

14.48 hrs.

**RESOLUTION RE: COMMISSION TO
ADJUDICATE BOUNDARY DIS-
PUTES BETWEEN THE STATES OF
ORISSA, MADHYA PRADESH AND
BIHAR—contd.**

Mr. Speaker: The House will resume further discussion of the Resolution moved by Shri Surendra Mahanty on the 13th September, 1958 saying that a Boundary Commission should be appointed to adjudicate upon the boundary disputes between Orissa and Bihar and Orissa and Madhya Pradesh taking village as a unit. Out of one hour allotted for the discussion one minute has already been taken and 59 minutes remain. Shri Mahanty may continue his speech.

Shri Nath Pal (Rajapur): As this is a very vital subject, I request that the time may be extended for this.

Mr. Speaker: We will see. If necessary, we will have half an hour more.

Shri Mahanty (Dhenkanal): It is with great hesitation and some mental reservation that I have ventured to bring this Resolution to the notice of this House.

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[MR. DEPUTY-SPEAKER in the Chair]

I did not move this Resolution in a sense of linguistic irredentism or with any sense of expansionism. I have been constrained to move this resolution out of our desire that justice should be done in a manner which has been extended to every other case. I have no intention to re-open the wound which is in the process of healing. But it does not mean that we would allow a septic focus to fester, to grow, under a thin crust of apparent good health.

Whatever might have been said against the linguistic States, the fact has to be remembered that today all the States in the Indian Union are patterned after the principle of linguism, barring only the State of Bombay. All other States in the Indian Union are linguistic States. It is a hard fact which cannot be ignored. We are looking forward to that day when the bi-lingual State of Bombay will also be divided into two linguistic States, i.e., Samyukta Maharashtra and Mahagujarat.

After having accepted that position, it is only fair and proper that the existing boundaries of the linguistic States should be adjusted on that basis, viz., the linguistic basis. In this particular context, I would like to invite the attention of this House to the injustice that the State of Orissa has been suffering from in this particular matter. It is well known to the House that this State once formed part of the Bengal Presidency and was lumped together with the States of Bengal and Bihar. After decades of struggle in 1936 a truncated State was created, viz., the existing State of Orissa. At that time the O'Donnel Commission, which had gone into the matter, did not consider all the matters in its proper perspective. So far as the areas in Madhya Pradesh were concerned, even though the Commission had agreed that some areas were predominantly Oriya speaking areas, still for some inexplicable reasons those areas were not transferred to the State of Orissa.

In the year 1948, as you know, the Princely order was liquidated and as a result of that liquidation 26 Oriya speaking States were integrated with the State of Orissa. Among these 26 Oriya States, were two States of Seraikella and Kharwan. The Rulers of these two States had signed the Instruments of Accession with the Government of India. It is clearly mentioned in the preamble of that Instrument of Accession that these two States being principally Oriya.

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speaking States and in view of administrative convenience, linguistic affinity, and so on, they considered that the best interests of the people will be served if these States were merged with the State of Orissa.

Now, here is an Instrument of Accession to which both the Government of India and the Rulers of those two States were parties, but then a controversy was started. I do not wish to go into the merits of that controversy, because that will be beyond the scope of this Resolution, but I believe the hon. Home Minister knows better than any one of us about the merits of those matters. I do not wish to take the time of the House by going into the merits of those things because, I believe, the hon. Home Minister is much better acquainted with those facts than possibly we are.

After that controversy had started, the Government of India in the Ministry of States had referred the matter to a tribunal consisting of Mr. Justice Bardekar of the Bombay High Court to examine the matter. The terms of reference, which were laid down by the Government, were to take into account, firstly, the wishes of the people, secondly, the linguistic and cultural affinity and thirdly, the administrative convenience. We had expected that the tribunal under Mr. Justice Bardekar will go into this question, this controversy according to these terms of reference and will give his award which will be binding on both the parties concerned. We do not know for what mysterious reasons the tribunal was withdrawn and why Mr. Justice Bardekar was not allowed to function. The tribunal never met.

Then the Government of India in the Ministry of States issued a communique saying that these two States for a temporary period have been integrated with the State of Bihar on account of administrative reasons. It

will be remembered—it is worth while to remember—that in any scheme of readjustment the wishes of the people must reign supreme. Therefore, rightly the Government of India in the terms of reference, which they had drawn up for Mr. Justice Bardekar's tribunal, had given the wishes of the people the pride of place. But the communique, which was issued by the Ministry of States later transferring these two States to Bihar took only one aspect of the question—a very minor aspect of the question—into consideration, viz., administrative convenience. When the matter was raised on the floor of the Constituent Assembly, the late Sardar Patel had replied that nothing was permanent in human affairs. We had looked forward with hopes that a day would come when the Government of India would consider the matter dispassionately in a spirit of non-partisanship and non-involvement.

In this context we had welcomed the appointment of the States Re-organisation Commission. Now what happened? It will be remembered that the States Re-organisation Commission consisted of three very eminent individuals. The Chairman was Mr. Justice Fazl Ali and the other two members were Sardar K. M. Panikkar, who is our Ambassador in Paris, and Pandit H. N. Kunzru, who is a Member of the other House. The Chairman of this Commission dissociated himself from this question. In the note that he had appended to the States Re-organisation Commission's Report, he had mentioned that since his interests were tied up with the State of Bihar, for a variety of reasons, he would not like to associate himself with the controversy which at that time had started between the State of Bihar and the State of West Bengal and between the States of Bihar and Orissa. In other words, it meant that here was a full Bench presided over by a Chief Justice. A matter was before the full Bench. The Chief Justice was called upon to

pronounce his judgment, but the Chief Justice refrained. It is for the House to determine as to what would be the effect of such conduct of a Chief Justice presiding over a full Bench, but dissociating himself from the duty which he was called upon to discharge. Mr. Justice Fazl Ali left this matter to the two hon. members of the Commission to determine and decide. In all humility, may I ask if the Chairman thought that it was a very laudable principle, why did he not also request Pandit H. N. Kunzru, who belonged to UP, not to examine the question whether UP should be dismembered? Why Mr. Justice Fazl Ali, who evinced such integrity by not associating himself with a question in which he was primarily involved, himself appended a note of dissent so far as the dismemberment of UP was concerned? Everybody knows that Mr. Justice Fazl Ali, even though he might have spent a considerable part of his career in Bihar, hailed from UP and of course everybody knows that blood is thicker than water. I am not going to attribute any motives. I am not going to infer any conclusion, but I am merely reporting as to what has been the feeling about the States Re-organisation Commission.

Now, it is a past matter. It is no good crying over spilt milk. Even though we thought that the Government of India in their wisdom may try to re-examine the question and come to some conclusion and mitigate an injustice which was inflicted on a people by a Commission, I am very sorry to say that all our repeated representations, memoranda and appeals were negated by the hon. Home Minister who, with all his sympathies for the cause, could not help us. We would have been satisfied if he had at least advanced any plausible reason. But that was not to be.

Then, of course, various things happened. They were painful events. Those incidents were tinged with blood and violence. It pains me to say so. But, I believe, when a people are

humiliated, when they do not find that justice has been done to them, the policy which drives them to that position only throws open the flood-gates of violence. Government would have been well advised to have convened a sort of a conference. Leaders of the Government of Bihar, and leaders of the Government of Orissa could have discussed the matter around a table. After all, it does not matter much if a few square miles go to Bihar or West Bengal or Orissa or Madhya Pradesh, when we are gifting away territories to Pakistan and our neighbours in the north. After all, it does not matter if some areas go to this State of the Union or to that State. After all, these areas are not being transferred or removed away from the geographical area or extent of the Indian Union. It matters very little. What matters most is, when we determine a principle, why that principle should not be universally and equitably applied in all cases.

