

DEMANDS FOR FURTHER RE-ORGANISATION OF STATES IN INDIA V/S- A-V/S CONSTITUTIONAL PROVISIONS

By

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I – Introduction

India is the largest country in the world with the strongest “unity in diversity of religion, race, caste, sex, place of birth, place of residential, equality of opportunity in the matters of public employment or appointments to any office of state or center. There is no restriction that might be imposed on the using of any languages anywhere in India. The diversity of languages made India, what Michael Bracer called “*a Babel*” (a confused sound of voices) and for centuries the country could not emerge as a unified whole. Article 345 provides that the state legislature may by law adopt any one or more of the languages in use in the state or Hindi as the language or other languages to be used for all or any of the official purposes of that state. The states are left free to adopt any language to be used for official purposes”¹.

Prior to the setting up of the official language commission, the union Government constituted in the year 1953 the State Re-organization Commission to investigate the problem, in the Historical background and the then existing situation and to examine the issue of re-organization of States for striking a balance between the regional sentiments and the national interest. In its 1955 report rejecting the theory of “*One Language One State*” the commission recognized “*Linguistic Homogeneity as an important factor conducive to administrative convenience and efficiency*”² and recommended that the

political divisions of the state be drawn as far as practicable in accordance with the Linguistic demands. Consequent to the report of the Commission, the State Re-organization Act, 1955 was passed. The Act, provided for 14 States and 6 Union Territories. The Constitution (7th Amendment) Act, 1956 inserted in the Constitution all these changes and all other consequential and incidental commandments including the Amendments in the First Schedule and the Fourth Schedule, Clause (2) & (3) of Article 1 were Amended to the present form.

The Telangana area of Hyderabad was merged in Andhra and the State was given the new name “*Andhra Pradesh*” while other areas of Hyderabad were transferred to Mysore.

After considering all the relevant facts, the States Re-organization Commission (SRC) recommended that the component units of the Indian union be re-organized on the basis of language, that is, people speaking the same or similar language be grouped into one state. The Union Parliament passed in late 1956, the States Re-organization Act and the states were re-organized on the basis of language.

II Objectives of the Article:

The objective of the article is to examine the re-organization of the states, admission and establishment of new state in Union of India with special reference to the Telangana, and the powers of the Parliament to establish new states.

1. Article 345 of Indian Constitution.

2. Report of the S.R.C. 46 Government of India Publications 1955

III Historical Perspective of States by Separating a State from Existing States.

The basic structure of the Indian constitution may not be abridged or destroyed. This has been amply made clear by the Supreme Court in *Keshwanand Bharati v. State of Kerala*, (1973) case³. Therefore, the Parliament, Executive and the Judiciary all have to exercise their powers within the bounds of the constitution. All the people of India shall be given social, economic and political justice, equality of status and opportunity, equality before law and freedom of thought, expression, belief, faith, worship vocation association and action.

When India became free on August 15, 1947 the then existing British Indian provinces became part of India automatically, but the princely Indian states were given an option under the Indian Independence Act, 1947 to join either of the Dominions of India or Pakistan or to remain as independent⁴.

However, before the task of the Constitution making was over all the Indian states falling on our side of the frontier had acceded to the Indian union. *Some of Indian states such as Jammu & Kashmir, Hyderabad and Mysore retained their original Territories and became units of the Indian union as such*, some were merged together and given one identity, such as Rajasthan PEPSU and Madhya Bharath, some other Provinces such as Junagarh became part of the then existing provinces and became parts of the new states. When, on January 28, 1950, the Indian constitution came into force, all the territories of India, which had not gone to form Pakistan were consolidated in the union of India and were grouped under four categories:

Category A listed 9 States (which were formerly known as the provinces of British

India) and were called part A States⁵. In category B were listed 9 States (which were formerly known as the Indian states) and were designated as Part B States⁶. In category C were included 10 States (which were formerly centrally administered areas and were termed Chief Commissioner's Province or Small Princely States) and were designated as Part C States⁷. In Category D was listed only one state the Andaman and Nicobar islands and was called Part D State⁸.

The States in A and B categories were almost identical in status except that while the former were headed by Governor the latter were headed by a Rajpramukh. Category C states were placed under the direct control of the Union Government and were administered on a unitary basis. Category D⁹ State was under the Union Government which exercised not only complete executive authority but also legislative power.

