

**Bill No. XV of 2013**

THE CONSTITUTION ( ONE HUNDRED AND NINETEENTH  
AMENDMENT) BILL, 2013

A

BILL

*further to amend the Constitution of India to give effect to the acquiring of territories by India and transfer of certain territories to Bangladesh in pursuance of the agreement and its protocol entered into between the Governments of India and Bangladesh.*

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

**1.** This Act may be called the Constitution ( One Hundred and Nineteenth Amendment) Act, 2013.

Short title.

5 **2.** In this Act,—

Definitions.

(a) “acquired territory” means so much of the territories comprised in the India-Bangladesh agreement and its protocol and referred to in the First Schedule as are demarcated for the purpose of being acquired by India from Bangladesh in pursuance of the agreement and its protocol referred to in clause (c);

(b) “appointed day” means such date as the Central Government may, by notification in the Official Gazette, appoint as the date for acquisition of territories from Bangladesh and transfer of the territories to Bangladesh in pursuance of the India-Bangladesh agreement and its protocol, after causing the territories to be so acquired and transferred as referred to in the First Schedule and Second Schedule and demarcated for the purpose; 5

(c) “India-Bangladesh agreement” means the agreement between the Government of the Republic of India and the Government of the People’s Republic of Bangladesh concerning the Demarcation of the Land Boundary between India and Bangladesh and Related Matters dated the 16th day of May, 1974, Exchange of Letters dated the 26th day of December, 1974, the 30th day of December, 1974, the 7th day of October, 1982, the 26th day of March, 1992 and protocol to the said agreement dated the 6th day of September, 2011, entered into between the Governments of India and Bangladesh, the relevant extracts of which are set out in the Third Schedule; 10

(d) “transferred territory”, means so much of the territories comprised in the India-Bangladesh agreement and its protocol and referred to in the Second Schedule as are demarcated for the purpose of being transferred by India to Bangladesh in pursuance of the agreements and its protocol referred to in clause (c). 15

**3.** As from the appointed day, in the First Schedule to the Constitution,—

(a) in the paragraph relating to the territories of the State of Assam, the words, brackets and figures “and the territories referred to in Part I of the Second Schedule to the Constitution (One Hundred and Nineteenth Amendment) Act, 2013, notwithstanding anything contained in clause (a) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part I of the Second Schedule to the Constitution (One Hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end; 20 25

(b) in the paragraph relating to the territories of the State of West Bengal, the words, brackets and figures “and also the territories referred to in Part III of the First Schedule but excluding the territories referred to in Part III of the Second Schedule to the Constitution (One Hundred and Nineteenth Amendment) Act, 2013, notwithstanding anything contained in clause (c) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part III of the First Schedule and the territories referred to in Part III of the Second Schedule to the Constitution (One Hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end; 30 35

(c) in the paragraph relating to the territories of the State of Meghalaya, the words, brackets and figures “and the territories referred to in Part I of the First Schedule but excluding the territories referred to in Part II of the Second Schedule to the Constitution (One Hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end; 40

(d) in the paragraph relating to the territories of the State of Tripura, the words, brackets and figures “and the territories referred to in Part II of the First Schedule to the Constitution (One Hundred and Nineteenth Amendment) Act, 2013, notwithstanding anything contained in clause (d) of section 3 of the Constitution (Ninth Amendment) Act, 1960, so far as it relates to the territories referred to in Part II of the First Schedule to the Constitution (One Hundred and Nineteenth Amendment) Act, 2013”, shall be added at the end. 45

THE FIRST SCHEDULE

[See sections 2 (a), 2(b) and 3]

PART I

5 The acquired territory in relation to Article 2 of the agreement dated the 16th day of May, 1974 and Article 3 (I) (b) (ii) (iii) (iv) (v) of the protocol dated the 6th day of September, 2011.

PART II

The acquired territory in relation to Article 2 of the agreement dated the 16th day of May, 1974 and Article 3 (I) (c) (i) of the protocol dated the 6th day of September, 2011.

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PART III

The acquired territory in relation to Articles 1(12) and 2 of the agreement dated the 16th day of May, 1974 and Articles 2 (II), 3 (I) (a) (iii) (iv) (v) (vi) of the protocol dated the 6th day of September, 2011.

THE SECOND SCHEDULE

[See sections 2(b), 2 (d), and 3]

PART I

The transferred territory in relation to Article 2 of the agreement dated 16th day of May, 1974 and Article 3 (I) (d) (i) (ii) of the protocol dated 6th day of September, 2011. 5

PART II

The transferred territory in relation to Article 2 of the agreement dated the 16th day of May, 1974 and Article 3 (I) (b) (i) of the protocol dated 6th day of September, 2011.

