



## Union Territories

**U**nder Article 1 of the Constitution, the territory of India comprises three categories of territories: (a) territories of the states; (b) union territories; and (c) territories that may be acquired by the Government of India at any time. At present, there are twenty-nine states, seven union territories and no acquired territories.

The states are the members of the federal system in India and share a distribution of power with the Centre. The union territories, on the other hand, are those areas which are under the direct control and administration of the Central government. Hence, they are also known as ‘centrally administered territories’. ‘In this way, existence of these territories constitutes a conspicuous departure from federalism in India; the Government of India is plainly unitary in so far as the relationship between New Delhi and these Central enclaves is concerned’<sup>1</sup>.

### CREATION OF UNION TERRITORIES

During the British Rule, certain areas were constituted as ‘scheduled districts’ in 1874. Later, they came to be known as ‘chief commissioners provinces’. After independence, they were placed in the category of Part ‘C’ and Part ‘D’ states<sup>2</sup>. In 1956, they were constituted as the ‘union territories’ by the 7th Constitutional Amendment Act (1956) and the States Reorganisation Act (1956). Gradually, some of these union territories have been elevated to

statehood. Thus, Himachal Pradesh, Manipur, Tripura, Mizoram, Arunachal Pradesh and Goa, which are states today were formerly union territories. On the other hand, the territories that were acquired from the Portuguese (Goa, Daman and Diu, and Dadra and Nagar Haveli) and the French (Puducherry) were constituted as the union territories.

At present, there are seven Union Territories. They are (along with the year of creation): (1) Andaman and Nicobar Islands—1956, (2) Delhi—1956, (3) Lakshadweep—1956, (4) Dadra and Nagar Haveli—1961, (5) Daman and Diu—1962, (6) Puducherry—1962, and (7) Chandigarh—1966. Till 1973, Lakshadweep was known by the name of Laccadive, Minicoy and Amindivi Islands. In 1992, Delhi was redesignated as the National Capital Territory of Delhi. Till 2006, Puducherry was known as Pondicherry.

The union territories have been created for a variety of reasons. These are mentioned below<sup>3</sup>:

1. Political and administrative consideration—Delhi and Chandigarh.
2. Cultural distinctiveness—Puducherry, Dadra and Nagar Haveli, and Daman and Diu.
3. Strategic importance—Andaman and Nicobar Islands and Lakshadweep.
4. Special treatment and care of the backward and tribal people—Mizoram, Manipur, Tripura and Arunachal Pradesh which later became states.

## ADMINISTRATION OF UNION TERRITORIES

Articles 239 to 241 in Part VIII of the Constitution deal with the union territories. Even though all the union territories belong to one category, there is no uniformity in their administrative system.

Every union territory is administered by the President acting through an administrator appointed by him. An administrator of a union territory is an agent of the President and not head of state like a governor. The President can specify the designation of an administrator; it may be Lieutenant Governor or Chief Commissioner or Administrator. At present, it is Lieutenant Governor in the case of Delhi, Puducherry and Andaman and Nicobar Islands and Administrator in the case of Chandigarh, Dadra and Nagar Haveli, Daman and Diu and Lakshadweep. The President can also appoint the governor of a state as the administrator of an adjoining union territory. In that capacity, the

governor is to act independently of his council of ministers.

The Union Territories of Puducherry (in 1963) and Delhi (in 1992) are provided with a legislative assembly<sup>4</sup> and a council of ministers headed by a chief minister. The remaining five union territories do not have such popular political institutions. But, the establishment of such institutions in the union territories does not diminish the supreme control of the president and Parliament over them.

The Parliament can make laws on any subject of the three lists (including the State List) for the union territories. This power of Parliament also extends to Puducherry and Delhi, which have their own local legislatures. This means that, the legislative power of Parliament for the union territories on subjects of the State List remain unaffected even after establishing a local legislature for them. But, the legislative assembly of Puducherry can also make laws on any subject of the State List and the Concurrent List. Similarly, the legislative assembly of Delhi can make laws on any subject of the State List (except public order, police and land) and the Concurrent List.

The President can make regulations for the peace, progress and good government of the Andaman and Nicobar Islands, Lakshadweep, Dadra and Nagar Haveli, and Daman and Diu. In the case of Puducherry also, the President can legislate by making regulations but only when the assembly is suspended or dissolved. A regulation made by the President has the same force and effect as an act of Parliament and can also repeal or amend any act of Parliament in relation to these union territories.

The Parliament can establish a high court for a union territory or put it under the jurisdiction of the high court of adjacent state. Delhi is the only union territory that has a high court of its own (since 1966). The Bombay High Court has got jurisdiction over two union territories—Dadra and Nagar Haveli, and Daman and Diu. Andaman and Nicobar Islands, Chandigarh, Lakshadweep and Puducherry are placed under the Calcutta, Punjab and Haryana, Kerala, and Madras High Courts respectively.

The Constitution does not contain any separate provisions for the administration of acquired territories. But, the constitutional provisions for the administration of union territories also apply to the acquired territories.

## SPECIAL PROVISIONS FOR DELHI

The 69th Constitutional Amendment Act of 1991<sup>5</sup> provided a special status to the Union Territory of Delhi, and redesignated it the National Capital Territory of Delhi and designated the administrator of Delhi as the lieutenant (lt.) governor. It created a legislative assembly and a council of ministers for Delhi. Previously, Delhi had a metropolitan council and an executive council.

