

The Union and its Territory : Part I


(Articles 1- 4)

- After the adoption of the new Constitution, India a sovereign democratic republic came into being.
- The new republic was also declared to be a "Union of States".
- The Constitution of 1950 distinguished between three main types of states and a class of territories:
 - **Part A states**, which were the former governors' provinces of British India
 - **Part B states**, which were former princely states or groups of princely states
 - **Part C states** included both the former chief commissioners' provinces and some princely states
- The **sole Part D territory** was the Andaman and Nicobar Islands, which were administered by a lieutenant governor appointed by the central government.
- After States Reorganization Act 1956- only two kinds of territories- States and Union Territories.



Part I

- Compilation of laws pertaining to the constitution of India as a country and the union of states that it is made of.
- This part of the constitution contains the law in the establishment, renaming, merging or altering the borders of the states.
- Examples



ARTICLE 1 : NAME AND TERRITORY OF THE UNION

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

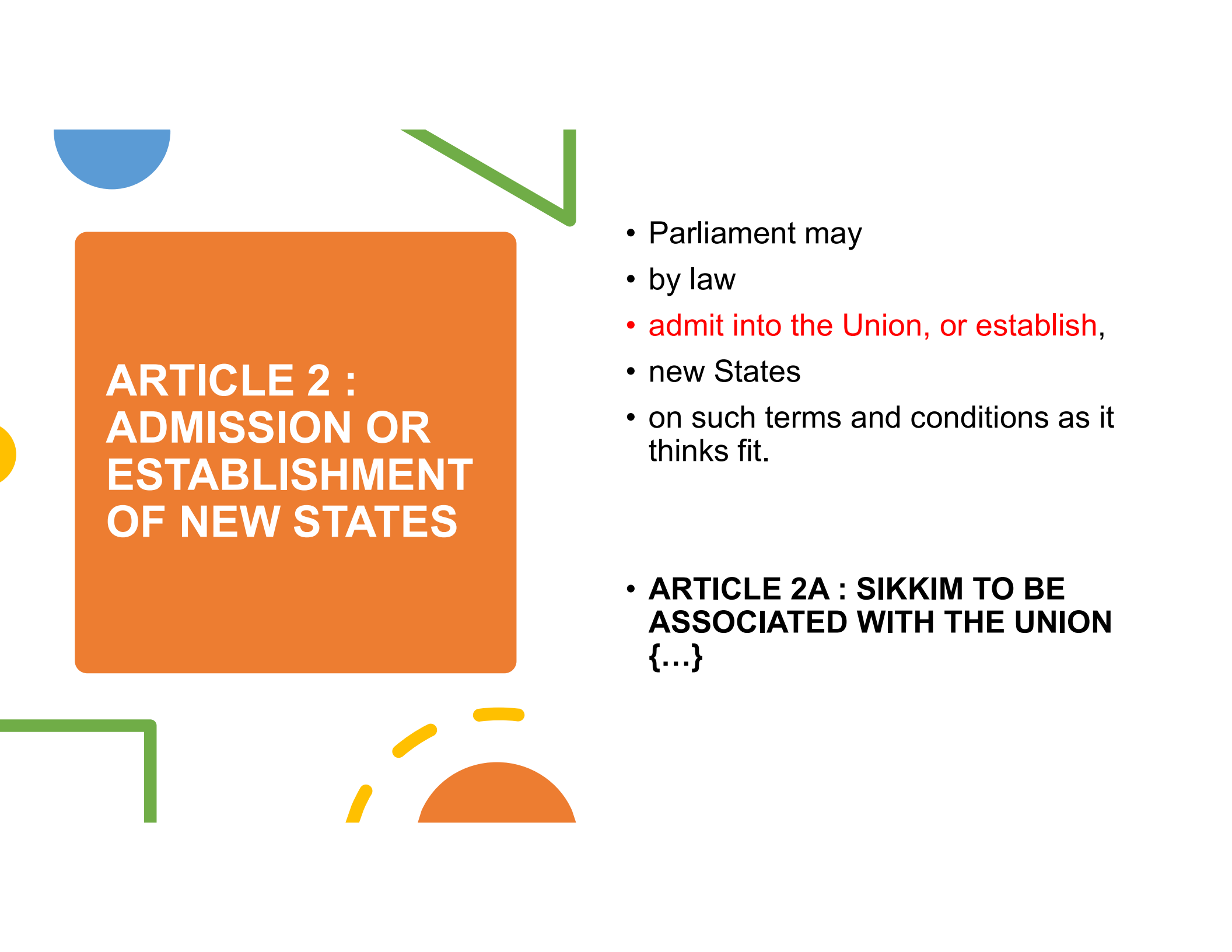
(2) The States and the territories thereof shall be as specified in the First Schedule.

(3) The territory of India shall comprise –

(a) the **territories of the States**;

(b) the **Union territories** specified in the First Schedule; and

(c) such other territories as may be **acquired**.



ARTICLE 2 : ADMISSION OR ESTABLISHMENT OF NEW STATES

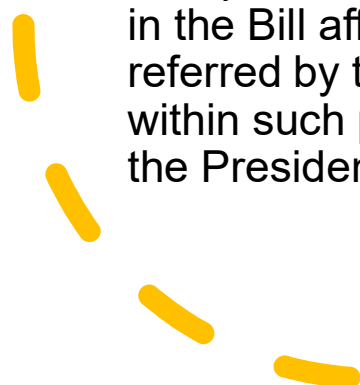
- Parliament may
 - by law
 - **admit into the Union, or establish,**
 - new States
 - on such terms and conditions as it thinks fit.
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- **ARTICLE 2A : SIKKIM TO BE ASSOCIATED WITH THE UNION {...}**

**ARTICLE 3 : FORMATION OF NEW
STATES AND ALTERATION OF AREAS,
BOUNDARIES OR NAMES OF
EXISTING STATES**



Article: 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:
- 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 or name of any of the States, 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.



Explanations to Art. 3

- 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 other State or Union territory to any other State of Union territory.





ARTICLE 4

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- **LAWS MADE UNDER ARTICLES 2 AND 3 TO PROVIDE FOR THE AMENDMENT OF THE FIRST AND THE FOURTH SCHEDULE AND SUPPLEMENTAL, INCIDENTAL AND CONSEQUENTIAL MATTERS**

- (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.**

Important facts

- The Constitution (40th amendment) Act, 1976, substituted a new Article 297 so as to vest in Union of India all lands, minerals, and other things of value underlying the ocean within the territorial waters or continental shelf or exclusive economic zone of India.
- For creation or destruction of a state the permission from the concerned state is not mandatory under [Indian Constitution](#). But the bill has to be referred to the concerned state legislature for expressing its views.
- Prior recommendation of the [President of India](#) is necessary for the state creation/renaming bill. (Article 3). No such provision is mandatory under Article 2 (new states).

- No Parliamentary sanction is required for the acquisition of territory.

Leading cases

- Re Berubari Case 1960
- Maganbhai Ishwarbhai Patel v Union of India 1969