

International Journal of Arts, Humanities and Social Studies



ISSN Print: 2664-8652
ISSN Online: 2664-8660
Impact Factor: RJIF 8.31
IJAHS 2025; 7(2): 435-439
www.socialstudiesjournal.com
Received: 18-08-2025
Accepted: 20-09-2025

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Tracing the Evolution of Union Territories in Pre- Independence India: Major Landmarks

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DOI: <https://www.doi.org/10.33545/26648652.2025.v7.i2f.332>

Abstract

The evolution of the Union Territory administration in the Pre-Independence India is a matter of great interest and significance for all of us because it will offer significant insights into India's multifaceted interplay of colonial administration, regional diversity, political integration and experimentation. Most of the Centrally administered territories / tracts have been created from time to time due to "their unique cultures, administrative requirements, political considerations, strategic significance and small size in terms of geography and demography". Beginning with the 'Provincial Government' in India during the colonial era and the 'historical landmarks' like the Government of India Act, 1854, the Scheduled Districts Act, 1874 and many more successor Acts, the present research paper seeks to delve into the evolution of the territorial administration / Union Territory administration by the British system of Central Administration in Pre-Independence India, highlighting how the British Government was able to administer / manage the peripheral regions like the "backward tribal territories, the hill tracts and the port enclaves".

Keywords: Provincial Government, Territorial Administration, Backward Tracts, Central Government, Pre-Independence Landmarks, Constitution of India

1. Introduction

In the present scenario, the Constitution of India provides for a four-tier system of government in India and the Union Territory Government is a part of it. At the apex is the Centre / Union / National Government and is granted with a greater sphere of autonomy for maintaining solidarity as well as unity of the nation. The second tier falling below it are the State / Provincial Governments. They are also endowed with a sphere of autonomy to meet the local needs / requirements and to hasten progress of each state. The third tier encompasses the Governments of the Union Territories functioning under the direct control of the Central Government. The fourth and the bottom tier is the Local Government (both rural and urban) functioning as the grassroot democracy in India.

The Union Territories are constitutional entities in the federal framework of Indian subcontinent. The Constitution of India under Articles 239, 239 A, 239 AA, 239 AB, 239 B, 240 and 241 (Part VIII) constitute the overall legal framework for governing the Union Territories including the special status territories like the National Capital Territory (NCT) of Delhi and Puducherry. These territories have been created by the Union Government from time to time "due to their special circumstances such as unique cultures, administrative requirements, political considerations, strategic significance and small size in terms of geography and population". In fact, these territories make up what we know a unique type of administrative units in the Indian federation, occupying a very distinctive place / position between the direct control of the Union Government and the autonomous governance models of the States (Sahoo and Mohapatra, 2025, p. 314). The administration in such territories is called the "territorial administration" by the Central / Union / Federal Government.

2. Background

The British control over the soil of the Indian subcontinent was acquired and extended piecemeal (Meharwade, 1976, p. 3) ^[3]. The transitions of the Britishers "from the traders to the rulers" was indeed one of the most significant occurrences in the history of India. In India, during the colonial rule, there were different kinds of 'Provincial Government' like

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Presidencies, Lieutenant-Governors' Provinces and Chief Commissioners' Provinces (Mishra, 1982, p. 13) ^[2]. The Britishers were very much diplomatic. Due to this very fact, they became able to establish the "East India Company" and its three "Principal Settlements" like: the Presidencies of Madras, Bombay and Bengal. The Presidencies of Madras, Bombay and Bengal were secured / acquired by the East India Company in 1640 (on payment of tribute), in 1661 (on lease basis from the Charles II that he received as a dowry of Katherine of Braganza of Portugal) and in 1757 (at the Battle of Plassey) respectively (Meharwade, 1976, p. 3) ^[3], each ruled by a Governor-in-Council, keeping direct communication and relationship with the Court of Directors in London.

Long after the existence of the afore-mentioned Presidencies, the first Central Authority / Central Government emerged in Indian subcontinent in 1773 when the 'East India Company Act', 1773 (popularly called the 'Regulating Act') was passed by the British Government. This Regulating Act was indeed a landmark in the evolution of the "constitutional as well as administrative set-ups" in India because it took the first initiative for the "unification and centralization of the Indian administration" by elevating one of the Presidencies i.e., Bengal from the status of the Governorship to the Governor-Generalship (Mishra, 1982, p.19) ^[2].

Subsequently, some changes were made in the above system under the Charter Act of 1833. This Act expressively declared that the Governor-General and Council would here-to-after be designated as the "Governor-General of India in Council". In fact, the final step towards the establishment of Central Authority / Central Administration was brought by the 1833 Act, declaring the 'Government in Bengal as the Government of India'.

