CHAPTER VIII
BORDER DISPUTES

Introduction

The political map of India was redrawn under the States' Reorganisation Act 1956 on linguistic basis. The agitation for formation of linguistic provinces received a quietus. Every State accepted the boundaries drawn by that Act. The S.R. Act 1956 mainly followed the recommendations of the States' Reorganisation Commission in the determination of the boundaries between all the States. When the States' Reorganisation Commission was formed in 1955, the underlying theme was the formation of States on linguistic basis. But the terms of reference given to the States' Reorganisation Commission gave minor importance to language and culture but laid greater stress on other considerations such as unity and security of India. The Government of India Resolution No. 53/69/53-Public dated 29th December 1953 relating to the terms of reference of the States' Reorganisation Commission laid down the following important directions:

"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 reorganisation 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.

In a multi-lingual country like ours, bilingual polts are unavoidable in the border areas of States. Administrative and economic considerations will have to be given the highest preference in drawing the boundary lines. Summarising their views on the role of language as a factor bearing on the formation of States, the States' Reorganisation Commission further expressed:

"After a full consideration of the problem in all its aspects, we have come to the conclusion that it is neither possible nor desirable to reorganise States on the basis of the single test of either language or culture, but that a balanced approach to the whole problem is necessary in the interests of our national unity." (2)

The States' Reorganisation Commission subordinated the linguistic considerations to many others. Their decision was not based on any single test either of language or
of culture. They observed: "The problems of reorganisa-
tion are so complex that it would be unrealistic to
determine any case by a single test alone. All the
Committees and Commissions which have previously gone
into the matter such as the Bar Commission and the J.V.P.
Committee have rightly expressed themselves against a
monistic approach to the problem. We have, accordingly,
examined each case on its own merits and in its own
context and arrived at conclusions after taking into
consideration the totality of circumstances and on an
overall assessment of the solutions proposed."(3) It was
thought that after the fixation of the boundaries of the
new States under the States' Reorganisation Act 1956,
there might crop up certain disputes here and there. Such
border disputes were expected to be discussed at the
meetings of the Zonal Councils. In this connection, the
speeches made by the then Union Home Minister, the late
Pandit G.B. Pant, during the debates of the Lok Sabha,
will highlight the role of the Zonal Councils.

A) "We hope that the Zonal Councils will be able
to show better results and if everything fails and if the
problem is really of a special significance and there are
special circumstances, Government will take stock of the
situation and see how it can be helped."(4)
3) Explaining the scope of the functions of Zonal Councils, the then Union Home Minister, the late Pandit Govind Ballab Pant said: "The decisions of the Zonal Councils are not binding; they are only of an advisory character."(5)

Thus it is quite obvious that what could be raised before a Zonal Council is a dispute about a small patch of territory which should be a matter of minor differences. But it does not contemplate any large-scale resettlement of the boundaries already fixed by the States' Reorganisation Act 1956. A specific provision has been made under the States' Reorganisation Act 1956, Section 21 thereof authorises the Zonal Councils to discuss and make recommendations with regard to any matter concerning border disputes. The relevant portion of this sub-section is given below:

"1) Each Zonal Council shall be an advisory body and may discuss any matter in which some or all of the States represented in that Council or the Union and one or more of the States represented in that Council, have a common interest and advise the Central Government and the Government of each State concerned as to the action to be taken on any matter."
2) In particular and without prejudice to the
generality of the provisions of sub-section (1) a
Zonal Council may discuss and make recommendations with
regard to:

a) any matter of common interest in the
field of economic and social planning;

b) any matter concerning border disputes,
linguistic minorities or inter-State
transport and;

c) any matter connected with or arising
out of, the reorganisation of the States
under this Act.\(\text{(6)}\)

Claims of Maharashtra:

The Government of Maharashtra (the then Government
of Bombay), soon after the formation of the new States,
invoked the provisions of Section 21(2) (b) of the States'
Reorganisation Act 1956 and submitted a Memorandum dated
25th June 1957 addressed to the Ministry of Home Affairs
Government of India making proposals for readjusting
early the boundaries between Maharashtra and Karnataka
on a rational basis. (Vide Map No. 4) In its Memorandum,
the Government of Maharashtra claimed an area of 2,806
square miles involving 814 villages including three big cities of the State of Karnataka - Belgaum, Karwar and Nipani. The Government of Maharashtra claimed 814 villages in the border Districts of Belgaum, Karwar, Bidar and Gulbarga on the basis of the principles of contiguity, relative linguistic majority and wishes of the people. The following is the break-up of the villages and towns claimed by Maharashtra. The following table(7) will show the number of towns and villages in each of the Talukas in the four Districts mentioned above.
<table>
<thead>
<tr>
<th>Districts</th>
<th>Talukas</th>
<th>Number of towns and villages</th>
<th>Total population</th>
<th>Linguistic Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Marathi</td>
</tr>
<tr>
<td>1) Belgaum</td>
<td>Belgaum</td>
<td>84</td>
<td>2,20,389</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>Khanapur</td>
<td>206</td>
<td>69,522</td>
<td>77</td>
</tr>
<tr>
<td></td>
<td>Athani</td>
<td>10</td>
<td>20,653</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>Chikodi</td>
<td>41</td>
<td>1,07,856</td>
<td>73</td>
</tr>
<tr>
<td></td>
<td>Hukeri</td>
<td>18</td>
<td>15,094</td>
<td>80</td>
</tr>
<tr>
<td>2) Karwar</td>
<td>Karwar</td>
<td>50</td>
<td>67,107</td>
<td>78*</td>
</tr>
<tr>
<td></td>
<td>Supa</td>
<td>131</td>
<td>17,451</td>
<td>84*</td>
</tr>
<tr>
<td></td>
<td>Haliyal</td>
<td>120</td>
<td>13,122</td>
<td>67*</td>
</tr>
<tr>
<td>3) Bidar</td>
<td>Husnabad</td>
<td>28</td>
<td>22,303</td>
<td>63</td>
</tr>
<tr>
<td></td>
<td>Bhalki</td>
<td>49</td>
<td>46,879</td>
<td>59</td>
</tr>
<tr>
<td></td>
<td>Santpur</td>
<td>69</td>
<td>46,669</td>
<td>60</td>
</tr>
<tr>
<td>4) Gulbarga</td>
<td>Aland</td>
<td>8</td>
<td>4,978</td>
<td>68</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>814</td>
<td>6,70,228</td>
<td>* Includes Konkani</td>
</tr>
</tbody>
</table>

On 20th September 1957, the matter was placed on the agenda of the first meeting of the Western Council but it was not taken up for consideration. On 28th December 1958, the second meeting of the Western Zonal Council was held. Its consideration was deferred on the ground that the matter was under discussion between the Chief Ministers of the two States. In the meantime, the Bombay Reorganisation Act was passed on 25th April 1960. The Act bifurcated the bilingual State of Bombay into Maharashtra and Gujarat, which came into existence on 1st May 1960. The States of Karnataka and Maharashtra which were members of the Western Zonal Council became members of two different Zonal Councils. The State of Karnataka was taken out of the Western Zone and included in the Southern Zone. Thereafter, through the good offices of the late Shri. O.B. Pant, the then Union Home Minister, the Chief Ministers of Maharashtra and Karnataka decided to refer the dispute regarding the boundaries to a Four-Man Committee. Shri. Y.B. Chavan, the then Chief Minister of Maharashtra and Shri B.D. Jatti, the then Chief Minister of Karnataka, made the following announcement on 5th June 1960:

"It is agreed that the Government of Maharashtra and the Government of Karnataka will each appoint two
representatives. These four representatives will study and discuss together in detail the cases put forward by the two Governments regarding the disputed borders between the two States and report to the two Governments as to what extent, there is an agreement and disagreement about the disputed borders with reasons therefor. The report with their entire opinions will be sent to the two Governments who may then consider the reports.\(^{(8)}\) In pursuance of the above decision, Shri H.V.Pataskar and Shri M.D.Bhat were nominated as the two representatives of the Government of Maharashtra by Shri Y.B.Chavan. Shri. S.Chammaiah and Shri. S.S.Halimath were nominated by Shri. R.D.Jatti as the two representatives of Karnataka on 30th November 1960.

The first meeting of the Committee was held at Bhopal on 23rd January 1961. It was decided at the meeting that the Committee should visit some of the important places in the disputed areas in order to enable the Committee to understand the cases of the two Governments. The second meeting of the Committee was held at Bangalore on 24th, 25th and 26th March 1961. The members of the Committee met the then Chief Minister of Karnataka and had general discussion with him. Members of Karnataka
suggested that it was not necessary to visit the places in the disputed areas. But Maharashtra members did not agree for the same. Maharashtra members visited the places - Nipani, Jath, Machandi, Aland, Akkalkot, Bhalki, Belgaum, Khanapur, Karwar, Maliyal, and Supa. The third meeting of the Committee was held at Pachamarhi on 7th, 8th and 9th June 1961. When the meeting was in progress Shri Y.B. Chavan, the then Chief Minister of Maharashtra met the members of the Committee and handed over the Memorandum of his Government. The fourth, fifth and sixth meetings of the Committee were held at Bombay on 7th and 8th August 1961, at Bangalore on 8th October 1961 and at Bombay on 1st and 2nd January 1962 respectively. The members representing the two Governments differed on several issues but they agreed on only one issue over the contiguity. Hence they decided to submit their reports separately to their respective Governments. Accordingly, they submitted their reports separately to their Governments.

