

Indian Polity Notes Part 11 in English

11] Union Territory

- **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 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.
- At present, there are 8 Union Territories.
 1. Andaman and Nicobar Islands—1956
 2. Delhi—1956
 3. Lakshadweep—1956
 4. Dadra and Nagar Haveli and Daman and Diu—1962
 5. Puducherry—1962
 6. Chandigarh—1966.

7. Jammu and Kashmir
 8. Ladakh
- 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:

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

Article 239 {Administration of Union territories}

- Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.
- Not with standing anything contained in Part VI, the President may appoint the Governor of a State as the administrator of an adjoining Union territory, and where a Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers.

Article 239A {Creation of local Legislatures or Council of Ministers or both for certain Union territories}

- Parliament may by law create for the Union territory of
- Shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.

Article 239AA {Special provisions with respect to Delhi}

- As from the date of commencement of the Constitution (Sixty ninth Amendment) Act, 1991, the Union territory of Delhi shall be called the National Capital Territory of Delhi (hereafter in this Part referred to as the National Capital Territory) and the administrator thereof appointed under article 239 shall be designated as the Lieutenant Governor.
- There shall be a Council of Ministers consisting of not more than ten per cent of the total number of members in the Legislative Assembly, with the Chief Minister at the head to aid and advise the Lieutenant Governor in the exercise of his functions in relation to matters with respect to which the Legislative Assembly has power to make laws, except in so far as he is, by or under any law, required to act in his discretion: Provided that in the case of difference of opinion between the Lieutenant Governor and his Ministers on any matter, the Lieutenant

Governor shall refer it to the President and pending such decision it shall be competent for the Lieutenant Governor in any case where the matter, in his opinion, is so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.

- The Chief Minister shall be appointed by the President and the other Ministers shall be appointed by the President on the advice of the Chief Minister and the Ministers shall hold office during the pleasure of the President.
- The Council of Ministers shall be collectively responsible to the Legislative Assembly.

Article 239AB {Provision in case of failure of constitutional monarchy}

- If the President, on receipt of a report from the Lieutenant Governor or otherwise, is satisfied
- That a situation has arisen in which the administration of the National Capital Territory cannot be carried on in accordance with the provisions of article 239AA or of any law made in pursuance of that article
- That for the proper administration of the National Capital Territory it is necessary or expedient so to do, the President may by order suspend the operation of any provision of article 239AA or of all or any of the provisions of any law made in pursuance of that article for such period and subject to such conditions as may be specified in such law and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the National Capital Territory in accordance with the provisions of article 239 and article 239AA.

Article 239B {Power of administrator to promulgate Ordinances during recess of Legislature}

- If at any time, except when the Legislature of the Union territory of Pondicherry is in session, the administrator thereof is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require
- Provided that no such Ordinance shall be promulgated by the administrator except after obtaining instructions from the President in that behalf
- Provided further that whenever the said Legislature is dissolved, or its functioning remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A, the administrator shall not promulgate any Ordinance during the period of such dissolution or suspension.
- If and so far as an Ordinance under this article makes any provision which would not be valid if enacted in an Act of the Legislature of the Union territory made after complying with the provisions in that behalf contained in any such law as is referred to in clause(1) of article 239A, it shall be void.

Article 240 {Power of President to make regulations for certain Union territories}

- The President may make regulations for the peace, progress and good government of the Union territory of
- The Andaman and Nicobar Islands
- Lakshadweep
- Dadra and Nagar Haveli
- Daman and Diu
- Pondicherry: Provided further that when ever the body functioning as a Legislature for the Union territory of Pondicherry the President shall not make any regulation for the peace, progress and good government of that Union territory with effect from the date appointed for the first meeting of the Legislature
- Any regulation so made may repeal or amend any Act made by Parliament or any other law, which is for the time being applicable to the Union territory and, when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to that territory.

Article 241 {High Courts for Union territories}

- Parliament may by law constitute a High Court for a Union territory or declare any court in any such territory to be a High Court for all or any of the purposes of this Constitution.
- The provisions of Chapter V of Part VI shall apply in relation to every High Court referred to in clause (1) as they apply in relation to a High Court referred to in article 214 subject to such modifications or exceptions as Parliament may by law provide.
- Subject to the provisions of this Constitution and to the provisions of any law of the appropriate Legislature made by virtue of powers conferred on that Legislature by or under this Constitution, every High Court exercising jurisdiction immediately before the commencement of the Constitution (**Seventh Amendment) Act, 1956**, in relation to any Union territory shall continue to exercise such jurisdiction in relation to that territory after such commencement.
- Nothing in this article derogates from the power of Parliament to extend or exclude the jurisdiction of a High Court for a State to, or from, any Union territory or part thereof.

69th constitutional amendment of india

- According to article 239 of India constitution Union territory shall be administered by the President.
- Article 239AA of the Indian Constitution, enacted as per **69th Amendment Act of 1991**, confers special provisions for National Capital Territory of Delhi. It will be administered by Lieutenant Governor.

The Constitution (36th Amendment) Act, 1975

- By this Act, Sikkim became the 22nd State of the Indian Union.
- India has a total of 8 Union Territories and 28 states.

- ❖ The 8 Union territories of India include Delhi, Jammu & Kashmir, Ladakh, **Dadra and Nagar Haveli and Daman and Diu**, Puducherry, Chandigarh, Andaman and Nicobar Islands and Lakshadweep.
- ❖ Union Territories are special administrative sectors in the republic of India which operate directly under the central government.
- ❖ **Dadra and Nagar Haveli and Daman and Diu** are to be combined into a single union territory from 26th January 2020 as per legislation passed by the Government of India. This merger of these four areas was proposed to reduce administrative costs and duplication of services. Daman is set to be the capital of this new union territory.