

The Annual Survey of State Laws in India

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TELANGANA

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Introduction

The state of Telangana has a bicameral legislature, with a directly elected legislative assembly (vidhan sabha) and a legislative council (vidhan parishad) that is constituted with 40 members in accordance with article 171 of the Constitution of India.

The Telangana legislative assembly is in its second term. The new state was created in 2014 from territories of undivided Andhra Pradesh following a decades-long movement for a separate state. The Andhra Pradesh Reorganisation Act, 2014 was enacted by parliament on March 1, 2014, published in the official gazette on March 2, 2014 and came into force on June 2, 2014.³ The Act provided for various modalities with respect to the bifurcation of the state, including the status of the capital city Hyderabad⁴ and the manner in which water resources were to be shared.⁵ In addition, section 101 of the Act allowed the successor states of Telangana and Andhra Pradesh to adopt the laws that the unified state had enacted earlier.

The Telangana Rashtra Samiti (TRS) which had led the movement for a separate Telangana state won a majority of the seats in the legislative assembly in the maiden elections held in 2014. K. Chandrasekhar Rao, president of TRS, was sworn in as chief minister of the state. On September 6, 2018, Rao resigned and recommended the dissolution of the Assembly. Elections to the Assembly were held nine months before the completion of the term of the House on December 7, 2018.

TRS won its second term, winning 88 seats out of 119 seats in the Assembly, increasing its seat-share by 25 seats from the previous term. The Indian National Congress won 19 seats, of which 12 MLAs would eventually merge their group with the ruling party by June 2019. With seven MLAs, the All India Majlis-e-Ittehadul Muslimeen (AIMIM) is numerically the second largest political party in the Assembly. However, the speaker of the House has not recognised its leader as the leader of opposition in accordance with the Telangana Payment of Salaries and Pension and Removal of Disqualifications Act, 1953.⁶ TRS and AIMIM have been described as 'friendly parties'⁷ and, in effect, there is no substantive opposition in the House against the ruling party. In the 40-member legislative council too the TRS enjoys a similar dominant position, without any major representation from opposition parties.

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3. SO 665(E) *Gazette of India* (Extra) Part II S 3(ii) March 4, 2014.

4. The Andhra Pradesh Reorganisation Act 2014 (Act 6 of 2014), s. 5.

5. *Id.* Part XI.

6. Act 2 of 1954.

7. TNM Staff, "With Cong out, TRS-friendly AIMIM stakes claim for 'Opposition' status in Telangana", *The News Minute*, June 08, 2019, available at: <https://www.thenewsminute.com/article/cong-out-trs-friendly-aimim-stakes-claim-opposition-status-telangana-103252> (last visited on March 23, 2022).

The absence of a numerically viable independent political opposition is reflected in the functioning of both Houses. As discussed in the next section, the Telangana legislature enacted statutes without any substantive discussion, usually within a few hours of their introduction.

Functioning of the Telangana Legislature: Statistics

According to statistics collated by PRS⁸ and the Telangana state legislature, the Assembly functioned for a total of 19 days in 2019 and met for four sessions. In 2020, it met for 17 days but held only two sessions. The legislative council met for two sessions totalling 16 days in 2020 while in 2019, the council held four sessions but only for a total of 10 days. The Assembly functioned for a total of 80.5 hours in 2020,⁹ while, the Council worked for a total of 51 hours and 20 minutes.¹⁰

The Telangana legislature passed 22 bills in 2020. Fourteen of these bills were introduced in and passed by the Assembly on the same day. Four bills were introduced in the Assembly on September 10 and passed on September 14, while another four bills were introduced on September 9 and passed by the House on September 11.

A majority of the bills (16) were passed by the Council on the very next day of the Assembly passing them. Two appropriation bills were passed by the Council on the same day as they were passed by the Assembly. Four bills were passed by the Council four days after being passed by the Assembly.

Amongst the 22 bills, two were appropriation bills. Two other bills sought to amend union laws, and were reserved for presidential assent. Neither of the two bills received presidential assent before the end of the year.¹¹ Thirteen bills dealt with amendments to state laws, four bills were new legislations and one bill repealed an existing state law. Four ordinances were promulgated in 2020 and were eventually enacted as statutes by the legislature, while two ordinances that were promulgated in December 2019 were laid before the House in 2020. Both of these ordinances were also enacted as statutes by the legislature in 2020.

The legislature also adopted four government resolutions through the year. The resolutions have been discussed in this survey as they raised substantive questions with respect to the state's relationship with the union government.

The legislature is intended to hold the executive accountable. Similarly, the purpose of a bicameral legislature is to act as a “cooling chamber”¹² and to check on the impulses of the elected House. However,

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8. PRS Legislative Research, “Functioning of 2nd Telangana Assembly (2018-2023)”, *available at*: <https://prsindia.org/legislatures/states/functioning-2nd-telangana-assembly-2018-2023> (last visited on March 23, 2022)
 9. Telangana Legislature, Assembly Statistics, *available at*: <https://www.telanganalegislature.org.in/web/legislative-assembly/statistics> (last visited on April 18, 2022).
 10. Telangana Legislature, Council Statistics, *available at*: <https://www.telanganalegislature.org.in/web/legislative-council/statistics> (last visited on April 18, 2022).
 11. President's Secretariat, Statement of State Bills Assented/Withhold Assent/Returned with a Message by the President under Article 200 Read with Article 254(2) and Article 201 of the Constitution of India (From 01 January, 2020 to 31 December, 2020), *available at*: <https://rashtrapatisachivalaya.gov.in/01-january-2020-31-december-2020-0> (last visited on March 23, 2022).
 12. Gaurav Mukherjee, and Malavika Prasad, “Reinvigorating Bicameralism in India” 3(2) *University of Oxford Human Rights Hub Journal* 96 (May 21, 2021), *available at*: <https://ohrh.law.ox.ac.uk/wp-content/uploads/2021/04/U-of-OxHRH-J-Reinvigorating-Bicameralism-in-India-1.pdf> (last visited on March 23, 2022).

with party-allegiances overriding institutional roles, the legislature was reduced to a mere formality. This is reflected not only in the conduct of such a large amount of legislative business in a very short span of time but also in the fact that non-legislative business such as starred/unstarred questions, and short-duration discussions were allocated scant time.

Survey of Legislation

The legislative activity in the state can broadly be classified into the following brackets: local self-government, land registration reforms, goods and services tax, civil and criminal procedure, state finances and administrative ease.

Local Self-Government

The Telangana legislature carried out significant changes in the functioning of local bodies over the course of the year. List II of schedule VII empowers the state legislature to enact laws on local government,¹³ while parts IX and IXA delineate the legislature's powers with respect to the constitution and composition of panchayats and municipalities respectively.

Article 243T requires that seats proportionate to the population of scheduled castes and scheduled tribes should be reserved for them. It sets a requirement that a minimum of one-third of total seats should be reserved for women, and one-third of the seats reserved for SCs/STs should be reserved for women of the communities. The article also clarifies that the state legislature is not barred from reserving seats for backward classes.

