
STATE BORDER DISPUTES IN INDIA: THE PROBLEM AND SOLUTION

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ABSTRACT

India is a Multicultural nation that comprises Harmony and Variety. India is completely filled with Harmony, or Love and Adoration, between the various Religions. India has a diverse culture with many different religions, dialects, clothes, regions, and faces. India easily founded all of it's in all states. Every state has a distinct cultural and religious history. In India, people encirclement their differences and show their affection for one another. One aspect of the system of unity in diversity is Harmony. By bringing all the religious groups in India together, harmony was created. Multiculturalism was created in India as a result of the people's acceptance of this different character in terms of religion, culture, race, and language. Multiculturalism is the community of Harmony, and Harmony is the Unity in Diversity. However, in Multiculturalism, people priorities the disadvantages over the benefits. People lose their sense of national identity, some cultures rule over others, and as a result of this nation's loss of nationalism, there are conflicts. Border disputes have resulted from those conflicts. Conflict between two governments over the placement of the border between the state results by multiculturalism.

This Article reveals about the causes and reasons for border disputes because of multiculturalism and harmony. Constitutional provisions relating to multiculturalism and state boundaries are also discussed in this article. This Article mentioned with problems due to boarder disputes and solution to solve the border disputes. The Article concluded by offering some suggestions and conclusion on multiculturalism, peace, and border issues.

Keywords: Harmony, Multiculturalism, constitutional provisions, border issues

INTRODUCTION

Unity and Diversity is the development of people together for the betterment of society. It is the Spirit of Brotherhood. Unity is the oneness among the people and Diversity is the group of people with different type of characteristics. Unity in Diversity includes Harmony in nature. Harmony is living together peacefully without prioritizing to any caste, class, religion, language, gender, culture. Harmony creates the Unity in Diversity and this Unity and Diversity makes the Multiculturalism. Through the existence of the harmonious coexistence of different culture in the society makes the Diversity increased and this Diversity characterized as Multiculturalism.

Multiculturalism is a mixture of different ways of races, nationalities, languages, religious and gender. Its highlights that even though there is different types of people living in India but enjoys the equal rights through Indian constitution. Multiculturalism is viewing that it supports cultural coexistence. Multiculturalism is a proof that India accepts with different culture under a same jurisdiction. Multiculturalism is mentioning the truth of evidence that India is a land of Diversity. Its amalgamation of multi religious and ethnic group. Every state along with languages various religions, culture, dress code food habits. India with diversity is not a new phenomenon it's a long history of diverse demography. Hence India is historically Harmonious Multicultural society.

But in India more than utilizing the system of Multiculturalism people started to develop in a negative way. They are losing their identity, and people started to fight for their culture to be prioritized. Different cultures people quarrel each other and it weakens the sense of Nationalism. Because of this conflict arises border dispute between the States. Some States government fights with other State government for the border Jurisdiction, which says Harmony and Multiculturalism as one of the reasons for Border dispute

A Border dispute is a disagreement between the states about their state boundary. Boundary is nothing but a line which States the jurisdiction of an area. Based on the line the water and land limitation will be decided. Because of the lack of resource, locational feature, politics, cultural difference there is an existence of boarder disputes between the State boundaries. Hence the harmony and multiculturalism is also one of the reasons for the Border Dispute. When Border disputes arise between states there are chances for war and terrorism. Economic and Diplomatic tension will arise in nation. It starts with individual anxiety and chances of leaving the nation. Hence this Border Disputes should be resolved by the state cooperation to avoid the terrorism

and war. And along with this through the Border Disputes between the States, outside the nation neighboring country will take advantages and used the opportunity to occupy India. Hence our nation should avoid the border disputes by cooperating between the states.

Political system of India concentrated on federalism means to say the distribution of powers between central and state. This Federalism in India is not only functional division but also different language, race, culture to bring Unity and Diversity. But later the federation affects the Border Disputes due to Multiculturalism. Hence this Border Disputes should be resolved by the State cooperation to avoid the Terrorism and War. And along with this through the Border Disputes between the States, outside the nation neighboring country will take advantages and used the opportunity to occupy India. Hence our Nation should avoid the Border Disputes by cooperating between the States.

