



QUICK REVISION MODULE (UPSC PRELIMS 2024) POLITY

UNION TERRITORIES AND SPECIAL PROVISIONS FOR THE DIFFERENT STATES

| Union Territory | Capital | Year of creation |
|---|-------------------------------------|------------------|
| Andaman and Nicobar Islands | Port Blair | 1956 |
| Lakshadweep | Kavaratti | 1956 |
| NCT of Delhi* | Delhi | 1956 |
| Dadra and Nagar Haveli and Daman & Diu ¹ | Daman | 1961/1962 |
| Puducherry* | Puducherry | 1962 |
| Chandigarh | Chandigarh | 1962 |
| Jammu & Kashmir* | Srinagar (S)/Jammu (W) ² | 2019 |
| Ladakh | Leh | 2019 |

1 – The **UTs of Dadra and Nagar Haveli and Daman and Diu were merged** by the Dadra and Nagar Haveli and Daman and Diu (Merger of Union Territories) Act, 2019.

2 – S = summer capital, W = winter capital

(*) – **UTs provided with legislative assembly**



Administration

- Every UT is administered by the President acting through an administrator appointed by him (acts as agent of the President).
- The President can specify the designation of an administrator; it may be Lieutenant Governor or Chief Commissioner or Administrator.
- The President can also appoint the governor of a state as the administrator of an adjoining UT.
- Under the Government of India (Allocation of Business) Rules 1961, **Ministry of Home Affairs is the nodal ministry for all matters of UTs** relating to legislation, finance and budget, services and appointment of Lt. Governors and Administrators.



Legislative power

- The Parliament can make laws on any subject of the three lists (including the State List) for the UTs. This power of Parliament extends to Puducherry and Delhi, which have their own local legislatures.
- 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.



Judiciary

- Parliament can establish a high court for a UT or put it under the jurisdiction of the high court of adjacent state.
- Delhi is the only UT that has a high court of its own (since 1966).

Special Provisions for Delhi (69th Constitutional Amendment Act of 1991)

Redesignated the UT of Delhi as the **National Capital Territory of Delhi**.



Designated the administrator of Delhi as the Lieutenant (Lt.) Governor.



Created a legislative assembly and a council of ministers for Delhi.



The chief minister is **appointed by the President** (not by the Lt. Governor).



In case of failure of constitutional machinery, the President can impose his rule in the territory (like President's Rule in the States).



Article 370 of the Constitution proclaimed it to be "Temporary, Transitional and Special Provision" and provided for a special status to Jammu and Kashmir (J&K).

As per Article 370, the centre needed the state government's concurrence to apply laws — except in defence, foreign affairs, finance and communications. Also, the **state's residents lived under a separate set of laws**, such as those related to citizenship, ownership of property, separate penal code and fundamental rights, as compared to other Indian citizens.

JAMMU & KASHMIR AND LADAKH

On August 5, 2019, President of India promulgated Constitution (Application to Jammu and Kashmir) Order, 2019 which stated that provisions of the Indian Constitution were applicable in the State.

Jammu and Kashmir Reorganization Act, 2019 was passed by the Parliament, which re-organized J&K into two Union Territories (UTs):

- 📍 J&K division with a legislative assembly.
- 📍 UT of Ladakh without a legislative assembly.

| J & K BEFORE AUGUST 5 | J&K AFTER AUGUST 5 |
|--|---|
| 📍 State with special status. | 📍 No special status. |
| 📍 Dual Citizenship. | 📍 Single citizenship. |
| 📍 Separate flag for J&K. | 📍 Tiranga will be the only flag. |
| 📍 No reservation for minorities such as Hindus and Sikhs. | 📍 Minorities eligible for 16% reservation. |
| 📍 Indians from other states can not buy property like land or house. | 📍 All Indians can buy or sale property in Jammu & Kashmir. |
| 📍 RTI not applicable. | 📍 RTI will be applicable. |
| 📍 Duration of Legislative Assembly was six years. | 📍 Assembly will be for 5 years. |
| 📍 Woman from J&K marries person from outside state, she loses citizenship. | 📍 Woman will retain citizenship even after marriage like any other part of India. |
| 📍 Right to Education not applicable for children. | 📍 Children brought under RTE at par with the rest of the country. |

SPECIAL PROVISIONS FOR SOME STATES

📌 **Articles 371 to 371-J** contain special provisions for certain states to meet various aspirations and interests of the local people. (No special provisions for these states in the original constitution; incorporated by various amendments).

