The Constitution of India

Part I: The Union and its Territory

Articles 1 to 4

The exact words of each Article, a simple explainer, and examples.

Article 1	Name and territory of the Union
Article 2	Admission or establishment of new States
Article 3	Formation of new States and alteration of areas, boundaries or names
Article 4	Laws under Articles 2 and 3: updating the Schedules

Article 1

Name and territory of the Union

1. The Exact Words (Verbatim Text)

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—

(a) the territories of the States;

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

(c) such other territories as may be acquired.

Amendment note: *Clause (2), and sub-clause (b) of clause (3), were substituted by the Constitution (Seventh Amendment) Act, 1956, s. 2 (w.e.f. 1-11-1956), as recorded in the official footnotes. (That Amendment accompanied the States Reorganisation Act, 1956; the footnotes themselves do not state a purpose.) Clause (1) and clause (3)(a) and (c) are unamended.*

2. Simple Explainer

Article 1 is the very first sentence of our Constitution. It tells us what India is: “India, that is Bharat, shall be a Union of States.” Let us take it one piece at a time.

Two names, one country

The Constitution gives our country two names: India and Bharat. Both are official. The article says they mean the same thing (“India, that is Bharat”).

What is a “Union of States”?

India is made up of many States (like Kerala, Punjab or Assam) and also some Union Territories. Together they make one country. The names and areas of the States and Union Territories are listed in a table at the back of the Constitution called the First Schedule.

Why “Union” and not “Federation”?

This is the interesting part. Dr. B. R. Ambedkar, who led the committee that wrote the Constitution, chose the word “Union” on purpose. Here are two pictures to see the difference. Both pictures are only imaginary comparisons, not history.

- *Illustration.* **A federation is like a league of separate schools.** Imagine several independent schools that sign an agreement to form a league. Each school existed first, and because they chose to join by agreement, each could also choose to leave. The USA was built this way.
- *Illustration.* **A union is like one big school with different houses.** Imagine a school that is divided into Red House, Blue House and Green House. The houses did not sign an agreement to join it. So a house cannot simply say, “We are leaving.” India is like this.

Dr. Ambedkar explained that the Indian States did not make a deal to join India, so there is no deal to walk out of. He said the Indian Union is a Union "because it is indestructible." In legal language, a State has no right of **secession** (the right to break away from the country).

Does this mean the States have no power?

No. States have their own elected governments and their own powers, and the Constitution divides the work between the Union (Centre) and the States. But the Union has a strong place: Parliament can even change the borders of States (you will see this in Article 3). Courts later described India as a "Union" with a strong Centre.

Clauses (2) and (3): what counts as India?

Clause (2) says the States and their areas are the ones listed in the First Schedule. Clause (3) says the territory of India has three parts: the territories of the States, the Union Territories, and any other territory that India may acquire in the future.

Words to know

- **Union:** a country that is one whole, not a club that States can join or leave.
- **Federation:** a country formed when separate states agree to come together.
- **Secession:** a part of a country breaking away to become independent.
- **Union Territory:** an area governed directly by the Union (Centre), or in a special way set by law, and not a full State.
- **First Schedule:** the table at the back of the Constitution that lists the States and Union Territories.

Examples: Article 1 in action

Example 1 — A State has no right to leave

Illustration. Suppose the Legislature of a State passed a resolution declaring that the State was leaving India. Article 1 describes India as an "indestructible" Union, and nothing in the Constitution gives a State a right of secession, so the resolution would have no constitutional effect.

Example 2 — A State can be reorganised by Parliament

In 2019 Parliament, using the power in Article 3, reorganised the State of Jammu and Kashmir into the Union Territories of Jammu and Kashmir and of Ladakh. This shows that, under Article 1, States hold their existence and territory as parts of the Union and not as independent partners (see Article 3).

Example 3 — Union Territories in the First Schedule

Union Territories such as Ladakh and Delhi are specified in the First Schedule and are part of the territory of India under clause (3)(b). Clause (3)(b) is the clause that was substituted in 1956.

Example 4 — The limits of the Centre: S. R. Bommai (1994)

The Karnataka Government of S. R. Bommai was dismissed in 1989 under Article 356. A nine-judge Bench of the Supreme Court held that the use of Article 356 is open to judicial review, and that federalism is part of the basic structure of the Constitution.

Article 2

Admission or establishment of new States

1. The Exact Words (Verbatim Text)

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.

Amendment note: *Article 2 itself carries no amendment footnote. The official text records that Article 2A ("Sikkim to be associated with the Union"), inserted by the Constitution (Thirty-fifth Amendment) Act, 1974, s. 2 (w.e.f. 1-3-1975), was omitted by the Constitution (Thirty-sixth Amendment) Act, 1975, s. 5 (w.e.f. 26-4-1975). Sikkim became a full State through that Thirty-sixth Amendment itself, which also inserted Article 371F; it was not admitted by an ordinary law made under Article 2.*

2. Simple Explainer

Article 2 answers a simple question: **how can a brand-new area become a State of India?** The answer is that Parliament can do it by passing a law. Parliament can either *admit* an area into the Union or *establish* a new State, "on such terms and conditions as it thinks fit".