In the mean time, the Government of India have intervened in a dispute between Madras and Andhra. To a question which was asked some time ago, the hon. Home Minister said that Shri Pataskar was appointed on the mutual agreement between the Government of Andhra and the Government of Madras. The Government of India had nothing to do in the matter because the two Governments had agreed to leave the whole matter to Shri Pataskar's arbitration and therefore, the Government had requested Shri Pataskar to arbitrate. But, the facts of the case are not like that. We all know what acrimonious debates took place both on the floor of the Madras Assembly as well as on the floor of Andhra Assembly. The Governments could not come to an agreement. This is mentioned in the report of Shri Pataskar. I think in the A.I.C.C. session at Calcutta, the hon. Home Minister did well to take the initiative and get the Ministers of Andhra and Madras agree to the appointment of an impartial arbitrator. Then, Shri Pataskar was appointed

[Shri Mahanty]

What do we want? We want that the same principle be extended to this case. The hon. Home Minister says that there are other forums where the matter could have been raised, namely the Zonal Councils. The hon. Home Minister himself is the Chairman. I would like to know from him what has stopped the Zonal Council from taking up this matter. It is obvious, as the Chief Minister of Orissa said, there were one thousand and one difficulties in raising these matters in the Zonal Council. Therefore, these matters have not been raised so far in the Zonal Council; nor are they likely to be raised in the Zonal Council. Therefore, that forum is closed.

The hon. Home Minister says that the Chief Ministers of Orissa, Bihar and Madhya Pradesh must come to an agreement. It would have been ideal. But, being mortals as we are, with a limited horizon both intellectually and I should say, morally, there is no agreement between the giver and the taker. That is the tragedy. Therefore, even that avenue of agreement is also not there. What are we going to do? Are we going to allow injustice to be perpetrated or are we going to mitigate it in as peaceful a manner as possible? Towards that end, I have proposed in this Resolution that a Boundary Commission be appointed to adjudicate upon the existing boundary disputes on the basis of the Pataskar award. My submission is not only for the States of Bihar and Orissa or Orissa and Madhya Pradesh. Also, I would submit, let this principle be extended in the case of Samyukta Maharashtra and Mysore and all other outstanding problems. After all, in the interests of emotional integration, of which so much was said in the S.R.C. report. It is high time that no section of our population should feel that because they belonged to a weaker unit of the Union, they did not get justice.

It is worth while for the House to examine what was the genesis of

Shri Pataskar's arbitration. If it is said that the S.R.C. was the last word in connection with boundary re-adjustment or formation of States, we would like to know from the hon. Home Minister, in all humility, why the Pataskar tribunal had to be appointed. The S.R.C. in a recommendation had stated that the unit for transfer or re-adjustment is a district with a population of 70 per cent speaking this language or that language. Seventy per cent. majority speaking one language was taken as the basis. But, it was truly unrealistic. You will kindly remember that Assam is a linguistic State. Yet the Assamese speaking population is less than 70 per cent. Moreover, in a few cases, districts were involved where the linguistic percentage was much less than 70 per cent. The S.R.C. report was a wilderness of contradictions. In one case, they have the 70 per cent., in another case, they waived that criterion. It was, therefore, thought fit and proper to appoint Shri Pataskar to go into this question, of course, in a limited context between Madras and Andhra.

Shri Pataskar gave his award taking the village as the unit. Mr. Justice Misra, who was appointed to arbitrate between Mysore and the proposed Andhra State so far as Bellary Taluk was concerned, also took the village as the unit and not the district or taluk or sub-division as was done by the S. R. C. What do we want? We want, let the same principles also be extended to this case. After all, we are not asking for the moon. We are not asking that we have got a claim to this area or that territory and therefore, you transfer that territory to us. What we want is that not only should justice be done, but justice must also appear to have been done. In this particular case, I would ask the hon. Home Minister to say—if he says, I am satisfied—whether justice has been done and whether justice also appears to have been done. In all humility I may invite his

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attention to the fact that in this case, not only has justice not been done, but also justice does not appear to have been done. Had justice been done to us, Deobhog and Phuljar areas in Madhya Pradesh should have been transferred to us outright where, according to the last Census, more than 50 per cent are Oriya speaking and more than 20 per cent are Loria speaking. According to linguistic surveys, Loria is a dialect of Oriya. Together they constitute about 80 per cent. If the Government had any sense of justice, these areas could have been transferred outright from Madhya Pradesh. I am baffled, I am pained, I really am amazed as to why the Government should have closed the shutters of their mind towards this question in this manner.

The House may be interested to learn that elimination of enclaves was another recommendation of the SRC. Many enclaves in the Indian Union between States and States were rectified, but there are five villages, known as the Sankara tract. They fall within the geographical jurisdiction of Raipur District. Those five villages are surrounded on three sides by the State of Orissa, where the language spoken is Oriya, where the excise administration is run by the Government of Orissa, where medical facilities, schools, everything is provided by the State of Orissa. Yet, the SRC in their wisdom, and the Government in their superior wisdom, never considered even transfer-known to the spokesmen of the Government of Orissa. Therefore, it pains me to say that for reasons best known to the spokesmen of the Government, they had closed the shutters of their mind so far as the case of Orissa was concerned.

I do not make any grievance of it. We know nothing is permanent in human affairs. If Bengal could be partitioned, reunited and again partitioned, similar things can happen. That pattern of change goes on in human affairs. I am the least concerned if today the

areas are transferred to Orissa or not. I believe that if there is any justice behind this demand, some day or other it must be fulfilled.

Before I conclude I would invite the attention of the hon. Minister to one fact. The Oriya minorities in those States are faced with cultural extinction. Their schools have been closed. In the courts they have not been permitted the little safeguards which were permitted by the Constitution (Amendment) Act. These are matters which are seriously agitating the public mind. We do not wish that these controversies should stand in the way of the emotional integration of our country. We are already faced with a thousand and one difficulties. We do not like that these difficulties should multiply and continue, but the best way of solving these difficulties is to face them, not try to evade them or try to shelve them, because by shelving them, evading them, we are merely putting a premium on those difficulties, and they take very ugly turns.

Therefore, with these words, I once again appeal to the hon. Minister. Let him accept this innocuous resolution. Let him extend us the same consideration which he has extended in the case of Andhra and Madras by appointing a tribunal or an arbitrator who will take the village as the unit, as the basis, for the question of re-adjustment of territories between Orissa and Madhya Pradesh and Orissa and Bihar.

Shri Panigrahi (Puri): I wish to move my amendment.

Mr. Deputy-Speaker: Let me place the resolution first.

Resolution moved:

"This House is of opinion that a Boundary Commission be appointed to adjudicate upon the boundary disputes between Orissa and Bihar and Orissa and Madhya Pradesh taking village as the unit."

Shri Khadilkar (Ahmednagar): May I make a submission? The other day also I submitted it. These boundary disputes between Mysore and Maharashtra and the Orissa dispute are the major disputes. I have tabled a substitute resolution which the hon. Mover is also ready to accept, because other minor territorial questions are there. He is ready to accept it. If you kindly extend the time limit as I requested.....

Mr. Deputy-Speaker: Now it would not be possible for me to extend the time. It was put to the Speaker, and he extended it by half an hour, and the Members accepted it. Now how can I do that? It is not for me now to reopen the question.

Shri Khadilkar: Half an hour discretion is with you.

Mr. Deputy-Speaker: Not when it has been exercised already by the Speaker. Then I have none.

Shri Khadilkar: He has accepted and I would request you....

Mr. Deputy-Speaker: Not that the Speaker has given half an hour extension and now the Deputy-Speaker should give another half an hour extension. That cannot be done.

I am afraid most of the substitute motions are out of order. We cannot enlarge the scope of the resolution. It is intended that all other States and all the other boundaries also should be taken up here and decided. That is not possible.

Shri Khadilkar: I have a submission to make on that point.

Mr. Deputy-Speaker: The disputes between Bombay, Maharashtra and Gujarat also cannot be brought within this resolution. Another independent resolution might be moved. These amendments would be out of order. Hon. Members may speak. I will give them a chance to speak.

Shri Panigrahi's amendment reads:

That in the Resolution, add at the end—

“and that till the adjudication of the boundary disputes between the States of Orissa and Bihar, the Oriya-speaking people now living in Oriya-speaking areas in Bihar should not be harassed and discriminated”

That is also out of order. I need not say it.