PART III

The transferred territory in relation to Articles 1(12) and 2 of the agreement dated the 16th day of May, 1974 and Articles 2 (II), 3 (I) (a) (i) (ii) (vi) of the protocol dated the 6th day of September, 2011. 10

## THE THIRD SCHEDULE

[See section 2(c)]

### I. EXTRACTS FROM THE LAND BOUNDARY AGREEMENT DATED 16 MAY, 1974

#### Article 1 (12): ENCLAVES

5 The Indian enclaves in Bangladesh and the Bangladesh enclaves in India should be exchanged expeditiously, excepting the enclaves mentioned in paragraph 14 without claim to compensation for the additional area going to Bangladesh.

#### Article 2:

10 The Governments of India and Bangladesh agree that territories in adverse possession in areas already demarcated in respect of which boundary strip maps are already prepared, shall be exchanged within six months of the signing of the boundary strip maps by the plenipotentiaries. They may sign the relevant maps as early as possible as and in any case not later than the 31st December, 1974. Early measures may be taken to print maps in respect of other areas where demarcation has already taken place. These should be printed by 31st  
15 May, 1975 and signed by the plenipotentiaries thereafter in order that the exchange of adversely held possessions in these areas may take place by the 31st December, 1975. In sectors still to be demarcated, transfer of territorial jurisdiction may take place within six months of the signature by plenipotentiaries on the concerned boundary strip maps.

### 20 II. EXTRACTS FROM THE PROTOCOL TO THE LAND BOUNDARY AGREEMENT DATED 6 SEPTEMBER, 2011

#### Article 2:

(II) Article 1 Clause 12 of the 1974 Agreement shall be implemented as follows:—

#### *Enclaves*

25 111 Indian Enclaves in Bangladesh and 51 Bangladesh Enclaves in India as per the jointly verified cadastral enclave maps and signed at the level of DGLR&S, Bangladesh and DLR&S, West Bengal (India) in April, 1997, shall be exchanged without claim to compensation for the additional areas going to Bangladesh.

#### Article 3:

(I) Article 2 of the 1974 Agreement shall be implemented as follows:—

30 The Government of India and the Government of Bangladesh agree that the boundary shall be drawn as a fixed boundary for territories held in Adverse Possession as determined through joint survey and fully depicted in the respective adversely possessed land area index map (APL map) finalised by the Land Records and Survey Departments of both the countries between December, 2010 and August, 2011, which are fully described in clause (a)  
35 to (d) below.

The relevant strip maps shall be printed and signed by the Plenipotentiaries and transfer of territorial jurisdiction shall be completed simultaneously with the exchange of enclaves. The demarcation of the boundary, as depicted in the above-mentioned Index Maps, shall be as under:—

#### 40 (a) **West Bengal Sector**

##### (i) *Bousmari – Madhugari (Kushtia-Nadia) area*

The boundary shall be drawn from the existing Boundary Pillar Nos. 154/5-S to 157/1-S to follow the centre of old course of river Mathabanga, as depicted in consolidation map of 1962, as surveyed jointly and agreed in June, 2011.

(ii) *Andharkota (Kushtia-Nadia) area*

The boundary shall be drawn from existing Boundary Pillar No. 152/5-S to Boundary Pillar No. 153/1-S to follow the edge of existing River Mathabanga as jointly surveyed and agreed in June, 2011.

(iii) *Pakuria (Kushtia-Nadia) area*

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The boundary shall be drawn from existing Boundary Pillar No. 151/1-S to Boundary Pillar No. 152/2-S to follow the edge of River Mathabanga as jointly surveyed and agreed in June, 2011.

(iv) *Char Mahishkundi (Kushtia-Nadia) area*

The boundary shall be drawn from existing Boundary Pillar No. 153/1-S to Boundary Pillar No. 153/9-S to follow the edge of River Mathabanga as jointly surveyed and agreed in June, 2011. 10

(v) *Haripal/Khutadah/Battoli/Sapameri/LNpur (Patari) (Naogaon—Malda) area*

The boundary shall be drawn as line joining from existing Boundary Pillar No. 242/S/13, to Boundary Pillar No. 243/7-S/5 and as jointly surveyed and agreed in June, 2011. 15

