20 Mar	1989 -	Feb	1990	Thanjavelu Rajeshwar	
Feb	1990 -		1991	Nurul Hasan	(2 nd time)(s.a.)
	1993 -	27 Apr	1998	K.V. Raghunatha Reddy	
27 Apr	1998 -	13 May	1999	Akhlay ar-Rahman Kidwai	(1920 -)
13 May	1999 -	4 Dec	1999	Shyamal Kumar Sen	(1940 -)
4 Dec	1999 -			Viren J. Shah	(1926 -)

(f) Female

Chief Ministers

15 Aug	1947 -	14 Jan	1948	Dr Prafulla Chandra Ghosh	(1 st time) (1891 - 1983)	C
14 Jan	1948 -	1 Jul	1962	Dr Bidhan Chandra Roy	(1882 - 1962)	C
8 Jul	1962 -	15 Mar	1967	Prafulla Chandra Sen	(1897 - 1990)	C
15 Mar	1967 -	2 Nov	1967	Ajoy Kumar Mukherjee	(1 st time) (1901 - 1986)	BC*
2 Nov	1967 -	20 Feb	1968	Dr Prafulla Chandra Ghosh	(2 nd time)(s.a.)	PDF
20 Feb	1968 -	25 Feb	1969	<i>Presidential rule</i>		
25 Feb	1969 -	19 Mar	1970	Ajoy Kumar Mukherjee	(2 nd time)(s.a.)	C**
19 Mar	1970 -	2 Apr	1971	<i>Presidential rule</i>		
2 Apr	1971 -	28 Jun	1971	Prafulla Ghosh	(3 rd time)(s.a.)	?
28 Jun	1971 -	19 Mar	1972	<i>Presidential rule</i>		
19 Mar	1972 -	21 Jun	1977	Siddharta Shankar Ray	(1920 -)	C
21 Jun	1977 -	6 Nov	2000	Jyoti Basu	(1914 -)	CPI(M)***
6 Nov	2000 -			Buddhadev Bhattacharya	(1944 -)	CPI(M)***

BC Bangala Congress, a breakaway Congress faction

C Congress

CPI(M) Communist Party of India, Marxist

PDF Progressive Democratic Front with Congress support

* a party of the United Front, a 14-party coalition

** a Congress-led coalition ministry

*** a party of the Left Front, a 10-party coalition, including CPI(M), AIFB and RSP

(Sukhwai, 1971, pp134, 139, 143, 155 & 166; Rulers website)

Lok Sabha MPs, by election
Assamese seats are only given from 1991

1 st Feb 1952	North Bengal:	Upendranath Barman,	C
	"	A.K.Basu,	C
	" (ST)	Birendranath Katham,	C
2 nd Mar 1957	Cooch Behar*:	Santosh Kumar Banerjea,	C
	" (SC)	Upendranath Barman,	C
3 rd Mar 1962	Cooch Behar:	Poresh C. Barman,	C
	"	Debendra Nath Karjee,	FB
	Jalpaiguri**:	N R Ghosh,	C
4 th Feb 1967	Cooch Behar (SC):	B K Daschowdhury,	FB
	Jalpaiguri** (ST):	Birendranath Katham,	C
5 th Feb 1971	Cooch Behar (SC):	B K Daschowdhury,	FB
	Jalpaiguri** (ST):	Tuna Oroan,	C
6 th Feb 1977	Cooch Behar (SC):	Amar Roy Pradhan,	FB
	Jalpaiguri:	K N Dasgupta,	JS
7 th Dec 1979 & Jan 1980	Cooch Behar (SC):	Amar Roy Pradhan,	FB
	Jalpaiguri:	Subodh Sen,	CPI(M)
	Alipur Duars (ST):	Pius Tirkey,	RSP
8 th Nov 1984	Cooch Behar (SC):	Amar Roy Pradhan,	FB
	Jalpaiguri:	Manik Sanyal,	CPI(M)
	Alipur Duars (ST):	Pius Tirkey,	RSP
9 th Nov 1989	Cooch Behar (SC):	Amar Roy Pradhan,	FB
	Jalpaiguri:	Manik Sanyal,	CPI(M)
	Alipur Duars (ST) :	Pius Tirkey,	RSP
10 th May & Jun 1991	Cooch Behar (SC):	Amar Roy Pradhan,	FB
	Jalpaiguri:	Jitendra Nath Das,	CPI(M)
	Alipur Duars (ST) :	Pius Tirkey,	RSP
	Kokrajhar (ST):	Satyendra Nath Brohmo Chowdhury	IND
	Dhubri:	Nurul Islam	INC
11 th Apr & May 1996	Cooch Behar (SC):	Amar Roy Pradhan,	FB
	Jalpaiguri:	Jitendra Nath Das,	CPI(M)
	Alipur Duars (ST):	Joachim Baxla,	RSP
	Kokrajhar (ST):	Louis Islary	IND
	Dhubri:	Nurul Islam	INC
12 th Feb & Mar 1998	Cooch Behar (SC):	Amar Roy Pradhan,	FB
	Jalpaiguri:	Minati Sen, (f)	CPI(M)
	Alipur Duars (ST) :	Joachim Baxla,	RSP
	Kokrajhar (ST):	Sansuma Khonggur Bwismuthiary	IND
	Dhubri:	Abdul Hamid	INC

13th Oct 1999

Cooch Behar (SC):	Amar Roy Pradhan,	FB
Jalpaiguri:	Minati Sen, (f)	CPI(M)
Alipur Duars (ST):	Joachim Baxla,	RSP
Kokrajhar (ST):	Sansuma Khonggur Bwismuthiary	IND
Dhubri:	Abdul Hamid	INC

* Included Jalpaiguri and Alipur Duars
** Included Alipur Duars
(f) Female
C Congress
CPI(M) Communist Party of India, Marxist
FB All India Forward Bloc
IND Independent
INC Indian National Congress (ie Congress Party)
JS Janata Sangh
RSP Revolutionary Socialist Party
SC seat reserved for Scheduled Caste member
ST seat reserved for Scheduled Tribe member

(Bhatt, 1997, 899; Parliament of India website, 2001b)

Members of West Bengal's Legislative Assembly (from 1996)

Each Lok Sabha seat in West Bengal is divided into 7 Legislative Assembly seats. Only those Assembly seats affected by the enclaves are listed. All listed seats have been held by the Left Front at the 1977, 1982, 1987, 1991, 1996 and 2001 LA elections except Jalpaiguri in 1996

1. Cooch Behar Lok Sabha Constituency (No.s 2-8)

2.	Sitalkuchi (SC):	1996:	Sudhir Pramanik	CPI(M)	
		2001:	" "	"	
3.	Mathabhanga (SC):	1996:	Dinesh Chandra Dakua	CPI(M)	Minister
		2001:	" " "	"	"
6.	Sitai:	1996:	Dr Mohammed Fazle Haque	FB(S)	
		2001:	Nripendra Nath Roy	AIFB	
7.	Dinhata:	1996:	Kamal Kanti Guha	FB(S)	
		2001:	" " "	AIFB	
8.	Natabari:	1996:	Sibandananarayan Chowdhury	CPI(M)	
		2001:	Tamser Ali	"	

2. Jalpaiguri Lok Sabha Constituency (No.s 1, 15, 17-21)

1.	Mekhliganj (SC):	1996:	Ramesh Chandra Roy	AIFB	
		2001:	Paresh Adhikary	"	
20.	Jalpaiguri:	1996:	Dr. Anupam Sen	INC	
		2001:	Gobinda Roy	AIFB	

3. Alipur Duars Lok Sabha Constituency (No.s 9-14, 16)

9.	Tufanganj (SC):	1996:	Pushpa Chandra Das	CPI(M)	
		2001:	" " "	"	

Members of Assam's Legislative Assembly (from 1996)

Each Lok Sabha seat in Assam is divided into 10 LA seats. Only those seats affected by the enclaves are listed.

4. Dhubri Lok Sabha Constituency (No.s 21-27, 37-39)

25.	Golakganj:	1996:	Alauddin Sarkar	CPI	
		2001:	Dinesh Chandra Sarker	BJP	

5. Kokrajhar Lok Sabha Constituency (No.s 28-31, 33, 40, 41, 58, 62, 63)

28.	Gossaigaon:	1996:	Rajendra Mushahary	AGP	
		2001:	Methius Tudu	INC	

AGP	Asom Gana Parishad
AIFB	All India Forward Bloc
BJP	Bharatiya Janata Party
CPI(M)	Communist Party of India, Marxist
FB	Forward Bloc
FB(S)	Forward Bloc, Socialist
INC	Indian National Congress
SC	seat reserved for Scheduled Caste member
ST	seat reserved for Scheduled Tribe member

PAKISTAN

15 Aug 1947 Independence as Dominion of Pakistan
 23 Mar 1956 Islamic Republic of Pakistan

Governors-General

15 Aug	1947 -	11 Sep	1948	Mohammad Ali Jinnah	ML	(1876 - 1948)
14 Sep	1948 -	17 Oct	1951	Khwaja Nazimuddin	ML	(1894 - 1964)
17 Oct	1951 -	6 Oct	1955	Ghulam Mohammad	ML	(1895 - 1956)
6 Oct	1955 -	23 Mar	1956	Iskandar Ali Mirza	military	(1899 - 1969)

Presidents to 1973

23 Mar	1956 -	27 Oct	1958	Iskandar Ali Mirza	RP	(s.a.)
27 Oct	1958 -	25 Mar	1969	Mohammad Ayub Khan	military	(1907 - 1974)
25 Mar	1969 -	20 Dec	1971	Agha Mohammad Yahya Khan (CMLA to 31 Mar 1969)	military	(1917 - 1980)
20 Dec	1971 -	13 Aug	1973	Zulfikar Ali Bhutto	PPP	(1928 - 1979**)

Prime Ministers to 1971

19 Jul	1947 -	16 Oct	1951	Liaquat Ali Khan	ML	(1895 - 1951*)
17 Oct	1951 -	17 Apr	1953	Khwaja Nazimuddin	ML	(s.a.)
17 Apr	1953 -	11 Aug	1955	Mohammad Ali Bogra	ML	(1909 - 1963)
11 Aug	1955 -	12 Sep	1956	Chaudhri Mohammad Ali	ML	(1905 - 1980)
12 Sep	1956 -	17 Oct	1957	Husayn Sahid Suhrawardi	AL	(1893 - 1963)
17 Oct	1957 -	16 Dec	1957	Ismail Ibrahim Chundrigar	ML	(1897 - 1960)
16 Dec	1957 -	7 Oct	1958	Malik Firoz Khan Noon	RP	(1893 - 1970)
7 Oct	1958 -	28 Oct	1958	Mohammad Ayub Khan (CMLA to 24 Oct 1958)	military	(s.a.)
7 Dec	1971 -	20 Dec	1971	Nurul Amin	military	(1893 - 1974)

AL Awami League
 ML Muslim League
 PPP Pakistan People's Party
 RP Republican Party
 * Assassinated
 ** Executed
 CMLA Chief Martial Law Administrator

(Political Leaders website; Rulers website)

Foreign Ministers to 1971

1947 - 1954	Sir Muhammad Zafrulla Khan	(1893 - 1985)
1954 - 1958	Hamidul Haq Chowdhry	
1958 - 1962	Manzoor Qadir	
1962 - 1963	Mohammad Ali Bogra	(1909 - 1963)
1963 - 1966	Zulfikar Ali Bhutto	(1928 - 1979)
1966 - 1968	Syed Sharifuddin Pirzada	(1923 -)
1968 - 1977	M. Arshad Hussain	(1910 -)

(Rulers website)

EAST BENGAL

14 Oct 1955 renamed East Pakistan
16 Dec 1971 independence as Bangladesh

Governors

Aug 1947 - 31 Mar 1950	Sir Frederick Chalmers Bourne	(1891 - 1977)
31 Mar 1950 - 31 Mar 1953	Malik Firoz Khan Noon	(1893 - 1970)
31 Mar 1953 - 29 May 1954	Chaudhri Khaliq uz-Zaman	(1889 - 19...)
29 May 1954 - May 1955	Iskandar Ali Mirza	(1899 - 1969)
May 1955 - Jun 1955	Mohammad Shahabuddin	(acting)
Jun 1955 - Mar 1956	Amiruddin Ahmad	
Mar 1956 - 13 Apr 1958	A.K. Fazlul Huq	(1873 - 1962)
13 Apr 1958 - 3 May 1958	Hamid Ali	(acting)
3 May 1958 - 10 Oct 1958	Sultanuddin Ahmad	
10 Oct 1958 - 11 Apr 1960	Zakir Hussain	(1898 -)
11 Apr 1960 - 11 May 1962	Mohammad Azam Khan	(1908 -)
11 May 1962 - 25 Oct 1962	Ghulam Faruq	(1899 -)
25 Oct 1962 - 23 Mar 1969	Abdul Munim Khan	(1902 - 1971)
23 Mar 1969 - 15 Aug 1969	Miza Nurul Huda	(1919 -)
15 Aug 1969 - 7 Mar 1971	Saiyid Mohammad Ahsan	(1920 -)
7 Mar 1971 - 31 Aug 1971	Tikka Khan	(MLA) (1914? - 2002)
31 Aug 1971 - 14 Dec 1971	Abdul Motaleb Malik	(1905 - 1977)
31 Aug 1971 - 16 Dec 1971	Amir Abdullah Khan Niazi	(MLA)

MLA Martial Law Administrator

Chief Ministers

Aug 1947 - Sep 1948	Khwaja Nazimuddin	(1894 - 1964)
Sep 1948 - 1952	Nurul Amin	(1893 - 1974)
3 Apr 1954 - 29 May 1954	A.K. Fazlul Huq	(s.a.)
Aug 1955 - Sep 1956	Abu Hossain Sarkar (1st time)	(1894 - 19...)
Sep 1956 - Mar 1958	Ataur Rahman Khan (1st time)	(1905 - 1991)
Mar 1958	Abu Hossain Sarkar (2nd time)	(s.a.)
Mar 1958 - 18 Jun 1958	Ataur Rahman Khan (2nd time)	(s.a.)
18 Jun 1958 - 22 Jun 1958	Abu Hossain Sarkar (3rd time)	(s.a.)
25 Aug 1958 - 7 Oct 1958	Ataur Rahman Khan (3rd time)	(s.a.)

(Rulers website)

BANGLADESH

26 Mar 1971 independence proclaimed (People's Republic of Bangladesh)
 16 Dec 1971 de facto independence (capitulation of Pakistan)

Presidents

17 Apr	1971 -	10 Jan	1972	Sayeed Nazrul Islam (acting)	AL	(1925 - 1975*)
10 Jan	1972 -	12 Jan	1972	Mujibur Rahman (1 st time)	AL	(1920 - 1975*)
12 Jan	1972 -	24 Dec	1973	Abu Sayeed Chowdhury	np	(1921 - 1987)
26 Dec	1973 -	25 Jan	1975	M. Mohammadullah (acting to 24/1/74)	np	(1921 - 1999)
25 Jan	1975 -	15 Aug	1975	Mujibur Rahman (2 nd time)	AL	(s.a.)
15 Aug	1975 -	6 Nov	1975	Khundaqar Mushtaq Ahmed	AL	(1918 - 1996)
6 Nov	1975 -	21 Apr	1977	Abu Sadat M. Sayem	np	(1916 - 1997)
				(CMLA 7 Nov 1975 - 29 Nov 1976)		
21 Apr	1977 -	30 May	1981	Zia ur-Rahman	mil/BNP	(1936 - 1981*)
				(CMLA 29 Nov 1976 - 6 Apr 1979)		
30 May	1981 -	24 Mar	1982	Abdus Sattar (acting to 20/11/1981)	BNP	(1906 - 1985)
24 Mar	1982 -	27 Mar	1982	Hossain M. Ershad (1 st time)	mil	(1930 -)
				(CMLA 24 Mar 1982 - 30 Mar 1984)		
27 Mar	1982 -	11 Dec	1983	Abul Fazal M. Ahsanuddin Chowdhury	np	(1915 - 2001)
11 Dec	1983 -	6 Dec	1990	Hossain M. Ershad (2 nd time)	JD from 1986	(s.a.)
6 Dec	1990 -	10 Oct	1991	Shahabuddin Ahmed (acting, 1 st time)		(1930 -)
10 Oct	1991 -	9 Oct	1996	Abdur Rahman Biswas	BNP	(1926 -)
9 Oct	1996 -			Shahabuddin Ahmed (2 nd time)	np	(s.a.)

Prime Ministers

17 Apr	1971 -	13 Jan	1972	Tajuddin Ahmed	AL	(1925 - 1975)
13 Jan	1972 -	26 Jan	1975	Mujibur Rahman	AL	(s.a.)
26 Jan	1975 -	15 Aug	1975	Mohammad Mansoor Ali		(? - 1975)
29 Jun	1978 -	12 Mar	1979	Mashiur Rahman (senior minister)		(1924 - 1979)
15 Apr	1979 -	24 Mar	1982	Shah Azizur Rahman	BNP	(1925 -)
30 Mar	1984 -	9 Jul	1986	Ataur Rahman Khan	JD	(1905 - 1991)
9 Jul	1986 -	27 Mar	1988	Mizanur Rahman Chowdhury	JD	(1928 -)
27 Mar	1988 -	12 Aug	1989	Moudud Ahmed	JD	(1940 -)
12 Aug	1989 -	6 Dec	1990	Kazi Zafar Ahmed	JD	(1940 -)
20 Mar	1991 -	30 Mar	1996	Khaleda Zia (f) (1 st time)	BNP	(1945 -)
30 Mar	1996 -	23 Jun	1996	Mohammad Habibur Rahman (caretaker)		(1930 -)
23 Jun	1996 -	15 Jul	2001	Sheikh Hasina Wajed (f)	AL	(1947 -)
15 Jul	2001 -	10 Oct	2001	Latifur Rahman (caretaker)		(1936 -)
10 Oct	2001 -			Khaleda Zia (f) (2 nd time)	BNP	(s.a.)

(f) Female

AL Bangladesh Awami League

BNP Bangladesh Nationalist Party

JD Jatiya Dal (Nationalist Party under Ershad). Splinter of BNP

mil military

np non-party

* Assassinated

CMLA Chief Martial Law Administrator

(Political Leaders website; Rulers website)

Foreign Ministers

1971 - 1973	Abdus Samad Azad	(1st time)	(1926 -)
1973 - 1975	Kamal Hossain		
1975	Abu Sayeed Chowdhury		(1921 - 1987)
1975 - 1977	Abu Sadat Mohammad Sayem		(1916 - 1997)
1977 - 1981	Mohammad Shamsul Huq	(acting to 1978)	(1910 -)
1981 - 1982	Humayun Rasheed Chowdhury	(1st time)	(1928 - 2001)
1982 - 1985	Aminur Rahman Shamsud Doha		(1929 -)
1985 - 1988	Humayun Rasheed Chowdhury	(2nd time)	(s.a.)
1988 - 1991	Anisul Islam Mahmud		(1947 -)
1991 - 1996	Abu Saleh Mustafizur Rahman		(19... - 1996)
1996	Mohammad Habibur Rahman		(1930 -)
1996 - 2001	Abdus Samad Azad	(2nd time)	(s.a.)
2001	Latifur Rahman		(1936 -)
2001	A.Q.M. Badruddoza Chowdhury		(1929 -)
2001 -	Morshed Khan		

(Rulers website)

Bangladesh MPs (from 1996)

Only those constituencies affected by the enclaves are listed.

1.	Panchagarh 1:	1996: Jamiruddin Sirker	BNP
		2001: "	"
2.	Panchagarh 2:	1996: Mohammed Mozahar Hussain	BNP
		2001: "	"
12.	Nilphamari 1:	1996: N.K. Alam Chowdhury	JP
		2001: Dr. Hamida Banu Shova	AL
16.	Lalmonirhat 1:	1996: Mohammed Jainul Abden Sarker	BNP
		2001: Mohammed Motahar Hossain	AL
17.	Lalmonirhat 2:	1996: Mujibur Rahman	JP
		2001: "	"
18.	Lalmonirhat 3:	1996: Golam Mohammad Kader	JP
		2001: Asadul Habib (Dulu)	BNP
25.	Kurigram 1:	1996: A.K.M. Mostafuzur Rahman	JP
		2001: "	"
26.	Kurigram 2:	1996: Mohammed Tajul Islam Chowdhury	JP
		2001: "	"

AL	Awami League. Government 1996, main opposition party 2001.
BNP	Bangladesh Nationalist Party [Bangladesh Jatiyotabadi Dal, BJD] Main opposition party 1996, government 2001
JP	Jatiyo Party (minor opposition party under General Ershad)

(Bangladesh Election Commission website)

BHUTAN

Rulers (title *Druk Desi* or *Dev Raja*) 1695-1870

1695 -	1701	Gedun Chomphel	
1701 -	1704	Ngawang Tshering	
1704 -	1707	Umdze Peljor	
1707 -	1719	Druk Rabgye	
1719 -	1729	Ngawang Gyamtsho	
1729 -	1736	Mipham Wangpo	
1736 -	1739	Khuwo Peljor	
1739 -	1744	Ngawang Gyaltsen	
1744 -	1763	Sherab Wangchuk	
1763 -	1765	Druk Phuntsho	
1765 -	1768	Druk Tendzin I	
1768 -	1773	Donam Lhundub	
1773 -	1776	Kunga Rinchen	
1776 -	1788	Jigme Singye	
1788 -	1792	Druk Tendzin II	
1792 -	1799	Tashi Namgyal	(1 st time)
1799 -	1803	Druk Namgyal	
1803 -	1805	Tashi Namgyal	(2 nd time)
1805 -	1806	Sangye Tendzin	
1806 -	1808	Umdze Parpop	(jointly with following)
1807 -	1808	Bop Choda	
1809 -	1810	Tsulthrim Drayga	
1810 -	1811	Jigme Dragpa II	
1811 -	1815	Yeshey Gyaltsen	
1815 -		Tshaphu Dorji	
1815 -	1819	Sonam Drugyal	
1819 -	1823	Tendzin Drugdra	
1823 -	1831	Choki Gyaltsen	(1 st time)
1831 -	1832	Dorji Namgyal	
1832 -	1835	Adap Thrinley	
1835 -	1838	Choki Gyaltsen	(2 nd time)
1838 -	1847	Dorji Norbu	
1847 -	1850	Tashi Dorji	
1850 -		Wangchuk Gyalpo	
1850 -	1852	Jigme Norbu	(at Thimphu)
1851 -	1852	Chagpa Sangye	(at Punakha)
1852 -	1856	Damcho Lhundrup	
1856 -	1861	Kunga Palden	(at Punakha)
1856 -	1861	Sherab Tharchin	(at Thimphu)
1861 -	1864	Phuntsho Namgyal	
1864 -		Tshewang Sithub	(1 st time)
1864 -		Tsulthrim Yonten	
1864 -		Kagyu Wangchuk	
1864 -	1866	Tshewang Sithub	(2 nd time)
1866 -	1870	Tsondru Pekar	

Spiritual rulers (title *Shabdrun Thuktrul* or *Dharma Raja*) 1698-1904

1698 -	1712	Kunga Gyaltsen	(1689 - 1713)
1712 -	1729	Phyogla Namgyal	(1708 - 1736)
1730 -	1735	Jigme Norbu	(1717 - 1735)
1735 -	1738	Mipham Wangpo	(1709 - 1738)
1738 -	1761	Jigme Dragpa I	(1724 - 1761)
1762 -	1788	Choeki Gyaltsen	(1762 - 1788)
1791 -	1830	Jigme Dragpa II	(1791 - 1830)
1831 -	1861	Jigme Norbu	(1831 - 1861)
1862 -	1904	Jigme Chogyal	(1862 - 1904)

(Rulers website)

DIVISIONAL AND DISTRICT OFFICERS

INDIA

West Bengal & Assam

Presidency Division

Divisional Commissioner

1947 -	1960s	???
1960s		R.N.Banerjee (Banerji)
1960s -		???

Jalpaiguri Division

Divisional Commissioner

1963 -	2000	???
c.2000 -		A.K. Jain

Contact: Divisional Commissioner Jalpaiguri, email div-jpg@wb.nic.in

Cooch Behar State/District

Residents/Commissioners

	1773 -	1788	<i>Collectors of Rangpur</i>
	1789 -	1791	Henry Douglas, Commissioner of Cooch Behar
	1791 -	1794	Charles Andrew Bruce
	c.1795		W. Towers Smith
	1797 -	1801	Richard Ahmuty. Quinquennial (5yr) settlements.
	1801		<i>Harendra Narayan attained majority, Resident/Commissioner abolished</i>
Jan	1803 -		Francis Pierard
	c.1803		unknown person. Office abolished again.
	1805 -	1813	<i>Collectors of Rangpur.</i>
	c.1809		Mr. Digby
	1813		Norman MacLeod
Nov	1816 -	1831	D.Scott. Absent from 1823 in Assam.
			<i>Office devolves onto Governor-General's Agent, NE Frontier</i>
	1831 -	1834	unknown person, also much absent.
	1834 -	1864?	Francis Jenkins, Gov-Gen.'s Agent NE Frontier
29 Feb	1864 -		Col. H.C.Haughton, Gov-Gen.'s Agent NE Frontier
(4 Nov	1864 -		<i>H. Beveridge, Deputy Commissioner)</i>
	1875 -		Capt Lewin, Superintendent of Cooch Behar.
		- 1936	???

Resident for Eastern States

1 Dec	1936 -		???
	- 15 Aug	1947	H.J. Todd

Liason officer of Indian Government

15 Aug	1947 -	11 Sep	1949	Sir Akbar K. Hydari, Governor of Assam
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Chief Commissioner

12 Sep	1949 -	1 Jan	1950	V.I. Nanjappa, ICS
--------	--------	-------	------	--------------------

Magistrate and Collector

1 Jan	1949 -	30 Jun	1950	V.I. Nanjappa, ICS
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Deputy Commissioners

1 July 1950 -		???
c.1954		P.C.Majumdar, ICS
c.1954 -	1965	???
c.1965		N.K. Sengupta
- 22 May	1985	???

District Magistrates

22 May 1985 -	c.1992	???
c.1992		S. Gopal Krishna
1992 - 30 Jun	1998	???
31 July 1998 -		Indevar Pandey

Contact: District Magistrate, DM's Office, Coochbehar, 736101
ph 03582-23019 email dm-cooch@wb.nic.in

(Ghoshal, 1942; Majumdar, 1977)

Cooch Behar District
Sub-Divisional Officers (at July 2001)

Cooch Behar:	???
Dinhata:	P.N.Bhutia
Mathabhanga:	???
Mekhliganj:	M.S.Kar
Tufanganj:	Tapan Barman?

Jalpaiguri District
District Magistrates

1868 -	2001	???
c.2001 -		Subrata Gupta

Contact: District Magistrate, DM's office, Jalpaiguri 735101.
ph 03561-24004 email dm-jpg@wb.nic.in

Goalpara District (to 1980s)
Residents

1780 -	1789+	Hugh Baillie
1789 -	1980s	???

(Government of Bengal, c.1937-52; Firminger, 1914-, 47)

Kokrajhar District (from 1980s)
District Magistrates

1980s -	2000	???
c.2001 -		J.I. Kathar

Dhubri District (from 1980s)
District Magistrates

1980s -	2000	???
c.2001 -		Gayatri Baruah

BANGLADESH

Rajshahi Division Divisional Commissioner

Mar 2001 - - Mar 2001

???
Mohammed Abu Hafij

Dinajpur District District Magistrates

19 Dec 1946 -	23 Dec 1948	H.T. Ali,	ICS
24 Dec 1948 -	14 Aug 1949	S.A.F.M.A. Sobhan,	BCS
3 Sep 1949 -	7 Jan 1953	Panullah Ahmed,	BCS
8 Jan 1953 -	16 Jun 1954	Md. Shamsuddin	
17 Jun 1954 -	21 Aug 1955	A.O. Raziur Rahman,	CSP
21 Aug 1955 -	24 Apr 1958	A.S. Choudhury,	EPCS
24 Apr 1958 -	8 Dec 1959	S.N.H. Rizvi,	EPCS

Deputy Commissioners

8 Dec 1959 -	19 Aug 1960	S.M. Wasim,	CSP
19 Aug 1960 -	14 Mar 1961	A. Khair,	EPCS
14 Nov 1961 -	11 Aug 1963	M.A.Hasan,	EPCS
12 Aug 1963 -	16 Mar 1964	A.H.F.K. Sadique,	CSP
16 Mar 1964 -	30 Oct 1965	Syed Shamsuzzoha,	EPCS
30 Oct 1965 -	12 Apr 1967	A. Rab Chaudhury,	CSP
13 Jan 1967 -	27 Jul 1969	A.K.M. Zakariah,	EPCS
27 July 1969 -	29 Sep 1970	Safiul Alam,	CSP
29 Sep 1970 -	13 Apr 1971	Fayezuddin Ahmed,	EPCS
26 May 1971 -	21 Dec 1971	Md. Habibul Islam,	EPCS
21 Dec 1971 -	15 Feb 1972	Md. Amanatullah,	EPCS
15 Feb 1972 -	1973?	Md. Hasinur Rahman	
c.1973 -	2000	???	
c. Jul 2000		Azizur Rahman	

BCS Bengal Civil Service
CSP Civil Service of Pakistan
EPCS East Pakistan Civil Service
ICS Indian Civil Service

(Siddiqui, 1972, vii)

Panchagarh District (from 1984)

Deputy Commissioners

1984 -	2000	???
c.2000 -	Mar 2001	Mohammed Rabiul Islam

Rangpur District

Collectors

c.1769			Modun Gopal & Mirza Hossein Reza
Apr 1770 -	Apr	1771	John Grose (Gross)
1771 -		1773+	Charles Purling (1 st time)
1773+ -		1777?	Mr. Harris
1777 -	Sep	1779	Charles Purling (2 nd time)
1779 -		1781	George Bogle
1781 -		1784	R. Goodlad
1784 -		1786	Peter Moore
1786 -		1789	Day Hart McDowell
May 1790 -	Dec	1790	Charles Purling (3 rd time)
Dec 1790 -		1793	Mr. Lumsden
1793 -		?	James Graham
c.1800-		2000	???

Deputy Commissioners

c. Jul 2000 - Moujair Hussain

(Government of Bengal, c.1937-52; Firminger, 1914-, pp.i, 15 & 40-1)

Nilphamari District (from 1984)

Deputy Commissioners

1984 - 2000 ???

Lalmonirhat District (from 1984)

Deputy Commissioners

1984 - 1992 ???
c. Jun 1992 Khalilur Rah[a]man
1992 - 2000 ???
c. Jul 2000 - Tarit Konti Chaudhuri

Kurigram District (from 1984)

Deputy Commissioners

1984 - 2000 ???
c. Jul 2000 - A.F. M. Solaiman Chowdhury

APPENDIX 2e

French, Portuguese & Omani "foreign enclaves" in India & Pakistan, and Sikkimese & Bhutanese enclaves in Tibet 1947-61

French India (- 1954)

At the independence of British India, there remained several small French and Portuguese settlements around the coast and slightly inland of the Indian peninsula. French India had seen a certain amount of agitation for merger with India prior to 1947, and on 26 August that year France granted her settlements wider self-government than they had previously enjoyed. The next day a joint Franco-Indian declaration sought to find "ways and means of friendly regulation of the French Establishments". On 6 October 1947, France renounced her rights to twelve *loges*, where she had enjoyed extra-territoriality. In June 1948 France announced that the future of the remaining five establishments of Chandernagore, Pondicherry, Yanam, Karikal and Mahé would be decided by the people themselves in referenda to be conducted by the municipal councils. India accepted this decision (Parker, 1955, 391-2).

The Jaipur Resolution of Congress dated 18 December 1948 made clear Indian views on the French and Portuguese possessions:

... with the establishment of independence in India, the continued existence of any foreign possession in India becomes anomalous and opposed to the conception of India's unity and freedom. Therefore it has become necessary for these possessions to be politically incorporated in India and no other solution can be stable or lasting or in conformity with the will of the people. The Congress trusts that this change will be brought about soon by peaceful methods and the friendly co-operation of the Governments concerned. The Congress realises that administrative, cultural, educational and judicial systems have grown up in these foreign possessions which are different from those prevailing in the rest of India. Any change-over therefore must take these factors into consideration and allow for a gradual adjustment which will not interfere with the life of the people of the areas concerned. The Congress would welcome the present cultural heritage of these possessions to be continued, in so far as the people of these possessions desire, and for a measure of autonomy to be granted, wherever possible, so as to enable the people of those possessions to maintain their culture and institutions within the larger framework of free India (Parker, 1955, 391).

Nehru would make similar comments in October 1953, but "foreign possession" did not seem to have applied to Cooch Behari or Pakistani enclaves.

Chandernagore, just north of Calcutta, was separated from the rest of French India on 3 March 1949 prior to its referendum on 6 June that year. Of 10,509 enrolled voters, 6387 voted (60.78%), with 6165 (95.52% of votes cast, 58.67% of the electorate) voting for merger with India, and only 119 (1.86% of votes cast, 1.13% of the electorate) voting to remain French. An agreement between France, India and West Bengal concluded 18 April 1950 and ratified 28 April gave India administrative control of the town on 2 May 1950. A final treaty of cession was signed in Paris on 2 February 1951. By the Chandernagore (Merger) Act, 1954, Chandernagore was merged into West Bengal on 2 October 1954. It retained its boundaries as a municipality in West Bengal, but lost a tiny riverside enclave to the south of the town (Parker, 1955, 392-3).

A referendum was never held in the remaining French territories because the Socialist Party who controlled the municipal council never announced one. Pondicherry, being coastal, had long been an important smuggling port, and with surrounding Madras state having gone 'dry', many Pondicherry politicians were liquor traders (Sukhwai, 1971, 122). But by 1954 popular demonstrations in Pondicherry forced France and India into negotiations. France demanded a proper referendum on the issue of integration, while India claimed that a resolution of the territory's ruling Socialist Party, that demanded integration with India without a referendum, was a sufficient mandate. A compromise was reached on 18 October, under which a vote of the local Representative Assembly and municipal councils would replace the public referendum. The vote was 170 to 8 in favour of merger with India. On 21 October 1954 an agreement was signed in Delhi for the *de facto* transfer of the four French territories on 1 November that year. The four settlements became a Union Territory in India as of 6 January 1955 (Parker, 1955, 394-5). Pondicherry and its outliers have retained their colonial boundaries as a Union Territory, allaying local fears that merger with Madras state (and Kerala and Andhra Pradesh for Mahé and Yanam respectively) would eliminate their heritage, and their liquor industry. Although the latter has declined, as Madras (now Tamil Nadu) went 'wet' in the early 1990s, Mahé, Karikal and Pondicherry itself, if not Yanam also, are still significant for their low alcohol prices compared to the surrounding states (Thomas *et al*, 1997, 1035, 1051, 1074 & 1086).

