

GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS

RAJYA SABHA  
UNSTARRED QUESTION NO. 2713

TO BE ANSWERED ON THE 19<sup>th</sup> FEBRUARY, 2014/MAGHA 30, 1935 (SAKA)

FORMATION OF TELANGANA STATE

2713. SHRI Y.S. CHOWDARY:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Cabinet has cleared the decks for the formation of Telangana State in the face of opposition from Members hailing from other parts of Andhra Pradesh;

(b) whether proper consultations with Coastal Andhra and Rayalseema Members had not been held by Government as a result most of the Members have resigned and are advocating for united Andhra Pradesh;

(c) whether Bihar, Uttar Pradesh and Madhya Pradesh Assemblies had passed resolutions before the process of bifurcation of their State but Andhra Pradesh is being divided without its Assembly passing a resolution; and

(d) if so, the reaction of Government thereto?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS  
(SHRI R.P.N. SINGH)

(a)&(b): In its meeting held on 03<sup>rd</sup> October 2013, the Union Cabinet decided to form a separate state of Telangana by bifurcating the state of Andhra Pradesh. A Group of Ministers (GoM) was constituted under the Chairmanship of the Home Minister to finalise the modalities of the bifurcation. GoM invited suggestions from the public and had conducted meetings with various stakeholders, political parties of Andhra Pradesh and also the Central Ministers hailing from the Telangana region as well as from the Coastal and Rayalseema region of the State of Andhra Pradesh and had ascertained their views on the matter of bifurcation of the state of Andhra Pradesh and formation of a new State of Telangana.

After submission of the report by the GoM, the Union Cabinet in its meeting held on 05<sup>th</sup> December 2013 gave its assent to the recommendations of the GoM and also approved the Draft Reorganisation Bill for the bifurcation of the State of Andhra Pradesh. The Draft Andhra Pradesh Reorganisation Bill was then referred to the State Government by the President of India on 12<sup>th</sup> December 2013 under Article 3 of the Constitution. Both the Houses of the Legislatures rejected the Andhra Pradesh Reorganisation Bill 2013. There were proposal for amendments/expression of views alongwith its resolutions.

Thereafter, GoM held meetings for consideration of the list of amendments recommended by the State Legislature of Andhra Pradesh. GoM had again held a meeting with the Union Ministers hailing from the Coastal Andhra and Rayalseema region of the Andhra Pradesh to ascertain their views in this regard. Thereafter, keeping in view the modifications recommended by the GoM, a Note for the consideration/approval of the Union Cabinet was submitted on 07<sup>th</sup> February 2014 and its approval was obtained. In yet another meeting held by the Union Cabinet on 12<sup>th</sup> February 2014, some official amendments to the proposed Bill were approved. The Andhra Pradesh Reorganisation Bill 2014 has now been introduced in the Lok Sabha on 13<sup>th</sup> February 2014 and has been considered and passed by the Lok Sabha on the 18<sup>th</sup> February 2014.

(c) & (d): Resolutions from the Legislative Assemblies of Bihar, Madhya Pradesh and Uttar Pradesh were received prior to the initiation of the process of reorganization of the respective States. These States were reorganized under Article 3 of the Constitution of India which states that: *'The procedure for creation of any State is governed by Article 3 of the Constitution under which no Bill for this purpose can be introduced in either House of Parliament except on the recommendation of the President and unless, the Bill has been referred by the President to the Legislature of that State for expressing their views thereon within such period as the President may allow and the period so specified or allowed has expired'*.

In a Supreme Court judgment where a challenge was made to the previous State Reorganisation Acts enacted in the year 2000 in the case of Pradeep Choudhury and others Vs. Union of India in Transfer Case (Civil) No. 62 of 2002, the Supreme Court had on 05<sup>th</sup> May 2008 had delivered that consultation with the State Legislature although is mandatory but its recommendations were not binding on Parliament. 'Consultation' in a case of this nature would not mean concurrence. It also inter-alia held that even in a case where substantive amendments is carried out, the amended Parliamentary Bill need not be referred to the State Legislature again for obtaining its fresh views.

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