Hon. Members will have an opportunity to speak. If all of them desire to be accommodated, they should condense their remarks within ten minutes.

Shri Nath Pal: I shall bear in mind your suggestion.

I was sorry to note that my substitute resolution, for a technical reason, cannot be moved. With your permission, nonetheless, so that the House may be acquainted with what I have in mind, I should like to read it out.

Mr. Deputy-Speaker: It cannot be moved. He might read it.

Shri Nath Pal: It reads:

“This House is of opinion that a Boundary Commission, presided over by a High Court or a Supreme Court Judge be appointed to adjudicate upon all the outstanding boundary disputes between any two States on the basis of the Pataskar formula and the Commission take up the border issue between Bombay and Mysore immediately.”

I think neither the original resolution moved by Shri Mahanty nor my substitute resolution are coming a day too late. I should like to draw the attention of the hon. Home Minister to a piece of news which has been published in the national press.

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The Action Committee of the Samyukta Maharashtra Samiti which met in Bombay has adopted a resolution saying that all other means having failed to settle the dispute in an amicable manner and on a basis of co-operation, they will be compelled to resort to *satyagraha*. I am not going to expatiate upon the merit or otherwise of that particular resolution, but I am only wanting to say to the hon. Home Minister that there is still some time when appropriate action can be taken, and unnecessary bitterness and perhaps suffering can be avoided to a very substantial degree.

Mr. Deputy-Speaker: I must advise the hon. Member that when his substitute resolution has been disallowed, that should not be the subject of the argument. The original resolution has to remain the subject matter of discussion.

Shri Nath Pai: I am coming to that.

Mr. Deputy-Speaker: He might refer to that and give it as an argument for his own case, but the subject on which the discussion should centre round must remain the original resolution.

Shri Nath Pai: I entirely agree with you, and the relevance of my remarks was that the principles to which attention was drawn by Shri Mahanty are the same. I should like to note, as he commented, the total lack of any principle adopted by the SRC which arbitrated and settled the borders of Orissa. Unfortunately, this lack of principles on the part of the SRC, which legitimately had raised many sanguine hopes in the hearts of our people that the outstanding dream would in the end be fulfilled, dashed the hopes because no definite principle was upheld or applied by the SRC. Sometimes they took the taluq as the unit; sometimes when it suited them, they took the district as unit; sometimes an arbitrary test of 70 per cent was applied with the result that

where it ought to have been the endeavour to see that linguistic minorities are reduced to the irreducible minimum, we had large chunks—to quote a phrase from Shri Nijalingappa—of one linguistic group perforce thrown into the territory of another State. I trust that I shall not be accused of parochialism when I plead for the cause of these people.

The principles which are in this resolution, demanded to be applied for a solution of the Orissa border issue could be applied everywhere, and if we have the courage and apply them, then before long we can succeed in solving these questions not only between Orissa, Bihar and Bengal, but in other parts of the country also.

Having said this much about principles, I should like to draw your attention to another aspect. This morning, commenting upon the lack of principles, that was so poignant and that was so obvious in the recommendations of the States Reorganisation Commission, *The Times of India* editorial has had to say:

"In the last few years, the people of the border areas between Bombay and Mysore have clarified their grievances through all the available channels of democratic expression."

And this paper is not a particular friend of any cause. But even that had to accept that there were no principles accepted, and that has led to some undesirable consequences. The editorial goes on to say:

"The two Chief Ministers were given an opportunity to arrive at an agreement but after the total failure...."

Shri Achar (Mangalore): May I submit, just as you said a few minutes ago, that the disputes between Mysore and Maharashtra are not the subject-matter of the resolution? May I know whether they should be allowed to be raised here?

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Mr. Deputy-Speaker: I shall take care.

Shri Nath Pal: I am trying to say how the lack of principles has done similar mischief in other parts of the country. The essence of the resolution is that the Pataskar formula be applied, and it is that which I am trying to support. *The Times of India* goes on to say:

"The two Chief Ministers were given an opportunity to arrive at an agreement but after the total failure of the Chavan-Jatti discussions last July the people's patience apparently began to peter out."

And here is the point that I want to make.

"Any reference to an arbitrator will be futile so long as there is no common ground on accepted principles; the people of the border areas are not a piece of property that can be shared out among the disputants by an arbitrator. The areas can be disposed of only in accordance with rational principles as embodied in the Pataskar award."

Here is a case very cogently argued, be it Orissa borders or be it borders somewhere else. I trust you, Sir, and my hon. friend, Shri Achar, will bear it in mind that it is not a technicality that should be allowed to stand in the way of a living issue being solved. I would like to point out that in this particular area all the democratic means that are available to the people were employed by them; even the last general elections, just as in Orissa, were fought here also on this single basis.

Mr. Deputy-Speaker: I would again draw the hon. Member's attention to the fact that this is not fair. This opportunity should not be availed of simply to elaborate that case. He may support the case of Shri Mahanty and then cite certain principles.

Shri Nath Pal: I think my hon. friend Shri Mahanty's case gets very largely substantiated if I point out the basic principle....

Mr. Deputy-Speaker: Shri Mahanty's case or his whole theme is about his own State.

Shri Nath Pal: I am afraid I am guilty of that slightly, but if you would permit me, I would say, as I have repeatedly pointed out, that it is the violation of the principle that is causing us concern, and that is the ground for this resolution.

During the few minutes that remain at my disposal, I would like to point out what's wrong. Why are Government reluctant to accept the principles which the Pataskar formula accepted. By the acceptance of those principles, it was possible to solve the treaty problems of borders between Tamil Nad and Andhra Pradesh. If these principles are accepted, I think the genuine demands that are incorporated in the resolution moved by Shri Mahanty can certainly be solved too. And going a step further, I think that similar outstanding disputes in other parts of the country also can be solved.

I should like to point out that it is no use always waiting till there is a paroxysm of popular rage and then our sitting down and trying to apportion blame. We should try to give the people a chance of ventilating their grievances, through legitimate channels, which the tenets of democracy accept. I think in those areas in Orissa, as has been evidenced by the available statistics, figures and census reports, the people have indicated what they want. I want to point out that if this is done, no injustice is going to be done anywhere, but we get an opportunity, by the acceptance of the principles embodied in the Pataskar formula, of remedying grievances and removing the injustice that was done.

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I want to say in conclusion to this thing, that, as in Orissa, in the areas to which I have made a reference with your indulgence and forbearance, the day is not yet passed when, given the statesmanship of the leaders who are determined to see that we reach an amicable settlement, given the goodwill of the Government also, a settlement can be made even at this late hour. But there is one thing that I must say. It is not my practice and habit to utter threats or warnings. That is not to be done. That is wrong. But it is not wrong, I trust, to point to the dangers that may be growing if we are not vigilant and watchful. Here, in all these borders, as in Orissa, the people have been very calmly and very patiently expecting the Government to take the initiative. For three years or for two years now, the Zonal Councils have been meeting; the people have been pinning their hopes on the Zonal Councils' fairness to do them injustice, particularly relying upon the hopes that were raised in the minds of the affected people by certain assurances that were given on the floor of this House during the passage of the States Reorganization Bill by no less a person than the Home Minister. He had indicated that let the major issue be amicably settled, then the border disputes will perhaps be solved within the boundary of the Zonal Councils. One is pained to see that two long years have passed, and people have been very patient; but even that has an end. We have still the chance. I fervently hope and trust that what I have said will not be construed as a threat. Somebody said 'if Orissa's border issue is not amicably settled....' and then uttered a threat. But my plea is that the Zonal Councils be made to act; but if nobody is going to act, it is a duty cast on the Home Ministry and this Government to see that these removable injustices are removed without any further delay, and no undue pressure and burden is placed on the patience of our people who indeed have been very patient.

