

PART III
CHAPTER I

**AREAS OFFERED BY THE GOVERNMENT OF MAHARASHTRA
FOR TRANSFER TO THE STATE OF MYSORE**

The Bombay Government in para 14 of its memorandum submitted to the Government of India in 1957 for readjustment of boundaries between Bombay and Mysore States stated as follows:

“In the Akkalkot, South Sholapur and Mangalwedha talukas of Sholapur district, in Jath taluka of South Satara district and in Shirol and Gadhinglaj talukas of Kolhapur district there are compact areas wherein there is a preponderance of the Kannada-speaking people as against the Marathi-speaking people. . . . As in the case of Belgaum areas, here also the Bombay Government would suggest that the demarcation between the Bombay and Mysore States should be reviewed and the boundaries adjusted so as to transfer to the Mysore State contiguous Kannada-speaking areas.”

1.2. In Appendix ‘E’ annexed to this memorandum the number of towns and villages, their total population, linguistic percentages of the areas suggested to be joined to Mysore State, etc., are given :

Sholapur district :	South Sholapur taluka	65 villages	Population 74,679	Kannada-speaking 57%
	Mangalwedha taluka	9 villages	Population 8,479	Kannada-speaking 62%
	Akkalkot taluka	99 villages	Population 106,403	Kannada-speaking 68%
South Satara district :	Jath taluka	44 villages	Population 51,863	Kannada-speaking 72%
Kolhapur district :	Shirol taluka	19 villages	Population 46,807	Kannada-speaking 52%
	Gadhinglaj taluka	24 villages	Population 37,029	Kannada-speaking 67%
	TOTAL	260 villages	Population 3,25,260.	

1.3. The Mysore State in its reply to para 14 impliedly accepted the offer but suggested other additional areas for transfer from Bombay State to the State of Mysore.

1.4. In the memorandum submitted to this Commission on 31st March, 1967, the State of Maharashtra, while dealing with the Kannada majority areas in Maharashtra State in para 6-157 stated:

“The Government of Maharashtra would have no objection to the boundary being readjusted in these areas on the principles propounded by them in this memorandum provided those principles are equally applied in readjusting the boundary in the areas claimed by the Government of Maharashtra.”

1.5. The Mysore Government in its statement presented to this Commission on 31st March, 1967, in para 261 stated as follows:

“We should note here that according to the Government of Maharashtra there are within their State, 260 villages which are admittedly Kannada. This clear averment further implies that they are prepared to have them transferred to the State of Mysore. As this is a matter of admission, the Government of Mysore need not dilate or discuss anything about the merits of these areas, but they do claim them and are prepared and willing to take all such areas which are offered by Maharashtra.”

1.6. The Government of Mysore made additional claims to other areas of Maharashtra for being included in Mysore. These have been considered in separate chapters. However, in its rejoinder in respect of these additional claims, the State of Maharashtra in para 2.3 of its memorandum submitted to this Commission on 22nd May, 1967, stated as follows:

“The 260 villages having relative majority of Kannada-speaking population according to the Census of 1951 which the Government of Bombay had offered to transfer to the State of Mysore formed part of different talukas of different districts as follows:—

District	Taluka	No. of villages
Sholapur	South Sholapur	65
	Mangalwedha	9
	Akkalkot	99
South Satara (now Sangli)	Jath	44
Kolhapur	Shirol	19
	Gadhinglaj	24
TOTAL		260

It will be seen from this that in the Mangalwedha Taluka of Sholapur District and in the Shirol and Gadhinglaj Talukas of Kolhapur District, the Government of Mysore

have no additional claims to make and that the additional claims pertain to the whole of North Sholapur Taluka including the Sholapur City, the remaining 15 villages of South Sholapur Taluka, the remaining 25 villages of Akkalkot Taluka, the remaining 54 villages of Jath Taluka and the whole of Chandgad Taluka."

1.7. From what has been stated above, no dispute was raised between the two Governments about the villages offered by the Government of Bombay for transfer to Mysore State in 1957. The offer made was never withdrawn by the Government of the State of Maharashtra and it was in unambiguous terms accepted by the State of Mysore. (On 9th June, 1967, in respect of a certain number of villages in view of the Census of 1961, the offer made was withdrawn).

1.8. It was contended by Shri Nambiar appearing for the State of Mysore that as no dispute existed between the two Governments about these areas, the Commission had no jurisdiction to make its recommendations about them but should only note this fact in the report and leave it to Parliament to give effect to the agreed solution about these villages.

1.9. The argument is plausible but in view of the contention raised by the counsel for Maharashtra that the offer was made provided the principles on which it was based were accepted by the State of Mysore—that State never agreed to abide by the village unit formula advanced by the State of Maharashtra—certainly a dispute exists between the two States as to on what basis the border was to be adjusted. Moreover, in political matters and in matters of adjustments of borders between the States the rules of the law of contract about acceptance and offer and in respect of a completed contract between parties can hardly be made applicable. The Commission, therefore, has made its recommendations on the principles enunciated by it about these offered villages. In its view the acceptance was not in terms of the offer and it is not a mere matter of agreement between the two States. The ultimate decision of making adjustments between the two States rests with the Parliament and it is not bound to decide this matter in accordance with the agreement of States if it finds that it is not in the well being of the population concerned.

1.10. I have adopted a middle course in making my recommendations. I have neither accepted the Pataskar Formula in its entirety nor the district or the taluka unit formula with 70 per cent linguistic majority. I have held that before any areas are recommended for transfer from one State to the other, the area concerned should be a sizable one, say about 20,000 population, and the percentage of the linguistic group should be stable. In the light of these principles my recommendations in regard to the offered areas are being made.

1.11. During the enquiry a point was also made by some people that the offer made by the Bombay Government is not binding on the people of the villages offered as it was made without consulting their wishes. I see no force in this contention, as the Government is presumed to act on behalf of the people which have voted it to power.