

# **Indo - Bangladesh Border Management: Constraints and Indian Government Initiatives**

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## **Abstract**

India and Bangladesh, two nations share a common colonial past, heritage, values of secularism, democracy, linguistic and cultural ties. The relationship between India and Bangladesh is anchored in history and lies on the principles of Sovereignty, equality, trust, understanding, growth, and vision of peace and stability that goes far beyond a strategic partnership. In this regard the India – Bangladesh Border has been described as the ‘Problem area of tomorrow’. The problems include illegal migration and infiltrations, Drug smuggling & trafficking, and trans-border movement of terrorists & insurgents groups etc, which are serious threat to the security of the country. India shares its longest border with Bangladesh, but this border is not attentively managed. This paper analyses the problems arising along this border and reviews the internal and external dimensions and also response on recommendations of a report by the Group of Ministers on Border Management and the measures undertaken by the government to tackle the Problems. This article also suggests additional measures and implores the Government of India to adopt a pragmatic and people sensitive approach to improve border management.

**Key Words:** *Border management, GoM, Migration, Infiltration, Security.*

India shares the longest international land boundary with Bangladesh in the subcontinent. The India –Bangladesh border is also an artificial one superimposed by British colonial authorities over the existing cultural landscape. The boundary between India and erstwhile East Pakistan was not marked against an actual field survey, but on old District maps. This laid the boundary circuitous, not following natural barriers but meandering through Villages, agricultural lands, and rivers, rendering the border extremely porous with many disputed pockets. A porous boundary causes a multitude of problems, ranging from illegal migration, smuggling, and drug and human trafficking to gun running, the free movement of insurgents and terrorists, criminals besides frequent clashes between the

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Border Security Forces (BSFs) of the two countries. These problems pose serious challenges to peace and security. The need of hour, therefore, is to implement suitable measures to manage the India –Bangladesh Border better.

The border management issue came to the fore in the wake of 1999 Kargil conflict and a report was submitted by the Kargil Review Committee.<sup>1</sup> In response, the Government of India in April 2000 set up a Task force on Border Management under the Chairmanship of MadhavGodbole, as a part of the Group of Ministers (GoM)<sup>2</sup> constituted to review the national security system as a whole and the recommendations of the Kargil review committee in particular. The Task Force’s objective was to ‘Consider the measures for border management and, in particular, to consider the recommendations of the Kargil Review Committee in this regard and formulate specific proposals for the GoM’s consideration.’<sup>3</sup>

In its report, the GoM observed that the country’s borders cannot be effectively managed because of certain inherent problems. First, most of the borders are either disputed or not clearly demarked. Many are artificial boundaries that do not run along a natural barrier, which makes them extremely porous. And this gives rise to multiple problems like illegal migration, cattle smuggling, human & drug trafficking, and trans-border movement of insurgents and terrorists also. In addition, the multiplicity of forces employed to guard the same border, their repeated withdrawal from the borders on other duties, the lack of adequate infrastructures along the border, and so on deter from efficient guarding of the border.

To address these problems, the GoM broadly recommended that concerted efforts be made to settle border disputes and demarcate the limits at the earliest opportunity. It also recommended that a ‘Department of Border Management’ be created under the ministry of Home Affairs, which would focus on border issues. To enforce accountability, the GoM report recommended that one border guarding force should be deployed in each stretch of the border and it should not be distracted from its principal task for other internal duties. The report also recommended development of infrastructure along the border. Against the backdrop of these recommendations, this article focuses on the problems afflicting the India – Bangladesh border, examines the Internal & external dimensions of the Government’s policy and responses to the GoM’s recommendations, and

suggests ways and means for better management of the India – Bangladesh border.

### **Internal and External Dimensions Affecting Border Management**

Several factors hamper the effective management of this long border. These include challenging terrain, unresolved boundary issues, illegal migration of Bangladeshis into India, the presence of insurgent bases in Bangladesh, and the operation of trans-border criminal gangs and networks.

### **The Profile of the Border**

The India –Bangladesh border is 4,096.7km long, covering the states of West Bengal (2216.7 km), Assam(263 km), Meghalaya (443 km), Tripura (856 km), and Mizoram (318 km).<sup>4</sup> The border traverses a range of natural and cultural landscapes, which poses a challenge to its effective management. The terrain along the border is a mix of hilly and jungle tracks, plains, riverside, and low-lying land. This diverse mix of topographical features makes the border extremely porous. The thick vegetation and steep gradient in the hilly and forested tracks along north Bengal, south Assam, Meghalaya, and Tripura hinder the construction of proper roads, fences, and Border Observation Posts(BOPs). Patrolling the border is quite difficult because of the lack of roads and greater inter-BOP distances. Consequently, insurgent groups misuse these stretches along the border to smuggle arms and drugs and also to crossover to Bangladesh.

The riverside border along with multiple river channels, especially in Dhubri sector in Assam, makes surveillance of the entire stretch almost impossible. During dry seasons, these rivers part into tributaries and tracking their courses at night is extremely difficult. They also throw up stretches of char land, which get inundated during floods. Though inhabited, these lands are weather bound, and there is an inadequate presence of security forces. These Char lands provide shelter to illegal migrants from Bangladesh and turn into a hub of criminal activities like smuggling, theft, kidnapping, and trafficking in arms, drugs, and humans. Hallidayganj and Mankachar have become major smuggling centres in this sector. Most of the rivers constantly shift their courses inundating older land and uncovering new land masses. This creates a problem of identification of the boundary along these courses.

