The concept of "Union territories" that was introduced in the Indian Constitution in fact is a product of the States Reorganization Commission. It not merely recommended the creation of "territories" but expounded the reasons as well. When the scheme of the reorganization of the States was implemented, the Union territories were constituted on criteria prescribed by the S. R. C. In the years subsequent to reorganization, the Central Government added some more criteria for the creation of Union territories, so much so that today we have as many as nine Union territories. The creation and supplementation necessitates the making of a more detailed analysis of the criteria that has been adopted for the formation of Union territories.

(A) The Strategic Criterion

The Union territories of Manipur, Tripura and Arunachal Pradesh came under the control of the Central Government primarily on considerations of security.
(1) **Manipur**

Before the reorganisation of the States, Manipur was a Part C State. Its area is 22,347 sq. km. The population of the area was 5,77,635 (1951 census). It is located on the northeastern border of India and has international boundary with Burma. It is also adjacent to the strategic area of N.E.F.A. (now known as the Union territory of Arunachal Pradesh). When the question of its future came before the States Reorganization Commission, the people of Manipur urged that the area should be continued as a separate unit on the following reasons:

(a) Since it is akin to N.E.F.A., security considerations were paramount.\(^1\)

(b) It had been an independent State for many centuries.\(^2\)

(c) It was economically backward and was receiving substantial financial aid from the Centre for its development. Any change in its constitutional status would retard its economic development.\(^3\)

(d) It had no cultural identity with the neighbouring State of Assam.\(^4\)

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2. Ibid.

3. Ibid.

4. Ibid., para 727, p. 197
In the examination of the problems of Manipur, the Commission was deeply convinced with the argument that the area was strategically located and consequently required special attention of the Central Government in respect of its development. For strengthening of its security the S. R.C. expressed the opinion that for the time being, Manipur should continue to be administered by the Central Government. While reorganizing the States, the Central Government accepted the suggestion of the S. R.C. in respect of Manipur and constituted it into a Union territory. However, when the north-eastern areas were reorganized, the Union territory of Manipur was elevated to Statehood.

(2) Tripura

Tripura was another Part C State. It is situated on the border of Bangladesh (previously called East Pakistan). Its area is 10,680.44 km² and its population was 6,39,029 (1951 census). While considering the future of this Part C State, the S. R. C. envisaged that it should be merged with the adjoining State of Assam. The following reasons were given in support of its integration with Assam.

(1) It had cultural affinity with the Cachar District of Assam. It was because of this cultural affinity of Tripura with Assam the Commission differentiated between Manipur and Tripura and recommended the merger of the latter with Assam. While drawing the distinction between Manipur and Tripura, the Commission observed: "The essential difference, however, between Manipur and Tripura is that, the Bengali-speaking people in the neighbouring district, namely Cachar, already constitute seventy-seven per cent of the population of the district; and the merger of Tripura in the State would,
(2) It has well-established communication links both with Assam and West Bengal.\footnote{Ibid., para 710, p. 192. However, its merger with Assam was recommended, because it was more contiguous to Assam than West Bengal, \textit{ibid.}, para 710, p. 192. Moreover, it was not claimed by the Government of West Bengal, \textit{ibid.}, para 711}

(3) Such a step would bring the entire border between India and Pakistan under one single control, namely that of the Assam Government.\footnote{\textit{Ibid.}}

(4) The amalgamation would also make it possible to co-ordinate development in Cachar and the contiguous area of Tripura.\footnote{\textit{Ibid.}, para 712}

It is to be recalled that when the Report of the S. R. Commission was being debated in Parliament, there was strong resentment at the merger of Tripura with Assam. It was argued that the amalgamation would endanger the national security. Besides, it was claimed that as the area had no cultural affinity with Assam, its separate identity should not be disturbed. While implementing the scheme of reorganization of the States, to provide for the security of this area the Central Government turned down the proposals of the S. R. C. relating to Tripura and constituted it a Union territory. However, after the reorganization of

\footnotesize{Footnote 6 continued from the previous page}

\footnotesize{therefore, be natural to some extent. This important consideration does not apply to Manipur which has no linguistic affinity with Assam." \textit{Ibid.}, para 726}

\footnotesize{7 \textit{Ibid.}, para 710, p. 192. However, its merger with Assam was recommended, because it was more contiguous to Assam than West Bengal, \textit{ibid.}, para 710, p. 192. Moreover, it was not claimed by the Government of West Bengal, \textit{ibid.}, para 711}

\footnotesize{8 \textit{Ibid.}}

\footnotesize{9 \textit{Ibid.}, para 712}
north-eastern areas Tripura was elevated to Statehood.

