

Scheduled Castes and Scheduled Tribes in the all India services are covered by these provisions and at present are 15 per cent and 7.5 per cent respectively. The Central government services include the all India services, the Indian Administrative Service, the Indian Police Service, the Forest Service, etc.

It will be well to take note of certain provisions of the Constitution which relate to the administration of the Union territories. Article 239 deals with the Union territories, Article 239 and Article 240 deal with the administration of the Union territories. Article 239 deals with the Union territories, Article 239 and Article 240 deal with the administration of the Union territories.

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(1) Notwithstanding anything contained in Part VI, the President may appoint the Governor of a State as the administrator of an adjoining Union territory and when a Lieutenant Governor is so appointed, he shall exercise his functions as such administrator independently of his Council of Ministers.

239-A. *Common Law Legislature or Council of Ministers or both for certain Union territories.*—(1) Parliament may by law create for the Union territory of Pondicherry—
(a) a body, whether elected or partly nominated and partly elected

to function as a Legislature for the Union territory, or

(b) a Council of Ministers,

or both with such Constitution, powers and functions, in each case, as may be specified in the law.

(2) Any such law as is referred to in clause (1) shall not be deemed to be an amendment of this Constitution for the purposes of Article 368 notwithstanding that it contains any provision which amends or has the effect of amending this Constitution.

13. Article 239B confers power upon the administrator of U.T. of Pondicherry to promulgate Ordinances during recess of Legislature in certain circumstances. But in view of the first proviso appended to clause (1) of Article 239B, no such Ordinance shall be promulgated by the administrator after obtaining instructions from the President in that behalf. Article 240 confers power on the President to make regulations for certain Union territories, including Pondicherry, subject to satisfaction of certain conditions laid down in the two provisos appended to clause (1) of this article. Clause (2) of Article 240 lays down that any regulations so made by the President may repeal or amend any Act made by Parliament or any other law which is for the time being applicable to the Union territory and when promulgated by the President, shall have the same force and effect as an Act of Parliament which applies to that territory. Articles 239 and 240 of the Constitution clearly show that U.T. of Pondicherry is administered by the President through an administrator (Lt. Governor appointed by him and when the Legislature thereof is dissolved or is not functioning, the President is empowered to make regulations for

peace, progress and governance of the said Union territory. The power to make regulations by the President is fairly large as he can repeal or amend any Act made by Parliament or any other law which is applicable to the said territory and shall have the same force and effect as an Act of Parliament.

12. Certain other provisions of the Constitution also deserve to be noted here. Under clause (1) of Article 239, Parliament may by law extend or exclude the jurisdiction of a High Court from any Union territory. Clause (2) of the said Article provides that in the High Court of a State which exercises jurisdiction in a Union territory, the reference in Article 227 to the Governor shall in relation to the rules, terms or tables of subordinate Courts in that territory be construed as a reference to the President. Similar provision is contained in Article 228(4). These provisions bear a close resemblance to a Union territory. It is important that at a time and the nature administration of Union territory is the President's duty.

11. Some other provisions which have a bearing on the territory are being mentioned below.

Section 3(5) of the General Clauses Act, 1897:

(5). "Central Government" shall—

- (i) in relation to anything done or to be done after the commencement of the Constitution, mean the President; and shall include
- (ii) In relation to the administration of a Union territory, the Administrator

thereof acting within the scope of the authority given to him under Article 239 of the Constitution.

Section 3 of the Pondicherry (Administration) Act, 1962:

3. *Officers and functionaries in relation to Pondicherry.*—Without prejudice to the powers of the Central Government to appoint from time to time such officers and authorities as may be necessary for the administration of Pondicherry, all courts, tribunals, corporations and officers, officers or persons or the former Government of Pondicherry who are employed in the capacity of officers or functionaries in the administration of Pondicherry shall be deemed to be officers or functionaries of the Government of Pondicherry in the same manner and to the same extent as before the appointment of such officers or functionaries to the administration of Pondicherry.

Section 50 of the Government of Union Territories Act, 1963:

50. *Administrator and his Council of Ministers.*—Notwithstanding anything in this Act, the Administrator and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by the President.

14. The effect of these provisions is also that the Administrator (Lt.

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