(vi) *Berubari (Panchagarh-Jalpaiguri area)*

The boundary in the area Berubari (Panchagarh-Jalpaiguri) adversely held by Bangladesh, and Berubari and Singhapara-Khudipara (Panchagarh-Jalpaiguri), adversely held by India shall be drawn as jointly demarcated during 1996-1998. 20

**(b) Meghalaya Sector**(i) *Lobachera-Nuncherra*

The boundary from existing Boundary Pillar No. 1315/4-S to Boundary Pillar No. 1315/15-S in Lailong - Balichera, Boundary Pillar No. 1316/1-S to Boundary Pillar No. 1316/11-S in Lailong- Noonchera, Boundary Pillar No. 1317 to Boundary Pillar No. 1317/13-S in Lailong- Lahiling and Boundary Pillar No. 1318/1-S to Boundary Pillar No. 1318/2-S in Lailong- Lobhachera shall be drawn to follow the edge of tea gardens as jointly surveyed and agreed in December, 2010. 25

(ii) *Pyrdiwah/ Padua Area*

The boundary shall be drawn from existing Boundary Pillar No. 1270/1-S as per jointly surveyed and mutually agreed line till Boundary Pillar No. 1271/1-T. The Parties agree that the Indian Nationals from Pyrdiwah village shall be allowed to draw water from Piyang River near point No. 6 of the agreed Map. 30

(iii) *Lyngkhat Area*(aa) *Lyngkhat-I / Kulumcherra and Lyngkhat-II/ Kulumcherra*

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The boundary shall be drawn from existing Boundary Pillar No. 1264/4-S to Boundary Pillar No. 1265 and BP No. 1265/6-S to 1265/9-S as per jointly surveyed and mutually agreed line.

(ab) *Lyngkhat-III/Sonarhat*

The boundary shall be drawn from existing Boundary Pillar No. 1266/13-S along the nallah southwards till it meets another nallah in the east-west direction, thereafter it shall run along the northern edge of the nallah in east till it meets the existing International Boundary north of Reference Pillar Nos. 1267/4-R-B and 1267/3-R-I. 40

(iv) *Dawki/Tamabil area*

The boundary shall be drawn by a straight line joining existing Boundary Pillar Nos. 1275/1-S to Boundary Pillar Nos. 1275/7-S. The Parties agree to fencing on 'zero line' in this area.

5 (v) *Naljuri/Sreepur Area*(aa) *Naljuri I*

The boundary shall be a line from the existing Boundary Pillar No. 1277/2-S in southern direction upto three plots as depicted in the strip Map No. 166 till it meets the nallah flowing from Boundary Pillar No. 1277/5-T, thereafter it will run along the western edge of the nallah in the southern direction upto 2 plots on the Bangladesh side, thereafter it shall run eastwards till it meets a line drawn in southern direction from Boundary Pillar No. 1277/4-S.

(ab) *Naljuri III*

The boundary shall be drawn by a straight line from existing Boundary Pillar No. 1278/2-S to Boundary Pillar No. 1279/3-S.

15 (vi) *Muktapur/ Dibir Hawor Area*

The Parties agree that the Indian Nationals shall be allowed to visit Kali Mandir and shall also be allowed to draw water and exercise fishing rights in the water body in the Muktapur / Dibir Hawor area from the bank of Muktapur side.

20 (c) **Tripura Sector**(i) *Chandannagar-Champarai Tea Garden area in Tripura/ Moulvi Bazar sector*

The boundary shall be drawn along Sonaraichhera river from existing Boundary Pillar No. 1904 to Boundary Pillar No. 1905 as surveyed jointly and agreed in July, 2011.

25 (d) **Assam Sector**(i) *Kalabari (Boroibari) area in Assam sector*

The boundary shall be drawn from existing Boundary Pillar No. 1066/24-T to Boundary Pillar No. 1067/16-T as surveyed jointly and agreed in August, 2011.

(ii) *Pallathal area in Assam sector*

The boundary shall be drawn from existing Boundary Pillar No. 1370/3-S to 1371/6-S to follow the outer edge of the tea garden and from Boundary Pillar No. 1372 to 1373/2-S along outer edge of the pan plantation.

