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UNION TERRITORIES

Introduction:

Under Article 1 of the Constitution, the territory of India comprises three categories of territories:

- (a) territories of the states;
- (b) union territories
- (c) territories that may be acquired by the Government of India at any time.

At present, there are Twenty-Eight states, Nine union territories and no acquired territories.

Creation of Union Territories

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.
- (8) Jammu & Kashmir-2019
- (9) Ladakh-2019

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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:

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.

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.

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 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.

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- The It. 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.

EVOLUTION OF STATES AND UNION TERRITORIES

Integration of Princely States

At the time of independence, India comprised two categories of political units, namely, the British provinces (under the direct rule of British government) and the princely states (under the rule of native princes but subject to the paramountcy of the British Crown).

The Indian Independence Act (1947) created two independent and separate dominions of India and Pakistan and gave three options to the princely states viz., joining India, joining Pakistan or remaining independent.

Of the 552 princely states situated within the geographical boundaries of India, 549 joined India and the remaining 3 (Hyderabad, Junagarh and Kashmir) refused to join India.

However, in course of time, they were also integrated with India—Hyderabad by means of police action, Junagarh by means of referendum and Kashmir by the Instrument of Accession.

In 1950, the Constitution contained a four-fold classification of the states of the Indian Union—Part A, Part B, Part C and Part D State. In all, they numbered 29.

Part-A states comprised nine erstwhile governor's provinces of British India.

Part-B states consisted of nine erstwhile princely states with legislatures.

Part-C states consisted of erstwhile chief commissioner's provinces of British India and some of the erstwhile princely states. These Part-C states (in all 10 in number) were centrally administered.

The Andaman and Nicobar Islands were kept as the solitary Part-D state.



Dhar Commission and JVP Committee:

There has been a demand from different regions, particularly South India, for reorganization of states on linguistic basis.

Accordingly, in June 1948, the Government of India appointed the Linguistic Provinces Commission under the chairmanship of S K Dhar to examine the feasibility of this.

The commission submitted its report in December 1948 and recommended the reorganization of states on the basis of administrative convenience rather than linguistic factor.

This created much resentment and led to the appointment of another Linguistic Provinces Committee by the Congress in December 1948 itself to examine the whole question afresh.

It consisted of Jawaharlal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya and hence, was popularly known as JVP Committee. It submitted its report in April 1949 and formally rejected language as the basis for reorganization of states.

However, in October 1953, the Government of India was forced to create the first linguistic state, known as Andhra state, by separating the Telugu speaking areas from the Madras state.

This followed a prolonged popular agitation and the death of Potti Sriramulu, a Congress person of standing, after a 56-day hunger strike for the cause.

Fazl Ali Commission

The creation of Andhra state intensified the demand from other regions for creation of states on linguistic basis. This forced the Government of India to appoint (in December 1953) a three-member States Reorganisation Commission under the chairmanship of Fazl Ali to re-examine the whole question.

The commission suggested the abolition of the four-fold classification of states under the original Constitution and creation of 16 states and 3 centrally administered territories.



New States and Union Territories Created After 1956

Maharashtra and Gujarat

In 1960, the bilingual state of Bombay was divided into two separate states—Maharashtra for Marathi-speaking people and Gujarat for Gujarati-speaking people. Gujarat was established as the 15th state of the Indian Union.

Dadra and Nagar Haveli

The Portuguese ruled this territory until its liberation in 1954. Subsequently, the administration was carried on till 1961 by an administrator chosen by the people themselves. It was converted into a union territory of India by the 10th Constitutional Amendment Act, 1961.

Goa, Daman and Diu

India acquired these three territories from the Portuguese by means of a police action in 1961. They were constituted as a union territory by the 12th Constitutional Amendment Act, 1962. Later, in 1987, Goa was conferred a statehood. Consequently, Daman and Diu were made a separate union territory.

Puducherry

The territory of Puducherry comprises the former French establishments in India known as Puducherry, Karaikal, Mahe and Yanam. The French handed over this territory to India in 1954. Subsequently, it was administered as an 'acquired territory', till 1962 when it was made a union territory by the 14th Constitutional Amendment Act.

Nagaland

In 1963, the State of Nagaland was formed by taking the Naga Hills and Tuensang area out of the state of Assam. This was done to satisfy the movement of the hostile Nagas. However, before giving Nagaland the status of the 16th state of the Indian Union, it was placed under the control of governor of Assam in 1961.

Haryana, Chandigarh and Himachal Pradesh

In 1966, the State of Punjab was bifurcated to create Haryana, the 17th state of the Indian Union, and the union territory of Chandigarh.

This followed the demand for a separate 'Sikh Homeland' (Punjabi Subha) raised by the Akali Dal under the leadership of Master Tara Singh.

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On the recommendation of the Shah Commission (1966), the Punjabi-speaking areas were constituted into the unilingual state of Punjab, the Hindi-speaking areas were constituted into the State of Haryana and the hill areas were merged with the adjoining union territory of Himachal Pradesh.

In 1971, the union territory of Himachal Pradesh was elevated to the status of a state (18th state of the Indian Union).