The flat and fertile land along the border supports dense human

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settlements right up to the border. There are more than a hundred villages located right along the zero line, with many houses opening into Bangladesh. The ethnic composition of the people is similar on both sides on the border, and it is quite difficult to differentiate between the citizens of India and Bangladesh. Moreover, traditional trans-border ethnic and socio-cultural ties continue even today. This factor has helped migrants from Bangladesh to crossover to India illegally as they find a welcoming population across the border. Therefore, stretches along the borders in south Bengal, Assam, and Tripura have witnessed a large scale influx of illegal migrants. Interestingly, where the ethnic composition of the border population is difficult like in north Bengal and Meghalaya, migration from Bangladesh does not take place, because the indigenous population does not allow the Bangladesh migrants to settle down permanently in their territory.<sup>5</sup>

### **Unresolved Boundary Issues**

Un-demarcated stretches, enclaves or chhit-mohols, and adverse possessions along the India–Bangladesh border have been causing constant friction between border guarding forces of India and Bangladesh. Although a tacit understanding regarding the existence of de facto boundary exists along these adverse possessions and un-demarcated stretches, tensions do flare up occasionally. The incident of April 16, 2001, in which 16th BSF soldiers lost their lives in an ill-fated operation to forcefully evict the Bangladesh rifles (BDR) from Boraibari provides an ample insight into the security risks.<sup>6</sup>

Similarly, the enclaves pose a security risk to the country. Since there is no state presence in the form of administrative set-up or law–enforcing agencies, these enclaves have become hubs for criminal activities. The absence of police forces leads to misuse of these enclaves by anti-social elements and insurgents, who take shelter in them.

Under the Land Boundary Agreement (LBA) of 1974, India is committed to the exchange of enclaves with Bangladesh. The Indian Government is, however, of the view that a joint census should be carried out in the enclaves and adverse possessions to ascertain the number of people residing in them before any such exchange take place. This, according to the Indian Government, is a precautionary measure to ensure that only legitimate people are incorporated in the Indian State.<sup>7</sup> Bangladesh

has not given its consent to the conduct of any such census until now, stating that since the issue of conducting a census in the Indian and Bangladeshi enclaves was not included in the LBA of 1974, the relevant modalities will have to be discussed. However, Bangladesh fails to suggest any forum where such modalities could be discussed.<sup>8</sup>

### **Illegal migration**

One of the major consequences of a porous border is the easy and illegal crossing of the border. The trend of illegal migration from Bangladesh into India has continued since Independence. Political upheavals, religious persecution, demographic pressures, environmental crises, and so on are some of the 'push' factors that have contributed to large scale influx of Bangladesh into India.<sup>9</sup> The 'pull' factors that attracts migrants from Bangladesh to India are availability of land and facilities like employment opportunities, medical care, education, and similar cultural landscapes. While illegal migration from Bangladesh is acknowledged, there are no authoritative estimates of the number of illegal migrants. Estimates vary from 4 or 5 million to 10 or 14 million.<sup>10</sup>

Statistics, however, reveals that the large scale migration of Bangladeshi population has transformed the demographic profile of the border population, leading to social tensions. For instance, in Tripura the indigenous tribal populations have been marginalized by the migrating Bengali-speaking Hindu population fleeing Bangladesh from religious persecution. Similarly, the Assam state over the decades has registered unprecedented population growth due to illegal migration. The immediate fallout of this large scale illegal migration from Bangladesh is the politicization of the issue resulting in a series of agitations against the Bangladeshi settlers and insurgency problems in these states.

The growth of Muslim population along the border districts<sup>11</sup> adjoining Bangladesh is also viewed with alarm. Serious concerns are also raised on mushrooming of madrasas (Islamic schools for imparting religious education) and the rise of radical Islamist Organizations in the border regions. Apprehensions are raised that this Muslim population, given their grievances against the majority population and their madrasa background, would be an easy prey to the mechanizations of Inter-Services Intelligence (ISI) of Pakistan and the Directorate General of Field Intelligence's (DGFI)

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of Bangladesh. This way of viewing Bangladeshi migrants as potential terrorists appears to be a post 9/11 phenomenon.

### **Terrorist & Insurgent Bases in Bangladesh**

If the porosity of the border allows migrants from Bangladesh to infiltrate easily into India, it also allows Indian Insurgents and terrorists to cross over to Bangladesh and neighbouring countries for asylum. For example, after military operations against Indian Insurgent groups by Myanmar in the early 1990s Bangladesh emerged their preferred destination. Presently, the United Liberation Front of Assam (ULFA), the All Tripura Tiger Force (ATTF), the National Front of Tripura (NLFT), and the National Democratic Front of Bodoland (NDFB) along with other insurgent outfits from the Northeast have their bases in the Chitagong, Khagracheri, and Sylhet districts of Bangladesh.<sup>12</sup>

The forested tracks in Meghalaya, Tripura, and Mizoram provide them ideal routes to sneak in and out of the Indian Territory. In this time BSF–BDR meeting, the BSF handed over to the BDR a list of 176 insurgents' camps along with a list of 79 sympathizers given shelter.<sup>13</sup> This exercise seems futile because until recently, Bangladesh remained uncooperative and refused to acknowledge the presence of such bases in its territory.

### **Trans-Border Crime**

The porosity of the border, lack of economic opportunities, poverty and underdevelopment, attitude of the people towards petty crimes, laxity in vigilance, nexus between criminals, and police and border guarding forces all contribute to the escalating trans-border crimes. Smuggling of cattle, arms, and other essential items, human and narcotics trafficking, counterfeit currency, kidnapping, and thefts quite rampant along the India-Bangladesh border.

Bangladesh has become the major conduit for illegal arms and ammunition for insurgents in North-east India. Arms and ammunitions are bought in the Southeast Asian Arms Markets and then shipped to Cox's Bazar in Bangladesh. They are then transported into India through the thick forested tracks of Mizoram, Tripura, and Meghalaya. An accidental seizure of two shiploads of sophisticated arms and ammunitions at Chittagong Port in April 2004, allegedly meant for north-east insurgents, vindicates that the

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border is being repeatedly transgressed for arms smuggling.<sup>14</sup> Similarly, small arms are also smuggled from India into Bangladesh by gun-runners. There is a high demand for Indian made Pistols, pipe guns, revolvers, and rifles, as the practice of these items are comparatively cheaper than other foreign made arms.<sup>15</sup>

Over the years, hundreds of cattle heads have been smuggled into Bangladesh through different points of the border. The quantum of cattle smuggling is so high that in last few years Bangladesh has become the largest exporter of beef in the world and this has also enabled a flourishing leather Industry. Realizing the magnitude of this illegal trade and the income that could accrue therefrom, the Bangladeshi Government has opened customs check posts to get revenue from this trade.<sup>16</sup> Truckloads of cattle are brought all the way from Rajasthan, Punjab, Haryana, Uttar Pradesh, and Bihar, ostensibly for cattle markets which are located close to the Bangladesh border. These cattle are then bought at a cheap price and smuggled into Bangladesh. The riverside borderline is vulnerable to cattle smuggling. Earlier, such smuggling was done along the West Bengal border; now the Assam route is busy.<sup>17</sup>

As the river route helps cattle smuggling, item like sugar, salt, and diesel and carried through the land route. Goods that are smuggled in from Bangladesh are saris, diesel, old garments donated by International Organizations, hilsa fish, mosquito nets, and so on. Those smuggled out of India are sugar, salt, medicine, betel nuts, timber, opium, hashish, phensydil, and so on. Sugar and salt are smuggled because the government has granted license for procurement in excess of the requirement of the border population. The excess quantum is smuggled into Bangladesh where they are scarce.