35 III. LIST OF EXCHANGE OF ENCLAVES BETWEEN INDIA AND BANGLADESH IN PURSUANT TO ARTICLE 1 (12) OF THE AGREEMENT DATED 16 MAY 1974 AND THE PROTOCOL TO THE AGREEMENT DATED 6TH SEPTEMBER, 2011

**A. EXCHANGEABLE INDIAN ENCLAVES IN BANGLADESH WITH AREA**

Sl. No.	Name of Chhits	Chhit No.	Lying within Police station Bangladesh	Lying within Police station W. Bengal	Area in acres
40 A. Enclaves with independent chhits					
1.	Garati	75	Pochagar	Haldibari	58.23
2.	Garati	76	Pochagar	Haldibari	0.79
3.	Garati	77	Pochagar	Haldibari	18

Sl. No.	Name of Chhits	Chhit No.	Lying within Police station Bangladesh	Lying within Police station W. Bengal	Area in acres	
1	2	3	4	5	6	
4.	Garati	78	Pochagar	Haldibari	958.66	5
5.	Garati	79	Pochagar	Haldibari	1.74	
6.	Garati	80	Pochagar	Haldibari	73.75	
7.	Bingimari Part-I	73	Pochagar	Haldibari	6.07	
8.	Nazirganja	41	Boda	Haldibari	58.32	
9.	Nazirganja	42	Boda	Haldibari	434.29	10
10.	Nazirganja	44	Boda	Haldibari	53.47	
11.	Nazirganja	45	Boda	Haldibari	1.07	
12.	Nazirganja	46	Boda	Haldibari	17.95	
13.	Nazirganja	47	Boda	Haldibari	3.89	
14.	Nazirganja	48	Boda	Haldibari	73.27	15
15.	Nazirganja	49	Boda	Haldibari	49.05	
16.	Nazirganja	50	Boda	Haldibari	5.05	
17.	Nazirganja	51	Boda	Haldibari	0.77	
18.	Nazirganja	52	Boda	Haldibari	1.04	
19.	Nazirganja	53	Boda	Haldibari	1.02	20
20.	Nazirganja	54	Boda	Haldibari	3.87	
21.	Nazirganja	55	Boda	Haldibari	12.18	
22.	Nazirganja	56	Boda	Haldibari	54.04	
23.	Nazirganja	57	Boda	Haldibari	8.27	
24.	Nazirganja	58	Boda	Haldibari	14.22	25
25.	Nazirganja	60	Boda	Haldibari	0.52	
26.	Putimari	59	Boda	Haldibari	122.8	
27.	Daikhata Chhat	38	Boda	Haldibari	499.21	
28.	Salbari	37	Boda	Haldibari	1188.93	
29.	Kajal Dighi	36	Boda	Haldibari	771.44	30
30.	Nataktoka	32	Boda	Haldibari	162.26	
31.	Nataktoka	33	Boda	Haldibari	0.26	
32.	Beuladanga Chhat	35	Boda	Haldibari	0.83	
33.	Balapara Iagrabar	3	Debiganj	Haldibari	1752.44	
34.	Bara Khankikharija Citaldaha	30	Dimla	Haldibari	7.71	35
35.	Bara Khankikharija Citaldaha	29	Dimla	Haldibari	36.83	
36.	Barakhangir	28	Dimla	Haldibari	30.53	

Sl. No.	Name of Chhits	Chhit No.	Lying within Police station Bangladesh	Lying within Police station W. Bengal	Area in acres	
1	2	3	4	5	6	
5	37.	Nagarjikobari	31	Dimla	Haldibari	33.41
	38.	Kuchlibari	26	Patgram	Mekliganj	5.78
	39.	Kuchlibari	27	Patgram	Mekliganj	2.04
	40.	Bara Kuchlibari	Fragment of J.L.107 of P.S Mekliganj	Patgram	Mekliganj	4.35
10	41.	Jamaloaha-Belapukhari	6	Patgram	Mekliganj	5.24
	42.	Uponchowki kuchlibari	115/2	Patgram	Mekliganj	0.32
	43.	Uponchowki kuchlibari	7	Patgram	Mekliganj	44.04
	44.	Bhothnri	11	Patgram	Mekliganj	36.83
	45.	Balapukhari	5	Patgram	Mekliganj	55.91
15	46.	Bara Khangir	4	Patgram	Mekliganj	50.51
	47.	Bara Khangir	9	Patgram	Mekliganj	87.42
	48.	Chhat Bogdokra	10	Patgram	Mekliganj	41.7
	49.	Ratanpur	11	Patgram	Mekliganj	58.91
	50.	Bogdokra	12	Patgram	Mekliganj	25.49
20	51.	Pulkar Dabri	Fragment of J.L. 107 of P.S Mekliganj	Patgram	Mekliganj	0.88
	52.	Kharkharia	15	Patgram	Mekliganj	60.74
	53.	Kharkharia	13	Patgram	Mekliganj	51.62
	54.	Lotamari	14	Patgram	Mekliganj	110.92
25	55.	Bhotbari	16	Patgram	Mekliganj	205.46
	56.	Komat Changrabandha	16 A	Patgram	Mekliganj	42.8
	57.	Komat Changrabandha	17 A	Patgram	Mekliganj	16.01
	58.	Panisala	17	Patgram	Mekliganj	137.66
	59.	Dwarikamari Khasbash	18	Patgram	Mekliganj	36.5
30	60.	Panisala	153/P	Patgram	Mekliganj	0.27
	61.	Panisala	153/O	Patgram	Mekliganj	18.01
	62.	Panisala	19	Patgram	Mekliganj	64.63
	63.	Panisala	21	Patgram	Mekliganj	51.4
	64.	Lotamari	20	Patgram	Mekliganj	283.53
35	65.	Lotamari	22	Patgram	Mekliganj	98.85
	66.	Dwarikamari	23	Patgram	Mekliganj	39.52
	67.	Dwarikamari	25	Patgram	Mekliganj	45.73
	68.	Chhat Bhothat	24	Patgram	Mekliganj	56.11
	69.	Baakata	131	Patgram	Hathabhanga	22.35

