PARMAR SSC

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Topic:

Part-1 and 2 of Constitution



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 of-

(a) The territories of the States;

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

(c) Such other territories as may be acquired

Type of Polity

India is not a Federation but a Union of States.

Federation of State

A new state that is formed through a treaty or an agreement between various federating units.

Union of States:

No agreement between the Federating units;That means States do not have right to secede from The Union.

- India is an Indestructible Union of Destructible states.
- US is an indestructible union of indestructible states.

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.

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

Note:

- Bill related to subject matters given in Article 3 shall be introduced with the prior recommendation of the President, who shall refer this bill to the legislature of the state concerned.
- 5th Constitutional amendment empowered the President to set a time limit for state legislature to express it's views.

Difference between Article 2 and 3:

Article 2 talks about incorporating foreign territory into India while Article 3 talks about the changes in the existing State.

Article 4:

Laws made under Article 2 and 3 to provide for the amendment of first and fourth Schedules

INTEGRATION AND FORMATION OF STATES

Integration of the Princely States

In 1947, 562 out of 565 princely states agreed to accede to the Indian Union by signing the Instrument of Accession.

The following 3 Major princely states initially refused to join India, but later-

1. **Jammu & Kashmir** acceded to India through an Instrument of Accession.
2. **Junagarh** became part of India after conducting a referendum.
3. **Hyderabad** was integrated into India through a military operation called Operation POLO in September 1948.

Article 4 (2):

- Any law made under Article 2 or Article 3 that amends the First or Fourth Schedule of the Constitution shall not be considered a constitutional amendment under Article 368. Therefore, such a law can be passed by a simple majority (More than 50%) in Parliament.
- If Indian territory is to be ceded, then amendment is needed under Article 368. (Berubari Union case, 1960)
- 100th CA (2014): India-Bangladesh boundary agreement.
- India transferred 111 enclaves to Bangladesh while Bangladesh transferred 51 enclaves to India.

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Dhar Committee (1948)

- Chairman: S. K. Dhar
- Recommended that states should be reorganized based on administrative convenience, not linguistic factors.

JVP Committee (1948)

- Members: Jawaharlal Nehru, Vallabhbhai Patel, and Pattabhi Sitaramayya
- It rejected the idea of forming states on a linguistic basis as well.

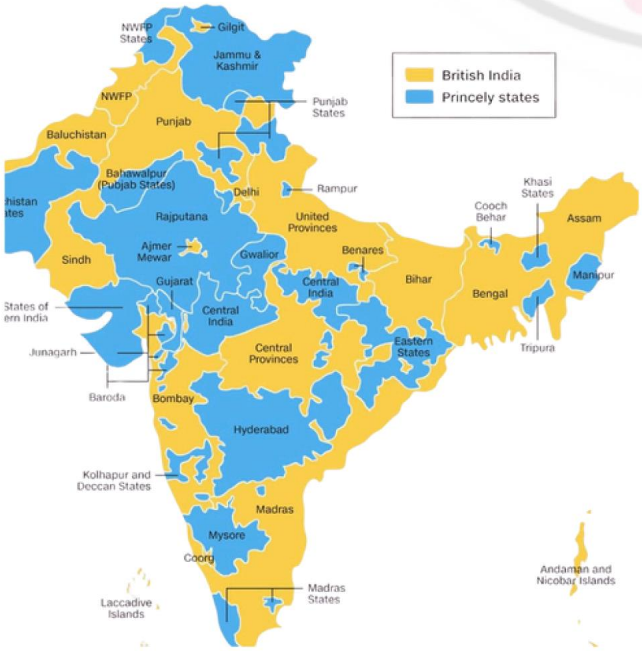
Fazl Ali Commission / State Reorganisation Commission (1953)

- Members: Justice Fazl Ali, K. M. Panikkar, and H. N. Kunzru
- Rejected the theory of "One language, One state" but supported reorganising states on a linguistic basis.

1952: Death of **Potti Sriramulu** after a hunger strike for a separate Telugu speaking state led to the formation of Andhra Pradesh (became the 1st linguistic state of India, 1953).

State Reorganisation Act, 1956

- The State Reorganisation Act of 1956 was passed based on the recommendations of the Fazl Ali Commission.
- It removed the fourfold classification of states and created 14 States + 6 Union Territories, on 1st Nov, 1956



In 1950, a four fold Classification of states was done: Part A, Part B, Part C, Part D.

