

History and Evaluation of State Reorganization Commissions in India

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Abstract

Today, India is a Union of 29 States and 7 Union Territories. The geography of the Indian Federal Polity, however, has been the product of a long period of development and even after it came into existence, it has been continuously changing. Nor can one say with degree of certainty that the boundaries have at last been drawn with finality. The aim of this paper is to describe about the history and evaluation of state reorganization commissions in India and explain the growth importance of state administration.

Keywords: Evaluation • Reorganization commissions • JVP committee • SRC report

Introduction

In the British period, the "States" were known as Provinces and it was the provinces which first came into existence before form any central Government did. The first central government could make its appearance only in the year 1773. Before this there were three provinces known as "Presidencies" namely, the presidency of Fort William in Bengal, the presidency of fort St. George in Madras and the presidency of Bombay. The presidency of fort William was the largest and the Charter Act of 1883 provided for its division into i) the presidency of fort William in the lower province in Bengal and ii) the presidency of Agra. The proposed bifurcation however was postponed and the creation of presidency of Agra was cancelled and in its place the North-West provinces under a Lt. Governor was set up in 1836 [1]. Punjab became a separate province in 1849. Followed by Oudh in 1856, the Central provinces in 1861, Assam in 1874, the North Western frontier province in 1901, the United provinces of Agra and Oudh in 1901, Bihar in 1912 m Sindh and Orissa both in 1936.

In addition to the above Governor's provinces, there were 6 Chief Commissioner's provinces i.e. 1) British Baluchistan (now in Pakistan), 2) Delhi, 3) Ajmer Merwara (Rajasthan), 4) Coorg (Karnataka), 5) Andaman and Nicobar islands, 6) Panth Piploda (Madhya Pradesh). After India's partition in August 1947, both the North Western frontier province and Sindh became part of Pakistan while Punjab and Bengal were divided between the two countries. Baluchistan was also given to Pakistan.

Independent India thus comprised Nine Governor's provinces i.e. Madras, Bombay, West Bengal, the United Provinces, Bihar, East Punjab, the Central Provinces, Assam and Orissa and Five Chief

Commissioner's provinces i.e. Delhi, Ajmer-Merwara, Panth Piploda, Coorg and Andaman-Nicobar islands.

State Setup at the Commencement of the Constitution

After partition, India faced the problems of consolidation, the integration of the princely states and the framing of a constitution (approximately two-fifth of the area under the Raj had been made up these 562 principalities, varying in size from a few square miles to an area as large as Hyderabad, with Seventeen million people). Once the princely states had acceded to India, the process of integration was begun. Smaller states were merged with neighboring provinces; others were consolidated as centrally administered areas. States of another class because of their affinity were consolidated as now federal units. These included Rajasthan, Saurashtra (Gujarat), Travancore-Cochin (Kerala), and Mysore (Karnataka), Hyderabad and in a separate class, the state of Jammu and Kashmir retained their integrity as separate states of the Indian Union.

In 1950, when the new Constitution came into existence, the constituent units of the Indian union thus found themselves classified into part A, B, C and D states [2]. Part A states included the erstwhile Governor's provinces; Part B states the erstwhile Princely states; Part C states the erstwhile Chief Commissioner's provinces as well as some of the erstwhile Princely states and Andaman-Nicobar islands were kept as the solitary Part D state.

The head of the Part A states was the governor, while the head of the part B states was the rajpramukh. Part B states were bound by certain special agreements entered into consequences of their

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financial integration. Part C states were administered by the president through a chief commissioner or a Lt. Governor. They were originally chief commissioner's provinces and their administration was vested directly in the hands of the central government. they were governed by the government of part C states act, 1951 [3]. The Part D states was also administered by the president through a chief commissioner, but there was no provision whatsoever for a legislative body or a council of ministers.

