

The Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968

(ACT NO. 24 OF 1968)

[*As on the* 30*th August*, 2026]

AMENDING ACT

The Delegated Legislation Provisions (Amendment) Act, 1985 (04 of 1986).

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LIST OF ABBREVIATIONS USED

Cl., cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

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THE BIHAR AND UTTAR PRADESH (ALTERATION OF BOUNDARIES) ACT, 1968

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THE BIHAR AND UTTAR PRADESH (ALTERATION OF BOUNDARIES) ACT, 1968

ACT NO. 24 OF 1968

[22*nd May,* 1968.]

An Act to provide for the alteration of boundaries of the States of Bihar and Uttar Pradesh and for matters connected therewith.

BE it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

PART I

PRELIMINARY

1. Short title.—This Act may be called the Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "appointed day[1]" means the day which the Central Government may, by notification in the Official Gazette, appoint;

(*b*) "assembly constituency", "council constituency" and "parliamentary constituency" have the same meanings as in the Representation of the People Act, 1950 (43 of 1950);

(*c*) "deep stream", in relation to the river Ganga or the river Ghaghra, means the deep stream thereof as verified and agreed upon by the State Governments of Bihar and Uttar Pradesh after the 30th day of September of the year preceding the year in which the appointed day falls and before the 1st day of January of the year in which the appointed day falls and in default of agreement between the State Governments, as determined by such authority as may be specified by the Central Government;

(*d*) "fixed boundary" means the boundary line demarcated under the provisions of sub-section (*2*) of section 3 in relation to the river Ganga or the river Ghaghra, as the case may be;

(*e*) "law" includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or in any part of the State of Bihar or Uttar Pradesh;

(*f*) "notified order" means an order published in the Official Gazette;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "sitting member", in relation to either House of Parliament or of the Legislature of a State, means a person who immediately before the appointed day is a member of that House;

(*i*) "transferred territories" means,—

(*i*) in relation to the State of Bihar, the territories transferred by this Act from that State to the State of Uttar Pradesh, and

(*ii*) in relation to the State of Uttar Pradesh, the territories transferred by this Act from that State to the State of Bihar;

(*j*) any reference to a district of a State shall be construed as a reference to the area physically comprised within that district immediately before the appointed day.

1. 10th June, 1970, *vide* notifn. No. G.S.R. 901, dated 9th June, 1970, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).

PART II

TRANSFER OF TERRITORIES

3. Transfer of territories.—(*1*) As from the appointed day,—

(*a*) there shall be added to the State of Bihar—

(*i*) all the territories of Ballia district of the State of Uttar Pradesh lying between the fixed boundary and the deep stream of the river Ghaghra, and

(*ii*) all the territories of that district lying between the fixed boundary and the deep stream of the river Ganga,

and the said territories shall thereupon cease to form part of the State of Uttar Pradesh; and

(*b*) there shall be added to the State of Uttar Pradesh—

(*i*) all the territories of Saran district of the State of Bihar lying between the fixed boundary and the deep stream of the river Ghaghra, and

(*ii*) all the territories of Shahabad district of the State of Bihar lying between the fixed boundary and the deep stream of the river Ganga,

and the said territories shall thereupon cease to form part of the State of Bihar.

(*2*) The fixed boundary in relation to each of the rivers Ganga and Ghaghra shall be demarcated by an authority appointed in this behalf by the Central Government so as to be generally in conformity with the boundary line described in the Schedule in relation to that river:

Provided that in the process of such demarcation, the said authority shall have power to rationalise to the extent considered necessary by him, the boundary alignment between the high banks of the river Ganga or the river Ghaghra, as the case may be, and in particular shall try—

(*a*) to ensure, as far as possible, the stability of the boundary pillars and the recognition of the boundary alignment both during the dry and flood seasons; and

(*b*) to avoid, as far as possible, the splitting up of the existing abadis.

(*3*) For the purposes of such demarcation,—

(*a*) the decision of the said authority on any matter relating to the interpretation of any part of the description of the boundary given in the Schedule (including the determination of the relevant record referred to in the Explanatory Note to the Schedule) shall be final;

(*b*) the said authority shall have power to determine the location of the points at which the boundary pillars shall be constructed and to specify the State Government which shall be responsible for the construction and maintenance of the boundary pillars at such points according to such specifications as that authority may indicate (the pillars of the same specifications being apportioned, as far as practicable equally between the two State Governments), the decision of the said authority in regard to these matters being final;

(*c*) it shall be lawful for the said authority and for any person specified by such authority to enter upon and survey any area in the vicinity of the boundary line and to do all other acts as may be necessary.

(*4*) The authority referred to in sub-section (*2*) shall also prepare a map of the transferred territories showing—

(*a*) the deep stream of the river Ghaghra or the river Ganga, as the case may be, and the fixed boundary in relation to that river;

(*b*) the names and boundaries of the villages in the transferred territories, as indicated by the State Government having jurisdiction over the territories before their transfer, with reference to the revenue records of that Government in force immediately before the preparation of such map,

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and forward such map to the Central Government who shall cause it to be published in the transferred territories in such manner as it thinks fit.

(*5*) As from the appointed day, the State Government of Bihar or Uttar Pradesh shall, by order in the Official Gazette, provide for the administration of the territories transferred to that State under sub-section (*1*) by including them or any part of them in such district, sub-division, police-station or other administrative unit as may be specified in the order.