FEDRALISM

On August 15th 1947 it was the end to the India struggling for freedom from British. In 1950 of January constituent assembly drafted a new constitution. New constitution main feature is to distribution of power between central and state called federalism. Federalism means distribution of power into central and state. The federal features which influence by America, Canada, and Australia federation. Thus the framers of Indian Constitution were strongly influenced by the federal principles. In 1919 for the first time through the government of India Act it separated the subjects to both central and state for legislative, financial and administrative purpose. The act of government of India Act 1935 was the forerunner for the federal State to become a part of Constitution of India. According to the 1935 act federal system establishment is centralized federation with a fair amount of Provincial freedom. In 1946, the cabinet mission countersign the plan for the central government has less power and the provinces were granted with high level of freedom. These are the steps to establish the Federalism system in India¹.

In the beginning of the introduction of Federal system in India went on smoothly but later on due to Political, Social and Economic disturbances and changes, the conflicts between the States arise. Unity and Diversity is main conceptual of Indian Constitution but the federal system disturbs the people of different Culture and Language between the State which builds the Border Disputes between the States.

¹ <https://www.studocu.com/in/document/university-of-delhi/ba-honours-political-science/federalism-in-india-historycharacter/29157257visitedon17-05-2023at15.55pm>

PROCEDURE TO FORM STATE:

At present scenario the India consist with 28 States and 9 Union Territories. The state can be form by the Parliament with the simple majority of the State as per the Constitution of India. Formation of new states in India from 565 princely state and 17 provinces but after partition whittled into 14 states and 6 Union Territories, than in 2014 states increase to 29 states and 7 union territories and now in 2023, 28 states and 9 union territories.² Provinces state are ruled directly by the British before Independence based on Administrative Unit. Princely State was ruled by hereditary rulers before Independence to India. After federation introduced in Indian Constitution Province is defined as State based on Language, Social, Cultural.

The State Reorganization Act 1956 was the major reform to formation of State in India. It organized the State based on Language lines. To form the State on the basis of linguistic followed even before the independence form the British rule. Andhra Pradesh is the first Indian State to be organized on the basis of Languages in 1953. Since 1947 the reduction of States, Provinces and Princely States from 571 to 29 based on numerous linguistic and cultural units. The grouping of State at Independence period is based on the historical and political principles because of lack of time to undertake the reorganization of the States at the time of making of Constitution. Later through the State Reorganization Act 1956 the State reform on the basis of Linguistics, culture and social basis³.

Under article 2 of Indian Constitution parliament can make laws with application of conditions of Indian constitution. Article 3 of Indian Constitution parliament may by law :

1. Form a new state by separation of territory form any state or by uniting two or more states or parts of states or by uniting any territory to a part of any state.
2. Increase the area of any state
3. Diminish the area of any state
4. Alter the boundaries of any state
5. Alter the name of any state⁴

² <https://www.vedantu.com/political-science/formation-of-new-states-in-india>visitedon18-05-2023at11.31am

³ <https://www.yourarticlelibrary.com/india-2/the-state-reorganisation-and-emergence-of-new-states-in-india/42448>visitedon19-05-2023at11:25am

⁴ Prof. Kailash Rai, The Constitutional Law of India, central Law Publications, 2009 - page no 73

UNITY AND DIVERSITY

Unity in diversity means the unity among all the state with diversification of cultural, religious, class, language, and other factors. India gives importance to unity in diversity which contains different groups of people with different religion, class, language, cloths, and so on. This is not the new phenomenon in India regarding unity in diversity. India is the best example for diversity since ancient time and by following the constitution of India. There are more than 1,000,650 languages spoken in India. India is in the 4th rank in different languages spoken country in the world⁵. There are people in India who follow different religion called Hinduism, Islam, Buddhism, Jainism, and so on. This brings people from different community together. This unity is made through diversity called harmony.

HARMONY:

According to our father of nation word harmony defined that “The way we reach to unity shows our beauty in diversity”⁶. India stands in the second most populous country after china which filled with different cultures and diversity⁷. Different religious, doctrines, societies, way of life, dressing code, worship, class, languages and so on under the roof top of one place called India. This beauty of diversity exist in India and called this unity is Harmony.

