

- The Preamble to the Constitution of India is [IAS 2020]
 - (a) a part of the Constitution but has no legal effect
 - (b) not a part of the Constitution and has no legal effect either
 - (c) part of the Constitution and has the same legal effect as any other part
 - (d) a part of the Constitution but has no legal effect independently of other parts **Ans. (d)**
- Consider the following statements: [IAS 2020]
 1. The Constitution of India defines its 'basic structure' in terms of federalism, secularism, fundamental rights and democracy.
 2. The Constitution of India provides for 'judicial review' to safeguard the citizens' liberties and to preserve the ideals on which the Constitution is based.
 Which of the statements given above is/are correct?
 - (a) 1 only
 - (b) 2 only
 - (c) Both 1 and 2
 - (d) Neither 1 nor 2 **Ans. (d)**
- In the context of polity, which one of the following would you accept as the most appropriate definition of liberty? [IAS 2019]
 - (a) Protection against the tyranny of political rulers
 - (b) Absence of restraint
 - (c) Opportunity to do whatever one likes
 - (d) Opportunity to develop oneself fully. **Ans. (b)**
- Which one of the following objectives is not embodied in the Preamble to the Constitution of India? [IAS 2017]
 - (a) Liberty of thought
 - (b) Economic liberty
 - (c) Liberty of expression
 - (d) Liberty of belief **Ans. (b)**
- Constitutional Government is one which :
 1. places effective restrictions on individual liberty in the interest of State Authority
 2. places effective restrictions on the Authority of the State in the interest of individual liberty
 Which of the statements given above is / are correct? [IAS 2014]
 - (a) Only 1
 - (b) Only 2
 - (c) Both 1 and 2
 - (d) Neither 1 nor 2 **Ans. (b)**

BORROWED FEATURES OF THE CONSTITUTION

- Nearly 75 per cent of the Constitution can be said to be a reproduction of the Government of India Act, 1935 with suitable adaptations and modifications. The basic structure of the polity and provisions regulating Union-State relations, declaration of emergency etc. were largely based on the 1935 Act.
 - Besides the indigenous sources, the Constituent Assembly had before it several models of foreign Constitutions.
1. **From U.K.**
 1. Nominal Head – President (like Queen)
 2. Cabinet System of ministers
 3. Post of the PM
 4. Parliamentary Type of Government
 5. Bicameral Parliament
 6. Lower House more powerful
 7. Council of Ministers responsible to Lower House
 8. Speaker in the Lok Sabha
 9. Single citizenship
 10. Parliamentary Privileges
 11. Prerogative Writs
 12. Rule of Law (Constitution shall be the supreme power in the land and the Legislative and the Executive derive their authority from the Constitution)
 2. **From U.S.**
 1. Written Constitution
 2. Executive head of state known as President and his being the Supreme Commander of the Armed Forces
 3. Vice-President as the ex-officio Chairman of Rajya Sabha
 4. Fundamental Rights
 5. Supreme Court
 6. Provision of States
 7. Independence of Judiciary and judicial review
 8. Idea of Preamble
 9. Removal of Supreme Court and High Court judges
 3. **From erstwhile USSR**
 1. Fundamental Duties
 2. Five year planning
 4. **From AUSTRALIA**
 1. Concurrent list
 2. Language of the Preamble
 3. Provision regarding trade, commerce and intercourse
 4. Joint session of two Houses of Parliament
 5. **From JAPAN**
 1. Law on which the Supreme Court function
 2. Concept of procedure by law.
 6. **From WEIMAR CONSTITUTION OF GERMANY (1919-1933)**
 1. Suspension of Fundamental Rights during emergency
 7. **From SOUTH AFRICA**
 1. Procedure of Constitutional Amendments
 2. Election of Members of Rajya Sabha
 8. **From CANADA**
 1. Scheme of federation with a strong centre.
 2. Distribution of powers between Centre and the States and placing Residuary Powers with the Centre
 3. Appointment of Governor by Centre.
 4. Advisory Jurisdiction of Supreme Court
 9. **From IRELAND**
 1. Concept of Directive Principles of State Policy. (Ireland borrowed it from SPAIN).
 2. Method of election of the President
 3. Nomination of members in the Rajya Sabha by the President
 10. **From FRANCE**
 1. Concept of Republic
 2. Ideas of Liberty, Equality and Fraternity (in the Preamble)
- Points to Ponder Upon**
- Though borrowed from almost every Constitution of the world, the Constitution of India has several salient features that distinguish it from the Constitutions of other countries.
 - Many people criticised that the Indian Constitution is a **bag of borrowings** or is a **mere paper and scissor work**. It is worth knowing that it has **borrowed features but drafted according to the Historical perspective of India; Geographical diversity of India; and Cultural and traditional characteristics of India.**
 - The Chairman of Drafting Committee Dr. Ambedkar had said in this regard — "**As to the accusation that the Draft Constitution has reproduced a good part of the provisions of the Government of India Act, 1935, I make no apologies. There is nothing to be ashamed of in borrowing. It involves no plagiarism. Nobody holds any patent rights in the fundamental ideas of a Constitution....**"

