Bengal’s Beleaguered Borders

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Bengal’s Beleaguered Borders: 
Is there a fix for the Indian Subcontinent’s Transboundary Problems?

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ABSTRACT
This paper assesses five major transboundary-related problems currently troubling the Bengal region and bedeviling, in particular, the relationship between Bangladesh and India. These problems relate to settlement of the land boundary (enclaves and adverse possessions), facilitation of transboundary transit (road, rail, and waterway), curbing of transboundary illicit activity (smuggling, human trafficking, and covert support for radical Islamist groups and separatist militants), sharing of transboundary river resources, and control of transboundary migration. The paper’s focus is on the potential and capacity of the political entities sharing the Bengal region to identify, agree upon, and implement effective and sustainable solutions to these problems. It argues that such solutions, to be sustainable, would have to prioritize cross-border cooperation and mutual benefit—objectives that have thus far neither been aggressively nor consistently pursued in this region. The authors observe that the transboundary problems troubling the Bengal region vary substantially in the extent of their intractability and that some of them will persist far into the future. Nevertheless, they conclude that the present scale as well as the severity of the consequences of these problems are not permanent fixtures and will vary enormously with the political will, perseverance, and skill of those charged with determining the political destiny of this hugely important region.

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INTRODUCTION

The 1947 partitioning of British India into two separate states, India and Pakistan, and then the further partitioning of Pakistan in 1971 to create Bangladesh, generated a host of persistent international problems. Some of these problems led to war (several between India and Pakistan), others disrupted traditional trading relationships (between India and Bangladesh as well as between India and Pakistan), and still others spawned a variety of politically vexing and often illicit activities, including cross-border migration, smuggling, arms trafficking, and separatist violence. To mend things, an equally diverse bundle of potential remedies has been applied, or at least considered, over the decades, including construction of some of the world’s lengthiest border fencings; bilateral agreements in regard to trade, maritime boundaries, and the sharing of transboundary river waters; and—most grandly—the establishment of the multilateral South Asian Association for Regional Cooperation (SAARC) in 1985.

The Bengal region of the Indian Subcontinent has been home to a surfeit of these problems, as well as to numerous attempts at fixing them. In this paper, we assess five major transboundary-related problems currently facing this region, and bedeviling, in particular, the relationship between Bangladesh and India.

These problems relate to:

- Settlement of the land boundary (enclaves and adverse possessions)
- Facilitation of transboundary transit (road, rail, and waterway)
- Curbing of transboundary illicit activity (smuggling, human trafficking, and covert support for radical Islamist groups and separatist militants)
- Sharing of transboundary river resources
- Control of transboundary migration

1 There is, of course, a sixth major “border” problem confronting the southern coastal edge of the Bengal region—that of sea level rise (SLR). While SLR is undeniably among the gravest long term forms of beleaguering presently imperiling some of the political entities of this region, especially Bangladesh, it is nature (admittedly, helped by a hefty anthropogenic contribution both to global warming and sinking deltas), not any of the political entities, that is directly responsible for it.

2 There is a significant transboundary problem bedeviling the relationship between Bangladesh and Myanmar (aka Burma), namely that concerning the plight of the Muslim Rohingya minority residing in the Arakan region of northern Myanmar. Numbering about 800,000 in 2014, the Rohingyas speak a language related to Bengali. The Rohingya problem is not dealt with in this paper, which focuses on the Bengali-speaking region of South Asia.
The focus of this paper is on the potential and capacity of the political entities sharing the Bengal region to identify, agree upon, and implement effective and sustainable solutions to these problems. It argues that such solutions, to be sustainable, would have to prioritize cross-border cooperation and mutual benefit—objectives that have thus far neither been aggressively nor consistently pursued in this region. Obviously, these objectives are up against a host of policy-handicapping sociopolitical, geographic, demographic, ethnographic, economic, and strategic circumstances. These include, for example, the fact that South Asia leads the world in poverty, holding between 52 and 62 percent of the “bottom billion” of the world’s poor; that in spite of some recent improvement, West Bengal, with an estimated 19.9 percent of its people falling below the official poverty line, remains the fifth most impoverished of India’s twenty-nine states; that West Bengal and Bangladesh are home, respectively, to Hindu and Muslim majorities in a part of the world where these ethnic-religious identities have, at various times and in various places, erupted in grave violence; and, finally, that China, in spite of its lacking a border with Bangladesh, is currently its top provider of military hardware and also its largest bilateral trading partner—rankings that naturally distress India. In sum, reaching agreement on solutions is up against some extremely formidable realities.

The Bengal region we focus on is roughly the size of the United Kingdom (See Figure 1). The core of this region consists of Bangladesh (56,977 square miles) together with the Indian state of West Bengal (34,267 square miles); but, if described ethnolinguistically, the ethnic Bengali region actually spreads far beyond these two entities into many neighboring Indian states, where there are significant percentages of native Bengali speakers (67.35 percent in Tripura and 27.91 percent in Assam).

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3 In 2014, the state of West Bengal’s name was formally changed to Paschim Banga. We use West Bengal in this paper to avoid confusing readers unfamiliar with the change. The former name of the state’s capital, Calcutta, was changed to Kolkata in 2000.

Figure 1: Bangladesh and West Bengal
Figure 2: Speakers of Bengali

Source: Census of India - Distribution of 10,000 persons by language – India, States and Union Territories 2001
Bangla in Bangladesh) ranks among the leading languages of the world: it is the most spoken language in Bangladesh (106 million according to the 2011 census), the second most spoken language in India (about 8.2 percent of the total, following Hindi-Urdu), and, with an estimated total of 189 million native speakers worldwide, the seventh most spoken language in the world (See Figure 2).\textsuperscript{5}

In 2016, Bangladesh and West Bengal boast a combined population exceeding 260 million, with an estimated 169 million in Bangladesh and 91 million in West Bengal. This figure is close to 3.4 percent of the global population and is the basis for the Bengal region’s claim to being one of the most densely populated areas in the world.

Authoritative projections show that Bangladesh’s population is likely to rise as high as 250 million by 2050 in an area roughly the size of the US state of Alabama,\textsuperscript{6} suggesting that existing borders may soon be stretched to breaking point. India, meanwhile, had a population estimated at 1.28 billion (17.51 percent of the world total) in 2015, and is expected to overtake China, the world’s currently most populous country, by 2025. By 2050, India is expected to have a population of 1.66 billion, outstripping China’s aging and slowly declining population by as much as 350 million.\textsuperscript{7} By any reckoning, these are arresting figures. Unquestionably, India, by virtue of population alone (and assuming it prospers economically in the meantime), is in position to lay claim to a commanding role in Asian and world affairs.\textsuperscript{8} Doubtless, taking possession of such a role would be greatly facilitated by India’s resolving, or at least minimizing, the multiple transboundary issues it confronts on all sides, not least those beleaguering the Bengal region. We undertake this examination of Bengal’s boundary problems, however, in regard to the prospects not only of


\textsuperscript{8} For an informative discussion of India’s distinctive path to regional and global power, see Maya Chadda, Why India Matters (Boulder, CO: Lynne Rienner Publishers, 2014).
India, but of all the South Asian political entities sharing a part of the Bengal region—especially Bangladesh, but also the five Indian states bordering Bangladesh (West Bengal, Assam, Tripura, Mizoram, and Meghalaya). In short, and for reasons going well beyond population figures, the Bengal region’s boundaries and the issues arising from them deserve close scrutiny.

Before moving to consider the first of the five major trans-boundary problems, the land boundary or enclaves and adverse possessions problem, it is important to make brief mention of the maritime or sea boundary dispute that has soured Bangladesh’s relations with India for decades, but which has now seemingly been resolved. Ending a forty-year-long quarrel, an arbitral tribunal set up under the Permanent Court of Arbitration (PCA) in The Hague rendered a judgment on July 7, 2014, which, while awarding Bangladesh a larger share of the disputed maritime area (76 percent), ruled in favor of India on a number of issues—enough so that both sides welcomed the verdict. With the two countries’ maritime boundaries now clearly delimited and freed of legal uncertainties, a huge maritime area totaling almost 407,000 km$^2$ was open for both countries to exploit potentially vast offshore energy resources. Its opening was also a boon for fishermen of both countries, who now have uncontested access to the open sea.

We mention this maritime boundary dispute because, along with an earlier settlement of the Bangladesh–Myanmar maritime

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boundary, this recent settlement is certainly cause for some measured optimism in regard to the other transboundary problems considered in the paper. While it perhaps lacked some of the politically sensitive ingredients that have made some of the other problems seemingly intractable, it certainly dealt with far from trivial matters that had defied resolution for decades. The two countries involved, Bangladesh and India, displayed commendable willingness to submit to arbitral proceedings that were not subject to appeal, and they also demonstrated admirable willingness to accept a verdict that granted neither of them all that they wanted. While it would be a mistake to take the resolution of a maritime dispute as a sign that the South Asian neighborhood has somehow been fully converted into a region of harmonious interstate relations, there are plentiful signs that at least some of the other boundary-related problems we consider here are indeed also visibly on the way to resolution. The surest sign of this has just been given in regard to the settlement of the land boundary between India and Bangladesh.