4. Amendment of First Schedule to the Constitution.—As from the appointed day, in the First Schedule to the Constitution, under the heading "I. THE STATES"—

(*a*) for the entry against "3. Bihar", the following shall be substituted, namely:—

"The territories which immediately before the commencement of this Constitution were either comprised in the Province of Bihar or were being administered as if they formed part of that Province and the territories specified in clause (*a*) of sub-section (*1*) of section 3 of the Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968, but excluding the territories specified in sub-section (*1*) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956, and the territories specified in clause (*b*) of sub-section (*1*) of section 3 of the first mentioned Act.";

(*b*) for the entry against "13. Uttar Pradesh", the following shall be substituted, namely:—

"The territories which immediately before the commencement of this Constitution were either comprised in the Province known as the United Provinces or were being administered as if they formed part of that Province and the territories specified in clause (*b*) of sub-section (*1*) of section 3 of the Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968, but excluding the territories specified in clause (*a*) of sub-section (*1*) of section 3 of that Act."

PART III

REPRESENTATION IN THE LEGISLATURES

5. Construction of Delimitation Orders.—As from the appointed day, any reference in any order relating to delimitation of parliamentary constituencies, assembly constituencies or council constituencies—

(*a*) (*i*) to the State of Bihar, shall be construed as including the territories transferred to that State from the State of Uttar Pradesh under clause (*a*) of sub-section (*1*) of section 3, but excluding the territories transferred from the State of Bihar to the State of Uttar Pradesh under clause (*b*) of that sub-section;

(*ii*) to any district, sub-division, police-station or other administrative unit in the State of Bihar, shall be construed as including that part of the territories, if any, transferred to that State, which is included in that district, sub-division, police-station or other administrative unit by order made under sub-section (*5*) of section 3;

(*b*) (*i*) to the State of Uttar Pradesh, shall be construed as including the territories transferred to that State from the State of Bihar under clause (*b*) of sub-section (*1*) of section 3, but excluding the territories transferred from the State of Uttar Pradesh to the State of Bihar under clause (*a*) of that sub-section;

(*ii*) to any district, sub-division, police-station or other administrative unit in the State of Uttar Pradesh, shall be construed as including that part of the territories, if any, transferred to that State, which is included in that district, sub-division, police-station or other administrative unit by order made under sub-section (*5*) of section 3.

6. Provision as to sitting members.—(*1*) Every sitting member of the House of the People representing any parliamentary constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed, as from the appointed day, to have been elected to that House by that constituency as so altered.

(*2*) Every sitting member of the Legislative Assembly of the State of Bihar or Uttar Pradesh representing any assembly constituency the extent of which has been altered by virtue of the provisions of this Act shall, notwithstanding such alteration, be deemed as from the appointed day, to have been elected to the said Legislative Assembly by that constituency as so altered.

(*3*) Every sitting member of the Legislative Council of Bihar or Uttar Pradesh representing any council constituency the extent of which has been altered by virtue of the provisions of this Act, shall, notwithstanding such alteration, be deemed as from the appointed day, to have been elected to the said Legislative Council by that constituency as so altered.

PART IV

HIGH COURTS

7. Extension of jurisdiction of, and transfer of proceedings to, High Court at Patna.—(*1*) Except as hereinafter provided—

(*a*) the jurisdiction of the High Court at Patna shall, as from the appointed day, extend to the territories transferred by this Act from the State of Uttar Pradesh to the State of Bihar; and

(*b*) the High Court of Judicature at Allahabad shall, as from that day, have no jurisdiction in respect of the said territories.

(*2*) Such proceedings pending in the High Court of Judicature at Allahabad immediately before the appointed day as are certified by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court at Patna shall, as soon as may be after such certification, be transferred to the High Court at Patna.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), but save as hereinafter provided, the High Court of Judicature at Allahabad shall have, and the High Court at Patna shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appear to the Supreme Court applications for review and other proceedings, where any such proceedings seek any relief in respect of any order passed by the High Court of Judicature at Allahabad before the appointed day:

Provided that if, after such proceedings have been entertained by the High Court of Judicature at Allahabad, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court at Patna, he shall order that they shall be so transferred and such proceedings shall thereupon be transferred accordingly.

(*4*) Any order made by the High Court of Judicature at Allahabad—

(*a*) before the appointed day in any proceedings transferred to the High Court at Patna by virtue of sub-section (*2*), or

(*b*) in any proceedings with respect to which the High Court of Judicature at Allahabad retains jurisdiction by virtue of sub-section (*3*),

shall, for all purposes, have effect not only as an order of the High Court of Judicature at Allahabad, but also as an order made by the High Court at Patna.

(*5*) Subject to any rule made or direction given by the High Court at Patna, any such person who immediately before the appointed day is an advocate entitled to practise in the High Court of Judicature at Allahabad as may be specified in this behalf by the Chief Justice of the High Court at Patna having regard to the transfer of territories from the State of Uttar Pradesh to the State of Bihar, shall be recognised as an advocate entitled to practise in the High Court at Patna.

8. Extension of jurisdiction of, and transfer of proceedings to, High Court at Allahabad.—(*1*) Except as hereinafter provided—

(*a*) the jurisdiction of the High Court of Judicature at Allahabad shall, as from the appointed day, extend to the territories transferred by this Act from the State of Bihar to the State of Uttar Pradesh; and

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(*b*) the High Court at Patna shall, as from that day, have no jurisdiction in respect of the said territories.

(*2*) Such proceedings pending in the High Court at Patna immediately before the appointed day as are certified by the Chief Justice of that High Court, having regard to the place of accrual of the cause of action and other circumstances, to be proceedings which ought to be heard and decided by the High Court of Judicature at Allahabad shall, as soon as may be after such certification, be transferred to the High Court of Judicature at Allahabad.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), but save as hereinafter provided, the High Court at Patna shall have, and the High Court of Judicature at Allahabad shall not have, jurisdiction to entertain, hear or dispose of appeals, applications for leave to appeal to the Supreme Court, applications for review and other proceedings, where any such proceedings seek any relief in respect of any order passed by the High Court at Patna before the appointed day:

Provided that if, after such proceedings have been entertained by the High Court at Patna, it appears to the Chief Justice of that High Court that they ought to be transferred to the High Court of Judicature at Allahabad, he shall order that they shall be so transferred and such proceedings shall thereupon be transferred accordingly.

