

STATEMENT OF OBJECTS AND REASONS

India and Bangladesh have a common land boundary of approximately 4096.7 kms. The India-East Pakistan land boundary was determined as per the Radcliffe Award of 1947. Disputes arose out of some provisions in the Radcliffe award, which were sought to be resolved through the Bagge Award of 1950. Another effort was made to settle these disputes by the Nehru-Noon Agreement of 1958. However, the issue relating to division of Berubari Union was challenged before the Hon'ble Supreme Court. To comply with the opinion rendered by the Hon'ble Supreme Court of India, the Constitution (Ninth Amendment) Act, 1960 was passed by the Parliament. Due to the continuous litigation and other political developments at that time, the Constitution (Ninth Amendment) Act, 1960 could not be notified in respect of territories in former East Pakistan (presently Bangladesh).

2. On 16th May, 1974, the Agreement between India and Bangladesh concerning the demarcation of the land boundary and related matters was signed between both the countries to find a solution to the complex nature of the border demarcation involved. This Agreement was not ratified as it involved, *inter alia*, transfer of territory which requires a Constitutional Amendment. In this connection, it was also required to identify the precise area on the ground which would be transferred. Subsequently, the issues relating to demarcation of un-demarcated boundary; the territories in adverse possession; and exchange of enclaves were identified and resolved by signing a Protocol on 6th September, 2011, which forms an integral part of the Land Boundary Agreement between India and Bangladesh, 1974. The Protocol was prepared with support and concurrence of the concerned State Governments of Assam, Meghalaya, Tripura and West Bengal.

3. Accordingly, the Constitution (One Hundred and Nineteenth Amendment) Bill, 2013 which proposes to amend the First Schedule of the Constitution, for the purpose of giving effect to the acquiring of territories by India and transfer of territories to Bangladesh through retaining of adverse possession and exchange of enclaves, in pursuance of the aforesaid Agreement of 1974 and its Protocol entered between the Governments of India and Bangladesh.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 26th February, 2013.

SALMAN KHURSHID.