Portuguese India (- 1962)

In contrast to French 'friendly co-operation', the Portuguese rejected the Jaipur resolution of 1948, and refused to negotiate, on the grounds that their possessions were not colonies *per se*, but integral parts of Portugal. Indian commentators like Sukhwai (1971, 122) suggest that the 9000km distance to Portugal proper made this an absurdity, but give no further explanation of

their reasoning. Portugal possessed three coastal settlements: Goa, the administrative centre and largest, on India's west coast, and Daman and the island of Diu both on the Gujerat coast. Daman included two enclaves inland, Dadra and Nagar Haveli, the latter surrounding a Gujerati counter-enclave. The incompatible views of India and Portugal on 'territorial integrity' led to increasing restrictions on Portuguese access to Dadra and Nagar Haveli from 1953. In late July 1954 a local revolt ousted the Portuguese administration from Dadra, and India subsequently refused to issue visas to the Portuguese governor to visit Nagar Haveli to assess the situation, on the grounds that it would lead to "undesirable consequences" (Govt of India to Govt of Portugal, 28 July 1954, quoted in ICJ, 1960, v.'Judgement', 28). Denied access to the enclaves to negotiate with or fight the rebels, Portugal took her case to the International Court of Justice in The Hague on 22 December 1955. India made six objections to the court's jurisdiction, of which four were dismissed in the judgement of 26 November 1957, and two were joined to the merits in the final judgment of 12 April 1960. The judgement dismissed these final two objections, and found that Portugal had a right of passage in respect of private persons, civil officials and goods in general. It also found that an established practice in regard to the passage of armed forces, armed police and arms and ammunition required permission to be sought and obtained from the British prior to 1947 and therefore from India after that. There was therefore no right of passage for such personnel or equipment that "involved a correlative obligation" on India. With regard to these two findings and in view of the tension created in the surrounding Indian districts by the coup in Dadra, the court concluded that in 1954 India's refusal of passage was covered by its power of regulation and control of the right of passage (ICJ, 1960; Summaries of Judgements..., 1992, 52-54). However,

"Whether, in the absence of actual agreement there is a right of access was undecided by the International Court of Justice in the rights of passage case because it was found that existing practice in the instant situation was the appropriate guide and it was unnecessary to resort to general international law. The lesson on the face is that free access means in fact limited access, but the fact remains that even though the territorial State has a discretion to regulate and authorise the exercise of rights these none the less remain rights."

In the actual case the Court allowed a latitude of discretion to India which narrowed down, in some respects almost to vanishing point, the admitted right of access. In particular there was a dissent on whether armed forces were entitled to access (AIR 1990 SC 1692, quoting D.P.O. Connel, International Law, 2nd ed, Vol. 1, p552).

After the court case, further Indian attempts at negotiation failed. From 2 December 1961, India began probing flights over Goa, before launching an invasion codenamed Operation Vijay

on 18 December to 'liberate' Goa, Daman and Diu. The Portuguese Governor signed a surrender document the next day, and India formally annexed all of Portuguese India on 16 March 1962, an action not recognised by Portugal until 1974. In a plebiscite on 19 June 1967, Goa's people rejected a proposal to merge with Maharashtra (Ganguly, 1998, 18). As with the French possessions, ex-Portuguese India has retained its colonial boundaries within India as Union Territories. Goa, Daman and Diu were formed into a Union Territory from late 1967, and Dadra and Nagar Haveli another, formed earlier. On 30 May 1987 Goa was granted separate statehood, leaving Daman and Diu as a Union Territory. Also similarly to Pondicherry, Goa, Daman and Diu thrive on tourism based on a combination of beaches, colonial history, and a liberal attitude to alcohol. This is particularly important for Daman and Diu, as surrounding Gujerat remains a 'dry' state (Thomas *et al*, 1997, 711 & 721).

Omani Gwadar (- 1958)

Unlike India, Pakistan had no European enclaves to deal with, but it did want to end Omani occupation of the peninsula of Gwadar on its southwest coast.. Oman had been an Arab maritime power with possessions down the east coast of Africa as well as Muscat and Oman itself. As part of its maritime empire, Oman had held Gwadar on the coast of Baluchistan since 1784. Gwadar consisted of a fort and small town on a sandy peninsula along an otherwise featureless coast, with a total area of about 307 square miles (795km²). Its boundary in the desert with the Makran region of Baluchistan was never defined, even by the British, who made the town a port of call for steamships. Upon Pakistani independence in 1947, the Sultan of Oman, Sa'id ibn Taymur, initially refused Pakistani approaches, arguing that as a Dominion, Pakistan was not totally independent. The Sultan insisted any negotiations over Gwadar be between Oman and the UK. The British insisted Pakistan *was* independent, and refused to become involved. Eventually Gwadar was sold to Pakistan on 6 September 1958, for £3 million (Nicolini, 1999). The proximity of the date of the resolution of this 'enclave problem' to that of the Nehru-Noon agreement is intriguing. No study of the history and politics of the Gwadar purchase appears to have been undertaken as yet. Any such study should investigate Noon's role, and any connection with the near-simultaneous Nehru-Noon agreement. Such a study could help shed light on whether either agreement was ratified by Noon's government before it was replaced by military rule under Ayub Khan. During research for the present paper in the Public Record Office in London, a number of files on the Gwadar negotiations were found, offering a starting point for further research.

Sikkimese & Bhutanese enclaves in Tibet (- c.1959)

Sikkim and Bhutan also apparently each had exclaves in Tibet. The pre-war traveller and scholar Swami Pranavananda mentioned the Bhutanese enclaves in his account of Tibet,

About 300 (?) years back one famous Bhutanese Lama by name Ngava-Namgyal got the village of Tarchhen from the Tibetan Government for his stay near Kailas. Through his influence he had built Nyanri and other monasteries and gained influence over some other places later on. Tarchhen, at the foot of Kailas, Nyanri and Zuthul-phuk Monasteries of Kailas, Cherkip Gompa of Manasarovar, the villages of Dungmar, Ringung, Doh, Khochar, Gezon near Gartok, Itse Gompa, Gonphu, Gesur, Samar, and a few other places in Western Tibet, came to belong to the State of Bhutan¹. These places are now governed by a Bhutanese monk-officer, whose headquarters is at Tarchhen, where there is a big building owned by the Bhutan State (Pranavananda, 1950, 146).

It would appear that about 1640, the King of Ladakh granted a number of villages in western Tibet to the Shabdrung Rimpoche of Bhutan, Ngawang Namgyal (b.1594 - d.1651). The villages were granted for the purpose of meditation and worship. Armington (1998, 17) lists the villages as "Darchen, Nyanri and Zuthulphuk goembas on the slopes of the holy Mount Kailas...Other goembas that came under Bhutanese administration were Rimpung, Doba, Khochag, and De Dzong, all near Gartok". They were seized from Bhutan by China in 1959 during its repression of a Tibetan revolt (Armington, 1998, 17).

Sikkim also had two enclaves in Tibet. The *Hindusthan Standard* reported a Chinese invasion of them

It is learnt authoritatively that Chinese are in occupation of two Sikkimese enclaves in Tibet in Dopta and Chumbi. It is further learnt that high level negotiations are going on between the Government of India and the Government of China so that Sikkim can get back her lost territory and vacate Chinese aggression (Hindusthan Standard, 1961p).

Ten families had fled to Sikkim proper and a further 70 were expected. The Maharaja of Sikkim himself was resettling the refugees from these enclaves on his personal lands. On 8 July a follow-up report claimed the enclaves had actually been under Chinese occupation since 1958 and that the "people of Sikkim and India have been kept entirely in the dark". Chumbi was described as the summer palace of the Maharaja and Dopta was "the property of one Sigmi

¹ The as yet unclimbed Mt Kailash, or Kangrinpoche, in western Tibet. Sacred to Bhuddists, it attracts pilgrims who circumnavigate it. Manasarovar, or Mapam Tso, is a sacred lake between Mt Kailash and the Tibet-Nepal boundary.

Taring, nephew of the present Maharaja of Sikkim". Despite the three year lag, the Sikkim National Congress called on India to "take necessary steps for the recovery of these enclaves" (Hindusthan Standard, 1961r).

Four years later, in June 1966, another report in the same paper claimed that in early 1959 China had also occupied eight Bhutanese enclaves in Tibet: Khangir, Tarchen, Tsekhon, Diraphu, Dzontuphu, Jangche, Chakip [Cherkip?] and Kocha [Khochar?], which had been under Bhutanese administration for over 300 years. The article reminded its readers of China's 1961 occupation of two Sikkimese enclaves (Hindusthan Standard, 1966o).

In both cases, the strong historical feudal links between the two Himalayan countries and Tibet suggest the existence of palaces or monasteries in enclaves of personal property or religious sovereignty, if not full political sovereignty. Prescott (1976a, 262) mentions the Maharaja of Sikkim living on "one of his estates in the Chumbi valley of Tibet", reinforcing a conclusion that these were not fully sovereign Sikkimese territory before the Chinese takeover.

Another reference to the Bhutanese enclaves was found several years ago in an Indian yearbook, but it has proved impossible to relocate that source. No other information has been found on either set of enclaves, although the unsighted article of Bray (1997) has a promising title. Neither have any maps been found which locate the enclaves.

If the Indian government, responsible for the foreign relations of Sikkim and Bhutan, had been aware of the Chinese invasions of these enclaves at the time, it would probably have been loathe to criticise China given India's struggle with Portugal over Daman and Nagar Haveli, and its own 1961 invasion and conquest of Goa.

The similar timing of the sale of Gwadar to Pakistan, the Nehru-Noon agreement to exchange the Cooch Behar enclaves, and the Chinese invasions of Sikkimese and Bhutanese enclaves in Tibet would make a fascinating subject for further research, comparing the attitudes of the three countries, to the enclaves within them, and also comparing India's differing policies regarding each case. Unfortunately, it is expected that few Indian documents, let alone Chinese, regarding the Sikkimese and Bhutanese enclaves would be available. This is due to the extreme sensitivity of both countries to their boundaries in the Himalayan region, the fact that the Sino-Bhutan boundary remains undemarcated, and also that China continues to insist Sikkim is an independent state, not recognising the validity of Sikkim's 1974 referendum to join India.

APPENDIX 2f

Units of measurement

The conversion tables below have been constructed row-wise, with one of the unit on a particular row corresponding to the table entry figure for the units in each particular column. Thus to ascertain how many pounds in kilogram, read across the kilogram row to locate the figure in the pound column: 2.2046. Thus 1 kg = 2.2046 lb. Likewise 1 lb = 0.4536 kg.

The units are listed in ascending order of size within the three groupings of traditional Indian, Imperial and metric.

Figures in **bold** are exact.

Mass

	seer	maund	lb	kg
seer	1	0.025	2.057	0.933
maund	40	1	82.28	37.322
lb	0.486	0.012	1	0.4536
kg	1.072	0.027	2.2046	1

The maund varied in weight across India. The standard maund was (approx.?) 82.28lb (Spate, 1954, xxiii), from which the above conversions have been calculated. For Imperial-metric and thence Indian-metric, the exact conversion of 0.453 592 37 kg per lb was used (Cook, 1996, F68; Rowlett, 2001).

Area

	dhur	katta	bigha	sq. perch	rood	acre	sq. mile	m ²	ha	km ²
dhur	1	0.05	0.0025	0.1322	3.31e-3	8.26e-4	1.29e-6	3.3445	3.34e-4	3.34e-6
katta	20	1	0.05	2.6446	0.0661	0.0165	2.58e-5	66.89	6.69e-3	6.69e-5
bigha	400	20	1	52.893	1.3223	0.3306	5.17e-4	1337.8	0.13378	1.34e-3
sq. perch	7.5625	0.3781	0.0189	1	0.025	6.25e-3	9.77e-6	25.293	2.53e-3	2.53e-5
rood	302.5	15.125	0.7563	40	1	0.25	3.91e-4	1011.7	0.1012	1.01e-3
acre	1210	60.5	3.025	160	4	1	1.56e-3	4046.9	0.4047	4.05e-3
sq. mile	774,400	38,720	1936	102,400	2560	640	1	2,589,988	258.999	2.58999
m ²	0.299	0.0150	7.47e-4	0.0395	9.88e-4	2.47e-4	3.86e-7	1	0.0001	1e-6
ha	2990	149.5	7.475	395.37	9.884	2.4711	3.86e-3	10,000	1	0.01
km ²	298,997	14,950	747.5	39537	988.4	247.11	0.3861	1,000,000	100	1

The traditional bigha varied in size throughout India. The standard bigha, as used in Bengal, was 80 cubits square, where a cubit was 18". Thus a bigha measured 120' or 40 yards square, and so was 14400 sq. feet or 1600 sq. yards. With 5280 feet or 1760 yards per mile, there were exactly 1936 bighas per square mile, from which the above conversions have been calculated.

For Imperial-metric and thence Indian-metric, the exact conversion of 1.609 344 km per mile was used (Rowlett, 2001).

Other measures found in the various references are:

1 yard = 3 feet, about 0.914m

1 perch (or rod or pole) = 5½ yards or 16'6", approximately 5.029m. A square perch was usually also called a perch.

1 chain = 22 yards or 66', about 20.117m. 1 mile = 80 chains.

Money

	Pies	Anna	Rupee	Penny	Shilling	Pound Stg.
Pies	1	0.083	5.21e-3	0.125	0.010	5.21e-4
Anna	12	1	0.063	1.5	0.125	6.25e-3
Rupee	192	16	1	24	2	0.1
Penny	8	0.667	0.042	1	0.083	4.17e-3
Shilling	96	8	0.5	12	1	0.05
Pound Stg.	1920	160	10	240	20	1

These are pre-1947 conversions, taken from Hunter (1879, 51). After independence in 1947, the Rupee has declined in value relative to the Pound. Spate (1954, xxiii) gives 1s. 6d. per Indian Rupee. Pies should not be confused with Pice, 4 of which equalled 1 Anna (ie 3 Pies = 1 Pice).

APPENDIX 3

The Number, Area and Population of the Cooch Behar Enclaves

Chhit and enclave numbering

The chhits and enclaves around Cooch Behar have been numbered in many different ways over the years. Both India and Pakistan/Bangladesh use Jurisdiction List numbers (J.L.Nos.) to differentiate and locate the many mauza within each thana or district. Census reports utilise these numberings. Unfortunately the Jurisdiction List numberings suffer three major flaws. As there is no administration over the enclaves, the numberings currently give very patchy coverage of the enclaves. Second, they are not unique. As the enclaves cover a number of districts along the boundary, and the Jurisdiction List numbers are only unique within each district or thana, there will be several of each number along the boundary. Third, they have little temporal stability, having been changed at least once in India and twice in Pakistan/Bangladesh since 1947.

Another numbering scheme, related to the Jurisdiction List numbers are Chhit Numbers, which appear to have been given to Cooch Behar's exclaves prior to independence. These cover all the exclaves of Cooch Behar, both those still extant as Indian exclaves in Bangladesh, as well as former Cooch Behar exclaves since transferred to Jalpaiguri. However, there were no comparable Chhit Numbers for British Indian chhits inside Cooch Behar. Neither are the Chhit Numbers unique for each exclave, as all the fragments of a particular mauza are given the same Chhit Number. For example, Chhit Number 1, Dahala Khagrabari, includes not only the southern section of the Balapara Khagrabari composite exclave, but also its five fragments, all separate exclaves nearby.

A third numbering was given to the enclaves by Banerjee (1966) in his listing. He gave each chhit or enclave its own serial number to allow easy location on the map he provided with his listing. He thus has a number for each enclave, Indian or Bangladeshi. As with the numberings above, composite enclaves, made up of several chhits or mauzas, have multiple numbers. The other problem with Banerjee's numbering is its incompleteness. While he includes some of the enclaves transferred from Cooch Behar to Jalpaiguri in 1952, he does not include all of them. Neither does he include the chhits transferred from Cooch Behar to Jalpaiguri in 1955, nor those transferred from Jalpaiguri to Cooch Behar in 1960.

As none of these numbering schemes are complete or unique, the question of compiling a new schema occurred. This was rejected as its completeness could not be guaranteed without access to the official survey maps of the enclaves which the concerned governments both refused. Without a guarantee of completeness, another numbering scheme would only add to the confusion. Therefore it was decided to adopt a compromise. Banerjee's numbering is used throughout the present work to specify Bangladesh's exclaves in India. For these exclaves it is complete, and only three of the Bangladeshi exclaves are comprised of more than one chhit/mauza. For the Cooch Behar exclaves, both those now transferred to Jalpaiguri, and those still existing as Indian exclaves in Bangladesh, a compound numbering is used, the Chhit Number followed by Banerjee's number, separated by a slash, eg Bagdokra 12/69. Where either is

not known, a hyphen is used, eg Gosairhat 102/- or Upanchowki Kuchlibari -/61. This provides both completeness and uniqueness, for example the five exclaves of Dahala Khagrabari mauza all having Chhit Number 1 can now be differentiated by the addition of Banerjee's number as Dahala Khagrabari exclaves 1/48 through 1/52. Together both the Indian and Bangladesh exclave numberings will be referred to as 'chhit numbers', with lowercase first letters.

As mentioned in section 1.1, the complexity of the Cooch Behar enclave situation necessitates the coining of two new terms. Enclaves comprised of several chhits/mauza will be termed *composite enclaves*. Groups of enclaves comprising a single chhit/mauza, or a composite enclave where one or more of its constituent chhits/mauzas includes separate enclaves will be termed an *enclave complex*. This allows simple differentiation of the administrative parts of a composite enclave from the composite enclave itself, and also differentiation of individual enclaves within an administratively unitary enclave complex. Enclave complexes and composite enclaves will be named on the basis of the largest component chhit/mauza, or the chhit/mauza closest to the home state, for example the Shalbari and Balapara Khagrabari enclave complexes respectively. Where no chance of confusion arises, the concatenated component chhit/mauza names or the term enclave can quite happily be used, for example Dahagram-Angarpota enclave #27&28, rather than Dahagram composite enclave #27&28.

Ranges of and reasons for variance in enclave counts

The number of enclaves at Cooch Behar is not disputed as such, but the figures available from media and political sources are remarkably varied, reflecting the lack of good maps and easily obtainable accurate official information, and hence a reliance on secondary sources. This situation is complicated by the complexity of the boundary, Subcontinental confusion of the terms chhit and enclave, and the lack of a one-to-one relationship between enclaves, chhits and mauzas. Further factors are the transferral of several Cooch Behar exclaves to Jalpaiguri in 1952 and 1955, and the existence of numerous counter-enclaves. The counter-enclaves, together with Dahagram-Angarpota, will not be exchanged when the Indira-Mujib agreement of 1974 is finally implemented. There are therefore two totals of enclaves quoted in the media or by officials: total enclaves, and exchangeable enclaves.

Examples of previous enclave counts are:

147 Cooch Behar exclaves in British India: 127 in Jalpaiguri & 20 in Rangpur; 103 exclaves of British India in Cooch Behar: 71 of Jalpaiguri & 32 of Rangpur (File F151-IA/36, 1936);

158 Cooch Behar exclaves, 44 being in pre-partition Jalpaiguri and 1 in Assam (Hartley, 1940; also quoted in Roy Pradhan 1995, 9 & Namboodiri, 1996b);

151 of Cooch Behar in Jalpaiguri and 70 of Jalpaiguri in Cooch Behar (Bell, 1941);

123 of India in Pakistan and 74 of Pakistan in India (Deputy Minister of External Affairs, Mrs Lakshmi N. Menon in the Lok Sabha, 29 November, 1958, quoted in Bhasin, 1996, 1515-6; Majumder, 1965; Keesing's, 1965, 21066; Lane, 1968);

114 of India in Pakistan and 54 of Pakistan in India (New York Times, 1965; High Commissioner for UK, Karachi, 1965a);

"more than 150" Indian and "about 70" Pakistani exclaves (Sen, 1965);

130 Indian and 93 Pakistani exclaves in 1947, 114 and 58 agreed for transfer in Nehru-Noon in 1958, 123 and 74 existed in 1965 (Karan, 1966);

130 Indian exclaves of which 8 were merged with Jalpaiguri in 1952 and 3 were counter-enclaves so not exchangeable, leaving 119; and 95 Pakistani exclaves, 21 of which were counter-enclaves and non-exchangeable, but 3 of these ceased to be counter-enclaves in 1952 (Banerjee, 1966);

131 Indian exclaves, 119 being exchangeable (Question by Roy Pradhan and reply by Narasimha Rao in Lok Sabha, 20 August 1981, quoted in Bhasin, 1996, 802-3);

119 Indian and 73 Bangladeshi exclaves (Narasimha Rao in Lok Sabha, 30 April 1982, quoted in Bhasin, 1996, 815);

130 Indian exclaves reducing to 119 exchangeable exclaves by not counting counter-enclaves and those contiguous to India; and 96 Bangladeshi exclaves, less 21 counter-enclaves and Dahagram-Angarpota, which will remain Bangladeshi, leaving 75 exchangeable exclaves (AIR 1983 Cal 468, p478);

126 Indian exclaves (Roy Pradhan on 15 December 1991, in Lok Sabha, 1991b; Roy Pradhan, 1995, 3; and on 16 April 1999, in Lok Sabha, 1999);

126 Indian and 95 Bangladeshi exclaves (Biswas, 1991; Chaudhuri 1992a; Mukarji, 1998; Calcutta Online, 1998; Sikdar, 2000);

119 Indian and 72 Bangladeshi exclaves (Chaudhuri, 1992c);

130 Indian exclaves, 119 exchangeable and 11 non-exchangeable; and 95 Bangladeshi exclaves, 72 being exchangeable and 23 non-exchangeable (Eduardo Faleiro, Minister of State for External Affairs in the Lok Sabha, 25 November 1992, quoted in Bhasin, 1996, 941; Lok Sabha, 1992; Rajya Sabha, 1993; Roy Pradhan, 1995, 4 & 7; Namboodiri, 1996a; Maheshwari, 1998; Sikdar, 2000);

111 Indian and 57 Bangladeshi exclaves (Bose, 1997);

130 Indian and 95 Bangladeshi exclaves (Adhikari, 1997, 186; Centre for Development Activities, 2001b, 3);

125 Indian and 97 Bangladeshi exclaves (Chakrabarti, 1999a);

114 Indian and 97 Bangladeshi exclaves (Chakrabarti, 1999b);

130 Indian and 74 Bangladeshi exclaves (Free Press Journal, 1999);

111 Indian and 51 Bangladeshi exclaves (Daily Star, 1999b; New Nation, 1999a; POT, 2000p; wallchart at Indo-Bangladesh Boundary Commission office in Calcutta seen May 2000);

"20 enclaves in Cooch Behar and Nadia districts" (Statesman, 2000a);

120 Indian and 98 Bangladeshi exclaves (Biswas, 2000a);

111 Indian and 90 Bangladeshi exclaves (Hindustan Times, 2001);

51 Bangladeshi exclaves (Daily Star, 2001a & c; Islam, 2001).

The figures of 130 and 95 'enclaves', given in Banerjee (1966) and reproduced here in Tables 2a & b, reduce to 119 and 72 *exchangeable* enclaves. However these over-estimate the actual number of enclaves by counting each chhit within composite enclaves. On the other hand, the official Indo-Bangladesh Boundary Commission figure of 111 and 51 exchangeable enclaves would appear to count only individual mauzas, even when these consisted of more than one enclave.

With such variance in the number of enclaves, it is not surprising to find similar variance in area and population figures for the enclaves. This appendix is an attempt to determine definitive counts, population totals and area figures for the exclaves of both countries. Due to the restrictions on access to

material in India, it is impossible to confirm whether the figures given here are totally correct, particularly with regard to the smallest enclaves, but it can be confidently stated that there are no significant errors, and the enclave counts have an error of only +/-1, or 2 at most.

Explanation of Tables 1a-b and 2a-c and source materials

Tables 2a and 2b reproduce the chhit listing of Banerjee (1966) which together with his locator map appeared as a two page, four-sided insert glued into Ray (1966), the Cooch Behar District Census Handbook from the 1961 Indian census. Banerjee was heavily involved in the enclave and Berubari negotiations in the late 1950s and early 60s, so his list can be considered more authoritative than that of the *Hindusthan Standard* (1953e. See Appendix 1-24) which was subsequently reprinted in Appendix I of Mitra (1953, lxxv-lxxvi), the Cooch Behar District Census Handbook for the 1951 Indian census. This earlier list contains a number of typographical errors, and its area figures are somewhat different to Banerjee. Roy Pradhan (1995, 29-33) also published a list of exclaves, but only those of India. Based on Banerjee, Roy Pradhan's list, like that of the *Hindusthan Standard* also suffers from typographical problems.

Although the most complete list published to date, Banerjee includes only eight of seventeen chhits (five of thirteen enclaves) transferred to Jalpaiguri in 1952. Besides these he also omitted 34 Cooch Behar chhits transferred to Jalpaiguri in 1955, two chhits of Jalpaiguri transferred to Cooch Behar in 1960, the single Cooch Behar chhit in Assam, and the three chhits of Assam in Cooch Behar. To rectify this shortcoming, a complete listing of all the chhits of or in Cooch Behar has been compiled (Tables 3a to 3c). These tables include the (incomplete) areas and population figures for the enclaves published in the Indian and Pakistani/Bangladesh censuses from 1951 to 1991.

Table 3a lists the chhits of Cooch Behar in Chhit Number order, due to the greater completeness of this numbering. Where multiple chhits have the same Chhit Number, the smaller chhits are considered fragments of the largest and are sorted by Banerjee's serial numbers. Together, these two numbers give the combined chhit numbering adopted in this work. Table 3c, listing chhits of Bangladesh in India, is sorted by Banerjee's serial number. Table 3b contains the five sub-national enclaves in Cooch Behar, two transferred from Jalpaiguri in 1960 and three of Dhubri district still extant. It also includes the eight former counter-enclaves of Jalpaiguri that were disenclaved with the 1952 transferral to Jalpaiguri of the surrounding Singimari 71/- enclave. Further information on these eight enclaves is given below under enclave counts.

The lack of individual area and population figures for many of the smaller enclaves is a result of the use of mauzas as the basic unit of administration and data collection in India and Bangladesh, rather than individual mauza fragments. For several chhit mauzas, data was just not available. The 1951 and 1961 Pakistani censuses give the entry '-' for several of these. Mauza maps were not available for these censuses at the Bangladesh Bureau of Statistics library. The 1951 Pakistani data appears to have been rounded to the nearest 10 persons, suggesting it was a survey rather than a complete census. The 1974 Bangladesh census, delayed from 1971 by the Pakistani civil war, was much more cursory, not even listing most chhit mauzas. The *Small Area Atlas of Bangladesh* (Bangladesh Bureau of Statistics, 1989

a&b), was used for the 1981 census figures, and this has a comprehensive mapping and listing of most chhit mauzas, but 1991 Bangladesh census dropped most chhit mauzas from its maps and data.

The Indian censuses, especially those of 1951 and 1961 are a mine of information due to the publication of excellent *District Census Handbooks*, which besides the standard village statistics, give district histories and geographies, and reproduce scholarly British-period articles on local subjects. All Indian censuses include mauza maps but the quality of these is generally poor. Of the five censuses, the 1991 maps are the best, though still incomplete or erroneous in places. No figures for the three Assamese exclaves in Cooch Behar are available for 1981 because in that year the political situation in Assam prevented the census from being conducted anywhere in that state.

Exclave counts

a. Exclaves of Cooch Behar and India

From the total of 174 chhits and chhit fragments listed in Table 3a as belonging to Cooch Behar and falling in other districts, the following 29 chhits form nine composite enclaves:

<u>chhit numbers</u>	<u>Chhit names</u>	<u>Composite enclave name:</u>
1/47, 2/43, 3/42	Dahala Khagrabari, Kotbhajni & Balapara Khagrabari;	Balapara Khagrabari
9/66, 10/67	Bara Khangir & Chhat Bagdokra;	Bara Khangir
13/72, 14/73, 15/71	Kharkharia, Lotamari & Kharkharia;	Kharkharia
16/74, 16A/75, 17/76, 17A/77	Bhotbari, Kamat Changrabandha, Panisala & Kamat Changrabandha	Kamat Changrabandha
38/34, 37/35, 36/36, 34/39, 32/37, 33/38	Daikhata Chhat, Shalbari, Kajal Dighi, Bewladanga, Natatoka & Natatoka	Shalbari
39/13, 43/130, 81/14	Daikhata, Daikhata Chhat & Binnaguri	Daikhata
44/31, 45/30, 46/29, 47/28	Nazirganj, Nazirganj Chhit, Nazirganj & Nazirganj	Nazirganj
61/11, 62/10	Binnaguri & Shakati.	Binnaguri
64/-, 65/-	Shakati & Shakati	Shakati

The exact location of Daikhata Chhit (#43/130) is questionable. It may or may not adjoin the larger Daikhata chhit (#39/13), due to conflicting sources and its small size, but it is considered to adjoin the latter here.

Of the 14 Gosairhat chhits (#89/- to 102/-), only 13 have been located and mapped in the present work. It is possible that two of these chhits form a single composite exclave, but there is no more evidence for this than for the existence of a 14th enclave. Arbitrarily, all 14 are considered to be separate exclaves here.

Two Garati chhits (#76/5 & 77/4) are depicted on the 1930 topographic sheet 78-B-11 as a single composite exclave. More recent Indian census maps suggest they are separate exclaves, and they are so treated here. This is also the case with Nazirganj chhits (#49/25 & 55/26).

Thus there were until 1947, 174-20=154 exclaves of Cooch Behar in British India, which number remained unchanged after independence until several exclaves were transferred to Jalpaiguri in 1952. Table 4a shows the changes in the number of Cooch Behar exclaves from the late 1800s to the present, in three groupings:

- by the administrative district they fell in;
- the total number of enclaves;
- and by the administrative level of the enclave, that is, international, provincial or district.

At present, Cooch Behar possesses 107 exclaves:

- 1 at state level in Kokrajhar district, Assam
- 106 at international level in Bangladesh, including 3 counter-enclaves and 1 counter-counter-enclave.

The 106 international enclaves can be broken down by Bangladeshi host district as follows:

- 34 in Panchagarh district, including the 1 counter-counter-enclave,
- 1 between Panchagarh and Nilphamari,
- 4 in Nilphamari,
- 53 in Lalmonirhat, including 2 counter-enclaves,
- 1 between Lalmonirhat and Kurigram,
- 13 in Kurigram, including 1 counter-enclave.

The counter-enclaves will not be exchanged when the Indira-Mujib Agreement is implemented.

b. Exclaves of British India, East Pakistan and Bangladesh

Of the total of 108 chhits of other districts falling in Cooch Behar given in Tables 3b and 3c, the following six chhits form three composite enclaves:

<u>Banerjee's Numbers:</u>	<u>Chhit names:</u>	<u>Composite enclave name:</u>
27, 28	Dahagram & Angarpota	Dahagram-Angarpota
51, 52	Falnapur & Nalgram	Nalgram
74, 81	Dakshin Masaldanga & Kachua	Dakshin Masaldanga

The Jalpaiguri mauza 'Chhitland of Shingimari' (old J.L.No.14, new J.L.No.18) is comprised of eight separate fragments which, until 1947 were counter-exclaves of Jalpaiguri thana, Jalpaiguri district, in Cooch Behar's Shingimari exclave (#71/-). At independence, the eight counter-enclaves should probably have fallen to East Pakistan by the terms of the Radcliffe Award. In 1952 the Cooch Behar exclave was transferred to Jalpaiguri thana and district. The counter-enclaves should therefore have been East Pakistani, now Bangladeshi, exclaves in India. However no Indian, Pakistani or Bangladeshi source shows them as such, and they have been considered Indian for all the Indian censuses. They are shown on the maps in the present work, but as their status seems to have been inexplicably uncontested, they are considered here to be counter-enclaves only until 1952, and integral parts of India after Cooch Behar's accession in 1949.

The two chhits of Purba Masaldanga (#86 & 87) are here considered to be two enclaves, although some maps suggests they form a single enclave.

Together with the thirteen enclaves in Table 3b, there were, until 1952, $95-3+13=105$ enclaves in Cooch Behar, originally all of British India, but from 1947 belonging to both Indian and Pakistani districts. Table 4b gives a chronological summary of the changes to date.

At present Bangladesh has 92 enclaves in India:

- 3 in Jalpaiguri district,
- 88 in Cooch Behar district, including Dahagram-Angarpota, and 21 counter-enclaves in Cooch Behar's enclaves in Bangladesh,
- 1 sandwiched between the districts of Cooch Behar district of West Bengal and Dhubri district of Assam.

These 92 international enclaves can be broken down by Bangladeshi home district to:

- 3 of Panchagarh in Jalpaiguri,
- 18 counter-enclaves of Panchagarh in Cooch Behar,
- 39 of Lalmonirhat in Cooch Behar, including Dahagram-Angarpota and 2 counter-enclaves,
- 31 of Kurigram in Cooch Behar, including 1 counter-enclave,
- 1 of Kurigram between Cooch Behar and Dhubri.

The 21 counter-enclaves, and since 1974, the Dahagram-Angarpota enclave are non-exchangeable, leaving 70 enclaves to be exchanged once the Indira-Mujib Agreement is ratified by India.

At present Cooch Behar also hosts 3 state-level enclaves, belonging to Dhubri district of Assam.

Area of enclaves and exchangeable areas

Media reports of the area covered by the enclaves is less variant than of enclave counts. While it has not been possible to obtain areas for all the enclaves, of those that are available the smallest Indian exclave is Panisala -/79, a fragment of J.L.153 of Mekhliganj, measuring 0.27 acres (1093m², about 33m square), and the smallest Bangladeshi exclave is counter-enclave Upan Chowki Bhajni, 24 (#14) at 0.71 acres (0.287ha, or about 54m square). The largest Bangladeshi exclave is Dahagram-Angarpota (#27&28) at 4616.85 acres (18.684km²), and the largest Indian exclave is the Balapara Khagrabari composite exclave (#3/42, 2/43 & 1/47), which is 6412.92 acres (25.952km²) although this figure includes six small enclaves (#1/48, 1/49, 1/50, 2/44, 2/45 & 2/46) whose separate areas are not available. The Shalbari composite exclave (#38/34, 37/35, 36/36, 34/39, 33/38 & 32/37) is the second largest Indian enclave at 3484.56 acres (14.102km²).

In terms of area, the 92 Bangladeshi exclaves cover 12,288.07 acres¹ (49.728 km²). Dahagram-Angarpota, which is non-exchangeable, is 38% of this total. The 21 counter-enclaves, also non-exchangeable, cover 510.37 acres² (206.54ha or 4.2%). Therefore under the Indira-Mujib agreement, Bangladesh is to cede to India 70 enclaves of a total area of 7160.85 acres (28.979km²).

¹ Using Mitra's figures of 21.98ac for Nazirganj #8-10, rather than Banerjee's 21.28ac. See Table 3c.

² As per footnote 1 above.