(*4*) Any order made by the High Court at Patna—

(*a*) before the appointed day in any proceedings transferred to the High Court of Judicature at Allahabad by virtue of sub-section (*2*), or

(*b*) in any proceedings with respect to which the High Court at Patna retains jurisdiction by virtue of sub-section (*3*),

shall, for all purposes, have effect not only as an order of the High Court at Patna, but also as an order made by the High Court of Judicature at Allahabad.

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(*5*) Subject to any rule made or direction given by the High Court of Judicature at Allahabad, any such person who immediately before the appointed day is an advocate entitled to practise in the High Court at Patna as may be specified in this behalf by the Chief Justice of the High Court of Judicature at Allahabad having regard to the transfer of territories from the State of Bihar to the State of Uttar Pradesh, shall be recognised as an advocate entitled to practise in the High Court of Judicature at Allahabad.

9. Right to appear in any proceedings transferred under section 7 or section 8.—Any person who immediately before the appointed day is an advocate entitled to practise in the High Court at Patna or the High Court of Judicature at Allahabad and was authorised to appear in any proceedings transferred under section 7 or section 8 shall have the right to appear in the High Court to which the proceedings have been transferred, in relation to those proceedings.

10. Interpretation.—For the purposes of sections 7 and 8,—

(*a*) proceedings shall be deemed to be pending in the High Court at Patna or the High Court of Judicature at Allahabad until that Court has disposed of all issues between the parties, including any issue with respect to the taxation of the costs of the proceedings and shall include appeals, applications for leave to appeal to the Supreme Court, applications for review, petitions for revision and petitions for writs;

(*b*) references to the High Court at Patna or the High Court of Judicature at Allahabad shall be construed as including references to a Judge or division court thereof, and references to an order made by a court or a Judge shall be construed as including references to a sentence, judgment or decree passed or made by that court or Judge.

PART V

AUTHORISATION OF EXPENDITURE

11. Appropriation of moneys for expenditure in transferred territories under existing appropriation Acts.—(*1*) As from the appointed day, any Act passed by the Legislature of the State of Bihar or Uttar Pradesh before that day for the appropriation of any moneys out of the Consolidated Fund

of the State to meet any expenditure in respect of any part of the financial year in which the appointed day falls shall have effect also in relation to the territories transferred to that State by the provisions of Part II and it shall be lawful for the State Government to spend any amount in those territories out of the amount authorised by such Act to be expended for any service in that State.

(*2*) The Governor of Bihar or of Uttar Pradesh may, after the appointed day, authorise such expenditure, from the Consolidated Fund of the State as he deems necessary for any purpose or service in the territories transferred to that State for a period of not more than six months beginning with the appointed day pending the sanction of such expenditure by the Legislature of the State.

12. Reports relating to accounts of Bihar and Uttar Pradesh.—The reports of the Comptroller and Auditor-General of India referred to in clause (2) of article 151 of the Constitution relating to the accounts of the State of Bihar or Uttar Pradesh in respect of any period prior to the appointed day shall be submitted to the Governor of each of the States of Bihar and Uttar Pradesh who shall cause them to be laid before the Legislature of the State.

PART VI

APPORTIONMENT OF ASSETS AND LIABILITIES

13. Land and goods.—(*1*) Subject to the other provisions of this Part, all land and all stores, articles and other goods belonging to the State of Bihar or Uttar Pradesh in the transferred territories shall, as from the appointed day, pass to the State to which the territories are transferred.

(*2*) In this section, the expression "land" includes immovable property of every kind and any rights in or over such property.

14. Arrears of taxes.—The right of Bihar or Uttar Pradesh to recover arrears of any tax or duty on property situate in the transferred territories, including land revenue, or to recover arrears of any other tax or duty in any case where the place of assessment of that tax or duty is in the transferred territories shall belong to the State to which the territories are transferred.

15. Right to recover loans and advances.—The right to recover any loans or advances made before the appointed day by Bihar or Uttar Pradesh to any local body, society, agriculturist, or other person in the transferred territories shall belong to the State to which the territories are transferred.

16. Refund of taxes collected in excess.—The liability of Bihar or Uttar Pradesh to refund any tax or duty on property situate in the transferred territories, including land revenue, collected in excess shall be the liability of the State to which the territories are transferred and the liability of Bihar or Uttar Pradesh to refund any other tax or duty collected in excess in any case where the place of assessment of the tax or duty is in the transferred territories shall also be the liability of the State to which the territories are transferred.

17. Deposits.—The liability of Bihar or Uttar Pradesh in respect of any civil deposit or local fund deposit made in the transferred territories shall, as from the appointed day, be the liability of the State to which the territories are transferred.

18. Contracts.—(*1*) Where, before the appointed day, the State of Bihar or Uttar Pradesh has made any contract in the exercise of its executive power for any purposes of the State, that contract shall be deemed to have been made in the exercise of the executive power—

(*a*) if such purposes are, as from that day, purposes relatable exclusively to the transferred territories, of the State to which the territories are transferred; and

(*b*) in any other case, of the State which made the contract, and all rights and liabilities which have accrued, or may accrue, under any such contract shall, to the extent to which they are rights or liabilities of the State which made the contract, be rights or liabilities of the State specified in clause (*a*) or clause (*b*) above.

