

Part (I) of the constitution comprises of 4 Articles concerned with the territory of India.

Article 1: Name and Territory of the Union.

Article 1(1) States that India, that is Bharat, shall be a Union of States.

Why 'union' not 'federation'?

- ❑ India has opted for the Federal form of Government due to its large size and socio-cultural diversities, but the word 'Federation' does not find mention in the Constitution.
- ❑ The term 'Union' was suggested by Dr B.R. Ambedkar, which indicates two things— first, Indian Union is not a result of agreement of independent and sovereign states, and second, the Units/States do not have right to secede from the Union.
- ❑ The expression 'Union of India' needs to be distinguished from the expression 'Territory of India'.
- ❑ While the Union of India includes only the States which share federal powers with the Centre, Territory of India includes the entire territory over which the sovereignty of the country is exercised.

Article 1(2) says that the States and the territories will be specified in the First Schedule.

Article 1(3) says that the territory of India will comprise the following –

- a) The territories of the States.
- b) The Union territories mentioned in the First Schedule; and
- c) Such other territories as may be acquired.

Article 2 - Admission or establishment of new States

According to the Article Parliament may by law admit new States into the Union India or establish new States on such terms and conditions as it think.

Article 2 gives Parliament two powers

1. The power to admit into the Union new States which are established and are already in existence. i.e., The French Settlements of Pondicherry, etc.
2. The power to establish new States which were not in existence before.

Article 2-A. Sikkim to be associated with the Union. (repealed)

- ❑ The 35th Amendment laid down a set of conditions that made Sikkim an "Associate State", a special designation not used by any other state
- ❑ The 36th Amendment made Sikkim a full-fledged State of the Indian Union and omitted the tenth schedule.
- ❑ The 36th Amendment Act was passed on 16th May 1975.
- ❑ Notably, Article 2 relates to the admission or establishment of new states that are not part of the Union of India. Article 3, on the other hand, relates to the formation of or changes in the existing states of the Union of India. In other words, Article 3 deals with the internal re-adjustment inter se of the territories of the constituent states of the Union of India.

Article 3: Formation of New States and Alteration of Areas, Boundaries or Names of Existing States.

- ❑ The Parliament can redraw the political map of India according to its will. Hence, the territorial integrity or continued existence of any state is not guaranteed by the Constitution. Therefore, India is rightly described as 'an indestructible union of destructible states.'
- ❑ The Union government can destroy the states whereas the state governments cannot destroy the Union. In USA, on the other hand, the territorial integrity or continued existence of a state is guaranteed by the Constitution.

- ❑ The American Federal government cannot form new states or alter the borders of existing states without the consent of the states concerned. That is why the USA is described as 'an indestructible federation of indestructible states.

Formation of new states

Parliament may create new States in a number of ways, namely by

- ☞ Separating territory from any State,
- ☞ Uniting two or more States,
- ☞ Uniting parts of States and
- ☞ Uniting any territory to a part of any State.

Parliamentary procedure

- ☞ Firstly, a bill calling for formation of new States or alteration of the boundaries or names of the existing State shall be introduced in either House of Parliament only on the recommendation of the President.
- ☞ Parliament can form new States, and can alter the area, boundaries or names of the existing States by a law passed by a simple majority.
- ☞ Such a bill must be referred by the President to the concerned State Legislature for expressing its views to Parliament if it contains provisions which affect the areas, boundaries or name of that State. Also, its opinion within a specified time limit
- ☞ If the State Legislature does not give its opinion within the specified time limit, the time limit may be extended.
- ☞ The Bill may be introduced even if the opinion has not come
- ☞ The Parliament is not bound to accept or act upon the views of the State Legislature.
- ☞ It is not necessary to make fresh reference to the State Legislature every time when an amendment to the Bill is proposed and accepted.
- ❑ Recent change has been in the status of Jammu and Kashmir in the year 2019 by Jammu and Kashmir reorganization act 2019. Through this act state of Jammu and Kashmir was demolished into the union territory of Jammu and Kashmir and the union

territory of Ladakh.

- ❑ It was the first time in the history of India that a state was demolished into a union territory. Also, the Parliament passes a bill in Dec 2019 which changes the status of union territory of Daman and Diu and Dadra and Nagar haveli into one unit.

