



Part I

Union and its territory

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THE UNION AND ITS TERRITORY

Name and territory
of the Union.

1. (1) India, that is Bharat, shall be a Union of States.

¹[(2) The States and the territories thereof shall be as specified in the First Schedule.]

(3) The territory of India shall comprise—

(a) the territories of the States;

²[(b) the Union territories specified in the First Schedule; and]

(c) such other territories as may be acquired.

Admission or establishment of new States.

2. Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

³2A. [Sikkim to be associated with the Union.] Rep. by the Constitution (Thirty-sixth Amendment) Act, 1975, s. 5 (w.e.f. 26-4-1975).

Formation of new States and alteration of areas, boundaries or names of existing States.

3. Parliament may by law—

(a) 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;

(b) increase the area of any State;

(c) diminish the area of any State;

(d) alter the boundaries of any State;

(e) alter the name of any State:

⁴[Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries

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(Part I.—The Union and its territory.—Arts. 3-4.)

or name of any of the States ^{1***}, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.]

²[*Explanation I.*— In this article, in clauses (a) to (e), “State” includes a Union territory, but in the proviso, “State” does not include a Union territory.

Explanation II.— The power conferred on Parliament by clause (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.]

4. (1) Any law referred to in article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

(2) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368.

Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

States Reorganization in India

In 1950, when the new Constitution came into existence, the constituent units of the Indian union thus found themselves classified into part A, B, C and D states [2]. Part A states included the erstwhile Governor's provinces; Part B states the erstwhile Princely states; Part C states the erstwhile Chief Commissioner's provinces as well as some of the erstwhile Princely states and Andaman-Nicobar islands were kept as the solitary Part D state.

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States Reorganization in India

Four main types of states at the time of enactment of the constitution by the constituent assembly were: Part A states, Part B states, Part C States, Part D states

Part A States

- The former governors' provinces of British India
- Ruled by a governor and state legislature.
- Part A states were Bombay, Madras, Assam, Bihar, Madhya Pradesh (earlier Central Provinces and Berar), Punjab (earlier East Punjab), Uttar Pradesh (earlier the United Provinces), Orissa, and West Bengal

Part B States

- Former princely states or groups of princely states
- These states were governed by a Rajpramukh
- Part B states were Patiala and East Punjab States Union (PEPSU), Hyderabad, Jammu and Kashmir, Travancore-Cochin, Madhya Bharat, Mysore, Rajasthan, and Saurashtra.

States Reorganization in India

Four main types of states at the time of enactment of the constitution by the constituent assembly were: Part A states, Part B states, Part C States, Part D states

Part C States

- Comprised both the former chief commissioners' provinces and some princely states,
- These states were governed by a chief commissioner
- The chief commissioner was appointed by the President of India.
- Part C states were Ajmer, Bhopal, Bilaspur, Coorg, Delhi, Himachal Pradesh, Cutch, Manipur, Tripura, and Vindhya Pradesh.

Part D state:

- Consisted of Andaman and Nicobar Islands only
- Administered by a lieutenant governor appointed by the central government.

States Reorganization in India

SK Dar commission (1948)

- To study the reorganization on a linguistic basis

The Dar Commission reported "It may be that the provinces thus formed will also show homogeneity of language and in a way might resemble linguistic provinces . But in forming the provinces the emphasis should be primarily on administrative convenience and homogeneity of language will enter into consideration only as a matter of administrative convenience and not by its own independent force."

States Reorganization in India

SK Dar commission (1948)

Findings of the commission:

- Cannot be a purely linguistic basis
- Rather focus on geographical contiguity, financial self-reliance, Administrative viability, Potential for development

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States Reorganization in India

JVP committee of congress

- To study the recommendations of Dhar Commission Findings of the commission
- Rejected linguistic basis
- Security, Unity, prosperity as criteria of reorganization

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States Reorganization in India

Why the linguistic criteria was rejected by Dhar commission and JVP committee?