Illegal migration and smuggling are attributable to the lack of accountability of the security forces and those in other government agencies, responsible for managing the border. This leads to compromising integrity. In most cases it is reported that the smugglers and the migrants bribe the personnel managing the border through touts to cross over into India, with rates fixed for smuggling of goods, cattle and people. The multiplicity of agencies, both central and state governments, such as land customs, narcotics, and state police operating in the border areas with overlapping areas of responsibilities and vague interpretation of

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procedures, also contribute towards aggravating the problem.

### **Legal Constraints in Border Management**

Some of the legal Constraints involved in managing the India- Bangladesh border are:

The jurisdiction of border guarding forces differs from border to border. There is no clear-cut demarcation. It may extend to 5km or 15 km or, as in Meghalaya, the entire State. This creates confusion among the forces.

**Poor Law Enforcement Infrastructure:** In border areas, especially in the north-east, the local administration is virtually non-existent. The local police strength is also grossly inadequate. Often, a single constable may be available at an outpost. Hence, if a crime occurs, it takes long to activate the law enforcement machinery. With no budgetary provision to feed the arrested Bangladeshis, the police and the BSF end up trying to pass the buck to each network, absence of vehicles with the police, inadequate staff, ambiguous laws, and poor road network are other constraints.

In the north-east, criminals make use of women and children as carriers in smuggling, as lookouts, etc. Since no women police is available on the border no woman or child can be detained. The inquiries that follow allegations of mistreatment of women are a source of immense stress to the security force.

**Non-availability of witness:** It is very difficult to get any local to testify in court against any criminal, as a strong bond exists among the people in the border areas. Many of them are also involved in one illegal activity or another. The criminals make full use of the porosity of the border. They are known to cross over after committing a crime and shelter among sympathizers and relatives till the pressure of the law eases on them.

**Legal Loopholes:** The criminals fully exploit the legal loopholes. For example, in case of a claimed seizure the BSF is required to produce before the customs the person from whom the contraband has been recovered, if the seizure is to be termed as claimed. The customs officials confiscate the goods and release the criminal, as the offence does not warrant his detention under the Customs Act. If the man is handed over to the police, the seizure becomes unclaimed. Similarly, in illegal border crossing, the



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intruder is apprehended by the BSF and handed over to the police. The police release him, at times the same or the next day and push him back across the border.<sup>18</sup>

**Illegal Migrants Determination by Tribunal Act (IMDT ACT):** In Assam, where the IMDT Act exclusively applies, major political parties have different views over its efficacy. As opposed to the Foreigners Act, under which law enforcement agencies can declare a person as foreigners (This Act gives judicial powers to police in the matters of detection and deportation of alleged foreigners), the IMDT Act affords such a person an opportunity to defend himself, thereby placing on the police the onus to prove him wrong. It may be recalled that in November 1998 LT. Gen (retd.) S.K. Sinha, the then Governor of Assam, Recommended repeal of the Act in a letter written to the President of India and asked for its replacement with new legislation that could detect illegal migrants in ‘just, fair and expeditious manner.’<sup>19</sup>

**Border Guidelines:** Consequent to the Border Agreement of 1974, the Joint Indo-Bangladesh Guidelines 1975 for border authorities were framed. Their aim was to ensure co-operation between the border guarding forces over trans-border crimes and exchange of information and intelligence at appropriate levels. These guidelines, among other issues, also provide that neither side should have any permanent or temporary border security forces within 150 yards on either side of the international border, and defensive works of any nature, including trenches, in the stretch of 150 yards on each side of the boundary. Under this provision, Bangladesh objects to the construction of fences within 150 yards from the international border on the ground that fencing violates the guidelines. It even objects to construction of roads within this distance on the same ground.

### **Government Initiatives**

The GoM report observes that the intensification of activities across the border by groups inimical to India’s interest has transformed the whole approach to border management. It argues that ‘borders should be secure and sub-serve the national interest’.<sup>20</sup> Accordingly, it recommends as important measures strengthening of vigilance and border guarding forces along the borders. Erecting fences, issuing identity cards to Indian citizens, developing border areas, and co-operating with Bangladesh are some of the other measures drawn to step up security along the India-Bangladesh

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Border. To deal with the issues and problems of both the land and coastal borders of the country, the Government of India has set up a Department of Border Management, under the Ministry of Home affairs, following the GoM recommendations. The department has been adopting measures for managing the borders better in co-operation with other ministries concerned. In the following section, a review of the measures undertaken by the government to address the problems afflicting the India-Bangladesh border is attempted.

### **Strengthening Border Guarding Forces**

To strengthen the border guarding forces and to infuse efficiency and accountability, a major recommendation of the GoM Report was 'one border one force'.<sup>21</sup> Consequently, the responsibility of guarding the India-Bangladesh border has been entrusted to the BSF. The deployment of forces along the Bangladesh border has also been substantially augmented. Presently, 66 battalions of BSF are deployed in the region. This has facilitated additional BOPs for better surveillance. Initially, the inter BOP distance was approximately 9km, but now this has been reduced to an average of 4-4.5km.<sup>22</sup> The GoM report had recommended that inter BOP distance should be between 2.5 and 3.5km. With additional deployment of troops, it is expected that the inter-BOP distances would fulfil the standard distance recommended by the GoM report in the next few years. However, a blanket application of this norm may not be effective in a hostile or insurgency-infested terrain. Such belts require a greater concentration of BSF personnel. It is also suggested that sensitive BOPs should have the strength of a company, rather than a platoon.

