

The states reorganization act



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India: a multi-lingual, multi-cultural, multi-religious and multi-ethnic nation achieved its freedom by a mass democratic movement based on non-violence with existence of rule of law imposed by an alien rule. During the British period, the British crown organized the territories of India for administrative purposes. This organization was stated to be based on military convenience and not based on any analytical or an extended principle, while doing so, the British failed to consider the pertinent issues of linguistic uniformity and the contiguity to the people. Succinctly, the boundaries of India had been drawn in a haphazard manner as the British conquest of India had proceeded for nearly a hundred years. The following essay examines the issues surrounding the border issues with reference to States Reorganization Act, 1956 and leading India to a federation.

Border and Linguistic Issues:

“ Language is the armoury of the human mind, and at once contains the trophies of its past and the weapons of its future conquests.”[1]

The idea of community and a sense of belonging to a human group are ingrained in the human condition and are naturally inborn and socially acquired characteristics. The ability to communicate centrally through language imbibes the feeling of closeness in the human beings. This tendency to associate with those having similar identities leads to the exclusion of minority groups. Such association and classification leads to stratification and structuration.[2] Similar was the condition pre and post independence in India. There was growing discontent in the Indian population and a need was felt for reorganization of states as per linguistic

and sociolinguistic parameters. When we talk about complexities like border issue, it becomes obvious that we are to search for answers which are deep rooted in the Indian linguistic histories. India is a nation sharply divided along linguistic lines. A number of linguistic regions have begun to compete with each other to impair the sense of national identity. The demand for reorganization of provinces on a linguistic basis has a linkage with the struggle for Indian independence.[3]The linguistic differences are the sole cause for the border issue existing in India and a long succession of events in history is responsible for the distribution of the population of India as it is today. The first step in the process of linguistic reorganisation of states occurred in the after effects of a major movement in the Andhra region of the old Madras province.[4]

History of reorganization of Indian provinces: Pre- Independence

At the time of independence of the country, the territories of India were largely grouped into two broad categories: British Indian territories and territories of Indian States (native states)[5]. These British Indian territories were directly administered by the British government in India while the Indian territories which consisted of 552 native states were ruled by native princes. The territorial integration of the princely states with Indian states was perceived back in the struggle for Indian independence.[6]

The history of reorganization of Indian provinces on linguistic basis can be traced back to 1858. In the British Parliament, John Bright said that the provinces of India should be grouped into 5 administrative groups on the basis of geography and language. In 1896, Mahesh Narayan of Bihar began a

movement for removal of Hindi speaking regions from Bengal to keep under one administration. With the vivisection of Bengal by Lord Curzon in 1905, the leaders of the nationalist movement began to give importance to the organization of States on language basis. In 1908, Lokamanya Tilak said before the Royal Commission that states should be organized on language basis and then onwards he became the forefront leader advocating this principle.[7] In the Report of the Thirty -Fifth Session of the Indian National Congress December 1920[8], the All India Congress Committee at Nagpur organized its administrative divisions on the lingual basis. The motive behind this organization was to reach out to the Indian masses in their own language to achieve its goals and be more effective in its mission. Further, we had the All Parties Conference, 1928 which set up the Motilal Nehru Committee to look into the aspects of reorganization. The Committee noted that if a province has to educate itself and do its daily work through the medium of its own language, it must necessarily be a linguistic area. If it happens to be a polyglot area difficulties will continually arise and the media of instruction and work will be two or even more languages. Hence, it becomes most desirable for provinces to be regrouped on a linguistic basis. Language, as a rule corresponds with a variety of culture, of traditions, and literature. In a linguistic area all these factors will help in the general progress of the province.[9] Likewise we had the Indian National Congress which acknowledged the principium of linguistic reorganization on three occasions between 1928 and 1947. They can be summarised thus:

The All Party Conference in its meeting from 28th to 31st August 1928 resolved to accept the reorganization of States on linguistic principle. The All

India Congress in its 1945 election manifesto said that it is the aim of the Congress to provide opportunities to the people to develop according to their intentions and every group of people and every region of the country have to develop culturally. In order to achieve this Congress has decided to organize the States on the basis of language and culture. The first linguistic states to be formed were Orissa and Sind in 1936.[10]

After Independence:

For a newly independent country like India, it was a herculean task to integrate the princely states with varied administrative structures and size with the Indian Union.[11]

INTEGRATION OF PRINCELY STATES:

As the country became independent on August 15, 1947, the paramount power of British Crown lapsed on that date under the Section 7(1) of the Indian Independence Act, 1947. The Act declared that as from the appointed day (15 Aug., 1947) the suzerainty of His Majesty over the Indian states lapsed along with all powers and responsibilities. Thus, after the independence, these states were free to join either of the dominions (Pakistan and India) or remain independent and free. It was due to the leadership and statesmanship of Sardar Vallabh Bhai Patel; e that most of the princely states were integrated with the Indian Union.[12]

The detailed picture of integration and merger of princely states is given below:

216 states were merged with neighbouring British Indian provinces and were designated as part ' A ' states.