श्री बिभूति मिश्र (बगहा) : उपाध्यक्ष जी, मैं महन्ती साहब के प्रस्ताव का विरोध करता हूँ। इस बाउंडरी के मामले में पिछली पार्लियामेंट में जब एस० आर० सी० की रिपोर्ट यहां पेश हुई थी उस समय ये सारी बातें तै हो गयी थीं। जब हिन्दुस्तान स्वाधीन हुआ उस समय भी यह सरायकेला और खरसवां का मामला पेश किया गया था। जब स्वर्गीय सरदार पटेल साहब थे उस समय अन्तिम रूप से यह तै हो गया था कि यह हिस्सा बिहार में रहेगा। उसके बाद पिछली पार्लियामेंट में जब स्टेट्स रि-आर्गनाइजेशन हुआ उस समय भी गृह मंत्री जी ने कहा था कि अब जो इस समय हो रहा है सदैव के लिए फाइनल हो रहा है। नहीं तो हम लोग यह चाहते थे कि उड़ीसा का बहुत सा एरिया जहां के लोग हिन्दी बोलते हैं और बंगाल का बहुत सा एरिया जहां के लोग हिन्दी बोलते हैं और जिनका कल्चर और बिहार-वालों का कल्चर एक है, उन एरियाज को बिहार में मिला दिया जाये। लेकिन सरकार ने यही फैसला किया और कि हम सरकार के लायल हैं इसलिए हमने उस फैसले को मान्य किया।

यह बतलाते हैं कि वहां बहुत से स्कूल बन्द हो गये हैं। मैं कहता हूँ कि एक भी स्कूल बन्द नहीं हुआ है। सब स्कूल चल रहे हैं। वहा की भाषा हिन्दी भी है और उड़ीसा भी है इसलिए वहां हिन्दी के भी स्कूल हैं। आप पटना में आकर देखें। वहां बंगाली काफी संख्या में रहते हैं। पटना में हिन्दी भी पढ़ाई जाती है और बंगला भी पढ़ाई जाती है। अगर किसी जगह हिन्दी भी पढ़ाई जाती रही हो तो उसके लिए आपत्ति नहीं की जा सकती कि हिन्दी क्यों पढ़ाई जाती है। इसके अलावा हिन्दी हमारी राष्ट्रभाषा भी है और वह बिहार की भाषा भी है। इसलिए हिन्दी का वहां पढ़ाया जाना जरूरी है। अगर केवल राष्ट्रभाषा

[श्री विभूति मिश्र]

के रूप में ही हिन्दी को पढ़ाया जाता तब भी यह नहीं कहा जा सकता था कि भाषा का कोई फर्क पड़ रहा है। बिहार में तो किसी भी भाषा के पढ़ाने पर प्रतिबन्ध नहीं चाहें वह उड़िया हो, या बंगला हो या पंजाबी हो या उर्दू हो। बिहार में सब भाषाओं के पढ़ाने का प्रबन्ध है और सब भाषाओं की उन्नति के लिए कोशिश की जाती है।

मैं बिहार और उड़ीसा के सम्बन्ध में एक बात और कहना चाहता हूँ। आप देखें कि बिहार का क्षेत्रफल ६७,११३ वर्गमील है और बिहार की आबादी ३,८७,८३,७७८ है जब कि उड़ीसा का क्षेत्रफल ६०,२५० वर्गमील है और आबादी है १,४६,४५,६४६। आप देख सकते हैं कि बिहार में कितना कम एरिया है और कितने ज्यादा लोग रहते हैं जब कि उड़ीसा में कितना ज्यादा एरिया है और कितने कम लोग रहते हैं। इसके अलावा बिहार का अन्न के मामले में डेफिसिट वाला सूबा है। बिहार में खाने की कमी है। जब बाहर से अन्न आता है तो बिहार वालों को मिलता है। हम के अलावा सरकार ने बिहार में ४५,००० पूर्वी बंगाल के रिफ्यूजियों को रख दिया है। इस प्रकार बिहार की आबादी में और इजाफा हो गया है। उधर उड़ीसा में काफी जमीन है। वह सरप्लस प्राविस है। फिर भी हमारे भाई कहते हैं कि बिहार में से कुछ हिस्सा काट कर उड़ीसा में मिला दिया जाये।

इसलिये मैं यह कहना चाहता हूँ कि राष्ट्रीयता की दृष्टि से यह आवश्यक है कि उड़ीसा और बिहार को मिला दिया जाय। इस तरह यह झगड़ा हमेशा के लिये तय हो जायेगा। १९३६ से पहले कोई झगड़ा नहीं था। सब साथ साथ रहते थे। अगर अब फिर उन दोनों को मिला दिया जाय, तो यह झगड़ा खत्म हो जायेगा। उपाध्यक्ष

महोदय, आप गांवों में देखते होंगे कि जब दो आदमियों की जमीन एक जगह रहती है, तो बीच की मेंड़ के लिये बराबर झगड़ा रहता है। दुनिया में कोई जगह ऐसी नहीं है, जहां बाउंडरी के विषय में थोड़ा बहुत झगड़ा न हो। इस प्रकार के थोड़े बहुत झगड़े के लिये अगर यह कहा जाये कि उस झगड़े को तय करने के लिये कमीशन बिठाया जाय, सरवेयर भेजे जायें और पूरा इन्तजाम किया जाय, तो यह ठीक नहीं है। इस तरह यह झगड़ा तय होने वाला नहीं है। मैं तो यह निवेदन करना चाहता हूँ कि कोई झगड़ा है ही नहीं। उड़ीसा का कुछ हिस्सा बिहार के पोशन में पड़ना चाहिये, जो कि मानभूमि वगैरह के सामने है। वहां के लोग हिन्दी बोलते हैं, लेकिन उड़ीसा वाले कहते हैं कि वह हमारे साथ रहें। हम सरकार के लायल आदमी हैं, देश-भक्त हैं, इसलिये हम बोलते नहीं हैं। हमारे गृह मंत्री महोदय कहते हैं कि अब यह मामला फाइनली तय हो गया है, इसलिये इस बारे में कुछ मत कहें और हम लोग सरकार की लायलटी की वजह से कुछ नहीं बोलते हैं, नहीं तो उड़ीसा का कुछ एरिया हमको मिलना चाहिये। मैं महन्ती साहब से यह कहूंगा कि इस झगड़े को सदा के लिये निबटाने का उपाय यही है कि बिहार और उड़ीसा को मिला कर एक कर दिया जाय। हम लोगों के पास कोई बन्दरगाह नहीं है। आप हमारे साथ मिल जाइये, तो हमारे पास बन्दरगाह हो जायेगी। आपके यहां आबादी कम है। हम आपकी रक्षा के लिये चलेंगे। हम रोटी खाने वाले तगड़े आदमी हैं। आप केवल चावल खाने वाले हैं। आरा और छपरा के लोग तगड़े हैं। वे फ्रीज में ज्यादा भरती होते हैं। अगर दोनों साथ रहेंगे तो वे आपकी हित्फाजत करेंगे। आप और हम दोनों इंडियन यूनियन के मेम्बर हैं। आपके यहां आबादी कम है और हमारे यहां जमीन नहीं है। इसलिये अगर दोनों को मिला कर एक कर दिया

जाय, तो इसमें दोनों का ही लाभ है। १९३२ के सत्याग्रह में हम लोग जेल जाते थे और उड़ीसा और बिहार के हम सब राजनीतिक कैदी पटना कैम्प जेल में रहते थे। उन लोगों में कोई झगड़ा नहीं था। भाषा का भी कोई हेर-फेर नहीं है। इसलिये मैं यह कहना चाहता हूँ कि इन दोनों प्रदेशों को साथ साथ मिला दिया जाय और उसके बाद हम लोग प्रच्छेद रहेंगे।

उपाध्यक्ष महोदय : जेल में प्रच्छेदी तरह इकट्ठे रह सकते हैं, बाहर नहीं।

श्री बजराल सिंह (फिरोजाबाद) : फिर जेल जानें लगिये।

श्री विभूति मिश्र : उस वक्त प्रपोजेड थे सड़ने के लिये। अब हम कानून को मान कर चलेंगे। आप समझे नहीं। आप जेल नहीं गये, इसलिये आपका दिमाग ठीक नहीं रहता है।

