



Sleepy Classes
Awakening Toppers

LAST MINUTE REVISION

**Polity &
Governance**

UNION & TERROTRIES

UNION AND TERRITORIES

I LAST MINUTE REVISION I GS-II

Source: Sleepy Classes IAS – Polity Lecture 5

Section 1: Articles 1-4 – Union and Territories

Article 1(1) – 'Union of States'	India described as 'Union of States' NOT 'Federation of States'. Dr. Ambedkar: (1) Indian federation NOT result of agreement among states like American federation. (2) States have NO RIGHT to secede.
Article 1(3) – Territory of India	Comprises: (i) Territories of States (ii) Union Territories (iii) Territories that may be ACQUIRED in future by Gol. Names and extent → First Schedule of Constitution.
Current count	States = 28 Union Territories = 8
Article 2 – Powers of Parliament	(1) Admit NEW states into Union (2) Establish NEW states. Relates to states NOT yet part of the Union of India.
Article 3 – Changes to EXISTING states	Parliament can: (1) Form new state by separation/unification (2) Increase area (3) Diminish area (4) Alter boundaries (5) Alter name of any state.
Article 3 – Process	(1) Prior Presidential recommendation required. (2) President refers Bill to state legislature for views in specific time. (3) President/Parliament NOT BOUND by state's views. (4) No fresh reference needed for every amendment to the Bill. (5) For UNION TERRITORY: no reference needed at all – Parliament acts directly.
Article 4	Laws made under Articles 2 & 3 are NOT to be considered constitutional amendments under Article 368. BUT this does NOT apply to cessation of Indian territory to a foreign country.

★ KEY TRAP: Article 2 = EXTERNAL states (new to Union). Article 3 = INTERNAL reorganisation of existing states. Don't confuse.

Section 2: Berubari Union Case 1960

Background	Boundary dispute between India & Pakistan due to erroneous Radcliffe Commission depiction. Resolved via Nehru-Noon Agreement (1958): divide Berubari Union No. 12 (8.75 sq miles) horizontally – half to Pakistan, half to India.
Questions referred to SC (Art. 143)	(1) Is legislative action needed? (2) Is a law under Article 3 sufficient? (3) Is a constitutional amendment under Article 368 needed?
Union Govt's argument	Settlement of boundary $\neq$ cession of territory. Award by boundary commission $\neq$ cession.
Rival contention	Preamble postulates entire territory is beyond Parliament's reach. Article 1 allows acquiring territory but makes NO provision for ceding it.
SC Judgement – key holdings	(1) Preamble is NOT part of the Constitution. (2) Article 1(3)(c) does NOT confer power to acquire/cede territories – these are essential attributes of SOVEREIGNTY. (3) Parliament CANNOT make law under Article 3 to implement Berubari agreement. (4) Constitutional amendment under Article 368 required.
Consequence	9th Constitutional Amendment Act – Transfer of Berubari Union to East Pakistan. 100th Constitutional Amendment Act – Transfer of enclaves between India and Bangladesh + demarcation of 6.1 km undemarcated border (affected Assam, WB, Meghalaya, Tripura).
Maganbhai Patel v Union (1969)	SC held: Settlement of boundary dispute $\neq$ cession of territory. Executive can implement boundary disputes without Parliament UNLESS actual cession of undisputed home territory is involved.

★ KEY DISTINCTION: Disputed territory settlement → NOT cession. Transfer of undisputed territory to foreign state → CESSION (requires Article 368 amendment).

Section 3: Evolution Of States – Timeline

1950 Constitution – 4-fold Classification of States:

Part	Part A (9 states)	Part B (9 states)	Part C states	Part D
Description	Former Governors' British India provinces	Former Princely states with legislatures	Former Chief Commissioners' provinces + some Princely states	Andaman & Nicobar Islands

June 1948 – S.K. Dhar Commission	Recommended reorganisation on basis of ACADEMIC CONVENIENCE (NOT linguistic factors).
Dec 1948 – JVP Committee	Headed by Jawaharlal Nehru, V. Patel, P. Sitaramayya. REJECTED language as basis of reorganisation.
1953 – Potti Sriramulu	Death after prolonged fast-unto-death agitation → Govt forced to create first LINGUISTIC STATE – Andhra Pradesh (from Telugu-speaking areas of Maharashtra/Madras).
1953 – Fazl Ali Commission (SRC)	3-member: Fazl Ali (head), K.M. Panikkar, H.N. Kunzru. Rejected 'one language-one state'. 4 criteria: (1) Unity & security (2) Linguistic/cultural homogeneity (3) Financial/economic/administrative considerations (4) Planning & welfare.
Consequences of SRC 1956	Abolished 4-fold classification. States Reorganisation Act (1956) + 7th Constitution Amendment Act → 14 states + 6 UTs created.

