Memorandum of Understanding (MoU)

Between

The Government of the Republic of India

And

The Government of the People's Republic of Bangladesh

Establishing Border Haats across the Border between India and Bangladesh

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

Recognizing that 'Border Haats' aim at promoting the wellbeing of the people dwelling in remote areas across the borders of two countries, by establishing traditional system of marketing the local produce through local markets;

Recalling the decision of the Prime Ministers of Bangladesh and India during the visit of the Prime Minister of Bangladesh H.E. Sheikh Hasina to India from 10 to 13 January 2010 that Border Haats shall be established on a pilot basis at selected areas, including Meghalaya border to allow trade in specific produce and products and in accordance with the regulations agreed and notified by both Governments;

Welcoming the inauguration and running of activities in four border haats namely, Balamari (Kurigram District, Bangladesh) - Kalaichar (West Garo Hills, India), Lauwaghar (Dalora, Sunamganj District, Bangladesh) - Balat (East Khasi Hills, India), East Madugram and Middle Place of Sagaria (Feni District, Bangladesh) - Srinagar (West Tripura, India) and Tarapur (Brahmanbaria District, Bangladesh) - Kamalasagar (Sipahijala District, Tripura, India);

Expressing satisfaction for the fulfillment of long standing demand of the local people of the area;

Noting that the resulting economic activity would contribute to the economic upliftment of the people of the area surrounding the border haats; and

Recognizing the need for opening of more border haats in the places along Bangladesh India border as agreed by both the governments;

Have agreed as follows:
1. Opening of New Border Haats:

1. Border Haats shall be established across the borders.

2. Locations for opening Border Haats may be selected jointly by India and Bangladesh based on inter alia, historical location, difficulty in access, inter-dependence of the population on both sides of the border and availability of suitable location.

3. The Border Haats will be operated as per Modalities to be agreed upon between the two countries.

2. Joint Committee:

A Joint Committee for Border Haats at the level of the Additional Secretary/Joint Secretary from both the countries shall review the Border Haats operations, suggest modifications in the operational modalities and propose new locations for Border Haats. The Joint Committee will also comprise officials of relevant departments from both countries. The meeting of the Joint Committee will be held every year, or earlier as would be mutually decided.

3. Validity:

This MoU shall be valid for 5 (five) years with effect from the 23rd day of October 2013. It shall automatically be extended for successive tenures of 5 (five) years unless either Government terminates the MoU by giving a written notice of its intention to terminate to the other Government at least six months before the end of such a term. In case of termination, it shall cease to operate on the expiry of the respective term. But termination shall not affect the actions taken or MoUs reached pursuant to this MoU.

4. Suspension of MOU:

Any party may suspend the operation of this MOU by giving 30 days advance notice in writing.

5. Amendments:

This MoU may be modified, reviewed or amended with the mutual consent by means of any implementing arrangements or additional protocols, which will be an integral part of this MoU.
Signed at New Delhi on this 8th day of April 2017 in English, in two originals, both being equally authentic.

For Ministry of Commerce and Industry,
Government of the Republic of India

[Signature]
Commerce Secretary

For Ministry of Commerce,
Government of the People's Republic of Bangladesh

[Signature]
Secretary-in-Charge
Mode of Operation (MoO) of Border Haats
Across the border between India and Bangladesh

The Government of the Republic of India and the People’s Republic of Bangladesh;
Pursuant to the Memorandum of Understanding between the Government of the Republic of India and the Government of the People’s Republic of Bangladesh for establishing border haats across the border between Bangladesh and India signed on April 08, 2017 (hereinafter referred as MoU); and
Desirous of implementing the said MoU;
Have agreed as follows:

Article 1
Haat Management Committee

Both countries will constitute Haat Management Committees for the management of their respective area of designated Border Haats. The Committee will comprise five (5) members headed by Additional District Magistrate/SDM in the district having jurisdiction over the designated Border Haats of each country and shall include one representative each from the police, customs, border security agency, Upzilla Nirbahi Officer(UNO) and village/union level local government. The Committee will, inter alia, maintain a list of authorized vendors/ vendees, entry/exit of authorized vendors/vendees, and enforcement of general health precautions as may be required from time to time. The list of members of the Committee will be exchanged and any amendment in the list of members will be notified within two working days, to the counterpart committee, through the respective border security/customs member. Additional District Magistrate/SDM may authorize an officer from local administration for day-to-day monitoring of Border Haats and meeting the emergencies.

Article 2
Area, fencing and construction of the Border Haats

1. The size of the Border Haats will generally be 75x75 metres on the zero line.

2. The Border Haats will be located at the zero-line on pre-identified locations having an area which will approximately be equal on both sides of the zero-line and broadly follow the design at Annexure - A.

3. The Border Haats will have two entry/exit points, one from Indian territory for Indian citizens and another from Bangladesh territory for Bangladeshi citizens.
4. The boundaries of the Border Haats will be constructed with concertina wire/barbed wire.

5. The committees will be guided by their respective border security agencies while approving the general design and layout plans and all security related features including entry/exit.

