

Union Territories [UPSC Polity Notes]

Union Territories are an important topic in the UPSC syllabus under the polity and governance segment. It is important for aspirants to understand how they function, what their constitutional status is, what are the types of UTs in India, etc. for the [UPSC exam](#). Read on for an in-depth understanding of all about Union Territories in India.

What are Union Territories?

Union Territories (UTs) are federal territories and are administered by the Union Government of India. They are also known as **centrally administered territories**. In the Union Territories, Lieutenant Governors (LGs) are appointed by the President of India. The LGs serve as the UT administrators.

Background:

- The UTs were introduced in the [States Reorganisation Act, 1956](#). The concept of the UT was added by the Constitution (Seventh Amendment) Act, 1956.

Need for UTs

- The varying reasons for the formation of UTs included - such territories being too small to be independent or too different (economically, culturally and geographically) to be merged with the surrounding states or were financially weak or politically unstable. Due to the aforementioned reasons, they couldn't survive as separate administrative units and needed to be administered by the Union Government. Some were made UTs given their location or special status.
 - The UTs of Daman and Diu was under the rule of the Portuguese, while Puducherry was under the rule of the French.
 - They have a different culture than their surrounding States and special provisions may be required to preserve this identity as well as to provide effective governance.
 - Lakshadweep and Andaman and Nicobar islands are located far from mainland India and occupy strategic locations.
 - Union government control on them may be considered a necessity from a national security point of view.
 - Delhi is the administrative capital of India while Chandigarh is the administrative capital of both Haryana and Punjab.
 - The special place that Delhi occupies in India's polity due to it being the capital of the country necessitates union government control on it.
- In 1956, we had 14 states and six UTs. Over the years, the number of states increased to 28 and UTs to eight.

- Himachal Pradesh, Manipur, Tripura, Sikkim, Goa, Arunachal Pradesh and Mizoram are some UTs that became full states since the 1960s.

Union Territories in India

India currently has 8 Union Territories (UTs) - Delhi, Andaman and Nicobar, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Jammu and Kashmir, Ladakh, Lakshadweep, and Puducherry.

- In 2019, Jammu and Kashmir Reorganisation Act, 2019 was passed by the Indian Parliament and it reconstituted the state of Jammu and Kashmir into two Union Territories -- UT of Jammu and Kashmir and UT of Ladakh. Read more on the [former status of Jammu & Kashmir](#) in the link.
- In 2020, Dadra and Nagar Haveli, and Daman and Diu were merged into a single Union Territory known as Dadra and Nagar Haveli and Daman and Diu.

Union Territory	Capital
Andaman and Nicobar Islands	Port Blair
Chandigarh	Chandigarh
Dadra and Nagar Haveli and Daman and Diu	Daman
Delhi	New Delhi
Jammu and Kashmir	Srinagar (Summer), Jammu (Winter)
Ladakh	Leh (summer), Kargil (winter)
Lakshadweep	Kavaratti
Puducherry	Puducherry



Image source: www.mapsofindia.com

Constitutional Provisions related to UTs

Articles 239 to 241 in Part VIII of the Constitution deal with the union territories and there is no uniformity in their administrative system.

- The original Constitution under Article 239 provided for the administration of UTs directly by the President through the administrators. Article 239A was brought in 1962, to enable Parliament to create legislatures for the UTs. In this direction, some UTs were provided with a legislature and a Council of Ministers to fulfil the democratic aspirations of the people of these territories. Article 239AA on the Indian Constitution was added by Constitution (69th Amendment) act, 1991 according special provisions for the National Capital Territory of Delhi.
- 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 the case of Puducherry, the President can make a regulation to legislate 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.
- 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.

Also read: [Government of NCT of Delhi \(Amendment\) Act, 2021](#)

Constitutional status:

- The Centre has powers to administer the Union Territories through administrators.
- 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.

Difference between State and Union Territory

In this section, you can understand the differences between a state and a union territory in India.

- While the Indian States enjoy a federal relationship with the Union Government with the division of legislative and executive powers, in the case of a UT, it is more of a unitary relationship with the Union Government as all the legislative and executive powers reside with the Government of India.
- A State is a constituent division and has its own elected government that has the powers to frame laws while a Union Territory is a small administrative unit and is ruled by the Union Government except for Delhi, Jammu and Kashmir and Puducherry.
- A Governor is the constitutional head of the State while the President of India is the executive head of the Union Territory. Also, 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 administrator is an agent of the central government.

- The Chief Minister elected by the people administers the State while the Union Territory is administered by an administrator or Lieutenant Governor appointed by the President of India.
- States enjoy autonomous powers while the Union Territories do not have autonomous powers.

Read more on the [differences between a state and a UT](#) in the linked article.