Once the Republic had been founded in 1949-1950 the people began to clamour for linguistic homogeneity, and the state of Andhra was formed, more or less on linguistic basis on 1st October, 1953. This was given the status of "A" class State.

After considering all the relevant facts the SRC recommended that the constituent units of the Indian union should be classified only into two categories (a) States forming primary constituent units having a constitutional relationship with the centre on a federal basis. These units should cover virtually the entire

5. Section 2 of the Indian Independent Act 1947.

6. These were Assam, Bihar, Bombay, Madhya Pradesh, Madras, Punjab, Orissa, the united provinces and West Bengal.

7. These were Hyderabad, Jammu and Kashmir, Madhya Bharath, Mysore, Pepsu, Rajasthan, Saurashtra, Travancore – Cochin and Vindhya Pradesh.

8. These were Ajmer, Bhopal, Bilaspur, Cooch-Bihar, Coorg, Delhi, Himachalpradesh, Kutch, Manipur and Tripura.

9. These were Andaman and Nicobar

3. *Keshwananda Bharati v. State of Kerala*, (1973) 4 SCC

4. Section 2 Indian Independent Act 1947

country and (b) territories which for vital strategic or other considerations could not be joined to any of the States and should, therefore be centrally administered.

Keeping in view the recommendations of the SRC, Parliament passed, in 1956, the States Reorganization Bill and the states were re-organized largely on the basis of the language¹⁰. The distinction between Category “A” and “B” States was ended, and Category “C” States were abolished. Some of them were merged into the newly created states and others were re-designated as union Territories¹¹.

IV Demands for further Reorganisation of States

The Reorganization of States on linguistic basis did not solve the problem finally it made more complication to the states and Central Government. The aspirations of the people in the several parts of India for a separate political entity got a new impetus and in order to satisfy those aspirations they began to organize agitation in the form of mass demonstration, public meeting, processions, bands, gheraos, strikes and “Sakula Janula Samme”. The first such development took place in the state of Bombay.

V Bifurcation of Bombay

The SRC had recommended that Bombay should remain in bilingual State, that the Gujarati – speaking States of Saurashtra and Kutch and Marathi – speaking district of Hyderabad should be incorporated in Bombay and that the Marathi – speaking districts of Madhya Pradesh should form a separate State to be known as Vidharbha. But the Marathi – speaking districts of Madhya Pradesh were added to Bombay

and not made a separate state of Vidharbha¹². The aspirations of Marathi-speaking people of some districts of Madhya Pradesh is still complicated and did not solve their demands on the basis of language.

As a result, the Government of Bombay gave an assurance, on 14th March 1960, that the State Government would move to Nagpur for a definite period every year, that at least one session of the Assembly would be held there every year, that a separate development board would be setup for Vidharbha and that expenditure on development in the different regions would be in proportion to their population. This did not satisfy all the people of the Vidharbha region. They formed “Nag Vidharbha Andolan Samithi” to campaign for the creation of Vidharbha state.

VI Bifurcation of Punjab

In respect of the state of Punjab, the Re-organization Commission held the view that re-organization of Punjab “*far from removing internal tension, which exists between communal and linguistic and regional groups, it might further exacerbate the existing feeling*” and the formation of a separate Punjabi speaking State was not going to solve the communal or the language problem¹³. The success of the agitation for bifurcation of Bombay gave spur to the agitation for creation of a Punjabi Suba¹⁴. In 1966 the demand was conceded and the Punjab Re-organizing Act, 1966 was passed which bifurcated Punjab into a separate State of Punjab, comprising of the Punjabi speaking region, a separate State of Haryana comprising of non-Punjabi speaking areas, and the Union

12. D.C. Gupta, Indian Government and politics 8th Revised and Enlarged edition 1984. Reprint 2001 p.625.

13. Report of the State Re-organization Commission, P.146.

14. The agitation was led by the Akali Dal. Later on a demand was also made for the creation of a separate State of Haryana out of the non-Punjabi speaking region of Punjab.

10. See D.C. Gupta, Indian Government and Politics, 8th Revised and Enlarged edition 1984. (Reprint 2001).p.623.

11. Ibid. p.623.

Territory of Chandigarh, where both the new States were allowed to have their capitals.

