

Polity Class 09

27th May, 2023 at 1:00 PM

ARTICLE 2 OF CONSTITUTION (01:12 PM)

- It provides powers to the parliament to make a law to admit a state that exists outside the Indian Union or to establish a state from a territory that exists outside the Indian Union.
- For this purpose, Parliament may impose certain terms and conditions on the state concerned.

ARTICLE 3 OF CONSTITUTION (01:16 PM)

- It provides the procedure for the reorganisation of states within India.
- This article provides a special procedure for the same:-
- A bill for the above purposes shall be sent to the state legislature concerned by the President to seek their opinion on the bill within a specified time period.
- After obtaining the views of the state, the President must recommend the bill for introduction in either house of the Parliament.
- The views of the state legislature are not binding on the Parliament.
- If the legislature does not provide its views within the specified time period, the Parliament is free to proceed in the manner it may deem correct.
- Therefore, obtaining the views of the states is a mere formality.
- Once the parliament passes the law and receives the assent of the President, it shall be brought into force and the provisions of the law shall become effective.

ARTICLE 4 OF CONSTITUTION (02:02 PM)

- A law under article 2 or 3 shall not be deemed as a constitutional amendment act under article 368 even though it may include provisions to amend the constitution including schedules 1 and 4.
- It implies that the law would require a simple majority in the Parliament so that the union has enough flexibility to reorganise the map of India.

IMPORTANT OBSERVATIONS MADE IN THE BERUBARI UNION CASE (02:15 PM)

- The court stated that to cede territory in favour of a foreign state, the parliament needs to pass a constitutional amendment act under Article 368 and a law under Article 2 or 3 shall not be applicable.
- **For e.g.-** The **100th CAA** allowed India to exchange enclaves with Bangladesh.
- The court also stated that in case an international tribunal decides that a dispute between India and a neighbouring country resulting in India ceding its territory a constitutional amendment act would not be required and a govt order shall be enough for the same.
- For leasing a territory as well, the same process needs to be followed.

REORGANISATION OF STATES IN INDIA (02:29 PM)

- At the time of the commencement of the Constitution, states were categorised into 4 categories on the basis of their administrative past but there existed a demand for the formation of states on the basis of the language.
- The govt appointed **the SK DHAR committee** which rejected the idea for the formation of states on the basis of language.
- It suggested that criteria such as financial self-reliance, and geographical contiguity are more important.
- The Congress party also constituted the **JVP committee** to study the recommendations of the SK Dhar Committee.
- It also rejected the linguistic basis and suggested security, unity and prosperity of the nation should be the most important criteria.
- **Fazl Ali Commission (03:13 pm)**
- A popular agitation in south India demanded the creation of a separate Telugu-speaking state carved out of Madras.
- The events unfolded in such a manner that the govt was forced to accept this demand.
- It opened up a Pandora's box for the government and similar demands started to emerge from the rest of the country.
- The govt appointed the Fazl Ali Commission to lay down the basic principles to determine the future of states in India.
- It provided a detailed set of recommendations that were implemented by the Parliament through laws.

- **Parliament's response**

- The parliament passed the 7th CAA, in 1956 to do away with the categorisation of states under part 7.
- Subsequently, the state reorganisation act, of 1956 was enacted according to Article 3 resulting in the formation of 14 states in total.

- **A brief history of state reorganisation in India**

- 1956 - The State Reorganisation Committee recommended that Bombay should remain a bilingual state.
- 1957- Naga Hill Tuensang Area was carved out of Assam as UT.
- 1960- Gujarat and Maharashtra were carved out of Bombay.
- 1961- Goa was incorporated into India.
- 1962- Pondicheery officially became a part of the union.
- 1963- Nagaland was granted statehood.
- 1971- UT Himachal Pradesh was granted statehood.
- 1972- Manipur and Tripura were granted statehood. Mizoram, Meghalaya and Northeast Frontier Agency were carved out of Assam as UTs.
- 1975- A protectorate of India until then, Sikkim joined the Indian Union after a referendum.
- 1987- UTs Manipur and Arunachal Pradesh became states.
- 1991- Delhi was deemed National Capital Territory and given a legislative assembly, with power jointly shared with the central govt.
- 2000- Uttaranchal, Jharkhand and Chattisgarh were created.
- 2014- Telangana attained statehood.
- 2019- The state of Jammu and Kashmir was split into two UTs- Jammu and Kashmir and Ladakh.

REASONS FOR OPPOSITION TO LINGUISTIC REORGANISATION (01:42 PM)

- The formation of linguistic states may have strengthened regionalism compromising national unity.
- India is a land of multiple languages and accepting one such demand may have led to more such demands in future.
- With the formation of linguistic states minority languages may have become more vulnerable.
- A number of separatist forces were prevalent at the time of independence which may have got strengthened due to linguistic reorganisation.
- Even though the demand for linguistic reorganisation was opposed at the time of independence a lot of people believed that it worked well for India.
- **However, linguistic reorganization helped in strengthening the unity in India:-**
- It has helped in preventing internal conflicts on the basis of linguistic identity as in the case of East Pakistan and Sri Lanka.
- The administration has become more efficient as a result of cultural homogeneity.
- The govt could achieve mass literacy at a rapid rate due to the homogeneity of language.
- It has helped in maintaining India's cultural diversity.

THE TOPIC OF THE NEXT CLASS- THE FORMATION OF SMALLER STATES IN INDIA