The legislature amended the Greater Hyderabad Municipal Corporation Act, 1955¹⁴ in the run-up to urban local body elections in the Greater Hyderabad area. The amendment increased reservation for women from 25 percent of the total strength of the corporation to 50 percent. The amendment also increased horizontal reservation for women in seats reserved for scheduled castes, scheduled tribes and backward classes.

The principal Act required that reserved seats be allotted by rotation after each term of the corporation. The Amending Act, by a deemed retrospective amendment,¹⁵ now permitted that seats be allotted by rotation after the completion of two terms.¹⁶ This provision was unsuccessfully challenged before the Telangana high court.¹⁷

The principal Act empowered the state election commission to notify the schedule for elections under the Act. The amending provision now requires the concurrence of the state government before the

13. The Constitution of India, 1950, Entry 5, List II, Schedule VII.

14. The Greater Hyderabad Municipal (Amendment) Act 2020 (Act 20 of 2020).

15. Section 1(2) of the Amendment Act provided that section 2 of the Act shall be deemed to have come into force from Jan. 8, 2016.

16. Section 2 of the Amending Act thus created the fiction that rotation was always permitted for two terms, and therefore, the rotation for the previous term would be sufficient for the next term (starting 2020) as well.

17. Marri Ramu, "HC declines orders on rotation of GHMC reserved wards", *The Hindu*, Nov. 16, 2020, available at: <https://www.thehindu.com/news/national/telangana/hc-declines-orders-on-rotation-of-ghmc-reserved-wards/article33110369.ece> (last visited on March 23, 2022).

notification of such a schedule.¹⁸ While the amending provision provides a long list of justifications—such as logistics, ongoing public health emergencies, law and order—as to why such concurrence may be necessary, it does raise concerns regarding the independence of the election commission.

Article 243S of the Constitution deals with the constitution and composition of wards committees. The Amending Act also replaced the existing system of constituting ward committees. Whereas earlier, there was to be one ward committee for each ward, this was now replaced with four committees for each ward “consisting of residents from the ward and from among the resident welfare associations, community-based organizations, other such groups and individuals.”¹⁹ The principal provision had provided for a clear system of constituting the ward committees, their term, how they would be chaired, and the time within which they would be constituted. The amending provision seems to perceive these as matters of detail which are better addressed by delegated legislation. The principal provision required that fifty percent of the members nominated to ward committees must be women, this requirement was retained by the amending provision.²⁰

A few amendments pertained specifically to greenery and the environment. Article 243W, read with the twelfth schedule to the Constitution, allows municipalities to be endowed with powers and responsibilities pertaining to “urban forestry, protection of the environment and promotion of ecological aspects.” The Amending Act substituted the earlier section 8B by incorporating new functions for ward committees, including maintenance of “tree plantations, Haritha Haram and survival of 85% of plants” and “proper maintenance of sanitation and solid waste management...”. The Amending Act also mandated that 10 percent of GHMC’s annual budget must be allocated for “‘Green Budget’ to meet the requirements of plantations and nursery” and that a designated officer “shall draw up Ward-wise and Circle-wise ‘Green Action Plan.’” Elaborate provisions were introduced by the Amending Act with respect to plantations and the maintenance of nurseries.

In a typical case of overreach, an enabling provision was also incorporated to disqualify a ward member or to remove the special/nodal officer if the survival of plants is less than 85 percent or if there is “no or lackadaisical involvement” on their part.²¹ In the absence of any statutory guidance with respect to the procedure to be followed for such removal, the validity and effectiveness of such provisions are questionable.

Furthermore, such conflation of greenery/plantation with more holistic environmental protection and biodiversity in urban settings raises serious questions on the actual purpose for which such provisions have been enacted.

Entry 2 of the twelfth schedule allows state legislatures to empower municipalities to deal with “regulation of land-use and construction of buildings”. The Telangana Municipal Laws (Amendment) Act, 2020²² also amended the GHMC Act, 1955 and the Telangana Municipalities Act, 2019²³ to provide for an updated procedure for mutation and collection of no-dues certificates for electricity, water charges and property taxes at the time of registration of a transfer of property. The mutation is to be recorded digitally and a mutation certificate is to be issued through the “Dharani Portal” set up by the

18. The Greater Hyderabad Municipal Corporation Act, 1955 (as amended), s. 10(6).

19. *Id.* s. 8-A.

20. *Id.* s. 8A(2).

21. *Id.* s. 183-A and 183-B.

22. Act 8 of 2020.

23. Act 11 of 2019.

state government for record of rights. An identical provision was also made in the Telangana Panchayat Raj Act, 2018²⁴ by an Amending Act.²⁵

These amendments must be seen in the context of the overhaul of the property registration system that was carried out by the state government in 2020. Emphasis was placed on the clear title of land records and reducing discretionary powers of officers carrying out registration of land transfers. These changes have been discussed fully in the next section.

Furthermore, the Telangana Municipal Laws (Amendment) Act, 2020 carried out some changes to territories of municipalities in the state. New municipalities were constituted by merging previously rural areas; some areas were either incorporated or excluded from the scope of previously constituted municipalities.²⁶

Lastly, the legislature enacted the Telangana State Building Permission Approval and Self Certification System (TS- bPASS) Act, 2020²⁷ which introduced an online system of self-certification and deemed approvals for constructions. The statute aligns with the government's policy of automating approvals, providing single-window clearances and setting timelines for decisions on applications in other sectors such as its TS-iPASS²⁸ initiative for industrial approvals. This statute also aligns with the introduction of Dharani Portal which was expressly aimed at reducing the scope of administrative discretion.²⁹ The Act's provisions override any other state laws pertaining to building permissions and enforcement.³⁰

Land Registration Reform

By virtue of entry 45 of the state list of the seventh schedule, the state is empowered to legislate on “land revenue, including... the maintenance of land records, survey for revenue purposes and records of rights...”. The state legislature carried out an overhaul of the manner in which land rights are recorded and registered by state authorities. It also set up a “Dharani Portal” that was intended as a one-stop digital portal for record of rights pertaining to land.

At the outset, it is important to flag the growing concerns over automated decision-making to the exclusion of human reason and discretion. The government cited the existence of discretionary powers as a significant source of corruption and sought to reduce it by automating statutory processes.³¹ This

24. Act 5 of 2018.

25. The Telangana Panchayat Raj (Amendment) Act, 2020 (Act 7 of 2020).

26. The Telangana Municipalities Act, 2019 (Act 11 of 2019), Schedule II.

27. Act 12 of 2020.

28. The Telangana State Industrial Project Approval and Self-Certification System Act (TS- iPASS) Act, 2014 (Act 3 of 2014).

29. The bills, according to the chief minister, envisage removal of discretionary powers vested with the officials at different levels and ensuring transparent and corruption-free land dealings. M Rajeev, “Telangana pushes for major reforms in revenue administration”, *The Hindu*, Sep.9, 2020, available at: <https://www.thehindu.com/news/cities/Hyderabad/state-pushes-for-major-reforms-in-revenue-administration/article32565740.ece> (last visited on March 27, 2022).

