



REPORT
ON THE
BOUNDARY DISPUTE
BETWEEN
U.P. AND BIHAR

Vol. I

1964

CHAPTER I

Appointment, Terms of Reference, Progress of Enquiry and Acknowledgments

By an order dated May 31, 1962, the late Prime Minister appointed me as Arbitrator to deal with this dispute. The order of appointment and the Preamble and Terms of Reference are at Annexure* A. For facility of reference, the Terms of Reference are quoted below:—

- (i) Whether the principle of fixed boundaries between the aforesaid districts should be accepted? If so, whether they should be determined in the manner suggested at the 1952 Conference of the representatives of the Governments of Uttar Pradesh and Bihar? If not, what should be the boundaries.
- (ii) If the principle of fixed boundaries is not advisable, what improvements should be made in the existing principle based on the deep streams of the rivers Ganges and Ghaghra?
- (iii) Whether, in the opinion of the Arbitrator, there can be any other solution to the question of the boundaries between the said districts? If so, what?

2. After a brief discussion with Shri B. N. Jha and Shri C. B. Gupta, the then Chief Ministers of Bihar and U.P., and a study of the material available in Delhi, I requested the two State Governments to furnish me with self-contained memoranda on the subject. A copy of my letter dated 9th August, 1962, to the Chief Ministers, Bihar and U.P., is at Annexure* B. Memoranda of the Governments of U.P. and Bihar (Appendices* I and II) were received early in December 1962 and June, 1963 respectively. A copy of the Bihar memorandum was then sent by me to U.P. and *vice versa* for their comments. The views of the Bihar Government (Annexure* C) on the U.P. memorandum were given to me at Patna on the 12th March, 1964, while those of the U.P. Government (Annexure* D) were received on the 20th March, 1964. These were exchanged between the two Governments. Replies to my two questionnaires, which are referred to in paragraph 3 below, were also supplied to me then.

*Not printed.

3. While awaiting the observations of the Governments of Bihar and U.P. on the memoranda by U.P. and Bihar respectively, I toured in Bihar in August, 1963 for four days of which three were spent in the Shahabad district, the places visited being Arrah, Dumraon, Buxar and villages en route where I met a large number of people including members of the Bihar Legislature and had a general discussion with them as well as with local officers. Further, I flew over diara areas of Ganga and Ghaghra which were then in spate. Discussions with the Commissioner, Patna Division and district officers of Shahabad were also held at Arrah, and a questionnaire asking for information on matters having a bearing on the dispute was drawn up. I went to Ballia towards the end of September, 1963, discussed several aspects of the dispute with the Commissioner, Varanasi Division, and district officers and a large number of people from the affected area including Members of Parliament, Members of the U.P. Legislature and other prominent persons. I saw a few villages on the Ganga travelling by boat, but a programme to fly over the area has had to be given up owing to poor visibility. The questionnaire drawn up at Arrah was handed over to the local officers, and a second set of questionnaire was prepared. Copies of these two questionnaires were also sent to State Governments.

4. Towards the end of September, 1963, I had detailed discussions with Col. S. K. S. Mudaliar, Director, Northern Directorate, Survey of India, and I was advised that a rapid revision survey of the diara areas was the first essential step. The Survey of India then obtained aerial photographs of the area with a view to facilitate ground revision survey. Field survey operations commenced in November, 1963 and were completed early in February, 1964, maps based on the survey being ready towards the end of March, 1964.

5. Accompanied by the concerned Commissioner, Collector, Superintendent of Police and other local officers, I visited the diara areas of the three districts of Shahabad, Saran and Ballia again in January and February, 1964 and spent 10 days there travelling by boat, jeep, on foot or reaching the deep stream on an elephant. This enabled me to meet a large number of people informally as well as in formal gatherings arranged by local officers. During this visit as well as earlier visits to the diara areas, I received several written representations. These have been examined and taken into account in preparing this report. Altogether, I must have met the people of at least 100 villages. Col. S. K. S. Mudaliar and Lt. Col. S. Choudhuri, Deputy Director, Central Sector, Survey of India, were with me during this tour. These visits were most

useful in that they gave me first hand knowledge of conditions obtaining in the area and of the problems of the residents thereof.

6. Discussions with the Government of Bihar at the official level took place at Patna from the 10th to the 13th March, 1964 and with the U.P. Government at Lucknow from the 24th to the 28th March, 1964. Joint discussions with the officers of two Governments—and these covered a wide field (the note for the meeting is at Annexure* E)—were held at Delhi from the 11th to the 14th May, 1964. Officers of the Survey of India were present throughout these joint and separate deliberations. At the end of the joint discussions, I requested the two Governments to give brief statements of their respective positions. These were received towards the end of May and are attached as Annexures* F and G. Discussions with the Chief Ministers of the two States were held at Delhi on 25th and 26th June. I should add that I obtained from both Governments a series of notes on various issues involved in the dispute. I arranged for the exchange of these notes between the two Governments in order to give them an opportunity of commenting on them both in writing and during oral discussions.

7. The Governments of Bihar and U.P. and their officers at State headquarters and in districts readily gave me all facilities and assistance during the enquiry. My requests not only for information but also for notes and memoranda on specific points which arose from time to time were often very exacting, but I am happy to say that these requests were met promptly and cheerfully. Discussions at the official level lasting for 13 days were held in an atmosphere of complete cordiality. These discussions were most helpful to me, and I acknowledge with deep gratitude all that the two Governments and their officers have done to facilitate my work.

8. Col. S. K. S. Mudaliar, ably assisted by Lt. Col. S. Choudhuri, Major T. S. Bedi, Major P. M. Lakshman and Shri A. C. Chawla, officers of the Survey of India, has been my mainstay on all technical aspects of the dispute. Not only did the Survey of India undertake for me a revision survey but, as will be clear from the subsequent chapters of this report, they furnished me with what I regard as valuable technical notes on a number of crucial issues. As stated already, Col. Mudaliar and his officers accompanied me during my tours in January, 1964 and also participated in the discussions at the official level. I owe a very deep debt of gratitude to Col. Mudaliar and his band of officers. But for their help and advice, I feel that it would have been impossible for me to do full justice to the task entrusted to me.

*Not printed.

CHAPTER II

Events leading up to the appointment of the Arbitrator

While it is unnecessary to examine the previous history of this case prior to the attainment of Independence, an account of developments since 1947 leading up to my appointment as Arbitrator may not be out of place. In July, 1948, the Government of Bihar wrote to the Government of U.P. enquiring whether in view of the fact that under the deep-stream boundary resulting in transfer of villages from one Province to another, the people were being subjected to different laws of the two Provinces from time to time, the Government of U.P. would agree to a fixed boundary between the two Provinces (Annexure* H).

2. Subsequently in March and April, 1950, the Governments of Bihar and U.P. wrote to the Government of India [Annexure* I(a) and (b)] stating that they considered that the deep-stream boundary should be replaced by a fixed boundary and requested the Government of India to appoint a Commission presided over by a High Court Judge with the following terms of reference:—

- (1) What should be the fixed boundary between Shahabad and Ballia and between Saran and Ballia on a due consideration of the boundary of 1840 and other relevant factors including subsequent boundaries as determined by the annual deep stream verifications?
- (2) What steps should be taken to fix the fixed boundary as indicated in (1) above and to maintain it in future?

Paragraph 1 of the letter from the Government of Bihar dated the 27th March, 1950, is quoted below for facility of reference:—

“I am directed to refer to Government of India’s Home Department Notification No. 2598 dated the 27th September, 1888 in which the boundary between the district of Ballia in the United Provinces and the district of Shahabad in the Province of Bihar, and between the district of Ballia and the district of Saran was last declared. The position of the deep streams of the rivers varies considerably from year to year and the change brings in its wake a crop of disputes, as land previously included in one province passes on account of fluvial action of the rivers. to another

*Not printed.

province. These disputes often lead to rioting involving loss of life and property. The uncertainty in the boundaries of the districts of Saran and Shahabad of this province and the district of Ballia of the United Provinces has led to much discontent and suffering among persons inhabiting the lands adjacent to the two rivers. Numerous complaints have been received from zamindars and tenants that owing to the difference in the laws between the two provinces, they are put to great inconvenience and hardship when their land is transferred from one side of these rivers to the other. There have been rulings of courts on the disputed issues; but in spite of these rulings no proprietor or tenant has been able to follow his land from one district to another across the rivers and a large number of proprietors and tenants have, in consequence, become total destitutes".

Paragraph 2 of the letter from the Government of U.P. [Annexure* I(b)] is almost identical with the paragraph quoted above. For various reasons, the appointment of the Commission was delayed, and in the meantime it was agreed between the two Governments that the matter should be settled by direct negotiations.

3. The next stage was a conference between the representatives of the two Governments at Lucknow on August 23, 1952. The proceedings of this conference will be found in Annexure XV of U.P. Government's first memorandum (Appendix* I). The conclusions reached at the meeting are stated in a letter from the Government of Bihar to the Ministry of Home Affairs, Government of India, dated the 13th January, 1956 (Annexure* J), a relevant extract of which is quoted below:—

"The last meeting between the Ministers of Bihar and Uttar Pradesh was held in this connection on August 23, 1952 at Lucknow and the broad decisions taken, in course of the meeting, were as follows:—

- (1) that there should be a fixed boundary between the two States;
- (2) that the wishes of the inhabitants of the areas affected by the riparian action of the rivers between the years 1884 and 1952 should be ascertained before taking final decision as to the line which should form the fixed boundary between the two States;

- (3) that the work of ascertaining the wishes of the inhabitants of the areas should be entrusted to an officer of the Central Intelligence Department, who should be supplied by the two State Governments an agreed list of the affected villages and a set of instructions indicating the lines on which the proposed enquiry should be conducted;
- (4) that after the officer of the Central Intelligence Department had submitted his report, a joint enquiry should be held by the Collector of Ballia and the Collector of Saran or Shahabad, as the case might be, with a view to assessing the position where the Central Intelligence Officer had either found considerable divergence of opinion or had found himself unable to make a clear report".

The Government of India agreed to the request of the two Governments to depute officers of the Central Intelligence Bureau to ascertain the wishes of the inhabitants of the area. Lists of villages affected wholly or partly by [riparian] action of Ganga and Ghaghra, as agreed to by both Governments, were ready by December, 1958. These lists, comprising of 192 villages which passed from Bihar to U.P. or from U.P. to Bihar, partly or completely, between 1884 and 1950, are attached (Annexure* K). The detailed field enquiry was commenced by the C.I.B. in the middle of March, 1959, and was completed three months later. The C.I.B. submitted their report on 25th June, 1959. Copies of the report were then sent by the Government of India to the two Governments with the observation that they hoped that State Governments would find it useful. The expectation at the time appeared to be that State Governments would take further action in the light of the C.I.B. Report.

4. The next stage was a letter from the Chief Minister, Bihar, to the Home Minister, Government of India, dated the 23rd June, 1960 (Annexure* L) in which he stated that if the boundary is demarcated according to the wishes of the people of the area, as ascertained by the officers of the Bureau, the boundary line will not be permanent, that it will continue to be liable to periodical change and that the administration of trans-river territories the extent of which may change according to the variation in the course of the rivers from time to time, would present formidable difficulties. He, therefore, concluded that "though it will mean going back on all our recent efforts, it seems to me that the only alternative is to let the existing arrangement to continue". There were two subsequent conferences

between the State Governments, but these did not result in resolving the disagreement. The case was then referred to the late Prime Minister, and the two Chief Ministers agreed that the Prime Minister should appoint an Arbitrator who should, after giving an opportunity to the two Governments to make their submissions, report his recommendations to the Prime Minister. Further, the Chief Ministers agreed to the Preamble and Terms of Reference and also to my appointment as Arbitrator. In this connection, attention is invited to the concluding portion of the Preamble and Terms of Reference in which it is stated that the two Governments will abide by the decision of the Prime Minister given on a consideration of the recommendations of the Arbitrator.

- (3) that the work of ascertaining the wishes of the inhabitants of the areas should be entrusted to an officer of the Central Intelligence Department, who should be supplied by the two State Governments an agreed list of the affected villages and a set of instructions indicating the lines on which the proposed enquiry should be conducted;
- (4) that after the officer of the Central Intelligence Department had submitted his report, a joint enquiry should be held by the Collector of Ballia and the Collector of Saran or Shahabad, as the case might be, with a view to assessing the position where the Central Intelligence Officer had either found considerable divergence of opinion or had found himself unable to make a clear report”.

The Government of India agreed to the request of the two Governments to depute officers of the Central Intelligence Bureau to ascertain the wishes of the inhabitants of the area. Lists of villages affected wholly or partly by [riparian] action of Ganga and Ghaghra, as agreed to by both Governments, were ready by December, 1958. These lists, comprising of 192 villages which passed from Bihar to U.P. or from U.P. to Bihar, partly or completely, between 1884 and 1950, are attached (Annexure* K). The detailed field enquiry was commenced by the C.I.B. in the middle of March, 1959, and was completed three months later. The C.I.B. submitted their report on 25th June, 1959. Copies of the report were then sent by the Government of India to the two Governments with the observation that they hoped that State Governments would find it useful. The expectation at the time appeared to be that State Governments would take further action in the light of the C.I.B. Report.