For India, its 106 exclaves in Bangladesh come to 17,210.39 acres (69.648km²). The Balapara Khagrabari composite exclave is 37% of this, and the Shalbari composite exclave is a further 20%. Of the total area of the 106 exclaves, 42.77 acres (17.31ha or 0.25%) comprises non-exchangeable counter-enclaves, so that when it ratifies the 1974 Indira-Mujib agreement, India will cede to Bangladesh 17,167.62 acres (69.475km²). Overall India will therefore lose a net total area of 10,006.77 acres (40.496km²) in the exchange. Interestingly, the area of the largest two Indian exclaves, the Shalbari and Balapara Khagrabari composite exclaves comes to 9897.48 acres (40.054km²), not counting the several counter-enclaves and the counter-counter-enclave. This is only 109.29 acres (44.23ha) smaller than the net Indian loss. Therefore an almost equitable exchange could be attained by India retaining these two largest of its exclaves in Bangladesh. It has been mentioned that Amar Roy Pradhan has long proposed the Shalbari be retained and connected to India proper by a corridor reciprocating that at Tin Bigha. Connecting Balapara Khagrabari to India or Shalbari by corridor is more difficult, as it is about 4km from either, but a solution is possible with goodwill on both sides.

Population of enclaves

Like the total number of enclaves, the supposed population of the enclaves as given in the media and by officials displays a fantastic range.

Examples include:

13,000 Indian chhitmahalis in Bangladesh and 11,000 Bangladeshi chhitmahalis in India (Catudal, 1979, 33-4)³;

32,000 Indians resident in Kuchlibari (AIR 1983 Cal 468, 477);

37,000 Indian chhitmahalis in Bangladesh, supposedly from 1951 Indian census, and 41,000 Indians in Kuchlibari. (Roy Pradhan on 5 September 1991, in Lok Sabha, 1991a);

150,000 Indian chhitmahalis estimated, 80% Muslim and 20% Scheduled caste or tribe (Roy Pradhan, 1995, 4; Lok Sabha, 1996; Namboodiri, 1996a; Maheshwari, 1998);

200,000 Indians (Bose, 1997);

At least 50,000 Indians (Tapan Sikdar in both of Calcutta Online, 1998; Mukarji, 1998);

200,000 Indians (Roy Pradhan in Lok Sabha, 1999; New Nation, 1999a);

450,000 chhitmahalis total (Daily Star, 1999b);

500,000 chhitmahalis total (Daily Star, 2001a; Islam 2001);

1,000,000 Indian chhitmahalis (Centre for Development Activities, 2001b, 3);

1,500,000 Indian chhitmahalis (Centre for Development Activities, 2001b, 16).

³ Catudal footnotes these figures as taken from Banerjee's article "An account of enclaves - origin and development", which he had been sent by the Indian embassy in Bonn with no details of its source. He suspected it was an appendix to the Nehru-Noon Agreement of 1958. The title is the same as Banerjee (1966), from which Banerji (1969) is derived. However, while neither Banerjee article gives population figures, Catudal's figures *are* those of the 1951 census rounded off, so can be considered the most accurate of the various figures quoted.

The range is literally incredible, from under 25,000 chhitmahalis total through to 1,500,000 (Indian exclave residents only), a figure sixty times larger. The larger figures are obviously fanciful. Compare the populations of the affected districts as a whole and their growth 1951-1991:

	<u>1951</u>	<u>1991</u>	<u>n-fold increase</u>
Cooch Behar	668,949	2,171,145	3.25
Panchagarh	173,000	712,024	4.11
Nilphamari	570,400	1,348,762	2.36
Lalmonirhat	345,100	953,460	2.76
Kurigram	586,400	1,603,034	2.73

(Government of Pakistan, 1951a&b; Mitra, 1953; Census of India, 1997; Bangladesh Bureau of Statistics, 1993 & 1995a-c)

A better comparison is to see how the population of the Kuchlibari Indian salient has changed in the same period, as the political uncertainty in the salient 1974-92 and especially after 1982, mirrors that of the enclaves to a greater extent than the neighbouring districts as a whole. Summing the populations of those mauzas south of Tin Bigha, that is J.L.Nos. 84-5, 87-91, 97, 99, 106-122A of 1951, and 116-126, 137-152 of 1991, we have:

	<u>1951</u>	<u>1991</u>	<u>n-fold increase</u>
Kuchlibari salient	8115	15,576	1.92

(Mitra, 1953; Census of India, 1997)

These populations are less than half the size of the 32-41,000 quoted above in the Supreme Court (AIR 1983 Cal 468, 477) and by Roy Pradhan in the Indian Parliament (Lok Sabha 1991a).

From all the above figures we can see that overall, the population in the area has grown somewhere between a factor of 2 and 3 over the 40 years 1951-91. As the best census statistics for the enclaves are from the year 1951, we can use those to estimate the population of chhitmahalis in 1991.

The data from 1951, the most complete census of the chhits, shows a population of 13,064 Indian exclave residents. This figure includes a number of the enclaves subsequently transferred to Jalpaiguri, but does not include populations for those enclaves returned as part of larger, non-enclave mauzas. A figure of about 11-12,000 does not seem unreasonable as an estimate of the 1951 population of those 109 Indian enclaves remaining today. A 1991 estimate of just under 30,000 would seem reasonable, based on the 2- to 3-fold population increase in the surrounding districts.

For the Bangladesh exclaves, the figure for 1951 is 9,470, not including exclave fragments of non-enclave mauzas, rising to 18,353 by 1991, though the latter excludes a number of exclaves. Figures of about 10,000 for 1951 and 25,000 for 1991 again would seem reasonable.

Together it is estimated that there were about 55,000 chhitmahalis in total in 1991, admittedly a very rough estimate.

This estimate relies on the census figures of 1951 being complete and accurate, which they may well not be. Another estimation method is to assume the enclaves have a similar density of population to the surrounding districts, and multiply the density of these surrounding districts or thanas by the total area of the enclaves. From the 1991 censuses we have:

<u>District</u>	<u>Population density per km²</u>	<u>Thana</u>	<u>Population density per km²</u>	
Cooch Behar	641	Haldibari	527	
		Mekhliganj	384	
		Dinhata	1198	
Panchagarh	507	Panchagarh	557	
Nilphamari	822		Boda	481
Lalmoirhat	768		Debiganj	517
Kurigram	698		Dimla	574
			Patgram	596
			Burungamari	749

(Bangladesh Bureau of Statistics, 1993 & 1995a-c; Census of India, 1997)

The density calculations of the census bureaux appear to have included the areas of all exclaves when determining the district or thana areas, even where the populations of these exclaves was not known. Haldibari and Patgram may therefore be significantly under-estimated in their density from the above figures. The figure for Dinhata is surprisingly high, even given its large town, so leaving it aside as an outlier, population density in the region of the enclaves ranges from about 400 to 800 persons per km². From the area figures given earlier, the Indian enclaves comprise about 70km² and those of Bangladesh about 50km². This gives us a possible enclave population range of 28,000 to 56,000 for the Indian enclaves, and 20,000 to 40,000 for those of Bangladesh, for a total population of 48,000 to 96,000. It would seem intuitive that the density of the enclaves is somewhat less than that of the surrounding areas, due to the disadvantages of residency there, so that the figure of 55,000 persons in total, extrapolated from the 1951 census above, would not seem unreasonable though possibly a little low.

On the basis of these very simple calculations, it can be safely stated that estimates of the total population of all the enclaves c.1991 greater than 100,000 people are totally excessive, and even ten years on from 1991, a combined total of 100,000 still seems far too high, although general improvements in the relations between the two countries, particularly over Tin Bigha may have made the enclaves more attractive places to live than they were, although they still must be not so much a location of choice as of fate.

It is to be hoped that if not already exchanged, India and Bangladesh can be mature enough to allow each other to conduct their 2011 censuses in the enclaves, so that the true human scale of the enclave problem can be determined.

TABLE 2a. BANERJEE's 1966 LIST OF INDIAN CHHITS IN EAST PAKISTAN

ENCLAVES OF INDIAN UNION (COOCH BEHAR) IN EAST PAKISTAN

Serial No.	Chhits of Cooch Behar lying within Police Station	Chhit No.	Approx. Area in Acres furnished by Collector C.B.	Name of Chhits	Name of P.S. in West Bengal
1	Pochagar (E.P.)	78	968.66	Garati	Transferred to Jalpaiguri vide Notification No.2427 P.L., P.L.J.4/52 Dt. 27/6/52
2	"	79	1.74	"	
3	"	80	73.75	"	
4	"	77	18.00	"	
5	"	76	0.79	"	
6	"	75	58.23	"	
7	"	73	6.07	Shingimari Part I	
8	"	68	95.23	Shakati	
9	"	63	1012.38	"	
10	"	62	197.24	"	
11	"	61	763.30	Binnaguri	
12	Boda (E.P.)	40	34.19	Daikhata	
13	"	39	1640.11	"	
14	"	81	11.50	Binnaguri	
15	"	60	0.52	Najirgonja	
16	"	58	14.22	"	
17	"	57	8.27	"	
18	"	59	122.80	Putimari	
19	"	56	54.04	Najirgonja	
20	"	54	3.87	"	
21	"	53	1.02	"	
22	"	52	1.04	"	
23	"	51	0.77	"	
24	"	50	5.05	"	
25	"	49	49.05	"	
26	"	55	12.18	"	
27	"	48	73.27	"	
28	"	47	3.89	"	
29	"	46	17.95	"	
30	"	45	1.07	Najirgonja Chhit	
31	"	44	53.47	Najirgonja	
32	"	41	58.32	"	
33	"	42	434.29	"	
34	"	38	499.21	Daikhata Chhat	
35	"	37	1188.93	Shalbari	
36	"	36	771.44	Kajal Dighi	
37	"	32	162.26	Natatoka	
38	"	33	0.26	"	
39	"	34	862.46	Bewladanga	
40	Debiganj (E.P.)	Fragment	}	"	
41	"	35		0.83	Bewladanga Chhat
42	"	3	1752.44	Balaparakhagrabari	
43	"	2	}	Kothajni	
44	"	Fragment		2012.27	"
45	"	"	}	"	
46	"	"		"	
47	"	1	}	Dahala Khagrabari	
48	"	Fragment		"	
49	"	"	2650.35	"	
50	"	"	}	"	
51	"	"		"	
52	"	"		"	
				Dahala Khagrabari	P.S. Haldibari

Serial No.	Chhits of Cooch Behar lying within Police Station	Chhit No.	Approx. Area in Acres furnished by Collector C.B.	Name of Chhits	Name of P.S. in West Bengal
53	Dimla (E.P.)	30	7.71	Bara Khanki -	P.S. Haldibari
54	"	29	36.83	Kharija Gitaldaha	
55	"	31	33.41	Nagarjikabari	
56	"	28	30.53	Barakhangir	
57	Patgram (E.P.)	26	5.78	Kuchlibari	
58	"	27	2.04	"	
59	"	Fragment of J.L.107 of P.S.Mekhliganj	4.35	Bara Kuchlibari	
60	"	6	5.24	Jamaldaha Balapukhari	
61	"	Fragment of J.L.115 of P.S.Mekhliganj	0.32	Uponchowki Kuchlibari	
62	"	7	44.04	"	
63	"	8	36.83	Bhotbari	
64	"	5	55.91	Balapukhari	
65	"	4	50.51	Bara Khangir	
66	"	9	87.42	"	
67	"	10	41.70	Chhat Bagdokra	
68	"	11	58.91	Ratanpur	
69	"	12	25.49	Bagdokra	
70	"	Fragment of J.L.101 of P.S.Mekhliganj	0.88	Fulker Dabri	
71	"	15	60.74	Kharkharia	P.S. Mekhliganj
72	"	13	51.62	"	
73	"	14	110.92	Lotamari	
74	"	16	205.46	Bhotbari	
75	"	16A	42.80	Kamat Changrabandha	
76	"	17A	16.01	"	
77	"	17	137.66	Panisala	
78	"	18	36.50	Dwarikamarikhasbash	
79	"	Fragment of J.L.153 of P.S.Mekhliganj	0.27	Panisala	
80	"	"	18.01	"	
81	"	19	64.63	"	
82	"	21	51.40	"	
83	"	20	283.53	Lotamari	
84	"	22	98.85	"	
85	"	23	39.52	Dwarikamari	
86	"	25	45.73	"	
87	"	24	56.11	Chhat Bhothat	
88	"	131	22.35	Baskata	
89	"	132	11.96	"	
90	"	130	21.07	"	P.S. Mekhliganj
91	"	133	1.44	Bhogramguri	
92	"	134	7.81	Chenakata	
93	"	119	413.81	Baskata	
94	"	120	30.75	"	
95	"	121	12.15	"	
96	"	113	57.86	"	
97	"	112	315.04	"	
98	"	114	0.77	"	
99	"	115	29.20	"	
100	"	122	33.22	"	
101	"	127	12.72	"	

Serial No.	Chhits of Cooch Behar lying within Police Station	Chhit No.	Approx. Area in Acres furnished by Collector C.B.	Name of Chhits	Name of P.S. in West Bengal
102	"	128	2.33	"	P.S. Mathabhanga
103	"	117	2.55	"	
104	"	118	30.88	"	
105	"	125	0.64	"	
106	"	126	1.39	"	
107	"	129	1.37	"	
108	"	116	16.96	"	
109	"	123	24.37	"	
110	"	124	0.28	"	
111*	Sitalkuchi (W.B.)	137	4.73	Nalgram Chhit	
112	Hatibandha (E.P.)	135	126.59	Gotamuri Chhit	
113	"	135	20.02	"	
114*	Dinhata (W.B.)	155	35.53	Madnakura Chhit in Bhoti Nath Batrigach	
115	Lalmanirhat (E.P.)	151	217.29	Bans Pachai	P.S. Dinhata
116	"	152	81.71	Bans Pachai Bhitarkuthi	
117	Phulbari (E.P.)	150	1643.44	Dasiar Chhara	
118	Kurigram (E.P.)	156	14.27	Dakurhat Dakinir Kuthi	
119	Bhurungamari (E.P.)	141	21.21	Kalamati	
120	"	153	31.58	Shahebganj	
121	"	142	45.63	Seotikursa	
122	"	143	39.99	Bara Gaochulka	
123	"	147	0.90	Gaochulka II	
124	"	146	8.92	" I	
125	"	145	8.81	Dighaltari II	
126	"	144	12.31	" I	
127*	Dinhata (W.B.)	154	2.51	Chhit Seoruguri	
128	Bhurungamari (E.P.)	149	17.85	Chhoto Guraljhara II	
129	"	148	35.74	" I	
130	Jalpaiguri (W.B.) Vide notification No. 2427 P.L., P.L.J.4/52 dated 27.6.52	43	2.63	Daikhata	
			20,957.07 acres Or, 32.745 Sq. miles		

* 3 Enclaves of Cooch Behar within enclaves of East Pakistan in Cooch Behar the areas of which are not exchangeable.

(Banerjee, 1966)

Notes:

- Banerjee gave a subtotal for Serials 1 to 66 of 16,087.65 acres. This and his total of 20,957.07 acres (32.745 sq. miles) are incorrect. The correct figures are 16,097.65 acres for the subtotal of Serials 1 to 66, and 20,966.97 acres or 32.761 sq. miles for the total of all 130 chhits.
- Serial 130 was part of P.S. Haldibari, not Dinhata.

TABLE 2b: BANERJEE's 1966 LIST OF EAST PAKISTANI CHHITS IN INDIA

ENCLAVES OF PAKISTAN IN WEST BENGAL (COOCH BEHAR)

Serial No.	Chhits of East Pakistan lying within Police Station	J.L. No.	Area in Acres as per Jurisdiction List	Name of Chhits	Name of P.S. in East Pakistan
* 1	Pochagar (E.P.)	6	14.48	Teldhar	P.S. Pochagrah
2	"	6		"	
3	"	32	52.00	Baikunthapur Teldhar	
*** 4	"	32		"	
5	"	32	1.13	Nazirganj -30	P.S. Boda
6	Boda (E.P)	66		" -29	
7	"	64		"	
8	"	107	21.28	Nazirganj	
9	"	107		"	
10	"	107	6.10	** Debottar Saldanga	P.S. Boda
11	"	273		"	
12	Debiganj (E.P.)	253	169.37	Upan Chowki Bhajni, 111	P.S. Debiganj
* 13	"	254	1.75	" , 99	
14	"	256	0.71	" , 24	
15	"	252	1.34	" , 13	
16	"	251	14.11	" , 112	
17	"	257	36.68	t " , 113	
18	"	261	1.02	** " , 15	
19	"	258	110.97	" , 110	
20	"	259	72.20	" , 22	
21	"	262	7.46	** Debi Doba	
22	Mekhliganj (W.B.)	22	370.64	Chit Kuchlibari	P.S. Patgram
23	"	24	1.83	Chhit Land of Kuchlibari	
24	"	21	331.64	Bala Pukhari	
25	"	20	1.13	Chhit Land of Panbari No.2	
26	"	18	108.59	Chhit Panbari	
27	"	16	3877.05	Dahagram	
28	"	73/16	739.80	Angarpota	
29	"	15	173.88	Dhabalsati Mirgipur	
30	"	11	2.19	** Bamandal	
31	"	14	66.58	Chhit Dhabalsati	
32	"	13	60.45	** Dhabalsati	
* 33	Patgram (E.P.)	13	1.60	** "	
34	Mekhliganj (W.B.)	8	1.05	Srirampur	
35	"	3	87.54	Jote Nijjama	
36	Mathabhanga (W.B.)	37	69.84	Chhit Land of Jagatber No.3	
37	"	35	30.66	" , No.1	
38	"	36	27.09	" , No.2	
39	"	47	29.49	Chhit Kokoabari	
40	"	67	39.96	Chhit Bhandardaha	
* 41	Patgram (E.P.)	50	8.25	** Jongra	
42	Mathabhanga (W.B.)	52	12.50	Dhabalguri	
43	"	53	22.31	Chhit Dhabalguri	
44	"	70	1.33	Chhit Land of Dhabalguri No.3	
45	"	71	4.55	" , No.4	
46	"	72	4.12	" , No.5	
47	"	68	26.83	" , No.1	
48	"	69	13.95	" , No.2	
49	Sitalkuchi (W.B.)	54	122.77	Mahishmari	P.S. Hatibandha
50	"	13	34.96	** Bara Saradubi	
51	"	64	506.56	Falnapur	P.S. Patgram
52	"	65	1397.34	Nalgram	
53	"	65		"	
54	"	65		"	
55	"	66	49.50	Chhit Nalgram	
56	"	66	"	"	

Serial No.	Chhits of East Pakistan lying within Police Station	J.L. No.	Area in Acres as per Jurisdiction List	Name of Chhits	Name of P.S. in East Pakistan
57	"	57	1.25	** Amjhol	P.S. Hatibandha
58	Dinhata (W.B.)	82	209.95	Kismat Batrigach	
59	"	81	577.37	Batrigach	P.S. Kaliganj
60	"	81		"	
61	"	83	20.96	** Durgapur	P.S. Lalmanirhat
62	"	1	24.54	Bansua Khamar Gitaldaha	
63	"	9	269.91	Karala	P.S. Phulbari
64	"	9		"	
65	"	9		"	
* 66	Phukbari (E.P.)	20	34.68	Chandrakhan	P.S. Bhurungamari
67	Dinhata (W.B.)	8	373.20	Sibprasad Mustafi	
68	"	8		"	
69	"	37	589.94	Poaturkuthi	
70	"	38	151.98	Paschim Bakalir Chhara	
71	"	39	32.72	Madhya Bakalir Chhara	
72	"	40	12.23	Purba Bakalir Chhara	
73	"	6	571.38	Dakshin Masaldanga	
74	"	6		"	
75	"	6		"	
76	"	6		"	
77	"	6		"	
78	"	6		"	
79	"	4		29.49	Paschim Masaldanga
80	"	4			"
81	"	5	119.74	Kachua	
82	"	8	11.87	Madhya Chhit Masaldanga	
83	"	10	35.01	Purba Chhit Masaldanga	
84	"	10		"	
85	"	1	7.60	Paschim Chhit Masaldanga	
86	"	11	153.89	Purba Masaldanga	
87	"	11		"	
88	"	2	27.29	Uttar Masaldanga	
89	"	3	136.66	Madhya Masaldanga	
90	Tufanganj (W.B.)	6	Area included in S.L. No. 73 to 78	Dakshin Masaldanga	
91	"	1		47.17	Uttar Bansjani
92	"	14		23.86	Uttar Dhaldanga
93	"	14			** "
94	"	14			"
95	"	17	81.56	Chhat Tilai	
12,289.37 Acres or 19.202 Sq. miles					

** Area not being available from Jurisdiction List have to be taken from Settlement furnished by Collector Cooch Behar.

t Area as per Jurisdiction List is 337.04 acres which appears to be wrong.

* Enclaves of East Pakistan within enclaves of Cooch Behar in East Pakistan, the areas of which are not exchangeable.

*** Serials 3, 4 & 5 (Chhit No.32) cease to be chhits within chhit consequent upon the transfer of parent enclave to Jalpaiguri by Notification No.2427 P.L./P.I.J.-4/52 dated 27.6.52. These are now enclaves of Pakistan in Jalpaiguri District and are therefore exchangeable.

(Banerjee, 1966)

Notes:

- For Serial No.85, J.L.No. should be 7, not 1.

- Total is incorrect, actually summing to 12,287.37 acres, or 19.199 sq. miles.

TABLE 3a: CHHITS of COOCH BEHAR in JALPAIGURI, ASSAM & PAKISTAN/BANGLADESH, with CENSUS FIGURES 1951-91.

Chhit No.	Banerjee's No.	J.L.No. new	Area (acres)	Chhit name	Belongs to Thana	Lies within/bordering Thana	Census Populations			
							1951	1961	1971	1981
1	47	98	2,648.21	Dahala Khagrabari	Haidibari, CB	Debigani, D	1,446	?	?	nl
1 (f)	48	98 (f)	see 1	Dahala Khagrabari	Haidibari, CB	Debigani, D	see 1			nl
1 (f)	49	98 (f)	see 1	Dahala Khagrabari	Haidibari, CB	Debigani, D	see 1			nl
1 (f)	50	98 (f)	see 1	Dahala Khagrabari	Haidibari, CB	Debigani, D	see 1			nl
1 (f)	51	98 (f)	1.70	Dahala Khagrabari**	Haidibari, CB	Debigani, D	see 1			nl
1 (f)	52	98 (f)	0.44	Dahala Khagrabari	Haidibari, CB	Debigani, D	see 1			nl
2	43	97	2,012.27	Kothajni	Haidibari, CB	Debigani, D & Dumar, R	864	?	?	nl
2 (f)	44	97 (f)	see 2	Kothajni	Haidibari, CB	Debigani, D	see 2			nl
2 (f)	45	97 (f)	see 2	Kothajni	Haidibari, CB	Debigani, D	see 2			nl
2 (f)	46	97 (f)	see 2	Kothajni	Haidibari, CB	Debigani, D & Dumar, R	see 2			nl
3	42	96	1,752.44	Balaparakhagrabari	Haidibari, CB	Debigani, D & Dumar, R	363	?	?	nl
4	65	159	50.51	Bara Khangir	Mekhligani, CB	Patgram, R	see 5	?	?	nl
5	64	160	55.91	Balapukhari	Mekhligani, CB	Patgram, R	244	?	?	nl
6	60	161	5.24	Jamaldaha Balapukhari	Mekhligani, CB	Patgram, R	?	?	?	nl
7	62	162	44.04	Uponchowki Kuchlibari	Mekhligani, CB	Patgram, R	202	?	?	nl
8	63	163	36.83	Bhotbari	Mekhligani, CB	Patgram, R	301	?	?	nl
9	66	164	87.42	Bara Khangir	Mekhligani, CB	Patgram, R	d	??	?	nl
10	67	165	41.70	Chhat Bagdokra	Mekhligani, CB	Patgram, R	d	??	?	nl
11	68	166	58.91	Ratanpur	Mekhligani, CB	Patgram, R	nl	?	?	nl
12	69	167	25.49	Bagdokra	Mekhligani, CB	Patgram, R	d	??	?	nl
13	72	170	51.62	Kharkhatia	Mekhligani, CB	Patgram, R	f	??	?	nl
14	73	169	110.92	Lotamari	Mekhligani, CB	Patgram, R	d	??	?	nl
15	71	168	60.74	Kharkhatia	Mekhligani, CB	Patgram, R	f	??	?	nl
16	74	171	205.46	Bhotbari	Mekhligani, CB	Patgram, R	f	??	?	nl
16A	75	172	42.80	Kamat Changrabandha	Mekhligani, CB	Patgram, R	124	?	?	nl
17	77	173	137.66	Panisala	Mekhligani, CB	Patgram, R	0	?	?	nl
17A	76	174	16.01	Panisala	Mekhligani, CB	Patgram, R	129	?	?	nl
18	78	175	36.50	Kamat Changrabandha	Mekhligani, CB	Patgram, R	0	?	?	nl
19	81	176	64.63	Dwarikamarikhasbash	Mekhligani, CB	Patgram, R	e	??	?	nl
20	83	178	283.53	Lotamari	Mekhligani, CB	Patgram, R	103	?	?	nl
21	82	177	51.40	Panisala	Mekhligani, CB	Patgram, R	g	??	?	nl
22	84	179	98.85	Lotamari	Mekhligani, CB	Patgram, R	20	?	?	nl
23	85	180	39.52	Dwarikamari	Mekhligani, CB	Patgram, R	g	??	?	nl
24	87	182	56.11	Chhat Bhothat	Mekhligani, CB	Patgram, R	58	?	?	nl
25	86	181	45.73	Dwarikamari	Mekhligani, CB	Patgram, R	d	??	?	nl
26	57	157	5.78	Kuchlibari	Mekhligani, CB	Patgram, R	?	?	?	nl
27	58	158	2.04	Kuchlibari	Mekhligani, CB	Patgram, R	?	?	?	nl
28	56	153	30.53	Barakhangir	Haidibari, CB	Dimla, R	0	?	?	nl
29	54	154	36.83	Bara Khanki Kharija Gitaldaha	Haidibari, CB	Dimla, R	0	?	?	nl
30	53	155	7.71	Bara Khanki Kharija Gitaldaha	Haidibari, CB	Dimla, R	0	?	?	nl
31	55	156	33.41	Nagarjikabari	Haidibari, CB	Dimla, R	0	?	?	nl

76	5	65	0.79	Garati	Haidibari, CB	Panchagarh, D	see 78	?	?	nl
77	4	66	18.00	Garati	Haidibari, CB	Panchagarh, D	see 78	?	?	nl
78	1	63	968.66	Garati	Haidibari, CB	Panchagarh, D	352	?	?	nl
79	2	67	1.74	Garati	Haidibari, CB	Panchagarh, D	see 78	?	?	nl
80	3	69	73.75	Garati	Haidibari, CB	Panchagarh, D	see 78	?	?	nl
81	14	21	11.50	Binnaguri	Jalpaiguri, J	Panchagarh, D	see 61	?	see 61	see 61
82	na	?	5	Magumari	Dhupguri, J	Dhupguri, J	?	n	?	p
83	na	?	6	Magumari	Dhupguri, J	Dhupguri, J	?	n	?	p
84	na	?	9	Magumari	Dhupguri, J	Dhupguri, J	?	n	?	p
85	na	?	10	Magumari	Dhupguri, J	Dhupguri, J	?	n	?	p
86	na	?	6	Magumari	Dhupguri, J	Dhupguri, J	?	n	?	p
87	na	?	1	Magumari	Dhupguri, J	Dhupguri, J	?	n	?	p
88	na	?	66	Magumari	Dhupguri, J	Dhupguri, J	?	n	?	p
89	na	?	28	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
90	na	?	25	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
91	na	?	15	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
92	na	?	1	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
93	na	?	17	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
94	na	?	14	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
95	na	?	101	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
96	na	?	69	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
97	na	?	57	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
98	na	?	22	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
99	na	?	51	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
100	na	?	39	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
101	na	?	33	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
102	na	?	7	Gosairhat	Dhupguri, J	Dhupguri, J	?	n	?	p
103	na	?	97	Gadang	Dhupguri, J	Dhupguri, J	?	n	?	p
104	na	?	27	Gadang	Dhupguri, J	Dhupguri, J	?	n	?	p
105	na	?	9	Gadang	Dhupguri, J	Dhupguri, J	?	n	?	p
106	na	?	26	Gadang	Dhupguri, J	Dhupguri, J	?	n	?	p
107	na	?	74	Gadang	Dhupguri, J	Dhupguri, J	?	n	?	p
108	na	?	49	Gadang	Dhupguri, J	Dhupguri, J	?	n	?	p
109	na	?	23	Gadang	Dhupguri, J	Dhupguri, J	?	n	?	p
110	na	?	5	Gadang	Dhupguri, J	Dhupguri, J	?	n	?	p
111	na	?	91	Gadang	Dhupguri, J	Dhupguri, J	?	n	?	p
112	97	205	315.04	Bajniskata	Mathabhanga, CB	Patgram, R	?	n	?	p
113	96	204	57.86	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
114	98	206	0.77	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
115	99	207	29.20	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
116	108	213	16.96	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
117	103	210	2.55	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
118	104	211	30.88	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
119	93	201	413.81	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
120	94	202	30.75	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl

121	95	203	12.15	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
122	100	208	33.22	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
123	109	217	24.37	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
124	110	218	0.28	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
125	105	213	0.64	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
126	106	214	1.39	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
127	101	215	12.72	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
128	102	209	2.33	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
129	107	216	1.37	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
130	90	197	21.07	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
131	88	196	22.35	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
132	89	198	11.96	Bajniskata	Mathabhanga, CB	Patgram, R	?	?	?	nl
133	91	199	1.44	Bhogramguri	Mathabhanga, CB	Patgram, R	?	?	?	nl
134	92	200	7.81	Chenakata	Mekhligani, CB	Patgram, R	0	?	?	nl
135	112	69	126.59	Gotamuri Chhit	Sitalkuchi, CB	Haibandha, R	239	?	?	nl
136	113	70	20.02	Gotamuri Chhit	Sitalkuchi, CB	Haibandha, R	see 135	?	?	nl
137	111	7	4.73	Nalgram Chhit*	Sitalkuchi, CB	Sitalkuchi, CB	15	?	?	nl
138	na	?	?	Chikliguri Pt I	Alipur Duars, J	Alipur Duars, J	0	n	?	p
139	na	?	?	Chikliguri Pt II	Alipur Duars, J	Alipur Duars, J	0	n	?	p
140	na	127	1,351.00	Bara Lowkuthi***	Tufanganj, CB	Gossaingaon, (G then K)	973	1,389	1,729	1,833
141	119	255	21.21	Kalamati	Dinhata, CB	Bhurungamari, R	0	?	?	nl
142	121	257	45.63	Seotikursa	Dinhata, CB	Bhurungamari, R	64	?	?	nl
143	122	258	39.99	Bara Gaochuika	Dinhata, CB	Bhurungamari, R	0	?	?	nl
144	126	262	12.31	Dighaltari I	Dinhata, CB	Bhurungamari, R	b	??	?	nl
145	125	261	8.81	Dighaltari II	Dinhata, CB	Bhurungamari, R	b	??	?	nl
146	124	260	8.92	Gaochuika I	Dinhata, CB	Bhurungamari, R	0	?	?	nl
147	123	259	0.90	Gaochuika II	Dinhata, CB	Bhurungamari, R	0	?	?	nl
148	129	263	35.74	Chhoto Gurajihara I	Dinhata, CB	Bhurungamari, R	a	??	?	nl
149	128	264	17.85	Chhoto Gurajihara II	Dinhata, CB	Bhurungamari, R	a	??	?	nl
150	117	254	1,643.44	Dasiar Chhara	Dinhata, CB	Bhurungamari, R	1,750	?	?	nl
151	115	251	217.29	Bans Pachai	Dinhata, CB	Phulbari & Nageswari, R	0	?	?	nl
152	116	252	81.71	Bans Pachai Bhitarkuthi	Dinhata, CB	Lalmonirhat & Phulbari, R	0	?	?	nl
153	120	256	31.58	Shahebganj	Dinhata, CB	Lalmonirhat, R	273	?	?	nl
154	127	85	2.51	Chhit Saoruguri*	Dinhata, CB	Bhurungamari, R	c	??	?	nl
155	114	119	35.53	Madnakura Chhit in Bhoti Nath Batrigach*	Dinhata, CB	Dinhata, CB	0	?	?	nl
156	118	253	14.27	Dakurhat Dakinir Kuthi	Dinhata, CB	Dinha, CB	42	?	125	nl
JL 101J (f)	70	183	0.88	Fulker Dabri	Mekhligani, CB	Kurigram, R	0	?	?	nl
JL 107K (f)	59	184	4.35	Bara Kuchibari	Mekhligani, CB	Patgram, R	j	??	?	nl
JL 115L (f)	61	185	0.32	Uponchowki Kuchibari	Mekhligani, CB	Patgram, R	h	??	?	nl
JL 152/M	na	?	?	Panisala	Maynaguri, J	Maynaguri, J	i	??	?	nl
JL 152/N	na	?	?	Panisala	Maynaguri, J	Maynaguri, J	m	n	?	nl
JL 153O (f)	79	186	0.27	Panisala	Mekhligani, CB	Patgram, R	m	n	?	nl
JL 153P (f)	80	187	18.01	Panisala	Mekhligani, CB	Patgram, R	k	??	?	nl
Total Area:			25,068.01 acres (39,169 sq. miles)			Total Population:		12,078	5,338	2,207
			10,144.66 ha (101,447 sq. km)			(known chhitis only)				

Key:

various columns:

na	Not in Banerjee's list because no longer international in mid-1960s.		
*	Counter chhit (3 total).		
**	Counter-counter chhit (1 only).		
***	1951 census calls this chhit 'Chal Batta Chowki'.		
****	Given as "Uninhabited", not as "Unavailable" in 1961 & 1971 censuses. Very large 1951 population surely erroneous, unless it was a refugee camp?		
?	Chhit listed in census returns, but returned as 'not available'.	??	As chhit populations were not available for 1961, those chhits being fragments of a larger mauza were also presumably unavailable and no longer included in that mauza's population.
		(f)	Fragment of given chhit/mauza.
		JL	Jurisdiction List (Mauza no.).
		nl	Chhit not listed in census returns.
		see #	Area or population combined with Chhit No. #.

Thana columns:

CB	Cooch Behar		
D	Dinajpur		
G	Goalpara, Assam		
J	Jalpaiguri		
K	Kokrajhar, Assam		
R	Rangpur		

Notes:

- Areas for Chhit #64-67 & 69-74 are +/- 0.32 acres (+/- 0.0005 sq miles).
- Areas for Chhit #82-111 are to nearest acre.
- Areas for Banerjee's #51,52 & 40 have been measured from 16" revenue maps by this author, and subtracted from Banerjee's areas for #47 & 39 respectively.
- Blank entries in population columns indicate census volumes not consulted.
- Italicised rows were Cooch Behar chhits in Jalpaiguri, transferred to the latter district in 1952 or 1955, and no longer exist as chhits.

