

Union and Its Territory (Articles 1–4)

1. India as a 'Union of States' (Article 1)

- The Constitution describes India, or **Bharat**, as a *Union of States*.
- The phrase indicates that Indian states **do not enjoy independent sovereignty**, nor do they have separate constitutions or citizenship.
- The **First Schedule** lists the names and boundaries of all **28 states and 8 union territories**.
- “*Territory of India*” is a **broader** term than “*Union of India*”:
 - **Union of India** = only states
 - **Territory of India** = states + UTs + any acquired territories
- States share powers within the federal system; UTs are under the **direct control of the Centre**.
- Special provisions for selected states are provided under **Part XXI**, and tribal areas are governed by the **Fifth and Sixth Schedules**.

Debate on the Name of the Country

- In the Constituent Assembly, some members preferred **Bharat**, others **India**.
- A compromise led to the wording: “**India, that is, Bharat.**”

Categories of the Territory (Article 1)

India’s territory is classified into:

1. States
2. Union Territories
3. Acquired Territories

Acquisition of Foreign Territories

- After the Constitution came into force, India added territories such as **Goa, Daman & Diu, Puducherry, Sikkim**, etc.

Territorial Waters and Maritime Zones

- **Territorial waters** extend **12 nautical miles** from India’s baseline (1976 Act).
- **The Exclusive Economic Zone (EEZ)** extends up to **200 nautical miles**, expanded in 1977.
- Enabled by the **40th Constitutional Amendment** and the **1976 Maritime Zones Act**.

2. Article 2 – Admission or Establishment of New States

Parliament has two powers:

- **Admit** existing states into the Union.

- **Establish** new states that did not exist earlier.

3. Article 3 – Formation or Alteration of States

Parliament can:

- Create new states,
- Change the area, boundary, or name of any existing state.

Conditions:

1. A bill can be introduced **only with the President’s recommendation**.
2. The President must **refer the bill to the concerned State Legislature** for its opinion (non-binding).

Note: Parliament can also merge parts of states/UTs to form new states/UTs.

Difference Between Articles 2 and 3:

Article 2	Article 3
For states not part of India currently.	For states already within India .
Admission or creation of new external states.	Alteration or formation of internal states.

4. Article 4 – Not a Constitutional Amendment

- Laws made under Articles 2 & 3 **are not treated as amendments** under Article 368.
- They require only a **simple majority** through the ordinary legislative process.

Exchange of Territories

1. Berubari Case (1960)

- Question: Can territory be ceded under Article 3?
- Supreme Court: **No. Ceding territory requires a Constitutional Amendment under Article 368.**
- This arose when India proposed handing over part of **Berubari (West Bengal)** to Pakistan.

2. Radcliffe Line & Enclaves

- The Radcliffe Commission drew the India–Pakistan (including East Pakistan) boundary.
- Left many enclaves (*Chitmahals*) unresolved.

3. India–Bangladesh Land Boundary Agreement (LBA)

- Agreements from 1958 onwards attempted resolution.

- Final settlement through the **1974 LBA**.
- Formally implemented by the **100th Constitutional Amendment Act, 2015**.
- Result:
 - India transferred **111 enclaves** to Bangladesh.
 - Bangladesh transferred **51 enclaves** to India.

Articles 1 to 4 give India a **strong but flexible federal structure**. They define the Union's territorial identity, empower Parliament to reorganize states, and provide constitutional tools to resolve boundary issues peacefully, strengthening unity while accommodating diversity.