जहां तक सरायकेला और खसवान का सम्बन्ध है, अगर आपको कभी दूमीका लगे, तो आप वहां जाकर देखें कि वहां कितने हिन्दी भाषी हैं और वे किस तरह से भ्रान्द से रहते हैं। आदिवासी नेता यहाँ नहीं हैं, वर्ना मैं उन्हें बताता कि उड़ीसा और बिहार के मिलन से उनका मतलब भी तय हूँ जाता। हमारे भाई जयपाल सिंह को मैं बताता कि इस प्रकार उड़ीसा और बिहार के आदिवासी इकट्ठे हो जाते। महन्ती साहब ने कहा कि हम कबूल करेंगे, लेकिन हाउस में उन्होंने यह नहीं कहा। उन्होंने कहा कि हम कबूल करेंगे, लेकिन सरकार कबूल नहीं करेगी। मैं यह कहना चाहता हूँ कि आप कबूल करें, सरकार कबूल करे या न करे। अगर हमारी और आपकी मित्रता रहे, तो सरकार मान जायेगी।

Shri Mahanty: May I seek a clarification, Sir? Will the hon. Member agree to a Union of Orissa, Bihar, West Bengal and also Assam for the entire tribal people to be in one belt?

Will he agree to it? I am extending the scope of his suggestion.

Mr. Deputy-Speaker: Would it depend upon the agreement of these two?

श्री विभूति मिश्र : पहले कम से कम दोनों स्टेट्स के दो पार्लियामेंट के मेम्बर राजी हों, तो धीरे धीरे एरिया आफ एड्जस्टेड ज्यादा होता जायेगा। हमारे प्रधान मंत्री महोदय कहते हैं कि दुनिया में एरिया आफ एड्जस्टेड-पीस का एरिया बढ़ता जाय। इसलिये मैं कहना चाहता हूँ कि पहले दो प्र.दमी तो राजी हो जायें। जब स्टेट्स री-आर्गनाइजेशन का झगड़ा चल रहा था, तो हमारे चीफ मिनिस्टर और बंगाल के चीफ मिनिस्टर डा० बी० सी० राय, ने दोनों स्टेट्स को मिला देने की रजामन्दी जाहिर की थी, लेकिन बाद में डा० बी० सी० राय इसमें पीछे हट गये। हम तो अब भी आपके साथ रहने के लिये और खाने-पीने के लिये बराबर तैयार हैं। लेकिन जो बौडरी का झगड़ा बताते हैं, वह तो झगड़ा नहीं है। इसलिये मैं प्रार्थन करूँगा कि हमारा सम्स्टीच्यूट मोशन मान लिया जाय, तो सर्वोत्तम है, नहीं तो बिहार और उड़ीसा का बौडरी का कोई झगड़ा नहीं है। वह झगड़ा हमेशा के लिये तय हो गया है। हमारे गृह मंत्री महोदय ने कहा है कि इसका फ़ैसला आखिरी बार हो गया है और फिर वह मामला नहीं उठेगा।

Shri Panigrahi: Mr. Deputy-Speaker, Sir, during the last session, on certain occasions, the Home Minister had given some hints as to why the question of linguistic readjustment between Bihar and Orissa is not being taken up by the Government of India or in the Zonal Council. While I share the feelings expressed by my hon. friend Shri Mahanty, I would like to submit that in Puri itself there was a wide-spread mass agitation and a popular agitation over this question of readjustment and the transfer of Seraikela and Kharwan from Bihar to Orissa. The people in Puri, because of their popular demand and

[Shri Panigrahi]

because of their wide-spread agitation, had to face severe oppression from the police and the Armed Forces in those times. In both the States, the feeling is there.

I do not like to say that the resolution is meant to create any ill-feeling between Bihar and Orissa over this issue. Shri Bibhuti Mishra is my neighbour so far as Bihar is concerned and he is my neighbour (Shri Bibhuti Mishra: In the flats) so far as flats are concerned. We live side by side and Pandit D. N. Tiwary is also there. They are also interested.

If there is any discontent in these two States over any piece of territory, as we are discussing in this House, we can discuss it outside also. And, really, according to the suggestion of my honourable and esteemed friend, Shri Bibhuti Mishra, if we can just enlarge the scope of common agreement to some extent by discussing this question outside the House, I think, many of the problems which seem to be difficult today can be solved.

I wish only to point out two or three things which have come after the Pataskar Committee had submitted its report. They have evolved four broad principles so far as minor adjustments of territory are concerned between Madras and Andhra. So far as the adjustment of boundaries between Orissa, Bihar and Madhya Pradesh is concerned, it is not of a major nature. It is only of a minor nature.

The S.R.C. said that in their scheme of reorganisation they have adopted the district as the basic unit; but, for making territorial adjustments below the district level if they are considered necessary, this should be made only by mutual agreement. If there should be any adjustment of territory between Bihar, Orissa and Madhya Pradesh, it can be only by mutual consent and mutual adjustment between Shri Bibhuti Mishra, myself

and Shri Mahanty or between the Orissa and Bihar Governments.

The Home Minister has made the position very clear. He has said very categorically, so far as Orissa's case is concerned, because the Government of Orissa has not made any request to the Government of India to move in the matter and because the Government of Orissa has not moved the matter in the Zonal Council, so the Government of India does not come into the picture. It is a fact.

Now, the question is, who shall take the initiative to see that there is adjustment. If there is any dispute between the Orissa and the Bihar Governments and the dispute is of a minor nature—and we all belong to the Indian Union and we all want to live peacefully as neighbours—what step can be taken, and who can take the initiative to see that these minor adjustments of territories can be settled peacefully? I do not now go into the question of how many people belonging to the linguistic minority are there because it is being discussed from 1920 onwards. I need not cite the figures; there they are. The time at my disposal is also short.

The four principles which have been enunciated by Shri Pataskar are as follows. Firstly, the boundary line may be a continuous one and isolated pockets should be avoided to the extent practicable. Secondly, the village should be the unit for consideration and partition of villages should be avoided. Thirdly, villages with over fifty per cent. of the people belonging to a linguistic group should be incorporated in that particular State to the extent practicable and vice versa. Fourthly, due consideration may be given to geographical features such as hills, forests, etc. and the economic features such as irrigation sources and so on.

So far as Bihar, Orissa and Madhya Pradesh are concerned, one more broad principle may be applied so

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the States of Orissa, Madhya
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that a dispute can be settled very peacefully. Shri Bibhuti Mishra has brought forward another element—vast number of tribal population. That is a fact. So, we can add one more broad principle here—unity of the tribal people and their linguistic and territorial contiguity. If I can satisfy our friends from Bihar that the principle of unity of tribal people should be taken into consideration, we can add that also.

It has also been said that the Governments of Madras and Andhra have evolved such principles to settle their boundary disputes between them without any interference from outside. I do not submit that the Home Minister should intervene between Orissa and Bihar. But when this dispute is continuing for years together, instead of letting it to continue further, the Home Minister can take the initiative and ask the Governments of Bihar and Orissa, as he took courage and asked the Ministers of Andhra and Madras, to sit together and find out if any solution is possible. So, he can ask them to meet somewhere in some conference, in the zonal council or wherever possible, so that they can sit together. This principle can be added to the four principles. Something must be done. I only say that there should not be any bitterness over this dispute. I always feel that so far as the boundary adjustments are concerned, that can be done with the mutual agreement between the States concerned. I think the Home Minister should not wait for the Government of Orissa. Orissa Government is a bit shaky. As a matter of fact, the Government of Orissa are afraid of our Home Minister; I do not know why. They are shaky and they would not come forward with their proposal. If the Home Minister goes forward, I think they will get courage and place their proposals. He can forward them to Bihar and Orissa and something can be done to settle this dispute which is long outstanding. An injustice once done should not be perpetrated.