4. The next stage was a letter from the Chief Minister, Bihar, to the Home Minister, Government of India, dated the 23rd June, 1960 (Annexure* L) in which he stated that if the boundary is demarcated according to the wishes of the people of the area, as ascertained by the officers of the Bureau, the boundary line will not be permanent, that it will continue to be liable to periodical change and that the administration of trans-river territories the extent of which may change according to the variation in the course of the rivers from time to time, would present formidable difficulties. He, therefore, concluded that “though it will mean going back on all our recent efforts, it seems to me that the only alternative is to let the existing arrangement to continue”. There were two subsequent conferences

between the State Governments, but these did not result in resolving the disagreement. The case was then referred to the late Prime Minister, and the two Chief Ministers agreed that the Prime Minister should appoint an Arbitrator who should, after giving an opportunity to the two Governments to make their submissions, report his recommendations to the Prime Minister. Further, the Chief Ministers agreed to the Preamble and Terms of Reference and also to my appointment as Arbitrator. In this connection, attention is invited to the concluding portion of the Preamble and Terms of Reference in which it is stated that the two Governments will abide by the decision of the Prime Minister given on a consideration of the recommendations of the Arbitrator.

CHAPTER III

A brief description of Ganga and Ghaghra and changes in their deep streams.

The Ganga and Ghaghra are subject to annual floods, and their courses fluctuate periodically in the areas bordering the districts of Shahabad and Saran in Bihar and Ballia in U.P. During floods, which generally last for three to four months between July and October each year, the rivers rise to their maximum height and spread over an extent of about two to four miles on either side and even more in some places, thereby inundating and submerging considerable areas of low-lying land. As the rivers ebb on recession of the floods, they take up new courses, forming islands and bifurcating at places into two or more channels. A study by the Survey of India of the present topography from the maps shows that the Ganga and the Ghaghra bifurcate at eight and twenty-one places respectively. During the process of fluvial action, fresh alluvial land of the former river bed emerges and instead, some portion of the existing land is submerged at a number of places. These lands, subject to riparian action, are locally known as diaras. The two rivers alter the topography in these areas considerably from time to time.

2. Though vagaries of nature constitute a common feature of both rivers, differences in their characteristics are also noticeable. The erosion of the Ganga is gradual and tends to persist, at places, in one direction (say north) for a number of consecutive years, and after a certain period, the same stretch of the river starts gradually drifting back, eroding in the opposite direction (say south). On the other hand, the sway of the Ghaghra is sudden, erratic and unpredictable, but the cradle of sway is much less than that of the Ganga. Unlike the Ganga, the Ghaghra throws up a large number of sandy islands. The land emerging from the Ganga is more alluvial and fertile.

3. The deep stream of the two rivers has been accepted as the boundary between the districts of Shahabad (Bihar) and Ballia (U.P.) and the districts of Saran (Bihar) and Ballia (U.P.) since 1867 and 1871 (relevant notifications are at Annexure* M). The deep stream has, however, been changing constantly and has, therefore, to be verified jointly every year according to the rules

*Not printed.

(Annexure III in Appendix* I) framed for the purpose which provide *inter alia* for the exchange of revenue rolls to U.P. of villages passing from Bihar to U.P. and *vice versa* according to the annual deep-stream verification. It may be explained here that villages of U.P. coming wholly or partly on the Bihar side of the deep stream as a result of variations in the course of the rivers become the territory of Bihar, and that in consequence, civil, revenue and police jurisdiction over this territory vests in Bihar. *Per contra*, villages of Bihar coming wholly or partly on the U.P. side of the deep stream become U.P. territory with consequential change in jurisdiction from Bihar to U.P.

4. The agreed list of villages for the C.I.B. enquiry indicates that 192 villages passed either partly or completely from one State to another during 1884—1950. This list does not take into account the changes during intervening years. For example, it is my understanding that if a village in 1884 was in Bihar, passed to U.P., say, in 1900 and then after any further changes went over to Bihar before 1950 and also remained in that State in 1950, that particular village would not find a place in the list. This apart, about 50% of the 192 villages have passed from one State to another more than once. According to the Bihar Government, between 1881—1884 and 1962-63 the jurisdiction of 57 villages has changed twice, of 20 three times, of 6 four times, of 3 five times and of 4 six times, the corresponding number according to U.P. being 57, 23, 9, 2 and 7 respectively. There is not much difference between the two sets of figures, but they probably under-estimate the magnitude of changes, as will be seen from the limitations listed in the statement supplied by U.P. (Annexure* N of which a copy was forwarded to Bihar). To complete the picture, reference is invited to Annexures III—V of Vol. I of the first memorandum of the Government of Bihar Appendix* II) which enumerate, among other things, the number of villages of which revenue rolls were exchanged or ought to have been exchanged from time to time as a result of changes in the deep streams of Ganga and Ghaghra.

5. The types of changes which occur are also numerous. A village consists of cultivable land and homestead area (*i.e.* abadi site), and the shifting of the rivers results sometimes in (i) the entire cultivable land and abadi site passing from one State to another; (ii) cultivable land remaining wholly in one State and abadi site in another State; (iii) abadi site remaining in one State and cultivable land remaining partly in one State and partly in another and (iv) both cultivable land and abadi site remaining partly in one State and partly in another State. Cases have also

*Not printed.

occurred in which the abadi site remains in one State, land passes to another State and cultivators build temporary huts on cultivable land serving as temporary or short duration residences. As will be shown later, the frequency and types of these recurring changes in jurisdiction have important implications for the convenience and well-being of the people of the riverain areas.

CHAPTER IV

Changes in conditions since the adoption of the deep-stream boundary.

Far-reaching political, constitutional, economic and social changes have taken place in the country since the deep-stream boundary was adopted. Authority, both legislative and executive, was then almost wholly concentrated in the Government of India which itself was controlled by the British Government. The Provinces did not have power to enact laws or if they had this power, it was subject to meticulous control of the Centre. While it is outside my purview to trace the course of political and constitutional events in India from the mid sixties of the last century to the attainment of Independence, it is relevant to mention that with the passage of time, there was progressive devolution of authority from the Government of India to the Provinces and Legislative Councils were also established there. Even then the Government of India exercised for a long time a measure of control over Provincial legislation. The point sought to be made by these observations is that in the past the constitutional position which obtained for a number of years resulted in uniformity of legislation or, at any rate, not too many variations in legislation in different Provinces.

2. The zamindari system obtained in the districts of Ballia, Shahabad and Saran. These districts were also settled permanently. Government was then mainly concerned with the collection of land revenue and other taxes, administration of justice and the maintenance of law and order. The administrative apparatus was not designed to meet the tasks and needs of development. This is not to imply that there were no developmental activities in rural areas, for example, in communications, education, public health, agriculture, etc., but these were sporadic, isolated and unsystematic. In fact, the idea that the State should actively promote economic growth and social change was wholly unknown. The policy of "*laissez faire*" was in the ascendent, and consequently the limited range of the functions of Government influenced not only the character but also the volume of legislation. The people were not vocal and lived in a state of "pathetic contentment", their concern in the main being with land and maintenance of possession thereof.

3. The position to-day is entirely different. We are a Sovereign Democratic Republic, and the Directive Principles of State Policy, which among other things, define our social and economic objectives, are embodied in the Constitution of India. We have a federal Constitution. The States are largely autonomous, having legislative powers over a very wide field affecting the daily lives of the people, and executive authority vests solely in them. Elections to Parliament and State legislatures are based on adult suffrage. Planned development of the whole country is now the central task of the Government of India and State Governments. The Planning Commission was set up in March, 1950. Considerable progress has been achieved during the last 13 years since planning began, and preparations are now in hand for the formulation of the Fourth Five-Year Plan. The whole country is covered by Community Development blocks, and panchayati raj institutions, viz. the village panchayat, the block samiti and zila parishad have been established at the village, block and district levels in 10 States. These institutions have an important role in implementing and to an extent in preparing Five-Year Plans as well as Annual Plans. This role is likely to have even greater prominence in the Fourth Plan. Overriding emphasis has been given to increase in agricultural production, and efforts are now being intensified to prepare agricultural production plans for every village and every family. Further, great importance is being given to the development of the cooperative movement in the rural areas, and the village service cooperative is rightly regarded as a vital agency for providing credit as well as supplies required for stimulating agricultural production. The people in the diara areas are now vocal and conscious of their rights, and even in respect of attitudes and outlook the impression left on me as a result of my visits is that the "wind of change" has not left them untouched.

4. The zamindari system has been abolished, and other land reform legislation has also been enacted in both States. These States have also enacted laws on other matters in the light of their local needs and circumstances. They will, no doubt, continue to do so in future. Naturally, there are at present differences in the laws of the two States and these will continue to grow in future.

5. In particular, there are considerable differences in the land legislation of U.P. and Bihar. In U.P., tenure holders are classed as bhumidhars, sirdars, asamis and adhivasis, while in Bihar they are classed as occupancy raiyats, non-occupancy raiyats, occupancy under-raiyats and non-occupancy under-raiyats. The incidences of these tenures vary. Succession is governed in U.P. by an order of succession laid down in the Zamindari Abolition Act, while in Bihar personal law governs succession. In Bihar, a raiyat can sublet his

land for seven years after informing the Collector or the executive committee of the Gram Panchayat, while subletting is prohibited in U.P. except in the case of disabled tenure holders. In Bihar an occupancy raiyat can mortgage his holding with possession, while mortgage with possession by a bhumidhar is prohibited in U.P. A joint holding cannot be partitioned in U.P. if its size is less than 3 1/8 acres. In Bihar, there is no such restriction. Further, in U.P. a sirdar can obtain the rights of a bhumidhar on payment of ten times the land revenue, and a trespasser on the land of another tenure holder becomes a sirdar and thus gets permanent and heritable rights if he remains in continuous possession of the land for a period of six years. There do not appear to be comparable provisions in Bihar. The land ceiling legislation also varies in both States. In U.P. the ceiling limit is 40 to 80 acres depending on the quality of land. In Bihar, the corresponding limit is 20 to 60 acres, and there is special provision for land levy on all holdings above one acre, the scale of the levy varying from 1/20th to 1/6th of the holding depending on the area held. The period of settlement in the two States is also different. Further, the rates of land revenue vary. Again, certain classes of cases relating to land in respect of which jurisdiction vests in revenue courts in U.P. are decided by civil courts in Bihar.

6. Apart from differences in land legislation, there are differences in the laws of two States on other subjects like sales tax, stamp duty, excises and land acquisition. I did not think it necessary to ask the State Governments to list the various laws passed by them during recent years and the differences between them, but one or two instances were mentioned to me during discussions. One related to land acquisition legislation in U.P. which has abolished the solatium of 15% in the case of compulsory acquisition. This solatium continues in Bihar.

7. I have highlighted the changes since the adoption of the deep-stream boundary, and in particular the differences in the land legislation of two States, because along with the change in jurisdiction, the applicability of laws to the areas passing from one State to another also undergoes a change except in relation to vested rights in land which are referred to in paragraph 7 of Chapter V.

CHAPTER V

Operation and consequences of the deep-stream boundary and objections of U.P. to this boundary.

A note by the Survey of India (Annexure* O) sets out with rigorous technical precision the characteristics of two types of deep-stream boundaries, namely, (a) a boundary based on a river confined within high and firm banks and (b) a boundary based on a fluctuating river in which the course changes every year after floods. The deep-stream boundary between Ballia (U.P.) on the one hand and Shahabad and Saran (Bihar) on the other hand is a boundary of type (b). The note shows, among other things, that—

- (1) when the rivers Ganga and Ghaghra bifurcate into two or more channels, doubt will exist until the next verification takes place as to the location of the main channel resulting in uncertainty of territorial jurisdiction of the land in between;
- (2) the deep stream is not recognisable during floods and its course is not known; hence the boundary and the jurisdiction will remain virtually uncertain during this period;
- (3) the boundary places parts of holdings in two different States on several occasions and breaks the entity of villages. Cadastral surveys in some of the affected areas will have to be carried out every year, and although there is no expenditure on construction of pillars along the boundary, the overall maintenance of a deep-stream boundary is not simple;
- (4) delays in joint verifications may occur sometimes, if the two States do not come to a timely agreement on the date of verification or if there is difference of opinion in respect of the location of the deep-stream where the river bifurcates into two or more channels. For these reasons, the possibility of the deep-stream being sometimes not verified during a particular year cannot also be ruled out, resulting consequently in territorial jurisdiction remaining undefined for a certain period.

Not printed.

2. The note then proceeds to set out the practical consequences accruing from a fluctuating deep-stream boundary. These are:—

- (a) Jurisdiction and the extent of the adjoining States will keep on changing every year.
- (b) The boundary is not recognisable during the period of floods when the area is submerged and appears as a large sheet of water.
- (c) There is an element of uncertainty in jurisdiction during the period of floods and also after the recession of floods until the joint verification of the deep stream is carried out.
- (d) Parts of holdings and villages may often be bifurcated by the rivers and placed in two different States, and the same may happen in respect of homestead areas.
- (e) Administrative officials and the people will have to face difficulties arising out of frequent change of jurisdiction and on occasions uncertainty of such jurisdiction.

3. An examination of the actual operation of the deep-stream boundary and the annual verification of the deep-stream show that the rivers bifurcated into two or more channels on eight occasions and that on two occasions it was not possible to determine the location of the deep stream. Delays have also occurred in annual verification, and in certain years verification was held in March or April or even in June. Verification did not take place in certain years. During all these periods, the practice has been to assume as valid the deep stream of the previous year as a basis for jurisdiction. The legal validity of this assumption may well be open to question, although as far as I am aware this has not been contested so far. It is to the credit of local revenue and police officers of both States that, faced with the responsibility of running day-to-day administration, by and large they have done their best to meet the difficulties arising out of occasional uncertainty of jurisdiction. At the same time, it is clear that the operation of such a boundary has led to stress and strain. I need hardly add that it would not be right for me to attach special sanctity to this boundary merely because of its antiquity, as administrative arrangements, although they may be of long standing, have to justify themselves all the time. It follows that, if necessary, such arrangements have to be adjusted, modified or scrapped in order to meet changes in conditions, the magnitude of which I have already described in Chapter IV.

