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MEMORANDUM

TO BE PRESENTED TO THE HON'BLE THE PRESIDENT
OF THE CONSTITUENT ASSEMBLY OF INDIA, BY
THE REPRESENTATIVES OF BIHAR IN THE CONSTI-
TUENT ASSEMBLY, AS A REJOINDER TO A NOTE
SUBMITTED BY THE REPRESENTATIVES OF WEST
BENGAL IN THE CONSTITUENT ASSEMBLY, ON THE
QUESTION OF THE AMALGAMATION OF CERTAIN
DISTRICTS, OR PARTS OF DISTRICTS, OF BIHAR WITH
WEST BENGAL.

By

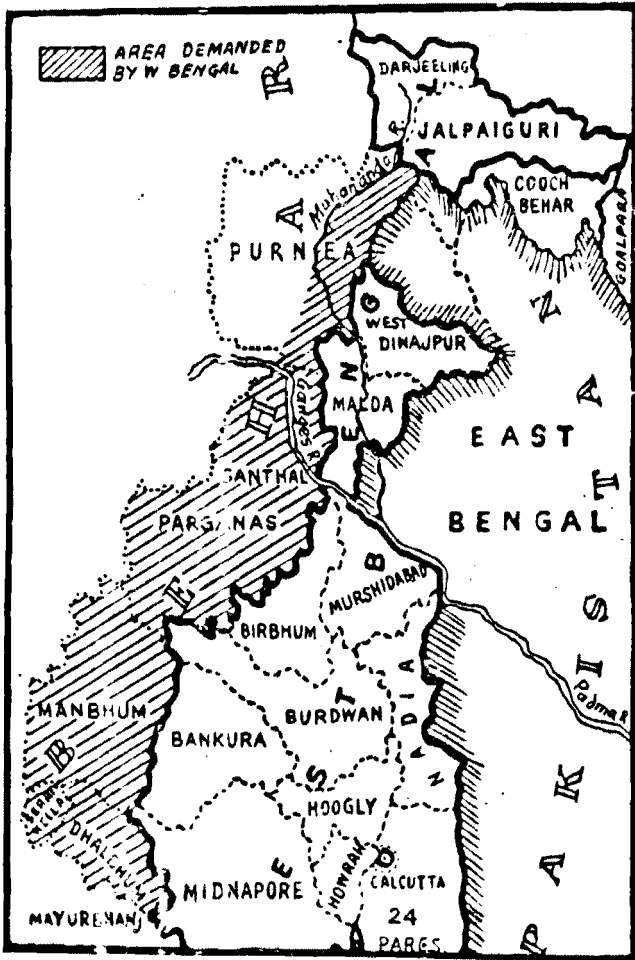
SACHCHIDANANDA SINHA, -

Member Constituent Assembly of India.

A PREFATORY NOTE

In August last the sixteen representatives of the Province of West-Bengal, in the Constituent Assembly of India (including the two Hon'ble Ministers of the Government of India from that province), presented to the Hon'ble the President of the Constituent Assembly, a note on the subject of the amalgamation of certain districts, or parts of districts, of the Province of Bihar with the Province of West-Bengal. Since then I received several letters from the Bihar representatives in the Constituent Assembly to prepare, on their behalf, a memorandum on that subject, by way of a rejoinder to the West-Bengal note. I have complied with their wishes by preparing this memorandum, with a view to its being presented to the Hon'ble the President of the Constituent Assembly. The only thing which I would like to add is that this problem should be decided, now or later, on the merits rather than on the strength, or otherwise, of any adventitious aid derived from the support extended, one way or another, by any Minister.

SACHCHIDANANDA SINHA.



Areas which can be demanded by Bihar of West Bengal not shown.

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APPENDIX.

BENGALI CONSEMBLY MEMBERS' MEMORANDUM TO DR. PRASAD.

Text of Memorandum.

The following is the full text of the memorandum :—

The President,
The Constituent Assembly of India,
New Delhi.