The Views of Maharashtra

Maharashtra was the only State which expressed dissatisfaction and fought against the proposals of the
States' Reorganisation Commission. Referring to the States' Reorganisation Act, 1956, the Government of Maharashtra, in its first complaint to the Zonal Council expressed: "While this enactment settled finally in the highest democratic forum of the country the main frame work of the Reorganisation of the States, a large number of marginal territorial adjustments still remained to be considered." Accordmg to it, the States' Reorganisation Act 1956 was passed without proper fixation of the boundaries between the States of Maharashtra and Karnataka. Consequently, large areas contiguous to the Maharashtra region of the new State in which the Marathi language was predominantly spoken by the people were included in Karnataka State and some areas contiguous to the territories of Karnataka State in which the Kannada language was predominantly spoken remained in Maharashtra State. They further hold that the fixation of the boundaries between the two States is flexible and tentative awaiting finalisation. They insist upon a resettlement of the entire boundaries by redrawing them completely. For this purpose, it suggested fresh formula - Village Unit Theory or Formula as evolved by its representative Mr. Pataskar. This formula came to be called "Pataskar Formula." It consists of three criteria viz:...
"1) Village should be taken as a unit.

2) a) Simple linguistic majority of the population of the village should be the deciding factor for settling the State to which it should be allotted.

b) Relative majority should be adopted where more than two languages are spoken.

3) Contiguity to the State to which it has to be transferred."

The Government of Maharashtra took a stand on this "Village-Unit Theory" and swore by the "Village-Unit Theory." Working out this formula with the help of the 1951 Census figures, the Government of Maharashtra concluded that an area of 2806 square miles involving 814 villages and a population of 6,70,228 now in the State of Karnataka, should be transferred to Maharashtra State. On the same basis, it also showed that 260 villages with a population of 3,25,260 and covering an area of 1,160 square miles now in the Maharashtra State, should be treated as kannada speaking. It contended that the adoption of village as a unit is the most proper and reasonable solution.
reasons why village should be taken as a unit, as stated by them are:

"i) for reducing the linguistic minorities to the minimum size;

ii) for producing a demarcation of boundaries which will meet with the largest consensus of agreement;

iii) village is the basic territorial unit of habitation."(11)

The Views of Karnataka

But the Government of Karnataka contends that the settlement of the boundaries of the States under the States' Reorganisation Act 1956 is neither tentative nor flexible. But it is final. Therefore they urge that the question of boundaries, finally settled by the States' Reorganisation Act 1956, should not be raked up once again. According to Karnataka, such a reopening is not contemplated by the Act and it should not be permitted. The Government of Karnataka observes:

"It is just likely that no State could have been completely satisfied by the boundaries of the States fixed by the States' Reorganisation Act 1956. Still
every State persuaded itself to abide by the verdict of the Parliament and to remain contented over the matter. If the view propounded by Maharashtra succeeds and the boundaries are considered to be tentative and liable to be redrawn at the will and pleasure of any State, it would open up a Pandora's Box. Other States will follow suit and raise similar disputes, thus making the country a hot-bed of border disputes. Such a possibility should not be allowed any scope; it should be nipped in the bud."

Although, the Government of Karnataka opposes the reopening of the issue, they are not denying the possibility of maladjustment which could be discovered in the course of the implementation of the Act. Hence they are prepared for minor adjustments of small patches of areas if there are good reasons for readjustment by mutual agreement. The Government of Karnataka have set forth their case in their brochure entitled "Views of the Government of Mysore on Border Disputes between the States of Maharashtra and Mysore." They have not accepted the principle of Village Unit Theory advocated by the Government of Maharashtra except the principle of contiguity. Because the principles evolved by the Government of
Maharashtra for solving the boundary disputes formed an important part in some of the amendments moved in the Lok Sabha during the debates on the States' Reorganisation Bill. "With regard to the areas from the Talukas of Karwar, Supa and Haliyal, there were four amendments and they were rejected. In respect of the areas in the Talukas of Santpur, Shalki and Humnabad of Bijapur District, there were six amendments and they were negatived. As many as seven amendments were moved in respect of the areas claimed from Talukas of Hanapur, Belgaum and Chikodi including Hipani town. They were also rejected."

So, what was left for the settlement by the Zonal Councils under the provisions of Section 21(2)(b) of the States' Reorganisation Act 1956, was minor adjustment confined to stray areas lying on the borders of the States. Even the Government of India held the view that the Parliament was not the proper forum to examine the various proposals regarding the border adjustments. They decided to refer these problems to the Zonal Councils. This is clearly borne out by the statement made by the then Union Home Minister, the late Mt. G. T. Pant in the Parliament. The relevant extract is given below:

"I know that with regard to some of the territorial matters, there is still a strong desire for readjustment."
I made an effort in the Joint Committee to secure some sort of an agreement between the members representing the States concerned. Unfortunately, we did not succeed. Then, similar attempts were also made while the Bill was under discussion in the house but with no better results. Now, as Honourable Members are aware, the Zonal Councils have been authorised to deal with all these boundary matters pertaining to readjustment of territories lying on the common borders of States. I hope that when the States are formed, the Zonal Councils will meet and endeavour to resolve the dispute, because after all, the good-will of neighbours is of much greater value than a small patch of territory and it should be possible for the States concerned to settle these minor differences between themselves. *(14)*

With regard to the limit or unit of area for readjustment, the suggestion of the Government of Karnataka is that the adjustments should be confined to a ten-mile belt in the District of the Maharashtra State on either side of the existing boundary lines. They further suggest that even within the ten-mile belt, only the villages where more than 70 per cent of the population speak Marathi or Kannada should be included in Maharashtra.
or Karnataka respectively. The views of the Government of Karnataka are in full agreement with the views of the States' Reorganisation Commission, an extract from which is mentioned below:

"We do not regard the linguistic principle as the sole criterion for territorial readjustments, particularly in the areas where the majority commanded by a language group is only marginal. It may also be recalled that on the basis of evidence tendered before it, the Bar Commission had come to the conclusion that it would not be proper to describe any area as unilingual. Unless the majority of one language spoken in that area was at least 70 per cent and that any area below that should be considered as bilingual or multilingual as the case may be. We are generally in agreement with this view, but in our opinion, the mere fact that a certain language group has a substantial majority in a certain area should not be the sole deciding factor."(15)

Under the above circumstances, if any boundary question is reopened, many other States may start fresh claims against their neighbours. If at all, such questions are reopened, they will have to be settled simultaneously along with those of Maharashtra, by applying one common
principle to all the States. Lastly, the Government of Karnataka desires to repeat the caution to the effect: "Reopening of the settled boundaries is bound to arouse passions and to encourage agitational activities. Once such disturbing forces are released, it will be difficult to arrest them. They are likely to raise perilous problems all over the country. This will disrupt internal harmony and fan the fire of hostility between the peoples of one State and another. Statesmanship demands that such a catastrophe should be averted clear of by not allowing any reopening of settled matters."(16)

X-Ray on Village-Unit Theory

The claims of Maharashtra are completely based on the Village-Unit Theory popularly known as the Pataskar Formula. Not only has Mr. Pataskar been imputed with the authorship of the formula but also his name is made immortal on that account. Maharashtra is making much capital out of the Village-Unit Formula. Because the late Mr. H.V. Pataskar, the then Governor of Madhya Pradesh was instrumental in settling the boundaries between the States of Tamil Nadu and Andhra. Hence it is quite necessary to trace the history of formula in order to
clear the confusion. The present Andhra Pradesh was formed out of the Composite State of Madras in 1953. But with regard to Bellary District, there was some dispute. Because the District had a predominantly Kannada population in seven Talukas and predominantly Telugu population in three Talukas. Honourable Mr. Justice Wanchoo, the then Chief Justice of the Rajasthan High Court had been appointed by the Government of India to consider and report on the financial and other implications relating to the creation of the Andhra State. Justice Wanchoo could not come to any conclusion with regard to Bellary District. Because his enquiry was concerned only with the formation of Andhra State out of the existing State of Madras. Hence he incidentally recommended to the effect: "If there is any dispute about these three Talukas being predominantly Telugu speaking or otherwise, the matter can be finally settled by a Boundary Commission if and when it is appointed and the boundary line between the eastern Talukas and the rest of the Bellary District adjusted according to the decision of the Boundary Commission."

The Governments of Tamil Nadu and Andhra Pradesh made efforts towards the mutual solution of their disputes in respect of these areas and some other areas instead of seeking for the appointment of Boundary Commission.
Mr. H. V. Pataskar, in the preamble of his report expresses: "In the latter part of the year 1955, there was an agreement between both the States with respect to the criteria on which the borders between the two States were to be adjusted. One of these was to take the village as a unit for the purpose of adjustment; the other criterion was that isolated pockets should be avoided; the third was that a majority of over 50 per cent of any language in a village would be enough for the purpose of adjustment of this boundary; and the fourth was that due consideration should be given to (1) geographical features such as rivers, hills which constitute natural boundaries and (2) economic features such as irrigation sources and their Ayacuts being in the same State." (18)

The original plan of getting the Boundary Commission appointed was given up by the Chief Ministers of Andhra Pradesh and Tamil Nadu and they agreed to the boundaries being fixed by the above mentioned mutually agreed criteria. They further requested Mr. H. V. Pataskar to take up this work and to settle the boundaries by applying the mutually agreed criteria. Thus it is crystal clear that it was not Mr. Pataskar who formulated the Village-Unit Theory commonly known as "Patakar Formula." But
he merely applied the criteria agreed upon by the two Governments and fixed up the boundary lines. It is not Mr. Patakar - an arbitrator who evolved these criteria and brought satisfaction to the disputing parties. He just applied the criteria and worked out the results. Therefore, it is misleading to say that these criteria succeeded in settling the boundary dispute between the States of Andhra Pradesh and Tamil Nadu to the satisfaction of all.

