Appendixes

Appendix—1

The Mountbatten Plan, June 3, 1947

On February 20th, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for major parties to cooperate in the working out of the Cabinet Mission's Plan of May 16th, 1946, and evolve for India a constitution acceptable to all concerns.

According to the said plan the Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European Members) will therefore each be asked to meet in two parts, one representing the Muslim majority districts and the other rest of the province. For the purpose of determining the population of the districts, the 1941 census figures will be taken as authoritative. The Muslim majority districts in these two provinces are set out in the appendix to this announcement.

The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the province should be partitioned. If a simple majority of either part sides in favour of partition, division will take place and arrangements will be made accordingly.

Before the question as to partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the province as a whole join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the province as a whole should join if it were decided by the two parts to remain united.

For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the purposes of a final partition of these provinces a detailed investigation of boundary questions will be needed; and as soon as a decision involving partition has been taken for either province, a Boundary Commission will be set up by the Governor General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab and Bengal. Until the report of a Boundary Commission has been put into effect, the provincial boundaries indicated in the Appendix will be used.

Though Assam is predominantly a non-Muslim province, the district of Sylhet, which is contiguous to Bengal, is predominantly Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a 'referendum' will be held in Sylhet district under the aegis of the Governor General and in consultation with the Assam provincial government to decide whether the district of Sylhet should continue to form part of the Assam province or should be amalgamated with the new province of Eastern Bengal, if that province agrees.

...The rest of the Assam province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

In accordance with the mandate given to them, the representatives of the various areas will either join the existing constituent assembly or form the new Constituent Assembly.

H. E. the Governor General will form time to time make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.
Appendix—2

Indian Independence Act, 15th August, 1947, New Delhi

An act to make provision to the setting up in India of two independent dominions, to substitute order provision for certain provisions of the government of India act. 1935, which apply outside those dominions, and to provide for other matters consequential on or connected with the setting up of those dominions.

Be it enacted by the king’s most excellent majesty, by and with he advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, as follows:

1. (1) as for the Fifteenth Day of August, Nineteenth Hundred and Forty-Seven, two independent dominion shall be set up in India, to be known respectively as India and Pakistan. (2) the said dominions are hereafter in this act referred to as “the new dominions” and the said fifteenth day of august is hereafter in this act referred to as “the appointed day” (the independence day).

2. (1) subject to the provision of subsection (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of his majesty which, immediately after the appointed day, were included in British India except the territory which, under subsection (2) of this section, are to be the territories of Pakistan. (2) Subject to the provision of subsection (3) and (4) of this section, the territory of Pakistan shall be-

(a) The territories which, on the appointed day, are included in the province of east Bengal and west Punjab, as constituted under the two following section:

(b) The territories which, at the date of the passing of this act, are included in the province of Sind and the chief commissioner’s province of the British Baluchistan; and

the new province of east Bengal, the, as from that day, a part of Assam shall, in accordance with the provisions of the subsection (3) of this section, form part of the new province of east Bengal.

3. The boundaries of he new provinces aforesaid and, in the event mentioned in subsection (2) of this section, the boundaries after the appointed day of the province of Assam, shall be such as may be the determined, whether before or after the appointed day, by the award of a boundary commissions appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined-

(a) The Bengal districts specified in the first schedule to this act, tighter with, in the event mentioned in subsection (2) of this section, the Assam district of Sylhet, shall be treated as the territory which are to be comprised in the new province of west Bengal;

(b) The reminder of the territories comprised at the date of he passing of this in the province of Bengal shall be treated are the territories which are to be comprised in the new province of west Bengal;

(c) In the event mentioned in subsection (2) of this section the district of Sylhet shall be excluded fro the province of Assam.
In this section, the expression “award” means, in relation to a boundary commission the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission’s proceedings.

20. This act may be cited as the India Independence Act, 1947.

SCHEDULES

First Schedule

BENGAL DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF EAST BENGAL.

In the Chittagong Division, the districts of Chittagong, Naokhali and Tippera.
In the Dacca Division, the district Bakarganj, Dacca, Faridpur and Mymensingh.
In the Presidency Division, the districts of Jessore, Murshidabad and Nadia.
In the Rajshahi Division, the districts of Bogra, Dinajpur, Malda, Pabna, Rajshahi and Rangpur.

Second Schedule

Third Schedule

MODIFICATION OF ARMY ACT AND AIR FORCE ACT IN RELATION TO BRITISH FORCES.


Appendix—3

Radcliffe Award (Bengal and Sylhet) August 12, 1947

New Delhi, August 17th—The Punjab and Bengal Boundary Commissions were constituted by the announcement of the Governor General on June 30th, 1947. The members of the Punjab Commission were Mr. Justice Din Muhammad, Mr. Justice Muhammad Munir, Mr. Justice Meher Chand Mahajan and Mr. Justice Teja Singh.

The member of the Bengal Boundary Commission were Mr. Justice B.K. Mukharjee, Mr. Justice C.C. Biswas, Mr. Justice Abu Salem Mahammed Akram and Mr. Justice S. A. Rahman. This Commission was also to demarcate the Muslim majority areas of Sylhet district and the contiguous majority areas of the adjoining districts of Assam, in event of the referendum in the districts of Sylhet resulting in favour of amalgamation with Eastern Bengal.

The following is the full text of Sir Cyril Radcliffe’s Report:

Bengal Award

The term of reference of the Bengal Boundary Commission, as set out in the announcement, were as follows:

“The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors”.

We were desired to arrive at a decision as soon as possible before August 15th, 1947.

After preliminary meetings, the Commission invited the submission of memoranda and representation by interested parties. A very large number of memoranda and representations were received.

Diverse solutions
The public sittings of the Commission took place at Calcutta and extended from Wednesday July 16th to Thursday July 24th, inclusive, with the exception of Sunday, July 20th. Arguments were presented to the Commission by numerous parties on both sides, but the main cases were presented by counsel on behalf of the Indian National Congress, the Bengal Provisional Hindu Mahasabha and the New Bengal Association, on the one hand, and on behalf of the Muslim League on the other. After the close of the public sittings, the remainder of the time of the Commission was devoted to clarification and discussion of the issues involved. Discussion of the Bengal Boundary Commission was took place at Calcutta. In the real sense the demarcation of a boundary line between East and West Bengal depended on the answers to be given to certain basic questions which may be stated as follows:

(i) To which state was the city of Calcutta to be assigned, or was it possible to adopt any method of dividing the city between the two states?
(ii) If the city of Calcutta must be assigned as a whole to one or other of the states, what were its indispensable claims to the control of territory, such as all or part of the Nadia river system or the Kulti Rivers, upon which the life of Calcutta as a city and port depended?
(iii) Could the attractions of the Ganga-Padma-Madhumati river line displace the strong claims of the heavy concentration of Muslim majorities in the districts of Jessore and Nadia without doing too great a violence to the principle of our terms of reference?
(iv) Could the district of Khulna usefully be held by a state different from that which held the districts of Jessore?
(v) Was it right to assign to Eastern Bengal the considerable block of non-Muslim majorities in the district of Malda and Dinajpur?
(vi) Which states claim ought to prevail in respect of the districts of Darjeeling and Jalpaiguri, in which the Muslim population amounted to 2.42 per cent of the whole in the case of Darjeeling, and to 23.08 per cent of the whole in the case of Jalpaiguri, but which constituted an area not in any natural sense contiguous to another non-Muslim areas of Bengal?
(vii) To which state shall the Chittagong Hill Tracts be assigned, an area in which the Muslim population was only 3 per cent of the whole, but which it was difficult to assigned to a state different from that which controlled the district of Cittagong itself?

No Agreed View

After much discussion, my colleagues found that they were unable to arrive at an agreed view on any of these major issues. There were of course considerable areas of the province in the South-West and North-East and East which provoked no controversy on either side; but, in the absence of any reconciliation, my colleagues assented to the view at the close of our discussions that I had no alternative but to proceed to give my own decision. This I now proceed to do; the demarcation of the boundary line is described in detail in the schedule which forms Annexure-A to this award, and in the map attached there to, Annexure-B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundaries as described in Annexure-B, the description in Annexure-A is to prevail.

I have done what I can in drawing the line to estimate any avoidable cutting of railway communications and of river systems, which are of importance to the life of the province; but it is quite impossible to draw a boundary under our terms of reference with out causing some interruption of this sort, and can only express the hope that arrangements can be made and maintained between the two states that will minimise the consequences of this interruption as far as possible.

Annexure—A

1. A line shall be drawn along the boundary along the Thana of Fanshidewa in the district of Darjeeling and Thana of Tetulia in the district of Jalpaiguri from the point where that boundary meets the province of Bihar and then along the boundary between the Thanas of
Tetulia and Rajganj; the Thanas of Pachagar and Rajganj; and the Thanas of Pachagar and Jalpaiguri, and shall then continue along the northern corner of the Thana of Debiganj to the boundary of the state of Cooch Behar. The district of Darjeeling and so much of the district of Jalpaiguri as lines north of this line shall belong to West Bengal, but the Thana of Patgram and any other portion of Jalpaiguri district which lines to the east or south shall belong to East Bengal.

2. A line shall then be drawn from the point where the boundary between the Thanas of Haripur and Raiganj in the district of Dinajpur meets the border of the province of Bihar to the point where the boundary between the districts of 24-Parganas and Khulna meets the Bay of Bengal. This line should follow the course indicated in the following paragraphs. So much of the province of Bengal as lines to the west of it shall belong to West Bengal. Subject to what has been provided in para-I above with regard to the districts of Darjeeling and Jalpaiguri, the remainder of the province of Bengal shall belong to East Bengal.

3. The line drawn along the boundary between the following Thanas:- Haripur and Raiganj; Haripur and Hemtabad; Ranisankail and Hemtabad; Pirganj and Hemtabad; Pirganj and Kaliganj; Bochaganj and Kaliganj; Biral and Kaliganj; Biral and Kushmundi; Biral and Gangarampur; Dinajpur and Gangarampur; Dinajpur and Kumarganj; Chirirbandar and Kumarganj; Phulbari and Kumarganj; Fulbari and Balurghat. It terminated at the point where the boundary between Phulbari and Balurghat meets the north-south line of the Bengal-Assam railway in the eastern corner of the Thana of Balurghat. The line turned down the western edge of the railway lands belonging to that railway and follows that edge until it meets the boundary between the Thanas of Balurghat and Panchbibi.

4. The line drawn along the boundary between the following Thanas:- Balurghat and Panchbibi; Balurghat and Joypurhat; Balurghat and Dhamairhat; Tapan and Patnitala; Tapan and Porsha; Bamangola and Porsha; Habibpur and Porsha; Habibpur and Gomastapur; Habibpur and Bholahat; Malda and Bholahat; English Bazar and Bholahat; English Bazar and Shibganj; Kaliachak and Shibganj; to the point where the boundary between the two last mentioned Thanas meets the boundary between the districts of Malda and Murshidabad on the river Ganges.

5. One line drawn down to the river Ganges along the boundary between the districts of Malda and Murshidabad. Rajshahi and off from the river Ganges. The district boundaries, and not the actual course of the river Ganges, constituted the boundary between West Bengal and East Bengal.

6. From the point on the river Ganges where the channel of the river Mathabhanga takes off, the line drawn along that channel to the northern most point where it meets the boundary between the Thanas of Daulatpur and Karimpur. The middle line of the main channel constituted the actual boundary.

7. From this point the boundary drawn between east and west Bengal along the boundaries between the Thanas of Daulatpur and Karimpur; Gangani and Karimpur; Meherpur and Karimpur; Meherpur and Tehatta; Meherpur and Chapra; Damurhuda and Chapra; Damurhuda and Krishnanagar; Chuandanga and Krishnanagar; Jibannagar and Krishnanagar; Jibannagar and Hanskhali; Meheshpur and Ranahat; Maheshpur and Bongaon; Jhikargacha and Bongaon; Sarsa and Bongaon; Sarsa and Gaighat; Gaighat and Kalaroa; to the point where the boundary between those Thanas meets the boundary between the districts of Khulna and 24-Paraganas.

8. The line then drawn southwards along the boundary between the districts of Khulna and 24-Paraganas, to the point where that boundary meets the Bay of Bengal.
Sylhet Award

I have the honor to present the report of the Bengal boundary Commission relating to the Sylhet district and the adjoining districts of Assam. By virtue of section 3 of the Indian Independent Act, 1947, the decision contained in this report become the decision and Award of the Commission.

After the conclusion of the proceedings relating to Bengal, the Commission invited the submission of memoranda and representations by parties interested in the Sylhet question. The Commission held upon sittings at Calcutta on August 4-6 for the purpose of hearing arguments. The main arguments were conducted on the one side by counsel on behalf of the Government of West Bengal and the Provincial and District Muslim Leagues, and on the other side, by counsel on behalf of the Government of the province of Assam and the Assam Provincial Congress Committee and the Assam Provincial Hindu Mahasabha.