In 1950, the states of all the FOUR categories numbered twenty nine and were classified as follows:

1. Part A states: 1) Assam, 2) Bihar, Bombay, 4) Madhya Pradesh, 5) Madras, 6) Orissa, 7) Punjab, 8) The United Provinces, 9) West Bengal
2. Part B States: 10) Hyderabad, 11) Jammu and Kashmir, 12) Madhya Pradesh, 13) Mysore, 14) Patiala and East Punjab states union, 15) Rajasthan, 16) Saurashtra, 17) Travancore-Cochin, 18) Vindhya Pradesh
3. Part C States: 19) Ajmer, 20) Bhopal, 21) Bilaspur, 22) Cooh-Bihar, 23) Coorg, 24) Delhi, 25) Himachal Pradesh, 26) Kutch, 27) Manipur, 28) Tripura
4. Part D States: The Andaman and Nicobar islands.

History of the Demand for Redistribution of States

The demand for a redrawing of the state boundaries in India is long standing and dating back to the year 1903 when Sir Herbert Riley, Home Secretary in the Central Government wrote to Bengal proposing the historic partition of that province, affected in 1905 [4]. The authors of the report on Indian Constitutional Reforms were well disposed towards provincial reorganization three principal reasons:

1. The provinces as they existed bore an artificial character
2. If these units were made smaller in size and more homogeneous in character and the business of the government was to become simplified.
3. The linguistic provinces were to lend themselves to the adoption of regional language for purpose of transaction of governmental business which was to attract public affairs persons not acquainted with English and thus to broad base Indian politics.

Mahatma Gandhi at very outset wanted that the provincial units of the Congress Party should be organized on linguistic basis. Accordingly, in 1921 the congress party gave effect to the linguistic principle in the own constitution by dividing the existing provinces into linguistic ones for its organization purposes. The Nehru Report (1928) approached the question of formation of provinces on the basis of linguistic affinities. The principles to govern redistribution of provinces are according to this report, partly geographical and partly economic but two main considerations are the popular wishes and the linguistic unity of area [5]. In a democracy the language of official communication cannot but be the language spoken by the people, which means that so far as the province are concerned, it must be the provincial language and other course is bound to keep the development of the common man stunted.

The Simon Commission (1927) was much more analytic and balanced in its examination of this question. In its report, submitted in

1930, it gave qualified support to the proposal of linguistic provinces. "If those who speak the same language form a compact and self-contained area, so situated and endowed as to be able to support its existence as a separate province, there is no doubt that the use of common speech is a strong and natural basis for provincial individuality. The congress party adopted a resolution in 1927 affirming that the "time has come for the redistribution of provinces on a linguistic basis". In 1937 and 1938, it renewed its pledge on the same basis. In its election manifesto of 1945, the congress reiterated its pledge to setup linguistic provinces when the Constituent Assembly of India was engaged in drafting the Constitution, the demands of formation of linguistic states became intensely live on its floor. Therefore, in June 1948, the Assembly announced the setting up of the Linguistic Provinces Commission under the Chairmanship of S.K Dar to examine the case of formation of certain new provinces.

The Dar Commission report was too chastising for the protagonists of the linguistic province and met with an extremely chilly reception in the country, popularly in South India which was more insistent on linguistic provinces. The Dar Commission reported "It may be that the provinces thus formed will also show homogeneity of language and in a way might resemble linguistic provinces [6]. But in forming the provinces the emphasis should be primarily on administrative convenience and homogeneity of language will enter into consideration only a matter of administrative convenience and not by its own independent force.

