Part-1 of Constitution (Union & Its Territories: Arc 1-4)

Article-1: Name & Territory of Union
• India i.e Bharat shall be union of states rather than Federation of states
• States and Territories specified in first schedule
• Territories of India comprise of:
  1) Territories of states
  2) UTs
  3) & Such other territories that may be acquired ex: Goa, Daman & Diu, Dadar nagar, Sikkim etc

Explanation:
• Name of Country and Type of Polity
  • Why Union of States? Indian federation is not a result of the agreement between the States (India ne States of banaya hai States in milkar India nahi banaya jaise USA me hai)
  • State has no right to secede away from India
  • Union is indestructible but States are like formation of Telangana
• Why the work Territory of India is used not Union of India: Territory is much wider than Union (Territory badi hoti hai Union se): Union means it comprises of only states but territory of India comprises of everything as stated above.

**Article-2: Admission or Establishment of New States (Power with Parliament)**

Means Parliament can admit any region from outside (Bahar ki kisi jagah ko admit krskta hai aur fir usko New state Bnakar establish karskta hai) ex: Sikkim (1975)

• In this the adjustment should be external adjustment.

*Note: Union Territories are administered by Central Government.*

**Article-3: Authorises the Parliament (Internal Adjustment)**

It authorise the parliament to:

1) Form a new state (Internal areas not external admission: Eg: Telangana from A.P)
2) Increase the area of state
3) Decrease the area of state
4) Alter the boundaries of State
5) Alter the name of State

Process of doing all this:

• Prior approval from President
• Taking the advice from State legislature within a specified time
  “President is not bound with the advice of State”
• Even if state say no then Parliament can pass the law to change the things for state (Simple Majority)
  “Same procedure will be applied for UTs but in that advice from
Legislature not required”

**Article-4**

- Article 2 & 3 will not be considered amendment to the constitution under 368(Special Majority); It can be done by Simple Majority only.

Important Case-study: Berubari Union-12(1960) case: Indian Nehru-noon pact signed and some part was given to Pakistan. So Question was that Can Parliament also have the power to secede its state??

Ans: *S.C in this case said that it can be done but not with simple majority, If has to be done then by article 368(Special Majority). This has also made clear that adding any state or removing both will now need amendment of Constitution.*

*Internal adjustments can be done by simple majority.*

*Ex: Sikkim was added by 36 CA’1975, Also in 100th CA India gave some portion to Bangladesh*

**Integration of Princely States**

- Independence act-1947

562 Princely states had three options:
  - Join India
  - Join Pakistan
  - Stay Independent

549 Of them Joined India, Junagarh (Gujrat), J&K, Hyderabad remain separate

Later Junagarh was acquired through referendum, J&K (Treaty with Maharaja Hari Singh on 26 Oct 1947), Hyderabad By Police Action (Operation Polo Sep-1948)
"Patel was instrumental in uniting India, for which he was called India's Bismarck (he was a German statesman who played a key role in the unification of Germany.)"

• 26 January 1950, Constitution was enforced. 29 States were classified into 4 Groups:
  Part-A: 9 States
  Part-B: 9 States
  Part-C: 10 States
  Part-D: 1 State (Andaman & Nicobar)

Dheere Dheere (After sometime) Demands uthne lagi to form states on
Linguistic Commissions

1) S.K Dhar Commission: (1948) - Rejected linguistic State formation by stating that it is against the Integrity of India.

2) JVP Committee (1948): The committee, comprised Jawaharlal Nehru and Vallabhbhai Patel, in addition to the Congress president Pattabhi Sitaramayya. It also rejected the idea.

Note: On Oct-1953; Potti Sreeramulu, Indian revolutionary & Congress worker died protesting fast unto death (56 days Hunger Strike) for the formation of Separate Telugu speaking A.P from Madras.

After this Andhra Pradesh was formed as first linguistic state separating Telugu speaking people from Tamil speaking in 1953.