4. Some of the objections of the U.P. Government to the continuance of the deep-stream boundary (*vide* paragraph 3 of their brief statement—Annexure* F) may now be enumerated:—

- (i) Shifting of the courses of the two rivers results in frequent changes in jurisdiction of courts and applicability of laws. These cause great harassment and inconvenience to the people concerned.
- (ii) Parts of holdings and villages fall in different States on several occasions, and if there is litigation, it has to proceed under different sets of laws in the two States leading to duality of law and jurisdiction.
- (iii) In areas transferred by changes in the deep-stream, rights of persons affected by the change need, due to different land laws being in force in the two States, adjustment and re-adjustment every time a change occurs in order to make those rights legally enforceable. So far none of the two States has taken any legislative measure to adjust such rights. With frequent and repeated changes of territories from one State to another, it would be well nigh impossible to pass a comprehensive law which may automatically adjust these rights and liabilities of the persons concerned every time the change takes place.
- (iv) If the areas are transferred from one State to the other after general elections, the inhabitants of the affected areas are left without proper representation in the State Legislature and Parliament.
- (v) The functioning of cooperative and panchayat institutions at village level is also adversely affected due to these frequent territorial changes.
- (vi) Planned development of these areas also suffers due to lack of interest on the part of the people as well as the development staff in these areas subject to constant change of jurisdiction. Agricultural production depends a great deal on the amount of capital to be invested on seeds, implements, bullocks and fertilizers and the credit worthiness of the cultivator for advancing loans from Government funds as Taccavi and cooperative societies suffers if his land is apt to fall in one or the other or both the States depending upon the vagaries of the river. The allocation of staff at the village level has to be done every year and the circles of the lekhpal, village level worker, vaccinator, constable, etc. have to be refixed every time a change in the deep-stream occurs.

5. There is no dispute regarding objection (i), as during discussions at Patna in March, 1964, the spokesman of Bihar agreed that changes in jurisdiction with resultant changes in the applicability of laws do cause inconvenience to the people. Being accustomed to courts, police stations and other administrative arrangements of one State, the people suddenly find themselves in another State depending on the behaviour of the rivers with the further possibility of their subsequently passing from one State to another not once but, even in some cases, several times. In this connection reference is invited to paragraph 4 of Chapter III.

6. There is also no controversy regarding objection (ii). A land holder, whose holding is divided by the rivers, with the result that a part of it remains in one State and a part passes to another State, has to deal with courts, police stations, etc. of two States. To quote only one instance, U.P. have stated that a land holder of U.P., a part of whose holding has passed to Bihar, has to approach Bihar courts for mutation in respect of the land in Bihār and U.P. Courts in respect of that part of the holding which is in U.P. The Bihar Government, while not subscribing to this view, have added that they are also not prepared to contest it. Further, as the laws of succession are different in U.P. and Bihar and, as will be stated later, the right to succession is not a vested right, succession to the land in Bihar will be governed by personal law, while succession to the land in U.P. will be regulated by the provisions of the U.P. Zamindari Abolition Act.

7. Objection (iii) has been the subject of a very detailed discussion both during separate and joint deliberations with the officers of the two Governments. There is general agreement on the part of both Governments that on a territory passing from one State to another, as a result of a change in the deep-stream of the river, the laws of the State to which the territory passes, apply to that territory, subject to the proviso that vested rights in land already acquired cannot be divested except by express legislation. There has been no agreement between the Legal Remembrancers of two States, who were present during joint discussions, as to what constituted vested rights in land. It was, however, conceded by both Governments that the right to succession, the right to hold land up to the ceiling limit and possibly the right to sublet were not vested rights, in respect of which, as already explained in paragraph 5 of Chapter IV the legislation of two States is different. If this is the position, a land holder whose land is partly in one State and partly in another, would as already stated in paragraph 6 above, be subject to the personal law of succession in respect of that part of his holding which is in Bihar and to the law of succession laid down in the U.P. legislation in respect of the other part of

his holding which is in U.P. The ceiling legislation of the respective States would also apply to the land depending on whether the land is in Bihar or U.P. For example, a land holder who holds in U.P. land up to the ceiling limit permissible under the U.P. law, will be liable to have a part of that land compulsorily acquired if his holding passed to Bihar and exceeds the ceiling in force in Bihar. It is clear, therefore, that the deep-stream boundary at least modifies the rights of the people in land other than what may be authoritatively decided to be vested rights.

8. As already explained in Chapter IV, zamindari has been abolished in both States, and other land legislation has also been enacted. Since 1952, however, revenue rolls have not been exchanged between the two States as a result of the change in jurisdiction consequent upon the alteration of the deep stream except in respect of eight villages in 1958-59. The position, therefore, is that in respect of villages which have changed jurisdiction since 1952, civil, revenue and criminal jurisdiction vests in the State to which the villages have passed, while the revenue rolls of all these villages, with the exception of those of eight villages referred to above, continue to remain in the parent State. This appears to me a very unsatisfactory situation which must be causing a great deal of inconvenience to the people in respect of matters affecting land, let alone the difficulties to the revenue officials, seeing that while the revenue jurisdiction vests with U.P., the revenue records are in Bihar and *vice versa*. Neither State has taken any action so far to adjust the rights of the people or to alter the revenue records, doubtless, because the question of the continuance or otherwise of the deep-stream boundary has not yet been decided. Both State Governments are agreed that legislation will be necessary to place the position on a proper basis, irrespective of whether the deep-stream rule continues or whether it is replaced by a fixed boundary. It is hardly within my competence to suggest what form this legislation should take, but I may mention that two suggestions were made during joint discussions. The first suggestion was that legislation should take the form of adjusting the rights of land holders. For example, it was stated that bhumidhars, sirdars, adhvasis and asamis of U.P. on transfer of their land to Bihar, might be given the status of occupancy raiyats, non-occupancy raiyats, occupancy under-raiyats and non-occupancy under-raiyats. Under this suggestion, if the deep-stream rule continues, there will have to be adjustments every time land passes from U.P. to Bihar and *vice versa*. In this respect, I agree broadly with the U.P. contention that with frequent and repeated changes of territory from one State to another, it would be very difficult to enact a comprehensive law which may automatically adjust these rights and liabilities of the persons concerned every time the change takes

place. The second suggestion was that, given the continuance of the deep-stream boundary the tenure holders should continue to have the same status, although their land may pass from one State to another. In other words, a bhumidhar of U.P. would continue to be recognised as a bhumidhar even though his land is in Bihar, and similarly an occupancy raiyat of Bihar would continue to have the same status although his land has passed to U.P. My own view is that this will be a most complicated arrangement and almost impossible to work in actual practice. This apart, the point I wish to emphasize is that whatever be the legislation, the difficulties pointed out by U.P. are very real ones and constitute a valid point against the continuance of the deep-stream boundary. An allied point is that, as stated in paragraph 6 of Chapter IV, there are differences in the laws of two States in matters other than those pertaining to land. Here also the deep-stream boundary has the result of subjecting the residents of these areas to different laws depending on in which State the boundary places them for the time being.

9. As regards objection (iv), Bihar's position is that it is the people and not the lands who elect their representatives, and as the people affected by the riparian vagaries, by and large, continue to live in the same State, they are not deprived of the right of representation in democratic bodies. They add that in a democratic system cases do occur when in the event of death or unseating of a duly elected representative, there is a hiatus for some time, and the people of the constituency concerned remain unrepresented in that sense. As already stated in Chapter III, changes in the course of the rivers have resulted in both cultivable land and homestead areas of one State passing wholly or partly to another State. In such cases, the residents who have voted for the Legislature of their parent State and also for Parliament, remain unrepresented in Parliament and also in the Legislature of the State of which, owing to the vagaries of nature, they have become residents. A study by me of some files in the office of the Chief Election Commissioner shows that in connection with the general elections of 1962, the U.P. Government proposed that certain villages transferred from Ballia to Shahabad and Saran and *vice versa* should be included in the electoral constituencies of the districts to which these villages had passed owing to the change in the courses of Ganga and Ghaghra. The Chief Election Commissioner agreed with the proposal, adding that the Commission should be supplied with full details as to the names of the villages involved and the particular administrative units (tehsil, pargana and lekhpal circles) into which they have been included and from which they have been excluded, as the case may be, by the orders of the State Government. The files of the Chief Election Commissioner do not throw any light

on what transpired later. In passing, it may be noted that at about the same time, the Chief Election Commissioner agreed with the U.P. Government that one village of Gurgaon district which, as a result of the change in the course of the Jamuna, the deep stream of which forms the boundary between Bulandshahar (U.P.) and Gurgaon (Punjab), should form part of an electoral constituency in the Bulandshahar district. It may be mentioned here that changes in the course of the Jamuna are not as frequent or as violent as those in the case of Ganga and Ghaghra. Further, there is no real analogy between the people who may remain unrepresented because of the demise or the unseating of a duly elected representative and their being unrepresented owing to the change in jurisdiction resulting from the fluvial action of the rivers. In a democratic Constitution, the right to be represented is a valuable right, and this aspect was strongly stressed in some of the representations made to me. For instance, it was stated that as villages constantly changed from one State to another, some voters failed to get themselves included in the electoral rolls of the State in which they were residing. It was also stated that in some cases names of voters were found to have been entered in the electoral rolls of both States. So far as I could ascertain, there is some truth in these statements, and on the whole my conclusion is that the deep-stream boundary does not assure the right of representation to the people for a period which may be as long as four or five years depending on when the courses of the rivers change.

10. Objections (v) and (vi) may be conveniently dealt with together. The comments of Bihar Government on these, as given in the short note (Annexure* G) on their final position, are reproduced below:—

“6. As for the denial of the benefits of planned development cooperative movement and other State assistance, U.P.’s contention cannot be accepted. The nature of the terrain dictates and limits the kind of development activities possible in these areas. For example, there is not much scope for activities other than, say, agriculture, animal husbandry and health services, but even here the range of activities must be limited. We cannot go in for ambitious permanent structures, etc. It is not because of the nature of the boundary, but because of the terrain and natural handicaps. No permanent development work is possible because of the vagaries of the river. Notwithstanding this, whatever developmental activities were possible have

been undertaken in these areas and the nature of the boundary has not been an impediment or handicap in this respect.

7. As for cooperative movement it has already been pointed out (Shri M. K. Mukharji's D.O. No. 2 Camp Delhi dated May 12, 1964) that the difficulties stated by the U.P. Government have no relation to facts. It is incorrect to say that the cooperative loan becomes unrealisable because some land belonging to a borrower falls under the jurisdiction of another State. In fact, short term loans are not advanced against security of land, and there are adequate provisions in the Bihar Public Demands Recovery Act for enforcing realisation of loans outside the State. In short, the contention that the deep-stream boundary has caused serious set back to the cooperative movement in the diara areas is, to say the least, highly exaggerated."

11. Seeing that the well-being and convenience of the people as well as the development of the area are to be my sole criteria for recommending whether there should be a fixed boundary or not—and both State Governments are in entire agreement with me on this point—the question whether the deep-stream boundary constitutes an impediment to development assumes special significance. Not being content, therefore, with what the two State Governments had stated in their first memoranda on the boundary question, I called for detailed notes from them on—

- (a) what they had done so far for the development of the area,
- (b) what difficulties, if any, were being experienced in promoting developmental activities and
- (c) the position of the cooperative movement together with observations by the district cooperative banks of Ballia, Shahabad and Saran.

Further, I have endeavoured as far as possible to get some idea of the working of panchayati raj institutions in this area. I also consulted an experienced agricultural officer, who has special knowledge of diara areas regarding the possibilities of further development of this tract. He prepared for me a very useful note on the subject. I have studied it and sent copies to the two Governments.

12. It has already been explained that the deep-stream boundary results in cultivable land or/and homestead areas (abadi sites) passing wholly or partly from one State to another in accordance with the

recurring changes in the courses of the two rivers. This results in instability of jurisdiction of gram panchayats, block samitis, zila parishads and cooperative institutions like village cooperatives and district cooperative banks. A tax or cess on land forms one of the main sources of revenues of gram panchayats, and if a part of the land of a village with a gram panchayat passed from one State to another, the resources of that panchayat are reduced, thereby crippling its activities. Preparation of Five Year and Annual Plans for the district, the block and the village also presents difficulties, and implementation thereof, is liable to suffer if, after the Plan is prepared, the village passes to another State. The difficulties are particularly acute when the people reside in one State, and their land, in whole or part, remains in another State. Complications may then arise for the extension agency, viz., the village level worker and agricultural and other extension officers who, in the discharge of their responsibilities for the execution of development schemes, particularly in agriculture, have to be in continuous contact with the people and also have to visit their lands periodically, say, for the purpose of laying out demonstrations and watching the progress thereof. Responsibility may thus get divided, as the land may be wholly or partly in one State and the land holders may reside in another State. In such a situation, it is not at all clear to me as to whether responsibility for execution vests in the village level worker of the State in which the land holder resides or whether it devolves on the village level worker of the State in which the land is situated. Ineffective supervision is inherent in a system in which responsibility is not unified but split up, particularly, if functionaries of two States may be operating in a village with land wholly or partly in one State and inhabitants in another State. Further, under a deep-stream boundary, there may be no assurance of certainty of sources of credit and supplies of, say, improved seeds, chemical fertilizers or improved agricultural implements, at least for some time if, after a plan is prepared, the village passes wholly or partly from one State to another. Development being a continuous process, requires sustained efforts over a period. A deep-stream boundary which results in constant changes in jurisdiction, adversely affects this continuity and makes it difficult for panchayati raj institutions to formulate satisfactory plans, and even if they manage somehow to prepare them, there is an element of uncertainty in their smooth and uninterrupted implementation.