The Berubari Union and Exchange of Enclaves case 1960

- ❑ In the case of the Berubari Union, the President had consulted the Supreme Court of India regarding the Nehru-Noon Agreement signed between the Prime Minister of India and Pakistan.
- ❑ The dispute was that the State Government of West Bengal did not want to give any territory of Berubari to Pakistan. The Central Government signed the Nehru-Noon Agreement, which clearly states that the territory of Berubari will be equally distributed between India and Pakistan. Therefore, this matter was finally taken to the Supreme Court of India.
- ❑ Supreme Court in 1969 ruled that, settlement of boundary dispute between India and any other country doesn't require constitutional amendment, it can be done by an executive action (govt action), if it doesn't involve cession of a territory.
- ❑ The 100th Amendment in Indian Constitution provides acquisition of territories by India and transfer of certain territories to Bangladesh. The Constitution Act 2015 (100th amendment) ratified the land boundary agreement between India and Bangladesh. The act amended the first schedule of the Constitution in order to exchange the disputed territories occupied by both the nations in accordance with Land Boundary Agreement of 1974 and its Protocol of 2011.
- ❑ For this purpose, this amendment act amended the provisions relating to the territories of four states (Assam, West Bengal, Meghalaya and Tripura) in the First Schedule of the Constitution.

Article 4 - Laws made under Articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and Supplemental, Incidental and Consequential matters

Article 4(1) Any law referred to in Article 2 or Article

3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

Article 4(2) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of Article 368-part II citizenship.

Explanation: -

- ❑ This Article explains that changes which are made by Article 2 & 3 will not be termed as the amendment but will be termed as law for changes in First and Fourth schedule.
- ❑ To understand Article 4, one must have knowledge of Article 368 that deals with amendment to Constitution.
- ❑ Remember if Parliament wants to change any provision or Article or schedules mentioned Constitution, it has to propose amendment bill under Article 368. Second point is as mentioned in Article 4, there is no necessity for Parliament to initiate amendment bill under Article 368 in order to pursue any bill propose under Article 2 or Article 3.
- ❑ Remember Article 2 deals admission of any newly acquired territory and its admission to Union of India (such as Sikkim 1975 or recent addition of some villages in Bangladesh to India)
- ❑ Also, Article 3 deals with re mapping or creation of states or territories in existing in Union of India (such creation of State of Telangana).
- ❑ This is because after independence from British in 1947, there were approx. 357 princely states which also got independence and they had right to join either India or Pakistan or remain separate. So, process of amalgamation of these territories to India was going on continuously from 1947 to till date also there were many complex problems created due to partition of India.
- ❑ Changes to Indian Union were inevitable and continuous, due to which our founding fathers

thought that if every such legislation is came under preview of Article 368 i.e. Amendment of constitution then it will be very tedious and complex work to acquire territories or rename states or create new state or merge any state to existing states.

Also it will become time consuming and difficult for Parliament to function or proceed with foreign relations of country, So to minimize and simplify this problem, they made provision of Article 4.

- ❑ So just because of Article 4 it is very handy for Parliament to make laws regarding the alteration local or international boundaries without interference.

REORGANISATION OF STATES

- ❑ At the time of independence in 1947, India consisted of 571 disjointed princely states that were merged together to form 27 states. The grouping of states at the time was done on the basis of political and historical considerations rather than on linguistic or cultural divisions, but this was a temporary arrangement. On account of the multilingual nature and differences that existed between various states, there was a need for the states to be reorganized on a permanent basis
- ❑ Initially as per constitution States are divided into 4 parts- **PART-A, B, C, D**
- ❑ After 7th Constitutional amendment it was changed to States and Union territories. The Constitution of 1950 categorized states in Four Parts.
- ❑ Part A had 9 states and these were the former Governor Provinces of British India ruled by elected Governor.
- ❑ Part B had 8 states and these were former princely states, governed by Rajpramukh (ruler of the state).
- ❑ Part C had 10 states and these were former Chief Commissioner's provinces in British India governed by Chief Commissioner appointed by the President of India.
- ❑ Part D had only 1 State administered by Lieutenant Governor appointed by Central Government.
- ❑ This scheme was reorganized by States Reorganisation Act, 1956.