(3) **Arunachal Pradesh**

Arunachal Pradesh is bounded by Bhutan on the west, Tibet and the Sikkim Province of China on the north and Burma on the south-east. As such, it is one of the lifelines of India's defence. The history of this area was that in 1873, the "Inner Line" was drawn and since then it has been inaccessible to ordinary citizens. Its notional administration till 1936 was based on the Scheduled Districts Act, 1874. In 1936, it was declared an excluded area and consequently no Indian law could apply to this area, except on the directions of the Governor. After Independence, constitutionally it was a part of Assam but because of its strategic location its administration was carried out by the President through the Governor of Assam. At the time of the reorganisation of the States, no change was made in respect of the administration of this region.

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10 See Bengal Eastern Frontier Regulation (5 of 1873) 1873, Sec. 2. The objective of drawing the "Inner Line" was twofold: (a) to protect the people living in the plains from marauding raids of tribesmen and (b) to bring under more stringent control the commercial relations of the British subjects with the frontier tracts, see the article by Shri Dipak B. R. Choudhari entitled: 'Inner Line in N.E.F.A.: An Artificial Frontier', *The Hindu* (Madras), dated 14 July 1968. Also article of Shri C. K. Ghose, entitled: 'Constitutional Trends of N.E.F.A.', *Assam Tribune* (Gauhati), dated 16 and 17 October 1968.

11 The Act (XIV of 1874) since has been repealed by the adaptation of Indian Laws Order, dated 13 March 1937.

12 See the Government of India (Excluded and partially Excluded areas) Order, dated 3 March 1936.
area. Subsequently, the strategic importance of this area had increased a great deal owing to the compulsions of contemporary politics, particularly with China penetrating steadily into the countries of South-East Asia and the reverses caused to India on this border during the India-China war of 1962. It was against this background when the north-eastern areas were being reorganized, the economically backward frontier area of N.E.F.A. was detached from Assam and made a Union territory.

(B) Preservation of the hill culture

The hill areas of Himachal Pradesh and Mizoram were created Union territories with a view to preserve the distinct culture of the hill people.

(1) Himachal Pradesh

The Union territory of Himachal Pradesh lies on the northern border of India. It covers the total area of 58,232 sq. km.

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13 See article by Shri Hem Barua entitled 'Frontier Defence: Need for Greater Planning', Hindi(Madras), dated 10 June 1963.

14 See for its backwardness the speech of Shri F.H. Mohsin, the Deputy Minister in the Ministry of Home Affairs, col. 87, Loksabha, Vol. 76, dated 21 December 1971.

15 When the Union territory of Himachal Pradesh was formed, its area was 28,192 sq. km. Subsequently, as a result of the reorganization of the State of Punjab, when a large number of hill areas which were contiguous to and had linguistic and cultural affinity with Himachal Pradesh were transferred to the latter, this resulted in the increase in its area from 28,192 sq. km to 58,232 sq. km.
Its population was 11,09,466 (1991 Census). Before the reorganization of the States, it was a Part C State. When the States reorganization Commission was examining the future of Part C States, the people and the Government of Himachal Pradesh in view of their distinct culture, economic backwardness and national security pressed the Commission to recommend for the continuation of status quo. To recall, the Commission was not unanimous in its recommendations regarding the future of this area. The majority opinion of the S. R. C. suggested the amalgamation (with suitable safeguards for development) of Himachal Pradesh with the adjoining State of the Punjab on two considerations, namely (a) economic interdependence of hills and plains on each other; and (b) the establishment of a strong and resourceful unit on the border. But the Chairman of the Commission, Shri Fazl Ali, disagreed with this view of the majority. He took note of the special culture of the people, who had a deep-seated distrust of the people of the plains and felt the need to keep this area under the direct authority of the Central Government. He traced the reasons which generated suspicion in the highlanders and on the basis of

17 Ibid., para 560, p. 151
18 Ibid., para 565, p. 152
19 Ibid., p. 239
20 See for reasons Ibid.
that concluded that the imposition of integration on this unit would be unpopular and was bound to be strongly resisted. \textsuperscript{21} In support of this conclusion, he drew attention to the note of the States Ministry that contained the views of the late Sardar Patel, the Deputy Prime Minister and Minister of Home Affairs, on the future of Part C States. This note observed that while Sardar Patel had in mind to merge the majority of Part C States with the contiguous States, his intention was to continue Himachal Pradesh under "Central guardianship and tutelage," as "any merger with the Punjab was bound to be locally unpopular." \textsuperscript{22} The attention of the Central Government was also drawn to the fact that when early in 1950, there was a proposal that the jurisdiction of the East Punjab High Court should be extended to Himachal, but no action was taken in this respect, because it was well known to the Government of India that "the sentiment of the hill people was opposed to the extension of the authority of any of the administrative organs of the East Punjab to Himachal." \textsuperscript{23}