13. The cooperative movement does not appear to have developed in Shahabad and Saran to the same extent as in Ballia. According to the figures given to me, out of the agreed list of 192 villages which have changed jurisdiction since 1884, 109 villages in Ballia district are said to be covered by 52 societies, the corresponding figures for

villages served by cooperative societies in Shahabad and Saran being 21 and 23. I have no figures showing the number of families served by these societies, though there is no doubt that the coverage by families is inadequate.

U.P. have stated that if, for instance, a village with a cooperative society finds its land and abadi site transferred to Bihar as a result of the fluvial action of the rivers, that society cannot function under U.P. law nor would the Ballia Central Bank be able to advance loans to it. Formation of a cooperative society by the residents of such a village in Bihar will take time, and in the meanwhile they may have to arrange for credit from other sources. On the other hand, in one of their notes, Bihar have stated that as in the affected areas only a few villages have cooperative societies, the problem, if any, posed by the transfer of such villages from U.P. to Bihar, is by no means big enough to deserve any special consideration. This remark obviously ignores possibilities of further development of the cooperative movement in the diara areas. Bihar is manifestly correct in stating that if the land of a member of a cooperative society passes wholly or partly from one State to another, without any change in his residence, his paying capacity is not necessarily reduced. The reported reluctance of the Ballia Central Bank to advance loans to members of such a cooperative society is obviously not wholly rational, for, as observed by Bihar, dues can be recovered by Bihar on request by the U.P. authorities under the Public Demands Recovery Act. In actual practice, however, recoveries do present difficulties, and the hesitation of the Ballia Bank to advance further loans to members of such societies, though not justified, is not ^{un}understandable.

14. Both Governments deserve credit for what they have done for the development of the diara areas under Five Year Plans. U.P. have stated, however, that both Governments have neglected these areas. Bihar contests this position so far as it is concerned. I do not feel called upon to controvert the Bihar position. At the same time, I feel considerable hesitation in accepting the statement made in paragraph 41 of Bihar's first memorandum (Appendix* II), viz., that "whatever is possible, has been done", because, in my opinion this observation implies that nothing more remains to be done for the development of the diara area in Bihar.

15. The main point sought to be brought out in these observations is that instability in jurisdiction operates as a handicap both in the formulation and implementation of Plans, in giving technical advice to cultivators, in ensuring credit, supplies and other assistance to

them at the right time and that the possibility of changes of jurisdiction from one State to another introduces an element of uncertainty in the minds of all concerned with development, viz., the people, the panchayati raj institutions, the cooperative structure as well as officials at all levels, the village, the block, the district and even the State.

16. As stated in Chapter IV, the Fourth Plan is likely to lay even greater emphasis than at present on agriculture, the rapid development of the cooperative movement and improvement in its quality. Further, it is evident to me that panchayati raj institutions will be assigned even a bigger role both in the preparation and execution of local plans than they have at present. I feel also certain that the Fourth Plan will reiterate the importance of sparing no efforts for involving the people fully in the exacting tasks of development. All this has relevance to the diara area, because, in the light of a study of the available material, I am satisfied that there is considerable scope for the development of this area specially in the fields of agriculture (particularly production of rabi crops), cooperation, animal husbandry and perhaps village industries. If this be so, instability of jurisdiction which is inherent in a variable boundary, will prove to be even a greater handicap than at present. If the difficulties and the challenge of the problems posed by me are not being felt acutely at present, I suspect that apart from certain weaknesses in administration in both States, one reason may be that the panchayati raj institutions in this area have not yet got into full stride with the result that all that is expected of them is presently not being done. Given the continuance of the deep-stream boundary, the only arrangement I can think of for ensuring the smooth and efficient functioning of panchayati raj institutions and thereby safeguarding the continuity of developmental efforts is for both States to agree to set up a single agency endowed both with ample funds and authority to look after the development of the whole of this area. Such an arrangement has far-reaching implications and bristles with practical difficulties. I have, therefore, not considered it further.

17. A variable boundary is obviously not the only handicap in this area. Per contra, a fixed boundary, if recommended by me, will not solve all the problems of development. All that is sought to be established is that instability in jurisdiction is even at present an impediment in the path of development and will continue to be increasingly so as development gathers momentum and gains in depth.

18. The Bihar Government recognise that the present system of deep-stream verification is defective, and they have suggested certain improvements in paragraphs 59 and 60 of their first memorandum

(Appendix* II). They have also furnished a detailed note on which the U.P. Government have commented in another note. These notes were considered during joint deliberations in May, 1964, and at the special request of the Bihar Government, I have had the whole matter subjected to a technical scrutiny by the Survey of India. The note by the Survey of India is at Annexure* P.

19. It will be seen that the improvements suggested by Bihar fall broadly into two parts; (a) initial operations, consisting mainly of traverse and cadastral survey and fixing of two rows of reference pillars on each side of the two rivers, away from the area of fluvial action, to assist land identification and (b) annual recurring operations, consisting of joint deep-stream verification by scientific techniques, accurate plotting of the river course on cadastral maps and correction of maps and exchange of records between the two State Governments. The note further shows that these operations are complicated, time-consuming and also costly involving expenditure of the order of about Rs. 8 to Rs. 10 lakhs by each State on initial operations and a recurring outlay of about Rs. 60,000 by each State on annual work. The only merit of the proposal is that an accurate map of the area will be available which, along with the reference pillars, will facilitate identification of land in the vicinity of the pillars. This is also conceded by the U.P. Government who have stated that the proposals, if adopted, may make adjudication of disputes slightly easier than at present. The proposals do not, however, meet the objections to the deep-stream boundary detailed in paragraph 4 of this chapter and discussed in detail in subsequent paragraphs. In other words, as stated in paragraph 9 of the Survey of India note (Annexure* P), the inherent frequent changes and the element of uncertainty of jurisdiction during certain periods will remain with its allied practical consequences.

20. On all these grounds, I find myself unable to recommend the continuance of the deep-stream boundary, even with the improvements proposed by Bihar.

Not printed.

CHAPTER VI

Objections and apprehensions of Bihar in regard to a fixed boundary with special reference to the boundary based on the C.I.B. Report.

The U.P. Government's view is that a fixed boundary is imperative for the well-being of the people. It is also their opinion that the report of the Central Intelligence Bureau, subject perhaps to certain minor adjustments, would be a good basis for the demarcation of such a boundary. On the other hand, the Government of Bihar are opposed to a fixed boundary including a boundary based on the C.I.B. Report. The objections of the Bihar Government are:—

- (1) The fixed boundary would not be identifiable throughout the year. Jurisdiction would then be in doubt.
- (2) The boundary line demarcated according to the C.I.B. Report would be artificial with no natural features, and its demarcation would present formidable difficulties involving exorbitant cost.
- (3) The administration of trans-river areas, the extent of which may vary according to the change in the course of the rivers, would present grave difficulties, for example, in the maintenance of law and order, flood relief operations and the execution of measures for dealing with epidemics, particularly when the rivers are flooded. They assert also that unless there is a flexible boundary, planned development might be affected adversely.
- (4) It may be quite unsafe and unrealistic to take the opinion of the majority of such few of those whom the C.I.B. officers contacted as representing the views of the majority of the people affected. Further, ascertaining the wishes of the people by a secret enquiry in a democracy may not also seem appropriate, more so when it was not found possible to conduct enquiries in the manner originally contemplated. Further, it is urged that it will not be right to argue that the people expressed their preference for this or that State, understanding the full implications of what they were letting themselves in for.

- (5) The C.I.B. Report has left unsolved the question of the allocation of nine villages in which there are sharp differences of opinion.
- (6) The boundary, if laid according to the C.I.B. Report, would involve transfer of 56 villages from one State to another without ascertaining the wishes of the people.

2. A technical note on a fixed boundary by the Survey of India (Annexure* Q) deals, among other things, with the issues raised in objections (1) and (2) and elaborated in paragraph 10 (i) of Bihar Government's short note (Annexure* G). It may be explained here that this note is based very largely on an earlier note by the Survey of India which was considered during joint deliberations in May, 1964. The note (paragraphs 5 and 8 of part I and paragraph 4 of part II—Annexure* Q) indicates that (i) a fixed boundary is easily identifiable on the ground throughout the year; (ii) the major portion of the boundary (about 85 per cent along the Ganga and about 75 per cent along the Ghaghra), if based on the C.I.B. Report, would fall on land, the rest falling on water at present; (iii) the overall cost of the pillars that may be embedded is estimated to be within Rs. 5 lakhs for both the rivers and (iv) in order to ensure proper maintenance of boundary pillars, joint bi-annual inspection would be necessary and that for the satisfactory operation of this system of inspection, suitable ground rules would have to be framed and effectively followed. Attention is specially invited to paragraph 3 of part II of the note in which it has been stated that, should the Arbitrator be in favour of a fixed boundary based on the C.I.B. Report, the two State Governments agree that the villages referred to the C.I.B. pertain to the villages shown in 1881-83 revenue maps and that they have no objection to the rationalisation of the boundary by longer segments in the old beds of the two rivers as depicted in the revenue survey records of 1881-83.

3. Paragraph 8 of part I of the Survey of India note briefly reviews the working of the fixed boundary, specially from the aspect of its identification by villages in (a) the Sitab diara area in which, since 1888 (Annexure* M) there has been a fixed boundary about 13 miles long between Bihar and U.P.; (b) Punjab-U.P. in which, since 1884, a fixed boundary about 34 miles long has been in existence along the Jamuna between parts of the districts of Ambala and Karnal (Punjab) and Saharanpur district (U.P.) and (c) Amritsar, Gurdaspur and Ferozepore districts of Punjab where the fixed boundary between India and Pakistan has been demarcated a few days ago.

4. It is relevant to add a few details about fixed boundaries in these three areas.

As regards (a) in paragraph 3, it is stated in a note by the Collector, Saran (Bihar) that:—

“20 pillars marking the boundary between the districts of Saran and Ballia have been shown in the survey maps, but only four are in existence in badly damaged condition at the following places:—

2 in Rameshwar Tola

1 in Loha Tola

1 in Gariba Tola.

All of these fall in Sitab Diara Mahal. As these boundary pillars are pucca structures, no difficulty arises in determination of the boundary of the two districts. It is said that even the children can easily find out the fixed boundaries. In case of dispute, the villagers themselves get the extent of their lands determined by measurement with the help of agreed fixed points. Regarding the boundary between Shahabad and Saran also, no difficulty has arisen because the villagers themselves determine the extent of their lands by measurement and verification from agreed points”.

I visited the Sitab diara area in February, 1964, and the people who were questioned by me confirmed the statement quoted above.

5. As regards (b) in paragraph 3, the Deputy Commissioner, Ambala observed as follows:—

“People of both the sides are familiar with the provincial boundary which is fixed, and the change in the course of the river causes no trouble, because the people on both sides can easily identify their land and cultivate it after the floods. The existence of the Survey marks is of great help in resolving any local boundary dispute which is rare and is settled on the spot by the Revenue Officer. Since the boundary is fixed, there are now no boundary disputes between the two districts”.

The Deputy Commissioner, Karnal, has not reported any difficulty in the identification of the fixed boundary by villagers.

6. As regards (c) in paragraph 3, accompanied by the Chief Secretary and I.G. Police, Punjab, the revenue and police officers of Amritsar and Gurdaspur districts, and Col. Mudaliar and Major Bedi of

the Survey of India, I went along a portion of the Indo-Pakistan boundary in Amritsar and Gurdaspur districts in February, 1964. I also visited a few Punjab villages on the Pakistan side of Ravi and several land holders, to whom I talked, stated that they felt no difficulty in identifying the boundary which is demarcated on the ground by different types of pillars according to the nature of the terrain. The I.G. Police, Punjab, in a note furnished to me subsequently has observed as follows:—

“Since the demarcation of border with concrete pillars, the people on both sides know the precise extent of their territory and conditions have been far more peaceful along the border than was the case before”.

7. A fixed boundary may not always have a natural feature, but the fact that such a boundary is artificial does not constitute a valid objection to it, provided it is demarcated on the ground and also identifiable throughout the year by all concerned and the cost of constructing boundary pillars is reasonable. The fixed boundary laid on the basis of the C.I.B. Report, if recommended by me, satisfies these provisos.

8. In view of what has been stated in the foregoing paragraphs, I do not share the apprehensions to which Bihar Government have given expression in objections (1) and (2) and also in paragraph 10 (i) of their short note (Annexure* G).

9. Both Governments furnished me with several notes on item (3) of paragraph 1 above, and the subject was discussed at great length during separate and joint deliberations in March, 1964 and May, 1964 respectively in which the I.G. of Police and other police officers of both States participated. In view of the importance of the issue involved in this item, I make no apology for quoting certain statements from the notes sent by both Governments prior to and after the conclusion of the joint discussions. This is what U.P. have said in paragraph 6 of their brief statement (Annexure* F):—

“This Government has explained in a note that administration of trans-river territories will not be difficult and that the only extra arrangements needed will be opening of 4 police out posts at an annual additional expenditure of approximately Rs. 55,000. Bihar Government have not calculated their cost of administering trans-river tracts, but this would be much less, as the area involved would be less”.

In one of their notes prepared prior to joint discussions the Bihar Government have stated as follows:—

“The State Government of Bihar is opposed to the laying of a fixed boundary. If, however, it is ultimately decided to have a fixed boundary, the State Government will, no doubt, make arrangements to the best of its ability for the administration of the trans-river areas by setting up administrative units according to the size, population and location of the pockets or by tagging them to the nearest administrative units according to feasibility”.