TOPICAL MCQs

1. The idea of social justice requires that [Asstt. Commdt. 2020]
 1. equal treatment be supplemented with principle of proportionality
 2. due and equal consideration is given to all individuals
 3. equality of treatment be transcended to recognise special needs
 Select the correct answer using the code given below:
 (a) 1, 2 and 3 (b) 1 and 3 only
 (c) 2 only (d) 2 and 3 only
2. Which one among the following is not a character of a secular State? [CDS 2020]
 - (a) It refuses theocracy.
 - (b) It separates religion from the State.
 - (c) A State in order to be secular must be democratic.
 - (d) It must prevent religious conflict and promote religious harmony.
3. What is the legal nature of the Preamble of the Constitution? [UP PCS 2019]
 - (a) It is enforceable
 - (b) It is not enforceable
 - (c) It may be enforced in special circumstances
 - (d) None of the above
4. Which one of the following is NOT true of the 10th Schedule of the Constitution of India pertaining to disqualification of members of the Parliament and State legislatures? [Asstt. Commdt. 2019]
 - (a) The schedule lays down that elected members may be disqualified on the grounds of defection
 - (b) Disqualification on ground of defection does not apply in cases of merger with another political party
 - (c) Cases of dispute are decided by the Speaker or Chairman of the House concerned
 - (d) The Supreme Court of India is the final arbiter in cases which remain unresolved
5. Which among the following statements about the power to change the basic structure of the Constitution of India is/are correct? [CDS 2019]
 1. It falls outside the scope of the amending powers of the Parliament.
 2. It can be exercised by the people through representatives in a Constituent Assembly.
 3. It falls within the constituent powers of the Parliament.
 (a) Both 1 and 3 (b) Both 1 and 2
 (c) Only 1 (d) Both 2 and 3
6. How many types of justice, liberty, equality and fraternity in that order has been mentioned in the preamble of constitution of India? [UP PCS 2018]
 (a) 3, 5, 2, 1 (b) 1, 3, 5, 2 (c) 2, 5, 3, 1 (d) 5, 2, 1, 3
7. Which one of the following is the correct combination of languages included in the 8th Schedule of the Constitution of India? [Asstt. Commdt. 2018]
 (a) Nepali, Konkani, Tulu and Santhali
 (b) Santhali, Urdu, Konkani and Maithili
 (c) Santhali, Konkani, Bhojpuri and Urdu
 (d) Dogri, Konkani, Bhojpuri and Urdu
8. Which of the following statements relating to the historic Objectives Resolution, which was adopted by the Constituent Assembly, is/are correct? [CDS 2018]
 1. The Objectives Resolution inspired the shaping of the Constitution through all its subsequent stages.
 2. It was not just a resolution, but a declaration, a firm resolve and a pledge.
 3. It provided the underlying philosophy of our Constitution.
 (a) Both 1 and 2 (b) Only 1
 (c) 1, 2 and 3 (d) Both 2 and 3
9. The philosophical postulates of the Constitution of India are based on: [Odisha PCS 2017]
 (a) Nehru Report, 1928
 (b) Objective Resolution of Pandit Nehru, 1947
 (c) Mahatma Gandhi's article 'Independence in Young India' 1922
 (d) Indian National Congress' Resolution for Complete Independence, 1929
10. Which of the following is not an element of 'Secular State' in India? [Odisha PCS 2017]
 (a) Civil Equality (b) Taxation on religious property
 (c) Freedom of religion (d) No religious education by the State
11. Which one of the following objectives is not embodied in the Preamble to the Constitution of India? [IAS 2017]
 (a) Liberty of thought (b) Economic liberty
 (c) Liberty of expression (d) Liberty of belief
12. The concept of "A Union of States in the Indian Constitution" has been derived from: [UP PCS 2017]
 (a) The American Declaration of Independence
 (b) The Australian Constitution
 (c) The British North-American Act
 (d) The Swiss Constitution
13. Which of the following statements is /are correct regarding the Preamble of the Indian Constitution? [CDS 2017]
 A. The Preamble by itself is not enforceable in a Court of Law.
 B. The Preamble states the objectives which the Constitution seeks to establish and promote.
 C. The Preamble indicates the source from which the Constitution derives its authority.
 (a) A, B and C (b) A and B
 (c) A and C (d) Only B
14. Which of the following features were borrowed by the Constitution of India from the British Constitution? [CDS 2017]
 1. Rule of Law
 2. Law making Procedure
 3. Independence of Judiciary
 4. Parliamentary
 (a) Both 1 and 2 (b) 2, 3 and 4
 (c) Both 1 and 4 (d) 1, 2 and 4
15. In Indian Constitution, the method of election of President has been taken from which country? [SSC Grad. 2017]
 (a) Britain (b) USA
 (c) Ireland (d) Australia
16. India has taken the concept of 'Judicial Review' from which country's Constitution? [SSC Grad. 2017]
 (a) United States (b) United Kingdom
 (c) Canada (d) Ireland
17. Among the following ideals and philosophy, identify those enshrined in the Preamble to the Constitution of India. [CDS 2013]
 1. Sovereign democratic republic
 2. Socialism and secularism
 3. Capitalism and free trade
 (a) 1 and 2 (b) 1 and 3 (c) 1, 2 and 3 (d) 2 and 3
18. The constitutional principle of the 'Basic Structure' was invented by the: [Asstt. Commdt. 2012]
 (a) Executive (b) Judiciary (c) Legislature (d) Civil Society
19. The Preamble of the Indian Constitution reads:
 (a) We, the people of India — adopt, enact and give to India this Constitution
 (b) We, the people of Constituent Assembly — adopt, enact and give to India this Constitution
 (c) We, the citizens of India — adopt, enact and give to ourselves this Constitution
 (d) We, the people of India — in our Constituent Assembly — adopt, enact and give to ourselves this Constitution