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(*2*) For the purposes of this section, there shall be deemed to be included in the liabilities which have accrued or may accrue under any contract—

(*a*) any liability to satisfy an order or award made by any court or other tribunal in proceedings relating to the contract; and

(*b*) any liability in respect of expenses incurred in or in connection with any such proceedings.

(*3*) This section shall have effect subject to the other provisions of this Part relating to the apportionment of liabilities in respect of loans, guarantees and other financial obligations.

19. Liability in respect of actionable wrong.—Where, immediately before the appointed day, the State of Bihar or Uttar Pradesh is subject to any liability in respect of an actionable wrong, other than breach of contract, that liability shall,—

(*a*) if the cause of action arose wholly within the transferred territories, be a liability of the State to which the territories are transferred; and

(*b*) in any other case, continue to be a liability of the State which, immediately before that day, was subject to such liability.

20. Liability as guarantor of co-operative societies.—Where, immediately before the appointed day, the State of Bihar or Uttar Pradesh is liable as guarantor in respect of any liability of a registered co-operative society, that liability shall,—

(*a*) if the area of the society's operations is limited to the transferred territories, be a liability of the State to which the territories are transferred; and

(*b*) in any other case, continue to be a liability of the State which, immediately before that day, was subject to such liability.

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21. Items in suspense.—If any item in suspense is ultimately found to affect an asset or liability of the nature referred to in any of the foregoing provisions of this Part, it shall be dealt with in accordance with that provision.

22. Apportionment of assets or liabilities by agreement.—Where the States of Bihar and Uttar Pradesh agree that the benefit or burden of any particular asset or liability should be apportioned between them in a manner other than that provided for in the foregoing provisions of this Part, then, notwithstanding anything contained therein, the benefit or burden of that asset or liability shall be apportioned in the manner agreed upon.

23. Power of Central Government to order allocation or adjustment in certain cases.—Where, by virtue of any of the provisions of this Part, either of the States of Bihar or Uttar Pradesh becomes entitled to any property or obtains any benefits or becomes subject to any liability, and the Central Government, on a reference made within a period of three years from the appointed day by either of the States, is of opinion that it is just and equitable that that property or those benefits should be transferred to, or shared with, the other State or that a contribution towards that liability should be made by the other State, the said property or benefits shall be allocated in such manner between the two States, or the other State shall make to the State subject to the liability such contribution in respect thereof, as the Central Government may, after consultation with the two State Governments, by order determine.

24. Expenditure to be charged on the Consolidated Fund.—All sums payable by either Bihar or Uttar Pradesh to the other State by virtue of the provisions of this Part shall be charged on the Consolidated Fund of the State by which such sums are payable.

PART VII

LEGAL AND MISCELLANEOUS PROVISIONS

25. State Financial Corporations and State Electricity Boards.—As from the appointed day—

(*a*) the Financial Corporations constituted under the State Financial Corporations Act, 1951 (63 of 1951), for the States of Bihar and Uttar Pradesh, and

(*b*) the State Electricity Boards constituted under the Electricity (Supply) Act, 1948 (54 of 1948), for the said States,

shall be deemed to have been constituted for those States with their areas as altered by the provisions of section 3.

26. Territorial extent of laws.—The provisions of section 3 shall not be deemed to have effected any change in the territories to which any law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Bihar or Uttar Pradesh shall, until otherwise provided by a competent Legislature or other competent authority, be construed as meaning the territories within that State immediately before the appointed day.

27. Power to adapt laws.—For the purpose of facilitating the application of any law in relation to the State of Bihar or Uttar Pradesh, the appropriate Government may, before the expiration of one year from the appointed day, by order make such adaptations and modifications of the law, whether by way of repeal or amendment as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations or modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation.—In this section, the expression "appropriate Government" means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law, the State Government.

28. Power to construe laws.—Notwithstanding that no provision or insufficient provision has been made for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Bihar or Uttar Pradesh, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

29. Legal proceedings.—Where, immediately before the appointed day, the State of Bihar or Uttar Pradesh is a party to any legal proceedings with respect to any property, rights or liabilities transferred to the other State under this Act, the other State shall be deemed to be substituted for the State from which such property rights or liabilities are transferred as a party to those proceedings, or added as a party thereto, as the case may be, and the proceedings may continue accordingly.

30. Transfer of pending proceedings.—(*1*) Every proceeding pending immediately before the appointed day before a court (other than a High Court), tribunal, authority or officer in any area which on that day falls within the State of Bihar or Uttar Pradesh shall, if it is a proceeding relatable exclusively to any part of the territories which as from that day are the territories of the other State, stand transferred to the corresponding court, tribunal authority or officer in the other State.

(*2*) If any question arises as to whether any proceeding should stand transferred under sub-section (*1*), it shall be referred to the High Court having jurisdiction in respect of the area in which the court, tribunal, authority or officer before which, or before whom, such proceeding is pending on the appointed day, is functioning, and the decision of that High Court shall be final.

(*3*) In this section,—

(*a*) "proceeding" includes any suit, case or appeal; and

(*b*) "corresponding court, tribunal, authority or officer" in a State means—

(*i*) the court, tribunal, authority or officer in which, or before whom, the proceeding would have lain if the proceeding had been instituted after the appointed day, or

(*ii*) in case of doubt, such court, tribunal, authority or officer in that State as may be determined after the appointed day by the Government of that State, or before the appointed day by the Government of the other State, to be the corresponding court, tribunal, authority or officer.

31. Right of pleaders to practise in certain courts.—Any person who, immediately before the appointed day, is enrolled as a pleader entitled to practise in any subordinate courts in the transferred territories shall, for a period of six months from that day, continue to be entitled to practise in those

courts, notwithstanding that the whole or any part of the territories within the jurisdiction of those courts has been transferred to another State.