30. *Supra* note 27, s. 24.

31. For example, the statement of objects and reasons to Pattadar Bill (Bill 7 of 2020) expressly states that one of the reasons for introducing the bill was “to evolve good practices to end corruption in revenue administration” and “to provide accountable and responsive revenue administration as part of smart and good governance”. Similarly, the statement of objects and reasons to the Municipal Laws (Amendment) Bill, 2020 (Bill 9 of 2020) cites the need to “curb and avoid corrupt practices during the course of title of transfer”. Also see, statement of objects and reasons to the Indian Stamp (Telangana Amendment) Bill, 2020 (Bill 19 of 2020) which justifies the amendment citing the principal provision which was “creating discretionary powers to the registering authority”.

was not only cited as the justification for land registration reform, but also for TS-iPASS³² and TS-bPASS.³³

The Telangana Agricultural Land (Conversion for Non-Agricultural Purposes) (Amendment) Act, 2020³⁴ amended the 2006 Act³⁵ to replace the process of converting land use of agricultural land to non-agricultural. The new process reduces the scope of administrative discretion and replaces it with an online system. If the competent authority finds that the land sought to be converted “is in consonance with the entries in the record of rights available on Dharani” and that the required taxes, penalties and fees are paid, then the conversion certificate is to be issued. The tahsildar is also required to immediately delete the land from record of rights maintained for agricultural lands. The Act also mandates that the land is immediately recorded in the non-agricultural Dharani portal. The Amending Act also replaced references to “Revenue Divisional Officer” with “Tahsildar”.

The Telangana Rights in Land and Pattadar Pass Books Act, 2020 (“Pattadar Act”)³⁶ deals with transfer and registration of agricultural land. The primary goal of the Act is to ensure that record of rights is maintained electronically and to ensure real-time, automated acquisition of rights immediately after transfer of property. The law provides for the manner in which transfer or acquisition of property shall be recorded and effected by the authorities through the website. It emphasises that change in the record of rights must be immediate and that proof of the records (through pattadar pass-book cum title deed) is issued to the parties immediately. Besides administrative efficiency, one of the reasons cited by the government was that the previous system was riddled with errors, and often rights were incorrectly recorded or not recorded at all. In the absence of proper records, and with the insistence of physical documents, farmers were finding it difficult to obtain loans from lending agencies.

Since maintenance of revenue records in villages was digitised and tahsildars were entrusted with registration of agricultural lands,³⁷ the legislature enacted the Telangana Abolition of the Posts of Village Revenue Officers Act, 2020³⁸ abolishing posts of village revenue officers (VROs) while providing for a process by which they will be absorbed into other offices. Similarly, an amendment³⁹ was also made to section 47-A of the Indian Stamp Act, 1899⁴⁰ to remove discretionary powers of the registration officers while registering any instrument on grounds that the market value set out in the instrument is not correct. The amending provision now requires that instruments should be presented for registration only after payment of the full amount of the payable stamp duty “on the consideration

32. Telangana State Industrial Project Approval and Self Certification System (TS-iPASS) Bill, 2014 (L.A. Bill 2 of 2014), Statement of Objects and Reasons.

33. The statement of objects and reasons to this bill again reiterates the need for speedy approval of building permissions in a more transparent and time-bound manner. Telangana State Building Permission Approval and Self Certification System (TS-bPASS) Act, 2020 (L.A. Bill 16 of 2020), Statement of Objects and Reasons.

34. Act 19 of 2020.

35. The Telangana Agricultural Land (Conversion for Non-Agricultural Purposes) Act, 2006 (Act 3 of 2006).

36. Act 9 of 2020.

37. “[G]overnment after careful examination of the matter, hereby accept the proposals of the Commissioner and Inspector General of Registration and Stamps, Telangana, Hyderabad, for formation of new sub-districts under section 5 of the Registration Act, 1908 (Central Act No.16 of 1908) and establishment of offices of Joint Sub-Registrars under section 7(1) of the Registration Act, 1908 and also appointing Tahsildars as Joint Sub-Registrars in respect of agricultural lands.” See, G.O.Ms. No.118 dated Oct. 28, 2020.

38. Act 10 of 2020.

39. L.A. Bill 19 of 2020.

40. Act 2 of 1899.

value of the property set forth in the instrument or the market value determined as per the Market Value Guidelines,⁴¹ whichever is higher. It must be noted that section 47-A was itself incorporated into the Act as a state amendment applicable to the unified state of Andhra Pradesh. However, the 2020 amending bill was reserved for presidential assent under article 254(2) of the Constitution. The bill did not receive presidential assent in 2020.

The deployment of Dharani has been subject to at least eight litigations⁴² pending before the Telangana high court. The high court stayed its use in registering non-agricultural lands in the absence of statutory backing.⁴³ Questions have also been raised as to the validity of seeking Aadhaar and caste details of those seeking to transfer property.⁴⁴ While industry groups welcomed these reforms,⁴⁵ opposition parties⁴⁶ and civil society have raised questions on the functioning of Dharani portal. For example, a persistent issue has been over the security of tenure of assigned lands,⁴⁷ rights of tribal communities over protected lands⁴⁸ and protection of individuals owning property based on notarised but unregistered documents (*sada bainama*).⁴⁹ While some of these concerns are more in the nature of technical glitches, other concerns reflect anxieties over how clear record of rights has often been to the disadvantage of some vulnerable groups.

Despite longstanding possession or interest in land, the absence of formal protections often puts them at risk of dispossession. It must be noted that the Pattadar Act expressly protects assigned lands and lands in scheduled areas. Similar protection, however, has not been made for properties acquired by

41. Clause 2 of the amending bill.

42. Legal Correspondent, “Hyderabad; 8 pleas filed against Dharani”, *Hans News Service*, Dec. 17, 2020, available at: <https://www.thehansindia.com/telangana/hyderabad-8-pleas-filed-against-dharani-662229> (last visited on March 23, 2022).

43. Express News Service, “Dharani portal: Telangana High Court extends stay on data collection”, *The New Indian Express*, Dec. 4, 2020, available at: <https://www.newindianexpress.com/states/telangana/2020/dec/04/dharani-portal-telangana-high-court-extends-stay-on-data-collection-2231640.html> (last visited on March 23, 2022).

44. Sparsh Upadhyay, “‘State Seeking Aadhaar Details ‘A Clever ploy’’: Telangana High Court Orders Deletion of Aadhaar, Caste Details Clause From Properties Registration”, Dec 19, 2020, available at: <https://www.livelaw.in/news-updates/telangana-high-court-delete-aadhaar-caste-property-registration-dharani-portal-167427> (last visited on March 23, 2022).

45. Special Correspondent, “TREDA lauds Dharani, TS-bPass”, *The Hindu*, Nov. 21, 2020, available at: <https://www.thehindu.com/news/cities/Hyderabad/treda-lauds-dharani-ts-bpass/article33151305.ece> (last visited on March 23, 2022).

