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भारत सरकार  
Government of India  
विधि और न्याय मंत्रालय  
Ministry of Law & Justice  
विधायी विभाग  
Legislative Department

D.O. No. 1(66)/14-L.I (Pt.file.II)

24<sup>th</sup> October, 2014

Respected Sir,

As you are aware that the Union Government is reviewing the obsolete and redundant laws in the country with a view to repeal such laws which are redundant or have lost their significance. The Law Commission of India, in its 249<sup>th</sup> Report on "Obsolete Laws: Warranting Immediate Repeal (Second Interim Report), *inter-alia*, recommended repeal of 113 more obsolete laws.

2. In the said Report, the Commission has identified 25 State Reorganisation laws and recommended for their repeal/partial repeal. The Commission has categorized the provisions contained in the said Reorganisation Acts into nine different categories (copy enclosed) and a view is required to be taken whether to retain the provisions of any category or to repeal those Acts with respect to each category. Accordingly, the Repealing and Amending Bill will be drafted in this Department. In addition to the list of Acts provided by the Commission, three more Acts pertaining to Reorganisation of States of Uttar Pradesh, Madhya Pradesh and Bihar have been added.

3. It is, therefore, requested that you may kindly get the said Acts examined with a view to repeal such laws, the utility and the need of which has served its purpose. This may please be taken on priority.

4. In view of the urgency and importance of the matter, I shall be grateful if you could kindly furnish your comments/concurrence within a period of three weeks otherwise it shall be presumed that your Ministry supports the proposal. On receipt of comments/concurrence, necessary steps will be taken for introduction of a Bill for repeal of those Acts in the Winter session of Parliament.

5. The enactments referred to in this letter and the earlier letter of even number dated 9<sup>th</sup> October, 2014 are available in the Ministry of Law and Justice, Legislative Department's website at : <http://www.law.min.nic.in/Legis.htm> (under the heading 'Repeal of redundant and obsolete laws').

With kind regards,

Yours sincerely,

(Dr. Sanjay Singh)

Encl. As above.

Shri Anil Goswami  
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**IV. STATE REORGANIZATION LAWS TO BE CONSIDERED FOR REPEAL BY THE MINISTRY OF HOME AFFAIRS**

Short title of the Act	Subject	Recommendation of Law Commission of India
<p>1. The Part B States (Laws) Act, 1951 (3 of 1951)</p> <p>2. The Assam (Alteration of Boundaries) Act, 1951 (47 of 1951)</p> <p>3. The Andhra State Act, 1953 (30 of 1953)</p> <p>4. The Acquired Territories (Merger) Act, 1954 (20 of 1954)</p> <p>5. The Himachal Pradesh and Bilaspur (New State) Act, 1954 (32 of 1954)</p> <p>6. The States Reorganisation Act, 1956 (37 of 1956)</p> <p>7. The Bihar and West Bengal (Transfer of Territories) Act, 1956 (40 of 1956)</p> <p>8. The Naga Hills-Tuensang Areas Act, Act 42 of 1957</p> <p>9. The Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959 (47 of 1959)</p> <p>10. The Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (56 of 1959)</p> <p>11. The Bombay Reorganisation Act, 1960 (11 of 1960)</p> <p>12. The Dadra and Nagar Haveli Act, 1961 (35 of 1961)</p>	<p>State Reorganisation Laws</p>	<p><b>Recommendation:</b></p> <p><b>Para 4.3</b> - Certain provisions of the State reorganisation acts, therefore, are still relevant and cannot be repealed, while others are transitory in nature and may be removed. <b>This Chapter therefore makes recommendations on the partial repeal of State reorganisation acts, as detailed below.</b></p> <p><b>Para 4.5.</b> - Each of these statutes contain similar sets of provisions, which fall into certain categories. Some of these categories are suitable for repeal, while others cannot be done away with at present. Therefore, each of these categories have been studied below, to arrive at recommendations on whether they can be repealed:</p> <p><b>1. Reorganisation of States/transfer of territories/alteration of boundaries</b></p> <p>Each reorganisation law has provisions to amend Schedule I of the Constitution, which establishes the territories of each State. Schedule I, however, does not specify the territories which form part of a particular State. It instead refers to the relevant State reorganisation act where the territories are detailed. For instance, to describe the territories forming part of the State of Maharashtra, the Schedule mentions – ‘The territories specified in sub-section (1) of section 8 of the States Reorganisation Act, 1956...’. Since the State reorganisation acts are referred to in Schedule I of the Constitution the provisions relating to the formation of new States and specifying the boundaries of that new State cannot be repealed in the laws listed</p>

