

The assault on a student in Belagavi in Karnataka for allegedly waving the state flag and killing of five villagers near Meghalaya's border with Assam have renewed focus on inter-state boundary rows within India.

# The fraught lines within

**BHARATH JOSHI, MRITYUNJAY BOSE & SUMIR KARMAKAR**  
DH NEWS SERVICE

## Domestic Disputes

visit of some ministers from Maharashtra on Saturday. Maharashtra has been claiming 7,000 sq km of the territory of Karnataka, including 814 villages and three towns — Belgaum, Nippani and Karwar. A commission set up in 1966 and headed by the former Chief Justice, Mehr Chand Mahajan, recommended transfer of 264 villages to Maharashtra, while Belagavi and 247 villages were to remain in Karnataka. It was accepted by Karnataka, but Maharashtra continued to protest and moved the Supreme Court in 2004.

Belagavi is politically significant with 18 assembly constituencies. The BJP last year swept the Belagavi City Corporation election winning 35 out of the 58 seats. Only two of the 22 candidates backed by the Maharashtra Ekikaran Samiti won, a total rout for the pro-Marathi outfit known for its clout on the city's civic body. "In Maharashtra, the border dispute is a political tool used by all parties," Karnataka Chief Minister Basavaraj Bommai said. "Our stand is clear: Maharashtra's plea is not maintainable. This is what our lawyers will argue. Our stand is constitutionally valid". He even went on to say that Jath, Solapur and Akkalkot in Maharashtra should be merged with Karnataka.

Bommai's comment put his own party — the BJP — under pressure in Maharashtra. Shiv Sena leader Uddhav Thackeray said that Eknath Shinde and Devendra Fadnis's government might end up giving Akkalkot and Solapur to Karnataka to help the BJP win the assembly elections there next year.

Not only the Karnataka-Maharashtra row, but many other inter-state border disputes have also reached the Supreme Court.

"If any of the states does not accept the recommendations of the boundary commissions, including the ones appointed by the Supreme Court, little progress can be made," said RRAG director Suhask Chakma.

Assam and Meghalaya, like some other states, were holding talks to resolve the disputes. But, according to Meghalaya Chief Minister Conrad Sangma, the November 22 killing of villagers of his state by the cops of Assam created a hurdle for the talks.

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### ASSAM - MEGHALAYA

- Meghalaya was carved out of Assam in 1970, became a full state in 1972.
- 12 disputed sites along 884 km border.
- Agreement inked in March 2022 to almost equally divide 36.79 sq. km. in 6 sites.
- Nov 22, 2022: Five villagers of Mukroh in Meghalaya were killed in firing by police from Assam.

### ASSAM - ARUNACHAL

- 804-km inter-state border
- Row over 123 villages
- Case pending in the Supreme Court since 1989.
- An agreement in July 2022 brought down number of disputed villages to 86.
- Jan 29, 2014: 10 killed, 3 injured in clashes along Assam-Arunachal border.

### ASSAM - MIZORAM

- Mizoram was carved out of Assam, as an UT in 1972, became a state in 1987.
- 169 km inter-state border
- Mizoram demands boundary with Assam should be drawn as per a colonial notification issued in 1875.
- Talks on, no significant progress.
- July 26, 2021: Firing by Mizoram cops killed 6 policemen of Assam, injured 40 others.

### Other Inter-State Border Disputes

- Himachal Pradesh - Ladakh
- Himachal Pradesh - Haryana
- Andhra Pradesh - Odisha

## 'Strict Legalism' key to resolve rows

**MOHAN KATARKI**

There may be two kinds of border rows between two political entities, whether at international level or within the federal systems. The boundary line disputes arise over differences in the interpretation of maps and may not have political overtones. The territorial border disputes are more complex, which involve not only title issues, but may stem from deep rooted cultural or ethnic nationalism. The British India being unitary till 1936 had no inter-state conflicts. The princely states fought on boundary lines, sometimes aggressively, but had to settle the differences on the advice of Paramountcy — an imperial power of Secretary of State for India in London.

The Constitution of India provides a framework for resolution of border disputes between the states. The states are free to settle disputes by mutual agreements. Alternatively, the States may knock on the doors of the Inter-State Council established under Article 263 of the Constitution. However, it does not have power to give authoritative ruling on the dispute.

