

2. Andhra Pradesh can't change capital, says HC

Prelims Syllabus: Policies

Mains Syllabus: GS-II Indian Constitution- Historical Underpinnings, Evolution, Features, Amendments, Significant Provisions and Basic Structure.

Why in News?

- The Andhra Pradesh High Court has recently directed the State government to construct and develop Amaravati, the capital city of the State, and the capital region within six Months.

About the News:

- In a significant observation, the High Court held that the State legislature lacked the competence to make any legislation for shifting, bifurcating or trifurcating the capital.
- A three-judge Bench, gave the final verdict after hearings in a case relating to a bunch of writ petitions filed by landowners of Amaravati to declare that the State government had no legislative competence to change the capital or remove Amaravati from being the capital of the three civic wings – legislature, executive and judiciary – of the State.

What is the Issue?

- Counsel for the petitioners contended that the State has failed to deliver on its promise to return the developed plots as per the final master plan within a period of three years even after the deadline expired on January 20.
- The High Court directed the government and the Capital Region Development Authority (CRDA) to discharge their duties enshrined under the A.P. Capital Regional Development Authority (CRDA) Act and Land Pooling Rules.
- It directed the State to develop the reconstituted plots belonging to landowners and hand them over to landowners within three months.
- The HC held the view that the agreement signed between the farmers and the CRDA in Form-9.14 is a Development Agreement-cum-Irrevocable General Power of Attorney and it is a statutory contract, and the violation of terms and conditions by the respondents – State and APCRDA – warrants interference of this court, while exercising power under Article 226 of the Constitution.
- The State was also directed to pay costs of ₹50,000 to each of the petitioners for having forced the filing of the case to perform their statutory obligations.



What are the provisions in the 2014 Act regarding the Capital of Andhra Pradesh?

- It may be noted that Section 5 (2) of the 2014 Act says that after the expiry of 10 years, Hyderabad shall be the capital of the State of Telangana and there shall be a new capital for the State of Andhra Pradesh.
- Significantly, Section 6 of the 2014 Act says that the Central Government shall constitute an expert committee to study various alternatives regarding the new capital for the successor State of Andhra Pradesh and make appropriate recommendations.
- Further, Section 94 (3) of the Act says that the Central Government shall provide special financial support for the creation of essential facilities in the new capital of the successor State of Andhra Pradesh including the Raj Bhawan, High Court, Government Secretariat, Legislative Assembly, Legislative Council, and such other essential infrastructure.
- It also says that the Central Government shall facilitate the creation of new capital for the successor State of Andhra Pradesh, if considered necessary, by denotifying degraded forest land.

What are the other Examples of Multiple Capital Cities?

- In Sri Lanka, Sri Jayewardenepura Kotte is the official capital and seat of national legislature, while Colombo is the de facto seat of national executive and judicial bodies.
- Malaysia has its official and royal capital and seat of national legislature at Kuala Lumpur, and Putrajaya is the administrative centre and seat of national judiciary.

Among Indian states:

- Maharashtra has two capitals– Mumbai and Nagpur (which holds the winter session of the state assembly).
- Himachal Pradesh has capitals at Shimla and Dharamshala (winter).
- The former state of Jammu & Kashmir had Srinagar and Jammu (winter) as capitals.