

# **AGREEMENT BETWEEN GOVERNMENTS OF INDIA AND PAKISTAN REGARDING PROCEDURES TO END DISPUTES AND INCIDENTS ALONG THE INDO-EAST PAKISTAN BORDER AREAS**

New Delhi, 23 October 1959

1. The Governments of India and Pakistan re-affirm their determination to implement the Nehru-Noon Agreement in full, the legal and other procedures necessary for implementation being devised as expeditiously as possible. It was agreed that all preliminary work short of actual work in the field should be undertaken now by both sides so that demarcation to implement the Nehru-Noon Agreement can be carried out expeditiously as soon as the requisite legal procedures are devised. It was also agreed that India, while framing the legislation, if required, to effect transfer of territorial jurisdiction consequent on demarcation, will make a provision in the said legislation which will give government necessary authority to effect such transfers in connection with boundary disputes that may be settled.

2. Detailed Ground Rules for the guidance of the Border Security forces along the Indo-East Pakistan frontier prepared as a result of the deliberations of the Conference-copy attached. Appendix 1-will be put into force by both sides immediately. The decisions taken at the Conference of Chief Secretaries in August 1959 for constant contact between the border authorities on both sides with a view to maintaining peaceful conditions, which have been further elaborated at the Conference, (Appendix 11) should also be implemented by issue of detailed instructions by the Governments concerned.

It was also agreed that the Chief Secretaries will jointly review the progress of demarcation every quarter.

3. Detailed programmes for demarcation work for the field season should be prepared as usual. Provisions made in the Ground Rules for speeding up demarcation work and for consequential exchange of territorial jurisdiction should be strictly observed. Exchange of all areas already demarcated along the Indo-East Pakistan boundary should take place before 30th June, 1960, subject to the necessary legal and constitutional procedures being worked out.

#### 4. West Bengal-East Pakistan Boundary

Over 1200 miles of this boundary have already been demarcated. As regards the boundary between West Bengal and East Pakistan in the areas of Mahananda, Burung and Karatoa rivers, it was agreed that demarcation will be made in accordance with the latest cadastral survey maps supported by relevant notifications and record-of-rights.

#### 5. Tripura-East Pakistan Boundary

Exploratory discussions revealed that the problem had not been carefully studied as all the material on each side had not been examined and there was divergence of opinion as to whether the Kar-Creed maps or the revenue survey maps should be taken as the basis of demarcation. It was agreed that copies of the relevant records available with both sides should be supplied to each other and facilities given to see the originals and the experts on both sides should, within a period of two months, be ready with their appreciation of the records and indicate:

(i) the difference in the area involved if either the Kar-Creed or revenue survey maps were adopted as the basis of demarcation;

(ii) their respective positions as to how the boundary should run in the upper and lower reaches of the Feni river with necessary evidence in support of their view.

The two Governments or their representatives will, on receipt of this material, discuss the matter further and decide what should be adopted as the basis of demarcation in these various regions of the Tripura-East Pakistan Border.

#### 6. Assam-East Pakistan Boundary

The three pending disputes have been settled along the lines given below in a spirit of accommodation:

(i) The dispute concerning Bagge Award III has been settled by adopting the following rational boundary in the Patharia Forest Reserve region:

From a point marked X (H522558) along the Radcliffe Line BA on the old Patharia Reserve Boundary as shown in the topographical map sheet No. 83D/5, the boundary line shall run in close proximity and

parallel to the cart road to its south to a point A (H5 31554); thence in a southerly direction up the spur and along the ridge to a hill top marked B (H523529); thence in a south-easterly direction along the ridge down the spur across a stream to a hill top marked C (H532523); thence in a southerly direction to a point D (H530517); thence in a south-westerly direction to a flat top E (H523507); thence in a southerly direction to a point F (H524500); thence in a south-easterly direction in a straight line to the midstream point of the Gandhai Nala marked G (H540494); thence in south-westerly direction up the midstream of Gandhai Nala to a point H (H533482); thence in a south-westerly direction up a spur and along the ridge to a point I (H517460); thence in a southerly direction to a point on the ridge marked J (H518455); thence in a south-westerly direction along the ridge to a point height 364 then continues along the same direction along the same ridge to a point marked K (H500428); thence in a south and south-westerly direction along the same ridge to a point marked L (H496420); thence in a south-easterly direction along the same ridge to a point marked M (H499417); thence in a south-westerly direction along the ridge to a point on the bridle path with a height 587; then up the spur to the hill top marked N (H487393); then in a south-easterly and southerly direction along the ridge to the hill top with height 692; thence in a southerly direction down the spur to a point on Buracherra marked O (H484344); thence in a south-westerly direction up the spur along the ridge to the trigonometrical survey station with height 690; thence in a southerly direction along the ridge to a point height 490 (H473292); thence in a straight line due south to a point on the eastern boundary of the Patharia Reserve Forest marked Y (H473263), along the Radcliffe Line BA.