The Dar commission warned that linguistically homogeneous provinces would have a substantial bias threatening national unity and that in any case, each state would have minorities. The report was received with general disappointment. The congress party also did not like the Dar prescription and announced its own committee to consider the question of linguistic provisions. Appointed at the Jaipur Session of the congress party held on December, 1948, the Linguistic Provinces Committee considered of three members namely Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya (popularly known as JVP committee) "to examine the question in the light of the decisions taken by the congress in the past and the requirements of the existing situation". The JVP Committee, fundamentally concerned with the problem of national unity reaffirmed the position of the Dar Commission. It would unmistakably retard the process of consolidation and let loose, while on we are still in a formative stage, forces of disruption and disintegration. It however, was concerned that a strong case might be made for the formation of Andhra from the Telugu speaking region of Madras, and that if public sentiment was 'insistent and overwhelming', this and other cases might be given further consideration. This was the opening wedge for the bitter struggle over states reorganization which was to dominate Indian politics from 1953 to 1956.

The Creation of Andhra Pradesh

The demand for a separate state of Andhra Pradesh had deep roots among the Telugu people. Rajagopalachari's Ministry in Madras after the first general election was not happy family. His differences with Sri Tanguturi Prakasam popularly known as "Andhra Kesari" accentuated the clash between the Tamil and the Telugu speaking Andhras. The Andhras now revived their demand that the Madras state, as formed by the British be carved into two separate Tamil and Telugu speaking states. This movement got a big fillip when a

respected leader, Sri Potti Sriramulu undertook a fast into death [7]. Nehru told his cabinet colleagues he would not be intimidated by the tactics. But when the fasting leader died and the tragedy was followed by widespread riots and destruction Nehru yielded and in 1953 the state of Andhra Pradesh was created. Although Nehru argued against the 'foolish and tribal attitudes' of provincialism, the states he said were only for administrative purposes but the demand has been recognized and other linguistic groups would now have nothing less.

The Appointment and Report of the States Reorganization Commission

The creation of Andhra Pradesh state was the signal for a demand for a Kannad speaks state comprising old Mysore state and including areas then part of erstwhile Bombay and Hyderabad states. Nehru and his cabinet and the congress high commission decided to resist all attempts at further division of the states according to language. However, when Nehru was greeted with black flags at Belgaum, he sensed the dangers to his position at the idol of the people announced the formation of a Commission (29th December, 1953 to study the question of reorganization of states on a linguistic basis under the chairmanship of Fazal Ali, a judge of the Supreme Court. The other two members of the Commission were H.N Kunzur and K.M Panikkar.

The States Reorganization Commission sought a 'balanced approach' between regional sentiment and national interest. The Commission's Report, popularly known as the SRC Report, is a 267 page document representing the conclusions of the three members after travelling over 98,420 square kilometers, interviewing some 9,000 persons and examining nearly 1,52,000 documents. The unity of India, the report conducted, should be regarded as the primary consideration in any redrawing of country's political units. The commission rejected the theory of "one language one state" but recognized the linguistic homogeneity as an important factor conducive to administrative convenience and efficiency. The Commission recommended that the political divisions of the union be redrawn generally in accordance with linguistic demands. It recommended that the constituent units of the Indian union be the following 16 states and 3 centrally administered areas:

States: 1) Madras, 2) Kerala, 3) Mysore, 4), Hyderabad, 5) Andhra Pradesh, 6) Bombay, 7) Vidarbha, 8) Madhya Pradesh, 9) Rajasthan, 10) Punjab, 11) Uttar Pradesh, 12) Bihar, 13) West Bengal, 14) Assam, 15) Orissa, 16) Jammu and Kashmir

Centrally administered areas: 1) Delhi, 2) Manipur, 3) Andaman and Nicobar islands

The Commission recommended that the classification of the states in four categories (A,B,C,D) as envisaged in the Constitution should be done away with and all the states to be given an equal status. It also recommended that the office of the Rajpramukh, which smacked of the monarchical idea, should be abolished. It did not find any ground for the formation of separate states of Punjai, Suba, and Haryana. It recommended the continuation of Bombay as a bilingual state. The demands for separate tribal states, including Jharkhand and Nagaland were also bypassed.