Mr. Patakar has himself made it clear in his report and he observes: "It will thus be clearly seen that the States' Reorganisation Commission deliberately left out of their consideration, the question of the border dispute between Andhra Pradesh and Tamil Nadu, which was already undergoing a different process of settlement. Some definite principle of settlement had already been agreed to between the two States. Village-wise language figures were being collected and thus much progress had already been made in the direction of a settlement of this dispute. The basis of the settlement of this dispute is thus different from the basis adopted by the States' Reorganisation Commission for deciding the matters which they dealt in their report." (20)
An exception to the general principles of the States' Reorganisation Commission report was made and the boundaries between the two States were settled on the basis of mutually agreed criteria. Mr. Patelkar, referring to the exceptional aspect in his report, further expresses: "It will thus be seen that the criteria laid down by the States' Reorganisation Commission in their report for the purpose of Reorganisation of States generally cannot have any bearing on the settlement of this particular dispute. It is desirable in the interest of the Government and the people of both the States of Tamil Nadu and Andhra Pradesh that they should try to abide by what had been agreed between them with respect to the bilingual areas on the report of the States' Reorganisation Commission." (20)

Thus it is wrong to give undue importance to the Village-Unit Theory and look upon it as a fair criterion for application to each and every case of boundary dispute between the linguistic States. In the present case of dispute between Maharashtra and Karnataka, neither there is any agreement between the two States nor there is any justifiable ground for interfering with the boundaries already fixed by Parliament. If the Village-Unit Theory is adopted, it upsets the principles laid down by the
The Unit for Demarcation of Boundaries

What should be the unit of territory in relation to the determination of boundaries between the States has become a great controversial issue. There are the divergent views about the same. It would be pertinent to examine the views of the various Commissions and find out the most appropriate unit for demarcation of boundaries between two States.

The Views of Dur Commission (1948)

The Dur Commission which was appointed by the Constituent Assembly of India in 1948 studied the question of reorganisation of linguistic States. The Commission came to the conclusion: "It would not be proper to describe any area as unilingual unless the majority of one language spoken in that area was at least 70 per cent and that any area below that should be considered as bilingual or multi-lingual as the case may be."
The Views of Wanchoo Commission (1953)

The Wanchoo Commission, which was appointed in 1953 for the formation of Andhra State adopted District as a Unit except in the case of the District of Bellary. He stated as follows: "The first question that calls for decision is the extent of the new State. It is admitted on all hands that the new State has to be curved out, out of the following 12 Districts of the present Madras State namely: 1) Srikakulam; 2) Vishakhapatnam; 3) East Godavari; 4) West Godavari; 5) Krishna; 6) Guntur; 7) Nellore; 8) Kurnool; 9) Anantpur; 10) Cuddapah; 11) Chittoor; 12) Bellary. So far as the first 11 Districts are concerned, they may be included in the new State. There are some boundary disputes at the borders of some of these Districts which I shall indicate later, but, for all practical purposes, these 11 Districts may be included in the new State to begin with. This leaves the 12th District Bellary in which there is a lot of dispute. Originally, at the time of Kelkar Award, it had nine Talukas only but the State of Sandur has been merged with it and thus the number of Talukas has increased by one. The Kelkar Award assigned three Talukas namely Adoni, Alur and Rayadurg, to the Andhra Pradesh Congress Committee.
while the remaining Talukas were assigned to the Karnataka Pradesh Congress Committee. According to the 1951 census figures, the percentage of Telugu speaking population in Adoni is roughly 58 per cent, in Alur 63 per cent and in Rayadurg 59 per cent. In the remaining Talukas, the Kannarese speaking population predominates. There is a desire both on the part of the Telugu speaking population and of the Kannarese speaking population that the District should be kept intact. But while the Telugu-speaking population wants that the District as a whole should be included in the new State, the Kannarese speaking population desires that it should be included in the residuary State and if that is not possible, then in the Karnataka State. It is, however, beyond my province to consider the inclusion of any part of the present Madras State into any other State and suggestion that Bellary District as a whole should be included in the Karnataka State, must be ruled out. It then remains to consider, if the District is to remain undivided, whether it should be added to the new State or to the residuary State. The question has been complicated by the fact that the Headworks of the Tungabhadra Project are situated near a place called Hospet which is in the Predominantly
Kannarese speaking Taluka of Hospet. The new State is virtually interested in the Tungabhadra Project and it is urged that the whole of the Bellary District should be included in the new State till such time as the Karnataka is formed. (Para 5).

"There is, however, strong opposition to this course of action from the Kannarese speaking area of the Bellary District. It seems to me, however, that the better course would be to include the whole of the Bellary District in the new State rather than in the residuary State. Further this area may be assured that if and when the Karnataka State is formed, it will be put in that State." (Para 6).

"An alternative solution would be to separate the three Talukas of Alur, Adoni and Rayadurg here and now. Rayadurg could be added to the District of Anantapur while Alur and Adoni could be added to the District of Bumnool. The remaining 7 Talukas could then be formed into the Bellary District which will be predominantly Kannarese. This District may be administered by the new State but with proper safeguards for its language and culture. This solution would also be opposed by the Kannarese
speaking part of the District whose claim is that the census figures of 1951 are incorrect and that the Adoni, Alur and Rayadurg Talukas are also predominantly Kannada. It is not, however, possible for me to overlook the Census figures of 1951 and if the District as a whole cannot remain in the new State, the three Talukas of Adoni, Alur and Rayadurg must be separated and put in the new State and added to Kurnool and Anantpur Districts as already pointed out. If there is any dispute about these three Talukas being predominantly Telugu speaking or otherwise, the matter can be finally adjudicated by a Boundary Commission if and when it is appointed and the boundary line between the eastern Talukas and the rest of the Bellary District adjusted according to the decision of the Boundary Commission."(22) (Para 7).

From the above analysis, it is quite clear that Mr. Justice Wanchaco found it difficult to take a definite decision regarding the area constituting the District of Bellary since the Headworks of the Tungabhadra Project were situated in the same District and in some areas the District had predominantly Kannada population and in some others it had predominantly Telugu population. However, he was prepared to accept the Taluka as a Unit.
in respect of Adoni, Alur and Rayadurg which were predominantly Telugu speaking Talukas.

The Views of the Government of India (1953)

The views of the Government of India regarding the unit of adjustment were expressed on 25th March 1953 when the then Prime Minister, Pandit Nehru, announced in Parliament the decision of the Government about Bellary District. He expressed:

"a) that the District of Bellary will not be treated as a single unit for the purpose of attachment to any of the two States;

b) that three of its ten Talukas namely Adoni, Alur and Rayadurg which had a large majority of Telugu speaking people shall form part of Andhra State; and that the other Talukas with the exception of the Taluka of Bellary, that is to say, Harapanahalli, Gadagali, Hospet, Kudligi, Sandur and Siraguppa, which had a very large Kannada speaking population, shall form part of the State of Karnataka." (23)

The decision of the Government of India was deferred in respect of Bellary Taluk. Because its linguistic
composition consisted of mixed population and certain other matters also required examination.

The Views of Nisra Commission (1953)

The President appointed Mr. Justice L.S. Misra on 21st April 1953 to enquire into the various factors regarding the future of Bellary Taluka and to report thereon. Examining the history of the controversy relating to Bellary Taluka, Mr. Justice Misra, in his report, observed: "The dispute arose for the first time in the twenties of this century after the formation of linguistic provinces by the Indian National Congress for its organisational functions. Both Andhra and Karnataka Provincial Congress Committees claimed the whole of Bellary District and the Congress Working Committee appointed Arbitration Committee in 1921 to settle this dispute. Shri B.C.olkar, who finally gave an award, allotted Adoni, Alur and Rayadhur Talukas to the Andhra Committee and the rest of the District including Bellary city, to Karnataka Provincial Congress Committee. There was controversy over Bellary city but Shriolkar decided to give it to Karnataka Committee, with the remaining Talukas as he came to the conclusion, after examining the census figures and the testimony of responsible leaders, that Bellary
Taluka was a predominantly Kannada area. The matter again came before the Partition Committee appointed by the Madras Government in 1949. This Committee consisted of Honourable Chief Minister of Madras, four other Ministers and three members of the Constituent Assembly:

1) Honourable Shri P.S.Kumarswamy Raja, Premier (Chairman);
2) Shri K.A. Phaktavatsalan, Minister;
3) Shri K. Madhava Menon, Minister;
4) Shri J. Gopala Reddy, Minister;
5) Shri K. Sanjeeva Reddi, Minister;
6) Shri Kala Venkat Rao, M.C.A.;
7) Shri T. Prakasam, M.C.A.;
8) Shri T. T. Krishnamachari, M.C.A.