The line described above has been plotted on two copies of topographical map sheets Nos. 83 D/5, 83D/6 and 83D/2.

The technical experts responsible for the ground demarcation will have the authority to make minor adjustments in order to make the boundary alignment agree with the physical features as described.

The losses and gains to either country as a result of these adjustments with respect to the line marked on the map will be balanced by the technical experts.

(11) the dispute concerning Bagge Award IV in the Kushiyara river region has been settled by adopting the thana boundaries of Beani Bazar and Karlmganj as given in Assam Government Notification No. 5133-H dated 28th May, 1940, as the India-East Pakistan boundary in

this region, relevant portion of line BA given in the Radcliffe map being varied accordingly.

(iii) Tokergram. : The East Pakistan-India boundary in this region given by Sir Cyril Radcliffe as the boundary between the districts of Sylhet and Cachar is confirmed. India's territorial jurisdiction in the whole of Tokergram village will be immediately restored.

## 7. Use of Common Rivers

The need for evolving some procedures for the purpose of mutual consultations in regard to utilisation of water resources of common rivers was recognised by both sides.

The Indian Delegation assured that India will raise no objection to the development activities in connection with the Karnafuli dam project in East Pakistan on consideration of submergence of some area in India. It was agreed that immediate steps should be taken for the demarcation of that portion of the boundary where some area might be permanently flooded when the Karnafuli dam in East Pakistan is raised to its full height so that the Governments of Pakistan and India can, in the light of the resulting area flooded, discuss how the claims of the Government of India regarding the loss, if any, caused by the flooding of the Indian territory should be settled.

## 8. Impartial Tribunals

It was agreed that all outstanding boundary disputes on the East Pakistan - India and West Pakistan-India border raised so far by either country should be referred to an impartial tribunal consisting of three members, for settlement and implementation of that settlement by demarcation on the ground and by exchange of territorial jurisdiction, if any. Any dispute which may have been referred to the tribunal can be withdrawn by mutual agreement.

It was also agreed that the decision of the tribunal shall be by majority and final and binding on both the parties.

9. It was agreed that neither country will train its border rivers so as to cut into the territory of the other.

## 10. Press

It was agreed that efforts should be made by both countries to advise their press from time to time to exercise restraint and assist in the maintenance and promotion of friendly relations between India and Pakistan. It was also agreed that false or exaggerated reports in the press, which are likely to worsen Indo-Pakistan relations, should be contradicted by the Governments concerned.

NEW DELHI October 23, 1959.

Sd/- (J.G. KHARAS)

Acting Foreign Secretary, Ministry of Foreign Affairs & Commonwealth Relations, Karachi.

Sd/- (M.J. DESAI)

Commonwealth Secretary, Ministry of External Affairs, New Delhi.

## **APPENDIX I**

"GROUND RULES" formulated by The Military Sub-Committee of The Indian and Pakistan Delegations

As instructed by the leaders of the two delegations the military sub-committee met on the 17th October, 1959. In pursuance of the directive, this joint paper was written by Major General Umrao Khan, S. Pk., G.O.C. 14th Division, East Pakistan, and Lt. General S.P.P. Thorat, D.S.O, G.O.C.-in-Chief, Eastern Command, India. From the Pakistan side Mr. S.M Koreishi, P.F.S., Under Secretary, Ministry of Foreign Affairs and from the Indian side Brigadier Ghasi Ram, Commander, 181 Inf. Bde. also attended the meeting.

For the sake of clarity the paper is divided into two parts - part I deals with the basic requirements which will have direct bearing on the implementation of the "Ground Rules" which are outlined in part II. We earnestly feel that unless the basic requirements are fulfilled, the implementation of the "Ground Rules" will not be as effective as we would like them to be.

The Ground Rules formulated in this paper deal with the Indo-East Pakistan border.

### **PART I**

2. During the general discussions between the two delegations held from the 15th to 19th October, 1959, it was agreed:

(a) That legal provision must be made for effecting the exchange of territories after demarcation has taken place, wherever it becomes necessary.