The Charter Act of 1833 also provided provisions for the creation of a Lieutenant-Governorship of the North-Western Provinces that was constituted after three years in 1836, after suspending the provisions concerning the creation of the fourth Presidency i.e., 'Presidency of Agra' (it was annexed by the East India Company in 1805) by dividing the Presidency of Bengal into two parts.

Further, a kind of Provincial Government called the "Chief Commissionership" was introduced under the Charter Act of 1853 in the newly acquired territories that was not expedient to include either in any of the Presidencies or any Lieutenant-Governorship. Initially, there was a Board of Administration (exceptional and costly system of administration) for such newer territories (Mishra, 1982, pp.21-22) ^[3].

3. Major Landmarks

So far as the evolution of the Union Territories in the Pre-Independence India is concerned, there are some major landmarks that laid the foundation of the centrally governed territories / tracts that can be equated to most of the present-day Union Territories / Federal Territories. They are like: (i) the Government of India Act, 1854, (ii) the Scheduled Districts Act, 1874, (iii) the Government of India Act, 1915, (iv) the Government of India Act, 1919, (v) the Proposals of the Indian Statutory Commission, (vi) the Government of India Act, 1935, and (vii) the Indian Independence Act, 1947.

3.1. The Government of India Act, 1854

The Central administration over certain categories of component parts was a feature in British India. The position

before 1854 was that as and when a new territory / region was acquired / annexed, it was attached to any one of the three Presidencies of Madras, Bombay and Bengal. However, the Government of India Act, 1854 brought important reorganization to British India. Section 3 of the Act empowered the Governor-General of India in Council in order to assume direct control over any part of the territories under the "East India Company". It provided:

"It shall be lawful for the Governor-General of India in Council, with the sanction and approbation of the Court of Directors of the East India Company, acting under the control and direction of the Board of Commissioners for the affairs of India from time to time, by proclamation duly published, to take under the said Governor-General of India in Council any part or parts of the territories for the time being in the possession or under the Government of the said Company, and there-upon to give all necessary orders and directions respecting the administration of such part or parts of the said territories or otherwise to provide for the administration thereof".

Subsequently, by virtue of the above enactment, a number of Chief-Commissionerships were formed. For example, Punjab, Oudh, Central Provinces, Lower Burma, Coorg, Ajmer-Merwara, the Andaman and Nicobar Islands, Assam, British Baluchistan, North-West Frontier Province (NWFP) and Delhi were constituted as the Chief-Commissionerships (Raj, 1979, pp. 23-25) ^[4]. Many of these territories like Delhi, Coorg, Ajmer-Merwara and the Andaman and Nicobar Islands continued as the Chief-Commissioner's Provinces for a quite long time, even they continued after the Independence of India (August 15, 1947) (Mishra, 1982, p.23) ^[2].

All the above said Chief-Commissionerships except Delhi and North-West Frontier Province (NWFP) were merely the outcomes of conquests and territorial expansions of British in many ways. In fact, the office of the Chief-Commissioner was established for the administration of these newly acquired territories / regions because of their special circumstances like sparsely demography, strategic importance etc.

Furthermore, the above system of administrative mechanism was necessary only during the rise of power of British in India because "a district on annexation would more or less be unsettled. Its administration would have to be, for some time at least, of semi-military character, and entrusted to energetic individuals armed with plenty of discretion, who must decide quickly and be content with maintaining order and enforcing a rough and ready type of justice. Out of these obvious needs arose what came to be known as non-regulation system of administration with the Chief-Commissioner at its head" (Mishra, 1982, pp.23-24) ^[2].

3.2. The Scheduled Districts Act, 1874:

The next and the most significant landmark in the growth of the "Centrally governed territories" in Pre-Independence era was the enactment of the 'Scheduled Districts Act' of 1874 by the British Government for addressing the unique administrative challenges posed by certain regions / areas in British India that were culturally and geographically distinct, mainly the tribal areas, the remote areas and the frontier regions. The tribals (the indigenous population of Bharat) living in different parts of British India were totally neglected and severely exploited by the non-tribals in many respects and always isolated from the mainstream of the society for a quite long period.

These above said real facts of the tribal territories critically motivated the British Government for making a kind of special administrative arrangement in these territories. At first, the objective in view was served by carrying on the administration of specific areas according to special laws where, among other things, judicial and administrative procedures was greatly simplified (Report of the Study Team on Administration of Union Territories and NEFA, ARC, 1968, p.5). Accordingly, the backward areas that existed in the presidencies / provinces like “Punjab, Coorg, Assam, British Baluchistan, Andaman and Nicobar Islands and Ajmer and Merwara” were declared as the “Scheduled Districts” and the mode of their special administration was codified under the first Schedule of the Scheduled Districts Act, 1874 (the Scheduled Districts Act, 1874, pp.14-21).

