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PART V – Acts, Bills, etc., of the Bangladesh Parliament

BANGLADESH PARLIAMENT

Dacca, the 28th November, 1974

The following Act of Parliament received the assent of the President on the 27th November, 1974, and is hereby published for general information:-

ACT No. LXXIV OF 1974

An Act further to amend certain provision of the Constitution of the People's Republic of Bangladesh to give effect to the Agreement entered into between the Governments of the People's Republic of Bangladesh and the Republic of India

WHEREAS it is expedient further to amend certain provision of the Constitution of the People's Republic of Bangladesh to give effect to the Agreement entered into between the Governments of the People's Republic of Bangladesh and the Republic of India;

It is hereby enacted as follows:-

1. Short title and commencement. – (1) This Act may be called the Constitution (Third Amendment) Act, 1974.

(2) It shall come into force at once except section 3 which shall come into force on the date specified in a notification under section 4.

2. Definitions. – In this Act -

(a) "Agreement" means the Agreement between the Governments of the People's Republic of Bangladesh and the Republic of India entered into on the 16th day of May, 1974, as set out in the Schedule;

- (b) "excluded territories" means the territories which are excluded from the territory of Bangladesh in pursuance of the Agreement;
- (c) "included territories" means the territories which are included in the territory of Bangladesh in pursuance of the Agreement.

3. Amendment of article 2 of the Constitution. – In the Constitution of the People's Republic of Bangladesh, in article 2, in clause (a), for the semi-colon and word; "and " the words, brackets, commas, figures and semi-colon "and the territories referred to as included territories in the Constitution (Third Amendment) Act, 1974, but excluding the territories referred to as excluded territories in that Act; and" shall be substituted.

4. Notifications for inclusion and exclusion of territories. – Upon the completion of the demarcation of the land boundary between Bangladesh and India in pursuance of the Agreement such included territories shall, and such excluded territories shall not, form part of the territory of Bangladesh with effect from such date as the Government may, by notification in the official Gazette, specify.

SCHEDULE

[See section 2 (a)]

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 BANGLADESH AND INDIA AND RELATED MATTERS.

The Government of the People's Republic of Bangladesh and the Government of the Republic of India,

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 Bangladesh and India.

Have agreed as follows: -

Article 1

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

- 1. Mizoram-Bangladesh Sector.** – Demarcation should be completed on the basis of the latest pre-partition notifications and records.
- 2. Tripura-Sylhet Sector.** – Demarcation which is already in progress in this area on the agreed basis, should be completed as early as possible.
- 3. Bhagalpur Railway Line.** – The boundary should be demarcated at a distance of 73 feet parallel to the toe of the railway embankment towards the east.
- 4. 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 1915-1918.

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5. Muhuri River (Belonia) Sector. – The boundary in this area should be demarcated along the mid-stream 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 stabilising the river in its present course.

6. Remaining portion of the Tripura-Noakhali / Comilla Sector. – The demarcation in this sector should be completed on the basis of Chakla-Roshanabad Estate Maps of 1892-1894 and the District Settlement Maps of 1915-1918 for areas not covered by the Chakla-Roshanabad Maps.

7. Fenny River. – The boundary should be demarcated along the mid-stream 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. 79 M, 1st

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Edition 1935, till it joins the stream shown as Asalong C on the said map. From that point on, downstream, the boundary should be demarcated along the mid-stream of the course of the Fenny River at the time of demarcation of the boundary. The boundary in this sector will be a fixed boundary.

8. Rest of Tripura-Chittagong Hill Tracts Sector. – The boundary will follow the mid-stream 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 mid-stream of the eastern-most tributary. From the source of this tributary, the boundary will run along the shortest distance to the mid-stream of the stream marked Bayan Asalong, on the map referred to above, and thence will run generally northwards along the mid-stream 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 Boghoban Trig Station up to the tri-junction 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.

9. Beanibazar-Karimganj Sector. – The undemarcated portion of the boundary west of Umapati Village should be demarcated in accordance with the agreed basis of demarcation, leaving Umapati Village in India.

10. 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 Ichhamati River. The boundary will be a fixed boundary.

11. Baikari Khal. – In the Baikari Khal, the boundary should be demarcated on the agreed 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.

12. Enclaves. – The Indian enclaves in Bangladesh and the Bangladesh enclaves in India should be exchanged expeditiously, excepting the enclaves mentioned in paragraph 14 without claim to compensation for the additional area going to Bangladesh.

13. Hilli. – The area will be demarcated in accordance with Redcliffe Award and the line drawn by him on the map.

14. 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 lease in perpetuity to Bangladesh an area of 178 metres X 85 metres near 'Tin Bigha' to connect Dahagram with Panbari Mouza (P.S. Patgram) of Bangladesh.

15. Lathitilla-Dumabari. – From point Y (the last demarcated boundary pillar position), the boundary shall run southwards along the Patheria Hills RF boundary up to the point where it meets the western boundary of Dumabari Mouza. Thence, along the same Mouza boundary up to the tri-junction of Mouzas Dumabari, Lathitilla and Bara Putnigaon through the junction of the two Mouzas Dumabari and Lathitilla. From this point it shall run along the shortest distance to meet the mid-stream of Putni Chara. Thence it shall run generally southwards along the mid-stream 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 Governments of Bangladesh and India agree 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 the signing of the boundary strip maps by the plenipotentiaries. They may sign the relevant maps as early as possible and in any case not later 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. In sectors 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 Bangladesh and India agree that when areas are transferred, the people in these areas shall be given the right of staying on where they are, as national 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 Bangladesh and India agree that any dispute 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 Bangladesh and India 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.

Signed in New Delhi on May 16, 1974, in two originals each of which is equally authentic.

For the Government of
the People's Republic of Bangladesh

For the Government of
the Republic of India

(SHEIKH MUJIBUR RAHMAN)
Prime Minister of Bangladesh

(INDIRA GANDHI)
Prime Minister of India

S. M. RAHMAN,
Secretary.