- May have promoted Secession/breaking up of India
- Hindrance to national unity
- Might have promoted parochial Interests

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States Reorganization in India



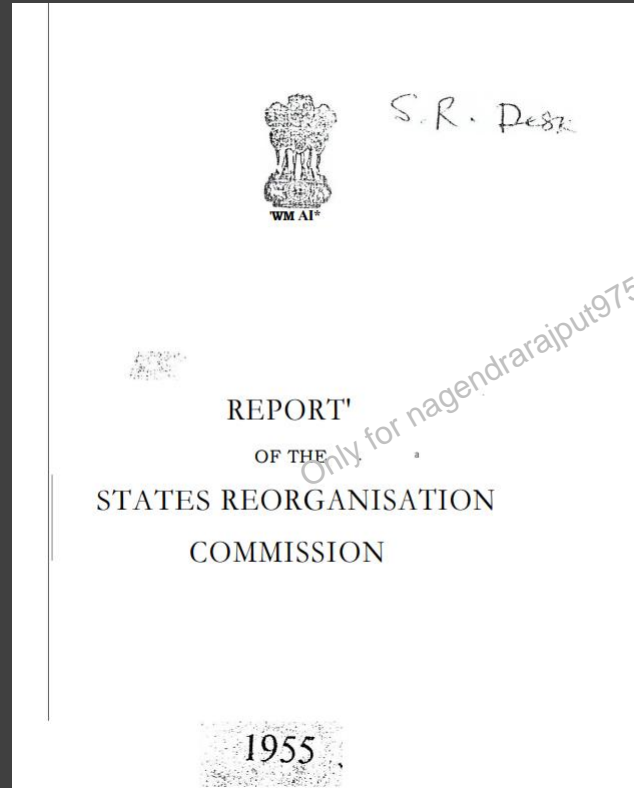
States Reorganization in India

Outcome of creation of Andhra

- It opened a Pandora's box
- Led to the appointment of the State Reorganisation Commission to examine the question holistically

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States Reorganization in India



States Reorganization in India

INTRODUCTION

On 22nd December, 1953, the Prime Minister made a statement in Parliament to the effect that a Commission would be appointed to examine "objectively and dispassionately" the question of the organisation of the States of the Indian Union "so that the welfare of the people of each constituent unit as well as the nation as a whole is promoted". This was followed by the appointment of this Commission under the Resolution of the Government of India in the Ministry of Home Affairs, No. 53/69/53-Public, dated 29th December, 1953 (Appendix A).

p 2. The task before the Commission has been set out in paragraph 7 of this Resolution in the following terms:

- "The Commission will investigate the conditions of the problem, the historical background, the existing situation and the bearing of all important and relevant factors thereon. They will be free to consider any proposal relating to such reorganisation. The Government expect that the Commission would, in the first instance, not go into the details, but make recommendations in regard to the broad principles which should govern the solution of this problem and, if they, so choose, the broad lines on which particular States should be reorganised, and submit interim reports for the consideration of Government."

States Reorganization in India

Fazl Ali commission

- Also known as the 1st State Reorganization Commission
- Justice Fazl Ali, KM Panikkar and H Kunzru as members, to examine the entire question of the reorganization of the states of the Union

States Reorganisation Act, 1956

- Based on Fazl Ali Commission recommendations
- Passed by Parliament of India under Article 3 of the Indian constitution
- Fazl Ali Commission broadly accepted language as a criterion for the reorganization of states in India. However, all demands of people were not accepted.

States Reorganization in India

Criteria decided by the Fazl Commission:

- Administrative Criteria
- Economic efficiency
- Cultural homogeneity
- Unity and Integrity of India

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States Reorganization in India

Chart 1

The early years (1947-1956)

1947

British India during Partition

- British territories
- Princely states
- Tribal areas of Assam
- Other colonial territories

Nearly all the princely states inside the current boundaries of India had acceded to the Indian dominion.

The rulers of Junagadh had tried acceding to Pakistan, but later had unanimously chosen India in a plebiscite.

At the time of independence, both Kashmir and Hyderabad had declared that they did not want to be a part of India.

Manipur and Tripura had joined the Indian Union in 1948-49.

