

Union and Its Territory

- Article 1 of the constitution describes India, i.e., Bharat as a ‘Union of States’. At present we have 28 States and 8 Union Territories (UTs).
- PARLIAMENT can divide a state, merge two states, change the name of any state, increase or decrease the area of any state etc.
- For example, Telangana was carved out of Andhra Pradesh. Madras was renamed as Tamil Nadu etc.
- **Article 1 to 4, Part I:** Deals with The Union and its territory
- Schedule – 1 – Names of the States and their territorial jurisdiction.
- Article 1 read – India, that is, Bharat as a ‘Union of States’ rather than a ‘Federation of States’.

This provision deals with two things: –

- **Name of the country – India that is Bharat**
- **Type of polity – Union of States**
- **“India” and “Bharat”** these two names in Art.1 is compromise between two divergent opinions.
- Some members suggested the **“Bharat”**, while other advocated the modern name **“India”**.
- Pertaining to this, Constituent Assembly had to adopt a mix of both (“India, that is, Bharat”)

The phrase “Union of States” has been preferred to “Federation of States” for two reasons:

- The Indian Federation is not the result of an agreement among the states like the American Federation.
- The states have no right to secede from the federation.
- The federation is a Union because it is indestructible.
- The country is an integral whole and divided into different states only for the convenience of administration.

According to Article 1, the territory of India can be classified into three categories:

- Territories of the states

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- Union territories
- Territories that may be acquired by the Government of India at any time.
- **‘Territory of India’** – Wider expression as it includes not only the states but also union territories and territories that may be acquired by the Government of India at any future time.
- **States:** The states are the members of the federal system and share distribution of powers with the Centre.
- **Union Territories** – Directly administered by the Central government.
- **Acquired Territories** – Directly administered by the Central government.
- Being a sovereign state, India can acquire foreign territories according to the modes recognised by international law – Cession, Occupation, Conquest or Subjugation.
- **‘Union of India’** – Narrower expression as it includes only states.
- Present status (as of 2023) – There are 28 states and 8 union territories.
- Fifth and Sixth Schedules contain separate provisions with respect to the administration of scheduled areas and tribal areas within the states.
- **Article 2** – Relates to the admission or establishment of new states that are not part of the Union of India.
- Empowers the PARLIAMENT to ‘admit into the Union of India, or establish, new states on such terms and conditions as it thinks fit’.

Article 2 accords two powers to the Parliament: –

- The power to admit into the Union of India new states (already in existence)
- The power to establish new states (not in existence before)
- **Article 2** deals with external re-adjustment of the territories of the constituent states of the Union of India.
- **Article 3** – Relates to the formation of or changes in the existing states of the Union of India.
- **Article 3** deals with the internal re-adjustment interest of the territories of the constituent states of the Union of India.

Authority of Parliament over Reorganization of State:

- This power of parliament broadly deals with 3 of the constitution.

Article 3 authorises the Parliament to: –

- 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
- Increase the area of any state
- Diminish the area of any state
- Alter the boundaries of any state
- Alter the name of any state.
- In the case of state Bill contemplating the above changes can be introduced in the Parliament only with the prior recommendation of the President.
- Before recommending the bill, the President has to refer the same to the state legislature concerned for expressing its views within a specified period.
- The President (or Parliament) is not bound by the views of the state legislature
- and may either accept or reject them, even if the views are received in time.
- In case of a union territory, no reference need be made to the concerned legislature to ascertain its views and the Parliament can itself take any action as it deems fit.
- Constitution authorises the Parliament to form new states or alter the areas, boundaries or names of the existing states without consent of states.
- These provisions entail that territorial integrity of any state is not guaranteed by the Constitution.
- India – “An indestructible union of destructible states”.
- USA – “An indestructible union of indestructible states” (territorial integrity of the states guaranteed)
- American Federal Government cannot form new states or alter the borders of existing states without the consent of the states concerned.
- 100th Constitutional Amendment Act (2015) was enacted to give effect to the acquiring of certain territories by India and transfer of certain other

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territories to Bangladesh in pursuance of the agreement and its protocol entered into between the Governments of India and Bangladesh.

- **Article 4** – Itself declares that laws made for admission or establishment of new states (under Art.2) and formation of new states and alteration of areas, boundaries or names of existing states (under Art.3) are not to be considered as amendments of the Constitution under Art.368.
- This means that such laws can be passed by a simple majority and by the ordinary legislative process.
- Cessation of an Indian territory to foreign country does not cover under Art.3 and it can be done only by amending constitution under Art. 368.
- **7th Constitutional Amendment Act 1956** – Led to creation of Zonal councils in India to advise on matters of common interest.
- They statutory in origin.
- Total 5 zonal councils exist in India. However, North-Eastern zonal council is created by separate statute in 1971 (North Eastern Council Act, 1972).
- The chairman of the Zonal council is Union Home Minister and Chief Ministers of the States included in each zone act as Vice-Chairman of the Zonal Council for that zone by rotation, each holding office for a period of one year at a time.
- Settlement of a boundary dispute between India and another country does not require a constitutional amendment (Under Art. 368).
- It can be done by executive action as it does not involve cession of Indian territory to a foreign country.

