

*union of states*. The constitution thus postulated India as Union of states and consequently the existence of federal structure of governance for this Union of states becomes a basic structure of the Union of India.

Dr. Ambedkar, the principal architect of the constitution observed that – the use of word Union is deliberate. The drafting committee wanted to make it clear that though the Idea was to be a federation, the federation was not a result of an agreement by the states to join in the federation and that federation not being the result of an agreement no state has right to separate from it. Though the country and the people may be divided into different states for convenience of administration the whole country is one integral whole.

## **1.2 Topic Explanation**

### **1.2.1. Creation of New States**

Under Article (1) India has been characterized as a ‘Union of states, Union territories and any other territories’ that may be acquired by the government of India at any time. Article 1(3)-Parliament’s power to reorganise states.

#### **a) Admission of New states- Article 2**

Under Article 2 of the Constitution Parliament is empowered to enact a law to admit into the union or establish, new states on such terms and conditions as it thinks fit.

Thus Article 2 gives two powers to the parliament-

- (i) To admit new states into the Union.
- (ii) The power to establish new states.

The first refers to the admission of states which are already in existence and are dully formed. The second refers to the admission and formation of a state which was not in existence before.

It is worth noticing that the admission or establishment of a new state will be “on such terms and conditions as parliament may think fit” Here again our Indian Constitution differs from the American and Australian Constitutions which accept the theory of equality of states.

Article 2 gives complete discretion to the parliament to admit or establish new states on such terms as it thinks fit.

After new state is admitted or the boundaries of the existing states are altered the parliament can by law make all consequential changes in the Constitution by simple majority and any Act of the parliament for the aforesaid purpose will not be deemed to be an amendment of the Constitution.

#### **1.2.1.1. Formation of new states and alteration of boundaries etc. of existing states- [Art.3]**

Under Art.3 a new state may be formed or established in the following way-

- a) By separation of territory from any states
- b) By uniting 2 or more states or
- c) By uniting any parts of states or
- d) By uniting any territory to a part of any state.

Parliament under this article can also increase or decrease the area of any state, alter the boundaries or change that of any state. Article 3 deals with formation of new state out of territory of the existing states. The power to form new states under Article 3(a) includes the power to form a new state or union territory by uniting a part of any state or union territory to any other state or union territory. The word ‘state’ under Article 3 clauses (a) to (e) includes a ‘Union Territory’