Sl. No.	Name of Chhits	Chhit No.	Lying within Police station Bangladesh	Lying within Police station W. Bengal	Area in acres	
1	2	3	4	5	6	
70.	Baakata	132	Patgram	Hathabhanga	11.96	5
71.	Baakata	130	Patgram	Hathibhanga	20.48	
72.	Bhogramguri	133	Patgram	Hathibhanga	1.44	
73.	Chenakata	134	Patgram	Mekliganj	7.81	
74.	Banskata	119	Patgram	Mathabanga	413.81	
75.	Banskata	120	Patgram	Mathabanga	30.75	10
76.	Banskata	121	Patgram	Mathabanga	12.15	
77.	Banskata	113	Patgram	Mathabanga	57.86	
78.	Banskata	112	Patgram	Mathabanga	315.04	
79.	Banskata	114	Patgram	Mathabanga	0.77	
80.	Banskata	115	Patgram	Mathabanga	29.2	15
81.	Banskata	122	Patgram	Mathabanga	33.22	
82.	Banskata	127	Patgram	Mathabanga	12.72	
83.	Banskata	128	Patgram	Mathabanga	2.33	
84.	Banskata	117	Patgram	Mathabanga	2.55	
85.	Banskata	118	Patgram	Mathabanga	30.98	20
86.	Banskata	125	Patgram	Mathabanga	0.64	
87.	Banskata	126	Patgram	Mathabanga	1.39	
88.	Banskata	129	Patgram	Mathabanga	1.37	
89.	Banskata	116	Patgram	Mathabanga	16.96	
90.	Banskata	123	Patgram	Mathabanga	24.37	25
91.	Banskata	124	Patgram	Mathabanga	0.28	
92.	Gotamari Chhit	135	Hatibandha	Sitalkuchi	126.59	
93.	Gotamari Chhit	136	Hatibandha	Sitalkuchi	20.02	
94.	Banapachai	151	Lalmonirhat	Dinhata	217.29	
95.	Banapachai Bhitarkuthi	152	Lalmonirhat	Dinhata	81.71	30
96.	Dasiar Chhara	150	Fulbari	Dinhata	1643.44	
97.	Dakurhat- Dakinirkuthi	156	Kurigram	Dinhata	14.27	
98.	Kalamati	141	Bhurungamari	Dinhata	21.21	
99.	Bhahobganj	153	Bhurungamari	Dinhata	31.58	
100.	Baotikursa	142	Bhurungamari	Dinhata	45.63	35
101.	Bara Coachulka	143	Bhurungamari	Dinhata	39.99	
102.	Gaochulka II	147	Bhurungamari	Dinhata	0.9	
103.	Gaochulka I	146	Bhurungamari	Dinhata	8.92	

