

## CHAPTER IV

### METHODS OF APPROACH.

Before dealing with the individual disputed items I have been asked to lay down some general principles, by the application of which these disputes can be resolved.

4.2. It was argued that the fundamental basis of reorganisation of States in India was linguistic. I have no hesitation in accepting this contention. The State of Andhra in 1953 was formed on linguistic basis. The States Reorganisation Commission also demarcated unilingual States amongst others of Karnatak, Maharashtra and Tamilnad. Subsequently the States of Maharashtra and Gujarat were formed on linguistic considerations. When the Government of India decided to reorganise the present State of Punjab, it was done on linguistic basis. The direction given to the Commission was in these terms:

“The Commission shall examine the existing boundary of the Hindi and Punjabi Regions of the present State of Punjab and recommend what adjustments, if any, are necessary in that boundary to secure the linguistic homogeneity of the proposed Punjab and Haryana States. The Commission shall also indicate the boundaries of the hill areas of the present State of Punjab which are contiguous to Himachal Pradesh and have linguistic and cultural affinity with that territory. The Commission shall apply the linguistic principle with due regard to the census figures of 1961 and other relevant considerations. The Commission may also take into account such other factors as administrative convenience and economic well being, geographic contiguity and facility of communication and will ordinarily ensure that the adjustments that they may recommend do not involve breaking up of existing tehsils.”

4.3. The learned counsel for the State of Mysore argued that the present One-Man Commission had not been given any such direction or directions as were given to other Commissions in the past. He contended that the recital in the preamble of the Commission's charter “that the Government of India taking into consideration the fundamental basis of reorganisation of States in India” did not amount to a directive to the Commission. It indicated only the reason for the appointment of the present Commission. The Commission was left free to resolve the disputes not necessarily on linguistic basis. It could adopt the principles laid down by the S. R. Commission in settling the disputes or could evolve its own principles in determining it. It was not bound to demarcate these borders solely on the basis of linguistic homogeneity. Shri Misra appearing for the Samiti very correctly said that the linguistic principle should not be carried to an illogical and absolutely absurd conclusion.

4.4. On a proper construction of the charter appointing the One-Man Commission the inference is clear that the Commission has been told to settle the disputes principally on the ground of linguistic considerations as the States in India have been broadly reorganised on that basis. However, for reasons to be stated which may be of compelling nature, the Commission may take into consideration other factors, namely, communications, geographical conditions, administrative convenience and economic considerations and these may in some cases overweigh the linguistic considerations. This view of the matter was not really disputed by Maharashtra. Therefore, I take it that I have to settle this matter *prima facie* on considerations of linguistic homogeneity except for compelling reasons.

4.5. The Government of Maharashtra and those who supported its contention suggested that the dispute be settled by the application of a formula popularly known as the 'Pataskar Formula', i.e., by taking the village as a unit, its contiguity with the linguistic State and a bare majority of the speakers of the language in the village population, or a relative majority of one linguistic group with the contesting linguistic group. 'Island' villages of such speakers are not to be taken into consideration for merger in a linguistic State. Wishes of the people of the area are to be taken into consideration.

4.6. The States Reorganisation Commission's formula was of district as a unit, with 70% speakers of a language. This was the stand taken by the State of Mysore. It was suggested that in any case an area less than a taluka should not be taken as a unit, and the percentage of persons speaking the language of the State claiming it should not be less than 70% in the taluka.

4.7. In the history of India while demarcating areas on communal or linguistic basis different terminologies have been employed. When India and Pakistan were to be formed, the direction of Parliament was that the Boundary Commission appointed would demarcate majority Muslim areas to make the State of Pakistan. That Commission allocated predominantly Muslim districts to Pakistan. Where the districts were not predominantly Muslim, certain tehsils or even circles having a communal majority were allotted to Pakistan. The Bari Doab Canal tract which included three districts was treated as one area for this purpose. In a part of the tract, there was a Muslim majority but in the whole of it the Hindu and Sikh were in a majority, and the Commission treated that tract as one unit.