SETTLEMENT OF THE LAND BOUNDARY: ENCLAVES AND ADVERSE POSSESSIONS

Dating to the 1947 Partition, the so-called “enclaves and adverse possessions” problem pertains to the international land boundary

11 Following decades of inconclusive boundary negotiations over delimiting the territorial sea, the Myanmar-Bangladesh dispute gained traction with the discovery of oil and gas in disputed waters in the middle of the first decade of the twenty-first century. Aroused by Myanmar’s award of exploratory drilling rights to a private developer, the government of Bangladesh in October 2009 initiated compulsory arbitration proceedings against Myanmar under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS). By mutual agreement between Bangladesh and Myanmar, the dispute was turned over to the International Tribunal for the Law of the Sea (ITLOS), an arbitral body created by mandate of the Third United Nations Conference on the Law of the Sea in 1982. On March 14, 2012, ITLOS rendered its judgment delimiting the territorial sea of each state as well as each state’s share of the Exclusive Economic Zone (EEZ) and the continental shelf. Accepted by both countries as a fair decision, the judgment has been praised not only for the swiftness, transparency, and legal innovativeness of the proceedings that produced it but also as “perhaps evidence of a positive new trend in international dispute resolution as a whole.” David P. Riesenbem, “Introductory Note to the International Tribunal for the Law of the Sea Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar),” International Legal Materials 51, no. 4. (March 14, 2012): 840–915, doi:10.5305/intellegamate.51.4.0840. For the ITLOS decision, see International Tribunal for the Law of the Sea, Case No. 16, “Dispute Concerning Delimitation of the Maritime Boundary between Bangladesh and Myanmar in the Bay of Bengal,” March 14, 2012, http://www.itlos.org.
between India and Bangladesh. It stems from what has been called the “sloppy surgery” performed on the eastern side of the Subcontinent by Cyril Radcliffe, who headed the Boundary Commission charged with dividing British India into two separate states. On September 6, 2011, the External Affairs Minister of India and the Foreign Minister of Bangladesh signed the Protocol to the Agreement between Government of India and Bangladesh Concerning the Demarcation of Land Boundary between India and Bangladesh and Related Matters (hereafter, the 2011 Protocol). The 2011 Protocol, which forms an integral part of the Land Boundary Agreement (LBA) signed by India and Bangladesh in 1974 (hereafter, the 1974 LBA), was to take effect once the two countries had exchanged instruments of ratification. Bangladesh quickly ratified the 2011 Protocol. India, largely because of domestic political feuding, delayed doing so. But, on May 7, 2015, the Bharatiya Janata Party (BJP)-dominated Indian Parliament (Lok Sabha) passed a bill without amendment, ratifying the 2011 Protocol. All 331 members present in the House voted for the bill. Its passage has been widely hailed as a major breakthrough in India-Bangladesh relations, setting in motion the restructuring of the land border between the two countries, and honoring the LBA signed forty-one years earlier. The significance of this development merits a closer look.

There are about 250 territorial enclaves in the world, with many in Europe resulting from the dissolution of the Soviet Union. However, the great majority are located in the India-Bangladesh


borderland, where, according to one observer, “in their complexity, number, political significance, and social eccentricity, they have no parallel in the world.” One part of the complexity is that what are often lumped together as enclaves are, in the India-Bangladesh borderland, two distinct phenomena. Enclaves proper are territories of one state completely encircled by the territory of another state. In the India-Bangladesh borderland, this has meant that their populations have been marooned—in effect, cut off from the homeland and thus essentially without administration. Adverse possessions, on the other hand, are pockets of land “that have traditionally been under the possession of people of one country in the territory of another country.” Unlike enclaves, the populations in the adverse possessions in the India-Bangladesh borderland, while cut off from the societies with which they have had historical linkages, are definitely administered by—and are indeed voting citizens of—the country which encircles them. While distinct, enclaves and adverse possessions are both undesirable anomalies. It has been obvious for a long time that India and Bangladesh relations would be much easier to manage without such a complicated international boundary. With the Indian parliament having ratified the 2011 Protocol, India will now transfer 111 enclaves, totaling 17,160.63 acres, to Bangladesh. Bangladesh, in turn, will transfer 51 enclaves, totaling 7,110.02 acres, to India. As for the adverse possessions, India will transfer 6 to Bangladesh, totaling 2267.682 acres, and Bangladesh will transfer 12 to India, totaling 2777.038 acres.

India’s Ministry of External Affairs had gone to some lengths to point out that the 2011 Protocol, while promising to normalize the international boundary and remove a host of problems, in practice will not result in the real transfer of land. In fact, the exchange of enclaves and adverse possessions involves merely a “notional exchange of land.” Located deep inside the territory of the two countries, the enclaves have not been physically accessible from the nominal

17 Ibid, Annexures VIII and IX, 53-54.
homeland since 1947. “Thus, the exchange of enclaves will legalize a situation which already exists de facto.” In regard to adverse possessions, too, the fact of the matter is that the two countries already possess them. Their nominal exchange “confirms that each country will legally possess the territories it is already holding.”

It is precisely in regard to the adverse possessions that the 2011 Protocol deviates significantly from the 1974 LBA. It “provides for redrawing of boundaries so that the adverse possessions do not have to be exchanged; it has dealt with them on an ‘as is where is’ basis by converting de facto control into de jure recognition.”

What has mainly been driving the two countries to settle the land boundary issue in this levelheaded manner is widespread awareness that the enclaves and adverse possessions were a constant irritant in India-Bangladesh relations. Armed robbers took advantage of the absence of police, using some enclaves as hideouts, and there were fairly frequent scuffles between the border guards in and around these pockets of land, sometimes with fatal consequences. No doubt, the enclaves and adverse possessions problem also contributed to the transboundary migration problem, dealt with later in this paper. However, neither side was inclined to use force majeure to settle the matter. “Both realized,” one observer points out, “that it was impossible to play power politics. Any action directed against the other’s enclaves was bound to have repercussions on one’s own enclaves in the other country.”

As for the thousands of people who dwell in these anomalous territories, they have been victimized in numberless ways. Enclave inhabitants were essentially stateless persons, confined to places where “roads and bridges were no longer kept in good repair, and there were no health services, schools, markets, banks, mail, or electricity.” Sometimes made the targets of vengeful gangs during communal rioting in the surrounding area, they could find

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19 Ibid.
20 Ibid.
21 Ibid., 60-61.
23 Ibid., 132.
themselves in extremely intimidating situations. Inhabitants also faced extraordinary difficulties even when trying to make a living.

They were often denied access to markets outside the enclave … on the ground that they were foreigners. The passage of residents from enclaves to their mainland had never been regulated, and this resulted in enclave people frequently being harassed, forced to pay bribes, or being arrested when they left their enclave. In the same way, the lack of an accord about the passage of local produce to and from the enclaves made all trade illegal.24

Nothing quite matches the poignant circumstance of those enclave inhabitants who happened to live in enclaves within enclaves. The Bangladeshi citizens of one such sub-enclave on the Bangladesh side of the border found themselves completely surrounded by an Indian enclave. “There is no official border crossing from the sub-enclave to the enclave and none from the enclave to the [Bangladesh] mainland. For these inhabitants, simply going to market in Bangladesh necessitates four border crossings. These crossings are doubly illegal because these Bangladeshis neither hold passports nor cross at a designated check post.”25

The 4,096.7 kilometer long India-Bangladesh boundary is the longest India shares with any of its neighbors. Removing the enclaves/adverse possessions obstacle to the final settlement of this important boundary appears eminently sensible for obvious political reasons; but the 2011 Protocol also attends to humanitarian concerns. According to a head count taken in July 2011, the total population in the enclaves was estimated to be about 51,549 (of which 37,334 were in Indian enclaves within Bangladesh and 14,215 were in Bangladesh enclaves within India).26 Judging that few if any of these people would want to leave their land, the Protocol neither requires nor envisages any displacement of populations. Since removing the enclaves/adverse possessions obstacle would also seem likely to ease progress towards resolution of the other transboundary problems we have yet to discuss, finalizing the 2011 Protocol seems a wise step indeed.

24 Ibid., 128.
25 Ibid., 125.
In light of all the above, what could possibly explain the inordinately long delay in settling the land border issue? Clearly, it stems in part from the opportunity costs of democratic politics: opposition parties in both countries and in all the Indian states bordering Bangladesh are almost ineluctably drawn to populist sloganeering and exaggerated charges of territorial give-away. On the Indian side of the equation, the delay was also accounted for in no small part by the federal structure of government and the fact that West Bengal, the state holding all of the enclaves that would be transferred to Bangladesh, and the three states (Meghalaya, Assam, and again West Bengal) with adverse possessions that would be transferred to Bangladesh had to be brought on board before any agreement negotiated by New Delhi with Bangladesh had a chance of success. All of the Indian states bordering Bangladesh gave their formal approval to the 2011 Protocol. And the erstwhile most formidable opponent of the Protocol among India’s opposition parties at the national level, the BJP, now, with the coming to power of Narendra Modi in May 2014, had become the most ardent supporter of the constitutional amendment needed to implement the Protocol.\(^{27}\) The sudden movement to approve the 2011 Protocol came in spite of the fact that the issue of Bangladeshi migration had become an important and emotion-arousing instrument of political mobilization in India—and not least in the hands of the BJP—in the preceding decades.\(^{28}\) Not unreasonable was speculation in some quarters that the BJP’s turnaround on Bangladeshi migration had much to do with the growing strategic angst in New Delhi, noted above, over China’s looming presence in Bangladesh.\(^{29}\)

The reported observation of Humayun Kabir, India’s former ambassador to Bangladesh, that the land deal was “a landmark development” with “the potential to redefine the relationship between

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FIGURE 3: SILIGURI CORRIDOR (CHICKEN’S NECK)
India and Bangladesh” does not seem exaggerated. How great the potential is may be better estimated with examination of the four yet-to-be-resolved transboundary problems.

**Facilitation of Transboundary Transit: Road, Rail, Waterway**

Apart from the extraordinary bifurcation of Pakistan itself into two widely separated wings, the religious-identity basis of the 1947 Partition gave birth also to an unusually awkward cartographic circumstance in the eastern/northeastern sector of the Indian subcontinent, namely the near separation of the main part of India (now having twenty-two states) from the so-called “seven sisters”—the seven states of India’s extreme east and northeast. With the northern border of what was then East Pakistan reaching almost to the borders of Nepal and Bhutan, India found itself, at independence, forced to contend with what some speak of as a “geographical deformity”—a narrow strip of land in northern West Bengal, the Siliguri Corridor (popularly known as the Chicken’s Neck), which is about 200 kilometers in length and ranging from 21 to 40 kilometers in width, that effectively isolates the northeastern region (See Figure 3).

