

**THE FORMATION OF NEW
PROVINCES.**

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THE FORMAT
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It is safe to start with the assumption that the main aim of the formation of new Provinces will be the creation of units which are politically more homogeneous than the existing Provinces. Before attempting the reformation it will, therefore, be necessary to lay down tests of political homogeneity. This means that the Constituent Assembly will have to indicate the characteristics of a population in relation to which it will be judged to constitute a political community distinct from its neighbours. The test or characteristic most generally accepted so far has been that of language. Other tests that might be accepted in certain circumstances would be those of religious or racial composition of the population. Even after the separation of the Muslim majority region, it may become necessary to constitute, in the Punjab, a political unit in which Sikhs are specially concentrated. It may also be considered desirable to form political units or sub-units in areas of heavy concentration of tribal population in Central and Eastern India.

(2) If language is accepted as the main test of political homogeneity, the boundaries of the new political units should coincide with the boundaries of the areas inhabited by distinct linguistic groups. The number of languages of all kinds spoken in India is, however, known to be large. The first step in the formation of the new Provinces would be to determine the major languages on the basis of which the formation of political divisions should proceed. In doing this, the size of the population speaking a particular language, the dispersion or concentration of that population in the particular area or areas and the stage of development reached by the language would all have to be taken into consideration. There are languages which are spoken by comparatively large numbers and which may yet not be used for writing to any considerable extent or may not have a highly developed literary tradition. The extent to which all such languages should be fostered and

developed or be allowed to diminish in importance is a matter on which decision will have to be taken on the plane of policy making. The problem will assume importance in the formation of political units and in administration of the regions in which the tribal population is concentrated. Apart from the tribal areas, the problem will have to be faced when dealing with areas in which small but compact groups of population speak a language related to but not as well developed as a neighbouring major language; as for example, in the case of speakers of Cutchi, Konkani or Tulu. In case it is decided that a minimum strength in population and resources is necessary before any distinct linguistic or other group becomes entitled to form a separate province by itself, the smaller groups of population must be provided for by being given special autonomous status or privileges within the larger political units of the major language to which they are affiliated. In this event, it may be thought desirable to provide for the local language on lines on which provision is made for the use and teaching of Welsh in Wales. This, again, is a question of decision regarding which will depend on the shape of general linguistic policy.

(3) The Constituent Assembly will be called upon in the first instance to lay down tests of political homogeneity. The application of these tests will yield a given number of potential political units within the whole of the Indian Union. The determination of these homogeneous political units is merely the first step in the formation of new provinces. The application of tests of political homogeneity will yield the areas in which communities, which can be considered as politically or culturally distinct from their neighbours, live. Before political units are formed and their status determined, the Constituent Assembly will have to take another set of decisions. It will have to define the minimum limits of population, resources, etc., which must be reached by the individual politically homogeneous units before attaining the rank of a full province. And it will have to determine the manner in which distinct political or cultural units which fall short of these minimum requirements are combined with or incorporated into larger contiguous units and the political status and the measure of autonomy, if any, which they continue to enjoy after such

combination or incorporation. The completion of this second stage will determine (i) the number of politically homogeneous units which are entitled to the full status of a province and (ii) those which are not so entitled. It will also indicate the particular bigger units with which particular small units will combine and the political status that they will enjoy after this step.

(4) The next series of problems will be those connected with politically homogeneous units which are much larger than the minimum laid down for the formation of a separate province. It may be considered desirable that a province should not be larger than a certain maximum size. Some of the units formed merely by the application of tests of political homogeneity may be very large. The division of such units into more than one independent province would then have to be contemplated. The formation of two or more provinces from within a comparatively homogeneous region and population will have to proceed mainly on considerations other than that of political homogeneity. Considerations of history, geography and economic circumstances may then become important, and each type of consideration will receive more or less weight according to the particular problem to be handled.

(5) The problem of the formation of more than one unit out of the politically homogeneous unit may have to be faced even when the area or population of such a homogeneous unit is not too large. Any part of a politically homogeneous unit may desire to be a separate province in itself because of reasons of history or other considerations. A claim of this kind by any part of a presumably homogeneous political area will have to be judged in relation to the general principles regarding the formation of provinces to be laid down by the Constituent Assembly. If, for example, it is the intention to form comparatively large provinces and to bring the area and population contained within a province up to a maximum as far as possible, the tendency towards the formation of separate provinces from within a politically homogeneous area will have to be discouraged. If, on the other hand, the view is adopted that provinces should be as numerous as possible, so long as they are above a certain minimum size, encouragement may be given to the formation of more than one province out of even

a comparatively small politically homogeneous unit. The Constituent Assembly may, however, decide to accept neither one nor the other of these alternatives as a general principle, and may desire to judge each question on its merits. In this event, the decision may be taken by resort to the operation of the principle of self-determination. It is obvious that even the principle of self-determination could be allowed to operate only within given limits. Thus an area which is smaller than the minimum laid down for a full province will not be allowed to constitute itself into a separate province. Further, within the limits laid down, the exercise of the right of self-determination could be attributed only to distinct and well-defined regions.

(6) The formation of the new political units will thus proceed in the following stages: (i) The determination of the distinct politically homogeneous units in accordance with tests laid down; (ii) The definition of the criteria for attaining the status of a full province; (iii) The determination of the units to which the units which do not satisfy these criteria are attached and of their status after the attachment; (iv) The formation of more than one province out of units that exceed certain limits of size, etc., and (v) Decisions regarding claims to forming separate provinces put forward by regions which are part of a politically homogeneous unit taken either in accordance with pre-determined principles of policy or by resort to self-determination.

