

Title: Agreement between Pakistan and India on West Pakistan-India border disputes
Parties: India, Pakistan
Basin: Indus
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No. 5364. AGREEMENT¹ BETWEEN PAKISTAN AND INDIA ON WEST PAKISTAN-INDIA BORDER DISPUTES SIGNED AT NEW DELHI, ON 11 JANUARY 1960

AGREED DECISIONS AND PROCEDURES TO END DISPUTES AND INCIDENTS, ALONG THE INDO-WEST PAKISTAN BORDER AREAS

1. West Pakistan-Punjab border:

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

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

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

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

(iv) *Suleimalike* (Ferozepur-Montgomery border).-The Governments Of India and Pakistan agree to adjust the district boundaries in this region as specified in the attached schedule² and as shown in the map appended thereto as Annexure³.

2. West Pakistan-Bombay border:

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

3. Detailed Ground Rules for the guidance of the Border Security forces along the Indo-West Pakistan frontier, prepared as a result of the deliberations Conference (Annexure II⁴) will be put into force by both sides immediately. These Rules will be reviewed and brought up-to-date after the boundary has been finally demarcated and the return of areas in adverse possession of either country has been effected in the West Pakistan-Punjab (India) sector. Similar action will be taken in respect of the other two sectors in due course.

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

J. G. KHARAS
Joint Secretary
Ministry of Foreign Affairs and Commonwealth Relations Government of Pakistan

M. J. DESAI
Commonwealth Secretary
Ministry of External Affairs
Government of India

New Delhi, January 11, 1960

SCHEDULE REFERRED TO IN PARA 1 (iv)

1. The boundary between Pakistan and India in the vicinity of Suleimanke Headworks will be along the line marked A, B, C, D, E, F, G, H, I, J, K, L, M in the map at Annexure I⁵. The points A and M represent the junction of this section of the boundary with the boundary between Ferozepur and Montgomery districts. The portion A, B, C, D, E, F will follow the boundary of the original area acquired for the Suleimanke Headworks subject to the modification in respect of the reach D to F as specified in para 2. From F to G it will follow the alignment of the existing Left Marginal Bund, From G to H it will follow the dotted straight line shown in the map as closely as practicable subject to such adjustments in alignment at site as may be required from technical considerations to be decided mutually after carrying out necessary surveys. From H to K, viz., RD 47,500, the boundary will follow the alignment of the existing marginal bund. From K to L it will follow the alignment of the existing new Hasta bund. From L it will run in a straight line to the apex point of the bulge in the district boundary, as shown on the map.

2. The boundary will run at a distance of 50 feet from the outer toe of the existing Left Marginal Bund in all the reaches where the boundary as defined in para 1 above runs along it, i.e., from D to G and from H to K. In the reach from G to H it would similarly, be placed 50 feet from the outer toe of the proposed bund. In the reach K to L., the boundary will run at a distance of 100 feet from the eastern toe of the existing new bund.

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

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

- (i) Top width-25 feet.
- (ii) Side slope on the river side-3 to 1.
- (iii) Outer slope-2 to 1.

(iv) Free Board above the highest flood level on record as on 10th January, 1960-5 feet minimum.

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

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

S. N. RAVIKANT

C. E. Irrigation, Punjab
10-1-60

S. M. MAHBUB

(India) Chief Engineer, Irrigation, West Pakistan
10-1-60

M. J. DESAI

J. G. KHRAS

(iii) *West Pakistan-Bombay Border* between the Director-General, West Pakistan Rangers/ rep. and DIG, (HQ)/rep.

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

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

7. Notwithstanding the provisions of paragraph 6 above, both sides may,

(a) go right up to the *de facto* boundary in hot pursuit of an offender.

(b) send patrols within the zones specified above up to the *de facto* boundary, provided :

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

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

(iii) patrols invariably move with flags ; and

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

(c) retain such pickets, forward posts and observation posts as are already established until the *de jure* boundary is finalised and return of territories under adverse possession takes place. A list of such posts on both sides will be exchanged by 1st February, 1960. New posts within the 150 yards belt on either side will only be established by mutual agreement.

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

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

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

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

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

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

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

15. Whenever any cattle are alleged to have been lifted across the border a report will be lodged with the opposite border post commander to whom the details such as the tracks of the cattle and of the criminals involved will be handed over, The Border Post Commanders concerned will acknowledge receipt of the report and then inform the nearest Police Station in their own country who will make all efforts to recover the cattle. After recovery the cattle must be handed back immediately to the Police Officers on the opposite side.

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

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

18. The duties of the Sub-centres/Wing Commanders/S.Ps. and lower Commanders in their respective areas or responsibility shall be as under

(a) They will maintain close liaison with their opposite numbers.

(b) They will, by frequent visits, make themselves known to the Border Security Forces of the opposite side.

(c) They will receive all complaints regarding border violations/tension. They will immediately hold a joint enquiry not later than 24 hours of the information report. Where this is not possible due to long distances and difficulties of communications, the joint enquiry should be held as soon as possible.