46. Hans News Service, “Hyderabad: Dharani sparking fears, charges Congress leader Gudur Narayana Reddy”, *The Hans India*, Oct. 10, 2020, available at: <https://www.thehansindia.com/news/cities/hyderabad/hyderabad-dharani-sparking-fears-charges-congress-leader-gudur-narayana-reddy-650514> (last visited on March 23, 2022); Hans News Service, “Clean the mess created by Dharani portal: BJP to Telangana government”, *The Hans India*, Dec 19, 2020, available at: <https://www.thehansindia.com/telangana/clean-the-mess-created-by-dharani-portal-bjp-to-telangana-government-662684> (last visited on March 23, 2022).

47. Express News Service, “Revenue employees in Telangana flag issues in Dharani portal”, *The New Indian Express*, Dec. 17, 2020, available at: <https://www.newindianexpress.com/states/telangana/2020/dec/17/revenue-employees-in-telangana-flag-issues-in-dharani-portal-2237400.html> (last visited on March 23, 2022).

48. Hans News Service, “Bhadrachalam: Tribals protest enlisting of non-tribals’ properties on Dharani portal”, *The Hans India*, Oct. 20, 2020, available at: <https://www.thehansindia.com/telangana/bhadrachalam-tribals-protest-enlisting-of-non-tribals-properties-on-dharani-portal-652054>, (last visited on March 23, 2022); Special Correspondent, “Tribals stage protest against LRS in Scheduled Area”, *The Hindu*, Oct. 19, 2020, available at: <https://www.thehindu.com/news/national/telangana/tribals-stage-protest-against-lrs-in-scheduled-area/article32894442.ece> (last visited on March 23, 2022); TNN, “Dharani not to harm STs’ interests in Agency areas, Telangana govt tells high court”, *The Times of India*, Dec. 20, 2020, available at: <https://timesofindia.indiatimes.com/city/hyderabad/dharani-not-to-harm-sts-interests-in-agency-areas-govt-tells-high-court/articleshow/79818595.cms> (last visited on March 27, 2022).

49. Koride Mahesh, Registration of all waqf, endowment land banned in Telangana, *The Times of India*, Sep. 20, 2020, available at: <https://timesofindia.indiatimes.com/city/hyderabad/registration-of-all-waqf-endowment-land-banned-in-telangana/articleshow/78069731.cms> (last visited on March 23, 2022).

notarised documents. Despite an assurance by the Chief Minister in the Assembly at the time of the Act's passing,⁵⁰ such protection was not extended to these properties.

The government also notified the Telangana Regularization of Unapproved and Illegal Layout Rules, 2020⁵¹ which provided a one-time procedure for plot owners to regularise their properties in approved/illegal layouts after paying fines. The rules replaced a similar framework that had been in place since 2015.⁵²

Goods and Services Tax

Article 246A empowers state legislatures to enact laws on goods and services tax imposed by states, subject to supply of goods or services that takes place in the course of inter-state trade or commerce. In pursuance of this, Telangana legislature enacted the Goods and Services Tax Act, 2017.⁵³ In 2020, the legislature enacted two amendments to this statute.⁵⁴

Firstly, the Telangana Goods and Services Tax (Amendment) Act, 2020⁵⁵ carried out extensive amendments. In order to curb “fake registrations” Aadhaar was made mandatory for registrations under the Act. Prior to the amendment, refunds under the GST regime entailed a “twin refund sanctioning authority of the central and state tax officers.”⁵⁶ The amendment replaced this system with a single authority by amending section 54 of the principal Act. The Amending Act carried out the following amendments to the principal Act:

- a. Allowing certain classes of taxpayers to file returns once in a year
- b. Constituting a national appellate authority for advance ruling, and introducing enabling provisions incidental to the constitution of the authority
- c. Providing alternative composition scheme for suppliers of services and mixed suppliers
- d. Permitting taxpayers to transfer amount from one head another in the cash ledger
- e. Provision for charging interest only on the net tax payment in cash
- f. Enabling provisions that allow for the extension of certain filing deadlines for annual returns
- g. Empowering the anti-profiteering authority to impose a penalty that is equivalent to 10 percent of the profited amount
- h. Retrospectively exempting “Uranium Ore Concentrate” from the state tax

The second amendment to the principal Act⁵⁷ was made following recommendations made by the GST council in December 2019. Furthermore, some changes were suggested by the government of India to

50. *Ibid.*

51. Telangana Regularization of Unapproved and Illegal Layout Rules, 2020, G.O.Ms.No.131 MA, dated Aug. 31, 2020.

52. Telangana Regularisation of Unauthorizedly constructed buildings and buildings constructed in deviation of the sanctioned plan Rules, 2015, G.O.MS.No.152, MA & UD Department, dated Nov. 2, 2015.

53. Act 23 of 2017.

54. The Telangana Goods and Services Tax (Amendment) Act, 2020 (Act 3 of 2020) and the Telangana Goods and Services Tax (Second Amendment) Act, 2020 (Act 11 of 2020).

55. Act 3 of 2020.

56. PTI, “Single Authority for sanctioning, processing refunds likely by August”, *The Economic Times*, May 26, 2019, available at: <https://economictimes.indiatimes.com/news/economy/policy/single-authority-for-sanctioning-processing-gst-refunds-likely-by-august/articleshow/69502859.cms?from=mdr> (last visited on March 23, 2022).

57. Telangana Goods and Services Tax (Second Amendment) Act, 2020 (Act 11 of 2020).

the principal Act in light of the pandemic. The latter was made to enable the government to extend “time limits for actions which could not be complied with due to force majeure”,⁵⁸ Some other significant changes included “easing the conditions of eligibility of opting to pay tax under composition scheme, delinking of invoice from debit note for availing input tax credit⁵⁹ [and] simplifying cancellation of voluntary registrations”.⁶⁰ In addition, the Amending Act extended time limits for making orders to remove difficulties in implementation of the Act from three years to five years.⁶¹

Civil and Criminal Courts

The state legislature amended certain laws pertaining to civil and criminal procedure, including the extension of pecuniary jurisdiction. Entry 3 of the state list deals with “...fees taken in all courts except the supreme court” and entry 95 deals with “jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List”. Furthermore, entry 11A of the concurrent list deals with “Administration of Justice; constitution and organisation of all courts, except the Supreme Court and the High Courts.”

The legislature passed the Code of Criminal Procedure (Telangana Amendment) Bill, 2020⁶² on October 14, 2020. The bill sought to amend section 441 of the Code of Criminal Procedure, 1973 which deals with bond of accused and sureties. The amended provision empowers the police officer or court, as the case may be, to impose a fine not exceeding the prescribed amount in the surety bond, “in case the surety fails to produce the accused on the date fixed by the Court in grave or serious offences”. The amending bill also sought to amend form No. 45 of the second schedule of the principal Act to reflect the amendment to section 441. These amendments were introduced following recommendations of the high court of Telangana.⁶³ Since the amending bill sought to amend a union legislation, the bill, after being passed by both the Houses of the legislature, was reserved by the governor for presidential assent under article 254(2) of the Constitution, as criminal procedure⁶⁴ and judicial proceedings⁶⁵ are matters enumerated in the concurrent list of the seventh schedule. The bill did not receive presidential assent in 2020.