20. Secularism means :

- suppression of all religions
- freedom of worship to minorities
- separation of religion from State
- a system of political and social philosophy that does not favour any particular religious faith

21. Match the following :

Constitutional Features

Sources

- | | |
|--|----------------------------|
| A. Rule of Law | 1. German Constitution |
| B. Directive Principles | 2. Australian Constitution |
| C. Concurrent List | 3. Irish Constitution |
| D. Suspension of Fundamental Rights during Emergency | 4. British Constitution |

	A	B	C	D		A	B	C	D
(a)	4	2	1	3	(b)	4	3	2	1
(c)	2	3	4	1	(d)	2	1	4	3

22. Which Constitution has inspired the Indian concepts of rule of law, parliamentary system and law-making procedure ?

- US Constitution
- British Constitution
- Canadian Constitution
- All of the above

23. Indian President and Prime Minister are a replica of the heads of the State of which country ?

- Britain
- U.S.A.
- Ireland
- Russia

24. The Indian Constitution establishes a secular state, meaning :

- the State treats all religions equally.
- freedom of faith and worship is allowed to all the people.
- educational institutions, without exception, are free to impart religious instruction.
- the State makes no discrimination on the basis of religion in matters of employment.

- I and II
- I, II and III
- II, III and IV
- I, II and IV

25. Which of the following features of the Constitution of India does not resemble the American Constitution ?

- Written Constitution
- Federal form of government
- Fundamental Rights
- Parliamentary form of government

26. The word 'Socialist' was added to the Preamble, its main aim is to :

- eliminate inequality in economic and political status
- eliminate inequality in political and religious affairs
- eliminate inequality in income and status and standards of life
- eliminate class based society

27. Which one of the following statements is correct ?

- Preamble of the Constitution is the part of the Constitution and can be amended under Article 368
- Preamble of the Constitution is not a part of the Constitution and cannot be amended
- Preamble is the part of the basic structure of the Constitution and can be amended only if no change in the basic structure is made
- Preamble can be amended by Parliament simply by an objective resolution

28. Which of the following emerges clearly from the Preamble ?

- When the Constitution was enacted.
 - The ideals that were to be achieved.
 - The system of government.
 - The source of authority.
- II, III and IV
 - I and II
 - I, II and III
 - I, II, III and IV

29. In context with the Preamble of India, which among the following statements is/are correct?

- It was borrowed from the Constitution of USA.

2. 'Unity of the Nation' was replaced by 'Unity and Integrity of the Nation' by the 42nd Amendment Act.

3. 42nd amendment inserted the words 'Liberty and Equality'.

- 1 and 2
- 2 and 3
- 3 only
- 2 only

30. Under which Article of the Constitution of India has provision been made for reservation of seats for women in Panchayats?

[CDS 2021]

- Article 243 B
- Article 243 C
- Article 243 D
- Article 243 E

31. Which one of the following Articles was defended by Dr. B. R. Ambedkar on the plea that it would be used as 'a matter of last resort'?

[CDS 2020]

- Article 352
- Article 359
- Article 356
- Article 368

32. According to which Article of Constitution of India, the Chief Minister is appointed by the Governor of a State?

[UK PCS 2017]

- Article 163
- Article 164
- Article 165
- Article 166

33. Which of the following are enshrined in the third Schedule of the Indian Constitution ?

[UP PCS 2017]

- Form of oath of office for a Minister for the Union.
- Form of oath to be made by the Chief Justice of Supreme Court.
- Form of oath of office for the President of India.
- Form of oath to be made by a Member of Parliament.

- 1, 2, 3
- 2, 3, 4
- 1, 2, 4
- 1, 2, 3, 4

34. Which one of the following Schedules of the Constitution of India has fixed the number of Members of the Rajya Sabha to be elected from each State ?

[CDS 2017]

- Fifth Schedule
- Third Schedule
- Sixth Schedule
- Fourth Schedule

35. Which Article of the Indian Constitution is related to Indian Foreign Policy ?

[UP PCS 2016]

- Article 380
- Article 312
- Article 60
- Article 51

36. The Sixth Schedule of the Constitution of India pertains to the administration of tribal areas in which of the following States ?

[CDS 2016]

- Assam, Meghalaya, Tripura and Mizoram
- Meghalaya, Tripura, Manipur and Mizoram
- Assam, Manipur, Meghalaya and Tripura
- Manipur, Meghalaya, Tripura and Arunachal Pradesh

37. Which one of the following statements with regard to the Ninth Schedule of the Constitution of India is not correct ?

[CDS 2016]

- It was inserted by the Constitution (First Amendment) Act, 1951.
- The Acts and Regulations specified in the Ninth Schedule shall become void on the ground that it violates a fundamental right in Part III of the Constitution.
- The Supreme Court has the power of judicial review of an Act included in the Ninth Schedule on the doctrine of basic structure.
- The appropriate Legislature can repeal or amend an Act specified in the Ninth Schedule.