4.8. By mutual agreement between certain States certain villages were exchanged between them on the basis of village unit. The same thing happened when the State of Gujarat was formed. In the case of the division of the Punjab, the direction of the Government was that a tehsil be taken as the unit and it should not be broken up. That Commission departed from this direction and treated certain Block Samiti areas for effecting the demarcation.

4.9. Shri Misra appearing for the Samiti rightly conceded that a village could not be treated as a unit in isolation. This will not be a correct approach to the problem. He explained that when we

say that village should be taken as a unit, all that is intended to convey is that certain villages should not be refused to be included in linguistic State, merely because they do not form a taluka or a circle.

4.10. It seems to me that there is no scientific yardstick in deciding matters which concern huge populations and their well being. The decision is taken at the political level and is subject to political pressures. It may be the death of a person who has been fasting for the cause or it may be the threatened fast unto death of another person. To meet such political situations at the political level the leaders of the country evolve solutions and ask a Boundary Commission to demarcate areas according to their political decision. 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. Luckily in the appointment of this One-Man Commission, no yardstick of a tehsil or village unit has been laid down by the Government of India. No formula can be rigidly implemented and there can be no scientific approach in such matters.

4.11. The Government of Mysore were prepared to concede to Maharashtra predominantly Marathi-speaking areas contiguous to Maharashtra and situated within ten miles deep into the State. This concession based on ten-mile limit is also to my mind illogical. If a compact area predominantly Marathi-speaking and situated within 15 miles deep was found to exist, then how could on the ten-mile formula limit, people living within the next five miles tract be left in the State of Mysore. They did not suggest what areas they had in mind which they were prepared to transfer to Maharashtra. During arguments a line has been drawn by them on the plan indicating the number of villages on the basis of this formula. The Government of Maharashtra on their own formula has given a complete list of villages they are prepared to hand over to Mysore. The Mysore Government despite their willingness to adjust within ten mile limit of Maharashtra any predominantly Marathi-speaking areas have now claimed additional areas from Maharashtra, i.e., the city of Sholapur, the whole taluka of Akkalkot and certain other areas, though their main case was that *status quo* should be maintained. Consistently with their stand of *status quo* it seems rather strange that they are claiming a very large Kannada speaking area from Maharashtra and are also willing to make minor adjustments on the border within a ten-mile deep belt in the Mysore State. Consistency, however, is a virtue that cannot be insisted in matters political.

4.12. It seems difficult to accept the *status quo* formula on the latest thinking on linguistic lines in the formation of the States of Punjabi Suba and Haryana. There was a departure from the district unit and it was said that a tehsil should not be split up.

4.13. 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 up to a population of 6,000. So far as I can see these villages have been formed on the basis of mere squatting. Certain villages like Anagol have a population of 5,824, Madhavpur 4,901, Yellur 5,457, Vadgaon 3,023 and Halage 2,883. Area of one mile radius or 12 sq. miles to 15 sq. miles is the size of different villages. These are revenue units demarcated by revenue authorities just like a circle or a tehsil or a district.

4.14. When those who very strongly advocated the adoption of this formula were asked whether a village with a population of two persons speaking a particular language and situated on the border contiguous to a linguistic State should be transferred, the answer was emphatically in the affirmative. It is not possible to call this approach rational. In matters of boundary adjustments small units of this type cannot be considered and Parliament cannot be asked to change the border of States for villages of this type.

4.15. I have indicated elsewhere how villages change complexion. Between 1951 and 1961 Census a considerable number of Konkani-speaking villages became Marathi-speaking and *vice versa* and Kannada majority speaking overwhelming Marathi and *vice versa*. It is difficult to say how they will change complexion by 1971 or may have changed by now.

