DECISION CASE

The border that took 41 years: India and Bangladesh's Land Boundary Agreement

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Abstract

In 1974 India and Bangladesh signed a Land Boundary Agreement to settle a border inherited from partition, including 162 enclaves whose roughly 51,000 residents lacked full citizenship rights in either country, by India's own account. Bangladesh ratified it that November; India, needing a constitutional amendment, waited 41 years to follow. The 2011 Protocol rebuilt the deal around residents rather than maps: enclaves exchanged, adverse possessions kept as held so their people were not uprooted, everyone offered citizenship. Parliament passed the 100th Amendment in May 2015, all 331 present in the Lok Sabha voting for; instruments exchanged that June, and at midnight 31 July 2015 the 111 Indian and 51 Bangladeshi enclaves changed flags. Of 38,521 residents of Indian enclaves, 989 chose to move to India; all 14,863 in Bangladeshi enclaves stayed as Indians. The case asks what the delay cost, and what Sri Lanka's own unfinished agreements can conditionally borrow.

Context: a border drawn through people's lives

The India-Bangladesh boundary runs about 4,096.7 km, described by Farooq Sobhan in the Indian Express as the fifth-longest land border in the world. Along the Cooch Behar-Rangpur frontier, partition in 1947 left a cartographic accident: 162 enclaves, known locally as chhitmahal, pockets of one country entirely surrounded by the other. India's Ministry of External Affairs (MEA) records that attempts at a comprehensive settlement date to 1947 itself, with the Nehru-Noon Agreement of 1958 an early effort. A 1959 Supreme Court advisory opinion, arising from the Berubari dispute, held that ceding Indian territory requires a constitutional amendment - a procedural fact that shaped everything after (Library of Congress legal monitor). The Ninth Amendment of 1960 was the first consequence.

Inside the enclaves, administration simply stopped. India's foreign ministry describes residents who "could not enjoy full legal rights as citizens of either country," with electricity, schools and health services deficient (MEA FAQ). Farooq Sobhan put it more bluntly in the Indian Express in May 2015, calling the enclave dwellers effectively stateless for all practical purposes; this case attributes that description to him rather than asserting it. A joint headcount conducted 14-17 July 2011 counted 51,549 people in the enclaves: 37,334 in 111 Indian enclaves inside Bangladesh and 14,215 in 51 Bangladeshi enclaves inside India (MEA FAQ).

The 1974 agreement that should have fixed this was signed on 16 May 1974 by Indira Gandhi and Sheikh Mujibur Rahman, two years after the countries' friendship treaty of 19 March 1972 (PRS Legislative Research; Library of Congress). Bangladesh ratified it on 28 November 1974 through the third amendment to its own constitution, its cabinet secretary Musharraf Husain Bhuiyan recalled

in May 2015. Then Mujibur Rahman was assassinated in 1975 and, in Bhuiyan's account, no effective initiative followed for decades. India implemented the agreement except for three outstanding issues: an un-demarcated boundary of roughly 6.1 km in three sectors (Daikhata-56 in West Bengal, Muhuri River-Belonia in Tripura, Lathitila-Dumabari in Assam), the exchange of enclaves, and land in adverse possession (MEA FAQ). Bangladesh's cabinet secretary cited 6.5 km for the un-demarcated stretch; the discrepancy is noted, and this case uses India's figure with his alongside.

One piece moved early. The Tin Bigha corridor, connecting the Dahagram-Angorpota enclave to the Bangladeshi mainland, was transferred through letters exchanged on 26 March 1992 (MEA booklet annexure); the corridor had been leased to Bangladesh in perpetuity under the 1974 agreement's arrangements (geographer Azmeary Ferdoush, interviewed by Brookings). In September 2011 India announced 24-hour access through the corridor (MEA FAQ).

The decisions

Decision 1 (1974): sign a comprehensive settlement. The LBA covered the whole frontier: demarcation, enclaves, adverse possessions, the corridor. Crucially, Article 3 gave enclave residents the right to stay on as nationals of the state that would receive their territory (MEA FAQ) - the people-first clause sat in the text forty-one years before it was used.

Decision 2 (November 1974): Bangladesh ratifies immediately. Dhaka amended its constitution within months. Both countries needed the same instrument; only one used it. Bangladesh's early ratification became four decades of moral leverage, though leverage that delivered nothing on the ground by itself (desk interpretation).