32. Construction of boundary pillars, etc.—(*1*) It shall be lawful for the State Government which is responsible for the construction of any boundary pillar under sub-section (*3*) of section 3 to cause such pillar to be constructed and maintained and no suit, prosecution or other legal proceeding shall lie against the State Government or any of its officers for anything in good faith done or intended to be done under this section.

(*2*) The boundary pillars shall be inspected jointly by the officers of the State Governments of Bihar and Uttar Pradesh in accordance with such rules as the Central Government may make in this behalf.

(*3*) Whoever wilfully removes or injures any boundary pillar shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

(*4*) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), an offence under sub-section (*3*) may be inquired into and tried by a court in either of the States of Bihar and Uttar Pradesh.

33. Validity of demarcation done before commencement of Act.—All things done, and all steps taken, before the commencement of this Act in connection with the demarcation of the fixed boundary in relation to the river Ganga or the river Ghaghra, as the case may be, shall, in so far as they are in conformity with the provisions of sub-sections (*2*) and (*3*) of section 3, be deemed to have been done in accordance with law.

34. Effect of provisions inconsistent with other laws.—The provisions of this Act shall have effect notwithstanding any law, custom or usage which is inconsistent therewith.

35. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the President may, by notified order, do anything, not inconsistent with such provisions which appears to him to be necessary or expedient for the purpose of removing the difficulty.

36. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or [1][in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

1. Subs. by Act 4 of 1986, s. 2 and Sch., for certain words (w.e.f. 15-5-1986).

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[*See* section 3 (*2*)]

EXPLANATORY NOTE

The village boundaries and names mentioned in this Schedule have reference to boundaries and names as shown in the sheets of large scale surveys covering relevant areas of Saran and Shahabad districts of the State of Bihar and Ballia district of the State of Uttar Pradesh, conducted by the Survey of India during the period 1881-83, and where such sheets are not available as shown in any other record which the State Governments of Bihar and Uttar Pradesh agree to be relevant within one month from the commencement of this Act, or in default of such agreement, which the authority referred to in sub-section (*2*) of section 3 may determine to be the relevant record.

The Ganga and Ghaghra rivers and their high banks wherever mentioned in this Schedule have reference to the geographical river or high bank positions, as the case may be, as shown in the survey records mentioned in the foregoing paragraph.

Ganga Sector

The boundary in this sector shall commence from a point (approximate Latitude 25° 44' 10", Longitude 84° 36' 06") on the existing fixed boundary between Bihar and Uttar Pradesh, lying between Shitab Diara (Bihar), Mahazi Kondarha (Uttar Pradesh) and Khawaspur (till now in Uttar Pradesh) and located about half mile roughly south-west of the present "abadi" site of Babudera village (near Daljitola). Accordingly, the portion of the present alignment of the above-mentioned existing fixed boundary between this point and the present Ganga river will cease to be the boundary between the States of Bihar and Uttar Pradesh.

2. From this point, the boundary shall run in straight lines within the high banks of the Ganga, connecting successively points (approximate Latitude 25° 44' 12", Longitude 84° 33' 44"), and (approximate Latitude 25° 44' 06", Longitude 84° 33' 46"), placing villages Mahazi Kondarha and Kondarha completely in Uttar Pradesh and village Khawaspur completely in Bihar. From this point, the boundary shall run along the common boundaries of villages Mohanpur and Mandrauli Kans or Tirbhuani, placing them completely in Uttar Pradesh, and Khawaspur, Padumanian, Sohra, Inglis Arazi appg. to Balua Nargada, Piparpati and Salempur Diara Mamluk Sarkar villages placing them completely in Bihar, till it goes to a point (approximate Latitude 25° 43' 35", Longitude 84° 32' 32") on the high bank of the Ganga. From this point, the boundary shall run in straight lines within the high banks of the Ganga, connecting points (approximate Latitude 25° 43' 26", Longitude 84° 32' 12"), (approximate Latitude 25° 40' 56", Longitude 84° 31' 52") and (approximate Latitude 25° 40' 30", Longitude 84° 31' 20"), so as to place villages Raghunathpur, Dewakar Dehari, Kewatia, Narainpur, Singhai, Dharampur, Dokti and Mahazi Dokti completely in Uttar Pradesh and villages Salempur Diara Mamluk Sarkar, Salempur Parsa and Tek Semar completely in Bihar.

3. The boundary will then follow the common boundaries of villages Mahazi Dokti, Arazi Zabti, Mahazi Naubarar No. 49, Naubarar Bandobasti No. 48, Tika Semaria and Nipanian, keeping these villages completely in Uttar Pradesh and villages Zamin Fazil, Suremanpur Harnarain and Bara Singha Buzurg, keeping these villages completely in Bihar, till the boundary reaches point (approximate Latitude 25° 41' 17", Longitude 84° 28' 21") at the north-west corner of village Bara Singha Buzurg and located within the high banks of Ganga river. From this point, the boundary shall run in a straight line to another point (approximate Latitude 25° 41' 35", Longitude 84° 28' 05") on the high bank of the Ganga, placing village Nardara in Uttar Pradesh and villages Parsotimpur Babhnauli and Bahoranpur Chakki completely in Bihar. Thence the boundary shall follow the common boundaries of villages Nardara, Nipanian, Patkhauli, Uchitpur, Bahuara, Udhopur, Nauranga and Bhagwanpur keeping these villages completely in Uttar Pradesh, and villages Pipra Ganesh Damodarpur and Jewainian keeping these villages completely in Bihar, till the boundary reaches point (approximate Latitude 25° 41' 34", Longitude 84° 25' 45") within the high banks of the Ganga. From this point, the boundary shall proceed along the common boundary of village Bhagwanpur and village Bahoranpur, keeping the latter village completely in Bihar, till the boundary reaches point (approximate Latitude 25° 41' 54", Longitude 84° 25' 02") at the north-west corner of village Bahoranpur.

