

the Government of India). The reservations for 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/ government services include the all-India services i.e. the Indian Administrative Service, the Indian Police Service, the Forest Service, etc."

10. It will be useful here to take note of certain provisions of the Constitution and other enactments which have a bearing on the controversy in hand and also some of the orders issued in this regard by the Government of India and also by Government of Pondicherry Part VIII of the Constitution (Articles 239 to 241) deals with the Union territories. Article 239 and Article 239A which was inserted by the Constitution (Fourteenth Amendment) Act, 1962 read as under:

239. Administration of Union territories.

(1) Save as otherwise provided by Parliament by law, every Union territory shall be administered by the President acting, to such extent as he thinks fit, through an administrator to be appointed by him with such designation as he may specify.

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

239A. Creation of local Legislatures 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."

11. 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 except 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 regulation 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 applicable to the same to Parliament

12. Certain Constitution Under clause may by law of a High Court Clause (2)(b) where the jurisdiction is the reference shall, in relation for subordination construed as Similar prov 231(2)(b). The position of from that of administrative President of I

13. Some which have a being reproduced

Section 3

1897

(8) "Central

(a)

(b) in re

done

Con

shall

(i)

(ii)

(iii)

Section

and Admin

S. Chatter

Pondich