There were thus four outstanding Andhra Pradesh leaders and four non-Andhras on the Committee. The members were unanimous in accepting the Kelkar Award regarding Ballary Taluka without any reservation and the Madras Government too in forwarding the report to the Government of India recommended the allocation of the Ballary Taluka to the Kannada portion of the Bellary District. Similar recommendations were made by Shri Justice Manchoo.\(^{(24)}\)
The Views of the States' Reorganisation Commission (1955)

The views of the States' Reorganisation Commission are equally important in this respect because all the boundaries of the States were demarcated on the basis of the principles evolved by the States' Reorganisation Commission. Discussing what is known as the doctrine of the Homeland, the Commission rejected the demand for taking up the village as a unit. It observed: "It follows from the acceptance of the doctrine of the Homeland that the Homeland itself should be demarcated with care and it has accordingly been proposed that in determining the boundaries between linguistic groups the village should be taken as the unit. In border villages, generally the population is largely mixed. If on the basis of the majority belonging to one language group, a village is separated from the administrative unit to which it is now attached, then, it follows that special provisions will have to be made to see that the language composition of such a village does not change at any future time. This is obviously impossible in what is likely to be a dynamic economy.... The idea that all people who speak the same language and constitute a majority whether in a village or a Taluka, should be attached to the Homeland, will do immense harm to our national growth.
and must, therefore, be rejected un-equivocally." (25)

So the States’ Reorganisation Commission decided that District should be taken as the unit for the purpose of reorganisation. They observed: "In our scheme of reorganisation, we have adopted the District as the basic unit for making territorial readjustments. This is because we feel that districts have developed an organic and administrative unity and an economic life of their own, and any adjustment below the District level, therefore, should normally be avoided. If any such adjustments are considered necessary, they should be made only by mutual agreement. We have departed from this rule only when, for ensuring geographical contiguity or for some other important administrative or economic considerations, detachment of part of a District has become imperative." (26)

Thus the above discussions reveal that in almost all the cases of formation of the linguistic States and the demarcation of their boundaries, the smallest unit adopted is either a district or a Taluka (in exceptional circumstances) and in no case a village. The then Union Home Minister, the late Pandit Pant, in the Lok Sabha during the discussion on the States’ Reorganisation Bill, while speaking on border adjustments said: "I would also
remind the Honourable Member that the Commission has laid down certain principles which were generally approved by the House and in the light of the criterion laid down by the Commission, they had carved out these various States. The Commission, in their report, laid down or rather defined these principles with great precision. Ordinarily, they were not prepared to transfer any area on the basis of less than a District. In special cases for overwhelming reasons, they were prepared to come down to Talukas. They had prescribed that so far linguistic proposals were concerned, they were not prepared to transfer any area on the basis of less than a District. They had prescribed that so far as linguistic proposals were concerned, they would not make any change where the percentage of the people speaking any language was below 70 per cent. It is in accordance with these principles that the Commission reached its decision. The Government has followed the decision of the Commission."(27) Thus the views of the States' Reorganisation Commission were fully endorsed by the Central Government and the Parliament put its seal on them. Similar views were expressed by the late Mr. B.N. Dutta, Minister of State for Home Affairs. Speaking in the Lok
Sahna on Andhra Pradesh and Madras (Alteration of Boundaries) Bill on November 23, 1959, he said: "The States' Reorganisation Commission laid down the doctrine that the District ought to be the unit. We had a very long and exhaustive debate in both Houses of Parliament and ultimately Parliament also has accepted this principle."(28) He further observed to the effect: "If at all any other persons or States desired that they should have a different criterion, then, when there is an agreed criterion, we are prepared to accept it. If there is no agreed criterion, then naturally, the views of the States' Reorganisation Commission, as accepted by this House are the final word."(29) Mr. Datar, continuing his speech, said: "In the absence of an agreement, it would be difficult to depart from what has been solemnly agreed upon by Parliament on the basis of the States' Reorganisation Commission Report."(30) Thus Parliament also rejected the Village-Unit formula. Another recent instance is the recommendation of the Punjab Boundary Commission. The Government of India appointed the Shah Commission on 23rd April 1966 for reorganising the State of Punjab into two States having cultural and linguistic affinities. The Government of India gave a direction to the effect that the existing Tehsils or Talukas should
not be broken up. This makes it clear that Deholil was
fixed to be unit. This direction was followed by the
Commission in its recommendations.

The Views of Mahajan Commission (1967)

The latest authoritative opinion against the Village-
Unit Theory is found in the observations of Mahajan
Commission. The One-Man Commission presided over by
the late Shri M.C.Mahajan, Ex-Chief Justice of India
examined the principles of the formula. Referring to
some adjustments of boundaries between the States of India,
he observed: "There has been no uniform pattern of unit.
It seems to me that there is no scientific yardstick in
deciding matters which concern huge population and their
well-being. I have not been able to discover any scientific
formula evolved by social or other sciences, that a
Village-Unit is a proper yardstick for attaining linguistic
homogeneity. No formula can be rigidly implemented and
there can be no scientific approach in such matters."(31)

Examining the Village-Unit Theory, he remarks: "In view
of the variation in sizes and population of the villages,
it is difficult to adopt rigidly the village unit formula.
It furnishes no scientific basis for resolving boundary
disputes. There must be some uniformity for treating any area as a unit. There is no such uniformity in the Village Unit Formula. Villages in the claimed areas are of different sizes, namely, with populations of 2, 4, 6, 7, 13, 14, 15, 16, 17, 20, 22, 25, 27, 33, 37, 43, 44, 49, 96, 100 and go upto a population of 6000. These villages have been formed on the basis of squatting. In matters of boundary adjustments, small units of this type cannot be considered and Parliament cannot be asked to change the borders of the States for villages of this type. Justice Mahajan disapproved the adoption of village as a unit. The Commission came to adopt a via-media formula known as the Tract Theory in order to accommodate the claims of Maharashtra. So he observed: "Where there is a sizeable compact tract where a language group predominates and the population is at least round about 20,000, that area may be considered as a unit for resolving the boundary disputes. One need not confine oneself to an administrative unit like a district or a Tehsil or a circle. All these have not been formed on the basis of linguistic homogeneity. Even villages were not formed on linguistic basis. Several language groups live in a village. Small villages having small populations and unstable speakers of a language group cannot be
considered as a basis for resolving a boundary dispute."

The view held by Mahajan Commission is more in the interest of Maharashtra. Because, it is calculated to transfer compact areas, smaller than a Taluka. The Village-Unit Theory is based upon the principle of linguistic homogeneity. It is not based on any sound principle. It has not been approved by any of the Commissions that considered the formation of linguistic provinces. It is not a panacea to the problem. The Village Unit theory, thus, stands discarded.

Appointment of One-Man Commission

The Government of Maharashtra requested the Government of India to take early steps to settle the border disputes after the failure of the Four-Man Committee to find out the solution. The agitation continued ceaselessly. But the claims of Maharashtra did not secure any support from Pandit Nehru and Pandit Pant. The deaths of Pandit Nehru, Pandit Pant and the Chinese aggression drew a temporary curtain over the problem. In the meantime, Shri Y.S. Chavan, the then Chief Minister of Maharashtra, had joined the Central Cabinet. He was in a much better position to influence on the then Prime Minister, the late Mr. Jagat Bahadur Shastri and the then...
Congress President, the late Mr. Kamaraj who had to depend upon their supporters. At last, the All India Congress Committee, in its Session, held at Bangalore in July 1965 resolved: "The All India Congress Committee considers that all efforts must be made to settle such disputes in matters relating to borders, river waters, etc., by mutual negotiations backed by a sincere desire to find fair and equitable solutions. In cases where such efforts do not succeed, the All India Congress Committee recommends that the Government of India do set up appropriate machinery for a speedy and final settlement of the disputes."(34)

However, the matter was deferred on account of Pakistani aggression and the subsequent death of the then Prime Minister, Mr. Lal Bahadur Shastri. Then Mrs. Indira Gandhi, on her unanimous election as the leader of the Congress Parliamentary Party, became the Prime Minister. In May 1966, the All India Congress Committee Session was held at Bombay. But the session offered a golden opportunity for Maharashtra to stage the border drama effectively. In the residential promise of the Maharashtra Chief Minister, the Octogenarian Congressman, Mr. Senapati Bapat undertook fast unto death. The Prime
Minister was prevailed upon to visit the place and to witness the pitiful sight of the fasting old man. She was virtually moved by this drama. It was in this mood that the emergent session of the working committee was called on the mid-night of May 23, 1966, at the instance of the Prime Minister. It passed a resolution to the effect: "A One-Man Commission is to be set up to decide the boundary dispute between Maharashtra, Karnataka and Kerala. The Commission is to be appointed by the Government of India in terms of the resolution of the Bangalore Session of the All India Congress Committee last July."