1950

Republic of India

- Part A states
- Part B states
- Part C states
- Other colonial territories/protectorates

The boundaries of four territories—Orissa, Mizoram, Tripura, and Andaman and Nicobar Islands—remain the same till date.

Part A: Former British provinces ruled by an elected governor and state legislature.
Part B: Former princely states governed by a *Rajpramukh*, who was appointed by the President.
Part C: States governed by a commissioner appointed by the President.

1956

India after linguistic reorganization

States marked in yellow have had the same boundaries since then.

By this time, with the exception of Goa, Pondicherry and Sikkim, most of the external boundaries of India were established.

The States Reorganization Committee had recommended that Bombay should remain a bilingual state. That union did not last long.

Andaman and Nicobar Islands, Lakshadweep, Delhi, Manipur, and Tripura were classified as Union territories.

States Reorganization in India

Chart 2

Linguistic reorganization continues right after 1956 SRC (1956-1966)

1957

Naga Hill Tuensang Area was carved out of Assam as UT



1961

Goa joined the Indian Union and with it, European colonialism came to an end on the subcontinent

1962

Pondicherry officially became a part of the Union

1963

Nagaland was granted statehood

1966

Punjab, Haryana, UTs Himachal Pradesh and Chandigarh were created

Akali Dal's protests for linguistic reorganization led to the former states of East Punjab, Patiala and East Punjab States Union and Himachal Pradesh.



1960

Gujarat and Maharashtra were carved out of Bombay



States Reorganization in India

Chart 3

Fixing the North-East jigsaw (1971-1991)

1971

UT Himachal Pradesh was granted statehood

1972

Manipur and Tripura were granted statehood.
Mizoram, Meghalaya and North East Frontier
Agency were carved out of Assam as UTs

1975

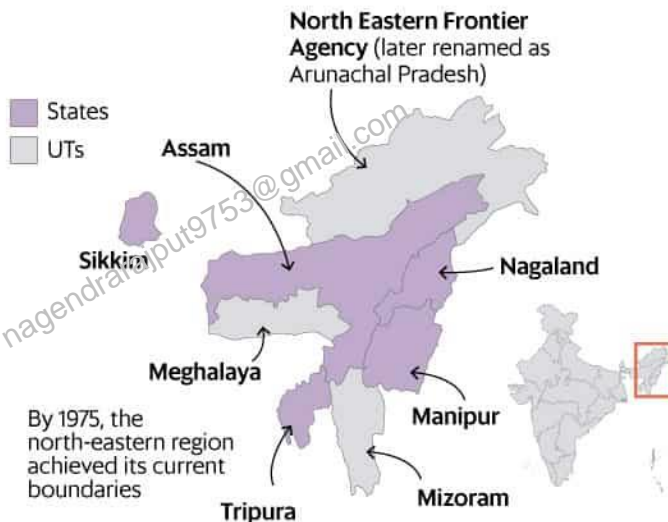
A protectorate of India until then, Sikkim joined the
Indian Union after a referendum

1987

UTs Manipur and Arunachal Pradesh became states.
The state of Goa, Daman and Diu was split into
two: the state of Goa and UT of Daman and Diu

1991

Delhi was deemed National Capital Territory
and given a legislative assembly, with power
jointly shared with the central government