38. Which among the following Acts were repealed by Article 395 of the Constitution of India ?

- The Government of India Act, 1935
- The Indian Independence Act, 1947
- The Abolition of Privy Council Jurisdiction Act, 1949
- The Government of India Act, 1919

[CDS 2016]

- 1 and 2
- 1 and 3
- 1, 2 and 3
- 1, 2, 3 and 4

39. Which one of the following languages is not recognized in the Eighth Schedule to the Constitution of India ?

[CDS 2016]

- English
- Sanskrit
- Urdu
- Nepali

40. Which one of the following pairs of the Schedule in the Constitution of India and its Content is **not** correctly matched ? [NDA 2016]

Schedule	Content
(a) Eighth Schedule :	Languages
(b) Second Schedule:	The forms of oaths and affirmations
(c) Fourth Schedule :	Allocation of seats in the Council of States
(d) Tenth Schedule :	Provisions as to disqualification on the ground of defection

41. The provisions in Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to : [IAS 2015]

- (a) protect the interests of Scheduled Tribes
(b) determine the boundaries between States
(c) determine the powers, authority and responsibilities of Panchayats
(d) protect the interests of all the border States

42. Which Article of the Constitution of India provides that it shall be the endeavour of every State to provide adequate facility for instruction in the mother-tongue at the primary stage of Education ? [UP PCS (J) 2015]

- (a) Article 349
(b) Article 350
(c) Article 350-A
(d) Article 351

43. Under which one of the following Articles of Indian Constitution, provision of creation or abolition of Legislative Councils in States are made ? [UP PCS 2013]

- (a) Article 168 (b) Article 169
(c) Article 170 (d) Article 171

44. Provision for appointment of National Commission for SCs and STs has been made in the Constitution under article : [UP PCS 2013]

- (a) 338 and 338 A (b) 337
(c) 334 (d) 339

45. Match the following : [RAS 2013]

Article of Constitution	Provision
(A) 215	(i) Transfer of one Judge from one High Court to another
(B) 222	(ii) Powers of superintendence over all courts by the High Court
(C) 226	(iii) Power of High Court to issue certain writs
(D) 227	(iv) High Court to be Court of Record
(a) (A)-(iv), (B)-(i), (C)-(iii), (D)-(ii)	
(b) (A)-(ii), (B)-(i), (C)-(iii), (D)-(iv)	
(c) (A)-(i), (B)-(iv), (C)-(iii), (D)-(ii)	
(d) (A)-(iv), (B)-(ii), (C)-(iii), (D)-(ii)	

46. Article 340 of the Constitution of India provides for the appointment of a Commission to investigate the conditions for the improvement of : [CDS 2004]

- (a) Scheduled Castes and Scheduled Tribes
(b) Socially and educationally backward classes
(c) Socially and economically backward classes
(d) Educationally and economically backward classes

47. Part V of the Constitution deals with :

- I. Union Executive
II. Parliament
III. Supreme Court and High Courts
IV. Comptroller and Auditor-General
(a) I and II
(b) I, II and III
(c) Only I
(d) I, II and IV

48. Provisions of having a UPSC and Public Service Commission for States are enshrined in :

- (a) Part XIV, Chapter II, Articles 315-324
(b) Part XIV, Chapter I, Articles 308-323
(c) Part XIV, Chapter II, Articles 315-323
(d) Part XIV, Chapter I, Articles 308-318

49. Match the following :

A. Article 61	1. Removal of Deputy Chairman of Rajya Sabha						
B. Article 67	2. Impeachment of President						
C. Article 94	3. Removal of Vice President						
D. Article 90	4. Removal of Speaker						
A	B	C	D	A	B	C	D
(a) 2	3	4	1	(b) 1	3	4	1
(c) 2	1	4	3	(d) 3	4	2	1

50. Which of the following statements relating to the Fifth Schedule of the Constitution of India is not correct? [CDS 2019]

- (a) It relates to the special provision for administration of certain areas in the States other than Assam, Meghalaya, Tripura and Mizoram.
(b) Tribal advisory Councils are to be constituted to give advice under the Fifth Schedule.
(c) The Governor is not authorized to make regulations to prohibit or restrict the transfer of land by, or among members of the Scheduled Tribes.
(d) The Governors of the States in which there are scheduled areas have to submit reports to the President regarding the administration of such areas.

51. The provisions of the Fifth Schedule of the Constitution of India shall not apply to the administration and control of the Scheduled Areas and Scheduled Tribes in [NDA 2019]

1. Chhattisgarh, Jharkhand and Odisha
2. Assam and Tripura
3. Meghalaya and Mizoram

- (a) 1 only
(b) 1 and 2 only
(c) 2 and 3 only
(d) 1, 2 and 3

52. Which of the following statement(s) is/are not correct for the Ninth Schedule of the Constitution of India ?

1. It was inserted by the first amendment in 1951.
2. It includes those laws which are beyond the purview of judicial review.
3. It was inserted by the 42nd Amendment.
4. The laws in the Ninth Schedule are primarily those which pertain to the matters of national security. [CDS 2015]

- (a) 1 and 2
(b) 2 and 3
(c) 3 and 4
(d) Only 3

Answers

1. (d) 2. (c) 3. (b) 4. (d) 5. (b) 6. (a) 7. (b)
8. (c) 9. (b) 10. (b) 11. (b) 12. (b) 13. (a) 14. (d)
15. (c) 16. (a) 17. (a) 18. (b) 19. (d) 20. (d) 21. (b)
22. (b) 23. (a) 24. (d) 25. (d) 26. (a) 27. (c) 28. (d)
29. (d) 30. (d) 31. (c) 32. (b) 33. (c) 34. (d) 35. (d)
36. (a) 37. (b) 38. (a) 39. (a) 40. (b) 41. (a) 42. (c)
43. (b) 44. (a) 45. (a) 46. (a) 47. (d) 48. (b) 49. (a)
50. (c) 51. (c) 52. (c)

THE UNION AND ITS TERRITORIES



- **Article 1** of the Constitution says, “**India, that is Bharat, shall be a Union of States**”. The word ‘Union’ was preferred to ‘Federation’ because of certain advantages. Union of States means that the Union of India is not a result of an agreement by the States to join in a federation and the Federation not being the result of an agreement, no State has the right to get separated from it.
- The Union Territories are not included in the “Union of States”, whereas the expression “Territory of India” includes not only the States, but also the Union Territories and such other territories as may be acquired by India.