4.16. The basis of democracy is the Panchayati Raj system. The basic unit is a Panchayat area. Individual villages as well as groups of villages have been given Panchayats. In the various Panchayat Acts, a village is defined and is called a village even if groups of villages form one Panchayat. There may be 3, 5, 6, 7, 10, 12 or 16 villages in a group. All these villages having one Panchayat are defined as one village. This is the statutory indication of what a village unit can possibly mean. Minimum limit of population for forming a Panchayat ranges between 1,000 to 1,500. This is a more scientific approach than the Pataskar Formula. My view is that where there is a sizable 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 dispute. Such an area may well be joined to the unilingual State adjoining it. There can be no rigidity in its application. It seems to me that one need not confine oneself to an administrative unit like a district or a tehsil or a circle. All these have not formed on the basis of linguistic homogeneity. Even villages were not formed on linguistic basis. Several language groups live in a village. The area, however, should be compact and may include a number of Group Panchayats. Small villages having small populations and unstable speakers of a language group cannot be considered as a good basis for resolving a boundary dispute.

4.17. It was conceded by one of the learned counsels during arguments that if, say, about 10 villages Marathi-speaking on the border have alongside a number of as many as 20 villages Kannada-speaking and all these 30 villages form unit, they may be treated together on administrative grounds, because all the 30 villages taken together form a compact area.

4.18. An argument was raised about the position of uninhabited villages. Shri Nambiar argued that if a village is not habited, there is no question of adjusting it on linguistic basis as nobody is there to speak the language and such villages should remain in the State in which they had been placed by the S. R. Commission Report. On the other hand, Shri Sen urged that uninhabited villages should be with the owners who own the lands in those villages unless some other considerations outweigh and give different indication. Considerations of distance of the area and mixed ownership may come in the way of an uninhabited village being allotted to the State to which a habited village may be allotted, but if there is an uninhabited village forming a pocket amongst the predominantly linguistic villages of a particular language, then that village must go with the other villages to the unilingual State to which they are allotted. In my opinion this is not a matter which can be decided on any rigid principle. Each case of an uninhabited will have to be considered on its own merits and its geographical and other conditions along with the complexion of ownership of land in that village.

4.19. The contention of the Maharashtra Government that a bare majority or a relative majority is sufficient for merging an area in a unilingual State is not sound. The basis of fixed percentages—be it 70 per cent of the S.R. Commission or 60 per cent or so of the Shah Commission or may be even 56 per cent or 58 per cent considered elsewhere—is that the majority should be firm and stable. The S.R. Commission in the case of Khanapur taluka considered 53.9 per cent as slight and declined to allot it to the unilingual State of Maharashtra. This view seems quite sound because an unstable majority is bound to cause unnecessary trouble and hardship in the future. One per cent or two per cent majority of speakers of a particular language may change overnight or in the course of a year or by the time of the next census; then there would be no reasonable ground to keep such an area in a unilingual State and every time one trouble or other may be raised by people of one language group who want to get into their unilingual State. An unstable majority should never be considered in deciding any such problem. The recent elections to the various State Assemblies have demonstrated this fact. In certain State Assemblies the majorities are bare; the result has been that no stable governments have been

formed in such States and the Government changes overnight. The annexed table shows how unsound the proposition of a village unit scheme is and how composition of individual villages is liable to extraordinary fluctuations.

TABLE  
SHOWING FLUCTUATION IN THE CENSUS FIGURES OF THE CLAIMED VILLAGES FOR THE  
YEAR 1951 & 1961

Name of the Village	1951			1961		
	Percentage			Percentage		
	Marathi	Kannada	Others	Marathi	Kannada	Others
<i>Belgaum Taluka</i>						
Kudchi . . . . .	26.2	73.4		49.2	49.2	
Kanabargi . . . . .	31.1	66.3		50.4	47.9	
Mahalenhatti . . . . .	68.7	30.9		94.3	5.7	
Kurihal Kh. . . . .	97.7	..	2.3	26.3	73.7	
Bodkenhatti . . . . .	100.0	..		69.8	30.2	
<i>Chikodi Taluka</i>						
Rampur . . . . .	36.2	57.9		71.3	19.7	
<i>Kukeri Taluka</i>						
Bellanki . . . . .	98.3	1.7		..	99.6	0.4
<i>Khanapur Taluka</i>						
Bankibasarikatti . . . . .	41.7	28.2		..	74.1	25.9
<i>Santpur Taluka</i>						
Ganeshpur . . . . .	100	..		2.8	93.4	3.8
Jamalpur . . . . .	97	3		32.3	66.4	
Hakial . . . . .	27	71	2	..	100	..
Korial . . . . .	55	21	24	10.6	13.0	76.4
<i>Bhalki Tehsil</i>						
Mirkhal . . . . .	69	18	12	71.6	11.5	16.9