The hilly areas of Punjab were transferred to Himachal Pradesh whose demand for full statehood was conceded in 1970¹⁵.

VII Demand for Bodoland

An All India Union of students and the Bodoland people's union demanded the creation of a separate state of Bodoland. At times the agitation became violent and aggressive, but neither the Government of India nor that of Assam was willing to concede their demand. On 20th February 1993, the three sides signed an agreement (the Tripartite Agreement) and it provided for the creation of an autonomous council within the boundaries of Assam, and the Bodoland's people still complicated and did not solve their demands.

VIII Gorkha State

The hill people of Darjeeling launched an agitation in April 1993 for the formation of a separate state for them. This was done by the Gorkha National Liberation Front. The agitation, however, did not get much momentum. It appears that with the grant of autonomy to the region inhabited the Gorkhas, the problem of Gorkha Law State has been solved to a great extent.

IX Demand for Bifurcation of Andhra Pradesh

On 31st August 1956 the Republic of India had passed the States Re-organization Act 1956 to come into effect from the 1st day of November 1956 providing *inter alia* for the disintegration of the State of Hyderabad and incorporating different parts of some other States. The relevant provisions of Act by which such a change was brought about and the disintegration of the Hyderabad State was done in the following manner:

Under Section 3 of the aforesaid Act the districts of Hyderabad Medak, Nizamabad, Karimnagar, Warangal, Khammam, Nalgonda and Mahabubnagar, a major part of the district of Adilabad and some parts of the other districts forming part of the existing State of Hyderabad and popularly known as Telangana were included in the State of Andhra which was named as Andhra Pradesh.

Under Section 7 of the aforesaid Act 1956, a new part A State of Mysore was formed including Gulbarga District except Kondangal and Tandur Taluks, Raichur District except Ahmadpur, Nilanga and Udgir Taluks and the portions specified in clause (d) of sub-section (1) of Section 3 in the existing State of Hyderabad and popularly known as Karnataka. By Section 12, the first Schedule of the Constitution was amended and new parts A, B and C were substituted for the pre-existing ones. The state of Hyderabad was excluded from B and Andhra Pradesh was included in Part A.

Under Section 8 of the Act 1956 a new Part A State of Bombay was formed including Aurangabad, Parbhani, Bhird and Nanded District (except Bichkonda and Jikka circles of Deglur Taluk and Mudhol, Bhainsa and Kubar circles of Modhol Taluk) and Islampur circles of both Taluk. Kinwat Taluk and Rajura Taluk of Adilabad District in the Existing State of Hyderabad and popularly known as Marathwada.

The effect of Sections 3, 7 and 8 of the State Re-organization Act was that parts of the existing state of Hyderabad *i.e.*, the State of Hyderabad existing on 31st August 1956 were carved out either to increase the area of another state or to form new States and there after *i.e.*, on 1st November 1956 the Hyderabad state was deleted from the first schedule.

The Hyderabad State was added to the Andhra State and renamed as Andhra

15. The State of Himachal Pradesh Act, 1970.

Pradesh State, part of the Hyderabad State along with parts of Bombay State and other states were formed into a new Part A, Bombay State and part of Hyderabad State along with the state of Mysore and Parts of other States were formed into a new Mysore State, exhausting by the process the entire area of the State of Hyderabad and by the amendment of the schedules the Hyderabad State are distributed among the different States was excluded from the schedule.

The State re-organization Commission had recommended in its report in 1955 that the multilingual State of Hyderabad should be broken up and the Kannada speaking areas thereof should be merged with the state of Mysore and Marati – speaking areas with the State of Bombay.

The commission has also recognized that there were strong arguments in favour of the union of the telugu speaking area of Hyderabad State (known as Telangana) with Andhra in a single telugu speaking State but the Commission did not suggest that step immediately because of the existence of the feelings among the people of telangana that they might be “*swamped and exploited*” by the more – highly educated people of Andhra¹⁶. The commission therefore had recommended a separate State, but that a provision should be made for its union with Andhra after the third general election “if a 2/3 majority of the legislative of telangana expressed itself in favour¹⁷.”

But the Union Government decided to unite Telangana with Andhra on the ground that resultant uncertainly would retard Telangana’s economic development. The leaders of Andhra and Telangana concluded in 1956 the following accord:

1. All members of the State Assembly from Telangana region would form

regional committee to deal with matters relating to that region.