The then Chief Minister of Karnataka, Mr. Bijalingappa was opposed to the appointment of the Commission but he was prevailed upon on the ground that it was the only way to give finality to the question. The people of Karnataka had become restless and the popular opinion was bitterly opposed to the reopening of the border disputes. The voluntary Satyagraha was launched throughout all the parts of Karnataka. The attention of the entire country was attracted. The Congress Working Committee met again on July 5, 1966 and requested the Chief Ministers of the two States to have mutual discussion and to find out an amicable settlement of the problem within two months. Accordingly the Chief Ministers of the two States
had three different meetings but they adhered firmly to their previous stands. So they could not reach any conclusion. Hence the Working Committee met again at New Delhi on October 9, 1966 and passed another resolution. The text of the resolution reads as follows: "Taking into consideration the fundamental basis of the reorganisation of States in India and with a view to solve the existing boundary disputes of Maharashtra and Karnataka and Karnataka and Kerala, the Working Committee requests the Government of India to set up a Commission which shall hear the concerned parties and give its final decision."(36) Thus in this case, the Working Committee deviated from the principles laid down by the States' Reorganisation Commission and the States' Reorganisation Act 1956 which provides for deciding such issues through the Zonal Councils. Shri V.P. Naik, the then Chief Minister of Maharashtra, answering a question of the newsmen at New Delhi told them: "He was satisfied with the appointment of the Commission. The verdict of the Commission would be binding not only on both the States but on the Union Government as well."(37) He further told newsmen: "He was satisfied with the decision of the Congress Working Committee on the Maharashtra-Karnataka border dispute. There is nothing against us in this decision."
We are confident of our case and we are satisfied because it is going to be the final decision. (38) Mr. Sadiq Ali, the then General Secretary of the All India Congress Committee, at the time of briefing newsmen was asked whether the parties would abide by the decision of the Commission. Shri Sadiq Ali said: "When we say the decision of the Commission will be final, it will be binding on both the parties." (39) The Chief Minister of Karnataka, Shri Vishwanath Pratap Singh speaking to newsmen on his return from New Delhi, made it clear: "The report of the Commission would have to be the last word of the dispute. Afterall, how long can we go on fighting on such issues, he asked. (40) However, Karnataka, much against the wishes of the people, reconciled itself to the position on the expectation that by the report of the Commission, the border disputes would receive quiescence. Ultimately, on 25th October 1966, the Government of India appointed Shri Mehr Chand Mahajan as One-Man Commission for resolving the border disputes between the States of Maharashtra, Karnataka and Kerala.

Summary of the Mahajan Report

The Commission started functioning with effect from 15th November 1966. On 22nd November 1966, the Commission
issued a press communiqué inviting Memoranda suggesting solution for resolving the disputes. The Commission received 2240 Memoranda and interviewed 7572 persons individually and collectively at the various places. The Commission presented its report to the Government of India on 25th August 1967. It was finally released for publication on November 4, 1967. The following areas were claimed by the Government of Maharashtra in its Memorandum to the Commission.

i) 84 villages of the Taluka of Belgaum, in the District of Belgaum with a population of 2,20,309;

ii) 206 villages of the Taluka of Khanapur in Belgaum District with a population of 68,522;

iii) 10 villages in Athani Taluka of Belgaum District with a population of 20,858;

iv) 41 villages in Chikodi Taluka of Belgaum District with a population of 20,858;

v) 18 villages in Hukeri Taluka in the District of Belgaum with a population of 15,094;
vi) 50 villages in Karwar Taluka of North Kanara District with a population of 67,107;

vii) 131 villages of Supa Taluka in North Kanara District with a population of 17,451;

viii) 120 villages in Haliyal Taluka of North Kanara District with a population of 31,122;

ix) 28 villages in Humnabad Taluka of Bidar District with a population of 22,303;

x) 49 villages in Bhalki Taluka of Bidar District with a population of 47,879;

xi) 69 villages in Santpur Taluka of Bidar District with a population of 46,669 and

xii) 8 villages in Aland Taluka of Gulbarga District with a population of 4,978;

The Government of Maharashtra offered the transfer of the following areas to Karnataka.(42)

1) 65 villages in South Sholapur Taluka of Sholapur District with a population of 74,679;
ii) 9 villages in Mangalwedha Taluka of Sholapur District with a population of 8,479;

iii) 99 villages in the Akkalkot Taluka of Sholapur District with a population of 1,06,403;

iv) 44 villages in the Jath Taluka of South Sattara District with a population of 51,863;

v) 19 villages in Shirol Taluka of Kolhapur District with a population of 46,807 and

vi) 24 villages in Gadhinglaj Taluka of Kolhapur District with a population of 37,029.

In the result, 260 villages with a population of 3,25,260 were suggested to be transferred to the State of Karnataka from the State of Maharashtra while 814 villages with a population of 6,70,228 were claimed by the State of Maharashtra from the State of Karnataka. Similarly the Government of Karnataka laid claims to the following areas; (43) in its statement submitted to the Commission on 31st March 1967.

1) Gadhinglaj Taluka of Kolhapur District;

(Vide map No.5)
2) The Town of Sholapur;

3) The whole of the Taluka of South Sholapur in Sholapur District; (Vide map No.6)

4) The whole of the Taluka of Jath (Sangli District); (Vide map No.7)

5) The whole of the Taluka of Chandgad in the District of Kolhapur;

6) The whole of the Taluka of Akkalkot in Sholapur District; and

7) The Taluka of Kasargod in Kerala State.

The Government of Maharashtra pressed the argument before the Commission that the population figures of the 1951 Census should be adopted for deciding the fate of these areas and that 1961 census figures should be left out of consideration. They put forth the following reasons:

4) The census figures of 1951 were taken into account when the reorganisation of States on linguistic basis took place in 1956.
B) It would be appropriate to take those figures into account since the border disputes are off shoot of reorganisation. But Mr. Mahajan, examining the above reasons of the claims of Maharashtra, observed: "This would be against the very basic principle of the creation of linguistic States. It is a well established principle of law that in deciding any matter all subsequent events and changes so far relevant to the matter under enquiry have to be taken into consideration. In deciding this matter correctly, one has to take into consideration, the existing complexion of the town or the village." (44) With the help of the table Mr. Mahajan proved how Marathi predominant population in certain villages had vanished in 1961. Such villages cannot be transferred to a unilingual, Marathi State because in 1951 they were predominantly Marathi speaking. The following table (45) shows the villages which were predominantly Marathi in 1951 census but became predominantly Kannada in the 1961 census.
### Table

#### Percentage of 1951 and 1961 Census

<table>
<thead>
<tr>
<th>Names of the villages</th>
<th>1951 Census</th>
<th>1961 Census</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Marathi</td>
<td>Kannada</td>
</tr>
<tr>
<td>Kurihal (Belgaum)</td>
<td>97.7</td>
<td>..</td>
</tr>
<tr>
<td>Bellanki (Hoikeri)</td>
<td>98.3</td>
<td>1.7</td>
</tr>
<tr>
<td>Banki Basarikatti (Khanapur)</td>
<td>41.7</td>
<td>28.2</td>
</tr>
<tr>
<td>Ganeshpur (Santpur)</td>
<td>100.0</td>
<td>..</td>
</tr>
<tr>
<td>Jamalpur (Santpur)</td>
<td>97.0</td>
<td>3.0</td>
</tr>
<tr>
<td>Chapali (Supa)</td>
<td>100.0</td>
<td>..</td>
</tr>
<tr>
<td>Karjal (Mangalwedha)</td>
<td>99.1</td>
<td>..</td>
</tr>
</tbody>
</table>

Explaining the question of contiguity between border villages on one side or the other, the Commission observed: "It has been accepted that such units must satisfy the test of contiguity to the State claiming it. Such contiguity must be something more than a mere geographical contiguity of lands. It must ensure free mobility and intercourse of the people speaking a language since the question under consideration is the transfer of population. The test is whether the people of the two units have normal facilities to meet each other, have reasonable connection by roads and that there are no natural barriers such as hills and forests to separate them. Two units which have no means of communication or where geographical boundary runs through a dense forest or over a steep hill and the inhabited areas and cultivated areas on either side are far away from the geographical boundary, there is no real contiguity."(46)

Maharashtra claimed certain areas on peculiar grounds and hence it would be better to examine the feasibility of their demands in the light of expert views.
Belgaum Problem

Among all the claims of border areas, Maharashtra has given overwhelming importance to the problem of Belgaum City and Belgaum District, on certain grounds. (Vide Map No.8). Belgaum City is the main target of the Maharashtrians. The entire border trouble during the course of past 20 years is centred around this city. Maharashtra advanced the following reasons for claiming Belgaum city. The Memorandum on Maharashtra-Mysore Border Dispute observed: "As regards the Belgaum city, it has always been a Marathi-majority. The first Panch Committee for Belgaum was set up on the 1st December 1851 and a Municipality was set up in 1853. The records of the Panch Committee from 1851 as well as the records of the Municipality from 1853 have all along been kept in Marathi."(47) The Memorandum further stated: "The Belgaum city and the surrounding Marathi tract have vital economic connections with the important commercial centres of Maharashtra like Bombay, Poona, Kolhapur, Sangli, Ratnagiri etc., and particularly with marketing centres in the South Konkan which has no rail connection. Belgaum provides road communication and marketing facilities for export and import for the Ratnagiri
District. The trade link with the Ratnagiri District is established by two routes - one via Kolhapur and the other via Sawantwadi and Vengurla. It is thus, a centre of transit trade for the Ratnagiri District."