Census Population columns:

a	Population of 607 includes JL 751 Choto Garoljhora, of 0.183 sq miles.
b	Population of 650 includes JL 752 Dighaitari, of 0.151 sq miles.
c	Population of 2060 includes JL 78 Sahebganj, of 2.325 sq miles.
d	Population of 651 includes JL 105 Bagdokara, of 1.139 sq miles.
e	Population of 238 includes JL 194 Darikamari, of 0.612 sq miles.
f	Population of 171 includes JL 98 Fulker Dabri Kharkharia, 0.236 sq miles.
g	Population of 343 includes JL 197 Lotamari, of 0.186 sq miles.
h	Population of 174 includes JL 107 Bara Kuchlibari, of 0.373 sq miles and JL 118 Jikabari, of 0.659 sq miles.
i	Population of 174 includes JL 115 Uponchowki Kuchlibari, of 0.393 sq miles.
j	Population of 605 includes JL 101 Fulker Dabri, of 1.485 sq miles.
k	Population of 441 includes JL 153 Panisala, JL 152A Panisala & JL 158 Jamal Daha, 0.576, 0.168 & 0.205 sq miles respectively.
m	fragment of JL152, Panisala, total population 21. Area in 1951 census is incorrect, but is at least that of the 1961 rump mauza of 1.113 sq miles.
n	Appears from census maps to have been merged into surrounding Jalpaiguri mauza(s) by 1961, but no details available.
p	Appears from census maps to have be fragment of a Jalpaiguri mauza, but no details available.

(Mitra, 1953; Ray 1966; Ray 1969; Census of India, 1972, 1981a&b, 1997, 1998)

TABLE 3b: CHHITS of JALPAIGURI & ASSAM IN COOCH BEHAR, with CENSUS FIGURES 1951-91

Banerjee's No.	J.L.No. old	J.L. No. new	Area (acres)	Chhit name	Belongs to PS	Lies within/bordering PS	1951	1961	1971	1981	1991
7	11		135.7	Choto Pokalagi	Golokganj, Dh	Tufanganj, CB		161		nc	
na	27		36.8	Gobrarkuthi	Golokganj, Dh	Tufanganj, CB		20		nc	
na	43		20.8	Ramayerkuthi	Golokganj, Dh	Tufanganj, CB		218		nc	
na	58 (f)	73	2.72	Fragment of Brahmapur	Mekhliganj, CB	Mekhliganj, CB		?	1,240		0
na	174 (f)	11	7.49	Fragment of Purbachikliguri	Tufanganj, CB	Tufanganj, CB		1,597	2,475		0
na	14	18	23.43	Chhitland of Shingimari	Jalpaiguri, J	Jalpaiguri, J	130	29	179	14	
Total Area:							130	1,996	3,715	14	0
Total Area:							Total Population:				
							(known chhits only)				

TABLE 3c: CHHITS of PAKISTAN/BANGLADESH IN COOCH BEHAR, with CENSUS FIGURES 1951-91

Banerjee's No.	J.L. No.	Area (acres)	Chhit name	Belongs to P.S.	Lies within/bordering P.S.	1951	1961	1974 +	1981	1991
1	6	14.48	Teldhar *	Panchagarh, D	Panchagarh, D	0	17	82	33	61
2	6	sa	Teldhar *	Panchagarh, D	Panchagarh, D	sa	sa	sa	sa	sa
3	32	52.00	Baikunthapur Teldhar **	Panchagarh, D	Panchagarh, D	80	0	489	-	-
4	32	sa	Baikunthapur Teldhar **	Panchagarh, D	Jalpaiguri, J	sa	sa	sa	sa	sa
5	32	sa	Baikunthapur Teldhar **	Panchagarh, D	Jalpaiguri, J	sa	sa	sa	sa	sa
6	66	1.13	Nazirganj -30 *	Boda, D	Boda, D	0	2	nl	-	nl
7	64	6.54	Nazirganj -29 *	Boda, D	Boda, D	0	0	nl	-	nl
8	107	1.52	Nazirganj * ***	Boda, D	Boda, D	90	0	nl	-	nl
9	107	0.72	Nazirganj * ***	Boda, D	Boda, D	sa	sa	sa	sa	sa
10	107	19.74	Nazirganj * ***	Boda, D	Boda, D	sa	sa	sa	sa	sa
11	273	6.10	Debottar Saldanga *	Debiganj, D	Boda, D	a	?	?	?	?
12	253	169.37	Upan Chowki Bhajni, 111 *	Debiganj, D	Debiganj, D	260	298	759	2,270	1,400
13	254	1.75	Upan Chowki Bhajni, 99 *	Debiganj, D	Debiganj, D	0	0	nl	162	151
14	256	0.71	Upan Chowki Bhajni, 24 *	Debiganj, D	Debiganj, D	0	14	43	-	81?
15	252	1.34	Upan Chowki Bhajni, 13 *	Debiganj, D	Debiganj, D	0	0	nl	-	sa
16	251	14.11	Upan Chowki Bhajni, 112 *	Debiganj, D	Debiganj, D	10	0	nl	-	sa
17	257	36.68	Upan Chowki Bhajni, 113 *	Debiganj, D	Debiganj, D	50	95	400	456	508
18	261	1.02	Upan Chowki Bhajni, 15 *	Debiganj, D	Debiganj, D	b	?	?	?	?
19	258	110.97	Upan Chowki Bhajni, 110 *	Debiganj, D	Debiganj, D	90	24	374	-	nl

20	259	72.20	Upan Chowki Bhajni, 22 *	Debigani, D	Debigani, D	150	102	487	-	520
21	262	7.46	Debi Doba *	Debigani, D	Debigani, D	c	?	?	?	?
22	22	370.64	Chit Kuchlibari	Patgram, R	Patgram, R	160	-	nl	1,287	623
23	24	1.83	Chhit Land of Kuchlibari	Patgram, R	Patgram, R	0	-	nl	-	492
24	21	331.64	Bala Pukhari	Patgram, R	Patgram, R	240	-	nl	-	nl
25	20	1.13	Chhit Land of Panbari No.2	Patgram, R	Patgram, R	0	-	nl	-	nl
26	18	108.59	Chhit Panbari	Patgram, R	Patgram, R	60	-	nl	633	347
27	16	3,877.05	Dahagram	Patgram, R	Patgram, R	1,410	-	4,417	-	7,354
28	73/16	739.80	Angarpota ****	Patgram, R	Patgram, R	590	-	818	-	1,803
29	15	173.88	Dhabalsati Mirgipur	Patgram, R	Patgram, R	1,220	-	nl	-	nl
30	11	2.19	Bamandal	Patgram, R	Patgram, R	d	?	?	?	?
31	14	66.58	Chhit Dhabalsati	Patgram, R	Patgram, R	40	-	nl	-	nl
32	13	60.45	Dhabalsati	Patgram, R	Patgram, R	e	?	?	?	?
33	13	1.60	Dhabalsati *	Patgram, R	Patgram, R	e	?	?	?	?
34	8	1.05	Srirampur	Patgram, R	Patgram, R	f	?	?	?	?
35	3	87.54	Jote Nijjama	Patgram, R	Patgram, R	30	-	nl	-	205
36	37	69.84	Chhit Land of Jagatber No.3	Patgram, R	Patgram, R	30	-	nl	-	nl
37	35	30.66	Chhit Land of Jagatber No.1	Patgram, R	Patgram, R	20	-	nl	-	nl
38	36	27.09	Chhit Land of Jagatber No.2	Patgram, R	Patgram, R	20	-	nl	-	nl
39	47	29.49	Chhit Kokoabari	Patgram, R	Patgram, R	0	0	nl	-	nl
40	67	39.96	Chhit Bhandardaha	Patgram, R	Patgram, R	nl	0	nl	-	nl
41	50	8.25	Jongra *	Patgram, R	Patgram, R	g	?	??	??	??
42	52	12.50	Dhabalguri	Patgram, R	Patgram, R	h	?	?	?	?
43	53	22.31	Chhit Dhabalguri	Patgram, R	Patgram, R	10	-	nl	-	nl
44	70	1.33	Chhit Land of Dhabalguri No.3	Patgram, R	Patgram, R	0	-	nl	-	nl
45	71	4.55	Chhit Land of Dhabalguri No.4	Patgram, R	Patgram, R	0	-	nl	-	nl
46	72	4.12	Chhit Land of Dhabalguri No.5	Patgram, R	Patgram, R	0	-	nl	-	nl
47	68	26.83	Chhit Land of Dhabalguri No.2	Patgram, R	Patgram, R	0	-	nl	-	nl
48	69	13.95	Chhit Land of Dhabalguri No.1	Patgram, R	Patgram, R	0	-	nl	-	nl
49	54	122.77	Mahishmari	Patgram, R	Patgram, R	70	-	nl	0	nl
50	13	34.96	Bara Saradubi	Hatibandha, R	Hatibandha, R	i	?	?	?	?
51	64	506.56	Fainapur	Patgram, R	Patgram, R	360	-	333	-	772
52	65	1,397.34	Nalgram	Patgram, R	Patgram, R	1,110	-	387	-	1,620
53	65	sa	Nalgram	Patgram, R	Patgram, R	sa	sa	sa	sa	sa
54	65	sa	Nalgram	Patgram, R	Patgram, R	sa	sa	sa	sa	sa
55	66	49.50	Chhit Nalgram	Patgram, R	Patgram, R	50	-	nl	-	nl
56	66	sa	Chhit Nalgram	Patgram, R	Patgram, R	sa	sa	sa	sa	sa
57	57	1.25	Amjhol	Hatibandha, R	Hatibandha, R	j	?	?	?	?
58	82	209.95	Kismat Batrigach	Hatibandha, R	Hatibandha, R	200	-	2,874	284	487

59	81	577.37	Batrigach	Kaliganj, R	Dinhata, CB	900	-	nl	1,380	1,829
60	81	sa	Batrigach	Kaliganj, R	Dinhata, CB	sa	sa	sa	sa	sa
61	83	20.96	Durgapur	Kaliganj, R	Dinhata, CB	k	?	?	?	?
62	1	24.54	Bansua Khamar Gitaldaha	Lalmonirhat, R	Dinhata, CB	370	-	nl	-	nl
63	9	269.91	Karala	Phulbari, R	Dinhata, CB	360	-	nl	-	nl
64	9	sa	Karala	Phulbari, R	Dinhata, CB	sa	sa	sa	sa	sa
65	9	sa	Karala	Phulbari, R	Dinhata, CB	sa	sa	sa	sa	sa
66	20	34.68	Chandrakhan *	Phulbari, R	Phulbari, R	m	?	?	?	181
67	8	373.20	Sibprasad Mustafi	Phulbari, R	Dinhata, CB	200	-	nl	-	nl
68	8	sa	Sibprasad Mustafi	Phulbari, R	Dinhata, CB	sa	sa	sa	sa	sa
69	37	589.94	Poaturkuthi	Bhurungamari, R	Dinhata, CB	650	-	nl	-	nl
70	38	151.98	Paschim Bakalir Chhara	Bhurungamari, R	Dinhata, CB	170	-	nl	-	nl
71	39	32.72	Madhya Bakalir Chhara	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
72	40	12.23	Purba Bakalir Chhara	Bhurungamari, R	Dinhata, CB	10	-	nl	-	nl
73	6	571.38	Dakshin Masaldanga	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
74	6	sa	Dakshin Masaldanga	Bhurungamari, R	Dinhata, CB	sa	sa	sa	sa	sa
75	6	sa	Dakshin Masaldanga	Bhurungamari, R	Dinhata, CB	sa	sa	sa	sa	sa
76	6	sa	Dakshin Masaldanga	Bhurungamari, R	Dinhata, CB	sa	sa	sa	sa	sa
77	6	sa	Dakshin Masaldanga	Bhurungamari, R	Dinhata, CB	sa	sa	sa	sa	sa
78	6	sa	Dakshin Masaldanga	Bhurungamari, R	Dinhata, CB	sa	sa	sa	sa	sa
79	4	29.49	Paschim Masaldanga	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
80	4	sa	Paschim Masaldanga	Bhurungamari, R	Dinhata, CB	sa	sa	sa	sa	sa
81	5	119.74	Kachua	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
82	8	11.87	Madhya Chhit Masaldanga	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
83	10	35.01	Purba Chhit Masaldanga	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
84	10	sa	Purba Chhit Masaldanga	Bhurungamari, R	Dinhata, CB	sa	sa	sa	sa	s
85	7	7.60	Paschim Chhit Masaldanga	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
86	11	153.89	Purba Masaldanga	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
87	11	sa	Purba Masaldanga	Bhurungamari, R	Dinhata, CB	sa	sa	sa	sa	s
88	2	27.29	Uttar Masaldanga	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
89	3	136.66	Madhya Masaldanga	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
90	6	see 73	Dakshin Masaldanga	Bhurungamari, R	Dinhata, CB	-	-	nl	-	nl
91	1	47.17	Uttar Bansjani	Bhurungamari, R	Tufangani, CB	sa	sa	sa	sa	sa
92	14	23.86	Uttar Dhaldanga	Bhurungamari, R	Dinhata & Tufangani, CB	350	-	2,725	-	nl
93	14	sa	Uttar Dhaldanga	Bhurungamari, R	Tufangani, CB	n	?	?	?	?
94	14	sa	Uttar Dhaldanga	Bhurungamari, R	Tufangani, CB	sa	sa	sa	sa	sa
95	17	81.56	Chhat Tilai	Bhurungamari, R	Tufangani, CB & Golakgani, Dh	110	-	nl	-	nl
Total Area:						12,288.07 acres (19,200 sq. miles)	552	14,188	6,505	18,353
						4,972.805 ha (49,728 sq. km)	(known chhits only)			

Key:

various columns:

- + Due to the Bangladesh war, the 1971 E. Pakistani census was delayed until 1974.
- Chhit listed, but no figure given. May be uninhabited, or just unavailable.
- ? Chhit is fragment, without a separately listed population, of a larger mauza.
- * Counter-chhits (21 total).
- ** Counter-chhits disenclosed by transfer of surrounding chhit to J in 1952, becoming chhits (3 total).
- *** Areas given individually by Mitra, sum to 21.98. Banerjee gives total only of 21.28 acres.
- **** Until 19 August 1947, Angarpota belonged to Dimla Thana, R.

Police Station columns:

CB	Cooch Behar	Dh	Dhubri, Assam	J	Jaipauri
D	Dinajpur	G	Goalpara, Assam	R	Rangpur

population columns:

The keyed chhits were enumerated as part of the entire namesake mauza to which they belonged. Those mauzas' populations and areas given below:

- a Population 150, area 224 acres
- b Population 280, area 337 acres
- c Population 2400, area 11360 acres
- d Population 310, area 418 acres
- e Population 4800, area 6743 acres
- f Population 3920, area 6219 acres
- g Population 3220, area 4734 acres
- h Population of 1560, area 2036 acres
- i Population 420, area 1183 acres
- j Population 750, area 1241 acres
- k Population 3440, area 1719 acres
- m Population 3020, area 2160 acres
- n Population 1290, area 1758 acres

Notes:

- JL numbers for Assamese chhits are 1961, and have since changed.
- JL numbers for Pakistani/Bangladeshi chhits are for 1951-61, and changed for the 1974 census, and once more for the 1981 & 91 censuses.
- Blank entries in population columns indicate census volumes not consulted.
- Italicised rows: the first two were Jalpaiguri chhits in Cooch Behar, transferred to the latter district in 1960.
- The third comprised 8 counter-enclaves in a Cooch Behar chhit, and were disenclosed in 1952.

(Pakymtein, 1965; Banerjee, 1966; Government of Pakistan, 1951a&b, 1961a&b; Census of India, 1972, 1981a&b; Bangladesh Bureau of Statistics, 1977a&b, 1989a&b, 1993, 1995a-c; Biswas, 1999)

TABLE 4a: DISTRICT-WISE SUMMARY OF ENCLAVE DISTRIBUTION, 1936-PRESENT

EXCLAVES OF COOCH BEHAR

Year	District						Total	Level
1936-47	Jalpaiguri 130 *	...	Jal & Rang 1	Rangpur 22 **	...	Goalpara 1	154	Province 154
1947-49	Jalpaiguri WB 38	Dinajpur EP 34 ***	Dinaj & Rang EP 1	Rangpur EP 71 ****	...	Goalpara Assam 1	154 "International" 154
1949-50	Jalpaiguri WB 38	Dinajpur EP 34 ***	Dinaj & Rang EP 1	Rangpur EP 71 ****	...	Goalpara Assam 1	154	District ... 48
1950-52	38	34 ***	1	71 ****	...	1	154	State 47 1
1952-55	34	34 ***	1	71 ****	...	1	141	34 1 106
1955-84	...	34 ***	1	71 ****	...	1	107	... 1 106
1984-	Panchagarh B 34 ***	Pan & Nil B 4	Nilphamari B 53 **	Lalmonirhat B 1	Lal & Kuri B 13 *****	Kurigram B 1	107	State ... 1 International 106

Year	Event	1950	1952	1955	c.1984
1936	Demarcation of exclaves began, & Cooch Behar transferred from Bengal to E. States Agency	1950	1952	1955	c.1984
1947	India independent				
1949	Cooch Behar accedes to India				

Cooch Behar merged into West Bengal
4 exclaves in Jal. & 9 on the Jal.-Dinaj. border transferred to Jal.
34 exclaves in Jal. transferred to Jal.
Bangladesh and Assam district reorganisation
East Pakistan (Bangladesh >1971)
Jalpaiguri
Kurigram
Lalmonirhat
Nilphamari
Panchagarh
Rangpur

Key:
* includes 1 counter-enclave & 1 counter-counter-enclave
** includes 2 counter-enclaves
*** includes 1 counter-counter-enclave
**** includes 3 counter-enclaves
***** includes 1 counter-enclave
B Bangladesh
Dinajur

Notes:
The exact political status of Cooch Behar was ambiguous 1947-49.
Columns with two district names contain exclaves falling between those districts.
Exclaves falling between political units of two different levels are considered to be at the lower level.

TABLE 4b: DISTRICT-WISE SUMMARY OF ENCLAVE DISTRIBUTION, 1936-PRESENT

FORMER BRITISH INDIAN EXCLAVES IN COOCH BEHAR

Year	District				Total	Level	
	Jaipalguri in CB	Dinajpur in CB	Rangpur in CB	Goalpara in CB		Province	International
1936-47	62.5 (a) *	...	38.5 (a) **	3	105	105	...
1947-49	10 ***	21 ****	70 *****	3	105	105	...
1949-50	10 ***	21 ****	70 *****	3	105	105	...
1950-52	10 ***	21 ****	70 *****	3	105	105	...
1952-60	2	18 *****	70 *****	3	97	97	...
1960-84	...	18 *****	70 *****	3	95	95	...
1984-	18 *****	3	39 *****	31 **	95	95	...

Year	Event	1952	1960	c.1984
1936	CB transferred from Bengal to E. States Agency	1952	Transfer of CB exclaves to J disencloses 8 counter-enclaves of J & elevates 3 counter-enclaves of D to exclaves.	
1947	India independent		1960	2 enclaves of J transferred to CB
1949	CB accedes to India			Bangladesh and Assam district reorganisation
1950	CB merged into West Bengal			

Key:

- * includes 31 counter-enclaves
 - ** includes 1 counter-enclave
 - *** includes 8 counter-enclaves
 - **** includes 21 counter-enclaves
 - ***** includes 3 counter-enclaves
 - ***** includes 18 counter-enclaves
 - ***** includes 2 counter-enclaves
- (a) Until 1947, Chhittis Dahagram & Angarpota, though forming one enclave, belonged to J & R respectively.
- CB Cooch Behar
- D Dhubri
- G Goalpara (Assam); Dhubri (Assam) since the 1980s
- J Jaipalguri
- R Rangpur

Notes:

Columns name the home district then the host district.
 The exact political status of Cooch Behar was ambiguous 1947-49.
 Where two host district are given, the enclave falls between the two.

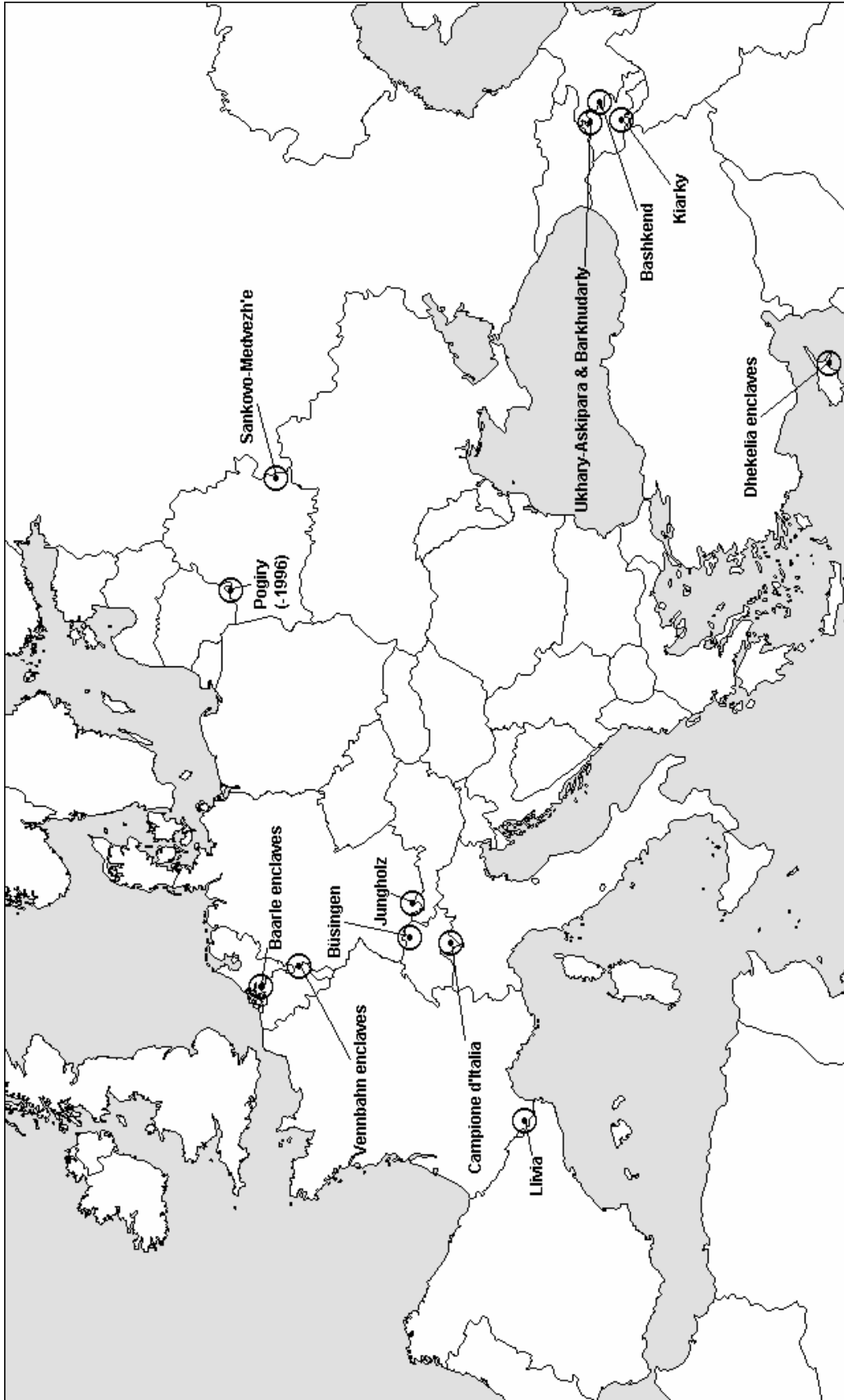


Figure 1a. World enclaves since 1991 - Europe

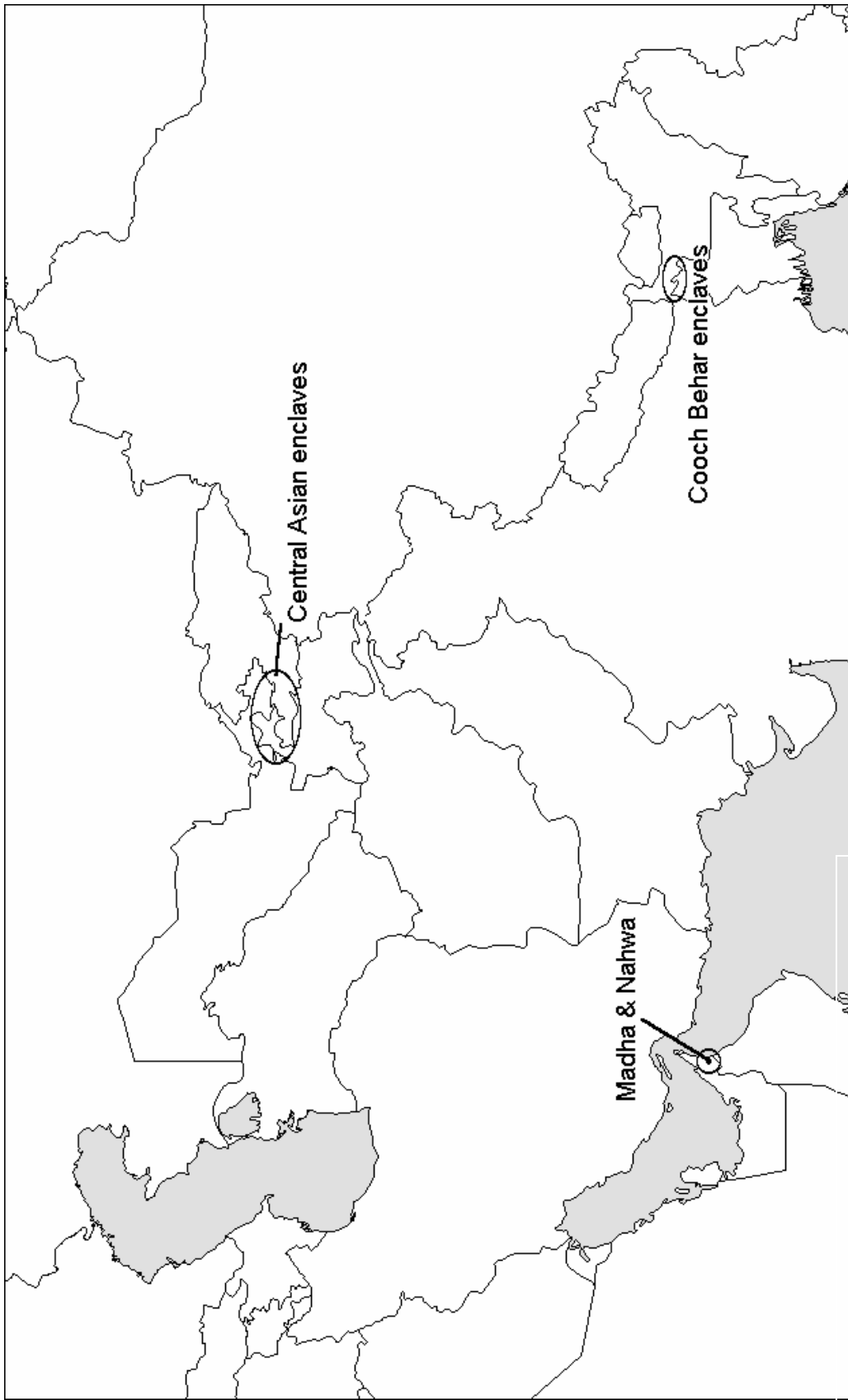


Figure 1b. World enclaves since 1991 - Asia

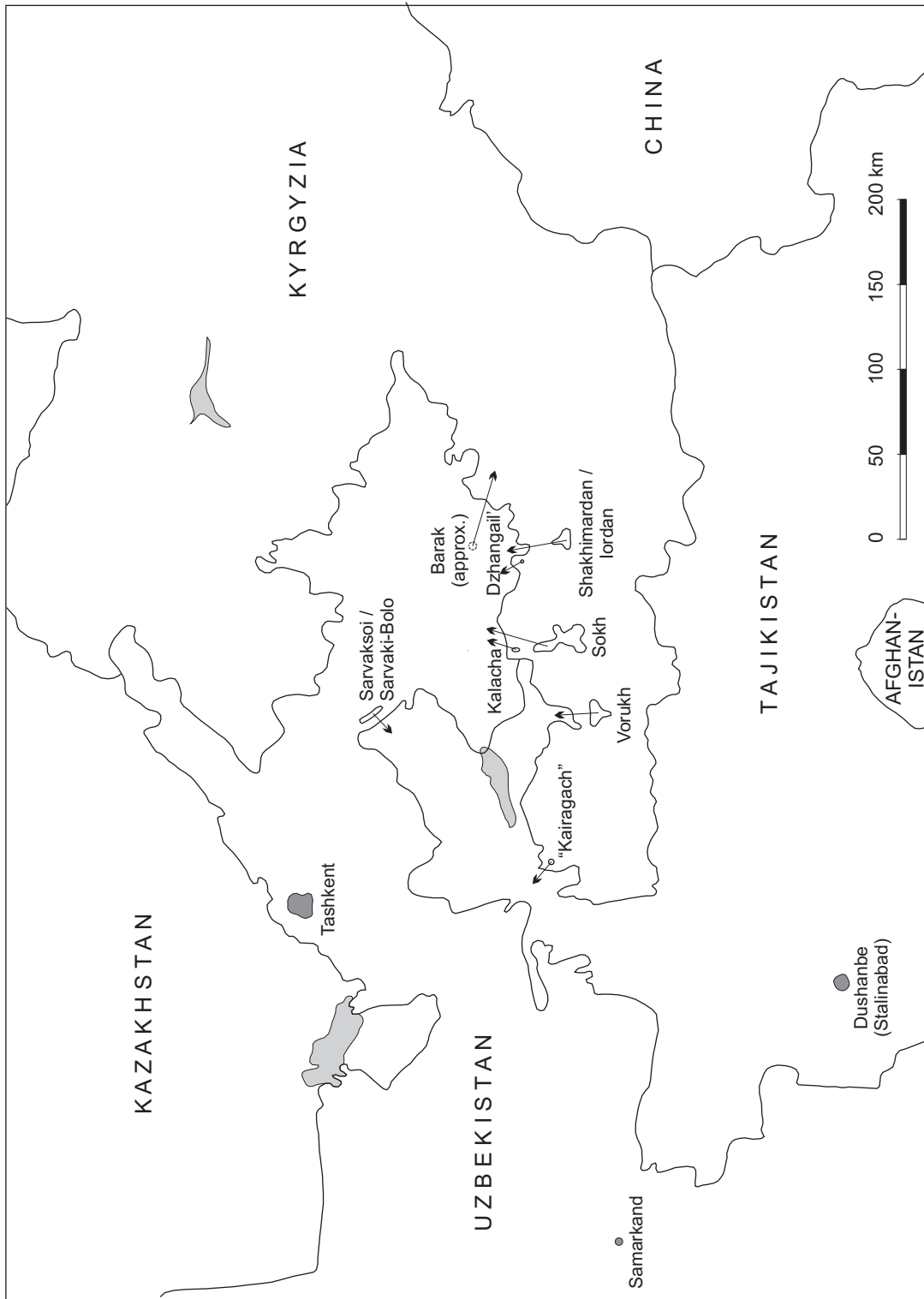


Figure 1c. World enclaves since 1991 - Central Asia

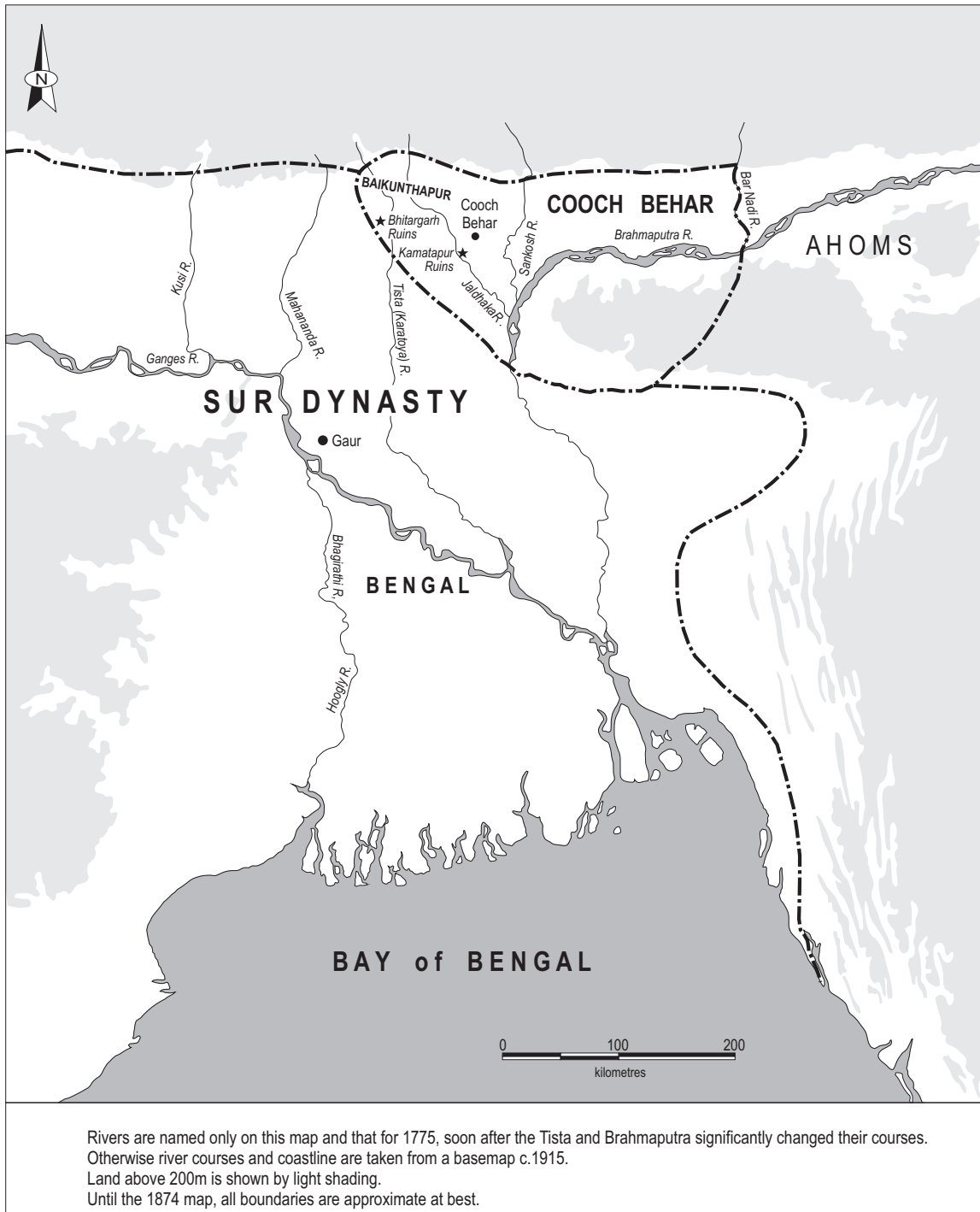


Figure 2a. Cooch Behar through History
c.1540 - Cooch Behar under its first Maharaja, Biswa Singh.