INTEGRATION OF PRINCELY STATES

- At the time of independence, India comprised two categories of political units, namely, the British provinces (under the direct rule of British government) and the Princely States (under the rule of native princes but subject to the paramountcy of the British Crown).
- The Indian Independence Act (1947) created two independent and separate dominions of India and Pakistan and gave three options to the Princely States viz., joining India, joining Pakistan or remaining independent.
- **Of the 552 Princely States situated within the geographical boundaries of India, 549 joined India and the remaining 3 (Hyderabad, Junagarh and Kashmir) refused to join India.**
- **However, in course of time, they were also integrated with India—Hyderabad by means of police action, Junagarh by means of referendum and Kashmir by the Instrument of Accession.**
- In 1950, the Constitution contained a four-fold classification of the States of the Indian Union—Part A, Part B, Part C and Part D State.
- **Part A States**, which were the **former Governors' Provinces of British India**, were ruled by a **Governor** appointed by the President and an **elected state legislature**. The **nine** Part A states were Assam, Bihar, Bombay, Madhya Pradesh (formerly Central Provinces and Berar), Madras, Orissa, Punjab (formerly East Punjab), Uttar Pradesh (formerly the United Provinces), and West Bengal.
- **Part B States**, which were former Princely States or groups of Princely States, governed by a **Rajpramukh**, who was usually the ruler of a constituent State, and an elected legislature. The **eight** Part B states were Hyderabad, Jammu and Kashmir, Madhya Bharat, Mysore, Patiala and East Punjab States Union (PEPSU), Rajasthan, Saurashtra, and Travancore-Cochin.
- **Part C States** included both the former Chief Commissioners' Provinces and some Princely States, and each was governed by a Chief Commissioner appointed by the President of India. The **ten** Part C states were Ajmer, Bhopal, Bilaspur, Coorg, Delhi, Himachal Pradesh, Cutch, Manipur, Tripura, and Vindhya Pradesh.
- The sole **Part D territory** was the Andaman and Nicobar Islands, which was administered by a Lieutenant Governor appointed by the Central Government.

FORMATION & ALTERATION OF STATES

- **Article 2** relates to the admission or establishment of new States that are not part of the Union of India.
- Under **Article 3**, the Constitution empowers the Parliament **to 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.
- The Constitution further states that **Parliament has the power to increase or diminish the area of any State or to alter the boundaries or names of any State**.
- The procedure followed is:
 - A Bill giving effect to any or all the changes stated above can be introduced in **either house** of the Parliament, only on the **recommend- ation of the President**.
 - If such a Bill affects the boundary or name of a State, then the President, **before introducing** it in the Parliament, shall refer the Bill to the **State Legislature** concerned for its **opinion**, fixing a time limit within which an opinion may be expressed by the State Legislature. The President may extend the time limit so specified.
 - If the State Legislature fails to express an opinion within the stipulated time limit then it is deemed that it has expressed its views. If it submits its views within the period so specified or extended, the **Parliament is not bound** to accept or act upon the views of the State Legislature. Further, it is not necessary to make fresh reference to the State Legislature every time an amendment to the Bill is proposed and accepted.
 - The Bill is passed with **simple majority**.
 - However, in the case of Union Territories, it is not necessary to obtain the views of legislatures of Union Territories before a Bill affecting their boundaries or names is introduced.

- **Does the power of Parliament to diminish the area of a State (under Article 3) include also the power to cede Indian territory to a foreign country?**
- This question came up for examination before the Supreme Court in a reference made by the President in 1960.
- The decision of the Central government to cede part of a territory known as **Berubari Union** (West Bengal) to Pakistan led to political agitation and controversy and thereby necessitated the Presidential reference.
- The Supreme Court held that the power of Parliament to diminish the area of a State (under Article 3) does not cover cession of Indian territory to a foreign country. Hence, **Indian territory can be ceded to a foreign state only by amending the Constitution under Article 368**.
- Consequently, the **9th Constitutional Amendment Act (1960)** was enacted to transfer the said territory to Pakistan.

- The Constitution (**Article 4**) itself declares that laws made for admission or establishment of new States (under Article 2) and formation of new States and alteration of areas, boundaries or names of existing States (under Articles 3) are **not to be considered as amendments of the Constitution under Article 368**. This means that such laws can be passed by a simple majority and by the ordinary legislative process.