In 1920, the Constitution of the Congress was amended and Congress circles were reorganised on a linguistic basis. The whole of the Belgaum District including the city of Belgaum was included in the Karnataka Provincial Congress Committee circle. Similarly, at the Session of the Indian National Congress held at Kakinada in 1923, the Karnataka Provincial Congress Committee extended the invitation to hold its next Session in the Karnataka Province. The Congress Session was held at Belgaum in 1924 under the presidency of Mahatma Gandhiji. Making a reference to this historic Session, the Memorandum of the Government of Karnataka to Mahajan Commission remarks: "The place of the Session was designated as Vijayanagara, in proud memory of the mighty empire of Karnataka. The late Gangadhara Rao, Deshpande, the lion of Karnataka, was the Chairman of the Reception Committee and he welcomed the gathering to Belgaum as the principal town of Karnataka. No voice was raised against any of these. In fact till then,
There was no idea in the mind of any Maharashtrian that Belgaum was anything other than a Kannada area."

There was a great controversy in 1929 in Karnataka as to the advisability of the Marathi Literary Conference being held at Belgaum. The Kannada people suspected that it was an opportunity for a future claim to Belgaum by Maharashtra. The Kannadigas protested. There was a great tension between the two linguistic groups. The controversy was set at rest by tactfulness shown by the leaders of both Karnataka and Maharashtra. A resolution was moved in the Conference by Mr. V. C. Kelkar who was a great nationalist leader, King of Marathi letters and the right-hand man of Lokamanya Tilak. It was concurred by Mr. N. R. Gunjal, M.L.C. of Poona, Mr. B. V. Belvi and Mr. G. B. Deshpande, Advocates of Belgaum. The text of the resolution reads as follows: "Whereas the Marathi controversy now raging in Karnataka is undesirable in all respects and whereas in the opinion of this Conference, it is highly expedient in the interests of both parties to settle it amicably as early as possible. This Conference do hereby resolve:

1) that the District of Belgaum is a part of Karnataka and that in this District Kannarca is the
predominant language i.e. the language of the majority.

2) that therefore the Marathi people in this District should give respect to it due thereto as the predominant language in the District.

3) that along with it the Konarese people in the District should extend to Marathi respect due to it as a sister language and grant due and necessary protection to it as the language of a minority in the District.

This Conference further expresses its desire that the Karnataka Literary Conference should also pass a resolution in terms of the principles embodied in Clauses (2) and (3) above and help it in maintaining good feelings between Karnataka and Maharashtra."

The Observations of States' Reorganisation Commission

In this connection, the observations of the States' Reorganisation Commission are quite pertinent. The States' Reorganisation Commission made a reference to the problem of Marathi majority in Belgaum District and observed:
"Para 347: The Chandgad Taluka of Belgaum District is predominantly Marathi speaking and it has been established as a result of the resorting of census slips that the Marathi majority in the Taluka is as high as 92.4 per cent. It can conveniently be administered by the State of Bombay and Karnataka should have no objection to this proposal."

"Para 348: As regards the remaining ten Talukas of Belgaum District, it has been claimed that two of them, Khanapur and Belgaum (including Belgaum town), as well as portions of Chikodi Taluka, have closer affiliations with the Marathi speaking Districts of Bombay than with the adjoining areas in the proposed Karnataka State. The Marathi majorities in Khanapur and Belgaum Talukas are slight, being 53.9 and 51.4 per cent respectively. Six out of the remaining seven Talukas are predominantly Kannada speaking, and in the seventh, namely Chikodi, the Kannadigas constitute the largest single language group. All the Talukas of Belgaum District have economic relations with both the Marathi as well as the Kannada speaking areas, which are chiefly in cotton and oil seeds. Neither the Belgaum town nor the other disputed areas, however, have any particularly marked economic
affiliations with the Marathi speaking Districts of Bombay. There is no case, therefore, for detaching either Janapur or Belgaum or portions of Chikodi from the rest of the Belgaum District."

Para 349: "It has been argued that the Belgaum town had an absolute Marathi majority and that due consideration should be given to this factor. Separate mother-tongue figures for this town were not compiled during the last census. In the past, it has, however, for a variety of reasons, attracted a stream of immigrants, from many areas. Even if it is admitted that this town has now a Marathi majority, in view of the very slight Marathi majority in the Taluka of Belgaum and the fact that economic relations are not particularly marked with any linguistic area, the future both of the Taluka as well as of the town should, more properly, be decided on administrative grounds. If as many as nine out of the eleven Talukas 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 the Belgaum Taluka, should also go to Karnataka." (51)
Similarly, Mr. Mahajan examined the contentions of Maharashtra in his report and expressed: "On the appreciation of the whole material and assessing objectively, I have reached the conclusion that I cannot recommend the inclusion of the city of Belgaum as it stands today, including the area of Shahapur and of Cantonment, for merger in the State of Maharashtra." (52) He gave the following reasons for the above decision.

Para 252: "The Marathi speakers in Belgaum city, Shahapur and Cantonment, which at present form the urban area, constitute 46 per cent of the population. In order to give the city lungs and room for expansion, I have included five villages, which are Marathi majority villages near about the city area but even with this addition, the linguistic percentage does not go above 47. Therefore, on the basis of linguistic gravity, Belgaum city along with Shahapur and Cantonment, cannot be transferred to the State of Maharashtra."

Para 253: "The total population of urban area with the five villages kept in the city, namely, Belgaum (rural), Madhavpur, Anagol, Wadagaon and Dhamne (South Belgaum) works out to 1,74,425 out of which speakers of
Marathi language are 33,672 and speakers of Kannada language are 46,793 and speakers of other languages constitute the rest of which about 25,000 are Muslims. For the benefit of 83,672 Marathi speakers, I do not find it just and equitable to throw over 90,000 non-Marathi speakers into unilingual State of Maharashtra. 46 or 47 per cent speakers of one language group cannot carry with it 54 per cent of other language groups."

Para 254: "Geographically also, Belgaum town is situated on the border of the Marathi predominant compact area to the West of it and to the South-West of it. In its North, East and South is the Kannada predominant area."(53)

Para 256: "There being no linguistic gravity to include the city of Belgaum in the State of Maharashtra, I am in one with the States' Reorganisation Commission Report that the case of the city should be decided on administrative grounds."(54)

Para 262: "Great reliance has been placed by the Samiti and the State of Maharashtra on the trade relations of the city with the villages in the Marathi speaking
areas and the economic life of the city has been stated to be more with the Maharashtra area than with the Kannada area. A city like Belgaum with good climate and all possible amenities and conveniences, is bound to develop as a trade centre and villages in the rural areas, whether Marathi speaking or Kannada speaking or Urdu speaking, would bring its produce to the town where it finds that it can fetch good price, particularly when the roads and the bus services make it easy to travel to Belgaum from all about areas in the District of Belgaum. The common man is not concerned or bothered by the language phobia. It is only the political workers and particularly the Samiti workers whose sole aim is to carry certain areas to Maharashtra State and which came into existence only for this purpose and no other, and have been carrying on agitation for the inclusion of the Belgaum city in Maharashtra and have been creating a great deal of disturbance and trouble by appealing to the emotional urges of ignorant people who are interested in this issue. So long as bodies like this, whose sole wish is to propagate linguistic emotions, carry on their activities, these will prove in the ultimate, a great danger to the unity of the country. They all forget
the good principle of co-existence and tolerance. (53)

Para 269: "The result, therefore, is that I cannot recommend the inclusion of the city of Belgaum and the five villages round about it and the two villages of the industrial estate - Majagaon and Peeranwadi in the State of Maharashtra." (56)

Shri Anant Rao Chikodi, a Journalist of Belgaum submitted to Mahajan Commission, a Memorandum containing collection of opinions expressed from time to time by top-most national leaders and Maharashtra stalwarts about the undoubted and unquestionable alignment of Belgaum with Karnataka (Vide copy of the original Memorandum in Appendix No.VII)

Karwar-Haliyal-Supa Problem

The District of Karwar is popularly known as North Kanara District. In the three Talukas of this District - Karwar, Haliyal and Supa - Konkani is spoken by the people. The main plank of the claim of Maharashtra is based upon linguistic homogeneity. In support of their claim, they maintain that the Konkani language is a dialect of Marathi. On this basis, they want that the
figures in respect of the persons speaking Konkani language should be added to those speaking Marathi and the total thereof should be treated as Marathi speaking people. They rely on such combined figures to show that in the said three Talukas, there is a Marathi. But Marathi is a minority language in these three Talukas. Maharashtra puts forward the theory that Konkani is a dialect of Marathi, having no independent script. In fact, it is a hotly controversial point. There are three schools of thought about the status of Konkani language.

A) The first school puts forth the view that Konkani is a dialect of Marathi.

B) The second school asserts that Marathi is derived from Konkani.

C) The third school maintains that Konkani is an independent language, having no kinship with Marathi.