Although the BSF vigil along the border has been increased with additional deployment of troops, there is still a lack of work force. Despite the recommendation of the GoM Report that border guarding forces should not be involved in internal security duties, units are pulled out from the borders to perform election duties. Most of these units do not operate in full strength, as half of personnel go for training or goon leave. The rest take up additional duties. Longer working hours, interrupted sleep, and hostile living condition cause severe strain on the BSF personnel. Considering these problems, the GoM had recommended a reserve battalion to provide rest, relief, collective training, and annual changeover;<sup>23</sup> accordingly, three reserve battalions are being raised for the East Wing, which will be

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deployed at Bhubaneswar, Tamil Nadu, and Bihar. The Battalion deployed in Bhubaneswar, however, is exclusively for internal security duties.

Additional deployment of personnel may enhance the strength of the BSF, but it may not account for its efficiency. For better efficiency, innovative and specialized training should be imparted to the personnel so as to equip them to handle any situation. Allowing spells of rest and ensuring better living conditions are of utmost importance to keep the personnel agile. Corruption and lack of accountability in the BSF have tarnished its name and morale. The norm to prevent corruption should carry incentives for best performance and severe punishment for malpractice. One of the main problems for the BSF is that of comprehending the language and culture of the local people. This handicap leads to the BSF's misinterpretation of the local people's intentions, resulting in tension. To help the BSF tide over the situation, more local people should be inducted in the BSF or they should be entrusted with the responsibility of helping the BSF.

### **Fencing**

As a concept fencing may be a sound investment in border management but fencing by itself is not a barrier. It can be effective only if it is vigorously patrolled and kept under surveillance round the clock. The success of fencing the border to prevent infiltration and smuggling along the India-Pakistan border inspired the Government of India to raise similar fences along the India-Bangladesh border also. The GoM Report also recommends that the entire length of the land border with Bangladesh should be fenced as a measure to secure the border against illegal migration and smuggling. The project includes laying 3,286.87km of fences, along with building roads and bridges, and installing floodlights. The project was undertaken in two phases – phase I (1987-1999) and phase II (2000-present). Presently, a total of 2455.80 km of fencing, nearly 60 percent of the border has been covered.<sup>24</sup> For the first time, a 9.3km fence has also been raised between Mantri Char and Kalaibari Char. On completion, 80 percent of the India-Bangladesh border will have been fenced.

It should be noted that fencing is not a smooth process and the respective agencies had to face many difficulties in carrying out the task. Acquisition of land is a long-drawn process. Local administrative bodies and other agencies are less co-operative and there is an inordinate delay.

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Curiously, in many instances, the respective state governments and vested political interests have also tried to stall the fencing process, since the Bangladeshi migrants are perceived as vote banks.<sup>25</sup> As fences are erected 150 yards inside the Indian territory, many villages and agricultural lands fall behind the fences. In these areas, the local people have been vehemently protesting against the construction of fence as they fear that over the years they might have to forfeit their agricultural land falling beyond these fences. In Meghalaya, fencing work has been stalled because villagers are demanding that the fence be erected near zero line. They have even formed a Co-ordination Committee on Border Fencing (CCBF) to conduct a survey of the border and submit a Report to the Government.<sup>26</sup> In most cases, even though local residents, living beyond the fence, are worried about their safety, they are not prepared to shift to a new place. Where people were forced to vacate, rehabilitation of displaced persons has not been done properly.<sup>27</sup>

Construction of fences has also drawn adverse attention across the border. The BDR had raised serious objections to fencing within 150 yards of the border. In its view, the fence is a 'military wire obstacle'<sup>28</sup> and hence a violation of the jointly agreed 1975 Border guidelines.<sup>29</sup> India, however, maintains that the boundary fence is not a defensive structure but an instrument of border management meant to control illegal cross-border movements, smuggling, infiltration, and so on. In most parts, the fence is laid at or beyond 150 yards from the zero line.<sup>30</sup> It is only in a few places that the fence falls within 150 yards from the zero line. In addition, India also faces stiff resistance from Bangladesh at 265 disputed spots, where security forces of both countries differ on the location of the boundary.

In places fenced, the BSF faces different kinds of problems. Where agricultural land lay beyond the fence, gates are provided to help farmers do their routine work including grazing their animals. The BSF personnel managing the gates maintain that it is difficult to keep a check on the movement of people; they suggest that the individuals should be issued photo identity cards. In many areas along the Bengal border, mango orchards and plantation dotting the landscape obstruct a clear view of the areas beyond the fence. They provide potential hideouts for infiltrators and smugglers.<sup>31</sup> The BSF and the various construction agencies would not have faced these difficulties, had the central and state governments strictly

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adhered by the GoM Report, which bans human habitation and cultivation in the area between the border and the fence, to keep it sanitized.

Cultivation beyond the fence proves that the state governments concerned lack the political will to relocate the farming families away from the border. Further culverts and bridges are not fully fenced. The gaps are misused by infiltrators who sneak into the Indian territory.<sup>32</sup> The GoM Report had recommended that these gaps be secured. But in most places has been washed away or damaged by floods. Floodlighting of the fenced areas would help keep effective vigil. Without floodlighting, it becomes difficult to locate damages to the fence or nocturnal infiltration.

According to the Home Ministries **Annual NI** Report, the Government accepted the GoM's recommendation and a pilot project for floodlighting along a stretch of 277 km in north Bengal has been completed.<sup>33</sup> The reasons cited for the poor pace of floodlighting of the border fences are real lack of resources, non-availability of electricity in the border areas, exorbitant running cost of standby generators, and lack of dedicated electricity lines.

