

Bill No. LXXI of 2019

THE STATES REORGANIZATION COMMISSION BILL, 2019

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BILL

to provide for the establishment of a commission for reorganization of states within the geographical boundaries of the Union of India with an objective to preserve and strengthen the unity of the India keeping into consideration, the linguistic, cultural, financial, economic and administrative viability of reorganization of a state corresponding to the safety and welfare of the citizens of the state as well as of the citizens of the nation.

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

CHAPTER I

PRELIMINARY

- 5 1. (1) This Act may be called the States Reorganization Commission Bill, 2019.
 (2) It shall extend to whole of India.
 (3) 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,—

(i) "Chairperson" means the Chairperson of the Commission;

(ii) "Commission" means the States Reorganization Commission established under section 3;

(iii) "Deputy Chairperson" means the Deputy Chairperson of the Commission; 5

(iv) "dissolution" means the action of formally discontinuing the existence of the Commission after the Commission has formally discharged its functions as assigned to it under section 8 of this Act;

(v) "Members" means the Members of the Commission; and

(vi) "prescribed" means prescribed by the rules as made under this Act. 10

CHAPTER II

THE STATES REORGANIZATION COMMISSION

Constitution
of States
Reorganization
Commission.

3. (1) **The Central Government shall constitute a Commission, to be known as the States Reorganization Commission, to exercise the power conferred upon, and to perform the functions assigned to it, under this Act.** 15

(2) **The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, and shall by the said name sue and be sued.**

(3) **The head office of the Commission shall be at New Delhi.**

Composition
of
Commission.

4. (1) **The Commission shall consist of the following persons to be appointed by the Central Government, namely:—** 20

(a) a Chairperson;

(b) a Deputy Chairperson;

(c) the following persons as Members, namely:—

(i) two representatives from Ministry of Home Affairs, not below the rank of Additional Secretary to the Government of India; 25

(ii) three representatives from All India Services, preferably from Indian Administrative Services and Indian Police Services not below the rank of Joint Secretary or equivalent; and

(iii) a retired Judge of the Supreme Court or the High Court.

(2) **The Central Government may also appoint temporary or part-time Members to the Commission, as may be prescribed, who shall be selected from amongst persons who:—** 30

(a) have special knowledge of the finances and accounts of the Government; or

(b) have considerable experience in matters of state administration; or

(c) have special knowledge of linguistics and culture of the concerned state; or

(d) are members of state services of the concerned state; or 35

(e) are, or have been qualified to be appointed as Judge of High Court.

(3) **The Chairperson, Deputy Chairperson and other members of the Commission shall be persons of outstanding ability and eminence, proven capacity for institution building and governance with high levels of integrity; with not less than experience of ten years in handling matters of public affairs.** 40

5. (1) The Chairperson, Deputy Chairperson/Members and part-time Members shall hold office for such period, beginning from the date of appointment by the Central Government, till the date of dissolution of the Commission after the Commission discharges the purposes mentioned as per this Act:

Term of Office and conditions of service of Chairperson, Deputy Chairperson and Members.

5 Provided that Chairperson, Deputy Chairperson and Members shall cease to hold office on attaining the age of seventy years or earlier on resignation, by letter addressed to the President of India.

10 (2) Where a Member is absent from three consecutive ordinary meetings of the Commission and the cause of such absence is not attributable to any valid reason in the opinion of Commission, such Member shall be deemed to have vacated the seat.

(3) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination by the Central Government.

15 **(4) The salary and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson, Members part time Members and officers and staff of the Commission shall be such as may be prescribed.**

6. (1) The Central Government may, by order, remove from office the Chairperson, Deputy Chairperson or any Member, who —

Removal of Chairperson and Members of Commission.

(a) has been adjudged an insolvent; or

20 (b) has been convicted with an offence which, in the opinion of Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of continuing in office; or

(d) is of unsound mind and stands so declared by a competent court; or

(e) has acquired such financial or other interests as is likely to affect prejudicially his functions; or

25 (f) has so abused his position as to render his continuance in office prejudicial to public interest.

(2) No person shall be removed under clauses (e) and (f) of sub-section (1) unless he has been given a reasonable opportunity of being heard in the matter.

30 7. (1) The Commission shall meet at least once every quarter at such time and place as may be appointed by the Chairperson.

Meetings of the Commission.

(2) The Chairperson shall preside over the meeting of the Commission and if for any reason the Chairperson is unable to attend a meeting of the Commission, the Deputy Chairperson, shall preside over the meeting.

35 (3) The Commission shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act.

(4) The general superintendence, direction and control of the administration of the Commission shall vest in the Chairperson.

40 8. (1) The Commission shall perform such functions with regard to the reorganization of the State as may be assigned to it by the Central Government.

Functions of the Commission.