Some 275 states were integrated to create new viable administrative units. These newly created units were called part ' B ' states.

61 princely states not covered under above categories due to their special conditions were constituted as centrally administered areas and were called part ' C ' states.

The islands of Andaman and Nicobar were placed under a separate category called part ' D ' state.[13]

In 1948, after independence, when the demand for a separate Telugu State was voiced, the Linguistic Provinces Commission was appointed under the Chairmanship of S. K. Dar. Its report recommended that “ the emphasis should be primarily on administrative convenience, whereas homogeneity of language will enter into consideration only as a matter of administrative convenience and not by its own independent force”.[14]In paragraph 125 of the report, the Commission said: “ Linguistic homogeneity in the formation of new provinces is certainly attainable within certain limits, but only at the cost of creating a fresh minority problem. And nowhere will it be possible to form a linguistic province of more that 70 to 80 percent of the people speaking the same language, thus leaving in each province a minority of at least 20 percent of people speaking other languages”.[15]Probably this aspect of the Commission’s views was not sufficiently deliberated. Linguistic reorganization alone, however, was not the only or major factor triggering new language movements in later periods.[16]

On the recommendation of the Dar Committee, the Government was of intention to postpone the reorganization. However, due to pressure from the public to revive the case of reorganization of the States, the All India Congress Committee in 1948 at Jaipur constituted the JVP Committee. The JVP (Jawaharlal Nehru, Vallabhabhai Patel and Pattabhi Sitaramaiah) Committee recommended “ to postpone the formation of new provinces for a few years, so that we might concentrate during this period on other matters of vital importance and not allow ourselves to be distracted by this question”. The committee submitted its report on April 1, 1949, that rejected the criterion of language for the reorganization of states. However, the report conceded that if public opinion (particularly referring to Telugu speaking people) is insistent and overwhelming, we as democrats; have to submit to it subject to certain limitations in regard to the good of India as a whole. In brief, the J. V. P Committee was ambivalent while rejecting the language as the criterion for reorganisation of states.[17]This gave a boost to the agitation of Telugu speaking people of Madras state, which were adamant to create a separate state for Telugu speaking people called Andhra Pradesh. The climax of this agitation reached when Potti Sriramulu died on December 15, 1952 after 56 days hunger strike for the cause of Andhra Pradesh.[18]This resulted in the creation of the first state on linguistic basis for Telugu speaking people called Andhra Pradesh on October 1, 1953.

It may be noted that the opinion of all the Committees and Commissions on the reorganization of the states centered around four principles of administrative convenience language, culture, development and unity.[19]

The foundation for the second significant happening of the century, and first one (formation of the state of Andhra Pradesh) after the Independence of the country, was laid on 22nd December 1953 with Jawaharlal Nehru's announcement in the Parliament of the Constitution of the States Reorganization Commission. The Commission was formed to control the chain reaction as many other regions demanded creation of states on linguistic basis particularly in the South India after the formation of a separate Telugu speaking region.[20]

States Reorganization Commission: a brick for the formation of the States Reorganization Act, 1956:

The Resolution of the Government of India relating to the reorganization said that

“ The language and culture of an area have an undoubted importance as they represent a pattern of living which is common in that area. In considering a reorganization of States, however, there are other important factors which have also to be borne in mind. The first essential consideration is the preservation and strengthening of the unity and security of India. Financial, economic and administrative considerations are almost equally important, not only from the point of view of each State, but for the whole nation”.[21]

The Commission was appointed to go into the entire question of reorganisation objectively and dispassionately. It was headed by Justice Fazl Ali and its two members were N. Kunzru and K. M. Pannikkar. The Commission after thorough study, submitted its recommendations on <https://assignbuster.com/the-states-reorganization-act/>

September 30, 1956, which laid down the following four major principles as the basis of reorganization-

Preserving and strengthening of the security and unity of the country

Financial, economic and administrative viability;

Linguistic and cultural homogeneity;

Scope for successful working of plans of development.[22]

