

## Indian Polity Notes Part 4 in English

### 4] Union and its Territories

- Articles 1 to 4 under Part-I of the Constitution deal with the Union and its territory

#### Union Of States

##### Article 1

- It describes India, that is, Bharat as a 'Union of States' rather than a 'Federation of States'.
- This provision deals with two things: one, name of the country, and two, type of polity.
- There was no unanimity in the Constituent Assembly with regard to the name of the country.
- Some members suggested the traditional name (Bharat) while other advocated the modern name (India).
- Hence, the Constituent Assembly had to adopt a mix of both ('India, that is, Bharat')

#### At present, there are 28 states and 8 union territories.

- In August 2019, the Parliament of India passed the Jammu and Kashmir Reorganisation Act, 2019, which contains provisions to reorganise the state of Jammu and Kashmir into two union territories; Jammu and Kashmir and Ladakh, effective from 31 October 2019.
- In November 2019, the Government of India introduced legislation to merge the union territories of Daman and Diu and Dadra and Nagar Haveli into a single union territory to be known as Dadra and Nagar Haveli and Daman and Diu, effective from 26 January 2020.

##### Article 2

- It empowers the Parliament to 'admit into the Union of India, or establish, new states on such terms and conditions as it thinks fit'.
- Thus, Article 2 grants two powers to the Parliament: (a) the power to admit into the Union of India new states and (b) the power to establish new states.
- The first refers to the admission of states which are already in existence while the second refers to the establishment of states which were not in existence before.
- Notably, Article 2 relates to the admission or establishment of new states that are not part of the Union of India.

##### Article 3

- On the other hand, relates to the formation of or changes in the existing states of the Union of India.
- In other words, Article 3 deals with the internal re-adjustment of the territories of the constituent states of the Union of India.

Article 3 authorises the Parliament to:

- 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,
- increase the area of any state,
- diminish the area of any state,
- alter the boundaries of any state, and
- alter the name of any state.

However, Article 3 lays down two conditions in this regard:

- A bill contemplating the above changes can be introduced in the Parliament only with the prior recommendation of the President;
- Before recommending the bill, the President has to refer the same to the state legislature concerned for expressing its views within a specified period.
- Further, the power of Parliament to form new states 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.

#### Article 4

- The Constitution itself declares that laws made for admission or establishment of new states (under Article 2) and formation of new states and alteration of areas, boundaries or names of existing states (under Articles 3) are not to be considered as amendments of the Constitution under Article 368.
- This means that such laws can be passed by a simple majority and by the ordinary legislative process.

#### Articles 1-4:

1. Name and territory of the Union

2. Admission or establishment of new states

2A. Sikkim to be associated with the Union—(Repealed)

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

4. 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