

Clause 1

(2) That at page 1, line 3, the word "Second" be omitted.

(3) That at page 1, line 4, for the figure "1978" the figure "1979" be substituted.

14.47 hrs.

Clause 2

(4) That at page 1, line 13, for the words, brackets and figure "(Second Amendment) Act, 1978" the words, brackets and figure "(Amendment) Act, 1979" be substituted.

The motion was adopted.

MR. CHAIRMAN: Now, we will take up amendments. First, the Enacting Formula. The question is:

"That at page 1, line 1, for the word 'Twenty-ninth' the word 'Thirtieth' be substituted."

The motion was adopted.

MR. CHAIRMAN: Now we take up amendments to clause 1. The question is:

"That at page 1, line 3, the word "Second" be omitted."

The motion was adopted.

MR. CHAIRMAN: The question is:

"That at page 1, line 4, for the figure '1978', the figure '1979', be substituted."

The motion was adopted.

MR. CHAIRMAN: Now we take up amendment in clause 2. The question is:

"That at page 1, line 13, for the words, brackets and figure '(Second Amendment) Act, 1978' the words, brackets and figure '(Amendment) Act, 1979' be substituted."

The motion was adopted.

SHRI CHAND RAM: I beg to move:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

MR. CHAIRMAN: The question is:

"That the amendments made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

HARYANA AND UTTAR PRADESH
(ALTERATION OF BOUNDARIES)
BILL

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS
(SHRI DHANIK LAL MANDAL): I
beg to move.

"That the bill to provide for the alteration of boundaries of the States of Haryana and Uttar Pradesh and for matters connected therewith, be taken into consideration."

Sir, I am happy to bring forward this measure which seeks to make an adjustment in the boundaries between the States of Haryana and Uttar Pradesh. This Bill is the product of an agreed approach made by the Chief Ministers of Haryana and Uttar Pradesh to find a satisfactory solution to the problems which arise in the villages in the vicinity of the Inter-State boundary between these two States determined by the deep-stream of Yamuna which changes from time to time on account of fluctuation in the course of the river.

2. I may briefly narrate the background of this problem. The present boundary between the two States, Haryana and Uttar Pradesh, owes its origin to notifications issued by the Government of India in the year 1884 and 1887. These notifications were consolidated in a notification issued in

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the year 1933 which continues to be in force. Thus at present the boundary between these two States is partly fixed with reference to the boundaries of adjacent border villages and partly variable, being the deep-stream of the river Yamuna which often changes its course. Out of the five border districts of Haryana and six of Uttar Pradesh, the boundary between Ambala and Kurukshetra districts of Haryana and Saharanpur district of Uttar Pradesh is fixed, and so is the boundary between Gurgaon district of Haryana and Mathura district of Uttar Pradesh. The deep-stream of the Yamuna has all along been declared to be the boundary between Karnal and Sonapat districts of Haryana on the one side and Saharanpur, Muzaffarnagar and Meerut districts of Uttar Pradesh on the other, and also between Gurgaon district of Haryana and Bulandshahr and Aligarh districts of Uttar Pradesh.

Attempts were made from time to time in the past to replace the river boundary by a fixed boundary, particularly in the portion covering Ballabgarh tehsil of Gurgaon district but for one reason or another, these attempts remained inconclusive. Latterly, after the establishment of Haryana as a separate State, the disagreement between the two State Governments over the exact location of the river boundary between Gurgaon and Bulandshahr districts grew more and more pronounced.

With a view to settling once for all the problems arising out of the fluctuating boundary, the then Chief Ministers of Uttar Pradesh and Haryana and suggested to the then Home Minister, Shri Uma Shankar Dikshit, in May, 1974, that the latter might agree to arbitrate in this matter in his personal capacity; and that the Award of his arbitration would be accepted by both the parties. Accordingly, Shri Dikshit gave his Award on 14th February, 1975, recommending the replacement of the variable

boundary by a fixed boundary described therein. The Bill seeks to give effect to the Award.

As required by the proviso the article 3 of the Constitution, this Bill was referred by the President in August 1976 to the Legislatures of the States of Haryana and Uttar Pradesh for expressing their views. The Vidhan Sabha and Vidhan Parishad of Uttar Pradesh discussed the Bill on 3rd and 8th November, 1976 respectively. The Haryana Vidhan Sabha discussed the Bill on 15th November, 1976. The Legislatures of both the States adopted resolutions in support of the alteration of boundaries as contemplated in the Bill (The proceedings in both the State Legislatures regarding this Bill have been placed in the Parliament Library). The views of the Chief Ministers of these two States were again ascertained when new Governments were formed in these States after the elections in 1977. Both the States urged that steps should be taken to sponsor legislation to give effect to Shri Uma Shankar Dikshit's Award to replace the variable deep stream boundaries by fixed boundaries.