Article 3
Commodities

1. Following commodities produced in Bangladesh/India will be allowed to be traded in the Border Haats:

   (a) Locally produced vegetables, food items, fruits, spices;
   (b) minor forest produce e.g. bamboo, bamboo grass, and broom stick but excluding timber;
   (c) products of cottage industries like Gamcha, Lungli, Saree and any other handloom product etc.;
   (d) small household and agricultural implements e.g., dao, plough, axe, spade, chisel etc.;
   (e) garments, melamine products, processed food items, fruit juice, toiletries, cosmetics, plastic products, aluminum products, cookeries, stationery;
   (f) any product of indigenous nature specifically produced in the area of the Border Haats subject to mutual consent;

2. The list of items allowed for trade in designated Border Haats may be expanded/modified by mutual consent in the Joint Committee meeting. The vendors may offer immediate consumption items of snack foods/juices as may be allowed by the Haat Management Committee.

Article 4
Joint Meetings of the Haat Management Committees

The Committees will hold joint meeting to discuss operational issues as and when required by giving two working days advance notice in writing. The meeting will be held at a mutually convenient place.

Article 5
Vendors

Keeping in view the objective of Border Haats, only residents of the area within five (5) km radius from the location of Border Haat will be allowed to sell their products as vendors in the Border Haats. The number of vendors would be limited to about fifty (50) from each country. The number of vendors from both sides will be regulated with the objective to ensure that Border Haats will
not be overcrowded. Haat Management Committees on both sides will formulate guidelines and procedures for such regulation. Haat Management Committees will also formulate guidelines and procedures for selection of vendors and cancellation of vendorship including duration and circumstances warranting cancellation. The lists of vendors will be exchanged by the respective Haat Management Committee. Any change in the list will be notified to the Haat Management Committee of the other side.

Article 6
Vendees

Only residents of the area within five (5) km radius from the location of Border Haat will be allowed to buy products in the Border Haats. The number of vendees from both sides will be regulated with the objective to ensure that Border Haats will not be overcrowded. Designated representatives of the Haat Management Committee will consult each other and would remain in contact on real time basis during the daily operation of the Border Haats.

Article 7
Timing and Frequency

Border Haats will be held on every fixed day of a week as mutually decided between the Haat Management Committees. The timing and frequency may be further set/modified by mutual consent of the Border Haat Management Committees, subject to review by the Joint Committee, if required.

Article 8
Photo Identity Cards

Vendors and vendees in the Border Haats will carry photo identity cards and the format of the photo identity cards will be exchanged through diplomatic channels. The holders of photo identity cards of one country may only enter into the Border Haat area and shall not be allowed to enter into the territory of other country beyond Border Haat. The designated Border Haats area will be exempted from regulations regarding passport and visa. The District Magistrate/Deputy Commissioner of the district having jurisdiction over the designated Border Haats of each country in consultation with the Haat Management Committee will issue necessary identity cards as per format and will notify each other.

Article 9
Record of Entry/Exit

Respective Haat Management Committee will ensure maintenance of entry/exit records of the vendors and vendees for concerned Border
Haat, preferably electronically. At the time of closing of the Border Haats, this record will be checked to ensure that vendors and vendees who entered the Border Haats have returned to their respective country. In the event of any problem in this regard designated representatives of the Haat Management Committee will contact their counterparts/relevant security personnel.

**Article 10**  
**Law Enforcement and Jurisdiction in the Border Haats**

Any incident that violates or has the potential to be the source of violation of laws, rules and regulations or common peace in the Haats will be dealt with by the respective law enforcing agency/border security agency, under the laws, rules and regulations prevalent in each country. International laws and treaties may come into play where relevant and necessary.

**Article 11**  
**Customs Duties and Non-Tariff Measures**

The commodities sold in the designated Border Haats will be exempted from the payment of customs duties. In consultation with relevant state authorities levy of all other duties/taxes can be considered for exemption. Concerned departments will ensure that tariff or non-tariff issues do not hinder the operation of the Haats.

**Article 12**  
**Entry of Security Forces**

Security forces personnel will not be allowed to enter in the Border Haats area, except in case of emergency to be determined by the District Magistrate/Deputy Commissioner of the Districts adjacent to the designated Border Haats of each country or an officer authorized by him. There will be no restriction on presence of the security personnel outside the boundary of the Border Haats.

**Article 13**  
**Oversight by Customs Officials and Health Officials**

Custom officials and health officials will invoke restrictions in the Border Haats in the event of infringement of custom regulations or outbreak of any disease dangerous to public health. Designated representatives will liaise with each other in this respect.

**Article 14**  
**Medium of Exchange**

The commodities will be allowed to be exchanged in the designated Border Haats in local currency and/or barter basis. Each individual will be allowed to purchase only as much of the commodities produced in Bangladesh/India...
which are reasonable for bona-fide personal/family consumption. Estimated value of such purchases shall not be more than respective local currency equivalent of US$200 (two hundred) for any particular day. This limit may be re-fixed by mutual consent. The regulations relating to foreign exchange will be suspended in the designated Border Haats. The notifications issued to this effect will be exchanged through diplomatic channels.

**Article 15**  
*Period of Validity*

This Mode of Operation shall be effective upon the signature of the Memorandum of Understanding referenced in the Preamble and will be coterminous with the same.

Signed at New Delhi on this 8th day of April 2017, in English, in two originals, both being equally authentic.

For Ministry of Commerce and Industry, Government of the Republic of India

For Ministry of Commerce, Government of the People's Republic of Bangladesh

(Commerce Secretary)  
(Secretary-in-Charge)