(b) That the boundary should be demarcated as early as administratively possible. The progress of demarcation should be reviewed every quarter by the Governments of Pakistan and India with reference to the Field programmes settled by the D.L.Rs and necessary action taken to resolve difficulties, if any, and to expedite progress of demarcation work. In case of a dispute, the disputed portion may be left out, the dispute being reported cartographically and in writing to the Chief Secretaries of the Governments concerned who would resolve the dispute or refer to the Central Government concerned and the demarcation should proceed from where the disputed area ends.

(c) That following demarcation, exchange of territories in sizeable stretches 'of the border should by agreement take place without waiting for the entire length of the border to be demarcated.

To implement this it was agreed that the transfer of territorial jurisdiction should take place on an agreed date which shall not be later than the 31st of December of the year in which demarcation has been completed by the 31st of May. The State Government shall make every attempt to speedily transfer the territorial jurisdiction of these areas in respect of which the following processes have been completed:

(i) The mechanical part of the process of demarcation would be deemed to be completed when the final traverse has been done after construction of pillars and the position of the pillars has been jointly checked and proved by the D.L.Rs concerned;

Necessary time should be allowed to the farmers to harvest their crops before the transfer of territorial jurisdiction; and

(iii) Before the transfer of territorial jurisdiction, the authorities on the two sides should collect data on the populated and farm areas and on properties held by individuals. This will enable the Governments concerned to exchange these data and ensure that special responsibility is placed on the local commanders and/or police and other officials to provide full protection to the person and property of the people so that their interests are not prejudiced by the transfer of jurisdiction on the agreed date.

## **PART II**

3. On the Indo-East Pakistan border the security forces of both the countries are located in close proximity of each other.

Owing to a variety of reasons there have been occasional firings across the border. The causes which usually lead to firing are:

(a) Often, border security forces on both sides do not know where the International Boundary lies on the ground. Therefore, when nationals of the other country cross into what they think is their territory, fire is opened to prevent the ingress.

(b) Where the boundary in the riverine area is criss-cross and portions of land on the home side of the river are owned by the other country, fire is opened when these lands are cultivated or attempts are made to dispossess their rightful owners.

(c) When a char land is formed after the floods, whether in the bed of the river or as an accretion of the mainland, attempt is made by nationals of both countries to seize the newly formed char lands. This leads to claims and counter-claims as to which side owns the char lands. Firing is resorted to support claims of the respective sides.

(d) When the river falls on the international boundary, fishing and navigational disputes occur and fire is opened to stop cattle lifting or other raids by local inhabitants on either side.

(e) Occasionally fire is opened because of suspected movement in the vicinity of border security posts-this happens usually at night.

(f) sometimes a build-up of border security forces leads to a race between the two countries and tempers are frayed. A "trigger-happy" person lets off a round and this develops into a shooting match.

4. The problem is how to prevent such firings.

Most of the causes for the firing can be eliminated or at least considerably lessened if the security forces on either side 'keep out' of each other's way. (This does not apply in the case of commanders as stated in para 6 to 8 below).

5. We think that the possibility of fire being opened will be considerably reduced if border security forces on both sides observe the following simple rules

(a) Where the international boundary is not properly demarcated by pillars, a "working boundary" which can be easily identified on the ground should be decided between the commanders of the border security forces of both sides. The working boundary will be decided upon as under:

(i) Assam East Pakistan Border: Between D.G., ERR... and Commander 181 Inf. Bde.

(ii) West Bengal East Pakistan Border: Between D.G., E.P.R., and I.G.P. West Bengal Border.

(iii) Tripura East Pakistan Border: Between D.G., E.P.R., and I.G.P. Tripura.

(b) The working military boundary may or may not coincide with the International boundary and its acceptance by both sides will not commit the two Governments in any manner in respect of their de jure claims. The working military boundary should, if necessary, be marked in some simple manner and the demarcations should be shown jointly and recorded on one inch maps.

(c) After an identifiable boundary line whether real or working has been demarcated, neither side will have any permanent or temporary border security forces or any other armed personnel within 150 yards on either side of this line. Also no permanent posts will be constructed till the final demarcation has been done.

(d) This will not prevent either side from patrolling up to the 'real' or 'working' boundary provided:

(i) Where possible adequate warning is given to the other side;

1) Patrols are small in numbers, i.e. not exceeding a section (1 & 10); Patrols will invariably move with flags;

(iii) Nothing but non-automatic small arms are carried by the patrol;

(e) If defensive works of any nature including trenches exist in the stretch of 300 yards (150 yards on each side of the working boundary) they must be destroyed or filled up.