2. The entire revenue from Telangana would be spent on the development of the region of course after meeting its proportionate share of the common expenditure of the State of Andhra Pradesh.
3. The recruitment to Government posts in Telangana region carrying a salary of upto Rs.500/- a month would be made for the five years only for the persons who have lived in Telangana for at least fifteen years.
4. When the Chief Minister of the State came from the Andhra the Deputy Chief Minister would be drawn from Telangana and *vice-versa*. On the basis of this agreement the State of Andhra Pradesh was reformed on 1st November 1956. In spite of an agreement way back of 1956 the disagreement was found to be in one form or another. The issue was not settled its dissatisfaction could be visualized recently in form separate Telangana agitation, with took in but the agreement did not work well, and the people of Telangana began to express their dissatisfaction and resentment, agitation, in the form of mass gheraoes, strikes and “Sakula Janula” Samme, voices were raised throughout the 1960’s that they should be separated from Andhra Pradesh and separate State of Telangana should be created

The than Chief Minister, *Brahmanand Reddy* and 44 M.L.A’s announced that all Andhra Pradesh posts reserved for the people of Telangana would be immediately transferred to Andhra region and all the vacancies there by occurring would be filled by qualified candidates from Telangana and that the revenue surplus from Telangana would be utilized only for the development of the region.

16. *D.C. Gupta*, Indian Government and Politics, 8th Edition 2001,p.628.

17. *Ibid*.

Parliament is empowered to enact a law to admit into the Union or establish new States on such terms and conditions as it thinks fit¹⁸. Under this provision Parliament cannot admit or establish a new Union territory. This can be done only by a Constitutional Amendment. Accordingly, constitutional Amendments had to be passed under Article 368 when Portuguese and French territories were taken over by the Government of India and admitted in to the Indian Union as Union Territories of Goa, Daman and Diu, Dadra and Nagar Haveli and Pondicherry¹⁹.

Parliament is empowered to enact a Law to re-organize the existing States by establishing new States out of the territories of the existing States, or by uniting two or more States or parts of States, or by uniting any territory to a part of any State or by altering their boundaries, or by separating territory from or increasing or diminishing the area of or by changing the name of a State²⁰.

Conclusion

The Re-organization of States on the linguistic basis did not solve the problem finally but it made more and more complication. The aspirations of the people in several parts of India for a separate state still were not met and the demands for separate States continue.

Today, the people are living in an era of Welfare States and the welfare of the people is the ultimate goal of the people to live uniformly. In the globalization era, the social, economic and political developments are required to be uniform and should reach the people in appropriate proportion, and it can promote the unity of nation and also

can try to prevent from disunity. The social, economic, political powers and constitutional benefits have not reached the downtrodden people and still they are awaiting such opportunities.

When the equitable development is not full-fledged within a certain period, the aspirations of the people will pave the way and encourage them to search a new way to achieve of their aspirations and this would be visualized in Telangana and other parts of India.

Recently the Uttar Pradesh former Chief Minister moved a resolution in the Vidhana Sabha for spitting the State of Uttar Pradesh into four States named Puranchal, Bundelkhand, Avadh Pradesh and Paschim Pradesh and it was passed by voice vote²¹. This resolution is a kind of challenge to the central Government. In the public opinion the said resolution is for political gaining in the election in the State of Uttar Pradesh.

Similarly the Government may formulate another *six point formula* for the whole country or any part of the country the aspirations of the People of the Telangana, Vidharbha, Bodoloand or Gorkha States their demands cannot be solved.

In the Telangana agitation, there is no working of religions, languages or ethnic regionalism sentiment. Since 1969's the demand of the Telangana state is a strong regional sentiment of Telangana people to separate Telangana. If the Central Government early steps were not taken to fulfill the aspirations of the Telangana people the problem will be continued further.

Therefore, the Government of India should formulate a new policy for the formulation of new States and alteration of areas, boundaries and names of existing States.

18. Article 2

19. Prof. M.P. Jain. Indian Constitutional Law 5th edition 2009 p.289.

20. The Hindu, Indian National News Paper dated 22.11.2011 p.1. See also Article 3 of the Constitution.

21. The Hindu, Indian National news paper, dated 22.11.2011. P.I.