



नेपाल राजपत्र

श्री ५ को सरकारद्वारा प्रकाशित

खण्ड ४७) काठमाडौं भदौ १६ गते २०५४ साल (अतिरिक्ताङ्क २४

भाग ५

श्री ५ को सरकार

कानून तथा न्याय मन्त्रालयको सूचना

श्री ५ को सरकार र भारत सरकारबीच फुलबारी बंगलाबन्ध मार्गको प्रयोगका सम्बन्धमा मिति २०५४।५।१६ तदनुसार सेप्टेम्बर १, १९९७ का दिन काँकडभिट्टा नेपालमा सो सम्बन्धी पत्रहरू आदान-प्रदान भएकोले नेपाल सन्धि ऐन, २०४७ को दफा १२ को प्रयोजनको लागि उक्त पत्रहरूको प्रामाणिक प्रतिहरू प्रकाशन गरिएको छ।

आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

खण्ड ४७ अतिरिक्ताङ्क २४ नेपाल राजपत्र भाग ५ सिति २०५४।१।१६



No.KAT/AMB/97

भारतीय राजदूत, नेपाल
AMBASSADOR OF INDIA
KATHMANDU, (NEPAL)

Kakarbhitta,
September 1, 1997

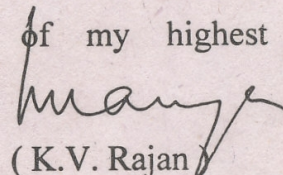
Excellency

I have the honour to refer to the understanding reached between the Hon'ble Prime Ministers of India and Nepal as reflected in the Joint Press Statement issued at the end of the official visit of His Excellency the Prime Minister of India to Nepal on June 7, 1997, by which the Government of India agreed to provide an additional transit route from Nepal to Bangladesh via Phulbari (India) and to propose the following:

An additional route from Kakarbhitta (Nepal) to Banglabandh (Bangladesh) via Phulbari (India) shall be added to the list of transit routes specified in the Protocol to the Treaty of Transit between India and Nepal signed at New Delhi on December 6, 1991. The Treaty of Transit along with the Memorandum referred to in Protocol to the Treaty, in conjunction with the "operating modalities" as annexed herewith, shall act as the working arrangements for transit along this route. This new arrangement would take effect immediately, and would be reviewed six months thereafter.

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 our two Governments, shall constitute an agreement under Article VI of the Treaty of Transit between India and Nepal, and shall enter into force on September 1, 1997.

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


(K.V. Rajan)

His Excellency Mr. Mohan Dev Pant,
Secretary,
Ministry of Commerce, HMGN,
Kathmandu

(२)
आधिकारिकता सुदमा विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

**OPERATING MODALITIES FOR ADDITIONAL TRANSIT ROUTE
BETWEEN NEPAL AND BANGLADESH**

**[Kakarbhitta(Nepal)-Panitanki-Siliguri-Phulbari-
Banglabandh(Bangladesh)]**

The existing Indo-Nepal Treaty of Transit, 1991 will govern the transit along this route. Government of India will take action to notify this transit route, which will be operated under the following modalities:

1. Trucks carrying cargo-in-transit would move in convoys of a maximum of 20-25 trucks.
2. Cargo-in-transit would move in "pilfer-proof" containers/trucks capable of being sealed.
3. Transit will take place on Saturdays and Sundays at specified times during daylight hours.
4. The gross vehicle weight of trucks should not exceed 16.2 tonnes for conventional vehicles and 19 tonnes for three or multi-axle vehicles.
5. The convoy would be escorted from entry to exit point.
6. Only trucks with Nepali registration can be utilised for the transit.
7. Drivers/assistants/cleaners, who would travel with the trucks, should hold identity cards, issued by the HMG of Nepal authorities.
8. The goods will not be subject to usual customs examination and other checks as long as the seals have not been tampered with or unless there are valid reasons to do so.
9. The following categories of goods shall not be allowed for transit (Negative List):
 - i) Fire arms and ammunition
 - ii) Hazardous cargo
 - iii) Gold and silver bullion
 - iv) Goods prohibited for protecting human, animal and plant life
 - v) Antiques and similar other objects.
 - vi) Narcotics and psychotropic substances.