Again, the following statements are quoted from paragraph 10 of their short note (Annexure* G):—

“(i) The fixed boundary if determined according to the C.I.B. Report will create trans-river areas for both States. Such areas will be far too small and sprawling, all along the rivers.....”

“(ii) We really cannot make permanent arrangements to administer these areas. What is a trans-river area today may not be so after the next floods. They will disappear, may diminish in size and may reappear elsewhere”.

“(iii) The Administration will fail the people when they need help most if we establish a flood post in the trans-river area, because of difficulties of crossing the river in floods, the flood posts themselves may be faced with the problem of saving themselves from inundation and seeking refuge. Thus they will fail the people when they need them most. The same applies to epidemics; also riots. Contrary to the arrangements advanced by U.P. Government these small pockets will serve as havens for criminals and bad characters and encourage smuggling. Police outposts cannot be established in blocks which may themselves disappear in water and after every flood the jurisdiction of these outposts will have to be re-determined.”

10. I have had the matter subjected to a scrutiny by the Survey of India, and their note entitled “Logistics in diara areas” is attached (Annexure R* with a map). The note is based on the intimate knowledge of the entire terrain gained by the Survey of India officers in the course of field survey operations lasting more than three months. Like the note on the fixed boundary (Annexure* Q), this note is an amplified version of a note on the same subject which was discussed during joint deliberations in May, 1964.

11. Movement in diara areas is generally slow and difficult as compared to that in the interior, and I agree with the conclusion reached in paragraph 8 of part I of the note (Annexure* R) that on the whole it is not more difficult, if, in some cases, not easier, to administer a variable trans-river territory within a constant area of known extent than to administer an area of which the overall extent itself varies unpredictably, as is the case with a boundary based on the deep stream. It is, of course, recognised that alteration in the course of the river may change the size or situation of trans-river areas, but it is my view that such adjustments as may be called for under a fixed boundary are easier to make and take less time than the adjustments necessitated under a deep-stream boundary.

12. As regards flood relief, I do not share the apprehension of Bihar that the flood posts themselves may be faced with the problem of saving themselves from inundation, for, as pointed out by U.P. in their note on flood relief, the flood post is on a high level on the firm bank of the river. Again, as observed by U.P., organisation of relief operations in the area on the other side of the river should not present any special difficulty, because during floods one has in any case to move in water and both sides of the river have similar conditions as regards accessibility. Reference is invited in this connection to paragraph 9 of part I of the note (Annexure* R). As regards epidemics—and cholera and malaria may break out during the rainy season—the public health staff is expected to work in close collaboration with flood post officers, and there should be no difficulty for that staff in carrying on their work in trans-river territory. I must also mention that, according to an analysis made by the Survey of India, on the assumption of a fixed boundary based on the C.I.B. Report, the trans-river territory of Bihar would, according to the deep stream of 1963-64, comprise of 49 villages of which as many as 40 villages are uninhabited, 7 have only temporary huts, and 2 are inhabited, the corresponding figures for U.P. being 91, 75, 3 and 13 respectively.

13. As regards riots, statistics of crime in Shahabad, Saran and Ballia districts show that during the last ten years about 60 per cent of murders and riots, about 75 per cent of proceedings under Sections 107 and 144 of the Code of Criminal Procedure and 100 per cent of proceedings under Section 145 of Code of Criminal Procedure have their origin in land disputes. It is common knowledge that land disputes do not occur in the rainy season, when the rivers are flooded, considerable areas of land are submerged and all activities are necessarily restricted. Land disputes generally start at the sowing season and may continue until crops are harvested. In such

cases the Police will have to cross the river, specially if a Police outpost does not exist in the trans-river area, but I do not think that this need give rise to any special difficulty, particularly because, as pointed out in paragraph 3 of part I of the note (Annexure* R), the deep stream does not constitute as big an obstacle to movement as the other minor channels and intervening sandy stretches occurring at a particular cross section.

14. U.P. maintains that under a fixed boundary smuggling will not increase and that it may possibly be less. Bihar takes an opposite view. U.P. has argued that under a deep-stream boundary, the Police of each State would have to patrol the entire river length to check smugglers moving in boats who can land at any point on the bank when the situation permits. According to them, the river width provides a certain degree of latitude to the offender who cannot be apprehended till he has landed on the bank concerned. On land, however, movements are generally confined to a limited number of tracks and paths which lead from one State to the other astride the fixed boundary. The argument further runs that it is easier to cover these known routes of escape and the offender can be readily apprehended when he has just crossed the border which is clearly identifiable. The Punjab experience lends support to the U.P. argument. In a note dealing, among other things, with a fixed boundary between Punjab and U.P., to which reference has already been made, the I.G. Police, Punjab, has observed as follows:—

“U.P. and Punjab fall in different zones in regard to the movement of food-grains, sugar, etc., and there are always disparities in the prices of various articles in the two States. The variable border permits greater scope for smuggling of these articles across it than is the case where there is a firm boundary”.

I discussed this subject with him again after the conclusion of joint deliberations in May, 1964. At my request, he asked the Superintendents of Police, Ambala, Karnal and Rohtak to go over the areas of their districts situated along the Jumna. In the light of the reports of these officers, the I.G. Police, Punjab, writes as under:—

“Even with the multiple restrictions on the movement of various essential commodities, smuggling is not a serious problem along the fixed boundary. There may be a tendency here and there on the part of the local population to take small quantities of restricted commodities across the border for personal use; but it has not been done on

a commercial scale. The presence of police pickets in the villages across the border has had a steadying effect even on this limited smuggling, along the fixed boundary. A study of the problem in the lower reaches of the river, where the mid-stream is the boundary, would show more cases of smuggling have been registered and detected. 29 such cases have been registered during the current year along the 26 mile stretch of the deep-stream boundary along the Jamuna between Rohtak district and U.P."

Having regard to what is stated above, I am inclined to think that a fixed boundary is not likely to lead to increased smuggling and that in fact it may result in less ineffective, if not more effective, control over smuggling and also some other forms of crime.

15. I am unable to agree with Bihar that unless there is a flexible boundary, planned development might be affected adversely. I have already dealt with this in paragraphs 12 to 17 of Chapter V in which I have endeavoured to establish that instability of jurisdiction which is inherent in a variable boundary is even at present an impediment in the path of progress and will continue to be increasingly so as development gathers momentum and gains in depth. I would only add that during the rainy season field activities of development officers like the village level worker and the extension officers are very much less than during the open season, because kharif crops, which do not mature before onset of the floods, are not grown in the diara areas.

16. Some additional expenditure on suitably located police posts in trans-river territories will obviously be involved. Moreover, although the three districts have a complement of motor launches, motor boats and ordinary boats—and in U.P. the policy is to equip gaon sabhas in the diara area with country boats—each State will have to consider on merits whether any augmentation in the number of boats in the area is called for. It is hardly necessary to add that it is of utmost importance to ensure that irrespective of the nature of the boundary, the boats are maintained in an efficient condition. Again, it may be considered desirable to have a village level worker in a large-sized trans-river area.

17. The upshot, as summarised in paragraph 10 of part I of the note (Annexure* R) is that if, having regard to the well-being of the people, I favour a fixed boundary, the difficulties in movement, which are inherent in diara areas due to the nature of the terrain, will not on the whole increase by the adoption of such a boundary and that

by virtue of the fixity of extent and jurisdiction, administration of trans-river areas will not, on the whole, be more difficult, if in some cases not easier, than the administration of areas with fluctuating sizes and limits. In this connection, it is necessary to reiterate that out of 49 trans-river villages of Bihar, only 2 villages are inhabited, 7 have temporary huts only and as many as 40 are uninhabited, the corresponding figures for U.P. being 91, 13, 3 and 75 villages respectively; *vide* paragraph 12 above.

18. As regards objection (4), paragraph 6 of the proceedings of the conference held on August 23, 1952 (Annexure* XV of U.P. memorandum at Appendix* I), shows that both Governments decided to request the Government of India to depute an officer of the Central Intelligence Bureau for the purpose of the enquiry for ascertaining the wishes of the people. There was also general agreement at the conference that while ascertaining their wishes, the enquiry should be conducted tactfully and in a manner which will not cause undue excitement (Annexure* XV of U.P. memorandum at Appendix* I). The draft instructions for the enquiring officers as well as the inquiry proforma were also agreed to by both Governments in January, 1955 (Annexure* XVI and Annexure* XVII of the memorandum of the Government of U.P.). These were subsequently revised, again by agreement between representatives of the two Governments in a conference held at Lucknow on the 12th March, 1959. The instructions emphasised that the enquiry should be unobtrusive, that it should be conducted in a tactful manner and that undue publicity should be avoided. As stated in paragraph 2 of the C.I.B. Report, it was implicit in the revised procedure that all that was needed was an assessment of a cross section of opinion in the villages concerned in a quite and tactful manner without creating conditions for the development of a controversy. The C.I.B. enquiry was made strictly in accordance with these instructions, and it is also on record in their report that there was no evidence of any influence having been at work in villages to persuade the people one way or the other; I am inclined to agree with the U.P. view that it is not unreasonable to assume that the opinions expressed by the people represented also the wishes of their families. At the same time, I feel great reluctance in subscribing to the proposition of the Bihar Government that in expressing their wishes in favour of one State or another, the people did not understand the full implications of what they were letting themselves in for, particularly, as during my visits to the diara areas, the maps and other documents which the people in some villages produced before me and the answers they gave to my questions impressed me with their strong commonsense and full aware-

ness on their part of where their interests and welfare lay. The Report of the C.I.B. is objective and impartial. The officers have evidently taken a great deal of care in ascertaining the wishes of the people, and the Joint Director himself spent over a month in the area, let alone the fact that the officers in charge of the enquiry were in that area for three months. In view of these considerations, it would not be correct for me to disregard the C.I.B. Report as a good basis for a fixed boundary, in case my recommendation is in favour of such a boundary.

19. As regards objection (5), the allocation of nine disputed Ganga villages and two villages on the Ghaghra which the C.I.B. were unable to trace on the ground, but which the Survey of India have now been able to locate on the spot falls to be decided by me. The names of the nine Ganga and two Ghaghra villages are given below:—

Ganga Villages

- (1) Jagdishpur.
- (2) Rampur Taluqa Durjanpur (Shown as Rampur in 1881-83 maps)
- (3) Hansnagar.
- (4) Babu Bel.
- (5) Pokhra.
- (6) Adrakhpur.
- (7) Sapahi.
- (8) Nainijor.
- (9) Piparpanti (Shown as Piparpati in 1881-83 maps).

Ghaghra Villages

- (1) Fatehpur Naubarar.
- (2) Jazira Diara Rampur.

The U.P. Government have proposed that in regard to these villages, the settlement line of 1881-83 in respect of the Ganga and Ghaghra should be followed in the interest of the people themselves and also in the interest of a clear and straight boundary. They have accordingly suggested that villages (1) to (5) on the Ganga and (1) and (2) on the Ghaghra should be allocated to them and villages (6) to (9) should be allotted to Bihar. On the other hand, Bihar have proposed that all these villages, with the exception of Fatehpur Naubarar, which they agree to let go to U.P., should be allotted to them as they fall on the Bihar side of the 1963-64 deep streams of these rivers.

After very careful consideration of these alternative proposals, I have come to the conclusion that if there is to be a fixed boundary, the most satisfactory allocation would be to allot villages to the States in which they were in 1881-83. The factor which has weighed with me in coming to this conclusion is that in the options exercised by the people during C.I.B. enquiry, the vast majority of villages which were in U.P. or Bihar originally, have opted for their parent State. A word of explanation is necessary in respect of Jagdishpur. This was a Bihar village, according to settlements of 1845-46 and 1863-64. Further although the 1881-83 map shows the villages as non-existent, and as a part of the U.P. village Jaunhi, U.P. in the agreed list of 192 villages in respect of which the wishes of the people were to be ascertained by the C.I.B., accepted its separate identity as distinct from Jaunhi village. The Survey of India has proposed—and I agree with the proposal—that while demarcating the boundary, the village boundary of 1863-64 of Jagdishpur should be restored. Some explanation is also necessary in respect of Jazira Diara Rampur. This was originally a U.P. village, and although it has now lost its separate entity, Diara Bhagar, which forms a major part of Jazira Diara Rampur has opted for U.P., while the eastern portion of the village is at present under sand and water. Accordingly, if there is to be a fixed boundary, the eleven villages will be allocated as under:—

U.P

- (1) Rampur Taluqa Durjanpur (Shown as Rampur in 1881-83 maps).
- (2) Hansnagar.
- (3) Babu Bel.
- (4) Pokhra.
- (5) Fatehpur Naubarar.
- (6) Jazira Diara Rampur.

Bihar

- (1) Jagdishpur.
- (2) Adrakhpur.
- (3) Sapahi.
- (4) Nainijor.
- (5) Piparpanti (Shown as Piparpati in 1881-83 maps).

I should mention here that if there is to be a fixed boundary, Khap Tikar, a very small village, which has opted for Bihar, will be allocated to U.P., as it is an enclave surrounded on all sides by

U.P. territory and its administration, if allotted to Bihar, will present very considerable difficulties.

