

These stellar notes by Dr. Sidharth Arora cut through the noise to deliver a clear, exam-ready narrative

COMPREHENSIVE STUDY NOTES: THE UNION AND ITS TERRITORY BY DR SIDHARTH ARORA

Tailored for UPSC Civil Services Aspirants (Prelims & Mains)

1. Introduction to Part I of the Constitution

Part I of the Indian Constitution, comprising **Articles 1 to 4**, defines the territorial limits of the Indian Union and provides the legal mechanism for its internal and external reorganization. These provisions represent the "democratic mechanism" of how "India, that is Bharat," is constituted as a political entity.

2. Constitutional Provisions (Articles 1–4)

Article 1: Name and Territory of the Union

- **Article 1(1):** India, that is Bharat, shall be a **Union of States**.
- **Article 1(2):** The States and their territories are specified in the **First Schedule** of the Constitution.
- **Article 1(3):** The territory of India comprises:
 1. Territories of the States;
 2. Union Territories (UTs) specified in the First Schedule;
 3. Such other territories as may be **acquired**.

Key Insight: The term "Union of States" was preferred over "Federation of States" to signify that the Indian federation is not the result of an agreement among the states, and no state has the right to secede from the Union.

Article 2: Admission or Establishment of New States

Article 2 empowers the Parliament to **admit into the Union, or establish, new States** on such terms and conditions as it thinks fit.

- This article specifically deals with the admission of **foreign territories** that were not previously part of the Indian Union.

- **Example:** Goa, Daman, and Diu were incorporated into India in 1961 using Article 2.
- **Sikkim Case:** Sikkim became the 22nd state of India via the **36th Amendment Act, 1975** after a special opinion poll favored joining the Union.

Article 3: Internal Reorganisation of Existing States

Article 3 gives the Parliament the authority to reorganise the internal map of India. The Parliament may by law:

- Form a new State (by separation/uniting territories).
- Increase the area of any State.
- Diminish the area of any State.
- Alter the boundaries of any State.
- Alter the name of any State.

The Legislative Process for Article 3 (Step-by-Step):

1. **President's Recommendation:** No bill for this purpose can be introduced without the prior recommendation of the President.
2. **State Referral:** If the bill affects the area, boundaries, or name of a state, the President **must** refer the bill to the concerned State Legislature for its views.
3. **Advisory Nature:** The views of the State Legislature are **not binding** on the Parliament. Parliament can proceed even if the state disagrees, provided the specified time period for response has expired.
4. **Parliamentary Approval:** The bill can be passed by a **simple majority**.

Article 4: Implementation and Consequences

- Any law referred to in Article 2 or 3 shall contain provisions for amending the **First Schedule** (names/territories) and **Fourth Schedule** (Rajya Sabha seat allocation).
- **Constitutional Status:** Article 4(2) clarifies that laws made under Article 2 or 3 are **not deemed to be constitutional amendments under Article 368**.
- **Significance:** This means internal reorganization does not require a special majority or state ratification; it can be done by ordinary law.

3. The Nature of Indian Federalism: A Critical Analysis

Federal vs. Unitary Characteristics

Experts describe the Indian model as "centralised federalism" or a "Quasi-federal" system.

- **K.C. Wheare:** Described India as a "quasi-federal" state with a **unitary tilt**.
- **Dr. B.R. Ambedkar:** Stated that the Indian Constitution can be **both unitary and federal** according to the requirements of time and circumstances—a power he claimed no other federation possesses.
- **Granville Austin:** Called it "cooperative federalism," where the Union and States work together despite the Centre's overarching powers.
- **Chief Justice Beg:** Used the term "**amphibian**" to describe a Constitution that can move on either a federal or unitary plane depending on the crisis.

Central Bias in the Constitution

The sources highlight several provisions that showcase the Centre's superiority:

1. **Unilateral Boundary Change:** Parliament can reconstruct state boundaries without the state's consent.
2. **Legislative Superiority:** The Union List contains more subjects; in case of deadlock on the Concurrent List, Union law prevails.
3. **Emergency Powers:** These vest entirely in the Centre, converting the federal structure into a unitary one.
4. **Appointment of Governors:** The Union Government appoints Governors, who can recommend President's Rule (Article 356).
5. **Integrated Machinery:** India has a single constitution, single citizenship, a single system of courts, and All-India Services (IAS, IPS).

4. Historical Evolution of States and Union Territories

Post-Independence Temporary Arrangement (1950)

Immediately after independence, states were classified into four categories:

- **Part A:** Nine former governors' provinces (e.g., Assam, Bihar, Bombay).
- **Part B:** Eight former princely states (e.g., Hyderabad, Rajasthan, J&K).