Difference between UTs:

- The UTs of Andaman and Nicobar, Chandigarh, Dadra and Nagar Haveli and Daman and Diu, Ladakh and Lakshadweep do not have any legislature while the UTs of Delhi, Jammu and Kashmir, and Puducherry do have an elected legislature and government.
- The legislative assembly of the Union Territory of Puducherry may make laws with respect to matters enumerated in List II or List III in the Seventh Schedule of the Constitution in so far as these matters are applicable in relation to the Union Territory. The legislative assembly of the National Capital Territory of Delhi has also these powers with the exceptions that Entries 1, 2 and 18 of List II are not within the legislative competence of the legislative assembly.
- Every union territory is administered by the President acting through an administrator appointed by him. And it is up to the President to specify the designation of an administrator. It may be Lieutenant Governor or Chief Commissioner or Administrator.
- In India, five Union Territories namely, Delhi, Puducherry, Ladakh, J&K, and Andaman and Nicobar Islands are governed by a Lieutenant-Governor while the rest 3 UTs are governed by an Administrator.

Concerns associated with the functioning of UTs

Undermining of the democratic rights of the people living in UTs:

- Citizens living in the union territories have no recourse to hold the people governing them accountable which undermines the democratic rights of these people which are otherwise available to people living in the states.
 - There are 3.68 crore Indians living in eight UTs of India who are denied the democratic right of having their Assemblies with full powers as enjoyed by those living in the 28 states.
- Even in the case of UTs which do have an elected government, they have very limited powers as compared to the states.
- The UTs are often at the mercy of the appointees of the central government.

- Constitutional experts have pointed out the recent example of the protests in Lakshadweep island against the administrator's policy as a case of the UT administration failing to represent the interests of the citizens of the UT.

The original criteria for the creation of UTs do not hold anymore:

- The population or size cannot be a criterion for deciding whether people deserve a state or a UT. As some erstwhile UTs like Mizoram, Arunachal Pradesh and Sikkim which have become states over time continue to have smaller populations as compared to some current UTs like Puducherry and Dadra and Nagar Haveli.
- Also, the argument that these UTs have a distinct culture and hence need to be protected does not hold in current times as there is no great cultural chasm separating them from the neighbouring states for smaller UTs like Daman and Diu or Puducherry. In fact, they continue to have cultural and linguistic ties with neighbouring states.

Structural fragility of UTs:

- This structural fragility of the UTs in the constitutional scheme of things makes it easier for the central government to interfere in the functioning of the UTs and destabilize them.

Composition of the legislature:

- As per the constitutional provisions regarding the composition of the legislature in UTs, it is a body that is elected, or partly elected and partly nominated.
 - A legislature that is partly elected and partly nominated cannot uphold democratic aspirations. A simple amendment in the Government of Union Territories Act, 1963 can create a legislature with more than 50% nominated members. A predominantly nominated House cannot promote representative democracy.

Issue of nomination:

- The process of nomination is prone to politicization as observed in the case of Puducherry.
- The Union government had nominated members to the Assembly without consulting the government and this was challenged in the court.
- Unlike the provision for the nomination of members to the [Rajya Sabha](#) under Article 80 which specifies the fields from which members will be nominated, in the case of nomination to the Puducherry Assembly, no such qualification is laid down either in Article 239A or the Government of Union Territories Act. This leaves the field open for the Union government to nominate anyone irrespective of whether he or she is suitable.

Administrator's power:

- The UTs have not been granted necessary autonomy thus depriving them of a fully democratic set-up. Enormous powers have been vested in the Administrator/Lieutenant Governor in the UTs.
- Under Section 44 of the Government of Union Territories Act and Article 239 AA(4) of the Constitution, the administrator has the right to disagree with the decisions of the Council of Ministers and then refer them to the President for a final decision. The administrator can then take all actions he or she deems fit in the matter in total disregard of the elected government. This allows the Union government to control the UT through the administrator and is a hindrance to the idea of a free and autonomous government in the UTs.
- The President decides on the advice of the Union government. So, in effect, it is the Union government which finally determines the disputed issue.
- Despite the SC noting in the NCT of Delhi v. Union of India (2019) case that the administrator should not misuse his/her power to frustrate the functioning of the elected government in the territory and use it after all methods have failed to reconcile the differences between him/her and the Council of Ministers, there has been no improvement in this regard.
 - In Puducherry, the conflicts between the Lt. Governor and the Chief Minister were perennial.
 - Similarly, in the National Capital Territory of Delhi, the tussle between the Lt. Governor and the CoM continues.

UT - Interesting facts

- NCT of Delhi is the only UT having a separate High Court.
 - The Union Territories have no separate representation in the Rajya Sabha (Upper House) except for Delhi, Jammu and Kashmir, and Puducherry.
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