



LAW AND POLITICS OF CREATION OF NEW STATE

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ABSTRACT

States are created for convenience of administration and fulfillment of aspirations of the people. The creation of Telangana as 29th State by bifurcating Andhra Pradesh into Telangana and Seemandhra, raises many questions regarding the law and procedure of creation of a new State, Various aspects relating to creation of new State have dealt with in this research paper.

KEYWORDS: *Telangana and Seemandhra , Rayalseema and Telangana.*

HISTORICAL BACKGROUND OF CREATION OF TELANGANA

Andhra Pradesh was created on the 1st November 1956 by uniting the Tamil speaking people of Andhra, Rayalseema and Telangana. The demand for Telangana as a separate State was raised in the last of 1960's decade on the ground of regional favourism. The aggressive movement for separate Telangana took place in 2000 when K.Chandrashekhar Rao left the Telgu Desham Party after being disappointed by then chief minister N. Chandrababu Naidu and organised the Telangana Rashtra Samiti, a forum for non-political movement for Telangana¹.

The demand for Telangana was ignored by the Union government for decades. But, it gained life when the Congress Party's fortune dipped in Andhra after the death of YSR Reddy. The congress Party was browbeaten for 5 years by its MPs from Seemandhra, but, it put Telangana on front burner on December 09, 2009².

The Congress led UPA government decided on July 30, 2013 for creation of Telangana by comprising its 10 districts³. The Lok Sabha approved the contentious Bill for the creation of Telangana amid protests. The Bill, approved by voice-vote in less than 90 minutes, was passed even as the Lok Sabha T.V., curiously, went blank for the entire duration⁴. It would be also remarkable to mention here that the Lok Sabha witnessed an unprecedented low on February 13, 2014 when Congress MP from Vijaywada L.Rajagopal used a can of pepper spray inside the House to protest against the tabling of the Bill. The House was adjourned in less than five minutes immediately after the Bill was tabled amid din and chaos. When the House met again, the Speaker announced the suspension of 16 Seemandhra MPs - 12 belonging to the Congress and rest from TDP and YSR Congress Party⁵.

¹Amar Ujala, Udan, March 5, 2014.

²The Times of India, February 19, 2014 at front page.

³The Hindu, July 31, 2013 at front page.

⁴The Hindu, February 19, 2014 at front page.

⁵The Hindu, February 14, 2014 at front page.

Dramatic scene also marked the passage of the Bill in Rajya Sabha when all the amendments moved by Opposition members were either defeated by voice-vote or not put to vote by the Chair on the ground that there was disorder in the House⁶.

CONSTITUTIONAL PROVISION

The provision for creation of a new State has been given under Article 3(a) of the Constitution of India according to which Parliament is authorised to form a new State by separation of territory from any State or by uniting two or more States or their parts. Along with this, Parliament has also power to increase or decrease the area of any State and alter the boundary or name of any State under clauses (b) to (e) of this Article. But, according to proviso to this Article, no Bill for the purpose mentioned in the Article 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, boundary or name of any State, the Bill has been referred to the legislature of that State for expressing its views thereon.

CRITICAL APPRAISAL

Clearly, Parliament has power to form a new State but on the consent of the concerned State. But, it is for the first time that the State of Telangana has been formed without the consent of Andhra Pradesh Legislature because the Andhra Pradesh Reorganisation Bill, 2013 was decisively rejected by the Andhra Pradesh Legislature⁷.

The Framers of the Constitution were wise in drafting the Constitution to suit our requirements and successive governments have wisely applied Article 3 in dealing with States. Though, the prior consent of the State is not expressly necessary under the provision, in practice, every State has been formed with prior consent or on the express request of the State. The provision of Article 3 reveals that it is enabling provision that empowers Parliament to act in an exceptional situation when national interest warrants it⁸.

The determined effects of the Union government made in creation of Telangana without the consent of Andhra Pradesh Legislature pose a grave danger to Indian federalism and unity. The India is regarded as a nation of diversity where casteism, religion, communalism, regionalism and linguism work as divisive forces. These forces were at work throughout the history of the nation. A cursory glance at the long history of India- cultural, geographical and political-reveals that despite diversity, attempts have been made from time to time to establish unity. Keeping in view the aforesaid background, pre-independent Indian States, divided in Parts A, B and C, were integrated to form independent India in such a way as to suit the political and cultural unity and smooth governance. But, there was possibility for escaping certain aspirations of the people needed for political and cultural unity. Hence, the Constitution of India was so framed as to meet the peculiar situation of the nation. The idea of united India informed each and every provision of the Constitution and the nation was established as "Union of States"⁹ delineated for political and cultural unity, elimination of divisive forces and effective administration of the vast nation.

Thus, unity and integrity of the nation and welfare of its people is the objective of the governance of nation. The division of a State may be permissible under the law from administrative point of view but not on the cost of unity and integrity of the nation and welfare of the people.

⁶*The Hindu*, February 21, 2014 at page 10.

⁷Arghya Sen Gupra and Alok Prasanna Kumar, "Interpreting a federal constitution" published in *The Hindu*, February 4, 2014 editorial page.

⁸Jaiprakash Narayan, "A challenge to India Federalism", published in *The Hindu*, October 28, 2013 at editorial page.

⁹Article 1 of the Constitution of India mentions that "India, that is Bharat, shall be Union of States."

CONCLUDING OBSERVATION AND SUGGESTION

Obviously, smaller States may be convenient from administrative point of view. But, mere formation of separate State is no guarantee for better lives for those social groups for whom the State is created. The aspiration of the people cannot be satisfied and the State cannot develop unless and until the administration of the State is carried on sincerely and the problems of the people are addressed properly and effective attempt is made to solve them.

The issue of creation of new State is a crucial one affecting the unity and integrity of the nation and welfare of its people. The Members of Parliament take oath to bear true faith and allegiance to the Constitution and uphold the sovereignty and integrity of India. Consequently, any decision for political consideration that adversely affects the unity and integrity of the nation and welfare of the people is contrary to the oath. Thus, the issue of creation of a new State is very sensitive requiring the special care.