RE-ORGANIZATION OF STATES

- After independence, the demand for the reorganization of the States on the linguistic basis was raised from different regions. The government appointed the **S.K. Dhar Commission** in 1948 to study the issue.
- The Dhar Commission recommended the reorganization of State on the basis of **administrative convenience** rather than linguistic factor.
- This created much resentment and led to the appointment of another Linguistic Provinces Committee by the Congress in December 1948 itself to examine the whole question afresh. It consisted of **Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya** and hence, was popularly known as **JVP Committee**. It submitted its report in April 1949 and formally **rejected language** as the basis for reorganisation of States.
- However, on **Oct 1, 1953**, the Government of India was **forced to create the first linguistic State**, known as **Andhra State** (with Kurnool as its capital city), by **separating the Telugu speaking areas from the Madras State** (after the fast unto death of Potti Sreeramulu in 1952).
- On the basis of the **Gentlemen's Agreement** of Nov 1, 1956, the **States Reorganisation Act** formed combined **Andhra Pradesh** by merging Andhra State with the Telugu-speaking areas of the already existing Hyderabad State. **Hyderabad** was made the capital of the new State.
- The **Marathi-speaking areas of Hyderabad State merged with Bombay State** and the **Kannada-speaking areas were merged with Mysore State**.

Note

The **Gentlemen's agreement** of Andhra Pradesh was signed between **Telangana** and **Andhra leaders** before the formation of the state of Andhra Pradesh in **1956**. The agreement provided safeguards with the purpose of **preventing discrimination against Telangana by the government of Andhra Pradesh**. The violations of this agreement are cited as one of the reasons for formation of separate statehood for Telangana.

- The creation of Andhra State intensified the demand from other regions for creation of States on linguistic basis. This forced the Government of India to appoint (in December 1953) a three-member States Reorganisation Commission under the chairmanship of **Fazl Ali** to re-examine the whole question. Its other two members were **K. M. Panikkar and H N Kunzru**.
- It submitted its report in September 1955 and **broadly accepted language as the basis of reorganisation of States**. But, it **rejected the theory of 'one language-one State'**. Its view was that the unity of India should be regarded as the primary consideration in any redrawing of the country's political units. It identified four major factors that can be taken into account in any scheme of reorganisation of states :
 - (a) Preservation and strengthening of the unity and security of the country.
 - (b) Linguistic and cultural homogeneity.
 - (c) Financial, economic and administrative considerations.
 - (d) Planning and promotion of the welfare of the people in each State as well as of the nation as a whole.
- The Commission suggested the abolition of the four-fold classification of States under the original Constitution and creation of **16 States and 3 centrally administered territories**. The Government of India accepted these recommendations with certain minor modifications.
- By the States Reorganisation Act (1956) and the **7th Constitutional Amendment Act (1956)**, the distinction between Part-A and Part-B States was done away with and Part-C States were abolished. Some of them were merged with adjacent States and some other were designated as Union Territories. As a result, **14 States and 6 Union Territories were created on November 1, 1956**.

THE NEW STATES CREATED AFTER 1956

Gujarat and Maharashtra	• The State of Bombay was divided into two States, i.e., Maharashtra and Gujarat by the Bombay (Reorganisation) Act, 1960.
Kerala	• Created by the State Reorganisation Act, 1956. It comprised Travancor and Cochin areas.
Karnataka	• Created from the Princely State of Mysore by the State Reorganisation Act, 1956. It was renamed Karnataka in 1973.
Nagaland	• It was carved out from the State of Assam by the State of Nagaland Act, 1962.
Haryana	• It was carved out from the State of Punjab by the Punjab (Reorganisation) Act, 1966.
Himachal Pradesh	• The Union Territory of Himachal Pradesh was elevated to the status of State by the State of Himachal Pradesh Act, 1970.
Meghalaya	• First carved out as a sub-State within the State of Assam by 23rd Constitutional Amendment , 1969. Later, in 1971, it received the status of a full-fledged State by the North-Eastern Areas (Reorganisation) Act, 1971.
Manipur and Tripura	• Both these States were elevated from the status of Union Territories by the North-Eastern Areas (Reorganisation) Act, 1971.
Sikkim	• Sikkim was first given the Status of Associate State by the 35th Constitutional Amendment Act , 1974. It got the status of a full State in 1975 by the 36th Amendment Act , 1975.
Mizoram	• It was elevated to the status of a full State by the State of Mizoram Act, 1986.
Arunachal Pradesh	• It received the status of a full State by the State of Arunachal Pradesh Act, 1986. (55th Amendment Act , 1987)
Goa	• Goa was separated from the Union Territory of Goa, Daman and Diu and was made a full-fledged State by the Goa, Daman and Diu Reorganisation Act, 1987. But Daman and Diu remained as Union Territory (56th Amendment Act , 1987).
Chhattisgarh	• Formed by the Madhya Pradesh Reorganisation Act, 2000 by dividing Madhya Pradesh on November 1, 2000.
Uttarakhand	• Formed by the Uttar Pradesh Reorganisation Act, 2000 by dividing Uttar Pradesh on November 9, 2000.
Jharkhand	• Formed by the Bihar Reorganisation Act, 2000 by dividing Bihar on November 15, 2000
Telangana	• Formed by the Andhra Pradesh Reorganisation Act, 2014 by dividing Andhra Pradesh on June 2, 2014.