20. It is appropriate at this stage to make a few observations in respect of the list of 192 villages referred to the C.I.B. for ascertaining the wishes of the people. This list comprised of (1) 48 Ganga villages and 19 Ghaghra villages which passed wholly or partly from Bihar to U.P. between 1884 and 1950 and (2) 99 Ganga and 26 Ghaghra villages which passed wholly or partly from U.P. to Bihar during the same period. In other words, during 1884—1950, according to the agreed list, 67 villages passed from Bihar to U.P. and 125 from U.P. to Bihar. Of the 192 villages of which 63 are recorded as being uninhabited, 90 passed completely from one State to another and 102 changed hands partly. As stated already, the C.I.B. was unable to trace two villages on the Ghaghra and the wishes of the people could not, therefore, be ascertained in respect of them. There was also, as already explained, a sharp conflict of opinion in nine villages on the Ganga and the C.I.B. was, therefore, unable to decide for which State these villages exercised their options. Of the remaining 181 villages, 69 have expressed their wish to be in Bihar, and 112 in U.P. As regards nine disputed and two untraced villages, I have already indicated that if there is to be a fixed boundary, five villages will be allocated to Bihar and six to U.P. I have further stated that in the event of my being in favour of a fixed boundary, for reasons of administrative convenience, Khap Tikar, which has opted for Bihar, will be allocated to U.P. The final result then will be that if there is to be a fixed boundary—and I have already made it clear that I cannot ignore the C.I.B. Report as a basis for demarcating such a boundary—out of 192 villages referred to the C.I.B., 119 villages will go to U.P. and 73 to Bihar. This allocation very largely restores the position as in 1884 since which, upto 1950, according to the agreed list, 125 villages passed from U.P. to Bihar and 67 from Bihar to U.P. It is evident that the people affected by these changes since 1884 have preferred to go back to their parent State, except in a few cases where they have been for a very long time in the other State. This reinforces the definite impression formed as a result of my visits to the area that the people have exercised their choice not arbitrarily but in manner which *prima facie* appears to be logical and rational.

21. As regards objection (6), which was raised formally for the first time during joint discussions in May, 1964, a study made at my request by the Survey of India shows that the 56 villages referred to by Bihar comprise of (1) 48 villages which have changed jurisdiction after 1950, (2) seven villages which at the time of the preparation of the agreed list of 192 villages were partly in Bihar and partly

in U.P. and (3) one village (Kalyanpur) which does not appear in 1881-83 survey settlement records. I am unable to understand why these seven villages were not included in the agreed list. One presumption could be that the State Governments may have intended to retain these villages in their parent State according to 1881-83 records. Irrespective of the validity of this presumption, if there is to be a fixed boundary, these 48 villages will be allocated by me to the States in which they were in 1950 and seven will be allocated, without breaking their entity, to the States in which they were according to 1881-83 records. The justification for the allocation of 48 villages is that it was implicit in the conclusions of the 1952 conference to prepare a list of changes since 1884 to 1950, that villages which had not changed then but which may shift before decisions were taken on the C.I.B. Report would continue to remain in the State in which they were in 1950. The proposed allocation of seven villages is in conformity with the pattern of the wishes of the people indicated during the C.I.B. enquiry according to which, as shown already, almost all the villages expressed their choice to remain in the State in which they were in 1881-83. In view of these considerations, it is my opinion that if there is to be a fixed boundary, it is neither necessary nor, for practical reasons, even desirable now to attempt to ascertain the wishes of the people of these seven villages.

If my recommendation is in favour of a fixed boundary, I am satisfied in my mind that, left to themselves, all these villages will regard the allocation made by me as reasonable.

22. Without prejudice to their stand against a fixed boundary, the Bihar Government have suggested that, should the Arbitrator be in favour of a fixed boundary, such a boundary should be based on the course of the 1963-64 deep stream of Ganga and Ghaghra.

The technical implications of the Bihar proposal have been examined by the Survey of India in a detailed note (Annexure* S). The note shows that the boundary line proposed by Bihar has certain serious technical disadvantages. It is an arbitrary line based solely on the vagaries of nature, i.e., the course of the rivers, existing at a particular time. It splits practically all the villages falling astride its length, thereby destroying their entity. This can, no doubt, be avoided by modifying the alignment around these villages so as to keep whole villages in one State or the other depending on which State contains the major portion of each of these villages. In that event, the boundary will criss-cross the river at several places, thereby unduly complicating the alignment, and it will also give rise

almost over its entire length to trans-river territories of very small size, aggravating the problem of logistics and consequently their administration. Again, the entire alignment is at present in water, and demarcation on the ground will necessitate construction of very costly well-type pillars at all changes of alignment, namely at over 200 positions, making the cost prohibitive. Due to the proximity of the river and frequent occurrence of shallow minor channels and sandy islands, movement, exact identification and normal administration near the boundary will be more difficult than in the case of a land boundary. Finally, a point not brought out in the technical note because of its being strictly outside the purview of the Survey of India is that the Bihar proposal ignores the wishes of the people as ascertained by the C.I.B. during their enquiries. If the Bihar proposal were adopted, 3 whole villages and major portions of 6 villages on the Ganga and 6 whole villages and major portions of 2 villages on the Ghaghra, which have opted for Bihar, will go to U.P. Similarly, 24 whole villages and major portions of 10 villages on the Ganga and 3 whole villages and major portion of 1 village on the Ghaghra, which have opted for U.P., will go to Bihar. I am certain that this will cause very considerable discontent. Therefore, having regard to technical and other considerations, in the event of my recommending a fixed boundary, I am unable to accept the Bihar proposal as a basis for such a boundary.

23. I should add that given a fixed boundary I cannot think of any other basis as satisfactory as the C.I.B. Report. As stated already, the C.I.B. was entrusted with the task of ascertaining the wishes of the people at the request of the State Governments of Bihar & U.P. in accordance with the "broad decisions" of the conference held at Lucknow on August, 23, 1952.

24. I now deal with the apprehensions of Bihar regarding a fixed boundary. In the brief note (Annexure* G) on their final position, the Bihar Government have reiterated their apprehension that one of the reasons for the demand for a fixed boundary is, perhaps, because of the persistence of the impression that once land re-forms in either State, it would automatically disentitle cultivators of the other State from laying claims to it regardless of whether they had possession of it or not earlier and that once the boundary is fixed there may be attempts to squeeze out cultivators of the other State. They have also quoted certain passages from the U.P. resume (U.P. resume Vol. I & II—Annexure *D) which appear to them to lend support to this apprehension. I referred this matter to the U.P. Government, and what their Revenue Secretary has stated in a letter

dated 29th May, 1964, of which a copy has also been sent to the Bihar Government, is reproduced below:—

“The U.P. Government have made it repeatedly clear that the reformation of a piece of land in the other State by the fluvial action of the river would not disentitle the original cultivators of the State to which the land belonged earlier from laying claims to it. The position was further clarified by me during the joint discussions when I gave a categorical assurance on behalf of the U.P. Government that all rights of title based on possession or other valid grounds will be given due regard by the officers of the State Government. It was further elucidated in my D.O. letter @ No. 1825/IC—dated May 24, 1964, that the records transferred to U.P. by Bihar will be brought up-to-date on the basis of evidence produced by the persons concerned and that these proceedings will be carried out in accordance with the provisions of the U.P. Land Revenue Act. The orders passed under the Land Revenue Act will be judicial in nature and any party aggrieved with them will have the right to go in appeal. The provision for appeal would ensure proper exercise of discretion in a judicial manner by the courts and there does not appear to be any basis for presuming that the tenants will be denied their legitimate rights in either of the two States.

3.It may, however, be clarified again that while in the event of a fixed boundary the need for setting at rest the apprehension of the nature mentioned by Sri Raman will arise only once the records of rights are being prepared for the first time after transfer of the land from one State to the other, such apprehensions will have to be resolved every year if the present variable boundary continues.
4. In the event of a fixed boundary, it will have to be considered also what further steps would be necessary to reduce the apprehensions of this nature, if they exist, and to resolve conflicts in villages where they can be anticipated. The best course will be to have regular inter-State meetings of the two Collectors on either side during the period the record operations are in progress. The Collector, Ballia and Collector Shahabad can meet about villages on the two sides of Ganga while the Collector, Saran and Collector, Ballia can hold these discussions

@A copy of this letter was also sent to the Bihar Government.

*Not printed.

about villages near river Ghaghra. They can discuss general questions with particular references to known disputes and take such measures as may be necessary to ensure successful conclusion of the record operations without any apprehension of breach of peace. If there are any matters which cannot be resolved locally, they may be referred to the two Governments. By adopting this method, it should be possible to achieve the desired object of getting the record of rights prepared, safeguarding the legal rights of the persons concerned”.

I hope the Bihar Government will feel reassured by this statement of the U.P. position.

25. Bihar Government have conceded that as a matter of practical application there might not be accretion across the fixed boundary, but they do not share the view that disputes regarding reformation *in situ* will arise only once at the time of initial preparation of records after the boundary is fixed, as the entire bed of a river cannot emerge all at once. I have no doubt that if such disputes do arise, the officials and courts of both Governments will deal them with justice and equity.

26. To complete the picture, it is necessary to make a few additional observations.

Firstly, the U.P. resume from which, as stated already, Bihar has quoted certain passages, was prepared before the subject was discussed at the joint meeting in May, 1964, in which the Legal Remembrancers of two States participated and which an officer of the Central Law Ministry attended as an observer at my request. In the brief statement of the case of U.P. Government (Annexure *F), paragraphs (3) (v) and (4), presented after the conclusion of the joint discussions, there appears to be some softening of their attitude in this respect, since, while stating in paragraph 4 that disputes will be minimised, if there is a fixed boundary, they have made no reference to disputes between tenants of two States under such a boundary. They have contented themselves with the following observations:—

“The changing boundary gives rise to many genuine disputes on grounds of accretion or reformation *in situ*. The same land at one time or the other was settled in the past on emergence from the river in both the States and the two sets of tenants lay rival claims for reformation *in situ* in respect of the land that comes out of water either in U.P.

or in Bihar. This gives rise to disputes which pose complicated Law and Order problems for the administration besides creating a feeling of uncertainty regarding their cultivatory possession in the minds of the tenants”.

A modification of their attitude in this matter is also clear from their letter to me dated the 29th May, 1964 to which I have referred earlier.

Secondly, I enquired both orally and in writing from the Deputy Commissioners of Ambala and Karnal about their experience in this respect because, since 1884, there has been a fixed boundary of about 34 miles along the Jamuna between parts of Ambala and Karnal districts of Punjab and the Saharanpur district of U.P. (copies of letters to me from the two Deputy Commissioners were supplied both to Bihar and U.P.). The Deputy Commissioner, Ambala, in his first letter to me observed that “since the boundary between the two districts is fixed, changes in the process of alluvion and diluvion affect only the land owners of the villages concerned”. On a further enquiry by me, he stated that “since the boundary is fixed, there arises no dispute regarding diluvion and alluvion between the land holders of U.P. and Punjab. If any dispute arises between the land holders of the same village in Punjab, it is settled by proper demarcation of fields. Your presumption that there are no disputes between the tenants of Punjab and U.P. is correct”. The Deputy Commissioner, Karnal has stated that “there has been no known dispute between land owners or tenants of the two States arising out of the behaviour and action of the river”. It may be added here that Regulation XI of 1825 (The Bengal Alluvion and Diluvion Regulation—1825) which applies both to Bihar and U.P. is also in force in whole of Punjab. While quoting these observations, I must make it clear that I do not regard them as necessarily conclusive in their bearing on U.P. and Bihar.

Thirdly, the whole question of disputes between tenants of two States astride a fixed boundary appears to me complicated, and I regret that I am unable to come to a definite finding on the question as to the precise effect a fixed boundary may have on disputes between tenants of Bihar and U.P. after the initial preparation of records following a fixed boundary. It also does not seem to be necessary for me to arrive at a finding in this matter, as the case for a fixed boundary, if recommended by me, will not rest on the question of its effect on disputes between tenants of Bihar on the one hand and those of U.P. on the other or *vice versa*, although I hope, and to an extent believe, that a fixed boundary may well minimise such disputes and also facilitate their adjudication.

27. To sum up this very long chapter, my conclusion is that, if I recommend a fixed boundary based on the C.I.B. Report, the objections and apprehensions of Bihar, which have been discussed very exhaustively, do not make a case against such a boundary.

CHAPTER VII

Recommendations on the first Term of Reference.

The deep streams of Ganga and Ghaghra form at present the boundaries between the districts of Shahabad and Ballia and the districts of Saran and Ballia respectively, and the first Term of Reference to me is whether the principle of fixed boundaries between the aforesaid districts should be accepted, and if so, whether they should be determined in the manner suggested at the 1952 conference of the representatives of the Governments of U.P. and Bihar, and if not, what should be the boundaries.

2. In Chapter V, I have dealt at great length with the deep-stream boundary, its operation and effects and also objections of the U.P. Government to this boundary, and have recorded the conclusion that I am unable to recommend its continuance even with the improvements suggested by Bihar. In Chapter VI, I have discussed exhaustively the objections and apprehensions of Bihar Government in regard to a fixed boundary with special reference to the boundary based on the C.I.B. Report, and I have taken the view that these objections and apprehensions do not make a case against a fixed boundary based on the C.I.B. Report. I have stated further that I cannot think of any other basis for a fixed boundary which is as satisfactory as the basis suggested at the conference of 1952 which led to the C.I.B. being entrusted with the task of ascertaining the wishes of the people in the villages affected by riparian action between 1884 and 1950. These conclusions pave the way for a fixed boundary, and I now proceed to set out the main advantages of such a boundary.

3. A fixed boundary will delimit permanently the territorial extent and jurisdiction of the districts of Shahabad and Saran in Bihar and the district of Ballia in U.P. Changes in the courses of Ganga and Ghaghra will not result in villages or parts thereof going from one State to another, thus preserving the entity of these villages which is at present liable to be broken. Nor will these changes affect the jurisdiction of gram panchayats, village cooperative societies, zila parishads and district cooperative banks. The jurisdiction of tehsils, block samitis and police stations will also remain generally constant, though some slight readjustments particularly in police stations or police outposts may be called for if there is an appreciable change in the location of trans-river areas.