According to article 51A of fundamental rights of Indian Constitution states that it shall be the duty of every citizen of India to promote harmony and spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities, to value and preserve the rich heritage of our composite culture.⁸

Section 153A in the Indian Penal Code states that promoting enmity between different groups of religious, race, place of birth, residence, language and so on and doing prejudicial to maintenance of harmony will be punishable for more than five years and along with liable to fine⁹.

Article 44 of Indian constitution says “the state shall endeavor to secure for the citizens a

⁵ www.theindiaforum.in/article/what-census-obscures-visitedon02-02-2-23at11.56am

⁶ <http://Timesofindia.indiatimes.com/readersblog/nature-creation/india-place-of-harmony-in-diversity-30572/visitedon02-02-2-23at12.00Pm>

⁷ Ibid 2

⁸ Article 51A (e) of Indian constitution, Dr.kailash Rai, constitutional law of India, eleventh edition, central law publications, 2017 page no. 424

⁹ Section 153A, Page no. 353, Prof.S.N.Mishra, Indian Penal Code, Twenty second edition, central law publications, 2021

uniform civil code throughout the territory of India”¹⁰

Hence in India diversity helps us to the mutual understanding between the verities of people in India which creates harmony and individual development and also our supreme law of the country Indian Constitution supports and encourages harmony system in India. This harmony encourages the multiculturalism in India

MULTICULTURALISM

Multiculturalism is a mixture of diverse cultures. Cultures include languages, caste, religious, style of cloths, worships, values, and so on. Multiculturalism is created by harmony. India is unity and diversity which is proof of philosophy of evidence, acceptance of different types of culture in the same boundary of India. This turned as multicultural harmony. As because of that India’s people living with multi language, caste, religious, food habits, way of life and so on in the one single land called Indian Harmony which turned to multiculturalism.

By the supreme law of India that is Indian constitution is the strongest support of the Multiculturalism. Indian Constitution will always oppose the discrimination and supports the multiculturalism and unity system in India. Article 25 and 26 speaks about the right to freedom of religion. Article 29 describes the citizen possessing a distinct language, script or culture, the right to conserve the same. Along with this article the article of Indian constitution also speaks about the multiculturalism those articles are 15, 16, 17, 19, 21, 30, 39, 46, 243D, 243T, 332, 334, and 335¹¹ India stands for multicultural society with the foundation of the constitutional provisions. Hence the multiculturalism is the law of culture in our nation.

CRITICS ON MULTICULTURALISM AND HARMONY:

Multiculturalism and Harmony creates the peaceful nature between the people, nation can learn verities of cultures of different people, people can connect with the different types of cultures, and this mixture of cultures makes the globalized nation in a progressive tolerant society. Through the multiculturalism the minorities can be improve their confidence level. People learn the integrity. Overall the Multiculturalism creates the potential to increase the overall adjustments between the people in single land.

¹⁰ Article 44 of Indian Constitution, Dr.Kailash Rai, Constitutional Law of India, eleventh edition, central law publication, 2021

¹¹ Dr.kailash Rai, constitutional law of India, eleventh edition, central law publications, 2017

But people take this multiculturalism and harmony in negative way more than the positive development to progress the Indian society. People of different cultures create tensions among themselves to recognize themselves individually in the society. Some developing cultures face hard time to amalgamate with other cultures. People got scarcity to lose their identity in India. Language fence creates a tension among the people to move from one place to another place inside India. Local people started unconvinced about the concept of the multiculturalism. Multiculturalism makes drastic change in the nation. Original people vanished due to multiculturalism in the society. It became frustrated to the local people who existed since ancient time. Social problems got increased which leads to increase of the disputes between the people.

Hence more than the positivity of multiculturalism system the negativity stands strongly in the nation. It makes individual people fear themselves about existence in the society, some developed cultures dominate on developing cultures. Cultures got divided to developed and developing groups of nation. The equal powerful culture started disputes to each other to get highly recognize in the society. This may lead to conflict between the people. People started to lose their identity and sense of nationalism in India. All the states make their own boundary based on their culture and language. But all the states maintain diversity. Multiculturalism creates tension between the states by taking into consideration of different linguistic background. This leads to state disputes and turned into border disputes in India. One nation with 28 states disputes each other due to this multiculturalism starts with the state disputes which ends in border disputes between the states.

