

Read PM Bakshi

## Part 01 : Union and its Territories

### Article 1

Name and territory of the Union.

1) India, this is Bharat, shall be a Union of States.

- Why Union was used instead of Federation?

- (i) Our country is not an outcome of an agreement
- (ii) No part of our Union can succeed over this Union, as they all were willing members.

2) The States and the territories thereof shall be as specified in the First Schedule.

3) The territory of India shall comprise —

- The territories of the States;
- The Union territories specified in the First Schedule.
- Such other territories as may be acquired.

# Article 2

grants 2 powers to the Parliament.

- the power to admit into the Union of India new states;
- the power to establish new states

eg. the addition of State of Sikkim  
by 35<sup>th</sup> (1974) & 36<sup>th</sup> (1975)

↓  
constitutional amendment



# Article 3

authorises the Parliament to

- a) form a new state by separation of territory from any state or by uniting two or more states or parts of states or by uniting any territory to a part of any state.
- b) increase the area of any state.
- c) diminish the area of any state.
- d) alter the boundaries of any state.
- e) alter the name of any state.

→ conditions :

- 1) This ordinary bill will come only after prior approval of President.
- 2) President must send the bill to the state legislature, for their comment within a specified time.

3) Even if the State legislature sends their comments in time  
↓  
the Parliament and the President  
↓  
not bound by their views  
↓  
can accept or reject.

→ In case of Union Territory  
↓  
its under the central government, no need for referral

⇒ Parliament is capable of redrawing the Political Map of India according to its discretion.

→ Our Constitution does not guarantee territorial integrity

→ India can be referred to as an  
↓  
Indestructible union of destructible states.

## Article 4

States that laws made under article 2 and article 3, shall not be considered as a constitutional amendment under article 368

Q: Does the power of Parliament to diminish the areas of a state (under article 3) include also the power to cede Indian territory to a foreign country?

A: This question came up for examination before the Supreme Court in a reference made by the President in 1960.

- The decision of the central government to cede part of a territory known as **Berubari Union** (west of Bengal) to Pakistan led to political agitation and controversy and thereby necessitated the Presidential reference

seasoned ahead  
in notes

\* Articles under Part I were invoked when West Bengal was renamed

↓  
and for formation of relatively new states such as  
→ Jharkhand.  
→ Chhattisgarh.  
→ Telangana.

Article 1 → Name & its Territories

Article 2 → Permits the Parliament by law for admission or establishment of New States.

Article 3 → Permits the Parliament by law the formation of new states and alteration of areas, boundaries or names of existing states.

Article 4 → Laws under Article 2 and Article 3, are not deemed to be constitutional amendments under Article 368

↓  
- Part I of Indian Constitution is titled, "The Union and its Territories".

- It includes Articles from 1-4.

- Part I is a compilation of laws pertaining to the constitution of India as a country & the union of states that it is made of.

Q: Does the power of Parliament to diminish the areas of a state (under article 3) include also the power to cede Indian territory to a foreign country?

A: Indian territory can be parted to a foreign state only by a constitutional amendment i.e., under Article 368



However, the SC in its 1969 judgement ruled that settlement of a boundary dispute between India and another country does not need a constitutional amendment.



It could be done by executive action as it does not involve cession of Indian Territory to a foreign country.



In recent, 100<sup>th</sup> constitutional amendment act (2015) was passed to give effect to the acquiring of certain territories by India and transfer of certain other territories to Bangladesh in pursuance of the agreement and its protocol come in between the government of India and Bangladesh.



# State Reorganisation

①

Dhar Commission 1948

reorganisation of states on the basis of administrative convenience rather than linguistic factor

- Chairman → SK Dhar

- rejected reconstruction of states dependent on the language.



②

JVP Committee 1948

formally rejected language as the basis for reorganisation of states

- Jawaharlal Nehru + Vallabh Bhai Patel + Pattabhi Sitaramayya

- after evaluating the geographical area of India, the JVP committee produced a report to the National Council

administrative convenience  
↓  
various regions asked for linguistic reorganisation



- close the reorganization of states on the basis of their language

emerging protests from South India

\* Pattabhi Sitaramayya

went on Hunger Strike (56 days)

↓  
he died.

↓  
Government bowed down

Andhra Pradesh became 1<sup>st</sup> independent Indian state that was established on linguistic basis. On 1<sup>st</sup> October 1953

↓

Fazl Ali Commission 1953

submitted its report in 1955 and broadly accepted language as the basis of reorganisation of states.

But, it rejected the theory of "one language — one state".

after this the protests from other states increased

- Fazal Ali Commission also known as \_\_\_\_\_, States Reorganization Commission

- Abolishing the A, B, C system of States.

- Abolishing Rajpramukh and princely states.

- Merging the C and D group states into existing states.

A → Former British Provinces

B → Former Princely States

C → Princely States and provinces

D → Centrally administered areas

- division should not affect unity & security of India

- Cultural linguistic homogeneity must be considered.

- administrative, economic and financial considerations.

- Planning and support of the welfare of the people

— Recommendation by commission.

↓  
30 September 1955

↓  
India to be divided into 16 states & 3 Union Territories.

→ 1<sup>st</sup> November 1956

↓  
14 States and 6 Union Territories were made.

→ States → Assam, Andhra Pradesh, Bihar, reorganisation of J&K, Bombay, Madhya Pradesh, Kerala, Mysore, Madras, Punjab, Orissa, Uttar Pradesh, Rajasthan and West Bengal

→ Union Territories → Delhi, Manipur, Andaman and Nicobar Islands, Minicoy, Laccadive, Jharkhand and Amindivi Islands and Tripura

Members → Fazal Ali  
HN Kunzru  
KM Panikkar

not accepted by government

① - 1969 → Assam divided into 2 states  
Assam      Meghalaya

② - Manipur + Tripura → States  
↳ now Indian States 19 to 21

③ - Sikkim initially → association state  
state of the Indian Union

After few years, turned into full-fledged state.

④ - 1986 → Mizoram → 23<sup>rd</sup> State

⑤ - 1987 → Arunachal Pradesh → 24<sup>th</sup> State

⑥ - the state of Goa was given the status of a separate entity after separating it from Daman and Diu, the Union Territory of Goa

⑦ - 3 new states → Jharkhand  
→ Uttarakhand  
→ Chhattisgarh  
↓  
November 2000

⑧ Andhra Pradesh → June 2, 2014  
↓  
Andhra Pradesh      Telangana  
↓  
29<sup>th</sup> State

### ⑨ J&K Reorganisation Act

↓  
9<sup>th</sup> August 2019

- Scrap Article 370 & Article 35A

- J&K → Jammu & Kashmir  
→ Ladakh

Union Territories

- J&K will have a legislative assembly.

- Ladakh would be managed solely by a lieutenant governor.

Before J&K  
Delhi and  
Puducherry  
have  
legislative  
assembly

At Present :

28 → States

8 → Union Territories

10

Daman & Diu

+  
Dadra & Nagar Haveli

> merged

↓  
26 January 2020

## Special Status of J&K

- State of J&K was a special case in history of India with its own mini-constitution and separate land inheritance law.

- Article 370, granted autonomous status to the state of J&K and gave the state some immunity from the applicability of the complete constitution of India.

- This Article aimed to provide space, in matters of governance, to the people of J&K → who have always felt vulnerable about their identity and insecure about their future.

King of J&K

↓

Hari Singh  
(1925)

↓

Signed the  
treaty