Apart from this primary consideration of cultural indivisuality, the Central administration was envisaged for the reason of the existence of communal and law-and-order problem

\textsuperscript{21} Ibid.
\textsuperscript{22} Ibid.
\textsuperscript{23} Ibid., p. 238
in the State of the Punjab. It was also argued that the merger itself would not be beneficial in the interests of Punjab because of the existence of differences in the political life of Punjab. The Chairman also contested the argument of the majority view that the integration would result in the economic development of Himachal. According to him, since the voice of this hill area in a common legislature would be a feeble voice and the sheer weight of numbers would drown even this voice, integration instead of contributing

In this respect, Shri Faal Ali was convinced by an argument presented in one of the memorand to the Commission, wherein it was held: "The Punjab has two very great problems to solve: (1) the communal problem and (2) the law-and-order problem. The deteriorating relations between the Hindus and Sikhs in the Punjab have caused great concern not only to the Punjab Government but to the Government of India. The disease runs very gravely (even) in the services. Fortunately, is spared all this malady, for it is a State predominantly of the Hindus and no communal problem whatsoever exists here. Even the language problem, which has baffled the administrators in Punjab is non-existent in Himachal Pradesh. People speak Pahari, the more educated being influenced by chaste Hindi. Hindi alone is taught in schools and other institutions. Thus the State is not troubled at all by the complicated communal and language problem of the Punjab. Any merger of the two would completely upset the present social order in the hills and is bound to result in a very strong reaction from the people." Ibid., p. 241

Consequently, he observed: "To bring another region with a distinctiveness, individuality and problems of its own into the picture will only complicate matters and add considerably to the difficulties of the government of the Punjab. Punjab will have to face a new minority problem, as the people of Himachal Pradesh feel that they have not much in common with the people of the Punjab." Ibid., p. 239-240
to the progress would further retard it. Besides, he disagreed with this opinion of the majority view that merger of this area is necessary from the point of view of security. In his opinion to strengthen the security of this area and to keep the border and the people of the rest of Himachal Pradesh contented, the area should continue to be administered by the Central Government.

While reorganizing the States, the Government of India accepted the suggestions of the Chairman and constituted Himachal Pradesh into a Union territory. But in 1970, this Union territory was elevated to Statehood.

(2) Mizoram

The cultural criterion which at the time of reorganization of the States was used in the creation of the Union territory of Himachal Pradesh was subsequently pressed into service in the formation of the Union territory of Mizoram. The hill district before the reorganization of north-eastern areas was a part of Assam, and being a Scheduled and Tribal Area, it

26 Ibid., p. 240

27 Ibid., p. 242. In this connection he (Chairman) observed: "We have a special responsibility in (aig) keeping the people of the border areas like Chini and Pangi and also those of the rest of the (aig) Himachal Pradesh contented and happy and in (aig) guarding against any feeling being created in them that they are not so well looked after as the people across the border. With this special responsibility and with the imperative need for guarding the frontier exposed to infiltration, the national interests will, in my opinion, be best served by the Centre directly controlling the area."
administration was carried out under the provisions of the sixth schedule of the Constitution. These arrangements were made in view of the economic and communication links of the Mizo Hills with the State of Assam and to provide them with autonomy, subject to the unity of Assam. However, the Mizos and the people of other hill districts were not satisfied with the extent of autonomy that was granted to them. Consequently, when the States were being reorganised, the hill districts (including the Mizo Hills) urged the L.R.C. to recommend the formation of the Hill State. The Commission examined this question at length but, primarily owing to financial considerations, declined to make any such proposal and recommended the continuation of status quo. However, to provide for better liaison between the Assam Government and the Hill Districts Councils, it was suggested that a Commissioner for the Hill Areas should be appointed.

Subsequently, when the Government of Assam declared Assamese as the official language of the state, the

30 Ibid., para 702, pp. 189-90
31 See The Assam Official Language Act (33 of 1960) 1960, Sec. 3
relations between the people of the hills and the plains deteriorated. The leaders of Mizo and other hill districts, who were popularly called the All-Party Hill Leaders Conference (A.P.H.L.C.), felt that this step was taken by the Assam Government to overshadow their culture and to disintegrate their individuality. Consequently, they revived their demand for a separate hill state (to be called Eastern Frontier State). A delegation of the A.P.H.L.C. met the Prime Minister, Pandit Nehru, on 4 and 26 November 1960 and the Home Minister on 29 November 1960 in connection with the acceptance of their demand, which they considered essential for satisfying the legitimate aspirations of the hill people and for accelerating the pace of development in the hill areas. For this purpose, the A.P.H.L.C. held several meetings with the Prime Minister and the Home Minister. The Prime Minister, in his discussions, expressed