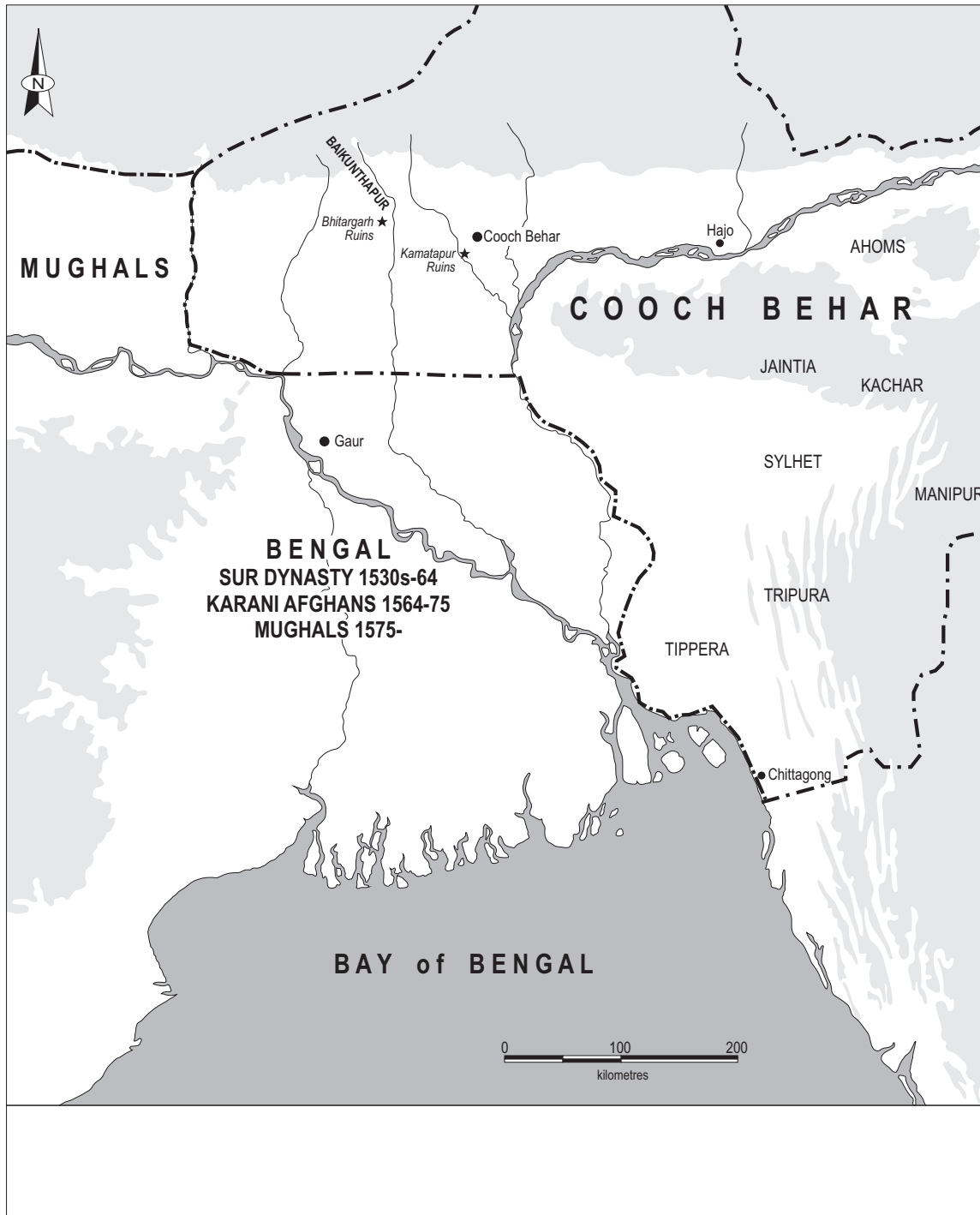


Figure 2b. Cooch Behar through History
 c.1560 - Cooch Behar's zenith under Nar Narayan (after Amanatulla Ahmed, 1990)

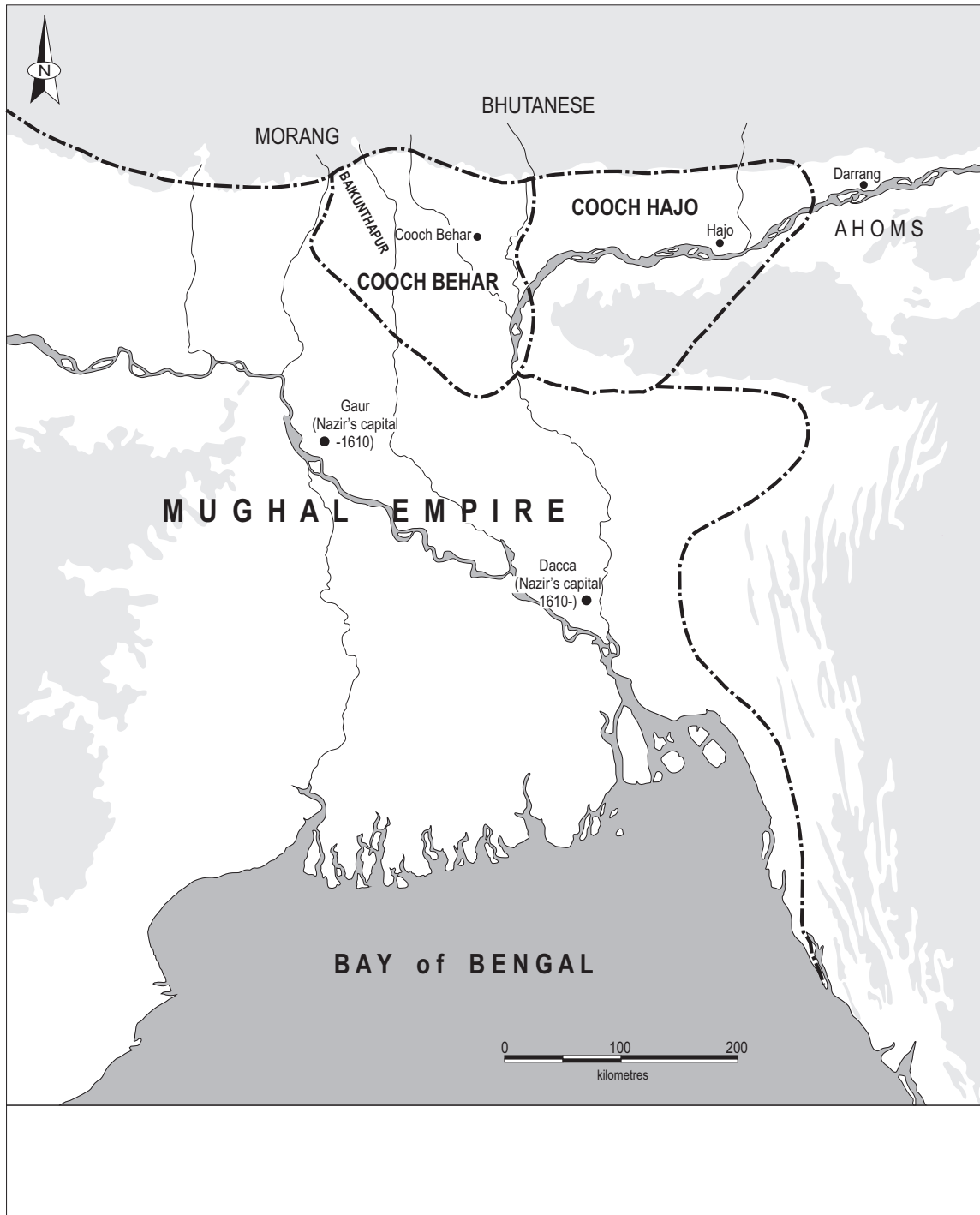


Figure 2c. Cooch Behar through History
 c.1585 - Cooch Behar at Lakshmi Narayan's succession

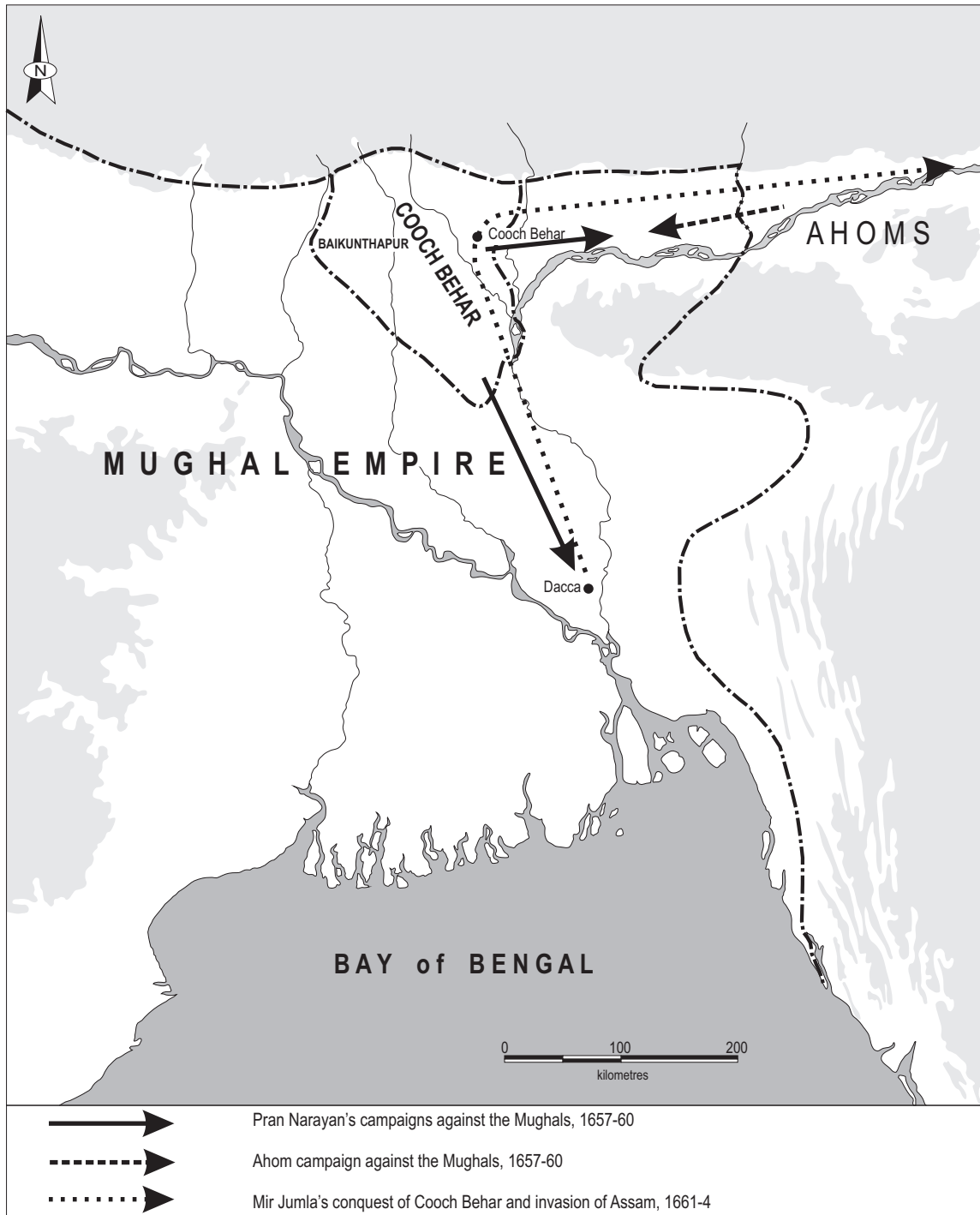


Figure 2d. Cooch Behar through History
c.1660 Pran Narayan's, and Mir Jumla's campaigns.

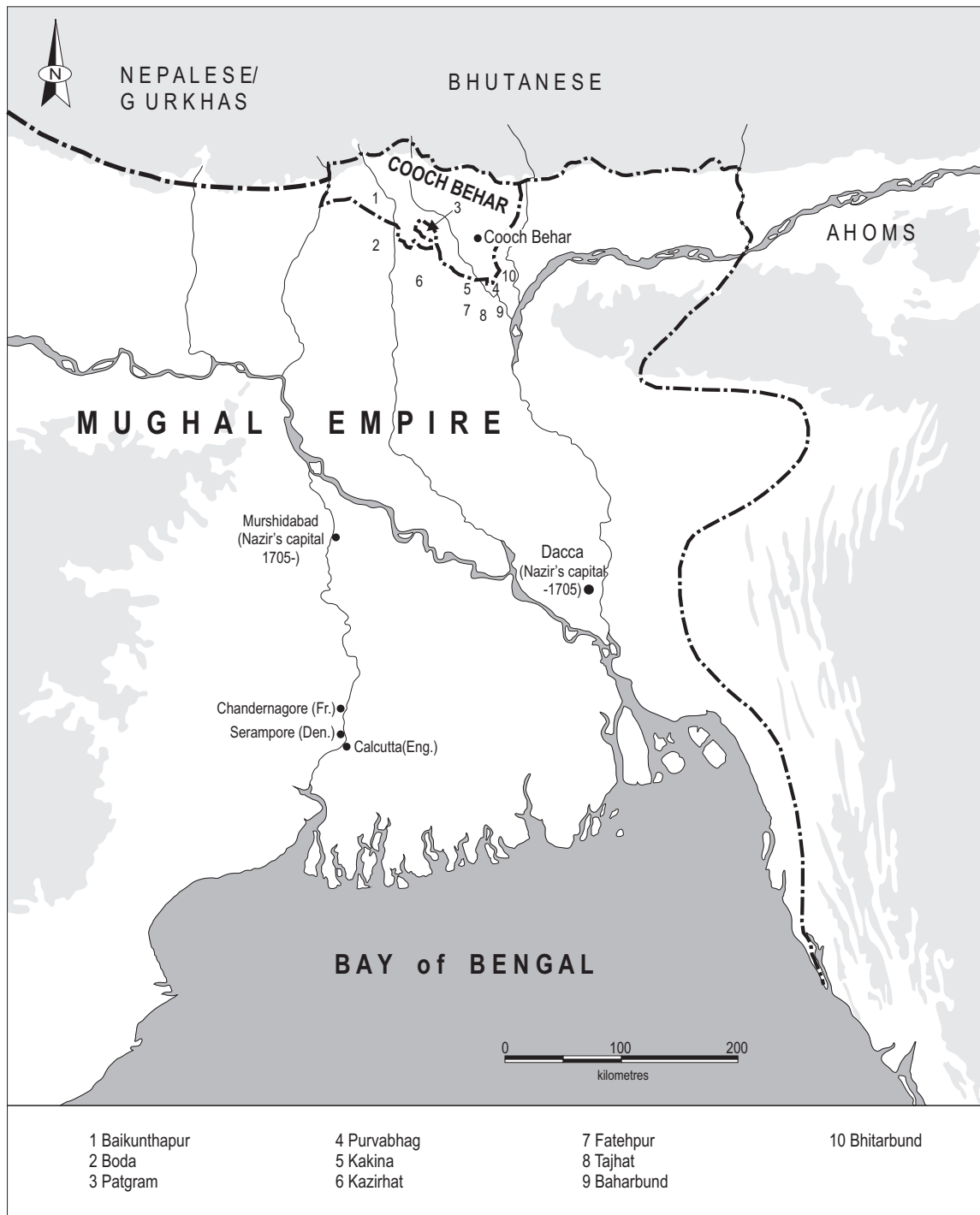


Figure 2e. Cooch Behar through History
c.1713 - After the final Mughal-Cooch Behar Peace Treaty

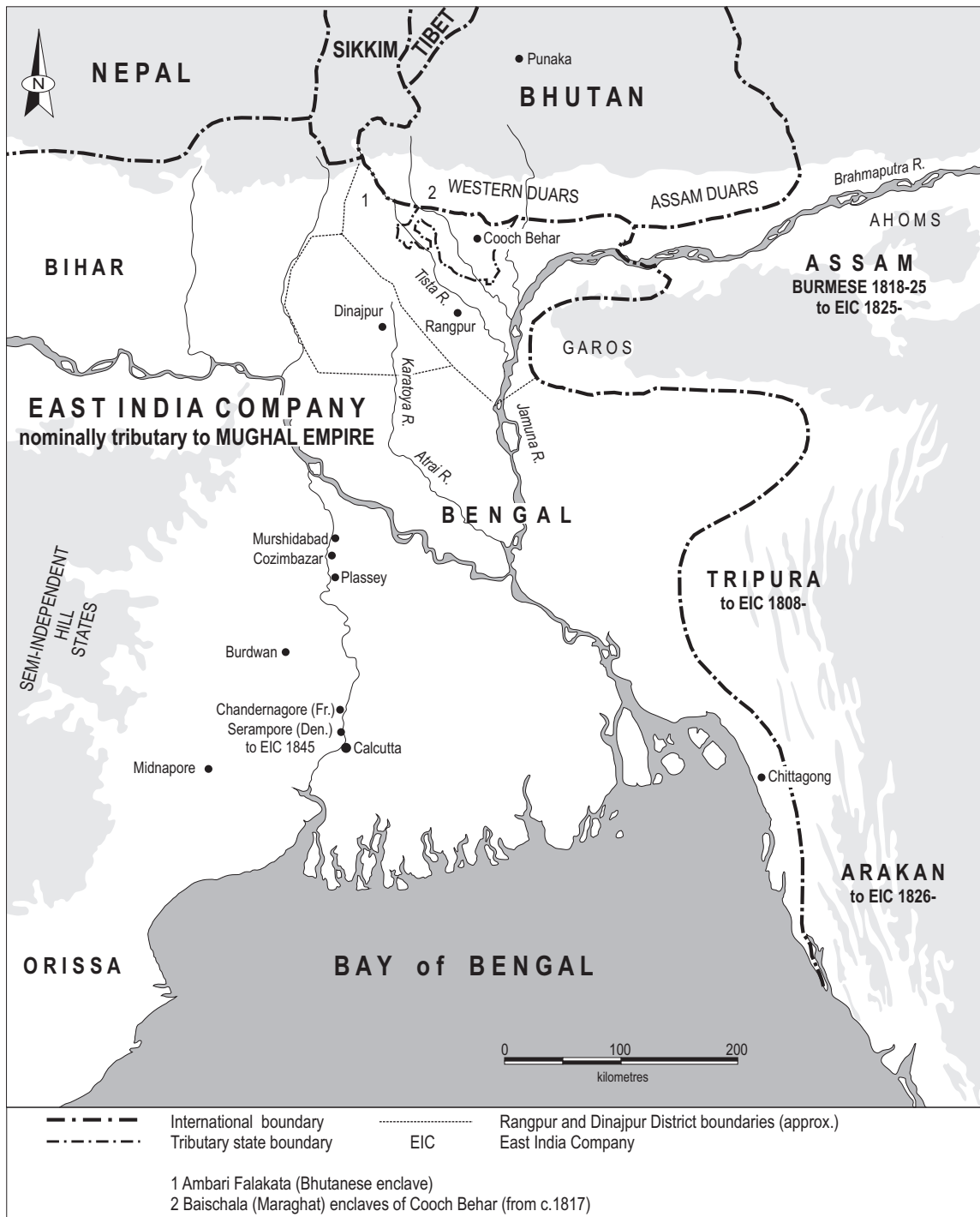
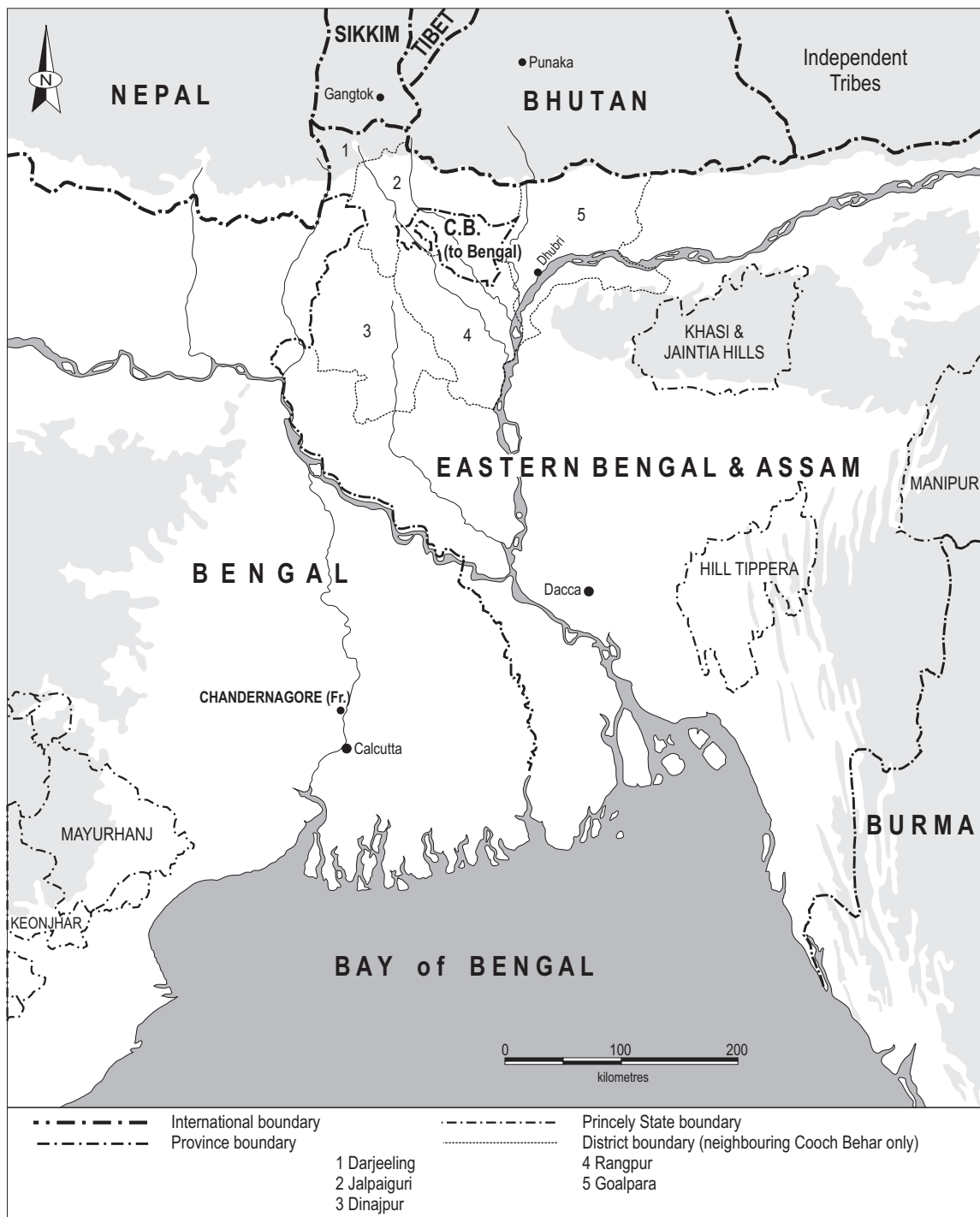


Figure 2f. Cooch Behar through History
c.1775 - After the First Anglo-Bhutanese War



Figure 2g. Cooch Behar through History
1874-1905 - After the Second Anglo-Bhutanese War of 1865,
& the separation of Assam from Bengal 1874



**Figure 2h. Cooch Behar through History
1905-1912 - The first partition of Bengal**

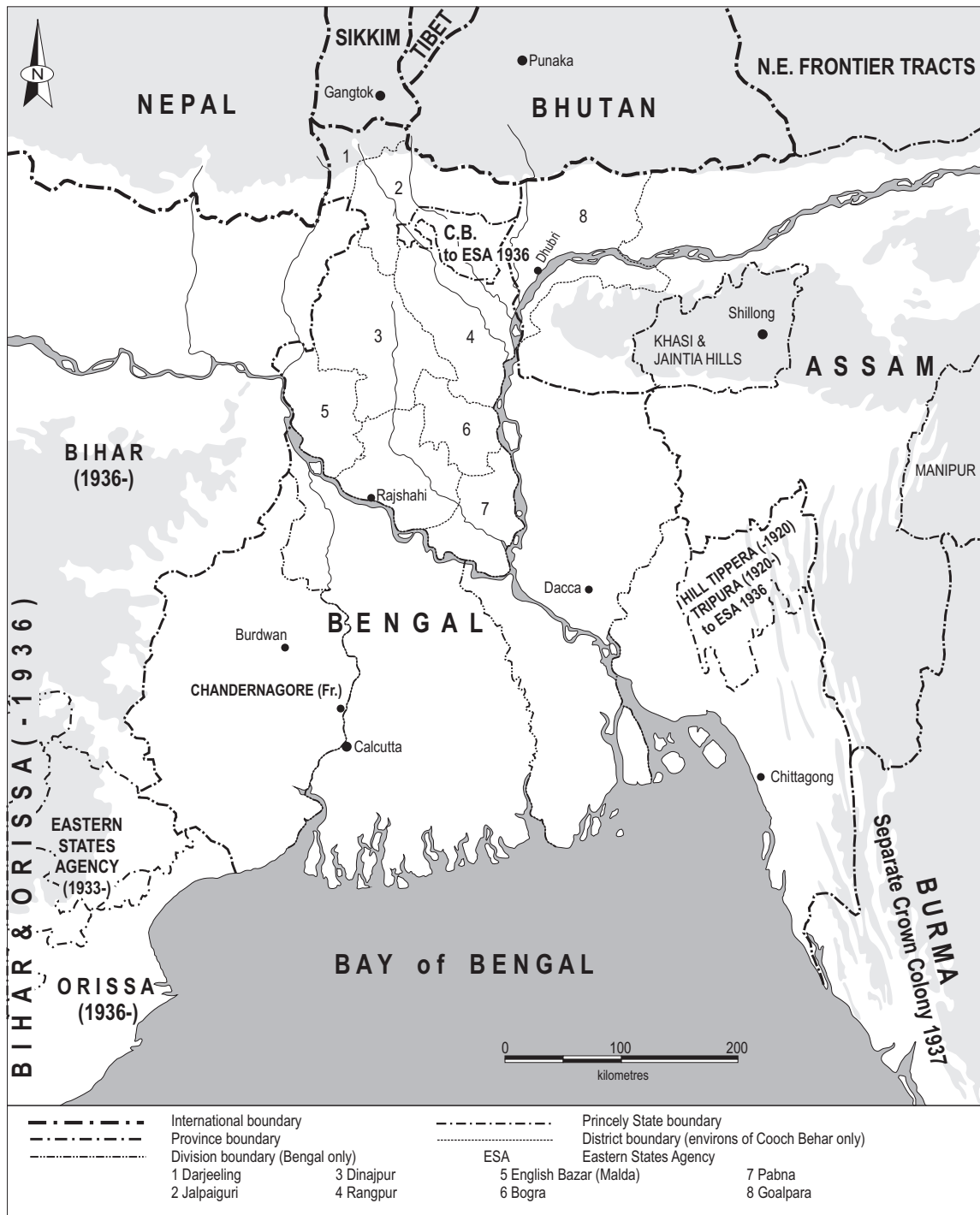


Figure 2i. Cooch Behar through History
1912-1947 - Revocation of 1905 partition until Indian Independence



Figure 2j. Cooch Behar through History
1947 - Provisional partition of Bengal according to Indian Independence Act, 1947



Figure 2k. Cooch Behar through History
 1947-1971 - From Indian Independence to Bangladeshi Independence

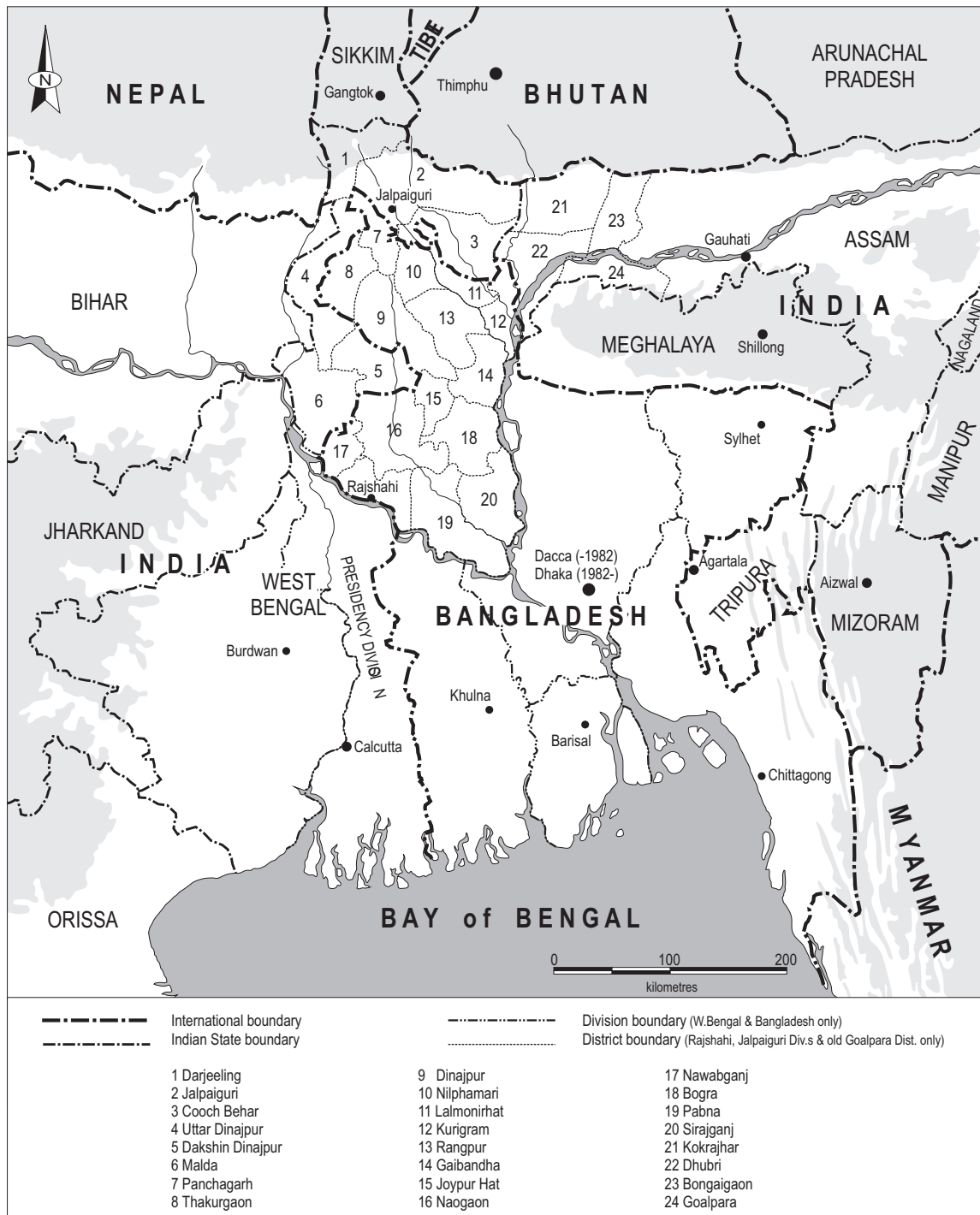


Figure 2I. Cooch Behar through History
 2001 - Current States, Divisions, & Districts surrounding Cooch Behar