Name of the Village	1951					1961				
	Percentage					Percentage				
	Popu- lation	Ma- rathi	Kan- nada	Kon- kani	Oth- ers	Popu- lation	Ma- rathi	Kan- nada	Kon- kani	Oth- ers
<i>Haliyal Taluka</i>										
Domgiri	33	..	97.0	..	3.0	40	97.5	2.5	..	..
Shingatgeri	94	6.4	16.0	70.2	..	118	68.6	..	..	31.4
Mainal	18	..	5.6	..	94.4	69	37.7	60.9	..	1.4
Rayapattan	23	100	..	..	..	40	47.5	50.0	..	2.5
Vincholi	23	82.6	..	4.4	13.0	227	1.3	31.3	..	67.4
Amge	47	97.9	..	2.1	..	23	..	4.4	..	95.6
<i>Taluka Peta Supa</i>										
Bajar Kumang	76	80.3	3.9	15.8	..	341	48.4	34.0	0.6	17.0
Viral	49	12.2	..	85.7	2.0	54	100.0	..	..	..
Kevarle	90	13.3	..	86.7	..	132	99.2	0.8	..	..
Chaphali	45	100.0	..	..	..	217	39.6	54.8	5.1	..
Velip-Kumbeli	55	20.0	50.9	27.3	1.8	24	100.0	..	..	..
Pusheli	46	39.1	..	60.9	..	10	100.0	..	..	..
Vani	120	82.5	..	17.5	..	157	2.5	..	96.2	..
Varande	43	100.0	..	..	..	45	2.2	..	97.8	..
Kurandi	27	7.4	3.7	85.2	3.7	222	56.8	18.0	0.9	24.3
Virkhol	105	84.8	6.7	4.7	3.8	241	15.8	7.9	58.5	..
Kukre Kurwade	49	100.0	..	..	..	81	..	..	100.0	..
Pate	79	77.2	..	22.8	..	125	12.0	4.0	76.0	..
Khodli	93	2.2	..	97.8	..	284	98.2	..	..	1.8
Birode	156	4.5	..	95.5	..	97	50.5	..	49.5	..
<i>Akhalkot Taluka</i>										
Jainapur	25	..	84.0	..	16.0	259	0.8	32.4	..	66.8
<i>Mangalwedha Taluka</i>										
Karjal	107	99.1	..	..	0.9	188	..	100.0	..	..
<i>South Sholapur Taluka</i>										
Bandalgi	79	6.3	12.7	..	81.0	14	..	42.9	..	57.1
Khanapur	60	..	100.0	..	..	130	91.5	0.8	..	7.7

Name of the Village	1951					1961				
	Population	Ma-rathi	Kan-nada	Kon-kani	Oth-ers	Population	Ma-rathi	Kan-nada	Kon-kani	Oth-ers
Bhandar Kavathe .	2,966	13.2	76.5	..	10.3	4,005	54.2	37.0	..	..
<i>Jath Taluka</i>										
Walsang . . .	1,247	45.1	51.6	..	3.3	1,518	92.8	4.7	..	..
Nigadi Bk. . .	320	9.1	70.9	..	20.0	624	62.7	11.7	..	..
<i>Shivri Taluka</i>										
Lat . . .	4,916	31.1	64.6	..	4.3	6,868	91.4	3.8	..	..
Alas . . .	3,879	28.7	44.0	..	27.3	4,819	64.5	9.3	..	..
<i>Gadhinglaj Taluka</i>										
Hasur-Champu .	2,250	35.7	56.8	..	7.5	2,332	8.70	15.1	..	..
Hebbel . . .	1,903	8.9	88.7	..	2.4	1,998	75.3	24.3	..	..
Bugadikate . .	1,336	32.0	67.9	..	0.1	1,644	74.4	25.2	..	..