Evolutionary History of States and UTs Integration of Princely States (Sardar Vallabhai Patel Was Main Force Behind)

India had comprised two categories of political units –

- The British provinces (under the direct rule of British government)
- The princely states (under the rule of native princes but subject to the paramountcy of the British Crown).

The Indian Independence Act (1947) created two independent and separate dominions of India and Pakistan and gave three options to the princely states –

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- Joining India
- Joining Pakistan
- Remaining independent.
- Of the 552 princely states situated within the geographical boundaries of India, 549 joined India and the remaining 3 (Hyderabad, Junagarh and Kashmir) refused to join India.
- In course of time, they were also integrated with India–
- Hyderabad by means of police action (Operation POLO)
- Junagarh by means of referendum
- UT of Delhi was redesignated as National Capital Territory (NCT) according to 69th Constitutional Amendment Act 1991.
- Kashmir by the Instrument of Accession.

DHAR Commission and JVP Committee (1948):

- The integration of princely states with the rest of India has purely an ad hoc arrangement.
- **Andhra State Act, 1953** – Formed the first linguistic state, known as the State of Andhra, by taking out the Telugu speaking areas from the State of Madras.
- Kurnool was the capital of Andhra State and the state high court was established at Guntur.
- Government of India appointed the Linguistic Provinces Commission under the chairmanship of S.K. Dhar in 1948 to examine the feasibility and evolution of an objective criteria.
- Committee recommended the reorganization of states on the basis of administrative convenience rather than linguistic factor.
- Disappointment with Dhar committee led to the appointment of another Linguistic Provinces Committee in 1948 consist of Jawaharlal Nehru, Vallabhai Patel and Pattabhi Sitaramayya, itself to examine the whole question afresh.
- JVP committee formally rejected language as the basis for reorganisation of states.

Fazl Ali Commission (1953):

- The creation of Andhra state in 1953 intensified the demand from other regions for creation of states on linguistic basis.
- This forced the Government to appoint a three- member States Reorganisation Commission in 1953, under the off to re-examine the whole question.
- Members – Fazl Ali (chairmanship), M. Panikkar and H.N. Kunzru.
- Committee broadly accepted language as the basis of reorganisation of states.
- At same time, it rejected the theory of “one language-one state”.
- Its view was that the unity of India should be regarded as the primary consideration in any redrawing of the country’s political units.
- It identified four major factors that can be taken into account –
- Preservation and strengthening of the unity and security of the country.
- Linguistic and cultural homogeneity.
- Financial, economic and administrative considerations.
- Planning and promotion of the welfare of the people in each state as well as of the nation as a whole.

Before 1956, the states were classified into four parts-

- Part A – 9 former governor’s provinces
- Part B – 9 former princely states
- Part C – former princely states + chief commissioners provinces
- Part D – Andaman and Nicobar
- By the States Re-organization Act (1956) and the 7th Constitutional Amendment Act (1956), the four-fold division of state were abolished.

New States and Union Territories Post – 1956:

Maharashtra and Gujarat:

- In 1960, the bilingual state of Bombay was divided into two separate states.
- Maharashtra (Marathi speaking people) and Gujarat (Gujarati speaking people).

Dadra and Nagar Haveli:

- The Portuguese ruled this territory until its liberation in 1954.
- It was converted into a union territory of India by the 10th Constitutional Amendment Act, 1961.

Goa, Daman and Diu:

- India acquired these three territories from the Portuguese by means of a police action in 1961.
- They were constituted as a UTs by the 12th Constitutional Amendment Act, 1962.
- Goa was conferred statehood in 1987.
- Consequently, Daman and Diu was made a separate union territory.

Puducherry:

- The territory of Puducherry comprises the former French establishments in India known as Puducherry, Karaikal, Mahe and Yanam.
- It was administered as an 'acquired territory', till 1962 when it was made a UT by the 14th Constitutional Amendment Act.

Nagaland:

- In 1963, the State of Nagaland was formed by taking the Naga Hills and Tuensang area out of the state of Assam.

Haryana, Chandigarh:

- On the recommendation of the Shah Commission (1966), in 1966, the State of Punjab was bifurcate to create Haryana, and the UT of Chandigarh.

Himachal Pradesh:

- In 1971, the UT of Himachal Pradesh was elevated to the status of a state of the Indian Union.

Manipur, Tripura and Meghalaya:

- In 1972, the two UTs of Manipur and Tripura and the sub-state of Meghalaya got statehood and the two UTs of Mizoram and Arunachal Pradesh (NEFA) came into being.