It is imperative that floodlights should be installed expeditiously along the fenced border. These apart, proper roads are essential for effective patrolling along the border. Along with fencing, motorable roads, to provide easy and speedy movement all along the border, are also being laid. Under phase I, 28866.39 km border roads have been paved and an additional 797 km has been sanctioned under phase II.<sup>34</sup> Patrolling on these roads and along the border has further improved with the BSF's recent acquisition of global positioning system (GPS) gadgets, night vision binoculars, and handheld thermal image intensifiers. Whilst the night vision gadgets help track infiltrators, the GPS instruments help BSF personnel navigate along the winding riverside border.<sup>35</sup>

The fence along the India-Pakistan border proved effective under circumstances different from those on the India-Bangladesh border. Here Problems arise from forest tracts, hilly terrains, riverbeds, heavy rainfall, thick vegetation, loose soil, dense human settlement, besides cultivation right up to zero line. And faulty designs, sub-standard material cause the decay of the fences. The infiltrators and smugglers cut the fences effortlessly. The fence also causes hardships to local people whose

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movement in their own land is restricted. Despite these odds, it is true that fencing has deterred many potential smugglers and infiltrators from illegally crossing over to India to a great extent.

However, it appears that the entire discourse of securing India's border against infiltrators have been stretched too far. It is a well-known fact that almost all illegal migrants who enter the Indian territory are economic migrants. Pushed out of their countries due to dire poverty and lack of basic amenities, poor people have no option but to look out for venues outside. As opportunities are available in India for employment, they take risks to crossover. These migrants take up menial and lowly paid jobs, generally shunned by the local people. Thus, they also contribute to the economy of the respective states. It is also observed that the majority of the illegal migrants into West Bengal come to avail themselves of better medical facilities provided by the state. In other words, these illegal migrants are genuinely poor. They do not have any ulterior motives. Therefore, policymakers in India should approach the issue of illegal migration on humanitarian grounds. These illegal migrants could be issued work permits, enabling them to earn honourably and return later. This will help the government track their number, the nature of their work, and the extent of their spread in India. In fact, closure of migration routes forces them to look for newer routes and subjects them to exploitation by gangs engaged in human trafficking.

### **Multi-purpose National Identity Card**

Another step to prevent illegal migration and detention of those already staying in India is to prepare a national register and issue multi-purpose national identity cards (MNICs). While giving the mandate for this project the GoM Report had observed: 'Illegal migration has assumed serious proportions. There should be compulsory registration of citizens and non-citizens living in India. This will facilitate preparation of a national register of citizens. All citizens should be given an MNIC and non-citizens should be issued identity cards of a different colour and design. This should be introduced initially in the border districts or may be in a 20 km border belt and extended to the hinterland progressively. The central government should meet the full cost of the identity card scheme.'<sup>36</sup>

The union government launched a pilot project for the issuance of MNIC in 20 selected sub-districts of 12 states and a union territory

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covering population of 31 lakhs in November 2003. Along the India-Bangladesh border, three border sub-districts, one each in Assam, West Bengal, and Tripura, are covered under the project. It was envisaged that the project would be completed within one year. However, due to many difficulties encountered at almost each and every step (like baseline survey, verification of citizenship status and updating the database), the implementation of the project took longer time than expected.<sup>37</sup> It was expected that the production and distribution of cards would be completed by June 2007.<sup>38</sup> The Project, however, could not be implemented in Assam as the verification of citizens is not yet complete. The major hurdle in detection of illegal migrants in Assam was enforcement of the IMDT Act. The GoM had recommended that this Act did not serve its purpose, it should be repealed and action against illegal foreigners should be taken under the Foreigner's Act. On December 5, 2006, the Supreme Court of India repealed the IMDT Act. Following the annulment, the union government tried to enforce the Foreigner's Act (Tribunal for Assam) in February 2006, through legislation. However, this was struck down by the Supreme Court in December 2006.<sup>39</sup>

### **Prevention of Infiltration of Foreigners scheme**

The GoM Report recommended that a revised Prevention of Infiltration of Foreigners (PIF) scheme be launched to detect and deport illegal migrants. Such a scheme, funded by the union government, is operational in Assam. Thereby, the Assam border police are vested with the responsibility of detecting illegal migrants and maintaining a second line behind the BSF patrols along the border. For this purpose, it has a huge infrastructure consisting of 159 watch posts, 15 patrol posts, 344 investigation centres, and 6 passport check posts. However, even this machinery is inefficient as powerful politicians prevent police personnel from discharging their duties. Politicians who have an eye on the vote banks create an anti-police sentiment among the public. Fearing reprimands from higher-ups, border police personnel do not even question people with dubious backgrounds. For the most part, they sit idle or do innocuous jobs to pass time. Therefore, track record of the border police in detecting and deporting illegal migrants under the PIF scheme has been pathetic. The failure of this scheme demonstrates how vested interests and lack of political will can render ineffective even well thought out measures.

### **Border Area Development Programme**

Border areas remain inaccessible and underdeveloped due to difficult terrain and lack of facilities like proper roads, educational institutions, and hospitals. Being remote, the local governance seems to be greatly ineffectual. As pointed out earlier, these areas are quite vulnerable to illegal migration, trafficking of drugs and arms, smuggling, and so on. Keeping in mind these problems, the union government initiated the border area development programme (BADP) in 1987 to ‘promote a sense of security’<sup>40</sup> among the border people by implementing welfare and developmental schemes. The programme was revamped in 1993-1994 and extended to states having an international border with Bangladesh. The nature of the programme was changed from a schematic one with emphasis on education to a state-level programme with emphasis on balanced development of border areas.

Policymakers have increasingly felt the necessity for comprehensive development of these sensitive areas. For instance, the ex-Prime Minister Manmohan Singh had the desire to evolve a plan for comprehensive development of the border areas in the next three to five years,<sup>41</sup> while the 109th standing Committee on Home Affairs recommended that a holistic approach be applied while implementing development schemes in the border areas.<sup>42</sup> The GoM Report also recommended that a perspective plan for integrated infrastructure development of border areas should be prepared with a 10 year time span.<sup>43</sup> As a follow-up to this, a task force under the Chairmanship of a Member, Planning commission, and representatives of the ministries like Defence, Home affairs, Finance, Power, Road, Transport, and Highways has been formed. The union Government has also increased the yearly allocation of funds from Rs 320 core in 2005-2006 to 520 crores for the year 2007. The Department of Border management under the Ministry of Home Affairs monitors the implementation of the BADP along with the respective state governments.