On September 14, 2020, the legislature enacted the Telangana Civil Courts (Amendment) Act, 2020⁶⁶ (Civil Courts Act) and the Telangana Court-Fees and Suits Valuation (Amendment) Act, 2020⁶⁷ (Court-Fees Act). The Civil Courts Act extended the pecuniary jurisdiction of district courts from twenty-five lakhs to thirty-five lakhs. The Court-Fees Act amended the principal Act to allow for electronic payment and refund of court fees. The Amending Act also merged “Court Fee and Process Fee in a single transaction in the Commercial Courts.”⁶⁸

58. *Id.* s. 12 inserting s. 168A in the Telangana Goods and Services Act, 2017 (Act 23 of 2017).

59. *Id.* s. 7 amending s. 31 of the Telangana Goods and Services Act, 2017.

60. *Id.* s. 5 amending s. 29 of the Telangana Goods and Services Act, 2017.

61. *Id.* s. 13 amending s. 172 of the Telangana Goods and Services Act, 2017.

62. L.A. Bill 22 of 2020.

63. Code of Criminal Procedure (Telangana Amendment) Act, 2020 (L.A. Bill 22 of 2020), Statement of Objects.

64. The Constitution of India, 1950, Entry 2, List III, Schedule VII.

65. The Constitution of India, 1950, Entry 12, List III, Schedule VII.

66. Act 18 of 2020.

67. Act 17 of 2020.

68. L.A. Bill 17 of 2020, Statement of Objects and Reasons.

It must be noted that all three bills discussed in this section were introduced on the recommendations of the high court of Telangana.

State Finances

The laws discussed in this section were a result of the pandemic-induced financial hit that the state government had taken. Both these legislations were first promulgated as ordinances. The state is competent to enact legislation pertaining to the state's public debt by virtue of entry 43 in list two of the seventh schedule. While the first statute dealt with increasing fiscal deficit limits, the second statute dealt with deferring salaries, pensions and other payments. The state legislature is competent to enact laws dealing with salaries and allowances of members and presiding officers of both houses of the legislature⁶⁹ and ministers.⁷⁰ The legislature can also make laws on state public services⁷¹ and state pensions.⁷²

The union government had permitted states to increase borrowing limits under the Fiscal Responsibility and Budget Management Acts of the respective states. The government first promulgated an ordinance⁷³ amending the Telangana Fiscal Responsibility and Budget Management Act, 2005. The ordinance was eventually replaced by an Act of the legislature⁷⁴ on September 19, 2020. The Act made an "additional fiscal deficit of 1435 crore" permissible "over and above 3.25% of the GSDP as a one-time special dispensation".

This additional fiscal deficit was permissible only for the financial year of 2019-2020, and the Amendment Act was given retrospective effect from January 1, 2020. The amendment also allowed government to exceed fiscal deficit limits for 2020-2021 from three percent to five percent. The Amending Act also increased the limit on amount of annual incremental risk weighted guarantees from 90 percent of total revenue receipts to 200 percent.

It must be noted that these amendments were carried out only after the union "permitted" states to exceed borrowing limits.⁷⁵ Furthermore, one percent of the two percent increase in borrowing limit was only permissible if states carried out "reforms" in areas of urban local body reforms, portability of ration cards, ease of doing business and power-sector reforms. Except for power-sector reforms, Telangana reportedly completed all reforms.⁷⁶

As part of the reform-linked borrowing, 0.25% of the increased borrowing limit was linked to carrying out "ease of doing business reforms". This entailed: Completion of first assessment of 'District Level

69. The Constitution of India, 1950, Entry 38, List II, Schedule VII.

70. The Constitution of India, 1950, Entry 40, List II, Schedule VII.

71. The Constitution of India, 1950, Entry 41, List II, Schedule VII.

72. The Constitution of India, 1950, Entry 42, List II, Schedule VII.

73. Telangana Fiscal Responsibility and Budget Management (Amendment) Ordinance, 2020 (Ordinance 3 of 2020).

74. Telangana Fiscal Responsibility and Budget Management (Amendment) Act, 2020 (Act 16 of 2020).

75. Asit Ranjan Mishra, "Govt raises states' borrowing limits for FY21 to 5% of GSDP from 3% now", *Mint*, May 17, 2020, available at: <https://www.com/news/india/govt-raises-states-borrowing-limits-for-fy21-to-5-of-gdp-from-3-5-now-11589701382466.html> (last visited on March 23, 2022).

76. PTI, "Telangana completes urban local bodies reforms; gets nod for Rs 2,508 cr additional borrowings", *The Economic Times*, Jan. 07, 2021, available at: <https://economictimes.indiatimes.com/news/economy/finance/telangana-completes-urban-local-bodies-reforms-gets-nod-for-rs-2508-cr-additional-borrowings/articleshow/80153542.cms> (last visited on March 23, 2022).

Business Reform Action Plan, elimination of the requirements of renewal of registration certificates/approvals/licences obtained by businesses under certain laws⁷⁷, implementation of computerised central random inspection system under Acts pertaining to pollution control and labour protections⁷⁸.

The state government issued a series of government orders eliminating renewal requirements for businesses under various statutes⁷⁹. The state had already put in place “computerised systems of Risk Assessment based Inspections with random allocation of Inspecting Officers” since 2015.⁸⁰ On July 14, 2020, the government notified⁸¹ a new scheme of computerised random inspection system for thirteen different statutes. This notification superseded previous notifications on the scheme. Telangana had completed the ease of doing business reforms by December 2020.⁸²

On March 30, 2020, the state government ordered⁸³ “austerity measures” due to the slowdown caused by pandemic. These measures were primarily focused on deferring payments, including pensions, salaries of government employees, ministers, elected representatives of the legislature and local bodies. The salary cuts varied depending on the grade of employees. On June 15, the Telangana high court called these measures “prima facie illegal” as the government order was not backed by statute.⁸⁴ In response, the government promulgated an ordinance on June 16⁸⁵ empowering the state government to defer due payments, pensions and salaries. The Telangana Disaster and Public Health Emergency (Special Provisions) Act, 2020,⁸⁶ which replaced the ordinance, empowered the government to defer due payments,⁸⁷ pensions or remunerations to pensioners, government employees, other individuals or institutions for “such period for the management of the situation arising out of a disaster or public

77. The laws outlined by the union government were: the Shops & Establishment Act, the Contracts Labour (Regulation and Abolition) Act, 1970, the Factories Act, 1948, the Legal Metrology Act, the Inter-State Migrant Workmen (RE&CS) Act, 1979, Drug Manufacturing/ Selling/ Storage License, Trade License issued by the Municipal Corporations. See, Press Information Bureau, “Reform linked borrowing permissions are facilitating Ease of Doing Business reforms”, Ministry of Finance, Dec. 20, 2020 available at: <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1682118> (last visited on March 23, 2022).