The strength of the assembly is fixed at 70 members, directly elected by the people. The elections are conducted by the election commission of India. The assembly can make laws on all the matters of the State List and the Concurrent List except the three matters of the State List, that is, public order, police and land. But, the laws of Parliament prevail over those made by the Assembly.

The strength of the council of ministers is fixed at ten per cent of the total strength of the assembly, that is, seven—one chief minister and six other ministers. The chief minister is appointed by the President (not by the lt. governor). The other ministers are appointed by the president on the advice of the chief minister. The ministers hold office during the pleasure of the president. The council of ministers is collectively responsible to the assembly.

The council of ministers headed by the chief minister aid and advise the lt. governor in the exercise of his functions except in so far as he is required to act in his discretion. In the case of difference of opinion between the lt. governor and his ministers, the lt. governor is to refer the matter to the president for decision and act accordingly.

When a situation arises in which the administration of the territory cannot be carried on in accordance with the above provisions, the president can suspend their (above provisions) operation and make the necessary incidental or consequential provisions for administering the territory. In brief, in case of failure of constitutional machinery, the president can impose his rule in the territory. This can be done on the report of the lt. governor or otherwise. This provision resembles Article 356 which deals with the imposition of President's Rule in the states.

The lt. governor is empowered to promulgate ordinances during recess of the assembly. An ordinance has the same force as an act of the assembly.

Every such ordinance must be approved by the assembly within six weeks from its reassembly. He can also withdraw an ordinance at any time. But, he cannot promulgate an ordinance when the assembly is dissolved or suspended. Further, no such ordinance can be promulgated or withdrawn without the prior permission of the President.

**Table 40.1** *Administrative System of Union Territories at a Glance*

	<b><i>Union Territories</i></b>	<b><i>Executive</i></b>	<b><i>Legislature</i></b>	<b><i>Judiciary</i></b>
1.	Andaman and Nicobar Islands	Lt. Governor	—	Under Calcutta High Court
2.	Chandigarh	Administrator	—	Under Punjab and Haryana High Court
3.	Dadra and Nagar Haveli	Administrator	—	Under Bombay High Court
4.	Daman and Diu	Administrator	—	Under Bombay High Court
5.	Delhi	(a) Lt. Governor (b) Chief minister (c) Council of ministers	Legislative Assembly	Separate High Court
6.	Lakshadweep	Administrator	—	Under Kerala High Court
7.	Puducherry	(a) Lt. Governor (b) Chief minister (c) Council of ministers	Legislative Assembly	Under Madras High Court

Note: The Governor of Punjab is concurrently the Administrator of Chandigarh. The Administrator of Dadra and Nagar Haveli is concurrently the Administrator of Daman and Diu. Lakshadweep has a separate Administrator<sup>6</sup>.

## ADVISORY COMMITTEES OF UNION TERRITORIES

Under the Government of India (Allocation of Business) Rules 1961, Ministry of Home Affairs is the nodal ministry for all matters of Union Territories relating to legislation, finance and budget, services and appointment of Lt. Governors and Administrators.

All the five UTs without legislature (Andaman and Nicobar Islands, Chandigarh, Daman and diu, Dadra and Nagar Haveli and Lakshadweep) have the forum of Home Minister's Advisory Committee (HMAC / Administrator's Advisory Committee (AAC). While HMAC is chaired by the Union Home Minister, AAC is chaired by the Administrator of the concerned UTs. Member of Parliament and elected members from the local bodies e.g. District Panchayats and Municipal Council of the respective UTs are members of these committees among others. The Committee discusses the general issues relating to social and economic development of the UTs.

**Table 40.2** *Comparing States and Union Territories*

	<b><i>States</i></b>		<b><i>Union Territories</i></b>
1.	Their relationship with Centre is federal.	1.	Their relationship with Centre is unitary.
2.	They share a distribution of power with the Centre.	2.	They are under the direct control and administration of the Centre.
3.	They have autonomy.	3.	They do not have any autonomy.
4.	There is uniformity in their administrative set-up.	4.	There is no uniformity in their administrative set-up.

5.	Their executive head is known as governor.	5.	Their executive head is known by various designations—administrator or lieutenant governor or chief commissioner.
6.	A governor is a constitutional head of the state.	6.	An administrator is an agent of the president.
7.	Parliament cannot make laws on the subjects of the state list in relation to the states except under extraordinary circumstances.	7.	Parliament can make laws on any subject of the three lists in relation to the union territories.

**Table 40.3** *Articles Related to Union Territories at a Glance*

<b>Article No.</b>	<b>Subject-matter</b>
239.	Administration of Union territories
239A.	Creation of local Legislatures or Council of Ministers or both for certain Union territories
239AA.	Special provisions with respect to Delhi
239AB.	Provision in case of failure of constitutional machinery
239B.	Power of administrator to promulgate Ordinances during recess of Legislature
240.	Power of President to make regulations for certain Union territories
241.	High Courts for Union territories
242.	Coorg (Repealed)

## NOTES AND REFERENCES

1. S R Maheshwari, *State Governments in India*, Macmillan, 2000 Edition,

p. 131.

2. Under the original Constitution of India (1950), the states were classified into four categories, namely, Part A, B, C and D States.
3. J C Johari : *Indian Government and Politics*, Vishal, volume II, 13th Edition, 2001, p. 499.
4. The Assembly of Puducherry consists of 30 members while that of Delhi 70 members.
5. With effect from 1 February 1992.
6. India 2016: A Reference Annual, Publications Division, Government of India, p. 78.
7. Annual Report 2015-16, Ministry of Home Affairs, Government of India, p. 89.