Decision 3 (India, 1974-2011): implement everything except the hard parts. India treated the agreement as substantially in force without ratifying it, leaving the enclaves and adverse possessions in limbo (MEA FAQ). Work continued at administrative tempo: a joint list of enclaves was agreed in April 1997 between Bangladesh's Directorate General of Land Records and West Bengal's Director of Land Records and Surveys; a joint delegation visited enclaves and adverse possessions in May 2007 (MEA FAQ).

Decision 4 (2011): redesign the deal around residents, not maps. The Protocol signed in Dhaka on 6 September 2011, during Prime Minister Manmohan Singh's visit with Sheikh Hasina, changed the logic of 1974. Enclaves would be exchanged - 111 Indian enclaves of 17,160.63 acres to Bangladesh, 51 Bangladeshi enclaves of 7,110.02 acres to India. But adversely possessed land would not be exchanged at all: the Protocol kept it on an "as is where is" basis, converting de facto control into de jure recognition, an explicit departure from Article 2 of the 1974 text (MEA FAQ). The ministry's reasoning was that people in adverse possessions "are categorically unwilling to be uprooted," with deep sentimental and religious attachments to their land. The joint headcount of July 2011 had already ground-truthed the population before the lines were drawn. India's own booklet concedes the exchange was "notional" in acreage terms - the enclaves sat deep inside the other country's territory with no physical access, so the exchange legalised a situation that already existed de facto.

Decision 5 (2013-2015): force the constitutional instrument through. The Constitution (119th Amendment) Bill was introduced in the Rajya Sabha on 18 December 2013 by external affairs

minister Salman Khurshid and referred to the standing committee on 31 December 2013 (PRS). When it finally moved, the concurrence of the four affected states - Assam, Meghalaya, Tripura and West Bengal - had been secured (MEA booklet). The Rajya Sabha passed it on 6 May 2015 and the Lok Sabha on 7 May 2015, when all 331 members present voted for it; it became the 100th Constitutional Amendment (The Hindu). The Hindu's report records the discord inside the unanimity: AIUDF's Sirajuddin Ajmal, the only MP to oppose the bill in debate, left the House before the vote, and two BJP MPs from Assam, Ram Prasad Sarmah and Rajen Gohain, publicly expressed unhappiness. Presidential assent came on 28 May 2015 and gazette notification on 29 May (Act text via PRS).

Decision 6 (2015): implement on a deadline. Bangladesh's cabinet ratified the Protocol on 25 May 2015, Sheikh Hasina chairing (albd.org). Instruments of ratification were exchanged on 6 June 2015 during Prime Minister Narendra Modi's Dhaka visit (Library of Congress; MEA). A joint survey then asked every enclave resident to choose. At midnight on 31 July 2015 the flags changed. Phased implementation ran to 30 June 2016 (Library of Congress). The 989 residents who had opted to retain Indian nationality moved through the Changrabandha-Burimari immigration post into temporary resettlement camps in Cooch Behar - tin houses, common kitchens, bank account opening, biometric enrolment - the first batch of 62 persons arriving on 19 November 2015, with eight more batches due by the deadline of 30 November 2015 (MEA press release, 20 November 2015).

Decision chain

Date	Event (source)
1947	Partition leaves enclaves (chhitmahal) along the Cooch Behar-Rangpur frontier (MEA booklet)
1958	Nehru-Noon Agreement attempts a boundary settlement (MEA booklet)
1959-60	Supreme Court advisory opinion: cession needs a constitutional amendment; Ninth Amendment follows (Library of Congress)
19 Mar 1972	Indo-Bangladesh Friendship Treaty (Library of Congress)
16 May 1974	Indira Gandhi and Sheikh Mujibur Rahman sign the Land Boundary Agreement (PRS; MEA booklet)
28 Nov 1974	Bangladesh ratifies via the third amendment to its constitution (Cabinet Secretary Bhuiyan, 2015)
1975	Mujibur Rahman assassinated; no effective initiative for decades (Bhuiyan)
26 Mar 1992	Letters exchanged transferring the Tin Bigha corridor (MEA booklet)
Apr 1997	Joint list of enclaves agreed (MEA FAQ)
May 2007	Joint delegation visits enclaves and adverse possessions (MEA FAQ)
14-17 Jul 2011	Joint headcount: 51,549 enclave residents (MEA FAQ)
6 Sep 2011	Protocol to the 1974 LBA signed in Dhaka (MEA)
18 Dec 2013	119th Amendment Bill introduced in the Rajya Sabha (PRS)
6-7 May 2015	Both Houses pass the bill; all 331 present in the Lok Sabha vote for (The Hindu)
25 May 2015	Bangladesh cabinet ratifies the Protocol (albd.org)