4. Thence the boundary shall run in straight lines within the high banks of the Ganga connecting successively points (approximate Latitude 25° 41' 55", Longitude 84° 24' 33") and (approximate Latitude 25°42' 33", Longitude 84° 24' 11") so as to place village Nauranga completely in Uttar Pradesh and village Nauranga Chakki and Sonbarsa on the other hand completely in Bihar. From this point, the boundary shall follow the common boundaries of villages Nauranga, Bhual Chhapra, Pandepur, Rampur and Udai Chhapra keeping these villages completely in Uttar Pradesh and villages Nauranga Chak, Shiupur and Bariarpur, keeping these villages completely in Bihar, till the boundary reaches point (approximate Latitude 25° 43' 55", Longitude 84° 23' 11"), within the high banks of the Ganga. From this point the boundary shall follow the western boundary of Udai Chhapra up to the high bank of the Ganga and then follow the common boundaries of villages Udai Chhapra, Tola Bari Babu, Kaulapat Chhapra Urf Dubey Chhapra 1st Portion, Pachrukhia, Tulapur Arazi Mafi Khedan Kuanr and Durjanpur, keeping these villages completely in Uttar Pradesh and villages Tulapur and Sughar Chhapra, keeping these villages and village Durjanpur Chak completely in Bihar, till the boundary reaches a point (approximate Latitude 25° 44' 12", Longitude 84° 22' 41") on the high bank of Ganga river. The boundary shall then run in straight lines connecting successively points (approximate Latitude 25° 44' 05", Longitude 84° 22' 38") and (approximate Latitude 25° 44' 29", Longitude 84° 22' 04") and shall then continue along the common boundary of villages Durjanpur and Dangrabad, placing them in Uttar Pradesh, and village Shukulpura or Ghinahu Chhapra, placing this village in Bihar, till the boundary reaches point (approximate Latitude 25° 44' 33", Longitude 84° 22' 00"), south of the north-west corner of village Shukulpura and located on the high bank of the river.

5. Thence the boundary shall run straight to point (approximate Latitude 25° 44' 35", Longitude 84° 20' 58") at the south-east corner of Gaighat village and located within the high banks of Ganga river so as to place villages Dangrabad and Bighai completely in Uttar Pradesh and village Naini Jor completely in Bihar and then run in a straight line till point (approximate Latitude 25° 44' 37", Longitude 84° 24' 50") at the south-west corner of village Gaighat, placing the village in Uttar Pradesh. From this point, the boundary shall run in straight lines within the high banks of the Ganga, connecting successively points (approximate Latitude 25° 44' 37", Longitude 84° 20' 18"), (approximate Latitude 25° 43' 52", Longitude 84° 19' 49"), (approximate Latitude 25° 42' 29", Longitude 84° 19' 54"), (approximate Latitude 25° 40' 14", Longitude 84° 19' 35"), and (approximate Latitude 25° 40' 04", Longitude 84° 19' 17"), so as to place villages Baghaunch, Pokhra, Babubel, Haldi, Rikni Chhapra, Hansnagar and Jauhi completely in Uttar Pradesh and villages Naini Jor, Mahuar and Bahaduri Patti completely in Bihar. Thence the boundary shall follow the common village boundaries of village Jauhi placing this village in Uttar Pradesh and villages Bisupur and Jagdishpur on the other hand placing these two villages in Bihar, till the boundary reaches point (approximate Latitude 25° 39' 54", Longitude 84° 18' 21"). From this point, the boundary shall run straight within the high banks of the Ganga to a point (approximate Latitude 25° 39' 39", Longitude 84° 17' 43") near the north-east corner of village Sapahi and located at the sharp bend of the high bank of the Ganga so as to place village Jauhi in Uttar Pradesh and villages Pandepur and Hirdahi in Bihar. The boundary shall then follow the northern boundary of village Sapahi up to a point (approximate Latitude 25° 39' 35", Longitude 84° 16' 38") at the north-west corner of this village, placing this village completely in Bihar.

6. The boundary shall then run in straight lines within the high banks of the Ganga, connecting successively points (approximate Latitude 25° 39' 49". Longitude 84° 16' 35"), (approximate Latitude 25° 39' 43", Longitude 84° 13' 30"), (approximate Latitude 25° 40' 08". Longitude 84° 12' 28"), (approximate Latitude 25° 42' 06", Longitude 84° 12' 01") and (approximate Latitude 25° 43' 03", Longitude 84° 10' 35"), placing villages Jauhi, Shiupur Diar Gangbarar and Shiupur Diar completely in Uttar Pradesh and villages Mannipur, Shiupur Diar Chakki, Paranpur, Pharhada, Kharha Tanr Estate No. 1 Taufir, Gangauli Estate No. 1 Taufir, Dubha Estate No. 1 Taufir, Rajapur and Diara Partappur completely in Bihar.

7. Then the alignment of the boundary from this point to point (approximate Latitude 25° 43' 24", Longitude 84° 07' 52") will be such as to place villages Shiupur Diar, Shiurampur, Dhamauli, Kashimpur, Wazirapur, Bhikhampura, Turk Ballia, Shahpur Dikhwara, Sobhapur and Bijaipur in Uttar Pradesh and villages Diara Partappur, Bhirgu Ashram, Diara Jagdishpur and Parsanpah in Bihar.