There was an initial difference of opinion as to the scope of the reference entrusted to the Commission. Two of the members took the view that the Commission had been given authority to detach from Assam any part of Assam that could be described as contiguous to East Bengal, since they construed the words the "adjoining districts of Assam" as meaning any district of Assam that adjoined East Bengal. The other two of the members took the view that the Commission's powers to detaching areas from Assam and transferring them to East Bengal was limited to the district of Sylhet. The difference of opinion was referred to me for my casting vote, and I took the view that "the adjoining district of Assam did not extent to other districts of Assam than those that adjoining Sylhet. The Commission accordingly proceeded with its work on this basis.

It was argued before the commission on behalf of the Government of East Bengal that on the true construction of our terms of reference and section 3 of the Indian Independent Act, 1947, the whole of the district of Sylhet at least must be transferred to East Bengal and the Commission had no option to act upon this assumption. All of the members agreed in rejecting this argument, and I concur in their view.

We find some difficulty in making up our minds whether, under our terms of reference, we were to approach the Sylhet question in the same way as the question of partitioning Bengal, since there were some differences in the language employed; but all of the members came to the conclusion that we were intended to divided the Sylhet and adjoining districts of Assam between East Bengal and the province of Assam on the basis of contiguous majority areas of Muslims and non-Muslims, but taking into account other factors. I am glad to adopt this view.

The members of the Commission were, however, unable to arrive at an agreed view as to how the boundary lines should be drawn, and after discussion of their differences, them invited me to give my decision. In my view, the question is limited to the district of Sylhet and Cachar, since of the other district of Assam that can be said to adjoin Sylhet, neither the Garo Hills nor the Khashi and Jaintia Hills nor the Lushai Hills have any thing approaching a Muslim majority of population in respect of which a claim could be made.

Cachar and Hailakhandi

Out of 35 Thanas in Sylhet eight have non-Muslim majorities; but of these eight, two—Sulla and Amirganj (which is in any event divided almost evenly between Muslim and non-Muslim)—are entirely surrounded by preponderating Muslim areas, and must therefore go with them to East Bengal. The other six Thanas comprising a population of over 530,000 people stretch in a continuous line along part of the southern border of Sylhet district. They are divided between two subdivisions, of which one, South Sylhet, comprising a population of over 515,000 people, has in fact a non-Muslim majority of some 40,000 people, has a Muslim majority that is a little larger.

With regard to the district of Cachar, one Thana, Hailakhandi, has Muslim majority and is contiguous to the Muslim Thanas of Badarpur and Karimganj in the district of Sylhet. This Thana, forms with the Thanas of Katlichara immediately to its South, the sub-division of Hailakhandi, and in the sub-division as a whole, Muslims enjoy a very small majority, being 51 per cent of the population. I think that the dependence of Katlichara on Hailakhandi for normal
communication makes it important that the area should be under one jurisdiction, and that the Muslims would have at any rate a strong presumptive claim for the transfer of the sub-division of Hailakhandi, comprising a population of 166,536 from the province of Assam to the province of East Bengal.

But the study of a map shows, in my judgment, that a division on these lines would present problems of administration that might gravely affect the future welfare and happiness of the whole district. Not only would the six non-Muslim Thanas of Sylhet be completely diversified from the rest of Assam if the Muslim claim to Hailakhandi were recognized, but they form a strip running east and west, where as the natural division of the land is north and south and they effect an awkward severance of the railway line through Sylhet, so that, for instance, the junction for the town of Sylhet itself, the capital of the district, would lie in Assam, not in East Bengal.

In these circumstances, I think that some exchange of territories must be affected if a workable division is to result. Some of the non-Muslim territory and Hailakhandi must be retained by Assam. Accordingly, I decided and award as following:

A line shall be drawn from the point where the boundary between the Thanas of Patharkhandi and Kulaura meets the frontiers of Tripura state and shall run north along the boundary between the Thanas of Patharkhandi and Barlekha, then along the boundary between the Thanas of Karimghanj and Barlekha and then along the boundary between Thanas of Karimganj and Bennibazar to the point where that the boundary meets the River Kusiyara. The line then shall turn to the point where that river meets the boundary between the districts of Sylhet and Cachar. The centre line of the mainstream or channel shall constitute the boundary. So much of the district of Sylhet as lies to the west and north of this line shall be detached from the province of Assam and transferred to the province of Assam shall be transferred.

For purpose of illustration, a map marked A is attached on which the line is delineated. In the event of any divergence between the lines as delineated on the map and as described, the written description is to prevail.

Sir Cyril Radcliffe
New Delhi
The 12th August, 1947


Appendix-4

Bagge Tribunal’s Award Decisions on Four Disputes
February 4, 1950

There would be major territorial changes in India or East Pakistan as a result of the Bagge Tribunal’s decisions.

Of the four disputes, however, two have been decided in accordance with the views expressed by the Indian nominee on the tribunal and the result is in India’s favour.

In the absence of agreement between the Indian and Pakistani nominees and the chairman’s disagreement with both, the remaining dispute has been settled by the chairman’s award, which is largely in favour of Pakistan.

Seen in general terms, the position arising from the Tribunal’s decision in regard to the four disputes may be summed up as follows:

East and West Bengal: the Indian nominee’s contention about the boundary between Murshidabad and Rajshahi has been conceded by accepting the view that a fixed frontier rather than one varying with the course of the Ganges should be adopted.
The river portion of the boundary will be the midstream of the main channel as on August 12, 1947, but if that can not be determined, it will be represented by the position at the time of demarcation, which should be completed within one year.

In the second dispute the Pakistani nominee’s demand for a fluid boundary line further south in terms of the course of the Mathabhanga River which the Indian nominee questioned, has been accepted.

This decision is a gain for Pakistan and will result in the loss to India of a small piece of ‘Char’ territory, compared with her own interpretation of the Radcliffe Award.

East Bengal and Assam: both India and Pakistan claimed additional areas on either side of the Radcliffe line dividing the Patharia Hills Reserve Forest, but in view of the unanimity of opinion within the Tribunal, the status quo will maintain.

A point of special interest to India is that the Patharia Test Point where prospecting experiments were carried out by the Burmal Oil Company remains on the Indian side as a result of this decision. In the dispute over the boundary between East Bengal and Assam which related to the course of the Kushuyara River, the Indian nominee’s stand was rejected by the chairman, and the decision results in India’s continued occupation of the disputed territory.

According to Tribunal’s decision, demarcation of the boundaries will be completed within one year, by meanwhile; there will be no unilateral action by either side.

The Tribunal consisted of Lord Justive Algot Bagge (Sweden) who was the chairman, Mr. Changrashekhar Aiyer, a retired Judge of the Madras high court, and Mr. Justice Shahabuddin, of the Dacca High Court.

Set up under the authority of the Delhi Agreement between India and Pakistan of December 14, 1948, the Tribunal commenced its sittings in Calcutta on December 3, 1949, and concluded its work in Dacca, where the report was signed on January 26, 1960.

Its functions were defined as “adjudication and final settlement” of specific boundary disputes “arising out of the interpretation of the Radcliffe Award and for demarcation of the boundary accordingly”.

Under the terms of the Indo-Pakistani agreement, in the event of disagreement between the members, the decision of the chairman is to be considered final in all matters.

The following is the text of the Tribunal’s decisions:

Dispute-I – the dispute concerns the boundary between Murshidabad district (west Bengal) and Rajshahi district, including the Thanas of Nawabganj and Sibganj of the perpetration Nadia district (East Bengal).

The conclusion of Mr. Justice Aiyer is as follow:
The district boundary on the date of the award must be ascertained and demarcated. If this impossible, the midstream line of the river Ganges and the land boundary will be demarcated within one from the date of the publication of this award.

The conclusion of Mr. Justice Shahabuddin is as follows:
The construction put by Pakistan on the award in connection with this dispute is correct and reasonable and the boundary in this area, expect over the Rampur-Boallia Char, is flexible and not rigid and the boundary line shall run along the course described in the Pakistan statement of the case, subject only to such geographical variations as may result from changes occurring in the course of the river Ganges.

The conclusion of the chairman is as follows:
In the area dispute, the district boundary line, consisting of the land boundary portion of the district boundary, as shown on the map Annexure-b and as described in the notification no. 10413-jur of November 11, 1940, and the boundary following the course of the midstream of the main channel of the river Ganges as it was at the of the award given by sir Cyril Radcliffe in his report of August 12, 1947, is the boundary between India and Pakistan to be demarcated on the site.
If the demarcation of this line is found to be impossible, the boundary between India and Pakistan in this area shall then be a line consisting of the land portion of the above mentioned boundary and of the boundary following the course of the midstream of the main channel of the river Ganges as determined on the date of demarcation, and not as it was on the date of the award. The demarcation of this line shall be made as soon as possible, and at the latest, within one year from the date of the publication of this decision. 

Having regard to the fact that two members have disagreed in their views and that the chairman has agreed with Mr. Justice Aiyer, and giving effect, therefore, to the terms of section 2 of the Delhi agreement, under which the view of the chairman has to prevail, the tribunal gives its decision in terms of the chairman’s conclusion on dispute I give in the preceding paragraphs.

Dispute-II — the disputes concerns that portion of the common boundary between the two countries, which lines between the point on the river Ganges where the channel of the river Mathabhanga takes off according to Cyril Radcliffe’s Award and northern-most point where the channel meets the boundary between the Thanas of Daulatpur and Karimpur according to that award.

The conclusion of Mr. justice Aiyer as follows:
(a) Radcliffe line in the award map (Document no.72) showing the Mathabhanga River in red ink is to be adopted as the boundary.
(b) If this is not possible, the river Mathabhanga shall be taken as that which commenced from the loop of the Ganges as found in the congregated air map (document no.164) and the boundary shall be along the middle line of the mainstream from the point of the said off-take to the northern most point where the line meets the boundary of Daulatpur and Karimpur Thanas; the off-take point of the river as now demarcated shall be connected by shortest straight line with the point nearest to it on the midstream of the main channel of the river Ganges. The centre line shall be a rigid boundary and demarcated accordingly as on the date of Radcliffe award or, if this is found impossible as on the date of this decision.

The conclusion of Mr. Justice Shahabuddin is as follows:
The boundary line in this case is a fluid boundary and not a rigid one, and it shall run on water along the course described in the statement of the case of Pakistan, subject only to such geographical variations as many result from changes occurring in course of the river Mathabhanga.

The conclusion of the chairman is as follows:
The boundary between India and Pakistan shall run along the middle line of the main channel of the river Mathabhanga which takes off from river Ganges in or close to the north-western corner of Nadia district at a point west south-west of the police station and the camping ground of Jalanging village as they are shown on the air photograph map of 1948, and then flows southwards to the northern most point of the boundary between Daulatpur and Karimpur Thanas. The point of the off take of the river shall be connected by a straight and shortest line with a point in the midstream of the main channel of the river Ganges, the latter point being ascertained as on the date of the award, or if not possible, as on the date of the demarcation of the boundary line in dispute-I. The said point so ascertained shall be the southeastern most point of the boundary line in dispute-I, this point being a fixed point.

Having regard to the fact that the members have disagreed and that the chairman has disagreed with both of them, and giving effects, therefore, to the terms of Section 2 of the Delhi agreement, under which the view of the chair man has to prevail, the tribunal gives its decision accepting the chairman’s conclusion on dispute giving in the preceding two paragraphs.

Dispute-III—the dispute concerns the Patharia Hill Reserve Forest.
The conclusion of Mr. Justice Aiyer is as follows:
The portion to the west of the forest boundary line, as drawn by Sir Cyril Radcliffe, document no. 184, and shown in white in India’s index map, document no. 185, shall belong to East Bengal, but the rest of the forest lying to the east of the said line shall belong to Assam.

The conclusion of Mr. Justice Shahabuddin is as follows:

The boundary line delineated on the map of the award accords with the description given in the award and that line shall be the boundary line in this area and the portion of the forest to the west of that line, i.e., the portion show in white in the Index Map shall be awarded to East Bengal (Pakistan) and the portion to the east of the line, i.e., the portion show in blue in the index map to the state of Assam (India).

The conclusion of the chairman is as follows:

The line indicated in map A attached to the Radcliffe award is the boundary between India and Pakistan.

No therefore, in view of the unanimous conclusions of the chairman and the members, the tribunal gives the following decision:

The red line indicated in map A attached to the Radcliffe award of August 13, 1947, as the boundary between India and Pakistan.

Dispute-IV—the dispute concerns the course of the Kusiyara River.

The conclusion of Mr. Justice Aiyer is as follows:

The line by Radcliffe from the northern western Corpor of the Patharia Hill reserve forest up to point B in the award map, document no. 342, is the correct boundary line.