The judicial remedy of filing an original suit in the Supreme Court under Article 131 of the Constitution is the last resort available to resolve disputes. This compulsory jurisdiction of the Supreme Court to resolve federal disputes has its precursor in Section 204



of the Government of India Act of 1935 invented by the British Parliament based on models under Constitutions of the United States of America, Australia and Switzerland. The states in India are created by Article 1 of the Constitution. The states can be formed or abolished by Parliament under Article 3 of the Constitution. The States' Reorganisation Act of 1956 established linguistic states. If it is the privilege of Parliament to create or abolish the states, no part of the territory of India can claim to be a part of a particular state. However, it is not so simple on the ground. Most of the inter-state boundary disputes in India are in its north-eastern region, with Assam being a common factor. Odisha has border disputes with Chhattisgarh, West Bengal and Andhra Pradesh. The border dispute between Maharashtra and Karnataka has strong linguistic overtones, even though it is sealed by the Act of 1956.

The territorial border dispute on villages in Koraput district between Odisha and Andhra Pradesh is the only case decided by the Supreme Court so far. Some disputes are still pending before the Supreme Court. Sir Owen Dixon, Chief Justice of Australia said — "Close adherence to legal reasoning is the only way to maintain the confidence of all parties in federal conflicts." Dixonian Strict Legalism is the key to resolve border disputes. (The writer is a senior advocate designated by the Supreme Court of India.)

Clashes over inter-state boundary rows in the north-eastern region resulted in death of 157 persons, injured 361 others since 1979, and displaced about 65,729 persons till July 2021. (Rights and Risk Analysis Group, New Delhi)

## SCIENCE & ENVIRONMENT

# An oasis in peril

Several tourism projects and the construction of a dam are threatening the biodiversity of Mount Abu, writes **Sahil Zutshi**

The climb is steep. Once atop, Devi Singh\*, a sixth-generation farmer and local resident, points to the valley stretching below.

"This will all go, thanks to the needless dam. The town's administration has slammed the door shut on protecting our jungle and the environment. Making money by destroying forests is criminal," he mutters.

In the early hours, the pristine forest echoes with bird chatter and song. The hills of Mount Abu, situated in the southern Aravallis, comprise several valleys and steep mountain slopes with Guru Shikhar at 1,722 metres, towering as the highest peak between the Himalayas and the Nilgiris.

The hill station is often referred to as the "abode of gods" and an "oasis in the desert" among other colourful descriptions. In reality, the gods appear to have long deserted this abode. What now remains is a rapidly changing town that is witnessing a slow death.

In 2009, the National Green Tribunal (NGT) declared Mount Abu and the surrounding villages, an eco-sensitive zone (ESZ). A national precedent was set, where an urban area and neighbouring villages, along with the wildlife sanctuary were included within an ESZ. A ban on construction was enforced to restrict unchecked development and reduce human activity.

A walk around Abu shows that the restrictions do not apply to governmental institutions, organisations wielding local influence, and parties with commercial interests. Eco-sensitive zone rules were formulated to protect the environment, but the real estate and construction black market clandestinely operated by the municipality, administration, village panchayats and Revenue Department continues to thrive.

### Salgaon dam project

The hill station suffers from water storage during the summer months and the sale of groundwater, despite being prohibited, is rampant and a necessity.

The Salgaon dam project, approved in 2021, has been projected as a permanent solution to the drinking water problem faced by the hill station. Proposed over five decades back at an estimated cost of Rs 27



Jawai Lake, one of the many water bodies in Mount Abu.

lakhs, today it is likely to exceed Rs 250.50 crores. The scheme, appearing to be a valiant attempt to solve the water problem, is an outdated and ill-thought-out vanity project, and carries the inertia of an era before the area was declared an ESZ. The project sets a dangerous precedent and ignores the ban on construction, thereby making the project unlawful and a violation of the NGT's order.

The project does not take into account recent findings from studies on the intensified impact of climate change on reservoirs, the risks associated with them as well as the disruption of local ecosystems. The catchment area, including the submergence area, comprises prime habitats for threatened species such as the green avadavat, sloth bear and leopard among others.