78. See, *Id.* The laws listed by the union government were: the Equal Remuneration Act, 1976 The Minimum Wages Act, 1948, the Shops and Establishments Act, the Payment of Bonus Act, 1965, the Payment of Wages Act, 1936, the Payment of Gratuity Act, 1972 The Contract Labour (Regulation and Abolition) Act, 1970 The Factories Act, 1948, the Boilers Act, 1923, the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Legal Metrology Act, 2009 and Rules.

79. Automatic renewals under Legal Metrology Act, 2009 (See, Notification No. 3651/T/2020-2, Office of the Controller, Legal Metrology, dated Oct. 2, 2020); automatic renewals under the Contracts Labour (Regulation and Abolition) Act, 1970 (See, G.O.Rt.No.288, dated Sep. 17, 2020); automatic renewals under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (See, G.O.Rt.No. 289, dated Sep. 17, 2020); renewal of trade licenses under Telangana Panchayat Act, 2018 (See, G.O.Ms.No. 52, dated Nov. 26, 2020); automatic renewals under Shops & Establishment Act was already in place before the reform-linked borrowing arrangement (G.O.Ms.No.17, dated June 13, 2019).

80. See, G.O.Ms.No.31, L.E.T. & F. (Lab) Department, dated Dec. 10, 2015; G.O.Ms.No.7, L.E.T. & F. (Lab) Department, dated April 21, 2017; G.O.Ms.No.29, L.E.T. & F. (Lab) Department, dated July 24, 2017.

81. G.O.Ms.No. 13, L.E.T. & F. (Lab-I) Department, dated July 14, 2020.

82. *Supra*, note 77.

83. G.O.Ms.No.27, Finance (TFR) Department, dated March 30, 2020.

84. TNM Staff, “Deferring pensions amid Covid-19 pandemic is ‘illegal’, Telangana HC tells state govt, *The News Minute*, June 16, 2020, available at: <https://www.thenewsminute.com/article/deferring-pensions-amid-covid-19-pandemic-illegal-telangana-hc-tells-state-govt-126626> (last visited March on 23, 2022).

85. Ordinance 2 of 2020.

86. Act 14 of 2020.

87. *Id.* s. 3.

health emergency”.⁸⁸ The Act requires the government to notify, within six months from the date of deferment, the manner in which such deferred payments shall be completed.⁸⁹

Administrative Ease

The state legislature enacted certain statutes that can be classified broadly as being motivated by administrative convenience.

Article 191 of the Constitution empowers state legislatures to, by law, declare certain offices of profit. The holders of these offices are protected from being disqualified from being members of the state legislature. The government promulgated the Telangana Payment of Salaries and Pension and Removal of Disqualifications (Amendment) Ordinance, 2019⁹⁰ on December 4, 2019 to amend the principal Act and incorporate 29 offices, the holders of which would not be disqualified from being members of the legislative assembly or the legislative council. The ordinance was later replaced by an Act⁹¹ on March 21, 2020.

The Telangana Lokayukta (Amendment) Act, 2020⁹² was also first promulgated as an ordinance⁹³ on December 12, 2019. While the principal Act provided that only a retired chief justice of high court may be appointed Lokayukta, the Amending Act allowed for the appointment of a retired judge of a high court as Lokayukta as well. The government cited “non-availability of retired Chief Justice of a High Court” as the reason for the amendment. It is important to note that the Lokayukta was appointed within a week of the ordinance being promulgated.⁹⁴

On June 20, 2019, the government promulgated the Telangana Public Employment (Regulation of Age of Superannuation) (Amendment) Ordinance, 2019⁹⁵ which was later replaced by an Act.⁹⁶ The Act increased the age of retirement from 58 to 65 years for teaching faculty of government Ayurveda, Unani and Homeopathy Medical Colleges.⁹⁷

The legislature also repealed⁹⁸ Telangana Self Help Groups Women Co-Contributory Pension (Repeal) Act, 2009. The principal Act provided for a co-contributory pension scheme for old-age income security. The scheme required a contribution of one rupee per day each from members between the age group of 18-59 as well as the government. Beneficiaries would be entitled to a pension of 500 rupees per month when they reach the age of 60. The state government’s ‘Aasara’ pension scheme earlier covered only those above the age of 65. Beneficiaries under the scheme were entitled to 2016 rupees.

88. *Id.* ss. 4 and 5.

89. *Id.* s. 6.

90. Ordinance 7 of 2019.

91. Act 4 of 2020.

92. Act 5 of 2020.

93. Ordinance 8 of 2019.

94. ANI, “Telangana govt appoints state’s Lokayukta, Upa Lokayukta”, *Business Standard*, Dec 20, 2019, available at: https://www.business-standard.com/article/news-ani/telangana-govt-appoints-state-s-lokayukta-upa-lokayukta-119122000162_1.html (last visited on March 23, 2022).

95. Ordinance 4 of 2020.

96. Act 15 of 2020.

97. Telangana Public Employment (Regulation of Age of Superannuation) (Amendment) Act, 1984 (Act 23 of 1984), s. 3.

98. Telangana Self Help Groups Women Co-Contributory Pension (Repeal) Act, 2020 (Act 6 of 2020).

The state government had announced that the age of eligibility for the scheme would be reduced to 57,⁹⁹ therefore the co-contributory scheme was inadequate and not necessary anymore. Accordingly, the law was repealed. However, implementation of the age relaxation did not happen in 2020.¹⁰⁰ Since the Act was repealed before the rollout of the revised Aasara pension scheme, the status of beneficiaries of the co-contributory pension scheme was unclear.

Miscellaneous

The state government promulgated an ordinance¹⁰¹ for the establishment of five private universities in the state. The ordinance amended the schedule to the Telangana State Private Universities (Establishment and Regulation) (Amendment) Act, 2018.¹⁰² The ordinance was eventually replaced with an Act of the legislature.¹⁰³

On March 14, the government issued its first order under section 2 of the Epidemic Diseases Act, 1897¹⁰⁴ and Chapter-III of the National Disaster Management Act, 2005 (hereinafter NDMA). It ordered the closure of educational institutions, cinema halls, amusement parks, gyms, museums, etc. It also banned large gatherings, public rallies, sports events and allocated Rs. 500 crores for pandemic response.¹⁰⁵ This operation of the order was extended till March 31 from March 21.¹⁰⁶

The government made additional monetary allocations throughout the year for various purposes including quarantine, sample collection, procurement of drugs,¹⁰⁷ essential equipment,¹⁰⁸ welfare for migrants,¹⁰⁹ police *bandobust* and police implementation of lockdown.¹¹⁰ On March 21, the government also notified the Telangana Epidemic Diseases (COVID-19) Regulations, 2020¹¹¹ under the Epidemic Diseases Act, 1897. On the next day, the government ordered a state-wide lockdown¹¹² to be in force till March 31, 2020. The lockdown was extended till April 14, 2020,¹¹³ May 7, 2020,¹¹⁴ May 31¹¹⁵ and

99. Special Correspondent, "Cut in eligibility age to benefit 6.6 lakh new Aasara pensioners", *The Hindu*, March 14, 2020, available at: <https://www.thehindu.com/news/national/telangana/cut-in-eligibility-age-to-benefit-66-lakh-new-aasara-pensioners/article31069801.ece> (last visited on March 23, 2022).