The line B-C in the award map is correctly shown as the Kusiyara River and will constitute the boundary between East Bengal and Assam.

The conclusion of Mr. Justice Shahabuddin is as follows:

The boundary line in this area shall run along the southern river, i.e., the river wrongly described as the Sonai in the award map, from the point where the land boundary running from the south to the north meets the said river, to the point from where that river takes its water through Notikhal from the southern river, i.e., the river named on the said map as Boglia, and thence along the latter river to the boundary between Sylhet and Cachar districts.

The conclusion of the Chairman is as follows:

From the point where the boundary between Karimganj and Beani Bazar Thanas meets the river described as the Sonai River on map A attached to the award given by Radcliffe of August 13, 1947 (Gobindapur), up to the point marked B on the said map, is the boundary between India and Pakistan.

From the point B the boundary between India and Pakistan shall turn to the east and follow the river which, according to the said map, runs to that point from point C marked on the said map on the boundary line between Sylhet and Cachar districts.

Having regard to the fact that the two members have disagreed in their views and that the chairman has agreed with Mr. Justice Aiyer, and given effect, therefore to the terms of section 2 of the Delhi agreement under which the views of the chairman has to prevail, the tribunal gives its decision accepting the chairman’s conclusion on dispute-iv given in the preceding two paragraphs.

Sources: Gazette of Pakistan Extraordinary, Karachi, February 5, 1950 (notification No. A. 1/3160) and The Statesman (Delhi), February 5, 1950.
Appendix—5

Indo-Bangladesh Land Boundary Agreement of May 16, 1974

The government of the republic of India and the government of the people's republic of Bangladesh, bearing in mind the friendly relations existing between the two countries, desiring to define more accurately at certain points and to complete the demarcation of the land boundary between India and Bangladesh, have agreed as follows:

Article-1

The land boundary between India and Bangladesh in the areas mentioned below shall be demarcated in following manner:

- Mizoram-Bangladesh Sector—demarcation should be completed on the basis of the latest operational notifications and records.
- Tripura-Sylhet Sector—demarcation that is already in progress in this area on the agreed basis, should be completed as early as possible.
- Bhagalpur Railway Line—the boundary should be demarcated at a distance 75 feet parallel to the toe of the railway embankment towards the east.
- Sibpur-Gaurangala Sector—the boundary should be demarcated in continuation of the process started in 1951-52 on the basis of the District Settlement Maps of 1915-18.
- Muhuri River (Belonia) Sector—the boundary in this area should be demarcated along the midstream of the course of Muhuri River at the time of demarcation. This boundary will be a fixed boundary. The two governments should raise embankments on their respective sides with a view to stabilizing the river in its present course.
- Remaining portion of the Tripura Naokhali/Commila Sector—the demarcation in this sector should be completed on the basis of Chakla Roshanbad Estate Maps of 1892-1894 and the District Settlement Maps of 1915-18 for areas not covered by the Chakla Roshanbad Maps.
- Fenny River—the boundary should be demarcated along the midstream of the course at the time of demarcation of that branch of the Fenny River indicated as the Fenny River on survey of India map sheet no. 79MI15, 1st Edition 1935, till it joins the stream shown as along C on the said Map. From that point on, downstream, the boundary should be demarcated along the midstream of the course of the Fenny River at the time of demarcation. The boundary in this sector will be a fixed boundary.
- Rest of Tripura Chittagong Hill Tract Sector—the boundary will follow the midstream of that branch of the Fenny River, referred to in para 7 above up to Grid Reference 009779 (Map Sheet as in para 7 above) from where the boundary will follow the midstream of the eastern most tributary. From the course of this tributary, the boundary will run along the shortest distance to the midstream of the stream marked Bayan as along, on the Map referred to above, and there will run generally northwards along the midstream of this river till it reaches its source on the ridge (indicated by Grid Reference 046810 on the map referred to above). From there it will run along the crest of this ridge up to Boghoban Trig Station. From there up to the Trijunction of the Bangladesh-Assam-Tripura boundary (Khan Talang Trig Station), the boundary will run along the watershed of the river systems of the two countries. In case of any differences between the map and the ground, the ground shall prevail. The boundary will be a fixed boundary in this sector.
- Beani Bazar-Karimganj Sector—the undemarcated portion of the boundary west of Umapiati village should be demarcated in accordance with the agreed basis of demarcation, leaving Umapiati village in India.
• Hakar Khal—the boundary should be demarcated in accordance with the Nehru-Noon Agreement of September, 1958, treating Hakar Khal as a geographical feature distinct from the Ichamati River. The boundary will be a fixed boundary.
• Baikari Khal—in the Baikari Khal, the boundary should be demarcated on the basis and principles, namely, that the ground shall prevail, i.e., as per the agreement reached between the directors of land records and surveys of West Bengal and erstwhile East Pakistan in 1949. The boundary will be a fixed boundary.
• Enclaves—the Indian enclaves in Bangladesh and the Bangladesh enclaves in India should be exchanged expeditiously, excepting the enclaves mentioned in paragraph 14 with out claim to compensation for the additional area going to Bangladesh.
• Hilli—the area will be demarcated in accordance with Radcliffe Award and the line drawn by him on the map.
• Berubari—India will retain the southern half of South Berubari Union No.12 and the adjacent enclaves, measuring an area of 2.64 square miles approximately, and in exchange Bangladesh will retain the Dahagram and Angarpota enclaves. India will release in perpetuity to Bangladesh an area of 178 metres x 85 metres near ‘Tin Bigha’ to connect Dahagram with Panhari Mouza (P. S. Patgram) of Bangladesh.
• Lathitilla-Dumabari—from point Y (the last demarcated boundary pillar position), the boundary shall run southwards along the Patharia Hills Reserve Forest boundary up to the point where it meets the western boundary of Dumabari Mouza. Thence along the same Mouza boundary up to the Trijunction of Mouzas Dumabari, Latitila and Bara Putnigaon through the junction of the two Mouzas Dumabari and Lathitila. From this point it shall run along the shortest distance to meet the midstream of Putni Chara. Thence it shall runs generally southwards along the midstream of the course of Putni Chara at the time of demarcation, till it meets the boundary between Sylhet (Bangladesh) and Tripura (India).

**Article—2**
The government of India and Bangladesh agreed that territories in adverse possession in areas already demarcated in respect of which boundary strip maps are already prepared, shall be exchanged within six months of signing of the boundary strip maps by the plenipotentiaries. They may sign the relevant maps as early as possible and in any case not latter than the 31st December 1974. Early measures may be taken to print maps in respect of other areas where demarcation has already taken place. These should be printed by 31st may 1975 and signed by the plenipotentiaries thereafter in order that the exchange of adversely held possessions in these areas may take place by the 31st December 1975. Some land in this sector still to be demarcated, transfer of territorial jurisdiction may take place within six months of the signature by plenipotentiaries on the concerned boundary strip maps.

**Article—3**
The governments of India and Bangladesh agree that when areas are transferred, the people in these areas shall be given the right of staying on where they are, as nationals of the state to which the areas are transferred. Pending demarcation of the boundary and exchange of territory by mutual agreement, there should be no disturbance of the status quo and peaceful conditions shall be maintained in the border regions. Necessary instructions in this regard shall be issued to the local authorities on the border by the two countries.

**Article—4**
The government of India and Bangladesh agree that any disputes concerning the interpretation or implementation of this agreement shall be settled peacefully through mutual consultations.

**Article—5**
This agreement shall be subject to ratification by the governments of India and Bangladesh and instruments of ratification shall be exchanged as early as possible. The agreement shall take effect from the date of the exchange of the instruments of ratification.
Singed in New Delhi on May 16, 1974, by the pm of India, Indira Gandhi and the Prime Minister of Bangladesh, Sheikh Mujibur Rahman.

Sources: The Ministry of External Affair, New Delhi, Government of India, 16 May 1974.

Appendix—6

Ratification of Indo-Bangladesh Land Boundary Agreement of 1974
Unstarred question no. 3707
To be answered on 17.04.2002

Shri Amar Roypradhan
Will the Minister of External Affairs be pleased to state:
(a) whether ratification of the Indo-Bangladesh Land Boundary Agreement, 1974 as per prescribed procedures are essential before effecting the exchange of the enclaves between the two countries;
(b) if so, since when this ratification work is pending with the concerned agencies of central and relevant state governments and the names of these agencies; and
(c) the reason for the government not completing the formality of ratification?

Answer
The minister of external affairs
(Shri Jaswant Singh)
(a) Yes, Sir.
(b) & (c) ratification of the India-Bangladesh Land Boundary Agreement, 1974 will follow completion of the demarcation of the boundary between India and Bangladesh. The demarcation of about 6.5 kms of the India-Bangladesh land boundary is yet to be completed. The government proposed to complete the task of demarcation of the boundary with Bangladesh with the cooperation of the concerned state governments and government of Bangladesh. The government of India is committed to an early settlement all boundary related matters with Bangladesh.

Sources: Parliament Q & A (Lok Sabha)
Ministry of External Affairs, Government of India, New Delhi.

Appendix—7

Terms of Lease in Perpetuity of Tin Bigha-Area, October 7, 1982
New Delhi, 7 October 1982

Excellency,
I have the Honour to refer to item 14 of Article 1 of the agreement between the Government of Republic of India and the Government of the People’s Republic of Bangladesh concerning the demarcation of the land boundary between India and Bangladesh and related matters, singed in New Delhi on 16th may 1974, and to state that in connection with the lease in perpetuity by India to Bangladesh of an area of approximately 178 metres x 85 meters near “Tin Bigha” to connect Dahagram with Panhari Mouza (P.S. Patgram) of Bangladesh, the following understanding has been reached between our two governments:

1. The lease in perpetuity of the aforementioned area shall be for the purpose of connecting Dahagram and Angarpota with Panhari Mouza (P.S. Patgram) of Bangladesh
to enable the Bangladesh Government to exercise her sovereignty over Dahagram- and
Angarpota.

2. Sovereignty over the leased area shall continue to vest in India. The rent for the leased
are shall be Bangladesh Tk. 1/- (Bangladesh Taka One) only per annum. Bangladesh
shall not. However, be required to pay the said rent and the Government of India hereby
waives its right to charge such rent in respect of the leased area.

3. For the purpose stated in para 1 above Bangladesh shall have undistributed possession
and use of the area leased to her in perpetuity.

4. Bangladesh citizens including police, paramilitary and military personnel along with
their arms, ammunition, equipment and supplies shall have the right of free and
unfettered movement in the leased area and shall not be required to carry passports or
travel documents of any kind. Movement of Bangladesh goods through the leased area
shall also be free. There shall be no requirement of payment of customs duty, tax or levy
of any kind whatsoever any transit charges.

5. Indian citizens including police, paramilitary and military personnel along with their
arms, ammunition, equipment and supplies shall continue to have the right of free and
unfettered movement in the leased area in either direction. Movement of Indian goods
across the leased area shall also be free. For the purpose of such passage the existing road
running across it shall continue to be used. India may also build a road above and/or
below the surface of the leased area in an elevated or subway form for her exclusive use
in manner which will not prejudice free and unfettered movement of Bangladesh citizens
and goods as defined in paras 1 and 4 above.

6. The two governments shall cooperate in placing permanent makers along the
perimeters of the leased area and put up fences where necessary.

7. Both India and Bangladesh shall have right to lay cables, electronic lines, water and
sewerage pipes etc. over or under the leased area without obstructing free movement of
citizens or goods of either country as defined in paras 4 and 5 above.

8. The modalities for implementing the terms of the lease will be entrusted to the
respective Deputy Commissioner of Rangpur (Bangladesh) and Cooch Behar (India). In
case of differences, they will refer the matter to their respective governments for
resolution.

9. In the event of any Bangladesh/Indian national being involved in an incident in the
leased area, constituting an offence in law, he shall be dealt with by the respective law
enforcing agency of his own country in accordance with its national laws. In the event of
an incident in the leased area involving nationals of both countries, the law-enforcing
agency on the scene of the incident will take necessary steps to restore law and order. At
the same time immediate steps will taken to get in touch with the law enforcing agency
of the other country. In such cases, any Indian national apprehended by a Bangladeshi
law enforcing agency shall be handed over forthwith to the Bangladesh side. India will
retain residual jurisdiction in the leased area.