- ❑ In 1948, SK Dhar - a judge of the Allahabad High Court - was appointed by the government to head a commission that would look into the need for the reorganization of states on a linguistic basis. However, the Commission preferred reorganization of states on the basis of administrative convenience including historical and geographical considerations instead of on linguistic lines.
- ❑ In December 1948, the JVP committee comprising Jawaharlal Nehru, Vallabh bhai Patel and Pattabhi Sitaramayya was formed to study the issue. The Committee, in its report submitted in April 1949, rejected the idea of reorganization of states on a linguistic basis but said that the issue could be looked at afresh in the light of public demand.
- ❑ In 1953, the first linguistic state of Andhra for Telugu-speaking people was born. The government was forced to separate the Telugu speaking areas from the state of Madras, in the face of a prolonged agitation and the death of Potti Sriramulu after a 56-day hunger strike. Consequently, there were similar demands for creation of states on linguistic basis from other parts of the country.
- ❑ On December 22, 1953, Jawaharlal Nehru appointed a commission under Fazal Ali to consider these new demands. The commission submitted report in 1955 and it suggested that the whole country be divided into 16 states and 3 centrally administered areas. The government, while not agreeing with the recommendations entirely, divided the country into 14 states and 6 union territories under the State's Reorganization Act 1956. The states were Andhra Pradesh, Assam, Bihar, Bombay, Jammu and Kashmir, Kerala, Madhya Pradesh, Madras, Mysore, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal. The six union territories were Andaman and Nicobar Islands, Delhi, Himachal Pradesh, Laccadive, Minicoy and Amindivi Islands, Manipur and Tripura. States Reorganization Act, 1956
- ❑ The States Reorganization Act, 1956 was a major reform of the boundaries of India's states and territories and remains the single most extensive change in state boundaries since the independence of India in 1947. The act abolished distinction

among Part A, B, and C states categorization. States were reorganized largely on linguistic lines.

- ❑ Demand of states on linguistic basis was developed even before independence of India under British rule. Though that time Indian administrative regions were identified as different provinces. Orissa was the first Indian state formed on linguistic basis in the year 1936 due to the efforts of Madhusudan Das and became Orissa Province. In Odisha linguistic movement started in the year 1895 and intensified later years with the demand of separate province from Bihar and Orissa Province.

Why language was used as the criteria for the division of states?

- ❑ It would lead to the local people participating in the administration in larger numbers because of being able to communicate in a common language.
- ❑ Governance would be made easier in areas, which shared linguistic and geographical features.
- ❑ This would lead to the development of vernacular languages, which had long been ignored by the British.
- ❑ This would help replace the caste and religion-based identities with less controversial linguistic identities.
- ❑ Andhra State was the first state to be formed after independence on linguistic basis in India on 1 October 1953. On 1 November 1956, Andhra State was merged with the Telugu-speaking areas of the Hyderabad State to form Andhra Pradesh.
- ❑ In 1960, the state of Bombay was bifurcated to create the states of Gujarat and Maharashtra following violence and agitation. In 1963, the state of Nagaland was created for the sake of the Nagas and total number of states stood at 16.
- ❑ The areas of Chandernagore, Mahe, Yamen and Karaikal from France, and the territories of Goa, Daman and Diu from the Portuguese, were either made union territories or were joined with the neighbouring states, after their acquisition.
- ❑ Based on the Shah Commission report in April 1966, the Punjab Reorganization Act was passed by

the Parliament. Following this, the state of Haryana got the Punjabi-speaking areas while the hilly areas went to the Union Territory of Himachal Pradesh. Chandigarh, which was made a Union Territory, would serve as the common capital of Punjab and Haryana.

- ❑ In 1969 and in 1971, the states of Meghalaya and Himachal Pradesh came into being respectively. With the Union Territories of Tripura and Manipur being converted into states, the total number of Indian states rose to 21.
- ❑ Thereafter, Sikkim in 1975 and Mizoram, Arunachal Pradesh in February 1987 also acquired the status of states. In May 1987, Goa became the 25th state of the Indian Union, while three new states of Jharkhand, Chhattisgarh and Uttaranchal were formed in November 2000. On June 2, 2014, Telangana officially became India's 29th state.
- ❑ In 2019, the Central Government took an imminent decision of reorganizing the fable state of Jammu and Kashmir. The decision of scrapping the special status bestowed to the state under Article 370 of the Indian Constitution left the state in peril. Hence, Jammu and Kashmir got divided into the Union Territory of Jammu and Kashmir and the Union Territory of Ladakh.
- ❑ The Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Bill, 2019 was

introduced in Lok Sabha on November 26, 2019. The Bill provides for the merger of the Union Territories (UTs) of Dadra and Nagar Haveli, and Daman and Diu into a single UT.

Why the new states were created?

