BLOGS

Articles 1-4: The Union and Its Territory

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Edit TABLE OF CONTENTS Introduction Article 1 of the Indian Constitution Article 2 of the Indian Constitution Article 3 of the Indian Constitution Article 4 of the Indian Constitution Conclusion

Introduction

Part I of the Indian Constitution, titled “The Union and its Territory,” encompasses Articles 1 to 4. This section deals with the fundamental laws related to the formation and organization of India as a country and the union of states it comprises.

It addresses matters concerning the establishment, renaming, merging, or altering of state borders, outlining the constitutional provisions that govern the territorial integrity and administrative structure of the nation.

Article 1 of the Indian Constitution

India, referred to as Bharat, shall be constituted as a Union of States as per Article 1 of the Indian Constitution. The territorial demarcations and divisions of the various States are defined in the First Schedule of the Constitution.

Article 1 also establishes the composition of India’s territory, encompassing all the regions and territories falling within its geographical boundaries.

This article lays the foundation for the structure and organization of the Indian Union and provides clarity on its territorial extent and the States that constitute it.

Article 2 of the Indian Constitution

Article 2 addresses the creation or admission of new States. New States that meet certain criteria may be established or admitted into the Union by law. Before presenting a measure to the Parliament for consideration, the President would consult the concerned State Legislature if the

bill has an impact on the name or boundary of a State.

According to Article 2 of the Indian Constitution, the Parliament may construct new states or admit states into the union on the terms and conditions it sees proper. The country's international borders may change as a result of this article.

Additionally, this article does not establish a basis for how the state's nature is gained. However, it stipulates that the government should follow the same structure as the rest of the nation. Under the terms of this article, Sikkim became a state of the union in 1975.

Article 3 of the Indian Constitution

According to Article 3 of the Indian Constitution, the Parliament has the authority to create new States by separating territories from existing States, or by merging two or more States entirely or partially, or by joining any territory to a part of a State.

This article deals with matters related to the formation of new States, alteration of State areas, and the renaming of existing States. The procedure for implementing such changes involves several steps.

First, the President must recommend a Bill to either House of Parliament to introduce the proposed modifications. If the Bill affects the boundary or name of a State, the President will refer it to the concerned State Legislature for their opinion before its introduction in Parliament.

However, Parliament is not bound to accept or act upon the State Legislature's views, even if submitted within the stipulated time. For Union Territories, seeking the views of their Legislatures is not mandatory before introducing such a Bill.

This constitutional provision grants the Parliament considerable powers to make alterations to State boundaries, areas, and names, thereby influencing the territorial organisation of the country.

In ***Berubari Union judgement***, the Supreme Court ruled that the cession of Indian land to a foreign nation is not covered by the power of Parliament to reduce the area of a State (under Article 3).

Only by modifying the Constitution in accordance with Article 368 can Indian land be given to a foreign state. As a result, the 9th Constitutional Amendment Act (1960) was passed in order to

provide Pakistan the aforementioned area.

The Supreme Court declared in 1960 that a constitutional modification is not necessary for the resolution of a boundary dispute between India and another nation. Since it doesn't require ceding Indian territory to a foreign nation, it can be done by executive order.

Article 4 of the Indian Constitution

Article 4 of the Indian Constitution states that any law pertaining to the alteration of States' territories under Article 2 or the formation of new States under Article 3 shall include provisions for amending the First Schedule (names of States in the Union of India) and the Fourth Schedule (number of seats allotted in the Rajya Sabha for each State) as necessary to give effect to the provisions of such law.

Additionally, the law may include supplemental, incidental, and consequential provisions deemed necessary by Parliament. It clarifies that such a law making changes to existing States or creating new States will not be considered an amendment to the Constitution.

This article empowers Parliament to make comprehensive alterations to the territorial structure of the country while ensuring necessary consequential changes to the Schedules for the smooth implementation of the proposed modifications without treating it as a constitutional amendment.

Conclusion

In conclusion, Part I of the Indian Constitution, titled "The Union and its Territory," contains crucial provisions that establish India as a Union of States and govern the formation, alteration, and boundaries of States and Union Territories.

Article 1 recognizes India as a Union of States and outlines its territorial extent, while Article 2 empowers Parliament to make laws for the admission or establishment of new States or the alteration of existing States' territories. Article 3 allows Parliament to form new States, alter State areas, and change State names, with provisions for amending the First and Fourth Schedules as necessary.

These provisions reflect the dynamic nature of India's territorial organization and the mechanism for incorporating changes while preserving the unity and integrity of the nation.