- **Part C:** Ten former chief commissioners' provinces and some princely states (e.g., Delhi, Himachal Pradesh).
- **Part D:** The Andaman and Nicobar Islands, administered by a lieutenant governor.

The Move Toward Linguistic States

The demand for reorganization on a linguistic basis was the "first and foremost problem" for the Constituent Assembly.

Major Commissions and Committees:

1. **Dhar Commission (1948):** Appointed by Rajendra Prasad. It recommended reorganization based on **administrative convenience** rather than language.
2. **JVP Committee (1949):** Consisted of Jawaharlal Nehru, Vallabhbhai Patel, and Pattabhi Sitaramayya. It also rejected language as the primary basis but noted that "public sentiment" might eventually force the issue.
3. **The Creation of Andhra (1953):** Following the 56-day indefinite fast and death of Gandhian leader **Potti Sriramulu**, the government was forced to create India's first linguistic state, Andhra State, on October 1, 1953.

States Reorganisation Commission (SRC) / Fazl Ali Commission (1954):

Chaired by Justice Fazl Ali with members H.N. Kunzru and K.M. Panikkar. It recommended:

- Abolition of the Part A, B, C, D classification.
- Reorganization based on linguistic and cultural affinity, unity/security of the nation, and financial viability.
- The **States Reorganisation Act, 1956** and the **7th Amendment Act** were passed to implement these changes, resulting in 14 states and 6 UTs.

Chronology of State Evolution (Post-1956)

- **1960:** Bilingual Bombay state split into **Gujarat** and **Maharashtra**.
- **1961:** **Goa, Daman & Diu** joined the Union.
- **1963:** **Nagaland** granted statehood.
- **1966:** Punjab reorganized into **Punjab, Haryana**, and the UT of **Chandigarh**.
- **1972:** Major reorganization in the North-East: **Meghalaya, Manipur, and Tripura** emerged.

- **1975: Sikkim** became a full-fledged state.
 - **1987: Mizoram and Arunachal Pradesh** created.
 - **2000: Chhattisgarh, Uttarakhand, and Jharkhand** carved out of MP, UP, and Bihar respectively.
 - **2014: Telangana** attained statehood.
 - **2019:** Reorganization of **Jammu and Kashmir** into two Union Territories (J&K and Ladakh).
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5. Comparative Study: India vs. USA

The sources emphasize that while India is a federation, it differs significantly from the American model:

- **Basis of Formation:** The USA was formed by 13 colonies fighting British rule ("No taxation without representation") who entered a **contract/agreement** to form a federation in 1787. India is **not** the result of an agreement among states.
 - **Indissolubility:** In the 1869 case *Texas v. White*, the US Supreme Court held that states cannot unilaterally secede. Similarly, in India, the Union is indestructible, but the states are not ("An indestructible union of destructible states").
 - **Historical Crisis:** Abraham Lincoln fought the American Civil War to defend the federation against seceding Southern states. In India, Sardar Patel unified the princely states to prevent "anarchy and chaos".
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6. Key Concepts for Mains Answer Writing

- **Nation vs. Union:** "Nation" often implies a single race or cultural construct (like the German *Volk*), while "Union" in India is a liberal, open-ended community defined by shared political history and constitutional values.
- **Unitary Tilt:** India's federalism is designed to ensure peace and coordinate vital matters of common concern, as cautioned by Jawaharlal Nehru.
- **Ongoing Challenges:** Reorganization demands continue today in regions like Vidarbha (Maharashtra), Harit Pradesh (UP), and northern West Bengal, highlighting that administrative and cultural tensions persist.

7. Preliminary Exam Trivia & Quick Facts

Commission/Committee Basis of Recommendation		Year
Dhar Commission	Administrative Convenience (Rejected Language)	1948
JVP Committee	National Unity (Rejected Language initially)	1949
Fazl Ali (SRC)	Accepted Language (but rejected 'one language, one state')	1954-55

- **Article 2 vs. Article 3:** Article 2 is for **admission** of new members; Article 3 is for **reshuffling** existing members.
- **Simple Majority:** Reorganizing states under Art 3 only requires a simple majority in Parliament.
- **President's Recommendation:** Mandatory for any bill under Article 3.
- **Not an Amendment:** Changes to the 1st and 4th schedules under Art 2/3 are **not** Art 368 amendments.

Note: For UPSC preparation, ensure you supplement these notes with a regular reading of NCERTs (Class 6-12) and *Laxmikanth*, as suggested in the educator's steps. All information provided is directly supported by the sources.

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