

Administration of Union Territories in India



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The territories of the Union of India have states, union territories and the territories which might be acquired by India at any time. While states are members in the federal system with a share in distribution of power with centre, Union territories are under the direct control and administration of Union and are thus prominently display the unitary features. Currently, India has seven Union Territories viz. Andaman and Nicobar Islands; Chandigarh; Dadra & Nagar Haveli, Daman & Diu, Lakshadweep, NCT of Delhi and Puducherry.

Administration of the Union Territories (Article 239)

The Union Territories are administered by the President through an administrator, who is appointed by him with a suitable designation. This designation is called either Lieutenant Governor or Chief Commissioner or Administrator. In Andaman & Nicobar Islands, Puducherry and Delhi, administrator is called Lt. Governor, while in Chandigarh, Dadra & Nagar Haveli, Daman & Diu and Lakshadweep he/ she is known as Administrator. The *President may appoint a Governor of an adjoining state as administrator of a Union territory*. In such case the Governor works independently with regard to the administration of the Union Territory.

Power of Parliament to create local legislatures (Article 239A)

Power to decide the structure of administration in the UT is vested in Parliament. Parliament was empowered to create a legislature or council of ministers or both for a Union Territory via Constitution (Fourteenth Amendment) Act, 1962 by inserting Article 239A. Using this article legislature of Puducherry was established.

Special Provisions with respect to Delhi (Article 239AA)

Article 239AA was inserted by 69th amendment act, 1991. This article provides special provisions for the Union Territory of Delhi. After the 69th Amendment Act 1991, w.e.f from February 1, 1992, the UT of Delhi is called National Capital Territory of Delhi. The administrator of the NCT as appointed by the President as Lieutenant Governor. Via Article 239AA, a legislative assembly for NCT of Delhi was provided. The power to decide the number of the seats and reservation of the seats was vested in the parliament.

With this, Delhi became a state and the Constitutional provisions with regard to Elections (Article 324-327 and 329) became applicable in NCT. Since then, Delhi has been struggling for a status of full-fledged state of India.

ON WHICH SUBJECTS THE DELHI STATE LEGISLATURE MAKE LAWS?

As per the provisions of the Article 239AA, the State Government of Delhi can make laws for whole or part of the NCT on all subjects in the State List or Concurrent List except the following subjects of the **State List**:

- Entry 1: Public Order
- Entry 2: Police
- Entry 18: Land
- Entry 64: Offences against the laws Jurisdiction power of all courts

This means that Delhi has been endowed with a legislative Assembly with a chief minister



and a council of ministers with limited powers, distinct from the powers available for them in other states. The Article 239 AA has kept the Matters covered by Entries 1, 2 and 18 of the state list of Seventh Schedule i.e. Public order, police and land outside their purview.

WHAT IS IMPLICATION OF THIS PROVISION?

As per article 239AA, Delhi Police, Municipal Corporation of Delhi etc. come under Union Government. While the Union home ministry deals with law and order, the Delhi Development Authority (DDA) — which owns a major chunk of land in Delhi — is part of the Union Urban Development Ministry. The lieutenant governor, considered the Centre's representative in Delhi, is chairman of DDA. The police commissioner of Delhi too reports to the lieutenant governor.

President's Rule on Delhi

Article 239AB deals with President's rule in NCT of Delhi. Article 239AB provides that if the Lieutenant Governor of Delhi gives a report to the President that a situation has arisen in National Capital Territory of Delhi in which the administration cannot be carried out in accordance with the provisions of the article 239AA, then President can suspend any provisions of Article 239AA.

Ordinance making Power of Administrator (Article 239)

Article 239B gives the administrator of the Union Territory of Puducherry the power of ordinance making. The administrator of Puducherry can promulgate an ordinance when the legislative assembly of Puducherry is NOT in session and the ordinance can be promulgated with the prior permission of President only. Rest of the features of the ordinance is same as Governor of a state.

Power of President to regulate peace, progress and good government (Article 240)

President may make regulations for the peace, progress and good government of the Union Territories of the Andaman & Nicobar Islands, Lakshadweep, Dadra & Nagar Haveli, Daman & Diu and Puducherry. However as far as Puducherry is concerned, President does not make any law on regulation for the peace, progress and good government after the Legislature of the Puducherry was created and had its first meeting. But during the dissolution or suspension of the Puducherry Legislative assembly, the president can regulate the peace, progress and good government.