

No. 5252

**PAKISTAN
and
INDIA**

**Agreement on border disputes (with joint communiqué).
Signed at New Delhi, on 10 September 1958**

Official text: English.

Registered by Pakistan on 19 July 1960.

**PAKISTAN
et
INDE**

Accord relatif aux différends de frontière (avec communiqué commun). Signé à New Delhi, le 10 septembre 1958

Texte officiel anglais.

Enregistré par le Pakistan le 19 juillet 1960.

No. 5252. AGREEMENT¹ BETWEEN PAKISTAN AND INDIA
ON BORDER DISPUTES. SIGNED AT NEW DELHI,
ON 10 SEPTEMBER 1958

In accordance with the directives issued by the two Prime Ministers, the Secretaries discussed this morning the following disputes :

West Bengal—East Pakistan

- (1) Bagge Awards on Disputes I and II.
- (2) Hilli.
- (3) Berubari Union No. 12.
- (4) Demarcation of Indo-Pakistan frontier so as to include the two chitlands of old Cooch Behar State adjacent to Radcliffe line in West Bengal.

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|------------------------|---------------------|
| (5) 24 Parganas—Khulna | } Boundary disputes |
| 24 Parganas—Jessore | |

Assam—East Pakistan

- (6) Pakistan claim to Bholaganj.
- (7) Piyain and Surma—Boundary disputes.

Tripura—East Pakistan

- (8) Tripura land under Pakistan Railway and Tripura land to the west of the railway line at Bhagalpur.
- (9) Feni river—Boundary dispute.

West Bengal—East Pakistan

- (10) Exchange of enclaves of the old Cooch Behar State in Pakistan and Pakistan enclaves in India. Claim to territorial compensation for extra area going to Pakistan.

2. As a result of the discussions, the following agreements were arrived at :

(1) *Bagge Awards on disputes I and II*

It was agreed that the exchange of territories as a result of demarcation should take place by 15th January, 1959.

(2) *Hilli*

Pakistan Government agree to drop this dispute. The position will remain as it is at present in accordance with the Award made by Sir Cyril Radcliffe and in accordance with the line drawn by him on the map.

¹ Came into force on 10 September 1958 by signature.

(3) *Berubari Union No. 12*

This will be so divided as to give half the area to Pakistan, the other half adjacent to India being retained by India. The division of Berubari Union No. 12 will be horizontal, starting from the north-east corner of Dobiganj thana. The division should be made in such a manner that the Cooch Behar enclaves between Pachgar thana of East Pakistan and Berubari Union No. 12 of Jalpaiguri thana of West Bengal will remain connected as at present with Indian territory and will remain with India. The Cooch Behar enclaves lower down between Beda thana of East Pakistan and Berubari Union No. 12 will be exchanged along with the general exchange of enclaves and will go to Pakistan.

(4) Pakistan Government agree that the two chitlands of the old Cooch Behar State adjacent to Radcliffe line should be included in West Bengal and the Radcliffe line should be adjusted accordingly.

(5) *24 Parganas—Khulna*
24 Parganas—Jessore } *Boundary disputes*

It is agreed that the mean of the two respective claims of India and Pakistan should be adopted, taking the river as a guide, as far as possible, in the case of the latter dispute. (Ichhamati river).

(6) Pakistan Government agree to drop their claim on Bholaganj.

(7) Piyain and Surma river regions to be demarcated in accordance with the relevant notifications, cadastral Survey maps and, if necessary, record of rights. Whatever the result of this demarcation might be, the nationals of both the Governments to have the facility of navigation on both these rivers.

(8) Government of India agree to give in perpetual right to Pakistan the land belonging to Tripura State to the west of the railway line as well as the land appurtenant to the railway line at Bhagalpur.

(9) The question of the Feni river to be dealt with separately after further study.

(10) Exchange of old Cooch Behar enclaves in Pakistan and Pakistan enclaves in India without claim to compensation for extra area going to Pakistan, is agreed to.

3. The Secretaries also agreed that the question of giving effect to the exchange of territory as a result of the demarcation already carried out, should be given early consideration.

(Signed) M. S. A. BAIG
Foreign Secretary
Ministry of Foreign Affairs
and Commonwealth Relations,
Government of Pakistan

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

New Delhi, September 10, 1958

JOINT COMMUNIQUÉ

On the invitation of the Prime Minister of India, the Prime Minister of Pakistan visited New Delhi from the 9th to the 11th September, 1958. During this visit, the Prime Ministers of Pakistan and India discussed various Indo-Pakistan border problems with a view to removing causes of tension and establishing peaceful conditions along the Indo-Pakistan border areas.

The Prime Ministers 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 region. They also agreed to an exchange of enclaves of the former Cooch Behar State in Pakistan and Pakistan 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 consideration.

The Prime Ministers 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 Hussainiwala and Suleimanke disputes, the Foreign Secretary of the Government of Pakistan and the Commonwealth Secretary of the Government of India, will in consultation with their engineers, submit proposals to the Prime Minister.

APPEAL TO PUBLIC

The Prime Ministers agreed that when areas are exchanged, on agreed dates, as a result of settlement and demarcation of these disputed areas, an appeal 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 Prime Ministers further agreed that, pending the settlement of unresolved disputes and demarcation and exchange of territory by mutual agreement, there should be no disturbance of the status quo by 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 Prime Ministers agreed to keep in touch with each other with a view to considering various steps to be taken to further their common objective of maintaining and developing friendly and cooperative relations between their two countries.