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CHANDIGARH

VANAJA DOVARI*

Introduction

This survey presents a focused review of the statutory and executive developments in the Union Territory of Chandigarh during 2023. Following the Partition of India in 1947, the province of Punjab was split, with Lahore, its historic capital, becoming part of Pakistan. To provide the Indian state of Punjab with a new capital, the city of Chandigarh was conceived and developed in the early 1950s as a modern, planned city under the architectural vision of Le Corbusier. Designed to reflect the aspirations of a progressive, independent India, Chandigarh initially served as the exclusive capital of Punjab.¹ However, the city's status fundamentally changed with the enactment of the Punjab Reorganisation Act, 1966, passed by the Indian Parliament on 18 September 1966 and brought into effect on 1 November 1966. This legislation reorganized the former state of Punjab along linguistic lines, leading to the creation of two new states: Punjab (Punjabi-speaking) and Haryana (Hindi-speaking). Certain hilly regions were also transferred to Himachal Pradesh.

Owing to its strategic location near the border of the newly formed states and its political symbolism, both Punjab and Haryana laid claim to Chandigarh as their capital. To resolve this conflict and maintain administrative neutrality, the Central Government declared Chandigarh a Union Territory, placing it under direct federal control. It was simultaneously designated the shared capital of both Punjab and Haryana, although it was not formally part of either state's territory. An Administrator was appointed by the President to oversee Chandigarh's governance. Until 31 May 1984, this Administrator held the title of Chief Commissioner. From 1 June 1984 onward, the role was taken over by the Governor of Punjab in an ex-officio capacity, while the Chief Commissioner's position was redesignated as the Adviser to the Administrator.

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¹ *Administrator – Chandigarh Administration*, available at <https://chandigarh.gov.in/administration/administrator> (Last visited on January 15, 2024).

In the absence of a local legislative assembly, Chandigarh’s legal landscape is shaped primarily through the application of central legislation and the issuance of administrative orders by the UT Administration. This survey traces how governance in Chandigarh is operationalized through delegated legislation, departmental notifications, and municipal actions offering insight into how a Union Territory navigates law-making responsibilities without direct legislative power. Despite its administrative significance, Chandigarh remains unrepresented in the Rajya Sabha, a gap that has drawn increasing political and institutional attention.²

In the absence of legislative activity, the quantitative section assesses the working of administrative committees and the extent of delegated law-making through rules, notifications, and circulars. The qualitative section identifies and evaluates key executive actions and central legislation implemented in Chandigarh, organizing them thematically based on their social significance, novelty, or constitutional relevance.

The year 2023 saw notable activity in the form of committee formations and delegated legislation via notifications, rules, and policy amendments across multiple sectors. The table below provides a quantitative snapshot of these developments.

Quantitative Overview

Administrative Committees and Delegated Legislation

Governance Area	Action Taken	Instrument Type	Count / Date
Child Welfare (Juvenile Justice Act)	Reconstitution of JJB & Inspection Committees	Notifications	2 (under JJ Act & 2017 Rules)
Adoption Oversight	Delegation of adoption authority to District Magistrate	Amendment to JJ Rules (Central)	1 (as per 2023 Amendment Rules)
Tobacco Control	Ban on gutkha and nicotine-containing pan masala	Food Safety Notification	1 (DO-2023/3988, 25 Oct 2023)

² In March 2022, the Municipal Corporation of Chandigarh passed a unanimous resolution seeking a Rajya Sabha seat for the city, proposing that MCC councillors act as the electoral college. This resolution was reportedly a result of the Union Government seeking the local body’s response to a private members’ bill moved by Congress MP Manish Tewari. Mr. Tewari reintroduced this Bill in Parliament seeking to amend Article 80 and the Fourth Schedule of the Constitution on January 22, 2023.

Municipal Corporation House Nod to Rajya Sabha Seat for Chandigarh (1 March 2022), available at <https://www.tribuneindia.com/news/chandigarh/mc-house-nod-to-rs-seat-for-city-373975/> (Last visited on January 15, 2024). *Cong MP Manish Tewari’s Bill Seeking RS Seat for Chandigarh Likely to Be Considered in Budget Session* (22 January 2023), available at https://economictimes.indiatimes.com/news/politics-and-nation/cong-mp-manish-tewaris-bill-seeking-rs-seat-for-chandigarh-likely-to-be-considered-in-budget-session/articleshow/97228601.cms?utm_source=chatgpt.com (Last visited on January 15, 2024).

Governance Area	Action Taken	Instrument Type	Count / Date
Manual Scavenging	Establishment of vigilance, monitoring, and survey committees	Notifications	3 (Nos. 10308, 10312, 10316; 2023)
EV Policy	Amendments to the EV Policy 2022	Policy Notifications	2 (7 July & 18 Oct 2023)
Hit-and-Run Compensation	Constitution of District-Level Committee	Transport Notification	1 (18 Sept 2023)
Transgender Welfare	Establishment of State and District Transgender Protection Cells	Rule 11(5) Order under TG Rules 2020	1 (Oct 2023)

Statutory Legislation

While Chandigarh, as a Union Territory without a legislature, does not enact statutes of its own, statutory changes applicable to it largely originate from a central legislation and subsequent executive adaptation at the UT level. In 2023, relevant statutory frameworks such as the Juvenile Justice Act, the Manual Scavenging Act, and the Transgender Persons (Protection of Rights) Act saw implementation through UT-specific notifications and administrative actions, thereby extending the reach of central statutes within Chandigarh's jurisdiction.