4.20. It seems to me that the Bombay Government accepted the view of the States Reorganisation Commission that 53.9 per cent majority of Marathi-speaking people in the Khanapur was slight. I say so because in the claim that they made in 1957, they did not claim the whole of the Khanapur taluka, as perhaps claimed before the States Reorganisation Commission on the basis of 53.9 per cent majority. On the other hand, they have only claimed 206 villages in the Khanapur taluka where the majority of the Marathi population is considerably higher than 53.9 per cent. In these circumstances it seems to me that the present contention that a bare majority should be taken as the guide line to decide the fate of the disputed areas is untenable.

4.21. Another argument, that has been pressed by the Government of Maharashtra and those who supported its view is that the decision regarding the fate of the areas claimed should be decided only on the basis of 1951 Census and that 1961 Census should be left out of consideration. This seems to me a very desperate argument. Logically it comes to this that the present population of these villages and towns has to be ignored and the population as it existed in 1951 though part or whole of it may have died out, has to be taken into consideration to effect the transfer. It may well happen that in 1951 in a certain village or town the Marathi-speaking people were in a majority of 6 per cent to 8 per cent but by the next census the Kannada-speaking persons have become a majority of 5 per cent to 8 per cent and the Marathi majority has diminished. How could a Kannada majority village then be transferred to a unilingual



Marathi-speaking State. 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. The 1951 Census was made six years before the claim of the Government of Bombay was lodged. On the other hand, the 1961 Census was made four or five years after this. That seems to give a better indication of the complexion of the various villages and towns though some six years have elapsed and it may well be that the complexion has changed here and there. On the material that has come before me, it appears that the 1961 Census is a better guide in determining the points that have been referred to me but it does not mean that 1951 Census is not also to be taken as a guide and as a piece of evidence. The annexed table shows how Maratha predominant population in certain villages has vanished in 1961 and the villages wholly inhabited by Kannada speakers. How can such villages be transferred to a unilingual Marathi State because in 1951 they were predominantly Marathi speaking?

TABLE  
SHOWING THE VILLAGES WHICH WERE PREDOMINANTLY MARATHI IN 1951  
(CENSUS BUT BECAME PREDOMINANTLY KANNADA IN THE 1961 CENSUS)

Name of the Villages	1951		1961	
	Percentages		Percentage	
	Marathi	Kannada	Marathi	Kannada
Kurihal Kh. (Belgaum)	97.7	..	26.3	73.7
Bellanki (Hukeri)	98.3	1.7	..	99.6
Banki Basarikarti (Khanapur)	41.7	28.2	..	74.1
Ganeshpur (Santpur)	100.0	..	2.8	93.4
Jamalpur (Santpur)	97.0	3.0	32.3	66.4
Chapali (Supa)	100.0	..	39.6	54.8
Karjal (Mangalwedha)	99.1	..	..	100.0

4.22. Again on the question of contiguity between border villages on one side or the other, 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 the 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. Contiguity of a forest on one side or a hill on the other cannot be considered as contiguity to

bring about homogeneity of the people, particularly when the distance between the villages is 8 to 10 miles, with a large forest area intervening and there are no reasonable communications. Such contiguity produces no linguistic homogeneity and transfer in such cases would mean transfer of territories from one State to another. In one case it would be transfer of 93 per cent of the total area of the taluka, the inhabited area being only 7 per cent.