Sl. No.	Name of Chhits	Chhit No.	Lying within Police station Bangladesh	Lying within Police station W. Bengal	Area in acres	
1	2	3	4	5	6	
5	104.	Dighaltari II	145	Bhurungamari	Dinhata	8.81
	105.	Dighaltari I	144	Bhurungamari	Dinhata	12.31
	106.	Chhoto Garaljhora II	149	Bhurungamari	Dinhata	17.85
	107.	Chhoto Garaljhora I	148	Bhurungamari	Dinhata	35.74
10	108.	1 chhit *without name & JL No. at the southern and of JL No. 38 & southern and of JL No. 39 (locally known as Ashokabari**)		Patgram	Mathabanga	3.5
15	<i>Enclaves with Fragmented Chhits</i>					
	109.	(i) Bewladanga	34	Haldibari	Boda	862.46
		(ii) Bewladanga	Fragment	Haldibari	Debiganj	
	110.	(i) Kotbhajni	2	Haldibari	Debiganj	2012.27
		(ii) Kotbhajni	Fragment	Haldibari	Debiganj	
20		(iii) Kotbhajni	Fragment	Haldibari	Debiganj	
		(iv) Kotbhajni	Fragment	Haldibari	Debiganj	
	111.	(i) Dahala	Khagrabri	Haldibari	Debiganj	2650.35
		(ii) Dahala	Fragment	Haldibari	Debiganj	
		(iii) Dahala	Fragment	Haldibari	Debiganj	
25		(iv) Dahala	Fragment	Haldibari	Debiganj	
		(v) Dahala	Fragment	Haldibari	Debiganj	
		(vi) Dahala	Fragment	Haldibari	Debiganj	17160.63

The above given details of enclaves have been jointly compared and reconciled with records held by India and Bangladesh during the Indo-Bangladesh Conference held at Calcutta during 9th — 12th October, 1996 as well as during joint field inspection at Jalpaiguri (West Bengal) Panchagarh (Bangladesh) sector during 21-24 November, 1996.

*Note:* Name of enclave in SI. No. 108 above has been identified as Ashokabari by joint ground verification during field season 1996-97.

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\* Corrected vide 150th (54th) India-Bangladesh Boundary Conference held at Kolkata from 29th September to 2nd October, 2002.

\*\* Corrected vide 152nd (56th) India-Bangladesh Boundary Conference held at Kochbihar, India from 18th-20th September, 2003.

**B. EXCHANGEABLE BANGLADESH ENCLAVES IN INDIA WITH AREA**

Sl. No.	Name of Chhits	Lying within Police station W. Bengal	Lying within Police station Bangladesh	J.L. No.	Area in acres	
1	2	3	4	5	6	5
<i>A. Enclaves with independent chhits</i>						
1.	Chhit Kuchlibari	Mekliganj	Patgram	22	370.64	
2.	Chhit Land of Kuchlibari	Mekliganj	Patgram	24	1.83	
3.	Balapukhari	Mekliganj	Patgram	21	331.64	
4.	Chhit Land of Panbari No.2	Mekliganj	Patgram	20	1.13	10
5.	Chhit Panbari	Mekliganj	Patgram	18	108.59	
6.	Dhabalsati Mirgipur	Mekliganj	Patgram	15	173.88	
7.	Bamandal	Mekliganj	Patgram	11	2.24	
8.	Chhit Dhabalsati	Mekliganj	Patgram	14	66.58	
9.	Dhabalsati	Mekliganj	Patgram	13	60.45	15
10.	Srirampur	Mekliganj	Patgram	8	1.05	
11.	Jote Nijjama	Mekliganj	Patgram	3	87.54	
12.	Chhit Land of Jagatber No.3	Mathabanga	Patgram	37	69.84	
13.	Chhit Land of Jagatber No.1	Mathabanga	Patgram	35	30.66	
14.	Chhit Land of Jagatber No.2	Mathabanga	Patgram	36	27.09	20
15.	Chhit Kokoabari	Mathabanga	Patgram	47	29.49	
16.	Chhit Bhandardaha	Mathabanga	Patgram	67	39.96	
17.	Dhabalguri	Mathabanga	Patgram	52	12.5	
18.	Chhit Dhabalguri	Mathabanga	Patgram	53	22.31	
19.	Chhit Land of Dhabalguri No.3	Mathabanga	Patgram	70	1.33	25
20.	Chhit Land of Dhabalguri No.4	Mathabanga	Patgram	71	4.55	
21.	Chhit Land of Dhabalguri No.5	Mathabanga	Patgram	72	4.12	
22.	Chhit Land of Dhabalguri No.1	Mathabanga	Patgram	68	26.83	
23.	Chhit Land of Dhabalguri No.2	Mathabanga	Patgram	69	13.95	
24.	Mahishmari	Sitalkuchi	Patgram	54	122.77	30
25.	Bura Saradubi	Sitalkuchi	Hatibadha	13	34.96	
26.	Palnapur	Sitalkuchi	Patgram	64	505.56	
27.	Amjhol	Sitalkuchi	Hatibandha	57	1.25	
28.	Kismat Batrigachh	Dinhata	Kaliganj	82	209.95	
29.	Durgapur	Dinhata	Kaliganj	83	20.96	35
30.	Bansua Khamar Gitaldaha	Dinhata	Lalmonirhat	1	24.54	
31.	Paotukuthi	Dinhata	Lalmonirhat	37	589.94	
32.	Paschim Bakalir Chhara	Dinhata	Bhurungamari	38	151.98	

