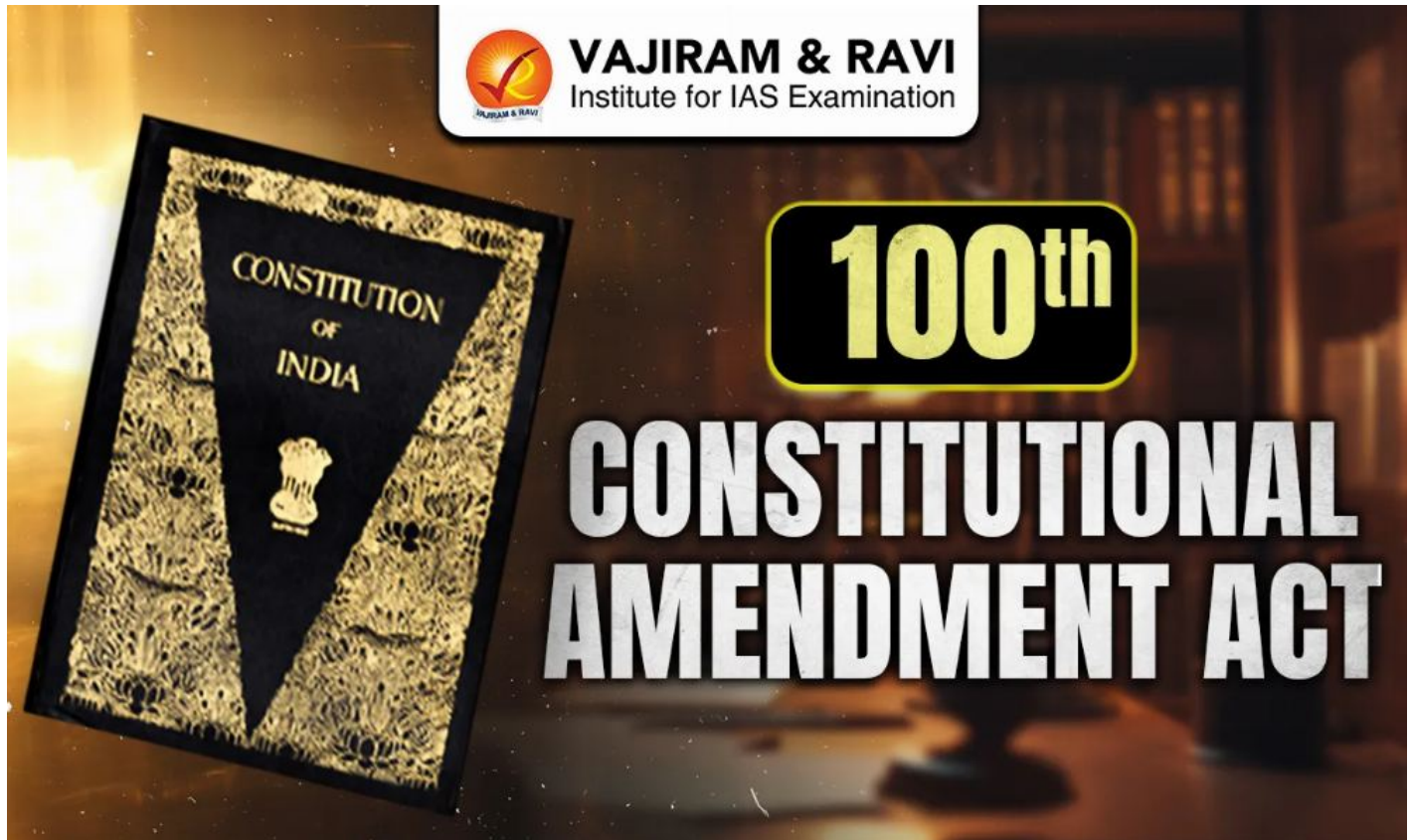


100th Constitutional Amendment Act 2015, Background, Provisions

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The 100th Constitutional Amendment Act, 2015 was passed to implement the **India-Bangladesh Land Boundary Agreement**. This amendment allowed India to exchange certain territories with Bangladesh and to finally settle long-pending border disputes between the two countries.

100th Constitutional Amendment Act Background and Need

When India was partitioned in 1947, the boundary between India and East Pakistan (now Bangladesh) was decided by the **Radcliffe Award**. However, the boundary was not clearly drawn in some areas. As a result, a complex territorial arrangement developed along the border. Certain small pockets of Indian territory were located within Bangladesh, and similarly, some Bangladeshi territories were situated within India. These pockets were known as **enclaves**. Over time, three major problems existed:

- 111 Indian enclaves were located inside Bangladesh.
- 51 Bangladeshi enclaves were located inside India.

- Some areas were under “**adverse possession**”, meaning one country controlled land that legally belonged to the other.
- Around 6.1 km of the border was not clearly marked.

The people living in these enclaves suffered the most. They did not have proper citizenship documents, police protection, schools, hospitals or access to government schemes. It was difficult for either country to provide services because the land was surrounded by another country. Therefore, there was a strong humanitarian and administrative need to solve this issue permanently.

India-Bangladesh Land Boundary Agreement, 1974

To settle the issue, India and Bangladesh signed the Land Boundary Agreement on 16 May 1974. The agreement proposed:

- Exchange of enclaves
- Settlement of areas under adverse possession
- Complete demarcation of the boundary

However, the agreement involved transfer of territory. In the Berubari case (1960), the Supreme Court had clearly stated that transfer of Indian territory requires a Constitutional Amendment under Article 368. Therefore, the 1974 agreement could not be implemented without amending the Constitution.

2011 Protocol

In 2011, both countries signed a Protocol to finalise the exact areas to be exchanged and to settle the remaining boundary disputes. The concerned states – **Assam, West Bengal, Meghalaya and Tripura** agreed to the settlement. This created the necessary political and legal consensus for bringing a constitutional amendment.

100th Constitutional Amendment Act Provisions

The provisions of the 100th Amendment are:

- Gave constitutional approval to the 1974 Agreement and 2011 Protocol.
- Transferred 111 Indian enclaves to Bangladesh.
- Received 51 Bangladeshi enclaves from Bangladesh.
- Settled areas under adverse possession.
- Completed demarcation of the remaining 6.1 km border.
- Amended the **First Schedule of Indian Constitution** to change the territories of Assam, West Bengal, Meghalaya and Tripura.
- Gave residents of enclaves the option to choose their **citizenship**.

Conclusion

The 100th Constitutional Amendment Act, 2015 finally resolved a long-standing border problem that had existed since Partition. It improved the lives of thousands of people living in enclaves and strengthened friendly relations

between India and Bangladesh. It also showed that any transfer of territory must follow proper constitutional procedure.

Source: <https://vajiramandravi.com/current-affairs/100th-constitutional-amendment-act/>

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