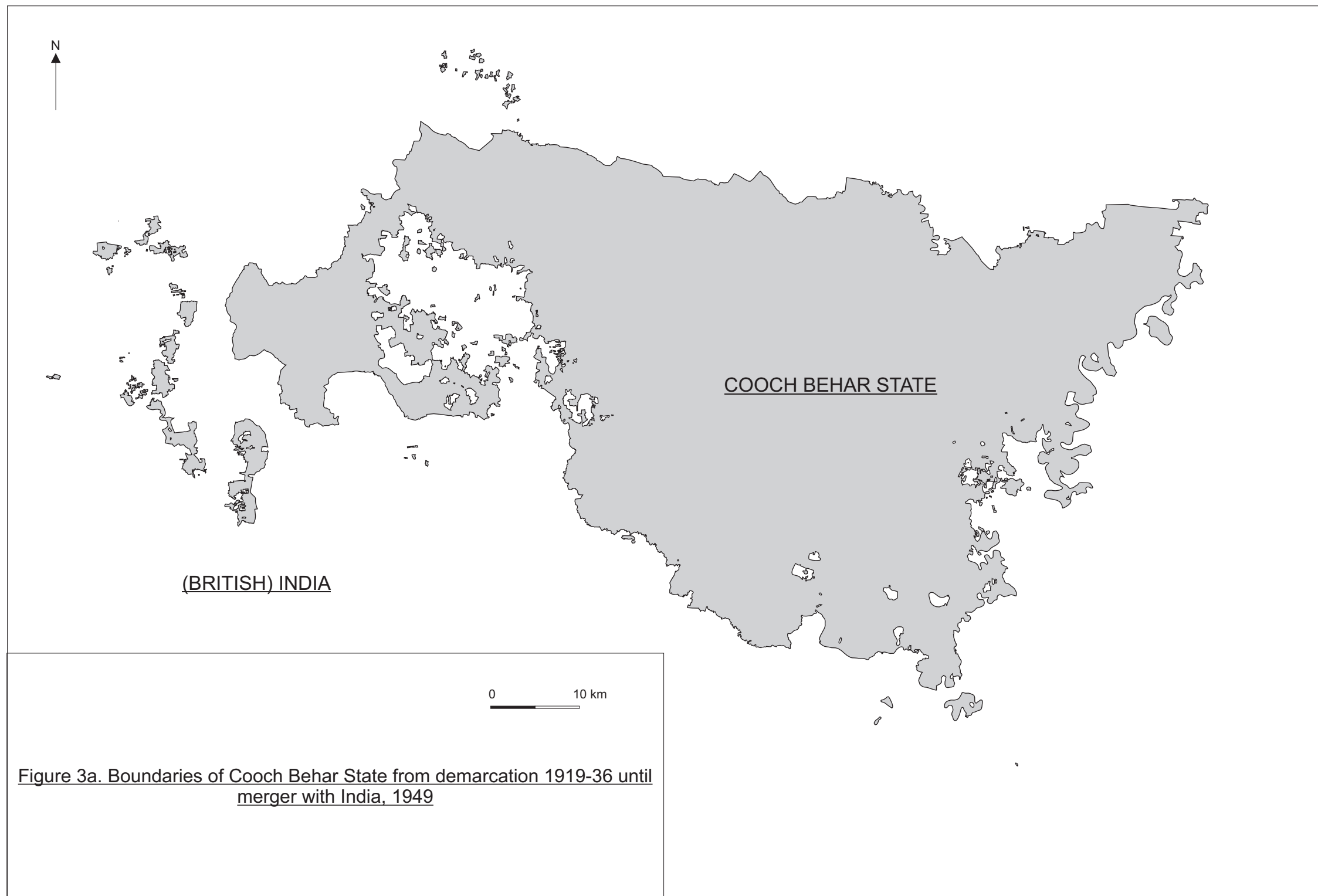
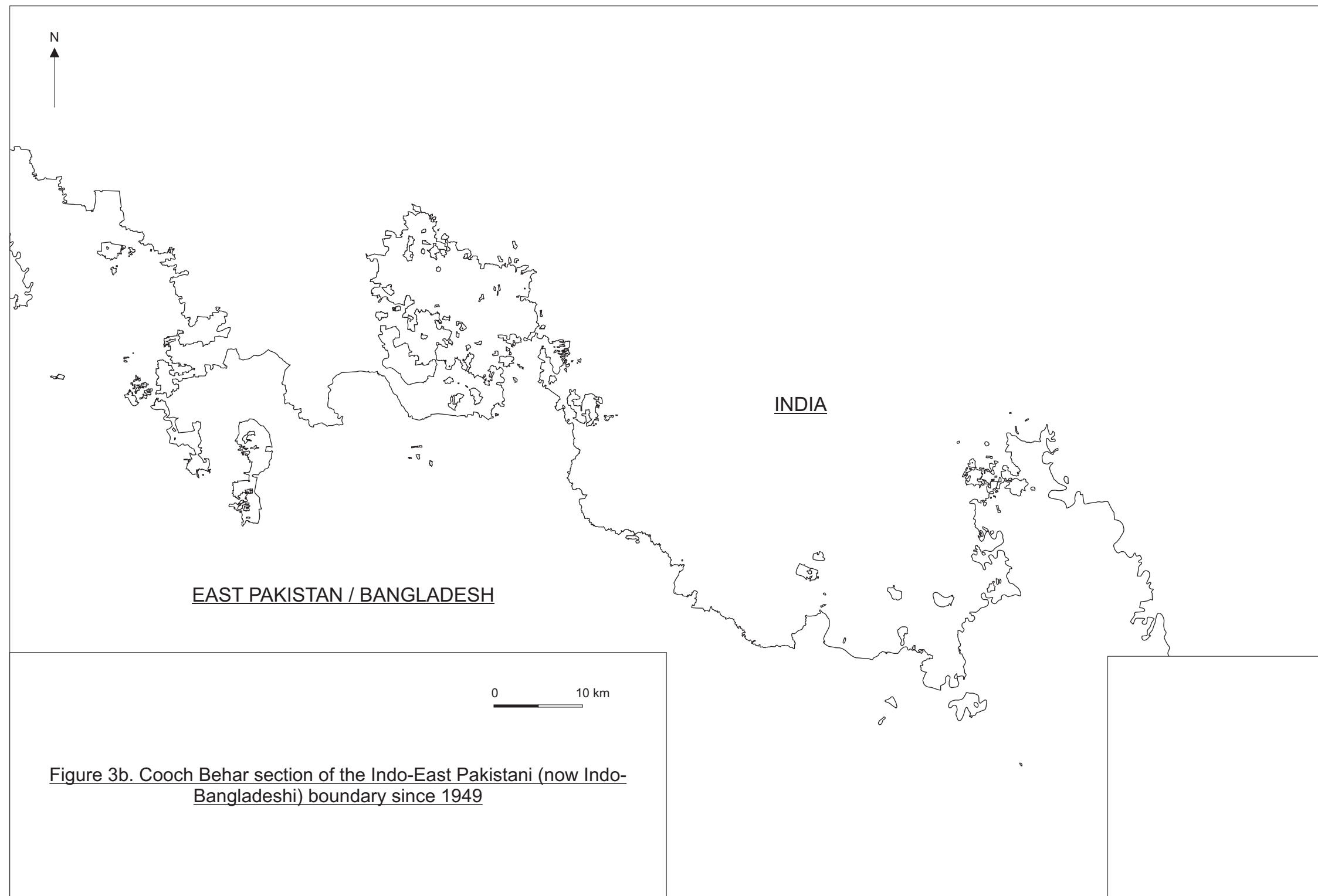
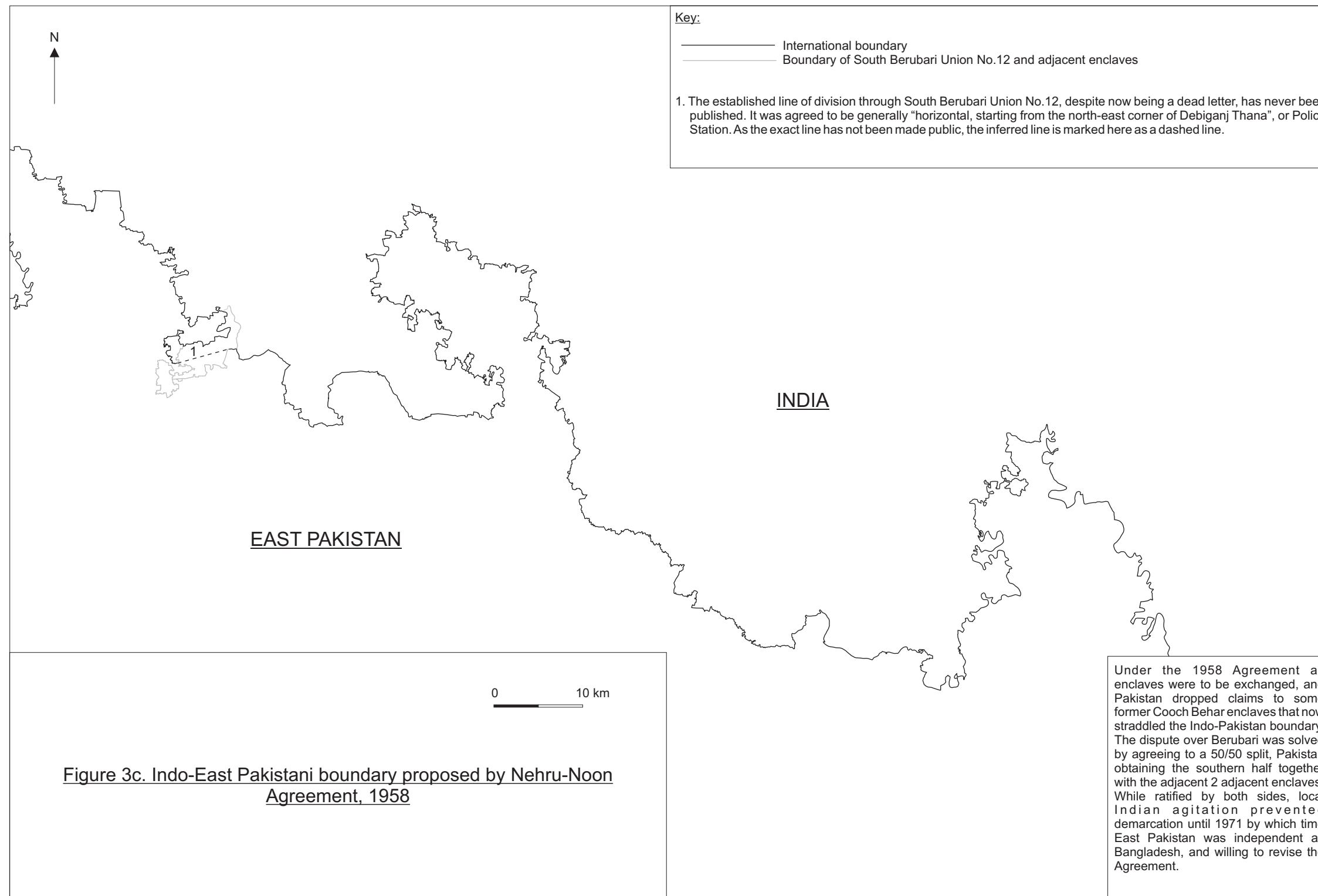


Figure 3a. Boundaries of Cooch Behar State from demarcation 1919-36 until merger with India, 1949





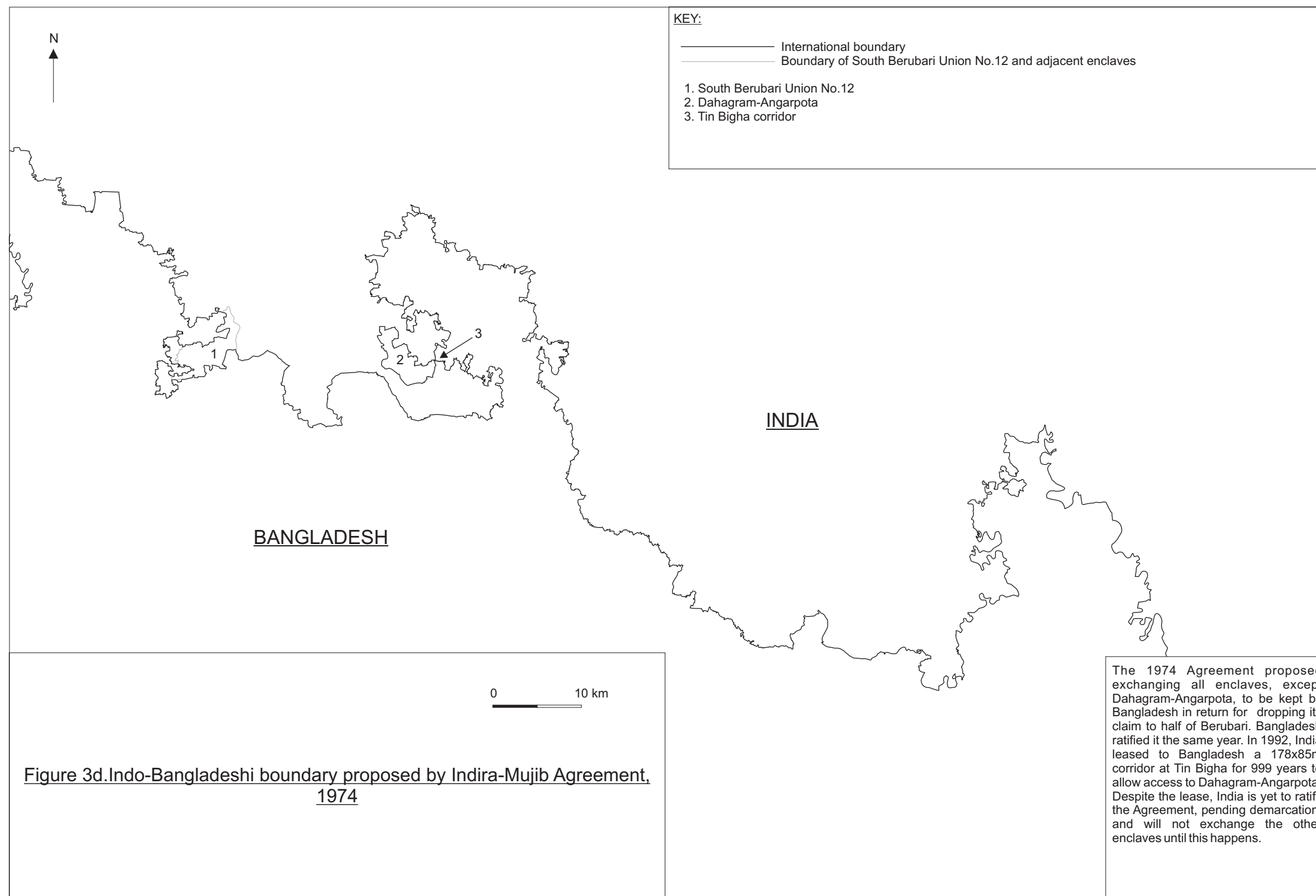
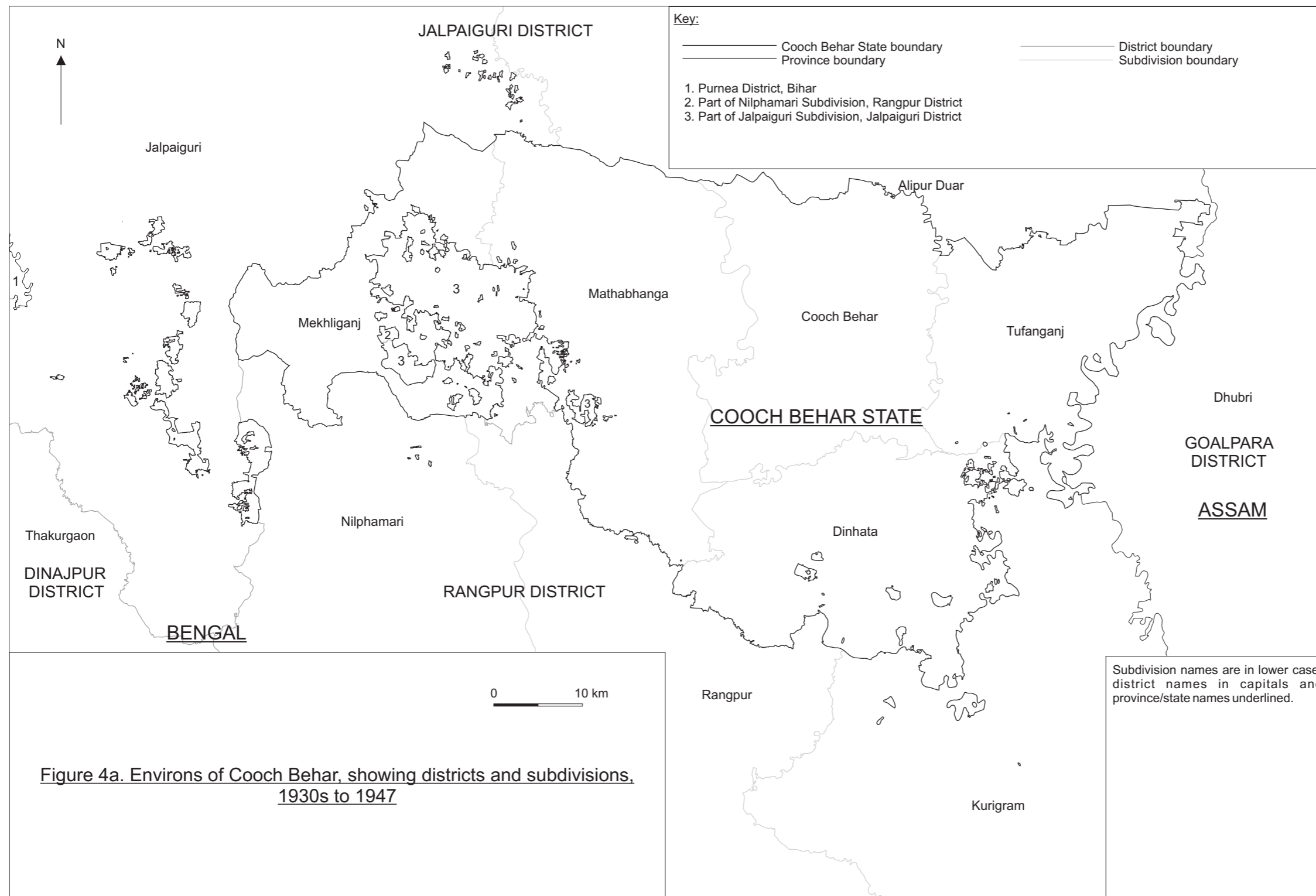


Figure 3d. Indo-Bangladeshi boundary proposed by Indira-Mujib Agreement, 1974



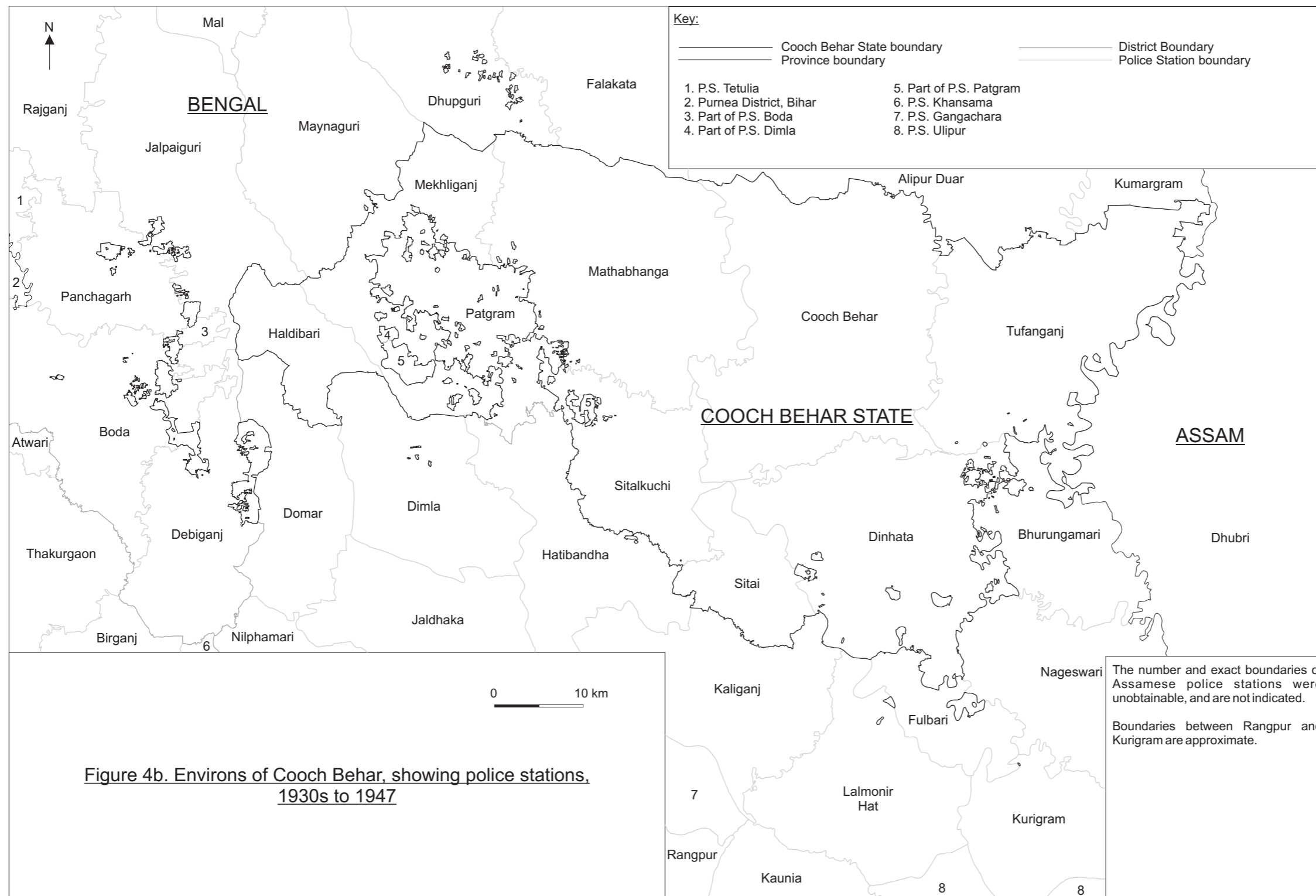


Figure 4b. Environs of Cooch Behar, showing police stations, 1930s to 1947

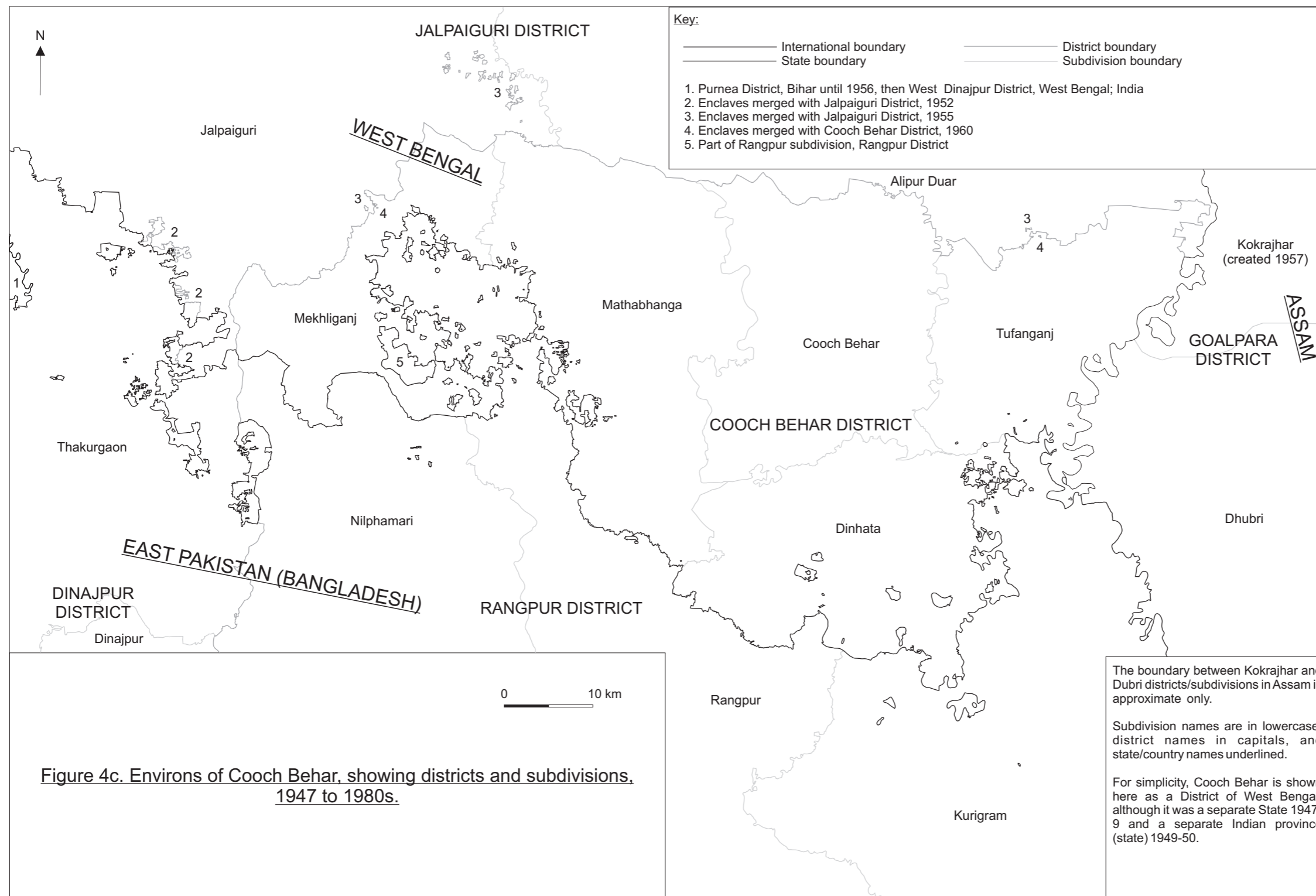
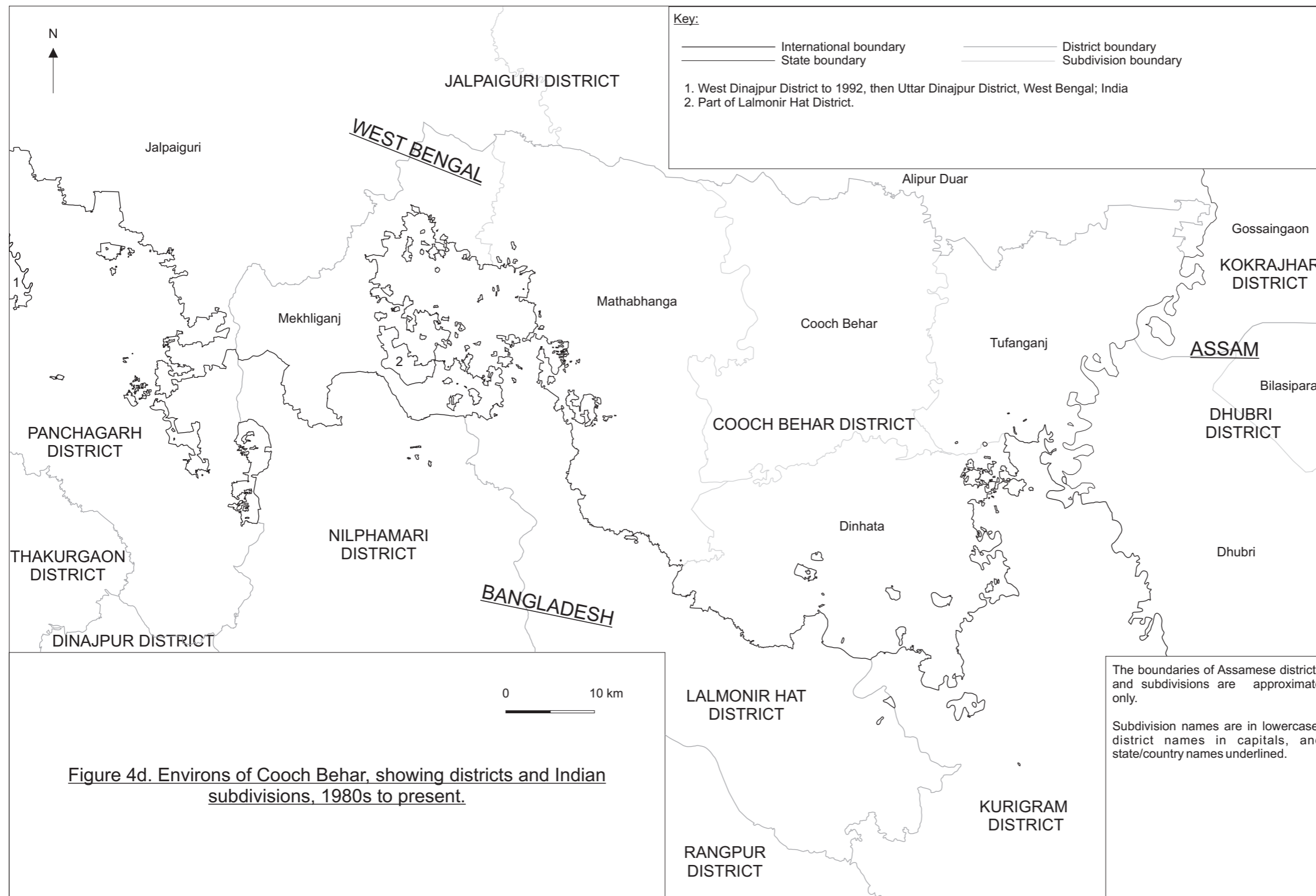
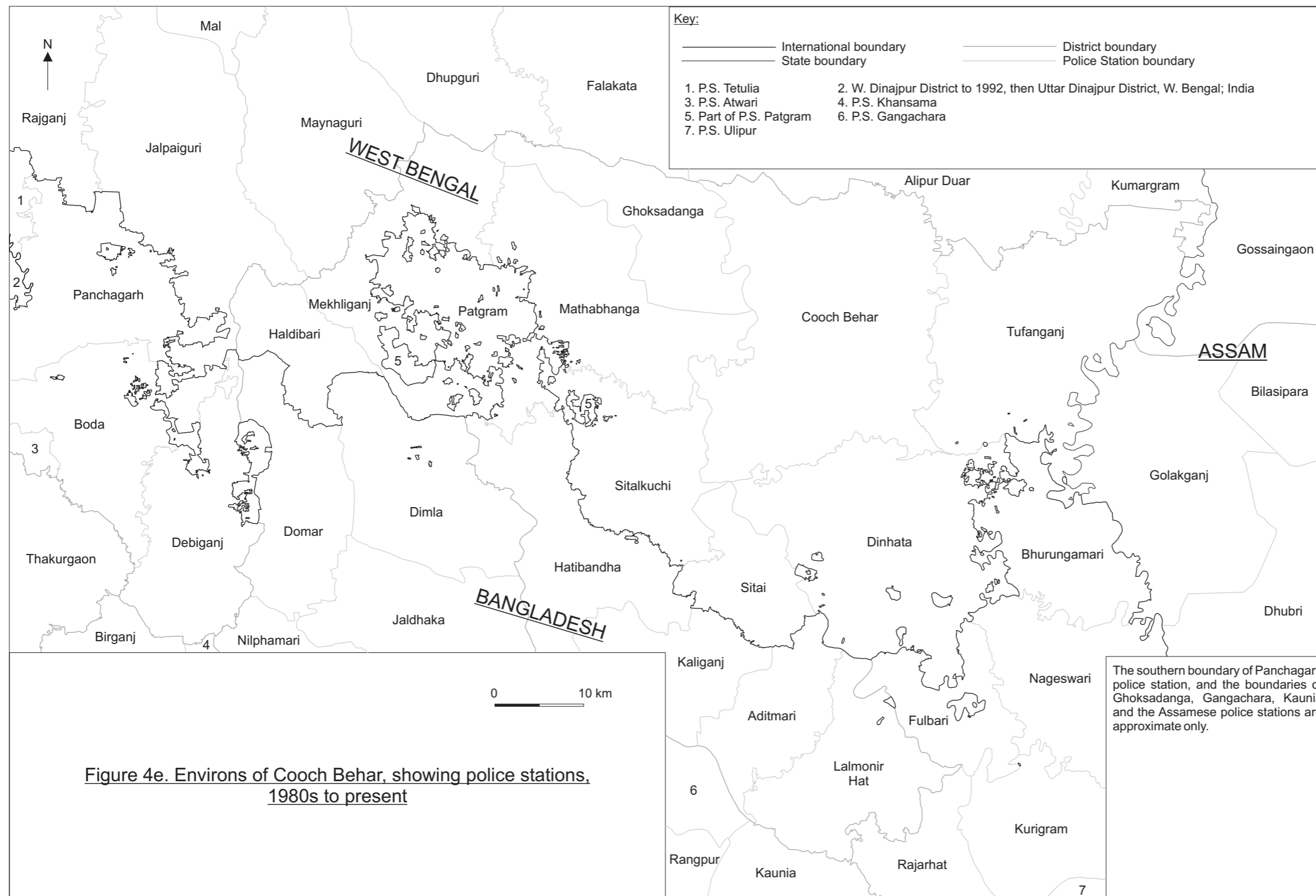
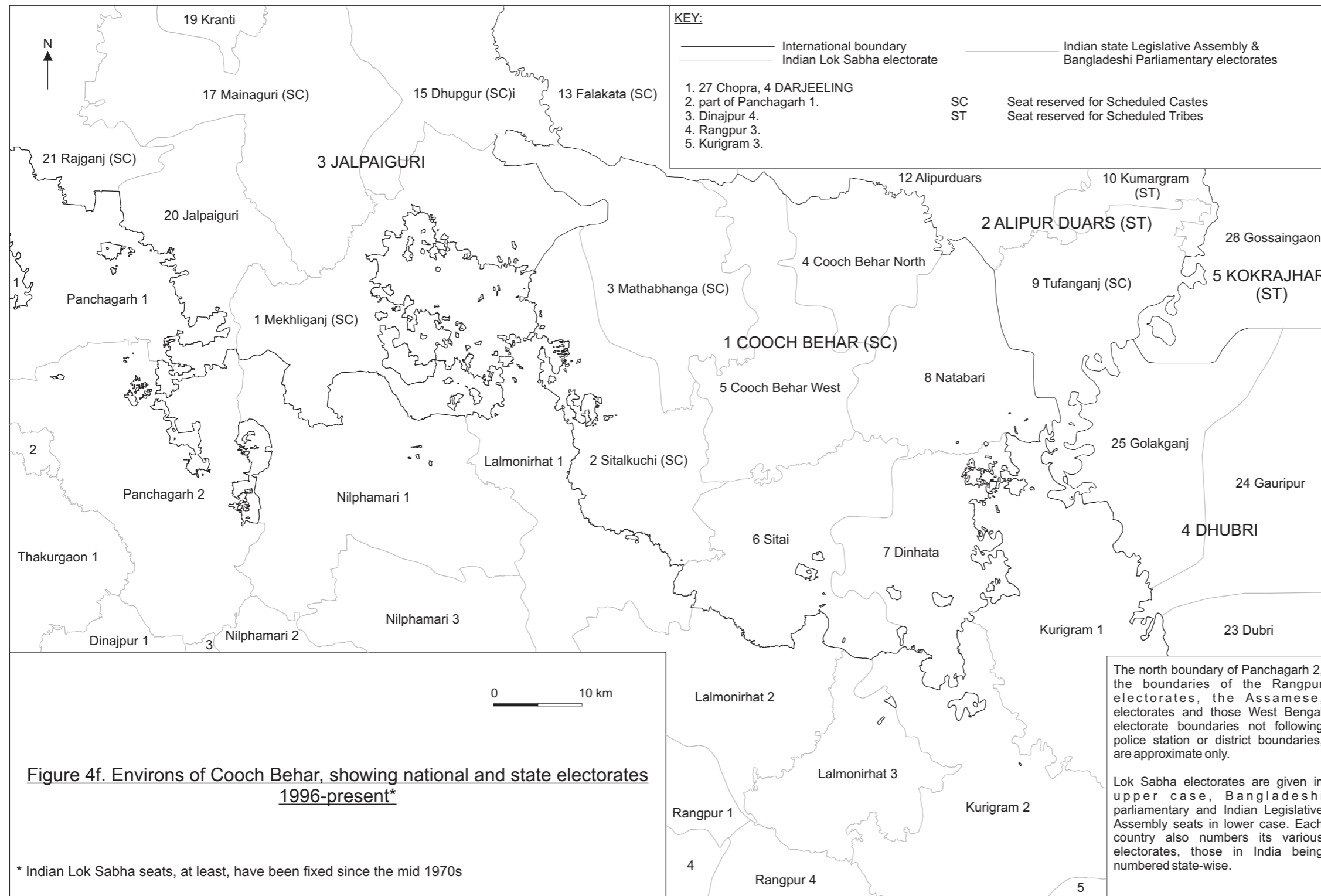
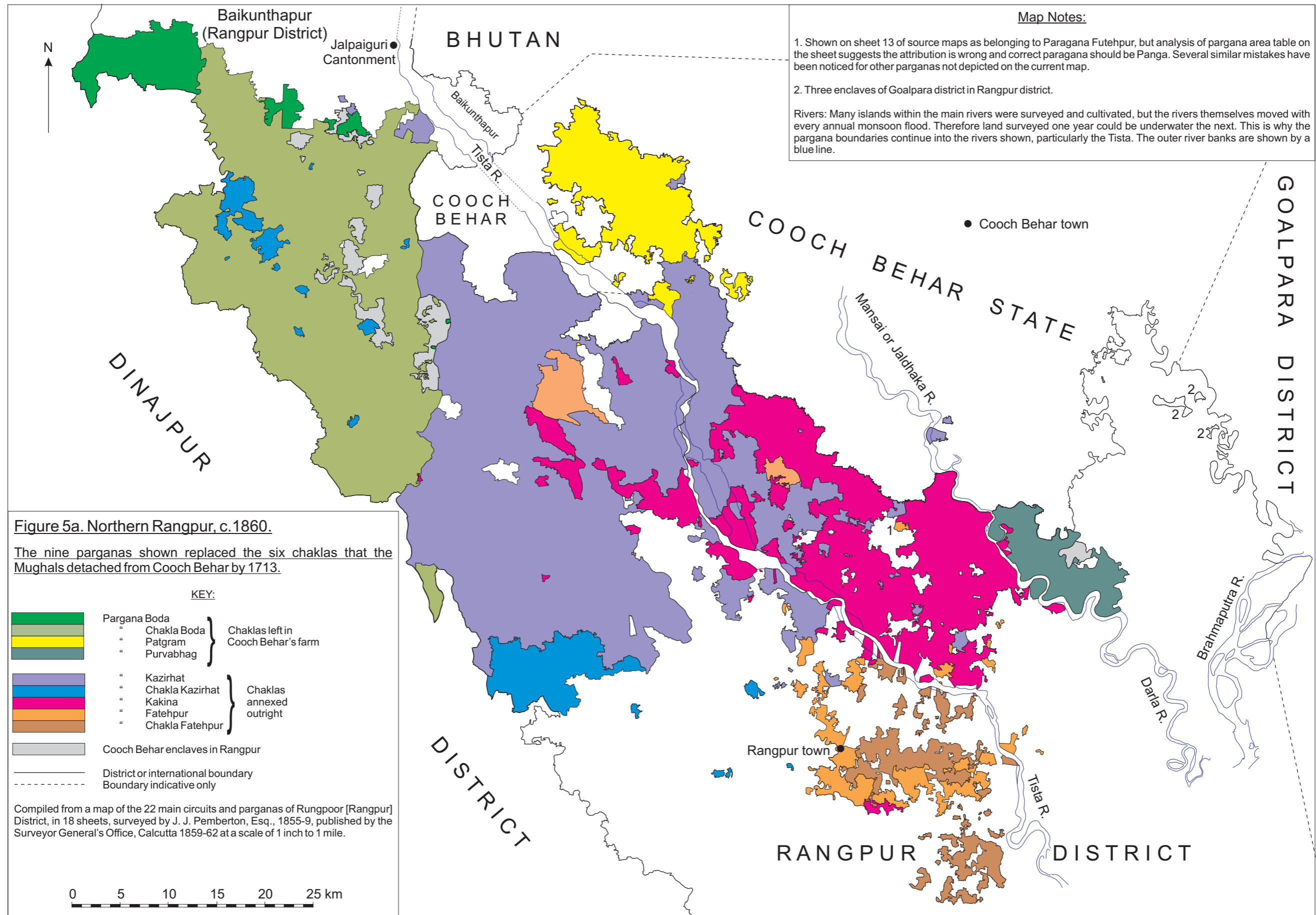