100. DC Correspondent, "Telangana CM KCR's promise of Aasara age relaxation yet to become reality", *Deccan Chronicle*, July 11, 2021, available at: <https://www.deccanchronicle.com/nation/in-other-news/110721/telangana-cm-kcrs-promise-of-aasara-age-relaxation-yet-to-become-re.html> (last visited on March 23, 2022); R Avadhani, Aasara pensions from 57 itself from next financial year, *The Hindu*, March 07, 2022, available at: <https://www.thehindu.com/news/national/telangana/aasara-pensions-from-57-itself-from-next-financial-year/article65201088.ece> (last visited on March 23, 2022).

101. Ordinance 1 of 2020.

102. Act 11 of 2018.

103. The Telangana State Private Universities (Establishment and Regulation) (Amendment) Act, 2020 (Act 13 of 2020).

104. Act 3 of 1897.

105. G.O.Rt.No. 4, dated March 14, 2020.

106. G.O.Rt.No. 6, dated March 19, 2020.

107. G.O.Rt.No. 378, dated Sep. 01, 2020.

108. G.O.Rt.No. 5, dated March 19, 2020.

109. G.O.Rt.No. 14, dated March 30, 2020.

110. G.O.Rt.No. 9, dated March 30, 2020; G.O.Rt.No. 10, dated March 30, 2020; G.O.Rt.No. 11, dated March 30, 2020; G.O.Rt.No. 12, dated March 30, 2020.

111. G.O.Ms.No.13, dated March 21, 2020.

112. G.O.Ms.No.45, General Administration Department (GAD), dated March 22, 2020.

113. G.O.Ms.No.54, General Administration (COVID) Department, dated March 28, 2020.

114. G.O.Ms.No.60, GAD, dated April 19, 2020.

115. G.O.Ms.No.68, GAD, dated May 18, 2020.

June 7.¹¹⁶ On June 4, the government ordered a phased reopening of areas outside containment zones with effect from June 8.¹¹⁷ The government also ordered a ‘paid holiday’ under the Telangana Shops and Establishments Act, 1988 till March 31, 2020.¹¹⁸

The government issued further clarifying orders on March 23, prohibiting any shops/establishments except hospitals and pharmacies to be open after 6:30 PM. Individuals were also only allowed to go to shops/establishments within a 3 km radius of their homes.¹¹⁹ Such granular rules, regulating the movement of citizens were unprecedented. The fact that such large-scale surveillance and restrictions were placed through mere government orders remains worrisome.

As a welfare measure, the government also ordered the provision of 12 kg rice per person in the family to all the food security cardholders in the state.¹²⁰ Besides this, food-security card holding families would be entitled to one-time financial support of rupees 1500.¹²¹ The March 22 G.O.¹²² also ordered that private establishments should make full payments of wages/salaries during the lockdown period. Violators were threatened with action under the Epidemic Diseases Act.

In another government order,¹²³ migrant workers stranded in Telangana due to lockdown were extended certain welfare protections including 12 kg of rice per person (or 12 kg of atta as per need) free of cost and rupees 500 per person in cash. Migrant workers were reportedly surveyed by the government of Telangana before these measures were announced; they were called “partners in development of Telangana”. District collectors were also directed to ensure cooked food (where raw ration was not possible) and essentials such as access to shelter, water and medical care. The government extended these protections to all those who did not possess a ration card issued by the government of Telangana. It also provided a subsidy to GHMC for setting up kitchens at worksites for welfare of building and construction workers.¹²⁴ The government ordered property owners/landlords to defer collecting rent from their tenants for a period of three months, and then recover the rent in instalments.¹²⁵ This order was purportedly made under the NDMA.

The government also relaxed certain provisions of Telangana financial code to ensure that swift procurement was not constrained by public procurement norms.¹²⁶ It also provided a one-time “Chief Minister’s Special Incentive” to certain state government employees, especially those working in medical and health services, sanitation, sewerage workers and water linemen and police.¹²⁷

In dealing with the fall-out of the lockdown on school education, the government first ordered regulation of school fees of private schools. It prohibited fees increases and required that schools only

116. G.O.Ms.No.72, GAD, dated May 31, 2020.

117. G.O.Ms.No.75, GAD, dated June 04, 2020.

118. G.O.Rt.No. 160, dated March 23, 2020.

119. G.O.Ms.No. 46, dated March 23, 2020.

120. G.O.Rt.No. 8, dated March 23, 2020.

121. Para 13, G.O.Ms.No.45, dated March 22, 2020.

122. *Ibid.*

123. G.O.Rt.No.13, dated March 30, 2020.

124. G.O.Ms.No. 11, dated May 16, 2020.

125. G.O. Rt. No. 184, dated April 23, 2020.

126. G.O.Ms.No. 29, dated April 04, 2020.

127. G.O.Ms.No. 31, dated April 07, 2020 and G.O.Ms.No.33, dated April 21, 2020.

charge tuition fees on a monthly basis.¹²⁸ By a government order, the government promoted all students from Class I to Class IX to the next higher grade without examinations.¹²⁹

The government fixed ceiling rates chargeable by private hospitals for treatment and private laboratories for treatment.¹³⁰ It also revised rates for conducting COVID-19 tests in approved private labs,¹³¹ carried out various pandemic-related hiring of medical staff as well as outsourcing of ancillary services.¹³² In August 2020, the state notified a standard operating procedure for international arrivals. These primarily pertained to quarantine period and isolation arrangements for international arrivals in the state of Telangana.¹³³ On the orders of the supreme court, the state government constituted an “expert team of Doctors and other experts for inspection, supervision and guidance of Government hospitals”.¹³⁴

By December 11, the state had shifted its focus away from merely addressing the fallout of lockdown and pandemic towards vaccines. It issued an advisory and outlined a coordination mechanism for deployment of COVID-19 vaccine.¹³⁵ It also ordered the formation of district and mandal-level committees for vaccine awareness raising and coordination.¹³⁶

Resolutions

The state legislature adopted a total of four resolutions in the year. The rules of procedure and conduct of business of both houses of the legislature¹³⁷ define a resolution “as a motion for the purpose of discussing a matter of public interest” which is in “the form of a specific recommendation or a declaration of opinion by the House”. Furthermore, the rules set out what a resolution may entail:

“A resolution may be in the form of a declaration of opinion or recommendation or maybe in the form so as to record either approval or disapproval by the [House] of an act or policy of Government or convey a message or commend, urge or request an action or call attention to a matter or situation for consideration by Government or in such other form as the Speaker may consider appropriate.”¹³⁸

The legislature first adopted a resolution¹³⁹ ratifying the constitutional amendment¹⁴⁰ to article 334 which extended reservations for scheduled castes and scheduled tribes in Lok Sabha and legislative assemblies by another ten years. The constitutional amendment did not extend reservations for Anglo-

128. G.O.Rt.No. 46, dated April 21, 2020.

129. G.O.Rt.No. 54, dated May 05, 2020 and G.O.Ms.No. 10, dated June 10, 2020.

130. G.O.Rt.No.248, dated June 15, 2020.

131. G.O.Rt.No.491, dated Nov. 18, 2020 and G.O.Rt.No. 539, dated Dec. 21, 2020.

132. G.O.Rt.No. 888, dated June 20, 2020; G.O.Rt.No. 902, dated June 25, 2020; G.O.Rt.No.1092, dated Oct. 15, 2020 and G.O.Rt. No. 1068, dated Sep. 28, 2020.

