

Bill No. 122 of 2019

THE STATES AND UNION TERRITORIES REORGANISATION
COMMISSION BILL, 2019

By

DR. SHASHI THAROOR, M.P.

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BILL

to provide for the establishment of a States and Union Territories Reorganisation Commission to recommend the reorganisation of States and Union territories to the Central Government through periodic review of demands of new States or Union territories on the basis of administrative efficacy and related grounds and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the States and Union Territories Reorganisation Commission Act, 2019.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title
and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires.—

(1) 'Commission' means the States and Union Territories Reorganization Commission constituted under section 3;

(2) 'Census of India' means the census taken by the Central Government under the Census Act, 1948;

5 37 of 1943

(3) 'prescribed' means prescribed by rules made under this Act;

(4) 'State' means a State specified in the First Schedule I to the Constitution; and

(5) 'Union territory' means any Union territory specified in the First Schedule to the Constitution and shall include any other territory comprised within the territory of India but not specified in that Schedule.

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Constitution of the States and Union Territories Reorganisation Commission.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a Commission, to be known as the States and Union Territories Reorganisation Commission, to exercise the powers conferred upon, and to perform the functions assigned to it under this Act.

(2) The Central Government shall constitute the Commission as mentioned under sub-section (1) after the completion of the census of India.

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Composition and Term of the Commission.

4. (1) The Commission shall consist of a Chairperson and two members to be nominated by the Central Government, with at least one expert from the field of law or the field of economics and one person with experience in public administration.

(2) The Central Government shall provide the Commission with a Secretary and such officers and employees as may be necessary for the efficient functioning of the Commission under this Act.

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(3) The Chairperson and every member shall hold office for a period of three years from the date on which he enters upon his office.

(4) The Chairperson or any member may, by writing under his hand addressed to the President, resign his office.

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(5) The Central Government shall remove a person from the office of Chairperson or a member if that person—

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment;

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(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of discharging his functions;

(e) has, in the opinion of the Central Government, so abused his position as a member, so as to render a person's continuance in office detrimental to public interest.

(6) The salaries and allowances payable to, and the other terms and conditions of service of the officers and other employees of the Commission shall be such as may be prescribed.

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Functions of the Commission.

5. (1) The Commission shall, recommend to the Central Government on the desirability for reorganisation of States and Union territories within two years of its Constitution.

(2) The Commission shall, while recommending on the reorganisation of States and Union territories under sub-section (1), take into consideration the following—

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(i) administrative efficacy;

(ii) national unity and security;

(iii) economic interests;

(iv) geographical position;

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- (v) population;
- (vi) aspirations of the people;
- (vii) cultural homogeneity;
- (viii) financial cost of reorganisation; and
- 5 (ix) any other factors as may be prescribed.

(3) The Commission shall perform such other functions with regard to the reorganisation of States and Union territories as may be assigned to it by the Central Government.

10 **6. (1)** The Commission shall, prepare once in every year, in such form and at such time as may be prescribed, an annual report giving a true and full account of its activities and submit a report to the Central Government. Report of the Commission.

(2) A copy of the report received under sub-section (2) shall be laid, as soon as may be after it is received, before each House of Parliament.

(3) A copy of the report received under sub-section (1) of section 5 shall be laid, as soon as it may be received, before each House of Parliament.

15 (4) The Central Government shall, within two years after the receipt of the report under sub-section (1) of section 5, cause to be laid an Action Taken Report on the recommendations of the Commission, including the acceptance or rejection of such recommendations, before each House of Parliament.

20 **7.** The Commission shall have the power to call upon and secure the assistance of any office or agency of the Central Government or a State Government or a Union territory Administration for carrying out the functions assigned to it under this Act. Powers of the Commission.

8. (1) The Central Government may, by notification, in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

25 (2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be
30 of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is the embodiment of diversity. A country so rich and diverse in its culture and topography, it is more often equated to a continent than a country. The unity and strength of the country lies in its promotion of individual interest as much as the national interest.

At the beginning of the creation of the country, stability of the nation was of prime importance. In order to reduce religious tensions that had recently engulfed the country during the partition and to create stable units by agreeing to the demands of the people, States were organized on the basis of languages. It was based on the report of the States Reorganisation Commission created on 22nd December, 1953 by the then Prime Minister of India, Pandit Jawaharlal Nehru, for the “objective and dispassionate” study “so that the welfare of the people of each constituent unit as well as the nation as a whole is promoted”.

Half a century later, in the year 2000, three new States of Uttarakhand, Chhattisgarh and Jharkhand were created for socio-political reasons of development of backward regions of larger States. Later, in 2014, the State of Andhra Pradesh was bifurcated, respecting the wishes of the people and other considerations of the region.

The constant bifurcation and reorganisation of States confirms that such issues shall be omnipresent in a country of such diversity. It is pertinent to create a mechanism for reorganisation of States that takes into account economic and financial viability, administrative efficacy, unity of the nation, cultural history, attitude of the people and so on. A pre-planned consistent study of reorganization of States on the basis of these factors will ensure informed decision-making that will lead to efficient stable units rather than knee-jerk reactions. Keeping true to the words of Nehru Ji, it will be an objective and dispassionate process for the welfare of both the people and the country.

Hence this Bill.

NEW DELHI;
June 6, 2019.

SHASHI THAROOR

FINANCIAL MEMORANDUM

Clause 3 of this Bill provides for establishment of the States Reorganisation and Union Territories Commission. It also provides for appointment of a Chairperson, members, a Secretary and other Officers and employees to the Commission. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about ten crore per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Dr. Shashi Tharoor, M.P.)