An obvious vulnerability in strategic terms, the Siliguri Corridor is routinely cited by defense-minded Indians as a likely target of future Chinese aggression. Far more often, however, it is the subject of discussion about transit and Dhaka’s persistent denial of India’s right to transit Bangladesh for commercial purposes, and, in particular, about the huge costs to India’s economy in terms of time and resources of having to carry goods to and from the northeast via the Siliguri Corridor rather than directly across Bangladesh. The added costs to India stemming from the absence of a transit agreement are

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30 Sanjay Kumar, “India Set to Resolve Border Dispute with Bangladesh.”
31 These are Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, and Tripura.
fairly transparent.\textsuperscript{33} M. Rahmatullah, former Director of Transport at the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), points out in a 2009 article that the southern border of the Indian state of Tripura on the eastern flank of Bangladesh is only 75 kilometers from Chittagong port in Bangladesh. However, owing to the absence of a transit agreement, goods from Agartala, the capital city of Tripura and the second largest city in India’s northeast, “are required to travel 1645 km to reach Kolkata port through the ‘Chicken neck’. If there were transport cooperation between Bangladesh and India, goods would have traveled only around 400 km across Bangladesh to reach Kolkata, and a much shorter distance to reach Chittagong port.”\textsuperscript{34} One effort by a Bangladeshi economist to estimate the gains to India from a transit agreement found that India would save 37 percent of the costs of transporting goods if they were shipped through Bangladesh instead of through Siliguri.\textsuperscript{35} Of course, this estimate would have to be measured against the serious problems, including slow turnaround, berthing limitations, safety issues, and corruption that Bangladeshis have been struggling to correct at Chittagong, the country’s prime port.\textsuperscript{36} For their part, Indian commentators are overwhelmingly agreed that gaining transit

\textsuperscript{33} Numerous bilateral agreements exist between India and Bangladesh governing cross-border trade and other matters. Strictly speaking, and as used in this paper, these are not transit agreements, which are agreements about trade or other forms of road, rail, waterway, or air connectivity between two geographically non-adjacent points in the same or in two different countries requiring passage through another country. Thus, trade between India and Bangladesh is properly spoken of as bilateral trade, not transit trade, while trade, for instance, between the Indian mainland and any of its northeastern states across Bangladesh is transit trade. Also to be noted is that transit itself takes different forms. When a transit agreement requires that goods being shipped across a neighboring country be carried in conveyances of that country (requiring that these goods be off-loaded and then re-loaded on different conveyances at border entry and exit points), the practice is called transshipment. When transit is confined to a particular designated route, it is spoken of as a transit corridor.


facility would be largely in accord with Indian national interests.\textsuperscript{37} There is little doubt, in fact, that India would be a discernible winner if Bangladesh granted transit facility to India. And at least in terms of their economies, there is not much reason to doubt that India’s northeastern states—remote, relatively undeveloped, and unattractive to investors—would also be major winners.

As for Bangladesh, the benefits of such a grant to India are less clear. On the one hand, international banking and trade development organizations are virtually unanimous in judging Bangladesh to be not only a huge potential beneficiary of a transit agreement with India, but also as having virtually no choice in the matter. In a 2014 paper produced by the Asian Development Bank Institute, for instance, the authors argue that “there is a growing realization that countries such as Bangladesh could miss the ‘Asian Century’ if they are not able to fully take advantage of the regional markets. Greater connectivity and better trade facilitation are the key steps to moving toward this.”\textsuperscript{38}

Bangladeshi observers, on the other hand, differ widely on this issue—some opposing, some supporting, and others ambivalent about the grant of transit. Opponents cite an array of potential problems, including health and environmental hazards, infiltration by Indian intelligence agents, safety and security issues, traffic congestion, movement of contraband cargo, and the costs of infrastructural maintenance. At a minimum, virtually all of them argue that no transit deal is acceptable that does not at the same time provide Bangladesh with equivalent transit facility across the


Indian state of West Bengal for transport of cargo to and from Nepal and Bhutan.39

India possessed transit rights across East Pakistan from the time of independence until the 1965 war, when all such rights were suspended. Since the birth of Bangladesh in 1971, Dhaka has signed numerous bilateral agreements with Delhi providing for cross-border road, rail, and river connectivity between India and Bangladesh,40 but no transit agreements exist between them that would facilitate road, rail, or river connectivity between India and its seven northeastern states. Dhaka has committed itself to a number of multilateral agreements calling for expanded transit facilitation. Bangladesh is a signatory, for instance, of the World Trade Organization treaty, Article V, which states that:

There shall be freedom of transit through the territory of each contracting party, via the routes most convenient for international transit, for traffic in transit to or from the territory of other contracting parties. No distinction shall be made which is based on the flag of vessels, the place of origin, departure, entry, exit or destination, or on any circumstances relating to the ownership of goods, of vessels or of other means of transport.41

Some of these agreements envision European-style frameworks that would bind the northeastern SAARC sub-region of India, Bangladesh, Nepal, and Bhutan into an economic community.42

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39 Harun ur Rashid, a former Bangladesh ambassador to the United Nations, maintains that the transit matter is as much political as economic, and that Bangladeshis need to ask themselves whether India’s fencing of the India-Bangladesh border (dealt with below in the section on migration) does not run counter to the spirit behind the request for land transit. “Transit Issue with India: A Comprehensive Approach,” Sydneybashi-Bangla, February 2014, http://www.sydneybashi-bangla.com/Articles/Harun_Transit%20Issue%20with%20India.pdf.
40 For a useful inventory of both bilateral and multilateral border trade undertakings between and among India, Bangladesh, Nepal, and Bhutan, see Prabhir De, Sachin Chaturvedi, and Abdur Rob Khan, “Transit and Border Trade Barriers in South Asia,” in Promoting Economic Cooperation in South Asia: Beyond SAFTA, ed. Sadiq Ahmed, Saman Kelegana, and Ejaz Ghani (World Bank, 2010).
41 Article V is the Freedom of Transit provision of the WTO’s General Agreement on Tariffs and Trade, available at: https://www.wto.org/english/res_e/booksp_e/gatt_ai_e/art5_e.pdf.
42 For detailed discussions of the connectivity potential of Bangladesh, see M. Rahmatullah, “Regional Connectivity;” and Mustafizur Rahman et al, “Connecting South Asia and Southeast Asia.”
One far-reaching transit agreement that Dhaka has wrestled with for years is that pertaining to the Asian Highway network. A project conceived in 1959 by UNESCAP, the Asian Highway took formal shape with the adoption of the Intergovernmental Agreement on the Asian Highway (IAAH) in 2003, and which has 32 signatories since 2005. The Asian Highway is a massive highway-numbering and standards-setting system designed to link mainly existing highways of member nations in a crisscross of roads, presently running along a total of 140,479 kilometers (87,290 miles) and stretching from East Asia to Europe.

Led in 2003 by the assertively nationalist Bangladesh Nationalist Party (BNP), Dhaka initially declined to join the Asian Highway network on grounds that the UNESCAP-proposed Bangladesh routes linked only with India, and not with Myanmar, Bangladesh’s...
only other neighbor and obvious potential land gateway to the rest of Southeast Asia. The landslide victory of the Awami League-led alliance in Bangladesh’s ninth general election in December 2008 brought to power an India-friendly leadership that signed the IAAH in 2009, roughly five years after the Asian Highway was launched, and promptly began planning for link-up with the Asian Highway system. Today, Bangladesh has two sanctioned Asian Highway routes in the country, about 1,804 kilometers (1,121 miles) in total length. Both routes begin and end in India, with entry/exit points either on the West Bengal or Meghalaya border. A proposed sub-route leads southward to the Bangladesh port of Chittagong and thence, conceivably, on to Yangon in Myanmar (See Figure 4).

Dissatisfaction among Bangladeshis with the existing Asian Highway routes in Bangladesh is fairly widespread and stems from a number of reasons. One is that the east-running link from Sylhet follows a disadvantageously lengthy and mountainous route on the Indian side of the border. Another is that the existing plan puts India in a position to coerce Bangladesh into awarding India with favorable transit facility. But perhaps a more serious objection is that the absence of a south-running route cuts Bangladesh off from desirable connectivity with Thailand and other Southeast Asian states.43

What has become uncomfortably clear, however, is that the seeming geographic advantage Bangladesh possesses by virtue of its pivotal position between South and Southeast Asia may be illusory. In the years that Bangladesh held back from the Asian Highway, India busied itself by fashioning projects to strengthen rail, road, and waterway connectivity with Myanmar, which shares an over 1,600 kilometer border with four of India’s northeastern states, potentially easing India’s access to these states and granting Myanmar, not Bangladesh, the role of gateway to Southeast Asia. One project, for example, would construct a road or rail route from India’s northeastern state of Mizoram to the Myanmar port of

Sittwe, reducing India’s reliance on the Siliguri Corridor. Once these projects are completed, instead of becoming the region’s transport hub, Bangladesh faces the risk of being bypassed and “of being left by the roadside,” as one Bangladeshi observer has complained.

When it comes to connectivity with Myanmar, and with Southeast Asia in general, Bangladesh is up against the stark fact that India enjoys a huge economic advantage. Annual two-way trade between Bangladesh and Myanmar currently stands at about $100 million. While there are projections that this figure might soon be raised to $500 million, even that figure contrasts poorly with India-Myanmar two-way trade, which was expected to reach $3 billion in 2015—thirty times the present size of two-way trade between Bangladesh and Myanmar. Myanmar media further reports that bilateral trade between India and Myanmar could reach $10 billion by 2020. Moreover, there are credible indications that India’s two-way annual trade with the ten member states of the Association of South East Asian Nations (ASEAN), currently set at about $80 billion, would soon expand dramatically. A recent Standard Chartered report forecasts, for instance, that Indian exports alone into ASEAN would reach $280 billion a year within a decade.

Of course, not every observer shares the same degree of optimism in this regard, and how much of the India-ASEAN trade would flow through the Bangladesh-Myanmar corridor is questionable. The fact remains, however, that Dhaka’s joining of the Asian Highway venture falls far short of a guarantee that Bangladesh will enjoy a

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major future role as a transport hub between South and Southeast Asia. Nor does it signal quick resolution of the broader transit problem between Bangladesh and India.

To be sure, there are numerous recent signs that Bangladesh and India are taking deliberate steps to foster warmer relations, with transit facility prominent among them. In 2013, for instance, India began supplying electricity for the first time to power-starved Bangladesh through a new transmission line. In return, Dhaka has signaled willingness to permit India to transmit electricity across Bangladesh, linking the power grids of the Indian states of Assam and Bihar. An especially significant development is Dhaka’s allowing India to transit food grain across Bangladesh to Tripura.