Criticism of the SRC Report

The SRC report was strongly criticized in all sections of the country. The New York Times earmarked even before the publication of the report that the commission would suggest enlarging some states making some smaller, wiping out a few altogether and creating some new ones. In West Bengal, Orissa, Punjab and Bombay the criticism was particularly strong. When the SRC declined to accept the idea of Sikh state agitation among the Sikhs was to be anticipated and was promptly forth coming [8]. Nehru expressed surprises at some of the recommendations of the commission. He did not like the breakup of Hyderabad, which he thought was a model composite state. G.B Pant, on the other hand, welcomed this recommendation for would remove Hyderabad as 'a focus of Muslim power'. Pant wanted to give a 'decent burial' to linguism as an active political force. The country was now in the grip of the controversy over the Fazal Ali Report, and as days passed, the controversy gathered momentum. C. Rajagopalachari asked Nehru to shelve the report for twenty five years and the Hindustan Times advised to debunk the one language, one state proposal. The Chief Minister of Bengal and Bihar offered to amalgamate their states in a bid to check 'linguistic madness'. It was even suggested that the country be carved out into five or six zonal administrative units.

The States Reorganization Act, 1956

The SRC's proposals for redistribution of states in some cases were drastically revised by the Government. On 16th January, 1956, the government announced its decisions on the report, which may be summarized as follows: The government accepted the commission's recommendations regarding the formation of the new states of Kerala, Karnataka (which was to named Mysore) and Madhya Pradesh and regarding the continuance of the states of Madras, Rajasthan, Uttar Pradesh, Bihar, West Bengal, Assam and Orissa, broadly on the basis proposed by the commission. In other words;

1. Uttar Pradesh was to continue in its existing form
2. Madhya Pradesh and Orissa were to be as proposed by commission
3. Madras, Kerala, Karnataka (Mysore), Bihar and West Bengal were to continue as wished by the commission (subject of course, to minor boundary adjustment)
4. Assam was to be as desired by the commission except that Tripura was not to be included in its territory
5. Maharashtra was to consist of the Marathi speaking area of Bombay, Madhya Pradesh and Hyderabad. Gujarat, Saurashtra, Kutch and the Gujarati speaking areas of Bombay.
6. The existing constitutional disparity between the different categories of states was to disappear. This meant that Part-B states were to be equated with Part-A states by deleting Article 371 of the Constitution and abolishing the institution of Rajpramukh, and Part-C states were to disappear altogether as a separate cluster of states and such of the existing Part-C states as could not be merged in adjoining states were to be directly administered areas

7. The central government had under consideration of commission's recommendation about the formation of 1) a Punjab state comprising the territories of the existing states of Punjab, PEPSU and Himachal Pradesh 2) a residuary Hyderabad state or alternatively a larger Andhra state.

The States Reorganization Bill was introduced in April, 1956. It was finally passed in July, 1956 and came into force in November, 1956. The Act did away with the four categories of states as provided under the original constitution, and instead classified them into two categories. The states and the Union territories. Although the states reorganization commission had recommended the creation of 16 states and 3 centrally administered areas, the Act provided for the creation of 14 states and 6 union territories as under:

States: 1) Andhra Pradesh, 2) Assam, 3) Bihar, 4) Bombay, 5) Jammu and Kashmir, 6) Kerala, 7) Madhya Pradesh, 8) Madras, 9) Mysore, 10) Orissa, 11) Punjab, 12) Rajasthan, 13) Uttar Pradesh, 14) West Bengal

Union Territories: 1) Andaman and Nicobar Islands, 2) Delhi, 3) Himachal Pradesh, 4) Lacadive, Minicoy and Amindivi Islands, 5) Manipur, 6) Tripura

"India that is Bharat" is a union of states; the territory of India comprises the territories of the states and union territories. Except Jammu and Kashmir, no state has the right to frame its own constitution. A state derives power and authority directly from the constitution of India. There is a separate government for each constituent state. At present India comprise 29 states and 7 union territories.