The Curious Case of Sikkim

- Prior to Indian independence, **Jawaharlal Nehru**, as the **Vice President of the Executive Council**, pushed through a resolution in the Indian Constituent Assembly to the effect that **Sikkim** and **Bhutan**, as Himalayan states, were **not 'Indian states'** and their future should be **negotiated separately**. A **standstill agreement** was signed in Feb 1948.
- Meanwhile, Indian independence and its move to democracy spurred a fledgling political movement in Sikkim, giving rise to the formation of **Sikkim State Congress (SSC)**. The party sent a list of demands to the palace, including a demand for accession to India. The Palace attempted to defuse the movement by appointing three secretaries from the SSC to the government and sponsoring a counter-movement in the name of **Sikkim National Party**, which **opposed accession to India**.
- The demand for responsible government continued and the SSC launched a **Civil Disobedience Movement**. **Chogyal Palden Thondup Namgyal** asked India for help in quelling the movement, which was offered in the form of a small military police force and an Indian Dewan.
- In **1950**, a **treaty** was agreed between India and Sikkim which gave Sikkim the status of an **Indian protectorate**. Sikkim came under the **suzerainty of India**, which controlled its **external affairs, defence, diplomacy and communications**. In other respects, Sikkim retained administrative autonomy.
- A **State Council** was established in 1953 to allow for Constitutional Government under the Chogyal. The Chogyal shaped a "model Asian state" where the literacy rate and per capita income were quite high.
- Meanwhile, the Sikkim National Congress demanded fresh elections and greater representation for Nepalis in Sikkim. People marched on the palace against the monarchy. In 1973, **anti-royalist riots** took place in front of the Chogyal's palace. In **1975**, the **Prime Minister of Sikkim** appealed to the Indian Parliament for Sikkim to become a **State of India**.
- In **April** of that year, the Indian Army took over the city of Gangtok and disarmed the Chogyal's palace guards. Thereafter, a referendum was held in which 97.5 per cent of voters supported abolishing the monarchy, effectively approving union with India.
- On **May 16, 1975**, **Sikkim became the 22nd State** of the Indian Union, and the **monarchy was abolished**.
- To enable the incorporation of the new state, the Parliament amended the Indian Constitution. First, the **35th Amendment** laid down a set of conditions that made Sikkim an "Associate State", a special designation not used by any other State. A month later, the **36th Amendment** repealed the 35th Amendment, and made Sikkim a full state, adding its name to the First Schedule of the Constitution.

◆ Topical Pre. Questions

- Consider the following statements with reference to the linguistic reorganisation of States in independent India :
 1. The separate State of Andhra for the Telugu people came into existence in 1953.
 2. Jawaharlal Nehru was particularly in favour of the movement for linguistic reorganisation of States that came in the wake of the success of the Andhra movement.
 Which of the statements given above is/are correct ? **[IAS 2008]**
 - (a) Only 1
 - (b) Only 2
 - (c) Both 1 and 2
 - (d) Neither 1 nor 2**Ans. (a)**
- The Constituent Assembly appointed the Linguistic Provinces Commission in the year 1948 to enquire into the desirability of linguistic provinces. Who among the following was the Head of that Commission ? **[IAS 2008]**
 - (a) Jawaharlal Nehru
 - (b) Justice S.K. Dhar
 - (c) Justice Fazl Ali
 - (d) Pattabhi Sitaramayya**Ans. (b)**

CHANGE OF NAMES

- The names of some States and Union Territories have also been changed. The **United Provinces** was the first State to have a new name. It was renamed '**Uttar Pradesh**' in 1950.
- In 1969, **Madras** was renamed '**Tamil Nadu**'.
- Similarly, in 1973, **Mysore** was renamed '**Karnataka**'.
- In the same year, **Laccadive, Minicoy and Amindivi Islands** were renamed '**Lakshadweep**'.
- In 1992, the Union Territory of **Delhi** was redesignated as the **National Capital Territory of Delhi** (without being conferred the status of a full-fledged state) by the **69th Constitutional Amendment Act, 1991**.
- In 2006, **Uttaranchal** was renamed as '**Uttarakhand**'.
- In the same year, **Pondicherry** was renamed as '**Puducherry**'.
- In 2011, **Orissa** was renamed as '**Odisha**'.

PROCESS TO RENAME PLACES IN INDIA

At the State Level

- The power to rename a city is given to the **State Legislatures**.
- It starts with a request by means of a resolution by any **MLA** which proposes to rename any specific street or city.

- The resolution is discussed and deliberated upon.
- After this, **voting** on the validity of the resolution is done. If there are majority votes in favour of the resolution, the said resolution is declared passed. If the majority of votes for a resolution is not achieved, the resolution falls. The majority used is a **simple majority**.
- Based on the majority view, the State Legislation will make the necessary changes in the name of the place.

At the Central Level

- The central government receives the proposals of the State and they will be scrutinized by the Union Home Ministry based on the existing guidelines in consultations with the agencies concerned.
- The Ministry approves the proposal after taking no objections from the Department of Posts, Survey of India and the Ministry of Railways, which confirms that there is no such village, town or city in their records with a name similar to the proposed one.
- Then, an executive order is passed on the renaming of cities.

DEMAND FOR SMALLER STATES

- After independence, India had to deal with the demands of separate statehood, largely based on language, culture, ethnicity, religion, etc. (already discussed). Later on, the basis for separate statehood demands were largely shifted to better governance & greater participation, administrative convenience, economic viability in the developmental needs of sub-regions, etc.
- As democracy takes firm roots, such aspirations also grow. Modern States are large & complex, with several cultural & economic problems, with historical experiences adding complexity to the problems. With time, the hitherto neglected sections realise their own importance, demand new States, want new borders and secure autonomy.
- The very beginning of 21st century witnessed the creation of three new States - Chhattisgarh, Uttarakhand and Jharkhand - and more recently Telangana got the separate statehood.
- The demand for separate statehood has been coming from **Vidarbha** (comprising the Amravati and Nagpur divisions of

eastern Maharashtra); **Delhi**; **Purvanchal**, **Bundelkhand**, **Awadh Pradesh** and **Harit Pradesh** (all in UP); **Bodoland** (northern Assam); and **Gorkhaland** (northern West Bengal).