Type	Details
Laws Enforced	Central Acts implemented in the UT: - <i>Juvenile Justice (Care & Protection of Children) Act, 2015</i> - <i>Transgender Persons (Protection of Rights) Act, 2019</i> - <i>Motor Vehicles Act, 1988 (amended)</i> - <i>Food Safety and Standards Act, 2006</i>
Notable Notifications	- DO-2023/3988 (ban on gutkha and pan masala) - Notification No. 417 (Transgender Protection Cells) - S&T&RE Notifications (Chandigarh EV Policy Amendments – July & Oct 2023) - Notification No. 2/7/235-H-III(7)-2023/18915 (Hit-and-Run Compensation Committee)

Qualitative Survey

This section examines the substantive impact of key legislative and executive developments in Chandigarh during 2023. In undertaking the analysis emphasis has been placed on themes of institutional compliance, public welfare, and legal innovation, with particular attention to areas such as juvenile justice, manual scavenging, public health, electric mobility, and transgender rights.

Juvenile Justice (Care and Protection of Children) Act, 2015

In 2023, the Union Territory of Chandigarh undertook key administrative measures to operationalize the Juvenile Justice (Care and Protection of Children) Act, 2015, and the corresponding Chandigarh Juvenile Justice Rules, 2017, thereby reinforcing its constitutional obligations toward child protection and welfare. The Juvenile Justice Board (JJB) was reconstituted under Section 4 of the Act and Rule 4 of the local Rules to handle cases involving children in conflict with the law. Similarly, in compliance with Section 41(2) of the Act and Rule 41 of the Rules, the Inspection Committee was reconstituted to oversee Child Care Institutions (CCIs) within the territory.

These actions resonate strongly with Article 15(3) of the Constitution, which permits the State to make special provisions for children, and Article 21, which guarantees the right to life and dignity—both of which are foundational to the JJ framework. Chandigarh has by using the Monitoring App for Seamless Inspection (MASI)—(developed by the National Commission for Protection of Child Rights (NCPCR) taken the technological route to seek accountability and to realise the child's right to safety and humane care through real-time, standardized inspection of CCIs. As of July 24, 2023, Chandigarh was among the 32 states and Union Territories where over 4,200 inspections had been carried out via this portal.

Chandigarh meets its responsibilities under the Mission Vatsalya Scheme, by allocating ₹9,25,800 towards the establishment of dedicated rooms for Child Welfare Committees (CWCs) and JJBs in integrated child care complexes.

Chandigarh Electric Vehicle (EV) Policy, 2022 - Amendments in 2023

The Chandigarh Electric Vehicle Policy, 2022 was introduced by the Department of Science, Technology & Renewable Energy. With the goal of achieving one of the highest penetrations of zero-emission vehicles in India., the Chandigarh Administration framed as a state-level policy which operates within the broader regulatory scope of the Motor Vehicles Act, 1988 and central EV frameworks like the Faster Adoption and Manufacturing of Electric Vehicles Scheme (hereinafter FAME-II). The policy came into force in September 2022 and was intended to be valid for a five-year period until September 2027. A core provision of the original policy was Clause 2.3, which capped the registration of internal combustion engine (ICE) vehicles in order to accelerate the adoption of electric vehicles (EV) . This restriction clause became a subject of legal challenge. In 2023, the Federation of Chandigarh Region Automobile Dealers approached the Punjab and Haryana High Court, arguing that the capping violated their right to trade under Article 19(1)(g) of the Constitution and contradicted the central government's EV promotion guidelines which refer to incentives not restrictions. In response to these constitutional and administrative concerns, the

Administration issued two key amendment notifications, S&T&RE/2023/504 dated 07.07.2023 and S&T&RE/2023/1119 dated 18.10.2023.

These notifications removed Clause 2.3, thereby lifting the cap on ICE vehicle registrations. Additionally, a new provision (Clause 4.1.2, Point 10) was added to provide a 50% tax rebate for strong hybrid vehicles priced under ₹ 20 lakh. This rebate was applicable only to vehicles registered within Chandigarh. With this change, the policy escaped the charge of unreasonable restriction on business.

Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 – Committee Constitution (2023)

In 2023, the Union Territory of Chandigarh took concrete steps to advance compliance with the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, by constituting key oversight bodies as mandated under the Act and its accompanying Rules of 2013. These included the District Vigilance Committee (under Section 24), the State Monitoring Committee (under Section 26), and the District Level Survey Committee (under Rule 11). These institutional formations were formalized through notifications issued by the UT Administrator, aimed at operationalizing the statutory mandate to identify and rehabilitate individuals doing manual scavenging.

