

Punjab Assembly has passed a resolution reiterating its claim over Chandigarh

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Manifest Pedagogy:

The union territory of Chandigarh has been a bone of contention between the Punjab and Haryana government. In the recent development, Centre's move over the UT has resulted in objections being raised by the Punjab government. The matter should be resolved through mutual dialogue respecting the interest of all the stakeholders to uphold the true spirit of cooperative federalism.

In News: Recently, the Punjab Assembly passed a resolution reiterating the state's claim on Chandigarh.

Placing it in Syllabus: Polity

Static Dimensions-

- What are Union Territories and how are they carved out of states?
- When and how Chandigarh became the capital of Punjab?
- Claims over Chandigarh

Current Dimensions-

- Background of recent controversy

Content

The long-standing dispute between Punjab and Haryana over Chandigarh flared up after the Centre notified Central Service Rules for employees in Chandigarh instead of the Punjab Service Rules.

Background

- Recently, the Ministry of Home Affairs issued a notification stating that employees of Chandigarh UT administration will get the same pay and other benefits as those working under the central government.
- Under the rules, the retirement age of Chandigarh employees will increase from 58 to 60 years and women employees will get childcare leave of two years instead of the current one year.
- Punjab's stand:
 - The State accused the Centre of "trying to upset this balance" in the administration of the Union Territory and other common assets "through many of its recent actions.
 - Federalism is being hurt by superseding the powers of the Centre.

What are Union Territories and how are they carved out of states?

- Union Territories (UT) are governed directly by the Union.
- Part VIII of the Constitution is concerned with the administration of the Union Territories.
- The President of India appoints an administrator or Lieutenant Governor for each UT.
- The concept of Union Territories was not in the original version of the Constitution but was **added by the Constitution (Seventh Amendment) Act, 1956.**
- There are differences in the governing of UTs depending upon whether they have a legislative assembly or not.
 - The smaller ones are governed directly by the Centre, for example, Chandigarh, Daman and Diu, and Dadar and Nagar Haveli are UTs with no elected assemblies.
 - On the other hand, Puducherry and J&K are UTs with a legislative assembly and government, along with an LG.

- New Delhi is altogether different and its status lies between a UT and a state.
- According to **Article 3** of the Indian Constitution, the constitutional **power to create new states and union territories in India is solely reserved to the Parliament of India.**
- Parliament can do so by announcing new states/union territories, separating territory from an existing state or merging two or more states/union territories or parts of them.

When and how did Chandigarh become Punjab's capital?

- Following India's partition, the Indian government wanted a modern city to replace Lahore as Punjab's capital, and the concept of Chandigarh was conceived.
- In 1953, Chandigarh became the official capital of Punjab and was also inaugurated by then President Rajendra Prasad.
- Haryana was created through the **Punjab Reorganisation Act of 1966** and Haryana was born on a linguistic basis.
- The Centre Government announced during the reorganization of Punjab that Haryana would have its own capital.
- Through the act, the centre took direct control over Chandigarh by creating a new Union Territory and the hill territories of Punjab were transferred to Himachal Pradesh by the central government.
- The Centre declared in 1970 that "the capital project area of Chandigarh should, as a whole, go to Punjab."
- Technically, The Capital of Punjab (Development and Regulation) Act, 1952 identifies Chandigarh as the Capital of Punjab and the arrangements of the 1952 act were not changed even after the arrival of the States Reorganization Act, 1966.
- Haryana was advised to use the Chandigarh office and residential accommodation for five years until it could

build its own capital.

- However, because Haryana could not establish its own capital, Chandigarh remained a Union Territory.
- The **properties in Chandigarh were to be divided in a 60:40 ratio in favor of Punjab**, according to the Capital of Punjab (Development and Regulation) Act of 1952.
- The Centre had offered Rs 10 crore grant to Haryana and an equal amount of loan for setting up the new capital.
- In 2018, Haryana CM Manohar Lal Khattar suggested setting up a special body for development of Chandigarh, but the Punjab CM rejected it, saying the city “indisputably belonged to Punjab”.
- Haryana, on its part, has been demanding a separate High Court and even locked horns with Punjab by passing a resolution in the Vidhan Sabha demanding 20 rooms in the Vidhan Sabha complex that have been in the possession of Punjab.
- Recently the Punjab government has staked a claim over Chandigarh by passing a unanimous resolution in the state assembly. The first resolution was brought in 1967.

What subsequent claims were made on Chandigarh?

- The Anandpur Sahib Resolution, passed by the Akali Dal in 1973, urged that the Centre’s jurisdiction be restricted to defense, foreign affairs, communications, and currency and that all residuary powers be vested to the states.
- Among other demands, it asked that Chandigarh be given to Punjab.
- In 1985, then-Prime Minister Rajiv Gandhi and Akali leader Harchand Singh Longowal signed the **Rajiv-Longowal Accord**.
- Among other things, the Centre decided to give Chandigarh to Punjab, and the date for the actual transfer was set for January 26th, 1986.

- Longowal, however, was assassinated by militants less than a month after the accord was signed.

Way Ahead

The dispute needs a solution that will satisfy all the stakeholders without any biases.

Mould your thoughts-

1. In light of the recent controversy regarding administrative control over the UT of Chandigarh, discuss how this issue can be amicably resolved.

Approach to the answer-

- Evolution of Chandigarh and power distribution setup
- Stakes of the Central Government
- Stakes of state government balancing with Haryana
- Way forward- Cooperation, collaboration, convergence.