For Maharashtra and Gujarat (Article 371)

- 📌 Authorize President to provide that the **Governor of Maharashtra and that of Gujarat would have special responsibility** in respect of the developmental needs of:
- Vidarbha, Marathwada and the rest of Maharashtra.
 - Saurashtra, Kutch and the rest of Gujarat.

For Nagaland (Article 371-A)

- 📌 The Acts of Parliament relating to the following matters would not apply to Nagaland unless the State Legislative Assembly so decides:
- religious or social practices of the Nagas;
 - Naga customary law and procedure;
 - religious or social practices of the Nagas;
 - ownership and transfer of land and its resources.
- 📌 The Governor of Nagaland shall have special responsibility with respect to law and order in **the State of Nagaland so long as the internal disturbances occurring in the Naga Hills-Tuensang Area continues.**
- 📌 **Establishment of a regional council** consisting of 35 members for the administration of Tuensang district of the state.

For Assam (Article 371-B)

- 📌 Empower President to provide for the **creation of a committee of the Assam Legislative Assembly** consisting of the members elected from the Tribal Areas of the state and such other members as he may specify.

For Manipur (Article 371-C)

- 📌 **Authorize President** to provide for the creation of a **committee of the Manipur Legislative Assembly** consisting of the members elected from the Hill Areas of the state.
- 📌 The President can also direct that the Governor shall have special responsibility to secure the proper functioning of that committee.

For Andhra Pradesh/Telangana (Articles 371-D and 371-E)

- 📌 To provide for equitable opportunities for the people belonging to different parts of the state of Andhra Pradesh or Telangana, the President may require the State Government **to organise civil posts in local cadres for different parts of the state** and provide for direct recruitment to posts in any local cadre.
- 📌 The President may provide for the **establishment of an Administrative Tribunal** in the state to deal with certain disputes and grievances relating to appointment, allotment or promotion to civil posts in the state. **Note:** The tribunal is to function **outside the purview of the state High Court**. No court (other than the Supreme Court) is to exercise any jurisdiction in respect of any matter subject to the jurisdiction of the tribunal.
- 📌 **Article 371-E** empowers the Parliament to provide for the establishment of a Central University in the state of Andhra Pradesh.

For Sikkim (Article 371-F)

- The **36th Constitutional Amendment Act** of 1975 made Sikkim a full-fledged state of the Indian Union. It included **new Article 371-F** containing provisions with respect to size of the Sikkim Legislative Assembly and representation of Sikkim in the Lok Sabha.
- The Governor is given special responsibility for peace and ensuring the social and economic advancement of the different sections of the Sikkim population.

For Mizoram (Article 371-G)

- The Acts of Parliament relating to the following matters would **not apply to Mizoram unless the State Legislative Assembly so decides**:
 - religious or social practices of the Mizos;
 - Mizo customary law and procedure;
 - administration of civil and criminal justice involving decisions according to Mizo customary law; and
 - ownership and transfer of land.

For Arunachal Pradesh (Article 371-H)

- The Governor of Arunachal Pradesh shall have special responsibility for law and order in the state.

For Goa (Article 371-I)

- Provision with respect to size of Goa Legislative Assembly – **not less than 30 members**.

For Karnataka (Article 371-J)

- The President is empowered to provide that the **Governor of Karnataka would have special responsibility for**:
 - The establishment of a separate development board for Hyderabad-Karnataka region.
 - The equitable allocation of funds for developmental expenditure over the region.
 - The reservation of seats in educational and vocational training institutions in the region for students who belong to the region.