P.V. Narashihma Rao
Minister for foreigner affairs
Minister of external affairs
Government of India the Republic of India
H.E. Mr. Shams-Ud-Doha

Source: Ministry of External Affairs, Government of India, New Delhi.
Appendix—8

Letter of Foreign Secretary of India Implementing Tin Bigha Lease
26 March, 1992, New Delhi

Excellency,

I have the honour to refer to Item 14 of Article 1 of the agreement of 16th May, 1974, signed by the Prime Minister of India and Bangladesh concerning the demarcation of the land boundary between India and Bangladesh and related matters, and the exchange of letters dated 7 October, 1982, between the Minister or of External Affairs of India and the Minister of Foreign Affairs of Bangladesh, regarding the terms of lease in perpetuity of Tin Bigha area. This to confirm that in the subsequent discussions regarding the modalities for leasing out the above-mentioned area, the following understanding has been reached:

1. Indian flags will fly at the four corners of Tin Bigha corridor as a manifestation of India’s sovereignty over the area;
2. An east-west road to connect Dahagram (Bangladesh) with Patgram (Bangladesh) will be constructed by India before 26th June 1992 roughly at right angles to the existing north-south road. The new east-west road is to conform to the specifications and width of existing north-south road;
3. Landscaping (horticulture) protected by fencing, on both sides, of the proposed road, is to be carried out and maintained by India, so as to prevent the possibility of encroachment and infiltration, keeping adequate provision for drains, laying of cables, water-supply, etc., in future;
4. Two check point each are to be set up at both ends of the east-west road where it touches the Bangladesh boundary. They will be separately manned by Indian and Bangladesh authorities with a view to regulating the government of traffic;
5. Traffic in the corridor will be regulated by the Indian authorities, and the opening and closing of the check points on the east-west road will be coordinated accordingly in such a manner that there is no intermixing of Indian and Bangladeshi streams of traffic;
6. At the intersection, i.e., the specific point where east-west road will cross the north-south road, there will be an Indian traffic police control to direct the traffic movement;
7. Indian traffic movement on the north-south road will continue as heretofore. Bangladesh traffic will use the east-west road in the corridor at alternate hour during the daylight period. However, exceptions will be made to the local level to the above arrangements in case of the emergency, such as natural calamities, movement of civil administrators and medical emergencies;
8. Suitable lighting arrangements will be made for the entire corridor in order to facility monitoring by security agencies on both sides;
9. Differences, if any, regarding modalities for implementing the term of release will be resolved in the first instance through consultation between the deputy commissioner of Cooch Behar (India) and the Deputy Commissioner of Lalmonirhat (Bangladesh). Remaining differences, if any, will be referred to their respective Governments for resolution;
10. India and Bangladesh will provide mutual judicial assistance to each other to the extent necessary, in all matters relating to the prosecution, trials, etc. concerning incidents constituting offences in the leased area;
11. Agreed arrangements will come into effect from 26th June 1992.

(J.N. Dixit)
Foreign Secretary

Government of India
H.E. Mr. A.H. Mahmood Ali,
Additional Foreign Secretary,
Ministry of Foreign Affairs,
Government of People’s Republic of Bangladesh.
Appendix—9

Transfer of Tin Bigha and the Supreme Court Judgment

Prior Information [Refer to the Constitution (Ninth Amendment) Act, 1960]—agreements between the Government India and Pakistan dated 10th September, 1958, 23rd October, 1959, and 11th January, 1960, settled certain boundary disputes between the governments India and Pakistan relating to the borders of the states of Assam, Punjab and West Bengal, and the Union Territory of Tripura. According to the agreement, certain territories are to be transferred to Pakistan after demarcation. In the light of the advisory opinion of Supreme Court in Special Reference No.1 of 1959, it is proposed to amend the first schedule to the constitution under a law relatable to Article 368 thereof to give effect to the transfer of these territories. (New Delhi; the 12th December 1960).

The Legal History (Transfer of Tin Bigha, 1992)—the opposition to the 1974 and 1982 Agreements came from the people of Kuchlibari, Dhaprahat and Mekhliganj. Two organizations to spearhead the agitation, the Kuchlibari Sangram Committee and the tin Bigha Sangram committee were formed. In March 1983, the agitators took recourse as the judicial system. Three writ petitions challenging the 1982 Lease Agreement on various constitutional grounds were filed in the Calcutta High Court by some persons including the owner of a plot of land which would have to be acquired for being leased to Bangladesh. The main arguments adduced by the petitions were: (i) the 1974 Land Boundary Agreement and subsequent Tin Bigha Leased Agreement were inconsistent with the 1958 Nehru-Noon Agreement; (ii) since the lease was in perpetuity, it amounted to cession of Indian Territory; and (iii) the provisions of the Lease Agreement resulted in dilution of India's sovereignty over the leased area.

The court delivered its judgement on 1 September 1983 in which it disallowed all three petitions. The judgement held that:

(a) Implementation of the agreements of 1974 and 1982 did not involve cession of any Indian Territory to Bangladesh.
(b) No exclusive or legal possession of Tin Bigha was being transferred to Bangladesh.
(c) There was no question of transfer of sovereignty of India wholly or partially in respect of the said area.
(d) Certain privileges only had been conferred on Bangladesh and its nationals under the said agreements which otherwise would not have.
(e) Since Dahagram and Angarpota would remain as parts of the Bangladesh territory, the agreement were necessary to enable Bangladesh to exercise its sovereignty in full over the said enclaves.
(f) Inspite of the said agreements India would retain its sovereignty, ownership and control over Tin Bigha.

Following this judgement, the government of west Bengal commenced acquisition of land for the corridor consisting of 16 private plots totaling approximately 3.17 acres for the corridor by issuing a gazette notification on 6 August, 1984 under he land acquisition act, 1984.

Not satisfied with the earlier judgement, the Kuchlibari Sangram Parishad filed an appeal on 12 April 1984 before the division bench of the Calcutta high court. In their apple, the petitioners (i) reiterated that the 1974 and 1982 agreements were inconsistent with the 1985 Nehru-Noon Agreement; (ii) stated that 1974 agreement could not be implemented unless it had been suitably ratified; and (iii) that India would not have jurisdiction over Bangladesh nationals in respect of crimes committed in the leased area which would amount to a dilution of Indian sovereignty over the corridor. The petitioners questioned the judge's interpretation of the term “lease in perpetuity”. Lastly the petitioners argued that the Tin Bigha corridor
converted the Kuchlibari area into an enclave inside Bangladesh and prevented its residents from exercising their constitutionally guaranteed right to move freely throughout the territory of India. Due to the importance of the case, the Attorney General personally appeared on behalf of the Government of India. The division bench pronounced their judgement in the appeal case on 19 September 1986, which probably upheld the earlier judgement of the Calcutta high court. The 1974 and 1982 agreements were upheld as being valid. No cession of Indian Territory was seen to be involved. The bench maintained that as a result of these agreements it could not be said that India had surrendered its sovereignty over Tin Bigha as there was a clause in the 1982 agreement that sovereignty over Tin Bigha would continue to vest in India. Residual jurisdiction was also to remain with India. However, the division bench added that before implementing the 1974 and 1982 agreements the union of India was directed:

(a) “To amend the constitution of India suitably so that the Berubari Union is not transferred to Bangladesh along with other territories as contemplated by the 9th amendment of the constitution. The agreements of 1974 and 1982 are directed to be suitably noted or recorded in the relevant schedules to the constitution authorizing the transfer of the territories to Bangladesh and not to Pakistan;

(b) to take steps for acquisition and acquire the land owned by Indian citizens in the said area in accordance with the law;

(c) to consider that effect suitable amendment of Indian law and, in particular, the Indian penal code as presently applicable in the said area of Tin Bigha”.

The supreme court judgement—on 18 December 1986 Government of India filed a Special Leave Petition (SLP) in the Supreme Court against the directions given to the Union of India by the Calcutta High Court as these were extraneous to the points of appeal of the petitioners. The SLP was admitted by the Supreme Court in October 1987. The Supreme Court delivered its judgement in May 1990. It had considered the entire gamut of issues raised by the opponents of the Tin Bigha lease. The Supreme Court judgement was categorical that the lease should be implemented fully.

The main points of Supreme Court’s judgement were as follows:

(a) It certified that, as stipulated in the 1982 lease agreement, sovereignty over the Tin Bigha corridor would continue to vest in India and that Bangladesh would merely have “undisturbed possession” and “use” for the express purpose of connecting Dahagram with Panhari Mouza of Bangladesh in order to exercise sovereignty over Dagram and Angarpota and for no other purpose.

(b) The Implementation of the 1974 and 1982 agreement is not dependent on steps being taken to amend Indian law.

(c) The implementation of the 1982 agreement was not dependent on the ratification of 1974 agreement.

(d) “… This was really a fight over the non-issue … without the change in the law or change in the constitution, the agreements should have been implemented fully and we hope that all will done for the restoration of the friendly relations between India and Bangladesh”.

Subsequently, in November 1991, a case challenging acquisition of land for the corridor filed in the Calcutta High Court under the West Bengal Land/Acquisition Act, was dismissed by the court.

Source: The Ministry of External Affairs, New Delhi, Government of India.

Appendix—10

Suo-moto by Shri Msadhavsingh Solonki
Minister of External Affairs in Lok Sabha

And by Shri Eduardo Faleiro
Minister of State for External Affairs in Rajya Sabha on Tin Bigha

17
1. Though an exchange of letters today, March 26, 1992 the Government India and the government of Bangladesh have reached an understanding regarding modalities for the implementation of terms of lease providing for right of passage for Bangladesh through the Tin Bigha area. The arrangements will come into effect from June 26, 1992. This would be recalled that the same terms had been worked out through the exchange of letters between he foreign ministers of two countries on October 7, 1982.

2. The Indo-Bangladesh Land Boundary Agreement signed in 1974 had provided for leasing by India to Bangladesh an area of 178 metres x 85 metres near “Tin Bigha” in order to enable Bangladesh to have access to Dahagram and Angarpota. This was part of a package which allowed India to retain the southern half of South Berubari Union No.12 and adjacent enclaves, and which allowed Bangladesh to retain the Dahagram and Angarpota enclaves. The agreement of 1982 referred to above clearly stipulated that sovereignty over the leased area would continue to vest in India. The recent understanding between the two governments has been worked out within and other parameters of the 1982 agreement.

3. Before finalizing the modalities relating to the Tin Bigha area, government consulted the government of West Bengal on several occasions and has kept in constant touch with them. Leaders of political parties were also consulted. We have taken into account the concerns and apprehensions expressed in certain quarters regarding the implementation of 1982 agreement.

4. In addition we remain committed to the full implementation 1974 agreement. Necessary steps to expedite progress in this regard are underway.

5. In putting into effect the Tin Bigha lease, India is fulfilling an international commitment. The lease is being implemented after all due processes of law have been completed in India. Government are confident that the steps and safeguards taken for the implementation of the lease will dispel all doubts misgivings and that it will receive full and unstinted cooperation of all concerns.

6. The resolution of the Tin Bigha question symbolizes, above all, the will of the people of India to live together with Bangladesh in amity and good neighbourliness. Given time and good will, the Tin Bigha Corridor which unfortunately generated much controversy and tension in the past will turn into a crossroads of friendship between India and Bangladesh.

Source: Ministry of External Affairs and Lok Sabha Debate Series, Government of India, New Delhi.

Appendix—11

Indo-Pakistan Joint Communiqué
on East Pakistan-West Bengal Border Disputes
(Text of the Joint Communiqué on border disputes and exchange of enclaves signed by the Prime ministers of Pakistan and India on September 11, 1958.)

On the invitation of the Prime minister (PM) of India, the PM of Pakistan visited New Delhi from the 9th to 11th September 1958. During the visit, the PMs Pakistan and India discussed various indo-Pakistani border problems with a view to removing causes of tension and establishing peaceful condition along the indo-Pakistan border areas. The PMs had frank and friendly discussions about these border problems. They arrived at agreed settlements in regard to most of the border disputes in the eastern regions. They also agreed to an exchange of enclaves of the former Cooch Behar state in Pakistan and Pakistani enclaves in India. Some of the border disputes—namely, two regarding the Radcliffe and Bagge Awards in the eastern region, and five in the western region—require further considerations.
The PMs agreed to issue necessary instructions to their survey staff to expedite demarcation in the light of the settlements arrived at and to consider further methods of settling the disputes that are still unresolved. In regard to the Husiainowala Sucemanke disputes, the foreign secretary of the government of India, will, in consultation with their engineers, submit, proposals to the PMs.

The PMs agreed that when areas are exchanged, on agreed dates, as a result of settlement and demarcation of these disputed areas, an apple should be made to the people in the areas exchanged to continue staying in their present homes as nationals of the state to which the areas are transferred. The PMs further agreed that, pending the settlement of unresolved disputes and demarcation and exchange of territory by mutual agreements, there should be disturbances of the status quo by the force, and peaceful conditions must be maintained in the border regions. Necessary instructions in this regard will be issued to the respective states and to the local authorities on the border.

The PMs agreed to keep in touch with each other with a view to considering various steps to be taken to further their common objectives of maintaining and developing friendly and cooperative relations between the two countries.