All of this comes in company with the likelihood that Bangladesh will continue to hold back from granting full scope transit facility to India until and unless Dhaka is given ironclad assurances that India is prepared to take seriously the demands of Bangladesh in regard to the other problems standing between them, in particular that of shared river waters. While transboundary transit is certainly not a trivial matter, it is not nearly as grave a matter as river resource sharing. Starkly visible here is the contingent or interconnected character of the transboundary problems we are discussing: progress on one almost invariably depends on progress on another.

CURBING OF TRANSBOUNDARY ILICIT ACTIVITY: SMUGGLING, HUMAN TRAFFICKING, AND COVERT SUPPORT FOR RADICAL ISLAMIST GROUPS AND SEPARATIST MILITANTS

What is called “border economy” comprises a complex web of economic and trade links, as well as ethnic, cultural, and social connections across the borders of India and Bangladesh—both of which

have only partial control, if any, over these connecting linkages. In simple terms, a border economy develops its own dynamics that, as we will see below, are of transboundary nature. The relationship of a border economy to the national economy and the rules and laws that govern it are highly tenuous, to say the least.

Bilateral trade between India and Bangladesh is governed by the provisions of the first India–Bangladesh trade agreement, namely the *Trade Agreement between the Government of India and the Government of the People’s Republic of Bangladesh*, which was signed on March 28, 1972. This has been renewed several times since it was signed, and secured a fresh lease of life in a recently held prime ministerial meeting in Dhaka on June 6, 2015.52 Besides according “Most Favored Nation” status to each other for conducting bilateral trade, the agreement also provides for small informal trade amongst the people within the 16-kilometer belt of the border between the Indian states of West Bengal, Assam, Meghalaya, Tripura, and Mizoram, on one hand, and Bangladesh on the other. India’s exports to Bangladesh recorded an average annual growth of 7.31 percent during 1995–2006, whereas India’s imports from Bangladesh grew at a much slower pace, 3.8 percent in the entire period. The market share of India’s imports from Bangladesh increased from 0.6 percent in 2003 to 1.9 percent in 2005 and then to 4 percent in 2012.53 The gradual increase in market share shows that bilateral trade has the potential to grow further.

The volume of formal bilateral trade, however, displays only the tip of the trading iceberg. Informal trading of goods in small quantities carried manually in headloads across borders, along with large-scale smuggling of goods conducted through such unfair practices as under-invoicing, misclassification of items, and bribing of customs officials (respectively known as “bootleg” and “technical” smuggling in popular parlance), account for a large share of Indo-Bangladesh trade. A World Bank report, for instance, comments:

According to very approximate estimates based on surveys in Bangladesh during 2002, total smuggled exports (“bootleg” plus “technical”) from India to Bangladesh may have been around $500 million, about 42 percent of Bangladesh’s recorded imports from India in 2002/03, or about 30 percent of total imports (recorded plus smuggled). Most of the smuggled imports came by the land border, and the total estimated value of “technical” smuggling was slightly higher than the value of “bootleg” smuggling. However, this estimate is based on interviews with allegedly “knowledgeable persons” in various regions on the Bangladesh side of the border only, and the estimated values of smuggling in some key products (notably cattle and sugar) are much lower than estimates from the Indian side. These discrepancies suggest that the total smuggling could be as high as $900 million, equivalent to about three quarters of the total recorded trade, or about 42 percent of total Bangladesh imports (recorded plus smuggled).\(^\text{54}\)

While any estimate of the volume and nature of unofficial and illicit trade is bound to be inaccurate, as the World Bank report emphasizes, estimates prepared from time to time by various Indian organizations offer evidence that the scale of such trade is mammoth. For example, a 1995 survey on unofficial trade between India’s eastern region and Bangladesh estimated the volume of unofficial trade at Rs 1165 crores annually—of which West Bengal accounted for as much as 96 percent (Rs 1121 crores).\(^\text{55}\)

Counterfeit currency is another component of illicit transboundary activity. Publicly available estimates of counterfeit currency (in India called fake Indian currency notes, or FICNs) seized in West Bengal by India’s paramilitary Border Security Force (BSF) are shown in Table 1.


\(^{55}\) One crore is equal to 10,000,000 (about USD 161,290); Sudhakar K. Chaudhari, “Cross Border Trade between India and Bangladesh,” working Paper, no. 58, National Council for Applied Economic Research, New Delhi, 1995.
Deeptiman Tiwary, a correspondent of *The Times of India* known for extensively covering Indo-Bangladesh border issues, points out that flooding India with FICNs is not a simple instance of criminal activity, but takes place in a planned and foreign-state backed manner. Pakistan, he claims, has a reputation for pushing “fake currency into India as a proxy war to weaken [the] Indian economy. Every year crores of rupees are apprehended across the country by security agencies, still several crores sneak into circulation. Agencies such as NIA [National Investigation Agency] have found that fake currency is also being used to fund terror activities by outfits such as LeT [Lashkar-e-Taiba].”

FICNs are not the only things that move illegally across the borders. Bottles of psychotropic cough syrup, cattle, drugs and narcotics, small arms, food stuffs, animal hides, gold and other precious metals, among other things, travel across the borders. Stakes are extraordinarily high when it comes to the issue of illicit cattle trade. According to one estimate, over 2 million cattle are smuggled into Bangladesh from India each year. Smuggling cattle has become a huge industry, reportedly worth annually close to Rs.10,000 crore. Between 2000 and 2005, in the southern sector of West Bengal alone, 225,863 head of cattle were intercepted at the border by the Border

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Security Force. The roots of smugglers’ cartels, according to Nandy, “run strong and deep.”

Humans are also being smuggled across the border. Examples of women and children being sold off and trafficked to Indian agents are common. As Ramachandran writes:

According to the estimates, some 300,000 and 200,000 Bangladeshi children work in brothels in India and Pakistan respectively. Between 1990 and 1992 alone, some 1,000 child trafficking cases were reported in the Bangladesh media. Each year some 4,500 women and children are trafficked to Pakistan through India.

It is difficult to establish if any nexus exists between the illicit movement of goods and services and the increased surfacing recently of radical Islamist forces and terrorist groups, particularly in Bangladesh. In this connection, Sadhankumar Pal quotes an intelligence report from India which claims that in the wake of several Mumbai bomb attacks over the past decade and the new initiatives taken by India to stop illegal movement of people from across India’s western border with Pakistan, the Inter-Services Intelligence Directorate (ISI)—the Pakistani intelligence agency—has compensated by stepping up its activities in India’s northeast and has been using the eastern frontier, mainly with Bangladesh, as a corridor for the infiltration of terrorists, explosives, and weapons. These materials also intrude into West Bengal from Myanmar following the sea routes across the Bay of Bengal. According to Pal, terrorist organizations such as Jaish-e-Muhammad and Indian Mujaheddins have been

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58 Chandan Nandy, “Illegal Immigration from Bangladesh to India: Emerging Conflicts,” SLIFKA Program in Inter-Communal Existence (Brandeis University, November 30, 2005), 140-141.

59 Ibid., 140. It may be noted that a significant proportion of this is beef cattle, and there is resistance in India to the killing of cattle for consumption, particularly in recent years. These strictures do not exist in Bangladesh.


61 Arms smuggle through Bangladesh, including through the Chittagong port, according to some reports, ends up in the hands of militants in India’s northeast. It is also reported that weapons smuggling through Chittagong to Sri Lanka was common during the time of the Tamil Tigers conflict.
focusing on India’s border with Bangladesh as a new zone of activity. Organized syndicates, according to the same report, are behind these illegal activities, including the illegal movement of children, women, narcotic substances, FICNs, and cattle. These syndicates allegedly use poor people living in the border areas as a shield against any counter-insurgency operations conducted against them by Indian government agencies. Pal also quotes “reliable sources” to argue that these forces have gathered so much strength in recent times that they can “decisively influence” administrative agencies, as well as political circles and the judiciary, both in India and Bangladesh.62

One must be cautious, of course, not to swallow whole the commonplace assumption that unofficial trade is an indivisible whole to be written off as thoroughly illegal. The line between official and unofficial trade is obviously thin owing both to the connivance of some officials as well as the fact that unofficial trade is not in every instance sharply differentiated in form from official trade.63 We also have to keep in mind that someone who runs a smuggling syndicate with a vast headquarters in a border town in West Bengal should not be confused with someone who makes a meager living by crossing the border on a daily basis (and risking being detected and killed), or who sells poultry in a nearby *haat* (market) in the district of Rajshahi in Bangladesh, or who vends vegetables or repairs umbrellas on the streets of Kolkata.64 Insofar as we learn to appreciate the salience that the laboring life of the disempowered or subaltern population has acquired in recent years as the unofficial trading actor in the border economy, we also find out how a moral community of laboring lives comes to inhabit what Deleuze and Guattari would call “the de-territorialized space” spanning the official and the unofficial,65 the licit and the illicit, the bordered and the borderless, and constantly

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62 Sadhan Kumar Pal, *Any ‘Humane Border’ Policy between India and Bangladesh might turn out to be dangerous in future* [in Bengali], *Uttarbanga Sambad* (Siliguri, October 17, 2012), 4.


64 The Bengali word *haat* means a weekly or bi-weekly or even tri-weekly market.

making room for crossings of interlopers, goods, and services—of course, at grave risk to their lives and livelihood.

By all accounts, external forces do act at times in unison much against India’s national interest, but their link with either the Pakistani or Bangladeshi State, to say the least, is quite ambiguous. For one thing, national and cultural specificities seem to have kept these external forces apart from each other, excepting in periods when some tactical alliances are reached between them. For another, some of these forces have reportedly been acting in close coordination with extremist global forces in their attempt at building an “Islamic Order” (Ummah) on a world scale. One highly regarded observer, Subir Bhaumik, sums up the activities of these extremist forces in West Bengal in the following terms:

The Indian Jihadi groups not only sought to use eastern states like West Bengal and Assam as [a] corridor to meet their handlers in Bangladesh or to bring weapons and explosives but also to step up local recruitment. Both West Bengal and Assam have the highest concentration of Muslim population [in Indian states] after Jammu and Kashmir and it is only natural that not only Bangladeshi Jihadi groups seeking shelter in these states would recruit local Muslims—the same was true for such groups as Indian Mujahideen and SIMI [Students’ Islamic Movement of India].