On the basis of above principles, the Commission recommended the abolition of classification of states into the A, B or C states. Instead, it recommended two fold categories namely states and union territories.[23]The commission also went into the details of various demands pertaining to the clubbing of Telangana and Andhra into a single unit.[24]In Paragraphs numbered 369-389, commission dealt about the problems and advantages of both Andhra, Telangana as independent states as well as united state.[25]The Commission in its recommendation allocated Kolar and Belgaum to Karnataka. Kolar town has a Tamil majority, the district has Telugu speaking majority and Kolar has strong relation with Karnataka (then Mysore State). Similarly regarding Belgaum it was stated that “ all Taluks (ten) of Belgaum district have economic relations with both Marathi as well as the Kannada speaking areas. The Belgaum town is the centre of the transit trade in this area. Neither the Belgaum town nor the other disputed areas have any particular marked economic affiliation with Marathi speaking districts of Bombay. There is no case, therefore, for detaching either Khanapur or Belgaum or portions of Chikkodi from the rest of the Belgaum district, If as many as nine out of the

eleven taluks go to Karnataka (Chandgad going to Bombay and Belgaum being disputed), then, on administrative grounds, the Belgaum town which is the district headquarters along with Belgaum taluk should also go to Karnataka”. [26]

The recommendations of the Commission were given the practical shape by passing the States Reorganization Act, 1956 and the 7th Amendment which came into effect on 1 Nov., 1956. [27]

States Reorganization Act, 1956:

The States Reorganization Act, 1956, organized 14 states and 7 union territories. [28] The major reorganization of states in India by the Act satisfied popular demands to a great extent and introduced fundamental change in the political map of India, yet it did not eliminate the demands for creation of new states from various quarters. It should be noted that the status of a state granted to people of a region bestows various benefits along with a sense of identity and scope for realising political ambition to regional leadership. [29]

It seems worthwhile to analyse the provisions of the Constitution for the creation of new states.

Article 2 of the Constitution deals with the admission or establishment of new states, which are not part of existing territory of India. [30]

Article 3 is concerned with the formation of new states and alteration of areas, boundaries or names of existing states. According to this article, Parliament may by law form a new state by dividing the territory of a state or <https://assignbuster.com/the-states-reorganization-act/>

uniting two or more states, increase or diminish the area of a state and alter the name or boundary of any state.[31]

Since the demand for the creation of new states kept on rising many states were created either by dividing the existing states or by conferring the status of states to the existing union territories. From 1956 to 1975, eight more states were created increasing the number of states from 14 to 22. The provision of the Article 2 was modified used for the first time so far for the formation of Sikkim. In 1960, the Bombay Reorganization Act divided the State of Bombay into Maharashtra and Gujarat states. In 1962, the State of Nagaland was carved out from the State of Assam. The State of Punjab was bifurcated to establish two states- Punjab and Haryana and one union territory- Chandigarh in 1966.[32] In early 1970s, three more new states- Meghalaya, Manipur and Tripura- were created in the northeast. The demands for new states, however, did not stop there. In the West Bengal, the Gorkhas of Darjeeling and the Rajbanshis of Cooch Behar have a long agitated for the creation of a separate Gorkhaland and Kamtapur. In Assam, the Bodos have made a similar demand. The Telangana agitation in Andhra Pradesh, the movement to create Vidharbha in Maharashtra, and the demand for a separate state of Jammu are all cases with relatively long histories of political agitation. In recent years, under the National Democratic Alliance (NDA) government, three new states were created by breaking up existing states- Jharkhand by breaking up Bihar, Uttarakhand by breaking up Uttar Pradesh, and Chhattisgarh by breaking up Madhya Pradesh.[33]

Why has there been a spurt in the demand for statehood by ethnic groups in India? Is linguistic creation of states in 1956 turning out to be a failure with

such new demands across ethnic (Gorkha), religion (Panun Kashmir), cultural (Vidarbha), linguistic (Tulu NaDu), historic (TelangaNa), prosperity (Harit Pradesh) and many other reasons?[34] Although states in post independence India were reorganized in a haphazard manner for administrative convenience on the basis of ethno linguistic criteria, the policy failed to eradicate the problem of “ entrapped ethnic groups”-peripheral ethnic groups that were politically and economically subordinate to the majority ethno linguistic communities that wielded power in the states.[35]

Subsequent reorganization and creation of additional states essentially followed the basic principle that major ethno linguistic groups ought to have their separate states within the Indian union. Even as Indian political elites accepted ethnic plurality and worked to promote and strengthen such diversity, they agreed that national integration and development required the creation of a secular and federal polity.[36]