Part A states included the nine former governor's province of British india

Part B states consisted of nine former princely states with legislatures

Part C states were made up of former chief commissioner's provinces of british india and some former princely states

The Andaman and Nicobar islands were the sole Part D territory

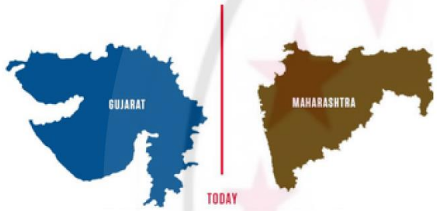
Chronological Order Of State Formation

1. Andhra Pradesh (Full Fledged state on 1st November 1956)
2. Maharashtra, 1960
3. Gujarat, 1960
4. Nagaland, 1963
5. Haryana, 1966
6. Himachal Pradesh, 1971
7. Meghalaya, 1972
8. Manipur, 1972
9. Tripura, 1972
10. Sikkim, 1975
11. Goa, 1987 (became 25th state of India by 56th CA after being a UT since 1961)
12. Arunachal Pradesh, 1987
13. Mizoram, 1987

Trick : AAM GUNAH HAI MAIM TUSSI GAO AUR MOJ LO

Bombay Reorganisation Act, 1960

- It bifurcated Bombay in two new states:- Maharashtra and Gujarat
- They both commemorate their statehood on 1st May



FACTS

Karnataka, Kerala, Andhra Pradesh, Chhattisgarh, Haryana and Madhya Pradesh celebrate their statehood on 1st November.

Additional Points to Remember

- 12th CA, 1962: Goa(UT) + Daman+Diu (Still an UT)
- Operation Vijay, 1961: launched by Indian Government to liberate Goa, Daman & Diu from Portuguese rule.
- 10th CA, 1961: Dadra & Nagar Haveli (UT) → Now merged with Daman and Diu.
- 22nd CA, 1969: Meghalaya was created within Assam.
- Mizoram and Arunachal: Created as a UT → once part of NEFA (North-East Frontier Agency)
- Chhattisgarh, Uttarakhand, Jharkhand: gained statehood in 2000. Thay were created out of Madhya Pradesh, Uttar Pradesh and Bihar, respectively.
- Telangana: became 29th state of India on June 2, 2014

Sikkim(Special Case):

- Sikkim was Earlier ruled by Chogyal Dynasty.
- Became an associate state under Article 2A (35th Amendment, 1974)
- Gained complete statehood in 1975, by 36th Amendment.
- Became 22nd state of India.

Articles related to Special Provisions for some States:

• Special provision with respect to the states of Maharashtra and Gujarat.	371
• Special provision with respect to the state of Nagaland.	371-A
• Special provision with respect to the state of Assam.	371-B
• Special provision with respect to the state of Manipur.	371-C
• Special provisions with respect to the state of Andhra Pradesh or the state of Telangana	371-D
• Establishment of Central University in Andhra Pradesh.	371-E
• Special provisions with respect to the state of Sikkim.	371-F
• Special provision with respect to the state of Mizoram.	371-G
• Special provision with respect to the state of Arunachal Pradesh.	371-H
• Special provision with respect to the state of Goa.	371-I
• Special provisions with respect to the state of Karnataka.	371-J

TRICK : MaG NAM AASMA GK

PART II-CITIZENSHIP

Article 5 : Citizenship at the commencement of the Constitution

A person shall be deemed to be a citizen of India on 26 January 1950, if they fulfill any of the following condition-

1. Born in India
2. Either of the parents was born in India or;
3. Has been an ordinary resident of India for at least 5 years immediately before 26 January, 1950.

The Concept of Single Citizenship is taken from UK (Britain).

Article 6 :

It provided rights of citizenship of certain persons who have migrated to India from Pakistan.

Article 7 :

Rights of citizenship of certain migrants to Pakistan (India to Pakistan then back to India).

Article 8:

Rights of citizenship of certain persons of Indian origin residing outside India.

Article 9:

Provided that if any person voluntarily acquired the citizenship of a foreign State will no longer be a citizen of India.

Article 10:

Continuance of rights of citizenship.

Article 11:

Parliament to regulate the right of citizenship by law.

Citizenship Act 1955

Deals with the provisions of Citizenship after 26 Jan, 1950.

1. By Birth

2. By Naturalisation

- Residing in India for 12 years (11 years in the preceding 14 years + 1 year immediately before application)
- They must know one Indian Language mentioned in the 8th schedule.

3. By Decent

Indian origin, but currently living in other country

4. By Registration

Granted to Indian-origin individuals, spouses of Indian citizens, or minor children who have resided in India for 7 years.

5. By incorporating a territory

A country extends its sovereignty over a new area, and its government can then declare the people of that territory to be citizens

- **Jus Soli : By place of Birth**
- **"By sanguine" : By Blood**

One can lose Citizenship through :

1. Renunciation

Voluntarily gives up Indian citizenship

2. Termination

Voluntarily acquired citizenship of other country without informing.

3. Deprivation

If acquired citizenship by fraud, false documents, or during war helped an enemy country

Citizenship

- Before the commencement of the Constitution (26 Jan 1950)
- Article (5-8)

- After 26 Jan 1950
- Citizenship Act, 1955

Recent Amendment in Citizenship Act, 1955

- Citizenship Amendment Act, 2019: People from 6 communities → Hindu, Sikh, Parsi, Jain, Christian, Buddhist of 3 countries Bangladesh, Afghanistan, Pakistan can acquire citizenship through Naturalization i.e.
- Entered India on or before 31st December 2014,
- Must have lived in India for at least 6 years (instead of 12 years earlier)

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