In the light of above different views, held by the three schools of thought, it would be better to examine the views of the scholars as quoted by both the Governments of Karnataka and Maharashtra in their
Memoranda submitted to the One-Man Commission. The Government of Maharashtra have relied upon the authorities like Dr. R.G. Bhandarkar, Dr. P.D. Gune, Dr. V.S. Sukthankar, Simeon Potter, Dr. Baburam Saksena, Dr. George Grierson, Mr. Max Muller, Dr. Suniti Kumar Chatterjee and quote from their works in support of their claims. The Memorandum of the Government of Maharashtra submitted to the One-Man Commission quotes the observations of Dr. George Grierson made in his book entitled Linguistic Survey of India, Vol. VII, Page 163: "The Konkani language is spoken throughout the Konkan from Malvan in the North to Karwar in the South. In the Kanara, Konkani is the home tongue of higher caste Hindus and partly also of the lower classes. It is the language of the Native Christians of North and South Kanara. Konkani is a dialect of Marathi and not a separate language. Both Marathi as well as Konkani have been derived from the common parent Prakrit." (57) Similarly the Government of Karnataka have relied upon some other authorities in support of their claim and hold the view that Konkani is an independent language. They have quoted several authorities in their Memorandum submitted to the One-Man Commission. They are the scholars like Dr. S. Jatre, Dr. P.B. Desai, Shri Govind Pai, Sri Kakshaheb Kalsekar.
Dr. B. A. Salestore, Shri Varde, Shri Jalwalkar, Shri George Moraes, Shri R. Purasbothama Mollya, Shri P. P. Ramaswamy Iyer and Shri T. P. Meenakshisundaram. The Memorandum of the Government of Karnataka makes a reference to the observations found in the book of Dr. S. M. Katro, Professor of Indo-Aryan philology entitled 'Formation of Konkani' wherein he says at page 152:

"Taking into account all the main features of Konkani, we may now definitely assign it to the South-Western group (having Marathi and Gujarati as its nearest of kin) with a tinge of the Central group (Hindi, especially in the dative post position - Ka). The differentiations noted in the formation of the direct singular of masculine nouns in their extended form and the divergent post positions for the dative clearly mark off Konkani as a separate language from Marathi, preserving in many respects an earlier stage of development. Its position as a separate language (and not a mere dialect) is thereby proved but phonological considerations show that both belong to a common parent Prakrit." (58)

Thus opinions differ among the eminent philologists and the great scholars regarding the status of Konkani. Even in the census enumerations, Konkani is treated as
an independent language and shown separately from Marathi. In the Report of the Census of India, 1961, it is observed: "Subsequent research of Konkani has badly shaken the notion that it is a dialect of Marathi. Konkani has now been sought to be classified as a separate language of the southern group and not a Marathi dialect as classified in the Linguistic Survey of India." (59) The observations of Mr. Mahajan made by him in his report are also quite pertinent in this context. The following is the text of his views expressed in different paragraphs:

Para 28: "Scholars, historians and linguists are sharply divided and some hold views which are almost diametrically opposite to those of others about Konkani."

Para 29: "After a deep and thorough study of the question, Dr. S.H. Kate, Professor of Indo-Aryan Philology has reached the conclusion that Konkani is a separate language from Marathi and not a dialect of the latter." (60)

Para 48: "Expert opinion about Konkani being a dialect of Marathi is sharply divided. As a layman, I will not venture to tread into a domain in which experts hold divergent views and to decide whether Konkani is a
dialect of Marathi or is so akin to it as to be regarded as Marathi. I have no hesitation, however, in deciding that Konkani speakers of those areas cannot be added to Marathi speakers for the purpose of giving Marathi language predominance and to give the Marathi speakers the benefit of the principle of linguistic homogeneity which would entitle them to take these villages to Maharashtra. There is plenty of material on the record that Konkani is spoken in different forms and in different ways and is not necessarily as a spoken language understood by all the persons who speak Marathi and vice-versa." (61)

Para 54: "The Konkani language has been treated as an independent language in the census operations from 1931 up to 1961. It is the best evidence of the fact that it is an independent language. It was at the instance of the Konkani people that the census authorities were obliged to record Konkani speakers separately. On the basis of language, there is no case made out to merge these areas in Maharashtra. The claim of the State of Maharashtra regarding the District of North Kanara is totally rejected. It is an admitted fact and cannot be denied that these three Talukas by themselves
have no contiguity with the existing border of Maharashtra." (62)

Problems of other Areas

Regarding the disputed areas of Chikodi, Hukeri, Athani and Khanapur Talukas of Belgaum District, Dhalki, Humnabad and Santpur Talukas of Bidar District, Aland Taluka of Gulbarga District claimed by Maharashtra and the disputed areas of Sholapur city, North Sholapur, South Sholapur, Mangalwedha, Akkalkot Talukas of Sholapur District, Jath Taluka of Sangli District, Chirol, Chandegad and Gadhinglaj Talukas of Kolhapur District claimed by Karnataka, the Commission adopted the common policy and decided the issues. Mr. Mahajan, in this connection, expresses: "The fundamental basis of reorganization of States is linguistic homogeneity. I have hold that the linguistic group claiming transfer to a unilingual State of any area or city should have preponderance in the population of the area or the city and that preponderance should be substantial and not of a slight nature or merely of fluctuating character. I have also hold that the percentage of population over and above 50 per cent and ordinarily 60 per cent should be regarded as
stable and if the population of language group is below this percentage, no change in the status-quo should be made."(63)

Kasargod Problem

The present Kasargod Taluka and the present Hosadurga Taluka - both formed one Kasargod Taluka until the reorganisation of States in India in 1956. Kasargod Taluka was a part of South Kanara District which was then in the Madras State. The States' Reorganisation Commission recommended the transfer of the District of South Kanara to Karnataka. But unfortunately, the whole of then Kasargod Taluka was cut off and joined to the newly formed Kerala State. The States' Reorganisation Commission while considering the case of South Kanara District in their report observed: "There is little justification for the Kerala claim to the whole of the South Kanara District. The Dar Commission had included only the Kasargod Taluka of South Kanara in the geographically contiguous area in which the Malayalam language is largely spoken. As a result of the resorting of concou slips, the language figures for this Taluka are now available. According to these figures, the Malayalam
speaking percentage is about 72. Though Kannadiga opinion in South Kanara conceded the claim of Kerala upto the Chandragiri river, administratively, it will be more expedient to join the whole Taluka to Kerala than to break it up purely on linguistic grounds."(64)

This cutting off was protested by the people of Kasargod Taluka, the people of South Kanara District and by the people of Karnataka. Within two months, after the reorganisation of States, the Kerala Government split up the old Kasargod Taluka in two separate Talukas - the southern portion being Hosadurg and the northern portion being Kasargod. It is quite significant that while doing so, the Kerala Government recognised Chandragiri and Payaswini rivers as the natural boundary between the two portions. In the southern portion, that is, in the present Hosadurga Taluka, Malayalam is the predominant language and in the northern portion i.e., in the present Kasargod Taluka, Kannada is the predominant language. The claim of Karnataka is restricted to the area to the north of the Chandragiri river which constitutes the present Kasargod Taluka minus the 8 villages (Bandadka, Kuttikole, Badadka, Kolathuru, Tekkila, Perambale, Chemnad and Kallnadu) which not only lie to the South of the river but are predominantly Malayali speaking.
The geographical location of Taluka reveals that Kasargod is contiguous to the State of Karnataka. The northern boundary of Kasargod Taluka can be reached within 7 miles from Mangalore. The southern boundary of Kasargod Taluka is within 30 miles from Mangalore. The rail distance between Kasargod and Mangalore which is the headquarters of South Kanara District is within 28 miles. Mercara, Mangalore, Puttur and Vittal which are the important towns of Karnataka have road connections with Kasargod, Fumbla, and Manjeshwar. But only one road connects Kasargod with the rest of Kerala in the south. Quite contrary to this, Kasargod town is 68 miles away from Cannanore, the present District Headquarters. The Government of Karnataka in its brochure on "Kerala-Korala Boundary Dispute" has furnished the following eloquent facts about Kasargod: "Kasargod Taluka has historical links with Karnataka. Kasargod Taluka originally formed the southern portion of the ancient Tuluva Kingdom of Kerala by the Chandragiriri river which was formerly called "Perumpula." The country to the north of the Chandragiriri river where Malabar ends is called 'Tuluwa'. The customs and land tenures are quite different in the southern portion and the northern portion of Kasargod Taluka. The rule of inheritance known as "Aliya Santana" or sister's-son-
lineage is prevalent amongst the Tulu people of Kasargod Taluka (north of river Chandragiri and Payaswini). It is followed by all the Old Tulu land owning, cultivating and labour castes. Whereas a different system of inheritance known as Marumakettayam prevails over the rest of Kerala. Land tenures in Kasargod Taluka are Malgeni, Chalgeni, Vaidgeni, Arwar, Ellidurwar, Kunki, Kettikattu, Kumari etc., same as those in the District of South Kanara. Elsewhere in Kerala, including Hosdurga Taluka, lying to the South of Chandragiri river the prevalent land tenures are Jencrnn, Inam, Unbhagam, Adina etc. From times immemorial, the trade relations of Kasargod Taluka have been close with Old Mysore and Coorg as also Puttur and Mangalore Talukas of South Kanara. There is a net work of roads connecting this area with those parts and it is from Mangalore that the various commodities needed by this area are imported. Similarly, vast quantities of foodgrains have to be imported from Coorg, Puttur and Mangalore. The official language of Kasargod Taluka has all along been Kannada. The revenue records in the villages are maintained in Kannada and Kannada alone. All the 109 villages officers consisting of Patels and Shanbhogues in Kasargod Taluka in the villages north of Chandragiri and Payaswimi rivers maintained the records in Kannada.
Administrative convenience, historical and political background, natural geographical feature, social and cultural unity, integrity of trade channels etc., all favour Kasargod Taluka being merged with Karnataka. Hence there is an agitation for merger of Kasargod Taluka minus eight Malayalam villages in the south in Karnataka State as this area constitutes an organic unity and forms one distinct geographical, political, social, economic and linguistic unit.