Sl. No.	Name of Chhits	Lying within Police station W. Bengal	Lying within Police station Bangladesh	J.L. No.	Area in acres
1	2	3	4	5	6
5	33. Madhya Bakalir Chhara	Dinhata	Bhurungamari	39	32.72
	34. Purba Bakalir Chhara	Dinhata	Bhurungamari	40	12.23
	35. Madhya Masaldanga	Dinhata	Bhurungamari	3	136.66
	36. Madhya Chhit Masaldanga	Dinhata	Bhurungamari	8	11.87
	37. Paschim Chhit Masaldanga	Dinhata	Bhurungamari	7	7.6
10	38. Uttar Masaldanga	Dinhata	Bhurungamari	2	27.29
	39. Kachua	Dinhata	Bhurungamari	5	119.74
	40. Uttar Bansjani	Tufanganj	Bhurungamari	1	47.17
	41. Chhat Tilai	Tufanganj	Bhurungamari	17	81.56
<i>B. Enclaves with Fragmented Chhits</i>					
15	42. (i) Nalgram	Sitalkuchi	Patgarm	65	1397.34
	(ii) Nalgram (Fragment)	Sitalkuchi	Patgarm	65	
	(iii) Nalgram (Fragment)	Sitalkuchi	Patgarm	65	
	43. (i) Chhit Nalgram	Sitalkuchi	Patgarm	66	49.5
	(ii) Chhit Nalgram (Fragment)	Sitalkuchi	Patgarm	66	
20	44. (i) Batrigachh	Dinhata	Kaliganj	81	577.37
	(ii) Batrigachh (Fragment)	Dinhata	Kaliganj	81	
	(iii) Batrigachh (Fragment)	Dinhata	Phulbari	9	
	45. (i) Karala	Dinhata	Phulbari	9	269.91
	(ii) Karala (fragment)	Dinhata	Phulbari	9	
25	(iii) Karala (fragment)	Dinhata	Phulbari	8	
	46. (i) Sipprasad Mustati	Dinhata	Phulbari	8	373.2
	(ii) Sipprasad Mustati (Fragment)	Dinhata	Phulbari	6	
	47. (i) Dakshin Masaldanga	Dinhata	Bhurungamari	6	571.38
	(ii) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
30	(iii) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(iv) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(v) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	(vi) Dakshin Masaldanga (Fragment)	Dinhata	Bhurungamari	6	
	48. (i) Paschim Masaldanga	Dinhata	Bhurungamari	4	29.49
35	(ii) Paschim Masaldanga (Fragment)	Dinhata	Bhurungamari	4	
	49. (i) Purba Chhit Masaldanga	Dinhata	Bhurungamari	10	35.01
	(ii) Purba Chhit Masaldanga (Fragment)	Dinhata	Bhurungamari	10	
	50. (i) Purba Masaldanga	Dinhata	Bhurungamari	11	153.89

Sl. No.	Name of Chhits	Lying within Police station W. Bengal	Lying within Police station Bangladesh	J.L. No.	Area in acres
1	2	3	4	5	6
	(ii) Purba Masaldanga (Fragment)	Dinhata	Bhurungamari	11	5
51.	(i) Uttar Daldanga	Tufanganj	Bhurungamari	14	24.98
	(ii) Uttar Daldanga (Fragment)	Tufanganj	Bhurungamari	14	
	(iii) Uttar Daldanga (Fragment)	Tufanganj	Bhurungamari	14	
Total Area					7,110.02

The above given details of enclaves have been jointly compared and reconciled with records held by India and Bangladesh during the Indo-Bangladesh Conference held at Calcutta during 9th-12th October 1996 as well as during joint field inspection at Jalpaiguri (West Bengal) – Panchagarh (Bangladesh) sector during 21-24 November 1996. 10

Brig. J.R. Peter  
 Director Land Records & Survey  
 (Ex Officio) West Bengal, India &  
 Director, Eastern Circle  
 Survey of India, Calcutta