Who decides?

Only Parliament. Parliament means the President, the Lok Sabha and the Rajya Sabha together. A State government or State Legislature cannot admit a new State. Parliament can do it by an ordinary law, which is easier than changing the Constitution (Article 4 explains why).

A real example: Sikkim

Sikkim was once a small Himalayan kingdom. In 1974 the Constitution got a special Article 2A that linked Sikkim to India in a limited way. In 1975 Sikkim became a full State. This was done by a Constitution Amendment Act (the Thirty-sixth Amendment), not by an ordinary law, and Article 2A was removed because it was no longer needed.

Article 2 and Article 3: what is the difference?

- **Article 2** is about **new territory coming into India**: an area that was not part of India as a State before.
- **Article 3** is about **changing States that are already in India**: splitting them, joining them or changing their borders.

Is there any limit?

Yes. Article 2 brings land *into* India. It does not let Parliament give Indian land *away* to another country. For that, the Constitution itself has to be amended through the special process in Article 368. The Supreme Court decided this in the Berubari case. The Court has also said that the terms Parliament sets for a new State cannot go against the basic features of the Constitution.

Words to know

- **Parliament:** the President, the Lok Sabha and the Rajya Sabha together, which make laws for the country.
- **Admit:** to let an existing area join the Union as a State.
- **Establish:** to create a new State.
- **Terms and conditions:** the rules that apply to the new State, set by Parliament.

Examples: Article 2 in action

Example 1 — Sikkim (1974-75)

Sikkim was first "associated" with the Union by Article 2A (Thirty-fifth Amendment, 1974). The Thirty-sixth Amendment (1975) then made Sikkim a full State, inserted Article 371F with special provisions for it, and omitted Article 2A.

Example 2 — The Berubari Reference (1960)

An agreement of 1958 between India and Pakistan provided for dividing Berubari Union No. 12 (in West Bengal) between the two countries, and for exchanging enclaves. When doubts arose, the President referred the matter to the Supreme Court. The Court held that neither Article 2 nor Article 3 allows Parliament to give up Indian territory, so an amendment of the Constitution was needed. Parliament then passed the Constitution (Ninth Amendment) Act, 1960.

Example 3 — Special seats for Sikkim: R. C. Poudyal (1993)

Article 371F reserves 12 of the 32 Assembly seats in Sikkim for Bhutia-Lepcha communities and one seat for the Sangha (the monasteries). Voters challenged this as unequal. The Supreme Court upheld the reservations (the Sangha seat by a majority), while saying that the terms on which a State is admitted cannot go against the basic features of the Constitution.

Example 4 — A new State by ordinary law

Illustration. Suppose Parliament passes a law admitting a new territory as a State under Article 2. The same law may amend the First Schedule to list the State and the Fourth Schedule to give it Rajya Sabha seats (Article 4(1)). Under Article 4(2) this does not count as an amendment under Article 368, so no special majority is needed.

Article 3

Formation of new States and alteration of areas, boundaries or names of existing States

1. The Exact Words (Verbatim Text)

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:

Provided that no Bill for the purpose shall be introduced in either House of Parliament except on the recommendation of the President and unless, where the proposal contained in the Bill affects the area, boundaries or name of any of the States, the Bill has been referred by the President to the Legislature of that State for expressing its views thereon within such period as may be specified in the reference or within such further period as the President may allow and the period so specified or allowed has expired.

Explanation I.—In this article, in clauses (a) to (e), "State" includes a Union territory, but in the proviso, "State" does not include a Union territory.

Explanation II.—The power conferred on Parliament by clause (a) includes the power to form a new State or Union territory by uniting a part of any State or Union territory to any other State or Union territory.

Amendment note: *The proviso was substituted by the Constitution (Fifth Amendment) Act, 1955, s. 2 (w.e.f. 24-12-1955). The words "specified in Part A or Part B of the First Schedule", which followed "any of the States" in the proviso, were omitted by the Constitution (Seventh Amendment) Act, 1956, s. 29 and Sch (w.e.f. 1-11-1956); the official copy marks the omission with asterisks, and the words are therefore not part of the text above. Explanations I and II were inserted by the Constitution (Eighteenth Amendment) Act, 1966, s. 2 (w.e.f. 27-8-1966).*

2. Simple Explainer

Article 2 is about new land joining India. Article 3 is about **changing the States that are already in India**. It lets Parliament do five things:

- (a) create a new State (by separating a part of a State, or by joining States or parts of States)
- (b) make a State bigger
- (c) make a State smaller
- (d) change a State's borders
- (e) change a State's name

What steps are needed?

