

Press Release

Text of Exchange of Letters on Modalities for Implementation of India-Bangladesh Land Boundary Agreement 1974 and Protocol of 2011 to the Land Boundary Agreement



विदेश सचिव

FOREIGN SECRETARY

विदेश मंत्रालय, नई दिल्ली-11
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI-110011
Phone : 2301 2318 Fax : 2301 6781
E-mail : dirfs@mea.gov.in

No. 9596/FS/2015

June 6, 2015

Excellency,

In pursuance of the exchange of Instruments of Ratification between our two governments on June 6, 2015 to bring into effect the Agreement between the Government of the 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, 1974 and the 2011 Protocol to the said Agreement, I have the honour to propose the following subsequent steps to implement the said Agreement and Protocol:

I. Enclaves

(i) India and Bangladesh agree that the Indian enclaves in Bangladesh and Bangladeshi enclaves in India exchanged pursuant to the 1974 Agreement and 2011 Protocol shall stand transferred to the other with effect from the midnight of July 31, 2015. This shall be referred to as the "Appointed Day";

(ii) Prior to the Appointed Day, representatives of the two Governments shall conduct a joint visit to the enclaves for the following purposes:

- a. Informing the residents of the enclaves of the provisions contained in the 1974 Agreement and the 2011 Protocol, including their rights relating to nationality and citizenship;
- b. Identifying the residents who wish to continue to retain the nationality they hold prior to the actual transfer of territory. This right is available only to those residents who are included in the joint headcount of the population of the enclave finalised and exchanged by the two governments in July 2011 and to the children born to such residents from July 2011 till date;
- c. Collection of data, including photographs, required for issue of entry passes or any other document to facilitate the travel and entry of an enclave resident choosing to retain his original nationality;

(iii) The entry, stay and secure functioning of the representatives in the joint visit, and setting up of camps shall be facilitated by both Governments;

(iv) Both Governments shall facilitate orderly, safe and secure passage to residents of enclaves along with their personal belongings and moveable property to the mainland of India or Bangladesh, as the case may be, including through provision of travel documents;

(v) The travel of the residents who exercise the option of moving from an enclave to the mainland of India or Bangladesh, as the case may be, will be arranged by the respective Governments through cooperation as mutually agreed, and will take place by November 30, 2015. Entry/exit points would be Haldibari, Burimari and Banglabandha on the India-Bangladesh border.

(vi) Both Governments shall ensure the safe custody and integrity of land records, where available, and other immovable properties of residents of enclaves till the date of actual transfer when the said enclaves shall vest in the sovereign jurisdiction of the other State and the records shall be exchanged through the relevant designated District Administrations of the two Governments latest by November 30, 2015.

II. Adverse Possessions

(vii) As regards the Adverse Possessions covered under the 2011 Protocol, India and Bangladesh shall print, sign at the plenipotentiary level and exchange the interim strip maps prepared as provided in Article 3 of the 2011 Protocol to complete the transfer of territorial jurisdiction on the Appointed Day. The ground demarcation of the boundary as per the Interim strip maps will be completed by the respective Survey Departments of the two Governments by June 30, 2016.

III. Undemarcated Boundary


(viii) India and Bangladesh shall print, sign at plenipotentiary level and exchange the interim strip maps of the undemarcated sectors prepared as provided in Article 2 of the 2011 Protocol by the Appointed Day. The ground demarcation of the boundary based on these Interim strip maps will be completed by June 30, 2016.

IV. Ownership and Transfer of Immovable Properties

(ix) The enclave residents exercising the option of moving from an enclave to the mainland of India or Bangladesh, as the case may be, shall inform the relevant district administrations prior to the Appointed Day details of the records and specifications of immovable property held by them. The respective district administrations shall put these records in the public domain prior to their moving so as to avoid misuse or usurpation of such property and to enable sale by the owner of the property. The two Governments shall facilitate remittance of sales proceeds of above mentioned immovable properties as appropriate.

2. The existing mechanism of India-Bangladesh Joint Boundary Working Group (JBWG) will finalize all further details in this regard. The same mechanism will be used to address any issue that may arise after the transfer for the next five years till June 2020. Issues pertaining to modalities to facilitate sale of immovable properties referred to in paragraph 1(ix) above and remittance of such sales proceeds will be addressed by the JBWG at an early date.

3. Excellency, I have the honour further to propose that this letter and your Excellency's reply thereto, confirming that the above sets out correctly the understanding between us shall constitute an Agreement between our two Governments.


(Dr. S. Jaishankar)

H.E. Mr. Md. Shahidul Haque
Foreign Secretary
Government of the People's
Republic of Bangladesh
Dhaka

The Letter from the Bangladesh Foreign Secretary:

GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF BANGLADESH
DHAKA



পররাষ্ট্র সচিব
Foreign Secretary

June 6, 2015

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In pursuance of the exchange of Instruments of Ratification between our two governments on June 6, 2015 to bring into effect the Agreement between the Government of the People's Republic of Bangladesh and the Government of the Republic of India concerning the Demarcation of the Land Boundary between India and Bangladesh and Related Matters, 1974 and the 2011 Protocol to the said Agreement, and your letter of June 6, 2015, I have the honor to confirm that the following correctly sets out the subsequent steps to implement the said Agreement and Protocol:

I. Enclaves

- (i) Bangladesh and India agree that the Bangladeshi enclaves in India and Indian enclaves in Bangladesh exchanged pursuant to the 1974 Agreement and 2011 Protocol shall stand transferred to the other with effect from the midnight of July 31, 2015. This shall be referred to as the "Appointed Day";
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 - a. Informing the residents of the enclaves of the provisions contained in the 1974 Agreement and the 2011 Protocol, including their rights relating to nationality and citizenship;
 - b. Identifying the residents who wish to continue to retain the nationality they hold prior to the actual transfer of territory. This right is available only to those residents who are included in the joint headcount of the population of the enclave finalised and exchanged by the two governments in July 2011 and to the children born to such residents from July 2011 till date;
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- (iii) The entry, stay and secure functioning of the representatives in the joint visit, and setting up of camps shall be facilitated by both Governments;
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3. Excellency, I have the honour to confirm that the above understanding between us on the modalities for implementation of the 1974 Land Boundary Agreement and its 2011 Protocol shall constitute an Agreement between our two Governments.

4. Please accept, Excellency, the assurances of my highest consideration.



(Md. Shahidul Haque)

H.E. Dr. S. Jaishankar
Foreign Secretary
Ministry of External Affairs
Government of the Republic of India
New Delhi

New Delhi
June 08, 2015