One thing that should be kept in mind that there is no uniformity among the states with respect either to size of population or to the extent of territory, the Parliament of India is vested with the authority to alter the political map of India and the Parliament has used that authority freely since independence.

After independence due to the creation of Pakistan out of the original territory of India some provinces and the princely states went to the newly carved state and there arose the problem of reorganization which was taken up when the constitution was on the anvil. The first schedule of the 1950 Constitution contained 4 categories of units of the Indian union - A, B, C, D. Soon after the commencement of the constitution there arose the problems of reorganization of the states. A commission was appointed in 1953 for that purpose. It submitted its report in 1956 and the States Reorganization Act, 1956 was made which led to passing of Constitution (7th Amendment) Act, 1956 amending the first schedule. The annexation of Goa, Daman and Diu in 1961 necessitated the 12th Amendment in 1962. There arose occasions in 1966, 1970, 1972, 1973, 1976 and in 2004 to redraw the political map of India.

From the constitutional point of view, provisions relating to the appointment and duties of Governors, the emergency provisions, the creation of All India Services, etc contain many unitary features. From the administrative point of view also the states are subordinate to the union administration in many respects. Power of the purse being the ultimate power and the centre almost holding that power, the states are virtually left at the mercy of the centre financially. Therefore, unlike the USA, the states in India possess no vestige of sovereignty and are indeed creation of the constitution. They are to function with

the central government as the dominating partner enjoying various types of power of overriding nature.

Growing Importance of State Administration

The efficiency and effectiveness of the administration of the entire country depends upon the vigor and the competence of the state governments. There are some important reasons for which the states occupy a vital role in the governmental system of the country. They are given below:

- The states are the agencies for execution of planned programs. Most subjects which constitute the ingredients of development administration are within states exclusive jurisdiction.
- The state governments act in many cases as the agents of the union in discharging its functions.
- People's participation in the government and administration is possible only at the state level.
- Article 40 of the constitution provides for Local self-Government which comes under the purview of the state governments.
- Maintenance of law and order is a very important state subject.
- The concept of welfare state and development administration has given the states a new dynamic role and importance - in fact, the states held the key to the nation's progress on economic and social fronts.

The states, however, vary considerably in terms of their size, population, resources - physical, economic and manpower in terms of quantity and quality, political, social and cultural development and quality of their administrative machinery. This constitutes a major difficulty in a description of the state administrative system. Secondly, India is a union of states and centrally administered territories. These two categories differ fundamentally in their political and administrative organization. In addition, with respect to constitutional provisions also, all the units of Indian union are not equal. Article 370 gives special status to Jammu and Kashmir. Only certain Indian Laws approved by the state legislature apply to it and Indian citizens cannot buy any property in Kashmir unless they are also Kashmiri citizens. The state also has separate constitution of its own, a privilege not conferred on any other state. Recently under the Prime Minister ship of Sri Narendra Modi initiated the steps the change the above said situation. Similarly, article 371 makes special provision for Andhra Pradesh, Gujarat, and Maharashtra. Article 371A and 371B makes special provisions for Nagaland and Assam respectively. Article 371F makes special provision for Sikkim.

Conclusion

In conclusion we can say that the Indian constitution is federal in form, although article 1 on the constitution describes it as a union of states. In a federation there are two sets of governments, the national government and the government of constituent units. It postulates dual polity, national and regional governments coexist within the framework of the some state. Both sets of government exercise powers granted to them by the constitution and both are supreme within the spheres assigned to them by the constitution. Federalism presupposes equality of the status between two sets of government;

the one is not simply the creation of the other. Both enjoy a judicial status and corporate personality. The political and administrative organization of states is similar to its counterpart the national government like president, council of ministers, parliament and Supreme court at the centre, the state have governor, council of ministers, legislature and a high court. The election commission, president's rule, state secretariat, district administration, panchayati raj and local Self Administration fall within the constitutional frame of the state administration.

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