- ❑ One main reason was cultural or social affiliations. For instance, the state of Nagaland in the Northeast was created taking tribal affiliations into account.
- ❑ Another reason was economic development. For instance, Chhattisgarh felt that the region could grow economically only through separate statehood because the region's development needs were not being met by the state government. For an aggrieved region, there is a strong sense that overall development will not come to them in the bigger state because of inequitable distribution of resources and lack of adequate opportunities for growth.
- ❑ There is also a shift in power from the Centre to the states and with the growth of diverse communities, the existing federal structure is probably not sufficient to meet the aspirations of the rising numbers.
- ❑ Also, parties tend to associate themselves with identity politics to get attention on the national stage and for gaining a vote bank. Hence, there is an increasing demand for formation of new states based on social and cultural identities.

List of Union Territories			
Union territories	Capital	Founded Year	Official Languages
Andaman and Nicobar Islands	Port Blair	1. Nov. 1956	Hindi, English
Chandigarh	Chandigarh	1. Nov. 1966	English
Dadra and Nagar Haveli, Daman and Diu	Silvassa, daman	11. Aug. 1961 (Merged in 2019)	Gujarati, Hindi, Marathi
Delhi	New Delhi	9. May. 1956	Hindi, Punjabi, Urdu
Lakshadweep	Kavaratti	1. Nov. 1956	English, Hindi
Puducherry	Pondicherry	1. Nov. 1954	English, Tamil, Malayalam, Telugu
Jammu and Kashmir	Srinagar (Summer), Jammu (Winter)	From 31 Oct 2019	Urdu
Ladakh	Leh	From 31 Oct 2019	Bhoti

NOTE: Goa, Puducherry, Dadra & Nagar Haveli and Sikkim were not a part of India at the time of independence. Goa was liberated from Portuguese occupation in 1961, Puducherry along with Karaikal, Mahe and Yanam, was transferred to India in 1954 by the French, Dadra & Nagar Haveli were liberated in 1954 from the Portuguese and Sikkim became a part of India in 1974.

List of States				
States	Zone	Capital	Founded Year	Official Languages
Andhra Pradesh	Southern	Amaravati (announced)	1. Nov. 1956	Telugu
Arunachal Pradesh	North-Eastern	Itanagar	20. Feb. 1987	English
Assam	North-Eastern	Dispur	26. Jan. 1950	Assamese
Bihar	Eastern	Patna	26. Jan. 1950	Hindi, Urdu
Chhattisgarh	Central	Naya Raipur	1. Nov. 2000	Hindi
Goa	Western	Panaji	30. May. 1987	Konkani, Marathi
Gujarat	Western	Gandhinagar	1. May. 1960	Gujarati
Haryana	Northern	Chandigarh	1. Nov. 1966	Hindi, Punjabi
Himachal Pradesh	Northern	Shimla	25. Jan. 1971	Hindi, English
Jharkhand	Eastern	Ranchi	15. Nov. 2000	Hindi, Urdu
Karnataka	Southern	Bangalore	1. Nov. 1956	Kannada
Kerala	Southern	Thiruvananthapuram	1. Nov. 1956	Malayalam
Madhya Pradesh	Central	Bhopal	1. Nov. 1956	Hindi
Maharashtra	Western	Mumbai	1. May. 1960	Marathi
Manipur	North-Eastern	Imphal	21. Jan. 1972	Meitei, English
Meghalaya	North-Eastern	Shillong	21. Jan. 1972	English, Khasi
Mizoram	North-Eastern	Aizawl	20. Feb. 1987	English, Hindi, Mizo
Nagaland	North-Eastern	Kohima	1. Dec. 1963	English
Odisha	Eastern	Bhubaneswar	26. Jan. 1950	Odia
Punjab	Northern	Chandigarh	1. Nov. 1956	Punjabi
Rajasthan	Northern	Jaipur	1. Nov. 1956	Hindi, English
Sikkim	North-Eastern	Gangtok	16. May. 1975	English, Bhutia, Nepali, Sikkimies, Lepacha, Gurung, Limbu, Sherpa, Magar, Mukhia, Newari, Rai, Tamang
Tamil Nadu	Southern	Chennai	26. Jan. 1950	Tamil, English
Telangana	Southern	Hyderabad	2. Jun. 2014	Telugu, Urdu
Tripura	North-Eastern	Agartala	21. Jan. 1972	Bengali, Kokborok, English
Uttar Pradesh	Central	Lucknow	26. Jan. 1950	Hindi, Urdu
Uttarakhand	Central	Dehradun	9. Nov. 2000	Hindi, Sanskrit
West Bengal	Eastern	Kolkata	1. Nov. 1956	Bengali, Hindi, Urdu, Gurumukhi, Nepali, Ol-Chiki