

## CHAPTER VIII

### SOME OTHER FACTORS

221. The wishes of the people, to the extent they are objectively ascertainable and do not come into conflict with larger national interests, should be an important consideration in readjusting the territories of the States.

222. The Nehru Committee regarded "the wishes of the majority of the people" as one of the two important considerations which should guide the redistribution of provinces, the other being the linguistic principle.<sup>1</sup> But the right of self-determination, which the Committee conceded, was subject to the important condition that its exercise should not "conflict with any other important principle or vital question".<sup>2</sup>

223. 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".<sup>3</sup> It felt that the question of the formation of linguistic provinces was of such national importance that it could not be decided with reference to the wishes of the people who wanted these provinces, without taking into account the repercussions which they would have on the country as a whole.<sup>4</sup>

224. The J.V.P. Committee admitted that if public sentiment insisted on linguistic redistribution, it would have to be respected, "but subject to certain limitations in regard to the good of India as a whole"<sup>5</sup> and certain other conditions which included general agreement on the changes proposed.

225. It will be apparent that, while the bodies which previously went into the question of reorganisation of States, attached importance to the wishes of the people in varying degrees, none of them conceded the principle of self-determination without subjecting it to certain limitations.

226. Some of the memoranda received by the 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. Assuming, however, that, in such cases, the majority of the people want the maintenance of the existing units, it has to be considered how

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<sup>1</sup>. Report of the Nehru Committee, All Parties Conference, 1928, p. 63.

<sup>2</sup>. *Ibid.*, p. 63.

<sup>3</sup>. Report of the Linguistic Provinces Commission, para. 10.

<sup>4</sup>. *Ibid.*, para. 148.

<sup>5</sup>. Report of the Linguistic Provinces Committee, Congress, P. 15

far a unit which, on financial, administrative or other grounds is incapable of survival as a constituent unit of the Union, can be sustained purely on the ground that the majority of the people are disinclined to a disturbance of the *status quo*.

227. So far as the component parts of the Indian Union are concerned, there can be no question of the right of self-determination being exercised regardless of all other factors and circumstances. It may be recalled that when the former princely states were merged, the right of self-determination was demanded for these states by certain sections of public opinion. This was not agreed to on the ground that these units were incapable of survival as viable administrative units.

228. 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. Thus, for instance, if the principle of self-determination were to govern the internal reorganisation of States, there will be no limit to the possible demands for separate States. Every linguistic or other minority group might demand a State for itself, and the wishes of the people could be swayed by purely temporary considerations. The acceptance of such demands would lead to the division of the country into a large number of small units. 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 state hood, the wishes of substantial minorities, the essential requirements of the Indian Constitution and the larger national interests.

#### **Historical factor**

229. It has been urged in some memoranda that a common historical tradition fosters a sense of kinship and oneness and that common history, therefore, should be regarded as a factor relevant to the reorganisation of States.

230. The important part that historical association plays in creating a common consciousness cannot be denied. But in redrawing the political map of India, the question before us is, should the guidance come from the local or regional history or from the cardinal lessons of the history of the whole of India? While the history of an area, considered in isolation from the other currents of Indian

history, may indicate only the past boundaries of the States in the area or the past associations of its people, our national history tells us that the unity and strength of the country should be the first consideration. Besides, historical arguments are bound to be of doubtful validity because no conclusion could be drawn merely from the fact that the area proposed for retransfer to a State fell at one time within the administrative jurisdiction of that State. More often than not, every disputed area admits of more than one irreconcilable claim based on history, and obviously, the facts of the existing situation are much more important than the fact that in previous times the area concerned had a different administrative attachment.

231. Overemphasis on the historical factor is likely to lead to the growth of a sense of rivalry, exclusiveness and narrowness in different regions. This revivalism, which is the basis of many claims to statehood, is not in itself an evil thing so long as it is kept within bounds and is related to the main currents of Indian history. It has to be recognised, in respect of some of the States, that this is one of the basic factors governing regional spirit and not to take it into account may be somewhat unrealistic. The potentialities of the historical argument, for evil, cannot, however, be forgotten. While, therefore, we have been alive to the value of historical connections and links, we have not been disposed to attach undue importance to arguments based on them.

#### **Geographical factors**

232. Geographical contiguity of units is undoubtedly essential for administrative convenience. Contiguity, however, it must be emphasised, does not necessarily imply or involve the need for a geographical frontier, although in some of the memoranda special emphasis has been laid on physiography and it has been argued that States should ordinarily be marked off by natural boundaries like mountains, rivers and water sheds.

233. It is claimed that there are certain areas which are regarded by different groups as "areal expressions" of the collective personality of these language groups, but the actual demarcation of territories on that basis is very difficult. In these conditions, apart from geographical compactness, physical geography can at best be a factor entitled only to secondary consideration.

#### **Administrative considerations**

234. Administrative considerations have already been discussed along with certain other principles bearing on the reorganisation of

State territories. Linguistic homogeneity, geographical compactness, alignment of communications ensuring easy accessibility from one area to another and the elimination of multiplicity of jurisdictions in areas, which administratively and economically constitute integrated units, are some of the objectives which have to be borne in mind from the point of view of administrative convenience. To the extent to which it is a relevant consideration, the question of the size of the State has also been examined earlier.

#### **Totality of circumstances to govern each case**

235. Before we conclude our examination of the principles which should govern the solution of the problem of reorganisation, it remains for us to indicate how the different principles proposed by us can be applied to each case. The problems of reorganisation vary from region to region. It has to be kept in mind that the inter-play for centuries of historical, linguistic, geographical, economic and other factors has produced peculiar patterns in different regions. Each case, therefore, has its own background. Besides, the problems of reorganisation 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 Dar 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.