32 This Conference was constituted in Shillong on 6 and 7 July 1960. Source: p. 154, Appendix III, Report of the Commission on the Hill Areas of Assam (1965-66)

33 This fact was revealed in the Memorandum that was submitted by the A.P.H.L.C. to the Governor of Assam. In it, it was stated: “Here prevails among the tribal people of the autonomous districts of Assam a feeling of apprehension that their existence as separate and distinct entities in Assam is being threatened. The declaration of Assamese as the official language of Assam would mean the beginning of a process by which the tribal communities would be disintegrated and gradually assimilated into the Assamese community.” See Statesman (Cal.), dated 25 August 1960


35 Ibid.
his inability to accept their demand for separation because of considerations of geography, communication and economy.36 However, to give a greater measure of autonomy he proposed a scheme37 and the appointment of a commission to go into the question of maximum autonomy, subject to the preservation of the unity of Assam.38 After prolonged discussions, the offer was finally accepted by the A.P.H.L.C.39 Consequently, a Commission on the Hill areas of Assam was appointed on 16 March 1965.40 But the Mizo District Council and the Mizo

36 This non-acceptance of their demand is evident from the letter which the Prime Minister wrote to the General Secretary of the A.P.H.L.C. on 19 February 1961. In that letter, the Prime Minister Pandit Nehru stated, "When you came here with some other members of your council, I had two meetings with you, and you also met the Home Minister. Your delegation put forward proposals for the formation of a completely separate State composed of the autonomous hill districts of Assam. I said to you then that I appreciated some of your difficulties and we were anxious to remove them so that these hill districts could have greater autonomy and could be able to progress in accordance with the wishes of their people. I pointed out also, that the proposal to form a separate State of these hill districts of Assam was not a practical one and would lead to new and complicated problems. Geography, communications and economic considerations were strong arguments against the formation of such a separate State. Indeed, this might well lead to these districts getting entangled in many problems and difficulties which would delay progress...." (letter reproduced from pp. 154-155, ibid.).

37 For text of the scheme, see p. 155, ibid.

38 Ibid.

39 The offer was accepted by the Hill Leaders on 11 December 1964, when they met the Prime Minister Shri L. B. Chastri. They submitted to him a memorandum in which they requested him to take immediate steps for the appointment of a Commission to implement the assurances given to them by the late Prime Minister Pandit Nehru. Appendix-III, p. 184, ibid.

40 See Resolution No. 5/2/64-8(R)-A (Ministry of Home Affairs), Gazette of India (Extra-Ordinary), Part I, dated 16 March 1965
Union, which controlled the administration of that Council, refused to participate in the discussions with the members of the Commission. The Commission was informed by the local political bodies of the Mizo District that nothing short of Statehood and complete separation of the district and the adjoining Mizo-populated areas was acceptable to them.\(^4\)

Besides, the extremist Mizo National Front (since outlawed) stood for a sovereign, independent State and was all through insisting on it, ultimately rising in rebellion on 28 February 1966.\(^3\) The revolt was put down, but the M.N.F. rebels were continuing their hostile activities, in which they were actively encouraged by Pakistan and China, who helped them with arms and training, as in the case of the Naga hostiles.\(^4\)

The controversy between the Mizos and Assam remained a perpetual headache for the Government of India. As shown by the discussions, the Union Government was anxious to solve this riddle and was in search of a solution acceptable to both Assam and the Mizos. It wanted to preserve the cultural identity of the Mizo people, but without severing its

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\(^{4}\) Source: Para 4, p. 3, Chapter I, Report of the Commission on the Hill Areas of Assam (1965-66)

\(^{42}\) See the article of Shri K. Bangashwary, entitled 'Reorganization of North-Eastern India', Assam Tribune (Guwahati), dated 17 November 1971

\(^{43}\) See the article of Shri C. N. Ranjan, 'Bringing Peace to Mizoram', Motherland (Delhi), dated 4 August 1972

\(^{44}\) Ibid.
connections with Assam. The district remained a trouble spot and there was lawlessness. It became impossible to solve the Mizo problem without altering the boundary of Assam. Ultimately to give effect to the wishes of the people, the Central Government decided to carve out the Mizo District from Assam. When the north-eastern areas were being reorganized, to give effect to this decision, the Mizo District was separated from the state of Assam and made a "Union territory", with the name of Mizoram.

(C) Historical and communication criterion: Island territories

The oceanic islands of Andaman and Nicobar and Lakshadweep were constituted into Union territories for historical and communication considerations.

