

## **PART I—GENERAL**

### **CHAPTER I**

#### **INTRODUCTORY**

On 25th October, 1966, the Government of India appointed me as One-Man Commission for resolving the border disputes between the States of Maharashtra and Mysore and Mysore and Kerala. The Resolution was in these terms:

“Taking into consideration the fundamental basis of the re-organisation of States in India and with a view to solving the existing border disputes between the States of Maharashtra and Mysore and Mysore and Kerala, the Government of India hereby appoint a Commission consisting of Shri Mehr Chand Mahajan, former Chief Justice of India, which shall hear the concerned parties and make its recommendations.”

1.2. It was said that the recommendations be made after collecting information and ascertaining public opinion.

1.3. The Commission started functioning with effect from 15th November, 1966. It issued a press communique on 22nd November, 1966, inviting memoranda suggesting solutions for resolving the disputes and for fixing a new border line to achieve linguistic homogeneity.

1.4. The States were requested to put in a statement of their claims, the facts and figures supporting them and plans demarcating the suggested border. Members of Parliament and State Legislatures, individuals, associations and public bodies were also requested to send to the Commission their views on the matter along with plans of the border areas marked according to their suggestions by the 15th January, 1967.

1.5. In response to this request 2,240 memoranda have been received. The Commission also interviewed 7,572 persons individually and in groups at the various stations it held its sittings. They are tabulated in Appendices I and II, Volume II. The States of Maharashtra and Mysore stated that they were busy in connection with the General Elections to be held in February, 1967 and requested for extension of time at first till the 1st March, 1967 and later till the 31st March, 1967. They put in their respective claims and statements on 31st March, 1967. The enquiry was held up owing to the elections.

1.6. The Commission in order to appreciate the nature of the claims and to acquaint itself with the terrain of the border areas, their geographical situation and to have a broad view of the urban

and rural areas in dispute visited different areas in dispute at different times. A schedule of these visits, their dates and areas visited is given below :

SCHEDULE

<i>S. No.</i>	<i>Name of the Place</i>	<i>Date on which visited</i>
1	Belgaum town and suburbs . . . . .	23rd February, 1967.
2	Nipani town and surrounding villages . . . . .	24th February, 1967.
3	Khanapur, Haliyal and adjoining villages . . . . .	25th February, 1967.
4	Chikodi and Athni talukas . . . . .	26th February, 1967.
5	Karwar . . . . .	21st and 22nd March, 1967.
6	Belgaum . . . . .	23rd to 26th March, 1967.
7	Nipani . . . . .	27th and 28th March, 1967.
8	Poona . . . . .	5th to 9th April, 1967.
9	Bangalore . . . . .	19th to 21st April, 1967.
10	Bidar . . . . .	23rd and 24th April, 1967.
11	Gulbarga . . . . .	25th April, 1967.
12	Kasaragod . . . . .	15th May, 1967.
13	Mangalore . . . . .	16th May, 1967.
14	Kolhapur . . . . .	18th May, 1967.
15	Jath . . . . .	19th May, 1967.
16	Sholapur . . . . .	20th May, 1967.
17	Akkalkot . . . . .	21st May, 1967.

1.7. By a press note and communications to the Governments concerned it was notified in the first instance that the Commission will hold sittings in camera at Karwar, the District headquarters of North Kanara, and Belgaum and Nipani. It was said therein that individuals, associations, public bodies and all interested in the settlement of the problem can meet the Commission in those areas and acquaint it with their wishes personally. The representatives of both the Governments were permitted to watch the proceedings as observers.

1.8. A very large number of persons from urban and rural areas in dispute in the Districts of North Kanara and Belgaum responded to this invitation and were interviewed by the Commission. They also presented personally memoranda to the Commission during their interviews. The list of all those persons is given in Appendices I and II, Volume II, along with the memoranda presented by them in support of the claims of the contesting Governments or in repudiation of such claims.

1.9. On the second visit, the Commission held sittings at Poona and on the third visit, the Commission interviewed all those who had to offer their views in the Districts of Bidar and Gulbarga and also held sittings in Bangalore. Appendices I and II give the names of the persons interviewed and memoranda received.

1.10. As regards the claim of the State of Mysore to the taluka of Kasaragod, a request was received from the Members of Parliament representing the State of Kerala, requesting that the enquiry about this matter be postponed till a popular Government was formed in that State. The Commission allowed the request as it was considered very reasonable. The popular Government when formed was requested to send in its memorandum to meet the Mysore claim, but there has been no response from that Government. The Governor of Kerala was requested to inform the Commission what his Government's attitude was and the Commission was informed that the Government was in favour of the *status quo* and would not present its case to the Commission, but if the Commission visited the State, the Chief Minister and his colleagues would certainly meet it. The Ministry of Home Affairs was informed about it and directions were asked as to what the Commission should do in this matter. The Chief Minister of Kerala has in a letter to the Commission indicated the views of his Government on this issue.

1.11. The Government of Mysore put in a counter claim for inclusion of the town of Sholapur and taluka of North Sholapur in Karnatak. It also laid claim to the taluka of Chandgad and the whole of the taluka of Akkalkot apart from the villages that the Government of Maharashtra had offered for transfer to Mysore in the talukas of South Sholapur, Akkalkot, Mangalwedha and the talukas of Gadhinglaj and Shirol in the district of Kolhapur and the taluka of Jath in Sangli district. It further claimed the whole of the taluka of South Sholapur and the whole of the taluka of Jath. Towards the close of the arguments the State of Maharashtra modified its offer withdrawing certain villages from it and in places adding a few villages to the number originally offered. In order to appreciate these claims and the claim of Mysore to Kasaragod, the Commission visited Mangalore, Kasaragod, Kolhapur, Jath, Sholapur and Akkalkot and interviewed all persons of these areas who wished to offer their views about the disputed parts.

1.12. The Commission heard arguments of the parties in Delhi from 1st May, 1967 to 10th May, 1967, before visiting Mangalore and Kasaragod and Sholapur-Kolhapur areas. These arguments related to the claims of the Government of Maharashtra about the villages in the District of North Kanara, District of Belgaum and Districts of Bidar and Gulbarga. Arguments about Mysore's counter claims and about the additional claims of the Government of Maharashtra were heard at Ooty on 10th June, 1967 and subsequent days, as desired by the counsels appearing for all interested. In Appendices I and II, Volume II, the names of persons interviewed and memoranda presented are detailed.

1.13. During the final stage of arguments, Shri M. K. Nambiar, Counsel for Mysore, contended that the State of Mysore had in its memorandum accepted *in toto* the offer made by the State of Maharashtra for transfer of 260 villages in the different areas of that State which had preponderance of Kannada-speaking people and because of this offer and acceptance, the Commission had no jurisdiction to give its adjudication about these areas, that it should merely note these facts in its report and that the partial withdrawal of the offer

at the final argument stage should not be given any consideration. He added that in view of the offer and acceptance, the State of Mysore had led no evidence in support of its claim to these areas and if the Commission decides to adjudicate about these areas and to treat them within the dispute raised, the State of Mysore should be given an opportunity to produce evidence in support of its case. The Commission allowed this reasonable request and the State of Mysore was allowed to lead evidence by affidavits about its respective claims to these areas. An opportunity was given to the State of Maharashtra to put in any rebutting evidence as well. The submission of this Report was thus held up for about a month. The affidavits received for and against from the persons of these areas have been put in Appendix III, Volume II, and have been duly considered by the Commission.

1.14. As regards the case of Kasaragod taluka, the list of persons interviewed and memoranda received is given in Appendices I and II, Volume II.