Md. Shafi Uddin  
 Director General, Land Records  
 and Surveys, Bangladesh

## STATEMENT OF OBJECTS AND REASONS

India and Bangladesh have a common land boundary of approximately 4096.7 kms. The India-East Pakistan land boundary was determined as per the Radcliffe Award of 1947. Disputes arose out of some provisions in the Radcliffe award, which were sought to be resolved through the Bagge Award of 1950. Another effort was made to settle these disputes by the Nehru-Noon Agreement of 1958. However, the issue relating to division of Berubari Union was challenged before the Hon'ble Supreme Court. To comply with the opinion rendered by the Hon'ble Supreme Court of India, the Constitution (Ninth Amendment) Act, 1960 was passed by the Parliament. Due to the continuous litigation and other political developments at that time, the Constitution (Ninth Amendment) Act, 1960 could not be notified in respect of territories in former East Pakistan (presently Bangladesh).

2. On 16th May, 1974, the Agreement between India and Bangladesh concerning the demarcation of the land boundary and related matters was signed between both the countries to find a solution to the complex nature of the border demarcation involved. This Agreement was not ratified as it involved, *inter alia*, transfer of territory which requires a Constitutional Amendment. In this connection, it was also required to identify the precise area on the ground which would be transferred. Subsequently, the issues relating to demarcation of un-demarcated boundary; the territories in adverse possession; and exchange of enclaves were identified and resolved by signing a Protocol on 6th September, 2011, which forms an integral part of the Land Boundary Agreement between India and Bangladesh, 1974. The Protocol was prepared with support and concurrence of the concerned State Governments of Assam, Meghalaya, Tripura and West Bengal.

3. Accordingly, the Constitution (One Hundred and Nineteenth Amendment) Bill, 2013 which proposes to amend the First Schedule of the Constitution, for the purpose of giving effect to the acquiring of territories by India and transfer of territories to Bangladesh through retaining of adverse possession and exchange of enclaves, in pursuance of the aforesaid Agreement of 1974 and its Protocol entered between the Governments of India and Bangladesh.

4. The Bill seeks to achieve the above objects.

NEW DELHI;  
*The 26th February, 2013.*

SALMAN KHURSHID.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause (b) of section 2 of the Bill provides that the Central Government may, by notification in the Official Gazette, appoint the date for acquisition of territories from Bangladesh and transfer of the territories to Bangladesh in pursuance of the India-Bangladesh agreement and its protocol, after causing the territories to be so acquired and transferred as referred to in the First Schedule and Second Schedule and demarcated for the purpose.

ANNEXURE

EXTRACTS FROM THE CONSTITUTION OF INDIA

\* \* \* \* \*

PART I

THE UNION AND ITS TERRITORY

1. (1) India, that is Bharat, shall be a Union of States.

Name and territory of the Union.

(2) The States and the territories thereof shall be as specified in the First Schedule.

(3) The territory of India shall comprise—

(a) the territories of the States;

(b) the Union territories specified in the First Schedule; and

(c) such other territories as may be acquired.

\* \* \* \* \*

4. (1) Any law referred to in article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

(2) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368.

\* \* \* \* \*

FIRST SCHEDULE

[Articles 1 and 4]

I THE STATES

\* \* \* \* \*

The territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas, but excluding the territories specified in the Schedule to the Assam (Alteration of Boundaries) Act, 1951 and the territories specified in sub-section (1) of section 3 of the State of Nagaland Act, 1962 and the territories specified in sections 5, 6 and 7 of the North-Eastern Areas (Reorganisation) Act, 1971.

Assam.

\* \* \* \* \*

The territories which immediately before the commencement of this Constitution were either comprised in the Province of West Bengal or were being administered as if they formed part of that Province and the territory of Chandernagore as defined in clause (c) of section 2 of the Chandernagore (Merger) and also the territories specified in sub-section (1) of section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956.

West Bengal

The territories specified in section 5 of the North-Eastern Areas (Reorganisation) Act, 1971.

Meghalaya.

The territory which immediately before the commencement of this Constitution was being administered as if it were a Chief Commissioner's Province under the name of Tripura.

Tripura.

\* \* \* \* \*

RAJYA SABHA

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A

**BILL**

further to amend the Constitution of India to give effect to the acquiring of territories by India and transfer of certain territories to Bangladesh in pursuance of the agreement and its protocol entered into between the Governments of India and Bangladesh.

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*(Shri Salman Khurshid, Minister of External Affairs)*