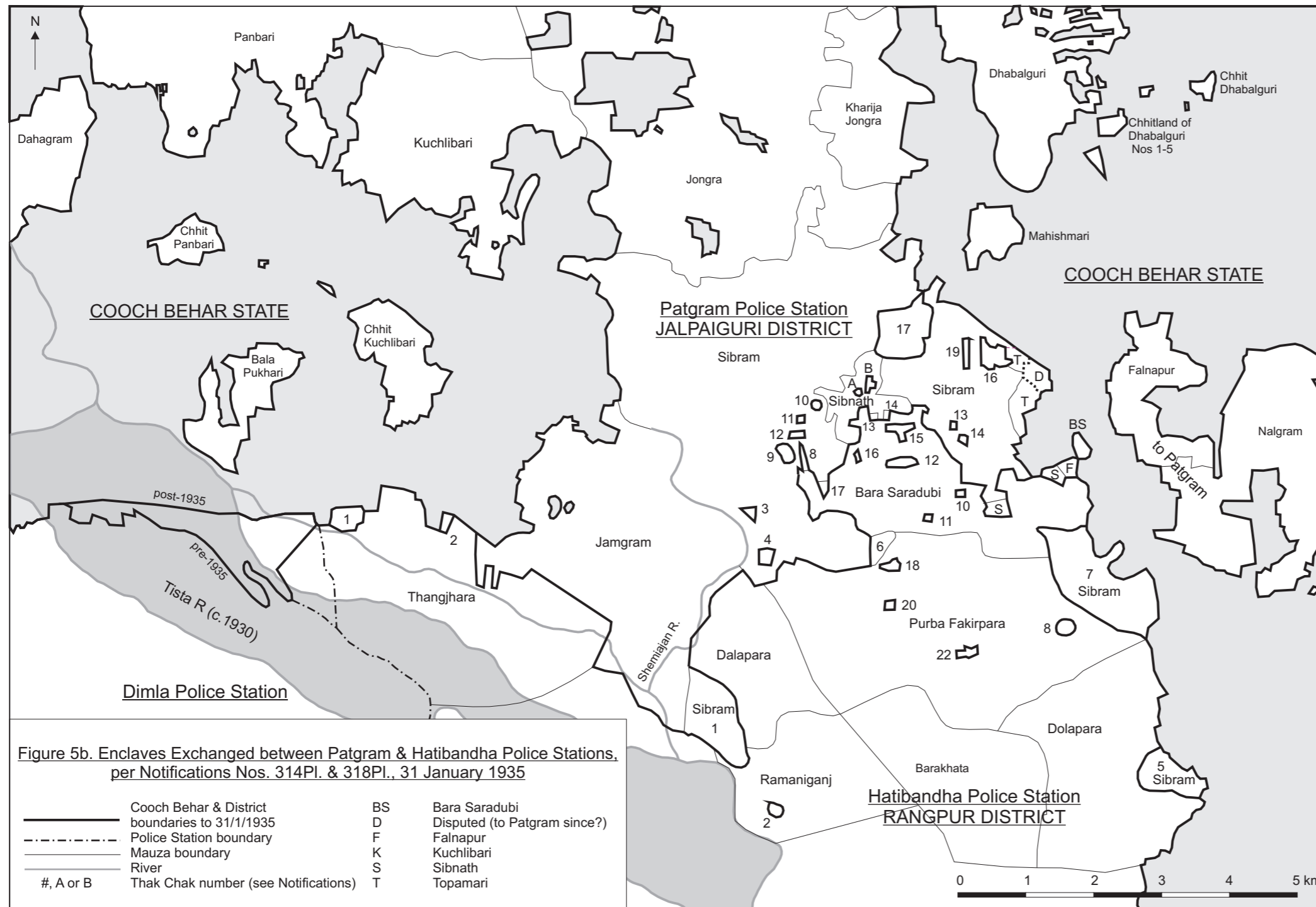
Figure 4c. Environs of Cooch Behar, showing districts and subdivisions, 1947 to 1980s.



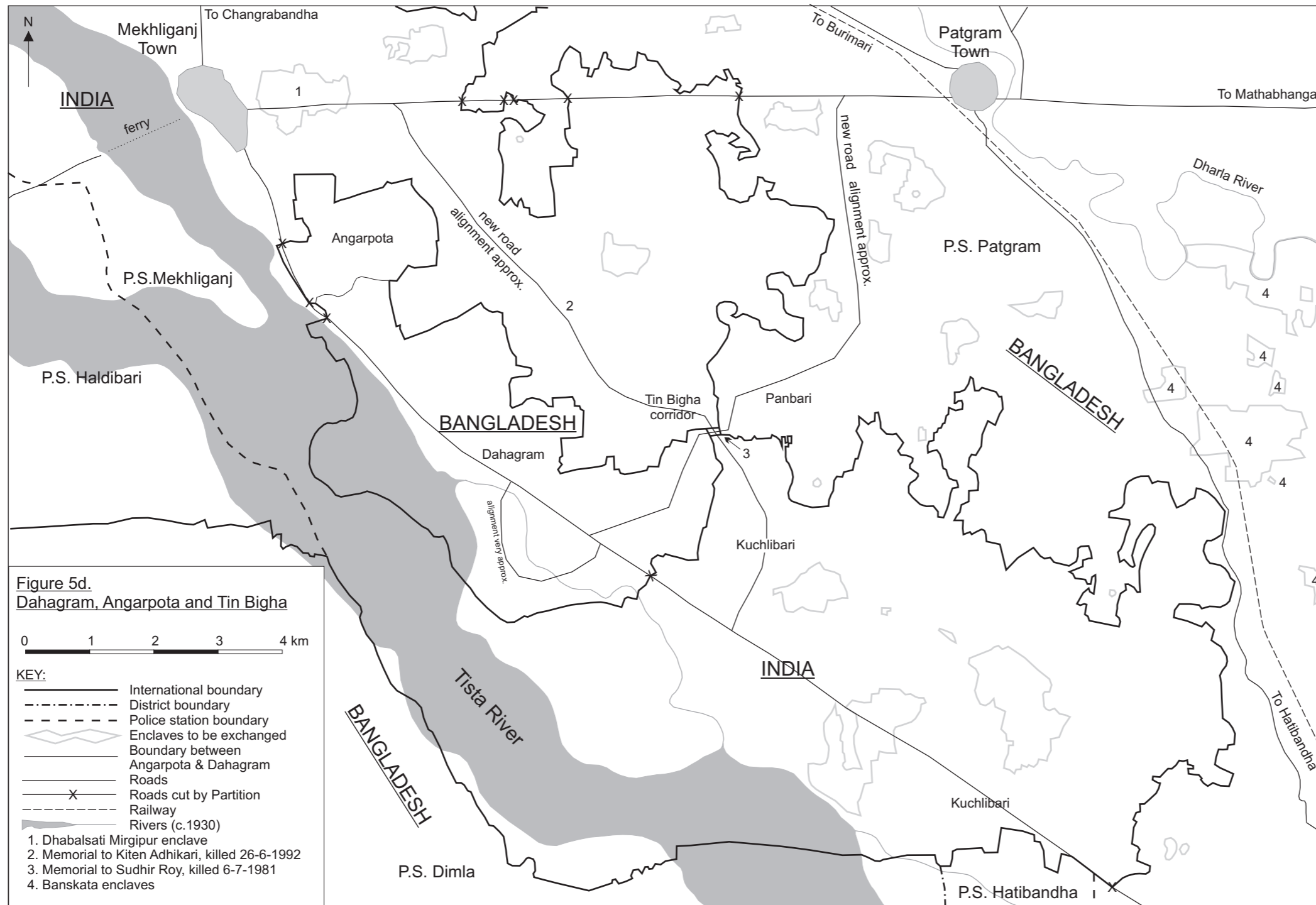












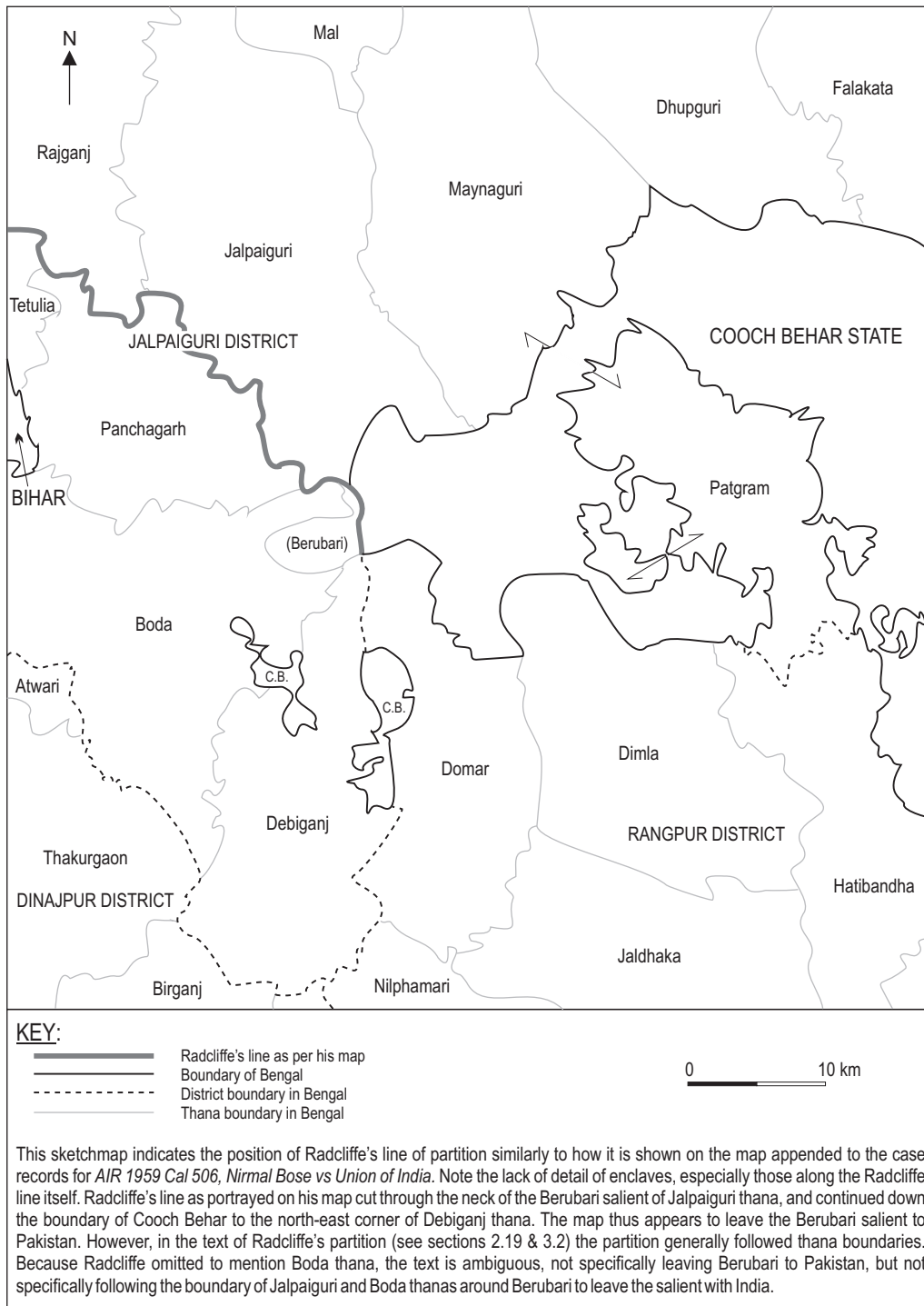


Figure 5e. Sketchmap of Radcliffe's line as shown on his map

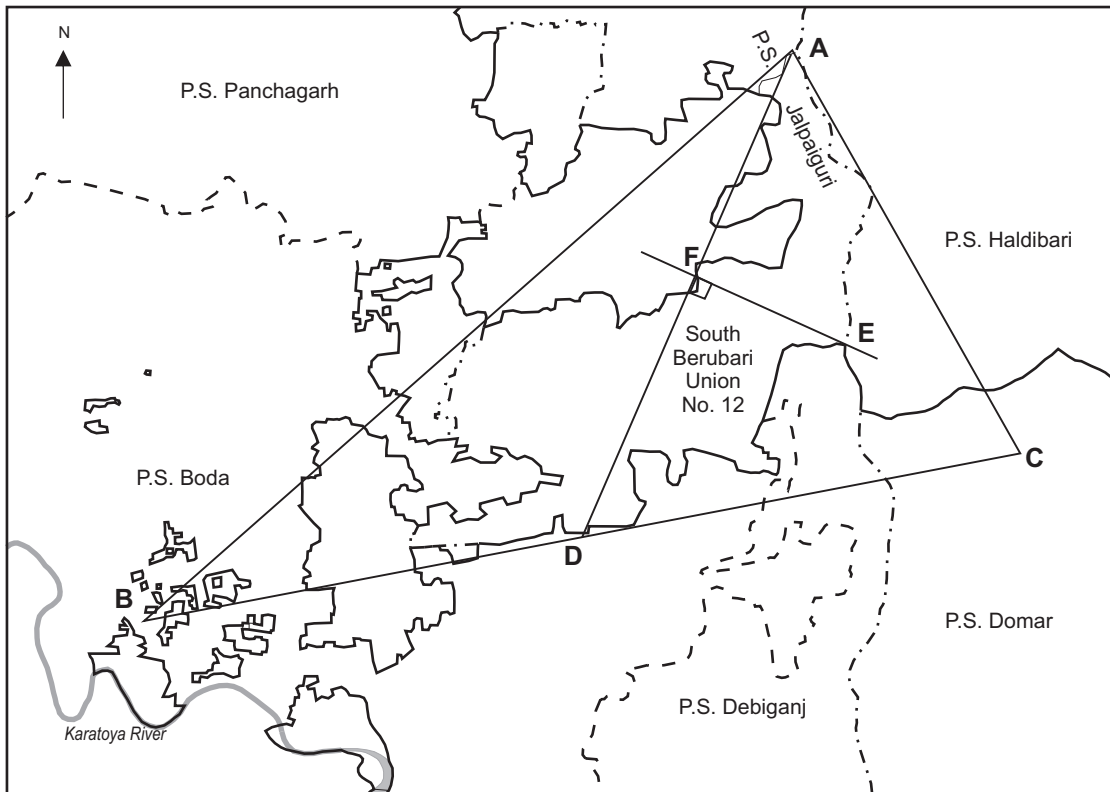


Figure 5f. Reconstruction of Pakistani method for dividing Berubari, 1961

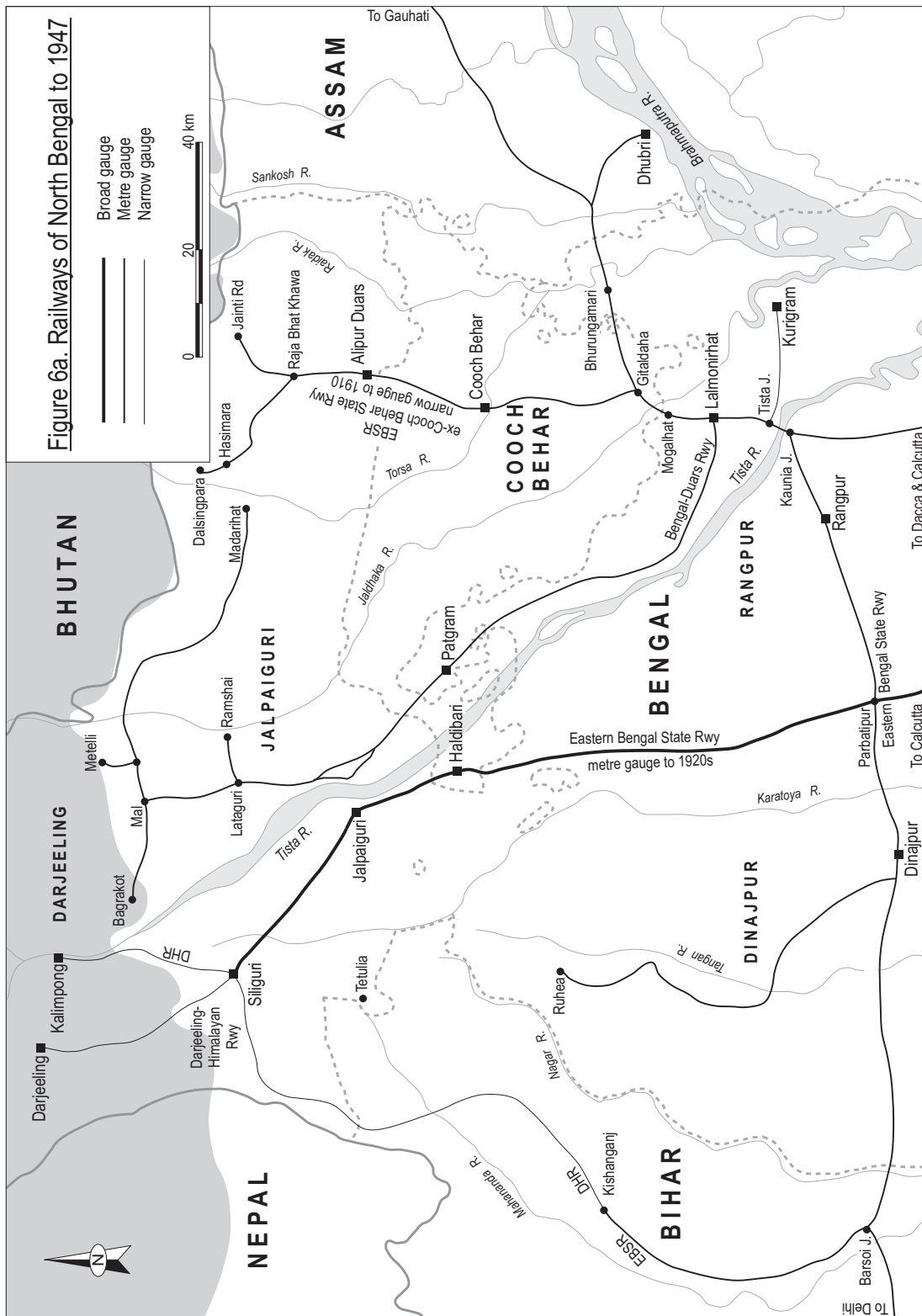
0 1 2 3 4 5 6 7 8 9 10 km

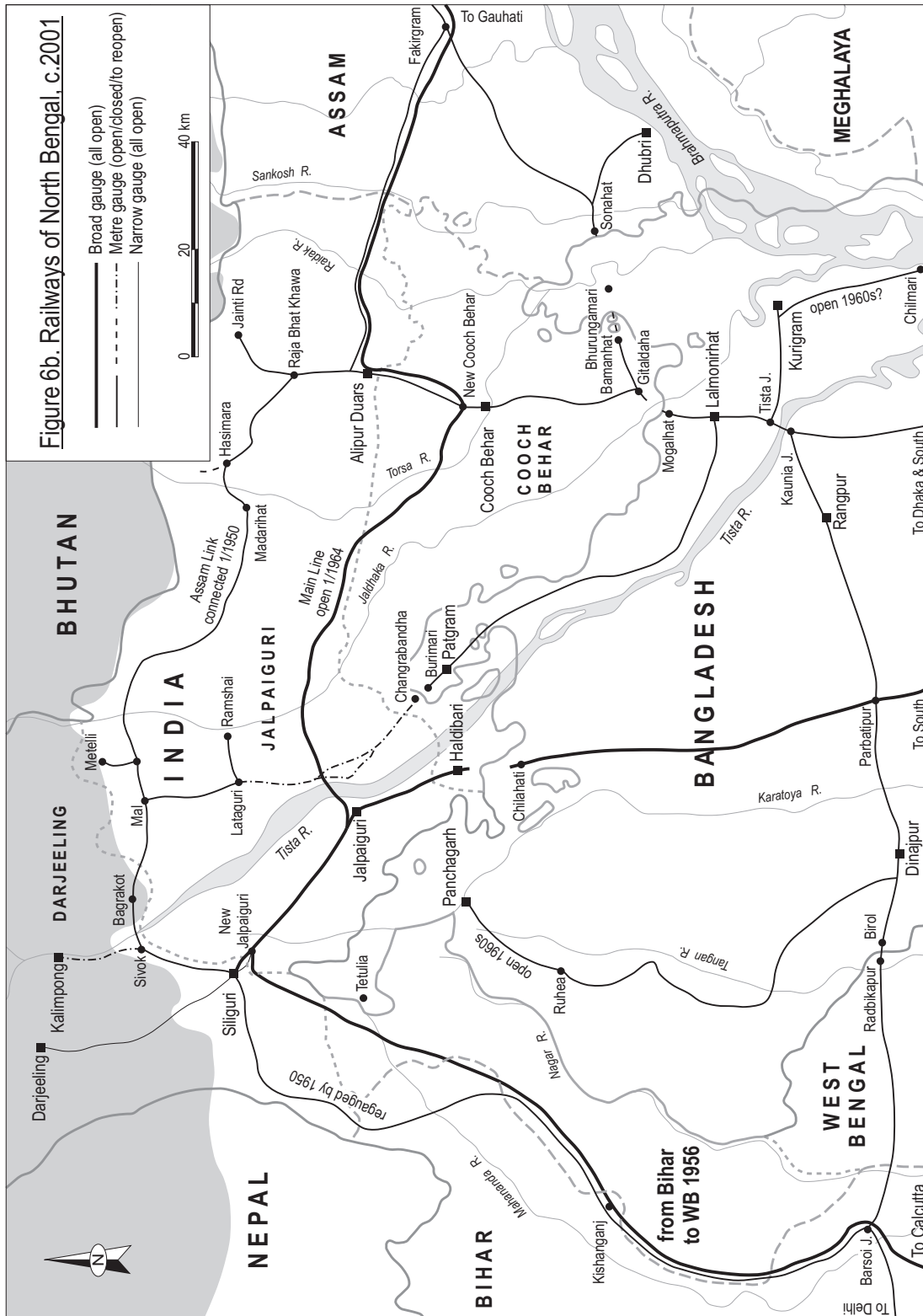
KEY:

- International boundary
- - - District boundary
- - - Police Station boundary
- Berubari boundary
- River

As the *Hindusthan Standard* report (1961d) on which it is based did not detail the exact placement of the triangle, this reconstruction is no more than conjecture. This map serves to illustrate the *method* used, rather than the exact division proposed.

- ABC Triangle constructed to enclose S. Berubari Union No. 12
- D Midpoint of BC
- AD Bisects ABC into two equal-area triangles ABD & ACD
- E North-east corner of Debiganj thana
- EF Perpendicular to AD