It would be worth mentioning here that the objective of the 1874 Act was two-fold (Report of the Study Team on Administration of Union Territories and NEFA, ARC, 1968, p.5) as under:

1. To provide for the extension by notification, to the Scheduled Districts of laws in force in any part of the British India with such special restrictions and modifications as were deemed necessary and thereby vesting in the executive wide powers of legislation by simple executive order; and
2. To provide for the appointment of officers to administer civil and criminal justice, to superintend the settlement and collection of public revenues and all matters relating to rent, and otherwise to conduct the administration within the Scheduled Districts.

In simple words, the two-fold objective of the 1874 Act was nothing but to provide simple and good administration to the people (mostly Adivasis) of these backwards and tribal areas / tracts. Furthermore, the provisions of the 1874 Act were also extended and applied, among other territories, to Andaman and Nicobar Islands, Laccadive Islands encompassing Minicoy and the territory later known as the North East Frontier Agency (NEFA).

3.3. The Government of India Act, 1915

The Government of India Act, 1915 rechristened the “Scheduled Districts” under the Scheduled Districts Act of 1874 as the Chief Commissioners’ Provinces but the old act still remained in force (Sharma, 1968, pp.36-37) ^[10]. These Chief Commissioners’ Provinces were directly administered by the Government of India through a Chief Commissioner rather than a Governor or a Lieutenant-Governor under the Government of India Act, 1915 (Raj, 1979, p. 26) ^[4]. These provinces constituted the small administrative units of the British Indian administration and included the territories like Ajmer-Merwara, Coorg, Delhi, Andaman and Nicobar Islands and British Baluchistan.

Unlike the Governor’s or a Lieutenant-Governor’s provinces, the above territories had no legislative councils / representative institutions and the Chief Commissioner exercised both executive and limited legislative authority under the supervision of the Governor-General-in-Council and the Secretary of State for India under Section 59 of 1915 Act (Mishra, 1982, p.26) ^[4]. Above all, the 1915 Act codified the previous administrative arrangements of British India, integrating several statutory provisions then scattered across previous Acts / laws.

3.4. The Government of India Act, 1919

Subsequently, the Government of India Act 1919 divided the British India Provinces into two categories viz., (i) the “Governors’ Provinces” and (ii) the “Chief Commissioners’ Provinces” (Kumar, 1991, p. 2) and continued the administration of colonial-era “Scheduled Districts” separately from the “provinces”. Section 52-A of the Act removed “Backward Tracts” from the purview of the “Provincial Legislatures”, but limits of such exclusion varied in extent and degree from area to area. Only the Laccadive Islands including Minicoy and the Sadiya, Ralipara and Lakimpur Frontier Tracts (subject to some territorial readjustments, later known as the ‘North East Frontier Agency’ (NEFA)) were notified as the “Backward Tracts”.

Moreover, the Section 52-A of the 1919 Act did not appear to have been invoked universally, for the Andaman and Nicobar Islands were never notified. However, the 1874 Scheduled Districts Act simultaneously continued to be in effect in all these territories / areas (Report of the Study Team on Administration of Union Territories and NEFA, ARC, 1968, p.6).

3.5. Proposals of the Indian Statutory Commission

The Indian Statutory Commission known as the “Simon Commission” was appointed in 1927 by the British Government. Next year in 1928 the Commission arrived in India to review the working of the Government of India Act, 1919 and to recommend further constitutional reforms in British India. Despite severe protests concerning its membership (due to the absence of Indian representation), the Commission conducted its assigned work and submitted its report on May 27, 1930. There were two volumes of this report, highlighting the observations and proposals of the Commission, including the future of the Chief Commissioners’ Provinces and “Backward Tracts”. In this regard, the important proposals made by the Simon Commission (Report of the Indian Statutory Commission, 1930, pp. 107-111) are as under:

1. The Chief Commissionership of the North-West Frontier Province should be upgraded to a Governor’s Province.
2. The time has not come for constitutional reforms in the remaining Chief Commissioners’ Provinces.
3. In future, the “Backward Tracts” should be known not as “Backward Tracts” but as excluded territories / areas. Besides this, the attention was drawn to certain tracts that could not be wholly excluded. As regards to the administration of these tracts, it was observed that, rules should be framed to provide how far the Governor in exercise his agency duties would act in consultation with Ministers of the Province who could advise him in the discharge of such responsibilities.

Moreover, the Commission’s report greatly impacted major constitutional reforms, including the Government of India Act, 1935 and also contributed the political discourse surrounding Indian self-governance during the colonial period.