4.23. As regards the counter claim of the Government of Mysore, so far as I have been able to see the taluka of Akkalkot was claimed by Mysore in the Two-Man Boundary Committee Report and that brings the taluka in the ambit of the existing dispute. Similar is the claim for the taluka of Jath. When one has to decide how many villages have to be transferred to Mysore as Kannada-speaking villages, the matter requires investigation, and has been so investigated. As regards the town of Sholapur, the claim was not made at any time. The same is the case with regard to the claim to Chandgad taluka, which the S.R. Commission included in Maharashtra on the ground of 92 per cent majority. Be that as it may, I have made the enquiry and will indicate my decision in individual cases hereinafter. During arguments the Government of Maharashtra put in an additional statement giving up its earlier claim to certain villages and claiming additional villages on the basis of 1961 Census.

4.24. The formula of relative majority percentage beats my comprehension. I asked questions whether it would be reasonable or rational to transfer areas where the percentage of population is, say, 20 per cent Marathi-speaking, 10 per cent Kannada-speaking and 70 per cent other groups like Urdu etc., to a unilingual Marathi-speaking State. It would mean that 20 per cent people of one language group as compared to the other language groups can ignore the 70 per cent population and take them to their linguistic State. This will be an incorrect way of looking at this matter, because a big population of minority language groups would get into unilingual linguistic State and would reduce the percentage of the speakers of that language group in the State. Therefore, I have no hesitation in rejecting the relative majority percentage formula suggested before me by the Government of Maharashtra.

4.25. To one of the learned counsels during the arguments I put the question whether a village whose population was 100—8 per cent Marathi-speaking, 7 per cent Kannada-speaking and the rest Urdu-speaking—should be merged in Maharashtra on the ground of relative majority formula. The counsel promptly answered in the negative. Logically speaking, his answer should have been that it should merge in Maharashtra, because the relative majority between the Marathi-speaking and the Kannada-speaking was 8 per cent. In order to judge the validity of an argument, it is a well-established rule of interpretation to see whether the argument pushed to its logical conclusion does not lead to absurdity. It was in this view that the learned counsel gave the answer in the negative. He, however, suggested that the formula of relative majority may not be pushed to its logical conclusion but it may only be adopted for

demarkating linguistic majority areas where there was a high percentage of one group over the other. Be that as it may, I am, however, of the opinion that when even the bare majority is not sufficient to merge areas in a unilingual State, it is difficult to hold that a relative majority of one language group in a certain village or area should be taken into consideration in resolving such disputes.

4.26. One of the solutions suggested during arguments for reducing the difficulties of minorities experienced by them in a unilingual State was to give them option of migrating to the unilingual States of their choice. All Marathi-speaking people in these villages may be given the option to settle in Maharashtra and similarly, the Kannada-speaking villagers in Maharashtra may be given the option to settle in Karnatak. The transfer of population, if considered a good solution, will involve the problem of their lands and properties. The State Governments concerned will have to rehabilitate them and compensate them for their properties. I have a feeling that if given option, a good number will like to stay as they are and not a very large number will migrate. When India and Pakistan were formed a solution was suggested to a similar effect. It was not accepted, with the result that at least one crore of people shifted from one side to the other, leaving all that they had in their possession and the Governments of India and Pakistan had to face a big problem of rehabilitation. Here the population is not more than a few lakhs—6 to 8 lakhs—and it may not be difficult to accept the solution and to eradicate this trouble of minorities and of adjusting the State boundaries whenever such a situation arises. On the inter-State level compensation and even transfer of some parts of territory may well be considered. Otherwise, any solution suggested by me is bound to leave considerable minority in one State or the other, but if the Commissioner of Linguistic Minorities functions and the States implement his decisions, all the difficulties that the minorities experience can be eliminated.

4.27. I have in the concluding part of the report suggested certain changes in the existing borders between the two States but I strongly suggest that whenever populations of one language group have been left in another linguistic State, areas inhabited by such population should be made strictly bilingual. Minority language groups in these areas should have all the facilities provided by the Constitution for bilingual areas.