Appendix—12

Indo-Pakistan Joint Communiqué
on Border Disputes of October 22, 1959

On their meeting on September 1, 1959, the President of Pakistan and the Prime minister (PM) of India agreed a pursuance of their desire to promote good neighbourly relations between their two countries on a rational, to an Indo-Pakistan conference at ministerial level to devise measures to end dispute and incidents on the Indo-East Pakistan border. This minister level conference, with Sardar Sworan Singh and It. Gen. K.M. Saikh, leading their receptive delegations, started in Delhi on October 15, 1959, continued its deliberations at Dacca from 18th to 20th, and had its concluding session at Delhi on 21st and 22nd October.

2. The delegations approached the various questions discussed in a positive and constructive spirit and, while they had a full and frank exchange of views, the objectives of arriving at agreed decisions and procedures to end disputes and incident and establishing and maintaining peaceful conditions on the indo-east Pakistan border region through guided the deliberations of the conference.

3. The fact there has been no settlement of the respective claims of India and Pakistan in the area of Patharia Reserve Forest and the Kusuyara River in accordance with the Radcliffe Award, inspite of these disputes having been referred to an International Tribunal which gave award in 1950, has been one of the principal causes of conflict and tension along these Indo-East Pakistan border areas. The leaders of the two delegations agreed that these and other disputes between the two countries should be resolved in a spirit of give and take in the larger interest of both the countries. With a view so avoiding dislocation in the life of the population of these border areas and promoting friendly relations, the following agreed decisions have been reached in respect of these disputes:

(i) the dispute concerning Bagge Award No. III should be settled by adopting a rational boundary in the Patharia Reserve Forest region;
(ii) the dispute concerning Bagge Award No. IV in the Kusiyara River Region should be settled by adopting the Thana boundaries of Beani Bazar and Karimganj as per the Notification No.5133-H, dated 28th May, 1940, at the India-east Pakistan boundary;
(iii) The status quo should be restored in Tukergram; and
(iv) It was also agreed that detailed procedures should be worked out to maintain peace on the indo-east Pakistan border and to bring immediately under control any incident that may occur.
4. Detailed ground rules to be observed by the border security forces of both sides, which, among other things, provide that no border out posts will be located within 150 yards of the border, on either side, and other procedures laid down in the ground rules regarding frequent contacts between those in charge of border security forces and other officials of the governments concerned at various levels, will secured maintenance of peaceful conditions on Indo-East Pakistan border and ensure the immediate action is taken to reestablish peace should any incident unfortunately occur.

5. Detailed procedures for expediting progress of demarcation work and for orderly adjustment of territorial jurisdiction, due regard being had to local agricultural practices and the interests of the local border population, have been worked out. It was also agreed that, in their quarterly review, the government of East Pakistan, West Bengal, Assam and Tripura would ensure that the target dates for progressing demarcation work are observed.

6. Both governments reaffirmed their determination to resolve border disputes by negotiation and agreed that all outstanding boundary disputes on the indo-east Pakistan border and west Pakistan-India border, raised so far by their country, should, if not settled by negotiation, be referred to an impartial tribunal for settlement and implementation of that settlement by demarcation on the ground and by exchange of territorial jurisdiction if any.

7. Both governments agreed to appeal to the press to exercise restraint and assist in the maintenance and promotion of friendly relations between India and Pakistan. In furtherance of these objectives, both governments agreed to take early action for a meeting of the Indo-Pakistan information consultative committee, which is being revived.

8. Both governments are resolved to implement, in full and as expeditiously as possible, the Noon-Nehru agreement and the present agreement on India-east Pakistan border settlement and to that end to devise expeditiously the legal and constitutional procedures necessary for implementation. Both governments agreed to maintain contact with each other continuously on the progress of implementation of these agreements and to carry out periodical reviews of the working of the procedures adopted to maintain in the border regions.


Appendix—13

The Importance of the Mathabhanga River

The Report of the non-Muslim Members of the Bengal Boundary Commission
(Mr. Justice B. K. Mukharjee and C. C. Biswas)

1. "In our opinion, however, there are certain overriding considerations referred to below which induce us to recommend that all the police stations in the Meherpur and Chuadanga sub divisions of the Nadia district which lie to the west of the Mathabhanga River, or through which the river flows, should be assigned to West Bengal. This would include the whole of the Meherpur subdivision and a very small portion of Chuadanga (Police Stations Karimganja and Damurhuda). The bulk of Chuadanga (containing the Remaining three Police Stations) and the entire Kustia sub division would remain in East Bengal. The same factors should, in our opinion, require the inclusion in West Bengal of the entire district of Murshidabad and not merely of the portions which are covered by the non-Muslim Police Stations of the district.

2. It is stated by no less an authority than A. Webster (vide his report on the future development of the Port of Calcutta, Calcutta, page 5) that the existence of the Port depends entirely upon the maintenance of adequate water supply in the river Hooghly. Not only the existence of the Calcutta Port but the health, sanitation and industrial life of the entire tract of land known as Central Bengal hinges upon this river. The River Hooghly is formed by the confluence of the Bhagirathi with the Jalangi at Nabadwip, and the
Mathabhanga subsequently joins them at Chakdah. The Bhagirathi, the Jalangi and the Mathabhanga are known as the Nadia Rivers, and they are the principal fresh water feeders of the Hooghly. It is well known that the Bhagirathi which once constituted the main channel of the Ganges now practically remains cut off from the latter except during the floods, and even then the share of the Ganges Flood that it receives is almost insignificant as compared with what passed before the diversion. In the words of Sir William Willcocks, "The Ganges at the head of this river (Bhagirathi) has played havoc with it altogether and until protection works fix the bank the bredding works keep the Ganges in a suitable channel, the Bhagirathi will continue to silt up and the Hooghly will become shallower and shallower". "The Calcutta Port Trust", they says, "spent their time and money on the Hooghly. They would show wisdom if they spent some of both on the head of the Bagirathi. The Ganges is out hand and old landmarks are disappearing. Once the Ganges is trained and the banks protected and the Nadia barrage built, the Hooghly will become suitable, and there will be enough of water all the year round for the perennial irrigation by pumps for scores of miles above and below Calcutta and for 20 miles inland. The dirty grubby slumps and environment of the city will have had their place taken by a much larger landscape as we Cairo" (vide the restoration of the ancient irrigation of Bengal by sir William Willcocks, pages 13-14).

3. According to Sir William, the construction of barrage across the Ganges is the only solution of the problem. The feasibility of the proposal from the economic point of view has been doubted by other exports (vide S. C. Majumdar’s river of the Bengal delta, page 77). Whether a barrage could be constructed or not, it is essential that to maintain the water supply of the Hooghly and resuscitate the various distributary channels which are deaf or dying, some steps would have to be taken. Another difficulty has arisen from the fact that owing to the absence of supply of sweet water from the Ganges and other rivers, there has been an increase of salinity in the water of the Hooghly, on which the city of Calcutta is dependent for its water supply (vide Majumdar, page 76). It is admitted by all experts that the only solution of all these difficulties is the restoration of Ganges spill. “The principal spill channels, which are not yet completely dead and on which we have to depend for the purpose of drawing from the Ganges and carrying a portion of her flood and for flushing this area, are the Bhagirathi, the Jalangi and the Mathabhanga”.

4. The improvement of these rivers is essential for preservation of central Bengal, and whether a barrage is to be constructed, of bridging has to be restored to, it is not pertinent for us to discuss for our present purpose. It is necessary that some means or other should be found by which an appreciable portion of the Ganges flood can be induced to pass through these three Nadia Rivers in preference to the Padma hydraulic conditions of which are of course much more efficient. In order to do this, and to prevent the Hooghly from languishing altogether and running the health and industry of Bengal, it is absolutely necessary that the headwaters of the Hooghly should be under the control of the West Bengal State. The Bhagirathi, the Jalangi and the Mathabhanga take off from the Ganges at Mondai, Akriganja and Jalangi, and it is essential that these places which are within the districts of Nadia and Murshidabad should be within the West Bengal State. The league has shown great anxiety to show that the river Hooghly can maintain herself without the Jalangi and Mathabhanga, for she receives supply from the West Bengal rivers like the Ajoy, the Dwaraka and the Damodar. The Damodar has joined the Hooghly at a point far south of Calcutta; neither of these three rivers has any flowing channel and they remain dry except during the monsoon. The West Bengal rivers, as Mr. Majumdar points out, contribute very little supply of fresh water to the Hooghly during the dry season, and as their connections with the Ganges also remain cut off then, the only source of supply of sweet eater for these spill channels in Central Bengal is what they can draw by percolation from the Ganges from the sandy beds at their off-takes and sub-soil storage. This, as Mr. Majumdar rightly points out, is serious position, and unless a proper solution could be found, the result would be disastrous to Bengal.

5. Mr. T. M. Oag, whose authority is cited by Mr. Hamidul Haq, himself states in his report on the River Hooghly and its headwaters (vide page 33) that the condition of the off-take of the Bhagirathi in the year 1939 indicated that a further period of deterioration was in store for her unless a new entrant opened. In his opinion, the Bhagirathi, the Jalangi and the Mathabhanga off-takes are in more favourable positions.
for the improvement of these rivers and the Jalangi had great possibilities of serving the Hooghly as an effective feeder for many years. (More see Mr. Oag page 130).

6. In our opinion, in order to keep alive the Jalangi, the Mathabhanga and the Bhagirathi, it is absolutely necessary that their off-takes from the Ganges should be included in West Bengal”.


**Appendix—14**

Suomoto by Shri Msadhavsingh Solonki
Minister of External Affairs in Lok Sabha

And by Shri Eduardo Faleiro
Minister of State for External Affairs in Rajya Sabha on Tin Bigha

7. Though an exchange of letters today, March 26, 1992 the Government India and the government of Bangladesh have reached an understanding regarding modalities for the implementation of terms of lease providing for right of passage for Bangladesh through the Tin Bigha area. The arrangements will come into effect from June 26, 1992. This would be recalled - that the same terms had been worked out through the exchange of letters between the foreign ministers of two countries on October 7, 1982.

8. The Indo-Bangladesh Land Boundary Agreement signed in 1974 had provided for leasing by India to Bangladesh an area of 178 metres x 85 metres near “Tin Bigha” in order to enable Bangladesh to have access to Dahagram and Angarpota. This was part of a package which allowed India to retain the southern half of South Berubari Union No.12 and adjacent enclaves, and which allowed Bangladesh to retain the Dahagram and Angarpota enclaves. The agreement of 1982 referred to above clearly stipulated that sovereignty over the leased area would continue to vest in India. The recent understanding between the two governments has been worked out within and other parameters of the 1982 agreement.

9. Before finalizing the modalities relating to the Tin Bigha area, government consulted the government of West Bengal on several occasions and has kept in constant touch with them. Leaders of political parties were also consulted. We have taken into account the concerns and apprehensions expressed in certain quarters regarding the implementation of the 1982 agreement.

10. In addition we remain committed to the full implementation 1974 agreement. Necessary steps to expedite progress in this regard are underway.

11. In putting into effect the Tin Bigha lease, India is fulfilling an international commitment. The lease is being implemented after all due processes of law have been completed in India. Governments are confident that the steps and safeguards taken for the implementation of the lease will dispel all doubts and misgivings and that it will receive full and unstinted cooperation of all concerns.

12. The resolution of the Tin Bigha question symbolizes, above all, the will of the people of India to live together with Bangladesh in amity and good neighbourliness. Given time and good will, the Tin Bigha Corridor which unfortunately generated much controversy and tension in the past will turn into a crossroads of friendship between India and Bangladesh.