8. The boundary shall then run in straight lines within the high banks of the Ganga joining points (approximate Latitude 25° 43' 16", Longitude 84° 06' 25"), (approximate Latitude 25° 42' 48", Longtitude 84° 05' 28"), (approximate Latitude 25° 41' 40", Longitude 84° 04' 37"), (approximate Latitude 25° 39' 06", Longitude 84° 05' 14"), (approximate Latitude 25° 38' 10", Longitude 84° 04' 59"), (approximate Latitude 25° 37' 33", Longitude 84° 02' 47") and (approximate Latitude 25° 36' 52", Longitude 84° 01' 10") consecutively, placing villages Maldepur, Parsi Patti or Chakia, Haibatpur or Begpur, Taranpur, Bansthana, Pandepur appg. to Ismaila, Hasanpur appg. to Takarsand, Anjorpur, Kot, Arazi Diara (appg. to Kot), Naubarar of Shahapur of 1873, Naubarar of Shahpur of 1880, Naubarar of Kulharia 1880, Naubarar of Palia 1881, Naubarar of Sarwanpur 1881, Naubarar of Rai Kishun Patti 1881, Naubarar of Belsipah 1881, Gangbarar of Sheopur and Gangbarar of Sital Patti completely in Uttar Pradesh and villages Parsanpah, Sultanhi, Dilia Estate No. 1 Taufir, Parnahi Kalan, Parnahi Khurd, Umarpur Diara, Sura tanr or Barkagaon, Nagpura, Padampur, Desar Buzurg, Misraulia, Umarpur Diara, Majharia and Arjunpur completely in Bihar.

9. Thence the boundary will run in straight lines within the high banks of the Ganga, joining successively points (approximate Latitude 25° 34' 09", Longitude 83° 57' 29") and (approximate Latitude 25° 33' 36", Longitude 83° 55' 51"). The last point is the trijunction of the boundaries of districts Ballia and Ghazipur of Uttar Pradesh and district Shahabad of Bihar.

10. The boundary described above, shall be a continuous line.

Ghaghra Sector

The boundary in this sector shall commence from a point (approximate Latitude 25° 46' 21", Longitude 84° 37' 15") on the existing fixed boundary between Shitab Diara in Bihar and Jazira No. 36 in Uttar Pradesh, located at a distance of about 1 mile north-east of the present village Naukatola.

2. From this point, the boundary shall run in straight lines within the high banks of Ghaghra river, connecting successively points (approximate Latitude 25° 46' 18", Longitude 84° 37' 31"), (approximate Latitude 25° 47' 27", Longitude 84° 37' 36"), (approximate Latitude 25° 49' 29", Longitude 84° 35' 04"), (approximate Latitude 25° 49' 55", Longitude 84° 34' 19") and (approximate Latitude 25° 50' 21", Longitude 84° 33' 06") so as to place villages Shitab Diara, Diara Naubarar Godnan, Simaria Bhadpa Buzurg, Manjhanpura, Kaunru, Dhaunru, Manjhi Khas, Diara Manjihi and Mahazi Dumari completely in Bihar and villages Jazira No. 36 and Chand Diara completely in Uttar Pradesh. Thence the boundary shall follow the common boundary between village Mahazi Chand Diara or Dumaria, keeping this village completely in Bihar, and villages Chand Diara and Mahazi Adhsijhua, keeping these villages completely in Uttar Pradesh, till the boundary reaches point (approximate Latitude 25° 51' 31", Longitude 84° 32' 32") on the high bank of the Ghaghra.

3. Thence the boundary shall run in straight lines within the high banks of the Ghaghra, connecting successively points (approximate Latitude 25° 51' 53", Longitude 84° 32' 39") (approximate Latitude 25° 52' 33", Longitude 84° 32' 04") (approximate Latitude 25° 52' 16", Longitude 84° 30' 47") and (approximate Latitude 25° 53' 08", Longitude 84° 29' 34") so as to place villages Jazira Half Be (East), Dumri, Babhanauli or Babhuli, Jazira Hari Be (West), and Domaigarh completely in Bihar and villages Mahazi Adhsijhua and Gopalnagar completely in Uttar Pradesh. The boundary shall then follow the common boundaries between villages Matiar Diara, Mahazi Naubarar Bashishtnagar, Naubarar Ramnagar, Gopalpur and Ramnagar Shumali, keeping these villages completely in Bihar, and villages Gopalnagar, Bashishtnagar, Ramnagar Janubi, Asmanpur, Chattur Bhojpur, Gobindpur, Alagdiari, Zamin Gangbarari Patti Mashrik and Jazira Diara Rampur, keeping these villages completely in Uttar Pradesh, till the boundary reaches point (approximate Latitude 25° 55' 49", Longitude 84° 24' 46") on the high bank of Ghaghra river.

4. From this point, the boundary shall run in straight lines within the high banks of Ghaghra river, connecting successively points (approximate Latitude 25° 56' 05", Longitude 84° 23' 16") (approximate Latitude 25° 57' 27", Longitude 84° 21' 21") (approximate Latitude 25° 56' 36", Longitude 84° 18' 50") (approximate Latitude 25° 56' 39", Longitude 84° 17' 55") (approximate Latitude 25° 57' 28", Longitude 84° 17' 02") (approximate Latitude 25° 58' 30", Longitude 84° 14' 49") and (approximate Latitude 25° 58' 38", Longitude 84° 14' 46"), so as to place villages Siswan, Gangapur, Bhagar Nizamat,

Kachnar and Sisai Diara, Gabhirar, Diara Ghabhirar Mamluk Sarkar, Kaunsar Patti Jujhar, Diara Kaunsar Patti Purab, Diara Kaunsar Patti Jujhar, Diara Kaunsar Patti Pachhim, Diara Narhan Mamluk Sarkar and Narhan Badlu Kokhan Patti Kakuliat completely in Bihar and villages Jazira Diara Rampur, Diara Bhagar, Diara Naubarar Lakhmi Rai Madho Rai, Diara Lakhmi Rai Madho Rai, Chhap Dhanantar, Marwatia Naubarar and Chakki Diara Sultanpur completely in Uttar Pradesh.