The BADP is an important and effective measure in not only ameliorating the economic condition of the border population but also in weaning them away from illegal activities. However, the intended goal is far from being achieved because of corruption and faulty schemes. The local people, for whose benefit the entire programme is envisioned, are at best kept ignorant about various schemes as decisions are taken at higher



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levels. The absence of local participation in any decision making process has robbed the programme from devising schemes which are beneficial to the people residing in these areas. It also encouraged opaqueness in financial dealings as funds meant for development of the border areas are either siphoned off by corrupt bureaucrats and politicians or utilized in schemes outside the border areas. In most instances, development funds lie unused due to lack of any plans. Developmental programmes can be successful only with greater participation of the local people along the border and total transparency in utilization of funds.

### **Bilateral Institutional Mechanism**

India and Bangladesh have established Institutionalized interaction to discuss border management issue through the meetings of home secretaries, the joint Working Group (JWG) and director general level talks between the BSF and the BDR. However, the India Bangladesh JWGs I and II established in June 2001 were not successful in pursuing their objective to resolve expeditiously the issue of boundary demarcation and oversee the exchange of enclaves and adverse possessions. The JWGs have held three meetings but were not successful in arriving at a consensus either on the alignment of the boundary or on the exchange of enclaves and adverse possessions. These meetings usually ended with a statement that in the future they would continue the deliberation and the status quo would be maintained until an agreement regarding the alignment of the boundary was reached.

On the contrary, the recent meetings between the different officials of the BSF and the BDR seem to have been quite successful. The Indian delegation elicited a suitable response from Bangladesh, especially on the existence of insurgent bases in its territory. Reportedly, for the first time during the BDR - BSF co-ordination committee meeting on April 23 -25, 2007, the BDR acknowledged the existence of Indian insurgents' camps inside Bangladesh and assured their Indian counterparts that effective action would be taken against them.<sup>44</sup> The BDR, however, maintains that action against these insurgents would be technically difficult, as they have been residing in Bangladesh for so long and have even acquired Bangladesh citizenship.

The attitudinal change of Bangladesh Government could be attributed to the change of the rule in Dhaka. It is also believed that the United States,

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which is training the BDR in counter-insurgency operations in the Chittagong Hill Tracts, has been pressuring the Bangladesh Government to act against the Indian insurgents camped in its soil. The GoM in its report has recommended joint patrolling and establishment of joint check post as part of confidence building measures and effective guarding of the border. At present, joint patrolling by the BSF and the BDR personnel is conducted every alternate week on an average of two patrols per week.

**Exchange of Enclaves (LBA,2015)**

Exchange of Enclaves, redrawing of the international boundary and to maintain status quo of adverse possessions, India required a constitutional amendment according to Article 368 of its Constitution. Although Bangladesh duly ratified the said agreement, yet India then failed to pass the necessary constitutional amendment in its Parliament to ratify the said agreement. In September, 2011, Government of India and Bangladesh announced by virtue of Manmohan-Hasina Land Boundary Agreement, an intention to resolve the issue by means of swapping 162 enclaves, allowing choices of selection of their nationality to the enclaves' residents. In India, One Hundred and Nineteenth Constitution Amendment Bill, 2013 put forward to give effect to this proposed land exchange. But India again failed to pass the necessary Constitutional amendment in its Parliament to approve the said agreement.<sup>45</sup>

After several postponements and delay in settlement of the appalling destiny of the people of these enclaves, their wretched destiny of almost seven decades came to an end when India ratified the Land Boundary Agreement with Bangladesh by its 119th Constitutional Amendment in May 2015 in both the Houses of its Parliament. Immediately thereafter, 111 Indian enclaves in Bangladesh ( covering an area of 17,160.63 acres) and 51 exchangeable Bangladeshi enclaves in India ( covering an area of 7,110.02 acres) along with 35 Indian Lands under Adverse possession of Bangladesh (covering an area of 2267.682 acres) and 42 Bangladeshi Lands under Adverse possession of India (covering an area of 2, 777.038 acres)<sup>46</sup> had been exchanged between the two countries by virtue of the historic Land Boundary Agreement (LBA) accord between the Govt. of Republic of India and the Govt. of Peoples Republic of Bangladesh on the 6<sup>th</sup> June, 2015 with only one exception: Dohogram – Angrapota, the twin Bangladeshi enclaves situated in Mekhlignunj Block under Coochbehar

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District of West Bengal, India, covering a total area of 18.68sq kms with a combined population of around 20,000 have not been exchanged and it still remains as an integrated part of Bangladesh as per resolution adopted through LBA, 1974, although it is completely surrounded by Indian territory.<sup>47</sup>

As per LBA, 2015, 111 Indian enclaves in Bangladesh and 35 Indian Lands under Adverse possession of Bangladesh henceforth be treated as own lands of Bangladesh; whereas 51 exchangeable Bangladeshi enclaves in India and 42 Bangladeshi Lands under Adverse possession of India henceforth be considered as own lands of India. Accordingly, 51 Bangladeshi enclaves in India and 111 Indian enclaves in Bangladesh were theoretically transferred to the other country with effect from the midnight of 31 July 2015. Such exchange of lands is basically a switch from a de-facto situation to a de-jure one, since these enclaves and adverse possessions were already occupied by the respective country. By virtue of LBA, 2015 protocol, people residing in these enclaves were free to choose their nationality as per their own will. If they decided to stay in their birth soil by altering their citizenship (e.g. if a person of Indian enclaves residing within Bangladesh territory opted to stay in Bangladesh as a Bangladeshi citizen), they would get benefits of citizenship of the concerned state where they opted to live. On the other hand, if they wished to migrate themselves into their mother state (e.g. if a person of Indian enclaves residing within Bangladesh territory opted to migrate to Indian mainland), they would also get all benefits of citizenship of the mother state in the concerned mainland. The concerned mother state would offer adequate rehabilitation packages to such people in their mainland.<sup>48</sup> It had been highly expected from all the corners that “this long overdue exchange would endeavour to harmonize India’s land boundaries and, more importantly, would improve the lives of all those residents of the enclave who, by an unfortunate twist of fate, had been living without any national identity and without enjoying or even knowing the quality of life enjoyed by their neighbours living just around these enclaves.”<sup>49</sup> In the meantime, almost five years have already been passed after execution of LBA, 2015. This LBA, 2015 has an important impact for border management between India and Bangladesh.