Source: *Ministry of External Affairs and Lok Sabha Debate Series, Government of India, New Delhi.*
The Gujral Doctrine is a set of five principles to guide the conduct of foreign relations with India’s immediate neighbours as spelt out by I.K. Gujral, first as India’s foreign minister and later as the prime minister. Among other factors, these five principles arise from the belief that India’s stature and strength cannot be divorced from the quality of its relations with its neighbours. It, thus, recognises the supreme importance of friendly, cordial relations with neighbours. These principles are: first, with neighbours like Bangladesh, Bhutan, Maldives, Nepal and Sri Lanka, India does not ask for reciprocity, but gives and accommodates what it can in good faith and trust; second, no South Asian country should allow its territory to be used against the interest of another country of the region; third, no country should interfere in the internal affairs of another; fourth, all South Asian countries must respect each other’s territorial integrity and sovereignty; and, finally, they should settle all their disputes through peaceful bilateral negotiations. According to Gujral, these five principles, scrupulously adhered to, would achieve a fundamental recasting of South Asia’s regional relationships, including the difficult relationship between India and Pakistan. Further, the implementation of these principles would generate a climate of close and mutually benign cooperation in the region, where the weight and size of India is regarded positively and as an asset by these countries. An important question that arises is whether it is easy to implement these principles. It is evident that these principles not only reflect India’s attitude towards its neighbours, but also express the attitude which India would like its neighbours to adopt in conducting relations with India in particular and the countries of South Asia in general. Thus, it is a package as a whole whereby India has stated in one go what it will do on its part and similarly what it expects its neighbours to do. Those who agree, will have to adhere, fully and completely, to all the principles and not in parts, to one of the principles in isolation or in exception to the others. In this sense, it is implied that, to a great extent, the principles of the Gujral Doctrine can be successful only in a specific environment whereby the neighbours too perceive them as being beneficial to their country and the region as a whole. What follows from this, which is unstated, is that beyond a particular point whereby the neighbours do not adhere to these principles, India in its national interest may also not be able to adhere to them. Surely, India cannot continue to stick to its principle of non-reciprocity if any of the neighbouring countries believe either in internationalising bilateral issues or supporting elements inimical to India’s interests. Further, these principles are open to different interpretations as each country views them. On closer examination, it is further observed that these principles are not altogether new and have been spelt out earlier too. The principle of non-reciprocity is considered to be one of the most novel elements, applying specifically as it does to India whereby the country acknowledges its additional responsibility towards the region, given its economic strength and other potentials. However, even this principle is not new because there have been many occasions when India has acknowledged that it will have to give more to its neighbours and has done so. But by stating it as a policy, India was making its intention clear which was welcomed by the neighbouring countries. Non-reciprocity also meant that the solution to one bilateral problem would not be linked to concessions by the other country for India on an issue that the latter considers beneficial. Gujral, as foreign minister, had stated while negotiations were taking place with Bangladesh towards finalisation of the Ganges water treaty that it was not in any way linked to Bangladesh giving transit through its territory to India to access the north-eastern parts of the latter. Thus, he clearly delinked water and transit, removing any apprehensions which might have been there in this direction. Similarly, the principle that all the disputes be settled through peaceful bilateral negotiations is a known stand which India has held for long. On the other hand, India’s neighbours have on many occasions internationalised bilateral disputes. The principle that none should interfere in the internal affairs of the others becomes difficult to define because the South Asian region has many similarities in terms of
culture, language and other factors. Events and activities in one country influence happenings in another. While one country may call it interference, the other may not think so. It is interesting to note that following the demolition of the Babri Masjid in India, the Parliament of Bangladesh, the Jatiya Sangsad, passed a resolution referring to the unfortunate events and also stated that it hoped that the promises made by the Government of India on its reconstruction would be implemented soon. India categorically stated that this act of Bangladesh constituted an interference in the internal affairs of India. Bangladesh thought otherwise and felt that it did not constitute any kind of intervention. The problem, thus arises in trying to define some of these principles in black and white because in reality they exist in shades of gray. The principle that all South Asian countries must respect each other's territorial integrity and sovereignty clearly assures the neighbours that India has no expansionist or ulterior motives on its agenda. The timing of the enunciation of these principles was very appropriate. Together, these five principles spelt out in a crystallised form India's attitude towards its neighbours. One witnesses a positive atmosphere already being created (in spite of the bilateral problems being present), especially in the post-1990s. A series of steps taken by India during this period, some of which were related to economic aspects, facilitated the acceptance of these principles by other countries in the neighbourhood and making them relevant to the South Asian region. It is, difficult to imagine how the doctrine would have been relevant if it had been enunciated either when the Indian Peace Keeping Force (IPKF) was in Sri Lanka or when the Indo-Nepal stand-off had taken place towards the end of 1989. In this sense, the Gujral Doctrine, as spelt out in 1996, owes a certain share of its success to the actions of the previous governments, (including those taken during the tenure of Gujral as external affairs minister in 1989-90), when the ground work, to a great extent, had been done. In this context, some of the positive steps taken in the 1990s by India towards its neighbours, thus, require a brief mention.


Appendix—16

SAARC Preferential Trading Arrangement (SAPTA)

Preamble:
The Government of the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of Maldives, the Kingdom of Nepal, the Islamic Republic of Pakistan and the Democratic Socialist Republic of Sri Lanka hereinafter referred to as "Contracting States", Motivated by the commitment to promote regional cooperation for the benefit of their peoples, in a spirit of mutual accommodation, with full respect for the principles of sovereign equality, independence and territorial integrity of all States; Aware that the expansion of trade could act as a powerful stimulus to the development of their national economies, by expanding investment and production, thus providing greater opportunities of employment and help securing higher living standards for their population; Convinced of the need to establish and promote regional preferential trading arrangement for strengthening intraregional economic cooperation and the development of national economies; Bearing in mind the urgent need to promote the intraregional trade which presently constitutes a negligible share in the total volume of the South Asian trade; Recalling the direction given at the Fourth SAARC Summit meeting held in Islamabad in December 1988 that specific areas be identified where economic cooperation might be feasible immediately; Guided by the declared commitment of the Heads of State or Government of the Member Countries at the Sixth SAARC Summit held in Colombo in December 1991 to the liberalisation of trade in the region through a step by step approach in such a manner that countries in the region share the benefits of trade expansion equitably;
Cognizant of the mandate given by the Sixth SAARC Summit in Colombo to formulate and seek agreement on an institutional framework under which specific measures for trade liberalisation among SAARC Member States could be furthered and to examine the Sri Lankan proposal to establish the SAARC Preferential Trading Arrangement (SAPTA) by 1997; Recognising that a preferential trading arrangement is the first step towards higher levels of trade and economic cooperation in the region,

**Have agreed as follows:**

**Article: 1**

**Definitions**

For the purpose of this Agreement:

1. "Least Developed Country" means a country designated as such by the United Nations.
2. "Contracting State" means any Member State of the South Asian Association for Regional Cooperation (SAARC) which has entered into this Agreement.
3. "Serious injury" means significant damage to domestic producers, of like or similar products resulting from a substantial increase of preferential imports in situations which cause substantial losses in terms of earnings, production or employment unsustainable in the short term. The examination of the impact on the domestic industry concerned shall also include an evaluation of other relevant economic factors and indices having a bearing on the state of the domestic industry of that product.
4. "Threat of serious injury" means a situation in which a substantial increase of preferential imports is of a nature to cause "serious injury" to domestic producers, and that such injury, although not yet existing, is clearly imminent. A determination of threat of serious injury shall be based on facts and not on mere allegation, conjecture, or remote or hypothetical possibility.
5. "Critical circumstances" means the emergence of an exceptional situation where massive preferential imports are causing or threatening to cause "serious injury" difficult to repair and which calls for immediate action.
6. "Sectoral basis" means agreements amongst Contracting States regarding the removal or reduction of tariff, nontariff and paratariff barriers as well as other trade promotion or cooperative measures for specified products or groups of products closely related in enduse or in production.
7. "Direct trade measures" means measures conducive to promoting mutual trade of Contracting States such as long and mediumterm contracts containing import and supply commitments in respect of specific products, buyback arrangements, state trading operations, and government and public procurement.
8. "Tariffs" means customs duties included in the national tariff schedules of the Contracting States.
9. "Paratariffs" means border charges and fees, other than "tariffs", on foreign trade transactions of a tarifflike effect which are levied solely on imports, but not those indirect taxes and charges, which are levied in the same manner on like domestic products. Import charges corresponding to specific services rendered are not considered as paratariff measures.
10. "Nontariffs" means any measure, regulation, or practice, other than "tariffs" and "paratariffs", the effect of which is to restrict imports, or to significantly distort trade.
11. "Products" means all products including manufactures and commodities in their raw, semiprocessed and processed forms.

**Article: 2**

**Establishment and Aims:**

1. By the present Agreement, the Contracting States establish the SAARC Preferential Trading Arrangement (SAPTA) to promote and sustain mutual trade and the economic cooperation among the Contracting States, through exchanging concessions in accordance with this Agreement.
2. SAPTA will be governed by the provisions of this Agreement and also by the rules, regulations, decisions, understandings and protocols to be agreed upon within its framework by the Contracting States.

**Article: 3**

**Principles**

SAPTA shall be governed in accordance with the following principles:

(a) SAPTA shall be based and applied on the principles of overall reciprocity and mutuality of advantages in such a way as to benefit equitably all Contracting States, taking into account their respective levels of
economic and industrial development, the pattern of their external trade, trade and tariff policies and systems;
(b) SAPTA shall be negotiated step by step, improved and extended in successive stages with periodic reviews;
(c) The special needs of the Least Developed Contracting States shall be clearly recognised and concrete preferential measures in their favour should be agreed upon;
(d) SAPTA shall include all products, manufactures and commodities in their raw, semiprocessed and processed forms.

Article: 4

Components SAPTA may, interalia, consist of arrangements relating to:
(a) tariffs;
(b) paratariffs;
(c) non-tariff measures;
(d) direct trade measures.

Article: 5

Negotiations:
1. The Contracting States may conduct their negotiations for trade liberalisation in accordance with any or a combination of the following approaches and procedures:
(a) Product by product basis;
(b) Across the board tariff reductions;
(c) Sectoral basis;
(d) Direct trade measures.
2. Contracting States agreed to negotiate tariff preferences initially on a product by product basis.
3. The Contracting States shall enter into negotiations from time to time with a view to further expanding SAPTA and the fuller attainment of its aims.

Article: 6

Additional Measures:
1. Contracting States agree to consider, in addition to the measures set out in Article 4, the adoption of trade facilitation and other measures to support and complement SAPTA to mutual benefit.
2. Special consideration shall be given by Contracting States to requests from Least Developed Contracting States for technical assistance and cooperation arrangements designed to assist them in expanding their trade with other Contracting States and in taking advantage of the potential benefits of SAPTA. The possible areas for such technical assistance and cooperation are listed in Annex I.

Article: 7

Schedules of Concessions:
The tariff, paratarriff and non-tariff concessions negotiated and exchanged amongst Contracting States shall be incorporated in the National Schedules of Concessions. The initial concessions agreed to by the Contracting States are attached as Annex II.

Article: 8

Extension of Negotiated Concessions:
The concessions agreed to under SAPTA, except those made exclusively to the Least Developed Contracting States in pursuance of Article 10 of this Agreement, shall be extended unconditionally to all Contracting States.

Article: 9

Committee of Participants:
A Committee of Participants, hereinafter referred to as the Committee, consisting of representatives of Contracting States, is hereby established. The Committee shall meet at least once a year to review the progress made in the implementation of this Agreement and to ensure that benefits of trade expansion emanating from this Agreement accrue to all Contracting States equitably. The Committee shall also accord adequate opportunities for consultation on representations made by any Contracting State with respect to any matter affecting the implementation of the Agreement. The Committee shall adopt
appropriate measures for settling such representations. The Committee shall determine its own rules of procedures.

**Article: 10**

**Special Treatment for the Least Developed Contracting States:**

In addition to other provisions of this Agreement, all Contracting States shall provide, wherever possible, special and more favourable treatment exclusively to the Least Developed Contracting States as set out in the following subparagraphs:

(a) Dutyfree access, exclusive tariff preferences or deeper tariff preferences for the export products,
(b) The removal of nontariff barriers,
(c) The removal, where appropriate, of parat tariff barriers,
(d) The negotiations of longterm contracts with a view to assisting Least Developed Contracting States to achieve reasonable levels of sustainable exports of their products,
(e) Special consideration of exports from Least Developed Contracting States in the application of safeguard measures,
(f) Greater flexibility in the introduction and continuance of quantitative or other restrictions provisionally and without discrimination in critical circumstances by the Least Developed Contracting States on imports from other Contracting States.

**Article: 11**

**Nonapplication:**

Notwithstanding the measures as set out in Articles 4 and 6, the provisions of this Agreement shall not apply in relation to preferences already granted or to be granted by any Contracting State to other Contracting States outside the framework of this Agreement, and to third countries through bilateral, plurilateral and multilateral trade agreements, and similar arrangements. The Contracting States shall also not be obliged to grant preferences in SAPTA which impair the concession extended under those agreements.

**Article: 12**

**Communication, Transport and Transit:**

Contracting States agree to undertake appropriate steps and measures for developing and improving communication system, transport infrastructure and transit facilities for accelerating the growth of trade within the region.

**Article: 13**

**Balance of Payments Measures:**

1. Notwithstanding the provisions of this Agreement, any Contracting State facing serious economic problems including balance of payments difficulties may suspend provisionally the concessions as to the quantity and value of merchandise permitted to be imported under the Agreement. When such action has taken place, the Contracting State which initiates such action, shall simultaneously notify the other Contracting States and the Committee.

2. Any Contracting State which takes action according to paragraph 1 of this Article shall afford, upon request from any other Contracting State, adequate opportunities for consultations with a view to preserving the stability of the concessions negotiated under the SAPTA. If no satisfactory adjustment is effected between the Contracting States concerned within 90 days of such notification, the matter may be referred to the Committee for review.