4. The stability of jurisdiction which a fixed boundary ensures, brings in its train substantial advantages to the people.

First, the inconvenience which the people have to undergo at present owing to frequent changes in jurisdiction with resultant changes in the applicability of laws will be eliminated. No longer will they suddenly find themselves placed in another State, not by their own volition but by the whims and fancies of the rivers with the further possibility of their subsequently passing to and fro, not once but in some cases even several times, as has happened under the deep-stream boundary. In this connection reference is invited to paragraphs 4 & 5 of Chapter III.

Secondly, at present riparian action sometimes divides holdings placing one part in one State and another part in another State. The land holder then has to deal with courts, police stations, etc., of two States with wide differences in their revenue, tenancy and other laws. With a fixed boundary this will not happen. Neither will there be any question of laws of two States applying to the same holding divided into two by the action of the rivers. In other words, fixity of law will follow fixity of jurisdiction.

Differing from the view expressed by Bihar Government in paragraph 39 of Vol. I of their memorandum (Appendix* II), I consider that fixity of law is a very substantial advantage of a fixed boundary. The fact that what are called vested rights in land have to be safeguarded when land passes from one State to another under the deep-stream boundary does not make an appreciable difference to the validity of this proposition, because:—

- (a) there is diversity of views as to what are vested rights;
- (b) with a variable boundary, these vested rights will have to be adjusted with every change in jurisdiction consequent upon the behaviour of the rivers, and I agree broadly with the position taken by U.P. in paragraphs 3 and 4 of their brief statement (Annexure *F) that with frequent and repeated changes of territory from one State to the other, it would be well nigh impossible to enact a comprehensive law which may automatically adjust these rights and liabilities of the persons concerned every time the change takes place. With a fixed boundary, the adjustments of rights of tenants of areas coming over from one State to another at the time of the initial fixation of the boundary will have to be made only once, and their vested rights can be safeguarded by the legislation to be

*Not printed.

enacted for the purpose. Further, such legislation would be easier, as it will not have to provide for future changes in the status of tenants as a result of alteration in the courses of the rivers.

- (c) there are certain rights in land which are not vested rights, and there are also differences in the laws of two States in respect of matters other than those pertaining to land. Riparian action with consequential alteration in jurisdiction affects rights in land other than vested rights and also results in a change in the applicability of laws relating to items other than land. Instances have already been given in paragraph 7 and the concluding part of paragraph 8 of Chapter V.

Thirdly, as already discussed at some length in paragraphs 12 to 17 of Chapter V, stability in jurisdiction is of prime importance for planned development. With a fixed boundary, instability of jurisdiction with consequent uncertainty in the minds of all concerned with development will be a thing of the past, and the way will be clear for the smooth, efficient and uninterrupted functioning of panchayati raj institutions, the cooperative movement and the extension agency. This will facilitate not only the formation but also the implementation of plan schemes and programmes with special reference to increase in agricultural production for which there are considerable possibilities in this area. In this connection, I quote below an extract from a note by the U.P. Government on development with which I am in general agreement:—

“A fixed boundary will attach villages permanently to some block in this State or in the other. There will be no change of their village organisations getting disrupted on account of the change over from one State to the other. They will be able to maintain their ties with parent institutions—block samiti and district cooperative bank uninterrupted. All these factors will go to create conditions in which it would be possible not only to plan the development of this area but also to implement those plans through democratic methods much more successfully than can be done at present.”

Fourthly, stability in jurisdiction will assure to the people their right to be represented in Parliament and the local legislatures. This right is at present liable to be snatched from them by the erratic and uncertain behaviour of the rivers.

Fifthly, with a stable jurisdiction, the area on the whole is likely to be better administered and better looked after than at present. The people will be dealing with officials of one State, and the latter will know the people better than at present, thus developing close contacts which are so essential in the context of development. These contacts are liable to be snapped at present with changes in jurisdiction. Again, with a fixed boundary there will be a clear, single and uniform record of the boundary. This will facilitate proper maintenance of land records. In this connection, I need hardly stress the value of accurate and up-to-date land records as an aid to the peasantry in securing and enforcing their rights in land. Moreover, with the diara areas being permanently with one State or the other, both States and their administrative personnel at all levels are likely to be more alive or, at any rate, more responsive to the needs and aspirations of the people than at present. Per contra, I have formed the impression as a result of my visits to these areas that with a fixed boundary the people are likely to shoulder their obligations and responsibilities in the exacting tasks of development to a great extent than under the *status quo* which tends to create an atmosphere of uncertainty, adversely affecting continuous and whole-hearted participation of the people in plan schemes and programmes.

5. Having regard to what has been stated in paragraphs 2 to 4 above, I am satisfied that a fixed boundary is more conducive to the well-being and convenience of the people and the future development of the area than a boundary based on the deep stream. I accordingly recommend that the principle of fixed boundaries between the districts of Shahabad and Saran on the one hand and the district of Ballia on the other hand should be accepted. Further, for the reasons given in paragraph 18 to 20 of Chapter VI, these boundaries should be determined in the manner suggested at the 1952 conference of the representatives of Governments of U.P. and Bihar. As already explained, this means that the C.I.B. Report should form the basis for determining the fixed boundary. In other words, my specific recommendations, following the conclusions in paragraphs 18 and 19 of Chapter VI are (a) that of the 181 villages in respect of which the C.I.B. was able to ascertain the wishes of the people, all except Khap Tikar should be allotted to U.P. or Bihar as indicated in the C.I.B. Report, (b) that Khap Tikar should go to U.P., and (c) that the eleven villages in respect of which the C.I.B. for one reason or another was unable to specify to which State they should be allotted should be allocated either to U.P. or Bihar as detailed in paragraph 19 of Chapter VI. These recommendations have been incorporated in the annexure entitled "Description of the

Boundary" (Annexure T) and the map (Annexure T-1). For facility of reference, Annexure T has been placed at the end of this volume and Annexure T-1 in the pocket.

6. The fixed boundary based on the C.I.B. Report will always be identifiable, and the jurisdiction will never be in doubt. The cost of construction of pillars is estimated by the Survey of India at not more than Rs. 5 lakhs. Some additional expenditure on the administration of trans-river territories—and U.P. estimate this to be of the order of about Rs. 55,000/- per annum for its trans-river area—and also perhaps provision of boats will be necessary, but I consider that this is justified by the benefits, tangible and other, which the people of the area will derive from the adoption of a fixed boundary as recommended by me. Incidentally, I may add that the improvements suggested by Bihar in the deep-stream boundary—and I have already stated that I am unable to recommend the continuance of this boundary—will involve a non-recurring expenditure of Rs. 8 to Rs. 10 lakhs and recurring expenditure of about Rs. 60,000/- for each State.

7. The boundary recommended by me is described in the annexure entitled "Description of the boundary" (Annexure T) and is delineated on the map (Annexure T-1) prepared by the Survey of India. The Preamble (Annexure T) is self-explanatory. Paragraphs (a), (b) & (c) of the Preamble embody agreements reached during discussions with two Governments at the official level (*vide* paragraph 2 of Chapter VI); while paragraphs (d) to (g) contain provisions for the detailed interpretation and demarcation of the boundary alignment on the ground and construction and maintenance of boundary pillars. The Survey of India is obviously the only agency for demarcating the boundary.

8. It follows from paragraph 7 above, that my recommendations on the first Term of Reference are as under:—

- (a) There should be a fixed boundary between the districts of Shahabad and Ballia and the districts of Saran and Ballia.
- (b) The alignment of this fixed boundary should be as described in the annexure entitled "Description of the boundary" (Annexure T) and as delineated on the map (Annexure T-1).
- (c) Detailed interpretation and demarcation of the boundary alignment on the ground should be carried out by the Survey of India in conformity with paragraph (d) of the

Preamble in the annexure entitled "Description of the boundary" (Annexure T).

- (d) As stated in paragraph (e) of the Preamble, responsibility for location of the positions of the boundary pillars on the ground should rest with the Survey of India.
- (e) Boundary pillars should be constructed and maintained by the Governments of Bihar and U.P. in accordance with paragraphs (f) and (g) of the Preamble.

9. I may add here that acceptance of my recommendation for a fixed boundary by the Prime Minister will involve an alteration of the present boundaries of Bihar and U.P., and legislation by Parliament, under Article 3 of the Constitution of India, will be necessary. This legislation will, among other matters, have to embody provisions in respect of (1) applicability of laws and (2) pending proceedings. This was mentioned by me to the representatives of both Governments during joint discussions in May, 1964. In respect of item (1) above, two suggestions were put forward. The first was that territory going over from one State to another as a result of the demarcation of the fixed boundary, if recommended by me, should be governed by the laws in force in the transferee State subject to such adaptations and modifications as the State Government concerned may consider expedient to protect existing rights and privileges. Provision somewhat analogous to this suggestion is contained in Section 11 of the Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959. The second suggestion was that the territories transferred from one State to another should continue to be subject to the legislation by which they were governed upto the date of parliamentary legislation subject to such adaptations and modifications as the transferee State may consider necessary or expedient. A provision of this type has been incorporated in the States Reorganisation Act, 1956, the Bihar and West Bengal (Transfer of Territories) Act, 1956, and the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959. I enquired from the representatives of two State Governments about the type of provision they would prefer on the assumption that there will be a fixed boundary. There was a general feeling, however, that this matter including other matters which would have to be provided for in legislation should be reserved for further consideration at the appropriate time. I agreed with this view and have left the matter at that. The whole position would, no doubt, be examined by the Government of India in consultation with the State Governments while drafting the necessary legislation.

10. It should be added that Col. Mudaliar and I flew over the Ganga and Ghaghra for about 2½ hours on the 22nd August, 1964. We found considerable portions of the diara areas water-logged, though the rivers were not fully in spate. Further, we were able to relate the proposed fixed boundary alignment to the ground.

CHAPTER VIII

Recommendations on the second and third Terms of Reference

In view of my recommendation on the first Term of Reference, there is no need for me to say anything about the second Term of Reference which runs as follows:—

X X X X X X

- (ii) If the principle of fixed boundaries is not advisable, what improvements should be made in the existing principle based on the deep streams of the rivers Ganges and Ghaghra?

I may add that I have considered this matter in Chapter V and reached the conclusion that I am unable to recommend the continuance of the deep stream boundary.

2. The third Term of Reference runs as follows:—

- (iii) Whether, in the opinion of the Arbitrator, there can be any other solution to the question of the boundaries between the said districts? If so, what?

In paragraph 2 of my letter dated August 9, 1962, to the Chief Ministers of both States (Annexure* B), I indicated that I should be grateful for suggestions from them in regard to this item either at this stage or, if it is so preferred, at a later date. No suggestions have been received from the two State Governments; neither did this figure during my separate and joint discussions with the officers of the two Governments although the subject was referred to casually and informally. The Chief Minister of Bihar, whom I met at Delhi on the 25th June, 1964, requested me to give thought to this matter. On the following day the Chief Minister, U.P., to whom I talked about this, stated that she had no suggestions to make.

3. The late Shri S. K. Sinha in paragraph 5 of his d.o. letter dated 23rd June, 1960 (Annexure* L) to the late Home Minister made an alternative suggestion, but rejected it as being unlikely to be acceptable to the people of either State. For facility of reference, that para is reproduced below:—

- "5. It now seems to me that a permanent unchanging boundary line on the Bihar-Uttar Pradesh border can be

*Not printed.

demarcated only if it is drawn well away from the region of the changing courses of the river and if approaching a river, then crossing the river-bed at right angles, so that the lands along such a boundary may not be subject to riparian effects. This would mean that both States will have to exchange large parts of their present area. Though this may be the best arrangement, I doubt whether it will be possible, for either of the States, to give effect to such a demarcation. The report of the Central Intelligence Bureau has brought out one fact very clearly. Those villages, which were originally part of Bihar, would like to be with Bihar, and *vice versa*. So, if either Uttar Pradesh or Bihar agrees to part with a large chunk of its territory to the other State, there is bound to be serious opposition from the people of those areas."

4. I have pondered over this from time to time, but I regret that no alternative solution worthy of serious consideration has occurred to me.

CHAPTER IX

Summary of recommendations

I quote again the Terms of Reference to me:—

- (i) Whether the principle of fixed boundaries between the aforesaid districts should be accepted? If so, whether they should be determined in the manner suggested at the 1952 conference of the representatives of the Governments of Uttar Pradesh and Bihar? If not, what should be the boundaries?
- (ii) If the principle of fixed boundaries is not advisable, what improvements should be made in the existing principle based on the deep streams of the rivers Ganga and Ghaghra?
- (iii) Whether, in the opinion of the Arbitrator, there can be any other solution to the question of the boundaries between the said districts? If so, what?

2. On Term of Reference (i), my recommendations are as follows:—

- (a) There should be a fixed boundary between the districts of Shahabad and Ballia and the districts of Saran and Ballia.
- (b) The alignment of this fixed boundary should be as described in the annexure entitled "Description of the boundary" (Annexure T) and as delineated on the map (Annexure T-1).
- (c) Detailed interpretation and demarcation of the boundary alignment on the ground should be carried out by the Survey of India in conformity with paragraph (d) of the Preamble in the annexure entitled "Description of the boundary".
- (d) As stated in paragraph (e) of the Preamble, responsibility for location of the positions of the boundary pillars on the ground should rest with the Survey of India.

(e) Boundary pillars should be constructed and maintained by the Governments of Bihar and U.P. in accordance with paragraphs (f) and (g) of the Preamble.