28-29 May 2015	Presidential assent; gazette notification; the 100th Constitutional Amendment (Act text)
6 Jun 2015	Instruments of ratification exchanged in Dhaka (Library of Congress; MEA)
31 Jul 2015	111 Indian and 51 Bangladeshi enclaves change sovereignty at midnight (MEA)
19-30 Nov 2015	Resettlement of the 989 movers; first batch 19 November, deadline 30 November (MEA)

Measured outcomes I: what the settlement delivered

- 162 enclaves changed sovereignty at midnight on 31 July 2015 - 111 Indian enclaves (17,160.63 acres) to Bangladesh, 51 Bangladeshi enclaves (7,110.02 acres) to India (MEA press release).

- Every resident received or confirmed a citizenship. Of 38,521 residents of the erstwhile Indian enclaves surveyed in 2015, 989 opted to retain Indian nationality and move to India; all 14,863 residents of the erstwhile Bangladeshi enclaves in India opted for Indian nationality (MEA press release, 20 November 2015).

- The roughly 6.1 km of un-demarcated boundary in three sectors was demarcated, on status quo at Daikhata-56, along the Muhuri River charland at Belonia while retaining traditional cremation grounds on the Indian side, and on a mutually acceptable line at Lathitila-Dumabari (MEA FAQ).

- Adverse possessions were settled as held: India received 2,777.038 acres and transferred 2,267.682 acres, without moving a single family (MEA FAQ).

- Resettlement ran on administration, not ceremony: camps with documentation, bank accounts and biometric enrolment, a first batch of 62 persons on 19 November 2015, and a stated deadline of 30 November 2015 for the remaining eight batches (MEA press release).

- The foreign ministry's stated expectations - a stable boundary, better border management, and stronger ability to deal with smuggling and trans-border crime - are expectations, not yet measurements, and are labelled as such (MEA FAQ).

Measured outcomes II: what it cost, and what it did not settle

- The true price was 41 years. A generation of enclave residents lived without full legal rights, with deficient electricity, schools and health services, and without secure property (MEA FAQ) - the human cost accumulated while the file waited.

- On paper India transferred more than twice the land it received in enclaves (17,160.63 acres against 7,110.02 acres). The ministry defends the asymmetry as "notional," since neither side had physical access to its enclaves; the political discomfort in Assam was real anyway, surfacing even inside the ruling party during the 2015 debate (MEA booklet; The Hindu).

- The 989 who moved entered camps and a deadline-driven relocation in late 2015; the settlement offered them citizenship and documents but still uprooted them (MEA press release).

- The counts do not perfectly agree. The July 2011 joint headcount found 51,549 enclave residents (37,334 plus 14,215); Bangladesh's cabinet secretary briefed 37,386 and 14,090 in May 2015; India's 2015 pre-exchange survey recorded 38,521 and 14,863. This case keeps each figure attached to its date and source rather than merging them.

- The companion file stayed open: commentary at the time named the sharing of Teesta waters among the longstanding unresolved problems, and the water arrangement discussed around the 2011 visit was never concluded (Indian Express, 2015). Closing one file did not close the relationship.

Transfer limits

Sri Lanka is an island; it has no land boundary to demarcate and no enclaves. Its boundary with India is maritime, settled by the 1974 and 1976 agreements, with Katchatheevu on the Sri Lankan side of the International Maritime Boundary Line - settled law that is nonetheless contested and currently sub judice in India's Supreme Court, according to an Indian parliamentary panel report of October 2026. The constitutional machinery differs too: India's need for an amendment to cede territory was the specific bottleneck of this case, and Sri Lanka's treaty practice does not replicate it. The enclave problem itself was a unique artifact of one frontier; nothing in the content of the 1974 agreement transfers. What transfers is process: ratification sequencing, the design of people-first clauses, de facto-to-de jure conversion, and implementation machinery. The structural resemblance worth keeping is asymmetry - Bangladesh negotiating with a far larger neighbour is the closest South Asian analogue to Sri Lanka's own files with India (desk interpretation).