(1) The Andaman and Nicobar Islands

The Andaman and Nicobar Islands are lying in the Bay of Bengal, about 1,255 km away from Calcutta and 1,191 km from Madras. During the British period, the Islands were "penal settlements" and retained their separate identity as a Chief Commissionership. The Islands were inhabited largely by tribal and aboriginal people. They were cut off from the main land of the country. There were no dependable and adequate means of communication between these Islands and

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45 See the article by Shri Hem Barua, entitled 'The Reorganization of the Eastern Zone', Hindustan Standard (Calcutta), dated 20 January 1972
the mainland. This geographical detachment, coupled with the economic backwardness of the people, threatened the security of the Islands. To recall, the framers of the Constitution looked into its communication problem and for establishing effective means of communications, kept its separate identity intact. While redrawing of the political map of India, the S.R.C. considered the future of the Andaman and Nicobar Islands. It heard the views of the members of Parliament, representing this area. Since no major change was proposed in respect of the administration of these Islands, the Commission came to the conclusion that there was no need to disturb the status quo.46 While reorganising the States, the Central Government accepted the recommendations of the Commission with respect to these Islands. The decision of the Government of India was embodied in the Constitution(Seventh Amendment) Act, 1956.

(2) Lakshadweep

The Islands of Lakshadweep are located in the Arabian Sea. They lie about 200 to 300 km off the Kerala Coast. The history of these Islands before Independence was that when they were ceded to the Government of India initially, they were subordinated to the control of the Presidency of Fort George.47 After a short period they were included in the

47 See Notification No. 292-I.A. of the Government of India in Gazette of India(Extra-Ordinary), Part I, p. 111, dated 5 February 1909
Presidency of Madras. In 1921, these Islands were notified as 'backward tract' of the Province of Madras. After the enactment of Government of India Act, 1935, they were excluded from the provincial jurisdiction and declared "excluded area". After Independence, when the First Schedule of the Draft Constitution was being considered in the Constituent Assembly, Shri T. T. Krishnamachari, owing to its geographical isolation and general backwardness, pressed the Constituent Assembly to treat the Laccadive, Minicoy and Aminive Islands as Centrally administered. This suggestion was not accepted. All the same, on the recommendations of the Subcommittee on the Tribal Areas of Provinces (other than Assam), it was declared a Scheduled Area and remained part of Madras.

When the State Reorganization Commission was carving out the new States, it recommended that these Islands should

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48 See Notification No. 227 of the Government of India in Gazette of India(Extra-Ordinary), Part I, p. 88, dated 1 February 1912
49 Source : Notification No. 1-6 of the Government of India in Gazette of India(Extra-Ordinary), p. 41, Part I, dated 3 January 1921
50 See the Government of India (Excluded and Partially Excluded Areas) Order, dated 3 March 1936
51 See p. 15819 C-A.D., Vol. IX, dated 16 September 1949
52 See Report of the Excluded and Partially Excluded Areas (other than Assam) Subcommittee, 18 August 1947 in Reports of Committees of the Constituent Assembly of India (1950), Third series, p. 84
53 See the Scheduled Areas (Part A States) Order (C.O.9), published with the Ministry of Law, dated 26 January 1950, Gazette of India(Extra-Ordinary), p. 670
be merged with the proposed State of Kerala on the reasons
(1) that from the standpoint of communication, they would be
more contiguous to Kerala than to Madras; (2) the Government
of Madras had not raised any objection to the transfer of the
Malabar District and parts of South Kanara which included
these islands. It is to be recollected that when the
report of the States Reorganization Commission was being
considered in the Lok Sabha, Shri N. R. Muniyanswamy drew
attention to the anomaly in the recommendations of the S.R.C.
that on the one hand, it had envisaged the constituting of
the Andaman and Nicobar Islands as a "territory" and the
administering of Laccadive, Minicoy and Myndive Islands by
the newly proposed Kerala State, on the other. The attention
of the Central Government was also drawn to the suggestion
made by the Madras Government that the development of these
areas was likely to be accelerated if they were transferred
to, and administered by, the Centre. The Central Government
accepted these proposals and, while implementing the scheme
of reorganization of the States, the Islands were constituted
as a Union territory.

(B) Preservation and Promotion of foreign Culture : Acquired
Territories
The 'foreign settlements' of Dadra and Nagar Haveli, Goa,

54 Para 308, p. 86, Part III, Chapter III, Report of the
States Reorganization Commission (1955)
55 Ibid., para 300, p. 84
56 Source : Press Communiques (released by the Ministry of
Home Affairs) on the Reorganization of States, Section 12,
dated 16 January 1956
Daman and Diu and Pondicherry were constituted as Union territories for the preservation and promotion of foreign culture in India.