The law is made by Parliament in the ordinary way. But there are two safety steps, written in the proviso (the extra condition) of the article:

- The Bill (the draft of the law) can be introduced in Parliament only if the **President recommends** it.
- If the Bill affects a State's area, borders or name, the President must first send it to that **State's Legislature to hear its views**, within a time limit. Parliament can go ahead only after that time limit has ended.

Consult, but not consent

This is the key point. The State Legislature has the right to be **asked for its opinion**. It does **not** have the right to say "no" and stop the law. Parliament listens, but it is not bound by the answer.

Illustration. Think of a class teacher who must ask the students about a seating plan but still has the final say.

Union Territories

Under Explanation I, Parliament can use this power for Union Territories too. But a Union Territory is not a State for the proviso, so its legislature does not have to be consulted first.

Words to know

- **Bill:** a proposed law before it is passed.
- **Proviso:** a condition added to a rule.
- **Bifurcate:** to divide into two. In 2014 Andhra Pradesh was bifurcated into two States.
- **Union Territory:** an area governed directly by the Union, or in a special way set by law, and not a full State.

Examples: Article 3 in action

Example 1 — The States Reorganisation Act, 1956

In 1956 the map of India's States was redrawn, mostly along the lines of the languages people speak. The original Bill proposed three separate units in the Bombay area; Parliament amended it to create one composite State of Bombay. This was challenged in the Babulal Parate case.

Example 2 — Telangana (2014)

Andhra Pradesh was divided into two States, Andhra Pradesh and Telangana, by the Andhra Pradesh Reorganisation Act, 2014.

Example 3 — Jammu and Kashmir and Ladakh (2019)

The State of Jammu and Kashmir was reorganised into two Union Territories, Jammu and Kashmir, and Ladakh, by the Jammu and Kashmir Reorganisation Act, 2019.

Example 4 — The consultation step

Illustration. Suppose a Bill proposes to rename a State. The President sends it to the State Legislature with a time limit of, say, six weeks. The Legislature votes against the Bill. When the time limit has expired, Parliament may still go ahead and pass the law, because the Legislature has only a right to be heard.

Example 5 — Not for giving land away

In the Berubari Reference (1960) the Supreme Court held that Article 3 cannot be used to give a piece of Indian territory to Pakistan. That needs a constitutional amendment under Article 368.

Article 4

Laws made under Articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters

1. The Exact Words (Verbatim Text)

4. Laws made under articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters.

(1) Any law referred to in article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State or States affected by such law) as Parliament may deem necessary.

(2) No such law as aforesaid shall be deemed to be an amendment of this Constitution for the purposes of article 368.

Amendment note: *The official text carries no amendment footnote against Article 4; it stands as enacted in 1950.*

2. Simple Explainer

Article 4 is a **helper article**. It works together with Articles 2 and 3. Whenever Parliament creates a new State or changes an old one, the Constitution itself needs a few small updates. Article 4 lets Parliament make those updates in the same law.

What needs updating?

- **The First Schedule:** the list of all the States and Union Territories and their areas.
- **The Fourth Schedule:** the list that says how many seats each State gets in the Rajya Sabha (the upper House of Parliament).

The same law can also deal with related matters, such as how many seats the affected State gets in Parliament and in its own Legislature. These are called **consequential** matters, because they follow as a result of the main change.

A surprising rule

Clause (2) says that such a law, even though it changes parts of the Constitution, is **not** treated as a "constitutional amendment" under Article 368. Normally, amending the Constitution needs a special, larger majority in Parliament (and, for some changes, approval from the States). Here, an ordinary majority is enough.

Illustration. Think of a school notice board. When a new class section is created, the list on the board has to be updated. It would be silly to hold a big special meeting just to update a list, so a simple decision is allowed.

Words to know

- **Schedule:** a list or table attached to the Constitution.
- **Consequential:** following as a result of something else.

- **Article 368:** the article that explains how the Constitution can be amended.

Examples: Article 4 in action

Example 1 — Punjab and Haryana (1966)

The Punjab Reorganisation Act, 1966 created Haryana. It fixed the Haryana Legislative Assembly at 54 members, fewer than the minimum fixed by Article 170(1), and dealt with the Punjab Legislative Council. The Supreme Court upheld this in Mangal Singh, holding that the power to make such provisions is implicit in Article 4.

Example 2 — Telangana (2014)

A reorganisation law such as the Andhra Pradesh Reorganisation Act, 2014 has to alter the First Schedule to list the new State and the Fourth Schedule to give seats in the Rajya Sabha to the States concerned. That is the work Article 4(1) requires.

Example 3 — An ordinary majority

Illustration. A Bill forming a new State is passed by a simple majority of members present and voting in each House. Because of Article 4(2), it is valid even though it changes the Schedules, and no State Legislature needs to ratify it.

Source

Verbatim text: Ministry of Law and Justice, Legislative Department, Government of India — *The Constitution of India* (updated as on 1 May 2024, incorporating amendments up to the 106th Amendment), Part I, printed pp. 2–3 (PDF pages 33–34 as numbered in a PDF viewer).

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