The accidental bomb explosion in a house in West Bengal’s Burdwan district on October 2, 2014, that killed two bomb-makers, allegedly of the Jamaat-ul-Mujahideen militant organization, led India’s NIA to unearth a nearly unending chain of sleeper cells, all of which—as Bhaumik informs us—are firmly integrated into the fold of radical Islamist forces. The explosion was only one in a long series of such blasts that followed it in West Bengal. A section of

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66 We use State with “S” in upper case to describe the Indian, Pakistani, or Bangladeshi State, while state with “s” in lower case is used here to denote the constituent states of the Indian union.
Indian security analysts accuses Bangladesh—the Khaleda Zia-led Bangladesh Nationalist Party (BNP) regime in particular—of attempting to transform the region into “Greater Bengal” or **Brihuttara Bangla**, with parts of West Bengal and some other states of India’s northeast breaking away from India and being absorbed into the new State of “the United States of Bengal.” While this may be an exaggeration, the fact is that radical forces in Bangladesh do show signs of becoming a formidable entity, and the political regime in Bangladesh is reportedly under pressure to act at the behest of these forces. Sheikh Hasina, the present prime minister of Bangladesh, has already taken some effective steps to counter such pressure, albeit with varying degrees of success. She has survived several attacks on her life, and, in 2009, she also suffered a severe mutiny in the ranks of the Bangladesh Rifles (BDR) headquartered in Pilkhana.69

In theory, unauthorized cross-border trafficking of all kinds was supposed to come to a complete stop with the formation of the two separate states of India and Pakistan (the latter split between West Pakistan and East Pakistan/East Bengal); and solutions to illicit cross-border activities have thus always been sought, today as much as ever, predominantly from within the relatively rigid framework of state sovereignty by way of asserting the sanctity of territorial borders. To cite an instance, since the takeover of government in New Delhi by the BJP, India’s BSF has reportedly “pulled out all stops to prevent cattle smuggling.”70 The BSF, according to the same report, is up against the fact that the vast Indian-built border fencing apparatus in some vulnerable areas is already in ruins. Reacting to this, the BSF, the report comments, has started to “dig deep trenches” and “weld iron pipes to existing fences” to prevent cattle from crossing over to Bangladesh.71 These efforts, according to BSF sources, have reduced cattle smuggling by as much as 90 percent.

On the other hand, there is also the growing realization that it is difficult—if not impossible—to stop cattle smuggling completely, or for that matter, most illicit activities of this nature, and that the

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71 Ibid.
best way to address the problem might be to legalize the activity on grounds that in a terrain which has both historically and geographically been porous, post-Westphalian types of “hard” national boundaries are unlikely to work. The powerful market forces of demand for cattle in Bangladesh, and their supply from India, are likely to blow away all national boundaries. Much of the opposition to cattle smuggling comes from the right-wing Hindutva forces spearheaded mainly by the Rashtriya Swayamsevak Sangh (RSS) and Bharatiya Janata Party (BJP), both with strong ideological commitment to cattle protection and imposition of a blanket ban on cow slaughter. At the same time, a section of policy makers calls for “softening” and “humanizing” the Indo-Bangladesh border. S. P. Tiwary, for instance, BSF’s Deputy Inspector General (Intelligence), reportedly calls for “legalising export of overaged and non-milching animals and promoting beef industry in India” by allowing their slaughter. In the same report, however, Rajnath Singh, India’s Minister for Home Affairs, asks the BSF to “starve Bangladesh of beef” by putting a stop to cattle smuggling.\textsuperscript{72} The high stakes involved in the cattle trade make it difficult for the BSF to tackle the problem with any degree of success. According to one reporter, BSF officers say in private that “preventing cattle smuggling should be taken out of its charter of duties as it diverts attention from the more important job of preventing infiltration and smuggling of FICN and contraband.”\textsuperscript{73} In 2014, ninety-nine BSF jawans (soldiers) were injured by attacks from the cow hustlers in southern West Bengal. In early 2015, smugglers were reportedly responsible for forty cases of injury and two deaths suffered by the BSF.

With the growing realization of the ultimate impossibility of installing hard borders in a terrain that remains unavoidably soft and porous, both India and Bangladesh have started working together, particularly on such matters as joint investigation, intelligence sharing, and extradition of accused offenders, even though there is no extradition treaty between the two countries. The accidental blast in Burdwan has been followed by a renewed search for areas of cooperation by both these countries while trying to address terrorism in

\textsuperscript{72} Ibid.
\textsuperscript{73} Ibid.
their respective territories. Sheikh Hasina’s initiatives in conducting military operations against separatist insurgents of India’s northeastern states, using Bangladeshi territory as their base and taking shelter in Bangladesh, show how the two countries have been readying for much larger security cooperation in South Asia.

Recently, to cite another instance of India-Bangladesh cooperation, the Government of West Bengal has expressed its willingness to set up four border haats in West Bengal along the India-Bangladesh border. It expects that this would go a long way to discourage, if not to completely stop, illicit trade and, in general, to improve India-Bangladesh relations, especially after the 2011 Teesta waters and enclaves exchange fiasco (considered later in this paper). Mostly agricultural products are to be sold in these markets. Unlike the movement of contraband items, border trade of this sort is governed by strict modalities and protocols that are officially worked out in advance. Steps are taken to keep the Bangladeshi nationals involved in trading separated from Indian citizens and vice versa, as much as the volume of trade is not allowed to exceed a given limit beyond which it might become a liability for Indian national interests. Once implemented, the legalization of the new haats is expected to alleviate the problems of illicit trading across borders.

Recent ethnographic accounts attempt to draw our attention to non-institutionalized yet popular practices that seem to have played a role in keeping much of the India-Bangladesh border soft and porous, albeit often in company with the unspoken approval of government. For instance, the author Malini Sur shows how border guards on both sides “look the other way” as Garo forest women from Bangladesh cross the border to sell their wares (mainly bamboo baskets) in the nearby Indian market across the border and return almost on a daily basis. State agents at the borders consider such border crossings as benign and do not view them as any “compromise of state sovereignty.”

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74 Nazrul Ahmed, The State Government is taking initiative of establishing Border Haats in order to increase (the volume of) trade with Bangladesh [in Bengali], Dainik Statesman (Siliguri, October 10, 2013), 5.

These accounts, albeit surfacing infrequently, reveal how India and Bangladesh have at times been coming to terms realistically with the soft and porous nature of the border that separates them. The fact remains, however, that while these popular practices play a role of some importance in this regard, they are unlikely to be translated into formal agreements and regularized practices. Given the enormous length of the border, the difficult terrain and the huge necessity, it is unlikely that all transactions and exchanges will be regularized through the instrumentality of border haats. The Indian and Bangladeshi nation states, cast in the post-Westphalian mold, will find it very difficult to acknowledge, much less to promote, these mechanisms and practices. Clearly, curbing transboundary illicit activity of all kinds presents an especially complex challenge to the governments on both sides of the border, with understandable concerns about sovereignty having to contend with both benign and malign practices. Finding mutually agreeable remedies that all the political entities of the Bengal region can live with comfortably is no small task.

**Sharing of Transboundary River Resources**

The 2011 Protocol over the India-Bangladesh land boundary discussed above was signed in Dhaka on the occasion of an official visit to Bangladesh by then Indian Prime Minister Manmohan Singh in September of that year. That signing was to have been accompanied by the signing of an equally long-awaited but much more momentous water-sharing agreement. Finalized earlier that year in January, this agreement was a 15-year interim accord on sharing the waters of two transboundary rivers—the Teesta, which flows into Bangladesh from Sikkim in the north, and a smaller river, the Feni, which flows from India into the southeastern part of Bangladesh. The signing of this river sharing accord was stricken from the Indian prime minister’s itinerary at the last minute, an electrifying development that bore eloquent witness not only to the predictable delicacy of river diplomacy but also (much like the land boundary problem) to the commonplace political hazards of India’s federally-organized democracy. Apparently dissatisfied with her state’s share of the Teesta’s waters outlined in the final draft of the New Delhi-crafted accord, West Bengal’s notoriously strong-willed Trinamool Congress Chief Minister Mamata
Banerjee pulled out of the visit at the eleventh hour. She led by far the politically most important of the five Indian states neighboring Bangladesh (Mizoram, Tripura, Meghalaya, Assam, and West Bengal), the chief ministers of which had all been enlisted to attend the event in Dhaka to signal the uniformity of Indian support for the accord. Publicly humiliated, Manmohan Singh went ahead with the visit. The Teesta accord, meant to usher in a new era in India-Bangladesh relations, was shelved.\textsuperscript{76}

The Teesta is the fourth largest of the fifty-four transboundary rivers Bangladesh shares with India. Had the accord been signed, the Teesta and Feni would have been only the second and third of these rivers to have their waters brought under a water-sharing arrangement. The first to have this done was the Ganges (Ganga in Hindi, Padma in Bengali), which originates in the Western Himalayas, flows south and east across the Gangetic Plain, then into Bangladesh where, after joining with the Brahmaputra River, it empties into the Bay of Bengal. After decades of mainly fruitless talks, in 1996, Bangladesh and India finally reached agreement and signed the landmark \textit{Treaty between the Government of the Republic of India and the Government of the People’s Republic of Bangladesh on Sharing of the Ganga/Ganges Waters at Farakka} (hereafter, the Ganges Waters Treaty, or GWT). While it was unquestionably a major and hard-won accomplishment, the GWT addressed only one river, indeed only one particularly contentious infrastructural feature on that river, the notorious Farakka Barrage located in West Bengal about 16 kilometers upstream of the Bangladesh border. The barrage was built by India to divert waters southward from the Ganges River to the Bhagirathi-Hooghly river system, primarily to relieve the navigation/siltation problem of Kolkata (Calcutta) port. Once it went into operation in 1976, it quickly became a deeply abrasive political issue between the two countries. The signing of the GWT two decades later was intended to resolve it.\textsuperscript{77}

Unfortunately, the passage of another two decades since the signing has not extricated the Farakka Barrage from the emblematically

\textsuperscript{76} The Teesta debacle is discussed in Robert G. Wirsing, Daniel C. Stoll, and Christopher Jasparro, \textit{International Conflict over Water Resources in Himalayan Asia} (Houndmills, UK: Palgrave Macmillan, 2013), 75-79.

