



## Three Capital Issue of Andhra Pradesh

**For Prelims:** Parliament, Rajya Sabha, Article 226, 1st Schedule, IVth Schedule

**For Mains:** Multiple State Capital Idea and its impact on Governance, Reasons for the Demand of the Multiple State Capital .

### Why in News?

Recently, the Andhra Pradesh High Court directed the **State government to construct and develop Amaravati, the capital city of the State**, and the capital region within six months.

### What is the Background?

- The Andhra Pradesh Legislative Assembly passed the [AP Decentralisation and Inclusive Development of All Regions Bill, 2020](#).
  - The Bill intends to give shape to the [state government's plan of having three capitals](#) — executive capital in Visakhapatnam, legislative in Amaravati and judicial in Kurnool.
  - According to the government, **multiple state capitals will allow the development of several regions** of the state and hence leading to inclusive growth.
- However, previously the Andhra government had acquired around 30 thousand acres of land approximately from the farmers in and around the Amaravati region. So the decision of changing the capital may affect most of the farmers living out there.
- In November, 2021, **the Andhra Pradesh Decentralisation and Inclusive Development of All Regions Repeal Bill, 2021**, aiming to repeal the earlier laws that stipulated a three-capitals plan for the State was passed.
  - It was promised to **introduce a “better” and “comprehensive”** Bill after plugging loopholes in the previous version.

### What was the Current HC Ruling?

- The High Court held that the **State legislature lacked the competence to make any legislation** for shifting, bifurcating or trifurcating the capital.
- The 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 reconstitutional plots** belonging to landowners and hand them over to landowners within three months.
  - The **Andhra Pradesh Capital Region Development Authority Act, 2014** under Section 10(1)(c)(i), provides for regulation of development activities in accordance with the development plans and regulations, and to bring aesthetics, efficiency and economy in the process of development within the jurisdiction of Capital Region Development Authority.
- The HC held the view that the agreement signed between the farmers and the CRDA is a **Development Agreement-cum-Irrevocable General Power of Attorney** and it is a statutory contract.

- 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**.
  - **Article 226 of the Constitution empowers a high court to issue writs** including habeas corpus, mandamus, certiorari, prohibition and quo warranto for the enforcement of the fundamental rights of the citizens and for any other purpose.
- The court held that **Parliament alone is competent** to deal with the setting up of legislature, executive and judicial organs of the state, and this was implicit in the language employed in **Article 4 of the Constitution**.
  - **Article 4 allows for consequential changes** in the **I<sup>st</sup> Schedule** i.e. names of the States in the Union of India and **IV<sup>th</sup> Schedule** i.e. a number of seats allotted in the **Rajya Sabha** for each state.

## What are the Concerns related to Multiple States?

- **Balancing Legislative and Executive Function:**
  - Separation of executive and legislative capital can be challenging. In the Parliamentary system of government, which has been adopted in India, **functions of the executive and the legislature are closely connected**. For example,
    - When the legislative assembly is in session, **administrative officers are required all the time for the presentation of the bill**, for briefing the ministers, etc.
    - When the legislative assembly is not in session, **the decision making by the executive requires a lot of input from various sources** including the legislators who are the representatives of the people.
- **Logistically difficult:**
  - The development of a region **can be done through policy interventions like industrial policy**. However, separating the capitals can be against the convenience of the administration as well as the people. Also, it will be logistically difficult to implement.

## Way Forward

- Decentralization in the State should take place by **empowering the local governments i.e. the Panchayats and Municipal Corporations** which were constituted after the **enactment of the 73<sup>rd</sup> and the 74<sup>th</sup> Constitutional Amendment Act**.
- Multiple capitals **should not be used as an instrument for the development of the region**.
- The development of the region can be **brought by making an investment in the manufacturing and service sectors, bringing different policies benefiting the farmers and ease of doing business**, development of the infrastructure, development of the social-cultural institutions such as universities, hospitals, etc.

**Source: TH**