Status Of Union Territories In The Indian Union

Introduction

India is a federal polity with two types of constituent units – states and union territories. Together these comprise the current areal extent of the country. There are 29 states and 7 union territories.

These seven are listed as under:

1. Andaman and Nicobar Islands
2. Lakshwadeep Islands
3. Dadra and Nagar Haveli
4. Daman and Diu
5. Puducherry
6. Chandigarh
7. National Capital Territory of Delhi
What is a union territory?

Article 1 of the Constitution of India says that the territory of India comprises three categories of territories:

1. States
2. Union Territories

3. Territories that may be acquired by the Government of India at any time.

Union territories are thus, constitutionally recognised segments of the Indian polity. They are directly under the control of the Centre and are thus also called ‘centrally administered territories’. They represent a unique relationship in the federal setup of India.

**What are the origins of ‘union territories’?**

The concept of territories administered by the Centre extends to the pre-Independence era. In 1874, certain areas were constituted as scheduled districts. These later came to be known as Chief Commissioners’ provinces that were essentially administered by a Chief Commissioner directly responsible to the Governor General/Viceroy of India.

When the country became independent, the various territories that came to create the Union of India were divided into four categories – Part A, B, C and D. There was no recognition of States and Union Territories as separate. Most of the provinces under Part C and D were the erstwhile Chief Commissioners’ provinces. These were later reconstituted under the Seventh Constitutional Amendment Act, 1956 and States Reorganisation Act, 1956 as Union territories.

In 1956, there were six union territories – Andaman and Nicobar Islands, Delhi, Himachal Pradesh, Manipur, Tripura and Laccadive, Minicoy and Amindivi Islands. Note, the absence of various territories like Dadra and Nagar Haveli, Daman and Diu and Puducherry. These regions gained independence from their imperial powers later and were then added as union territories. Also, note that present-day states like Himachal Pradesh, Manipur and Tripura were earlier listed as Union Territories. These were elevated to the status of states to provide for more democratic governance by a government elected by the local populace. The following table shows the year of formation of the union territories:
Andaman and Nicobar Islands 1956
Lakshwadeep 1956
NCT of Delhi 1956
Dadra and Nagar Haveli 1961
Daman and Diu 1962
Puducherry 1962
Chandigarh 1966

What is the reason behind the creation of present-day Union territories?

The seven union territories in present-day India have been created due to a number of reasons:

1. **Strategic Importance** – Andaman and Nicobar Islands, Lakshwadeep

2. **Cultural Distinctiveness** – Dadra and Nagar Haveli, Daman and Diu and Puducherry

3. **Political and Administrative Reasons** – Chandigarh and National Capital Territory of Delhi

The states of Manipur and Tripura had been made Union territories due to the special treatment required for the people residing in these regions. Today, parts of these states come under Schedule areas either in Schedule V or VI.
What is the relation of the Centre to the Union Territories?

The Centre has powers to administer the Union territories. Hence, under Article 239 the President appoints an administrator to act as the head the union territory’s executive. The administrator’s position is quite distinct from the position of a Governor of a State. He/She does not have the discretion accorded to the Governor, whose is an independent position under the Constitution. The President can also appoint the Governor of a neighbouring state as the administrator of a Union Territory. The administrator is either called a Lieutenant Governor or Administrator in different union territories.

Under Article 240, President has the power to make regulations for the peace, progress and good governance of Andaman and Nicobar Islands, Lakshwadeep, Dadra and Nagar Haveli, Daman and Diu and Puducherry. In case of Puducherry, the President can make a regulation to legislate only when the assembly is suspended or dissolved.

The Union territories, except Puducherry and Delhi, do not have any legislatures of their own. Thus, the power to make laws on any of the subjects under all lists mentioned in the Seventh Schedule resides with the Parliament. This power also covers Puducherry and Delhi.

The Ministry of Home Affairs at the Centre is the nodal ministry for all matters related to Union Territories relating to legislation, finance and budget, services and appointment of Administrators. All the five union territories without a legislature have the forum of Home Minister’s Advisory Committee (HMAC) to discuss general issues related to social and economic development.

Under Article 239AB, in case of failure of Constitutional machinery in the case of NCT of Delhi, the President can suspend the operation of any provision of Article 239AA and make such provisions as are necessary. for administering the NCT of Delhi under the Constitution. This is similar to Article 356 with respect to states.

What are the provisions related to judicial matters pertaining to the Union Territories?

Article 241 states that the Parliament may by law constitute a High Court for a Union Territory or declare any court in any territory to be a High Court for all or
any of the purposes of the Constitution. Only NCT of Delhi has a separate High Court.

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**What are the issues related to the status of NCT of Delhi?**

The Constitution under Article 239AA mentions special provisions for the NCT of Delhi. These provisions were inserted through the Sixty-ninth Constitutional Amendment Act. The article provides for an elected legislature of 70 members directly elected by the people. The assembly can make laws on all matters mentioned in the State List and the Concurrent List except land, police and public order. Laws of the Parliament prevail over laws made by the assembly in all cases except those where the law has been reserved for consideration of the President and has received his assent.

There exist two outstanding issues related to the NCT of Delhi:

1. The **exclusion of land, police and public order** from the law-making powers of the assembly curtails its efforts to provide a democratic option to its population and leaves them at the mercy of the Union.
2. In case of a **difference of opinion between the Lieutenant Governor and the Chief Minister**, the matter is referred to the President. However, if the matter requires immediate action then the Lieutenant Governor can take what action he deems necessary. This is in effect a complete abrogation of the powers of the elected representative i.e. the Chief Minister. It has been argued that this provision is used by the Centre to bypass the elected machinery at its own whims.

On the above matter pertaining to administrative control over Delhi, the High Court of Delhi has given a judgement that the Lieutenant Governor and not the Chief Minister is the administrative head of the Government of Delhi. This is in consonance with the Constitutional provisions. However, an appeal has been made and the matter is sub judice in the Supreme Court of India.

**Conclusion**

Thus, as seen Union Territories have a position quite different from that of the states under the Indian Union. While certain union territories do have legislatures, the ultimate authority, in either case, remains the Centre. The situation of Delhi is unique because it also serves as the capital of the nation and hence requires certain special provisions. The judgements of the Supreme Court, pertaining to the matters of the administration of Delhi will be covered in detail in our [current affairs](#).
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