3.6. The Government of India Act, 1935

Consequently, the Government of India Act, 1935 also recognized the need of the special arrangements for the “tribal territories” of the country. The Sections 91 and 92 of

the Act classified these “Backward Tracts” into two categories namely: (i) “Excluded Areas” and (ii) “Partially Excluded Areas”. (Report of the Study Team on Administration of Union Territories and NEFA, ARC, 1968, p.6). As regards the administration in these areas, it was carried out under the Provincial Executive. In relation to the former category, the Governor acted to his discretion whereas the later category was within the purview of the Provincial ministry. However, the ultimate responsibility of these tracts was also under the disposal of the governor. It was also provided that no Act of the Federal Legislature or the Provincial Legislature could apply to these tracts except on the directions of the Governor, who was empowered to “make such exceptions and modifications as he deemed fit”. On the approval of the Governor-General, he could also make regulations for the “peace and good government of these territories”. In exercise of such power, he could amend or repeal any federal, provincial and Indian law. (Raj, 1979, pp.29-30).

Moreover, the 1935 Act classified the provinces into only two categories. They are as under:

1. Governors’ Provinces, and
2. Chief Commissioners’ Provinces

Under the first category there were eleven Governors’ Provinces namely: “Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces and Berar, Assam, the North-West Frontier Province, Orissa and Sindh” (Meharwade, 1976, p. 5) and the second category included the six Chief Commissioners’ Provinces like: “British Baluchistan, Delhi, Ajmer-Merwara, Coorg, Andaman and Nicobar Islands and Panth Piploda” (Raj, 1979, pp.27-28, Kumar, 1991, p.3).

3.7. The Indian Independence Act, 1947

The Indian Independence Act of 1947 was indeed a landmark legislation by the British Administration that declared the lapse of British paramountcy and provided for division of Indian subcontinent into two separate dominions namely: (i) India and (ii) Pakistan with effective from 15th August, 1947 (Meharwade, 1976, p.9). The Act also made the Indian States free to retain their separate status and to determine their own future, releasing them from their obligations to the British Crown and with it all treaties and agreements enforced earlier (Mishra, 1982, p. 32). No doubt, the said principle had expression in the Indian Independence Act of 1947, but simultaneously the Indian States soon realized that it was really impossible for them to retain and maintain their independence, and even before the August 15, 1947, many of these states had acceded to the Dominion of India (Report of the Study Team on Administration of Union Territories and NEFA, ARC, 1968, p. 7).

Further, according to the provisions of the ‘Instrument of Accession’ the accession of the States occurred on the basis of three grounds like: (i) Defense, (ii) External Affairs and (iii) Communication. As the ‘Instrument of Accession’ was prepared in conformity with the provisions of the List I of the Schedule 7 of the Government of India Act of 1935, the States, after their accession, remained unaffected in their internal autonomy. In this respect, Pandit Nehru and Sardar Patel had categorically assured the Rulers of the States. Even Lord Mountbatten also underlined same assurance in his memorable speech in the Chamber of Princes on July 25,

1947. In his speech, Mountbatten said “in no other matter has the Central Government any authority for encroaching on an internal autonomy of sovereign States” (Kumar, 1991, p. 5).

With such afore-mentioned assurances, while some of the states of India were merged into the provinces geographically contiguous to them, the rest states were formed into new viable administrative units by consolidation into the Union of States. Moreover, a third group of States, for some special circumstances like administrative considerations, strategic importance etc., was converted into the “Centrally ruled territories”. For example, Punjab Hill States, Bilaspur, Kutch, Manipur, Tripura and Bhopal were included in this group (Report of the Study Team on Administration of Union Territories and NEFA, ARC, 1968, p.7, Kumar, 1991, pp.5-6).

Also, after the independence of India from the yoke of the British colonization on August 15, 1947, the above said special administrative arrangements continued without any important modifications until the Constitution of India was enacted on November 26, 1949. However, after the enactment, when the Constitution came into force on January 26 1950, it recognized a four-fold classification of states and territories namely: Part A, B, C, and D States (Sahoo and Mohapatra, 2025, p. 314) ^[9].

4. Conclusion

In view of the above analysis it can be concluded that the evolution of the Union Territory administration in the Pre-Independence India highlights the deep-rooted historical, political and administrative experiments under the British colonial rule. The colonial era acts / laws / landmarks like the Government of India Act, 1854, the Scheduled Districts Act, 1874, the Government of India Act, 1915, the Government of India Act, 1919, the Proposals of the Indian Statutory Commission, the Government of India Act, 1935 and the Indian Independence Act, 1947 created unique / exceptional administrative units / entities based on several special circumstances such as the unique cultures, administrative requirements, political considerations, strategic significance and geography and demography. Thus, the colonial antecedents of the Central Administration laid the constitutional / legal foundation for the later emergence of the Union Territory Administration in the Federal Republic of Indian subcontinent.

5. Declaration of Conflicting Interests

The authors declare that no conflicts of interests with respect to research, authorship and or publication of this article.

6. Funding

The authors have received no financial support for the research.

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