

**PROTOCOL¹ BETWEEN THE GOVERNMENT OF
INDIA AND THE GOVERNMENT OF THE
ISLAMIC REPUBLIC OF PAKISTAN
REGARDING SHIPPING SERVICES
New Delhi, 15 January 1975**

RECALLING the provisions of the Simla² Agreement of 1972 to progressively restore and normalise relations between the two countries, and

RECALLING further the Protocol on Resumption of Trade between India and Pakistan signed at New Delhi on the 30th November, 1974, and

RESOLVING to restore direct shipping services between the two countries,

The Delegations of India and Pakistan, which met in New Delhi from the 11th to 15th January, 1975,

HAVE agreed as follows :

1. Necessary steps will be taken by both the countries to restore direct shipping services by the 15th February, 1975, on the principles of sovereign equality, and mutual benefit.
2. Such services will cover the carriage of cargo between the two countries.
3. Such carriage will only be by the vessels of the mercantile marine sailing under the flag of either country in accordance with its laws and regulations.
4. All cargo between the ports of the two countries shall be carried on the principle of equality in matters relating to cargo liftings and freight earnings on an annual basis.
5. Vessels of either country will load in the ports of one country only such cargo as is destined for the other country.

1. Came into force on 15 January 1975.

2. IBTA Vol. 7 Doc. No. 463.

6. For coordination of all questions connected with the operation of direct shipping services between both the countries, the Government of India hereby nominate the Director General of Shipping, Bombay on their part and the Government of Pakistan likewise nominate the Director General of Ports and Shipping, Karachi, on their part.
7. The authorities referred to in Article (6) will nominate the shipping companies of their respective countries to determine by mutual discussion the details of operation of the services. For this purpose, the representatives of the Shipping Companies shall meet, as early as possible, on a mutually convenient date.
8. The vessels of either country, their crew, and cargoes shall be admitted to the territorial waters and the ports of the other country and shall be accorded the most - favoured - nation treatment relating to their entry, stay, loading/unloading of cargo, leaving of the ports, and all necessary facilities for safe maritime navigation.
9. The provisions of Article (8) shall be subject to Article (5) and such restrictions as are or may be imposed, from time to time, by the laws of either country.
10. Either country shall adopt, within the limits of their laws and port regulations, all appropriate measures to facilitate and expedite maritime traffic, to prevent delays to vessels and to expedite the carrying out of customs and other formalities applicable at the ports.
11. All ship documents including those relating to nationality, registration, tonnage and survey issued or recognised by one country shall be recognised by the other country.
12. Either country shall recognise the seamen's identity documents issued by the appropriate authorities of the other country.
13. Holder of Seaman's identity documents specified in Article (12) shall, during the stay of the vessel in the ports of the other country, be permitted to land on temporary shore leave without visa, on his obtaining a Landing Permit valid for a period not exceeding 24 hours, provided he deposits his Continuous Discharge Certificate with the Immigration Authorities and provided further that the crew list has been submitted to the concerned authorities in accordance with the laws and regulations in force in the port. The said person shall be subject to customs control. His entry and stay in port shall be governed by the provisions of the India-Pakistan Visa Agreement¹ of the 14th

1. IBTA Vol. 8 Doc. No. 534.

- September, 1974, and the laws and regulations in force in that port.
14. When a member of the crew disembarks in the port of the other country due to illness, he shall be permitted to enter a hospital. He shall also be permitted to rejoin ship or be repatriated if a member of the crew is left behind for reasons such as "missing the ship", or his transfer from the ship, he shall be permitted to rejoin ship or be repatriated.
 15. The captain of the vessel staying in the port of the other country or a person authorised by him shall be permitted and assisted to contact or visit the Consular official representing the interest of the other country.
 16. If a vessel of either country be involved in maritime peril or encounters any other danger off the coast or in the ports of the other country, the vessel, the cargo, the crew and the passengers shall receive the same assistance which is accorded to a national vessel, its cargo, crew and passengers. This will be subject to the respective laws and international obligations of the two countries.
 17. The cargo, ship stores, machinery spares etc., of the damaged vessel which have to be off-loaded, shall not be subject to customs duties and taxes provided the same are taken out of the country within a reasonable period.
 18. All payments and expenses relating to shipping services between the two countries shall be effected in freely convertible currency in accordance with the foreign exchange regulations in force from time to time in each country.
 19. The representatives of the two authorities referred to in Article (5) above shall meet, as necessary, to discuss and resolve all outstanding problems. If they are unable to settle any question concerning the interpretation or application of this Protocol, such questions shall be referred to the respective Governments for settlement.
 20. To facilitate urgent consultations in matters relating to implementation of this Protocol and any arrangements made thereunder, visas shall be granted immediately, on request, to four nationals of either country nominated by the respective authorities referred to in Article (6), for travel to the other country. Names and full particulars of the nationals so nominated shall be exchanged as soon as possible and Consular authorities representing the interest of both the countries informed accordingly.

21. Both the governments shall take necessary steps to rescind with effect from the 1st February, 1975, the existing restrictions on the entry of merchant vessels of their countries to each other's ports.
22. The working of this Protocol shall be reviewed by the two Governments after the lapse of one year and thereafter as may be mutually agreed upon.
23. This Protocol will come into force on the date of signing.

Sd/-

M. RAMAKRISHNAYYA
Secretary to the Government
of India, Ministry of Shipping
and Transport and Leader of the
Indian Delegation

Sd/-

K. T. KIDWAI
Secretary to the Government
of Pakistan, Ministry
of Communications
and Leader of the
Pakistan Delegation

New Delhi, 15th January, 1975