The practice of manual scavenging, especially when it involves entry into sewers or handling of human excreta without safety equipment, violates the fundamental right to life and dignity under Article 21. It has also been judicially recognized as “forced labour” which is prohibited under Article 23 of the Constitution. This interpretation was reinforced by the Supreme Court in *People’s Union for Democratic Rights v. Union of India*³ and more recently in *Dr. Balram Singh v. Union of India*⁴, where the Court held that hazardous cleaning, regardless of consent or compensation, amounts to constitutionally prohibited labour.

Chandigarh launched a range of monitoring procedures in response to the Supreme Court’s national-level scrutiny highlighting a range of administrative deficiencies in implementing the Act. These included failures in conducting proper surveys which resulted in scanty data, a situation further aggravated by a weak institutional framework. By establishing the required statutory committees, Chandigarh took the first set of necessary steps to fulfil the constitutional and statutory imperative of eliminating manual scavenging, ensuring that affected individuals are not only identified but also rehabilitated through policy-backed processes.

³ AIR 1982 SC 1473.

⁴ 2023 INSC 950.

Tobacco Control and Public Health – Gutkha and Pan Masala Ban Order

In 2023, the Chandigarh Administration issued a notification banning the manufacture, storage, sale, and distribution of gutkha and pan masala containing tobacco or nicotine within the Union Territory. The order, issued under the Food Safety and Standards Act, 2006, aimed to curb tobacco-related health risks and advance public health objectives.

The ban was formally notified vide Order No. DO-2023/3988, dated 25 October 2023, and was set to be in force for a duration of one year. The prohibition was framed in the context of India's broader tobacco control policy and increasing evidence of the health and economic burden of tobacco use. Notably, a 2023 study published in *Nicotine and Tobacco Research* estimated that second-hand smoke exposure alone costs India ₹567 billion annually, with 71% of direct medical costs borne by women.

Chandigarh has long been proactive in tobacco regulation, having declared itself a smoke-free city in 2007. The 2023 ban continues this trajectory by addressing smokeless tobacco products, reinforcing the UT's commitment to public health and regulatory compliance.

Transgender Persons (Protection of Rights) Act, 2019

In line with the obligations under the Transgender Persons (Protection of Rights) Act,⁵ 2019 and the Rules⁶ notified in 2020, the Chandigarh Administration issued directions for institutional compliance in 2023. As mandated under Rule 11(5) of the Transgender Persons (Protection of Rights) Rules, 2020, Transgender Protection Cells were to be established at both State and District levels.

These Cells are tasked with addressing offences and discrimination against transgender persons and ensuring timely redressal. In 2023, the Administrator of Chandigarh issued a formal direction to set up these protection cells under the chairpersonship of the Director General of Police (State level) and District Magistrate (District level).

This administrative action aligns with the broader legal framework advanced by landmark judgments such as *NALSA v. Union of India*⁷ and *Navtej Singh Johar v. Union of India*,⁸ which affirm the right to self-identification and equal treatment of transgender persons. These Cells are essential for addressing violence and discrimination faced by transgender persons.

⁵ The Transgender Persons (Protection of Rights) Act, 2019, No. 40 of 2019, Gazette of India, Extraordinary, Part II, Section 1, dated 5 December 2019.

⁶ G.S.R. 441(E), Gazette of India, 13 July 2020.

⁷ AIR 2014 SC 1863.

⁸ AIR 2018 SC 4321.

Compensation to Victims of Hit and Run Motor Accidents Scheme, 2022 – Implementation in Chandigarh

The Compensation to Victims of Hit and Run Motor Accidents Scheme, 2022, was introduced under the Motor Vehicles (Amendment) Act, 2019, replacing the older Solatium Scheme of 1989. The scheme provides for enhanced compensation of ₹2 lakh in case of death, and ₹50,000 in case of grievous hurt, specifically where the offending vehicle is unidentified.

This welfare scheme draws its legitimacy not only from statute but also from the constitutional right to life under Article 21, which includes the right to safety and post-accident redress. The compensation mechanism reflects the State's positive duty to protect and assist victims of road accidents, even in cases where no individual perpetrator is identified.

Additionally, the scheme furthers the objectives of Article 41 of the Constitution (Directive Principles of State Policy), which requires the State to provide public assistance in cases of disablement and undeserved want. It also aligns with Article 38, mandating the State to secure a social order promoting welfare and justice.

To implement the scheme at the local level, the Chandigarh Administration, vide Notification No. 2/7/235-H-III(7)-2023/18915, constituted a District Level Committee (DLC) in 2023. The DLC is responsible for, monitoring the implementation of the scheme, coordinating with authorities and claimants, ensuring timely processing of claims, and publicising the availability of compensation to potential beneficiaries.

Conclusion

Chandigarh like other union territories without a legislative assembly and without any representation in the Rajya Sabha primarily is a unit of governance which implements union laws. The local needs of the union territory are addressed either by customising union legislation to the needs of the UT or through non-statutory executive orders.