\textsuperscript{77} For a fuller account of the political context of the India-Bangladesh feud over the Farakka, see ibid., 63-79.
irksome role it has long played in India-Bangladesh relations. The Bangladeshi media routinely complains that, in the lean months, Bangladesh is not receiving the quantum of water downstream of the Farakka Barrage that was agreed in the GWT; and scholarly examinations of officially-kept flow data offer some confirmation that the complaint is not without justification.\textsuperscript{78}

Not surprisingly, other observers interpret the flow data quite differently. Punam Pandey, for instance, an academic based in the Department of Political Science, University of Delhi, argues in a meticulously-documented and comprehensive 2014 article focused on the GWT that the treaty, thus far in its history and insofar as water sharing is concerned, should be counted as a success. She avers that in the period 1997-2012, “Bangladesh received more water from India after 1996 than in the years between 1989 and 1995 (except in one 10-day period in March 1997). People on both sides of the Ganges are simply in a better position post-1996.”\textsuperscript{79} Pandey does acknowledge that the GWT faces huge difficulties (climate change not the least of them) in gaining renewal when its 30-year term runs out in 2026, and thus “may be considered a stopgap measure in a persistent river water dispute.”\textsuperscript{80} Unfortunately, what she conveniently overlooks is the immense change in the Ganges’ hydrologic flow regime that came with the startup of the Farakka barrage in 1976.

Evidence gathered in regard to pre- and post-\textit{treaty} flows centered on 1996 may be debatable, but the scientific evidence shows overwhelmingly that, when measures are taken of pre- and post-\textit{Farakka} flows centered on 1976, there has been a massive reduction in Ganges water availability downstream of the barrage, and the impact of that has been nothing less than catastrophic for Bangladesh. The river diversion has caused the destruction of breeding and raising grounds for many species of fish and other aquatic species, disrupted navigation and increased groundwater dependence, increased river salinity and done major harm to the Sundarbans coastal mangrove

\textsuperscript{80} Ibid., 673.
forests, and, not least, led to a drastic fall in available surface and groundwater for farming in the southwestern region of Bangladesh. “As a consequence,” according to Gain and Giupponi in a 2014 study, “the Ganges-Kobadak Irrigation Project came to a halt in 1994, which adversely affected 350,000 acres of agricultural lands. The reduced potential of agricultural production conditions put approximately 10 million subsistence farmers out of work in the dry season, which has a negative impact on food security and livelihood opportunities.”

In short, “the [1996] agreement between India and Bangladesh did not provide minimum water for Bangladesh.”

It seems very likely, in fact, that the dispute over Ganges waters will intensify in coming years. While the GWT commits India to maintain the historic average flow at Farakka, it has not done so thus far and there is no guarantee that it will ever do so. While the GWT also included a plea that the two countries give consideration to augmenting the Ganges waters before they reach the Farakka so that the historic average flow could realistically be sustained, it was only a plea and its implementation appears extremely unlikely. Thus, it does not require much thought to recognize that what happens to Ganges waters upstream of Farakka, before water sharing is performed, is at least as important in shaping the river resource relationship between Bangladesh and India as what happens downstream.

In fact, much has been happening upstream. Reportedly, there are about 600 hydropower dams of varying sizes that are either operational, under construction, or proposed on tributaries of the Ganges in Uttarakhand, a mountainous area to the north of Delhi that is just one of the many states sharing the basin and its waters.

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82 Gain and Giupponi, “Impact of the Farakka Dam on Thresholds of the Hydrologic Flow Regime in the Lower Ganges River Basin (Bangladesh),” 2513.

along with the many hundreds of existing and proposed dams and diversion projects elsewhere in the basin (including some in Nepal), it is no surprise that the once mighty Ganges arrives at the gates of the Farakka Barrage—and then crosses the border into Bangladesh—in greatly reduced size.

The Government of India is currently considering plans to engineer the rejuvenation of the Ganges and, in particular, to restore its navigability—to make it National Waterway 1 for transport of coal, food grains, cement, and other goods. The plans call for building as many as 16 giant barrages, one every 100 kilometers or so, on a 1600 kilometer stretch of the Ganges mainstream running through four states between the port of Haldia in West Bengal and Allahabad in Uttar Pradesh. These plans have generated a major effort by opponents, including many of India’s leading environmental organizations, to persuade the government to scrap the project. Arguing that the project will impose huge environmental and social costs, they point out that the construction of these barrages will inevitably add to the Ganges’ existing woes, including a mammoth problem of sediments deposition in the reservoirs behind the barrages, increased flood intensity, interference with the migration path of fish, loss of floral biodiversity, and decreased water quality.84

One prominent activist NGO—the South Asia Network on Dams, Rivers and People (SANDRP)—has argued that the experience India has had with the Farakka Barrage should give it pause before plunging ahead with the National Waterway plan. The group lists seven grave shortcomings in the performance of Farakka: its failure to stop the silting up of Calcutta port—the main reason for Farakka’s construction; the enormous sediment buildup upstream of Farakka, which has contributed to delta subsidence and rising sea levels in both India and Bangladesh; serious erosion of the riverbank upstream of the barrage; serious erosion also downstream of the barrage, leading to loss of life and property in Bangladesh as well as India; the near

impossibility of desilting the Farakka Barrage; and, not least, its continued provocation of conflict with Bangladesh.85

One of the most compelling arguments in regard to the dysfunctionality of the Farakka Barrage has been offered by Kalyan Rudra, presently Chairman of the West Bengal Pollution Control Board and a key advisor to the Government of West Bengal on the state’s water policies. In a paper published in 2005, he argues that the Farakka project “was based on arithmetic hydrology without any regard to multi-dimensional fluvial dynamics of the river.”86 At the time of its construction and in the decades since,

the silt management in the Farakka pond was given scant or no attention…. The river bed upstream of the barrage is now so clogged with sediment that even a country boat can not negotiate freely during lean months. The river has been gnawing its left bank to open a new outlet outflanking the Farakka Barrage. The geo-political scenario of the subcontinent has so changed since 1971 that operation of Farakka Barrage does not find a smooth passage. Since the introduction of high yielding [farm] technology and expansion of irrigation in the upper and middle Ganga plain, the available water at Farakka during lean months dwindles far below the threshold limit [specified in the GWT] and thereby exerts stress on the Indo-Bangladesh relationship.87

While one may take issue with some of the arguments raised against Farakka, or against barrages and dams in general, the fact of the matter is that carefully screened scientific evidence has been building up for years that human activities, including the construction of dams and barrages, have often had enormous—and enormously harmful—effects. To take but one example that is especially pertinent to the subject of this paper, it now appears indisputable

87 Ibid.
that dams and diversion projects have played a major role worldwide in the sinking of deltas, including that of the Ganges. The sinking of the Ganges delta is, in fact, causing havoc to the coastal areas of both India and Bangladesh and to the millions of people who dwell there. According to the authors of a study using advanced techniques of satellite imaging to trace subsidence in thirty-three deltas around the world, including the Ganges,

humans are fundamentally altering the functioning of deltas at the global scale…. Humans have engineered most of the natural river discharge delivered to the coast across the delta plain, through up-basin sediment capture and flood wave mitigation. They have stabilized many delta distributary channels and reduced their number, thereby altering the sediment pathways to the coast. Human occupation and infrastructure development continues through the development of delta megacities and their expanding footprint. Without budgeting for the major human contribution to delta sinking, more and more of our world’s wetlands will be drowned, while the threats to human activities within deltas will continue to grow.88

We have devoted considerable space to the controversy surrounding the Farakka Barrage to provide necessary context, without


The Ganges is one of the three most sediment-laden rivers in the world… The extremely high volume of sediment also makes it difficult and costly to manage using reservoir capture and storage. The volume of sediment is so large that dams could not, and should not, be designed to capture and store it. The reservoirs behind these large expensive structures would quickly fill with sediment and, thereafter, produce very few benefits and potentially pose a real safety risk…. Any infrastructure developed in the Ganges system would need sophisticated systems for flushing sediment downstream.
which the scale of the difficulties encountered in the current dispute over the Teesta River might be underestimated. Though concerned with only one of the 54 rivers shared by India and Bangladesh, the Teesta dispute is not a minor issue. It is the visible peak of a mountainous problem not only of water-sharing but also of water-management that surfaced years ago over the Farakka Barrage and that now looms larger and embraces more and more shared rivers with each passing year.

Unlike the dispute over the Farakka Barrage, which arose from India’s plan to divert waters of the Ganges southward to aid in combating the silting up of Kolkata port, the dispute over the Teesta River arises from the wholly understandable ambitions of the governments of Bangladesh and West Bengal to address mammoth problems of rural poverty and low agricultural productivity by diverting Teesta waters into large-scale irrigation projects. West Bengal was the first to act. In the late 1980s, it began construction of a major diversion barrage on the Teesta at Gazoldoba, located about 60 km north of the Bangladesh border. Over the decades, that project has been followed by a large number of other irrigation infrastructural projects sprawling across northern and western West Bengal, both to the east and west of the Teesta. Today, India’s Teesta irrigation project is by far the largest irrigation project in the state of West Bengal.

Bangladesh finished the first phase of its own diversion dam/irrigation project on the Teesta in 1998. While smaller in scale than West Bengal’s, Bangladesh’s Teesta Barrage Project (TBP), embracing a command area of 111,406 hectares, is the largest irrigation project in the country. Beginning about 20 km south of the border with India, the TBP had an immediate and enormous impact on the lives of the millions of Bangladeshis living within its command area. What was once drought-impacted, sandy, and partly barren land had become capable of producing, according to project managers, two full rice harvests per annum plus another for pulses and vegetables.89 “At harvest time, grain-heavy rice plants make a stunning display in mile after mile of green and fertile fields. Project engineers boast of a tripling of per-acre rice production and of a tenfold decrease in

89 One of the authors of this paper, Wirsing, visited the TBP for four days in May 2005.
the cost to the farmers of TBP-supplied compared with tube well-supplied irrigation water.”