(Paragraph 8 of Chapter VII)

3. As regards Term of Reference (ii), this does not arise in view of my recommendations on the first Term of Reference.

(Paragraph 1 of Chapter VIII)

4. As regards Term of Reference (iii), no alternative solution has occurred to me.

(Paragraph 4 of Chapter VIII)

Sd/-

(C. M. TRIVEDI)

Arbitrator

NEW DELHI,

dated the 28th August, 1964.

DESCRIPTION OF THE BOUNDARY

Preamble

(a) As agreed by the Governments of Bihar and Uttar Pradesh, the village boundaries and names, mentioned herein, pertain in most cases, to the boundaries and names as shown on the sheets of large-scale surveys covering the relevant areas of Saran and Shahabad districts of the present Bihar State and of Ballia district of the present Uttar Pradesh State, conducted by the Survey of India during the period 1881-83.

(b) In the case of a few villages, the names and boundaries of which are not available in the above records, records of another earlier or later period, as relevant, will be adopted. The Survey of India will decide on the relevant records to be accepted for this purpose. In order to accommodate these villages, the boundaries of some adjacent villages, as depicted in the records referred to in para (a) above, will be modified as necessary.

(c) Ganga and Ghaghra rivers or their high banks, wherever mentioned, will pertain to the geographical river or high bank positions, as the case may be, as shown in the Survey records mentioned in para (a) above.

(d) Detailed interpretation and demarcation of the boundary alignment on the ground will be carried out by the Survey of India. As already agreed by the Governments of Bihar and Uttar Pradesh, the boundary alignment between the high banks of the two rivers will be rationalised to the extent possible, during demarcation. Doubts, if any, arising in the interpretation of any part of the description of the boundary, will be settled by the Survey of India after necessary scrutiny of the relevant maps and records.

(e) Responsibility for location of the positions of the boundary pillars will rest with the Survey of India.

(f) The two State Governments will be responsible for the construction of these pillars. Each State will construct and also maintain at its own cost, half the total number of pillars, as allocated by the Survey of India. The type and specifications of the pillars will be determined by the Survey of India in consultation with the engineers of the two State Governments.

(g) The boundary pillars on the ground will be inspected twice a year jointly by the two State Governments with a view to verify the existence of these pillars and to ensure their proper maintenance. The Survey of India will, in consultation with the two State Governments, prepare a set of detailed ground rules for this purpose.

Ganga Sector (Reference—map attached as Annexure T-1).

The boundary shall commence from an old position 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 $\frac{1}{2}$ mile roughly south-west of the present "abadi" site of Babudera village (near Daljitola). This point has been marked as "1" on the map. Accordingly, the portion of the present alignment of the above mentioned existing fixed boundary between point 1 and the present Ganga river, will cease to be the boundary between the states of Bihar and Uttar Pradesh.

2. From point 1, the boundary shall run in two straight lines within the high banks of the Ganga, connecting successively points 1, 2 (a) and 2, placing villages Mahazi Kondarha and Kondarha on the one hand completely in Uttar Pradesh and village Khawaspur on the other hand completely in Bihar. From this point, the boundary shall run along the common boundaries of villages Mohanpur and Madrauli Kens or Tirbhuan on the one hand, placing them completely in Uttar Pradesh, and Khawaspur, Padumanian, Sohra, Inglis Arazi appg. to Balua Nargada, Piparpati and Salempur Diara Mamluk Sarkar villages on the other hand, placing them completely in Bihar, till the boundary reaches point 3 on the high bank of the Ganga. From this point, the boundary shall run in three straight lines within the high banks of the Ganga, connecting points 3, 4, 5 and 6, so as to place villages Raghunathpur, Dewakar Dehari, Kewatia, Narainpur, Singhai, Dharampur, Dokti and Mahazi Dokti on the one hand completely in Uttar Pradesh and villages Salempur Diara Mamluk Sarkar, Salempur Parsa and Tek Semar on the other hand completely in Bihar.

3. From point 6, the boundary will follow the common boundaries of villages Mahazi Dokti, Arazi Zabt, Mahazi Naubarar No. 49, Naubarar Bandobasti No. 48, Tika Semaria and Nipanian on the one hand, keeping these villages completely in Uttar Pradesh, and villages Zamin Fazil, Suremanpur Harnarain and Bara Singha Buzurg on the other hand, keeping these villages completely in Bihar, till the boundary reaches point 7, at the north-west corner of village Bara Singha Buzurg and located within the high banks of Ganga

river. From point 7, the boundary shall run in a straight line to point 8 on the high bank of the Ganga, placing village Nardara on the one hand in Uttar Pradesh and villages Parsotimpur Babhnauli and Bahoranpur Chakki on the other hand completely in Bihar. From point 8, the boundary shall follow the common boundaries of villages Nardara, Nipanian, Patkhauri, Uchitpur, Bahuara, Udhapur, Nauranga and Bhagwanpur on the one hand, keeping these villages completely in Uttar Pradesh, and villages Pipra Ganesh Damodarpur and Jewainian on the other hand, keeping these villages completely in Bihar, till the boundary reaches point 9 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 10 at the north-west corner of village Bahoranpur.

4. From point 10, the boundary shall run in two straight lines within the high banks of the Ganga, connecting successively points 10, 11 and 12, so as to place village Nauranga on the one hand completely in Uttar Pradesh and villages Nauranga Chakki and Sonbarsa on the other hand completely in Bihar. From point 12, the boundary shall follow the common boundaries of villages Nauranga, Bhual Chhapra, Pandepur, Rampur and Udai Chhapra on the one hand, keeping these villages completely in Uttar Pradesh and villages Nauranga Chak, Shiupur and Bariarpur on the other hand, keeping these villages completely in Bihar till the boundary reaches point 13, within the high banks of the Ganga. From point 13, 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, Pachrukha, Tulapur Arazi Mafi Khedan Kuanr and Durjanpur on the one hand, keeping these villages completely in Uttar Pradesh and villages Tulapur and Sughar Chhapra on the other hand, keeping these villages and village Dhurampur Chak completely in Bihar, till the boundary reaches point 14 on the high bank of Ganga river. From point 14, the boundary shall run in two straight lines connecting successively points 14, 14(a) and 15 and shall then continue along the common boundary of villages Durjanpur and Dangrabad on the one hand placing them in Uttar Pradesh, and village Shukulpura or Ghinahu Chhapra on the other hand, placing this village in Bihar, till the boundary reaches point 16 south of the north-west corner of village Shukulpura and located on the high bank of the river.

5. From point 16, the boundary shall run in a straight line to point 17 at the south-east corner of Gaighat village and located within the high banks of Ganga river so as to place villages Dangrabad

and Bigahi on the one hand completely in Uttar Pradesh and village Naini Jor on the other hand completely in Bihar and then run in a straight line till point 18 at the south-west corner of village Gaighat, placing this village in Uttar Pradesh. From point 18, the boundary shall run in five straight lines within the high banks of the Ganga connecting successively points 18, 19, 20, 21, 22, and 23 so as to place villages Baghaunch, Pokhra, Babubel, Haldi, Rikni Chhapra, Hansnagar and Jauhi on the one hand completely in Uttar Pradesh and villages Naini Jor, Mahuar and Bahaduri Patti on the other hand completely in Bihar. From point 23, the boundary shall follow the common village boundaries of village Jauhi on the one hand, 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 24. From this point, the boundary shall proceed in a straight line within the high banks of the Ganga, to point 25 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 on the one hand in Uttar Pradesh and villages Pandepur and Hirdahi on the other hand in Bihar. The boundary shall then follow the northern boundary of village Sapahi up to point 26 at the north-west corner of this village, placing this village completely in Bihar.

6. From point 26, the boundary shall run in five straight lines, within the high banks of the Ganga, connecting points 26, 27, 28, 29, 30 and 31, placing villages Jauhi, Shiupur Diar Gangbarar and Shiupur Diar on the one hand 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 on the other hand completely in Bihar.

7. The alignment from point 31 to point 32 will be such as to place villages Shiupur Diar, Shiurampur, Dhamauli, Kasimpur, Wazirapur, Bhikhampura, Turk Ballia, Shahpur Dighwara, Sobhapur and Bijai-pur, on the one hand, in Uttar Pradesh and villages Diara Partappur, Bhirgu Ashram, Diara Jagdishpur and Parsanpah, on the other hand in Bihar.

8. From point 32, the boundary shall run in seven straight lines within the high banks of the Ganga, joining points 32, 33, 34, 35, 36, 37, 38 and 39 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 Shahpur 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 on the one hand completely in Uttar Pradesh and villages Parsanpah, Sultanhi, Dilia Estate No. 1 Taufir, Parnahi Kalan, Parnahi Khurd, Umarpur Diara, Sura Tanr or Barkagon, Nagpura, Padampur, Desar Busurg, Misraulia, Umarpur Diara, Majharia and Arjunpur on the other hand completely in Bihar.

9. From point 39, the boundary will run in two straight lines within the high banks of the Ganga, joining successively points 39, 40 and 41. Point 41 is an existing fixed point, being the trijunction of the boundaries of districts Ballia and Ghazipur of Uttar Pradesh and district Shahabad of Bihar.

10. The boundary from point 1 to point 41, described above, shall be a continuous line. All the points 1 to 41, as well as the boundary alignment, are marked on the map (Annexure T-1).

Ghaghra Sector (Reference—map attached as Annexure T-1).

The boundary shall commence from an old position 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. This point is marked "51" on the map.

2. From point 51, the boundary shall run in five straight lines lying within the high banks of Ghaghra river, connecting successively points 51, 52, 53, 54, 55 and 56, so as to place villages Shitab Diara, Diara Naubarar Godnan, Simaria, Bhadpa Buzurg, Manjhanpura, Kaunru Dhaunru, Manjhi Khas, Diara Manjhi and Mahazi Dumri on the one hand completely in Bihar and villages Jazira No. 36 and Chand Diara on the other hand completely in Uttar Pradesh. From point 56, the boundary shall follow the common boundary between village Mahazi Chand Diara or Dumaria on the one hand, keeping this village completely in Bihar, and villages Chand Diara and Mahazi Adhsijhua on the other hand, keeping these villages completely in Uttar Pradesh, till the boundary reaches point 57 on the high bank of the Ghaghra.

3. From point 57, the boundary shall run in four straight lines within the high banks of the Ghaghra, connecting successively points 57, 57 (a), 58, 59 and 60, so as to place villages Jazira Harf Be (East), Dumri, Babhnauli or Babhaulti, Jazira Harb Be (West) and Domai-garh on the one hand completely in Bihar and villages Mahazi Adhsijhua and Gopalnagar on the other hand 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 on the one hand keeping these villages completely in Bihar, and villages Gopalnagar, Bashishtnagar, Ramnagar Janubi, Asmanpur, Chattur Bhojpur, Gobindapur, Alagdiari, Zamin Gangbarai Patti Mashrik and Jazira Diara Rampur on the other hand, keeping these villages completely in Uttar Pradesh, till the boundary reaches point 61 on the high bank of Ghaghra river.

4. From point 61, the boundary shall run in seven straight lines within the high banks of Ghaghra river, connecting successively points 61, 62, 63, 64, 65, 66, 67 (a) and 67, so as to place villages Siswan, Gangapur, Bhagar Nizamat, Kachnar and Sisai Diara, Gabhirar, Diara Sabhirar Mamluk Sarkar, Kaunsar Patti Jujhar, Diara Kaunsar Patti Purab, Diara Kaunsar Patti Jujhar, Diara Kaunsar Patti Pachhim, Diara Narhan Mamluk Sarkar and Narhan Badlu Mohkam Patti Kakuliat on the one hand 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 on the other hand completely in Uttar Pradesh.

5. From point 67 on the high bank of Ghaghra river, the boundary shall follow the common boundaries between villages Narhan Badlu Mokham Patti Kakuliat, Diara Bhao Singhpur, Diara Kakuliat or Patti Kakuliat, Adampur, Patar and Diara Naubarar Bandobasti Patar on the one hand, keeping these villages completely in Bihar and village Adampur Chakki on the other hand, keeping this village completely in Uttar Pradesh, till the boundary reaches point 68 on the high bank of Ghaghra river. From this point, the boundary shall run in two straight lines within the high banks of Ghaghra river connecting successively points 68, 69 and 70, so as to place village Diara Naubarar Bandobasti Patar on the one hand completely in Bihar and villages Kakarghatta, Gondauli and Sangapur on the other hand completely in Uttar Pradesh. From point 70, the boundary shall run in straight line to point 71, approximately following the northern boundary of village Bikrampur, placing this village in Uttar Pradesh.

6. From this point, the boundary shall run in a straight line within the high banks of Ghaghra river to point 72, so as to place village Diara Naubarar Bandobasti Patar on the one hand completely in Bihar and village Ailasgarh on the other hand completely in Uttar Pradesh. The alignment from point 72 to 73 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 point 73, the boundary shall run in five straight lines, within the high banks of Ghaghra river, connecting successively points 73, 74, 75, 76, 77 and 78, so as to place villages Kasaila Pachbimia, Diara Kashidat, Diara Harna Tand, Darauli Doba Karwan, Karamba, Amarpur, Keontallia and Dumarhar Khurd on the one hand completely in Bihar and villages Dewarah Mahazi Kashidat, Dewarah Harnatar, Dewarah Darauli, Dewarah Karmaha, Dewarah Amarpur, Sisotar and Lilkar on the other hand completely in Uttar Pradesh. Point 78 is an existing fixed position and forms the trijunction of the boundaries of district Saran of Bihar and districts Ballia and Deoria of Uttar Pradesh.

8. The boundary, described above, shall be a continuous line from points 51 to 78. All the positions of points 51 to 78 as well as the boundary alignment are marked on the map (Annexure T-1).