4.28. It is in my charter that I have to consult public opinion in the matters on which I have been asked to report. As I understand the reference, I have to take into consideration the public opinion at the time of my enquiry and not the opinion that the people may have held in the past. Public opinion is never stable or static. It changes according to the circumstances of the time and locality. I have interviewed a very large number of persons from disputed areas to ascertain their views. I will indicate my impressions when dealing with individual items of the claims. It was very strenuously urged that the results of elections in 1957, 1962 and 1967 were the best guide to ascertain the wishes of the people. It is no doubt true that in these elections the Maharashtra Ekikaran Samiti fought

the elections on the basis of the linguistic homogeneity, and won these elections. In certain areas in the 1967 elections it did not wholly have its way. It will certainly take into consideration this fact while making my recommendations, but I do not think that the election results are conclusive on this point. Different considerations weigh with the voters at the time of the election and these are well known. In these elections the Congress did not join issue with the Samiti on the basis of language. It fought the elections on the manifesto of the Congress Party which did not refer to this question. The results of elections, therefore, in such a situation cannot be taken as a very safe guide of public opinion. Similar considerations apply to the election results in various bodies like the Municipalities and the Taluka Boards. If a poll had been taken on the disputed areas as in Goa, result may well have been different.

4.29. The States Reorganisation Commission also considered the question of the wishes of the people. They observed that the Dar Commission was disinclined to impose the wishes of the majority of the people upon a substantial minority of people speaking the same language. Various bodies who previously went into the question of reorganisation of States attached importance to the wishes of the people in varying degrees. It was said that some of the memoranda received by that Commission, particularly those received from small units, seek the perpetuation of these units on the ground that this would meet the wishes of the people. It is not possible to ascertain with any measure of definiteness what the real wishes of the people in these areas are. It is also clear and it cannot be denied that in a democratic country the wishes of the people of even small areas are entitled to the fullest consideration. But it is equally undeniable that such wishes must be subject to some essential limitations. The wishes of the people of different areas as a factor bearing on reorganisation have, therefore, to be considered together with other important factors such as the human and material resources of the areas claiming statehood and the wishes of *substantial minorities*. I agree with this view. In certain areas claimed by Maharashtra, there are substantial minorities coming up even to 40 per cent and they are all opposed to the claim of Maharashtra.

4.30. Shri Nambiar, counsel for the State of Mysore, argued that in a Federal Union, one State cannot claim the territory of another State; that the present claim of the Maharashtra Government to over 3,000 sq. miles of area from the State of Mysore amounted to a claim of territories allotted to the State of Mysore by the S.R. Commission and the Parliament; and that it, in essence, is not a border dispute but a territorial dispute and is outside the ambit of section 21(2)(b) of the States Reorganisation Act, under the cover of which the claim was made by the Government of Bombay. He contended that the proper forum of such a dispute was the Supreme Court of India and his Commission could not go into it. I am afraid, I cannot accept this contention. The border between Mysore and Maharashtra is not an international border. The whole of the disputed territory belongs to the Indian Union and is vested in it and has been allotted to different States by an Act of the

Parliament. The Parliament under the Constitution has ample authority to redemarcate the borders by enlarging or diminishing the area allotted to a State. It can even do away with the linguistic States and redistribute the country on a zonal basis. Article 3 of the Constitution is a complete answer to Shri Nambiar's arguments. Moreover, the argument is purely academic. This Commission's jurisdiction is derived from the resolution of the Government of India and any recommendation made by it will be considered by that Government, and if accepted will be laid before the Parliament by a regular Bill. It will ultimately be for the Parliament to decide whether it will redemarcate the borders between the States.

431. Shri Nambiar also argued that I should take into consideration the financial loss that Mysore will have to incur if the territories claimed by Maharashtra are handed over to it. According to him, Mysore will suffer a loss to the tune of Rs 133 crores as Belgaum area is a surplus revenue area. To my mind this consideration is not very relevant to the present issue. If any areas according to my recommendations are to be transferred from Mysore to Maharashtra and vice versa, then as between the two States if some problem arises, the Central Government will be able to make compensation or give grants as is usually done.

432. All the preliminary points raised during arguments stand decided in this part of the report. Now I proceed to make my recommendations on the individual items of the claims made by the two Governments.