**Article: 14**

**Safeguard Measures:**

If any product, which is a subject of a concession with respect to a preference under this Agreement, is imported into the territory of a Contracting State in such a manner or in such quantities as to cause or threaten to cause, serious injury in the importing Contracting State, the importing Contracting State concerned may, with prior consultations, except in critical circumstances, suspend provisionally without discrimination, the concession accorded under the Agreement. When such action has taken place the Contracting State which initiates such action shall simultaneously notify the other Contracting State(s)
concerned and the Committee shall enter into consultations with the concerned Contracting State and endeavour to reach mutually acceptable agreement to remedy the situation.

In the event of the failure of the Contracting States to resolve the issue within 90 days of the receipt of original notification, the Committee of Participants shall meet within 30 days to review the situation and try to settle the issue amicably. Should the consultations in the Committee of Participants fail to resolve the issue within 60 days, the parties affected by such action shall have the right to withdraw equivalent concession(s) or other obligation(s) which the Committee does not disapprove of.

Article: 15
Maintenance of the Value of Concessions:
Any of the concessions agreed upon under this Agreement shall not be diminished or nullified, by the application of any measures restricting trade by the Contracting States except under the provisions as spelt out in other Articles of this Agreement.

Article: 16
Rules of Origin:
Products contained in the National Schedules of Concessions annexed to this Agreement shall be eligible for preferential treatment if they satisfy the rules of origin, including special rules of origin, in respect of the Least Developed Contracting States, which are set out in Annex III.

Article: 17
Modification and Withdrawal of Concessions:
1. Any Contracting State may, after a period of three years from the day the concession was extended, notify the Committee of its intention to modify or withdraw any concession included in its appropriate schedule.
2. The Contracting State intending to withdraw or modify a concession shall enter into consultation and/or negotiations, with a view to reaching agreement on any necessary and appropriate compensation, with Contracting States with which such concession was initially negotiated and with any other Contracting States that have a principal or substantial supplying interest as may be determined by the Committee.
3. Should no agreement be reached between the Contracting States concerned within six months of the receipt of notification and should the notifying Contracting State proceed with its modification or withdrawal of such concessions, the affected Contracting States as determined by the Committee may withdraw or modify equivalent concessions in their appropriate schedules. Any such modification or withdrawal shall be notified to the Committee.

Article: 18
Withholding or Withdrawal of Concessions:
A Contracting State shall at any time be free to withhold or to withdraw in whole or in part any item in its schedule of concessions in respect of which it determines that it was initially negotiated with a State which has ceased to be a Contracting State in this Agreement. A Contracting State taking such action shall notify the Committee, and upon request, consult with Contracting States that have a substantial interest in the product concerned.

Article: 19
Consultations:
1. Each Contracting State shall accord sympathetic consideration to and shall afford adequate opportunity for consultations regarding such representations as may be made by another Contracting State with respect to any matter affecting the operation of this Agreement.
2. The Committee may, at the request of a Contracting State, consult with any Contracting State in respect of any matter for which it has not been possible to find a satisfactory solution through such consultation under paragraph 1 above.

Article: 20
Settlement of Disputes:
Any dispute that may arise among the Contracting States regarding the interpretation and application of the provisions of this Agreement or any instrument adopted within its framework shall be amicably
settled by agreement between the parties concerned. In the event of failure to settle a dispute, it may be referred to the Committee by a party to the dispute. The Committee shall review the matter and make a recommendation thereon within 120 days from the date on which the dispute was submitted to it. The Committee shall adopt appropriate rules for this purpose.

Article: 21
Withdrawal from SAPTA:
1. Any Contracting State may withdraw from this Agreement at any time after its entry into force. Such withdrawal shall be effective six months from the day on which written notice thereof is received by the SAARC Secretariat, the depositary of this Agreement. That Contracting State shall simultaneously inform the Committee of the action it has taken.
2. The rights and obligations of a Contracting State which has withdrawn from this Agreement shall cease to apply as of that effective date.
3. Following the withdrawal by any Contracting State, the Committee shall meet within 30 days to consider action subsequent to withdrawal.

Article: 22
Entry into Force:
This Agreement shall enter into force on the thirtieth day after the notification issued by the SAARC Secretariat regarding completion of the formalities by all Contracting States.

Article: 23
Reservations:
This Agreement may not be signed with reservations nor shall reservations be admitted at the time of notification to the SAARC Secretariat of the completion of formalities.

Article: 24
Amendments:
This Agreement may be modified through amendments to this Agreement. All amendments shall become effective upon acceptance by all Contracting States.

Article: 25
Depositary:
This Agreement shall be deposited with the Secretary General of SAARC who shall promptly furnish a certified copy thereof to each Contracting State.

IN WITNESS WHEREOF the undersigned being duly authorized thereto by their respective Governments have signed this Agreement on the SAARC Preferential Trading Arrangement.

Done at DHAKA this ELEVENTH day of APRIL, One Thousand Nine Hundred Ninety Three (April 11, 1993) in eight originals in the English language.

A.S.M. MOSTAFIZUR RAHMAN
Minister of Foreign Affairs, People's Republic of Bangladesh
DAWA TSERING
Minister of Foreign Affairs, Kingdom of Bhutan
DINESH SINGH
Minister of External Affairs, Republic of India
FATHULLA JAMEEL
Minister of Foreign Affairs, Republic of Maldives
MAHESH ACHARYA KANJU
Minister of State for Foreign Affairs, His Majesty's Government of Nepal
MOHAMMAD SIDDIQUE KHAN
State Minister of Finance, Islamic Republic of Pakistan
HAROLD HEART
Minister of Foreign Affairs, Democratic Socialist Republic of Sri Lanka

Agreement on South Asian Free Trade Area (SAFTA)

The Governments of the SAARC (South Asian Association for Regional Cooperation) Member States comprising the People's Republic of Bangladesh, the Kingdom of Bhutan, the Republic of India, the Republic of Maldives, the Kingdom of Nepal, the Islamic Republic of Pakistan and the Democratic Socialist Republic of Sri Lanka hereinafter referred to as "Contracting States"

Motivated by the commitment to strengthen intra-SAARC economic cooperation to maximise the realization of the region's potential for trade and development for the benefit of their people, in a spirit of mutual accommodation, with full respect for the principles of sovereign equality, independence and territorial integrity of all States;

Noting that the Agreement on SAARC Preferential Trading Arrangement (SAPTA) signed in Dhaka on the 11th of April 1993 provides for the adoption of various instruments of trade liberalization on a preferential basis;

Convinced that preferential trading arrangements among SAARC Member States will act as a stimulus to the strengthening of national and SAARC economic resilience, and the development of the national economies of the Contracting States by expanding investment and production opportunities, trade, and foreign exchange earnings as well as the development of economic and technological cooperation;

Aware that a number of regions are entering into such arrangements to enhance trade through the free movement of goods;

Recognizing that Least Developed Countries in the region need to be accorded special and differential treatment commensurate with their development needs; and

Recognizing that it is necessary to progress beyond a Preferential Trading Arrangement to move towards higher levels of trade and economic cooperation in the region by removing barriers to cross-border flow of goods;

Have agreed as follows:

Article 1
Definitions
For the purposes of this Agreement:

1. Concessions mean tariff, para-tariff and non-tariff concessions agreed under the Trade Liberalisation Programme;

2. Direct Trade Measures mean measures conducive to promoting mutual trade of Contracting States such as long and medium-term contracts containing import and supply commitments in respect of specific products, buy-back arrangements, state trading operations, and government and public procurement;

3. Least Developed Contracting State refers to a Contracting State which is designated as a 'Least Developed Country' by the United Nations;

4. Margin of Preference means percentage of tariff by which tariffs are reduced on products imported from one Contracting State to another as a result of preferential treatment.

5. Non-Tariff Measures include any measure, regulation, or practice, other than 'tariffs' and "para-tariffs".

6. Para-Tariffs mean border charges and fees, other than "tariffs", on foreign trade transactions of a tariff-like effect which are levied solely on imports, but not those indirect taxes and charges, which are levied in the same manner on like domestic products. Import charges corresponding to specific services rendered are not considered as para-tariff measures;

7. Products mean all products including manufactures and commodities in their raw, semi-processed and processed forms;

8. SAPTA means Agreement on SAARC Preferential Trading Arrangement signed in Dhaka on the 11th of April 1993;
9. Serious injury means a significant impairment of the domestic industry of like or directly competitive products due to a surge in preferential imports causing substantial losses in terms of earnings, production or employment unsustainable in the short term;

10. Tariffs mean customs duties included in the national tariff schedules of the Contracting States;

11. Threat of serious injury means a situation in which a substantial increase of preferential imports is of a nature to cause "serious injury" to domestic producers, and that such injury, although not yet existing, is clearly imminent. A determination of threat of serious injury shall be based on facts and not on mere allegation, conjecture, or remote or hypothetical possibility.

**Article-2**

Establishment

The Contracting States hereby establish the South Asian Free Trade Area (SAFTA) to promote and enhance mutual trade and economic cooperation among the Contracting States, through exchanging concessions in accordance with this Agreement.

**Article-3**

Objectives and Principles

1. The Objectives of this Agreement are to promote and enhance mutual trade and economic cooperation among Contracting States by, inter-alia:

   a) eliminating barriers to trade in, and facilitating the cross-border movement of goods between the territories of the Contracting States;

   b) promoting conditions of fair competition in the free trade area, and ensuring equitable benefits to all Contracting States, taking into account their respective levels and pattern of economic development;

   c) creating effective mechanism for the implementation and application of this Agreement, for its joint administration and for the resolution of disputes; and

   d) establishing a framework for further regional cooperation to expand and enhance the mutual benefits of this Agreement.

2. SAFTA shall be governed in accordance with the following principles:

   a) SAFTA will be governed by the provisions of this Agreement and also by the rules, regulations, decisions, understandings and protocols to be agreed upon within its framework by the Contracting States;

   b) The Contracting States affirm their existing rights and obligations with respect to each other under Marrakesh Agreement Establishing the World Trade Organization and other Treaties/Agreements to which such Contracting States are signatories;

   c) SAFTA shall be based and applied on the principles of overall reciprocity and mutuality of advantages in such a way as to benefit equitably all Contracting States, taking into account their respective levels of economic and industrial development, the pattern of their external trade and tariff policies and systems;

   d) SAFTA shall involve the free movement of goods, between countries through, inter alia, the elimination of tariffs, para tariffs and non-tariff restrictions on the movement of goods, and any other equivalent measures;

   e) SAFTA shall entail adoption of trade facilitation and other measures, and the progressive harmonization of legislations by the Contracting States in the relevant areas; and

   f) The special needs of the Least Developed Contracting States shall be clearly recognized by adopting concrete preferential measures in their favour on a non-reciprocal basis.

**Article-4**

Instruments

The SAFTA Agreement will be implemented through the following instruments:-

1. Trade Liberalisation Programme
2. Rules of Origin
3. Institutional Arrangements
4. Consultations and Dispute Settlement Procedures
5. Safeguard Measures
6. Any other instrument that may be agreed upon.

**Article-5**

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National Treatment
Each Contracting State shall accord national treatment to the products of other Contracting States in accordance with the provisions of Article Ill of GATT 1994.

Article-6
Components
SAFTA may, inter-alia, consist of arrangements relating to:
(a) tariffs;
(b) para-tariffs;
(c) non-tariff measures;
(d) direct trade measures.

Article-7
Trade Liberalisation Programme
1. Contracting States agree to the following schedule of tariff reductions:
   a) The tariff reduction by the Non-Least Developed Contracting States from existing tariff rates to 20% shall be done within a time frame of 2 years, from the date of coming into force of the Agreement. Contracting States are encouraged to adopt reductions in equal annual installments. If actual tariff rates after the coming into force of the Agreement are below 20%, there shall be an annual reduction on a Margin of Preference basis of 10% on actual tariff rates for each of the two years.
   b) The tariff reduction by the Least Developed Contracting States from existing tariff rates will be to 30% within the time frame of 2 years from the date of coming into force of the Agreement. If actual tariff rates on the date of coming into force of the Agreement are below 30%, there will be an annual reduction on a Margin of Preference basis of 5% on actual tariff rates for each of the two years.
   c) The subsequent tariff reduction by Non-Least Developed Contracting States from 20% or below to 0-5% shall be done within a second time frame of 5 years, beginning from the third year from the date of coming into force of the Agreement. However, the period of subsequent tariff reduction by Sri Lanka shall be six years. Contracting States are encouraged to adopt reductions in equal annual installments, but not less than 15% annually.
   d) The subsequent tariff reduction by the Least Developed Contracting States from 30% or below to 0-5% shall be done within a second time frame of 8 years beginning from the third year from the date of coming into force of the Agreement. The Least Developed Contracting States are encouraged to adopt reductions in equal annual installments, not less than 10% annually.
2. The above schedules of tariff reductions will not prevent Contracting States from immediately reducing their tariffs to 0-5% or from following an accelerated schedule of tariff reduction.
3. a) Contracting States may not apply the Trade Liberalisation Programme as in paragraph I above, to the tariff lines included in the Sensitive Lists which shall be negotiated by the Contracting States (for LDCs and Non-LDCs) and incorporated in this Agreement as an integral part. The number of products in the Sensitive Lists shall be subject to maximum ceiling to be mutually agreed among the Contracting States with flexibility to Least Developed Contracting States to seek derogation in respect of the products of their export interest; and
   b) The Sensitive List shall be reviewed after every four years or earlier as may be decided by SAFTA Ministerial Council (SMC), established under Article 10, with a view to reducing the number of items in the Sensitive List.
4. The Contracting States shall notify the SAARC Secretariat all non-tariff and para-tariff measures to their trade on an annual basis. The notified measures shall be reviewed by the Committee of Experts, established under Article 10, in its regular meetings to examine their compatibility with relevant WTO provisions. The Committee of Experts shall recommend the elimination or implementation of the measure in the least trade restrictive manner in order to facilitate intra-SAARC trade.
5. Contracting Parties shall eliminate all quantitative restrictions, except otherwise permitted under GATT 1994, in respect of products included in the Trade Liberalisation Programme.
6. Notwithstanding the provisions contained in paragraph 1 of this Article, the Non-Least Developed Contracting States shall reduce their tariff to 0-5% for the products of Least Developed Contracting States within a timeframe of three years beginning from the date of coming into force of the Agreement.

