

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

New Delhi, 11 January 1960

1. West Pakistan-Punjab border-Of the total of 325 miles of the border in this sector, demarcation has been completed along about 252 miles. About 73 miles of the border has not yet, been demarcated due to differences between the Governments of India and Pakistan regarding interpretation of the decision and Award of the Punjab Boundary Commission presented by Sir Cyril Radcliffe as Chairman of the Commission. These differences have been settled along the lines given below in a spirit of accommodation

(i) The Sarja Marja, Rakh Hardit Singh and Pathanke (Amritsar-Lahore border)-The Governments of India and Pakistan agree that the boundary between West Pakistan and India in this region should follow the boundary between the Tehsils of Lahore and Kasur as laid down under Punjab Government Notification No. 2183-E, dated 2nd June 1939. These three villages will in consequence fall within the territorial jurisdiction of the Government of Pakistan.

(ii) Chak Ladheke (Amritsar-Lahore border)-The Governments of India and Pakistan agree that the delineation of the boundary will be as shown in the map of the Kasur Tehsil by Sir Cyril Radcliffe and Chak Ladheke will in consequence fall within the territorial jurisdiction of the Government of India.

(iii) Ferozepur (Lahore-Ferozepore border)-The Governments of India and Pakistan agree that the West Pakistan-Punjab (India) boundary in this region is along the district boundaries of these districts and not along the actual course of the river Sutlej.

iv) Suleimank, (Ferozepur-Montngoamgerreye border)-The Governments of India and Pakistan agree to adjust the district boundaries in this region as specified in the attached, and as shown in the map appended thereto as Annexure

2. West Pakistan-Bombay border-Exploratory discussions regarding the boundary dispute in the Kutch-Sind region showed that the differences between the Governments of India and Pakistan could not be settled. Both Governments have decided to study the relevant material and hold discussions later with a view to arriving at a settlement of this dispute.

3. Detailed Ground Rules for the guidance of the Border Security forces along the Indo-West Pakistan frontier) prepared as a result of the deliberations of the Conference (Annexure 11) will be put into force by both sides immediately. These Rules will be reviewed and brought up-to-date after the boundary has been finally demarcated and the return of areas in adverse possession of either country has , been effected in the West Pakistan-Punjab (India) sector. Similar action will be taken in respect of the other two sectors in due course.

4. The Governments of India and Pakistan agree to give top priority to completion of demarcation along the West Pakistan-Punjab (India) sector in accordance with the settlements arrived at during this conference. Both Governments will direct their Surveyors General to complete the demarcation and the fixing of pillars in this sector by the end of April, 1960. Return of areas held in adverse possession by either country in this sector will be completed by 15th October, 1960. Necessary preparatory work to this end should be undertaken immediately by all concerned.

(Sd.) M.J. DESAI,
Commonwealth Secretary Ministry of External Affairs, Government of India.

(Sd) J.G. KHARAS,
Joint Secretary Ministry of Foreign Affairs and Commonwealth Relations, Government of Pakistan.

New Delhi :

January 11, 1960.

SCHEDULE: REFERRED TO IN PARA 1 (iv)

I. The boundary between Pakistan and India in the vicinity of Suleimanke headworks will be along the line marked A B C D E F G H I J K L M in the map at Annexure 1. The points A and M represent the junction of this section of the boundary with the boundary between Ferozpur and Montgomery districts. The portion A B C D E F will follow the boundary of the original area acquired for the Suleimanke Headworks subject to the modification in respect of the reach D to F as specified in para 2. From F to G it will follow the alignment of the existing Left Marginal Bund. From G to H it will follow the dotted straight line shown in the map as closely as practicable subject to such adjustments in alignment at site as may be required from technical considerations to be decided mutually after carrying out necessary surveys. From H to K viz. RD 47,500, the boundary will follow the alignment of the existing marginal bund. From K to L it will follow the alignment of the existing new Hasta bund. From L it will run in a straight line to the apex point of the bulge in the district boundary, as shown on the map.

2. The boundary will run at a distance of 50 feet from the outer toe of the existing Left Marginal Bund in all the reaches where the boundary as defined in para I above runs along it, i.e. from D to G and from H to K. In the reach from G to H it would similarly be placed 50 feet from the outer toe of the proposed bund. In the reach K to L, the boundary will run at a distance of 100 feet from the eastern toe of the existing new Hasta bund.

3. The two parties recognise that they have common and mutual interest in the proper upkeep and maintenance of the Left Marginal Bund at Suleimanke, and to that end, they declare their intention to co-operate by mutual agreement to the fullest possible extent. In particular,

(1) Each party will maintain in its territory according to the following specifications the portion of the Left Marginal Bund that will lie in Pakistan or continue to be in India

(1) Top width - 25 feet

(ii) Side slope on the River side - 3 to 1

(iii) Outer slope - 2 to 1

(iv) Free Board above the highest flood level on record as on

10-1-1960 -5 feet minimum

(2) Each party will carry out annual river survey in its own territory upto the conventional distance upstream of the Barrage at Suleimanke, and exchange it with the other party.