Roots of Federation:

“ United we stand, Divided we fall”[37]

The reverie of becoming a federation was deep rooted in the pre independent period of Indian history. It was the Government of India Act, 1935 which envisaged a federation for India combining both the provinces and the states. The idea of a federation “ was envisaged as a project to ensure reasonable national agreement across regions and communities to support and develop durable political order.” At the same time, Indian leaders were mindful of the dangers of ethnic secession and balkanization of the state. Hence, as Dr. B. R Ambedkar, the chief architect of the

constitution, told the Constituent Assembly, “ though India was to be a federation, the federation was not the result of an agreement by the states to join in a federation, and that the federation not being the result of an agreement, no state has the right to secede from it.” Indian Federation was therefore to be a “ division for convenience of administration while the country continued to be one integrated whole.”[38]This completely explains that the division were made for administrative convenience and India should still be one integrated whole.

CREATION OF NEW STATES

The three new States of Uttaranchal, Chhattisgarh and Jharkhand created in the year 2000 have been functioning smoothly for the past four years. The Central Government issues orders directions for final apportionment of assets and liabilities between the Successor States in case of any dispute between them and on a reference made by either of the Successor States. The Central Government has issued orders/directions, wherever necessary, for final apportionment of assets, liabilities and employees of the Companies Corporations etc. of the erstwhile State of Bihar between the Successor States of Bihar and Jharkhand. In keeping with its commitment enunciated in the Common Minimum Programme, Government has decided to set up a new Commission to look at the issues relating to Centre-State relations afresh in view of the significant changes that have taken place in the federal polity and economy of India over the last two decades. A group of Ministers was constituted, under the Chairmanship of Shri Pranab Mukherjee, Minister of Defence, to finalise the terms of reference of the Commission. The group of Ministers has finalized the terms of reference of the Commission. The

Commission is likely to be set up very soon and will be given two years' time to submit its recommendations.[39]

The Constitution (One hundred and second Amendment) Bill, 2003 and the State of Delhi Bill, 2003 seeking to grant Statehood to Delhi, which were introduced in the Lok Sabha on 18. 8. 2003 and referred to the Department-related Parliamentary Standing Committee on Home Affairs, lapsed with the dissolution of the thirteenth Lok Sabha. An Inter-Ministerial Committee headed by an Additional Secretary in the Ministry has been entrusted to examine the earlier Bills in the light of observations made by the Department-related Parliamentary Standing Committee and suggestions made by the Chief Minister, Delhi with a view to exploring the possibility of introducing fresh Bills. Under the Common Minimum Programme, the Government declared that it is committed to consider the demand for the formation of a Telangana State at an appropriate time after due consultations and consensus.[40]

Small State Syndrome:

Since the writer has discussed above the balkanization, it is now pertinent to examine the issue of having multiple small states or big states. The demands for small states have been mentioned above; it is now essential to discuss why such demands arise? Some can be due to the distinct cultural identity and linguistic differences, lack of political participation in a particular region and many more.[41]Hence, we now need to look at both the sides of a coin, whether smaller states facilitates the administration of a country our leads us to a federation.

Advantages of small states:

- It will increase administrative efficiency leading to proper utilization of resources.
- Development will take place and regional disparities will become narrow.
- Small states are more effective for fiscal management.
- The popular demands, needs and problems of the; region may be addressed to efficiently.
- There shall be greater competition among states for more development.
- Smaller states have more homogenous preferences.[42]

Disadvantages:

- It will open the Pandora's Box creating demand for more states.
- It will add to the burden of administrative expense, which could have been utilized for development work.
- Smaller states do not necessarily show better economic performance, e. g. north eastern states.
- It may increase inter-state conflicts e. g. water.
- The disputes may lead to more demand for special packages for development by the parent state.[43]

Looking at the innumerable demands for new and smaller states e. g. Telangana, Vidharbha, Bodoland, Gorkhaland, Kodagu, PojndicherryHarit Pradesh etc. It is needless to say, all the demands cannot be met as it would lead to proliferation of States to a point of federal burdens; they are economically unviable; national unity would be threatened; small States are not necessarily better-governed as seen in the north-east; administrative problems about creation of institutions like High Court, Secretariat etc; the costs of setting up a capital etc, to name some problems of creating new states.[44]

The writer after thorough examining the border and linguistic issues and ventilating the subject of reorganization of territories of India and discussing the small state syndrome would like to state that,

“ The choice now lies on us, whether we demand for multifarious smaller states which annihilate the feeling of togetherness or live in united India with fewer smaller states with peace and harmony.”