**Article-8**

**Additional Measures**

Contracting States agree to consider, in addition to the measures set out in Article 7, the adoption of trade facilitation and other measures to support and complement SAFFA for mutual benefit. These may include, among others:

a) harmonization of standards, reciprocal recognition of tests and accreditation of testing laboratories of Contracting States and certification of products;

b) simplification and harmonization of customs clearance procedure;

c) harmonization of national customs classification based on HS coding system;

d) customs cooperation to resolve disputes at customs entry points;

e) simplification and harmonization of import licensing and registration procedures;

f) simplification of banking procedures for import financing;

g) transit facilities for efficient intra-SAARC trade, especially for the land-locked Contracting States;

h) removal of barriers to intra-SAARC investments;

i) macroeconomic consultations;

j) rules for fair competition and the promotion of venture capital;

k) development of communication systems and transport infrastructure;

l) making exceptions to their foreign exchange restrictions, if any, relating to payments for products under the SAFTA scheme, as well as repatriation of such payments without prejudice to their rights under Article XVIII of the General Agreement on Tariffs and Trade (GATT) and the relevant provisions of Articles of Treaty of the International Monetary Fund (IMF); and

m) simplification of procedures for business visas.

**Article-9**

**Extension of Negotiated Concessions**

Concessions agreed to, other than those made exclusively to the Least Developed Contracting States, shall be extended unconditionally to all Contracting States.

**Article-10**

**Institutional Arrangements**

1. The Contracting States hereby establish the SAFTA Ministerial Council (hereinafter referred to as SMC).

2. The SMC shall be the highest decision-making body of SAFTA and shall be responsible for the administration and implementation of this Agreement and all decisions and arrangements made within its legal framework.

3. The SMC shall consist of the Ministers of Commerce/Trade of the Contracting States.

4. The SMC shall meet at least once every year or more often as and when considered necessary by the Contracting States. Each Contracting State shall chair the SMC for a period of one year on rotational basis in alphabetical order.

5. The SMC shall be supported by a Committee of Experts (hereinafter referred to as COE), with one nominee from each Contracting State at the level of a Senior Economic Official, with expertise in trade matters.

6. The COE shall monitor, review and facilitate implementation of the provisions of this Agreement and undertake any task assigned to it by the SMC. The COE shall submit its report to SMC every six months.

7. The COE will also act as Dispute Settlement Body under this Agreement.

8. The COE shall meet at least once every six months or more often as and when considered necessary by the Contracting States. Each Contracting State shall chair the COE for a period of one year on rotational basis in alphabetical order.

9. The SAARC Secretariat shall provide secretarial support to the SMC and COE in the discharge of their functions.
10. The SMC and COE will adopt their own rules of procedure.

Article -11
Special and Differential Treatment for the Least Developed Contracting States
In addition to other provisions of this Agreement, all Contracting States shall provide special and more favorable treatment exclusively to the Least Developed Contracting States as set out in the following sub-paragraphs:

a) The Contracting States shall give special regard to the situation of the Least Developed Contracting States when considering the application of anti-dumping and/or countervailing measures. In this regard, the Contracting States shall provide an opportunity to Least Developed Contracting States for consultations. The Contracting States shall, to the extent practical, favourably consider accepting price undertakings offered by exporters from Least Developed Contracting States. These constructive remedies shall be available until the trade liberalisation programme has been completed by all Contracting States.

b) Greater flexibility in continuation of quantitative or other restrictions provisionally and without discrimination in critical circumstances by the Least Developed Contracting States on imports from other Contracting States.

c) Contracting States shall also consider, where practical, taking direct trade measures with a view to enhancing sustainable exports from Least Developed Contracting States, such as long and medium-term contracts containing import and supply commitments in respect of specific products, buy-back arrangements, state trading operations, and government and public procurement.

d) Special consideration shall be given by Contracting States to requests from Least Developed Contracting States for technical assistance and cooperation arrangements designed to assist them in expanding their trade with other Contracting States and in taking advantage of the potential benefits of SAFTA. A list of possible areas for such technical assistance shall be negotiated by the Contracting States and incorporated in this Agreement as an integral part.

e) The Contracting States recognize that the Least Developed Contracting States may face loss of customs revenue due to the implementation of the Trade Liberalisation Programme under this Agreement. Until alternative domestic arrangements are formulated to address this situation, the Contracting States agree to establish an appropriate mechanism to compensate the Least Developed Contracting States for their loss of customs revenue. This mechanism and its rules and regulations shall be established prior to the commencement of the Trade Liberalisation Programme (TLP).

Article -12
Special Provision for Maldives

Article -13
Non-application

Article -14
General Exceptions

Article -15
Balance of Payments Measures

Article -16
Safeguard Measures

Article -17
Maintenance of the Value of Concessions

Article -18
Rules of Origin

Article -19
Consultations

Article -20
Dispute Settlement Mechanism

Article -21
Withdrawal
2. The rights and obligations of a Contracting State which has withdrawn from this Agreement shall cease to apply as of that effective date.

3. Following the withdrawal by any Contracting State, the Committee shall meet within 30 days to consider action subsequent to withdrawal.

**Article 22**

Entry into Force

**Article 23**

Reservations

**Article 24**

Amendments

**Article 25**

Depository

M. Morshed Khan

Minister for Foreign Affairs People's Republic of Bangladesh

Yashwant Sinha

Minister of External Affairs Republic of India

Dr. Bhekh B. Thapa

Ambassador-at-large for Foreign Affairs His Majesty's Government of Nepal

Tyronne Fernando

Minister of Foreign Affair Democratic Socialist Republic of Sri Lanka

Nado Rinchhen

Officiating Minister for Foreign Affairs Kingdom of Bhutan

Fathulla Jameel

Minister of Foreign Affairs Republic of Maldives

Khurshid M. Kasuri

Minister of Foreign Affairs Islamic Republic of Pakistan


**Appendix—18**

(i) Physical or Geographical Structure of Indo-Bangladesh Land Border

India and Bangladesh share a Land Border of 4,096 Kms. and a Maritime Border of 180 Kms. It passes through five Indian states (West Bengal, Assam, Meghalaya, Tripura and Mizoram) and Five out of six Bangladesh Divisions (Khulna, Rajshahi, Dhaka, Chittagong and Sylhet). The table shows the detail of the border. The description will be clock wise.

**West Bengal Districts vs. International border with Bangladesh**

North 24 Parganas, Nadia, Murshidabad, Malda, South Dinajpur, North Dinajpur, Darjeeling, Jalpaiguri and Cooch Behar.

**Indian States and International border with Bangladesh**

Taluk Head Quarters vs. International border with Bangladesh

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1 Study of several Maps provided by Indian survey department and Bangladesh map. The areas (Divisions-States) are touching international boundaries from both the sides of India and Bangladesh. See the Map Geo Cunsult, Dhaka, 2007 and Survey of India, The National Survey and Mapping Organization of the country under the Department of Science & Technology, New Delhi, 2007.
1. North 24 Parganas: Sona Jhila (Islands), Sandesh Khali, Hinjaganj, Hasnabad, Basirhat, Swarup Nagar, Bangaon, Badahat.
5. South Dinajpur: Kaliaganj, Hematabad, Karandighi, Goalpokhar, Islampur, Chopra.

Assam Districts vs. International border with Bangladesh
Dhubri, Karimganj, Kachar
1. Dhubri: Dhubri (Sadar), Bilasipara, South Salmara/Mankachar
2. Karimganj: Badarpur, Nilambazar, Patharkhandi Ramakrishna Nagar
3. Cachar: Silchar, Lakhipur

Meghalaya Districts vs. International border with Bangladesh
West Garo Hills, West Khasi Hills, East Khasi Hills and Jaintia Hills
1. West Garo Hills: Dighiri, Zik Zak, Genapara, Dalu
2. West Khasi Hills: Panikunda, Phlagmawapra
3. East Khasi Hills: Balat, Shella
4. Jaintia Hills: Dauki, Lakadong

Tripura Districts (Towns) vs. International border with Bangladesh
North Tripura, Dhalal, West Tripura, South Tripura, Dhalal, North Tripura
1. North Tripura: Dharmanagar, Unakoti
2. Dhalal: Kamalpur
3. West Tripura: Khowal, Sidhai, Khowal, Bisalgarh, Khowal, Khowal, Khowal
4. South Tripura: Puran Rajbari, Belonia, Laogang Bazar, Longthung, Manu Bazar, Sabrum, Tirthamukh, Palangphabari, Matraiibari, Mogiabari
5. Dhalal: Gunamanipara, Rabiraipara
6. North Tripura: Sakhan, Phuldungsei

Mizoram Districts vs. International border with Bangladesh
Mamit, Lunglei, Lawngtiai
1. Mamit: Serhmun, Lallen, Pukzing
2. Lunglei: Laisawrari, Tuiehong, Tiabung, Narhema,
3. Lawngtiai: Uiphum, Serhmun
Bangladesh Divisions and International Border with India

Khulna Divisions vs. International border with India

Satkhira, Jessore, Jhenaidah, Chuadanga, Meherpur, Kustia

1. Satkhira: Symanar, Kaliaganj, Debhata, Khalaroa
2. Jessore: Sarsa, Jhikargachha, Chowgachha
3. Jhenaidah: Maheshpur
4. Chuadanga: Damurhuda
5. Meherpur: Mujibnagar, Gangi
6. Kustia: Daulatpur

Rajshahi Divisions vs. International border with India

Rajshahi, Nawabganj, Naogaon, Jaypurhat, Dinajpur, Thakurgaon, Panchagarh, Nilphamari, Lalmanirhat, Kurigram

1. Rajshahi: Charghat, Paba, Godagar
2. Nawabganj: Shibgonj, Bholahat, Golmastapur
3. Naogaon: Porsha, Sapahar, Dhamoirhat
4. Jaypurhat: Panchabibi
5. Dinajpur: Hakimpur, Birampur, Phulbari, Biral
6. Thakurgaon: Pirganj, Haripur, Ranisankail, Baliadangi
7. Panchagarh: Atwari, Tetulia
8. Nilphamari: Dimla
9. Lalmanirhat: Patgram, Hatibandha, Kaliganj
10. Kurigram: Fulbari, Bhurungamari, Nageswari, Rowmari, Char Rajibpur

Dhaka Divisions vs. International border with India

Jamalpur, Sherpur, Mymensingh, Netrokona

1. Jamalpur: Bakshiganj
2. Sherpur: Sribardi, Jhinaigati
3. Mymensingh: Haluaghat, Dhobaura
4. Netrokona: Durgapur, Kalmakanda

Sylhet Divisions vs. International border with India

Sunamganj, Sylhet, Maulavi Bazar, Habiganj

1. Sunamganj: Tahirpur, Bisambharpur, Dorabazar
2. Sylhet: Companigari, Goainghat, Jaintiapur, Kanaighat, Zakigonj
3. Maulavi Bazar: Barleka, Kulaura, Kamalganj, Srimangal
4. Habiganj: Chunarughat, Madhabpur

Chittagong Divisions vs. International border with India
1. Brahmanbari: Sarail, Akhaura, Kasba
2. Comilla: Brahmanpara, Buridhang, Chouddagram,
3. Chittagong: Mirsai
4. Khagrachari: Ramgarh, Matiranga, Panchhari
5. Rangamati: Baghaichhari, Langadu, Barkal, Juraichhari