(7) The next step after defining the main regions which should constitute the political units within the Union will be to lay down the principles and procedure by which the exact boundaries of these units are determined. In this connection, attention may be drawn to a few fundamental considerations. It is obvious that the total area subject to redistribution must be completely divided between the new units. It follows that tests for the determination of the allocation of an area to one or the other unit must be so devised that no region or locality is either allotted to more than one unit or left unallotted to any unit. Further, it is important that the area of each new unit is consolidated into one expanse of contiguous territory with a continuous unbroken frontier. This means that the territory comprised within the frontiers of any unit is all allotted to that unit and that no islands or pockets belonging to other units

are left within it. It is obvious that the application of any tests of political homogeneity will still leave localities with mixed populations within the areas of all the units. Such localities must be treated as localities inhabited by minorities within the political unit as a whole and cannot be considered as forming elements external to, i.e., not subject to, the political authority of the unit within whose frontiers they lie.

(8) The instrument of the plebiscite will have to be used for ascertaining the wishes of an area in the formation of independent provinces or the attachment of the smaller units to one or other province. A plebiscite may have to be taken when there are conflicting claims regarding the attachment of a small unit. A politically distinct homogeneous unit which is not entitled to become a full province by itself will have to be attached to a contiguous large unit. In case there is difference of opinion regarding the attachment of the particular unit to one or the other of neighbouring units, the matter will have to be determined by a plebiscite taken from among the population of the unit which is to be so attached. In the same way, plebiscites will be necessary to ascertain the wishes of an area regarding the claim to be constituted into a separate province in case there is no apparent general agreement in this regard.

(9) The plebiscite will also have to be used for the determination of the exact frontiers of the new linguistic provinces. No other method is likely to be found suitable for the purpose. The evidence of such previous counts as that of the census of 1941, is not likely to be accepted by all the contending parties in the determination of their claims. Also, the division of the population in the frontier regions is best done by determining their active choice. The plebiscites to be taken for this purpose would best follow the procedure developed during the last few decades in Europe and other continents. The protagonists on either side will be invited to define the boundaries of their regions according to themselves. The territory which is claimed for inclusion within the frontiers of more than one region or province will constitute the territory in dispute. This will presumably lie on either side of the exact boundary to be determined by the plebiscite. It is within this frontier band or strip that the plebiscite will be taken. The revenue village will presumably be treated as the basic unit for

purpose of compiling the results of the plebiscite and drawing the frontiers. The frontiers after plebiscite will be drawn in consonance with the principle of a continuous unbroken frontier for each unit and as much in accordance with the vote as possible, that is, the frontier will be so drawn as to attempt to give satisfaction to the greatest possible number of voters. The constitution of the Union will, it is presumed, contain provisions for bringing about any adjustments in the status or frontiers of units which become necessary in the light of later experience.

(10) The method of a plebiscite based on revenue villages may prove inapplicable where a frontier has to be drawn through an uninhabited region such as a desert or a forest. In these instances, frontiers may follow suitable geographical features as for example, courses of streams or watersheds. The problems of delimitation will, however, prove difficult when the uninhabited region contains valuable natural resources, actual or potential. When this happens, boundary-marking will involve detailed investigation into a number of geographical, sociological, etc. features of the region as exemplified by the problem of the division of the Mosul area between Turkey and Iraq.

(11) Some problems might arise in determining the population to be entitled to vote in the plebiscites. The residential qualifications in frontier plebiscites will have to be carefully defined. Even more careful definition will be required where there are claims for a region or a locality to break away from the politically homogeneous unit within which it clearly falls according to tests laid down. In such a case, the right of vote must be presumed to pertain only to those who belong to the same homogeneous political unit and not to those who do not so belong or claim to belong. No part of the population which is not indigenous is entitled to determine whether a presumably homogeneous region is to be split up into two units or not.

SUMMARY

1. The first step in the formation of new Provinces which are politically more homogeneous than the existing Provinces, would be to lay down tests of political homogeneity.
2. Secondly, minimum limits of population and resources will have to be laid down which must be satisfied by a politically distinct homogeneous unit before it is constituted into a separate province.
3. Thirdly, the units that do not satisfy these criteria must be attached to particular neighbouring units and their status after attachment defined.
4. Some politically homogeneous areas which are considered too large to form one Province may be divided into more than one Province for convenience of administration.
5. Decision about claims to separation from within politically homogeneous units will depend on the policy regarding the optimum size of Provincial units. Each individual claim will also have to be judged in relation to certain economic and political criteria to be laid down.
6. The determination of boundaries and the exercise of the right of separation from within a politically homogeneous unit will be effected by holding plebiscites.
7. New units must be consolidated into one expanse of area of contiguous territory with a continuous and unbroken frontier.
8. Tests for the allocation of areas between units must be so devised that no region or locality is either allotted to more than one unit or left unallotted to any unit.
9. Territory comprised within the frontiers of any unit must all be allotted to that unit.
10. In boundary fixation, strips of regions claimed to be under dispute on either side of a hypothetical boundary will be determined and the boundary defined after plebiscite in this disputed area.
11. Plebiscite results will be computed according to votes per revenue village, and the frontier drawn so as to give satisfaction to the greatest possible number of voters.

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