Lastly, I would say that fragmented territories within the two countries created an inhuman situation for the survival of the people of the enclaves

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and they were nastily victimized by the historical and political situation. Sustaining their existence in such situation of statelessness without any Governmental support and basic amenities for their livelihoods during the past 67 years after India's independence and partition became a cruel mockery. A porous political border ultimately snatched many golden moments from their lives making them just 'nowhere people' under the sky. LBA, 2015 was accorded between the two concerned nations for settlement of this long overdue acute problem and finally enclaves were exchanged between India and Bangladesh.

**Suggestion for Recommendations:**

I make some suggestions for recommendation on the basis of earlier detailed discussion; it is imperative to adopt the following measures to ensure efficient border management.

1. More BSF personnel should be deployed at sensitive BOPs. Manning of sensitive BOPs is now left to the platoons, although there is an adequate space for deployment of companies at BOPs.
2. To motivate and to improve the efficiency, the BSF personnel should be equipped with proper living conditions and be offered incentives too.
3. Severe punishment would deter the BSF personnel from indulging in corrupt practices.
4. Local people should either be inducted increasingly into the BSF or be entrusted the responsibility of helping the BSF guard the border more efficiently.
5. As pointed out by the Godbale Committee, the government of India should endeavour to resolve the issues of enclaves as well as adverse possessions and demarcate the boundary.
6. Alarm systems should be installed to detect breaching fences to prompt the BSF personnel respond with alacrity. The entire fence should be floodlit expeditiously.
7. No human habitation or cultivation should be permitted in the area between the border and the fence.
8. The PIF scheme, operational in Assam, should be made effective with immunity to political interference. The same should be

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extended to other border states too.

9. The Local Administration should introduce a system of issuing identity cards to people who cross the fence everyday to tend their farmlands.
10. State and Central governments should approach issues of illegal migration from the humanitarian angle. Illegal migrants who work in India could be issued work permits to help them earn their livelihood honourably. This along with other measures would help the BSF identify and monitor the movement of people across the border.
11. Trading in essential goods should be legalized to avert smuggling. State governments should be encouraged to open duty free markets near the border.
12. To avoid friction, a warm, symbiotic relationship should be structured between the local population and the BSF personnel.
13. Simultaneously, people along the border should be sensitized to the strategic importance of the area in the context of national security.
14. Greater participation of the people in border management should be ensured to make developmental plans along the border areas successful.
15. To iron out tensions along the border, bilateral institutional mechanisms should be further strengthened, with frequent meetings between the authorities of India and Bangladesh.

### **Conclusion**

The long border with Bangladesh is heavily inhabited by people with a shared history of growth, culture, language, and rich heritage. Most of the border related problems reflect this fact. The management of India-Bangladesh border has been quite a challenge in the geo-political and socio-cultural milieu. Problems like smuggling, drug and human trafficking, illegal movement of people, goods, insurgents, and criminals across the border, and tension between the border-guarding force of the two countries have made this border region insecure and have also contributed to tension in bilateral relations.

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There is practically a lack of political will at the central and state levels as well as inadequate co-ordination between them side by side with vested interests who try to subvert the new measures. At the same time, there are a number of issues that India cannot solve on its own; it has to depend on the co-operation of Bangladesh. However, there are issues at the ground level which can be addressed far more easily in short and medium terms, to better manage the India-Bangladesh border. Recommendations on how to tackle some of these problems have been discussed as above.

A point that needs emphasis is the way the problems on border management are to be approached. While the recommendations of the Group of Ministers are, indeed, comprehensive, they are prone to view every issue through the lens of security. But the fact remains that we can profitably apply the humanitarian principles to deal with some of these problems. For this, the focus should shift to the people that include the security personnel, the local population, as well as the migrants; they are the most important players in effective border management.

Attention needs to be given to the training, living conditions, and physical and mental well-being of the personnel guarding borders, for efficient and alert personnel are needed along the borders. At the same time, it is also essential to secure local support. The local people are hostile towards many of the government's policy measures as they interfere with their livelihood, especially trading. They had engaged in this task for generations, before an 'artificial border' was raised to constrain traditional economic links. Governments, however, view this as illegal economic activity. A good way to resolve this problem is to desire innovative plans to regulate, rather than completely prevent the local populations from practising established livelihood activities. For instance, markets could be opened near the border where people from both sides could trade essential items duty-free. Local people should also be entrusted with greater decision making powers in implementing various developmental plans meant for their area.

To conclude, a new approach to border management is warranted. Emphasis on security forsaking the economics of the movement of goods and people across the border will not be constructive. Instead, innovative

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measures can be devised to better regulate their cross-border activities. This will certainly lead to more pragmatic, people-sensitive, and effective border management.