Manipur, Tripura and Meghalaya

In 1972, the political map of Northeast India underwent a major change. Thus, the two Union Territories of Manipur and Tripura and the Sub-State of Meghalaya got statehood and the two union territories of Mizoram and Arunachal Pradesh (originally known as North-East Frontier Agency—NEFA) came into being.

With this, the number of states of the Indian Union increased to 21 (Manipur 19th, Tripura 20th and Meghalaya 21st). Initially, the 22nd Constitutional Amendment Act (1969) created Meghalaya as an ‘autonomous state’ or ‘substrate’ within the state of Assam with its own legislature and council of ministers.

However, this did not satisfy the aspirations of the people of Meghalaya. The union territories of Mizoram and Arunachal Pradesh were also formed out of the territories of Assam.

Sikkim

Till 1947, Sikkim was an Indian princely state ruled by Chogyal. In 1947, after the lapse of British paramountcy, Sikkim became a ‘protectorate’ of India, whereby the Indian Government assumed responsibility for the defence, external affairs and communications of Sikkim.

In 1974, Sikkim expressed its desire for greater association with India. Accordingly, the 35th Constitutional Amendment Act (1974) was enacted by the parliament. This amendment introduced a new class of statehood under the constitution by conferring on Sikkim the status of an ‘associate state’ of the Indian Union.

For this purpose, a new Article 2A and a new schedule (Tenth Schedule containing the terms and conditions of association) were inserted in the Constitution. This

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experiment, however, did not last long as it could not fully satisfy the aspirations of the people of Sikkim.

In a referendum held in 1975, they voted for the abolition of the institution of Chogyal and Sikkim becoming an integral part of India. Consequently, the 36th Constitutional Amendment Act (1975) was enacted to make Sikkim a full-fledged state of the Indian Union (the 22nd state).

This amendment amended the First and the Fourth Schedules to the Constitution and added a new Article 371-F to provide for certain special provisions with respect to the administration of Sikkim. It also repealed Article 2A and the Tenth Schedule that were added by the 35th Amendment Act of 1974.

Mizoram, Arunachal Pradesh and Goa

In 1987, three new States of Mizoram, Arunachal Pradesh and Goa came into being as the 23rd, 24th and 25th states of the Indian Union respectively. The Union Territory of Mizoram was conferred the status of a full state as a sequel to the signing of a memorandum of settlement (Mizoram Peace Accord) in 1986 between the Central government and the Mizo National Front, ending the two-decade-old insurgency. Arunachal Pradesh had also been a union territory from 1972. The State of Goa was created by separating the territory of Goa from the Union Territory of Goa, Daman and Diu.

Chhattisgarh, Uttarakhand and Jharkhand

In 2000, three more new States of Chhattisgarh,¹⁷ Uttarakhand¹⁸ and Jharkhand¹⁹ were created out of the territories of Madhya Pradesh, Uttar Pradesh and Bihar respectively. These became the 26th, 27th and 28th states of the Indian Union respectively.

Telangana

In 2014, the new state of Telangana came into existence as the 29th state of the Indian Union. It was carved out of the territories of Andhra Pradesh.

The Andhra state Act of 1953 formed the first linguistic state of India, known as the state of Andhra, by taking out the Telugu speaking areas from the State of Madras (now Tamil Nadu), Kurnool was the capital of Andhra state and the state high court was established at Guntur.

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The States Reorganisation Act of 1956 merged the Telugu-speaking areas of Hyderabad state with the Andhra state to create the enlarged Andhra Pradesh state.

The capital of the state was shifted to Hyderabad. Again, the Andhra Pradesh Reorganisation Act of 2014 bifurcated the Andhra Pradesh into two separate states, namely, the Andhra Pradesh(residuary) and the Telangana. Hyderabad is made the joint capital for both the states for a period of 10 years.

During this period, the Andhra Pradesh should establish its own separate capital. Similarly, the Andhra Pradesh High Court is renamed as the Hyderabad High Court (High Court of Judicature at Hyderabad) and is made common for both the states till a separate High Court is set-up for the State of Andhra Pradesh.

Thus, the number of states and union territories increased from 14 and 6 in 1956 to 29 and 7 in 2014 respectively.

Change of Names

The names of some states and union territories have also been changed. The United Provinces was the first state to have a newname. It was renamed 'Uttar Pradesh' in 1950.

In 1969, Madras was renamed 'Tamil Nadu'. Similarly, in 1973, Mysore was renamed 'Karnataka'. In the same year, Laccadive, Minicoy and Amindivi Islands were renamed 'Lakshadweep'.

In 1992, the Union Territory of Delhi was redesignated as the National Capital Territory of Delhi (without being conferred the status of a full-fledged state) by the 69th Constitutional Amendment Act, 1991.

In 2006, Uttaranchal was renamed as 'Uttarakhand'. In the same year, Pondicherry was renamed as 'Puducherry'. In 2011, Orissa was renamed as 'Odisha'.

Questions:

1. Discuss in detail about the evolution of states and union territories in India.
2. Write briefly about the Special Provisions for Delhi.