REASONS FOR DEMAND

- All these demands are from regions which are poor or neglected in spite of being rich in natural resources and disputes exist over sharing & utilisation of natural resources with the mother States. Linguistic & cultural reasons, which were the primary basis for creating new States post-independence, have now become secondary in most of these cases.
- Other factors being:
 - Competition for local resources.
 - Government negligence towards certain regions.
 - Improper allocation of the resources.
 - Difference in culture, language, religion, etc.
 - The economy's failure to create enough employment opportunities.
 - Popular mobilization and the democratic political process.
 - 'The sons of the soil' sentiments.

WHY SMALLER STATES ARE REQUIRED?

- There are too many big States by area to be administered with efficiency - Rajasthan, UP, MP, Bihar, Maharashtra, Karnataka, Gujarat, Odisha and even Bengal are all too big.
- There is enough evidence to suggest that **smaller States mostly tend to do better**. For example, if UP were to be a separate country, it would be the fourth largest by population. But its per capita GDP is closer to Kenya's.
- **Improves economic efficiency**: Chhattisgarh and Jharkhand performed better than MP and Bihar in the 10th Five-Year Plan.
- **Local needs and demands** are taken into account in a much better way.
- Linguistic and cultural homogeneity makes **governance easier**.
- **Facilitates decentralization** and decision-making are devolved into smaller regions.
- Good governance requires **lesser government** and **quicker government**, which is possible in smaller States.

ISSUES ARISING DUE TO CREATION OF NEW STATES

- Separate statehood may lead to the hegemony of the dominant community/ caste/ tribe over their power structures. This can

lead to emergence of **intra-regional rivalries** among the sub-regions.

- The creation of new States may also lead to certain negative political consequences like a small group of legislators could make or break a government at will.
- There is also possibility of increase in the inter-State water, power and boundary disputes. For example, Telangana asked for a re-assessment of the award of the Krishna Tribunal.
- The division of States would **require huge funds** for building new capitals and maintaining a large number of Governors, Chief Ministers, Ministers and Administrators as the case in division of Andhra Pradesh and Telangana (establishment of new capital at Amaravati).
- Smaller States do not necessarily mean better governance. For instance, larger States like Tamil Nadu & Maharashtra have progressed better economically than smaller States.
- Creation of smaller States only transfers power from the old State capital to new State capital without empowering already existing institutions like Gram Panchayat, District Collector, etc., rather diffusion of development in the backward areas of the States.

WAY FORWARD

- Economic & social viability rather than political considerations must be given primacy.
- Parent States that lose out in terms of physical and human capital may be adequately compensated.
- There should be certain clear-cut parameters and safeguards to check the unfettered demands.
- It is better to allow democratic concerns like development, decentralisation & governance, rather than religion, caste, language or dialect to be the valid bases for conceding the demands for a new State.

◆ Topical Mains Question

- Many State Governments further bifurcate geographical administrative areas like District and Taluka for better governance. In light of the above, can it also be justified that more number of smaller States would bring in effective governance at State level? Discuss.

[IAS 2013]

TOPICAL MCQs

- Which of the statements given below is/are correct?
 - Article 2 empowers the Indian Parliament to make laws relating to the formation of new states and the alteration of existing states.
 - Article 3 empowers the Indian Parliament may by law admit into the Union or establish new States
 (a) 1 only (b) 2 only
(c) Both 1 and 2 (d) Neither 1 nor 2
- Which of the following statements with regard to the formation of new States and alteration of boundaries of existing States is/are correct? [CDS 2019]
 - Parliament may increase the area of any State.
 - Parliament may diminish the area of any State.
 - Parliament cannot alter the boundary of any State.
 - Parliament cannot alter the name of any State.
 (a) 1 and 2 (b) 2 and 3 (c) 3 and 4 (d) 4 only
- Who, among the following, was not a member of the State Reorganization Commission [SRC] appointed by Pandit Jawaharlal Nehru? [Odisha PCS 2017]
 (a) Justice Fazl Ali (b) Potti Sriramulu
(c) K.M.Panikar (d) Haridayanath Kunzru
- Which one of the following was the mandate of the Dhar Commission (1948)? [Assmt. Commndt. 2017]

- To study the classification of States
 - To recommend whether the States can be re-organized on linguistic basis
 - To study the Centre-State relations
 - To examine whether Madras city can be transferred to Andhra
- Which Article of the Constitution of India gives a working definition of the Indian State? [WB PCS 2016]
 (a) Article 10 (b) Article 11
(c) Article 12 (d) Article 13
 - Some Indian territory was transferred in 2015 to Bangladesh by following which procedure? [CDS 2016]
 (a) By an agreement between the Government of India and the Government of Bangladesh
(b) By a legislation passed by the Parliament amending Schedule 1 to the Constitution of India
(c) By amending Schedule 1 to the Constitution of India by exercising amending power of the Parliament
(d) By amending Schedule 1 to the Constitution of India by exercising amending power of the Parliament and ratification by sixteen State Legislatures

Answers

1. (d) 2. (a) 3. (b) 4. (b) 5. (c) 6. (c)