Shri Jaganatha Rao (Koraput): Mr. Deputy-Speaker, while I agree with my friend, Shri Mahanty, that the claims of Orissa regarding certain areas in Bihar and Madhya Pradesh have not been considered by the S.R.C., I do not agree with him that a boundary commission should be appointed here and now. It is true that the Government of Orissa, and the non-official organisations there pressed the claims of Orissa very efficiently and ably but the S.R.C. confined itself to the major question of reorganisation of States and did not choose to go into minor adjustments of boundaries. The result is that every State is dissatisfied. But there should be some finality to these matters. However, careful a boundary line is drawn between two States, there are bound to be linguistic minorities on either side but should that be a reason why we should agitate over this question again and again? Wherever we are, we are Indians and we should feel that we are Indians first; then only we shall think of our regional loyalties. I would appeal to my friend not to raise this question once again at this stage within four years of the decision of the S.R.C. which has been implemented by the Government in the best interests of the country.

I will not go into the merits of the question. He says that the Oriya minorities are undergoing certain hardships in that State. It is true that minorities in every State, linguistic or religious, are certainly undergoing certain disabilities. But the Constitution provides certain safeguards. There is a Commissioner appointed to look after the interests of the minorities. Article 350(a) of the Constitution gives protection for imparting education in the mother tongue of the minorities. In the face of these safeguards, I do not think that this question, however strong it may be, should be reopened at this stage. Our country is implementing the Five Year Plans and we are trying to build up a new India based on solid foundations of social justice,

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equity. If we again make up these questions, the interest and enthusiasm in the country will be disturbed and there will again be turmoil in the country. So, I would appeal to the hon. Member not to raise this question now.

He has referred to the Andhra-Madras arbitration. That was based on the agreement between the two Chief Ministers. If that is possible here certainly the Government of India would not, I am sure, have any objection. If the Chief Ministers of Orissa and Bihar would agree to an arbitration for settling the border disputes, certainly that can be done amicably but to call on the Government of India to appoint a boundary commission to decide these issues is, I think, not expedient at this time. When an hon. Member came forward with a motion of this type, we see other hon. Members coming from various States coming forward with amendments that their disputes should also be taken up. Shri Bibhuti Mishra wants the integration of Bihar and Orissa to be taken up. Likewise, Shri Nath Pai and Jadhav want the question of Bombay and Mysore to be taken up and decided here and now. There will thus be no end to this. This is neither the proper time nor is it expedient that the Government of India should consider the question of appointment of a boundary commission. Mr. Mahanty says that the linguistic minorities do not have the necessary sense of security. What is true in one State is equally true in other States. When we speak of the difficulties of our minorities in another State, we should also think of the minorities in our State. I belong to a minority community in Orissa. But I for one would appeal and say that there is no reason why the linguistic minority in Orissa or in any other State should get agitated or nervous. There are several safeguards in the Constitution and we can bring to the notice of the State Governments and the Government of India in case there are hardships. It is for the majority

group in every State, to watch the progress of the linguistic minorities in the neighbouring States; we should watch with justifiable pride and admiration and we should see whether they are progressing and living happily. We can say with pride that the linguistic minorities are well off. On the other hand, if we find that certain hardships are caused to them, it is open to us to bring to the notice of the Government concerned and also to the Government of India the hardships and ask them to be removed. But that should not be the ground why we should consider the question of appointment of a boundary commission. It is after all a minor issue and when we think of these major problems, the problem now before us pales into insignificance. The hon. Prime Minister has been appealing to us many times about the emotional integration of our country. If we think in terms of our language, I do not know where it will lead us to. If Bengal thinks of Bengalis, if Orissa think of Oriyas, if Andhra thinks of Andhras only, where is the salvation for us, where will it lead us. Therefore, Sir, I appeal to my hon. friend, Shri Mahanty, while I appreciate and I agree with him on the merits of the question, that he would be well advised not to press this resolution.

Shri Khadilkar: Mr. Deputy-Speaker, Sir, I am very happy that the hon. Home Minister is present in the House when we are having the debate.

Mr. Deputy-Speaker: Debate on the resolution.

Shri Khadilkar: Yes, debate on the resolution. I do not want to look at this problem just as my hon. friend opposite tried to look at the Orissa problem, because if we bring in a certain amount of chauvinism or fanaticism no border disputes are likely to be settled. I am in entire agreement with my hon. friend, Shri Jaganatha Rao, when he said that

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Instead of appointing a Commission a different approach should be made. I personally feel that the approach of arbitration-cum-mediation that was made in settling the disputes between Andhra and Madras should be applied so far as the pending disputes are concerned.

At the same time, I would appeal to my hon. friends on the opposite side that these are legacies of the States reorganisation. Whether it is Orissa or it is a question of boundary between Mysore and Maharashtra, or for that matter Andhra and Bombay, you should take note of the disputes and not allow the situation to deteriorate or create a feeling in the minds of the people that they are being discriminated against. If one rule is applied while deciding the border dispute between Andhra and Tamilnad, why not have a uniform rule in the case of other disputes as far as it is applicable? Can you not apply the same method of arbitration as well as mediation, as my friend pleaded, for Orissa or, for that matter, in the dispute between Maharashtra and Mysore? That is the main question.

I would plead—it is not that your mind is not exercised about the problem—that sometimes justice delayed is justice denied. If people feel that there is no possibility of justice coming nearer, they get despaired of it and a certain amount of frustration and resentment is created in them. Naturally you have got to take note of such spots, I mean territorial disputes. I do recognise that all border areas are broadly speaking bilingual, in a way. You have got to do some justice and, fortunately, when the Governments of the neighbouring States belong to the same party, I would appeal to the hon. Home Minister to bring home to them a course of action which would remove these spots of agitation or resentment. The sooner it is done the better. Once for all, these issues should be settled—except, of course, with regard to the State of Bombay which is not under

consideration now, where the people feel that some sort of inferior citizenship is imposed on them by the creation of a big bilingual state, that is a different matter which shall have to be opened soon—perhaps a little later—but the initiative should be taken here and now.

He referred to the Minority Commissioner. I would like to point out to the hon. Home Minister that so far as the Minority Commissioner and his work are concerned, unfortunately, this fanaticism has gone so deep that it has become very difficult for people to get along. I will point out only one instance. There is a college, the Parvati Devi College, in Belgaum which is a Marathi-speaking area. Though the duties of the Minority Commissioner are defined, constitutional guarantees are provided, actually no action is taken in regard to their legitimate demand. People want to affiliate that college to a University in Marathi region. They have been denied that. Do you think this is justice? What will the people feel? Ordinarily, students residing in that area are not allowed to appear for examinations in the adjoining university of their language. Is it justice?

Therefore, what I would suggest on this occasion is this. I have got the Pataskar Award with me. You can yourself find from it that though some sort of an initiative was taken by Andhra and Tamilnad, it was pursued to the end by the hon. Home Minister. Even when everything else was settled a question concerning a small territory remained, the hon. Minister asked Shri Pataskar to settle it finally. Why is it that so far as the Orissa issue is concerned, so far as the issue between Maharashtra and Mysore is concerned, the initiative today seems to be a little paralysed?

I am not at all a supporter of a sort of chauvinistic or aggressive attitude. One hon. friend suggested that instead of settling the dispute we may absorb and assimilate Orissa in Bihar. That is a wrong approach, coming from the

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Congress benches. I am very sorry to note that when we talk about linguism and other things a Congressman says: "Why not absorb Orissa?" That is a wrong approach. Let us do justice to every language, but without bringing in any feeling so far as language problems are concerned. The political unit of a language is one thing and the protection to language minorities is another. Two things are quite apart. This protection is guaranteed by the Constitution and it has been entrusted to the Minority Commissioner. He should see that no language group, whether it is a minority in the adjoining area or not, suffers any injustice. That is a very important matter and it should not be left out of the discussion.