(f) It will be the duty of the border security forces on either side to prevent armed civilian entering the 300 yards stretch of the border (150 yards on either side of the working boundary).

(g) Border security forces of both sides are charged with the responsibility of preventing smuggling in their respective areas. Therefore it is incumbent upon them to arrest smugglers of any nationality, whether armed or unarmed, and to deal with them under the law of the land.

(h) Wherever the boundary "real " or "working" runs through mid-stream of a river, the facilities to use the main channel will be provided by both sides. The following procedure will be adopted to regulate

traffic and ensure that the nationals of both the countries are not harassed:

(1) Joint check-posts will be established on the bank if possible or in the main channel where it leaves or enters the mid-stream boundary.

(ii) A check will be made and manifests of commodities will be prepared at the Joint Check-post. Manifests signed by Joint Check-posts will be accepted as the permit to use the main channel for navigation purposes only.

(iii) The boats using the main channel in the other country will not be allowed to touch the bank or exchange goods or engage in any other transaction with the nationals of other side.

(i) Border forces on both sides shall on no account participate in any quarrels between nationals of the two countries living on the border. If nationals of one country ingress the working boundary and enter illegally and commit or attempt to commit an offence, the border security forces would be at liberty to take appropriate action in the exercise of the "right of private defence," preferably without resorting to fire. In case fire has been opened the local commander will intimate his action to opposite commander and to his own higher authorities.

In case of inadvertent crossings, after satisfying themselves that the crossing was done inadvertently, the border security forces shall immediately return the persons concerned to the opposite commanders at the officers level. Similarly, the cattle straying across the border will be handed over to the authorities on the other side.

(k) Certain bona fide governmental bodies, e.g. survey parties, forest guards etc. will be operating in the near vicinity of the international borders. Border security forces shall not interfere with their working-in fact they are expected to help. The existence of such parties will be notified to both sides, by the departments concerned.

6. For the practical implementation of the above, the border on both sides shall be divided into Sectors/Sub-sectors. The existence and the Headquarters of these sub-sectors will be intimated to each other and attempt should be made to link the Headquarters of both sides with telephone.

7. The sub-sector commanders should be of the rank of Capt/Major or of equivalent ranks in the police.

8. The duties of the Sector/Sub-sector/Post Commanders in their respective areas of responsibility shall be as under

- (a) They will maintain close liaison with their opposite numbers;
- (b) They will, by frequent visits, make themselves known both to the Border Security Forces of the opposite side and to own local populations.
- (c) They shall receive all complaints regarding territorial disputes referring to title to any land, immovable property lying on the other side of the border, char lands, navigation facilities and difficulty of harvesting. They will immediately hold a joint enquiry not later than 24 hours of the information report.
- (d) They will immediately enforce a status-quo e.g. if a national of one country lays a fresh claim to land and takes any step in furtherance of that claim which is objected to by the other side, then the two commanders will hold a joint enquiry on the spot and restrain the person from enforcing his claim until the matter is settled at the appropriate level;
- (e) The two commanders shall be responsible for referring disputes to the appropriate authorities and for seeing that they are progressed with a view to bringing the disputes to a final settlement.
- (f) Similarly the military Commanders on both sides will keep in close touch with the progress of Survey parties working in their areas. Where in their opinion the progress is not according to the programme or work is stopped on account of difference of opinion or for any other reason, immediate reports by quickest means will be submitted to the G.O.C.-in-C./G.O.C. concerned who will report the matter to their respective Governments with a copy to the Chief Secretary concerned.

9. We suggest that the tension on the borders will be greatly minimised if there is close personal touch between commanders of the two border security forces, particularly military commanders on either side. We recommend that they should meet periodically to discuss matters of mutual interest. Sector Commanders or their senior representatives will normally meet each other at the time of routine DMs/DCs' meetings. The brigade commanders shall also meet as and when the situation demands and whenever they consider it necessary. In any case when it is apprehended that trouble is likely to occur they

must meet. We further recommend that in case the situation is likely to become serious, the G.O.C. 14th Div., East Pakistan and G.O.C.-in-C., Eastern Command or their representatives of sufficiently high rank should meet to discuss the situation and evolve means of eliminating the tension.

10. We attach great importance to such contacts for we feel that they will contribute substantially towards the good relations between the two forces, and help in removing misunderstanding about moves by both sides.

11. If in spite of this, unfortunately firing does start, the other side shall refrain from replying. The local commanders will get in touch with each other by telephone and will meet with a view to implementing the cease-fire forthwith. After every firing incident, it is necessary for both sides to carry out an investigation, fix the responsibility and submit the report for information to their higher authorities.