States Reorganization in India

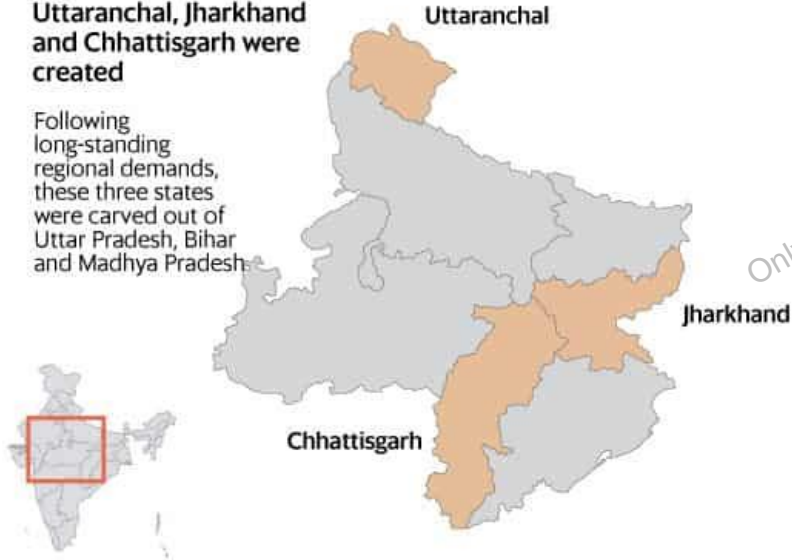
Chart 4

Old faultlines make a return in new millennium (2000-Present)

2000

Uttaranchal, Jharkhand and Chhattisgarh were created

Following long-standing regional demands, these three states were carved out of Uttar Pradesh, Bihar and Madhya Pradesh.



2014

Telangana attained statehood

Telangana

Andhra Pradesh

Despite being within Telangana entirely, Hyderabad was made de jure capital for both states for a period of ten years.

2019

The splitting of Jammu and Kashmir

This is the first time a state is being split into two UTs.



States Reorganization in India

Creation of various states in India

- Bombay reorganization act, 1960: Formation of Gujrat
- State of Nagaland act, 1962: Nagaland separated state from Assam
- Punjab reorganization act, 1966: Formation of Haryana
- New state of Himachal Pradesh act, 1970
- Northeastern reorganization act, 1971: Formation of Manipur, Tripura, Meghalaya, Mizoram & Union territories of Arunachal Pradesh & Mizoram
- New state of Sikkim act, 1975
- State of Arunachal Pradesh Act, State of Mizoram act 1986: Formation of States of Mizoram & Ar. Pradesh
- State of Goa Act, 1987
- MP reorganization act, 2000: Formation of Chhattisgarh
- UP reorganization act, 2000: Formation of Uttarakhand

States Reorganization in India

- Bihar reorganization act, 2000: Formation of Jharkhand
- Andhra Pradesh reorganization act, 2014: Formation of Telangana
- The reorganization of J&K in 2019: Formation of UTs of Ladakh and J&K
- 2020 Merger of Dadra Nagar Haveli and Daman and Diu

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States Reorganization in India

Why linguistic reorganization was opposed?

- Secessionist tendencies at the time of independence
- It strengthens regionalism compromises national unity; It promotes an antagonistic attitude towards neighboring states.
- May lead to more such demands
- Minority languages become vulnerable
- Due consideration should be given to other factors like administrative and economic concerns
- Can be used for divisive purposes such as communalism, casteism, and linguistic or regional exclusiveness

Has the linguistic reorganization paid off?

- Homogenous states helped in more effective administration as the government can connect better with the masses in the language of masses
- Helped strengthen cultural identity
- Mass literacy could be achieved in the mother tongue
- Removed a major grievance that could have led to fissiparous tendencies

States Reorganization in India

Demand for newer states

- Gorkhaland in West Bengal
- Bodoland in Assam
- Tulunadu in Karnataka
- Bundelkhand in UP and MP
- Vidarbha in Maharashtra
- Saurashtra in Gujarat
- Coorg/Kodagu in Karnataka
- Marusthal in Rajasthan
- Harit Pradesh and Purvanchal in UP

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States Reorganization in India

Why these demands now?

1) Uneven economic development

For example Vidharbh in Maharashtra

2) Assertion of regional identity/culture

For example Bodoland

3) Popular mobilization due to political reason

Demand for trifurcation of UP

4) Government's negligence of some regions

For example Telangana

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Demand for Smaller states

Arguments in favour of smaller states:

- Decentralize power and bring power closer to people
- Resolve issues of an identity crisis
- Efficient utilization and more effective management of resources; better administration
- Many years have passed since the fear of balkanization

Arguments against the creation of smaller states:

- Increase in the inter-State water, power and boundary disputes
- Resource consuming- expenditures may increase
- Lead to coordination issues