(1) Dadra and Nagar Haveli

The enclaves of Dadra and Nagar Haveli were under the control of the Portuguese. The Portuguese had occupied Nagar Haveli on 10 June 1783 and Dadra on 22 July 1785. On 21 July 1954 the people of these territories revolted against the dictatorial Portuguese regime. To cut the story short, the people of Dadra and Nagar Haveli proclaimed their liberation from the Portuguese rule on 2 August 1954. Soon after their liberation, Portugal filed a complaint against India in the International Court of Justice at The Hague that she had the sovereign right to passage between its territory of Daman and its enclaves of Dadra and Nagar Haveli. India had prevented her from exercising this sovereign right. The Court delivered the judgment on 12 August 1960, and on the basis of the treaty of 17 December 1779, and the mukads of 10 June 1783 and 22 July 1785, which were concluded between the Marathas and the Portuguese, the case was decided in favour of India.

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57 Source: p. 1, Annual Administration Reports: the Union Territory of Daman and Nagar Haveli (1974-75)
58 Ibid.
59 Ibid.
60 See Portugal v India (1960), I.C.J. 6
61 Ibid.
After the decision of the Court, the Varishtha Panchayat, an indirectly elected legislature of the enclaves, on 12 June 1961, through a resolution, requested the Government of India for integrating their territories with the Indian Union to which they rightly belonged. In deference to the wishes of the people, who requested that they should be treated as a unit of the Indian Union, the Union Government decided to specify these areas as a Union territory. Giving effect to this decision, Parliament of India passed the Constitution (Tenth Amendment) Act, 1961. Consequently, the Territory of Dadra and Nagar Haveli became another Union territory.

(2) Goa, Daman and Diu

The territory of Goa, Daman and Diu was also a Portuguese possession. It was taken over by the Portuguese on 25 November 1510. Since its annexation, the Goans had repeatedly risen against Portuguese tyranny and there were uprisings in 1770, 1818, 1822, 1852, 1870, 1895, 1901 and 1912. Three factors were responsible for frequent rebellions, namely (1) economic exploitation of the Goans.


63 Ibid.

64 See the article by Shri B. G. Verghese, entitled, "Operation Goa : Portrait of a Colony", Times of India (Delhi), dated 10 January 1962.

65 Ibid.
(ii) the absence of freedom and (iii) religious discrimination against Goans. On 18 June 1946, when India was on the threshold of independence, the first disobedience movement was launched by the Goan nationalists and their Indian sympathizers, led by Dr Ram Manohar Lohia, the Indian Socialist leader. Although he was pushed back to the Indian territory, the struggle for liberation continued. With the liberation of Dadra and Nagar Haveli, the movement gained momentum. The Government of Portugal, instead of respecting the legitimate aspirations of the people, took recourse to brutal and uncivilized measures to suppress the movement. The Government of India repeatedly attempted to settle the issue of Goa through negotiations, but the Government of Portugal refused to reciprocate. When all the peaceful methods to liberate Goa failed, Indian troops were sent on 18 December 1961. In less than 48 hours of military operations, Goa, Daman and Diu were wrested from Portuguese.

As an initial measure, the Central Government placed these territories under a Military Governor. After a short period, an Ordinance terminating these arrangements was

68 Ibid.
69 See the speech of the Prime Minister and Minister of External Affairs, Shri Jawaharlal Nehru, particularly, cols. 283-284, LdS.R., Vol. 61, dated 14 March 1962
promulgated and the civilian rule was restored. Subsequently, for implementing the assurance given to the Goan people by Shri Jawaharlal Nehru that after their joining the Union of India, their culture, customs and traditions would not be put to end, the territories of Goa, Daman and Diu were restored.

70 See the Goa, Daman and Diu (Administration) Ordinance (2 of 1962) 1962. The Ordinance, however, was repealed by the Goa, Daman and Diu (Administration) Act (1 of 1962) 1962, Sec. 11

71 Pronouncements to this effect were made at several occasions inside and outside Parliament. For example, earlier on 30 May 1955, at a Press Conference in Delhi, Prime Minister Nehru declared: "You know the Government of India have made it perfectly clear that, as with Pondicherry, we propose to treat Goa as a separate unit and entity. We do not propose to just attach it to any other part or State in India and make it perhaps a district of India. We recognize that Goa has an individuality and a history, and one should maintain that individuality till the people of Goa themselves wish to change it. So that within the Indian Union Goa will have an individuality and necessarily a normal self-governing apparatus which goes with membership of the Indian Union..."