<p>13. The Goa, Daman and Diu (Administration) Act, 1962 (1 of 1962)</p> <p>14. The State of Nagaland Act, 1962 (27 of 1962)</p> <p>15. The Pondicherry (Administration) Act, 1962 (49 of 1962)</p> <p>16. The Punjab Reorganisation Act, 1966 (31 of 1966)</p> <p>17. The Bihar and Uttar Pradesh (Alteration of Boundaries) Act, 1968 (24 of 1968)</p> <p>18. The Andhra Pradesh and Mysore (Transfer of Territory) Act, 1968 (36 of 1968)</p> <p>19. The Assam Reorganisation (Meghalaya) Act, 1969 (55 of 1969)</p> <p>20. The State of Himachal Pradesh Act, 1970 (53 of 1970)</p> <p>21. The North-Eastern Areas (Reorganisation) Act, 1971 (81 of 1971)</p> <p>22. The Haryana and Uttar Pradesh (Alteration of Boundaries) Act, 1978 (31 of 1978)</p> <p>23. The State of Mizoram Act, 1986 (34 of 1986)</p> <p>24. The State of Arunachal Pradesh Act, 1986 (69 of 1986)</p>		<p>above.</p> <p><b>2. Establishment of High Courts (of concerned States)</b></p> <p>The High Courts of Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Kerala, Gauhati, Meghalaya, Manipur, Tripura and Uttarakhand have been established under the respective State reorganisation Acts. It is clear that the State Government's power to establish High Courts 57</p> <p>under the respective State reorganisation act is of a continuing nature. The power under the North-Eastern Areas (Reorganisation) Act, 1971 was exercised in 2012 to establish the new High Courts of Meghalaya, Manipur and Tripura. Hence, provisions empowering the State Government to establish High Courts cannot be repealed.</p> <p><b>3. Representation in the Council of States</b></p> <p>The reorganisation Acts also provide for the representation of the newly formed States in the Council of States and to that effect, amends Schedule IV of the Constitution. Schedule IV lists all the States and Union territories and specifies the number of seats allotted to each. Once the amendment is made to Schedule IV, the purpose of these provisions is fulfilled. Such provisions of the State reorganisation acts may therefore be repealed.</p> <p><b>4. Allocation of Seats in the House of People and Strength of Legislative Assembly</b></p> <p>The First Schedule to the Representation of the People Act, 1950 (RP Act) specifies the allocation of seats for every State in the House of the People. It mentions the total number of seats allotted to each State while also specifying the number of seats reserved for Scheduled Castes and Scheduled Tribes. The Second Schedule specifies the total number of</p>
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25. The Goa, Daman and Diu Reorganisation Act, 1987 (18 of 1987)

26. The Madhya Pradesh Reorganisation Act, 2000 (28 of 2000)

27. The Uttar Pradesh Reorganisation Act, 2000 (29 of 2000)

28. The Bihar Reorganisation Act, 2000 (30 of 2000)

seats in the Legislative Assembly of each State while again specifying the number of seats reserved for Scheduled Castes and Scheduled Tribes. The First and Second Schedules to the Representation of the People Act, 1950 have been amended in accordance with the reorganisation acts. Hence, the purpose of these provisions in the Acts, which deal with the allocation of seats in the House of People and strength of Legislative 58

have been fulfilled. The concerned provisions of the State reorganisation acts may be repealed.

**5. Authorisation of expenditure**

The reorganisation acts also empowered the President or the Governor of the concerned States to authorise such expenditure from the Consolidated Fund of the State, as deemed necessary, for a period of not more than a certain stipulated number of months from the appointed day of the formation of the State. These provisions were of a time-bound nature and are no longer required. After inserting a suitable savings provision, these provisions relating to authorisation of expenditure by the President/Governor can be repealed.

**6. Apportionment of assets and liabilities**

This part of the reorganisation acts provides for the passing on of goods and articles belonging to the existing States to the successor States. The total of the cash balances in all treasuries of the existing State and the credit balances of that State with the Reserve Bank of India, the State Bank of India or any other bank immediately before the appointed day (of reorganisation) was divided between the successor States according to the population ratio. Also, the right to recover arrears of any tax or duty on property, including arrears of land

revenue, was to belong to the successor State in whose territories the property was situated, and the right to recover arrears of any other tax or duty belonged to the successor State in whose territories the place of assessment of that tax or duty was included.

The possibilities of disputes between States pertaining to the apportionment of assets and liabilities still persist. Hence, provisions of this nature cannot be repealed. 59

**7. Provisions as to certain State corporations/boards and provisions as to employees in State services**

These provisions State that State Electricity Boards and Warehousing Corporations were to continue to function in those areas where they were functioning immediately before reorganisation. The Inter-State Corporations Act, 1957 is now in force which provides for the reorganisation of certain State corporations functioning in two or more States by virtue of Section 109 of the States Reorganisation Act, 1956 or any other enactment relating to reorganisation of States. Provisions of both the reorganisation acts and the Inter-State Corporations Act are still invoked to settle disputes that arise with regard to corporations functioning in two or more States. Hence, these provisions cannot be repealed.

With regard to persons employed in State services, these Acts provided that persons employed in the services of the erstwhile State would, after reorganisation, come to be employed in the services of the newly formed State. While the purpose of the Act insofar this clause is concerned has been fulfilled, provisions of this nature are still invoked in the settlement of service disputes, and pending litigation would be affected by repeal of provisions of this nature. Hence, these provisions cannot be repealed.

## **8. Adaptation of laws**

State Reorganisation Acts also provide for the application in newly formed States of any law made before reorganisation, once the appropriate Government makes such adaptations and modifications of the law as may be necessary or expedient. The process of adaptation of laws was to be completed within a certain period of time as specified in the respective State Reorganisation Acts. Those reorganisation Acts where the time specified for adaptation has lapsed, the purpose of such provisions has been fulfilled. Hence, these provisions can be repealed with a suitable savings clause.

## **9. Delimitation of constituencies**

The Reorganisation Acts amended the Delimitation of Parliamentary and Assembly Constituencies Order, 1976. The Delimitation Order of 1976 was replaced by the Delimitation of Parliamentary and Assembly Constituencies Order, 2008. The Delimitation Order of 2008 details the territories that fall into each Parliamentary and Assembly Constituency. The said Order suitably incorporates the provisions of the concerned Reorganisation Acts. Recently, the Andhra Pradesh Reorganisation Act, 2014 has been enacted creating the new State of Telengana by bifurcating the then existing State of Andhra Pradesh. The Delimitation Order of 2008 was suitably amended to provide for Parliamentary and Assembly Constituencies of the States of Andhra Pradesh and Telengana. Hence, the purpose of the Reorganisation Acts, in so far as delimitation of constituencies is concerned, has been fulfilled. The provisions relating to delimitation of constituencies can, therefore, be repealed.