SIR,

You have been pleased to appoint a Commission to examine and report on the formation of the new Provinces of Andhra, Karanataka, Kerala and Maharashtra and on the administrative, financial and other consequences of the creation of such new Provinces. These new Provinces are proposed to be carved out of the existing Provinces of Madras, Bombay and the Central Provinces and Berar.

The appointment of the Commission is said to be in accordance with the recommendations of the Drafting Committee of the Constituent Assembly appearing in the foot-note to Part I of the First Schedule of the Drafting Constitution. It appears from the said foot-note that at first the Drafting Committee was called upon to consider the question of inclusion of only Andhra (as a new State) among the States in the Constitution. There had been a statement by the Government that this could be done. After full consideration of the matter the Drafting Committee, however, came to the conclusion that preparatory steps will have to be taken immediately under the present constitution in order that the new State, with all the machinery of Government, may be in being from the commencement of the New Constitution. The Committee, therefore, recommended that a "commission should be appointed to work out or inquire into all relevant matters not only as regards Andhra but also as regards other linguistic regions, with instructions to submit its report in time to enable any new State whose formation it may recommend to be created under section 290 of the Act of 1935, and to be mentioned in this Schedule before the Constitution is finally adopted." Section 290 of the Government of India Act, contains provisions for (1) creating a new Province, (2) increasing the area of any province, (3) diminishing the area of any Province, and (4) altering the boundaries of any Province.

Question of Reconstitution.

Now that the question of the redistribution and reconstitution of Provinces on a linguistic basis has been taken up, we, the following members of the Constituent Assembly, desire to place before you the request of the Province of West Bengal to extend the terms of reference of the Commission you have appointed and direct them to include in their inquiry the question as to what areas in the present Province of

Bihar should be brought within the Province of West Bengal for the construction of the new State of West Bengal on a linguistic basis. We ask that the Bengali-speaking areas in Bihar such as the district of Manbhum, the State of Seraikella and portions of the district of Singhbhum, Purnea and Santal Pargans, should be included in West Bengal.

In view of the extraordinary circumstances, in which, as a consequence of the partition of Bengal, the Province of West Bengal came into existence, this Province of West Bengal should be considered in one sense as being on par with other new Provinces going to be created. The financial, administrative and other consequences of partition have placed West Bengal in a very different position which calls for examination and sympathetic adjustments. To mention only one of West Bengal's many problems, the incidence of population in the area now included in the Province is nearly 800 to a square mile. The influx of refugees from East Bengal, already mounting to millions of people, has further increased this number. Apart from the need of finding food, clothing and other necessities of life for this uprooted population, it has become very difficult to rehabilitate them on the present limited space of West Bengal. This urgent problem reinforces the demand for inclusion in West Bengal of the Bengali-speaking areas of Bihar. In view of the sparsely populated vast areas available in Bihar and in view of its vast undeveloped resources, we think there is no genuine apprehension as regards the future prosperity of that province even if the Bengali-speaking areas with Seraikella be included in West Bengal. The inclusion of Kharsawan has given Bihar further scope for development.

We intend to raise this question also before the Constituent Assembly when it meets. We only desire that the Commission you have appointed should consider the problems of the new State of West Bengal so that their recommendations may be given effect to under section 200 of the present constitution. We consider this essential especially in view of the provisions of Article 3 of the Draft Constitution which will make any future alterations of boundaries of Provinces most difficult, if not altogether impossible.

We may point out that note P 159 of the Drafting Constitution when it speaks of the creation of new States under section 290 of the Government of India Act, does not and cannot mean only new names of States. The names, e.g., Madras, Bombay or Bihar included in Part I, do not mean mere names but territories at present within the Provinces of those names. If the extent of those territories is changed a new Province or State comes into existence in reality though the same may continue to be used. For instance, if a new State named Maharashtra is formed by taking portions from some of the existing Provinces those provinces do not remain the old Provinces and even their names may have to be changed.

"We hope you will be pleased to give our request your earnest and sympathetic consideration and take early action on it."