

07/01/2025.

Day-02

- Q) Discuss the process of state creation and reorganization in India, highlighting the Constitutional provisions and legislative steps involved. Compare India's approach with that of the United States, focusing on linguistic and ethnic factors in shaping federalism. Analyze whether India's emphasis on these factors has strengthened national unity or promoted regionalism.
- (12+10+16)

Ans) As India gained independence, need for creation and reorganisation of states was increased to better manage and govern the areas. Though the very first demand was based on linguistic lines, with time Administrative Convenience is also taken into consideration. This has strengthened our national unity due to inclusivity but also further the feeling of regionalism to some extent.

Constitutional Provisions for state reorganisation:

Article 1, 2, 3 & 4 together describes the provision related to territory of India, its creation, abolition and reorganisation.

- ↳ Article 1 mentions 3 category of territory of India:
- Territories of the States
 - Union Territories
 - Territory that may be occupied in the future

- ↳ Article 2 talks about admission of new states which are already in existence and establishment of new states which were not in existence before.
- ↳ Article 3 is about internal re-adjustment of the territories by the Parliament.
- ↳ Article 4 declares that, laws made under Article 2 and Article 3 are not to be considered as amendment under Article 368. Instead, it can be passed by simple majority.
- ↳ However, Power to cede the territory to a foreign country is not under Article 3 and hence need amendment under Article 368, as per the judgement in Beabari Union Case 1960.

Legislative Steps:

As far as legislative steps are involved, two conditions are there. These are:

- ↳ When a bill in this regard is introduced in the parliament, prior recommendation of the President is necessary as the post of President itself is of federal character.
- ↳ The bill needs to be referred to the state legislature for their opinion, though their opinion is not mandatory to be followed.

Thus, it is clear that Parliament is authorised to reorganise the states at its will without the consent of the state concerned. Hence, it is rightly said that "India is an indestructible Union of destructible states".

Comparison of India with US :

Both India and US has being the federal polity has the provision of State reorganisation. But these provisions vary based on their respective demand and requirement.

↳ In India	In US
i) Parliament has the sole authority.	i) Congress has not the sole authority
ii) State Consent is not mandatory.	ii) State Consent is necessary.
iii) Opinion of States are taken but not binding	iii) Opinion of States are taken & is binding
iv) Prioritize national interest over state sovereignty.	iv) State sovereignty is of utmost importance.
v) Process is flexible	v) Process is rigid.
vi) It is frequent	vi) It is rare
vii) Ensuring balance between diversity and unity	vii) Stability is given importance.

From the above comparison points, it can be said that Indian provision of state reorganisation is more unitary than federal, Unlike US where State sovereignty is given priority. The reasoning behind this unitary approach is India's diverse culture and demand for political inclusivity. Whereas in the US Stability and independence of state is given more importance.

Linguistic and ethnic factors in shaping federalism:

Given the diversity of India, factors like language and ethnicity are considered to reorganize the states.

- ↳ The linguistic reorganization of states in 1956 showcased how India adapted to its cultural diversity. However, it also created a divide on the lines of language.
- ↳ On the one hand it helps in reducing internal conflicts stemming from regional disparities, while on the other it can lead to political atomization.
- ↳ This would provide a platform for political inclusivity, but can also lead to centrifugal tendencies disrupting the federal balance.
- ↳ Given the huge number of languages and ethnic groups in India, it might result in creation of many smaller states which has both advantages (like quick & localized decision making) and disadvantages (like increased cost of governance & redundant bureaucracies).
- ↳ It helps in preventing the dilution of local culture. But at the same time increased focus on local identity risks creating division over unity.

Thus, we can see that these factors though strengthened the national unity, there is always a risk of rise of regionalism. Balancing regional aspirations with national integrity requires an unique approach where we can harness the benefits and keep a check on rising regionalism fragmentation.