Post-1956 Transitions (Key dates for Prelims):

Year	Development
1957	Naga Hill Tuensang Area carved out of Assam as UT
1960	Bombay (bilingual) divided into Maharashtra and Gujarat
1961	Dadar & Nagar Haveli → UT (10th Constitutional Amendment) Goa, Daman & Diu acquired from Portuguese
1962	Goa, Daman & Diu → UT (12th Constitutional Amendment) Pondicherry → UT (14th Constitutional Amendment: French possessions till 1954)

1963	Nagaland – full statehood (from Naga Hills + Tuensang; carved from Assam)
1966	Punjab bifurcated → Haryana (state) + Chandigarh (UT) + Himachal Pradesh (UT) – Shah Commission
1971	Himachal Pradesh granted statehood
1972	Manipur & Tripura → full statehood; Meghalaya sub-state → statehood; Mizoram & Arunachal Pradesh → UTs (carved from NEFA/Assam)
1974–75	Sikkim: 35th Amendment → 'associate state': 1975 → full state after referendum
1987	Goa, Arunachal Pradesh, Mizoram → statehood (post Mizoram Peace Accord 1986)
1991	Delhi → National Capital Territory with legislative assembly
2000	Chhattisgarh, Jharkhand, Uttarakhand created
2014	Telangana carved from Andhra Pradesh
2019	J&K: Article 370 abrogated: state → 2 UTs (J&K with legislature + Ladakh without legislature). Dadra & Nagar Haveli + Daman & Diu merged into one UT.

● Section 4: Article 370 – Provisions & Abrogation

Article 370 – Nature	Part XXI (Temporary, Transitional and Special Provisions). Guaranteed special status to J&K – own constitution, restricted Parliament's legislative powers to Union List + Concurrent List items corresponding to Instrument of Accession (external affairs, defence, communications, ancillary matters).
Article 35A	Exception under Article 370(1)(d), issued via Presidential Order 1954 (Constitutional Order No. 48). Empowered J&K legislature to define 'permanent residents' and grant special rights: employment, immovable property, settlement, scholarships. NO act under Article 35A could be challenged for violating Constitution.

5 August 2019 – Presidential Orders	Constitutional Orders 272 & 273 issued under Article 370(1). (a) Applied entire Constitution of India to J&K with/without modifications. (b) Modified Article 367(4): changed 'Constituent Assembly' in Article 370(3) to 'Legislative Assembly'. Superseded 1954 Order.
5 August 2019 – Parliament	Rajya Sabha recommended all clauses of Article 370 cease to operate under Article 370(3). J&K Reorganisation Bill 2019 passed – divided J&K into: (a) UT of J&K WITH Legislative Assembly. (b) UT of Ladakh WITHOUT Legislative Assembly.
6 August 2019	Lok Sabha passed Reorganisation Act. President gave assent. Articles 370 and 35A nullified.
Lok Sabha seats (J&K)	Of 6 Lok Sabha seats: 5 remain with UT of J&K 1 allotted to Ladakh.
J&K Assembly (UT)	5-year term Can make laws on all State and Concurrent list subjects EXCEPT 'public order' and 'police'. Similar to Article 239A (Delhi/Puducherry model).

Section 5: Supreme Court Judgement On Article 370 (2023)

Was Article 370 temporary?	YES – SC held: (1) Transitional purpose – to establish J&K Constituent Assembly to draft State Constitution. (2) To ease integration of J&K given 1947 war-like situation. Placed in Part XXI ('Temporary, Transitional and Special Provisions') – framers' intent clear.
Did J&K retain sovereignty?	NO – SC held: J&K did NOT retain any element of sovereignty after Instrument of Accession + Proclamation by Yuvraj Karan Singh (25 Nov 1949). J&K had NO 'internal sovereignty'. Article 370 = feature of ASYMMETRIC FEDERALISM, not sovereignty. No reference to sovereignty in J&K Constitution.
Parliament's power during President's Rule	SC held: Power extends beyond mere lawmaking to EXECUTIVE ACTION too. Neither President nor Parliament 'impeded by absence of competence' during President's Rule. Day-to-day decisions by Union on behalf of state cannot be challenged.

Can a State be converted into UT?	SC did NOT decide (due to Union's assurance of restoring J&K statehood). BUT upheld: J&K Reorganisation Act 2019 is VALID to the extent it carved out UT of Ladakh. Conversion must consider: (1) Diminution of autonomy (2) Historical context (3) Federalism and representative democracy impact. Requires very strong and cogent grounds.
Was state concurrence required?	NO – President CAN unilaterally notify Article 370 ceases under Art 370(3). No concurrence of state govt required as per provisos of Art 370(1)(d). Consultation needed ONLY where application of provisions would require amendments to State Constitution.
J&K Elections order	SC directed elections to J&K Legislative Assembly by September 30, 2024. J&K statehood should be restored as soon as possible.
Truth & Reconciliation Commission	SC mooted a commission to address human rights violations by state and non-state actors in J&K since 1980s. Should NOT become a criminal court – a platform for dialogue.

Section 6: Delimitation In Jammu & Kashmir

Commission head	Retired SC judge Ranjana Prakash Desai. Final report submitted: May 5, 2022 (2 years after appointment).
Legal basis	Mandate under J&K Reorganisation Act, 2019. Based on 2011 Census.
Previous commissions	1952, 1963, 1973, 2002. Last exercise: 1995 (based on 1981 Census). No Census in 1991 (tense situation). 2001: J&K Assembly passed law to freeze delimitation till 2026.
Key recommendations	Total seats: 83 → 90. Jammu: 37→43 seats Kashmir: 46→47 seats. STs: 9 seats (6 in Jammu, 3 in Kashmir). SCs: 7 seats (Jammu region). 2 Kashmiri Pandits to be nominated. PoJK displaced persons to get representation via nomination. Rajouri & Poonch (Jammu division) merged with Anantnag (Kashmir).