Now coming to the main features of the Bill, I would like to say that it follows the pattern of the States re-organisation laws, particularly the Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968, passed by this House in the past. It is, therefore, not necessary to go into many of the details. I would like to confine myself to certain special features of the Bill. The territories to be transferred from one State to the other have been described in clause 4(1) of the Bill and the fixed boundaries in clause 3 read with the Scheduled to the Bill. The description of the fixed boundary is the same as that given by Shri Uma Shankar Dikshit in his Award. Even though the fixed boundary has been described in the

Bill, it will be necessary to translate it on the ground and locate the exact position of the boundary pillars. For this purpose, we have included a special provision in clause 3 of the Bill. Sub-clause (2) of that clause provides for the demarcation being done by an authority to be appointed by the Central Government. It has been made clear that in making the actual demarcation the authority should follow the alignment of the fixed boundaries as described in the Schedule. The description of the fixed boundary in the Schedule is in terms of "the present deep stream line" which was verified and determined by the Survey of India during the months November 1974 to February 1975 and in terms of inter-village boundaries as ascertained and mapped at the settlement of Gurgaon district completed in the year 1943. For the purpose of demarcating the boundary, the authority has, therefore, been empowered to interpret the description of the fixed boundary and take into account the relevant records. This measure of discretion which is necessary has been provided for the demarcating authority.

It is also necessary that the administrative authorities as well as the people of the area should have a correct idea of the areas which would be affected by this Bill. It has, therefore, been provided in clause 3(4) of the Bill that the authority shall prepare maps of the areas on both sides of the fixed boundary and in the vicinity thereof which would show the "present deep stream" line and the fixed boundaries in relation to it and also the names and boundaries of the villages on both sides of the fixed boundary as indicated by the State Government concerned with reference to the revenue records of that Government. The authenticated copies of these maps shall be sent to the Governments of both the States.

As the jurisdiction of the States has been changing in the areas to be

transferred due to fluctuations in the deep-stream, there has naturally been some apprehension on the part of the people, particularly the cultivators, as to how their rights would be affected after the transfer. We have made a provision in clause 27 of the Bill to the effect that the existing laws shall continue to operate in the transferred territories, i.e. Haryana laws will operate in the areas which would be transferred to U.P. and the U.P. laws will operate in the area, which will be transferred to Haryana until otherwise provided by a competent legislature or other competent authority. All rights which the people have acquired under the existing laws over the land would therefore, continue by virtue of this provision. Clause 32 of the Bill makes special provisions regarding construction and maintenance of the boundary pillars.

We had felt that it would be desirable to locate the fixed boundary on the ground so that the transfer of territories could be given effect to straightaway on the passing of this law. Work has been started for this purpose in consultation with both the State Governments and this is nearly complete except for a small stretch of about 8-10 Kms.

Special provision has been made in Clause 3(3) (c) of the Bill to empower the demarcating authority to enter upon and survey any area in the vicinity of the boundary line and take necessary measures in connection with the demarcation work. Clause 33 of the Bill seeks to validate the things already done and the action already taken so that to the extent possible, surveys etc. already made could be utilised.

The passing of this Bill would be an important step in the direction of stabilising the administrative arrangements in the area which is subjected to so much uncertainty at present. It is based on a principle which has

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been accepted by both the State Governments and I commend the Bill to the House for acceptance

MR. CHAIRMAN Motion moved.

"That the Bill to provide for the alteration of boundaries of the States of Haryana and Uttar Pradesh and for matters connected therewith, be taken into consideration."

SHRI M RAM GOPAL REDDY (Nizamabad): May I know why only these two States have been selected? If there is to be any boundary alteration, that must be done throughout India

MR CHAIRMAN The Minister has explained why this Bill is necessary.

SHRI M RAM GOPAL REDDY: Similar reasons are there for all States. If there is any award for other States also, that also should be implemented. I request the Minister to constitute a committee or commission to go into the disputes of all States, so that a final decision may be taken

MR. CHAIRMAN: You want him to clarify why other States have not been covered

SHRI M RAM GOPAL REDDY: Yes.

SHRI DHANIK LAL MANDAL: This question has been clarified time and again. Wherever there is a dispute between two States relating to any area and there are claims and counter-claims, both the Governments can sit together and sort out their problems. If they need our help, we are ready to extent our cooperation, help and assistance, because we think that for a lasting solution, it is better that the States concerned should sit together and sort out their problems. In this particular case, both Haryana and UP Governments sat together and asked the then Home Minister, Shri Uma Shankar Dikshit, to arbitrate.

They assured him that his arbitration will be accepted. That was done.

MR. CHAIRMAN: He wanted to know, when you have taken this up, why have you not taken up the issues about other States also.

SHRI DHANIK LAL MANDAL: This legislation was pending for a long time because the award was given in 1975.

MR CHAIRMAN: A whole lot of others are also pending

SHRI B. RACHAIAH (Chamarajanager) Regarding the boundary disputes between Karnataka and Maharashtra and Karnataka and Kerala, there is the Mahajan Award which has been with the Government of India for a long time. I want to know what you are doing about that.

SHRI DHANIK LAL MANDAL: The Governments of the two States should sit together and sort out their problems. If they want any assistance from us, we are ready to help.

MR. CHAIRMAN We shall now take up private members' business.

15 hrs.

COMMITTEE ON PRIVATE MEMBER'S BILLS AND RESOLUTIONS

Thirty-second Report

SHRI PABITRA MOHAN PRADHAN (Deogarh): I beg to move

"That this House do agree with the Thirty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th April, 1979."

MR CHAIRMAN: The question is:

"That this House do agree with the Thirty-second Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th April, 1979".

The motion was adopted.