Lessons for Sri Lanka (conditional)

1. **Ratify fast, or watch the file tax the people inside it.** Bangladesh ratified in November 1974 and waited 41 years for its larger partner. Early ratification by the smaller state is leverage, but leverage with a carrying cost paid by residents (desk interpretation). Sri Lanka's Economic and Technology Cooperation Agreement with India has run 12 rounds since 2016 without conclusion; the ETCA file is exactly the kind that ages in public (Observer Voice, October 2026).

2. **Constitutional procedure can be a consensus engine, not only an obstacle.** India's amendment route forced all-party ownership; the bill passed with every member present voting for (The Hindu). Where Sri Lankan agreements stall on domestic suspicion, a procedure that manufactures ownership may close what quiet negotiation cannot (desk interpretation).

3. **Design around residents, not lines.** The 2011 Protocol's departure from the 1974 text - adverse possessions kept as held, citizenship by choice, a headcount before the map - meant only 989 of 38,521 residents chose to move when the flags changed (MEA). Ground-truth the people before the lines (desk interpretation).

4. **Convert de facto into de jure where people cannot be moved.** "As is where is" resolved a dispute the original treaty could not. The principle, not the content, is the export: it applies to any practice - fishing patterns, transit arrangements - that law has failed to catch up with (desk analogy, with the limits above).

5. **Close files sequentially and expect the portfolio to stay open.** The LBA's success left Teesta unresolved; an Indian parliamentary panel in October 2026 was still urging negotiated management of the fishermen issue with Sri Lanka, where 39 Indian fishermen were in custody as of 31 August 2026 (CNBC-TV18, 9 October 2026). No headline agreement ends a bilateral file; it changes which file is open (desk interpretation).

6. **Administration delivers agreements.** Joint working groups, joint surveys, state concurrence, camp logistics and a dated deadline turned paper into flags at a fixed midnight. Any Sri Lankan agreement should negotiate its implementation machinery into the text, not after it (desk interpretation).

Conclusion

The deal signed in 1974 was completed in 2015 by redesign, not by waiting: a 2011 Protocol that put residents first, a unanimous constitutional amendment, and an implementation run to a deadline. Sri Lanka signed its own boundary agreements with India in the same decade and watches India's unfinished files - trade, fisheries, water - with direct interest. Treaties age like debt, not wine: the longer ratification waits, the more interest accumulates on the people inside the file (desk interpretation).

Sources

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1972 friendship treaty; 1975 assassination stalling implementation; 6 June 2015 instruments exchange; phased implementation 31 July 2015 to 30 June 2016. Note: the LOC summary transposes the 51/111 enclave direction; MEA figures are used throughout

- albd.org, "Cabinet Ratifies Land Boundary Agreement Protocol," 25 May 2015: https://www.albd.org/articles/news/27959/Cabinet-Ratifies-Land-Boundary-Agreement-Protocol- - Bangladesh cabinet ratification chaired by Sheikh Hasina; cabinet secretary's figures (37,386 and 14,090; ~6.5 km un-demarcated; 10,050.61 acres net)

- Farooq Sobhan, "41 years in the making," Indian Express, 12 May 2015: https://indianexpress.com/article/opinion/columns/india-bangladesh-land-boundary-agreement-41-years-in-the-making/ - "fifth-longest land border" description; enclave residents described as effectively stateless for practical purposes; Teesta and river-water sharing named among longstanding unresolved problems; expectation framing for bilateral ties

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- Brookings (Sambandh blog), on the enclave exchange: https://www.brookings.edu/articles/sambandh-blog-india-and-bangladesh-exchanging-border-enclaves-re-connecting-with-new-citizens/ - Dahagram-Angorpota and Tin Bigha context; citizenship-choice dynamics in the corridor enclave; Ferdoush's account that the 1974 LBA had India lease the corridor to Bangladesh in perpetuity (interview citing Cons 2016 and Ferdoush 2019)

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