

अधिकारी घडविणारी महाराष्ट्रातील विश्वसनिय संस्था



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UNION AND ITS TERRITORY

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A few words with students.....

- These are the topic wise class notes of Indian Constitution for UPSC Civil and Rajyaseva.
- All the articles and related clauses given here are updated up to March 2020.
- I encourage you all to use this as a reference for your study.
- Suggestion, advises, queries and feedback are most welcome in order to improve content further.
- Practice and previous questions based on this topic will be uploaded soon.

PART 1: UNION AND ITS TERRITORY (ART.1-4)

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;
 - (c) Such other territories as may be acquired.

EXPLANATION

- 1) Name of the country – Foreign Name => India, Indian Name => Bharat
- 2) Union => Type of Polity => Federal Polity instead of Unitary.

Word Union shows=>Indian Federation

1) Holding together federation

2) India is indestructible federation of destructible Units... i.e. units have no right of secession.

3) Territory =>As given in the First Schedule

1) Territories of the state

2) Union Territories

3) Acquired Territory

TERRITORY HAS THREE ASPECTS

- (i) The actual land within the national boundaries.
- (ii) The territorial waters along the coastline. This is 12 nautical miles (22.2 km or 13.8 miles) along the coast line.
- (iii) The air space above its territory (there is no international law on the height of this air space.)

TERRITORY AND AREA ARE DIFFERENT.

ACQUIRED TERRITORY

India being sovereign state can acquire foreign territory according to the modes recognised by International law.....

- 1) Cession -Following Treaty, purchase, gift, lease, plebiscite
- 2) Occupation-Hitherto unoccupied by unrecognized ruler
- 3) Conquest or Subjugation

ACQUIRED TERRITORY IN INDIA→ Dadra and Nagar Haveli, Goa, Daman and Diu(From Portuguese), Puducherry (From France)=> Now they are given Union Territory Status, except Goa which is State.

INDIA STAND TODAY

- ❑ Territory
- ❑ States=>28
- ❑ Union Territories =>9
- ❑ Acquired Territory =>0



(As on 1st Nov. 2019)

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.**
- ❑ **Admit** => Admission of such states that already in existence and not the part of Union of India.
- ❑ To **establish**, new states=> Admission of such states that do not existence and not the part of Union of India.

EXPLANATION

- ❑ According to SC judgments- **Establishment or Admission, new States into Union of India on such terms and conditions as Parliament thinks fit should not be violative of Basic Structure**
- ❑ This article has been utilised at once for Chandranagore -A French Colony in 1951.

ARTICLE 3. FORMATION OF NEW STATES AND ALTERATION OF AREAS, BOUNDARIES OR NAMES OF EXISTING STATES.—

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:

TWO CONDITIONS FOR BEFORE APPLYING ARTICLE 3

- 1) Bill of such effect to be introduce in Parliament with prior recommendation of President only
- 2) Before President to give such recommendation he has to get the views of concerned state legislature within certain time.
- However, President is not bound by views of legislature. He may either reject or accept the views.
- In case of UT's with legislature President is to make no reference of such Bill.
- This part is applied to part that already been the part of Union of India.

ARTICLE 4

- The laws made under the Article 2 and 3 will not be considered as Constitution Amendment under the Article 368.
- They can be passed as simple legislation with simple majority.
- Laws made under the Article 2 and 3 cause the amendment of the First Schedule and the Fourth Schedule.

USE OF ARTICLE 3

1) Territory of India as per Constitution of 1950

| Part A -9 | Part B -9 States | Part C- 10 | Part D |
|------------------|-------------------------|-------------------|---------------|
| Assam | Hyderabad | Ajmer | A & N |
| Bihar | J & K | Bhopal | |
| Bombay | Madhya Bharat | Bilaspur | |
| MP | Mysore | Cooch- Behar | |
| Madras | Patiala and East Punjab | Coorg | |
| OD | RJ | Delhi | |
| PJ | Saurashtra | HP | |
| UP | Travancore-Cochin | Kutch | |
| WB | Vindhya Pradesh | Manipur | |
| | | Tripura | |

2) Territory of India has undergone changes mainly due to three factors-

- 1) Integration of Princely states.
- 2) Reorganization of state →Based on Language, Development, Ethnicity, Political, and Autonomy ...etc
- 3) Up-gradation of Union Territory into a State

3) TERRITORY OF INDIA AS STAND 1956 AFTER 7TH CONSTITUTION AMENDMENT -

| | |
|------------------|------------------|
| States-14 | UT-6 |
| AP | A & N |
| Assam | Delhi |
| Bihar | HP |

| | |
|------------------|------------------------------------|
| Bombay | Laccadive, Minicoy Amindivi |
| J & K | Manipur |
| KR | Tripura |
| MP | |
| Madras | |
| Mysore | |
| OD | |
| PJ | |
| RJ | |
| UP | |
| WB | |

4) NEW STATES AND TERRITORIES AFTER 1956

| State | Year | Number |
|--------------------------|-------------|------------------------|
| Gujrat | 1960 | 15th |
| Nagaland | 1962 | 16th |
| Hariyana | 1966 | 17th |
| Himachal Pradesh | 1971 | 18th |
| Manipur | 1971 | 19th |
| Tripura | 1971 | 20th |
| Meghalaya | 1971 | 21ST |
| Sikkim | 1975 | 22ND |
| Mizoram | 1986 | 23rd |
| Arunachal Pradesh | 1986 | 24th |

| | | |
|------------------------------------|----------------------------|------------------|
| Goa | 1987 | 25 th |
| Chhattisgarh | 1 st Nov 2000 | 26 th |
| Uttarakhand | 9 th Nov 2000 | 27 th |
| Jharkhand | 15 th Nov 2000 | 28 th |
| Telangana | 2 nd June 2014 | 29 th |
| Union Territory of Jammu & Kashmir | 31 st Oct. 2019 | |
| Union Territory of Laddakh | 31 st Oct. 2019 | |

POWER OF CESSATION

- Indian Territory **can be ceded to foreign states only** after amending the Constitution under the article 368.
- So far such amendments done are
 - 1) 9th CA -1960- Ceding Beruberi to Pakistan=> for giving effect to the Indo- Pak agreement of 1958.
 - 2) 100th CA 2015—Ceding 3 Indian conclaves to Bangladesh→ for giving effect to the Indo-bangle Land agreement of 1974 and Protocol of 2011.