

---

## **BIHAR AND UTTAR PRADESH (INSPECTION OF BOUNDARY PILLARS) RULES, 1970**

### CONTENTS

1. Short title and commencement
2. Definitions
3. Inspection of the boundary pillars
4. Construction and maintenance of the boundary pillars
5. Surveyor-General to assist in case of difficulty

## **BIHAR AND UTTAR PRADESH (INSPECTION OF BOUNDARY PILLARS) RULES, 1970**

G.S.R. 1971, dated 30th November, 1970 1.-In exercise of the powers conferred by Sec. 36, read with sub-section (2) of Sec. 32, of the Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968 (24 of 1968), the Central Government hereby makes the following rules, namely :

### **1. Short title and commencement :-**

- (1) These rules may be called the Bihar and Uttar Pradesh (Inspection of Boundary Pillars) Rules, 1970.
- (2) They shall come into force at once.

### **2. Definitions :-**

In these rules, unless the context otherwise requires,-

- (1) "Act" means the Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968 (24 of 1968) ;
- (2) "boundary pillar" means a boundary pillar constructed or to be constructed under sub-section (1) of Sec. 32 of the Act on a fixed point;
- (3) "fixed point" means a point on the Fixed boundary, determined under Cl. (b) of sub-section (3) of Sec. 3 of the Act, for the construction of a boundary pillar ;
- (4) "Schedule" <sup>1</sup> means the Schedule appended to these rules showing the co- ordinates and other particulars relating to the fixed

points of the boundary pillars.

1. For "Schedule" see Gazette of India, 1970, Pt. II, Sec. 3(1). dated 30th November, 1970, p. 927.

### **3. Inspection of the boundary pillars :-**

(1) As soon as may be after the monsoon is over, but before the 30th November each year, the boundary pillars shall be inspected jointly by the officers of the State Governments of Bihar and Uttar Pradesh : Provided that the inspection to be carried out for the first time under the provisions of these rules shall be completed before the 31st December, 1970.

(2) In the absence of an agreement to the contrary between the two State Governments, the inspection shall be done-

(a) by the Collectors of the districts on the periphery of which the boundary pillar lies, or

(b) by such Revenue Officers, being officers not below the rank of Deputy Collectors, as may be nominated in this behalf by the Collector concerned.

### **4. Construction and maintenance of the boundary pillars :-**

(1) If during the inspection, any boundary pillar is found not to have been constructed or to be missing, damaged or displaced, it shall be constructed, re-constructed or repaired, as the case may be.

(2) If any Fixed point is not readily identifiable, it shall be re-located by a joint team of revenue officers of the two Governments nominated by the Collectors concerned, such re-location being done on the basis of the co-ordinates and other particulars set out in the Schedule.

(3) The cost of constructing, re-constructing or repairing any pillar shall be borne by the State Government mentioned against that particular pillar in the Schedule.

(4) Notwithstanding the foregoing provisions of this rule, the Collectors concerned may agree that any particular boundary pillar need not be constructed, re-constructed or repaired if the fixed point of the pillar is under deep water or for any other reason, which may be recorded in writing.

### **5. Surveyor-General to assist in case of difficulty :-**

Where any difficulty arises in or in relation to the re-location of a fixed point or the construction, re- construction and maintenance of boundary pillars under these rules, the Central Government may, after consulting the State Governments of Uttar Pradesh and Bihar require an officer nominated by the Surveyor-General of India to re-locate the fixed point or to decide any issue which may arise with regard to the construction, re-construction and maintenance of the boundary pillars. Territories transferred from one State to an other, the law applicable to such territories would be the law which applied to such territories before the transfer took place.-If the territories are transferred from one State to another State by peaceful means the law applicable to such territories would be the law which applied to such territories before the transfer took place. This rule is subject to the exception that the law originally applicable to such territory may be modified, altered or abrogated by competent Legislature. However, only the acquiring State can make a law altering, repealing or modifying the law applicable to the territories and till such time original law of the territory which has changed hands will prevail. <sup>1</sup>

1. Radha Krishna Chaube v. Ram Janam, 1981 All.LJ. 940 at p. 946