### Endnotes

- <sup>1</sup> Pushpita Das, 'India – Bangladesh Border Management: A Review of Government's Response in Strategic Analysis', *Institute for Defence Studies and Analysis* 32 (2008): 367-388.
- <sup>2</sup> The GoM was headed by L.K. Advani and it also included the Defence Minister, External Affairs Minister, and Finance Minister. The Group of Ministers submitted its report to the Prime Minister of India on February 21, 2001. Task force for considering measures for improving border management, No. C-182/1/2000-NSCS(CS), May, 2000, URL: <http://mod.nic.in>. Accessed May 7, 2020.
- <sup>3</sup> URL: <http://mod.nic.in>. Accessed May 9, 2020.
- <sup>4</sup> *Annual Report 2006-2007* (New Delhi: Ministry of Home Affairs, Government of India, 2007), p. 36.
- <sup>5</sup> E.N. Rammohan, 'Porous Borders, Perfidious Neighbours-Security Threat from Bangladesh in Insurgent Frontiers: Essay from Troubled Northeast' (New Delhi: India Research Press, 2005), pp. 92-93.
- <sup>6</sup> *Times of India*, April 25, 2001.
- <sup>7</sup> Avtar Singh Bhasin, 'Territorial Demarcation between India and Bangladesh' in *India – Bangladesh Relations, Documents 1972-2002* (New Delhi : Geetika Publishers, 2003), p. 2198.
- <sup>8</sup> Pushpita Das, 'India – Bangladesh Border Management'.
- <sup>9</sup> Lt. General (Retd.) S.K. Sinha, Report on Illegal Migration to Assam (Submitted to President of India), November 8, 1998, p. 5.
- <sup>10</sup> Pushpita Das, 'India – Bangladesh Border Management'.
- <sup>11</sup> *Census Report 2001*, Government of India. New Delhi.
- <sup>12</sup> Pushpita Das, 'India – Bangladesh Border Management'.
- <sup>13</sup> *The Hindu*, New Delhi, May 4, 2007.
- <sup>14</sup> Haroon Habib, 'A Deadly Cargo' in *Frontline* 21.10(2004). URL: [www.hinduonnet.com](http://www.hinduonnet.com). Accessed May 10, 2020.
- <sup>15</sup> Pushpita Das, 'India – Bangladesh Border Management'.
- <sup>16</sup> Bimal Pramanik, 'Cattle smuggling Across the Indo – Bangladesh Border – An Analysis' in *Dialogue* 6.1(2004). URL: [www.asthabharati.org/Dia\\_july04?Bimal.htm](http://www.asthabharati.org/Dia_july04?Bimal.htm). Accessed July 12, 2020.
- <sup>17</sup> Pushpita Das, 'India – Bangladesh Border Management'.

Indo - Bangladesh Border Management:  
Constraints and Indian Government Initiatives

- 18 Jamal N. S., 'The Dilemma of Guarding the India –Bangladesh Border' in  
India and Neighbours, CNF (New Delhi: 2005), p. 145.
- 19 Syed Liaqat Ali, 'IMDT Repeal Bill Likely to face Roadblocks', *Hindustan  
Times*, May 8, 2003.
- 20 'Border Management', Report of the Group of Ministers on National Security,  
(New Delhi: Ministry of Home Affairs, Government of India, 2001), p. 58.
- 21 'Border Management', Report of the Group of Ministers on National Security,  
pp. 61-62.
- 22 Pushpita Das, 'India – Bangladesh Border Management'.
- 23 'Border Management', Report of the Group of Ministers on National Security,  
p. 76.
- 24 URL: <http://mod.nic.in>. p146. Accessed May 9, 2020.
- 25 'Land Acquisition Delaying Border Fencing: CM', *The Assam Tribune*, April  
26, 2007.
- 26 'CCBF Conducts on the Survey of Indo-Bangla Border', *The Assam Tribune*,  
Guwahati, December 22, 2006.
- 27 'Displaced Persons along the Bangla Border to move Patil', *The Assam  
Tribune*, October 10, 2007.
- 28 'BDR Objects to fence range', *The Telegraph*, March 14, 2008.
- 29 Joint India- Bangladesh Border Guidelines of the 1975, Clause (8).
- 30 'Indo – Bangladesh Relations', Ministry of External Affairs, Press  
Information Bureau, August 3, 2005. URL: [http://pib.nic.in/relese/  
rel\\_print\\_page1.asp?Relid+10809](http://pib.nic.in/relese/rel_print_page1.asp?Relid+10809). Accessed July 12, 2020.
- 31 Border area visit in Bongaon, January 26, 2009.
- 32 Pushpita Das, 'India – Bangladesh Border Management'.
- 33 Pushpita Das, 'India – Bangladesh Border Management'.
- 34 URL: <http://mod.nic.in>. p.37. Accessed May 9, 2020.
- 35 URL: <http://mod.nic.in>. p.37. Accessed May 9, 2020.
- 36 URL: <http://mod.nic.in>. p. 85. Accessed May 9, 2020.
- 37 'Border Management', Report of the Group of Ministers on National  
Security, p. 85.
- 38 124th Report of the Standing Committee on Home Affairs, presented to  
Rajyasabha on March 20, 2007. URL: [http://rajyasabha.nic.in/  
book2/reports/home\\_aff/124threport.htm](http://rajyasabha.nic.in/book2/reports/home_aff/124threport.htm). Accessed August 7, 2020.
- 39 'Citizenship Issue Boils in Assam After SC Verdict', *The Assam Tribune*,  
December 6, 2006.
- 40 'Border Area Development Programme.' URL:  
[www.mha.nic.in/BM\\_Div\(E\).pdf](http://www.mha.nic.in/BM_Div(E).pdf). Accessed August 7, 2020.



## TRIVIUM

- <sup>41</sup> URL: <http://mod.nic.in>. p.40. Accessed August 7, 2020.
- <sup>42</sup> 109th Report of Committee on Home affairs, Presented to Rajyasabha on August 23, 2004. URL: [rajyasabha.nic.in/book2/reports/home\\_aff/109threport.htm](http://rajyasabha.nic.in/book2/reports/home_aff/109threport.htm). Accessed August 7, 2020.
- <sup>43</sup> 'Border Management', Report of the Group of Ministers on National Security, p.93.
- <sup>44</sup> 'Bangladesh to Act Tough Against Indian Outfits', *The Assam Tribune*, April 27, 2007.
- <sup>45</sup> Debarshi Bhattacharya, Study on impact of execution of LBA, 2015 on the erstwhile enclaves' people of India and Bangladesh, *International journal of Social Sciences*, USA, 4(2018), p.1172.
- <sup>46</sup> India – Bangladesh Land Boundary Agreement 2015, Ministry of External affairs, New Delhi, Govt. of India.
- <sup>47</sup> D.Bhattacharya, Study on Impact of Exclusion of Exchange of Dohogram – Angrapota Bangladeshi Enclave from the coverage of Land Boundary Agreement, 2015, *International Journal of Research in Economics and Social Sciences* (2018), pp. 74-85.
- <sup>48</sup> D.Bhattacharya, Land Boundary Agreement, 2015 between India and Bangladesh – a Post-implementation Analysis from India's Perspective, *Quest journal of Research in Humanities and Social Science* (2017): 26-33.
- <sup>49</sup> R.Das, 'A long settlement overdue', *The Hindu*, August 13, 2017.