When the Constitution (Tenth Amendment) Bill was being considered in the Lok Sabha, in the same vein, he stated that when Goa would become part of India, it would not be merged with any State. It would have its separate identity and it would not be disturbed. It was a unit for the past four hundred years. It would, therefore, not be desirable to disintegrate it. It was our firm policy to keep it as a unit and to give it as much rights as had been conferred on other component parts of the Union. See, Col. 2142, Loksabha, Vol. 56, dated 14 August 1961

Subsequently, when the Resolution on the Portuguese withdrawal from Goa, Daman and Diu was being discussed in the Lok Sabha, he (Shri Nehru) reiterated: "May I say again what I have often said, and what we said in regard to French possessions here too, that it is not our intention, when Goa becomes a part of the Union of India, to put an end to the individuality and personality of Goa. But because of the past, because of many things that have grown up in India and because in India we have welcomed the fact that India is a country of considerable variety, and we have preserved it, we are prepared, and we intend, to keep Goa's individuality, and keep it as a separate entity, in direct connection with the Central Government, and maintain its special features, whatever they may be, such as customs, culture, etc...." Col. 4265, Loksabha, Vol. 60, dated 8 December 1961
Diu were constituted a Union territory right from the date i.e. 20 December 1961, it was liberated from the Portuguese.\textsuperscript{72}

(3) **Dandibeery**

Dandibeery, which included the territories of Karikal, Maha and Yanam, were French establishments in India. Soon after Independence, the Indian Government requested the Government of France for the liquidation of their possessions. Negotiations in this connection were started with the French Government. In June 1948, both the Governments reached an agreement that the future status of the territories should be decided by the people of the territories, their wishes being ascertained through a referendum.\textsuperscript{73} However, when the French Government refused to accede to the request of the Indian Government that to ensure the fairness of elections, Indian observers should be stationed, the Government of India discarded the 1948 agreement and asked for the simple transfer of the French territories to the Indian Union.\textsuperscript{74} Negotiations that took place thereafter failed to bring about a referendum or a status of the joint administration that was envisaged by the French Government.\textsuperscript{75} On 8 October 1954, a Congress of

\textsuperscript{72} See the Constitution (Twelfth Amendment) Act, 1962, Sec. 1
\textsuperscript{73} Source: Para 655, p. 178, Part IV, Chap. IV of the Report of the Study Team on the Administration of Union Territories and M.E.F.A. (1968)
\textsuperscript{74} Ibid., para 661, p. 179
\textsuperscript{75} Ibid.
the French establishments consisting of the members of the Representative Assembly and Municipal Councillors of Pondicherry, Karikal, Mahe and Yanam met at Keijour. They agreed with near unanimity (170 votes to 8) in favour of the transfer of these settlements to the Indian Union. In view of the popular opinion, negotiations were resumed. Ultimately, on 21 October 1954, the French Government signed an agreement to transfer the de facto administration to the Government of India from 1 November 1954.

On 28 May 1956, both the governments (India and French) entered into a formal agreement for the de jure transfer of these settlements. However, in the treaty, a provision was made that the people would continue to enjoy the special administrative status and it would not be terminated without ascertaining the wishes of the people. The treaty was to come into force on the day of its ratification by the respective governments. The instruments of ratification were finally exchanged on 16 August 1962. Accordingly, the French possessions became a part of the Indian Union. After their integration, to implement the assurance given to the French Government and to the people of the establishments, Pondicherry (including Karikal, Mahe and Yanam) retained its separate identity as a Union territory.

76 Ibid.

77 See agreement in C.E. Alexandrowics, The Indian Book of International Affairs, University of Madras (Madras), Vol. III, pp. 368-376 (1954)

78 See Article 2 of the agreement in ibid., Vol. V, pp. 175-176 (1956)
The metropolitan City of Delhi became the Union territory owing to its being the national capital and seat of the Union Government.

Before attaining the present status, Delhi was a part C State. Under the government of part C States Act (since repealed) 1951, the Legislative Assembly and the Council of Ministers was provided for it. The diarchical structure established under the Act of 1951 could not function smoothly. The division of responsibility hindered its development. It also resulted in the deterioration of its administrative standards. The system, therefore, could not endure and this fact had been admitted even in the memorandum submitted to the S.R. Commission on behalf of the Delhi Government.

While considering the case of Delhi, the Commission on the reorganisation of States recommended undivided Central control over it on the following considerations:

(1) It is the national capital and the capital cities enjoyed a special status. In this respect, attention of the Central Government was drawn to the status enjoyed by the capital cities of England and France, where the unitary system of government existed. It was observed that the Central Government exercised greater control over London and

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80 Ibid.
81 The memorandum stated: "Delhi is a part C State and it is difficult to see any future for such states." Ibid, para 583, pp. 157-158
Paris than over other municipalities. 82

(2) Since it is the seat of the Federal Government, any division of power between the Centre and the State governments would create a deadlock. In this context, the Commission recalled that the desirability of excluding the seat of the Central Government from the provincial jurisdiction was one of the main considerations on which the Imperial Capital was shifted from Calcutta to Delhi. In support of this contention, the attention of the Union Government was drawn to the correspondence that was held between the Government of India and the Secretary of State on this issue. 83