3) Dec-1953: Fazal Ali Commission: 3 Member Committee with Chairman Fazal Ali, K. M. Panikkar and H. N. Kunzru. This commission submitted report on 1955 and said that language can be a basis for reorganisation of States but one Language One State is not Possible. (Other Factors are also to be considered) State Reorganisation Act-1956 Passed, 7 CAA 1956 has been done creating 14 States and 6 UTs on 1st Nov-1956... also 4 Fold classification was abolished.

STATES:

- Andhra Pradesh
- Assam
- Bihar
Now time will start when states will get reorganised. Remember that internal adjustment in states will not require CA and external will require 368 Amendment

- Bombay (1960): Gujrati speaking people parted and Gujrat was formed as 15th State of India
- Dadar and Nagar Haveli was liberated from Portuguese in 1954 and was added as UT of India by 10th CA 1961 as 7th UT of India
- Goa, Daman-Diu u was under Portuguese was liberated by Police action in 1961 and added as 8&9th UTs of India by 12 CA
1962

- Puducherry has 4 districts Puducherry & Karaikal in T.N, Mahe in Kerala and Yaman in A.P. Was liberated from french in 1954 and accepted as 10th UT by 14 CA 1962

- Nagaland was separated from assam in 1963 to became state
- Haryana was separated from Punjab and became independent state, Also Chandigarh became UT.
- Himachal earlier UT now became state in 1971
- Manipur was a UT later became state in 1972
- Meghalaya was separated from Assam and became state in 1972
- Tripura earlier was a UT later also got statehood in 1972

1) So Now 21 States and 8 UTs
2) Under Assam there was continuous demand for creating Meghalaya a separate state but before doing that govt by 22nd CA 1969 made it an Autonomous state within Assam but people were not Happy. C.A was done because some Special powers were given to Meghalaya.
Entry of Sikkim as a State

- Earlier It was ruled by Chogyal Dynasty
- 1947: It was given Protectorate Status, India was controlling only Defence, External affairs and Communication rest was with Dynasty
- 1974: It became Associate state of India, 35th CA 1974, Article 2A was added which provided some special powers to Sikkim
- 1975: 36th CA 1975, Sikkim became 22 State of India & Article 2A was repealed, also referendum was done in this
- Mizoram, Arunachal Pradesh and Goa became 23, 24, 25th state 1987, After Goa becoming State now UTs are 7
- Chattisgarh (M.P-1Nov) Uttarakhand (U.P-9Nov) & Jharkhand (Bihar-15Nov) were created to become 26, 27, 28th State in 2000
- Telangana was separate from A.P in 2014 and creating 29 States & 7 UTs

Change in Name of States

<table>
<thead>
<tr>
<th>Old Name</th>
<th>New Name</th>
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<tbody>
<tr>
<td>United Province</td>
<td>Uttar Pradesh (1950)</td>
</tr>
<tr>
<td>Madras</td>
<td>Tamil Nadu (1969)</td>
</tr>
<tr>
<td>Mysore</td>
<td>Karnataka (1973)</td>
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<tr>
<td>Laccadive, Minicoy, and Amindivi Islands</td>
<td>Lakshadweep (1973)</td>
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<tr>
<td>UT of Delhi</td>
<td>NCT of India (1991)</td>
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<td></td>
<td>Also 69th CA done</td>
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<tr>
<td>Uttarakhand</td>
<td>Uttarakhand (2006)</td>
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<tr>
<td>Pondicherry</td>
<td>Puducherry (2006)</td>
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<tr>
<td>Orissa</td>
<td>Odisha (2011)</td>
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</tbody>
</table>
• Until 2019 Jammu & Kashmir was State of India with Bicameral Legislature but after State Reorganisation act and repealing of Article 370 now it has divided into 2 new UTs (1) J&K (2) Ladakh from 32 October’2019 and Now J&K will only have Legislative Assembly.

• Also Dadra & Nagar Haveli and Daman & Diu are together a single union territory (effective from 26th January 2020) as per legislation passed by the Government of India

• So Finally India has 28 States and 8 UTs