The valley at the proposed site and the adjacent hillsides are home to a relatively healthy population of the globally threatened green avadavat, with Mount Abu being the principal stronghold of the species. The project would add to the problems of the species already facing challenges.

Mount Abu holds rich floral diversity with subtropical thorn forests spread at the foothills, bamboo forests and semi-evergreen forests along watercourses and

valleys at higher altitudes of the wildlife sanctuary. Due to the wide range of habitats present within a relatively small area in an otherwise very dry region, Mount Abu harbours rich and unique faunal and avifaunal diversity in the ecoregion.

The forests harbour endemic species and subspecies of the Red-whiskered bulbul, Tawny-bellied babbler and Red spurfowl that are only distributed in the southern Aravallis. The population of Grey Junglefowl from Mount Abu is usually not recognised as a separate subspecies, although the call of the male bird from this region differs from that of other regions, and the plumage is much paler. Protection of the hillsides is important for the survival of these populations.

Over 110 plant families with about 830 plant species are found here, many holding much medicinal value. *Dicliptera abuenensis* is a rare, threatened species endemic to Mount Abu. Other threatened species include Karvy, Fragrant Ceropogia, King's Muraina Grass, while endangered species include Roundleaf Axlewood, Hairy-fruit Begonia and Creeping Hemp among others. Three species of wild roses and over 15 species of ferns and orchids are present and the hillsides are the only place in the

region where orchids grow in the wild. The submergence of habitat will unleash catastrophic, irreversible consequences for the fragmenting habitat and inevitably result in species decline.

The reason for Mount Abu's water shortage is the mismanagement, neglect of existing water bodies and unmanaged tourism. Leaking water bodies have been identified as being a threat to wildlife by the Forest Department in the past.

The budget allocated for the dam could be better spent on repairing and increasing the capacity of existing water bodies. In the absence of any robust carrying capacity or housing assessment, unmanaged tourism is choking the meagre resources of the hill station.

The water demand from the large institutions based in Mount Abu must be controlled. The building of the Salgaon dam will set a dangerous precedent for large construction projects that are banned by the NGT in the ESZ. With the negatives outweighing the benefits of this outdated proposal, an ominous cloud now hangs over the preservation of Mount Abu's hillsides.

(The author is a conservationist who works at Mount Abu Wildlife Sanctuary.)

### DID YOU KNOW?

## Not asteroids, but mysterious comets

You would expect to find asteroids in the asteroid belt between Mars and Jupiter? But recently, astronomers have found some objects that appear to be misplaced and hiding in the rubble: comets.

Now, as reported in a study in the *Monthly Notices of the Royal Astronomical Society*, a survey dedicated to hunting these misfits might have spied another icy individual blasting its own matter into space.

Scientists identified the suspected comet with the Wide Field Camera of the Isaac Newton Telescope on the Canary Island of La Palma. During three observation runs from 2018 through 2020, they watched 534 different asteroids, looking for signs of a comet's coma, or tail made by the dust in the coma being pushed by the sun's radiation.

Conventionally, comets are made of a nucleus, a solid core of various ices and dust. As a comet approaches the sun, its most volatile ices vaporize, creating a coma and two types of tails.

Comets are thought to have originated from the fringes of the solar system and beyond. Unlike their frosty cousins that often linger in our star system's cold outer reaches, asteroid belt, or main belt, comets stick to the warmer edge of the inner solar system. These comets are also as ancient as their neighbouring asteroids, making their frozen matter mystifying.

Astronomers suspect that at least some of Earth's water came from a bombardment of comets flying in from afar. However, robotic reconnaissance missions and distant observations have demonstrated that their water's chemical fingerprints often do not match the Earth's. That means objects like main belt comets may "be a source of Earth's water," said Colin Snodgrass, an astronomer at the University of Edinburgh and a co-author of the study.

As in other comets, the ices of a main belt comet vaporize and create a coma as they screech past the sun. But they orbit in the asteroid belt. The belt could have captured an interloping comet. However, eight others have since been detected. Around 20 other belt-bound objects seen shedding mass — possibly because of cometlike periodic ice vaporisation, wild spinning or recent impacts by asteroids — may be comets.

Researchers found just one new candidate: 2001 NL19. More observations will be necessary as it re-approaches the sun, when a coma or tail is most likely to appear.

- Robin George Andrews (NYT)