Sikkim:

- Till 1947, Sikkim was an; Indian princely state ruled by Chogyal.

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- In 1947, after the lapse of British paramountcy, Sikkim became a 'protectorate' of India.
- Indian Government assumed responsibility for the defence, external affairs and communications of Sikkim.
- The 35th Constitutional Amendment Act (1974) was enacted by the parliament.
- This amendment introduced a new class of statehood under the constitution by conferring on Sikkim the status of an 'associate state' of the Indian Union.
- For this purpose, a new Art. 2-A and a new schedule (10th Schedule) were inserted in the Constitution.
- The 36th Constitutional Amendment Act (1975) was enacted to make Sikkim a full-fledged state of the Indian Union (the 22nd state).
- This amendment amended the First and the Fourth Schedules to the Constitution and added a new Art. 371-F to provide for certain special provisions with respect to the administration of Sikkim.
- It also repealed 2-A and the 10th Schedule.

Mizoram, Arunachal Pradesh and Goa:

- In 1987, three new States of Mizoram (Mizoram Peace Accord 1985), Arunachal Pradesh and Goa came into being states of the Indian Union.

Chhattisgarh, Uttarakhand and Jharkhand:

- In 2000, three more new States of Chhattisgarh, Uttarakhand and Jharkhand were created out of the territories of Madhya Pradesh, Uttar Pradesh and Bihar, respectively.

Telangana:

- In 2014, the new state of Telangana came into existence as the 29th state of the Indian Union.
- It was carved out of the territories of Andhra Pradesh.

Jammu & Kashmir and Ladakh:

- Till 2019, the erstwhile State of Jammu and Kashmir had its own constitution and thus enjoyed a special status by virtue of 370 of the Constitution of India.
- In 2019, this special status was abolished by a presidential order known as “The Constitution (Application to Jammu and Kashmir) Order, 2019”.

Jammu and Kashmir Reorganisation Act, 2019, bifurcated the erstwhile State of Jammu and Kashmir into two separate UTs –

- UT of Jammu & Kashmir – Comprises all the districts of the erstwhile State of Jammu and Kashmir except Kargil and Leh districts
- UT of Ladakh – Kargil and Leh districts

In 2020 union territories of Dadra Nagar haveli and Daman & Diu was merged into single union territory.

- Thus, the number of states and union territories increased from 14 and 6 in 1956 to 28 and 8 in 2023.

Former UTs Transformed into Present States in Indian Union:

- Goa, Diu-Daman, Puducherry, Himachal Pradesh, Manipur, Tripura, Mizoram, Arunachal Pradesh.

States name Changed and States

- United Provinces to Uttar Pradesh (change effective from 26 January 1950)
- Hyderabad to Andhra Pradesh (change effective from 1 November 1956;
- Travancore-Cochin to Kerala (change effective from 1 November 1956)
- Madhya Bharat to Madhya Pradesh (change effective from 1 November 1959)
- Madras State to Tamil Nadu (change effective from 14 January 1969)
- Mysore to Karnataka (change effective from 1 November 1973)
- Uttaranchal to Uttarakhand (change effective from 1 January 2007)
- Orissa to Odisha (official as of November 2011)
- The state was divided again in 2014 with original left out Hyderabad State as Telangana.

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Union territories:

- Laccadive, Minicoy and Amindivi Islands to Lakshadweep (change effective from 1 November 1973)
- Pondicherry to Puducherry (change effective from 1 October 2006)

State and Union Territories:

| | | | |
|-------------|-------------------|-----|---------------|
| S.No | State | 15. | Manipur |
| 1. | Andhra Pradesh | 16. | Meghalaya |
| 2. | Arunachal Pradesh | 17. | Mizoram |
| 3. | Assam | 18. | Nagaland |
| 4. | Bihar | 19. | Odisha |
| 5. | Chhattisgarh | 20. | Punjab |
| 6. | Goa | 21. | Rajasthan |
| 7. | Gujarat | 22. | Sikkim |
| 8. | Haryana | 23. | Tamil Nadu |
| 9. | Himachal Pradesh | 24. | Telangana |
| 10. | Jharkhand | 25. | Tripura |
| 11. | Karnataka | 26. | Uttar Pradesh |
| 12. | Kerala | 27. | Uttarakhand |
| 13. | Madhya Pradesh | 28. | West Bengal |
| 14. | Maharashtra | | |

| S.No | Union Territories |
|-------------|------------------------------------------|
| 1. | Andaman and Nicobar Island |
| 2. | Chandigarh |
| 3. | Dadra and Nagar Haveli and Daman and Diu |
| 4. | Delhi |
| 5. | Ladakh |
| 6. | Lakshadweep |
| 7. | Jammu and Kashmir |
| 8. | Puducherry |