(2) Without prejudice to the generality of the foregoing provision, the Commission shall ensure the following for the preservation of unity of the nation as well as safety and welfare of the citizens of the state:—

(a) allocate land within the geographical boundary of the Union of India;

(b) allocate water and other natural resources after reorganization.

(c) in conformity to the All India Services Act of 1951, allocate All India Services officers after reorganization.

(d) in consultation with the State Government, allocate state Government employees after reorganization, 5

(e) in consultation with the Election Commission of India and, delimit constituencies for the elections to the House of the People and State Legislative Assemblies; and

(f) allocation of financial assets after reorganization.

Powers of Commission. **9.** (1) The Commission shall be entrusted with such powers as may be presented by the Central Government to ensure proper fulfillment of the function under this Act. 10

(2) The Commission shall have the power to:—

(a) order any person to furnish information on such points or matters as in the opinion of the Commission may be useful for, or relevant to, any matter under the consideration of the Commission; and 15

(b) secure the assistance of any office or agency under the administrative control of the State undergoing reorganization, for carrying out the functions of the Commission assigned under this Act.

CHAPTER III

MISCELLANEOUS 20

Powers of Central Government to issue directions to the Commission. **10.** (1) In performance of its functions under this Act, the Commission shall be bound by such directions on questions of policy of reorganization as the Central Government may issue from time to time:

Provided that the Commission shall be duly given an opportunity to communicate and express its views before any direction is given to it. 25

(2) The decision of the Central Government, whether the concern expressed by the Commission is one of policy of reorganization or not, shall be final.

Report of the Commission. **11.** (1) The Commission shall submit its report on the reorganization of states to the Central Government within a period of one year of the date of first sitting of the Commission:

Provided that the Central Government, may, on a special request made by the Commission, extend the time of submission of such report by not more than six months as it may deem appropriate. 30

(2) The Commission shall furnish any information related to the process of reorganization, as sought by the Central Government from time to time:

Provided that the Commission shall duly be given time to collect and collate the sought information as deemed appropriate by the Central Government. 35

(3) The report as stated in sub-section (1) and information as stated in sub-section (2), after critical observation by the Central Government, be published in a downloadable format on a Central Government Website:

Provided that the report shall be published within not more than fifteen days from the date of submission to the Central Government and any other information shall be published within not more than seven days from the submission of information to the Central Government. 40

12. (1) The Commission shall have its own funds and all the receipts of the Commission shall be credited thereto and all payments made by the Commission shall be made therefrom.

Finance and
accounts of
the
Commission.

(2) The Central Government shall after due appropriation made by Parliament by law in this behalf grant sums of money to the Commission to carry out its functions, as it may consider necessary.

(3) The Commission may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as an expenditure payable out of the fund of the Commission.

(4) Funds belonging to the Commission shall be kept in such bank as may be prescribed by the Central Government for the purpose or invested in securities authorized by the Indian Trusts Act, 1882, at the discretion of the Commission.

(5) If any sum granted by the Central Government remains wholly or partly unspent after the dissolution of Commission, such sum may, at the direction of Central Government, may be used for other official purposes as deemed fit by the Central Government.

13. (1) If any difficulty arises in giving effect to the provisions of this act, the Central Government may make such an order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty so arisen:

Powers of
Central
Government
to remove
difficulty.

Provided that no such order or direction shall be given after the process of reorganization of state or dissolution of the Commission, whichever is earlier, has been completed.

14. (1) The Central Government may, by notification published in the Official Gazette, make rules for carrying out the purposes of this act.

Power of
Central
Government
to make rules.

(2) Every rule made under this Act 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 comprise of one session or two or more successive sessions. If before the expiry of the session, immediately following the session or the successive sessions aforesaid, both the Houses are in agreement of any applicable modification in the rule(s) 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 of no effect, as the case may so be. 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

The States Reorganization Commission was formed in 1953 to receive recommendations for fair partition of the states of the Union of India after Independence. The Commission's primary purpose then was to re-organize India which could be said to be a result of accidents and circumstances attending to the growth of British power. Now, after 72 years of Independence, a new Commission is required which would focus upon the reorganization of the states and districts from other modern viewpoints, specific to the financial, economic and administrative viability corresponding to the present day India and needs of the state seeking any such reorganization.

Hence, this Bill.

SASMIT PATRA

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for the salary and allowances payable to and other terms and conditions of service of the Chairperson, Deputy Chairperson, Members, part-time Members and officers and staff of the Commission. Clause 12 of this Bill provides for the grants of sums of money to the Commission to carry out its functions as prescribed. Therefore recurring expenditure is involved from the consolidated Fund of India which cannot be estimated at present. No non-recurring expenditure is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

RAJYA SABHA

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(Dr. Sasmit Patra, M.P.)