No longer does one encounter such reports. On the contrary, it is now visible to any observer that there is very little water left in the Teesta in the dry season by the time it reaches the Bangladesh border. According to one recent account, whereas the TBP needs at least 4,500 cubic feet of water per second (cusecs) from the Teesta to sustain irrigation, Bangladeshi officials claim that not much more than 500 cusecs is available.

That the Indian side of the border has equally strong reasons for extracting the waters of the Teesta is clear. Were West Bengal an independent country, it would be the thirteenth most populous country in the world, and it would rank among the poorest countries in the world. According to the Multi-Dimensional Poverty Index (MPI) developed by Oxford University in conjunction with the United Nations Development Program (UNDP), West Bengal and seven other Indian states (Bihar, Uttar Pradesh, Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, and Rajasthan) have more poor people than live in the twenty-six poorest African countries combined.

About the Teesta dispute, three things appear incontrovertible: firstly, unless there is a radical change in farming methods, there is not enough water in the Teesta to meet even current requirements of either India or Bangladesh; secondly, in the face of growing population pressures in both countries and the mammoth increase in India’s damming of upstream Teesta and its tributaries to meet the demand

91 Traveling in the northern part of West Bengal in February 2014 during the dry season, one of the authors of this paper, Das, observed that the Teesta had been reduced to scarcely a trickle—a disastrous fate for a once mighty river.
for hydropower, there will certainly not be enough to meet future requirements; and, thirdly, if an agreement in regard to the Teesta is not fairly soon forthcoming, the prospects for moving forward on what is by far the most contentious transboundary problem troubling India-Bangladesh relations—the migration problem, considered next—seem fairly bleak.

**CONTROL OF TRANSBOUNDARY MIGRATION**

The 1947 Partition of India was associated with one of the world’s largest population displacements. However, the idea of a fully territorialized state with a clearly demarcated border separating India and Pakistan took time to establish itself in South Asia. The understanding of territoriality and border in the discourse of the Indian State evolved over several decades. There is reason to believe, in fact, that the Indian State in the immediate aftermath of independence conceptualized the Indian nation in quite expansive civilizational terms, with its highly diverse human communities scattered across South Asia, each of them possessing a right to migrate to India, regardless of where they dwelt. It was with the signature of the Nehru-Liaquat Pact in 1950 that the Indian State was formally committed to protecting Hindu minorities—still considered as integral components of the Indian nation—in their own countries, whether by diplomatic means or by waging war (as happened in 1971, resulting in the birth of Bangladesh), or by both. However, it is only in the wake of the emergence of global terrorism, particularly since the early 1990s, that Indian State discourse became highly securitized and underwent a process of unprecedented territorialization with its concomitant hardening of borders.94 As this new understanding grips the political elite, migrants from across the borders are viewed now as a direct threat to the security of India.

Transboundary migration has been an unquestionably major phenomenon on the India-Bangladesh border. In a 1998 report to New Delhi, Lieutenant General S. K. Sinha, then the governor of

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Assam, quoted an estimate prepared by Indian intelligence agencies observing that there were 5.4 million illegal Bangladeshi migrants settled in West Bengal.\(^95\) While there is no denying that migration from Bangladesh continues today unabated, albeit with varying degrees of intensity, statistical data in this regard is, to say the least, clearly ambiguous. More often than not, figures appear to be much exaggerated. The fear that the border with Bangladesh has already shifted de facto 10 kilometers deep into the territory of West Bengal thanks to unchecked Bangladeshi immigration, though an unfounded fear in many instances, seems to have taken possession of many in India and even led some Hindu West Bengalis to sell off their land and take shelter in interior areas of the state.

The fact is that there is hardly any methodology for tracking migration that is accepted across the board by demographers and politicians. The exact volume and pace of migration thus continue to be uncertain and contested. Cross-border migration may be measured, for example, in terms of what remains in excess of the natural growth of population. While the percentage increase of the population of West Bengal remained consistently higher than the national average from 1961 until 1991, the only exception being the decennial census of 1981 when there was a slight drop of 1 percent, the last two consecutive censuses of 2001 and 2011 show not the expected increase but a remarkable fall of about 4 percentage points compared to the national average (17.77 compared to 21.54 in 2001 and 13.93 compared to 17.64 in 2011).\(^96\) The fall could be attributed to various phenomena, including a rise in women’s literacy; but it could also be a product at least in part of a decrease in cross-border migration.

Another way of measuring migration is to track movement from the place of birth and place of last residence. This works poorly in the present context insofar as the migrants, for fairly obvious reasons, are known for misreporting one or both of those locations. The Indian census merely takes the respondents’ statements at face value.

Yet another way of measuring migration, particularly in the districts of West Bengal bordering Bangladesh, is to count as net


\(^96\) Census of India, 2001, 2011.
immigration the percentage increase of the Muslim population over and above the national average of their natural growth. Unfortunately, the available data hardly enable us to discover any necessary correlation between the excess in the rise of population and the fact of being a bordering district. In fact, some of the interior districts of West Bengal record growth higher than that in the bordering districts. While Birbhum, for instance, is by all means an interior district and recorded a rise in population of 17.88 percent between 1991 and 2001, Cooch Behar, although a bordering district, recorded a much lower rise of 14.15 percent during the same period. Since the inter-district migration data are insufficient at best, one cannot know if migrants from Bangladesh eventually migrate further to the interior districts on reaching the bordering districts.

Immigration in the bordering districts is often calculated as a measure of difference that exists between the rise of the Muslim population and that of the non-Muslim population in the bordering districts of West Bengal. Table 2 shows that the increase in the Muslim share of population has been considerably greater (without, of course, establishing the source of the increase).

**Table 2: Religion-wise Increase of Population in the Bordering Districts of West Bengal (1991-2001)**

<table>
<thead>
<tr>
<th>Districts</th>
<th>Muslims (in %)</th>
<th>Non-Muslims (in %)</th>
</tr>
</thead>
<tbody>
<tr>
<td>24-Parganas (S)</td>
<td>34.2</td>
<td>11.5</td>
</tr>
<tr>
<td>24-Parganas (N)</td>
<td>23</td>
<td>22.6</td>
</tr>
<tr>
<td>Nadia</td>
<td>21.9</td>
<td>18.8</td>
</tr>
<tr>
<td>Murshidabad</td>
<td>28.4</td>
<td>16.4</td>
</tr>
<tr>
<td>Malda</td>
<td>30.7</td>
<td>19.4</td>
</tr>
<tr>
<td>Kolkata</td>
<td>19</td>
<td>0.7</td>
</tr>
<tr>
<td>Dinajpur (Undivided)</td>
<td>31.9</td>
<td>22.7</td>
</tr>
<tr>
<td>Jalpaiguri</td>
<td>31.3</td>
<td>20.4</td>
</tr>
<tr>
<td>Cooch Behar</td>
<td>18.5</td>
<td>12.8</td>
</tr>
<tr>
<td>Average</td>
<td>25.9</td>
<td>15.3</td>
</tr>
</tbody>
</table>

*Source: Compiled from Census of India 2001.*
Census figures of East Pakistan/Bangladesh may throw some light on the possible extent of immigration to India. However, large numbers of the members of the Hindu minority in Bangladesh have also migrated to India over the years, adding to the complexity of the migration problem. It can be seen that over the years there has consistently been a decline in the percentage of Hindus dwelling in East Pakistan/Bangladesh compared to the total population of East Pakistan/Bangladesh. It is plausible that the “missing Hindus” have mainly made a beeline to India. According to the 2001 census, the Hindus’ share in the total population of Bangladesh had come down to 9.2 percent from about 12 percent as per the previous census held in 1991.

Immigration is widely, though not always correctly, understood to create pressure on land, cut into the employment opportunities of the natives, destabilize the demographic ratio, and pose a threat, which is not entirely imagined, to the language and culture of the natives. And when natives understand migration in these terms, the result may be nativist outbursts against migrants. Let us be clear: grounds for natives to resent migration do exist. Complicity with the migrants of a section of the Indian political class, bureaucrats, and the police is a well-established fact. Empirical studies tend to suggest that a good deal of migration is the result of an organized network. The immigrants get in touch with middlemen (popularly known as dalals), who have a network that includes border guards who help the migrants cross the border. Once across, the migrants go into hiding in the bordering villages, where inhabitants accept them in return for payment of rent. After a few weeks, the migrants slip into the crowd at an opportune moment, settling in places where earlier migrants from their own villages already live in large numbers.

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A recent report prepared by the BSF notes that the mushroom growth of brick kilns along the river Ichhamati that separates the district of North 24-Parganas in West Bengal from Khulna in Bangladesh offers refuge to the new migrants from Bangladesh, who work there for some time before they disappear without trace, to be succeeded by yet another set of migrants. The middlemen and party bosses help the migrants obtain ration cards and requisite official papers on the Indian side of the border by bribing corrupt officials. The migrants thereby become citizens and voters in India. Thus, practically everyone benefits from migration, including the migrants who cross the border to earn their livelihood, their employers who hire them at subsistence wages, the politicians who thrive on the immigrant vote banks, the villagers of the neighboring areas who serve as middlemen by renting their houses and making money from the migrants, and the security forces who give passage across the border in return for money.

Fencing has not stopped the passage of people. Although Bangladesh was from the start strongly opposed, India has constructed an elaborate fence of barbed wire along nearly 3,406 kilometers (2,116 miles) of its border with Bangladesh. Some reports claim that the fence has brought down significantly the illegal immigration from across the border. However, the terrain is difficult to patrol and much of the border, in part because of the many transboundary rivers, cannot readily be fenced. Barbed wire fence, in any event, does not provide a lasting solution to the problem. Barbed wires are easily cut, and the cuts take time to be detected and repaired.