The S.R.C. observed that those weighty considerations should not be overlooked merely on the grounds that they related to a period when India was under the control of a foreign

82 Ibid., para 584, p. 158
83 In this respect, the S.R.C. quoted that in its despatch to the Secretary of State, dated 25 August 1911, the Government of India observed: "It is generally recognised .... that the capital of a great Central Government should be separate and independent, and effect has been given to this principle in the United States, Canada and Australia." At the same time, the attention was also drawn to the reply of this despatch in which the Secretary of State for India put the case for undivided Central control over the capital more succinctly: "The arrangement, as you frankly describe it, is a bad one for both Governments, and the Viceroy for the time being is inevitably faced by this dilemma, that either he must become Governor-in-Chief of Bengal in a unique sense, or he must consent to be saddled by public opinion both in India and at home with direct liability for acts of administration or policy over which he only exercises in fact the general control of a supreme Government. The local Government, on the other hand, necessarily suffers from losing some part of the sense of responsibility rightly attaching to it as to other similar administrations." Ibid., para 585, p. 159
government. The conditions of Delhi had not changed and those arguments had the same validity even in the prevailing circumstances.\(^84\)

While implementing the scheme of reorganization of the states, the Central Government accepted the proposals of the Commission and made Delhi a Union territory.

(F) Political controversy: Chandigarh

Chandigarh owed its origin as a Union territory because of a political controversy in the bilingual Punjab.

The history of the territory is that before the reorganization of the Punjab, Chandigarh was a part of the Ambala District. In view of the pressing demands from different quarters for the formation of a Punjabi-speaking State, a Parliamentary Committee under the Chairmanship of the Speaker of the Lok Sabha, Sardar Bhupinder Singh, was set up to look into this demand.\(^85\) The Committee presented its Report to Parliament on 18 March 1965. It came to the conclusions that (a) the Punjab should be reorganized on linguistic basis, (b) the boundary between the three states of Punjab, Haryana and Himachal Pradesh should be readjusted through the appointment of a Committee of experts.\(^87\)

\(^84\) Ibid.


\(^87\) Ibid.
The Central Government accepted the principle laid down by the Committee. Consequently, to determine the boundary of the Punjabi and Hindi-speaking regions, the Government of India appointed a three-man boundary Commission, headed by Justice J. C. Shah. The Commission submitted its Report to the Home Ministry on 31 May 1966. It was unanimous on all other issues, except the Kharar Tehsil (including Chandigarh). The Chairman and member, Shri M. M. Philip recommended the inclusion of Chandigarh in Haryana on the reason that the majority of its population comprised the Hindi-speaking people. Shri S. Butt opposed its inclusion in Haryana. He expressed the opinion that the tehsil (excluding Kalka Police Station) should be included in Punjab on the following reasons:

1. On three sides, Chandigarh is surrounded by areas of the Punjab and only in the south-east it is a part of Hindi-speaking region. It is, therefore, more centrally situated with respect to the Punjab State than with respect to Haryana.

2. Under the Sacher Formula of 1949, it was placed in the Punjabi-speaking region. Although under the Punjab

88 See the Statement of the Home Minister, Shri C. L. Nanda, (Cols. 6895-6896, LokSabha, Vol. 52, dated 21 March 1966

89 See Resolution No. 17/7/66 (Ministry of Home Affairs), Gazette of India (Extra-Ordinary), Part I, Sec. 1, dated 23 April 1966


91 Ibid., p. 53
Regional Committee Order, 1957, the Chandigarh Capital Project was made bilingual for the purpose of election to the Legislative Assembly, it formed part of the Chandigarh Assembly Constituency and its M.L.A. used to sit with the Regional Committee for the Punjabi region.92

(3) Chandigarh had a floating population of about 70,000 workers employed on construction, transport and other services. If this population was not taken into account, the difference between the number of the Hindi and Punjabi-speaking people in the Ambala Tehsil would be reduced considerably.93

(4) Since Chandigarh was a developing capital and its population had not been integrated with the surrounding rural area in the same manner as in the case of the older towns of Ambala, Jullundur and Patiala, there was a justification for disregarding the non-permanent residents of Chandigarh in considering its merger in either of the new States.94

The Central Government accepted the recommendations of the Boundary Commission, except in respect of Chandigarh. In view of the political controversy over the future of Chandigarh, the Central Cabinet on 9 June 1966 decided to keep it under its own control.95 The decision of the Central Government was embodied in the Punjab Reorganisation Act, 1966.

92 Ibid., p. 50
93 Ibid., p. 52
94 Ibid., p. 53
95 Source : The Tribune (Ambala), dated 10 June 1966