(3) The representatives of either party will be allowed to inspect the Left Marginal Bund in the territory of the other party at regular intervals that may be mutually fixed or at any time when either party makes a special request. Such inspections will be made jointly by the representatives of both parties, and each party will afford all necessary facilities to the other party.

(Sd.) S.N. RAVIKANT, 10-1-1960 C.E. Irrigation, Punjab (India)

(Sd.) M.J. DESAI.

(Sd.) M. MAHBOOB, 10-1-1960 Chief Engineer, Irrigation West Pakistan.

(Sd.) J.G. KHARAS

ANNEXURE I

(Not Printed)

ANNEXURE

GROUND RULES FOR BORDER GUARDS

In pursuance of the directive given to the sub-committee these ground rules were formulated by Lt. Gen. P.N. Thapar, GOC-in-C, Western Command (India) and Lt. Gen. Bakhtiar Rana, SQA, MC Corps, Commander, Pakistan. In their deliberations they were assisted from the Pakistan side by Brig. Said-ud-Din, Director-General, West Pakistan Rangers, Brig. Tikka Khan and Mr. M.S. Koreishi, PFS, Under Secretary, Ministry of Foreign Affairs, and on the Indian side by Shri Bhagwan Singh Rosha, IPS, DIG, PAP., Brig. Gurbakhsh Singh, Shri Govardhan, IPS, IG. Rajasthan, Shri V.G. Kanetkar, IP., DIG., Bombay and Shri M.M. Sen, I.C.S., Deputy Secretary, Ministry of Defence. The ground rules formulated in this paper are applicable to the West Pakistan-Punjab (India), West Pakistan-Rajasthan and West Pakistan-Bombay border.

On this border the security forces of both the countries are located at some places in close proximity to each other, and to avoid any untoward incident and resulting tension, it is necessary that pending

Pakistan Border Issues (W. Pak.) I I Jan. 1960 305 the determination of the final boundary and the exchange of the Witorie, in adverse possession of the two Governments, the security forces of the two respective countries should observe the ground rules as laid down hereinafter..

On this frontier the de facto boundary is generally known to the security forces of both sides and the local population. In the case of disputes arising in any sector, regarding the de facto boundary the status quo will be maintained by the local post commanders and a working boundary in the areas under dispute, should be decided upon by the officers mentioned in paragraph 4 below and jointly recorded in a descriptive manner and clearly identified on the ground.

This working boundary will be decided upon by the under mentioned assisted by appropriate Civil Officers :

(i) West Pakistan/Punjab (1) Border between the Director-General,

West Pakistan Rangers/rep. and the D.T.G., P-.A.P, Punjab (India)/rep.

West Pakistan./Rajasthan Border between the Director-General,

West Pakistan Rangers/rep. and D.I.G., RAC/rep.

(iii) West Pakistan/Bombay Border between the Director- General,

West Pakistan Rangers/rep. DIG., (HQ)/rep.

The de facto boundary may or may not coincide with the de jure international boundary and the observance of the de facto boundary by both sides will not commit the two Governments in any manner in respect of their de jure claim.

Neither side will have any permanent or temporary border security forces or any other armed personnel within 150 yards on either side of this de facto boundary and no picket forward posts or observation posts will be established within this area.

Notwithstanding the provisions of paragraph 6 above, both sides may

(a) go right up to the de facto boundary in hot pursuit of an offender;
(b) send patrols within the zone specified above upto the de facto boundary, provided :

The each side will inform the other about the actual patrol beat or any changes thereto if it falls within 50 yards of the boundary

(b) patrols are small in numbers, i.e. not exceeding a section of one and ten;

(iii) patrols invariably move with flags; and

(iv) only personal weapons are carried by the patrols (no L.M.Gs. will be carried);

(c) retain such pickets, forward posts and observation posts as are already established until the de jure boundary is finalised and return of territories under adverse possession takes place. A list of such posts on both sides will be exchanged by 1-2-60. New posts within the 150 yards belt on either side will only be established by mutual agreement.

Defensive works existing within 150 yards on either side of the de facto/working boundary not included in the list mentioned in para 7(c) above must be destroyed or filled up by 15-3-1960 and reports to this effect will be exchanged by both sides.

Notwithstanding the provisions of paragraph 6 to 8 above, in areas regarding which disputes of title are already pending with the respective Governments for a decision, the status quo inclusive of defence and security measures will be strictly maintained until such time as the de jure boundary is finalised and the return of territories in adverse possession of the two countries takes place.

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

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.