Demand for Smaller states

Experience of New states created in 2000

- Uttarakhand and Chhattisgarh clocked an average growth rate of approximately 3% during the pre-birth periods.
- In the post-birth period, these states improved their growth rates dramatically: Uttarakhand 11%, Chhattisgarh: 9%
- Contrast this with the mother states – UP accelerated 20% from 4.7% to 6%, MP from 6% to 7%.
- New states have hardly matched the agricultural growth of the parent state. But their growth is higher than the average national agricultural growth rate
- Except in the case of Uttarakhand, the other two states have reported a higher percentage of poor people than parent states.
- The infant mortality rate shows a declining trend in all states. The performance of Bihar and Jharkhand is notable between 2009 and 2011

Discussion Question

1. The boundary of a State in India can be altered through the procedure laid down in:

1. Art 368
2. Art 3
3. Art 73
4. Art 2

a) 1 and 2 only b) 1 and 3 only c) 2 only d) 2 and 4 only

Discussion Question

2. Consider the following statements:

1. The Parliament is empowered to alter the boundaries of any existing State of India.

2. A Bill pertaining to the alteration of the boundaries of any existing State of India can be introduced only in the Lok Sabha and only on the recommendation of the President of India.

Which one of the statements given above is/are correct?

(a) Only 1 (b) Only 2

(c) Both 1 and 2 (d) Neither 1 nor 2

Discussion Question

3. The States of the Indian Union can be reorganized or their boundaries altered by:

- (a) The Union Parliament by a simple majority in the ordinary process of legislation.
- (b) Two-thirds majority of both the Houses of Parliament.
- (c) Two-thirds majority of both the Houses of Parliament and the consent of the legislature of the concerned States.
- (d) An executive order of the Union Government with the consent of the concerned State Governments

Discussion Question

4. What is the correct chronological order in which the following States of the Indian

Union were created or granted full statehood?

1. Andhra Pradesh 2. Nagaland
3. Maharashtra 4. Haryana

Select the correct answer using the codes given below:

- (a) 1-3-4-2 (b) 3-1-2-4
(c) 1-3-2-4 (d) 3-1-4-2

Discussion Question

5. In which schedule of Indian Constitution the territorial extent of Indian states and union Territories is prescribed

1. Schedule I

2. Schedule II

3. Schedule III

4. Schedule IV

a) 1 only b) 1 and 2 only c) 1 and 4 only d) All of the above

Discussion Question

6. The Preamble to the Indian Constitution is:

- (a) Not a part of the Constitution.
- (b) A part of the Constitution but it neither confers any powers nor imposes any duties nor can it be of any use in interpreting other provisions of the Constitution.
- (c) A part of the Constitution and can be of use in interpreting other provisions of the Constitution in cases of ambiguity.
- (d) A part of the Constitution and it confers powers and imposes duties as any other provisions of the Constitution.

Discussion Question

7. The term “economic justice” in the Preamble to the Constitution of India, is a resolution for:

- (a) Equal distribution of wealth.
- (b) Economy in the administration of justice.
- (c) Socio-economic revolution.
- (d) Cheap justice to the poor.

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Discussion Question

8.Which of the following is true about preamble to the Indian constitution?

1.It is lengthier than the American preamble

2.It is the first constitution to begin with a preamble

3.It has amended only once till now

a) 1 and 3 only b) 2 and 3 only c) 1,2 and 3 only d) None of the above

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Discussion Question

9. Who of the following opposed the introduction of words “Socialist” and “Secular” in the preamble?

a) M.K Gandhi b) K.T Shah c) B.R Ambedkar d) All of the above

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Discussion Question

“Sir, I regret that I cannot accept the amendment of Prof. K. T. Shah. My objections..... If you state in the Constitution that the social organisation of the State shall take a particular form, you are, in my judgment, taking away the liberty of the people to decide what should be the social organisation in which they wish to live..... I do not see therefore why the Constitution should tie down the people to live in a particular form and not leave it to the people themselves to decide it for themselves.”

You are confined only by the walls you build yourself.

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THANKS!

Any questions?

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