Mens. No. 38 202/Legal. II. 1/2014 - 102, Dt. 29-0

GOVERNMENT OF ANDHRA PRADESH GENERAL ADMINISTRATION (SR) DEPARTMENT

Circular Memo.No.13665/SR/2014.

Dated: 26-5-2014.

Sub: The Andhra Pradesh Reorganisation Act, 2014 – Formation of a new State to be known as the State of Telangana – Application of 'law' in the States – Clarification – Reg.

Ref: The Andhra Pradesh Reorganisation Act, 2014.

In terms of section 3 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014), a new State to be known as the State of Telangana comprising the territories specified therein shall be formed on and from the appointed day, and the appointed day has been notified as 2-6-2014.

2. In this connection, it is stated that "law" as defined in section 2(f) of the Act is as follows:-

"(f) 'law' includes any enactment, ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having, immediately before the appointed day, the force of law in the whole or in any part of the existing State of Andhra Pradesh."

3. In so far as the territorial extent of laws, power to adapt laws and power to construe laws are concerned the relevant provisions under the Act are as in sections 100, 101 and 102, which are as follows:-

"100. The provisions of Part II shall not be deemed to have affected any change in the territories to which the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and any other law in force immediately before the appointed day extends or applies, and territorial references in any such law to the State of Andhra Pradesh shall, until otherwise provided by a competent Legislature or other competent authority be construed as meaning the territories within the existing State of Andhra Pradesh before the appointed day.

101. For the purpose of facilitating the application in relation to the State of Andhra Pradesh or the State of Telangana of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made until altered, repealed or amended by a competent Legislature or other competent authority.

Explanation:- In this section, the expression "appropriate Government" means as respects any law relating to a matter enumerated in the Union List, the Central Government, and as respects any other law in its application to a State, the State Government.

- 102. Notwithstanding that no provision or insufficient provision has been made under section 102 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law may, for the purpose of facilitating its application in relation to the State of Andhra Pradesh or the State of Telangana, construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority."
- 4. In this connection, it is stated that in State of Punjab and others Vs Balbir Singh and others [(1976) 3 SCC 242: AIR 1977 SC 629], the Hon'ble Supreme Court of India inter alia held that when there is no change of sovereignty and it is merely an adjustment of territories by reorganization of a particular State, the administrative orders made by the Government of erstwhile State continue to be in force and effective and binding on the successor States until and unless they are

29/5714

modified, changed or repudiated by the Governments of the successor States. It has also been observed that no other view is possible to be taken, as that will merely bring about chaos in the administration of new States.

- The Hon'ble Supreme Court of India in the Commissioner of Commercial Tax Ranchi and another Vs Swarn Rekha Cokes & Coals Private Limited and others, reported in (2004) 5 SCALE 596, while interpreting the true meaning and import of sections 84 and 85 of the Bihar Reorganisation Act, 2000 (which are on the identical lines of sections 100 and 101 of the A.P.Reorganisation Act, 2014), inter alia held that the language in these sections is clear and unambiguous. These sections provide that the laws which were applicable to the undivided State of Bihar would continue to apply to the new States created by the Act. The laws that operated continue to operate notwithstanding the bifurcation of the erstwhile State of Bihar and creation of the new State of Jharkhand. They continue in force until and unless altered, repealed or amended.
 - In view of the above, it is clarified that
 - all the laws, which were applicable to the undivided State of Andhra Pradesh, as on 1-6-2014, would continue to apply to the new States i.e., State of Telangana and State of Andhra Pradesh created by the Central Act, with effect from 2-6-2014 notwithstanding the bifurcation of the erstwhile State of Andhra Fradesh;
 - (ii) to facilitate their application in respect of the State of Telangana and the State of Andhra Pradesh, the appropriate Government may, before the expiration of two years from 2-6-2014, by order, make such adaptations and modifications of the law, whether by way of repeal or amendment, as may be necessary or expedient; and thereupon,
 - (iii) every such law as adapted or modified as above, will continue till such time it is altered, repealed or amended by a competent Legislature or other competent authority, in the respective States.

Dr.P.K.MOHANTY CHIEF SECRETARY TO GOVERNMENT

All the Spl.Chief Secretaries / Prl.Secretaries / Secretaries to Govt. The Secretary to State Legislature. All the Heads of Departments. All the District Collectors. The Registrar, High Court of Andhra Pradesh. The PS to Spl. Chief Secy.to Governor, Raj Bhavan, Hyderabad. Copy to: The PS to Chief Secretary to Govt. The PS to Secretary to Govt. (Legal Affairs), Law Department.

The PS to Spl Chief Secy.(Planning) and Prl.Secy.to Govt.(SR)(FAC). SF/SCs

//FORWARDED BY ORDER//

dian fenal Dist

Mormation

nsecticit

Juvenil