BORDER DISPUTE

Interstate disputes are violation between the state to control or independency and both over the territorial state. This leads to border disputes. Border disputes arise from the root of language claims also because of multiculturalism the domestic area got fundamental changes within the nation and between the states. And that cause fundamental changes in national and international borders. Hence due to multiculturalism issue border disputes occurs in the nation between the states. This leads to the nation's damage in the system of unity in diversity.

MEANING OF BORDER DISPUTES

Border disputes means the disagreement between the states in single nation to where to draw

the border between the state¹²

CAUSES OF BORDER DISPUTES¹³

There are various reasons to cause border disputes between the states in India. Territorial disputes may arise because of the possession of natural resources like water, petroleum, mineral, farmland, rivers. People got scarcity of their resources, identification, domestic politics, geopolitical competition along with these disputes arise due to the diversity of culture, religion, ethnicity, nationalism, caste, language, living style, domestic culture. People are unconvinced each other to accept the other cultures and language. Domestic People are scared about their existence in the society. Different culture people want their recognition in the society. Fundamentally Based on the languages the state was divided hence the local languages are not willing to accepts the other languages people. Hence this makes clear that multiculturalism is the main cause of border dispute between the states in India. Federal system existed in constitution due to maintain unity among linguistic and regional diversity it creates the border disputes between the states due to lack of cooperation and politics.

MAJOR INTER-STATE BOUNDARY DISPUTES OWING TO MULTICULTURALISM¹⁴

There are major Inter State Border disputes ensues owing to Multiculturalism are:

KARNATAKA – MAHARASHTRA

Belgaum district is one of the major interstate disputes in India due to language issue. The district had large of Marathi speaking people but situated in Karnataka. Hence dispute arises between Karnataka and Maharashtra due to language of Marathi. But later it came in the area of Karnataka on 1956 but still it was under the control of Bombay presidency

HARYANA- HIMACHAL PRADESH

The Parwanoo region had a border disputes between Haryana and Himachal Pradesh. It is next to the place of Panchkula district of Haryana and occupies the place of Himachal Pradesh.

ARUNACHAL PRADESH – ASSAM

¹² <http://www.collinsdictionary.com/dictionary/english/border-dispute> visited on 3/02/2023

¹³ http://en.m.wikipedia.org/wiki/territorial_dispute visited on 03/02/2023 at 4.10am

¹⁴ <https://iasscore.in/rs-tv/gist-of-sansad-tv-perspective-inter-state-border-disputes-in-india> visited on 03/02/2023 at 4.16pm

Arunachal Pradesh state organization of North Eastern states independently transferred some forest areas in the normal that traditionally belongs to hill tribal chiefs and communities to Assam. In 1987 by tripartite committee recommended transferring certain territories from Assam to Arunachal Pradesh. It hurts the feelings of tradition of hilly tribal people of Assam. Regarding this Assam claim in the Supreme court. Matter is still before the court.

ASSAM – NAGALAND

The major dispute between the Assam and Nagaland occurs for state border disputes. After 1963 Nagaland became a state, the Nagaland state act of 1962 notified that Naga Hills and Tuensang area were combined with new administrative unit. But it was accepted by the Nagaland and demanded for all Naga dominated areas in North Cachar and Nagaon district to be executed under the control of new states. Assam and Nagaland started with clashes between the Assam and Nagaland. Till today it was in dispute stage.

GUJARAT – RAJASTHAN

The disputes arise between Gujarat and Rajasthan based on Mangadh Hill, located in the border of Gujarat and Rajasthan. Gujarat claims for half of the hill and Rajasthan claiming for entire hill. According to the tradition view hundreds of tribes were killed in the Mangadh hill during the British rule. Their relatives visit every year in the month of January to pay their tribute to those who dead. The Panchmahal district administration of Gujarat recently started constructing a road to reach hill but the Rajasthan government raised an objection for this. Till now it was not at all solved the issues.

KARNATAKA – KERALA

District of Kasaragod encompassing with kannada speaking people and it is located in the part of Kerala part hence Karnataka people were complaining that they were be treated like step mother by the Kerala government and which later constitute under Karnataka.