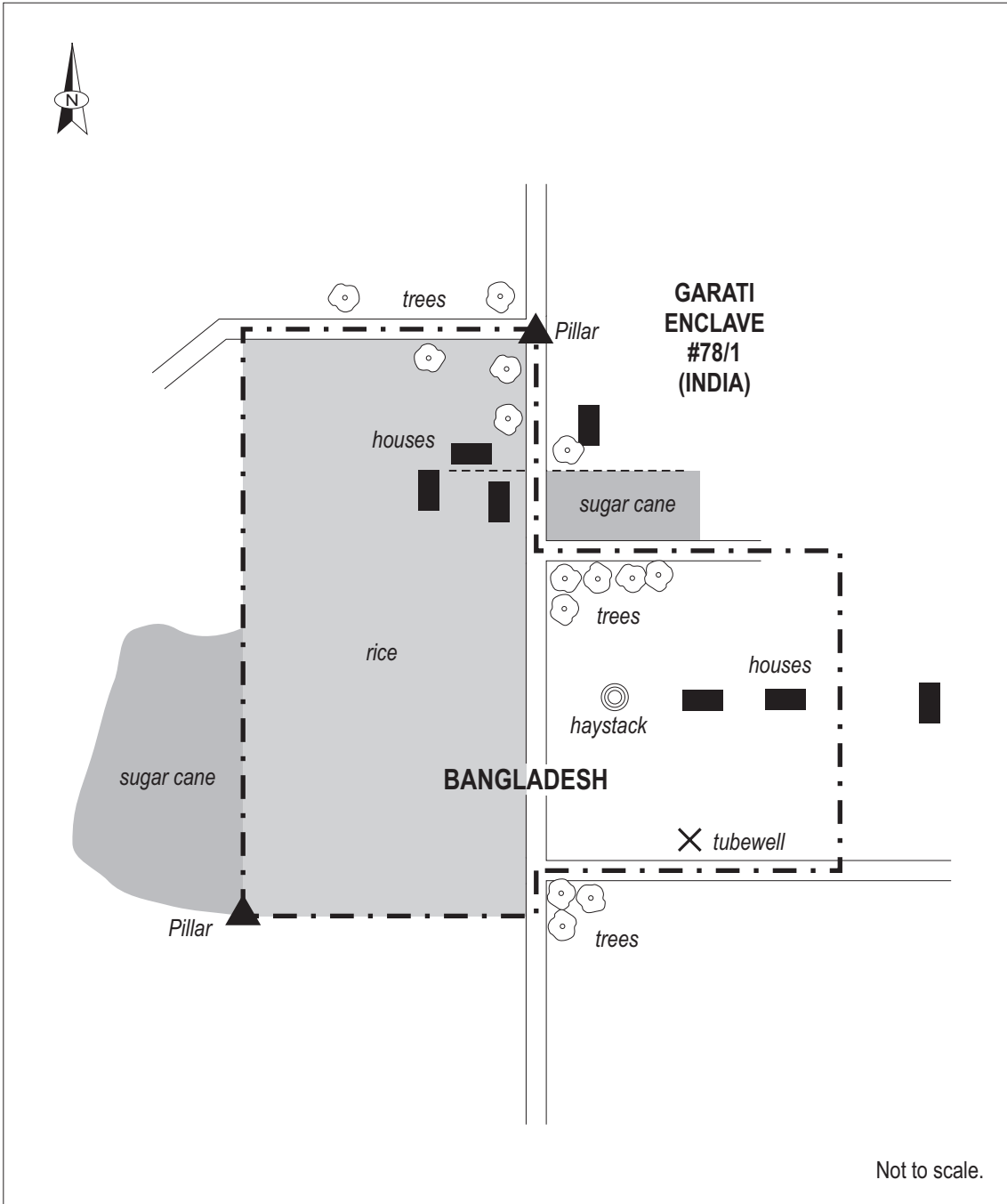


Figure 7a. Sketch map of the western Teldhar counter-enclave, chhit #1

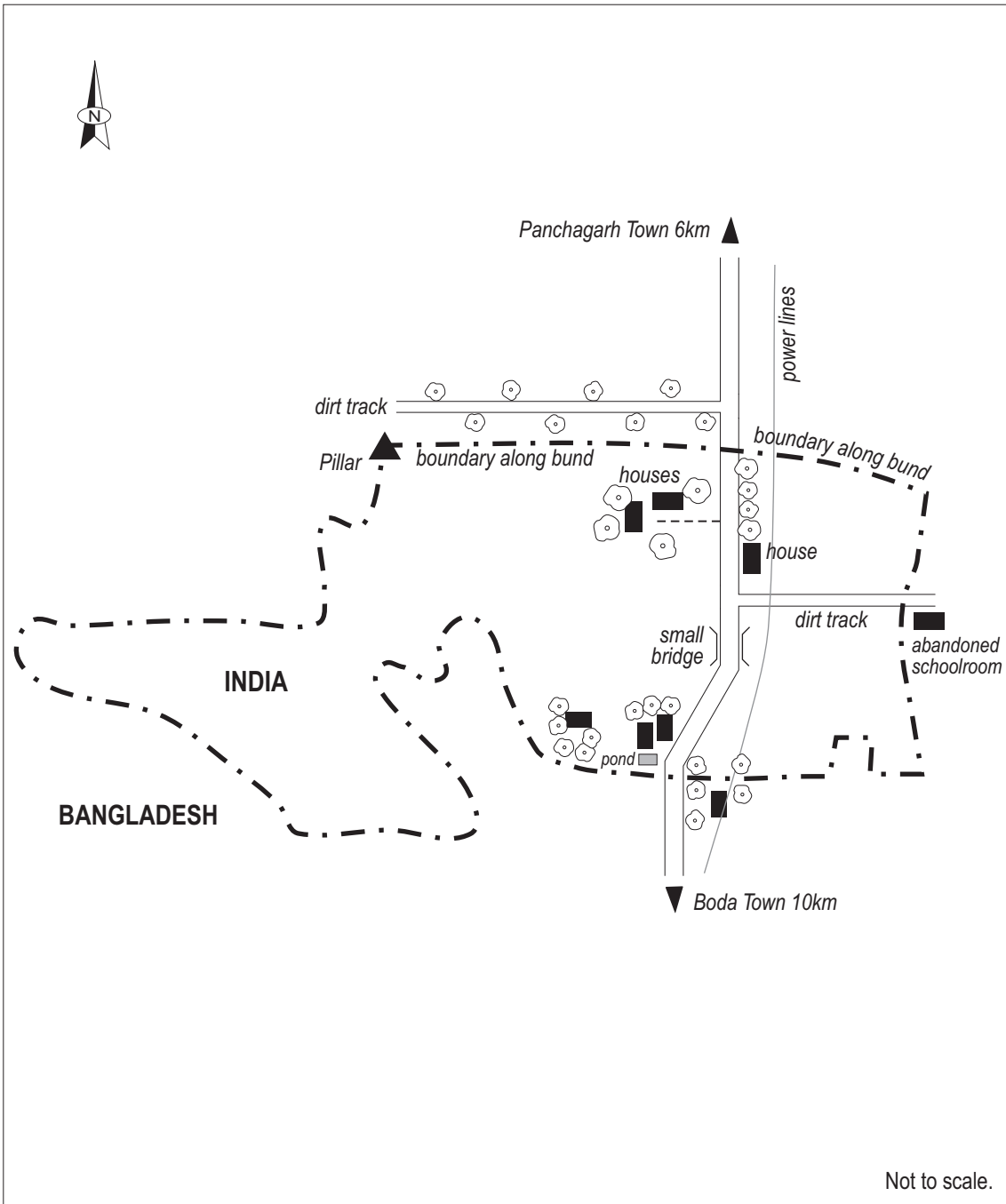


Figure 7b. Sketch map of Putimari enclave, #59/18

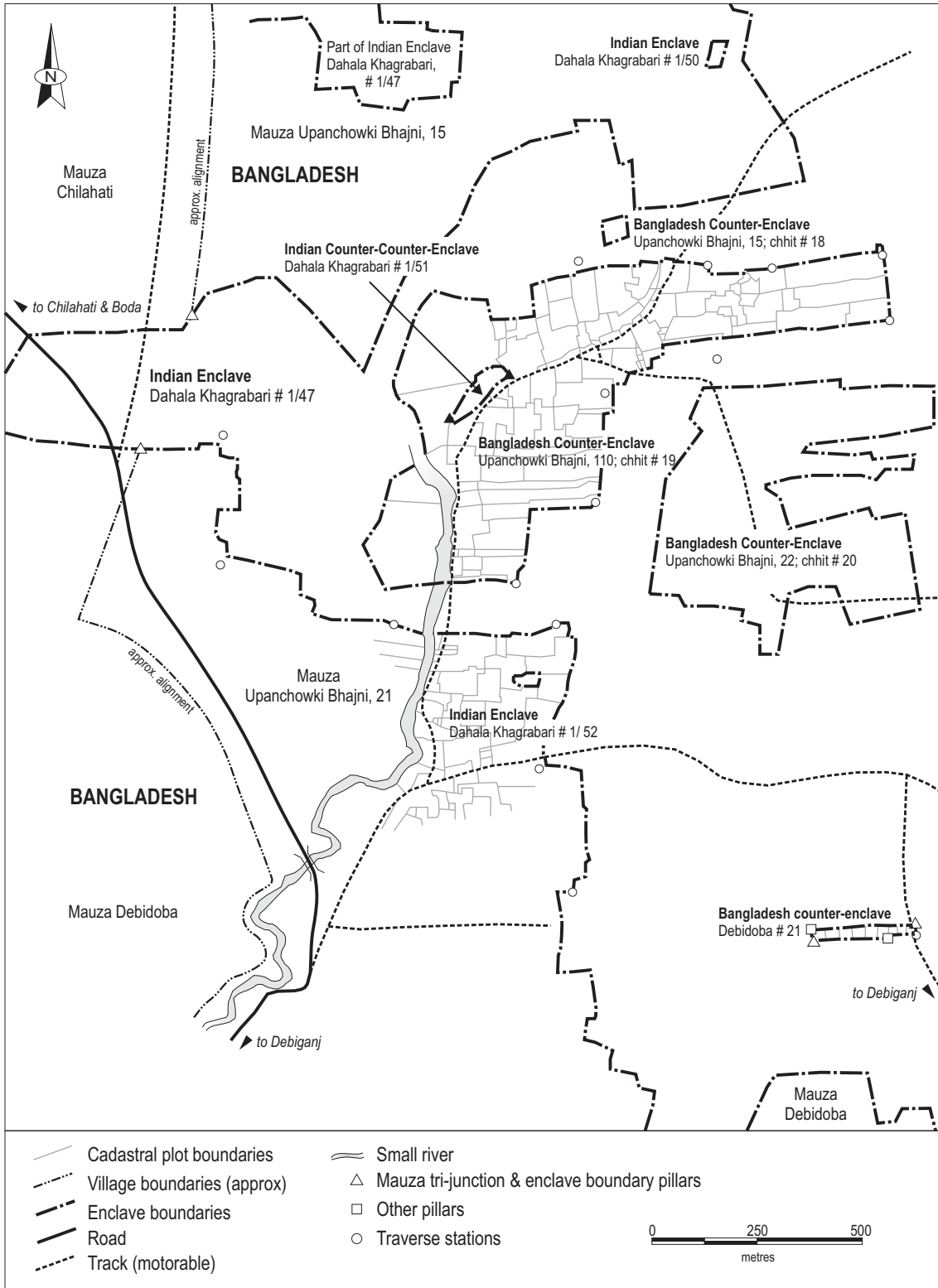


Figure 7c. Cadastral detail around Dahala Khagrabari, chhits #1/51 & 1/52

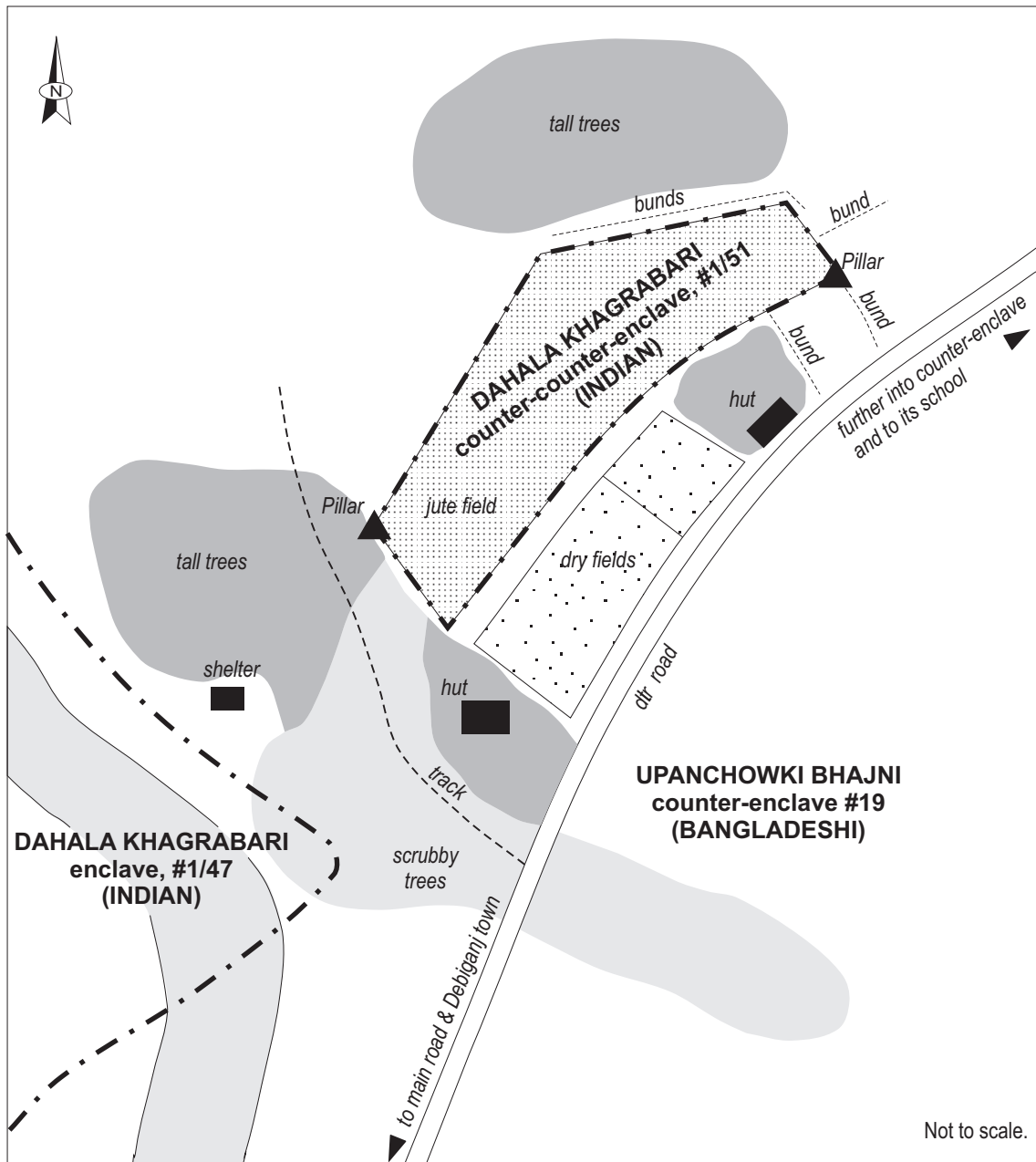


Figure 7d. Sketch map of Dahala Khagrabari counter-counter-enclave, #1/51

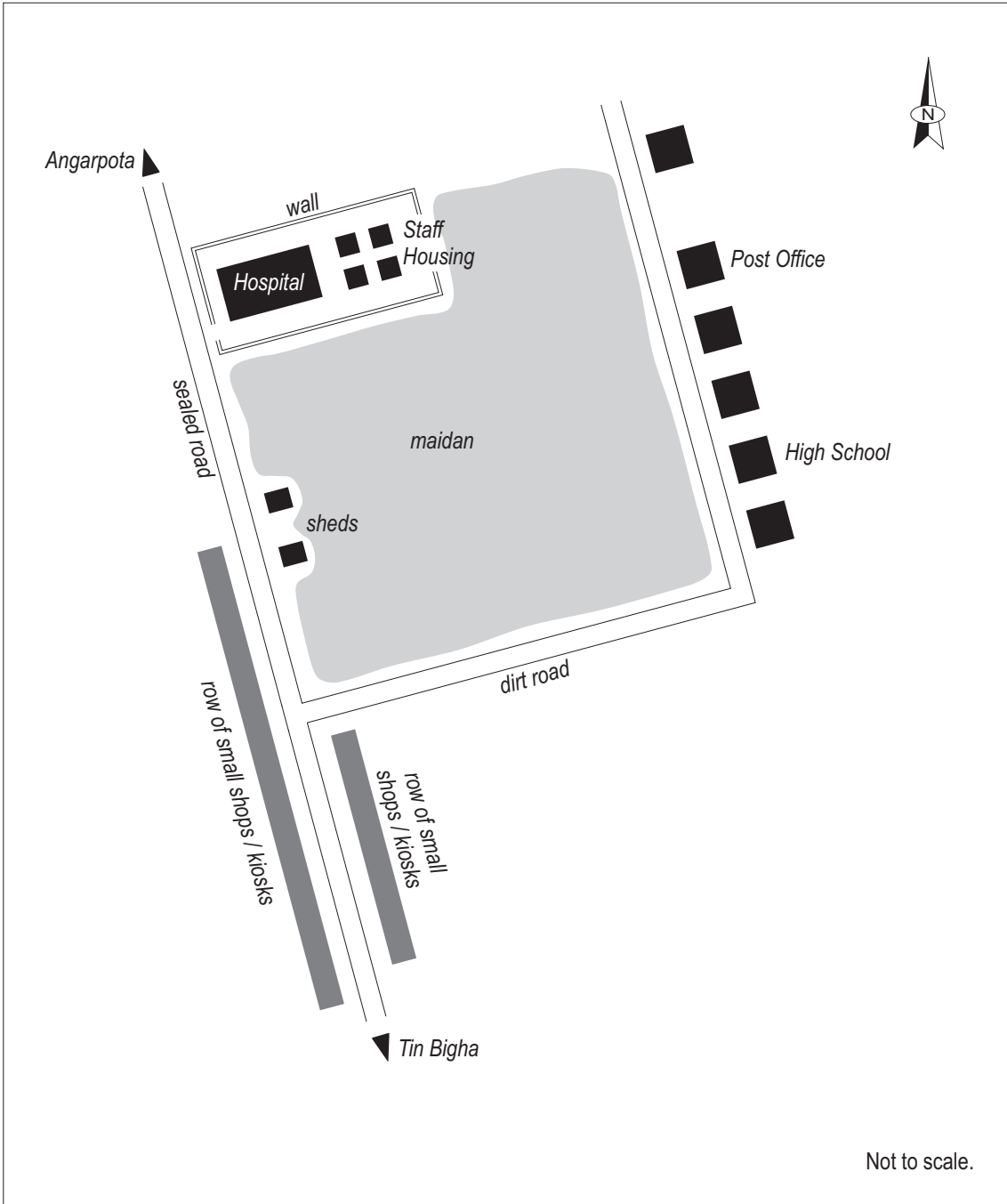


Figure 7f. Sketch map of Dahagram village

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Photo 3. Amar Roy Pradhan, MP, (centre right) and villagers at the Berubari memorial, Manikganj Hat.

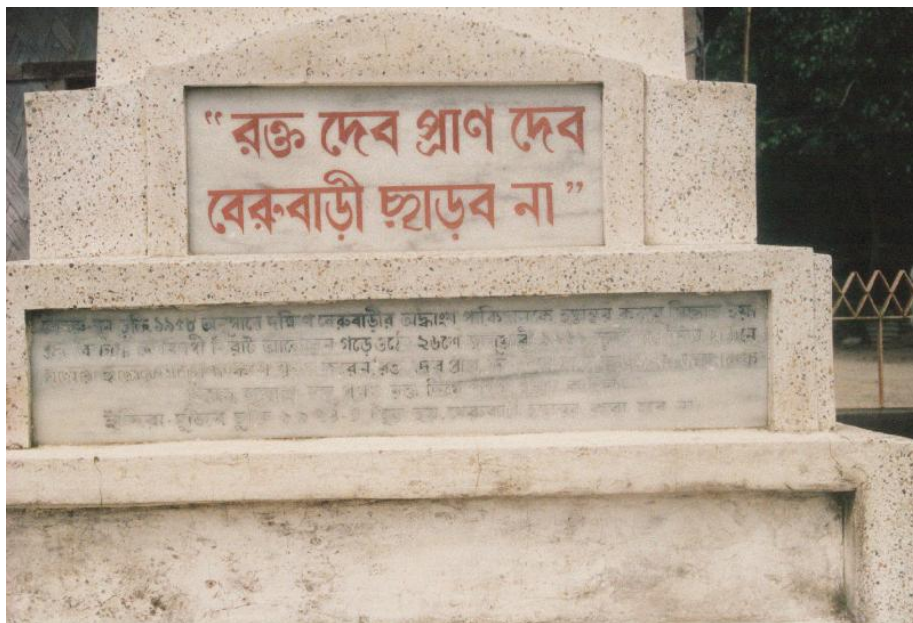


Photo 4. Inscription on the Berubari Memorial:

"We will give our lives before we will leave Berubari."

"According to the Nehru-Noon treaty of 1958, half of South Berubari was to be given to Pakistan. In protest, a movement began on 26 January 1961. Thousands of people determined to die over the issue, taking the oath 'We will give our lives before we will leave Berubari'. Hemunta Kumar Bose was the first to swear. Then in 1974 the Indira-Mujib treaty decided that Berubari would not be ceded."



Photo 5. Amar Roy Pradhan, MP, (right) at memorial to Sudhir Roy, Tin Bigha.
Boundary runs left to right behind the memorial. Panbari BDR post at rear.

Compare Fig. 7e.



Photo 6. Inscription on Sudhir Roy's memorial:

"Died in defence of Tin Bigha:

Kuchlibari resident,
martyr Sudhir Roy.

Live long!

Date of martyrdom 6 July 1981.

Kuchlibari Sangram Samiti"



Photo 7. Amar Roy Pradhan, MP, at memorial to Kiten Adhikari, north of Tin Bigha.

Note flag of Socialist Unity Centre of India (SUCI). Inscription reads in part:
"Kiten Adhikari. Tin Bigha Sangram Samiti, Dahagram, June 1992"

See also Fig. 5d.



Photo 8. Border fence and road, Haldibari-Chilahati border crossing.

Boundary with Bangladesh is 150 yards to the right (south) of the fence.



Photo 9. Indian watchtower viewed from Dahagram.

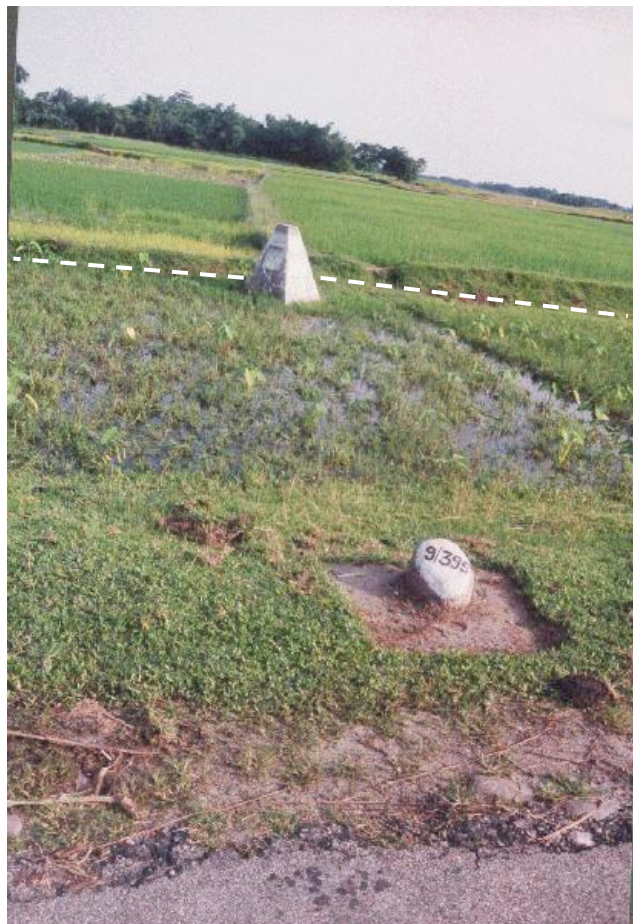


Photo 10. Bangladeshi Dahagram-Angarpota enclave #27 & 28, boundary pillar 9/395

Looking west from Mekhliganj-Tin Bigha road in India



Photo 11. Panbari BDR post at Tin Bigha looking east from Tin Bigha gates.

Compare Fig. 7e.



Photo 12. Main-boundary pillar in southern Patgram.

West of Banskata 122/100, looking west into India.



Photo 13. Chilahati-Haldibari lifted railway.

Looking north towards boundary with India. Note jute laid out to dry.

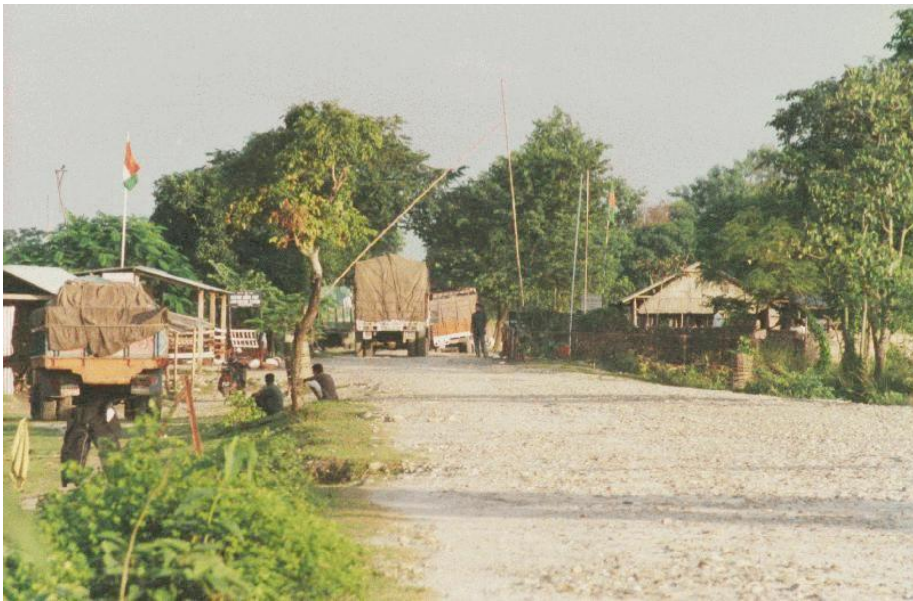


Photo 14. Changrabandha-Burimari border crossing

Looking south towards Bangladesh



Photo 15. Boundary pillar of Indian Garati enclave #78/1.
Garati to the right (south), Bangladesh to the left (north).



Photo 16. Bangladeshi Teldhar counter-enclave #1 boundary pillar
Looking south from NE corner. Compare Fig. 7a.



Photo 17. Bangladesh National highway traversing Indian Putimari enclave #59/18.
Looking south into enclave from Bangladesh. Note absence of any signs or break in tarseal that would indicate the boundary. Compare Fig. 7b.



Photo 18. Indian Putimari enclave #59/18, northern boundary.
Looking west from Bangladesh national highway. Compare Fig. 7b.



Photo 19. Indian Putimari enclave #59/18, boundary pillar.

Looking east towards Bangladesh National Highway (row of trees in background). Bangladesh in foreground and left (north), Indian enclave to right (south) and rear of pillar. Compare Fig. 7b.



Photo 20. Bangladeshi Debidoba counter-enclave #21.

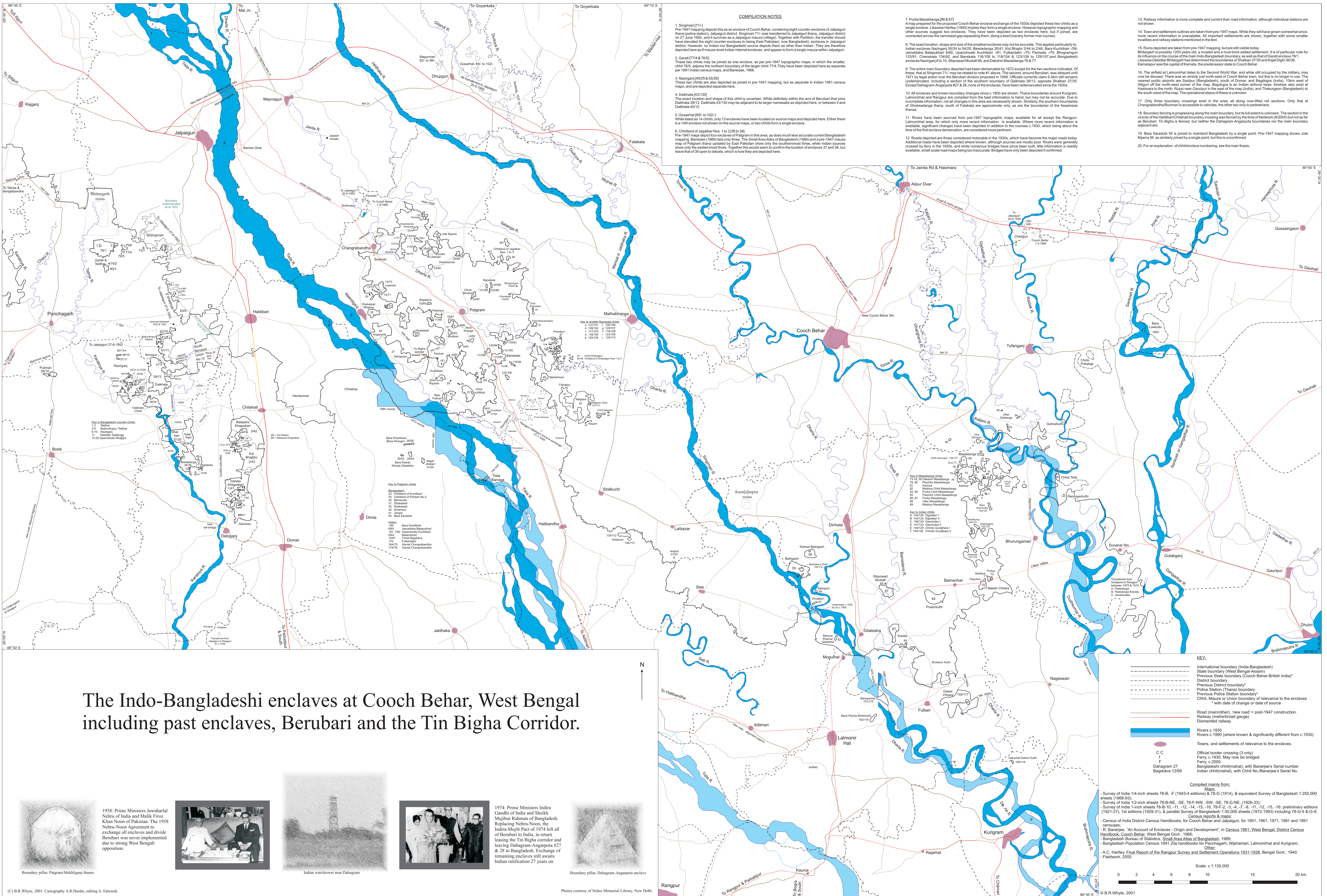
Eastern end looking north. SE pillar stump (arrowed) in right foreground, NE pillar in clump of vegetation three paddies behind (arrowed). Black arrows show continuation of north and south boundaries of counter-enclave. Surrounding land is Indian Dahala Khagrabari chhit #1/47. Compare Fig. 7c.



Photo 21. Indian Dahala Khagrabari counter-counter-enclave #1/51.
Looking NNE from southern boundary pillar (arrowed). Compare Figs. 7c & 7d.



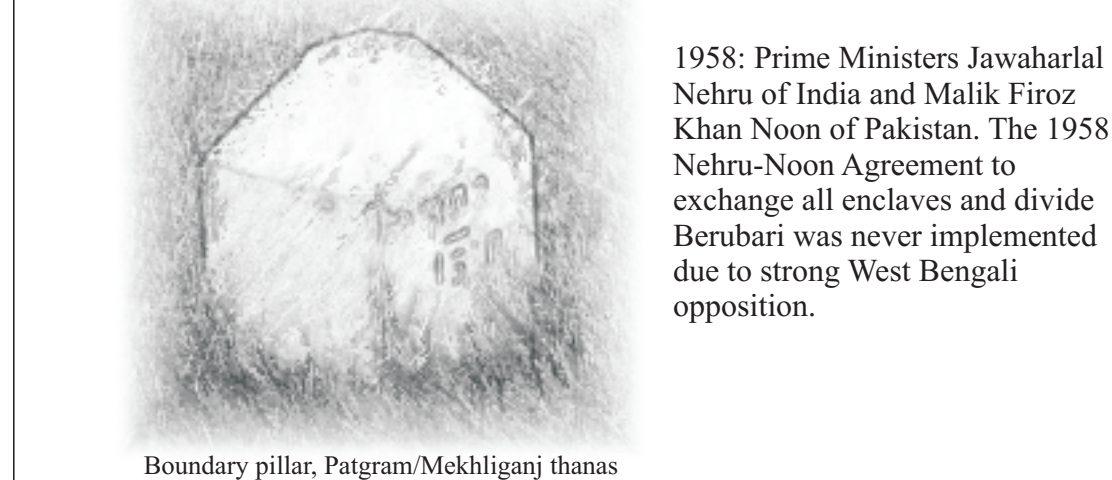
Photo 22. Indian Dahala Khagrabari counter-counter-enclave #1/51.
Looking SW from northern boundary pillar. Note farmer and his wife harvesting jute.
Compare Figs. 7c & 7d.



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1. Singimari [714] Pre-1947 mapping depicts this as an enclave of Cooch Behar, containing eight counter-exclaves of Jalpaiguri thana (police station), Jalpaiguri district. Singimari 714 was transferred to Jalpaiguri thana, Jalpaiguri district on 27 June 1952, and it survives as a Jalpaiguri mauza (village). Together with Faridpur, the transfer should have elevated the eight counter-exclaves to being East Pakistan, now Bangladesh, enclaves in Jalpaiguri district. However, no Indian nor Bangladeshi source depicts them as other than Indian. They are therefore depicted here as 8 mauza level Indian internal enclaves, and appear to form a single mauza within Jalpaiguri.
2. Garai [774 & 765] These two chhitis may be joined as one enclave, as per pre-1947 topographic maps, in which the smaller, chhit 765, adjoins the northern boundary of the larger chhit 774. They have been depicted here as separate per 1991 Indian census maps, and Banerjee, 1966.
3. Nazarganj [49/25 & 55/26] These two chhitis are also depicted as joined in pre-1947 mapping, but as separate in Indian 1991 census maps, and are depicted separate here.
4. Dakkhata [43/130] The exact location and shape of this chhit is uncertain. While definitely within the arm of Berubari that joins Dakkhata 39/13, Dakkhata 43/130 may be adjacent to its larger namesake as depicted here, or between it and Dakkhata 40/12.
5. Gosairhat [89/1 to 102/1] While listed as 14 chhitis, only 13 enclaves have been located on source maps and depicted here. Either there is a 14th enclave not shown on the source maps, or two chhitis form a single enclave.
6. Chitland of Jagbari Nos. 1 to 3 [36 to 38] Pre-1947 maps depict four enclaves of Patgram in this area, as does much less accurate current Bangladeshi mapping. Banerjee (1966) lists only three. The Small Area Atlas of Bangladesh (1989) and a pre-1947 mauza map of Patgram thana updated by East Pakistan show only the southernmost three, while Indian sources show only the easternmost three. Together this would seem to confirm the location of enclaves 37 and 38, but leave that of 36 open to debate, which is how they are depicted here.
7. Purba Masaldanga [86 & 87] A map prepared for the proposed Cooch Behar enclave exchange of the 1930s depicted these two chhitis as a single enclave. Likewise Hartley (1940) implies they form a single enclave. However topographic mapping and other sources suggest two enclaves. They have been depicted as two enclaves here, but if joined, are connected across the narrowest gap separating them, along a beel (marshy former river course).
8. The exact location, shape and size of the smallest enclaves may not be accurate. This applies particularly to: Indian enclaves Nazarganj 50/24 to 54/20, Bewaldanga 34/41, Kot Bhujni 2/44 to 2/46, Bara Kuchibari -59, Jambhata Balaqubari 8/90, Laxanowari Kuchibari -81, Fullerdabri 7/01, Parsala 1/73, Bhograngari 13/39/1, Chensakata 13/4/2, and Banskata 116/108 to 116/104 & 123/109 to 129/107 and Bangladeshi enclaves Nazarganj 8/10, Jalpaiguri Masaldanga 75 & 77.
9. The entire main boundary depicted here was demarcated by 1972 except for the two sections indicated. Of these, that at Singimari 714 may be related to note #1 above. The second, around Berubari, was delayed until 1971 by legal action over the Benban division proposed in 1958. Officials currently claim 6.5km still remains undemarcated, including a section of the southern boundary of Dakkhata 39/13, opposite Dhakul 27/35. Except Dahagram-Angarpota #27 & 28, none of the enclaves have been redemarcated since the 1930s.
10. All enclaves and known boundary changes since c. 1900 are shown. Thana boundaries around Kurigram, Lalmonirhat and Rangpur are compiled from the best information to hand, but may not be accurate. Due to incomplete information, not all changes in this area are necessarily shown. Similarly, the southern boundaries of Chitabandha thana, south of Falakata are approximate only, as are the boundaries of the Assamese thanas.
11. Rivers have been sourced from pre-1947 topographic maps, available for all except the Rangpur-Lalmonirhat area, for which only more recent information is available. Where more recent information is available, significant changes have been depicted in addition to the courses c. 1930, when being about the time of the first enclave demarcation, are considered more pertinent.
12. Roads depicted are those considered motable in the 1930s, which have become the major roads today. Additional roads have been depicted where known, although sources are mostly poor. Rivers were generally crossed by ferry in the 1930s, and while numerous bridges have since been built, little information is readily available, small-scale road maps being too inaccurate. Bridges have only been depicted if confirmed.
13. Railway information is more complete and current than road information, although individual stations are not shown.
14. Town and settlement outlines are taken from pre-1947 maps. While they will have grown somewhat since, more recent information is unavailable. All important settlements are shown, together with some smaller localities and railway stations mentioned in the text.
15. Ruins depicted are taken from pre-1947 mapping, but are still visible today. Bhatarganj is possibly 1200 years old, a moated and a mud-brick walled settlement. It is of particular note for its influence on the course of the main Indo-Bangladeshi boundary, as well as that of Garai enclave 78/1. Likewise Dakul Bhatarganj has determined the boundaries of Ghataur 37/25 and Kajar Dighr 36/26. Kamatapur was the capital of Kamata, the predecessor state to Cooch Behar.
16. The airfield at Lalmonirhat dates to the Second World War, and while still occupied by the military, may now be disused. There was an airstrip just north-west of Cooch Behar town, but this is no longer in use. The nearest public airports are in Bangladesh (Bangladesh), south of Dima, and Bagdogra (India), 10km west of Silguri off the north-west corner of the map. Bagdogra is an Indian airforce base. Airstrips also exist at Hasarna to the north, Rajpur near Gauipur to the west of the map (India), and Thakurgaon (Bangladesh) to the south-west of the map. The operational status of these is unknown.
17. Only three boundary crossings exist in the area, all along non-lifted rail sections. Only that at Chitabandha/Burmaria is accessible to vehicles, the other two only to pedestrians.
18. Boundary fencing is progressing along the main boundary, but is full extent is uncertain. The section in the vicinity of the Halibari/Chitahat boundary crossing was fenced by the time of fieldwork (8/2000) but not as far as Benban. Tin Bigha is fenced, but neither the Dahagram-Angarpota boundaries nor the main boundary is fenced.
19. Bara Sarakubi 50 is joined to mainland Bangladesh by a single point. Pre-1947 mapping shows Jote Nijama 36 as a similarly joined by a single point, but this is unconfirmed.
20. For an explanation of chhit/enclave numbering, see the main thesis.

The Indo-Bangladeshi enclaves at Cooch Behar, West Bengal including past enclaves, Berubari and the Tin Bigha Corridor.



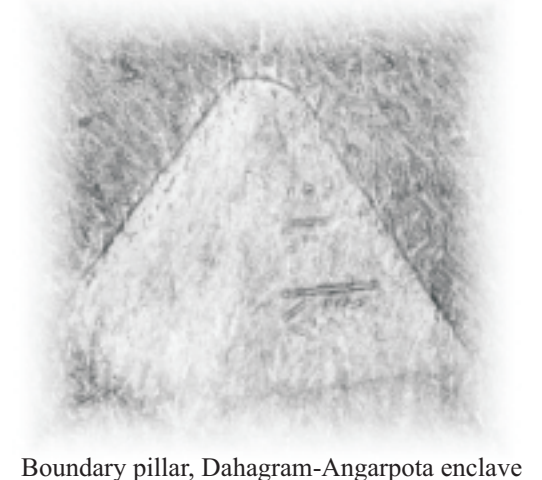
1958: Prime Ministers Jawaharlal Nehru of India and Malik Feroz Khan Noon of Pakistan. The 1958 Nehru-Noon Agreement to exchange all enclaves and divide Berubari was never implemented due to strong West Bengali opposition.



Indian watchtower near Dahagram



1974: Prime Ministers Indira Gandhi of India and Sheikh Mujibur Rahman of Bangladesh. Replacing Nehru-Noon, the Indira-Mujib Pact of 1974 left all of Berubari to India, in return leaving the Tin Bigha corridor and leaving Dahagram-Angarpota #27 & 28 to Bangladesh. Exchange of remaining enclaves still awaits Indian ratification 27 years on.



Boundary pillar, Dahagram-Angarpota enclave

KEY:

- International boundary (India-Bangladesh)
- State boundary (West Bengal-Assam)
- Previous State boundary (Cooch Behar-British India*)
- District boundary
- Previous District boundary*
- Police Station (Thana) boundary
- Previous Police Station boundary*
- Chhit, Mauza or Union boundary of relevance to the enclaves
- * with date of change or date of source
- Road (main/other), 'new road' = post-1947 construction.
- Railway (metro/railroad gauge)
- Discontinued railway
- Rivers c. 1930
- Rivers c. 1990 (where known & significantly different from c. 1930)
- Towns, and settlements of relevance to the enclaves.
- C C Official border crossing (3 only)
- f f Ferry, c. 1930. May now be bridged.
- F Dahagram 27
- Dahagram 27
- Bagdogra 12/69
- Bangladeshi chhit(mahal), with Banerjee's Serial number
- Indian chhit(mahal), with Chhit No./Banerjee's Serial No.

Compiled mainly from:

Maps:

- Survey of India 1/4-inch sheets 78-B, -F (1943-4 editions) & 78-G (1914), & equivalent Survey of Bangladesh 1:250,000 sheets (1968-83);
- Survey of India 1/2-inch sheets 78-B-NE, -SE, 78-F-NW, -SW, -SE, 78-G-NE, (1926-33);
- Survey of India 1-inch sheets 78-B-10, -11, -12, -14, -15, -16, 78-F-2, -3, -4, -7, -8, -11, -12, -15, -16; preliminary editions (1921-27), 1st editions (1928-31), & parallel Survey of Bangladesh 1:50,000 sheets (1972-1993) including 78-G-5 & G-9;
- Census reports & maps;
- Census of India District Census Handbooks, for Cooch Behar and Jalpaiguri, for 1951, 1961, 1971, 1981 and 1991 censuses;
- R. Banerjee, 'An Account of Enclaves - Origin and Development', in Census 1961, West Bengal, District Census Handbook, Cooch Behar, West Bengal Govt., 1966;
- Bangladesh Bureau of Statistics, Small Area Atlas of Bangladesh, 1989;
- Bangladesh Population Census 1991 Zila Handbooks for Panchagarh, Nilphamari, Lalmonirhat and Kurigram;
- Other:
- A.C. Hartley, Final Report of the Rangpur Survey and Settlement Operations 1931-1938, Bengal Govt., 1940. Fieldwork, 2000.

Scale: c. 1:130,000

0 2 4 6 8 10 15 20 km

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Author/s:

Whyte, Brendan R.

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