The Views of Mahajan Commission about Kasargod

There was President's Rule in Kerala State when the One-Man Commission presided over by Mr. Mahajan was appointed in 1966 for settling the dispute between Karnataka and Kerala in respect of Kasargod. The Commission invited memoranda suggesting solutions for resolving the dispute of Kasargod. But the Commission received a communication from the Government of India to the effect that the dispute between Karnataka and Kerala may be taken up later in view of the fact that members of Parliament from Kerala wanted that the same be postponed till a popular Government in Kerala is installed. A similar request was also made by the Kerala Government. The
Commission readily agreed for the same. When the popular Government began to function in Kerala in 1967, the Commission invited to put in their Memoranda. The Commission received 223 Memoranda regarding Kasargod and out of them 44 Memoranda were from Malayalam speaking people. But quite strangely, the Kerala Government did not submit any Memorandum and they kept away from the proceedings. Hence Mr. Mahajan was compelled to submit his report, in respect of Kasargod, on the basis of ex-parte evidence. Commenting upon the attitude of the Kerala Government, Mr. Mahajan in his report, observed: "The State of Kerala in spite of being requested a number of times declined to co-operate with the Commission and to submit its Memorandum to it, with the result that the enquiry conducted by the Commission both at Mangalore and at Kasargod has been ex-parte affair. The State of Kerala sent no observer to watch the proceedings during the Commission's sittings at both these places. Regarding the attitude of the Chief Minister of Kerala, Mr. Mahajan further expresses: "The Chief Minister of Kerala when requested by the Commission for his views replied that his Government would not submit any Memorandum to the Commission and that he would certainly meet the Commission
and discuss the matter if the Commission visited Trivendraum. He, however, gave to the Commission reasons for the decision of the Government. These being: "The present Kerala State was formed in 1956. The actual demarcation of the boundaries of this new State was the culmination of protracted discussions which continued for several months. It is true that a section of the people i.e., those whose mother-tongue is Kannada or Tulu or Konkani and so on, were dissatisfied. They have naturally been agitating for re-demarcation of the boundaries. The appointment of the Commission, it should be presumed, was the result of this agitation. The question however arises, would any decision taken once be reopened on the basis of agitation and agitation alone? If that is so, I am afraid, any decision taken in pursuance of recommendations made by the present Commission will also be reopened if there is an agitation. Is this what we are being led to? Reopening of questions once decided after protracted discussions can and should take place if the Government is satisfied that the earlier decision was wrong. On the other hand, the Government claims that the investigation to be made by the Commission now should be in accordance with the principles of the States' Reorganisation Commission. I am afraid that the totally unprincipled manner in which the
border question is being reopened, will lead to a further deterioration in the situation. For, if on the basis of any recommendation, which the Commission may make, the Government of India now comes forward with a re-demarcation of the Karnataka-Kerala border, it is likely to result in several Malayalam speaking villages going to Karnataka. I am, therefore, of the view that it is better to allow the present borders to continue since no other State borders are being re-demarcated."

Under the above circumstances, Mr. Mahajan wrote to the Government of India, explaining the attitude of the Kerala Government and sought instructions as to whether the Government of India would ask him to proceed with the case or whether they would withdraw the case of Kasargod dispute. The Government of India replied to the Commission that it might go ahead with the enquiry of the dispute. So the Commission investigated into the matter and expressed: "On the basis of the ex-parte enquiry held by the Commission, the conclusion is inevitable that the Kasargod Taluka, north of the Chandragiri river, should be transferred to the State of Karnataka."

But after the report of the Commission was released, the Government of Kerala expressed that the One-Man Commission's report is ex-parte and that
no weight should be attached to the recommendations. Such
an attitude is usually taken by a party which has no case.
The cry of ex-parte has no substance in the present case.
There was nothing to prevent them from taking part in the
proceedings. It is quite clear from the letter of the
Chief Minister of Kerala written to the Commission that
they deliberately and wilfully kept away from the proceed­
ings. Thus after expressing his views in respect of the
border disputes between the States of Karnataka, Maharashtra
and Kerala, Justice Mahajan made some recommendations for
the transfer of areas. (Vide Appendix No. VIII)

Reactions to the Report of Mahajan Commission by
Maharashtra

The initial reaction of the leaders of the Maharashtra
was spontaneously in favour of the acceptance of Mahajan
Report, when it was submitted by the Commission. Shri Vasant
Rao Naik, the then Chief Minister of Maharashtra, while
speaking to the Press Correspondents in the Aarey Milk
Colony Guest House, Bombay, on 14th September 1967 said:
"The Chief Ministers of Maharashtra and Karnataka had
agreed to abide by the decision to be given by the Mahajan
Commission before the Congress Working Committee. That is,
the recommendations of the Mahajan Commission are binding on us. Shri Bijalangappa's statement that he shall accept Mahajan's recommendations is not new. When the question came up before the Congress Working Committee, the two Chief Ministers had agreed between themselves to accept the recommendations rather than keep the whole issue pending from generation to generation. This point was not officially made public at the time of the appointment of the Commission for the single reason that constitutionally it is the Parliament which takes final decision on such issues. Copies of the Mahajan Report have not reached us so far. However, whatever the recommendations might be, they are binding on us."(68) It is quite clear from the above statement that the agreement to the acceptance of the recommendations was a condition precedent for the appointment of the Commission. But the Government of Maharashtra very soon, started repudiating its own solemn promises and began to criticise the report and even the Chairman of the Commission. The same then Chief Minister of Maharashtra, Shri V.P. Naik, at a Press Conference in Aurangabad on 14th October 1967 told newsmen: "The Report of the Mahajan Commission on the Maharashtra-Karnataka border dispute was not binding on the State Government."(69)
The Government of Maharashtra brought out a pamphlet entitled Maharashtra-Mysore Boundary - Mahajan Report - A Bundle of Inconsistencies. It was published with a view to decry the conclusions and the recommendations made by the Mahajan Report. In the preamble of the brochure, it is stated: "The Government of Maharashtra is unable to accept the Report of the Mahajan Commission as it consists of numerous contradictions, glaring inconsistencies and fantastic suggestions. The Report operates generally to the disadvantage of the people in border areas in question." (70) In the epilogue of the brochure, it is concluded: "Anyone would, therefore, appreciate that the recommendations of the Commission are not based upon any well-defined or coherent principles nor have they been uniformly applied to either State. The Report is full of factual errors, inconsistencies, double standards and fantastic suggestions. If the Report was not to have the above failings and shortcomings, Maharashtra would not have hesitated to accept it. The linguistic homogeneity is to be achieved for the welfare of the people. Even Shri Mahajan concedes that well-being of the people should be the supreme consideration for the adjustment of the boundaries. But in practice, he has failed to follow his own precept."
Maharashtra Government is confident that the Government of India and the Parliament will adjust these boundaries whereby the maximum well-being of the people will be achieved. Thus Maharashtra has shifted its stand resulting almost in a somersault. No one did ever dream that responsible men in authority would flout their own promises, turn back and eat their own words. Thus the problem pertaining to the adjustment of borders between Karnataka and Maharashtra, between Karnataka and Kerala has remained unsolved till today. The suggestions for the unsolved issues pertaining to the border disputes have been made in the last chapter.
FOOT NOTES


2) Ibid., Para 162, p.45.

3) Ibid., Para 235, p.66.


5) Ibid., Col. 2579.


8) Ibid., Para 9, p.5.


11) Ibid., p. 8.


14) Ibid., Cols. 2574, 2575.


19) Ibid., p.4.

20) Ibid., p.5.


24) Ibid., p.21.


26) Ibid., Para 291, p.81.
27) *Lok Sabha Debates*, Vol. VIII, No.19, printed
at the Government of India Press, New Delhi, 1956,
Cols. 2575-75.

28) *Lok Sabha Debates*, Vol.XI, No.35, printed at the
Government of India Press, New Delhi, 1959, Col.1187.

29) Ibid., Col.1189.

30) Ibid., Col.1191.

31) *Report of the Commission on Maharashtra-Kysore-
Kerala Boundary Disputes*, Vol.1, Chap.4, printed at the

32) Ibid., Chap.4, Para 13.

33) Ibid., Chap.4, Para 16.

34) *Congress Bulletin*, Nos. 7, 8, 9 printed at the

35) *The Hindustan Times*, dated 24-5-1966, New Delhi,

36) *The Times of India*, dated October 10, 1966,
Bombay, Col.3, p.1.


42) Ibid., Chap.3, Para 2, p.17.

43) Ibid., Chap.3, Para 3, p.18.

44) Ibid., Chap.4, Para 21, p.29.

45) Ibid., p.30.

46) Ibid., p.31.

48) Ibid., p. 112.


50) Ibid., Appendix E, p. 156.


53) Ibid., pp. 29-30.

54) Ibid., p. 32.

55) Ibid., p. 34.

56) Ibid., p. 39.


61) Ibid., p.46.

62) Ibid., p.50.

63) Ibid., p.52.

64) Ibid., Chap.1, p.18.


68) Ibid., Vol.1, Part IV, p.110.

69) Translation from Lok Satta, dated 15-7-1957, Marathi Daily, Bombay, Cols.1, 2, p.1.


71) Ibid., p.18.