5. Then the boundary shall follow the common boundaries between villages Narhan Badlu Mohkam Patti Kakuliat, Diara Bhao Singhpur, Diara Kakuliat or Patti Kakuliat, Adhampur, Patar and Diara Naubarar Bandobasti Patar, keeping these villages completely in Bihar and village Adampur Chakki, keeping this village completely in Uttar Pradesh, till the boundary, reaches point (approximate Latitude 25° 59' 24", Longitude 84° 12' 12") on the high bank of Ghaghra river. From this point the boundary shall run in straight lines within the high banks of Ghaghra river, connecting successively points (approximate Latitude 25° 59' 15", Longitude 84° 11' 53") and (approximate Latitude 25° 59' 35", Longitude 84° 11' 16") so as to place village Diara Naubarar Bandobasti Patar completely in Bihar and villages Kakarghatta, Gondauli and Sangapur completely in Uttar Pradesh. Thence the boundary shall run straight to point (approximate Latitude 25° 59' 38", Longitude 84° 11' 08") approximately following the northern boundary of village Bikrampur, placing the village in Uttar Pradesh.

6. From this point, the boundary shall run straight within the high banks of Ghaghra river to point (approximate Latitude 25° 59' 39", Longitude 84° 10' 46") so as to place village Diara Naubarar Bandobasti Patar completely in Bihar and village Ailasgarh completely in Uttar Pradesh. The alignment thence to point (approximate Latitude 26° 01' 27", Longitude 84° 10' 11") will be such that village Diara Maniar Tukra I shall be placed in Bihar and village Mahazi Maniar Tukra II shall be placed in Uttar Pradesh.

7. From thereon, the boundary shall run in straight lines within the high banks of Ghaghra river, connecting successively points (approximate Latitude 26° 03' 07", Longitude 84° 08' 21"), (approximate Latitude 26° 04' 29", Longitude 84° 07' 26"), (approximate Latitude 26" 05' 34", Longitude 84° 06' 22"), (approximate Latitude 26° 06' 00", Longitude 84° 05' 27"), and (approximate Latitude 26° 06' 00", Longitude 84° 03' 27") so as to place villages Kasalia Pachbimia, Diara Kashidat, Diara Harna Tand, Darauli, Doba Karwan, Karamha, Amarpur, Keontallia and Dumarbar Khurd completely in Bihar and villages Dewarah Mahazi Kashidat, Demarah Harnatar, Dewarah Darauli, Dewarah Karmaha, Dewarah Amarpur, Sisotar and Lilkar completely in Uttar Pradesh. The last point is the trijunction of the boundaries of districts Saran of Bihar and Ballia and Deoria of Uttar Pradesh.

8. The boundary described above shall be a continuous line.

STATEMENT OF OBJECTS AND REASONS

At present the deep stream of the river Ganga forms the inter-State boundary between the Shahabad district of Bihar and Ballia district of Uttar Pradesh. Similarly, the deep stream of the river Ghaghra is the inter-State boundary between the Saran district of Bihar and Ballia district of Uttar Pradesh. As the two rivers change the course almost every year, the deep streams do not remain constant with the result that the inter-State boundary continues to fluctuate. This has often given rise to difficult administrative problems in the affected areas particularly in the field of revenue administration and law and order. From time to time, efforts were made by the two State Governments to find a satisfactory solution to this problem but they could not agree on the points whether the fluctuating boundary should be replaced by a fixed boundary and, if so, what should be that boundary. In 1961, the Chief Ministers of the two States agreed that the matter be referred to an Arbitrator appointed by the Prime Minister, and to abide by the decision given by the Prime Minister on a consideration of the recommendations of the Arbitrator. Shri C. M. Trivedi was appointed as Arbitrator in this case and he submitted his report to the late Prime Minister (Shri Lal Bahadur Shastri) on 28th August, 1964, recommending a fixed boundary in both the Ganga and Ghaghra sectors.

2. The recommendations were accepted by the late Prime Minister (Shri Lai Bahadur Shastri) and conveyed to the two State Governments. The effect of the recommendations made by Shri C. M. Trivedi would be as follows:—

(1) on the basis of the 1963-64 deep stream position, the fixed boundary involves the transfer of an area of about 45 square miles from Uttar Pradesh to Bihar and about 64 square miles from Bihar to Uttar Pradesh; and

(2) about 85 per cent of the fixed boundary will be on land in the Ganga sector and 75 per cent. of it will be on land in the Ghaghra sector, whereas the entire boundary at present lies in water. The Bill seeks to give effect to these recommendations.

3. Clause 26 of the Bill provides that the existing laws shall continue to be in force in the transferred territories until otherwise provided by a competent legislature or other competent authority, However, because of the fluctuating nature of the present boundary, the actual extent of the transferred territories may not be clear to the authorities who have to implement the laws. Hence, provision has been made for the demarcation of the fixed boundary on land, determination of the deep stream of the two rivers and preparation and publication of a map of the transferred territories before the actual transfer is effected.

4. The Bill also makes the necessary supplemental and incidental provisions relating to the representation in Parliament and State Legislatures, transfer of jurisdiction between the High Courts of Bihar and Uttar Pradesh, authorisation of expenditure, apportionment of assets and liabilities and certain other matters.

5. As required by the proviso to article 3 of the Constitution, this Bill was referred by the President to the Legislatures of the States of Bihar and Uttar Pradesh for expression of their views.

6. The notes on clauses explain in detail the various provisions of the Bill.

NEW DELHI; Y.B.CHAVAN

The 24*th June*, 1967.

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