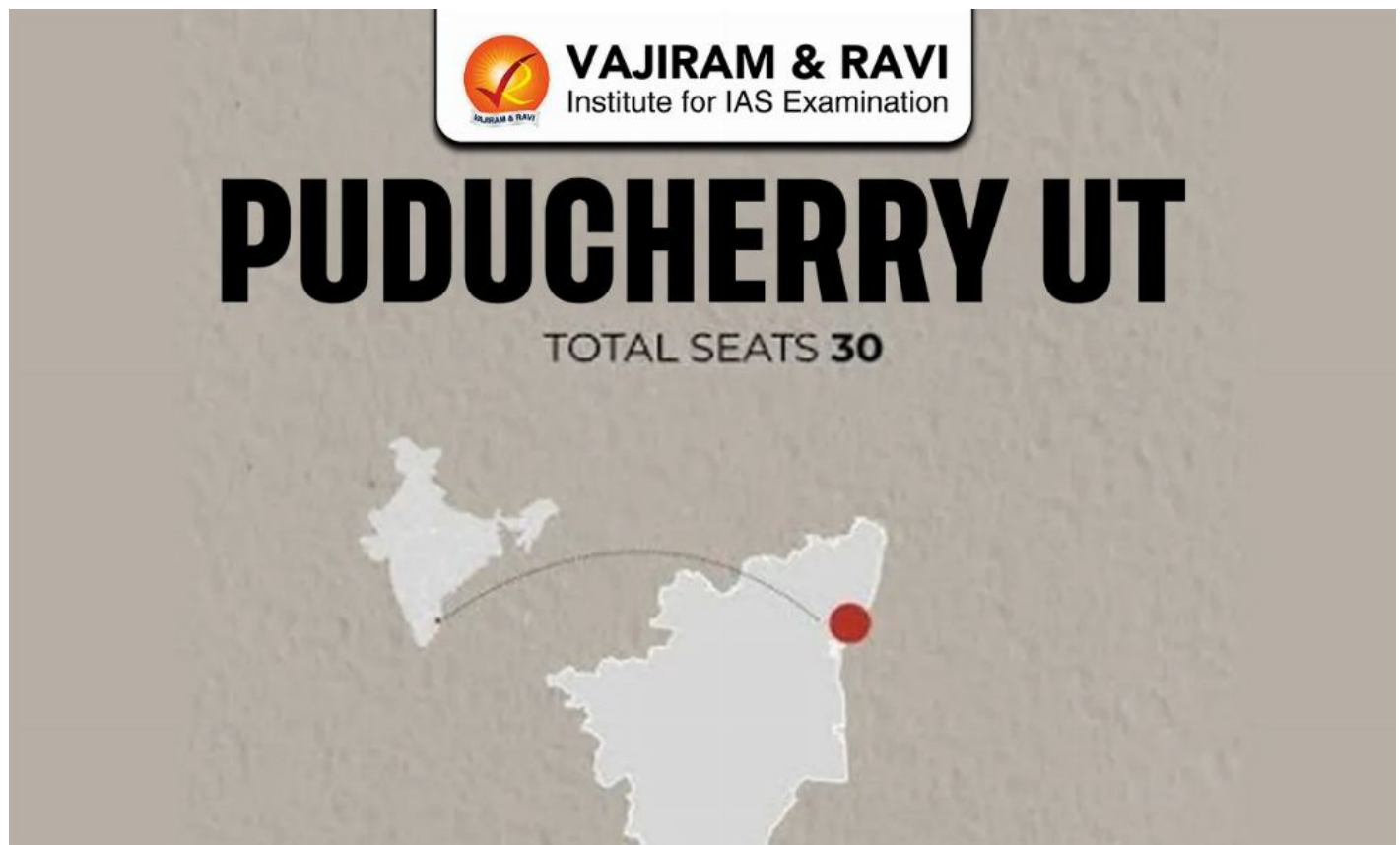


Puducherry UT: How Puducherry UT Differs from Delhi and J&K

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Puducherry UT Latest News

- Elections to the Legislative Assemblies of Kerala, Assam, and the Union Territory of Puducherry began on April 9. Despite being a UT, Puducherry has its own legislative assembly and Chief Minister, similar to Delhi and Jammu & Kashmir.
- This highlights the unique governance structure of certain Union Territories that combine central oversight with elements of state-like legislative authority.

