

Standing Committee Report Summary

The Constitution (119th Amendment) Bill, 2013

- The Standing Committee on External Affairs (Chairperson: Dr. Shashi Tharoor) submitted its report on the Constitution (One Hundred and Nineteenth Amendment) Bill, 2013 on December 1, 2014. The Bill was introduced in Rajya Sabha on December 18, 2013. It was referred to the Standing Committee on External Affairs on December 31, 2013.
- The Bill amends the First Schedule of the Constitution to give effect to an agreement entered into between India and Bangladesh in 1974 and its protocol, which allow for acquiring certain territories by India, and transfer of certain territories to Bangladesh. The First Schedule of the Constitution defines the area of each state and union territory which together constitute India. The Bill alters the boundaries of Assam, West Bengal, Meghalaya and Tripura in the First Schedule.
- The agreement between India and Bangladesh, though signed in 1974, has not been ratified. This is because it involves a transfer of territories which requires a constitutional amendment.
- The protocol to the agreement was signed on September 6, 2011 by both countries. The protocol allows for two kinds of transfers: (i) transfer of legal control over adverse possessions to the country which administers them in practice, and (ii) exchange of enclaves between India and Bangladesh. The Committee endorsed carrying out both these transfers.
- An adverse possession is a territory that is contiguous to country A's border and within country A's control, but which legally belongs to country B. Enclaves, on the other hand, are territories belonging to one country that are entirely surrounded by another country.
- The Committee recommended that the Bill be enacted into law. It observed that delays in the enactment of the Bill have contributed to perpetuation of the difficulties (such as, poor access to police services, or education and health services) faced by people living in the enclaves affected by the Bill.
- **Development plans:** The Committee recommended that a blueprint for development (including infrastructure and amenities) should be kept ready for areas acquired by India after consulting the states. This is to ensure that development work can be initiated after the Bill is enacted.
- **Role of state governments:** The Committee recommended that the central government must coordinate with state governments, and resolve any lacunae with regard to implementation of the 1974 agreement between India and Bangladesh.
- **Compensation and rehabilitation:** While the Bill does not address this matter, the Committee recommended that the Indian citizens who return from Indian enclaves in Bangladesh should be provided compensation and rehabilitation by the central government. A suitable monitoring mechanism should be devised, and a status report on their rehabilitation should be presented to the Committee/Parliament within six months of the agreement coming into force.
- **Security concerns:** As a result of transfer of territories, while some Indian citizens could return to India from enclaves in Bangladesh, some Bangladeshi nationals living in enclaves in India could also be given Indian citizenship. Security concerns regarding this influx of population should be examined. Credentials of the Bangladeshi nationals should also be checked before granting Indian citizenship to them.
- **Safeguards for Indian nationals:** The central government should have consultations with the government of Bangladesh regarding Indian nationals staying back in Bangladesh after having acquired Bangladeshi citizenship. This is to ensure adequate safeguards are taken to protect such persons from discrimination.

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