Sir, one more small thing and I have done. I want to point out what really happens when these disputes are kept pending. Take the case of Orissa and Bihar or Maharashtra and Mysore. Just as in a family the family breaks up when the real estate is to be divided, people are looking at the issue as though it is a real estate belonging to one group of people and something must be denied to the other. If this attitude is persisted in, I am afraid, as we saw this morning what happened in the House? In my opinion, we failed to meet the situation, when we have not looked to the broader issues, when we have not looked to the bigger issue of the unity of India and the integration of India—both emotional and physical—there is likely to be trouble. If these small issues are kept pending for long, I am afraid they will corrode the sense of unity of the people. People will not feel satisfied that justice is likely to be done soon. They will be completely frustrated, and they will feel that nothing is possible unless they strike, unless they do something, unless there is a sort of a conflict with the authority of law and a little bloodshed.

Then our Home Ministry or hon. Home Minister rises to the occasion.

These things should not happen in this matter; that is my humble plea. With these words, Sir, I again appeal to the Home Minister, because he is the man now who can tackle this problem. He can call the Chief Minister of Orissa, the Chief Minister of Mysore or the Chief Minister of Maharashtra—I mean Bombay,—whenever there is a dispute. He has that authority; not only political authority, but moral authority also in this land where his word will be respected. If it is not respected, he knows that the people will stand by him when justice is done and not with those who disrespect his verdict. Therefore, I would again appeal to him very strongly that, here and now, he should at least give an assurance to these border people that he will apply the same principle—if a little time is wanted, that does not matter—and settle the dispute and that it will not be kept pending for long. That sort of an assurance will avert the impending clash.

The Minister of Home Affairs (Pandit G. B. Pant): Sir, I would like to confine myself to the resolution which has been moved by Shri Mahanty. Other issues have been introduced in the course of the discussion, but I would like it to be clearly understood that whatever I am saying is in relation to this particular resolution and it has no wider significance or application.

16 hrs.

So far as this resolution goes, it asked for the adjudication of the boundary between Orissa and Bihar and Orissa and Madhya Pradesh. Well, I do not exactly know what the merit of the words "boundary dispute" is. When we talk of a boundary dispute, we naturally imagine that there are a few bits of land here and there which have to be either brought over from one State to another or to be transferred from the other State to the first one. I do not think that is the intention of Shri Mahanty. He wants large

blocks to be transferred from Bihar and Madhya Pradesh to Orissa. So, it is not really a boundary dispute. It is a dispute for the transfer of territory from Bihar and Madhya Pradesh to Orissa. So, the position is somewhat different from what one would unguardedly assume it to be from the language of the resolution.

Questions have been put in this House and the matter has also been raised, I think, in the course of discussion on supplementary demands, and I have had the opportunity of expressing my own view and attitude towards this particular problem. I would like to repeat again that I am referring only to this problem and to none else. So far as this goes, I do not think that there is any justifiable ground for reopening this matter. This State of Orissa was formed in 1936 and before it was formed Mr. O'Donnell was appointed at a time when none of us had much to do with administration to determine how the areas which were then included in Bihar, Madhya Pradesh, Madras, etc., but which were Oriya-speaking and which could be combined together into one unit, should be transferred from these various States, so that a separate integrated unit of Orissa might be formed. That was in 1934. And Mr. O'Donnell gives very cogent and convincing reasons for holding that these two territories, Kharsawan and Seraikella, should both be included in Bihar.

Shri Mahanty: May I correct the hon. Home Minister? In 1934, Seraikella and Kharsawan were two princely States which had nothing to do with either Bihar or Orissa.

Pandit G. B. Pant: Whatever it be, the question was discussed. Even the princely States were allotted to the reorganised States, either a princely State was situated in Bihar or it was in Orissa. It was not no man's land.

After thoroughly examining the question, he reached the conclusion that Seraikella and Kharsawan should be included in the State of Bihar.

After that too, in 1948, again, this decision was reaffirmed and since then, they continued till a very late day as parts of Singbhum district of Bihar.

This question was again raised before the States Reorganisation Commission, and the Commission gave considerable thought to it and after thoroughly examining the position, the States Reorganisation Commission gave a definite finding that these two areas, Seraikella and Kharsawan, belong to Bihar. After thoroughly examining the question, hearing the parties, touring in the two States, they gave the definite decision that Seraikella and Kharsawan should form part of Bihar and not of Orissa.

After the report of the States Reorganisation Commission was received, the matter was considered by Government. We had the opportunity of meeting representatives from Orissa and Bihar and we also tried to appreciate the position, to assess it in the light of the facts that were brought to our notice and we felt that that decision was a right one. The Parliament supported the view of the States Reorganisation Commission and in the Act that was then passed, the two areas were included in Bihar. In the circumstances, it would be difficult to upset this arrangement. Seraikella and Kharsawan formed part of the State of Bihar even before the States Reorganisation Commission started its enquiry. They formed part of Bihar when the State of Orissa was carved out, and there had been an enquiry before, and there has been an enquiry since, and most of the people in these areas, if I remember aright, are Adivasis who of course can be helpful to all but who deserve the sympathy of everyone. So, in the matter of language I am not sure if any particular language can be said to be predominant in these areas, because Adivasis speak their own languages. So, even from that point of view, there is no convincing case.

In the circumstances, I am sorry that, as I have stated before and I find

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it difficult to depart from the statement₃ that I have made previously, I see no reason for disturbing the existing arrangement myself. That, I think, deals with the merits of the question.

It has also been observed that the Oriya people living in these areas are not receiving fair treatment. The Parliament adopted a code of safeguards for linguistic minorities. It was intended to preserve and safeguard the culture, language, etc. of the people living in the areas which were predominantly of a different language-speaking group. So, if there is any difficulty like that, it should be attended to. We have a Commissioner to look after the interests of minority groups. Apart from that, if anything is brought to my notice, I shall try to secure justice for the Oriya-speaking people in the State of Bihar. But so far as territorial arrangements go, I am afraid that what has been done has been done finally and we have to accept it, because if we continue the controversy indefinitely, then the attention of the people is diverted from matters of moment, of vital importance. They have to tackle the food problem; they have to deal with so many other things. We have to give effect to the schemes embodied in our Plan. Therefore, so far as possible, we should not disturb for the sake of disturbing the arrangements that have been made with regard to Orissa and Bihar by the States Reorganisation Commission.

Some reference has been made to some other States such as Mysore and Bombay. As is well-known, I have been doing my little bit to bring about an understanding between the two States. My efforts will continue and I would not like any sort of recourse to direct action. In fact, I think direct action has no place in a democratic society and that has been my view throughout. But others have a perfect right to differ from me. But so far as this particular question is

concerned, I feel that this can admit of a satisfactory solution only in a calm atmosphere. The more of excitement there is, the more of irritation that is caused to one or the other parties by anything done by the other, the greater will be the difficulty in reaching a satisfactory solution.

So, my own advice, for whatever it may be worth, will be that we must have patience in matters of this type. The problems of territorial readjustment have roused enough of passion. We have had to face in certain cases very difficult situations—I would not use a strong expression—and we should, so far as possible, try to adjust matters in such a way as could be acceptable to the parties concerned; for, if something is done against the wish of the other party, it may be to the satisfaction of one party, but then also the problem remains unresolved. A solution that gives rise to a still larger number of problems cannot be regarded as a satisfactory solution. So, I hope no such step will be taken.

There has been repeated reference to Pataskar Award. I think there seems to be some misunderstanding about it. The position about the settlement of boundary between Andhra and Madras differs from other cases that have been mentioned here incidentally or in the course of this resolution. Andhra and Madras were not separated by the States Reorganisation Act. The States of Andhra and Madras were formed in a different way. When these two States were formed, then it was also accepted by both the States that the boundary between the two States would be settled later. No demarcation of boundaries was then made. So, in pursuance of that understanding between the States, we tried to find some method for settlement of that boundary and the two States themselves agreed to certain principles. Those principles were not laid down by Shri Pataskar. The Chief Ministers of Andhra and Madras accepted the

principles and laid them down for the guidance of Shri Pataskar. They also agreed to have Shri Pataskar as arbitrator.

