

Constitutional Law and Public Administration in India

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Union & Its Territory – III

The territory of India, under international law, is a disputed territory as claimed by two neighboring countries viz, Pakistan and China. These countries never accepted India's territorial sovereignty over many areas of land and portions of territory that India claims as its sovereign territory. While there exists the challenges of recognizing Indian territory, both on the eastern front as well as on the northern front, the northern front is of particular international importance, because there is a territory of land belonging to India, that has been occupied by Pakistan. This occupation has existed since 1947. The United Nations and other international organizations call it Pakistan controlled Kashmir, whereas In India, we call it Pakistan occupied Kashmir [PoK]. Some call it as Pakistan administered Kashmir. But the current Government in India has announced this area as Pakistan occupied Jammu and Kashmir. There are online maps that depict the disputed areas which are under the occupation of Kashmir and some area that is there with China. There are certain territories in PoK that were given by Pakistan to China according to sources. Pakistan occupied Kashmir is divided into Azad, Jammu and Kashmir and Gilgit Kashmir. These two areas were created for better administration of those areas. There is a line of control between India and Pakistan. The history of POK starts from the very nature of how Maharaja Hari Singh, the ruler of Jammu and Kashmir during independence, wanted to keep Jammu and Kashmir as an independent state. While India and Pakistan got partitioned, Jammu and Kashmir always thought that it should remain independent, without aligning with Pakistan, or India.

In 1947, the Pakistan-Pashtun tribes attacked Jammu and Kashmir. So, there was an invasion from the Pakistani side. At that point of time, Jammu and Kashmir was a princely state, ruled by King Hari Singh who did not have any other option. He did not have a military either back then. He then sought help from the Indian Governor General, Lord Mountbatten. At that time, India was almost getting its own independence. And the Governor General Mountbatten who was the last Governor General of India promised to clear the Jammu and Kashmir soil from the invaders.

Lord Mountbatten's statement clearly shows that India was, recognizing Jammu and Kashmir as its integral part. It was waiting for the princely states to join the mainland and to join the Union of India. And the state was almost ready to be annexed to the Indian mainland. According to history, the government of India gave this option to Jammu and Kashmir. Maharaja Hari Singh later signed the instrument of accession, which was a very important instrument. This instrument of accession with India and Lord Mountbatten, is the real seed of the Kashmir dispute. Because of the kind of location of this area, both India and Pakistan make a claim on this territory. The situation is problematic because Pakistan never accepted the sovereignty of India on this territory. And this has been a problem for more than 70 years between the two nations because they have been fighting over the territory of Kashmir. Kashmir therefore had to have some kind of autonomy or independence. But with the abolition of Article 370 of the Constitution in India, India has decided that Kashmir will be part of the Union of India. Even the Britishers during their colonization did not treat Kashmir as a different territory.

If one looks at the territory in Jammu and Kashmir, currently almost 50% of Jammu and Kashmir has been occupied by Pakistan. India has about just half of the territory and half has been occupied illegally by Pakistan. That is a major part. There is a lot of activity in PoK, and there are certain resources that are available over there which have been exploited. People mainly are in agricultural activity in PoK. The economic and cultural situation over there is quite challenging.

The tiers of public administration or scope or application of public administration in the territory of India are at three levels. The first one is the union, union territory and union administration. Below it, we have the state territory and state administration. For example, we have 28 states, it could be like the state of West Bengal, it could be the state of Odisha or any other state. Then we have divisions or zones or regions. For example, we have the western zone, eastern zone etc.

Some of these divisions are sometimes important because they may be divisions based on cultural aspects or in aspects of governance as well. Some of these divisions are also based on the establishment of certain tribunals. For example, we have national green tribunals, which look at different zones. We have a national green tribunal in the southern zone and in the western zone. So, zone wise, the country is divided into a central zone, Eastern zone, northern zone, north-eastern zone, western zone, and southern zone; totally six zones. This is how India could be divided into certain kinds of zones for better public administration and public policy purposes. Below the zones, every state is subdivided into several districts. A lot of states have divided, and a lot of new districts have been created because of more population density and for better management and every district has district level administration. Usually, that is where an Indian civil service officer is deputed as the district head or the district collector, a term used in earlier times.

Each such district could also have a district magistrate and in certain places, like the entire union territory of Lakshadweep is considered as one district for which there is one district administration. Some states have as many as 26 districts. Karnataka may have around 31 districts and it depends upon the population. A state like Uttar Pradesh has 75 districts. Uttar Pradesh happens to be the largest state in India and Maharashtra has 36 districts. Jammu and Kashmir has 20 districts, Ladakh has 2 districts, Puducherry has 4, Delhi has 11. Below the districts are the taluks. In many states, it is called taluka. In certain states like Andhra Pradesh, it is called as Mandal. In some places, it is called some division. In many Hindi speaking belts, you will notice that the sub-district is called the Tehsil.

Now you also have a metropolitan area, which is there in an urban district, because within that urban district, there could be one city, which may be declared as the metropolitan area. Then there is the town council and then at the village Panchayat or below the metropolitan area, there is a block or a wall. This is how the territorial division of administration takes place in India. So, right from Delhi, as the union government to the state, state to division, sometimes it is required in terms of union administration of powers and responsibilities. Then from state to district, from district to sub-districts, within the districts, then metropolitan areas or town councils and then downwards towards village Panchayats and in the metropolitan areas, it is called the ward. These are the aspects of governance of public administration in the territory of India.