

## Quadrant II - Notes

**Paper Code: CON0413/CON0115**

**Module Name: The Union and its Territories**

**Module No: 04**

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### Notes

Name and territory of the Union-Article 1

India that is Bharat shall be a Union of States. The State and territories thereof is specified in the First Schedule. The Republic of India is described as a 'Union' and not a federation. The term 'Union' better expresses the fact that the Union of India is not the outcome of any agreement between the existing States, and therefore, it is not open to secede from the Union or to vary the boundary of their States on their free will. None of the constituent Units of the Indian Union was sovereign and independent like the Swiss Cantons before their federal unions.

The States and the territories shall be mentioned in the First Schedule to the Constitution.

The territory of India comprises of :-

1. States
2. Union Territory
3. Territories which may be acquired by the Government of India

No parliament legislation is required for acquisition of foreign territory. A territory is said to be acquired when Indian Union acquires sovereignty over such territory. No cession of Indian territory can take place without a Constitutional amendment. Settlement of Land boundary between India and neighbouring country of a disputed territory does not amount to cession.

Admission or establishment of new States- Article 2

Parliament may by law admit into the Union or establish, new States on such terms and conditions as it thinks fit. Under this Article, Parliament has two powers:-

- i. Power to admit into the Union new State
- ii. Power to establish new States

This article applies to states which are not part of the Union.

When a territory is acquired it has to be legally assimilated by a Parliamentary legislation. E.g. of admission of territory under Article 2 is Chandernagore under the Chandernagore (Merger) Act, 1954.

Article 3- Formation of new States, alteration of boundaries, areas or names of existing States.

States have no guarantee of their territorial integrity. New State may be formed in ways provided in Art. 3(a):

- i. By separation of territories from any State,
- ii. By uniting two or more States,
- iii. By uniting parts of States,
- iv. By uniting any territory to a part of any State.

Parliament may by law-

- Increase the area of any State
- diminish the area of any State
- alter the boundaries of any State
- alter the name of State

Diminution of the area of any State may occur due to taking any part of the area of a State and its addition to another State. Power to diminish the area of a State does not entitle the Parliament to cede the territory to foreign State. Area diminished from the State in question should continue to be part of territory of India.

A bill under Article 3 must satisfy two conditions:-

1. It must be introduced in either House of Parliament only on recommendation of President
2. When Proposal in Bill contains areas, boundaries, and name of any State, the President must refer the bill to the State Legislature concerned for expressing its views on it.

Law made under Articles 2 and 3 shall contain provisions for amendment of First Schedule and Fourth Schedule. Provide for supplemental, incidental and consequential provisions as to representation in Parliament, State legislature. No law made under Article 2 or 3 shall be deemed to be an amendment to this Constitution.