In the case of local population, inadvertent crossings are likely to take place along with border. The border security forces, after satisfying themselves that the crossing was done inadvertently, shall immediately return the persons concerned to the opposite commanders at officers level.

Whenever the personnel of the border forces of either country inadvertently stray across the border line information about it should be immediately conveyed to the nearest post of the other side and the personnel must be handed back without delay to their nearest post along with their arms and ammunition etc. if any, through Gazetted Officers/Upper Subordinates of both sides.

Bonafide governmental bodies e.g. survey parties, etc., whilst operating in the border area shall not be interfered with. The programme of such parties will be notified to both sides by the Government concerned-at least a month ahead. Such parties will report to the nearest post of their own country before starting the work.

Whenever any cattle are alleged to have been lifted across the border a report, to be lodged with the opposite border post commander to whom the details such as the tracks of the cattle and of the criminals

involved will be handed over. The Border Post Commanders concerned will acknowledge receipt of the report and then inform the nearest Police Station in their own country who will make all efforts to recover the cattle. After recovery the cattle must be handed back immediately to the Police Officers on the opposite side.

Grazing of unattended cattle on the border shall be discouraged. In the case of stray cattle these will be returned immediately by the Border Post Commanders to their opposite numbers after having satisfied themselves that the cattle have in actual fact strayed from across the border.

The S.Ps of Border Districts will also attend where necessary the monthly border meetings for the purpose of exchange of cattle and discussing border crimes.

The duties of the Sub-centres/Wing Commanders/S.Ps and lower 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 to the Border Security Forces of the opposite side.
- (c) They will receive all complaints regarding border violation/ tension. They will immediately hold a joint enquiry not later than 24 hours of the information report. Where this is not possible due to long distances and difficulties of communications, the joint enquiry should be held as soon as possible.
- (d) Where two border posts are situated in close proximity to each other and it is possible for them to communicate by flags, any commander who wishes to meet his counterpart, will wave a flag of the specifications given in paragraph 23 below and will proceed to the border unarmed without any escort to a pre-arranged place. The opposite commander or the senior officer on seeing the flag, will acknowledge the signal and proceed to the place of meeting also with a flag unarmed and without escort. The use of flags shall be introduced by 15-2-1960.

Where the posts are separated by a long distance, contact will be established in the following manner:

A party consisting of 1 and 6 armed with their personal weapons for their own protection and carrying the appropriate flag will proceed to the post of the other side. On arrival within 300 yards of this post, they will establish a temporary base and send forward two men unarmed with the appropriate flags to make necessary contact.

(e) Nationals of both the countries, while cultivating land upto the de facto boundary of the country concerned shall not be interfered with by the border security forces of the other side.

(f) If a national of one country lays a fresh claim to land across the de facto border and takes any step in furtherance of that claim which is objected to by the other side, the two commanders will hold a joint enquiry on the spot and restrain the person from enforcing his claim until the matter is settled.

Where, due to the change in the course of a river, territory of one country is thrown on the other side, such change will NOT affect either the de jure or de facto position of the territory.

It is felt that the tension on the borders will be greatly minimised if there is close personal touch between commanders of the two border security forces and therefore the following periodic meetings are recommended:

(a) Wing Comdrs Rangers (Pak)/ Monthly at the S.Ps of PAP/RAC (India) border. Special Reserve Police, Bombay, (India).

(b) Officers mentioned in para 4 as required above or their representatives shall also meet. These officers will be authorised by their respective Governments to settle the disputes on the spot as far as possible.

The military commanders shall also meet as and when the situation demands and whenever they consider it necessary.

If unfortunately, in spite of this, firing occurs, 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 bringing about a cease-fire forthwith. After every firing incident, it is necessary for both sides to carry out a joint investigation, fix responsibility and submit their respective reports for information of their higher authorities.

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.

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

Pickets

Pole Cloth Size 7 ft 4x3 feet

Colours India Orange

Patrols

Pole cloth 3 feet 2x2 1/2 ft

Pakistan Blue.

At night flags will be substituted by light signals (two red/verey 'gths) or signal by torches as mutually arranged between the post commanders.

The areas:

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

Finally, we recommend

(a) that the press on both sides should be persuaded to exercise restraint and not to publish exaggerated reports or material which is likely to inflame the feelings of the population on both sides. Should incorrect reports be published, contradictions at a governmental level should be issued at the earliest opportunity;

(b) that after the de jure boundary has been finalised and the return of territories in adverse possession has been effected these ground rules should be reviewed in order to bring them up-to-date.

Lt. Gen. BSADKH-TIAR RANA,
S-Q.A. , M.C., Corps Commander, West Pakistan.
New Delhi, 9th January, 1960.

P.N. THAPAR,
Lt. Gen. Sd/- G.O.C.-in-C, Western Command, India.
New Delhi, 9th January, 1960.