ANDHRAPRADESH – TELANGANA

The Telangana was a part of Hyderabad state from 1948 to 1956 later part it merged with Andhra Pradesh in 1956¹⁵. Due to injustice in the distribution of water, budget allocation and jobs for Telangana, hence officially on 2 June 2014 it separated form Andhra Pradesh the

¹⁵<https://www.google.com/search?q=andrapradesh+and+telangana+border+disputes+pdf&sxsrf=APwXEdevLn cm6BFEodIHt95eS8pDcDdEnA%3A1684320167011&ei=p69kZJYn9Nnj4Q-visitedon17.05.2023at16.24pm>

Andhra Pradesh reorganization act of 2014¹⁶.

ODISSA – ANDHRA PRADESH, WEST BENGAL, CHATTISGARH, AND JHARKHAND¹⁷

Odisha was unresolved border disputes with four neighbouring states due to water disputes. With Andhra Pradesh regarding inter state river Vamsadhara, with West Bengal have disputes over 27 plots in Balasore district and some areas in Mayurbhanj district, and with Chhattisgarh due to the issue of Mahanadi water disputes to change in course of river, with Jharkhand regarding the river Baitarani river to change in course of river,

CONSTITUTIONAL MECHANISM AGAINST INTER STATE BORDER DISPUTES¹⁸

There are various measures to look after the mechanism to resolve the interstate border disputes in India are:

1. Extra Judicial mechanism is mechanism to resolve the interstate border disputes without moving to the judiciary considered by the Indian Constitution.
2. Article 131¹⁹ of Indian Constitution creates a judicial mechanism on the supreme court of India. It deliberates the exclusive jurisdiction to compact with disputes through legal rights.

This articles says any dispute-

- a) Between the government of India and one or more state
- b) Between the government of India and any state or states on one side and one or more other states on the other or
- c) Between two or more states
- d) If and in so far as the disputes involve any question on which the existence or extent of a legal right depends.

¹⁶<https://en.wikipedia.org/wiki/Telangana#:~:text=On%20%20June%202014%2C%20the,with%20Hyderabad%20as%20its%20capital.visitedon17-05-2023at16.27pm>

¹⁷ <https://www.drishtias.com/daily-news-analysis/odisha-s-border-disputes#:~:text=The%20border%20dispute%20between%20Odisha,joining%20the%20Bay%20of%20Bengal.visitedon17-05-2023at16:36pm>

¹⁸<http://legallaffairs.gov.in/sites/default/files/constitutional%20Mechanism%20for%20the%20settlement%20of%20inter-State%20Disputes.pdfvisitedon03/02/2023at5.47am>

¹⁹ Page no.560, Dr.kailash Rai, constitutional law of India, eleventh edition, central law publications, 2017

3. Article 263²⁰ of Indian Constitution provides the provision of an interstate council. This council is having numerous functions, it is adept to propose some advice to resolve the interstate border disputes

CONCLUSION

India is enhanced by the mixture of cultural and language diversity among the citizen of India. It creates the unity in diversity. Indian Constitution made strong provision for the supports and encourage to multiculturalism. India covers with verities of culture and religious follows with harmony in nature. This harmony bridge the multiculturalism in India. But these diverse groups interact, Inter group tension, discrimination among the people of India. This starts with boarder disputes between the states. Border disputes remains as a major issue in India. There are multiple factors for border disputes in those factors, multiculturalism is one of the main to create the Border dispute. It is the responsibility of the nation to build the strong bondage between the state and to create the awareness about the value of the multiculturalism and to beware about the local disputes which takes advantages by other nation to create a problematic to India. To resolve the border disputes, the Central Government should take initiatives between the States. Parliament can bring a law which has to gratify by both the state in border disputes. Disputes state can take judicial methods to resolve interstate disputes between states. Recognize and investigate by the Government regarding the difference of cultural disputes and make an problem solving in smoothly manner. Government can create awareness about the value of the Multiculturalism and Harmony. And even people should aware about themselves about the value of the unity and diversity. Otherwise India will move to Drawback nation.

²⁰ Page no. 765, Dr. Kailash Rai, constitutional law of India, eleventh edition, central law publications, 2017