(d) Where two border posts are situated in close proximity to each other and it possible for them to communicate by flags, any commander who wishes to meet his counterpart, will wave a flag, of the specifications given in paragraph 23 below and will proceed to the border unarmed without any escort to a pre-arranged place. The opposite commander or the senior officers on seeing the flag, will acknowledge the signal and proceed to the place of meeting also with a flag unarmed and without escort. The use of flags shall be introduced by 15th February, 1960.

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

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

(e) Nationals of both the countries, while cultivating land up to the *de facto* boundary of the country concerned shall not be interfered with by the Border Security Forces of the other side.

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

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

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

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

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

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

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

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

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

<i>Pickets</i>		<i>Patrols</i>	
Pole	Cloth	Pole	Cloth
Size : 7 feet		4 x 3 feet	3 feet 2 x 2 1/2 feet

Colours: India : Orange; Pakistan : Blue

24. At night flags will be substituted by light signals (two red Very lights) or signal by torches as mutually arranged between the Post Commanders.

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

26. Finally, we recommend-

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

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

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

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

J. G. KHARAS M. J. DESAI
11-1-1960

JOINT COMMUNIQUE

In pursuance of the decision taken at the India-Pakistan Minister-level Conference in October, 1959, where a number of East Pakistan-India border questions were amicably settled, a Minister-level Conference was held at Lahore, Rawalpindi and Delhi from 4th to 11th January, 1960, to discuss West Pakistan-India border questions. The Pakistan Delegation was led by Lt.-General K. M. Shaikh and the Indian Delegation by Sardar Swaran Singh.

2. There were in all five areas of dispute in this region, viz., (1) Chak Ladheke, (2) Theh Sarja Marja, (3) Hussainiwala and (4) Suleimanke Headworks, and (5) Kutch-Sind Border. Of these, the first four disputes arose out of differences between the Governments of India and Pakistan regarding interpretation of the Radcliffe Award. These were settled in a spirit of mutual accommodation as detailed in para 3 below.

3. Pakistan gave up their claim to Chak Ladheke and India gave up their claim to the three villages of Theh Sarja Marja, Rakh Hardi tSingh and Pathanke. In respect of Hussainiwala Headworks it was decided that the boundary would be the district boundary between Ferozepur and Lahore districts. A

settlement was also effected in respect a Suleimanke Headworks and an agreement about the adjustment in the district boundary was arrived at.

4. Both countries agreed to collect further data in respect of the dispute regarding the Kutch-Sind boundary and discussions will be held later with a view to arriving at a settlement of this dispute.

5. Agreement was also reached in respect of the Ground.Rules while operative on the West Pakistan-India border.

6. So far as the demarcation of the boundary between West Pakistan and Punjab (India) was concerned, it was decided that top priority should be given to this work which should be completed by the end of April, 1960. It was agreed that the return of the areas in adverse possession of either country in this sector will be completed by the 15th October, 1960.

7. With the settlement of a large number of border questions both on East Pakistan-India and West Pakistan-India borders, yet another step has been taken by the Governments for bringing about better and amicable neighbourly relations which the leaders, the President of Pakistan and the Prime Minister of India, had welcomed in their meeting on 1st September, 1959.

J. G. KHARAS

M. J. DESAI

1. Pillars

Surveyors General of India and Pakistan will request their respective Governments to ensure that the pillars jointly employed by their departments are not destroyed or mutilated.

Missing pillars, if any, will be relayed under the direction of the two Surveyors General.

2. Demarcation

Regarding the Punjab (India)-West Pakistan sector, orders will be immediately issued for six demarcators with six planetablers with a camp officer each from the Rajasthan-West Pakistan sector to be diverted to complete the work as required.

3. Demarcation of Rajasthan-West Pakistan Boundary

The question of speeding up the demarcation in Rajasthan-West Pakistan border was considered and the following decisions taken:

(a) The specifications of the boundary pillars will be the same as of the main pillars in Punjab (India)-West Pakistan sector, except that the height of the pillars at ground level will be four-and-a-half feet. Only serviceable material of the old pillars may be used for constructing the new boundary pillars, where necessary.

(b) For emplacement of the missing pillars along the Rajasthan-West Pakistan boundary each survey party will work out the position of the missing pillars on the basis of its own records.

If the position so worked out by each side is not identical, the pillar position will be determined by mutual agreement. For this purpose, each side will provide facilities to the other to check up how the pillar position has been worked out.

M. N. A. HASHMIE
Surveyor General of Pakistan

For Surveyor General of India:
S. K. S. MUDALIAR, Lt.-Col.
Director, Map Publication

11th January, 1960

- 1 Came into force on 11 January 1960 by signature.
- 3 See p. 122 of this volume.
- 3 See insert between pp. 140 and 141 of this volume.
- 4 See p. 126 of this volume.
- 5 See insert between pp. 140 and 141 of this volume.