Preliminary investigations, mainly by journalists and scholars, reveal that there are forces that have a vested interest—fence or no fence—in keeping the problem of immigration alive. In West Bengal, the immigrants constitute important vote banks for political parties; and some accounts suggest that the politicians play a role in getting voter identity cards and Below-Poverty-Line (BPL)

99 Deeptiman Tiwary, “Kilns on Bangla Border also Hubs of Illegal Immigration,” The Times of India (Kolkata), June 3, 2015.
cards issued to them. To cite one instance from 2005, the West Bengal government’s Delimitation Panel suggested creation of new constituencies in seven bordering districts of West Bengal. The Statesman quoted a Home Ministry official commenting on the “sinister implications” of the suggestion in the following terms:

If the proposal goes through, more power will be wielded by foreigners in the bordering districts than by Indian citizens of Kolkata and the interior districts. This shift in power will have huge political and security ramifications.

On the other hand, Bangladesh’s Alice-in-Wonderland policy of denying the presence of any Bangladeshi immigrants in West Bengal or anywhere else in India may not have been inspired by the search for a lebensraum, or haven, where Bangladesh can dump its excess population—an argument that has been made by a section of Bangladeshi intellectuals. We have absolutely no independent way to verify whether the Government of Bangladesh has been deliberately encouraging immigration, whether on its own initiative or at the urging of Pakistan’s ISI or radical Islamist forces. Of course, such accusations have often been made by many columnists and security analysts in India. The BJP-led central government in New Delhi has already expressed its willingness to grant citizenship to the “Hindu refugees,” but continues to look upon Muslim immigrants as “infiltrators” who are pushed into India as part of a larger Islamist conspiracy. The issue, being sensitive, has already become a subject of politicization dividing the political parties and interest groups in the region. However, and whether fair or not, externally motivated or not, India is often likened to a “trash bin” where Bangladesh

can silently dump its allegedly “excess” population. This brand of xenophobia is unquestionably a politically explosive matter.

In several interviews, Indian diplomats who had once served in Dhaka said, on condition of anonymity, that their counterparts from Bangladesh recognize migration as a grave problem only in private, and that it was as late as February 2003 when Bangladesh officially recognized, perhaps for the first time, the problem of illegal migration from its soil to India. At that time, the Bangladesh Foreign Minister, Mohammad Morshed Khan, and his Indian counterpart, Yashwant Sinha, agreed to take the process of cooperation forward to prevent illegal cross-border movement of people. Two years later, the two countries decided that their border guards would jointly patrol certain stretches of the 4,096-kilometer-long border. Initiatives of this sort, while welcome, are unlikely to have a marked impact on the migration problem, about which there continues to be no commonly shared understanding. “The Bangladeshi discourse on migration to India,” as Chandan Nandy remarks, “is likely to be marked by denial, disdain and disinformation.”

It is clearly important, if genuine progress is to be made in regard to the migration problem, for India to persuade Bangladesh to develop a serious stake in resolving the issue.

While any resolution is not possible without making Bangladesh a party to the process, policy debate in West Bengal on this issue oscillates between the twin extremes of reestablishing the sanctity of borders through fencing and more effective patrolling, augmented by far stronger legislation and enhanced policing, and resigning to the fact that the problem is finally irresolvable. This latter alternative recognizes that what is called “the nation”—whether Indian or Bangladeshi—is inexorably rendered marginal by the processes of transnational migration.

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103 Chandan Nandy, “Illegal Immigration from Bangladesh to India: Emerging Conflicts,” *SLIFKA Program in Inter-Communal Existence* (Brandeis University, November 30, 2005), 147.
105 Samaddar’s is perhaps the first ever account on the “marginality” of the nation on the Indian side in this context. See, Ranabir Samaddar, *Marginal Nation: Transborder Migration from Bangladesh* (New Delhi: Sage, 1999).
out how the obsessive concern with national borders takes a toll on the democratic rights of the people living on the borders:

In the Bengal borderlands, despite the ratcheting up of security practices, the frailty of the idea of a coterminous nation, state, territory is exposed on a daily basis as people transgress the border and create alternative networks of connection that do not fit neatly into the border regime of the sovereign state. The act of transgression is perceived as a factual danger to the existence of the state which must be contained immediately. As a result, the borderland residents of Bangladesh are harassed, abducted and killed in a way that is quotidian and unremarkable. Their lives are given little value by the authorities and are dealt with accordingly. In that zone, the category of political citizen is shed and the potential to be reduced to bare life is ever present.\(^{106}\)

If the formation of nation-states with their fixed and theoretically impermeable borders represents one reality that cannot be wished away, contemporary ethnographic accounts, on the other hand, tend to point out how nation-states play only a marginal role in the social life of those who live in the border areas. “The state,” as van Schendel observes, “is never the overarching entity” in the border land.\(^{107}\)

It is true that the Indian State is not the only reality in the border land. Still, the Indian State too seeks to come to terms with these other realities by way of devising both institutions and non-institutionalized practices—some of which have already been outlined here. While migration from across the borders seems unstoppable, one way to deal with it practically is to reconcile the reality of the demand for cheap migrant labor with the equally potent reality of the State’s insistence upon well demarcated borders. Thus, a section of commentators envisages a “work permit” regime by which groups of Bangladeshi laborers would be allowed to migrate, work, and earn money in India, but would also at the time of migration be so identified as to ensure that they, unlike the


citizens of India, do not enjoy certain core rights (like the right to vote and be voted to power) and that they return to Bangladesh after a fixed period without absconding into the Indian nation. Such a regime is an intermediate institution, for it stands between the border-enforcing institutions on one hand and the organized and illicit transborder networks of migration on the other. Nevertheless, while these intermediate institutions may be workable in the short run and should be attempted, they fall well short of remedying the transboundary migration problem. This problem is bound to grow in orders of magnitude as the populations of Bangladesh and the Indian states neighboring Bangladesh continue to rise in size in coming decades. Estimates of the expected increases in the populations of India and Bangladesh, as we pointed out at the start of this paper, are breathtaking by any reckoning. Remedies that are equal to these increases are obviously demanded.

CONCLUDING OBSERVATIONS

There is, of course, no quick fix for all of the transboundary problems bedeviling the Bengal region of the Indian subcontinent. Our review of five of these problems has indicated, however, that they vary substantially in the degree of difficulty each would present to any remedial effort.

We have seen that India and Bangladesh have already compiled a fairly impressive record of negotiated boundary accords. The 2011 Land Boundary Agreement was one, and the 2014 settlement of the maritime boundary another. Moreover, the belief is widely held that Delhi and Dhaka are reasonably close to agreement on transboundary transit. That problem, while lacking the symmetry of commitment by both India and Bangladesh visible in respect to the land boundary, shows signs of encouraging movement towards resolution—Dhaka’s willingness to permit transit across Bangladesh of both food grain and electricity is among them. True enough, that eventuality appears to be largely contingent on their success in developing a formula for sharing the waters of the Teesta River.

108 Sanjoy Hazarika, Rites of Passage: Border Crossings, Imagined Homelands, India’s East and Bangladesh (New Delhi: Penguin, 2000), 257-266.
that both sides can live with and that can be a template for application to the many other rivers India and Bangladesh share. The 1996 Ganges Waters Treaty is a reminder that developing such a formula is clearly possible, even likely, viewed in the context of the near success of the water sharing interim accord on the Teesta shot down by Mamata Banerjee in September 2011.

Indian Prime Minister Narendra Modi undoubtedly faces a major political challenge in winning the approval of West Bengal for a water sharing agreement on the Teesta. This was manifest during his maiden visit to Dhaka in early June 2015, a visit which saw the signing of the LBA but which ended without tangible progress on the all-important Teesta issue. Nevertheless, when it comes to the water sharing problem, patience (and perhaps even a measure of optimism) is advised. In sharp contrast with the 2011 fiasco, which witnessed the last-minute pull-out of Mamata Banerjee from Prime Minister Singh’s entourage, the June 2015 visit to Dhaka saw Modi touring Bangladesh together with Banerjee and promising a “fair solution” on the Teesta and Feni rivers.

Realism compels us to admit that some of the problems we addressed—the curbing of transboundary illicit activity, the sharing of transboundary river resources, and the control of transboundary migration—are going to be hard nuts to crack. These are egregiously and persistently troublesome residuals of the 1947 Partition, a blunt instrument of political surgery which in the carving out of separate nations mainly took into account religious identity, but ignored geography and demography. Along with independence, India and East Pakistan/Bangladesh found that they had inherited boundaries which, apart from the massive toll on human lives exacted at the time, were hugely disruptive to traditional avenues of commerce, disregardful of resource endowments, and entirely indifferent to the demographic forces and trends that would soon drive large numbers

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of people to pursue goals irrespective of national boundaries. In short, these countries found themselves up against deeply-rooted structural forces that were far too strong to be waylaid by such things as a mere barbed wire fence and that turned into endlessly tortuous controversies around the construction of dams on the many rivers they shared.

It is not for us here to reevaluate the utility of partition generally as a means of conflict resolution, even less to revisit the controversies surrounding the 1947 Partition in particular. On those subjects there is a voluminous literature.¹¹¹ What clearly does concern us, however, is the capacity of India and Bangladesh to reach agreement on problems that are partition’s consequences and that, if not reasonably soon better managed, are bound to inflict enormous costs on both countries.

All things considered, our judgment is that agreements between India and Bangladesh on all the remaining transboundary problems are urgently needed and should be given high priority by both Delhi and Dhaka. It is also our judgment that these agreements should eschew grand visionary designs and settle instead for prudently issue-specific and cumulative agreements (as would be settlement of the Teesta dispute), and that both sides be held equally responsible for reaching compromise. For the most part, these problems arose in the first place out of the tragedies and vagaries of the region’s history; they are not the byproducts of any particular political personality or ideology.

In sum, the transboundary problems troubling the Bengal region have been shown to vary substantially in the extent of their intractability. Realism dictates that some of them will persist far into the future. Nevertheless, we judge that their present scale and the severity of their consequences are by no means permanent fixtures and will vary enormously with the political will, perseverance, and skill of those charged with determining the political destiny of this hugely important region.