133. G.O.Ms.No.115, dated Aug. 26, 2020.

134. G.O.Rt.No. 439, dated Oct. 20, 2020.

135. G.O.Ms.No. 58, dated Dec. 11, 2020.

136. G.O.Ms.No. 57, dated Dec. 11, 2020.

137. See, rule 2(1)(s) of the Rules of Procedure and Conduct of Business in the Telangana Legislative Assembly (Assembly Rules) and 2(1)(v) of the Rules of Procedure and Conduct of Business in the Telangana Legislative Council (Council Rules).

138. Rule 77 of Council Rules and Rule 78 of Assembly Rules.

139. Telangana Legislative Assembly, Government Resolution, March 15, 2020.

140. Constitutional (One Hundred and Fourth Amendment) Act, 2019.

Indians in the same manner. Article 368 requires ratification by at least half of state legislatures when a constitutional amendment deals with the representation of states in parliament.¹⁴¹ However, the resolution, in this case, was belated, as the amendment was already ratified by half of the states. It came into force on January 21, 2020. The reservations would have ceased to have effect on January 25, 2020.

The second resolution adopted by the legislature was also its most elaborate. Adopted in the middle of protests against the Citizenship Amendment Act, 2019 (CAA) National Population Register (NPR) and National Register of Citizens (NRC), the resolution¹⁴² provided a wide-ranging list of objections against tinkering “with the inclusive and non-religious nature of Indian citizenship”. The resolution also warned against the dangers of insisting on documentary proof of citizenship. Besides technical and legal arguments against the implementation of CAA, NPR and NRC, the resolution also cited values of multiculturalism, diversity, secularism and equality before law as grounds for opposition against the law. Unlike resolutions of other state legislatures, the Telangana legislature neither demanded the inclusion of Muslims in the CAA nor for the statute’s repeal. Instead, it demanded that the CAA be amended to remove “references to any religion or any foreign country”. It also urged the state government to take all “necessary steps to safeguard the people of Telangana from exercises such as NPR and NRC”.

Non-statutory resolutions have no force of law, but such resolutions are clear expressions of the states’ representative body. Furthermore, it must be noted that implementation of citizenship laws, as well as enumeration of the population register, would heavily depend on state employees and cooperation from the state government. In this context, such resolutions are useful constitutional mechanisms to express disagreement and non-cooperation with the union government.

The third resolution was adopted¹⁴³ by the legislature on September 8 2020 demanding posthumous Bharat Ratna for former Prime Minister P. V. Narasimha Rao. The resolution was part of the state government’s observation of Rao’s centenary. Rao was also Chief Minister of undivided Andhra Pradesh and a “son of Telangana”. The resolution also demanded that the Central government “establish his statue and portrait in parliament complex” and to name Hyderabad Central University after him.

On September 15, 2020, the legislature adopted a resolution opposing the Union government’s proposed amendments to the Electricity Act, 2003. The resolution stated that the bill was “against the Federal spirit, aimed at usurping the State’s rights, adversely impacting the interests of farmers and the poor”. The proposed amendments sought to change the manner in which electricity tariff is set, subsidies are given, and how distribution companies are regulated. Electricity is a subject in the concurrent list¹⁴⁴, while taxes on the consumption of electricity is a state subject.¹⁴⁵ The 2003 Act allowed states a significant degree of autonomy in the management of their power sector, especially with respect to providing free electricity to farmers and cross-subsidising between commercial and low-income domestic consumers.

141. The Constitution of India, clause (d) of the proviso to art. 368(2).

142. Telangana Legislative Assembly, Government Resolution on CAA, NPR and NRC, March 16, 2020.

143. Telangana Legislative Assembly, Government resolution dated Sep. 8, 2020 *available at*: https://legislation.telanganalegislature.org.in//PreviewPage.tsl?filePath=basePath&fileName=ResolutionOrdinance/Files/Eng_ResolutionE_84.pdf (last visited March 23, 2022).

144. The Constitution of India, Entry 38 of Concurrent List, Schedule VII.

145. The Constitution of India, Entry 53 of State List, Schedule VII.

The state legislature used resolutions as a means of communicating with the Union government. It especially chose resolutions when conveying disagreement, asserting states' rights and making demands on the Union government.

Conclusion

A significant portion of the state's statutory attention was spent in digitisation, land records and land titling. Despite an unprecedented pandemic, statutory law-making did not really address it. Instead, most of the pandemic response (including fallouts of the pandemic in terms of welfare, healthcare and education) was carried out through executive instruction under the Epidemic Diseases Act, 1897. The only time statutory law-making seemed to have been impacted by the pandemic was in creating enabling provisions for the deferral of salaries. One also sees an obsession with making statutory processes online¹⁴⁶ and automating statutory procedures. This was not only the case with Dharani portal, land registration overhaul, building approvals or layout regularisation but also payment of court fees. It must also be noted, that, despite its wide-ranging welfare programmes, the state government has preferred the route of executive instruction and avoided establishing statutory rights for beneficiaries. In fact, in the one instance where there was a statutory duty on the government (co-contributory pension), the state repealed the law and migrated the beneficiaries to a (more generous) non-statutory scheme.

The state's use of resolutions—despite their non-binding nature—is interesting. The state used this constitutional device as an expression of the state's will and as a means of communicating with the union government.

146. Besides the labour inspection system and auto-renewal systems, the government also made online applications/approval mandatory for: registration/renewal certificates under Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 (G.O.Ms.No. 48, dated Oct. 20, 2020); issuing various Fertilizer Licences to facilitate (G.O.Ms.No. 38, dated Oct. 01, 2020); issuing the Seed Licences (G.O.Ms.No. 40, dated Oct. 01, 2020); utilizing the services of Plant Protection under Agriculture Department (G.O.Ms.No. 41, dated Oct. 01, 2020); Certificate for Approval of DG sets and issuing No Objection Certificate for new Cinema buildings and Electrical Certificate in Form-D for new Cinema buildings (G.O.Ms. NO.19, dated Dec. 10, 2020) registration and renewal of health facilities under Telangana Allopathic Private Medical Care Establishments (Registration and Regulation) Act, 2002 (G.O.Ms.No.47, dated Oct. 20, 2020); payment of contributions under the Telangana Labour Welfare Fund Act, 1987 and the Telangana Labour Welfare Fund Rules, 1988 (G.O.Ms.No. 28, dated Nov. 12, 2020); Registration of Contractors (G.O.Ms.No. 21, dated Aug. 08, 2020).