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आधिकारिकता मुद्रण विभागबाट प्रमाणित गरिएपछि मात्र लागु हुनेछ।

10. HMG of Nepal would require to appoint authorised agents (declarants) at Panitanki/Phulbari who would represent the importers/exporters for the purpose of liaison with concerned Indian authorities. All Nepalese importers/exporters would have to use the services of these agents. The agents would be accountable for the actions of these importers/exporters in respect of transactions.
11. On the lines of the existing procedure, the goods will have to be insured by the declarant to the satisfaction of the Indian customs authorities and a copy of such guarantee (insurance cover) would have to accompany each consignment.
12. Government of India and His Majesty's Government of Nepal would take all necessary steps as may be required, for initiating action against offenders when serious violations of the principles governing the transit along this route are noticed.



His Majesty's Government
Ministry of Commerce



BABAR MAHAL,
KATHMANDU, NEP
Kakarbhitta,
September 1, 1997

Excellency,

I have the honour to acknowledge the receipt of your letter dated September 1, 1997, which reads as follows:

"I have the honour to refer to the understanding reached between the Hon'ble Prime Ministers of India and Nepal as reflected in the Joint Press Statement issued at the end of the official visit of His Excellency the Prime Minister of India to Nepal on June 7, 1997, by which the Government of India agreed to provide an additional transit route from Nepal to Bangladesh via Phulbari (India) and to propose the following:

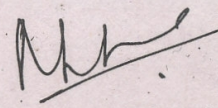
An additional route from Kakarbhitta (Nepal) to Banglabandh (Bangladesh) via Phulbari (India) shall be added to the list of transit routes specified in the Protocol to the Treaty of Transit between India and Nepal signed at New Delhi on December 6, 1991. The Treaty of Transit along with the Memorandum referred to in Protocol to the Treaty, in conjunction with the "operating modalities" as annexed herewith, shall act as the working arrangements for transit along this route. This new arrangement would take effect immediately, and would be reviewed six months thereafter.

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 our two Governments, shall constitute an agreement under Article VI of the Treaty of Transit between India and Nepal, and shall enter into force on September 1, 1997."

I confirm that the foregoing correctly sets out the understanding reached between our two Governments.

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

His Excellency Mr. K. V. Rajan
Ambassador Extra Ordinary & Plenipotentiary
Embassy of India
Kathmandu,
Nepal.


(Mohan Dev Pant)
Secretary

आधिकारिकता मुद्रण विभागबाट (२) प्रमाणित गरिएपछि मात्र लागु हुनेछ।

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OPERATING MODALITIES FOR ADDITIONAL TRANSIT ROUTE BETWEEN
NEPAL AND BANGLADESH

[(Kakarbhitta (Nepal)- Panitanki-Siliguri -Phulbari-Banglabandh (Bangladesh))]

The existing Indo- Nepal treaty of Transit, 1991 will govern the transit along this route. Government of India will take action to notify this transit route, which will be operated under the following modalities :

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 - ii. Hazardous cargo
 - iii. Gold and silver bullion
 - iv. Goods prohibited for protecting human, animal and plant life
 - v. Antiques and similar other objects
 - vi. Narcotics and psychotropic substances
10. HMG of Nepal would require to appoint authorised agents (declarants) at Panitanki/Phulbari who would represent the importers/exporters for the purpose of liaison with concerned Indian authorities. All Nepalese importers/exporters would have to use the services of these agents. The agents would be accountable for the actions of these importers/exporters in respect of transactions.

11. On the lines of the existing procedure, the goods will have to be insured by the declarant to the satisfaction of the Indian customs authorities and a copy of such guarantee (insurance cover) would have to accompany each consignment.
12. Government of India and His majesty's Government of Nepal would take all necessary steps as may be required, for initiating action against offenders when serious violations of the principles governing the transit along this route are noticed.

आज्ञाले,
राजेन्द्रकिशोर क्षेत्री
उप-सचिव

11. On the lines of the existing law, the goods will have to be insured by the owner of the goods. The insurance policy should be submitted to the authorities and a copy of the same should be submitted to the insurance company. The insurance company should also submit a copy of the policy to the authorities.

12. The Government of India has decided to take steps to ensure that the goods are properly insured. The Government has decided to issue orders to the insurance companies to ensure that the goods are properly insured. The Government has also decided to issue orders to the owners of the goods to ensure that the goods are properly insured.

1. The goods should be insured by the owner of the goods.
2. The insurance policy should be submitted to the authorities.
3. The insurance company should also submit a copy of the policy to the authorities.
4. The Government of India has decided to take steps to ensure that the goods are properly insured.
5. The Government has decided to issue orders to the insurance companies to ensure that the goods are properly insured.
6. The Government has also decided to issue orders to the owners of the goods to ensure that the goods are properly insured.

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