Shri Mahanty: There was agreement only so far as bilingual villages were concerned. What about trilingual villages, where there was no agreement whatsoever?

Pandit G. B. Pant: Whatever was done was done with the agreement of the parties to the minutest detail and the principles were laid down by the parties themselves, and not by Shri Pataskar. So, it was a case of mutual agreement from start to finish. Even when there was some occasion for an amendment of the original proposals of Shri Pataskar, again the two States were consulted and they agreed to the manner of alteration that was made. Of course, I tried to do my little bit, but they referred the matter to arbitration. They laid down the principles and they also accepted the award. We did not impose anything on either of the two parties. So, when we refer to the basic principles that emerge out of this Pataskar procedure, if I may say so, it is that if the parties agree to the principles and want to refer the matter to an arbitrator and agree upon the arbitrator himself, as to who he should be, then a reference can be made. That is the only principle that emerges out of it.

Otherwise, so far as other principles go, they were accepted by the two States and on the basis of those principles, an award was given. So, there need not be any misunderstanding about that. As I said a few minutes ago, Andhra and Madras stood on an entirely different footing from those cases which came within the purview of the States Reorganisation Commission. But the principle for agreement is there, because if the parties agree to certain principles, then unless they run counter to the larger interests of the country, one would like to help them and not to hamper the process of agreement.

It is also to be remembered that these questions relating to territorial changes do give rise sometimes to very grave problems. So, whatever be our views, we should be careful in handling them, and so far as possible, we have to remember that we all belong to one country and whether a bit of territory is included in one State or in the other is not a matter of such formidable importance as to compel us to resort to methods which will lead to greater bitterness between the different sections of our nation.

So, I hope Shri Mahanty will appreciate my position and also concede that it is not out of any obstinacy or cussedness, but because I feel that it is not in the interests of the two States, to hold out a carrot which nobody will ever be able to handle now and which will not lead to any concrete consequences. So, I regret I have to oppose the resolution.

16.19 hrs.

Shri Mahanty: I will be very brief, because I have nothing much to speak. But let me not seem to speak in frustration or in resentment. Ultimately I have more reliance on the will of the people for justice than on the obstinacy of rulers to deny it. We know that nothing is permanent in human affairs. We believe a day will come when the Government of India will also revise their opinion about the particular matter under discussion.

Let it be remembered that this kind of justice under the cloak of reason and logic is worse than tyranny of injustice. I know the hon. Home Minister is a good logician. His logics are always good, but his facts are always bad. He has said that this is not a boundary dispute. I have in my hand the Pataskar Report, *Border Disputes*, printed in large letters. Please turn to page 4 of that Report. You will find "The border dispute between Andhra and Madras. It extends over three districts, Chittoor, Chingleput and North Arcot". He said that my Resolution wanted transfer of

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substantial chunks of territory from one State to the other. It is not a border dispute!

Mr. Deputy-Speaker: Districts were to be transferred or some territories relating to those districts?

Shri Mahanty: Portions. I was asking readjustment for one district. But here is a border dispute which is spread over three.

Pandit G. B. Pant: Territory adjoining two States.

Shri Mahanty: Be that as it may. He is a most astute debator. I am no match to him. But what I submit is that his logic is always good, but his facts are always bad. Here you find a border dispute which extends over 3 adjoining districts. But my Resolution relates only to one district. That is the first point. Then he said that the O'Donnel Committee appointed in 1934 had decreed that the States of Serai-kella and Kharsawan would form part of Bihar. With all humility, may I remind him that in 1934 these States were continued as Princely States? They had nothing to do either with the State of Bihar or with Orissa. What the hon. Minister presumably meant was this: at that time controversy had started whether these two States should continue to remain with the Orissa Agency States or with the Chattisgarh Agency States. At the time after protracted discussions, deliberations and memorials, it was decided that they should form part of the Orissa States Agency. Therefore, this has nothing to do whatsoever with the O'Donnel Committee.

Then he was obsessed with his own idea. He did not even touch the question of the border dispute between Orissa and Madhya Pradesh. Presumably, he concluded that Orissa's border dispute related only to Bihar. I really fail to understand for what reason, for what logic, for what objective considerations the

Oriya-speaking areas in Madhya Pradesh should not be taken into account.

Therefore, from these three facts, it is my misfortune to come to the conclusion that the hon. Home Minister ultimately relies on the majority at his command, on the goodwill that he commands all over the country, his background and his leadership and therefore, he refuses to take into account our humble pleadings. But as I have said earlier, ultimately we rely on the wishes of the people and on the will of the people for getting justice rather than on the obstinacy of the rulers to deny it. History is littered with such instances. This will be another instance which will be added to the pages of history.

I will conclude now because there are also other Resolutions on the Order Paper. I will only say a word about the Linguistic Minorities Commission. Will the hon. Home Minister tell me how long the Government of India took to appoint the Linguistic Minorities Commission and why the headquarters of the Commission have been located at Allahabad? Are there any linguistic minorities in UP? I know there is one linguistic minority there, the Urdu-speaking people.

Pandit G. B. Pant: They are everywhere, in every State

Shri Mahanty: I would like to know whether there is any minority in UP to warrant the location of the headquarters of the Commission in Allahabad.

Pandit G. B. Pant: There are Bengalis, Oriya-Speaking people and so on.

Shri Mahanty: Secondly, I would like to ask how long the Government of India took to appoint the Linguistic Minorities Commission. We know that the linguistic minorities are today writhing in pain, agony, insult. and

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humiliation. My hon. friend, Shri Jaganatha Rao told me that linguistic minorities...

Shri M. P. Mishra (Begusarai): They are also in his State.

Shri Mahanty: I consider every minority to be a licensee oppressed. He has been given a licence by the Government to be oppressed. I want the elimination of these minorities. We have seen what has happened to the minorities in the Middle East, in Europe and elsewhere. We want these minorities to be eliminated.

Therefore, let us not be taught what nationalism is, what emotional integration is and so on. Let that much of common sense be conceded to us, let that much of patriotism be conceded to us. We also want emotional integration of India. We also want that the nation should progress. I would like to know how this question will hinder the implementation of the Five Year Plan. Let us not talk this tommy rot. It is high time we disabused our minds of these platitudes and began seriously to grapple with the situation which is facing us.

I do not wish to speak in frustration, nor do I wish to say anything in anger. But I have ultimate faith in the sense of justice of the hon. Home Minister, if not today, at least tomorrow. He may not be in a very good mood now. Possibly he is over-worked, because I see a pile of files before him.

Shri D. C. Sharma (Gurdaspur): Is 'tommy rot' parliamentary?

Mr. Deputy-Speaker: It is not desirable to be used.

Shri Mahanty: Then I withdraw it.

Mr. Deputy-Speaker: Now that the hon. Member has withdrawn it, it need not be pursued.

Shri Mahanty: I do not wish to offend anybody. Let me say instead that it is inconsequential. Let us not be taught nationalism as though we do not know what it is.

I do not wish to press the Resolution; in deference to the wishes of the hon. Home Minister, I do not wish to embarrass him. So far as his wish is concerned, it is a mandate to me. But I would appeal to him to maintain his open mind and consider the issue at his leisure. We are not in a hurry. We believe that with goodwill on both sides, possibly we may be able to come to a satisfactory arrangement and adjustment. With these words, I crave leave of the House to withdraw my Resolution.

The Resolution was, by leave, withdrawn.

16.27 hrs.

CONVICTION OF A MEMBER

Mr. Deputy-Speaker: I have to inform the House that I have received the following wireless message dated the 26th September 1958 from the District Magistrate, Pilibhit:—

"Shri Mohan Swarup, Member, Lok Sabha, was tried at the District Jail, Pilibhit, before Shri K. Chandra, Judicial Magistrate, 1st Class, Pilibhit, on a charge of being a member of an unlawful assembly, under section 143, Indian Penal Code. The court, on the 26th September 1958, after a trial lasting for a day found him guilty under section 143, Indian Penal Code and sentenced him to two months' simple imprisonment. Letter follows".