12. Communications: In order to maintain close liaison between the border forces of the two countries, it is essential that adequate telephone and other communications are provided at various levels.

13. Telephone: G.O.C.-in-C., Eastern Command and G.O.C. 14th Div., East Pakistan, should be able to talk to each other directly without any formality. Similarly, D.G., E.P.R. and Comdr., 181 Inf. Bde., I.G.P. West Bengal and I.G.P., Tripura should be able to talk to each other whenever necessary. Telephones between the two opposing Coy/Wing Headquarters and between important border posts of either side should also be installed, which will be done as early as possible, in any case, not later than January 1960.

14. Communication by Flags: In the absence of telephone conversation/contact whenever any Commander on either side wishes to meet his counterpart, he will wave a flag, of the specifications given below and will proceed to the border unarmed without any escort to a prearranged place. The opposite Commander or the Senior Officer present on seeing the flag hoisted, will acknowledge the signal and proceed to the place of meeting, also unarmed and without escort. The use of flags shall be introduced by 15 November, 1959.

15. All pickets and patrols on both sides will have flags of the following description:

PICKETS SIZE: POLE/7ft. CLOTH/4x3 ft.

PATROLS SIZE: POLE/3ft. CLOTH/2x2 1/2ft.

Colours Indian: Orange. Pakistan: Blue.

16. At night flags will be substituted by light signals (two red very lights) or signal by torches as arranged between the two commanders.

17. In the past tension has mounted on false rumours and exaggerated reports to such a pitch that the movement of extra forces and reinforcements to the affected areas was undertaken. Repetition of such moves in future is inadvisable from all points of view. To prevent such contingencies in the future, it is necessary that whenever there are reports of concentration and build up of forces on either side, Military Commanders of all levels, including the G.O.C.-in-C, Eastern Command and G.O.C. 14 Div., East Pakistan should meet and ascertain the authenticity of the reports if necessary even by a visit to the affected area. Similarly joint inspection will also be applicable to any fresh digging which is likely to create unnecessary misunderstandings.

18. Whenever there is a joint enquiry by D.Ms or Commissioners on the two sides, the respective overall commanders of security forces shall also attend the meeting and submit for the information of the higher respective military commanders their assessment of the situation created by the particular incident.

19. Finally, we think that much harm is caused by alarming reports which are occasionally published in the press. We recommend that the press on both sides be persuaded to exercise restraint and not to publish material which is likely to inflame the feelings of the population on both sides. Should incorrect reports be published we recommend that contradiction on a governmental level be issued at the earliest opportunity.

Sd/- Lt. Gen. S.P.P. Thorat,

D.S.O., G.O.C.-in-C, Eastern Command, India. 20 October 1959.

Sd/- Major-Gen. Umrao Khan

S.Pk., G.O.C., 14 Div.,

East Pakistan.

20 October 1959.

## APPENDIX II

### MONTHLY MEETINGS

It was agreed that with regard to the meetings of D.Ms/S.Ps with their opposite numbers in the two countries the following additional provision should be made:

- (a) Monthly meetings should be held in the second week of every month;
- (b) Invitations for the meetings should issue alternatively from each side, beginning with India;
- (c) In case a date in the second week cannot be fixed due to unavoidable reasons it must be fixed within the following week on a mutually agreed date;
- (d) When a border incident occurs and it becomes necessary for the two D.Ms/S.Ps to meet, either of them can ask his counter-part to meet him at a particular place. Immediately on receipt of the request for a meeting the invited D.M. should proceed to the appointed place within 24 hours. If he cannot present himself personally due to unavoidable circumstances, he may send his S.D.O./S.P. or the local Magistrate/A.S.P. as may be appropriate under the circumstances;
- (e) If for any reason a move cannot be made within 24 hours the matter should be reported by both sides to their Chief Secretaries. The Governments of West Bengal, Assam, Tripura and East Pakistan should issue instructions to their officers that these instructions should be scrupulously followed;
- (f) It was agreed that so far as Tripura and the bordering Pakistan districts are concerned, the monthly meeting should be held between the S.P., Tripura, and the D.I.G. of Chittagong Range.

### DAWKI

As regards Dawki, Sonatilla/Latangtilla the decision taken at the Chief Secretaries, Conference was reviewed. It was decided that this should be dealt with under the Ground Rules which provide for withdrawal of BOPs from within 150 yards of the "real" or "working" boundary.