Union Territories in India: Governance and Special Status

- Union Territories (UTs) are governed under **Part VIII** of the Constitution (Articles 239–242), where administration is vested in the President through appointed administrators.
- Most UTs, such as Chandigarh, Dadra & Nagar Haveli and Daman & Diu, Andaman & Nicobar Islands, and Lakshadweep, do not have elected legislatures.

Puducherry's Unique Legislative Status

- Puducherry was granted a legislature under the Government of Union Territories Act, 1963, reflecting its historical and political context.
- The **Treaty of Cession** (1956) formalised the transfer of territories from France, though legal ratification occurred in 1962.
- India had exercised administrative control since 1954. The continuation of a representative assembly followed earlier French practices.

Constitutional Provision for Legislature

- Puducherry's special status is provided under Article 239A, which allows for a local legislature and a council of ministers.
- Additionally, the President has the power to nominate members to the Assembly, influencing its political dynamics.
- Apart from Puducherry, only **Delhi (since 1992)** and **Jammu & Kashmir (since 2019)** have legislatures among Union Territories, making them exceptions within the broader UT governance framework.

Delhi vs Puducherry: Governance, Powers, and Constitutional Framework

- Delhi was granted NCT status through the **69th** Constitutional Amendment Act, 1991, introducing **Article 239AA**.
- It provides for a legislative assembly with powers over State and Concurrent List subjects, except public order, police, and land.
- The division of powers between the Lieutenant-Governor (L-G) and the elected government has been contentious.
- Judicial and legislative developments since 2015 have seen shifting control over "services," with the balance of power alternating between the elected government and the Centre.
- On the other hand, Puducherry's legislature enjoys relatively **broad** powers without specific subject exclusions, but remains subject to Parliament's overriding authority under Article 246(4), meaning central laws prevail in case of conflict.

Role of Lieutenant-Governor (LG)

- While Delhi's LG has defined discretionary powers under Article 239AA, Puducherry operates under **Article 239A and the 1963 Act**, which do not clearly define such powers.
- The Supreme Court in *K. Lakshminarayanan v. Union of India* (2019) clarified that Puducherry's LG is **bound by the aid and advice of the Council of Ministers**, except in exceptional cases.

Constitutional Safeguards and President's Role

- Under Article 240, the President can make regulations for UTs like Puducherry when the legislature is not functional.
- In Delhi, Article 239AB allows suspension of constitutional provisions and imposition of President's rule if governance fails.

Key Difference in Governance Structure

- Delhi's governance involves greater central oversight and defined LG discretion, while Puducherry's system, though subject to parliamentary supremacy, grants greater operational authority to the elected government in routine administration.

Jammu & Kashmir as a Union Territory: Limited Legislative Autonomy

- In 2019, the abrogation of Article 370 led to the **Jammu and Kashmir Reorganisation Act**, bifurcating the former state into two UTs—Jammu & Kashmir (with a legislature) and Ladakh (without a legislature).
- The J&K Assembly can legislate on **State List subjects**, but public order and police remain under the Lieutenant-Governor (LG), limiting its autonomy compared to other UTs like Puducherry.
- The LG holds significant discretionary authority, including control over the bureaucracy and All India Services, extending beyond the Assembly's legislative scope.
- Under Section 36, any bill involving financial obligations requires prior LG approval, giving the LG substantial control over financial and administrative functioning.
- In practice, Jammu & Kashmir operates with **greater central control and reduced legislative independence**, making it less autonomous than UTs like Puducherry and even Delhi.

Source: **IE**

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